

By the Committee on Agriculture and Consumer Services; and
Senator Geller

303-1768A-01

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. 316.228,
15 F.S.; revising requirements for lamps on
16 projecting loads; amending s. 320.08, F.S.;
17 redefining the term "goat" to include certain
18 additional farm equipment for purposes of the
19 annual license tax imposed on trucks; amending
20 s. 403.714, F.S.; deleting a requirement that
21 the department coordinate development of
22 uniform product specifications for compost used
23 by state agencies; amending s. 487.041, F.S.;
24 authorizing the department to require and
25 review data relating to the claims of pesticide
26 products used as preventive treatment for
27 termites; authorizing the department to adopt
28 rules; amending s. 500.09, F.S.; authorizing
29 fees for certain reinspection of food
30 establishments; amending s. 500.12, F.S.;
31 increasing the maximum fee for a food permit;

1 limiting the use of such fees; amending ss.
2 502.012, 502.014, F.S.; revising references
3 relating to the pasteurized milk ordinance and
4 milk sanitation; deleting a requirement that a
5 copy of a federal temporary marketing permit
6 for milk and milk products be forwarded to the
7 department; amending s. 502.053, F.S.;
8 clarifying milk testing requirements; amending
9 s. 502.091, F.S.; authorizing the department to
10 forgo the grading of certain milk products in
11 an emergency; providing for labeling; amending
12 s. 503.041, F.S.; providing that an attempted
13 or purported transfer of a frozen dessert plant
14 license is grounds for its suspension or
15 revocation; repealing ss. 504.21, 504.22,
16 504.23, 504.24, 504.25, 504.26, 504.27, 504.28,
17 504.29, 504.31, 504.32, 504.33, 504.34, 504.35,
18 504.36, F.S.; eliminating the Florida Organic
19 Farming and Food Law; repealing ss. 536.20,
20 536.21, 536.22, F.S., relating to timber and
21 lumber; repealing s. 570.381, F.S., relating to
22 Appaloosa racing; amending ss. 550.2625,
23 550.2633, F.S.; conforming cross-references;
24 amending s. 570.07, F.S.; authorizing the
25 department to conduct investigations of
26 violations of laws relating to consumer
27 protection; authorizing the department to
28 repair or construct structures; amending s.
29 503.071, F.S.; providing for the embargo,
30 detainment, or destruction of food or food
31 processing equipment of a frozen dessert

1 manufacturer; amending s. 570.244, F.S.;

2 clarifying powers and duties of the department

3 relating to the development of agribusinesses;

4 amending s. 570.249, F.S.; clarifying

5 aquacultural crops eligible for Agricultural

6 Economic Development Program disaster loans;

7 revising loan application requirements;

8 directing the department to establish an

9 agribusiness market development grant program;

10 amending s. 570.38, F.S.; increasing membership

11 of the Animal Industry Technical Council;

12 amending s. 580.031, F.S.; revising

13 definitions; amending s. 580.051, F.S.;

14 revising label requirements for feed; amending

15 s. 580.065, F.S.; revising feed laboratory

16 procedures; amending s. 580.091, F.S.; removing

17 intent language regarding feed sampling and

18 analysis; amending s. 580.112, F.S.; expanding

19 prohibited acts; amending s. 581.211, F.S.;

20 providing a penalty for violation of rules

21 relating to plant industry; amending s.

22 585.002, F.S.; prohibiting regulation of care

23 and treatment of livestock and poultry by other

24 agencies when the department has undertaken to

25 do so; amending s. 585.145, F.S.; prescribing

26 requirements with respect to veterinarians who

27 may inspect animals for disease; amending s.

28 585.155, F.S.; revising vaccination

29 requirements for calves; amending s. 589.19,

30 F.S.; naming a state forest; amending s.

31 616.242, F.S.; providing additional exemptions

1 from amusement ride safety standards; amending
2 s. 828.22, F.S.; creating the "Humane Slaughter
3 Act"; revising provisions relating to humane
4 slaughter and livestock euthanasia; amending s.
5 828.23, F.S.; revising definitions; amending s.
6 828.24, F.S.; revising provisions relating to
7 prohibited acts; amending s. 828.25, F.S.;
8 revising provisions relating to administration
9 of the act by the department; creating s.
10 828.251, F.S.; directing the department to make
11 current technical information available to
12 slaughterers; creating s. 828.252, F.S.;
13 providing for humane treatment of nonambulatory
14 animals; amending s. 828.26, F.S.; revising
15 penalties; amending ss. 427.804, 559.921, F.S.;
16 conforming cross-references; repealing s.
17 570.544(10) and (11), F.S., relating to
18 authority of the Division of Consumer Services
19 of the department to conduct investigations of
20 violations of laws relating to consumer
21 protection; providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (a) of subsection (2) of section
26 120.80, Florida Statutes, is amended to read:

27 120.80 Exceptions and special requirements;
28 agencies.--

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

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

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

3 125.27 Countywide forest fire protection; authority of
4 the Division of Forestry; state funding; county fire control
5 assessments; disposition.--

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

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

23 201.15 Distribution of taxes collected.--All taxes
24 collected under this chapter shall be distributed as follows
25 and shall be subject to the service charge imposed in s.
26 215.20(1), except that such service charge shall not be levied
27 against any portion of taxes pledged to debt service on bonds
28 to the extent that the amount of the service charge is
29 required to pay any amounts relating to the bonds:

30 (8) One-half of one percent of the remaining taxes
31 collected under this chapter shall be paid into the State

1 Treasury and divided equally to the credit of the Department
2 of Environmental Protection Water Quality Assurance Trust Fund
3 to address water quality impacts associated with
4 nonagricultural nonpoint sources and to the credit of the
5 Department of Agriculture and Consumer Services General
6 Inspection Trust Fund to address water quality impacts
7 associated with agricultural nonpoint sources, respectively.
8 These funds shall be used for research, development,
9 demonstration, and implementation of suitable best management
10 practices or other measures used to achieve water quality
11 standards in surface waters and water segments identified
12 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.
13 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
14 management practices and other measures may include cost-share
15 grants, technical assistance, implementation tracking, and
16 conservation leases or other agreements for water quality
17 improvement. The Department of Environmental Protection and
18 the Department of Agriculture and Consumer Services may adopt
19 rules governing the distribution of funds for implementation
20 of best management practices.The unobligated balance of funds
21 received from the distribution of taxes collected under this
22 chapter to address water quality impacts associated with
23 nonagricultural nonpoint sources will be excluded when
24 calculating the unobligated balance of the Water Quality
25 Assurance Trust Fund as it relates to the determination of the
26 applicable excise tax rate.

27 Section 4. Subsection (2) of section 316.228, Florida
28 Statutes, is amended to read:

29 316.228 Lamps or flags on projecting load.--

30 (2) Any commercial motor vehicle or trailer, ~~except as~~
31 ~~stated in s. 316.515(7),~~ transporting a load of unprocessed

1 | ~~logs, or long pulpwood, poles, or posts~~ which load extends
2 | ~~extend~~ more than 4 feet beyond the rear of the body or bed of
3 | such vehicle must have securely fixed as close as practical to
4 | the end of any such projection one amber strobe-type lamp
5 | equipped with a multidirectional type lens so mounted as to be
6 | visible from the rear and both sides of the projecting load.
7 | If the mounting of one strobe lamp cannot be accomplished so
8 | that it is visible from the rear and both sides of the
9 | projecting load, multiple strobe lights must be used to meet
10 | the visibility requirements of this subsection.The strobe
11 | lamp must flash at a rate of at least 60 flashes per minute
12 | and must be plainly visible from a distance of at least 500
13 | feet to the rear and sides of the projecting load at any time
14 | of the day or night. The lamp must be operating at any time of
15 | the day or night when the vehicle is operated on any highway
16 | or parked on the shoulder or immediately adjacent to the
17 | traveled portion of any public roadway. The projecting load
18 | must also be marked with a red flag as described in subsection
19 | (1).

20 | Section 5. Paragraph (d) of subsection (3) of section
21 | 320.08, Florida Statutes, is amended to read:

22 | 320.08 License taxes.--Except as otherwise provided
23 | herein, there are hereby levied and imposed annual license
24 | taxes for the operation of motor vehicles, mopeds, motorized
25 | bicycles as defined in s. 316.003(2), and mobile homes, as
26 | defined in s. 320.01, which shall be paid to and collected by
27 | the department or its agent upon the registration or renewal
28 | of registration of the following:

29 | (3) TRUCKS.--

30 | (d) A truck defined as a "goat," or any other vehicle
31 | when used in the field by a farmer or in the woods for the

1 purpose of harvesting a crop, including naval stores, during
2 such harvesting operations, and which is not principally
3 operated upon the roads of the state: \$7.50 flat. A "goat" is
4 a motor vehicle designed, constructed, and used principally
5 for the transportation of citrus fruit within citrus groves or
6 for the transportation of crops on farms, and which can also
7 be used for the hauling of associated equipment or supplies,
8 including required sanitary equipment, and the towing of farm
9 trailers.

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

12 403.714 Duties of state agencies.--

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

1 ~~of compost products in relation to similar products such as~~
2 ~~top soil, fill dirt, sand, peat, and fertilizer. The~~
3 ~~Department of Agriculture and Consumer Services shall~~
4 ~~establish a work group of state agency and local government~~
5 ~~personnel to design an appropriate reporting mechanism. The~~
6 ~~report shall be submitted to the Governor, the President of~~
7 ~~the Senate, and the Speaker of the House of Representatives.~~

8 Section 7. Paragraph (e) is added to subsection (4) of
9 section 487.041, Florida Statutes, to read:

10 487.041 Registration.--

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

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

29 Section 8. Subsection (7) of section 500.09, Florida
30 Statutes, is amended to read:

31 500.09 Rulemaking; analytical work.--

1 (7) The department may establish and collect
2 reasonable fees for laboratory services performed pursuant to
3 subsection (6) or to recover the cost of each reinspection of
4 a food establishment when the reinspection is conducted for
5 the purpose of verifying compliance with the provisions of
6 this chapter or rules promulgated thereunder. Such fees shall
7 be deposited in the department's General Inspection Trust Fund
8 and shall be used solely for the recovery of costs for the
9 services provided.

10 Section 9. Paragraph (b) of subsection (1) of section
11 500.12, Florida Statutes, is amended to read:

12 500.12 Food permits; building permits.--

13 (1)

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

31

1 Section 10. Subsection (15) of section 502.012,
2 Florida Statutes, is amended to read:

3 502.012 Definitions.--The following definitions shall
4 apply in the interpretation and enforcement of this law:

5 (15) "Pasteurized milk ordinance" means the ~~Grade A~~
6 Pasteurized Milk Ordinance, ~~1993 Recommendations of~~ United
7 States Public Health Service/Food and Drug Administration
8 Publication No. 229, including ~~and~~ all associated appendices,
9 as adopted by department rule.

10 Section 11. Paragraph (b) of subsection (2) and
11 subsection (5) of section 502.014, Florida Statutes, are
12 amended to read:

13 502.014 Powers and duties.--

14 (2)

15 (b) The department shall designate employees who shall
16 be certified by the United States Food and Drug Administration
17 as state milk sanitation rating officers, sampling
18 surveillance officers, and laboratory evaluation officers in
19 accordance with the requirements published in "Methods of
20 Making Sanitation Ratings of Milk Supplies, ~~1989 Revision,~~"
21 "Evaluation of Milk Laboratories, ~~1985 Revision,~~" and
22 "Procedures Governing the Cooperative State-Public Health
23 Service/Food and Drug Administration Program for Certification
24 of Interstate Milk Shippers, ~~1991 Revision,~~" respectively, as
25 adopted by department rule. These officers shall conduct
26 routine sanitation compliance survey ratings of milk
27 producers, milk plants, laboratories, receiving stations,
28 transfer stations, and manufacturers of single-service
29 containers for milk and milk products. These ratings shall be
30 made in accordance with the recommendations of the United
31

1 States Food and Drug Administration published in Standard
2 Methods for the Examination of Dairy Products.

3 ~~(5)(a) A person who obtains a temporary marketing~~
4 ~~permit from the United States Food and Drug Administration for~~
5 ~~milk and milk products that do not conform to existing~~
6 ~~standards and definitions shall immediately forward a copy of~~
7 ~~the permit to the department. The department may allow the~~
8 ~~person to operate in the state under the authority of the~~
9 ~~federal permit if the department determines that it is in the~~
10 ~~interest of the state to do so.~~

11 (a)~~(b)~~ The department shall adopt criteria for
12 issuance of a state temporary marketing permit for milk and
13 milk products that do not conform to existing standards and
14 definitions.

15 (b)~~(c)~~ The department shall establish a fee, not to
16 exceed \$100, for the issuance of a state temporary marketing
17 permit or the use of a federal permit in the state. The fee
18 shall cover all costs of issuing the state permit or
19 processing the federal permit.

20 Section 12. Paragraph (c) of subsection (2) of section
21 502.053, Florida Statutes, is amended to read:

22 502.053 Permits; requirements; exemptions; temporary
23 permits.--

24 (2) REQUIREMENTS.--

25 (c) In addition to the testing required in ~~Appendix N~~
26 ~~of the pasteurized milk ordinance~~ and its appendices, each
27 milk plant operator in the state shall be responsible for
28 routine testing and inspection of raw milk shipped from
29 outside the state prior to processing and shall notify the
30 department when such testing and inspection indicates a
31

1 violation of the standards contained in the pasteurized milk
2 ordinance.

3 Section 13. Paragraph (a) of subsection (1) of section
4 502.091, Florida Statutes, is amended to read:

5 502.091 Milk and milk products which may be sold.--

6 (1) Only Grade A pasteurized milk and milk products or
7 certified pasteurized milk shall be sold to the final consumer
8 or to restaurants, soda fountains, grocery stores, or similar
9 establishments.

10 (a) In an emergency, however, the department may
11 authorize the sale of reconstituted pasteurized milk products,
12 or pasteurized milk and milk products that ~~which~~ have not been
13 graded, or the grade of that ~~which~~ is unknown, in which case
14 such milk and milk products shall be appropriately labeled, as
15 determined by the department. ~~"ungraded."~~

16 Section 14. Subsection (1) of section 503.041, Florida
17 Statutes, is amended to read:

18 503.041 License fee; report required; penalty.--

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

24 Section 15. Sections 504.21, 504.22, 504.23, 504.24,
25 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32,
26 504.33, 504.34, 504.35, 504.36, Florida Statutes, are
27 repealed.

28 Section 16. Sections 536.20, 536.21, and 536.22,
29 Florida Statutes, are repealed.

30 Section 17. Section 570.381, Florida Statutes, is
31 repealed.

1 Section 18. Subsection (7) of section 550.2625,
2 Florida Statutes, is amended to read:

3 550.2625 Horseracing; minimum purse requirement,
4 Florida breeders' and owners' awards.--

5 (7)

6 (b) The division shall deposit these collections to
7 the credit of the Florida Quarter Horse Racing Promotion Trust
8 Fund in a special account to be known as the "Florida
9 Appaloosa Racing Promotion Fund." The Department of
10 Agriculture and Consumer Services shall administer the funds
11 and adopt suitable and reasonable rules for the administration
12 thereof. The moneys in the Florida Appaloosa Racing Promotion
13 Fund shall be allocated solely for supplementing and
14 augmenting purses and prizes and for the general promotion of
15 owning and breeding of racing Appaloosas in this state; and
16 such moneys may not be used to defray any expense of the
17 Department of Agriculture and Consumer Services in the
18 administration of this chapter, ~~except that the moneys~~
19 ~~generated by Appaloosa registration fees received pursuant to~~
20 ~~s. 570.381 may be used as provided in paragraph (5)(b) of that~~
21 ~~section.~~

22 Section 19. Subsection (2) of section 550.2633,
23 Florida Statutes, is amended to read:

24 550.2633 Horseracing; distribution of abandoned
25 interest in or contributions to pari-mutuel pools.--

26 (2) All moneys or other property which has escheated
27 to and become the property of the state as provided herein and
28 which is held by a permitholder authorized to conduct
29 pari-mutuel pools in this state shall be paid annually by the
30 permitholder to the recipient designated in this subsection
31 within 60 days after the close of the race meeting of the

1 permitholder. Section 550.1645 notwithstanding, such moneys
2 shall be paid by the permitholder as follows:

3 (a) Funds from any harness horse races shall be paid
4 to the Florida Standardbred Breeders and Owners Association
5 and shall be used for the payment of breeders' awards,
6 stallion awards, stallion stakes, additional purses, and
7 prizes for, and for the general promotion of owning and
8 breeding of, Florida-bred standardbred horses, as provided for
9 in s. 550.2625.

10 (b) Except as provided in paragraph ~~paragraphs~~ (c) ~~and~~
11 ~~(d)~~, funds from quarter horse races shall be paid to the
12 Florida Quarter Horse Breeders and Owners Association and
13 shall be allocated solely for supplementing and augmenting
14 purses and prizes and for the general promotion of owning and
15 breeding of racing quarter horses in this state, as provided
16 for in s. 550.2625.

17 ~~(c) Funds for Appaloosa races conducted under a~~
18 ~~quarter horse racing permit shall be deposited into the~~
19 ~~Florida Quarter Horse Racing Promotion Trust Fund in a special~~
20 ~~account to be known as the "Florida Appaloosa Racing Promotion~~
21 ~~Fund" and shall be used for the payment of breeders' awards~~
22 ~~and stallion awards as provided for in s. 570.381.~~

23 (c)~~(d)~~ Funds for Arabian horse races conducted under a
24 quarter horse racing permit shall be deposited into the
25 Florida Quarter Horse Racing Promotion Trust Fund in a special
26 account to be known as the "Florida Arabian Horse Racing
27 Promotion Fund" and shall be used for the payment of breeders'
28 awards and stallion awards as provided for in s. 570.382.

29 Section 20. Subsections (36), (37), and (38) are added
30 to section 570.07, Florida Statutes, to read:

31

1 570.07 Department of Agriculture and Consumer
2 Services; functions, powers, and duties.--The department shall
3 have and exercise the following functions, powers, and duties:

4 (36) If the department, by its own inquiry or as a
5 result of complaints, has reason to believe that a violation
6 of the laws of the state relating to consumer protection has
7 occurred or is occurring, to conduct an investigation,
8 subpoena witnesses and evidence, and administer oaths and
9 affirmations. If, as a result of the investigation, the
10 department has reason to believe a violation of chapter 501
11 has occurred, the department shall have the authority to bring
12 an action in accordance with the provisions of chapter 501.

13 (37) If the department, by its own inquiry or as a
14 result of complaints, has reason to believe that a violation
15 of the laws of the state relating to consumer protection has
16 occurred or is occurring, that the interests of the consumers
17 of this state have been damaged or are being damaged, or that
18 the public health, safety, or welfare is endangered or is
19 likely to be endangered by any consumer product or service, to
20 commence legal proceedings in circuit court to enjoin the act
21 or practice or the sale of the product or service and may seek
22 appropriate relief on behalf of consumers. Upon application by
23 the department, a hearing shall be held within 3 days after
24 the commencement of the proceedings.

25 (38) To repair or build structures, from existing
26 appropriations authority, notwithstanding chapters 216 and
27 255, not to exceed a cost of \$250,000 per structure. These
28 structures must meet all applicable building codes.

29 Section 21. Subsection (6) is added to section
30 503.071, Florida Statutes, to read:

31

1 503.071 Penalty, injunction, and administrative
2 fines.--

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

7 Section 22. Subsection (4) of section 570.244, Florida
8 Statutes, is amended to read:

9 570.244 Department of Agriculture and Consumer
10 Services; powers and duties.--For the accomplishment of the
11 purposes specified in this act, the department shall have all
12 powers and duties necessary, including, but not limited to,
13 the power and duty to:

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

18 Section 23. Effective upon this act becoming a law,
19 paragraph (d) of subsection (2) and subsections (4) and (5) of
20 section 570.249, Florida Statutes, are amended, and subsection
21 (7) is added to that section, to read:

22 570.249 Agricultural Economic Development Program
23 disaster loans.--

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

26 (d) Specialty crops, such as seafood and aquaculture,
27 including, but not limited to, shellfish cultivation and
28 harvesting, ornamental fish farming, and commercial fishing;
29 ~~aquacultural, floricultural, or ornamental nursery crops;~~
30 Christmas trees; turf for sod; industrial crops; and seed
31 crops used to produce eligible crops.

1 (4) LOAN APPLICATION.--In order to qualify for a loan
2 under this section, an applicant must submit an application to
3 the department ~~committee~~ within 90 ~~30~~ days after the date the
4 natural disaster or socioeconomic condition or event occurs or
5 the crop damage becomes apparent. An applicant must be a
6 citizen of the United States and, a bona fide resident of the
7 state and, ~~together with the applicant's spouse and their~~
8 ~~dependents, have a total net worth of less than \$100,000. The~~
9 ~~value of any residential homestead owned by the applicant must~~
10 ~~not be included in determining the applicant's net worth. An~~
11 ~~applicant~~ must also demonstrate the need for economic
12 assistance, ~~be worthy of credit according to standards~~
13 ~~established by the commissioner, prove that he or she cannot~~
14 ~~obtain commercial credit,~~and demonstrate that he or she has
15 the ability to repay the loan.

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

22 (7) GRANTS AND AID.--The department shall establish a
23 grant program to provide aid to agribusinesses to assist in
24 market development.

25 Section 24. Subsection (1) of section 570.38, Florida
26 Statutes, is amended to read:

27 570.38 Animal Industry Technical Council.--

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

31

1 (a) The beef cattle, swine, dairy, horse, independent
2 agricultural markets, meat processing and packing
3 establishments, veterinary medicine, and poultry
4 representatives who serve on the State Agricultural Advisory
5 Council and three additional representatives from the beef
6 cattle industry, as well as three at-large members
7 representing other animal industries in the state, who shall
8 be appointed by the commissioner for 4-year terms or until
9 their successors are duly qualified and appointed.

10 (b) Each additional beef cattle representative shall
11 be appointed subject to the qualifications and by the
12 procedure as prescribed in s. 570.23 for membership to the
13 council by the beef cattle representative. If a vacancy
14 occurs in these three positions, it shall be filled for the
15 remainder of the term in the same manner as an initial
16 appointment.

17 Section 25. Section 580.031, Florida Statutes, is
18 amended to read:

19 580.031 Definitions of words and terms.--As used in
20 this chapter, the term:

21 (1) "Brand name" means any word, name, symbol, or
22 device, or combination thereof, identifying the commercial
23 feed of a distributor and distinguishing it from the
24 commercial feed of others.

25 (2) "Commercial feed" means all materials or
26 combinations of materials that are distributed or intended to
27 be distributed for use as feed or for mixing in a feed for
28 animals other than humans, except:

29 (a) Unmixed whole seeds, including physically altered
30 entire unmixed seeds, when such seeds are not chemically

31

1 changed or are not adulterated within the meaning of s.
2 580.071.

3 (b) Unground hay, straw, stover, silage, cobs, husks,
4 and hulls, and individual chemical compounds or substances,
5 when such commodities, compounds, or substances are unmixed
6 with other substances and are not adulterated within the
7 meaning of s. 580.071.

8 (c) Feed mixed by the consumer for the consumer's own
9 use made entirely or in part from products raised on the
10 consumer's farm, except as is provided by rules of the
11 department.

12 ~~(d) Any material or combination of materials that is~~
13 ~~distributed for use as feed for domestic pets such as but not~~
14 ~~limited to: dogs, cats, gerbils, hamsters, birds, fish,~~
15 ~~reptiles, and amphibians.~~

16 (3) "Consumer" or "customer" means the person who
17 purchases or receives commercial feed or feedstuff for feeding
18 to animals.

19 (4) "Cooperative" means any corporation organized
20 under the provisions of chapter 618 or chapter 619 for the
21 mutual benefit of its members who are producers of milk, and
22 which sells, distributes, or provides feed for dairy cows or
23 feed ingredients for such feed only to its members.

24 (5) "Customer-formula feed" means a commercial feed
25 consisting of a mixture of commercial feeds or feed
26 ingredients, each batch of which is manufactured according to
27 the specific instructions of the final customer, is
28 distributed only to that customer, and is not redistributed.

29 (6) "Department" means the Department of Agriculture
30 and Consumer Services.

31

1 (7) "Distribute" means to offer for sale, sell,
2 barter, or exchange commercial feed or feedstuff or to supply,
3 furnish, or otherwise provide commercial feed or feedstuff for
4 use by any consumer or customer in the state.

5 (8) "Distributor" means any person who distributes
6 commercial feed or feedstuff. It does not include persons who
7 sell brand name feed at retail on behalf of a registrant who
8 manufactures such feed.

9 (9) "Drug" means any article intended for use in the
10 diagnosis, cure, mitigation, treatment, or prevention of
11 disease in animals other than humans and articles other than
12 feed intended to affect the structure or any function of the
13 animal body.

14 (10) "Feedstuff" means edible materials, other than
15 commercial feed, which are distributed for animal consumption
16 and which contribute energy or nutrients, or both, to an
17 animal diet. The term includes ingredients as defined in this
18 section. ~~The term does not include any material or combination~~
19 ~~of materials that is distributed for use as feed for domestic~~
20 ~~pets such as but not limited to: dogs, cats, gerbils,~~
21 ~~hamsters, birds, fish, reptiles, and amphibians.~~

22 (11) "Good management practices" means procedures for
23 manufacture, distribution, transportation, sampling,
24 inspection, and analysis of feed which are designed to prevent
25 contamination of the feed by toxins, drugs, bacteria, or other
26 harmful substances.

27 (12) "Hazard-analysis critical-control-point program"
28 means the identification of points in the manufacture,
29 distribution, transportation, sampling, inspection, and
30 analysis of feed at which there is a risk of contamination
31 that could be harmful to humans and other animals and the

1 identification of methods of preventing contamination at these
2 points.

3 (13) "Ingredient" means each of the constituent
4 materials used to make a commercial feed.

5 (14) "Integrated poultry operation" means a business
6 enterprise that owns all stages of poultry production and
7 manufactures and distributes commercial feed or feedstuff for
8 consumption by animals owned by the business enterprise. An
9 integrated poultry operation does not sell feed commercially.

10 (15) "Label" means a display of written, printed, or
11 graphic matter upon or affixed to the container in which a
12 product is distributed, or on the invoice accompanying the
13 product.

14 (16) "Labeling" means all labels and other written,
15 printed, or graphic matter upon an article or any of its
16 containers or wrappers, or accompanying commercial feed or
17 feedstuff.

18 (17) "Manufacture" means the grinding, mixing, or
19 blending, or further processing, of a commercial feed for
20 distribution.

21 (18) "Medicated feed" means a commercial feed or
22 customer-formula feed that contains a drug.

23 (19) "Member of a cooperative" means, in the case of a
24 stock association, the owner of at least one share of voting
25 stock, and, in the case of a nonstock association, a person
26 who has been issued a membership certificate upon the payment
27 of a membership fee of at least \$1,000, or who has an
28 outstanding obligation of not less than \$1,000 owed to the
29 member by the cooperative in accordance with the bylaws of the
30 cooperative, and who is entitled to voting powers within the
31 cooperative.

1 (20) "Percent" or "percentage" means percentage by
2 weight.

3 (21) "Product name" means the name of the commercial
4 feed which identifies it as to kind, class, or specific use.

5 (22) "Quality-assurance/quality-control plan" means a
6 system of activities designed to provide assurance that the
7 commercial feed or feedstuff meets defined standards of
8 quality and to provide control of the quality of the
9 commercial feed or feedstuff.

10 (23) "Registrant" means any person issued a master
11 registration by the department.

12 (24) "Ton" means a net weight of 2,000 pounds
13 avoirdupois.

14

15 Except as provided by law or rule, all terms used in
16 connection with commercial feed or feedstuff have the meanings
17 ascribed to them by the Association of American Feed Control
18 Officials.

19 Section 26. Section 580.051, Florida Statutes, is
20 amended to read:

21 580.051 Labels; requirements; penalty.--

22 (1) Any commercial feed distributed in this state,
23 except a customer-formula feed and feed distributed through an
24 integrated poultry operation or by a cooperative to its
25 members, shall be accompanied by a legible label bearing all
26 information required by the federal Food and Drug
27 Administration and the following information:

28 (a) An accurate statement of the net weight.

29 (b) The name and principal address of the registrant.

30 (c) The brand name and product name, if any, under
31 which the commercial feed is distributed. The word "medicated"

1 shall be incorporated as part of the brand or product name if
2 the commercial feed contains a drug.

3 1. The department may require feeding directions and
4 precautionary statements to be placed on the label for the
5 safe and effective use of medicated and other feed as deemed
6 necessary.

7 2. Labels on medicated feed shall include all of the
8 following:

9 a. Any feeding directions prescribed by the department
10 to ensure safe usage.

11 b. The stated purpose of the medication contained in
12 the feed as stated in the claim statement.

13 c. The established name of each active drug
14 ingredient.

15 d. The level of each drug used in the final mixture
16 expressed in metric units as well as the required avoirdupois.

17 (d) The date of manufacture or expiration date of
18 commercial feed sold at retail as the department may by rule
19 require.

20 (e) The guaranteed analysis stated in terms that
21 advise the consumer of the composition of the feed or
22 feedstuff or support claims made in the labeling. In all
23 cases, the elements or compounds listed in the analysis must
24 be determinable by laboratory methods approved by the
25 department.

26 1. The guaranteed analysis, listing the minimum
27 percentage of crude protein, minimum percentage of crude fat,
28 and maximum percentage of crude fiber and, when more than 10
29 percent mineral ingredients are present, the minimum or
30 maximum percentages of mineral elements or compounds as
31 provided by rule.

1 2. Vitamin ingredients, when guaranteed, shall be
2 shown in amounts and terms provided by rule. For mineral feed,
3 the list shall include the following: maximum or minimum
4 percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron
5 (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese
6 (Mn), potassium (K), selenium (Se), zinc (Zn), and fluorine
7 (F) if ingredients used as sources of any of these
8 constituents are declared. All mixtures that contain mineral
9 or vitamin ingredients generally regarded as dietary factors
10 essential for the normal nutrition of animals and that are
11 sold or represented for the primary purpose of supplying these
12 minerals or vitamins as additions to rations in which these
13 same mineral or vitamin factors may be deficient shall be
14 classified as mineral or vitamin supplements. Products sold
15 solely as mineral or vitamin supplements and guaranteed as
16 specified in this section need not show guarantees for
17 protein, fat, and fiber.

18 3. Other nutritional substances or elements
19 determinable by laboratory methods may be guaranteed by
20 permission of, or shall be guaranteed at the request of, the
21 department as may be provided by rule.

22 (f) The common or usual name of each ingredient used
23 in the manufacture of the commercial feed; however, for all
24 commercial feed except horse feed, the department by rule may
25 permit the use of collective terms for a group of ingredients
26 which perform a similar nutritional function.

27 (2) Customer-formula feed shall be accompanied by a
28 label, invoice, delivery slip, or other shipping document,
29 bearing all information required by the federal Food and Drug
30 Administration and the following:

31 (a) The name and address of the manufacturer.

1 (b) The name and address of the customer ordering the
2 feed.

3 (c) The date of delivery.

4 (d) The product name and net weight of each commercial
5 feed and each other ingredient used in the mixture.

6 (e) Adequate directions and precautionary statements
7 for the safe and effective use of all customer-formula feed
8 that is medicated.

9 (3) Feed distributed by an integrated poultry
10 operation or by a cooperative to its members shall be
11 accompanied by a legible label bearing information required by
12 the federal Food and Drug Administration.

13 (4)~~(3)~~ When a commercial feed is distributed in this
14 state in bags or other containers, a label shall be placed on
15 or affixed to each container; when a commercial feed is
16 distributed in bulk, a label shall accompany delivery and be
17 furnished to the customer at time of delivery.

18 (5)~~(4)~~ The amount of \$100 shall be paid to the
19 department as penalty for the distribution of any commercial
20 feed that is not accompanied with the label required under
21 this chapter. The proceeds from any such penalty payments
22 shall be deposited by the department in the General Inspection
23 Trust Fund.

24 Section 27. Subsections (1), (2), and (3) of section
25 580.065, Florida Statutes, are amended to read:

26 580.065 Laboratory certifications; application; fees;
27 requirements; reporting; refusal or cancellation of
28 certification.--

29 (1)(a) The department by rule shall establish the
30 standards that a laboratory must meet to become certified in
31 any of the following areas of testing:

- 1 1. Nutrient.
- 2 2. Mycotoxins.
- 3 3. Microbiological organisms.
- 4 4. Pesticide residues.
- 5 5. Drugs ~~Drug residues~~.

6 (b) The department shall be guided by the methods
7 published by the Association of Official Analytical Chemists,
8 the United States Environmental Protection Agency, the United
9 States Food and Drug Administration, or other generally
10 recognized authorities in developing the standards for these
11 laboratory certifications.

12 (2)(a) Any laboratory wanting to be certified by the
13 department in any of the testing categories must complete and
14 return an application with a \$100 application fee and a \$300
15 fee for each of the desired certifications. A single
16 application may be used to apply for more than one
17 certification. The department shall furnish the application
18 forms, which must require the distributor to state that the
19 laboratory will comply with all provisions of this chapter and
20 applicable rules. The registration form shall identify the
21 laboratory's name, the name of the owner or owners of the
22 business, the location of the laboratory, and other
23 information as required by rule of the department. The form
24 shall be signed by the owner, a partner, if a partnership, or
25 an authorized officer or agent, if a corporation.

26 (b) The department shall mail a certificate for each
27 certification granted to the laboratory to signify that
28 administrative requirements have been met.

29 (c) Each laboratory that is certified in any area of
30 testing must renew each certification annually. Renewal must
31 be submitted on a form provided by the department at least 30

1 days prior to the expiration date of the current certificate.
2 The laboratory must complete and return the renewal form with
3 the appropriate fee for the desired annual certification as
4 indicated on the form. Failure to timely renew certification
5 shall result in the expiration of the certification on the
6 date stated on the certificate. Any renewal received after the
7 expiration date on the certificate shall be accompanied by a
8 \$50 late charge. Any renewal received 30 days or more beyond
9 the expiration date on the certificate shall be returned to
10 the laboratory, and the laboratory shall apply to the
11 department as if it were the initial application for
12 certification.

13 (d) Certification shall be conditioned on the
14 laboratory's compliance with all provisions of this chapter
15 and rules thereof, including:

16 1. Submitting quarterly reports to the department
17 containing the results of the commercial feed and feedstuff
18 analyses for that quarter, including, but not limited to, the
19 results of each sample submitted for analysis by each
20 registrant, the registration number of the registrant
21 submitting the samples, the number of violative samples, and
22 any additional information the department may require by rule.

23 2. Reporting immediately to the department each sample
24 that is found to be in violation of the standards in this
25 chapter and in the rules thereof.

26 3. Participating in the quarterly check-sample program
27 administered by the department, when required.

28 4. Maintaining a bookkeeping system and records that
29 will allow the department to verify the accuracy of the
30 reports required in this chapter and to examine such records
31 at reasonable times.

1 (e) Failure to submit reports as required in this
2 subsection may result in the suspension or revocation of one
3 or more of the laboratory's testing certifications.

4 (3) The department may ~~shall~~ operate a check-sample
5 program for all testing certifications. If 30 percent or more
6 of a laboratory's check-sample results are outside the
7 acceptable variation established by rule for each check-sample
8 test, the laboratory must pay a \$100 fine and shall be placed
9 on probation for the next quarter. The laboratory may ~~shall~~ be
10 required to process additional check samples during the
11 probationary period. If 20 percent or more of the results of
12 the laboratory's check samples are outside the acceptable
13 variation level during the probationary period, that test
14 category certification shall be revoked and the laboratory may
15 not apply again for the same certification for 1 year after
16 the date of the revocation.

17 Section 28. Section 580.091, Florida Statutes, is
18 amended to read:

19 580.091 Inspection; sampling; analysis; exemption.--

20 (1)(a) The department may inspect, sample, or analyze
21 commercial feed and feedstuff to ascertain compliance with
22 this chapter and rules adopted pursuant to this chapter.

23 (b) The department is authorized to enter upon any
24 public or business premises and any transport vehicle during
25 regular business hours in order to have access to commercial
26 feed or feedstuff and records relating to its origin,
27 transport, manufacture, distribution, and sale.

28 (2) All registrants must have samples of their feed
29 and feed ingredients tested by a laboratory that has been
30 certified by the department or must be exempt from the
31 certified laboratory testing requirements, as provided in this

1 chapter, to ensure that all commercial feed and feedstuff
2 comply with the provisions of this chapter. The sampling
3 frequency and analysis requirements shall be determined by
4 rule of the department for poultry, dairy cow, beef cattle,
5 horse, swine, and other ~~agriculture~~ feed.

6 (a) Unless otherwise provided in this chapter, the
7 department shall not require distributors of 300 tons or less
8 of poultry, dairy cow, beef cattle, horse, swine, or other
9 ~~agriculture~~ feed per year to submit more than one sample of
10 each such feed per year for analysis.

11 (b) If a registrant distributes more than one type of
12 commercial feed, the sampling requirement for mycotoxins shall
13 be determined by the combined tonnage of feed distributed by
14 that registrant and shall be the most stringent of the
15 sampling requirements for the types of feed distributed.

16 (c) Integrated poultry operations and cooperatives
17 shall not be required to submit their feed samples for
18 nutrient analysis. However, poultry and dairy feed sold by
19 enterprises other than integrated poultry operations or
20 cooperatives shall be subject to nutrient analysis as required
21 by the department.

22 ~~(d) It is the intent of the Legislature that the~~
23 ~~department not require sampling and analysis any more rigorous~~
24 ~~than the level of sampling and analysis reflected in the Feed~~
25 ~~Laboratory Quarterly Reports or official department records.~~

26 (d)(e) Notwithstanding provisions to the contrary in
27 this subsection, if the department finds that circumstances
28 exist which threaten the health of commercial livestock or the
29 public, the department may require more frequent analysis of
30 feed. In such case, the department must notify affected
31 registrants of the need for additional analysis and the

1 estimated time period for which the analysis will be required
2 to protect animal or public health.

3 (e)~~(f)~~ The department shall work with registrants in
4 the feed industry to develop a system of reporting commercial
5 feed or feedstuff that has been rejected due to adulteration.

6 (3) The department shall encourage the use of good
7 management practices and hazard-analysis
8 critical-control-point programs in the manufacture,
9 distribution, transportation, sampling, inspection, and
10 analysis of commercial feed and feedstuff.

11 (a) If critical control points have been identified
12 and good management practices have been implemented, the
13 department shall conduct an onsite evaluation of the program
14 to ensure the application of the established program.
15 Registrants demonstrating adequate control of feed
16 manufacture, distribution, transportation, and sampling
17 processes and infrequent adulteration or other violations
18 shall be subject to reduced sampling frequencies and analysis
19 requirements that the department shall establish by rule.

20 (b) The department may require periodic reports to
21 document the continued and appropriate use of good management
22 practices and hazard analysis of critical control points. The
23 department shall work with the industry in determining the
24 appropriate level of such reporting.

25 (4) Sampling and analysis must be conducted in
26 accordance with methods published by the Association of
27 Official Analytical Chemists, the United States Environmental
28 Protection Agency, the United States Food and Drug
29 Administration, or other generally recognized authorities. In
30 any instance where methods do not exist, the department shall

31

1 adopt by rule the methods that are to be official in this
2 state.

3 (5) A registrant may apply for an exemption from the
4 certified laboratory testing requirements by submitting its
5 quality-assurance/quality-control plan, including laboratory
6 testing protocols, to the department for review and approval
7 or disapproval. The department shall furnish the form for
8 requesting the exemption, which form shall require the
9 registrant to comply with all applicable provisions of this
10 chapter and related rules.

11 (a) Upon approval of a registrant's
12 quality-assurance/quality-control plan, the department ~~shall~~
13 ~~conduct an evaluation of the registrant's facility to verify~~
14 ~~compliance with the plan and the testing protocols submitted.~~
15 ~~The department~~ shall send the registrant a letter of exemption
16 if it finds that adequate measures are in place to assure
17 compliance with the material submitted and with this chapter.

18 (b) The registrant's quality-assurance/quality-control
19 plan ~~laboratory facility~~ shall be subject to evaluation every
20 3 years. Application for renewal must be submitted on a form
21 provided by the department at least 30 days prior to the
22 expiration date of the current approval letter. Any renewal
23 application received after the expiration date on the approval
24 letter shall be accompanied by a \$50 late charge. Failure to
25 timely renew certification shall result in the expiration of
26 the approval and imposition of the requirement to have all
27 feed samples tested by a department-certified laboratory.

28 (c) The department shall charge a fee for any
29 evaluation, in an amount to cover the direct and indirect
30 costs associated with such evaluation and approval.

31

1 (d) Registrants with approved programs must comply
2 with all applicable provisions of this chapter and rules,
3 including:

4 1. Maintaining records of all laboratory test results
5 for 3 years or as required by federal regulation, whichever is
6 longer.

7 2. Allowing department personnel access to records and
8 laboratory facilities during reasonable hours for inspection
9 purposes.

10 3. Providing to the department the results of any
11 check-sample program the registrant may be using.

12 Section 29. Subsection (14) is added to section
13 580.112, Florida Statutes, to read:

14 580.112 Certain acts prohibited.--The following acts,
15 or the causing thereof knowingly, within the state are
16 prohibited:

17 (14) The distribution of a feed or feedstuff which is
18 prohibited by the federal law or regulation.

19 Section 30. Paragraph (a) of subsection (1) of section
20 581.211, Florida Statutes, is amended to read:

21 581.211 Penalties for violations.--

22 (1) Any person who:

23 (a) Violates any provision of this chapter or the
24 rules adopted under this chapter;

25
26 commits a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 Section 31. Subsection (6) is added to section
29 585.002, Florida Statutes, to read:

30 585.002 Department control; continuance of powers,
31 duties, rules, orders, etc.--

1 (6) Except as otherwise provided in this chapter, and
2 notwithstanding any other provision of law, another state
3 agency or a local government may not adopt any ordinance,
4 rule, or policy for the humane care and treatment of
5 livestock, as defined in s. 585.01(13), and poultry housed or
6 pastured in this state when such activity is regulated through
7 best-management practices developed or adopted by the
8 department under chapter 120 as part of a statewide or
9 regional program.

10 Section 32. Subsection (4) is added to section
11 585.145, Florida Statutes, to read:

12 585.145 Control of animal diseases.--

13 (4) Official certificates of veterinary inspection may
14 be completed only by a veterinarian accredited under the
15 National Veterinary Accreditation Program. The department may,
16 as prescribed by rule, deny a veterinarian the authority to
17 issue health certificates for the importation, movement, or
18 transfer of ownership of animals into or within the state as
19 required by this section for one of the following causes;

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

22 (b) Forging, counterfeiting, altering, or
23 misrepresenting an official certificate of veterinary
24 inspection; or

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

27 Section 33. Paragraphs (a), (c), and (d) of subsection
28 (2) of section 585.155, Florida Statutes, are amended to read:

29 585.155 Whole-herd and calf vaccination.--

30 (2)(a) All calves officially vaccinated with Brucella
31 abortus vaccine shall be permanently identified at the time of

1 vaccination with the official shield tattoo "V," registered by
2 the United States Department of Agriculture, in the right ear,
3 preceded by the numeral of the quarter of the year and
4 followed by the last numeral of the year.

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

7 (c)~~(d)~~ Duplicate reports covering these vaccinations
8 shall be immediately furnished to the department and shall
9 constitute the official record of vaccination.

10 Section 34. Section 589.19, Florida Statutes, is
11 amended to read:

12 589.19 Creation of certain state forests; naming of
13 certain state forests.--

14 (1) When the Board of Trustees of the Internal
15 Improvement Trust Fund, any state agency, or any agency
16 created by state law, authorized to accept reforestation lands
17 in the name of the state, approve the recommendations of the
18 Division of Forestry in reference to the acquisition of land
19 and acquire such land, the said board, state agency, or agency
20 created by state law, may formally designate and dedicate any
21 area as a reforestation project, or state forest, and where so
22 designated and dedicated such area shall be under the
23 administration of the division which shall be authorized to
24 manage and administer said area according to the purpose for
25 which it was designated and dedicated.

26 (2) The first state forest acquired by the Board of
27 Trustees of the Internal Improvement Trust Fund in Baker
28 County is to be named the John M. Bethea State Forest. This
29 is to honor Mr. John M. Bethea who was Florida's fourth state
30 forester and whose distinguished career in state government
31 spanned 46 years and who is a native of Baker County.

1 Section 35. Paragraph (a) of subsection (10) of
2 section 616.242, Florida Statutes, is amended to read:

3 616.242 Safety standards for amusement rides.--

4 (10) EXEMPTIONS.--

5 (a) This section does not apply to:

6 1. Permanent facilities that employ at least 1,000
7 full-time employees and that maintain full-time, in-house
8 safety inspectors. Furthermore, the permanent facilities must
9 file an affidavit of the annual inspection with the
10 department, on a form prescribed by rule of the department.
11 Additionally, the Department of Agriculture and Consumer
12 Services may consult annually with the permanent facilities
13 regarding industry safety programs.

14 2. Any playground operated by a school, local
15 government, or business licensed under chapter 509, if the
16 playground is an incidental amenity and the operating entity
17 is not primarily engaged in providing amusement, pleasure,
18 thrills, or excitement.

19 3. Museums or other institutions principally devoted
20 to the exhibition of products of agriculture, industry,
21 education, science, religion, or the arts.

22 4. Conventions or trade shows for the sale or exhibit
23 of amusement rides if there are a minimum of 15 amusement
24 rides on display or exhibition, and if any operation of such
25 amusement rides is limited to the registered attendees of the
26 convention or trade show.

27 5. Skating rinks, arcades, lazer or paint ball war
28 games, bowling alleys, miniature golf courses, mechanical
29 bulls, inflatable rides, trampolines, ball crawls, exercise
30 equipment, jet skis, paddle boats, air boats, helicopters,
31 airplanes, parasails, hot air or helium balloons whether

1 tethered or untethered, theatres, batting cages, stationary
2 spring-mounted fixtures, rider-propelled merry-go-rounds,
3 games, side shows, live animal rides, or live animal shows.

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

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

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

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

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

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

23 Section 36. Section 828.22, Florida Statutes, is
24 amended to read:

25 828.22 Humane Slaughter Act; humane slaughter and
26 livestock euthanasia; requirements ~~requirement~~ .--

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

29 (2)(a)(1) The Legislature of this state finds that the
30 use of humane methods in the killing ~~slaughter~~ of livestock
31 prevents needless suffering, results in safer and better

1 working conditions for persons engaged in the slaughtering
2 industry or other livestock operations, brings about
3 improvement of products and economy in slaughtering or other
4 livestock operations, and produces other benefits for
5 producers, processors, and consumers which tend to expedite
6 the orderly flow of livestock and their products.

7 ~~(b)(2)~~ It is therefore declared to be the policy of
8 this state to require that the slaughter of all livestock and
9 the handling of livestock in connection with slaughter shall
10 be carried out only by humane methods and to provide that
11 methods of slaughter shall conform generally to those employed
12 in other states where humane slaughter is required by law and
13 to those authorized by the Federal Humane Slaughter Act of
14 1958, and regulations thereunder.

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

24 Section 37. Section 828.23, Florida Statutes, is
25 amended to read:

26 828.23 Definitions; ss. 828.22-828.26.--As used in ss.
27 828.22-828.26, the following words shall have the meaning
28 indicated:

29 (1) "Department" means the Department of Agriculture
30 and Consumer Services.

31

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

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

6 (4)(3) "Slaughterer" means any person other than a
7 licensed veterinarian, or an employee of a humane society or
8 animal control agency, who kills regularly engaged in the
9 commercial slaughtering of livestock.

10 (5)(4) "Livestock" means cattle, calves, sheep, swine,
11 horses, mules, goats, ostriches, rneas, emus, and any other
12 domestic animal that which can or may be used in the
13 preparation of animal and for the preparation of meat or meat
14 products. For the purposes of ss. 828.22-828.26, "livestock"
15 does not include poultry and aquatic species.

16 ~~(5) "Packer" means any person engaged in the business~~
17 ~~of slaughtering, or of manufacturing or preparing meat or meat~~
18 ~~products for sale, either by such person or others; or of~~
19 ~~manufacturing or preparing livestock products for sale by such~~
20 ~~person or others.~~

21 ~~(6) "Stockyard" means any place, establishment, or~~
22 ~~facility commonly known as a stockyard, conducted or operated~~
23 ~~for compensation or profit as a public market, consisting of~~
24 ~~pens, or other enclosures, and their appurtenances, for the~~
25 ~~handling, keeping, and holding of livestock for the purpose of~~
26 ~~sale or shipment.~~

27 (6)(7) "Humane method" means either:

28 (a) A method whereby the animal is rapidly and
29 effectively rendered insensitive to pain by electrical or
30 chemical means or by a penetrating captive bolt or gunshot
31 with appropriate caliber and placement rendered insensible to

1 ~~pain by mechanical, electrical, chemical, or other means that~~
2 ~~are rapid and effective, before being shackled, hoisted,~~
3 ~~thrown, cast, or cut; or~~

4 (b) A method in accordance with ritual requirements of
5 any religious faith whereby the animal suffers loss of
6 consciousness by anemia of the brain caused by the
7 simultaneous and instantaneous severance of the carotid
8 arteries with a sharp instrument.

9 Section 38. Section 828.24, Florida Statutes, is
10 amended to read:

11 828.24 Prohibited acts; exemption.--

12 (1) No person shall kill an animal in any way except
13 by an approved humane method ~~slaughterer, packer, or stockyard~~
14 ~~operator shall shackle, hoist, or otherwise bring livestock~~
15 ~~into position for slaughter, by any method which shall cause~~
16 ~~injury or pain.~~

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

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

26 Section 39. Section 828.25, Florida Statutes, is
27 amended to read:

28 828.25 Administration; rules ~~and regulations;~~
29 inspection; fees.--

30 (1) The department shall administer the provisions of
31 ss. 828.22-828.26 ~~this act.~~ It shall adopt promulgate and may

1 from time to time revise rules, ~~and regulations~~ which rules
2 must shall conform substantially to and must not be less
3 restrictive than the rules and regulations promulgated by the
4 Secretary of Agriculture of the United States pursuant to the
5 Federal Humane Slaughter Act of 1958, Pub. L. No. 85-765, 72
6 Stat. 862, and any amendments thereto; ~~provided, however, that~~
7 ~~the use of a manually operated hammer, sledge or poleax is~~
8 ~~declared to be an inhumane method of slaughter within the~~
9 ~~meaning of this act.~~

10 (2) The department may appoint any member of its staff
11 as an official inspector for the purposes of ss. 828.22-828.26
12 ~~this act.~~ Such inspector shall have the power to enter the
13 premises of any slaughterer for the purposes of verifying
14 compliance or noncompliance with the provisions of ss.
15 828.22-828.26 ~~this act.~~

16 (3) The department has the authority to conduct
17 inspections of the premises of slaughterers at random
18 intervals. ~~As soon as practicable after October 1, 1961, an~~
19 ~~inspection shall be made of the premises of each slaughterer.~~
20 ~~Additional inspections shall be made not less frequently than~~
21 ~~quarterly. No fee shall be charged for such inspection.~~

22 Section 40. Section 828.251, Florida Statutes, is
23 created to read:

24 828.251 Instruction.--The department, in conjunction
25 with the State University System, the American Veterinary
26 Medical Association, and humane animal groups, shall make
27 available to slaughterers the most current technical
28 information. Such information may be in video or manual
29 format, or another widely accepted media format.

30 Section 41. Section 828.252, Florida Statutes, is
31 created to read:

1 828.252 Nonambulatory animals.--This section
2 acknowledges that natural emergencies may arise and that, even
3 under recognized best-management practices, injury may occur.
4 In all cases, nonambulatory animals must be dealt with in a
5 humane manner.

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

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

15 Section 42. Section 828.26, Florida Statutes, is
16 amended to read:

17 828.26 Penalties ~~Penalty~~.--

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

28 (2) Unless otherwise provided, any person who violates
29 any provision of ss. 828.22-828.26 commits a misdemeanor of
30 the second degree, punishable as provided in s. 775.082 or s.
31 775.083.~~Upon failure to be in compliance with the provisions~~

1 ~~of this act after a period of 1 year from the date of the~~
2 ~~first inspection required under s. 828.25, the department~~
3 ~~shall direct the slaughterer to cease slaughtering livestock.~~
4 ~~Failure to comply with this directive shall be a misdemeanor~~
5 ~~of the second degree, punishable as provided in s. 775.083,~~
6 ~~and constituting a separate offense for each day of continued~~
7 ~~slaughtering operations beyond the first week following~~
8 ~~mailing of such directive to the slaughterer by the~~
9 ~~department.~~

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

12 Section 43. Subsection (10) of section 427.804,
13 Florida Statutes, is amended to read:

14 427.804 Repair of nonconforming assistive technology
15 devices; refund or replacement of devices after attempt to
16 repair; sale or lease of returned device; arbitration;
17 investigation; limitation of rights.--

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

20 Section 44. Subsection (2) of section 559.921, Florida
21 Statutes, is amended to read:

22 559.921 Remedies.--

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

25 Section 45. Subsections (10) and (11) of section
26 570.544, Florida Statutes, are repealed.

27 Section 46. Except as otherwise provided in this act,
28 this act shall take effect July 1, 2001.

29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1922

Committee Substitute for Senate Bill 1922 is different from
Senate Bill 1922 in that it:

1. Clarifies that farmers are allowed to move certain equipment as supplies from one location to another in a truck defined as a "goat".
2. Repeals obsolete provisions concerning the Florida Organic Farming and Food Act, timber and lumber, and Appaloosa horse racing.
3. Revises commercial feed laws.
4. Clarifies that commercial motor vehicles transporting unprocessed logs or pulpwood must attach a minimum of none amber strobe light on the rear of any load which extends more than four feet beyond the body or the bed of the vehicle.
5. Names a state forest in Baker County after John M. Bethea.
6. Makes technical corrections.