

By Senator Geller

29-1490A-01

See HB

1                                   A bill to be entitled

2           An act relating to agriculture and consumer

3           services; amending s. 120.80, F.S.; providing

4           that marketing orders under ch. 527, F.S., are

5           not rules; amending s. 125.27, F.S.;

6           authorizing the Department of Agriculture and

7           Consumer Services to lease or lend equipment to

8           governmental entities that have fire/rescue

9           responsibilities; limiting liability for civil

10          damages resulting from use or possession of

11          such equipment; amending s. 201.15, F.S.;

12          authorizing the department to adopt rules

13          regarding the distribution of funds for best

14          management practices; amending s. 403.714,

15          F.S.; deleting a requirement that the

16          department coordinate development of uniform

17          product specifications for compost used by

18          state agencies; amending s. 487.041, F.S.;

19          authorizing the department to require and

20          review data relating to the claims of pesticide

21          products used as preventive treatment for

22          termites; authorizing the department to adopt

23          rules; amending s. 500.09, F.S.; authorizing

24          fees for certain reinspection of food

25          establishments; amending s. 500.12, F.S.;

26          increasing the maximum fee for a food permit;

27          limiting the use of such fees; amending ss.

28          502.012, 502.014, F.S.; revising references

29          relating to the pasteurized milk ordinance and

30          milk sanitation; deleting a requirement that a

31          copy of a federal temporary marketing permit

1 for milk and milk products be forwarded to the  
2 department; amending s. 502.053, F.S.;  
3 clarifying milk testing requirements; amending  
4 s. 502.091, F.S.; authorizing the department to  
5 forgo the grading of certain milk products in  
6 an emergency; providing for labeling; amending  
7 s. 503.041, F.S.; providing that an attempted  
8 or purported transfer of a frozen dessert plant  
9 license is grounds for its suspension or  
10 revocation; amending s. 570.07, F.S.;  
11 authorizing the department to conduct  
12 investigations of violations of laws relating  
13 to consumer protection; authorizing the  
14 department to repair or construct structures;  
15 amending s. 503.071, F.S.; providing for the  
16 embargo, detainment, or destruction of food or  
17 food processing equipment of a frozen dessert  
18 manufacturer; amending s. 570.244, F.S.;  
19 clarifying powers and duties of the department  
20 relating to the development of agribusinesses;  
21 amending s. 570.249, F.S.; clarifying  
22 aquacultural crops eligible for Agricultural  
23 Economic Development Program disaster loans;  
24 revising loan application requirements;  
25 directing the department to establish an  
26 agribusiness market development grant program;  
27 amending s. 570.38, F.S.; increasing membership  
28 of the Animal Industry Technical Council;  
29 amending s. 581.211, F.S.; providing a penalty  
30 for violation of rules relating to plant  
31 industry; amending s. 585.002, F.S.;

1 prohibiting regulation of care and treatment of  
2 livestock and poultry by other agencies when  
3 the department has undertaken to do so;  
4 amending s. 585.145, F.S.; prescribing  
5 requirements with respect to veterinarians who  
6 may inspect animals for disease; amending s.  
7 585.155, F.S.; revising vaccination  
8 requirements for calves; amending s. 616.242,  
9 F.S.; providing additional exemptions from  
10 amusement ride safety standards; amending s.  
11 828.22, F.S.; creating the "Humane Slaughter  
12 Act"; revising provisions relating to humane  
13 slaughter and livestock euthanasia; amending s.  
14 828.23, F.S.; revising definitions; amending s.  
15 828.24, F.S.; revising provisions relating to  
16 prohibited acts; amending s. 828.25, F.S.;  
17 revising provisions relating to administration  
18 of the act by the department; creating s.  
19 828.251, F.S.; directing the department to make  
20 current technical information available to  
21 slaughterers; creating s. 828.252, F.S.;  
22 providing for humane treatment of nonambulatory  
23 animals; amending s. 828.26, F.S.; revising  
24 penalties; amending ss. 427.804, 559.921, F.S.;  
25 conforming cross-references; repealing s.  
26 570.544(10) and (11), F.S., relating to  
27 authority of the Division of Consumer Services  
28 of the department to conduct investigations of  
29 violations of laws relating to consumer  
30 protection; providing effective dates.  
31

1 Be It Enacted by the Legislature of the State of Florida:

2  
3 Section 1. Paragraph (a) of subsection (2) of section  
4 120.80, Florida Statutes, is amended to read:

5 120.80 Exceptions and special requirements;  
6 agencies.--

7 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

8 (a) ~~Agricultural~~ Marketing orders under chapter 527,  
9 chapter 573, or chapter 601 are not rules.

10 Section 2. Subsection (3) is added to section 125.27,  
11 Florida Statutes, to read:

12 125.27 Countywide forest fire protection; authority of  
13 the Division of Forestry; state funding; county fire control  
14 assessments; disposition.--

15 (3) The Department of Agriculture and Consumer  
16 Services may lease, loan, or otherwise make available, without  
17 charge, to state, county, and local governmental entities that  
18 have fire/rescue responsibilities, new or used fire protection  
19 equipment, vehicles, or supplies, which shall include all such  
20 items received from public or private entities. The  
21 department, and those private or public entities providing  
22 such items for loan or lease through the department, shall not  
23 be held liable for civil damage resulting from use or  
24 possession of such items. Private or public entities that  
25 donate equipment, vehicles, or supplies directly to state,  
26 county, or local governmental entities having fire/rescue  
27 responsibilities shall not be held liable for civil damage  
28 resulting from use or possession of such items.

29 Section 3. Subsection (8) of section 201.15, Florida  
30 Statutes, as amended by chapters 99-247, 2000-151, 2000-170,  
31 and 2000-197, Laws of Florida, is amended to read:

1           201.15 Distribution of taxes collected.--All taxes  
2 collected under this chapter shall be distributed as follows  
3 and shall be subject to the service charge imposed in s.  
4 215.20(1), except that such service charge shall not be levied  
5 against any portion of taxes pledged to debt service on bonds  
6 to the extent that the amount of the service charge is  
7 required to pay any amounts relating to the bonds:  
8           (8) One-half of one percent of the remaining taxes  
9 collected under this chapter shall be paid into the State  
10 Treasury and divided equally to the credit of the Department  
11 of Environmental Protection Water Quality Assurance Trust Fund  
12 to address water quality impacts associated with  
13 nonagricultural nonpoint sources and to the credit of the  
14 Department of Agriculture and Consumer Services General  
15 Inspection Trust Fund to address water quality impacts  
16 associated with agricultural nonpoint sources, respectively.  
17 These funds shall be used for research, development,  
18 demonstration, and implementation of suitable best management  
19 practices or other measures used to achieve water quality  
20 standards in surface waters and water segments identified  
21 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.  
22 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best  
23 management practices and other measures may include cost-share  
24 grants, technical assistance, implementation tracking, and  
25 conservation leases or other agreements for water quality  
26 improvement. The Department of Environmental Protection and  
27 the Department of Agriculture and Consumer Services may adopt  
28 rules governing the distribution of funds for implementation  
29 of best management practices.The unobligated balance of funds  
30 received from the distribution of taxes collected under this  
31 chapter to address water quality impacts associated with

1 nonagricultural nonpoint sources will be excluded when  
2 calculating the unobligated balance of the Water Quality  
3 Assurance Trust Fund as it relates to the determination of the  
4 applicable excise tax rate.

5 Section 4. Subsection (3) of section 403.714, Florida  
6 Statutes, is amended to read:

7 403.714 Duties of state agencies.--

8 (3) All state agencies, including, but not limited to,  
9 the Department of Transportation, the department, and the  
10 Department of Management Services and local governments, are  
11 required to procure compost products when they can be  
12 substituted for, and cost no more than, regular soil amendment  
13 products, provided the compost products meet all applicable  
14 state standards, specifications, and regulations. ~~The~~  
15 ~~Department of Agriculture and Consumer Services shall~~  
16 ~~coordinate the development of uniform product specifications~~  
17 ~~for procurement and use of compost by all state agencies. This~~  
18 ~~product preference shall apply to, but not be limited to, the~~  
19 ~~construction of highway projects, road rights-of-way, highway~~  
20 ~~planting projects, recultivation and erosion control programs,~~  
21 ~~and other projects. The Department of Agriculture and Consumer~~  
22 ~~Services shall prepare an annual summary on the use of compost~~  
23 ~~products by any state agency, political subdivision, or agency~~  
24 ~~of a political subdivision which is using state funds, or any~~  
25 ~~person contracting with such agency with respect to work~~  
26 ~~performed under contract. Such summary shall describe the use~~  
27 ~~of compost products in relation to similar products such as~~  
28 ~~top soil, fill dirt, sand, peat, and fertilizer. The~~  
29 ~~Department of Agriculture and Consumer Services shall~~  
30 ~~establish a work group of state agency and local government~~  
31 ~~personnel to design an appropriate reporting mechanism. The~~

1 ~~report shall be submitted to the Governor, the President of~~  
2 ~~the Senate, and the Speaker of the House of Representatives.~~

3 Section 5. Paragraph (e) is added to subsection (4) of  
4 section 487.041, Florida Statutes, to read:

5 487.041 Registration.--

6 (4) The department, in addition to its other duties  
7 under this section, has the power to:

8 (e) Require data demonstrating the efficacy of  
9 pesticide products containing label statements that include  
10 directions for use as preventive treatments for termites for  
11 new construction. The department shall review the data and  
12 determine if the data supports label claims of termite  
13 prevention or protection from termite damage. Label claims for  
14 protection from damage must be supported by data that shows  
15 the product will prevent damage to a structure and its  
16 contents for a minimum of 5 years under Florida conditions. If  
17 the data does not support such label claims, then the product  
18 cannot be registered or reregistered. The department shall  
19 adopt rules specifying performance standards and acceptable  
20 test conditions for data submitted in support of an efficacy  
21 claim, or may reference such performance standards and test  
22 conditions established by the United States Environmental  
23 Protection Agency.

24 Section 6. Subsection (7) of section 500.09, Florida  
25 Statutes, is amended to read:

26 500.09 Rulemaking; analytical work.--

27 (7) The department may establish and collect  
28 reasonable fees for laboratory services performed pursuant to  
29 subsection (6) or to recover the cost of each reinspection of  
30 a food establishment when the reinspection is conducted for  
31 the purpose of verifying compliance with the provisions of

1 this chapter or rules promulgated thereunder. Such fees shall  
2 be deposited in the department's General Inspection Trust Fund  
3 and shall be used solely for the recovery of costs for the  
4 services provided.

5 Section 7. Paragraph (b) of subsection (1) of section  
6 500.12, Florida Statutes, is amended to read:

7 500.12 Food permits; building permits.--

8 (1)

9 (b) An application for a food permit from the  
10 department must be accompanied by a fee in an amount  
11 determined by department rule, which may not exceed \$1,000 and  
12 shall be used solely for the recovery of costs for the  
13 services provided~~\$350~~, except that the fee accompanying an  
14 application for a food permit for operating a bottled water  
15 plant may not exceed \$1,000 and the fee accompanying an  
16 application for a food permit for operating a packaged ice  
17 plant may not exceed \$250. The fee for operating a bottled  
18 water plant or a packaged ice plant shall be set by rule of  
19 the department. Food permits must be renewed annually on or  
20 before January 1. If an application for renewal of a food  
21 permit is not received by the department within 30 days after  
22 its due date, a late fee, in an amount not exceeding \$100,  
23 must be paid in addition to the food permit fee before the  
24 department may issue the food permit. The moneys collected  
25 shall be deposited in the General Inspection Trust Fund.

26 Section 8. Subsection (15) of section 502.012, Florida  
27 Statutes, is amended to read:

28 502.012 Definitions.--The following definitions shall  
29 apply in the interpretation and enforcement of this law:

30 (15) "Pasteurized milk ordinance" means the ~~Grade A~~  
31 Pasteurized Milk Ordinance, ~~1993 Recommendations of United~~



1 States Public Health Service/Food and Drug Administration  
2 Publication No. 229, including and all associated appendices,  
3 as adopted by department rule.

4 Section 9. Paragraph (b) of subsection (2) and  
5 subsection (5) of section 502.014, Florida Statutes, are  
6 amended to read:

7 502.014 Powers and duties.--

8 (2)

9 (b) The department shall designate employees who shall  
10 be certified by the United States Food and Drug Administration  
11 as state milk sanitation rating officers, sampling  
12 surveillance officers, and laboratory evaluation officers in  
13 accordance with the requirements published in "Methods of  
14 Making Sanitation Ratings of Milk Supplies, ~~1989 Revision,~~"  
15 "Evaluation of Milk Laboratories, ~~1985 Revision,~~" and  
16 "Procedures Governing the Cooperative State-Public Health  
17 Service/Food and Drug Administration Program for Certification  
18 of Interstate Milk Shippers, ~~1991 Revision,~~" respectively, as  
19 adopted by department rule. These officers shall conduct  
20 routine sanitation compliance survey ratings of milk  
21 producers, milk plants, laboratories, receiving stations,  
22 transfer stations, and manufacturers of single-service  
23 containers for milk and milk products. These ratings shall be  
24 made in accordance with the recommendations of the United  
25 States Food and Drug Administration published in Standard  
26 Methods for the Examination of Dairy Products.

27 ~~(5)(a) A person who obtains a temporary marketing~~  
28 ~~permit from the United States Food and Drug Administration for~~  
29 ~~milk and milk products that do not conform to existing~~  
30 ~~standards and definitions shall immediately forward a copy of~~  
31 ~~the permit to the department. The department may allow the~~

1 ~~person to operate in the state under the authority of the~~  
2 ~~federal permit if the department determines that it is in the~~  
3 ~~interest of the state to do so.~~

4       (a)~~(b)~~ The department shall adopt criteria for  
5 issuance of a state temporary marketing permit for milk and  
6 milk products that do not conform to existing standards and  
7 definitions.

8       (b)~~(c)~~ The department shall establish a fee, not to  
9 exceed \$100, for the issuance of a state temporary marketing  
10 permit or the use of a federal permit in the state. The fee  
11 shall cover all costs of issuing the state permit or  
12 processing the federal permit.

13       Section 10. Paragraph (c) of subsection (2) of section  
14 502.053, Florida Statutes, is amended to read:

15       502.053 Permits; requirements; exemptions; temporary  
16 permits.--

17       (2) REQUIREMENTS.--

18       (c) In addition to the testing required in ~~Appendix N~~  
19 ~~of the pasteurized milk ordinance and its appendices~~, each  
20 milk plant operator in the state shall be responsible for  
21 routine testing and inspection of raw milk shipped from  
22 outside the state prior to processing and shall notify the  
23 department when such testing and inspection indicates a  
24 violation of the standards contained in the pasteurized milk  
25 ordinance.

26       Section 11. Paragraph (a) of subsection (1) of section  
27 502.091, Florida Statutes, is amended to read:

28       502.091 Milk and milk products which may be sold.--

29       (1) Only Grade A pasteurized milk and milk products or  
30 certified pasteurized milk shall be sold to the final consumer  
31

1 or to restaurants, soda fountains, grocery stores, or similar  
2 establishments.

3 (a) In an emergency, however, the department may  
4 authorize the sale of reconstituted pasteurized milk products,  
5 or pasteurized milk and milk products ~~that~~ ~~which~~ have not been  
6 graded, ~~or the grade of that ~~which~~~~ is unknown, in which case  
7 such milk and milk products shall be appropriately labeled, as  
8 determined by the department. ~~"ungraded."~~

9 Section 12. Subsection (1) of section 503.041, Florida  
10 Statutes, is amended to read:

11 503.041 License fee; report required; penalty.--

12 (1) Each frozen dessert plant that manufactures frozen  
13 desserts or other products defined in this chapter, or offers  
14 these products for sale in this state must hold a valid  
15 license. Any attempted or purported transfer of such license  
16 is grounds for suspension or revocation of the license.

17 Section 13. Subsections (36), (37), and (38) are added  
18 to section 570.07, Florida Statutes, to read:

19 570.07 Department of Agriculture and Consumer  
20 Services; functions, powers, and duties.--The department shall  
21 have and exercise the following functions, powers, and duties:

22 (36) If the department, by its own inquiry or as a  
23 result of complaints, has reason to believe that a violation  
24 of the laws of the state relating to consumer protection has  
25 occurred or is occurring, to conduct an investigation,  
26 subpoena witnesses and evidence, and administer oaths and  
27 affirmations. If, as a result of the investigation, the  
28 department has reason to believe a violation of chapter 501  
29 has occurred, the department shall have the authority to bring  
30 an action in accordance with the provisions of chapter 501.

31

1           (37) If the department, by its own inquiry or as a  
2 result of complaints, has reason to believe that a violation  
3 of the laws of the state relating to consumer protection has  
4 occurred or is occurring, that the interests of the consumers  
5 of this state have been damaged or are being damaged, or that  
6 the public health, safety, or welfare is endangered or is  
7 likely to be endangered by any consumer product or service, to  
8 commence legal proceedings in circuit court to enjoin the act  
9 or practice or the sale of the product or service and may seek  
10 appropriate relief on behalf of consumers. Upon application by  
11 the department, a hearing shall be held within 3 days after  
12 the commencement of the proceedings.

13           (38) To repair or build structures, from existing  
14 appropriations authority, notwithstanding chapters 216 and  
15 255, not to exceed a cost of \$250,000 per structure. These  
16 structures must meet all applicable building codes.

17           Section 14. Subsection (6) is added to section  
18 503.071, Florida Statutes, to read:

19           503.071 Penalty, injunction, and administrative  
20 fines.--

21           (6) Frozen dessert manufacturers are subject to the  
22 provisions of s. 500.172, relating to embargoing, detaining,  
23 or destroying food or food processing equipment, as well as  
24 the provisions of this section.

25           Section 15. Subsection (4) of section 570.244, Florida  
26 Statutes, is amended to read:

27           570.244 Department of Agriculture and Consumer  
28 Services; powers and duties.--For the accomplishment of the  
29 purposes specified in this act, the department shall have all  
30 powers and duties necessary, including, but not limited to,  
31 the power and duty to:

1           (4) Facilitate economic growth through the development  
2 of ~~new~~ agribusinesses such as value-added processing plants  
3 and associated enterprises using raw products which are  
4 produced in the state.

5           Section 16. Effective upon this act becoming a law,  
6 paragraph (d) of subsection (2) and subsections (4) and (5) of  
7 section 570.249, Florida Statutes, are amended, and subsection  
8 (7) is added to that section, to read:

9           570.249 Agricultural Economic Development Program  
10 disaster loans.--

11           (2) ELIGIBLE CROPS.--Crops eligible for the emergency  
12 loan program include:

13           (d) Specialty crops, such as seafood and aquaculture,  
14 including shellfish cultivation and harvesting and commercial  
15 fishing;~~aquacultural, floricultural, or ornamental nursery~~  
16 ~~crops; Christmas trees; turf for sod; industrial crops; and~~  
17 ~~seed crops used to produce eligible crops.~~

18           (4) LOAN APPLICATION.--In order to qualify for a loan  
19 under this section, an applicant must submit an application to  
20 the department ~~committee~~ within 90 ~~30~~ days after the date the  
21 natural disaster or socioeconomic condition or event occurs or  
22 the crop damage becomes apparent. An applicant must be a  
23 citizen of the United States and, ~~a~~ bona fide resident of the  
24 state and, ~~together with the applicant's spouse and their~~  
25 ~~dependents, have a total net worth of less than \$100,000. The~~  
26 ~~value of any residential homestead owned by the applicant must~~  
27 ~~not be included in determining the applicant's net worth. An~~  
28 ~~applicant~~ must also demonstrate the need for economic  
29 ~~assistance, be worthy of credit according to standards~~  
30 ~~established by the commissioner, prove that he or she cannot~~

31

1 ~~obtain commercial credit~~, and demonstrate that he or she has  
2 the ability to repay the loan.

3 (5) LOAN SECURITY REQUIREMENTS.--All loans must be  
4 secured fully collateralized. A first lien is required on all  
5 property or product acquired, produced, or refinanced with  
6 loan funds. The specific type of collateral required may vary  
7 depending upon the loan purpose, repayment ability, and the  
8 particular circumstances of the applicant.

9 (7) GRANTS AND AID.--The department shall establish a  
10 grant program to provide aid to agribusinesses to assist in  
11 market development.

12 Section 17. Subsection (1) of section 570.38, Florida  
13 Statutes, is amended to read:

14 570.38 Animal Industry Technical Council.--

15 (1) COMPOSITION.--The Animal Industry Technical  
16 Council is hereby created in the department and shall be  
17 composed of 14 ~~11~~ members as follows:

18 (a) The beef cattle, swine, dairy, horse, independent  
19 agricultural markets, meat processing and packing  
20 establishments, veterinary medicine, and poultry  
21 representatives who serve on the State Agricultural Advisory  
22 Council and three additional representatives from the beef  
23 cattle industry, as well as three at-large members  
24 representing other animal industries in the state, who shall  
25 be appointed by the commissioner for 4-year terms or until  
26 their successors are duly qualified and appointed.

27 (b) Each additional beef cattle representative shall  
28 be appointed subject to the qualifications and by the  
29 procedure as prescribed in s. 570.23 for membership to the  
30 council by the beef cattle representative. If a vacancy  
31 occurs in these three positions, it shall be filled for the

1 remainder of the term in the same manner as an initial  
2 appointment.

3 Section 18. Paragraph (a) of subsection (1) of section  
4 581.211, Florida Statutes, is amended to read:

5 581.211 Penalties for violations.--

6 (1) Any person who:

7 (a) Violates any provision of this chapter or the  
8 rules adopted under this chapter;

9  
10 commits a misdemeanor of the first degree, punishable as  
11 provided in s. 775.082 or s. 775.083.

12 Section 19. Subsection (6) is added to section  
13 585.002, Florida Statutes, to read:

14 585.002 Department control; continuance of powers,  
15 duties, rules, orders, etc.--

16 (6) Except as otherwise provided in this chapter, and  
17 notwithstanding any other provision of law, another state  
18 agency or a local government may not adopt any ordinance,  
19 rule, or policy for the humane care and treatment of  
20 livestock, as defined in s. 585.01(13), and poultry housed or  
21 pastured in this state when such activity is regulated through  
22 best-management practices developed or adopted by the  
23 department under chapter 120 as part of a statewide or  
24 regional program.

25 Section 20. Subsection (4) is added to section  
26 585.145, Florida Statutes, to read:

27 585.145 Control of animal diseases.--

28 (4) Official certificates of veterinary inspection may  
29 be completed only by a veterinarian accredited under the  
30 National Veterinary Accreditation Program. The department may,  
31 as prescribed by rule, deny a veterinarian the authority to

1 issue health certificates for the importation, movement, or  
2 transfer of ownership of animals into or within the state as  
3 required by this section for one of the following causes;

4 (a) The revocation of such veterinarian's license to  
5 practice veterinary medicine in the state;

6 (b) Forging, counterfeiting, altering, or  
7 misrepresenting an official certificate of veterinary  
8 inspection; or

9 (c) Failure to report, or the negligent handling of,  
10 any reportable disease.

11 Section 21. Paragraphs (a), (c), and (d) of subsection  
12 (2) of section 585.155, Florida Statutes, are amended to read:

13 585.155 Whole-herd and calf vaccination.--

14 (2)(a) All calves officially vaccinated with Brucella  
15 abortus vaccine shall be permanently identified at the time of  
16 vaccination with the official shield tattoo "V," registered by  
17 the United States Department of Agriculture, in the right ear,  
18 preceded by the numeral of the quarter of the year and  
19 followed by the last numeral of the year.

20 ~~(c) Heifer calves must be vaccinated when not less~~  
21 ~~than 4 months and not more than 10 months of age.~~

22 (c)(d) Duplicate reports covering these vaccinations  
23 shall be immediately furnished to the department and shall  
24 constitute the official record of vaccination.

25 Section 22. Paragraph (a) of subsection (10) of  
26 section 616.242, Florida Statutes, is amended to read:

27 616.242 Safety standards for amusement rides.--

28 (10) EXEMPTIONS.--

29 (a) This section does not apply to:

30 1. Permanent facilities that employ at least 1,000  
31 full-time employees and that maintain full-time, in-house



1 safety inspectors. Furthermore, the permanent facilities must  
2 file an affidavit of the annual inspection with the  
3 department, on a form prescribed by rule of the department.  
4 Additionally, the Department of Agriculture and Consumer  
5 Services may consult annually with the permanent facilities  
6 regarding industry safety programs.

7           2. Any playground operated by a school, local  
8 government, or business licensed under chapter 509, if the  
9 playground is an incidental amenity and the operating entity  
10 is not primarily engaged in providing amusement, pleasure,  
11 thrills, or excitement.

12           3. Museums or other institutions principally devoted  
13 to the exhibition of products of agriculture, industry,  
14 education, science, religion, or the arts.

15           4. Conventions or trade shows for the sale or exhibit  
16 of amusement rides if there are a minimum of 15 amusement  
17 rides on display or exhibition, and if any operation of such  
18 amusement rides is limited to the registered attendees of the  
19 convention or trade show.

20           5. Skating rinks, arcades, lazer or paint ball war  
21 games, bowling alleys, miniature golf courses, mechanical  
22 bulls, inflatable rides, trampolines, ball crawls, exercise  
23 equipment, jet skis, paddle boats, air boats, helicopters,  
24 airplanes, parasails, hot air or helium balloons whether  
25 tethered or untethered, theatres, batting cages, stationary  
26 spring-mounted fixtures, rider-propelled merry-go-rounds,  
27 games, side shows, live animal rides, or live animal shows.

28           6. Go-karts operated in competitive sporting events if  
29 participation is not open to the public.

30           7. Nonmotorized playground equipment that is not  
31 required to have a manager.

1           8. Coin-actuated amusement rides designed to be  
2 operated by depositing coins, tokens, credit cards, debit  
3 cards, bills, or other cash money and which are not required  
4 to have a manager, and which have a capacity of six persons or  
5 less.

6           9. Facilities described in s. 549.09(1)(a) when such  
7 facilities are operating cars, trucks, or motorcycles only.

8           10. Battery-powered cars or other vehicles that are  
9 designed to be operated by children 7 years of age or under  
10 and that cannot exceed a speed of 4 miles per hour.

11           11. Mechanically driven vehicles that pull train cars,  
12 carts, wagons, or other similar vehicles, that are not  
13 confined to a metal track or confined to an area but are  
14 steered by an operator and do not exceed a speed of 4 miles  
15 per hour.

16           Section 23. Section 828.22, Florida Statutes, is  
17 amended to read:

18           828.22 Humane Slaughter Act; humane slaughter and  
19 livestock euthanasia; requirements requirement.--

20           (1) Sections 828.22-828.26 may be cited as the "Humane  
21 Slaughter Act."

22           (2)(a)(1) The Legislature of this state finds that the  
23 use of humane methods in the killing ~~slaughter~~ of livestock  
24 prevents needless suffering, results in safer and better  
25 working conditions for persons engaged in the slaughtering  
26 industry or other livestock operations, brings about  
27 improvement of products and economy in slaughtering or other  
28 livestock operations, and produces other benefits for  
29 producers, processors, and consumers which tend to expedite  
30 the orderly flow of livestock and their products.

31

1           ~~(b)(2)~~ It is therefore declared to be the policy of  
2 this state to require that the slaughter of all livestock and  
3 the handling of livestock in connection with slaughter shall  
4 be carried out only by humane methods and to provide that  
5 methods of slaughter shall conform generally to those employed  
6 in other states where humane slaughter is required by law and  
7 to those authorized by the Federal Humane Slaughter Act of  
8 1958, and regulations thereunder.

9           (3) Nothing in ss. 828.22-828.26 ~~this act~~ shall be  
10 construed to prohibit, abridge, or in any way hinder the  
11 religious freedom of any person or group. Notwithstanding any  
12 other provision of ss. 828.22-828.26 ~~this act~~, in order to  
13 protect freedom of religion, ritual slaughter and the handling  
14 or other preparation of livestock for ritual slaughter are  
15 exempted from the terms of ss. 828.22-828.26 ~~this act~~. For  
16 the purposes of this action the term "ritual slaughter" means  
17 slaughter in accordance with s. 828.23~~(3)(7)(b)~~.

18           Section 24. Section 828.23, Florida Statutes, is  
19 amended to read:

20           828.23 Definitions; ss. 828.22-828.26.--As used in ss.  
21 828.22-828.26, the following words shall have the meaning  
22 indicated:

23           (1) "Department" means the Department of Agriculture  
24 and Consumer Services.

25           (2) "Person" means any individual, partnership,  
26 corporation, or association doing business in this state, in  
27 whole or in part.

28           (3) "Slaughter" means the act of killing one or more  
29 livestock animals for any purpose.

30           ~~(4)(3)~~ "Slaughterer" means any person other than a  
31 licensed veterinarian, or an employee of a humane society or

1 animal control agency, who kills ~~regularly engaged in the~~  
2 ~~commercial slaughtering of~~ livestock.

3 (5)(4) "Livestock" means cattle, calves, sheep, swine,  
4 horses, mules, goats, ostriches, rheas, emus, and any other  
5 domestic animal that ~~which~~ can or may be used in the  
6 preparation of animal and ~~for the preparation of meat or meat~~  
7 products. For the purposes of ss. 828.22-828.26, "livestock"  
8 does not include poultry and aquatic species.

9 ~~(5) "Packer" means any person engaged in the business~~  
10 ~~of slaughtering, or of manufacturing or preparing meat or meat~~  
11 ~~products for sale, either by such person or others; or of~~  
12 ~~manufacturing or preparing livestock products for sale by such~~  
13 ~~person or others.~~

14 ~~(6) "Stockyard" means any place, establishment, or~~  
15 ~~facility commonly known as a stockyard, conducted or operated~~  
16 ~~for compensation or profit as a public market, consisting of~~  
17 ~~pens, or other enclosures, and their appurtenances, for the~~  
18 ~~handling, keeping, and holding of livestock for the purpose of~~  
19 ~~sale or shipment.~~

20 (6)(7) "Humane method" means either:

21 (a) A method whereby the animal is rapidly and  
22 effectively rendered insensitive to pain by electrical or  
23 chemical means or by a penetrating captive bolt or gunshot  
24 with appropriate caliber and placement ~~rendered insensible to~~  
25 ~~pain by mechanical, electrical, chemical, or other means that~~  
26 ~~are rapid and effective, before being shackled, hoisted,~~  
27 ~~thrown, cast, or cut; or~~

28 (b) A method in accordance with ritual requirements of  
29 any religious faith whereby the animal suffers loss of  
30 consciousness by anemia of the brain caused by the  
31

1 simultaneous and instantaneous severance of the carotid  
2 arteries with a sharp instrument.

3 Section 25. Section 828.24, Florida Statutes, is  
4 amended to read:

5 828.24 Prohibited acts; exemption.--

6 (1) No person shall kill an animal in any way except  
7 by an approved humane method ~~slaughterer, packer, or stockyard~~  
8 ~~operator shall shackle, hoist, or otherwise bring livestock~~  
9 ~~into position for slaughter, by any method which shall cause~~  
10 ~~injury or pain.~~

11 (2) No person shall shackle or hoist with intent to  
12 kill any animal prior to rendering the animal insensitive to  
13 pain ~~slaughterer, packer, or stockyard operator shall bleed or~~  
14 ~~slaughter any livestock except by a humane method.~~

15 (3) Nothing in this section precludes the enforcement  
16 of s. 828.12 relating to cruelty to animals ~~This act shall not~~  
17 ~~apply to any person, firm or corporation slaughtering or~~  
18 ~~processing for sale within the state not more than 20 head of~~  
19 ~~cattle nor more than 35 head of hogs per week.~~

20 Section 26. Section 828.25, Florida Statutes, is  
21 amended to read:

22 828.25 Administration; rules ~~and regulations~~;  
23 inspection; fees.--

24 (1) The department shall administer the provisions of  
25 ss. 828.22-828.26 ~~this act~~. It shall adopt ~~promulgate~~ and may  
26 from time to time revise rules, ~~and regulations~~ which rules  
27 must shall conform substantially to and must not be less  
28 restrictive than the rules and regulations promulgated by the  
29 Secretary of Agriculture of the United States pursuant to the  
30 Federal Humane Slaughter Act of 1958, Pub. L. No. 85-765, 72  
31 Stat. 862, and any amendments thereto; ~~provided, however, that~~

1 ~~the use of a manually operated hammer, sledge or poleax is~~  
2 ~~declared to be an inhumane method of slaughter within the~~  
3 ~~meaning of this act.~~

4 (2) The department may appoint any member of its staff  
5 as an official inspector for the purposes of ss. 828.22-828.26  
6 ~~this act.~~ Such inspector shall have the power to enter the  
7 premises of any slaughterer for the purposes of verifying  
8 compliance or noncompliance with the provisions of ss.  
9 828.22-828.26 ~~this act.~~

10 (3) The department has the authority to conduct  
11 inspections of the premises of slaughterers at random  
12 intervals. ~~As soon as practicable after October 1, 1961, an~~  
13 ~~inspection shall be made of the premises of each slaughterer.~~  
14 ~~Additional inspections shall be made not less frequently than~~  
15 ~~quarterly. No fee shall be charged for such inspection.~~

16 Section 27. Section 828.251, Florida Statutes, is  
17 created to read:

18 828.251 Instruction.--The department, in conjunction  
19 with the State University System, the American Veterinary  
20 Medical Association, and humane animal groups, shall make  
21 available to slaughterers the most current technical  
22 information. Such information may be in video or manual  
23 format, or another widely accepted media format.

24 Section 28. Section 828.252, Florida Statutes, is  
25 created to read:

26 828.252 Nonambulatory animals.--This section  
27 acknowledges that natural emergencies may arise and that, even  
28 under recognized best-management practices, injury may occur.  
29 In all cases, nonambulatory animals must be dealt with in a  
30 humane manner.

31

1           (1) As used in this section, the term "nonambulatory  
2 animal" means any livestock that is unable to stand and walk  
3 unassisted.

4           (2) A person may not buy, sell, give, receive,  
5 transfer, market, hold without providing proper care within 24  
6 hours, or drag any nonambulatory animal unless the  
7 nonambulatory animal has been humanely euthanized, except in  
8 such cases where providing proper care requires that the  
9 animal be moved.

10           Section 29. Section 828.26, Florida Statutes, is  
11 amended to read:

12           828.26 Penalties ~~Penalty~~.--

13           (1) Any person who violates the provisions of ss.  
14 828.22-828.26 and any rule associated with these sections  
15 shall be subject to an administrative fine of up to \$10,000  
16 for each violation.~~No slaughterer found by the department in~~  
17 ~~accordance with the above not to be in compliance with the~~  
18 ~~provisions of this act shall sell any meat or meat products to~~  
19 ~~any public agency in the state, or to any institution~~  
20 ~~supported by state, county, or municipal funds. Failure to~~  
21 ~~comply with this provision shall be a misdemeanor of the~~  
22 ~~second degree, punishable as provided in s. 775.083.~~

23           (2) Unless otherwise provided, any person who violates  
24 any provision of ss. 828.22-828.26 commits a misdemeanor of  
25 the second degree, punishable as provided in s. 775.082 or s.  
26 775.083.~~Upon failure to be in compliance with the provisions~~  
27 ~~of this act after a period of 1 year from the date of the~~  
28 ~~first inspection required under s. 828.25, the department~~  
29 ~~shall direct the slaughterer to cease slaughtering livestock.~~  
30 ~~Failure to comply with this directive shall be a misdemeanor~~  
31 ~~of the second degree, punishable as provided in s. 775.083,~~

1 ~~and constituting a separate offense for each day of continued~~  
2 ~~slaughtering operations beyond the first week following~~  
3 ~~mailing of such directive to the slaughterer by the~~  
4 ~~department.~~

5 (3) Nothing in this section precludes the enforcement  
6 of s. 828.12, relating to cruelty to animals.

7 Section 30. Subsection (10) of section 427.804,  
8 Florida Statutes, is amended to read:

9 427.804 Repair of nonconforming assistive technology  
10 devices; refund or replacement of devices after attempt to  
11 repair; sale or lease of returned device; arbitration;  
12 investigation; limitation of rights.--

13 (10) The department shall process consumer complaints  
14 pursuant to ss. 570.07 and ~~§~~570.544.

15 Section 31. Subsection (2) of section 559.921, Florida  
16 Statutes, is amended to read:

17 559.921 Remedies.--

18 (2) The department shall process consumer complaints  
19 according to ss. 570.07 and ~~§~~570.544.

20 Section 32. Subsections (10) and (11) of section  
21 570.544, Florida Statutes, are repealed.

22 Section 33. Except as otherwise provided in this act,  
23 this act shall take effect July 1, 2001.

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LEGISLATIVE SUMMARY

Revises various provisions relating to agriculture and consumer services. Authorizes the Department of Agriculture and Consumer Services to require and review data relating to the claims of preventive treatment for termites. Authorizes fees for certain reinspection of food establishments. Increases food permit fees. Provides for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer under certain conditions. Authorizes the department, rather than the Division of Consumer Services, to conduct certain investigations of violations of consumer protection laws. Requires accreditation of veterinarians who inspect animals for infectious disease. Creates the "Humane Slaughter Act," revising various provisions, including definitions, prohibited acts, and penalties, relating to humane slaughter and livestock euthanasia. (See bill for details.)