

By Senator Geller

29-715A-01

See HB

1 A bill to be entitled
2 An act relating to agriculture and consumer
3 services; amending s. 120.80, F.S.; providing
4 that marketing orders under ch. 527, F.S., are
5 not rules; amending s. 125.27, F.S.;
6 authorizing the Department of Agriculture and
7 Consumer Services to lease or loan equipment to
8 governmental entities that have fire/rescue
9 responsibilities; limiting liability for civil
10 damages resulting from use or possession of
11 such equipment; amending s. 201.15, F.S.;
12 authorizing the department to adopt rules
13 regarding the distribution of funds for best
14 management practices; amending s. 403.714,
15 F.S.; deleting a requirement that the
16 department coordinate development of uniform
17 product specifications for compost used by
18 state agencies; amending s. 487.041, F.S.;
19 authorizing the department to require and
20 review data relating to the claims of pesticide
21 products used as preventive treatment for
22 termites; authorizing the department to adopt
23 rules; amending s. 500.09, F.S.; authorizing
24 fees for certain reinspection of food
25 establishments; amending ss. 502.012, 502.014,
26 F.S.; revising references relating to the
27 pasteurized milk ordinance and milk sanitation;
28 deleting a requirement that a copy of a federal
29 temporary marketing permit for milk and milk
30 products be forwarded to the department;
31 amending s. 502.053, F.S.; clarifying milk

1 testing requirements; amending s. 502.091,
2 F.S.; authorizing the department to forgo the
3 grading of certain milk products in an
4 emergency; providing for labeling; amending s.
5 503.041, F.S.; providing that an attempted or
6 purported transfer of a frozen dessert plant
7 license is grounds for its suspension or
8 revocation; amending s. 570.07, F.S.;
9 authorizing the department to conduct
10 investigations of violations of laws relating
11 to consumer protection; authorizing the
12 department to repair or construct structures;
13 amending s. 503.071, F.S.; providing for the
14 embargo, detainment, or destruction of food or
15 food processing equipment of a frozen dessert
16 manufacturer; amending s. 570.244, F.S.;
17 clarifying powers and duties of the department
18 relating to the development of agribusinesses;
19 amending s. 570.249, F.S.; clarifying
20 aquacultural crops eligible for Agricultural
21 Economic Development Program disaster loans;
22 revising loan application requirements;
23 directing the department to establish an
24 agribusiness market development grant program;
25 amending s. 570.38, F.S.; increasing membership
26 of the Animal Industry Technical Council;
27 amending s. 581.211, F.S.; providing a penalty
28 for violation of rules relating to plant
29 industry; amending s. 585.002, F.S.;
30 prohibiting regulation of care and treatment of
31 livestock and poultry by other agencies when

1 the department has undertaken to do so;
2 amending s. 585.155, F.S.; revising vaccination
3 requirements for calves; amending s. 616.242,
4 F.S.; providing additional exemptions from
5 amusement ride safety standards; amending s.
6 828.22, F.S.; creating the "Humane Slaughter
7 Act"; revising provisions relating to humane
8 slaughter and livestock euthanasia; amending s.
9 828.23, F.S.; revising definitions; amending s.
10 828.24, F.S.; revising provisions relating to
11 prohibited acts; amending s. 828.25, F.S.;
12 revising provisions relating to administration
13 of the act by the department; creating s.
14 828.251, F.S.; directing the department to make
15 current technical information available to
16 slaughterers; creating s. 828.252, F.S.;
17 providing for humane treatment of nonambulatory
18 animals; amending s. 828.26, F.S.; revising
19 penalties; amending ss. 427.804, 559.921, F.S.;
20 conforming cross-references; repealing s.
21 570.544(10) and (11), F.S., relating to
22 authority of the Division of Consumer Services
23 of the department to conduct investigations of
24 violations of laws relating to consumer
25 protection; providing effective dates.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (a) of subsection (2) of section
30 120.80, Florida Statutes, is amended to read:

31

1 120.80 Exceptions and special requirements;
2 agencies.--

3 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

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

6 Section 2. Subsection (3) is added to section 125.27,
7 Florida Statutes, to read:

8 125.27 Countywide forest fire protection; authority of
9 the Division of Forestry; state funding; county fire control
10 assessments; disposition.--

11 (3) The Department of Agriculture and Consumer
12 Services may lease, loan, or otherwise make available, without
13 charge, to state, county, and local governmental entities that
14 have fire/rescue responsibilities, new or used fire protection
15 equipment, vehicles, or supplies, which shall include all such
16 items received from public or private entities. The
17 department, and those private or public entities providing
18 such items for loan or lease through the department, shall not
19 be held liable for civil damage resulting from use or
20 possession of such items. Private or public entities that
21 donate equipment, vehicles, or supplies directly to state,
22 county, or local governmental entities having fire/rescue
23 responsibilities shall not be held liable for civil damage
24 resulting from use or possession of such items.

25 Section 3. Subsection (8) of section 201.15, Florida
26 Statutes, as amended by chapters 99-247, 2000-151, 2000-170,
27 and 2000-197, Laws of Florida, is amended to read:

28 201.15 Distribution of taxes collected.--All taxes
29 collected under this chapter shall be distributed as follows
30 and shall be subject to the service charge imposed in s.
31 215.20(1), except that such service charge shall not be levied

1 against any portion of taxes pledged to debt service on bonds
2 to the extent that the amount of the service charge is
3 required to pay any amounts relating to the bonds:
4 (8) One-half of one percent of the remaining taxes
5 collected under this chapter shall be paid into the State
6 Treasury and divided equally to the credit of the Department
7 of Environmental Protection Water Quality Assurance Trust Fund
8 to address water quality impacts associated with
9 nonagricultural nonpoint sources and to the credit of the
10 Department of Agriculture and Consumer Services General
11 Inspection Trust Fund to address water quality impacts
12 associated with agricultural nonpoint sources, respectively.
13 These funds shall be used for research, development,
14 demonstration, and implementation of suitable best management
15 practices or other measures used to achieve water quality
16 standards in surface waters and water segments identified
17 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.
18 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
19 management practices and other measures may include cost-share
20 grants, technical assistance, implementation tracking, and
21 conservation leases or other agreements for water quality
22 improvement. The Department of Environmental Protection and
23 the Department of Agriculture and Consumer Services may adopt
24 rules governing the distribution of funds for implementation
25 of best management practices.The unobligated balance of funds
26 received from the distribution of taxes collected under this
27 chapter to address water quality impacts associated with
28 nonagricultural nonpoint sources will be excluded when
29 calculating the unobligated balance of the Water Quality
30 Assurance Trust Fund as it relates to the determination of the
31 applicable excise tax rate.

1 Section 4. Subsection (3) of section 403.714, Florida
2 Statutes, is amended to read:

3 403.714 Duties of state agencies.--

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

30 Section 5. Paragraph (e) is added to subsection (4) of
31 section 487.041, Florida Statutes, to read:

1 487.041 Registration.--

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

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

20 Section 6. Subsection (7) of section 500.09, Florida
21 Statutes, is amended to read:

22 500.09 Rulemaking; analytical work.--

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

1 Section 7. Subsection (15) of section 502.012, Florida
2 Statutes, is amended to read:

3 502.012 Definitions.--The following definitions shall
4 apply in the interpretation and enforcement of this law:

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

10 Section 8. Paragraph (b) of subsection (2) and
11 subsection (5) of section 502.014, Florida Statutes, are
12 amended to read:

13 502.014 Powers and duties.--

14 (2)

15 (b) The department shall designate employees who shall
16 be certified by the United States Food and Drug Administration
17 as state milk sanitation rating officers, sampling
18 surveillance officers, and laboratory evaluation officers in
19 accordance with the requirements published in "Methods of
20 Making Sanitation Ratings of Milk Supplies, ~~1989 Revision,~~"
21 "Evaluation of Milk Laboratories, ~~1985 Revision,~~" and
22 "Procedures Governing the Cooperative State-Public Health
23 Service/Food and Drug Administration Program for Certification
24 of Interstate Milk Shippers, ~~1991 Revision,~~" respectively, as
25 adopted by department rule. These officers shall conduct
26 routine sanitation compliance survey ratings of milk
27 producers, milk plants, laboratories, receiving stations,
28 transfer stations, and manufacturers of single-service
29 containers for milk and milk products. These ratings shall be
30 made in accordance with the recommendations of the United
31

1 States Food and Drug Administration published in Standard
2 Methods for the Examination of Dairy Products.

3 ~~(5)(a) A person who obtains a temporary marketing~~
4 ~~permit from the United States Food and Drug Administration for~~
5 ~~milk and milk products that do not conform to existing~~
6 ~~standards and definitions shall immediately forward a copy of~~
7 ~~the permit to the department. The department may allow the~~
8 ~~person to operate in the state under the authority of the~~
9 ~~federal permit if the department determines that it is in the~~
10 ~~interest of the state to do so.~~

11 (a)~~(b)~~ The department shall adopt criteria for
12 issuance of a state temporary marketing permit for milk and
13 milk products that do not conform to existing standards and
14 definitions.

15 (b)~~(c)~~ The department shall establish a fee, not to
16 exceed \$100, for the issuance of a state temporary marketing
17 permit or the use of a federal permit in the state. The fee
18 shall cover all costs of issuing the state permit or
19 processing the federal permit.

20 Section 9. Paragraph (c) of subsection (2) of section
21 502.053, Florida Statutes, is amended to read:

22 502.053 Permits; requirements; exemptions; temporary
23 permits.--

24 (2) REQUIREMENTS.--

25 (c) In addition to the testing required in ~~Appendix N~~
26 ~~of the pasteurized milk ordinance~~ and its appendices, each
27 milk plant operator in the state shall be responsible for
28 routine testing and inspection of raw milk shipped from
29 outside the state prior to processing and shall notify the
30 department when such testing and inspection indicates a
31

1 violation of the standards contained in the pasteurized milk
2 ordinance.

3 Section 10. Paragraph (a) of subsection (1) of section
4 502.091, Florida Statutes, is amended to read:

5 502.091 Milk and milk products which may be sold.--

6 (1) Only Grade A pasteurized milk and milk products or
7 certified pasteurized milk shall be sold to the final consumer
8 or to restaurants, soda fountains, grocery stores, or similar
9 establishments.

10 (a) In an emergency, however, the department may
11 authorize the sale of reconstituted pasteurized milk products,
12 or pasteurized milk and milk products that ~~which~~ have not been
13 graded, or the grade of that ~~which~~ is unknown, in which case
14 such milk and milk products shall be appropriately labeled, as
15 determined by the department. ~~"ungraded."~~

16 Section 11. Subsection (1) of section 503.041, Florida
17 Statutes, is amended to read:

18 503.041 License fee; report required; penalty.--

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

24 Section 12. Subsections (36), (37), and (38) are added
25 to section 570.07, Florida Statutes, to read:

26 570.07 Department of Agriculture and Consumer
27 Services; functions, powers, and duties.--The department shall
28 have and exercise the following functions, powers, and duties:

29 (36) If the department, by its own inquiry or as a
30 result of complaints, has reason to believe that a violation
31 of the laws of the state relating to consumer protection has

1 occurred or is occurring, to conduct an investigation,
2 subpoena witnesses and evidence, and administer oaths and
3 affirmations. If, as a result of the investigation, the
4 department has reason to believe a violation of chapter 501
5 has occurred, the department shall have the authority to bring
6 an action in accordance with the provisions of chapter 501.

7 (37) If the department, by its own inquiry or as a
8 result of complaints, has reason to believe that a violation
9 of the laws of the state relating to consumer protection has
10 occurred or is occurring, that the interests of the consumers
11 of this state have been damaged or are being damaged, or that
12 the public health, safety, or welfare is endangered or is
13 likely to be endangered by any consumer product or service, to
14 commence legal proceedings in circuit court to enjoin the act
15 or practice or the sale of the product or service and may seek
16 appropriate relief on behalf of consumers. Upon application by
17 the department, a hearing shall be held within 3 days after
18 the commencement of the proceedings.

19 (38) To repair or build structures, from existing
20 appropriations authority, notwithstanding chapters 216 and
21 255, not to exceed a cost of \$100,000 per structure. These
22 structures must meet all applicable building codes.

23 Section 13. Subsection (6) is added to section
24 503.071, Florida Statutes, to read:

25 503.071 Penalty, injunction, and administrative
26 fines.--

27 (6) Frozen dessert manufacturers are subject to the
28 provisions of s. 500.172, relating to embargoing, detaining,
29 or destroying food or food processing equipment, as well as
30 the provisions of this section.

31

1 Section 14. Subsection (4) of section 570.244, Florida
2 Statutes, is amended to read:

3 570.244 Department of Agriculture and Consumer
4 Services; powers and duties.--For the accomplishment of the
5 purposes specified in this act, the department shall have all
6 powers and duties necessary, including, but not limited to,
7 the power and duty to:

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

12 Section 15. Effective upon this act becoming a law,
13 paragraph (d) of subsection (2) and subsections (4) and (5) of
14 section 570.249, Florida Statutes, are amended, and subsection
15 (7) is added to that section, to read:

16 570.249 Agricultural Economic Development Program
17 disaster loans.--

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

20 (d) Specialty crops, such as seafood and aquaculture,
21 including shellfish cultivation and harvesting and commercial
22 fishing; aquacultural, floricultural, or ornamental nursery
23 crops; Christmas trees; turf for sod; industrial crops; and
24 seed crops used to produce eligible crops.

25 (4) LOAN APPLICATION.--In order to qualify for a loan
26 under this section, an applicant must submit an application to
27 the department committee within 90 ~~30~~ days after the date the
28 natural disaster or socioeconomic condition or event occurs or
29 the crop damage becomes apparent. An applicant must be a
30 ~~citizen of the United States, a~~ bona fide resident of the
31 state and, ~~together with the applicant's spouse and their~~

1 ~~dependents, have a total net worth of less than \$100,000. The~~
2 ~~value of any residential homestead owned by the applicant must~~
3 ~~not be included in determining the applicant's net worth. An~~
4 ~~applicant must also demonstrate the need for economic~~
5 ~~assistance, be worthy of credit according to standards~~
6 ~~established by the commissioner, prove that he or she cannot~~
7 ~~obtain commercial credit, and demonstrate that he or she has~~
8 ~~the ability to repay the loan.~~

9 (5) LOAN SECURITY REQUIREMENTS.--All loans must be
10 secured fully collateralized. A first lien is required on all
11 property or product acquired, produced, or refinanced with
12 loan funds. The specific type of collateral required may vary
13 depending upon the loan purpose, repayment ability, and the
14 particular circumstances of the applicant.

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

18 Section 16. Subsection (1) of section 570.38, Florida
19 Statutes, is amended to read:

20 570.38 Animal Industry Technical Council.--

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

24 (a) The beef cattle, swine, dairy, horse, independent
25 agricultural markets, meat processing and packing
26 establishments, veterinary medicine, and poultry
27 representatives who serve on the State Agricultural Advisory
28 Council and three additional representatives from the beef
29 cattle industry, as well as three at-large members
30 representing other animal industries in the state, who shall
31

1 be appointed by the commissioner for 4-year terms or until
2 their successors are duly qualified and appointed.

3 (b) Each additional beef cattle representative shall
4 be appointed subject to the qualifications and by the
5 procedure as prescribed in s. 570.23 for membership to the
6 council by the beef cattle representative. If a vacancy
7 occurs in these three positions, it shall be filled for the
8 remainder of the term in the same manner as an initial
9 appointment.

10 Section 17. Paragraph (a) of subsection (1) of section
11 581.211, Florida Statutes, is amended to read:

12 581.211 Penalties for violations.--

13 (1) Any person who:

14 (a) Violates any provision of this chapter or the
15 rules adopted under this chapter;

16
17 commits a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 Section 18. Subsection (6) is added to section
20 585.002, Florida Statutes, to read:

21 585.002 Department control; continuance of powers,
22 duties, rules, orders, etc.--

23 (6) Except as otherwise provided in this chapter, and
24 notwithstanding any other provision of law, another state
25 agency or a local government may not adopt any ordinance,
26 rule, or policy for the humane care and treatment of
27 livestock, as defined in s. 585.01(13), and poultry housed or
28 pastured in this state when such activity is regulated through
29 best-management practices developed or adopted by the
30 department under chapter 120 as part of a statewide or
31 regional program.

1 Section 19. 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 20. Paragraph (a) of subsection (10) of
16 section 616.242, Florida Statutes, is amended to read:

17 616.242 Safety standards for amusement rides.--

18 (10) EXEMPTIONS.--

19 (a) This section does not apply to:

20 1. Permanent facilities that employ at least 1,000
21 full-time employees and that maintain full-time, in-house
22 safety inspectors. Furthermore, the permanent facilities must
23 file an affidavit of the annual inspection with the
24 department, on a form prescribed by rule of the department.
25 Additionally, the Department of Agriculture and Consumer
26 Services may consult annually with the permanent facilities
27 regarding industry safety programs.

28 2. Any playground operated by a school, local
29 government, or business licensed under chapter 509, if the
30 playground is an incidental amenity and the operating entity
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1 is not primarily engaged in providing amusement, pleasure,
2 thrills, or excitement.

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

6 4. Conventions or trade shows for the sale or exhibit
7 of amusement rides if there are a minimum of 15 amusement
8 rides on display or exhibition, and if any operation of such
9 amusement rides is limited to the registered attendees of the
10 convention or trade show.

11 5. Skating rinks, arcades, lazer or paint ball war
12 games, bowling alleys, miniature golf courses, mechanical
13 bulls, inflatable rides, trampolines, ball crawls, exercise
14 equipment, jet skis, paddle boats, air boats, helicopters,
15 airplanes, parasails, hot air or helium balloons whether
16 tethered or untethered, theatres, batting cages, stationary
17 spring-mounted fixtures, rider-propelled merry-go-rounds,
18 games, side shows, live animal rides, or live animal shows.

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

21 7. Nonmotorized playground equipment that is not
22 required to have a manager.

23 8. Coin-actuated amusement rides designed to be
24 operated by depositing coins, tokens, credit cards, debit
25 cards, bills, or other cash money and which are not required
26 to have a manager, and which have a capacity of six persons or
27 less.

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

30
31

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

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

9 Section 21. Section 828.22, Florida Statutes, is
10 amended to read:

11 828.22 Humane Slaughter Act; humane slaughter and
12 livestock euthanasia; requirements ~~requirement~~.--

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

15 (2)(a)~~(1)~~ The Legislature of this state finds that the
16 use of humane methods in the killing ~~slaughter~~ of livestock
17 prevents needless suffering, results in safer and better
18 working conditions for persons engaged in the slaughtering
19 industry or other livestock operations, brings about
20 improvement of products and economy in slaughtering or other
21 livestock operations, and produces other benefits for
22 producers, processors, and consumers which tend to expedite
23 the orderly flow of livestock and their products.

24 (b)~~(2)~~ It is therefore declared to be the policy of
25 this state to require that the slaughter of all livestock and
26 the handling of livestock in connection with slaughter shall
27 be carried out only by humane methods and to provide that
28 methods of slaughter shall conform generally to those employed
29 in other states where humane slaughter is required by law and
30 to those authorized by the Federal Humane Slaughter Act of
31 1958, and regulations thereunder.

1 (3) Nothing in ss. 828.22-828.26 ~~this act~~ shall be
2 construed to prohibit, abridge, or in any way hinder the
3 religious freedom of any person or group. Notwithstanding any
4 other provision of ss. 828.22-828.26 ~~this act~~, in order to
5 protect freedom of religion, ritual slaughter and the handling
6 or other preparation of livestock for ritual slaughter are
7 exempted from the terms of ss. 828.22-828.26 ~~this act~~. For
8 the purposes of this action the term "ritual slaughter" means
9 slaughter in accordance with s. 828.23(3)(~~7~~)(~~b~~).

10 Section 22. Section 828.23, Florida Statutes, is
11 amended to read:

12 828.23 Definitions; ss. 828.22-828.26.--As used in ss.
13 828.22-828.26, the following words shall have the meaning
14 indicated:

15 (1) "Department" means the Department of Agriculture
16 and Consumer Services.

17 (2) "Person" means any individual, partnership,
18 corporation, or association doing business in this state, in
19 whole or in part.

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

22 (4)(~~3~~) "Slaughterer" means any person other than a
23 licensed veterinarian, or an employee of a humane society or
24 animal control agency, who kills ~~regularly engaged in the~~
25 ~~commercial slaughtering of~~ livestock.

26 (5)(~~4~~) "Livestock" means cattle, calves, sheep, swine,
27 horses, mules, goats, ostriches, rheas, emus, and any other
28 domestic animal that ~~which~~ can or may be used in the
29 preparation of animal ~~and for the preparation of meat or meat~~
30 products. For the purposes of ss. 828.22-828.26, "livestock"
31 does not include poultry and aquatic species.

1 ~~(5) "Packer" means any person engaged in the business~~
2 ~~of slaughtering, or of manufacturing or preparing meat or meat~~
3 ~~products for sale, either by such person or others; or of~~
4 ~~manufacturing or preparing livestock products for sale by such~~
5 ~~person or others.~~

6 ~~(6) "Stockyard" means any place, establishment, or~~
7 ~~facility commonly known as a stockyard, conducted or operated~~
8 ~~for compensation or profit as a public market, consisting of~~
9 ~~pens, or other enclosures, and their appurtenances, for the~~
10 ~~handling, keeping, and holding of livestock for the purpose of~~
11 ~~sale or shipment.~~

12 ~~(6)(7)~~ "Humane method" means either:

13 (a) A method whereby the animal is rapidly and
14 effectively rendered insensitive to pain by electrical or
15 chemical means or by a penetrating captive bolt or gunshot
16 with appropriate caliber and placement ~~rendered insensible to~~
17 ~~pain by mechanical, electrical, chemical, or other means that~~
18 ~~are rapid and effective, before being shackled, hoisted,~~
19 ~~thrown, cast, or cut; or~~

20 (b) A method in accordance with ritual requirements of
21 any religious faith whereby the animal suffers loss of
22 consciousness by anemia of the brain caused by the
23 simultaneous and instantaneous severance of the carotid
24 arteries with a sharp instrument.

25 Section 23. Section 828.24, Florida Statutes, is
26 amended to read:

27 828.24 Prohibited acts; exemption.--

28 (1) No person shall kill an animal in any way except
29 by an approved humane method ~~slaughterer, packer, or stockyard~~
30 ~~operator shall shackle, hoist, or otherwise bring livestock~~
31

1 ~~into position for slaughter, by any method which shall cause~~
2 ~~injury or pain.~~

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

7 (3) Nothing in this section precludes the enforcement
8 of s. 828.12 relating to cruelty to animals ~~This act shall not~~
9 ~~apply to any person, firm or corporation slaughtering or~~
10 ~~processing for sale within the state not more than 20 head of~~
11 ~~cattle nor more than 35 head of hogs per week.~~

12 Section 24. Section 828.25, Florida Statutes, is
13 amended to read:

14 828.25 Administration; rules ~~and regulations~~;
15 inspection; fees.--

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

27 (2) The department may appoint any member of its staff
28 as an official inspector for the purposes of ss. 828.22-828.26
29 ~~this act~~. Such inspector shall have the power to enter the
30 premises of any slaughterer for the purposes of verifying
31

1 compliance or noncompliance with the provisions of ss.
2 828.22-828.26 ~~this act.~~

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

9 Section 25. Section 828.251, Florida Statutes, is
10 created to read:

11 828.251 Instruction.--The department, in conjunction
12 with the State University System, the American Veterinary
13 Medical Association, and humane animal groups, shall make
14 available to slaughterers the most current technical
15 information. Such information may be in video or manual
16 format, or another widely accepted media format.

17 Section 26. Section 828.252, Florida Statutes, is
18 created to read:

19 828.252 Nonambulatory animals.--This section
20 acknowledges that natural emergencies may arise and that, even
21 under recognized best-management practices, injury may occur.
22 In all cases, nonambulatory animals must be dealt with in a
23 humane manner.

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

27 (2) A person may not buy, sell, give, receive,
28 transfer, market, hold without providing proper care within 24
29 hours, or drag any nonambulatory animal unless the
30 nonambulatory animal has been humanely euthanized, except in
31

1 such cases where providing proper care requires that the
2 animal be moved.

3 Section 27. Section 828.26, Florida Statutes, is
4 amended to read:

5 828.26 Penalties ~~Penalty~~.--

6 (1) Any person who violates the provisions of ss.
7 828.22-828.26 and any rule associated with these sections
8 shall be subject to an administrative fine of up to \$10,000
9 for each violation.~~No slaughterer found by the department in~~
10 ~~accordance with the above not to be in compliance with the~~
11 ~~provisions of this act shall sell any meat or meat products to~~
12 ~~any public agency in the state, or to any institution~~
13 ~~supported by state, county, or municipal funds. Failure to~~
14 ~~comply with this provision shall be a misdemeanor of the~~
15 ~~second degree, punishable as provided in s. 775.083.~~

16 (2) Unless otherwise provided, any person who violates
17 any provision of ss. 828.22-828.26 commits a misdemeanor of
18 the second degree, punishable as provided in s. 775.082 or s.
19 775.083.~~Upon failure to be in compliance with the provisions~~
20 ~~of this act after a period of 1 year from the date of the~~
21 ~~first inspection required under s. 828.25, the department~~
22 ~~shall direct the slaughterer to cease slaughtering livestock.~~
23 ~~Failure to comply with this directive shall be a misdemeanor~~
24 ~~of the second degree, punishable as provided in s. 775.083,~~
25 ~~and constituting a separate offense for each day of continued~~
26 ~~slaughtering operations beyond the first week following~~
27 ~~mailing of such directive to the slaughterer by the~~
28 ~~department.~~

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

31

1 Section 28. Subsection (10) of section 427.804,
2 Florida Statutes, is amended to read:

3 427.804 Repair of nonconforming assistive technology
4 devices; refund or replacement of devices after attempt to
5 repair; sale or lease of returned device; arbitration;
6 investigation; limitation of rights.--

7 (10) The department shall process consumer complaints
8 pursuant to ss. 570.07 and ~~§~~570.544.

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

11 559.921 Remedies.--

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

14 Section 30. Subsections (10) and (11) of section
15 570.544, Florida Statutes, are repealed.

16 Section 31. Except as otherwise provided in this act,
17 this act shall take effect July 1, 2001.

18 *****

19
20 LEGISLATIVE SUMMARY

21 Revises various provisions relating to agriculture and
22 consumer services. Authorizes the Department of
23 Agriculture and Consumer Services to require and review
24 data relating to the claims of preventive treatment for
25 termites. Authorizes fees for certain reinspection of
26 food establishments. Provides for the embargo,
27 detainment, or destruction of food or food processing
28 equipment of a frozen dessert manufacturer under certain
29 conditions. Authorizes the department, rather than the
30 Division of Consumer Services, to conduct certain
31 investigations of violations of consumer protection laws.
Creates the "Humane Slaughter Act," revising various
provisions, including definitions, prohibited acts, and
penalties, relating to humane slaughter and livestock
euthanasia. (See bill for details.)