

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: CS/SB 1708

INTRODUCER: Criminal Justice Committee and Senators Crist and Bullard

SUBJECT: Unlawful Slaughter of Horses

DATE: March 26, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.			JA	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

It has recently been reported that South Florida has experienced an increase in the illegal horse meat market. In response, in 2009, the Miami-Dade County Board of County Commissioners issued a resolution¹ urging the Florida Legislature to increase the criminal penalties related to the unlawful slaughter of horses.

The bill:

- Creates four new horse meat for human consumption offenses: transporting, distributing, purchasing, or possessing.
- Increases the penalties for current offenses of sale of unmarked horse meat in markets to a third degree unranked felony.
- Provides for a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of one year for violations of said offenses.

¹ Miami-Dade Resolution No. R.-1215-09

- Authorizes the suspension of any license of any restaurant, store, or other business, as provided for in the applicable licensing law, upon the conviction of an owner or employee of said business for a violation of the horse meat for human consumption provision.
- Expands the classification of protection for registered breeds of horses to include any animal of the genus Equus (horse) and provides for a minimum mandatory fine of \$3,500 and a period of incarceration of one year for violations of the horse killing or aggravated abuse provision.

The bill is named the “Ivonne Rodriguez Horse Protection Act.”

This bill substantially amends the following sections of the Florida Statutes: 500.451 and 828.125.

II. Present Situation:

Although a commercial market for horsemeat as food has never emerged in the U.S., it is reported that areas of South Florida are currently experiencing an increase in demand for such meat.

It has recently been reported that areas of South Florida have experienced an increase in the illegal horse meat market. In 2009, South Florida experienced approximately twenty illegal horse slaughtering cases. According to the South Florida Society for the Prevention of Cruelty to Animals (SPCA), many of these horses are butchered for meat. According to the Miami-Dade Agricultural Patrol Unit, many of the resulting carcasses are left at the scene of the crime or on the roadside. In response, on October 20, 2009, the Miami-Dade County Board of County Commissioners issued a resolution urging the Florida Legislature to increase the criminal penalties related to the unlawful slaughter of horses.

During the 1996 regular session, the Legislature enacted laws repealing the State Meat Inspection Program within the Florida Department of Agriculture and Consumer Services (DACS). The repeal transferred the entire state program over to the federal government to be regulated by the U.S. Department of Agriculture (USDA). Currently, the DACS only provides inspection and testing programs for retail food stores, food processing plants, food storage and distribution points, and other locations in Florida where food is sold to the public. The Federal Meat Inspection Act (FMIA) requires the USDA to inspect all “amenable species” such as, cattle, sheep, goats, and horses when slaughtered for processing into products for human consumption. This act, administered by USDA’s Food Safety and Inspection Service (FSIS), aims to ensure that meat and meat products from these animals are safe, wholesome, and properly labeled. FSIS safety inspection is mandatory, and most costs are covered by appropriated funds. Without these inspections, there can be no legal sale or slaughter of horses for human consumption.

In 2005, Congress passed a provision that would have stopped the USDA appropriation paying for the inspections of horses sold for slaughter. In response, the USDA issued a rule, amending the Congressional provision, creating a “fee-for-service” inspection program that allowed slaughterhouses to continue with inspections if the costs were borne by the slaughterhouses. Consequently, several national animal welfare organizations filed suit against the USDA for

accepting private payments. On March 28, 2007, a United States District Court ruled that private (fee-for-service) payment to government entities is unconstitutional. This effectively cut the funding for inspections of horses sold for slaughter, thus, eliminating any legal means for the processing or sale of horse meat for human consumption in the U.S.

Currently, s. 500.452, F.S., prohibits the sale of horse meat for human consumption in the markets of the state unless the meat is clearly stamped, marked, and described as horse meat for human consumption. Violations of this section are a misdemeanor of the second degree, punishable by a fine of not more than \$500 or sixty days in jail, or both.

Section 828.125, F.S., currently prohibits the willful and unlawful killing, maiming, mutilating or causing of great bodily harm or permanent breeding disability to any animal of any *registered* breed of horse or cattle. Violations of this section are a second degree felony, punishable by a fine of not more than \$10,000 or 15 years in prison, or both.

III. Effect of Proposed Changes:

Senate Bill 1708 amends s. 500.451, F.S., to include four additional horse meat offenses: transporting, distributing, purchasing, or possessing. The bill increases an existing violation of market sales of unstamped horse meat to a third degree felony punishable by a \$5,000 fine and up to five years in jail plus applicable administrative fees and court costs. The bill further provides for a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of one year for horse meat for human consumption offenses. Additionally, the bill authorizes the suspension of any license of any restaurant, store, or other business, as provided for in the applicable licensing law, upon the conviction of an owner or employee of said business for a violation of s. 500.451, F.S.

The bill amends s. 828.125, F.S., to expand the classification of protection for horses to include *any* animal of the genus *Equus* (horse) *and any recognized registered hybrid* of the genus *Bos* (cattle). Also, the bill provides for a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of one year for violations of this section.

The bill is named the “Ivonne Rodriguez Horse Protection Act,” for a woman whose horse, Geronimo, was stolen from her 10 acre pasture and slaughtered. The remains were found approximately one month later, tied to a tree.

The bill will become effective October 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

People who violate these sections of Florida law will be subject to greater penalties.

C. Government Sector Impact:

The bill creates new unranked third degree felonies. At its meeting on February 23, 2010, the Criminal Justice Impact Conference determined that any prison bed impact from the new offenses was likely to be insignificant. It is likely that any minimum mandatory terms of one year of incarceration would be served at the local level. Persons are not subject to time in state prison unless they are sentenced to a year and a day. It is conceivable that a person's Criminal Punishment Code Scoresheet total could warrant a prison term, but that would either be because they had committed *so many* horse meat-related offenses or because their criminal history is particularly egregious, as the new third degree felonies are unranked.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 26, 2010:

The Committee Substitute names the bill the “Ivonne Rodriguez Horse Protection Act.”

B. Amendments:

None.