

Handbook of Florida Agricultural Laws: Animal Husbandry¹

Michael T. Olexa, Ian Alperstein, and Joseph Fischer²

Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It provides a basic overview of the many rights and responsibilities that farmers and farm land owners have under Florida laws. Many readers may value this handbook because it informs them about these rights and responsibilities, and it provides them with good contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this handbook could become outdated at any time. Many details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice. It is not all-inclusive in providing information to achieve compliance with laws and regulations governing the practice of agriculture. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, UF/IFAS, the Agricultural Law Center, and the University of Florida for any liability claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this handbook.

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- This publication is designed to provide accurate, current and authoritative information on the subject. However, since the laws, administrative rulings, and court decisions on which it is based are subject to constant revision, portions of this publication could become outdated at any time. This publication is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded, or relied upon, as a substitute for professional advice. For these reasons, the utilization of these materials by any person constitutes an agreement to hold harmless the authors, UF/IFAS, and the University of Florida for any liability, claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this document.
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A Brief Note on Florida Laws and Rule Making

The Florida laws described in this handbook were passed by the state legislature and have become valid state laws. The appropriate state agency then wrote specific rules based on each law. These rules are what the state agencies use to enforce the law. For most laws in this handbook, that agency is the Department of Agriculture and Consumer Services (DACS). Florida legislated laws, also called *statutes*, are organized into chapters. A chapter is divided even further into specific statutes. For example, Chapter 601 (Florida Citrus Code) contains dozens of sections covering topics ranging from marketing, inspection standards, and processing to prohibitions on the use of certain chemicals for citrus fruit. Other chapters may deal with a narrower subject and have far fewer sections. As noted above, the specific rules for each of these sections are written by a designated state agency, and generally go into greater detail. You can view the Florida Statutes online at <http://www.flsenate.gov/statutes>.

Introduction

This handbook can be used to learn which Florida laws apply to a particular agricultural project or subject, and to find the name, address, and telephone number of a state office that can provide more specific information or services. Created for readers with no prior experience in the law, the handbook is designed as a necessary first step in recognizing which agricultural activities merit special attention because of their implications to agriculture. The handbook also provides an introduction to the crucial agencies and statutes which govern agricultural law.

The online handbook is divided into a Table of Contents, Index, and six fact sheets. The Table of Contents gives general and specific areas of Florida laws related to agriculture and the number of the fact sheet where that topic can be found. The six fact sheets are as follows: FE114, General Agriculture-Related Laws; FE115, Animal Husbandry; FE116, Crops and Products; FE117, Related Non-Crop or Product Agricultural Topics; FE118, Environmental and Conservation Regulations;

and FE119, Taxation and Property Rights Related to Agricultural Land. The user can find the specific laws by using either the Table of Contents (FE113) or the Index (FE122).

Below is an example of using the handbook if your area of interest is farming exotic animals such as ostriches.

To use the Table of Contents:

1. Find "Animal Husbandry" in the Table of Contents (FE113).
2. Within the Animal Husbandry area locate "Livestock—Exotic Animals". Follow the link to FE115: Animal Husbandry.
3. In FE115, read the "General Descriptions" and "Related References, Details, and Exceptions" columns for both laws under "Livestock—Exotic Animals". Determine if the information answers the questions or if more information is needed.
4. If the user wants more information regarding the general farming or inspection and slaughter of an exotic animal (e.g., ostriches), locate the appropriate state office telephone number and address. The primary contact agency information is listed at the end of the fact sheet, along with abbreviation information.

To use the Index:

Look up "ostriches" in the Index (FE122). The index leads the reader to the location for information about the culture and inspection/slaughter of ostriches. Follow steps 3 and 4 above to find the contact information.

Division of the Tables

The table in each fact sheet has five columns of information. The first column, "Statute / Law (description)," either provides the law's name or a general description when no name is available. The second column, "Florida Statute Number", lists either a chapter number when an entire chapter relates to a particular topic, a range of sections, or a single

specific section. At times, a single chapter number may have many more laws than a range. For example, sections 593.101 to 593.117 cover a narrower field, the control of cotton boll weevil, than the larger Chapter 601 on citrus fruit. The chapter and section number in all columns are presented without the typical abbreviations or symbols.

Columns 3 and 4 provide brief descriptions and related references, details, and exceptions. This information is highly condensed. As such, not all information is provided. The authors have attempted to include the most relevant aspects of each listed law. Additional information can be obtained by contacting the offices noted in the final column, "Primary Contact Agencies." As noted above, the primary contact information is listed at the end of the fact sheet. The reader will find that the state and federal agencies are unquestionably the best targets for specific questions, as they are in close touch with both the formal and practical considerations of the areas that they regulate.

This publication can be improved with your ideas and suggestions. Comments regarding any areas which may have been omitted, but deserve inclusion, are particularly valuable. Reader feedback is a necessary ingredient to complete any successful future editions. Please send your comments or suggestions to:

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II. Florida Agricultural Laws: Animal Husbandry				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
A. Livestock — Cattle (also see laws on dairy industry, disease, inspection, and foodstuffs)				
Laws regarding marking and branding livestock, and stamping beef	534	Gives DACS responsibility to be exclusive recorder of cattle marks or brands, and provides for inspections of cattle, beef, and by-products to confirm lawful possession.	Provides for damages, interest, and attorney fees when processors do not promptly pay livestock sellers for livestock, and provides for sellers to have liens on such sold animal and its carcass (534.54). "Livestock market" is where livestock is sold at public auction or sold regularly at "special sales" on commission (534.47(2)). Every livestock market must be licensed (534.48). Violation of 534 may result in a second degree misdemeanor (534.101).	DACS FMI
Law criminalizing the killing or aggravated abuse of cattle	828.125	Provides that any person who willfully and unlawfully kills, maims, mutilates, or causes great bodily harm or permanent breeding disability to registered breed or hybrid of cattle is guilty of second degree felony.	Conspiracy to commit such acts is also a second-degree felony (828.125(2)), and threatening to commit such acts resulting in fear by owner of animal is a third degree felony (828.125(3)).	ANL DACs
Law prohibiting killing of calves less than four weeks old, unless at a meat packing plant	877.05	Provides that killing calves less than 4 weeks old for purpose of sale of veal meat is prohibited and is a second degree misdemeanor. Does not apply to meat packing or slaughtering establishments under state or federal inspection programs.		ANL DACs
B. Livestock — Dairy Industry (also see laws on disease, inspection, and foodstuffs)				
Laws regulating milk and milk products to ensure uniform, safe, sanitary supplies	502	Provides for permitting, inspection, labeling standards, and testing to provide for safe and sanitary milk and milk products.	Sets minimum standards for new or extensive alteration of dairy farm and milk plant facilities (502.121), and sets penalties and injunctions for prohibited acts (502.181 and 502.231). See 2005-210, DACS may not issue temporary marketing permits for nonconforming milk and milk products. See 2007-67, which changed the definitions of milk and dairy farms regulated under 502 to include milk from cows, goats, sheep, water buffalo, and other hooved mammals.	DACS DAR

II. Florida Agricultural Laws: Animal Husbandry				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
Law requiring <i>Brucella</i> vaccinations for calves	585.155	Requires that all female calves born in the state that are to be used for dairy breeding must be vaccinated with an approved <i>Brucella abortus</i> vaccine by state or federal regulatory officials or licensed, accredited veterinarians.		DACS
C. Livestock — Exotic Animals				
Laws regarding commercial farming of bison, ostriches, emus, and rheas	372.921(8); 372.922(5)	Permit is required for sale, exhibition, and possession of wildlife animals. No permit is required for care, control, possession, or maintenance of bison, ostriches, emus, and rheas used for commercial farming purposes.	Permit is required where bison, ostriches, emus, and rheas are maintained on hunting preserves, game farms, zoos, carnivals, or other establishments where the animals are primarily on display to the public.	ANL DACS
D. Animals and Livestock — General Humane Treatment				
Laws regarding cruelty to animals, sales of animals, and permitted means of killing animals	828	Establishes policy for humane methods of slaughtering of livestock (828.22), and deals with other aspects of killing and cruelty to animals.	Deals with the permitted killing of injured or diseased domestic animals (828.05); the permitted removal, taking into custody, and disposition of animals found neglected or in distress (828.073); and the handling, transport, vaccination, and consumer guarantee requirements for dogs, cats, and ferrets offered for sale (828.29–828.30). Other laws regarding humane treatment are described in specific livestock categories, such as "Livestock, Cattle". Selling or otherwise disposing of an animal that has been exposed to a contagious disease to people or animals, without revealing such a fact, is guilty of a second degree misdemeanor (828.16).	ANL DACS

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Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
Law prohibiting cruelty to animals	828.12	Prohibits both unnecessary and intentional acts that result in harm to or death of animals.	Unnecessary acts are first degree misdemeanors (828.12(1)), and intentional acts are third degree felonies (828.12(2)). See Chapter 828 for the humane killing and slaughtering of animals. It requires persons committing intentional acts undergo psychological counseling or complete an anger management treatment program. Baiting, breeding, training, transporting, selling, owning, or possessing an animal or equipment for the purpose of animal fighting, or attending or betting on animal fights are third degree felonies. Other acts or services that facilitate animal fighting are prohibited (828.122). Search warrants based upon violation of this statute can be issued without restrictions (933.02; 933.18).	ANL DACS
E. Livestock — Swine				
Laws regulating use of garbage to feed to swine	585.48 – 585.59	Requires permit to use garbage to feed to swine, requires sterilization of garbage before feeding, and requires record keeping for and sanitation of vehicles used for hauling swine feed garbage.	These requirements do not apply to the use of garbage from farmers' own households for swine feed (585.50). Through this law, the State of Florida administers the federal Swine Health Protection Act at the state level.	ANL DACS
F. Livestock — Disease Inspection, Control, and Eradication				
Laws regarding animal disease, inspection, control, and eradication	585.01 – 585.68	Deals with vaccinations, inspections, condemnations, and destruction in the event of a declared emergency of diseased stocks. Specifies limitations on payments to owners, concerns and duties regarding handling of animals with transmissible diseases, and quarantine.	Section 570.36 gives authority to enforce Chapter 585 to Division of Animal Industry, and 570.40 gives authority to enforce Chapter 502, regarding dairy cattle disease and sanitation, to Division of Dairy Industry. 585.61 provides for diagnostic services by state laboratories, and also sets maximum fees of \$300 for any one diagnostic service. See "Livestock – Swine" regarding laws on use of "garbage to feed swine" (585.50–585.59). See also "Poultry, Meat" regarding laws regulating "poultry carcasses."	ANL DACS

II. Florida Agricultural Laws: Animal Husbandry				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
G. Livestock — Proper Transportation				
Laws regulating proper transportation of livestock	828.14	Requires livestock transporters to provide food, water, and care for livestock being transported over 28 hours. Prohibits overcrowding transported livestock so that they do not overlie, crush, wound, or kill each other.	Violation is a second degree misdemeanor (775.082–775.083). See "Cruelty to Animals" (828.12), and prohibitions against killing or aggravated abuse of registered breed horses or cattle (828.125).	ANL DACS
H. Poultry				
1. Poultry, General				
Law authorizing powers to inspect and condemn eggs, egg products, and poultry	583.05	Allows DACS (and its divisions), on good and sufficient cause, to have free access at reasonable hours to inspect production facilities and restaurants for compliance of eggs and poultry products. Allows DACS to issue stop sale orders and to condemn or destroy unsound or unsafe eggs or poultry.	USDA grades and inspects for sanitation of shell eggs, egg products, and poultry production. Division of Food Safety (DFS) inspects shell eggs for consumption and dressed poultry brought into, produced, held, or sold in Florida, unless USDA has full-time inspectors for sanitation and safety of products. Division of Animal Industry (ANL) inspects shipments of live eggs for hatching and live poultry brought into or exported from Florida.	ANL DACS DFS USDA
2. Poultry, Eggs				
Laws regulating egg handling, refrigeration, labeling, advertising, grades and standards, and shipping	583.01 – 583.11; 583.20	Specifies allowed means of handling, refrigerating, labeling, grading, and advertising eggs, and provides penalties for violations. Prohibits sale unless properly labeled (583.02).	See "Poultry, General", and the sections on disease, inspection, and foodstuffs.	DACS
3. Poultry, Meat				
Laws regulating poultry carcass handling, labeling, advertising, grades and standards, and shipping	583.01; 583.04 – 583.20	Specifies allowed means of holding, labeling, grading, and advertising poultry. Prohibits sale unless the part and grade are clearly shown, and provides penalties for violations (583.13).	See "Poultry, General". These laws prohibit sales of poultry not fit for human consumption (583.19) and require that poultry producers dispose of dead poultry in a sanitary disposal method (583.181).	DACS USDA

II. Florida Agricultural Laws: Animal Husbandry				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
4. Poultry, Disease Control				
Laws regarding animal disease, inspection, control, and eradication	585.01 – 585.68	Deals with vaccinations, inspections, condemnations, and destruction of diseased stock in declared emergencies; limits on payments to owners; duties regarding handling of animals with transmissible diseases; and quarantines.	585.61 provides for diagnostic services by state laboratories to be established in Osceola and Suwannee Counties, and sets a maximum fee of \$300 for any of the services requested.	ANL BDL DACS
I. Sports Animals — Horses				
Laws regarding controlled substances and awards for race horses	555.24055 – 550.26352	Regulates controlled substance use in race horses, testing, and penalties, and fund distributions to horsemen's associations, breeder's awards, minimum purse requirements, and owner's awards.		DACS
Law regarding limitation of liability for engaging in equine activities	773.01 – 773.05	Apart from certain exceptions, an equine activity sponsor or professional, or any other person will not be liable for a death or injury that results from inherent risks of equine activities. "Equine activity" is broadly defined in 773.01(3). Requires posting/notification of signs indicating limitation of liability (773.04).	Exceptions to liability limitations apply to activities in horse racing industry (773.03). Persons will be liable for injuries where they should know about faulty equipment; fail to properly determine participants' abilities; have dangerous latent conditions on land; commit acts or omissions in willful or wanton disregard for safety; or intentionally injure participants (773.03).	DACS
Law regarding horse sales, shows, and exhibitions	535.01 – 535.14	Requires licensing for public sales of thoroughbred horses, prohibits use of drugs in horses prior to sales, and provides for inspection/testing of animals by DACS representatives.	A person who violates these rules may be (1) guilty of a second degree misdemeanor and (2) restricted from selling or showing horses for up to two years (535.12).	DACS
Law criminalizing the killing or aggravated abuse of registered breed horses	828.125	Provides that any person who willfully and unlawfully kills, maims, mutilates, or causes great bodily harm or permanent breeding disability to a registered breed or hybrid horse is guilty of a second degree felony.	Conspiracy to commit such acts is a second degree felony (828.125(2)). Threatening to commit such acts resulting in fear by owner of animal is a third degree felony (828.125(3)).	DACS
Laws on the use of horse meat as food product	500.451	Requires plain and conspicuous labeling of horse and mule carcasses, and clear labeling of horse meat for human consumption.	DACS <i>may</i> require separate facilities for slaughter and storage of horse carcasses and horse meat products, apart from slaughter and storage areas for other livestock.	ANL CACs FMI

Contact Agencies	
ANL	Division of Animal Industry (DACS)
BDL	Bureau of Diagnostic Laboratories
DACS	Florida Department of Agriculture and Consumer Services
DAR	Division of Dairy Industry (DACS)
DFS	Division of Food Safety (DACS)
FMI	Bureau of Food and Meat Inspection, in Division of Food Safety (DACS)
USDA	United States Department of Agriculture
<p>Division of Animal Industry (ANL) 407 South Calhoun Street Tallahassee, FL 32399-0800 (850) 410-0900 [voice] (850) 410-0957 [fax]</p> <p style="padding-left: 40px;">State Veterinarian (850) 410-099 [voice] (850) 410-0957 [fax]</p> <p style="padding-left: 40px;">Bureau of Animal Disease Control (ANL) http://www.doacs.state.fl.us/ai/adc/adc_main.shtml</p>	
<p>Bureau of Diagnostic Laboratories (BDL) — For diagnostic services contact one of these:</p> <p style="padding-left: 40px;">Kissimmee Animal Diagnostic Lab (BDL) 2700 North John Young Parkway Kissimmee, FL 34741 (321) 697-1400 [voice] (321) 697-1467 [fax] http://www.doacs.state.fl.us/ai/labs/labs_main.shtml</p> <p style="padding-left: 40px;">Live Oak Diagnostic Laboratories (BDL) 912 Nobles Ferry Road / PO Drawer O Live Oak, FL 32064 (386) 330-5700 [voice] (904) 330-5710 [fax] http://www.doacs.state.fl.us/ai/labs/labs_main.shtml</p>	
<p>Florida Department of Agriculture and Consumer Services (DACS) Office of the Commissioner The Capitol Tallahassee, FL 32399-0800 (850) 488-3022 [voice] (850) 488-7585 [fax] commissioner@doacs.state.fl.us http://www.doacs.state.fl.us/</p>	
<p>Division of Dairy Industry (DAR) Office of the Director 3125 Conner Boulevard Tallahassee, FL 32399-1650 (850) 487-1450 [voice] http://www.doacs.state.fl.us/dairy</p>	

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Division of Food Safety (DFS) 3125 Conner Boulevard, Suite D Tallahassee, FL 32399-1650 (850) 245-5520 [voice] (850) 245-5553 [fax] foodsafety@doacs.state.fl.us http://www.doacs.state.fl.us/fs/
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United States Department of Agriculture (USDA) 1400 Independence Avenue, S.W. Washington, D.C. 20250 http://www.usda.gov/wps/portal/usdahome