

Amendment No.

CHAMBER ACTION

Senate

House

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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 is provided as part of a loyalty program or promotional  
86 program or if it is provided in conjunction with larger package  
87 ~~related to~~ a convention, conference, vacation, or sporting or  
88 fine arts event having a limited duration ~~so long as the~~  
89 ~~majority of the value paid by the recipient is attributable to~~  
90 ~~the convention, conference, vacation, or event.~~ An issuer may  
91 honor a gift certificate that has expired on or before the  
92 effective date of this act.

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

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

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

102 501.142 Retail sales establishments; preemption; notice of  
103 refund policy; exceptions; penalty.--

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

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

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

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

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

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

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

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

124  
125 ===== T I T L E A M E N D M E N T =====

126 Remove the entire title and insert:

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