

Florida State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 - 2. Fla. Admin. Code Ann. r. 5K-10.003
 - 3. Fla. Admin. Code Ann. r. 5L-1.007
 - ii. Date Packaged, Produced, or Harvested
 - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
 - 2. Fla. Admin. Code Ann. r. 5L-1.007
 - iii. Sale of Expired Foods
 - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
 - 2. Fla. Admin. Code Ann. r. 5L-1.002
 - 3. Fla. Admin. Code Ann. r. 5L-1.007
 - 4. Fla. Admin. Code Ann. r. 5K-10.003
 - b. Dairy
 - i. Date Labels
 - 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - 2. Fla. Admin. Code Ann. r. 5K-10.003
 - c. Milk
 - i. Grade “A” Milk
 - 1. The Pasteurized Milk Ordinance, or “PMO,” is a basic standard used for the processing and packaging of Grade “A” milk. Some states adopt this model standard and others set their own standards that are at least as stringent as the PMO. These state standards apply both to milk processed within the state and milk sold in the state from across lines.
 - 2. Rule 5K-10.003, F.A.C.
 - d. Shellfish
 - i. Date Labels
 - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.

1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 2. Fla. Stat. Ann. § 633.142
- IV. Fishing
- a. Ocean Fishing: Commercial and Sport
 - i. Beyond State Waters
 1. These laws not only regulate fishing activities within a state's territorial waters (which generally extend three nautical miles from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.
 2. Fla. Admin. Code Ann. r. 68B-42.004
 3. Fla. Admin. Code Ann. r. 68B-13.001
 4. Fla. Admin. Code Ann. r. 68B-35.003
 - ii. License or Permit Requirements
 1. These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.
 2. Fla. Admin. Code Ann. r. 68B-2.003
 3. Fla. Admin. Code r. 68B-13.006
 - b. Equipment Requirements, Harvest Techniques, and Prohibitions
 - i. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
 - ii. Fla. Admin. Code Ann. r. 68B-42.007
 - iii. Fla. Admin. Code Ann. r. 68B-4.0087
 - iv. Fla. Admin. Code Ann. r. 68B-31.004
 - v. Fla. Admin. Code r. 68B-13.008
 - vi. Fla. Admin. Code r. 68B-13.009
 - vii. Fla. Admin. Code r. 68B-13.010
 - viii. Fla. Admin. Code r. 68B-13.011
 - ix. Fla. Admin. Code r. 68B-35.004
 - x. Fla. Admin. Code r. 68B-35.005
 - xi. Fla. Admin. Code r. 68B-39.0047
 - c. Harvest and Size Limits

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- i. These laws impose harvest or size limits on fishing catches first landed in the state. Typically these regulations limit the amount or type of fish that can be harvested and may set minimum or maximum size limitations for certain species. They are intended to support sustainable catch limits and protect local populations from overfishing.
 - ii. Fla. Admin. Code Ann. r. 68B-42.004
 - iii. Fla. Admin. Code Ann. r. 68B-42.006
 - iv. Fla. Admin. Code Ann. r. 68B-14.0036
 - v. Fla. Admin. Code Ann. r. 68B-31.007
 - vi. Fla. Admin. Code Ann. r. 68B-13.001
 - vii. Fla. Admin. Code r. 68B-13.009
 - viii. Fla. Admin. Code r. 68B-13.011
 - ix. Fla. Admin. Code r. 68B-35.003
 - x. Fla. Admin. Code r. 68B-35.0035
- V. Wood and Lumber
 - a. Firewood
 - i. Import Restrictions
 - 1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
 - 2. Fla. Admin. Code r. 5B-65.005
 - 3. Fla. Admin. Code r. 5B-65.007
 - b. Christmas Trees
 - i. Import Requirements
 - 1. These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.
 - 2. Fla. Admin. Code r. 5B-65.005
- VI. Home Goods and Products
 - a. Furniture and Bedding
 - i. Label Laws
 - 1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
 - 2. Fla. Stat. Ann. § 501.145
- VII. Live Animal Imports
 - a. Birds
 - i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
 2. Fla. Admin. Code Ann. r. 5C-3.001
 3. Fla. Admin. Code Ann. r. 5C-3.012
 4. Fla. Admin. Code Ann. r. 5C-16.001 et seq.
- b. Cattle and Bison
- i. Anthrax
 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
 2. Fla. Admin. Code r. 5C-3.002
 3. Fla. Admin. Code r. 5C-20.002
 - ii. Brucellosis
 1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
 2. Fla. Admin. Code Ann. r. 5C-6.0017
 - iii. Bovine Tuberculosis
 1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

2. Rule 5C-7.016, F.A.C. et seq
 3. Rule 5C-26.001, F.A.C. et seq
 4. Rule 5C-3.004, F.A.C.
- iv. Rabies
1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
 2. Fla. Admin. Code r. 5C-3.002
 3. Fla. Admin. Code r. 5C-20.002
- c. Cervids
- i. Chronic Wasting Disease (“CWD”): Embargo
 1. Like mad cow disease in cattle, chronic wasting disease in cervids is a degenerative neurologic disease caused by an infectious agent known as a prion (a malfunctioning protein in the brain and nervous system). It causes muscle loss, deterioration of the brain and, eventually, death. It is found in both wild and captive deer populations. These laws prohibit all cervid imports in order to curb the spread of chronic wasting disease and protect local deer populations.
 2. Fla. Admin. Code r. 68A-4.0051
- d. Bees
- i. Import Requirements and Health Certifications
 1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
 2. Rule 5B-54.006, F.A.C.
 - ii. Prohibition on Africanized Bees
 1. These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for transport or sale and to protect the public from more aggressive Africanized bees.
 2. Rule 5B-54.003, F.A.C.
 - iii. Destruction or Treatment of Colonies with American Foulbrood
 1. These regulations work to limit the spread of American Foulbrood, a hive-destroying mite that can spread between colonies. Some require the immediate destruction of entering

hives found to contain American Foulbrood. Others require hives to be sprayed or treated for Foulbrood prior to import into the state.

2. Rule 5B-54.017, F.A.C.

e. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.

2. Fla. Admin. Code Ann. r. 5C-3.003

f. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

2. Rule 5C-3.005, F.A.C.

ii. Scabies

1. Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.

2. Fla. Admin. Code Ann. r. 5C-3.005

g. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. Rule 5C-3.007, F.A.C.

- ii. Swine Vesicular Disease
 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 2. Fla. Admin. Code r. 5C-3.002
 3. Fla. Admin. Code r. 5C-20.002
 - h. Exotic Meats
 - i. Snake
 1. These laws impose import conditions on live snakes. To the extent that imported snakes are raised for meat for human consumption, they may be considered agricultural products.
 2. Rule 68-5.001, F.A.C.
 - ii. Ostrich and Other Ratites
 1. These regulations require that ostrich and other ratites be accompanied by a certification of veterinary inspection prior to import. They are intended to protect local ostrich farming operations and ensure that ostrich meat and other products are healthy and free from disease.
 2. Rule 5C-3.012, F.A.C.
- VIII. Companion Animals
- a. Dogs and Cats
 - i. Minimum Age at Sale
 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 2. F.S.A. §828.29
 - ii. Lemon Laws
 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.
 2. F.S.A. § 828.29(1)(b)
 3. F.S.A. § 828.29(3)(c)
 4. F.S.A. § 828.29(2)(b)
 5. F.S.A. § 828.29(3)(a)-(b)
 6. F.S.A. § 828.29(7)
 7. F.S.A. § 828.29(12)
 8. F.S.A. § 828.29(16)

- iii. Veterinary Inspection Requirements
 - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
 - 2. FL ST § 828.29
- IX. Products for Animals
 - a. None
- X. Dead Animals and Animal Parts
 - a. Animal Carcasses and Grease
 - i. Transport Requirements: Use of Leakproof Container
 - 1. These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others impose sanitization or recordkeeping requirements that must be carried out prior to transport. These laws are intended to provide for public health and sanitation.
 - 2. Rule 5C-23.003, F.A.C.
 - b. Cattle Hides
 - i. Import
 - 1. These laws impose requirements on cattle hides imported into the state to ensure that they are free from cattle fever ticks. Some require that green hides be salted and cured for a minimum of a week prior to entry. Their intent is to protect local livestock populations from fever ticks that may be traveling on hides.
 - 2. Rule 5C-9.006, F.A.C.
 - c. Alligator Meat and Hides
 - i. Tagging and Licensing Requirements
 - 1. These laws impose tagging, permitting, or other licensing requirements on anyone manufacturing or selling alligator hides or meat within the state. Some require documentation from the state of origin. They seek to increase oversight of the alligator farming industry and cut down on the amount of illegal sales and poaching.
 - 2. West's F.S.A. § 379.3751
- XI. Invasive Pests, Plants, and Disease
 - a. Ash Trees
 - i. Emerald Ash Borer
 - 1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of

regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.

2. Rule 5B-3.0038, F.A.C.
3. Fla. Admin. Code Ann. r. 5B-65.005

b. Citrus Trees

i. Citrus Greening Disease and the Asian Citrus Psyllid

1. These laws impose quarantine requirements or other conditions on importation of nursery stock or other plants that may be carrying the psyllid or other vectors of the pathogen that causes citrus greening disease. The disease destroys the quality and production of citrus trees. Infected plants ultimately die. These laws are imposed in addition to federal requirements in order to protect local citrus producers and native tree populations.
2. Rule 5B-3.0038, F.A.C

c. Dogwood Trees

i. Dogwood Anthracnose

1. These laws restrict the importation of host plants that may be carriers of dogwood anthracnose or those that originate in infested areas in order to limit the spread of the disease.
2. Rule 5B-55.006, F.A.C.

d. Oak Trees

i. Oak Wilt

1. These laws impose quarantines or restrictions on products and nursery stock that may be carrying *Ceratocystis fagacearum*, the fungus responsible for oak wilt. Some require wood be treated prior to entry in order to ensure it does not spread the fungus. Oak wilt is an infectious disease that leads to the death of a variety of types of oak trees by disabling the tree's ability to conduct water. These regulations seek to protect local trees and curb the spread of the infection.
2. Rule 5B-26.007, F.A.C.

e. Lettuce

i. Lettuce Mosaic Virus

1. These laws place conditions on the movement and importation of lettuce in order to limit the spread of the lettuce mosaic virus and protect local producers. Others require that lettuce seeds sold within the state be indexed for lettuce mosaic virus.
2. Rule 5B-38.004, F.A.C.
3. Rule 5B-38.006, F.A.C.

f. Potatoes and Tomatoes

i. Nematodes

1. These laws place restrictions on the importation of products that may be carrying parasitic nematodes. Nematodes cause vast amounts of damage to a wide variety of crops, especially potatoes

and tomatoes. Plants and plant products imported into a state must be inspected for nematodes and quarantined under these laws.

2. Rule 5B-3.0038, F.A.C.

g. Cotton

i. Boll Weevil and Pink Bollworm

1. The boll weevil and pink bollworm are both insects that feed on cotton buds and seeds and led to the devastation of the cotton industry in the 1920's. These laws are intended to supplement federal regulations. They impose quarantines, restrict movement of products, and establish programs to treat all infected cotton with pesticides.

2. Rule 5B-52.003, F.A.C.

3. Rule 5B-52.011, F.A.C.

h. Produce Generally

i. Fruit Flies

1. Most of these laws require a certification of inspection or treatment for fruit flies prior to importing produce into the state for sale. They apply to various species of fruit fly and are intended to limit the spread of these insects.

2. Rule 5B-3.0035, F.A.C.

i. Various Other Plants

i. European Brown Garden Snails

1. The European brown garden snail is a plant feeder that is very destructive to host plants and readily transported on infested nursery stock. These laws impose restrictions such as inspection requirements, fumigation, quarantines, or bans of infected or potentially infected plants.

2. Rule 5B-43.003, F.A.C.

3. Rule 5B-67.004, F.A.C.

4. Rule 5B-43.005, F.A.C.

5. Rule 5B-3.0038, F.A.C.

j. Nursery Imports Generally

i. Labeling, Testing, and Other Requirements

1. These laws require shipments of plants or plant seeds entering the state to be properly labeled with information about the producer as well as about where the plants were grown. Some require disease testing information to be included as well.

2. Rule 5B-3.0038, F.A.C.

k. Plants Generally

i. Standards for Movement

1. These laws impose standards under which plants may be imported into the state. They are intended to ensure shipments are healthy and reduce the spread of disease.

2. Rule 5B-2.001, F.A.C.
 3. Rule 5B-3.003, F.A.C.
 4. Rule: 5B-2.008 F.A.C.
- I. Noxious Weeds
1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
 2. Rule 5B-57.006, F.A.C.
 3. Rule 5B-57.004, F.A.C.
 4. Rule 5B-64.011, F.A.C.
 5. West's F.S.A. § 581.091
 6. West's F.S.A. § 581.083
 7. Rule 5B-57.007, F.A.C.
- m. Potato Seeds
- i. Grades of Seed Eligible for Sale
 1. These laws restrict the sale of lower grades of seed potatoes and allow only for high quality seeds to be offered for sale within the state. They are intended to ensure that a high quality of potato is produced in the state.
 2. Rule 5B-33.003, F.A.C.
- n. Soil and Fertilizer
- i. Labeling and Registration
 1. These laws impose conditions on the labeling of soils, fertilizers, and other horticultural growing materials, including specific provisions for certain ingredients, provenance, and the like. Some require producers to disclose the use of waste-derived products, arsenic, mercury, poisons, and other materials. Other regulations require that manufacturers register prior to selling such products within the state. These laws are intended to inform consumers and increase producer transparency.
 2. West's F.S.A. § 576.031
- o. Biosolids / "Night Soil" / Human Waste as Fertilizer
- i. These laws regulate the labeling, content, or sale of human waste as fertilizer. They are intended to increase transparency.
 - ii. Rule 62-640.850, F.A.C.
- XII. Procurement
- a. Agricultural Goods
 - i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.

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- ii. West's F.S.A. § 255.04
 - iii. West's F.S.A. § 25-25.009
 - iv. West's F.S.A. § 287.084
- XIII. General Prohibitions
- a. Toxins in Packaging
 - i. Materials Used to Package Agricultural Products
 - 1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state's landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
 - 2. West's F.S.A. § 403.7191
- XIV. Miscellaneous
- a. None