A bill to be entitled
An act relating to captive-bred animal culture;
creating chapter 598, entitled "Animal Policy";
creating s. 598.001, F.S.; providing a short title;
creating s. 598.002, F.S.; providing legislative
findings and intent; creating s. 598.003, F.S.;
defining terms; creating s. 598.004, F.S.; providing
duties of the Department of Agriculture and Consumer
Services; requiring the department to submit a list of
specified research and development projects with its
annual legislative budget request to the Governor and
the Legislature; requiring certain funds to be
deposited in the General Inspection Trust Fund to fund
certain captive-bred animal projects; creating s.
598.005, F.S.; requiring a captive-bred producer to
apply to the department for a certificate of
registration; providing requirements for the
application; providing renewal requirements for a
certificate of registration; requiring the department,
in consultation with the Department of Environmental
Protection, the Fish and Wildlife Conservation
Commission, the water management districts, and other
interested groups, to adopt rules that meet certain
requirements; requiring captive-bred products to be
identified by a captive-bred animal culture
certificate of registration number under certain circumstances; creating s. 598.006, F.S.; creating the Captive-bred Animal Culture Advisory Council adjunct to the department; providing for the membership and terms of the advisory council; creating s. 598.007, F.S.; requiring the Commissioner of Agriculture, in consultation with the advisory council, to develop and coordinate the implementation of the state captive-bred animal culture plan; providing requirements for the plan; requiring a revised and updated plan to be sent to the Legislature biannually; requiring that annual progress reports and budget requests be submitted to the Legislature; creating s. 598.008, F.S.; prohibiting a captive-bred producer from commingling such animals or products with wildlife or products under certain circumstances; providing civil and criminal penalties; providing an effective date.

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

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

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

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CODING: Words stricken are deletions; words underlined are additions.
598.001 Short title.—This chapter may be cited as the "Florida Animal Policy Act."

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

598.002 Legislative findings and intent.—

(1) The Legislature finds that:

(a) Notwithstanding any other law, captive-bred animal culture is an agricultural practice and, as such, falls within the regulatory responsibilities of the Department of Agriculture and Consumer Services, with the exception of any area regulated by federal law or rule.

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

(c) The cultivation of captive-bred animals, especially wildlife, is an underdeveloped agricultural commodity enterprise in this state. The Legislature recognizes that this state possesses many resources and geographic features that are competitive advantages for the expansion and growth of captive-
bred animal culture into an economically viable industry. The growth potential for the present industry offers opportunities for local economic development, supply trade, and job creation.

The development of captive-bred animal culture is compatible with the economies, lifestyles, and interests of both rural and urban communities in this state.

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

(2) It is the intent of the Legislature:

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

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

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

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

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

598.003 Definitions.—As used in this chapter, the term:
(1) "Broodstock" means a group of individual animals of a cultured species which are kept separate for breeding purposes.
(2) "Captive-bred animals" means the progeny of a lawfully obtained broodstock. The term does not include wildlife.
(3) "Captive-bred producer" means an individual who holds a current captive-bred animal culture certificate of registration and produces captive-bred products.
(4) "Captive-bred products" means animals or goods that are produced by a captive-bred producer.
(5) "Commissioner" means the Commissioner of Agriculture.
(6) "Department" means the Department of Agriculture and Consumer Services.
(7) "Domesticated animal" means a captive animal that is cultured by a captive-bred producer.
(8) "Herpetoculturist" means a person who cultivates
reptiles and amphibians.

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

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

598.004 Powers and duties of the department.—

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

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

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

(c) To develop memoranda of agreement, as needed, with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and other groups, as provided in the state captive-bred animal culture plan.
(d) To provide staff for the advisory council.

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

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

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

(h) To provide recommendations to the Legislature regarding the implementation of the state captive-bred animal culture plan and the advancement of captive-bred animal culture in this state.
(i) To issue or deny any license or permit that the department is authorized or delegated to issue or deny by the Legislature or through a memorandum of understanding with other state or federal agencies which furthers the intent of the Legislature to place the regulation of captive-bred animal culture in the department.

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

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

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

598.005 Captive-bred animal culture certificate of registration.—

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

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

1. The applicant's name and title.
2. The producer's corporate name.
3. The applicant's mailing address.
4. The legal property description and physical address of the producer's captive-bred animal facilities.
5. A description of the producer's production facilities.

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

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

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

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

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

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

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

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

(c) Establish schedules for the implementation of best management practices and interim measures that can be taken before adoption of the best management practices.

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

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

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

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

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

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

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

(a) The advisory council shall consist of three members who are captive-bred producers or farmers, two members who are captive-bred product dealers, and one member who represents the Animal Industry Technical Council, all appointed by the commissioner. Members must include at least one aquaculturist and one herpetoculturist and shall serve 4-year terms.

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

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

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

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

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

598.007 State captive-bred animal culture plan.—

(1) The commissioner, in consultation with the Captive-bred Animal Culture Advisory Council, shall develop and coordinate the implementation of the state captive-bred animal culture plan. The plan must identify problems and constraints of the captive-bred animal culture industry in developing domesticated broodstock, propose possible solutions to such problems, and develop planning mechanisms for the orderly growth of the industry, including all of the following:

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

   (b) Any proposed legislation that may be required.

   (c) The potential for captive-bred products in terms of marketing and needs for development.
(d) Research and service priorities for further development of the captive-bred animal culture industry.

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

(2) The commissioner shall submit:

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

(b) A progress report and budget request annually.

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

598.008 Prohibited acts; penalties.—

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

(2)(a) A producer who violates this chapter or any rule adopted under this chapter is subject to suspension or revocation of his or her certificate of registration or license, if applicable. In lieu of, or in addition to, the suspension or revocation, the department may impose on the violator an administrative fine as provided in s. 570.971(1)(a) for each violation.

(b) Except as provided in subsection (4), a person who
Section 3.  A producer who is certified under this chapter who has violated this chapter or any rule adopted under this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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