

1 A bill to be entitled
2 An act relating to the state government;
3 amending s. 121.0515, F.S., relating to special
4 risk membership; revising criteria for
5 firefighters; amending s. 120.80, F.S.;
6 providing that marketing orders under ch. 527,
7 F.S., are not rules; amending s. 125.27, F.S.;
8 authorizing the Department of Agriculture and
9 Consumer Services to lease or lend equipment to
10 governmental entities that have fire/rescue
11 responsibilities; limiting liability for civil
12 damages resulting from use or possession of
13 such equipment; amending s. 193.461, F.S.;
14 providing that, for purposes of the income
15 methodology approach to such assessment,
16 certain litter containment and animal waste
17 nutrient containment structures shall be
18 considered a part of the average yields per
19 acre and have no separately assessable
20 contributory value; amending s. 201.15, F.S.;
21 authorizing the department to adopt rules
22 regarding the distribution of funds for best
23 management practices; amending s. 316.228,
24 F.S.; revising requirements for lamps on
25 projecting loads; amending s. 320.08, F.S.;
26 redefining the term "goat" to include certain
27 additional farm equipment for purposes of the
28 annual license tax imposed on trucks; amending
29 s. 403.714, F.S.; deleting a requirement that
30 the department coordinate development of
31 uniform product specifications for compost used

1 by state agencies; amending s. 487.041, F.S.;
2 authorizing the department to require and
3 review data relating to the claims of pesticide
4 products used as preventive treatment for
5 termites; authorizing the department to adopt
6 rules; amending s. 500.09, F.S.; authorizing
7 fees for certain reinspection of food
8 establishments; amending s. 500.12, F.S.;
9 increasing the maximum fee for a food permit;
10 limiting the use of such fees; amending ss.
11 502.012, 502.014, F.S.; revising references
12 relating to the pasteurized milk ordinance and
13 milk sanitation; deleting a requirement that a
14 copy of a federal temporary marketing permit
15 for milk and milk products be forwarded to the
16 department; amending s. 502.053, F.S.;
17 clarifying milk testing requirements; amending
18 s. 502.091, F.S.; authorizing the department to
19 forgo the grading of certain milk products in
20 an emergency; providing for labeling; amending
21 s. 503.041, F.S.; providing that an attempted
22 or purported transfer of a frozen dessert plant
23 license is grounds for its suspension or
24 revocation; repealing ss. 504.21, 504.22,
25 504.23, 504.24, 504.25, 504.26, 504.27, 504.28,
26 504.29, 504.31, 504.32, 504.33, 504.34, 504.35,
27 504.36, F.S.; eliminating the Florida Organic
28 Farming and Food Law; providing an effective
29 date; repealing ss. 536.20, 536.21, 536.22,
30 F.S., relating to timber and lumber; repealing
31 s. 570.381, F.S., relating to Appaloosa racing;

1 amending ss. 550.2625, 550.2633, F.S. ;
2 conforming cross-references; amending s.
3 570.07, F.S.; authorizing the department to
4 conduct investigations of violations of laws
5 relating to consumer protection; amending s.
6 503.071, F.S.; providing for the embargo,
7 detainment, or destruction of food or food
8 processing equipment of a frozen dessert
9 manufacturer; amending s. 570.244, F.S. ;
10 clarifying powers and duties of the department
11 relating to the development of agribusinesses;
12 amending s. 570.249, F.S.; clarifying
13 aquacultural crops eligible for Agricultural
14 Economic Development Program disaster loans;
15 revising loan application requirements;
16 directing the department to establish an
17 agribusiness market development grant program;
18 amending s. 570.38, F.S.; increasing membership
19 of the Animal Industry Technical Council;
20 amending s. 580.031, F.S.; revising
21 definitions; amending s. 580.051, F.S. ;
22 revising label requirements for feed; amending
23 s. 580.065, F.S.; revising feed laboratory
24 procedures; amending s. 580.091, F.S.; removing
25 intent language regarding feed sampling and
26 analysis; amending s. 580.112, F.S.; expanding
27 prohibited acts; amending s. 581.211, F.S. ;
28 providing a penalty for violation of rules
29 relating to plant industry; amending s.
30 585.145, F.S.; prescribing requirements with
31 respect to veterinarians who may inspect

1 animals for disease; amending s. 585.155, F.S.;
2 revising vaccination requirements for calves;
3 amending s. 589.19, F.S.; naming a state
4 forest; amending s. 616.242, F.S.; providing
5 additional exemptions from amusement ride
6 safety standards; amending s. 828.22, F.S.;
7 creating the "Humane Slaughter Act"; revising
8 provisions relating to humane slaughter and
9 livestock euthanasia; amending s. 828.23, F.S.;
10 revising definitions; amending s. 828.24, F.S.;
11 revising provisions relating to prohibited
12 acts; amending s. 828.25, F.S.; revising
13 provisions relating to administration of the
14 act by the department; creating s. 828.251,
15 F.S.; directing the department to make current
16 technical information available to
17 slaughterers; creating s. 828.252, F.S.;
18 providing for humane treatment of nonambulatory
19 animals; amending s. 828.26, F.S.; revising
20 penalties; amending ss. 427.804, 559.921, F.S.;
21 conforming cross-references; creating s.
22 604.60, F.S.; providing that certain
23 agricultural growers or producers shall have a
24 right to recover damages as a result of willful
25 and knowing damage or destruction of specified
26 agricultural products; providing considerations
27 and limits in award of damages; providing for
28 costs and attorney's fees; amending s. 810.09,
29 F.S.; prohibiting trespass upon specified
30 legally posted agricultural sites; providing a
31 penalty; reenacting ss. 260.0125(5)(b) and

1 810.011(5)(b), F.S., to incorporate the
2 amendment to s. 810.09, F.S., in references
3 thereto; repealing s. 570.544(10) and (11),
4 F.S., relating to authority of the Division of
5 Consumer Services of the department to conduct
6 investigations of violations of laws relating
7 to consumer protection; creating s. 373.621,
8 F.S.; providing consideration for certain
9 applicants who implement water conservation
10 practices; amending section 601.48, F.S.;
11 eliminating provisions relating to inspection
12 of processed citrus products for grade and
13 subsequent grading and designation thereof;
14 authorizing the Florida Department of Citrus or
15 its successor, to collect dues, contributions,
16 or any other financial payment upon request by
17 and on behalf of any not-for-profit
18 corporation; amending s. 232.246, F.S.;
19 authorizing Agriscience Foundations I to count
20 as a science credit; providing an effective
21 date; abolishing specified authorities and
22 councils advisory to the department; creating
23 s. 570.085, F.S.; creating an agricultural
24 water conservation program within the
25 department; designating the official citrus
26 archive of Florida; providing for severability;
27 providing effective dates.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Subsection (2) of section 121.0515, Florida
2 Statutes, is amended to read:

3 121.0515 Special risk membership.--

4 (2) CRITERIA.--A member, to be designated as a special
5 risk member, must meet the following criteria:

6 (a) The member must be employed as a law enforcement
7 officer and be certified, or required to be certified, in
8 compliance with s. 943.1395; however, sheriffs and elected
9 police chiefs shall be excluded from meeting the certification
10 requirements of this paragraph. In addition, the member's
11 duties and responsibilities must include the pursuit,
12 apprehension, and arrest of law violators or suspected law
13 violators; or the member must be an active member of a bomb
14 disposal unit whose primary responsibility is the location,
15 handling, and disposal of explosive devices; or the member
16 must be the supervisor or command officer of a member or
17 members who have such responsibilities; provided, however,
18 administrative support personnel, including, but not limited
19 to, those whose primary duties and responsibilities are in
20 accounting, purchasing, legal, and personnel, shall not be
21 included;

22 (b) The member must be employed as a firefighter and
23 be certified, or required to be certified, in compliance with
24 s. 633.35 and be employed solely within the fire department of
25 a local government ~~the~~ employer or an agency of state
26 government with firefighting responsibilities. In addition,
27 the member's duties and responsibilities must include
28 on-the-scene fighting of fires or direct supervision of
29 firefighting units or aerial firefighting surveillance
30 performed by fixed-wing aircraft pilots employed by the
31 Division of Forestry of the Department of Agriculture and

1 Consumer Services, or the member must be the supervisor or
2 command officer of a member or members who have such
3 responsibilities; provided, however, administrative support
4 personnel, including, but not limited to, those whose primary
5 duties and responsibilities are in accounting, purchasing,
6 legal, and personnel, shall not be included;

7 (c) The member must be employed as a correctional
8 officer and be certified, or required to be certified, in
9 compliance with s. 943.1395. In addition, the member's
10 primary duties and responsibilities must be the custody, and
11 physical restraint when necessary, of prisoners or inmates
12 within a prison, jail, or other criminal detention facility,
13 or while on work detail outside the facility, or while being
14 transported; or the member must be the supervisor or command
15 officer of a member or members who have such responsibilities;
16 provided, however, administrative support personnel,
17 including, but not limited to, those whose primary duties and
18 responsibilities are in accounting, purchasing, legal, and
19 personnel, shall not be included; however, wardens and
20 assistant wardens, as defined by rule, shall participate in
21 the Special Risk Class;

22 (d) The member must be employed by a licensed Advance
23 Life Support (ALS) or Basic Life Support (BLS) employer as an
24 emergency medical technician or a paramedic and be certified
25 in compliance with s. 401.27. In addition, the member's
26 primary duties and responsibilities must include on-the-scene
27 emergency medical care. However, administrative support
28 personnel, including, but not limited to, those whose primary
29 responsibilities are in accounting, purchasing, legal, and
30 personnel, shall not be included;

31

1 (e) The member must be employed as a community-based
2 correctional probation officer and be certified, or required
3 to be certified, in compliance with s. 943.1395. In addition,
4 the member's primary duties and responsibilities must be the
5 supervised custody, surveillance, control, investigation, and
6 counseling of assigned inmates, probationers, parolees, or
7 community controllees within the community; or the member must
8 be the supervisor of a member or members who have such
9 responsibilities. Administrative support personnel, including,
10 but not limited to, those whose primary duties and
11 responsibilities are in accounting, purchasing, legal
12 services, and personnel management, shall not be included;
13 however, probation and parole circuit and deputy circuit
14 administrators shall participate in the Special Risk Class; or

15 (f) The member must be employed in one of the
16 following classes and must spend at least 75 percent of his or
17 her time performing duties which involve contact with patients
18 or inmates in a correctional or forensic facility or
19 institution:

- 20 1. Dietitian (class codes 5203 and 5204).
- 21 2. Public health nutrition consultant (class code
22 5224).
- 23 3. Psychological specialist (class codes 5230 and
24 5231).
- 25 4. Psychologist (class code 5234).
- 26 5. Senior psychologist (class codes 5237 and 5238).
- 27 6. Regional mental health consultant (class code
28 5240).
- 29 7. Psychological Services Director--DCF (class code
30 5242).
- 31 8. Pharmacist (class codes 5245 and 5246).

- 1 9. Senior pharmacist (class codes 5248 and 5249).
2 10. Dentist (class code 5266).
3 11. Senior dentist (class code 5269).
4 12. Registered nurse (class codes 5290 and 5291).
5 13. Senior registered nurse (class codes 5292 and
6 5293).
7 14. Registered nurse specialist (class codes 5294 and
8 5295).
9 15. Clinical associate (class codes 5298 and 5299).
10 16. Advanced registered nurse practitioner (class
11 codes 5297 and 5300).
12 17. Advanced registered nurse practitioner specialist
13 (class codes 5304 and 5305).
14 18. Registered nurse supervisor (class codes 5306 and
15 5307).
16 19. Senior registered nurse supervisor (class codes
17 5308 and 5309).
18 20. Registered nursing consultant (class codes 5312
19 and 5313).
20 21. Quality management program supervisor (class code
21 5314).
22 22. Executive nursing director (class codes 5320 and
23 5321).
24 23. Speech and hearing therapist (class code 5406); or
25 24. Pharmacy manager (class code 5251).
26 Section 2. Paragraph (a) of subsection (2) of section
27 120.80, Florida Statutes, is amended to read:
28 120.80 Exceptions and special requirements;
29 agencies.--
30 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--
31

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

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

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

8 (3) The Department of Agriculture and Consumer
9 Services may lease, loan, or otherwise make available, without
10 charge, to state, county, and local governmental entities that
11 have fire/rescue responsibilities, new or used fire protection
12 equipment, vehicles, or supplies, which shall include all such
13 items received from public or private entities. The
14 department, and those private or public entities providing at
15 no cost, or de minimus cost, such items for loan or lease
16 through the department, shall not be held liable for civil
17 damages resulting from use or possession of such items.
18 Private or public entities that donate fire/rescue equipment,
19 vehicles, or supplies directly to state, county, or local
20 governmental entities having fire/rescue responsibilities
21 shall not be held liable for civil damages resulting from use
22 or possession of such items.

23 Section 4. Effective January 1, 2002, paragraph (c) of
24 subsection (6) of section 193.461, Florida Statutes, is
25 amended to read:

26 193.461 Agricultural lands; classification and
27 assessment; mandated eradication or quarantine program.--

28 (6)

29 (c)1. For purposes of the income methodology approach
30 to assessment of property used for agricultural purposes,
31 irrigation systems, including pumps and motors, physically

1 attached to the land shall be considered a part of the average
2 yields per acre and shall have no separately assessable
3 contributory value.

4 2. Litter containment structures located on producing
5 poultry farms and animal waste nutrient containment structures
6 located on producing dairy farms shall be assessed by the
7 methodology described in subparagraph 1.

8 Section 5. Subsection (8) of section 201.15, Florida
9 Statutes, as amended by chapters 99-247, 2000-151, 2000-170,
10 and 2000-197, Laws of Florida, is amended to read:

11 201.15 Distribution of taxes collected.--All taxes
12 collected under this chapter shall be distributed as follows
13 and shall be subject to the service charge imposed in s.
14 215.20(1), except that such service charge shall not be levied
15 against any portion of taxes pledged to debt service on bonds
16 to the extent that the amount of the service charge is
17 required to pay any amounts relating to the bonds:

18 (8) One-half of one percent of the remaining taxes
19 collected under this chapter shall be paid into the State
20 Treasury and divided equally to the credit of the Department
21 of Environmental Protection Water Quality Assurance Trust Fund
22 to address water quality impacts associated with
23 nonagricultural nonpoint sources and to the credit of the
24 Department of Agriculture and Consumer Services General
25 Inspection Trust Fund to address water quality impacts
26 associated with agricultural nonpoint sources, respectively.
27 These funds shall be used for research, development,
28 demonstration, and implementation of suitable best management
29 practices or other measures used to achieve water quality
30 standards in surface waters and water segments identified
31 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.

1 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
2 management practices and other measures may include cost-share
3 grants, technical assistance, implementation tracking, and
4 conservation leases or other agreements for water quality
5 improvement. The Department of Environmental Protection and
6 the Department of Agriculture and Consumer Services may adopt
7 rules governing the distribution of funds for implementation
8 of best management practices.The unobligated balance of funds
9 received from the distribution of taxes collected under this
10 chapter to address water quality impacts associated with
11 nonagricultural nonpoint sources will be excluded when
12 calculating the unobligated balance of the Water Quality
13 Assurance Trust Fund as it relates to the determination of the
14 applicable excise tax rate.

15 Section 6. Subsection (2) of section 316.228, Florida
16 Statutes, is amended to read:

17 316.228 Lamps or flags on projecting load.--

18 (2) Any commercial motor vehicle or trailer, ~~except as~~
19 ~~stated in s. 316.515(7),~~ transporting a load of unprocessed
20 ~~logs, or long pulpwood, poles, or posts~~ which load extends
21 ~~extend~~ more than 4 feet beyond the rear of the body or bed of
22 such vehicle must have securely fixed as close as practical to
23 the end of any such projection one amber strobe-type lamp
24 equipped with a multidirectional type lens so mounted as to be
25 visible from the rear and both sides of the projecting load.
26 If the mounting of one strobe lamp cannot be accomplished so
27 that it is visible from the rear and both sides of the
28 projecting load, multiple strobe lights must be used to meet
29 the visibility requirements of this subsection.The strobe
30 lamp must flash at a rate of at least 60 flashes per minute
31 and must be plainly visible from a distance of at least 500

1 feet to the rear and sides of the projecting load at any time
2 of the day or night. The lamp must be operating at any time of
3 the day or night when the vehicle is operated on any highway
4 or parked on the shoulder or immediately adjacent to the
5 traveled portion of any public roadway. The projecting load
6 must also be marked with a red flag as described in subsection
7 (1).

8 Section 7. Paragraph (d) of subsection (3) of section
9 320.08, Florida Statutes, is amended to read:

10 320.08 License taxes.--Except as otherwise provided
11 herein, there are hereby levied and imposed annual license
12 taxes for the operation of motor vehicles, mopeds, motorized
13 bicycles as defined in s. 316.003(2), and mobile homes, as
14 defined in s. 320.01, which shall be paid to and collected by
15 the department or its agent upon the registration or renewal
16 of registration of the following:

17 (3) TRUCKS.--

18 (d) A truck defined as a "goat," or any other vehicle
19 when used in the field by a farmer or in the woods for the
20 purpose of harvesting a crop, including naval stores, during
21 such harvesting operations, and which is not principally
22 operated upon the roads of the state: \$7.50 flat. A "goat" is
23 a motor vehicle designed, constructed, and used principally
24 for the transportation of citrus fruit within citrus groves or
25 for the transportation of crops on farms, and which can also
26 be used for the hauling of associated equipment or supplies,
27 including required sanitary equipment, and the towing of farm
28 trailers.

29 Section 8. Subsection (3) of section 403.714, Florida
30 Statutes, is amended to read:

31 403.714 Duties of state agencies.--

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

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

29 487.041 Registration.--

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

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

17 Section 10. Subsection (7) of section 500.09, Florida
18 Statutes, is amended to read:

19 500.09 Rulemaking; analytical work.--

20 (7) The department may establish and collect
21 reasonable fees for laboratory services performed pursuant to
22 subsection (6) or to recover the cost of each reinspection of
23 a food establishment when the reinspection is conducted for
24 the purpose of verifying compliance with the provisions of
25 this chapter or rules promulgated thereunder. Such fees shall
26 be deposited in the department's General Inspection Trust Fund
27 and shall be used solely for the recovery of costs for the
28 services provided.

29 Section 11. Paragraph (b) of subsection (1) of section
30 500.12, Florida Statutes, is amended to read:

31 500.12 Food permits; building permits.--

1 (1)

2 (b) An application for a food permit from the
3 department must be accompanied by a fee in an amount
4 determined by department rule, which may not exceed \$500 and
5 shall be used solely for the recovery of costs for the
6 services provided ~~\$350~~, except that the fee accompanying an
7 application for a food permit for operating a bottled water
8 plant may not exceed \$1,000 and the fee accompanying an
9 application for a food permit for operating a packaged ice
10 plant may not exceed \$250. The fee for operating a bottled
11 water plant or a packaged ice plant shall be set by rule of
12 the department. Food permits must be renewed annually on or
13 before January 1. If an application for renewal of a food
14 permit is not received by the department within 30 days after
15 its due date, a late fee, in an amount not exceeding \$100,
16 must be paid in addition to the food permit fee before the
17 department may issue the food permit. The moneys collected
18 shall be deposited in the General Inspection Trust Fund.

19 Section 12. Subsection (15) of section 502.012,
20 Florida Statutes, is amended to read:

21 502.012 Definitions.--The following definitions shall
22 apply in the interpretation and enforcement of this law:

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

28 Section 13. Paragraph (b) of subsection (2) and
29 subsection (5) of section 502.014, Florida Statutes, are
30 amended to read:

31 502.014 Powers and duties.--

1 (2)

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

20 ~~(5)(a) A person who obtains a temporary marketing~~
21 ~~permit from the United States Food and Drug Administration for~~
22 ~~milk and milk products that do not conform to existing~~
23 ~~standards and definitions shall immediately forward a copy of~~
24 ~~the permit to the department. The department may allow the~~
25 ~~person to operate in the state under the authority of the~~
26 ~~federal permit if the department determines that it is in the~~
27 ~~interest of the state to do so.~~

28 (a)(b) The department shall adopt criteria for
29 issuance of a state temporary marketing permit for milk and
30 milk products that do not conform to existing standards and
31 definitions.

1 **(b)**~~(c)~~ The department shall establish a fee, not to
2 exceed \$100, for the issuance of a state temporary marketing
3 permit or the use of a federal permit in the state. The fee
4 shall cover all costs of issuing the state permit or
5 processing the federal permit.

6 Section 14. Paragraph (c) of subsection (2) of section
7 502.053, Florida Statutes, is amended to read:

8 502.053 Permits; requirements; exemptions; temporary
9 permits.--

10 (2) REQUIREMENTS.--

11 (c) In addition to the testing required in ~~Appendix N~~
12 ~~of the pasteurized milk ordinance and its appendices~~, each
13 milk plant operator in the state shall be responsible for
14 routine testing and inspection of raw milk shipped from
15 outside the state prior to processing and shall notify the
16 department when such testing and inspection indicates a
17 violation of the standards contained in the pasteurized milk
18 ordinance.

19 Section 15. Paragraph (a) of subsection (1) of section
20 502.091, Florida Statutes, is amended to read:

21 502.091 Milk and milk products which may be sold.--

22 (1) Only Grade A pasteurized milk and milk products or
23 certified pasteurized milk shall be sold to the final consumer
24 or to restaurants, soda fountains, grocery stores, or similar
25 establishments.

26 (a) In an emergency, however, the department may
27 authorize the sale of reconstituted pasteurized milk products,
28 or pasteurized milk and milk products that ~~which~~ have not been
29 graded, or the grade of that ~~which~~ is unknown, in which case
30 such milk and milk products shall be appropriately labeled, as
31 determined by the department. ~~"ungraded."~~

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

3 503.041 License fee; report required; penalty.--

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

9 Section 17. Sections 504.21, 504.22, 504.23, 504.24,
10 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32,
11 504.33, 504.34, 504.35, 504.36, Florida Statutes, are
12 repealed. This section shall take effect December 31, 2002.

13 Section 18. Sections 536.20, 536.21, and 536.22,
14 Florida Statutes, are repealed.

15 Section 19. Section 570.381, Florida Statutes, is
16 repealed.

17 Section 20. Subsection (7) of section 550.2625,
18 Florida Statutes, is amended to read:

19 550.2625 Horseracing; minimum purse requirement,
20 Florida breeders' and owners' awards.--

21 (7)

22 (b) The division shall deposit these collections to
23 the credit of the Florida Quarter Horse Racing Promotion Trust
24 Fund in a special account to be known as the "Florida
25 Appaloosa Racing Promotion Fund." The Department of
26 Agriculture and Consumer Services shall administer the funds
27 and adopt suitable and reasonable rules for the administration
28 thereof. The moneys in the Florida Appaloosa Racing Promotion
29 Fund shall be allocated solely for supplementing and
30 augmenting purses and prizes and for the general promotion of
31 owning and breeding of racing Appaloosas in this state; and

1 such moneys may not be used to defray any expense of the
2 Department of Agriculture and Consumer Services in the
3 administration of this chapter, ~~except that the moneys~~
4 ~~generated by Appaloosa registration fees received pursuant to~~
5 ~~s. 570.381 may be used as provided in paragraph (5)(b) of that~~
6 ~~section.~~

7 Section 21. Subsection (2) of section 550.2633,
8 Florida Statutes, is amended to read:

9 550.2633 Horseracing; distribution of abandoned
10 interest in or contributions to pari-mutuel pools.--

11 (2) All moneys or other property which has escheated
12 to and become the property of the state as provided herein and
13 which is held by a permitholder authorized to conduct
14 pari-mutuel pools in this state shall be paid annually by the
15 permitholder to the recipient designated in this subsection
16 within 60 days after the close of the race meeting of the
17 permitholder. Section 550.1645 notwithstanding, such moneys
18 shall be paid by the permitholder as follows:

19 (a) Funds from any harness horse races shall be paid
20 to the Florida Standardbred Breeders and Owners Association
21 and shall be used for the payment of breeders' awards,
22 stallion awards, stallion stakes, additional purses, and
23 prizes for, and for the general promotion of owning and
24 breeding of, Florida-bred standardbred horses, as provided for
25 in s. 550.2625.

26 (b) Except as provided in paragraph ~~paragraphs~~ (c) and
27 ~~(d)~~, funds from quarter horse races shall be paid to the
28 Florida Quarter Horse Breeders and Owners Association and
29 shall be allocated solely for supplementing and augmenting
30 purses and prizes and for the general promotion of owning and
31

1 breeding of racing quarter horses in this state, as provided
2 for in s. 550.2625.

3 ~~(c) Funds for Appaloosa races conducted under a~~
4 ~~quarter horse racing permit shall be deposited into the~~
5 ~~Florida Quarter Horse Racing Promotion Trust Fund in a special~~
6 ~~account to be known as the "Florida Appaloosa Racing Promotion~~
7 ~~Fund" and shall be used for the payment of breeders' awards~~
8 ~~and stallion awards as provided for in s. 570.381.~~

9 (c)(d) Funds for Arabian horse races conducted under a
10 quarter horse racing permit shall be deposited into the
11 Florida Quarter Horse Racing Promotion Trust Fund in a special
12 account to be known as the "Florida Arabian Horse Racing
13 Promotion Fund" and shall be used for the payment of breeders'
14 awards and stallion awards as provided for in s. 570.382.

15 Section 22. Subsections (36), (37), and (38) are added
16 to section 570.07, Florida Statutes, to read:

17 570.07 Department of Agriculture and Consumer
18 Services; functions, powers, and duties.--The department shall
19 have and exercise the following functions, powers, and duties:

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

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 Section 23. Subsection (6) is added to section
14 503.071, Florida Statutes, to read:

15 503.071 Penalty, injunction, and administrative
16 fines.--

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

21 Section 24. Subsection (4) of section 570.244, Florida
22 Statutes, is amended to read:

23 570.244 Department of Agriculture and Consumer
24 Services; powers and duties.--For the accomplishment of the
25 purposes specified in this act, the department shall have all
26 powers and duties necessary, including, but not limited to,
27 the power and duty to:

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

1 Section 25. Effective upon this act becoming a law,
2 paragraph (d) of subsection (2) and subsections (4) and (5) of
3 section 570.249, Florida Statutes, are amended, and subsection
4 (7) is added to that section, to read:

5 570.249 Agricultural Economic Development Program
6 disaster loans and grants and aid.--

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

9 (d) Specialty crops, such as seafood and aquaculture,
10 including, but not limited to, the products of shellfish
11 cultivation and harvesting, ornamental fish farming, and
12 commercial fishing; aquacultural, floricultural, or ornamental
13 nursery crops; Christmas trees; turf for sod; industrial
14 crops; and seed crops used to produce eligible crops.

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

30 (5) LOAN SECURITY REQUIREMENTS.--All loans must be
31 secured ~~fully collateralized~~. A first lien is required on all

1 property or product acquired, produced, or refinanced with
2 loan funds. The specific type of collateral required may vary
3 depending upon the loan purpose, repayment ability, and the
4 particular circumstances of the applicant.

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

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

10 570.38 Animal Industry Technical Council.--

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

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

23 (b) Each additional beef cattle representative shall
24 be appointed subject to the qualifications and by the
25 procedure as prescribed in s. 570.23 for membership to the
26 council by the beef cattle representative. If a vacancy
27 occurs in these three positions, it shall be filled for the
28 remainder of the term in the same manner as an initial
29 appointment.

30 Section 27. Section 580.031, Florida Statutes, is
31 amended to read:

1 580.031 Definitions of words and terms.--As used in
2 this chapter, the term:

3 (1) "Brand name" means any word, name, symbol, or
4 device, or combination thereof, identifying the commercial
5 feed of a distributor and distinguishing it from the
6 commercial feed of others.

7 (2) "Commercial feed" means all materials or
8 combinations of materials that are distributed or intended to
9 be distributed for use as feed or for mixing in a feed for
10 animals other than humans, except:

11 (a) Unmixed whole seeds, including physically altered
12 entire unmixed seeds, when such seeds are not chemically
13 changed or are not adulterated within the meaning of s.
14 580.071.

15 (b) Unground hay, straw, stover, silage, cobs, husks,
16 and hulls, and individual chemical compounds or substances,
17 when such commodities, compounds, or substances are unmixed
18 with other substances and are not adulterated within the
19 meaning of s. 580.071.

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

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

28 (3) "Consumer" or "customer" means the person who
29 purchases or receives commercial feed or feedstuff for feeding
30 to animals.

31

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

6 (5) "Customer-formula feed" means a commercial feed
7 consisting of a mixture of commercial feeds or feed
8 ingredients, each batch of which is manufactured according to
9 the specific instructions of the final customer, is
10 distributed only to that customer, and is not redistributed.

11 (6) "Department" means the Department of Agriculture
12 and Consumer Services.

13 (7) "Distribute" means to offer for sale, sell,
14 barter, or exchange commercial feed or feedstuff or to supply,
15 furnish, or otherwise provide commercial feed or feedstuff for
16 use by any consumer or customer in the state.

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

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

26 (10) "Feedstuff" means edible materials, other than
27 commercial feed, which are distributed for animal consumption
28 and which contribute energy or nutrients, or both, to an
29 animal diet. The term includes ingredients as defined in this
30 section. ~~The term does not include any material or combination~~
31 ~~of materials that is distributed for use as feed for domestic~~

1 ~~pets such as but not limited to: dogs, cats, gerbils,~~
2 ~~hamsters, birds, fish, reptiles, and amphibians.~~

3 (11) "Good management practices" means procedures for
4 manufacture, distribution, transportation, sampling,
5 inspection, and analysis of feed which are designed to prevent
6 contamination of the feed by toxins, drugs, bacteria, or other
7 harmful substances.

8 (12) "Hazard-analysis critical-control-point program"
9 means the identification of points in the manufacture,
10 distribution, transportation, sampling, inspection, and
11 analysis of feed at which there is a risk of contamination
12 that could be harmful to humans and other animals and the
13 identification of methods of preventing contamination at these
14 points.

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

17 (14) "Integrated poultry operation" means a business
18 enterprise that owns all stages of poultry production and
19 manufactures and distributes commercial feed or feedstuff for
20 consumption by animals owned by the business enterprise. An
21 integrated poultry operation does not sell feed commercially.

22 (15) "Label" means a display of written, printed, or
23 graphic matter upon or affixed to the container in which a
24 product is distributed, or on the invoice accompanying the
25 product.

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

30
31

1 (17) "Manufacture" means the grinding, mixing, or
2 blending, or further processing, of a commercial feed for
3 distribution.

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

6 (19) "Member of a cooperative" means, in the case of a
7 stock association, the owner of at least one share of voting
8 stock, and, in the case of a nonstock association, a person
9 who has been issued a membership certificate upon the payment
10 of a membership fee of at least \$1,000, or who has an
11 outstanding obligation of not less than \$1,000 owed to the
12 member by the cooperative in accordance with the bylaws of the
13 cooperative, and who is entitled to voting powers within the
14 cooperative.

15 (20) "Percent" or "percentage" means percentage by
16 weight.

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

19 (22) "Quality-assurance/quality-control plan" means a
20 system of activities designed to provide assurance that the
21 commercial feed or feedstuff meets defined standards of
22 quality and to provide control of the quality of the
23 commercial feed or feedstuff.

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

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

28
29 Except as provided by law or rule, all terms used in
30 connection with commercial feed or feedstuff have the meanings
31

1 ascribed to them by the Association of American Feed Control
2 Officials.

3 Section 28. Section 580.051, Florida Statutes, is
4 amended to read:

5 580.051 Labels; requirements; penalty.--

6 (1) Any commercial feed distributed in this state,
7 except a customer-formula feed and feed distributed through an
8 integrated poultry operation or by a cooperative to its
9 members, shall be accompanied by a legible label bearing all
10 information required by the federal Food and Drug

11 Administration and the following information:

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

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

14 (c) The brand name and product name, if any, under
15 which the commercial feed is distributed. The word "medicated"
16 shall be incorporated as part of the brand or product name if
17 the commercial feed contains a drug.

18 1. The department may require feeding directions and
19 precautionary statements to be placed on the label for the
20 safe and effective use of medicated and other feed as deemed
21 necessary.

22 2. Labels on medicated feed shall include all of the
23 following:

24 a. Any feeding directions prescribed by the department
25 to ensure safe usage.

26 b. The stated purpose of the medication contained in
27 the feed as stated in the claim statement.

28 c. The established name of each active drug
29 ingredient.

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

1 (d) The date of manufacture or expiration date of
2 commercial feed sold at retail as the department may by rule
3 require.

4 (e) The guaranteed analysis stated in terms that
5 advise the consumer of the composition of the feed or
6 feedstuff or support claims made in the labeling. In all
7 cases, the elements or compounds listed in the analysis must
8 be determinable by laboratory methods approved by the
9 department.

10 1. The guaranteed analysis, listing the minimum
11 percentage of crude protein, minimum percentage of crude fat,
12 and maximum percentage of crude fiber and, when more than 10
13 percent mineral ingredients are present, the minimum or
14 maximum percentages of mineral elements or compounds as
15 provided by rule.

16 2. Vitamin ingredients, when guaranteed, shall be
17 shown in amounts and terms provided by rule. For mineral feed,
18 the list shall include the following: maximum or minimum
19 percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron
20 (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese
21 (Mn), potassium (K), selenium (Se), zinc (Zn), and fluorine
22 (F) if ingredients used as sources of any of these
23 constituents are declared. All mixtures that contain mineral
24 or vitamin ingredients generally regarded as dietary factors
25 essential for the normal nutrition of animals and that are
26 sold or represented for the primary purpose of supplying these
27 minerals or vitamins as additions to rations in which these
28 same mineral or vitamin factors may be deficient shall be
29 classified as mineral or vitamin supplements. Products sold
30 solely as mineral or vitamin supplements and guaranteed as
31

1 specified in this section need not show guarantees for
2 protein, fat, and fiber.

3 3. Other nutritional substances or elements
4 determinable by laboratory methods may be guaranteed by
5 permission of, or shall be guaranteed at the request of, the
6 department as may be provided by rule.

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

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

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

17 (b) The name and address of the customer ordering the
18 feed.

19 (c) The date of delivery.

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

22 (e) Adequate directions and precautionary statements
23 for the safe and effective use of all customer-formula feed
24 that is medicated.

25 (3) Feed distributed by an integrated poultry
26 operation or by a cooperative to its members shall be
27 accompanied by a legible label bearing information required by
28 the federal Food and Drug Administration.

29 ~~(4)(3)~~ When a commercial feed is distributed in this
30 state in bags or other containers, a label shall be placed on
31 or affixed to each container; when a commercial feed is

1 distributed in bulk, a label shall accompany delivery and be
2 furnished to the customer at time of delivery.

3 (5)~~(4)~~ The amount of \$100 shall be paid to the
4 department as penalty for the distribution of any commercial
5 feed that is not accompanied with the label required under
6 this chapter. The proceeds from any such penalty payments
7 shall be deposited by the department in the General Inspection
8 Trust Fund.

9 Section 29. Subsections (1), (2), and (3) of section
10 580.065, Florida Statutes, are amended to read:

11 580.065 Laboratory certifications; application; fees;
12 requirements; reporting; refusal or cancellation of
13 certification.--

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

- 17 1. Nutrient.
- 18 2. Mycotoxins.
- 19 3. Microbiological organisms.
- 20 4. Pesticide residues.
- 21 5. Drugs ~~Drug residues~~.

22 (b) The department shall be guided by the methods
23 published by the Association of Official Analytical Chemists,
24 the United States Environmental Protection Agency, the United
25 States Food and Drug Administration, or other generally
26 recognized authorities in developing the standards for these
27 laboratory certifications.

28 (2)(a) Any laboratory wanting to be certified by the
29 department in any of the testing categories must complete and
30 return an application with a \$100 application fee and a \$300
31 fee for each of the desired certifications. A single

1 application may be used to apply for more than one
2 certification. The department shall furnish the application
3 forms, which must require the distributor to state that the
4 laboratory will comply with all provisions of this chapter and
5 applicable rules. The registration form shall identify the
6 laboratory's name, the name of the owner or owners of the
7 business, the location of the laboratory, and other
8 information as required by rule of the department. The form
9 shall be signed by the owner, a partner, if a partnership, or
10 an authorized officer or agent, if a corporation.

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

14 (c) Each laboratory that is certified in any area of
15 testing must renew each certification annually. Renewal must
16 be submitted on a form provided by the department at least 30
17 days prior to the expiration date of the current certificate.
18 The laboratory must complete and return the renewal form with
19 the appropriate fee for the desired annual certification as
20 indicated on the form. Failure to timely renew certification
21 shall result in the expiration of the certification on the
22 date stated on the certificate. Any renewal received after the
23 expiration date on the certificate shall be accompanied by a
24 \$50 late charge. Any renewal received 30 days or more beyond
25 the expiration date on the certificate shall be returned to
26 the laboratory, and the laboratory shall apply to the
27 department as if it were the initial application for
28 certification.

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

1 1. Submitting quarterly reports to the department
2 containing the results of the commercial feed and feedstuff
3 analyses for that quarter, including, but not limited to, the
4 results of each sample submitted for analysis by each
5 registrant, the registration number of the registrant
6 submitting the samples, the number of violative samples, and
7 any additional information the department may require by rule.

8 2. Reporting immediately to the department each sample
9 that is found to be in violation of the standards in this
10 chapter and in the rules thereof.

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

13 4. Maintaining a bookkeeping system and records that
14 will allow the department to verify the accuracy of the
15 reports required in this chapter and to examine such records
16 at reasonable times.

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

20 (3) The department may ~~shall~~ operate a check-sample
21 program for all testing certifications. If 30 percent or more
22 of a laboratory's check-sample results are outside the
23 acceptable variation established by rule for each check-sample
24 test, the laboratory must pay a \$100 fine and shall be placed
25 on probation for the next quarter. The laboratory may ~~shall~~ be
26 required to process additional check samples during the
27 probationary period. If 20 percent or more of the results of
28 the laboratory's check samples are outside the acceptable
29 variation level during the probationary period, that test
30 category certification shall be revoked and the laboratory may
31

1 not apply again for the same certification for 1 year after
2 the date of the revocation.

3 Section 30. Section 580.091, Florida Statutes, is
4 amended to read:

5 580.091 Inspection; sampling; analysis; exemption.--

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

9 (b) The department is authorized to enter upon any
10 public or business premises and any transport vehicle during
11 regular business hours in order to have access to commercial
12 feed or feedstuff and records relating to its origin,
13 transport, manufacture, distribution, and sale.

14 (2) All registrants must have samples of their feed
15 and feed ingredients tested by a laboratory that has been
16 certified by the department or must be exempt from the
17 certified laboratory testing requirements, as provided in this
18 chapter, to ensure that all commercial feed and feedstuff
19 comply with the provisions of this chapter. The sampling
20 frequency and analysis requirements shall be determined by
21 rule of the department for poultry, dairy cow, beef cattle,
22 horse, swine, and other ~~agriculture~~ feed.

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

28 (b) If a registrant distributes more than one type of
29 commercial feed, the sampling requirement for mycotoxins shall
30 be determined by the combined tonnage of feed distributed by
31

1 that registrant and shall be the most stringent of the
2 sampling requirements for the types of feed distributed.

3 (c) Integrated poultry operations and cooperatives
4 shall not be required to submit their feed samples for
5 nutrient analysis. However, poultry and dairy feed sold by
6 enterprises other than integrated poultry operations or
7 cooperatives shall be subject to nutrient analysis as required
8 by the department.

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

13 (d)~~(e)~~ Notwithstanding provisions to the contrary in
14 this subsection, if the department finds that circumstances
15 exist which threaten the health of commercial livestock or the
16 public, the department may require more frequent analysis of
17 feed. In such case, the department must notify affected
18 registrants of the need for additional analysis and the
19 estimated time period for which the analysis will be required
20 to protect animal or public health.

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

24 (3) The department shall encourage the use of good
25 management practices and hazard-analysis
26 critical-control-point programs in the manufacture,
27 distribution, transportation, sampling, inspection, and
28 analysis of commercial feed and feedstuff.

29 (a) If critical control points have been identified
30 and good management practices have been implemented, the
31 department shall conduct an onsite evaluation of the program

1 to ensure the application of the established program.
2 Registrants demonstrating adequate control of feed
3 manufacture, distribution, transportation, and sampling
4 processes and infrequent adulteration or other violations
5 shall be subject to reduced sampling frequencies and analysis
6 requirements that the department shall establish by rule.

7 (b) The department may require periodic reports to
8 document the continued and appropriate use of good management
9 practices and hazard analysis of critical control points. The
10 department shall work with the industry in determining the
11 appropriate level of such reporting.

12 (4) Sampling and analysis must be conducted in
13 accordance with methods published by the Association of
14 Official Analytical Chemists, the United States Environmental
15 Protection Agency, the United States Food and Drug
16 Administration, or other generally recognized authorities. In
17 any instance where methods do not exist, the department shall
18 adopt by rule the methods that are to be official in this
19 state.

20 (5) A registrant may apply for an exemption from the
21 certified laboratory testing requirements by submitting its
22 quality-assurance/quality-control plan, including laboratory
23 testing protocols, to the department for review and approval
24 or disapproval. The department shall furnish the form for
25 requesting the exemption, which form shall require the
26 registrant to comply with all applicable provisions of this
27 chapter and related rules.

28 (a) Upon approval of a registrant's
29 quality-assurance/quality-control plan, the department shall
30 ~~conduct an evaluation of the registrant's facility to verify~~
31 ~~compliance with the plan and the testing protocols submitted.~~

1 ~~The department~~ shall send the registrant a letter of exemption
2 if it finds that adequate measures are in place to assure
3 compliance with the material submitted and with this chapter.

4 (b) The registrant's quality-assurance/quality-control
5 plan ~~laboratory facility~~ shall be subject to evaluation every
6 3 years. Application for renewal must be submitted on a form
7 provided by the department at least 30 days prior to the
8 expiration date of the current approval letter. Any renewal
9 application received after the expiration date on the approval
10 letter shall be accompanied by a \$50 late charge. Failure to
11 timely renew certification shall result in the expiration of
12 the approval and imposition of the requirement to have all
13 feed samples tested by a department-certified laboratory.

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

17 (d) Registrants with approved programs must comply
18 with all applicable provisions of this chapter and rules,
19 including:

20 1. Maintaining records of all laboratory test results
21 for 3 years or as required by federal regulation, whichever is
22 longer.

23 2. Allowing department personnel access to records and
24 laboratory facilities during reasonable hours for inspection
25 purposes.

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

28 Section 31. Subsection (14) is added to section
29 580.112, Florida Statutes, to read:

30
31

1 580.112 Certain acts prohibited.--The following acts,
2 or the causing thereof knowingly, within the state are
3 prohibited:

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

6 Section 32. Paragraph (a) of subsection (1) of section
7 581.211, Florida Statutes, is amended to read:

8 581.211 Penalties for violations.--

9 (1) Any person who:

10 (a) Violates any provision of this chapter or the
11 rules adopted under this chapter;

12
13 commits a misdemeanor of the first degree, punishable as
14 provided in s. 775.082 or s. 775.083.

15 Section 33. Subsection (4) is added to section
16 585.145, Florida Statutes, to read:

17 585.145 Control of animal diseases.--

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

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

27 (b) Forging, counterfeiting, altering, or
28 misrepresenting an official certificate of veterinary
29 inspection; or

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

1 Section 34. Paragraphs (a), (c), and (d) of subsection
2 (2) of section 585.155, Florida Statutes, are amended to read:

3 585.155 Whole-herd and calf vaccination.--

4 (2)(a) All calves officially vaccinated with Brucella
5 abortus vaccine shall be permanently identified at the time of
6 vaccination with the official shield tattoo "V," registered by
7 the United States Department of Agriculture, in the right ear,
8 preceded by the numeral of the quarter of the year and
9 followed by the last numeral of the year.

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

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

15 Section 35. Section 589.19, Florida Statutes, is
16 amended to read:

17 589.19 Creation of certain state forests; naming of
18 certain state forests.--

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

31

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

7 Section 36. Paragraph (a) of subsection (10) of
8 section 616.242, Florida Statutes, is amended to read:

9 616.242 Safety standards for amusement rides.--

10 (10) EXEMPTIONS.--

11 (a) This section does not apply to:

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

20 2. Any playground operated by a school, local
21 government, or business licensed under chapter 509, if the
22 playground is an incidental amenity and the operating entity
23 is not primarily engaged in providing amusement, pleasure,
24 thrills, or excitement.

25 3. Museums or other institutions principally devoted
26 to the exhibition of products of agriculture, industry,
27 education, science, religion, or the arts.

28 4. Conventions or trade shows for the sale or exhibit
29 of amusement rides if there are a minimum of 15 amusement
30 rides on display or exhibition, and if any operation of such
31

1 amusement rides is limited to the registered attendees of the
2 convention or trade show.

3 5. Skating rinks, arcades, lazer or paint ball war
4 games, bowling alleys, miniature golf courses, mechanical
5 bulls, inflatable rides, trampolines, ball crawls, exercise
6 equipment, jet skis, paddle boats, air boats, helicopters,
7 airplanes, parasails, hot air or helium balloons whether
8 tethered or untethered, theatres, batting cages, stationary
9 spring-mounted fixtures, rider-propelled merry-go-rounds,
10 games, side shows, live animal rides, or live animal shows.

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

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

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

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

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

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

30 Section 37. Section 828.22, Florida Statutes, is
31 amended to read:

1 828.22 Humane Slaughter Act; humane slaughter and
2 livestock euthanasia; requirements requirement.--

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

5 (2)(a)(1) The Legislature of this state finds that the
6 use of humane methods in the killing slaughter of livestock
7 prevents needless suffering, results in safer and better
8 working conditions for persons engaged in the slaughtering
9 industry or other livestock operations, brings about
10 improvement of products and economy in slaughtering or other
11 livestock operations, and produces other benefits for
12 producers, processors, and consumers which tend to expedite
13 the orderly flow of livestock and their products.

14 (b)(2) It is therefore declared to be the policy of
15 this state to require that the slaughter of all livestock and
16 the handling of livestock in connection with slaughter shall
17 be carried out only by humane methods and to provide that
18 methods of slaughter shall conform generally to those employed
19 in other states where humane slaughter is required by law and
20 to those authorized by the Federal Humane Slaughter Act of
21 1958, and regulations thereunder.

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

31

1 Section 38. Section 828.23, Florida Statutes, is
2 amended to read:

3 828.23 Definitions; ss. 828.22-828.26.--As used in ss.
4 828.22-828.26, the following words shall have the meaning
5 indicated:

6 (1) "Department" means the Department of Agriculture
7 and Consumer Services.

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

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

13 (4)(3) "Slaughterer" means any person other than a
14 licensed veterinarian, or an employee of a humane society or
15 animal control agency, who kills regularly engaged in the
16 commercial slaughtering of livestock.

17 (5)(4) "Livestock" means cattle, calves, sheep, swine,
18 horses, mules, goats, ostriches, rneas, emus, and any other
19 domestic animal that which can or may be used in the
20 preparation of animal and for the preparation of meat or meat
21 products. For the purposes of ss. 828.22-828.26, "livestock"
22 does not include poultry and aquatic species.

23 ~~(5) "Packer" means any person engaged in the business~~
24 ~~of slaughtering, or of manufacturing or preparing meat or meat~~
25 ~~products for sale, either by such person or others; or of~~
26 ~~manufacturing or preparing livestock products for sale by such~~
27 ~~person or others.~~

28 ~~(6) "Stockyard" means any place, establishment, or~~
29 ~~facility commonly known as a stockyard, conducted or operated~~
30 ~~for compensation or profit as a public market, consisting of~~
31 ~~pens, or other enclosures, and their appurtenances, for the~~

1 ~~handling, keeping, and holding of livestock for the purpose of~~
2 ~~sale or shipment.~~

3 ~~(6)(7)~~ "Humane method" means either:

4 (a) A method whereby the animal is rapidly and
5 effectively rendered insensitive to pain by electrical or
6 chemical means or by a penetrating captive bolt or gunshot
7 with appropriate caliber and placement ~~rendered insensible to~~
8 ~~pain by mechanical, electrical, chemical, or other means that~~
9 ~~are rapid and effective, before being shackled, hoisted,~~
10 ~~thrown, cast, or cut; or~~

11 (b) A method in accordance with ritual requirements of
12 any religious faith whereby the animal suffers loss of
13 consciousness by anemia of the brain caused by the
14 simultaneous and instantaneous severance of the carotid
15 arteries with a sharp instrument.

16 Section 39. Section 828.24, Florida Statutes, is
17 amended to read:

18 828.24 Prohibited acts; exemption.--

19 (1) No person shall kill an animal in any way except
20 by an approved humane method ~~slaughterer, packer, or stockyard~~
21 ~~operator shall shackle, hoist, or otherwise bring livestock~~
22 ~~into position for slaughter, by any method which shall cause~~
23 ~~injury or pain.~~

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

28 (3) Nothing in this section precludes the enforcement
29 of s. 828.12 relating to cruelty to animals ~~This act shall not~~
30 ~~apply to any person, firm or corporation slaughtering or~~
31

1 ~~processing for sale within the state not more than 20 head of~~
2 ~~cattle nor more than 35 head of hogs per week.~~

3 Section 40. Section 828.25, Florida Statutes, is
4 amended to read:

5 828.25 Administration; rules ~~and regulations~~;
6 inspection; fees.--

7 (1) The department shall administer the provisions of
8 ss. 828.22-828.26 ~~this act~~. It shall adopt promulgate and may
9 from time to time revise rules, ~~and regulations~~ which rules
10 must shall conform substantially to and must not be less
11 restrictive than the rules and regulations promulgated by the
12 Secretary of Agriculture of the United States pursuant to the
13 Federal Humane Slaughter Act of 1958, Pub. L. No. 85-765, 72
14 Stat. 862, and any amendments thereto; ~~provided, however, that~~
15 ~~the use of a manually operated hammer, sledge or poleax is~~
16 ~~declared to be an inhumane method of slaughter within the~~
17 ~~meaning of this act.~~

18 (2) The department may appoint any member of its staff
19 as an official inspector for the purposes of ss. 828.22-828.26
20 ~~this act~~. Such inspector shall have the power to enter the
21 premises of any slaughterer for the purposes of verifying
22 compliance or noncompliance with the provisions of ss.
23 828.22-828.26 ~~this act~~.

24 (3) The department has the authority to conduct
25 inspections of the premises of slaughterers at random
26 intervals. ~~As soon as practicable after October 1, 1961, an~~
27 ~~inspection shall be made of the premises of each slaughterer.~~
28 ~~Additional inspections shall be made not less frequently than~~
29 ~~quarterly. No fee shall be charged for such inspection.~~

30 Section 41. Section 828.251, Florida Statutes, is
31 created to read:

1 828.251 Instruction.--The department, in conjunction
2 with the State University System, the American Veterinary
3 Medical Association, and humane animal groups, shall make
4 available to slaughterers the most current technical
5 information. Such information may be in video or manual
6 format, or another widely accepted media format.

7 Section 42. Section 828.252, Florida Statutes, is
8 created to read:

9 828.252 Nonambulatory animals.--This section
10 acknowledges that natural emergencies may arise and that, even
11 under recognized best-management practices, injury may occur.
12 In all cases, nonambulatory animals must be dealt with in a
13 humane manner.

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

17 (2) A person may not buy, sell, give, receive,
18 transfer, market, hold without providing proper care within 24
19 hours, or drag any nonambulatory animal unless the
20 nonambulatory animal has been humanely euthanized, except in
21 such cases where providing proper care requires that the
22 animal be moved.

23 Section 43. Section 828.26, Florida Statutes, is
24 amended to read:

25 828.26 Penalties ~~Penalty~~.--

26 (1) Any person who violates the provisions of ss.
27 828.22-828.26 and any rule associated with these sections
28 shall be subject to an administrative fine of up to \$10,000
29 for each violation.~~No slaughterer found by the department in~~
30 ~~accordance with the above not to be in compliance with the~~
31 ~~provisions of this act shall sell any meat or meat products to~~

1 ~~any public agency in the state, or to any institution~~
2 ~~supported by state, county, or municipal funds. Failure to~~
3 ~~comply with this provision shall be a misdemeanor of the~~
4 ~~second degree, punishable as provided in s. 775.083.~~

5 (2) Unless otherwise provided, any person who violates
6 any provision of ss. 828.22-828.26 commits a misdemeanor of
7 the second degree, punishable as provided in s. 775.082 or s.
8 775.083.~~Upon failure to be in compliance with the provisions~~
9 ~~of this act after a period of 1 year from the date of the~~
10 ~~first inspection required under s. 828.25, the department~~
11 ~~shall direct the slaughterer to cease slaughtering livestock.~~
12 ~~Failure to comply with this directive shall be a misdemeanor~~
13 ~~of the second degree, punishable as provided in s. 775.083,~~
14 ~~and constituting a separate offense for each day of continued~~
15 ~~slaughtering operations beyond the first week following~~
16 ~~mailing of such directive to the slaughterer by the~~
17 ~~department.~~

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

20 Section 44. Subsection (10) of section 427.804,
21 Florida Statutes, is amended to read:

22 427.804 Repair of nonconforming assistive technology
23 devices; refund or replacement of devices after attempt to
24 repair; sale or lease of returned device; arbitration;
25 investigation; limitation of rights.--

26 (10) The department shall process consumer complaints
27 pursuant to ss. 570.07 and ~~s.~~570.544.

28 Section 45. Subsection (2) of section 559.921, Florida
29 Statutes, is amended to read:

30 559.921 Remedies.--

31

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

3 Section 46. Effective October 1, 2001, section 604.60,
4 Florida Statutes, is created to read:

5 604.60 Damage or destruction of agricultural crops;
6 civil action.--

7 (1) Any private, public, or commercial agricultural
8 grower or producer who grows or produces any agricultural
9 product, as defined in s. 468.382(7), for personal, research,
10 or commercial purposes or for testing or research purposes in
11 a product development program conducted in conjunction or
12 coordination with a private research facility, a university,
13 or any federal, state, or local government agency who suffers
14 damages as a result of another person's willful and knowing
15 damage or destruction of any such agricultural product has a
16 cause of action for damages equal to double the amount of the
17 value of the product damaged or destroyed, including the cost
18 of any experimental product replication, and for any other
19 relief a court of competent jurisdiction deems appropriate,
20 including, but not limited to, compensatory and punitive
21 damages. In awarding damages under this section, the courts
22 shall consider the market value of the product prior to damage
23 or destruction, and production, research, testing,
24 replacement, and product development costs directly related to
25 the product that has been damaged or destroyed as part of the
26 value of the product. The prevailing party in any action
27 brought pursuant to this section is entitled to an award of
28 reasonable attorney's fees and court costs.

29 Section 47. Effective October 1, 2001, section 810.09,
30 Florida Statutes, is amended to read:

31

1 810.09 Trespass on property other than structure or
2 conveyance.--

3 (1)(a) A person who, without being authorized,
4 licensed, or invited, willfully enters upon or remains in any
5 property other than a structure or conveyance:

6 1. As to which notice against entering or remaining is
7 given, either by actual communication to the offender or by
8 posting, fencing, or cultivation as described in s. 810.011;
9 or

10 2. If the property is the unenclosed curtilage of a
11 dwelling and the offender enters or remains with the intent to
12 commit an offense thereon, other than the offense of trespass,
13
14 commits the offense of trespass on property other than a
15 structure or conveyance.

16 (b) As used in this section, the term "unenclosed
17 curtilage" means the unenclosed land or grounds, and any
18 outbuildings, that are directly and intimately adjacent to and
19 connected with the dwelling and necessary, convenient, and
20 habitually used in connection with that dwelling.

21 (2)(a) Except as provided in this subsection, trespass
22 on property other than a structure or conveyance is a
23 misdemeanor of the first degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 (b) If the offender defies an order to leave,
26 personally communicated to the offender by the owner of the
27 premises or by an authorized person, or if the offender
28 willfully opens any door, fence, or gate or does any act that
29 exposes animals, crops, or other property to waste,
30 destruction, or freedom; unlawfully dumps litter on property;
31 or trespasses on property other than a structure or

1 conveyance, the offender commits a misdemeanor of the first
2 degree, punishable as provided in s. 775.082 or s. 775.083.

3 (c) If the offender is armed with a firearm or other
4 dangerous weapon during the commission of the offense of
5 trespass on property other than a structure or conveyance, he
6 or she is guilty of a felony of the third degree, punishable
7 as provided in s. 775.082, s. 775.083, or s. 775.084. Any
8 owner or person authorized by the owner may, for prosecution
9 purposes, take into custody and detain, in a reasonable
10 manner, for a reasonable length of time, any person when he or
11 she reasonably believes that a violation of this paragraph has
12 been or is being committed, and that the person to be taken
13 into custody and detained has committed or is committing such
14 violation. In the event a person is taken into custody, a law
15 enforcement officer shall be called as soon as is practicable
16 after the person has been taken into custody. The taking into
17 custody and detention in compliance with the requirements of
18 this paragraph does not result in criminal or civil liability
19 for false arrest, false imprisonment, or unlawful detention.

20 (d) The offender commits a felony of the third degree,
21 punishable as provided in s. 775.082, s. 775.083, or s.
22 775.084, if the property trespassed is a construction site
23 that is legally posted and identified in substantially the
24 following manner: "THIS AREA IS A DESIGNATED CONSTRUCTION
25 SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A
26 FELONY."

27 (e) The offender commits a felony of the third degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084, if the property trespassed upon is commercial
30 horticulture property and the property is legally posted and
31 identified in substantially the following manner: "THIS AREA

1 IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS,
2 AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

3 (f) The offender commits a felony of the third degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084, if the property trespassed upon is an agricultural
6 site for testing or research purposes that is legally posted
7 and identified in substantially the following manner: "THIS
8 AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH
9 PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A
10 FELONY."

11 (g)~~(f)~~ Any person who in taking or attempting to take
12 any animal described in s. 372.001(3) or (4), or in killing,
13 attempting to kill, or endangering any animal described in s.
14 585.01(13) knowingly propels or causes to be propelled any
15 potentially lethal projectile over or across private land
16 without authorization commits trespass, a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or
18 s. 775.084. For purposes of this paragraph, the term
19 "potentially lethal projectile" includes any projectile
20 launched from any firearm, bow, crossbow, or similar tensile
21 device. This section shall not apply to any governmental
22 agent or employee acting within the scope of his or her
23 official duties.

24 (3) As used in this section, the term "authorized
25 person" or "person authorized" means any owner, or his or her
26 agent, or any law enforcement officer whose department has
27 received written authorization from the owner, or his or her
28 agent, to communicate an order to leave the property in the
29 case of a threat to public safety or welfare.

30 Section 48. Effective October 1, 2001, for the purpose
31 of incorporating the amendment to section 810.09, Florida

1 Statutes, in references thereto, paragraph (b) of subsection
2 (5) of section 260.0125, Florida Statutes, is reenacted to
3 read:

4 260.0125 Limitation on liability of private landowners
5 whose property is designated as part of the statewide system
6 of greenways and trails.--

7 (5)

8 (b) Such notices must comply with s. 810.011(5) and
9 shall constitute a warning to unauthorized persons to remain
10 off the private property and not to depart from the designated
11 greenway or trail. Any person who commits such an unauthorized
12 entry commits a trespass as provided in s. 810.09.

13 Section 49. Effective October 1, 2001, for the purpose
14 of incorporating the amendment to section 810.09, Florida
15 Statutes, in references thereto, paragraph (b) of subsection
16 (5) of section 810.011, Florida Statutes, is reenacted to
17 read:

18 810.011 Definitions.--As used in this chapter:

19 (5)

20 (b) It shall not be necessary to give notice by
21 posting on any enclosed land or place not exceeding 5 acres in
22 area on which there is a dwelling house in order to obtain the
23 benefits of ss. 810.09 and 810.12 pertaining to trespass on
24 enclosed lands.

25 Section 50. Subsections (10) and (11) of section
26 570.544, Florida Statutes, are repealed.

27 Section 51. Section 373.621, Florida Statutes, is
28 created to read:

29 373.621 Water conservation.--The Legislature
30 recognizes the significant value of water conservation in the
31 protection and efficient use of water resources. Accordingly,

1 consideration in the administration of s. 373.223, s. 373.233
2 and s. 373.236 shall be given to applicants who implement
3 water conservation practices pursuant to s. 570.085 or other
4 applicable water conservation measures as determined by the
5 department or a water management district.

6 Section 52. Section 601.48, Florida Statutes, is
7 amended to read:

8 601.48 Grading processed citrus products.--

9 ~~(1) All processed citrus products for which grade~~
10 ~~standards may be established, if sold, shipped, or offered for~~
11 ~~sale or shipment, except as provided in s. 601.50, shall be~~
12 ~~inspected for grade in a registered processing plant, and~~
13 ~~shall be graded according to standards established by the~~
14 ~~Department of Citrus, and the grade of such processed citrus~~
15 ~~products shall be designated on the immediate container~~
16 ~~thereof in such manner as the Department of Citrus may by rule~~
17 ~~prescribe.~~

18 (1)(2) If such processed citrus products meet the
19 requirements of the two highest grades as established by the
20 Department of Citrus or, at the option of the processor, the
21 two highest grades established by the United States Department
22 of Agriculture, the processor shall have the privilege, in
23 lieu of the grade declaration requirements of subsection (1),
24 of using labels, brands, or trademarks properly registered
25 with the Department of Citrus, as provided in subsection (3),
26 to represent state or U.S. grades.

27 (2)(3) In accordance with such rules as the Department
28 of Citrus may prescribe, licensed citrus fruit dealers in this
29 state shall be entitled to register labels, brands, or
30 trademarks for grade identification purposes. The department
31 shall maintain a record of all labels, brands, and trademarks

1 registered for grade identification purposes, which record may
2 be purged as necessary.

3 ~~(3)(4)~~ The grade labeling requirements of this section
4 shall not apply to intrastate shipments of processed citrus
5 products between licensed citrus fruit dealers who are
6 operators of processing plants duly registered under s.
7 601.40.

8 Section 53. The Florida Department of Citrus, or its
9 successor, may collect dues, contributions, or any other
10 financial payment upon request by and on behalf of any
11 not-for-profit corporation and, its related not-for-profit
12 corporations, located in this state which receives payments or
13 dues from its members. Such not-for-profit corporation must
14 be engaged, to the exclusion of agricultural commodities other
15 than citrus, in market news and grower education solely for
16 citrus growers, and must have at least 5,000 members who are
17 engaged in growing citrus in this state for commercial sale.

18 Section 54. Paragraph (c) of subsection (1) of section
19 232.246, Florida Statutes, is amended to read:

20 232.246 General requirements for high school
21 graduation.--

22 (1) Graduation requires successful completion of
23 either a minimum of 24 academic credits in grades 9 through 12
24 or an International Baccalaureate curriculum. The 24 credits
25 shall be distributed as follows:

26 (c) Three credits in science, two of which must have a
27 laboratory component. The State Board of Education may grant
28 an annual waiver of the laboratory requirement to a school
29 district that certifies that its laboratory facilities are
30 inadequate, provided the district submits a capital outlay
31 plan to provide adequate facilities and makes the funding of

1 this plan a priority of the school board. Effective July 1,
2 2001, Agriscience Foundations I, the core course in secondary
3 Agriscience and Natural Resources programs, counts as one of
4 the science credits.

5 Section 55. The following councils and authorities,
6 created pursuant to section 570.0705, Florida Statutes, and
7 chapter 90-487, Laws of Florida, are abolished:

8 (1) Agriculture and Livestock Fair Council.

9 (2) Florida City State Farmers Market Advisory
10 Committee.

11 (3) Fort Myers State Farmers Market Advisory Council.

12 (4) Fort Pierce State Farmers Market Advisory Council.

13 (5) Gadsden County State Farmers Market Advisory
14 Council.

15 (6) Immokalee State Farmers Market Advisory Council.

16 (7) Nitrate Bill Best Management Practices Advisory
17 Group.

18 (8) Palatka State Farmers Market Advisory Council.

19 (9) Plant City State Farmers Market Advisory Council.

20 (10) Pompano Beach Farmers Market Authority.

21 (11) Racing Quarter Horse Advisory Council.

22 (12) Sanford State Farmers Market Advisory Council.

23 (13) Seed Potato Advisory Council.

24 (14) Starke State Farmers Market Advisory Council.

25 (15) Suwanee Valley State Farmers Market Advisory
26 Council.

27 (16) Trenton State Farmers Market Advisory Council.

28 (17) Tropical Soda Apple Task Force.

29 (18) Wauchula State Farmers Market Advisory Council.

30 Section 56. Section 570.085, Florida Statutes, is
31 created to read:

1 570.085 Department of Agriculture and Consumer
2 Services; agricultural water conservation.--The department
3 shall establish an agricultural water conservation program
4 that includes the following:

5 (1) A cost share program, coordinated where
6 appropriate with the United States Department of Agriculture
7 and other federal, state, regional, and local agencies, for
8 irrigation system retrofit and application of mobile
9 irrigation laboratory evaluations for water conservation as
10 provided in this section and, where applicable, for water
11 quality improvement pursuant to s. 403.067(7)(d).

12 (2) The development and implementation of voluntary
13 interim measures or best management practices, adopted by
14 rule, which provide for increased efficiencies in the use and
15 management of water for agricultural production. In the
16 process of developing and adopting rules for interim measures
17 or best management practices, the department shall consult
18 with the Department of Environmental Protection and the water
19 management districts. Such rules may also include a system to
20 assure the implementation of the practices, including
21 recordkeeping requirements. As new information regarding
22 efficient agricultural water use and management becomes
23 available, the department shall reevaluate and revise as
24 needed, the interim measures or best management practices.
25 The interim measures or best management practices may include
26 irrigation retrofit, implementation of mobile irrigation
27 laboratory evaluations and recommendations, water resource
28 augmentation, and integrated water management systems for
29 drought management and flood control and should, to the
30 maximum extent practicable, be designed to qualify for

31

1 regulatory incentives and other incentives, as determined by
2 the agency having applicable statutory authority.

3 (3) Provision of assistance to the water management
4 districts in the development and implementation of a
5 consistent, to the extent practicable, methodology for the
6 efficient allocation of water for agricultural irrigation.

7 Section 57. Official citrus archive.--The Florida
8 Citrus Archives, dedicated to Thomas B. Mack and located at
9 Florida Southern College in Lakeland, are designated as the
10 official citrus archive of Florida.

11 Section 58. If any clause, section, or provision of
12 this act shall be declared unconstitutional or invalid for any
13 reason, it shall be eliminated from this act, and the
14 remaining portion of the act shall be in full force and effect
15 and be as valid as if such invalid portion thereof had not
16 been incorporated therein.

17 Section 59. Except as otherwise provided in this act,
18 this act shall take effect July 1, 2001.

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