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States' Animal Identification Statutes:

Florida



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Fla. Stat. Tit. XXXIII, Ch. 534

Fla. Stat. § 817.24

Fla. Stat. § 817.25

Fla. Stat. § 817.26

Fla. Stat. § 817.265

Current with laws, joint and concurrent resolutions and memorials through June 13, 2024, in effect from the 2024 second regular session.

Fla. Stat. § 534.011. Inspection and protection of livestock; jurisdiction of Department of Agriculture and Consumer Services.

The inspection and protection of livestock in the state are hereby placed under the jurisdiction of the Department of Agriculture and Consumer Services, herein called the "department." Fees collected pursuant to this chapter shall be deposited in the General Inspection Trust Fund.

Fla. Stat. § 534.021. Recording of marks or brands.

The department shall be the recorder of livestock marks or brands, and the marks or brands may not be recorded elsewhere in the state. Any livestock owner who uses a mark or brand to identify her or his livestock must register the mark or brand by applying to the department. The application must be made on a form prescribed by the department and must be accompanied by a detailed drawing of the brand applied for and a statement identifying the county in which the applicant has or expects to have livestock bearing the mark or brand to be recorded. The department shall, upon its satisfaction that the application meets the requirements of this chapter, record the mark or brand for exclusive statewide use by the applicant. If an application is made to record a mark or brand previously recorded, the department shall determine whether the county in which the mark or brand will be used is near enough to another county in which the previously recorded mark or brand is used to cause confusion or to aid theft or dishonesty, and if so, the department must decline to admit to record the mark or brand. If a conflict arises between the owner of any recorded mark or brand and another claiming the right to record the same mark or brand, the department must give preference to the present owner. The department shall charge and collect at the time of recording a fee of \$10 for each mark or brand. A person



may not use any mark or brand to which another has a prior right of record. It is unlawful to brand any animal with a brand not registered with the department.

Fla. Stat. § 534.031. Certified copies of marks and brands.

Certified copies of recorded marks and brands shall be furnished by the department when and as requested and it shall charge and collect \$2 for each certificate. Such certificates shall be admissible in evidence in all courts.

Fla. Stat. § 534.041. Renewal of certificate of mark or brand.

The registration of a mark or brand entitles the registered owner to exclusive ownership and use of the mark or brand for a period ending at midnight on the last day of the month 10 years after the date of registration. Upon application, registration may be renewed for successive 10-year periods, each ending at midnight on the last day of the month 10 years after the date of renewal. At least 60 days before the expiration of a registration, the department shall notify by letter the registered owner of the mark or brand that, upon application for renewal, the department will issue a renewal certificate granting the registered owner exclusive ownership and use of the mark or brand for another 10-year period ending at midnight on the last day of the month 10 years after the date of renewal. Failure to make application for renewal within the month of expiration of a registration will cause the department to send a second notice to the registered owner by mail at her or his last known address. Failure of the registered owner to make application for renewal within 30 days after receipt of the second notice will cause the owner's mark or brand to be placed on an inactive list for a period of 12 months, after which it will be canceled and become subject to registration by another person.

Fla. Stat. § 534.051. Transfer of ownership of mark or brand.

Marks or brands recorded under this act are the property of the person, firm or corporation causing the record to be made, and may be sold, assigned or donated as personal property. Any instrument affecting the title of such mark or brand shall be acknowledged in the presence of the recorded owner and a notary public, and shall be recorded by the department. The fee for recording a transfer of ownership shall be \$10.

Fla. Stat. § 534.071. Rules and regulations.

The department shall prescribe and enforce suitable rules and regulations for the inspection of livestock and carcasses of livestock to the end that the true ownership thereof may at all times be protected and larceny prevented and for the enforcement of this chapter. The department is hereby authorized to employ all necessary inspectors and to use any other designated persons to enforce and administer the provisions of this chapter.



Fla. Stat. § 534.081. Duties of law enforcement officers; appointment of special officers.

(1) All law enforcement officers of the state or any political subdivision thereof, including investigators and agricultural law enforcement officers of the department and highway patrol officers, are authorized to stop any driver of a vehicle transporting livestock, carcasses of livestock, inedible raw products of livestock, used grease, used restaurant grease, or other such products and to require such driver to present for inspection the evidence of ownership, or authority for possession, of such livestock, carcasses of livestock, inedible raw products of livestock, used grease, used restaurant grease, or other such products.

(2) All law enforcement officers of the state or any political subdivision thereof, including investigators of the department, shall have the authority to visit all markets, slaughtering establishments, and places where slaughtered animals are offered for sale at reasonable intervals and to keep such markets under close observation.

Fla. Stat. § 534.082. Duties of livestock hide dealers.

Livestock hide dealers shall make and keep a record of all hides of livestock received by them, which record shall include the name and address of the person from whom the hides were purchased, a description of the hides, brands, and any other identifying information. Such record shall be maintained for public or official inspection for a period of 2 years.

Fla. Stat. § 534.083. Livestock hauler's waybill or bill of lading.

Persons engaged in the business of transporting or hauling livestock in the state shall, upon receiving such livestock for transportation, issue a waybill or bill of lading for all livestock transported or hauled by them, and such waybill or bill of lading shall accompany the shipment of livestock, with a copy thereof being furnished to the person delivering livestock to the hauler. The waybill or bill of lading shall show the place of origin and destination of the shipment, the name of the owner of the livestock, date and time of loading, name of person or company hauling the livestock, and the number of animals and a general description thereof. The waybill or bill of lading shall be signed by the person delivering the livestock to the hauler certifying that the information contained thereon is correct.

Fla. Stat. § 534.091. Claim of ownership without title.

It shall be unlawful for any person, firm or corporation to have the possession of livestock or carcasses of livestock under claim of ownership when in fact said



person, firm, or corporation does not own said livestock or carcasses of livestock.

Fla. Stat. § 534.101. Penalties.

Any person who shall violate the provisions of ss. 534.011 – 534.091, either by doing anything forbidden, or failing to do and perform anything required hereby, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Fla. Stat. § 534.111. Injunction.

In addition to the remedies provided in this chapter, and notwithstanding the existence of any adequate remedy at law, the department is hereby authorized to make application for injunction to a circuit court or circuit judge and such circuit court or circuit judge shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this chapter, or for failing or refusing to comply with the requirements of this chapter, or any rule or regulation duly promulgated as in this chapter authorized, such injunction to be issued without bond.

Fla. Stat. § 534.47. Definitions.

As used in ss. 534.48 – 534.54, the term:

- (1) "Dealer" means a person, not a market agency, engaged in the business of buying or selling in commerce livestock either on his or her own account or as the employee or agent of a vendor or purchaser.
- (2) "Department" means the Department of Agriculture and Consumer Services.
- (3) "Livestock" has the same meaning as in s. 585.01(13).
- (4) "Livestock market" means any location in the state where livestock is assembled and sold at public auction or on a commission basis during regularly scheduled or special sales. The term "livestock market" does not include private farms or ranches or sales made at livestock shows, fairs, exhibitions, or special breed association sales.
- (5) "Packer" means a person engaged in the business of buying livestock in commerce for purposes of slaughter, or of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or of marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesaler broker, dealer, or distributor in commerce.
- (6) "Purchaser" means a person, partnership, firm, corporation, or other organization owning, managing, producing, or dealing in livestock,



including, but not limited to, a packer or dealer, that buys livestock for breeding, feeding, reselling, slaughter, or other purpose.

(7) "Registered and approved livestock market" means a livestock market fully registered, bonded, and approved as a market agency pursuant to the Stockyards Act and governing regulations of the United States Department of Agriculture Grain Inspection, Packers and Stockyards Administration.

(8) "Seller" means a person, partnership, firm, corporation, or other organization owning, managing, producing, financing, or dealing in livestock, including, but not limited to, a registered and approved livestock market as consignee or a dealer, that sells livestock for breeding, feeding, reselling, slaughter, or other purpose.

(9) "Stockyards Act" means the Packers and Stockyards Act of 1921, 7 U.S.C. ss. 181 - 229 and the regulations promulgated pursuant to that act under 9 C.F.R. part 201.

Fla. Stat. § 534.48. License and fee.

Prior to engaging in business, every livestock market shall make application to the department for a license. Such application shall be on a form provided by the department and shall be accompanied by an annual license fee of \$100. Upon approval of the application by the department, a license shall be issued and shall remain in effect for 1 year from the date of issuance unless terminated by the department. All funds received as license fees shall be placed in the General Inspection Trust Fund.

Fla. Stat. § 534.49. Livestock drafts; effect.

For the purposes of this section, a livestock draft given as payment at a livestock auction market for a livestock purchase shall not be deemed an express extension of credit to the purchaser and shall not defeat the creation of a lien on such animal and its carcass, all products therefrom, and all proceeds thereof, to secure all or a part of its sales price, as provided in s. 534.54(3).

Fla. Stat. § 534.501. Unlawful delay or failure in payment.

It is unlawful for the purchaser of livestock to delay or fail in rendering payment for livestock to a seller of cattle as provided in s. 534.54. A person who violates this section commits an unfair or deceptive act or practice as specified in s. 501.204.

Fla. Stat. § 534.52. Violations; refusal, suspension, revocation; penalties.

(1) For any violation of ss. 534.47 - 534.53, the department may refuse to renew a license or may suspend or revoke a license already issued, upon notice to the applicant or licensee of its intention so to refuse, suspend, or



revoke by giving its reasons therefor. The applicant or licensee shall have 15 days thereafter in which to request a hearing on the department's intentions to refuse, suspend, or revoke her or his license, and upon her or his failure to do so within said time, refusal, suspension, or revocation shall become final without further procedure.

(2) In addition, or as an alternative to refusing, suspending, or revoking a license in cases involving violations, the department may impose an administrative fine in the Class I category pursuant to s. 570.971 not to exceed \$500 for the first offense and not to exceed \$1,000 for the second or subsequent violations. When imposed and paid, such fines shall be deposited in the General Inspection Trust Fund.

(3) Failure to comply with the provisions of s. 534.501 shall be a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Fla. Stat. § 534.53. Information and records.

The livestock auction market shall be required to record and maintain information or records necessary to properly administer and enforce ss. 534.47 - 534.53, and such records shall be made available for inspection by all law enforcement officers and by the department or its agents during regular business hours.

Fla. Stat. § 534.54. Livestock purchasers; prompt payment; penalty; lien.

(1)

(a) A purchaser that purchases livestock from a seller shall make payment by cash or check for the purchase price of the livestock and actually deliver the cash or check to the seller or her or his representative at the location where the purchaser takes physical possession of the livestock on the day the transfer of possession occurs or by wire transfer of funds on the business day within which the possession of the livestock is transferred. However, if the transfer of possession is accomplished after normal banking hours, payment shall be made in the manner provided in this subsection no later than the close of the first business day following the transfer of possession. In the case of grade and yield selling, the purchaser shall make payment by wire transfer of funds or by personal or cashier's check by registered mail postmarked no later than the close of the first business day following determination of grade and yield.

(b) All instruments issued in payment as required by this section shall be drawn on banking institutions which are so located as not



artificially to delay collection of funds through the mail or otherwise cause an undue lapse of time in the clearance process.

(2) A purchaser of livestock that fails to comply with subsection (1) or artificially delays collection of funds for the payment of the livestock shall be liable to pay the seller of the livestock, in addition to the price of the livestock:

(a) Twelve percent damages on the amount of the price.

(b) Interest on the purchase price of the livestock at the highest legal rate from and after the transfer of possession until payment is made as required by this section.

(c) Reasonable attorney fees, court costs, and expenses for the prosecution of collection of the payment.

(3)

(a) A seller that sells livestock to a purchaser shall have a lien on such animal and its carcass, all products therefrom, and all proceeds thereof to secure all or a part of its sales price.

(b) The lien provided in this subsection shall be deemed to have attached and to be perfected upon delivery of the livestock to the purchaser without further action, and such lien shall continue in the livestock and its carcass, all products therefrom, and all proceeds thereof without regard to possession thereof by the party entitled to such lien without further perfection.

(c) If the livestock or its carcass or products therefrom are so commingled with other livestock, carcasses, or products so that the identity thereof is lost, then the lien granted in this subsection shall extend to the same effect as if same had been perfected originally in all such animals, carcasses, and products with which it has become commingled. However, all liens so extended under this paragraph to such commingled livestock, carcasses, and products shall be on a parity with one another, and, with respect to such commingled carcasses or products upon which a lien or liens have been so extended under this paragraph, no such lien shall be enforceable as against any purchaser without actual knowledge thereof purchasing one or more of such carcasses or products in the ordinary course of trade or business from the party having commingled such carcasses or products or against any subsequent transferee from such purchaser, but in the event of such sale, such lien shall instead extend to the proceeds of such sale.

Fla. Stat. § 817.24. Unlawful to add or alter or deface existing brand.



It is unlawful for anyone to add to or alter or deface any existing brand on any animal not his or her own or without the consent of the owner, with a fraudulent intent to claim the same, any bar, letter, figure, or character of any kind. Any violation of this section shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Fla. Stat. § 817.25. Fraudulently marking or branding.

Whoever shall fraudulently mark or brand any unmarked or unbranded animal with the intent to claim the same or to prevent identification by the true owner or owners thereof, shall be punished as provided in s. 817.24.

Fla. Stat. § 817.26. Fraudulently changing marks on animal.

If any person shall fraudulently alter or change the marks of any animal, not his or her own, with intent to claim the same or to prevent identification by the true owner thereof, the person so offending shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Fla. Stat. § 817.265. False or fraudulent proof of need for an emotional support animal.

A person who falsifies information or written documentation, or knowingly provides fraudulent information or written documentation, for an emotional support animal under s. 760.27, or otherwise knowingly and willfully misrepresents himself or herself, through his or her conduct or through a verbal or written notice, as having a disability or disability-related need for an emotional support animal or being otherwise qualified to use an emotional support animal, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition, within 6 months after a conviction under this section, a person must perform 30 hours of community service for an organization that serves persons with disabilities or for another entity or organization that the court determines is appropriate.

