

A bill to be entitled

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

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

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

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

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

(1)(2)(a) All female cattle calves officially vaccinated with Brucella abortus vaccine shall be permanently identified at the time of vaccination in accordance with 9 C.F.R. part 78 ~~with the official shield tattoo "V," registered by the United States Department of Agriculture, in the right ear, preceded by the~~

HB 5011C

2007

28 ~~numeral of the quarter of the year and followed by the last~~  
29 ~~numeral of the year.~~

30 (b) In addition, all female cattle ~~each calf~~ shall be  
31 individually identified at the time of vaccination, if not  
32 already identified by tattoo, electronic identification device,  
33 or brand, by an official vaccination ear tag in the right ear.  
34 The tag shall include the designated state prefix, followed by  
35 the letter "V," two additional letters, and four numerals.  
36 Registration tattoos, electronic identification devices, or  
37 individual brand numbers may be substituted for the official ear  
38 tags. This identification shall be accurately recorded on the  
39 official vaccination record.

40 (c) Duplicate reports covering these vaccinations shall be  
41 immediately furnished to the department and shall constitute the  
42 official record of vaccination.

43 ~~(3) Each owner of a herd of cattle in this state shall~~  
44 ~~enroll the herd in a program to determine whether the herd is~~  
45 ~~infected with brucellosis. When reactors or suspects are~~  
46 ~~diselosed in a herd, the department and the owner must develop a~~  
47 ~~plan to eliminate the infection in accordance with the Uniform~~  
48 ~~Methods and Rules for Brucellosis Eradication and the rules of~~  
49 ~~this state. The plan shall include the required testing, removal~~  
50 ~~of reactor animals, calfhood vaccination and whole herd~~  
51 ~~vaccination to clear the herd of infection. The department shall~~  
52 ~~provide for the establishment of low brucellosis incidence areas~~  
53 ~~and brucellosis free areas which can be recognized by the United~~  
54 ~~States Department of Agriculture as having Class "Free," Class~~

HB 5011C

2007

55 ~~"A," or Class "B" status under the Uniform Methods and Rules for~~  
 56 ~~Brucellosis Eradication.~~

57 (2)~~(4)~~ Only an approved vaccine produced under license of  
 58 the United States Department of Agriculture shall qualify for  
 59 vaccination purposes under this section.

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

61 Section 3. Section 501.95, Florida Statutes, is amended to  
 62 read:

63 501.95 Gift certificates and credit memos.--

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

65 (a) "Credit memo" means a certificate, card, stored value  
 66 card, or similar instrument issued in exchange for returned  
 67 merchandise when the certificate, card, or similar instrument is  
 68 redeemable for merchandise, food, or services regardless of  
 69 whether any cash may be paid to the owner of the certificate,  
 70 card, or instrument as part of the redemption transaction.

71 (b) "Gift certificate" means a certificate, gift card,  
 72 stored value card, or similar instrument purchased ~~issued in~~  
 73 ~~exchange~~ for monetary consideration when the certificate, card,  
 74 or similar instrument is redeemable for merchandise, food, or  
 75 services regardless of whether any cash may be paid to the owner  
 76 of the certificate, card, or instrument as part of the  
 77 redemption transaction, but this term shall not include tickets  
 78 as specified in s. 717.1355 or manufacturer or retailer  
 79 discounts and coupons.

80 (2) (a) A gift certificate purchased or credit memo ~~sold or~~  
 81 ~~issued for consideration~~ in this state may not have an  
 82 expiration date, expiration period, or any type of postsale

HB 5011C

2007

83 charge or fee imposed on the gift certificate or credit memo,  
84 including, but not limited to, service charges, dormancy fees,  
85 account maintenance fees, or cash-out fees. However, a gift  
86 certificate may have an expiration date of not less than 3 years  
87 if it is provided as a charitable contribution ~~when no~~  
88 ~~consideration is given to the issuer by the consumer,~~ or not  
89 less than 1 year if it is provided as a benefit pursuant to an  
90 employee-incentive program, ~~consumer loyalty program, or~~  
91 ~~promotional program when no consideration is given to the issuer~~  
92 ~~by the consumer,~~ and the expiration date is prominently  
93 disclosed in writing to the consumer at the time it is provided.  
94 In addition, a gift certificate may have an expiration date if  
95 it is provided as part of a loyalty program or promotional  
96 program or if it is provided in conjunction with larger package  
97 ~~related to~~ a convention, conference, vacation, or sporting or  
98 fine arts event having a limited duration ~~so long as the~~  
99 ~~majority of the value paid by the recipient is attributable to~~  
100 ~~the convention, conference, vacation, or event.~~ An issuer may  
101 honor a gift certificate that has expired on or before the  
102 effective date of this act.

103 (b) Paragraph (a) does not apply to a gift certificate or  
104 credit memo sold or issued by a financial institution, as  
105 defined in s. 655.005, or by a money transmitter, as defined in  
106 s. 560.103, if the gift certificate or credit memo is redeemable  
107 by multiple unaffiliated merchants.

108 (c) Enforcement of this section shall be as provided in s.  
109 501.142(3), (4), and (5) for violations of this section.

110 Section 4. Subsections (3), (4), and (5) of section

HB 5011C

2007

111 501.142, Florida Statutes, read:

112 501.142 Retail sales establishments; preemption; notice of  
113 refund policy; exceptions; penalty.--

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

118 (a) Issue a notice of noncompliance pursuant to s.  
119 120.695.

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

122 (c) Direct the person to cease and desist specified  
123 activities.

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

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

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

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