

By Senator Perry

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1 A bill to be entitled
2 An act relating to captive-bred animal culture;
3 creating chapter 598, entitled "Animal Policy";
4 creating s. 598.001, F.S.; providing a short title;
5 creating s. 598.002, F.S.; providing legislative
6 findings and intent; creating s. 598.003, F.S.;
7 defining terms; creating s. 598.004, F.S.; providing
8 duties of the Department of Agriculture and Consumer
9 Services; requiring the department to submit a list of
10 specified research and development projects with its
11 annual legislative budget request to the Governor and
12 the Legislature; requiring certain funds to be
13 deposited in the General Inspection Trust Fund to fund
14 certain captive-bred animal projects; creating s.
15 598.005, F.S.; requiring a captive-bred producer to
16 apply to the department for a certificate of
17 registration; providing requirements for the
18 application; providing renewal requirements for a
19 certificate of registration; requiring the department,
20 in consultation with the Department of Environmental
21 Protection, the Fish and Wildlife Conservation
22 Commission, the water management districts, and other
23 interested groups, to adopt rules that meet certain
24 requirements; requiring captive-bred products to be
25 identified by a captive-bred animal culture
26 certificate of registration number under certain
27 circumstances; creating s. 598.006, F.S.; creating the
28 Captive-bred Animal Culture Advisory Council adjunct
29 to the department; providing for the membership and

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30 terms of the advisory council; creating s. 598.007,
31 F.S.; requiring the Commissioner of Agriculture, in
32 consultation with the advisory council, to develop and
33 coordinate the implementation of the state captive-
34 bred animal culture plan; providing requirements for
35 the plan; requiring a revised and updated plan to be
36 sent to the Legislature biannually; requiring that
37 annual progress reports and budget requests be
38 submitted to the Legislature; creating s. 598.008,
39 F.S.; prohibiting a captive-bred producer from
40 commingling such animals or products with wildlife or
41 products under certain circumstances; providing civil
42 and criminal penalties; providing an effective date.
43

44 Be It Enacted by the Legislature of the State of Florida:
45

46 Section 1. Chapter 598, Florida Statutes, consisting of ss.
47 598.001-598.008, Florida Statutes, is created and entitled
48 "Animal Policy."

49 Section 2. Section 598.001, Florida Statutes, is created to
50 read:

51 598.001 Short title.—This chapter may be cited as the
52 "Florida Animal Policy Act."

53 Section 3. Section 598.002, Florida Statutes, is created to
54 read:

55 598.002 Legislative findings and intent.—

56 (1) The Legislature finds that:

57 (a) Notwithstanding any other law, captive-bred animal
58 culture is an agricultural practice and, as such, falls within

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59 the regulatory responsibilities of the Department of Agriculture
60 and Consumer Services, with the exception of any area regulated
61 by federal law or rule.

62 (b) In order to effectively support the growth of captive-
63 bred animal culture in this state, excluding animals already
64 overseen by the department, there is a need for a state captive-
65 bred animal culture plan that will provide for the coordination
66 and prioritization of state captive-bred animal culture efforts
67 and for the conservation and enhancement of wildlife resources,
68 provide mechanisms for increasing captive-bred animal culture
69 production, and guide the research and development of the
70 captive-bred animal culture industry.

71 (c) The cultivation of captive-bred animals, especially
72 wildlife, is an underdeveloped agricultural commodity enterprise
73 in this state. The Legislature recognizes that this state
74 possesses many resources and geographic features that are
75 competitive advantages for the expansion and growth of captive-
76 bred animal culture into an economically viable industry. The
77 growth potential for the present industry offers opportunities
78 for local economic development, supply trade, and job creation.
79 The development of captive-bred animal culture is compatible
80 with the economies, lifestyles, and interests of both rural and
81 urban communities in this state.

82 (d) Factors such as a lack of husbandry knowledge and
83 assistance, of information for overall business planning and
84 marketing, and of coordination of the diverse interests and
85 expertise which could contribute to the further development of
86 captive-bred animal culture in this state inhibit the
87 cultivation of captive-bred animals as an agricultural commodity

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88 enterprise.

89 (2) It is the intent of the Legislature:

90 (a) To enhance the growth of captive-bred animal culture in
91 this state, while also protecting Florida's environment.

92 (b) To require the department to coordinate and assist in
93 the development of captive-bred animal culture, especially of
94 previously uncultured wildlife.

95 (c) That funds designated by the Legislature for captive-
96 bred animal research and development or for contracting for
97 captive-bred animal research and development be used to address
98 the projects and activities specified in a state captive-bred
99 animal culture plan, and that any entity receiving legislative
100 funding for captive-bred animal research and development
101 programs report annually to the department all activities
102 related to captive-bred animal culture to facilitate
103 coordination and compliance with the state captive-bred animal
104 culture plan.

105 (d) That the Captive-bred Animal Culture Advisory Council
106 created under s. 598.006 provide a means of communication
107 between captive-bred producers and regulatory agencies.

108 Section 4. Section 598.003, Florida Statutes, is created to
109 read:

110 598.003 Definitions.—As used in this chapter, the term:

111 (1) "Broodstock" means a group of individual animals of a
112 cultured species which are kept separate for breeding purposes.

113 (2) "Captive-bred animals" means the progeny of a lawfully
114 obtained broodstock. The term does not include wildlife.

115 (3) "Captive-bred producer" means an individual who holds a
116 current captive-bred animal culture certificate of registration

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117 and produces captive-bred products.

118 (4) "Captive-bred products" means animals or goods that are
119 produced by a captive-bred producer.

120 (5) "Commissioner" means the Commissioner of Agriculture.

121 (6) "Department" means the Department of Agriculture and
122 Consumer Services.

123 (7) "Domesticated animal" means a captive animal that is
124 cultured by a captive-bred producer.

125 (8) "Herpetoculturist" means a person who cultivates
126 reptiles and amphibians.

127 (9) "Wildlife" means all wild or nondomesticated animals,
128 including aquatic species, birds, mammals, fur-bearing animals,
129 reptiles, and amphibians.

130 Section 5. Section 598.004, Florida Statutes, is created to
131 read:

132 598.004 Powers and duties of the department.—

133 (1) The department is the lead agency in encouraging the
134 development of captive-bred animal culture in this state and
135 shall have and exercise the following functions, powers, and
136 duties with regard to captive-bred animal culture:

137 (a) To issue or deny captive-bred animal culture
138 certificates that identify captive-bred producers and captive-
139 bred products.

140 (b) To coordinate the development, annual revision, and
141 implementation of a state captive-bred animal culture plan. The
142 plan must include a priority list of recommendations for
143 research and development, as suggested by the Captive-bred
144 Animal Culture Advisory Council created under s. 598.006, and
145 for public and private institutional research, extension, and

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146 service programs.

147 (c) To develop memoranda of agreement, as needed, with the
148 Department of Environmental Protection, the Fish and Wildlife
149 Conservation Commission, and other groups, as provided in the
150 state captive-bred animal culture plan.

151 (d) To provide staff for the advisory council.

152 (e) To submit the list of proposed research and development
153 projects to be funded through the department, as identified in
154 the state captive-bred animal culture plan, along with the
155 department's legislative budget request, to the Governor, the
156 President of the Senate, and the Speaker of the House of
157 Representatives. If funded, the projects must be contracted for
158 by the department and must require public-private partnerships
159 when appropriate. The contracts must require that a percentage
160 of the profit generated by the project be deposited into the
161 General Inspection Trust Fund solely for the purpose of funding
162 captive-bred animal projects that are recommended by the
163 advisory council.

164 (f) To provide developmental assistance to the various
165 sectors of the captive-bred animal culture industry, as
166 determined in the state captive-bred animal culture plan.

167 (g) To assist persons seeking to engage in captive-bred
168 animal culture when applying for any necessary permits and to
169 serve as an ombudsman to resolve complaints and disputes or to
170 otherwise resolve problems arising between captive-bred
171 producers and regulatory agencies.

172 (h) To provide recommendations to the Legislature regarding
173 the implementation of the state captive-bred animal culture plan
174 and the advancement of captive-bred animal culture in this

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175 state.

176 (i) To issue or deny any license or permit that the
177 department is authorized or delegated to issue or deny by the
178 Legislature or through a memorandum of understanding with other
179 state or federal agencies which furthers the intent of the
180 Legislature to place the regulation of captive-bred animal
181 culture in the department.

182 (j) To provide assistance in developing technologies
183 applicable to captive-bred animal culture, evaluate practicable
184 production alternatives, and provide agreements to develop
185 innovative captive-bred animal culture practices.

186 (2) The department may employ such persons as are necessary
187 to perform its duties under this chapter.

188 Section 6. Section 598.005, Florida Statutes, is created to
189 read:

190 598.005 Captive-bred animal culture certificate of
191 registration.-

192 (1) CERTIFICATION APPLICATION AND RENEWAL.-A captive-bred
193 producer in this state shall apply to the department for a
194 certificate of registration.

195 (a) The application must include all of the following:

196 1. The applicant's name and title.

197 2. The producer's corporate name.

198 3. The applicant's mailing address.

199 4. The legal property description and physical address of
200 the producer's captive-bred animal facilities.

201 5. A description of the producer's production facilities.

202 6. A list of captive-bred products produced at those
203 facilities.

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204 7. Documentation that the applicant has complied with
205 department rules adopted pursuant to subsection (2).

206 (b) Upon approval of an application, the department shall
207 issue the applicant a captive-bred animal culture certificate of
208 registration for a period not to exceed 1 year. Beginning July
209 1, 2021, and each year thereafter, each captive-bred animal
210 culture certificate of registration must be renewed pursuant to
211 this chapter.

212 (c) The department shall send notices of registration to
213 all captive-bred producers of record requiring them to register
214 for a captive-bred animal culture certificate. Renewal notices
215 must be sent to the registrant 60 days before the termination
216 date of the certificate of registration. A registrant who wishes
217 to renew its certificate shall complete a renewal form provided
218 by the department.

219 (d) A producer whose certificate of registration has been
220 revoked or suspended shall reapply to the department for
221 certification.

222 (2) RULES.—The department, in consultation with the
223 Department of Environmental Protection, the Fish and Wildlife
224 Conservation Commission, the water management districts,
225 environmental groups, and representatives from affected farming
226 groups, shall adopt rules that do all of the following:

227 (a) Specify best management practices that a captive-bred
228 producer must implement.

229 (b) Establish procedures for a captive-bred producer to
230 submit a notice of intent to comply with best management
231 practices.

232 (c) Establish schedules for the implementation of best

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233 management practices and interim measures that can be taken
234 before adoption of the best management practices.

235 (d) Establish a system to assure the implementation of best
236 management practices, including recordkeeping requirements.

237 (3) IDENTIFICATION OF CAPTIVE-BRED PRODUCTS.—Captive-bred
238 products must be identified by a captive-bred animal culture
239 certificate of registration number when possessed, processed,
240 transported, or sold.

241 (a) A person who possesses captive-bred products shall show
242 an appropriate receipt, bill of sale, bill of lading, or other
243 such manifest that indicates where the product originated.

244 (b) Each captive-bred animal culture registrant who sells
245 products labeled as "captive bred or farm raised" must clearly
246 identify such products on an invoice or bill of lading. Invoice
247 information must include the name and address of the producer
248 and the captive-bred animal culture certificate of registration
249 number.

250 (4) SALE OF CAPTIVE-BRED PRODUCTS.—Captive-bred products
251 may be sold by a captive-bred producer who is certified pursuant
252 to this section. Such products may not include a species
253 identified as a prohibited species by rules of the Fish and
254 Wildlife Conservation Commission.

255 Section 7. Section 598.006, Florida Statutes, is created to
256 read:

257 598.006 Captive-bred Animal Culture Advisory Council.—

258 (1) The Captive-bred Animal Culture Advisory Council, an
259 advisory council as defined in s. 20.03, is created adjunct to
260 the department.

261 (a) The advisory council shall consist of three members who

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262 are captive-bred producers or farmers, two members who are
263 captive-bred product dealers, and one member who represents the
264 Animal Industry Technical Council, all appointed by the
265 commissioner. Members must include at least one aquaculturist
266 and one herpetoculturist and shall serve 4-year terms.

267 (b) Each member must be selected from at least two and no
268 more than three nominees submitted by recognized statewide
269 organizations representing the respective industry sectors. In
270 the absence of nominees, the commissioner shall appoint persons
271 who otherwise meet the qualifications for appointment to the
272 advisory council.

273 (c) Members, or their duly appointed representatives, shall
274 serve until their successors are duly qualified and appointed.
275 An appointment to fill a vacancy must be for the unexpired
276 portion of the term.

277 (2) Except as otherwise expressly provided in this section,
278 the advisory council must be conducted pursuant to s.
279 570.232(7).

280 (3) The primary responsibility of the advisory council is
281 to annually submit to the commissioner the industry's
282 recommendations for captive-bred research, promotion, and
283 education and, as necessary, the industry's recommendations for
284 revisions to the state captive-bred animal culture plan.

285 Section 8. Section 598.007, Florida Statutes, is created to
286 read:

287 598.007 State captive-bred animal culture plan.-

288 (1) The commissioner, in consultation with the Captive-bred
289 Animal Culture Advisory Council, shall develop and coordinate
290 the implementation of the state captive-bred animal culture

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291 plan. The plan must identify problems and constraints of the
292 captive-bred animal culture industry in developing domesticated
293 broodstock, propose possible solutions to such problems, and
294 develop planning mechanisms for the orderly growth of the
295 industry, including all of the following:

296 (a) Criteria for captive-bred animal culture research,
297 service, and management priorities.

298 (b) Any proposed legislation that may be required.

299 (c) The potential for captive-bred products in terms of
300 marketing and needs for development.

301 (d) Research and service priorities for further development
302 of the captive-bred animal culture industry.

303 (e) Business planning, investment potential, financial
304 risks, and economics of production and utilization.

305 (2) The commissioner shall submit:

306 (a) A revision and update of the state captive-bred animal
307 culture plan biannually to the President of the Senate, the
308 Speaker of the House of Representatives, and the chairs of
309 appropriate committees of the Senate and the House of
310 Representatives.

311 (b) A progress report and budget request annually.

312 Section 9. Section 598.008, Florida Statutes, is created to
313 read:

314 598.008 Prohibited acts; penalties.—

315 (1) A captive-bred producer may not commingle captive-bred
316 animals or products with any similar wildlife or products when
317 selling them or offering them for sale.

318 (2) (a) A producer who violates this chapter or any rule
319 adopted under this chapter is subject to suspension or

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320 revocation of his or her certificate of registration or license,
321 if applicable. In lieu of, or in addition to, the suspension or
322 revocation, the department may impose on the violator an
323 administrative fine as provided in s. 570.971(1)(a) for each
324 violation.

325 (b) Except as provided in subsection (4), a person who
326 violates this chapter or any rule adopted under this chapter
327 commits a misdemeanor of the first degree, punishable as
328 provided in s. 775.082 or s. 775.083.

329 (3) A producer who is certified under this chapter who has
330 been convicted of unlawfully taking captive-bred animals raised
331 at a certified facility shall have his or her certificate
332 revoked for 5 years by the department pursuant to s. 120.60.

333 (4) An individual who violates this chapter and s. 597.010
334 or s. 597.020, or any rule adopted under those sections, commits
335 a misdemeanor of the second degree, punishable as provided in s.
336 775.082 or s. 775.083 for the first offense; and, for the second
337 or any subsequent offense within a 12-month period, commits a
338 misdemeanor of the first degree, punishable as provided in s.
339 775.082 or s. 775.083.

340 Section 10. This act shall take effect July 1, 2020.