

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Section 585.155, Florida Statutes, is amended
7 to read:

8 585.155 Brucellosis ~~Whole herd and calf vaccination.--~~

9 ~~(1) All female calves born in the state that are to be~~
10 ~~used for dairy breeding purposes shall be vaccinated with an~~
11 ~~approved Brucella abortus vaccine by state or federal regulatory~~
12 ~~officials or licensed, accredited veterinarians.~~

13 (1)~~(2)~~(a) All female cattle ~~calves~~ officially vaccinated
14 with Brucella abortus vaccine shall be ~~permanently~~ identified at
15 the time of vaccination in accordance with 9 C.F.R. part 78 ~~with~~
16 ~~the official shield tattoo "V," registered by the United States~~
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17 ~~Department of Agriculture, in the right ear, preceded by the~~
18 ~~numeral of the quarter of the year and followed by the last~~
19 ~~numeral of the year.~~

20 (b) In addition, all female cattle ~~each calf~~ shall be
21 individually identified at the time of vaccination, if not
22 already identified by tattoo, electronic identification device,
23 or brand, by an official vaccination ear tag in the right ear.
24 The tag shall include the designated state prefix, followed by
25 the letter "V," two additional letters, and four numerals.
26 Registration tattoos, electronic identification devices, or
27 individual brand numbers may be substituted for the official ear
28 tags. This identification shall be accurately recorded on the
29 official vaccination record.

30 (c) Duplicate reports covering these vaccinations shall be
31 immediately furnished to the department and shall constitute the
32 official record of vaccination.

33 ~~(3) Each owner of a herd of cattle in this state shall~~
34 ~~enroll the herd in a program to determine whether the herd is~~
35 ~~infected with brucellosis. When reactors or suspects are~~
36 ~~disclosed in a herd, the department and the owner must develop a~~
37 ~~plan to eliminate the infection in accordance with the Uniform~~
38 ~~Methods and Rules for Brucellosis Eradication and the rules of~~
39 ~~this state. The plan shall include the required testing, removal~~
40 ~~of reactor animals, calfhood vaccination and whole herd~~
41 ~~vaccination to clear the herd of infection. The department shall~~
42 ~~provide for the establishment of low brucellosis incidence areas~~
43 ~~and brucellosis free areas which can be recognized by the United~~
44 ~~States Department of Agriculture as having Class "Free," Class~~
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45 ~~"A," or Class "B" status under the Uniform Methods and Rules for~~
46 ~~Brucellosis Eradication.~~

47 (2)~~(4)~~ Only an approved vaccine produced under license of
48 the United States Department of Agriculture shall qualify for
49 vaccination purposes under this section.

50 Section 2. Section 585.105, Florida Statutes, is repealed.

51 Section 3. Section 501.95, Florida Statutes, is amended to
52 read:

53 501.95 Gift certificates and credit memos.--

54 (1) As used in this section, the term:

55 (a) "Credit memo" means a certificate, card, stored value
56 card, or similar instrument issued in exchange for returned
57 merchandise when the certificate, card, or similar instrument is
58 redeemable for merchandise, food, or services regardless of
59 whether any cash may be paid to the owner of the certificate,
60 card, or instrument as part of the redemption transaction.

61 (b) "Gift certificate" means a certificate, gift card,
62 stored value card, or similar instrument purchased ~~issued in~~
63 ~~exchange~~ for monetary consideration when the certificate, card,
64 or similar instrument is redeemable for merchandise, food, or
65 services regardless of whether any cash may be paid to the owner
66 of the certificate, card, or instrument as part of the
67 redemption transaction, but this term shall not include tickets
68 as specified in s. 717.1355 or manufacturer or retailer
69 discounts and coupons.

70 (2) (a) A gift certificate purchased or credit memo ~~sold or~~
71 ~~issued for consideration~~ in this state may not have an
72 expiration date, expiration period, or any type of postsale
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73 charge or fee imposed on the gift certificate or credit memo,
74 including, but not limited to, service charges, dormancy fees,
75 account maintenance fees, or cash-out fees. However, a gift
76 certificate may have an expiration date of not less than 3 years
77 if it is provided as a charitable contribution ~~when no~~
78 ~~consideration is given to the issuer by the consumer,~~ or not
79 less than 1 year if it is provided as a benefit pursuant to an
80 employee-incentive program, ~~consumer loyalty program, or~~
81 ~~promotional program when no consideration is given to the issuer~~
82 ~~by the consumer,~~ and the expiration date is prominently
83 disclosed in writing to the consumer at the time it is provided.
84 In addition, a gift certificate may have an expiration date if
85 it the monetary consideration for the gift certificate it is
86 provided to the recipient through a loyalty program, or
87 promotional program, or if it is provided in conjunction with as
88 ~~part of a larger package related to a convention, conference,~~
89 vacation, or sporting or fine arts event having a limited
90 duration so long as the majority of the value paid by the
91 recipient is attributable to the convention, conference,
92 vacation, or event. An issuer may honor a gift certificate that
93 has expired on or before the effective date of this act.

94 (b) Paragraph (a) does not apply to a gift certificate or
95 credit memo sold or issued by a financial institution, as
96 defined in s. 655.005, or by a money transmitter, as defined in
97 s. 560.103, if the gift certificate or credit memo is redeemable
98 by multiple unaffiliated merchants.

99 (c) Enforcement of this section shall be as provided in s.
100 501.142(3), (4), and (5) for violations of this section.

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101 Section 4. Subsections (3), (4), and (5) of section
102 501.142, Florida Statutes, read:

103 501.142 Retail sales establishments; preemption; notice of
104 refund policy; exceptions; penalty.--

105 (3) The department may enter an order doing one or more of
106 the following if the department finds that a person has violated
107 or is operating in violation of any of the provisions of this
108 section or the rules or orders issued under this section:

109 (a) Issue a notice of noncompliance pursuant to s.
110 120.695.

111 (b) Impose an administrative fine not to exceed \$100 for
112 each violation.

113 (c) Direct the person to cease and desist specified
114 activities.

115 (4) The administrative proceedings that could result in
116 the entry of an order imposing any of the penalties specified in
117 subsection (3) are governed by chapter 120.

118 (5) Any moneys recovered by the Department of Agriculture
119 and Consumer Services as a penalty under this section shall be
120 deposited in the General Inspection Trust Fund.

121 Section 5. The amendment of section 501.95, Florida
122 Statutes, by this act shall apply to all gift cards purchased
123 and credit memos issued on or after June 28, 2007.

124 Section 6. This act shall take effect upon becoming a law.

125
126 ===== T I T L E A M E N D M E N T =====

127 Remove the entire title and insert:

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129 A bill to be entitled
130 An act relating to the Department of Agriculture and
131 Consumer Services; amending s. 585.155, F.S.; requiring
132 that all female cattle vaccinated with the Brucella
133 abortus vaccine be identified according to federal
134 regulations; repealing s. 585.105, F.S., relating to the
135 purchase, distribution, and administration of approved
136 brucella vaccine; amending s. 501.95, F.S., relating to
137 gift certificates and credit memos; limiting application
138 of prohibitions to purchased instruments; providing for
139 enforcement by the department; providing certain
140 retroactive applicability; providing an effective date.
141