

Bill No. CS/HB 1855, 1st Eng.

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Thomas moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause,

and insert:

Section 1. Subsection (1) of section 501.913, Florida Statutes, is amended to read:

501.913 Registration.--

(1) Each brand of antifreeze to be distributed in this state shall be registered with the department prior to distribution. The person whose name appears on the label, the manufacturer, or the packager shall make application to the department on forms provided by the department no later than July 1 of each year. The registrant assumes, by application to register the brand, full responsibility for the quality and quantity of the product sold, offered, or exposed for sale in this state.

Section 2. Subsection (1) of section 501.916, Florida Statutes, is amended to read:

501.916 Mislabeling of antifreeze.--Antifreeze shall

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1 be deemed to be mislabeled:

2 (1) If it does not bear a label that ~~which~~ specifies:

3 (a) ~~The brand of the product.~~

4 (b)~~(a)~~ The identity of the product.

5 (c)~~(b)~~ The name and address of the manufacturer,  
6 packager, ~~or~~ distributor, or registrant.

7 (d)~~(c)~~ The net quantity of contents (in terms of  
8 liquid measure) separately and accurately in a uniform  
9 location upon the principal display panel.

10 (e)~~(d)~~ A statement warning of any hazard of  
11 substantial injury to human beings which may result from the  
12 intended use or reasonably foreseeable misuse of the  
13 antifreeze.

14 (f)~~(e)~~ The primary chemical component functioning as  
15 the antifreeze agent.

16 (g)~~(f)~~ The appropriate amount, percentage, proportion,  
17 or concentration of the antifreeze to be used to provide  
18 claimed protection from freezing at a specified degree or  
19 degrees of temperature, claimed protection from corrosion, or  
20 claimed increase of boiling point or protection from  
21 overheating.

22 Section 3. Subsection (3) of section 501.919, Florida  
23 Statutes, is amended to read:

24 501.919 Enforcement; stop-sale order.--

25 (3) Nothing in this act shall be construed to require  
26 the department to report for prosecution or for institution of  
27 libel proceedings any minor violations of the act whenever it  
28 believes that the public interest will be best served by a  
29 suitable notice of warning in writing to the violator  
30 ~~registrant or the person whose name and address appears on the~~  
31 ~~label.~~

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1           Section 4. Section 501.922, Florida Statutes, is  
2 amended to read:

3           501.922 Violation.--

4           (1) The department may enter an order imposing one or  
5 more of the following penalties against any person who  
6 violates ss. 501.91-501.923 or who impedes, obstructs, or  
7 hinders the department in performing its duties under those  
8 sections:

9           (a) Imposition of an administrative fine of not more  
10 than \$1,000 per violation for a first-time offender. For a  
11 second-time or repeat offender, or any person who willfully  
12 and intentionally violates ss. 501.91-501.923, the  
13 administrative fine may not exceed \$5,000 per violation.

14           (b) Revocation or suspension of any registration  
15 issued by the department. Any period of suspension may not  
16 exceed 1 year.

17           (2) If a registrant in violation of ss. 501.91-501.923  
18 fails to pay a fine within 30 days after imposition of the  
19 fine, the department may suspend all registrations issued to  
20 the registrant by the department until the fine is paid.~~The~~  
21 ~~registration with the department of any person who violates~~  
22 ~~this act or fails to comply with any of the provisions of this~~  
23 ~~act may be subject to suspension or revocation. Any~~  
24 ~~suspension shall not exceed 1 year. In addition to any~~  
25 ~~suspension or revocation, for each violation, the department~~  
26 ~~may levy a fine which shall not exceed \$5,000 per violation.~~  
27 ~~If the person in violation of ss. 501.91-501.923 fails to pay~~  
28 ~~the fine within 30 days, then his or her registration may be~~  
29 ~~suspended until such time as the fine is paid.~~

30           (3) All fines collected by the department shall be  
31 deposited in the General Inspection Trust Fund.

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1           Section 5. Section 531.54, Florida Statutes, is  
2 repealed.

3           Section 6. Section 570.191, Florida Statutes, 1998  
4 Supplement, is amended to read:

5           570.191 Agricultural Emergency Eradication Trust  
6 Fund.--There is created in the office of the commissioner the  
7 Agricultural Emergency Eradication Trust Fund. Funds in the  
8 trust fund may be made available upon certification by the  
9 commissioner that an agricultural emergency exists and that  
10 funds specifically appropriated for the emergency's purpose  
11 are exhausted or insufficient to eliminate the agricultural  
12 emergency. The term "agricultural emergency" means an animal  
13 or plant disease, insect infestation, or plant or pest  
14 endangering or threatening the horticultural, aquacultural, or  
15 other ~~and~~ agricultural interests in this state.

16           Section 7. Subsection (5) of section 570.46, Florida  
17 Statutes, as amended by section 3 of chapter 98-133, Laws of  
18 Florida, is repealed.

19           Section 8. Subsection (7) is added to section 570.48,  
20 Florida Statutes, to read:

21           570.48 Division of Fruit and Vegetables; powers and  
22 duties; records.--The duties of the Division of Fruit and  
23 Vegetables include, but are not limited to:

24           (7) Notwithstanding any other provision of law,  
25 appointing, certifying, licensing, and supervising inspectors  
26 whose duties are to inspect fruit and vegetables that are  
27 regulated by state law, if federal law does not require such  
28 inspectors to be licensed or certified by the federal  
29 government.

30           Section 9. Subsections (5) and (6) of section 570.952,  
31 Florida Statutes, 1998 Supplement, are amended to read:

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1           570.952 Florida Agriculture Center and Horse Park  
2 Authority.--

3           ~~(5) A majority of the members shall constitute a~~  
4 ~~quorum, and action by a majority of a quorum shall be~~  
5 ~~official.~~

6           ~~(5)(6) Beginning January 1, 1995,~~The commissioner  
7 shall submit information annually to the Speaker of the House  
8 of Representatives and the President of the Senate reporting  
9 the activities of the Florida Agriculture Center and Horse  
10 Park Authority and the progress of the Florida Agriculture  
11 Center and Horse Park, including, but not limited to,  
12 pertinent planning, budgeting, and operational information  
13 concerning the authority.

14           Section 10. Section 571.24, Florida Statutes, 1998  
15 Supplement, is amended to read:

16           571.24 Purpose; duties of the department  
17 ~~division~~--The purpose of this part is to authorize the  
18 department ~~division~~ to establish and coordinate the Florida  
19 Agricultural Promotional Campaign. The duties of the  
20 department ~~division~~ shall include, but are not limited to:

21           (1) Developing logos ~~a logo~~ and authorizing the use of  
22 logos as provided by rule ~~that logo~~.

23           (2) Registering participants.

24           (3) Assessing and collecting fees.

25           (4) Working closely with the Department of Commerce to  
26 explore the feasibility of combining marketing strategies.

27           (5) Developing in-kind advertising programs.

28           (6) Contracting with media representatives for the  
29 purpose of dispersing promotional materials.

30           (7) Assisting the representative of the department who  
31 serves on the Florida Agricultural Promotional Campaign

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1 Advisory Council.

2 (8) Designating a division employee to be a member of  
3 the Advertising Interagency Coordinating Council.

4 (9) Adopting rules pursuant to ss. 120.536(1) and  
5 120.54 to implement the provisions of this part.

6 (10) Enforcing and administering the provisions of  
7 this part, including measures ensuring that only Florida  
8 agricultural or agricultural based products are marketed under  
9 the "Fresh From Florida" or "From Florida" logos or other  
10 logos of the Florida Agricultural Promotional Campaign.

11 Section 11. Section 571.27, Florida Statutes, is  
12 amended to read:

13 571.27 Rules.--The department is authorized to adopt  
14 promulgate rules that implement, make specific, and interpret  
15 the provisions of this part, including rules for entering into  
16 contracts with advertising agencies for services which are  
17 directly related to the Florida Agricultural Promotional  
18 Campaign. Such rules shall establish the procedures for  
19 negotiating costs with the offerors of such advertising  
20 services who have been determined by the department ~~division~~  
21 to be qualified on the basis of technical merit, creative  
22 ability, and professional competency. Such determination of  
23 qualifications shall also include consideration of the  
24 provisions in s. 287.055(3), (4), and (5). The department is  
25 further authorized to determine, by rule, the logos or product  
26 identifiers to be depicted for use in advertising,  
27 publicizing, and promoting the sale of Florida agricultural  
28 products or agricultural-based products in the Florida  
29 Agricultural Promotional Campaign. The department may also  
30 adopt rules not inconsistent with the provisions of this part  
31 as in its judgment may be necessary for participant

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1 registration, renewal of registration, classes of membership,  
2 application forms, as well as other forms and enforcement  
3 measures ensuring compliance with this part.

4 Section 12. Section 571.29, Florida Statutes, is  
5 amended to read:

6 571.29 Unlawful acts; administrative remedies;  
7 criminal penalties.--

8 (1) It is unlawful for any person to use, reproduce,  
9 or distribute the "Fresh From Florida" or "From Florida" logos  
10 or other logos ~~logo~~ of the Florida Agricultural Promotional  
11 Campaign without being registered with the department, or to  
12 otherwise violate the provisions of this part or any rules  
13 adopted under this part.

14 (2) It is unlawful for any person to use, reproduce,  
15 or distribute the "Fresh From Florida" or "From Florida" logos  
16 or other logos of the Florida Agricultural Promotional  
17 Campaign on any agricultural or agricultural-based products  
18 that are not Florida products.

19 (3) The department may enter an order imposing one or  
20 more of the following penalties against any person who  
21 violates any of the provisions of this part or any rules  
22 adopted under this part:

23 (a) Issuance of a warning letter.

24 (b) Imposition of an administrative fine of not more  
25 than \$1,000 per violation for a first time offender. For a  
26 second time offender, or any person who is shown to have  
27 willfully and intentionally violated any provision of this  
28 part or any rules adopted under this part, the administrative  
29 fine may not exceed \$5,000 per violation. The term "per  
30 violation" means each incident in which a logo of the Florida  
31 Agricultural Promotional Campaign has been used, reproduced,

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1 or distributed in any manner inconsistent with the provisions  
2 of this part or the rules adopted under this part.

3 (c) Revocation or suspension of any registration  
4 issued by the department.

5  
6 The administrative proceedings that could result in the entry  
7 of an order imposing any of the penalties specified in  
8 paragraphs (a)-(c) shall be conducted in accordance with  
9 chapter 120.

10 ~~(1) Any person who violates any of the provisions of~~  
11 ~~this part or any rule promulgated under this part is subject~~  
12 ~~to the imposition of an administrative fine of up to \$1,000~~  
13 ~~for each offense. Upon repeated violation, the department may~~  
14 ~~seek enforcement pursuant to s. 120.69.~~

15 ~~(4)(2)~~ Any person who commits ~~is convicted of~~ a  
16 violation of the provisions of this part or rules adopted  
17 under this part is, for the first offense, guilty of a  
18 misdemeanor of the second degree, punishable as provided in s.  
19 775.082 or s. 775.083, and is, for each succeeding offense,  
20 guilty of a misdemeanor of the first degree, punishable as  
21 provided in s. 775.082 or s. 775.083.

22 Section 13. Section 571.30, Florida Statutes, is  
23 created to read:

24 571.30 Injunction.--In addition to the remedies  
25 provided in this part and notwithstanding the existence of  
26 any adequate remedy at law, the department is authorized to  
27 make application for injunction to a circuit judge, and such  
28 circuit judge shall have jurisdiction upon a hearing for cause  
29 shown to grant a temporary or permanent injunction, or both,  
30 restraining any person from violating or continuing to violate  
31 any provisions of this part or from failing or refusing to



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1 comply with the requirements of this part or any rule adopted  
2 hereunder, such injunction to be issued without bond.

3           Section 14. Subsection (1) of section 588.011, Florida  
4 Statutes, is amended to read:

5           588.011 Legal fence; requirements.--

6           (1) Any fence or enclosure at least 3 feet in height  
7 made of barbed or other soft wire consisting of not less than  
8 three strands of wire stretched securely on posts, trees, or  
9 other supports, standing not more than 20 feet apart; or when  
10 using battens, up to 60 feet apart for nonelectric and 150  
11 feet apart for electric, if constructed with high tensile wire  
12 in accordance with the manufacturer's specifications, shall be  
13 considered as a legal fence.

14           Section 15. Section 589.081, Florida Statutes, is  
15 amended to read:

16           589.081 Withlacoochee State Forest and Goethe State  
17 Forest; payment to counties of portion of gross receipts.--The  
18 Division of Forestry shall pay 15 percent of the gross  
19 receipts from Withlacoochee State Forest and the Goethe State  
20 Forest to each county in which a portion of the respective  
21 forest is located ~~Hernando, Citrus, Sumter, Levy, and Pasco~~  
22 ~~Counties~~ in proportion to the forest acreage located in each  
23 county. The funds must be equally divided between the board  
24 of county commissioners and the school board of each county.

25           Section 16. Section 593.1141, Florida Statutes, is  
26 amended to read:

27           593.1141 Authority to enter agreements with the Farm  
28 Service Agency ~~Agricultural Stabilization and Conservation~~  
29 ~~Service~~.--The department is authorized to enter into  
30 agreements with the Farm Service Agency, "FSA," ~~Agricultural~~  
31 ~~Stabilization and Conservation Service, "ASCS,"~~ for the

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1 purpose of allowing a cotton grower to tender payment of  
2 assessments, including penalties, to the FSA ASCS.

3 Section 17. Section 616.05, Florida Statutes, is  
4 amended to read:

5 616.05 Amendment of charter.--Any fair association  
6 desiring to propose an amendment of its charter may do so by  
7 resolution as provided in its bylaws. The proposed amendment  
8 shall be submitted to the department for approval. When  
9 approved, the proposed amendment, upon publication of notice  
10 in the same manner as provided in s. 616.03, placement on file  
11 in the office of the clerk of the circuit court and in the  
12 office of the department, the rendering of a decree of the  
13 circuit judge approving and allowing the amendment, and being  
14 recorded in the clerk's office, shall be incorporated into the  
15 original charter.

16 Section 18. Subsection (1) of section 616.07, Florida  
17 Statutes, is amended to read:

18 616.07 Members not personally liable; property of  
19 association held in trust; exempt from taxation.--

20 (1) No member, officer, director, or trustee of a fair  
21 association shall be personally liable for any of the debts of  
22 the association; and no money or property of a fair  
23 association shall be distributed as profits or dividends among  
24 its members, officers, directors, or trustees, but all money  
25 and property of the association shall, except for the payment  
26 of its just debts and liabilities, be and remain perpetually  
27 public property, administered by the association as trustee,  
28 to be used exclusively for the legitimate purpose of the  
29 association, and shall be, so long as so used, exempt from all  
30 forms of taxation, including special assessments.

31 Section 19. Section 616.08, Florida Statutes, is

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1 amended to read:

2           616.08 Additional powers of association.--Every fair  
3 association shall have the power to hold, conduct, and operate  
4 public fairs and expositions annually and for such purpose to  
5 buy, lease, acquire, and occupy lands, erect buildings and  
6 improvements of all kinds thereon, and develop those lands,  
7 buildings, and improvements; to sell, mortgage, lease, or  
8 convey any such property or any part thereof, in its  
9 discretion, from time to time for the purpose of public fairs  
10 or expositions; to charge and receive compensation for  
11 admission to those fairs and expositions, for the sale or  
12 renting of space for exhibitions, and for other privileges; to  
13 conduct and hold public meetings; to supervise and conduct  
14 lectures and all kinds of demonstration work in connection  
15 with or for the improvement of agriculture, horticulture,  
16 stockraising and poultry raising, and all kinds of farming and  
17 matters connected therewith; to hold exhibits of agricultural  
18 and horticultural products and livestock, chickens, and other  
19 domestic animals; to give certificates or diplomas of  
20 excellence; to promote the progress of the geographical area  
21 it represents and serves and stimulate public interest in the  
22 advantages and development of that area by providing  
23 facilities for agricultural and industrial exhibitions, public  
24 gatherings, cultural activities, and other functions which the  
25 association determines will enhance the educational, physical,  
26 economic, and cultural interests of the public; and generally  
27 to do, perform, and carry out all matters, acts, and business  
28 usual or proper in connection with public fairs and  
29 expositions; but this enumeration of particular powers shall  
30 not be in derogation of or limit any special provisions of the  
31 charter of the association inserted for the regulation of its

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1 business, and the conduct of its affairs of creating,  
2 defining, limiting, and regulating the powers of the  
3 association or its officers or members; provided, the  
4 treasurer or similar officer of the association shall be  
5 required to give a good and sufficient bond with a surety  
6 company duly authorized under the laws of the state, payable  
7 to the association and in an amount equal to the value of the  
8 total amount of money and other property in that officer's  
9 possession or custody, in addition to the value of any money  
10 and property of the association that may reasonably be  
11 expected to come into that officer's possession or custody.

12 Section 20. Section 616.13, Florida Statutes, 1998  
13 Supplement, is amended to read:

14 616.13 Restrictions on other amusement rides Licenses  
15 ~~upon shows within 5 miles of fair.--A~~ Every person may not  
16 engage engaged in the business of providing temporary  
17 amusement rides, as defined in s. 616.242, within a 5-mile  
18 radius 5 miles of and within 30 days before or during any  
19 public fair or exposition being operated by a fair  
20 association, when not operating in connection with that fair  
21 or exposition, except with the written consent of the affected  
22 fair association shall pay a license tax of \$1,000 per day.

23 Section 21. Subsections (1) and (3) of section 616.15,  
24 Florida Statutes, are amended to read:

25 616.15 Permit from Department of Agriculture and  
26 Consumer Services required.--

27 (1) No public fair or exposition may be conducted by a  
28 fair association without a permit issued by the department.  
29 The permit shall be issued in the following manner: The  
30 association shall present to the department an application for  
31 the permit, signed by an officer of the association, at least

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1 3 months before holding the fair or exposition; this  
2 application shall be accompanied by a fee in an amount to be  
3 determined by the department not to exceed \$366 or be less  
4 than \$183 for processing the application and making any  
5 required investigation. The fees collected under this  
6 subsection shall be deposited in the General Inspection Trust  
7 Fund of the State Treasury in a special account to be known as  
8 the "Agricultural and Livestock Fair Account." A copy of the  
9 application must be sent to each fair association located  
10 within 50 miles of the site of the proposed fair or exposition  
11 at the same time the application is sent to the department.

12 The department may issue the permit with the advice and  
13 counsel of the Agricultural and Livestock Fair Council,  
14 provided the application sets forth:

15 (a) The opening and closing dates of the proposed fair  
16 or exposition.

17 (b) The name and address of the owner of the central  
18 amusement attraction to operate during the fair or exposition.

19 (c) An affidavit properly executed by the president or  
20 other chief executive officer of the applicant association  
21 certifying the existence of a binding contract entered into by  
22 the association or exposition and the owner of the central  
23 amusement attraction covering the period for which the permit  
24 from the department is applied. The contract or contracts  
25 between the parties shall be available for inspection by duly  
26 authorized agents of the department in administering this  
27 chapter.

28 (d) A statement that the main purpose of the  
29 association is to conduct and operate the proposed fair or  
30 exposition for the benefit and development of the educational,  
31 agricultural, horticultural, livestock, charitable,

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1 historical, civic, cultural, scientific, and other resources  
2 of the geographical area the fair or exposition represents and  
3 serves. The statement shall be in writing, shall be  
4 subscribed, and shall be acknowledged by an officer of the  
5 association before an officer authorized to take  
6 acknowledgments.

7 (e) A premium list of the current fair or exposition  
8 to be conducted or a copy of the previous year's premium list  
9 showing all premiums and awards to be offered to exhibitors in  
10 various departments of the fair, such as art exhibition, beef  
11 cattle, county exhibits, dairy cattle, horticulture, swine,  
12 women's department, 4-H Club activities, Future Farmers of  
13 America activities, Future Homemakers of America activities,  
14 poultry and egg exhibits, and community exhibits, the  
15 foregoing being a list of the usual exhibitors of a fair and  
16 not to be construed as limiting the premium list to these  
17 departments. The list may be submitted separately at any time  
18 not later than 60 days before the holding of the fair or  
19 exposition, and the department shall issue the permit as  
20 provided in this section within 10 days thereafter if the  
21 applicant is properly qualified.

22 (f) Proof of liability insurance insuring the  
23 association against liability for injury to persons, in an  
24 amount of not less than \$300,000 per occurrence.

25 (g) A copy of the most recent review.

26 (h) A list of all current members of the board of  
27 directors of the association and their home addresses.

28 (3) Notwithstanding any fair association meeting the  
29 requirements set forth in subsection (1), the department may  
30 order a full investigation to determine whether or not the  
31 fair association meets in full the requirements of s. 616.01

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1 and accordingly may withhold a permit from, deny a permit to,  
2 or withdraw a permit once issued to the association. The  
3 department shall also consider whether any proposed fair or  
4 exposition, as set forth in an application for a permit, will  
5 compete with another public fair or exposition within 50 miles  
6 of the proposed fair or exposition with respect to name, dates  
7 of operation, or market. The department may deny, withhold, or  
8 withdraw a permit from a fair association if the department  
9 determines that such fair association will compete with  
10 another association. The department shall give preference to  
11 existing fair associations with established dates, locations,  
12 and names.The determination by the department shall be final.

13 Section 22. Paragraph (b) of subsection (5), paragraph  
14 (a) of subsection (8), and paragraph (a) of subsection (10) of  
15 section 616.242, Florida Statutes, 1998 Supplement, are  
16 amended, paragraph (i) is redesignated as paragraph (j), a new  
17 paragraph (i) is added to subsection (11), and paragraph (e)  
18 is added to subsection (17) of said section, to read:

19 616.242 Safety standards for amusement rides.--

20 (5) ANNUAL PERMIT.--

21 (b) To apply for an annual permit an owner must submit  
22 to the department a written application on a form prescribed  
23 by rule of the department, which must include the following:

24 1. The legal name, address, and primary place of  
25 business of the owner.

26 2. A description, manufacturer's name, serial number,  
27 model number and, if previously assigned, the United States  
28 Amusement Identification Number of the amusement ride.

29 3. A valid certificate of insurance or bond for each  
30 amusement ride.

31 4. An affidavit of compliance that the amusement ride

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1 was inspected in person by the affiant and that the amusement  
2 ride is in general conformance with the requirements of this  
3 section and all applicable rules adopted by the department.  
4 The affidavit must be executed by a professional engineer or a  
5 qualified inspector no earlier than 60 days before, but not  
6 later than, the date of the filing of the application with the  
7 department. The owner shall request inspection and permitting  
8 of the amusement ride within 60 days of the date of filing the  
9 application with the department. The department shall inspect  
10 and permit the amusement ride within 60 days of the date the  
11 affidavit was executed.

12           5. If required by subsection (6), an affidavit of  
13 nondestructive testing dated and executed no earlier than 60  
14 days prior to, but not later than, the date of the filing of  
15 the application with the department. The owner shall request  
16 inspection and permitting of the amusement ride within 60 days  
17 of the date of filing the application with the department. The  
18 department shall inspect and permit the amusement ride within  
19 60 days of the date the affidavit was executed.

20           6. A request for inspection.

21           7. Upon request, the owner shall, at no cost to the  
22 department, provide the department a copy of the  
23 manufacturer's current recommended operating instructions in  
24 the possession of the owner, the owner's operating fact sheet,  
25 and any written bulletins in the possession of the owner  
26 concerning the safety, operation, or maintenance of the  
27 amusement ride.

28           (8) FEES.--

29           (a) The department may ~~shall~~ by rule establish fees to  
30 cover the ~~100 percent of all~~ costs and expenditures associated  
31 with the Bureau of Fair Rides Inspection, including all direct



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1 costs, and all indirect costs, ~~and all division, data center,~~  
2 ~~and administrative overhead~~. The fees must be deposited in the  
3 General Inspection Trust Fund.

4 (10) EXEMPTIONS.--

5 (a) This section does not apply to:

6 1. Permanent facilities that employ at least 1,000  
7 full-time employees and that maintain full-time, in-house  
8 safety inspectors. Furthermore, the permanent facilities must  
9 file an affidavit of the annual inspection with the  
10 department, on a form prescribed by rule of the department

11 ~~required by paragraph (5)(b)~~. Additionally, the Department of  
12 Agriculture and Consumer Services may consult annually with  
13 the permanent facilities regarding industry safety programs.

14 2. Any playground operated by a school, local  
15 government, or business licensed under chapter 509, if the  
16 playground is an incidental amenity and the operating entity  
17 is not primarily engaged in providing amusement, pleasure,  
18 thrills, or excitement.

19 3. Museums or other institutions principally devoted  
20 to the exhibition of products of agriculture, industry,  
21 education, science, religion, or the arts.

22 4. Conventions or trade shows for the sale or exhibit  
23 of amusement rides if there are a minimum of 15 amusement  
24 rides on display or exhibition, and if any operation of such  
25 amusement rides is limited to the registered attendees of the  
26 convention or trade show.

27 5. Skating rinks, arcades, lazer or paint ball war  
28 games, bowling alleys, miniature golf courses, mechanical  
29 bulls, inflatable rides, trampolines, ball crawls, exercise  
30 equipment, jet skis, paddle boats, air boats, helicopters,  
31 airplanes, parasails, hot air or helium balloons whether

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1 tethered or untethered, theatres, batting cages, stationary  
2 spring-mounted fixtures, rider-propelled merry-go-rounds,  
3 games, side shows, live animal rides, or live animal shows.

4 6. Go-karts operated in competitive sporting events if  
5 participation is not open to the public.

6 7. Nonmotorized playground equipment that is not  
7 required to have a manager.

8 8. Coin-actuated amusement rides designed to be  
9 operated by depositing coins, tokens, credit cards, debit  
10 cards, bills, or other cash money and which are not required  
11 to have a manager, and which have a capacity of six persons or  
12 less.

13 9. Facilities described in s. 549.09(1)(a) when such  
14 facilities are operating cars, trucks, or motorcycles only.

15 (11) INSPECTION STANDARDS.--An amusement ride must  
16 conform to and must be inspected by the department in  
17 accordance with the following standards:

18 (i) Signs that advise or warn patrons of age  
19 restrictions, size restrictions, health restrictions, weight  
20 limitations, or any other special consideration or use  
21 restrictions required or recommended for the amusement ride by  
22 the manufacturer shall be prominently displayed at the patron  
23 entrance of each amusement ride.

24 (17) PROHIBITIONS RELATED TO BUNGY OPERATIONS.--The  
25 following bungee operations are prohibited:

26 (e) The practice of bungee catapulting or reverse bungee  
27 jumping.

28 Section 23. Section 616.260, Florida Statutes, is  
29 amended to read:

30 616.260 Tax exemption of authority.--It is hereby  
31 found and determined that all of the projects authorized by

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1 this part constitute essential governmental purposes, and all  
2 of the properties, revenues, moneys, and other assets owned  
3 and used in the operation of those projects shall be exempt  
4 from all taxation, including special assessments, by the state  
5 or by any county, municipality, political subdivision, agency,  
6 or instrumentality thereof. However, nothing in this section  
7 shall grant any person other than the authority an exemption  
8 from the tax imposed in chapter 220, and if property of the  
9 authority is leased, the property shall be exempt from ad  
10 valorem taxation only if the use by the lessee qualifies the  
11 property for exemption under s. 196.199. The exemption  
12 granted by this section shall not be applicable to any tax  
13 imposed by chapter 220 on interest, income, or profits on debt  
14 obligations owned by corporations. The property of the  
15 authority shall be subject to the provisions of s. 196.199.

16 Section 24. Any special assessment imposed upon a fair  
17 association or state fair by the state, or any county,  
18 municipality, political subdivision, agency, or  
19 instrumentality thereof, which has not been paid as of the  
20 effective date of this act is not due from the fair  
21 association or state fair.

22 Section 25. Paragraph (c) of subsection (3) of section  
23 823.14, Florida Statutes, is amended to read:

24 823.14 Florida Right to Farm Act.--

25 (3) DEFINITIONS.--As used in this section:

26 (c) "Farm product" means any plant, as defined in s.  
27 581.011, or animal useful to humans and includes, but is not  
28 limited to, any product derived therefrom.

29 Section 26. Subsection (4) is added to section 828.12,  
30 Florida Statutes, to read:

31 828.12 Cruelty to animals.--

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1           (4) A person who intentionally trips, fells, ropes, or  
 2 lassoes the legs of a horse by any means for the purpose of  
 3 entertainment or sport shall be guilty of a third degree  
 4 felony, punishable as provided in s. 775.082, s. 775.083, or  
 5 s. 775.084. As used in this subsection, "trip" means any act  
 6 that consists of the use of any wire, pole, stick, rope or  
 7 other apparatus to cause a horse to fall or lose its balance,  
 8 and "horse" means any animal of any registered breed of the  
 9 genus equus, or any recognized hybrid thereof. The provisions  
 10 of this subsection shall not apply when tripping is used:

11           (a) To control a horse that is posing an immediate  
 12 threat to other livestock or human beings;

13           (b) For the purpose of identifying ownership of the  
 14 horse when its ownership is unknown; or

15           (c) For the purpose of administering veterinary care  
 16 to the horse.

17           Section 27. Section 570.235, Florida Statutes, is  
 18 created to read:

19           570.235 Pest Exclusion Advisory Committee.--

20           (1) There is created within the department a Pest  
 21 Exclusion Advisory Committee. The advisory committee shall be  
 22 composed of 24 members.

23           (a) The Commissioner of Agriculture shall appoint 17  
 24 members representing the following:

25           1. Two members from the Florida Department of  
 26 Agriculture and Consumer Services.

27           2. Two citizens at large.

28           3. One member from each of the following agricultural  
 29 production groups:

30           a. Row crops.

31           b. Citrus.

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- 1           c. Horticulture.  
2           d. Forestry.  
3           e. Cattle.  
4           f. Dairy.  
5           g. Pork.  
6           h. Poultry.  
7           i. Horses.  
8           j. Aquaculture.  
9           k. Apiary.  
10          4. One member representing research programs in the  
11 state's land grant institutions.  
12          5. One member representing extension programs in the  
13 state's land grant institutions.  
14          (b) In addition, the committee shall be composed of  
15 the following 7 members:  
16           1. Two members representing and appointed by the  
17 Animal and Plant Health Inspection Service, United States  
18 Department of Agriculture.  
19           2. One member representing and appointed by the  
20 Florida Department of Health.  
21           3. One member representing and appointed by the  
22 Florida Department of Environmental Protection.  
23           4. One member representing and appointed by the  
24 Florida Game and Fresh Water Fish Commission.  
25           5. One member appointed by the Speaker of the House of  
26 Representatives.  
27           6. One member appointed by the President of the  
28 Senate.  
29          (2) The advisory committee shall be governed by the  
30 provisions of s. 570.0705 and shall have the responsibility of  
31 reviewing and evaluating the state's existing and future

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1 exclusion, detection, and eradication programs. The  
2 Commissioner of Agriculture shall appoint the chair of the  
3 committee. In evaluating the programs, the advisory committee  
4 shall:

5 (a) Require the scientific community to provide  
6 necessary scientific background on Florida's programs. Using  
7 such information, the committee shall evaluate the scientific  
8 basis for the programs.

9 (b) Review current Florida laws and regulations and  
10 recommend changes.

11 (c) Identify exotic plants and pests in foreign  
12 countries that pose a significant threat to consumer safety  
13 and have a high likelihood of being introduced into the state.

14 (d) Identify high-risk areas for pest introduction and  
15 offer recommendations for specific programmatic activities to  
16 address such risk.

17 (e) Study the possibility of partnerships with other  
18 public and private entities to develop programs, projects, and  
19 activities which may be cost effective and which may assist in  
20 implementing a pest exclusion program.

21 (f) Address any area of concern that is raised  
22 regarding the state's pest exclusion, detection, and  
23 eradication program.

24 (g) Make recommendations to the Commissioner of  
25 Agriculture, the Governor, the Speaker of the House of  
26 Representatives, and the President of the Senate for needs and  
27 changes in these programs, including funding requirements and  
28 needs.

29 (3) The committee shall issue a report of its findings  
30 to the Commissioner of Agriculture, the Governor, the Speaker  
31 of the House of Representatives, and the President of the

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1 Senate by January 1, 2001.

2 Section 28. Subsection (5) of section 828.125, Florida  
3 Statutes, is amended to read:

4 828.125 Killing or aggravated abuse of registered  
5 breed horses or cattle; offenses; penalties.--Any other  
6 provisions of this chapter to the contrary notwithstanding:

7 (5) This section shall not be construed to abridge,  
8 impede, prohibit, or otherwise interfere in any way with the  
9 application, implementation, or conduct of recognized  
10 livestock husbandry practices or techniques by or at the  
11 direction of the owner of the livestock so husbanded; nor  
12 shall any person be held culpable for any act prohibited by  
13 this chapter which results from weather conditions or other  
14 acts of God, providing that the person is in compliance with  
15 recognized livestock husbandry practices.

16 Section 29. Paragraph (d) of subsection (7) of section  
17 212.08, Florida Statutes, 1998 Supplement, is amended to read:

18 212.08 Sales, rental, use, consumption, distribution,  
19 and storage tax; specified exemptions.--The sale at retail,  
20 the rental, the use, the consumption, the distribution, and  
21 the storage to be used or consumed in this state of the  
22 following are hereby specifically exempt from the tax imposed  
23 by this chapter.

24 (7) MISCELLANEOUS EXEMPTIONS.--

25 (d) Feeds.--Feeds for poultry, ostriches, and  
26 livestock, including racehorses,  racing greyhounds, and dairy  
27 cows, are exempt.

28 Section 30. Section 581.184, Florida Statutes, is  
29 amended to read:

30 581.184 Promulgation of rules; citrus canker  
31 eradication; voluntary destruction agreements; buffer zone.--

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1           (1) In addition to the powers and duties set forth  
2 under this chapter the department is directed to adopt rules  
3 specifying facts and circumstances that, if present, would  
4 require the destruction of plants for purposes of eradicating,  
5 controlling, or preventing the dissemination of citrus canker  
6 disease in the state. In addition, the department is directed  
7 to adopt rules regarding the conditions under which citrus  
8 plants can be grown, moved, and planted in this state as may  
9 be necessary for the eradication, control, or prevention of  
10 the dissemination of citrus canker. Such rules shall be in  
11 effect for any period during which, in the judgment of the  
12 Commissioner of Agriculture, there is the threat of the spread  
13 of citrus canker disease in the state. Such rules may provide  
14 for the conduct of any activity regulated by such rules  
15 subject to an agreement by persons wishing to engage in such  
16 activity to voluntarily destroy, at their own expense, citrus  
17 plants declared by the department to be imminently dangerous  
18 by reason of being infected or infested with citrus canker or  
19 exposed to infection and likely to communicate same. The  
20 terms of such agreement may also require the destruction of  
21 healthy plants under specified conditions. Any such  
22 destruction shall be done after reasonable notice in a manner  
23 pursuant to and under conditions set forth in the agreement.  
24 Such agreements may include releases and waivers of liability  
25 and may require the agreement of other persons.

26           (2) The department, pursuant to s. 581.031(15) and  
27 (17), may create a citrus canker host-free buffer area,  
28 delineated by department rule, to retard the spread of citrus  
29 canker from known infected areas. In addition, the department  
30 shall develop a compensation plan for the trees removed from  
31 the buffer area. Compensation for the trees removed from the



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1 buffer area is subject to annual legislative appropriation.

2 Section 31. Section 588.12, Florida Statutes, is  
3 amended to read:

4 588.12 Livestock at large; legislative  
5 findings.--There is hereby found and declared a necessity for  
6 a statewide livestock law embracing all lands ~~public roads~~ of  
7 the state and necessity that its application be uniform  
8 throughout the state, except as hereinafter provided.

9 Section 32. Subsection (3) of section 588.13, Florida  
10 Statutes, is amended to read:

11 588.13 Definitions.--In construing ss. 588.12-588.25  
12 the following words, phrases, or terms shall be held to mean:

13 (3) Livestock "running at large" or "straying" shall  
14 mean any livestock found or being on any public land, or land  
15 belonging to a person other than the owner of the livestock,  
16 without the landowner's permission, and posing a threat to  
17 public safety ~~public road of this state and either apparently~~  
18 ~~a neglected animal or not under manual control of a person.~~

19 Section 33. Section 588.14, Florida Statutes, is  
20 repealed.

21 Section 34. Section 588.16, Florida Statutes, is  
22 amended to read:

23 588.16 Authority to impound livestock running at large  
24 or strays.--It shall be the duty of the sheriff or her or his  
25 deputies or designees, or any other law enforcement officer of  
26 the county, the county animal control center, or state highway  
27 patrol officers, where livestock is found to be running at  
28 large or straying, to take up, confine, hold, and impound any  
29 such livestock, to be disposed of as hereinafter provided.

30 Section 35. Subsection (1) of section 588.17, Florida  
31 Statutes, is amended to read:

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1           588.17 Disposition of impounded livestock.--

2           (1) Upon the impounding of any livestock by the  
3 sheriff or his or her deputies or designees, or any other law  
4 enforcement officers of the county, the county animal control  
5 center, or state highway patrol officers, the sheriff shall  
6 forthwith serve written notice upon the owner, advising such  
7 owner of the location or place where the livestock is being  
8 held and impounded, of the amount due by reason of such  
9 impounding, and that unless such livestock be redeemed within  
10 3 days from date thereof that the same shall be offered for  
11 sale.

12           Section 36. Section 588.18, Florida Statutes, is  
13 amended to read:

14           588.18 Livestock at large; fees.--The fees allowed for  
15 impounding, serving notice, care and feeding, advertising, and  
16 disposing of impounded animals shall be determined by the  
17 sheriff of each county. Damages done by the sheriff, sheriff's  
18 designees, or any other law enforcement officer in pursuit, or  
19 in the capture, handling, or care of the livestock are the  
20 sole responsibility of the sheriff or other law enforcement  
21 agency.~~as follows:~~

22           ~~(1) For impounding each animal, the sum of \$20 and~~  
23 ~~mileage incurred, at the rate of 20 cents per mile.~~

24           ~~(2) For serving any notice and making return thereon,~~  
25 ~~the sum of \$10 and mileage incurred, at the rate of 20 cents~~  
26 ~~per mile.~~

27           ~~(3) For feed and care of impounded animals, the sum of~~  
28 ~~\$5 per day per animal.~~

29           ~~(4) For advertising or posting notices of sale of~~  
30 ~~impounded animals, the same as provided by law for advertising~~  
31 ~~property for sale under process.~~

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1           ~~(5) For sale or other dispositions of impounded~~  
 2 ~~animals, the sum of \$5.~~

3           ~~(6) For report of sale of impounded animals, the sum~~  
 4 ~~of \$2.50.~~

5           Section 37. Section 588.19, Florida Statutes, is  
 6 amended to read:

7           588.19 Failure to secure purchaser or insufficient  
 8 funds to defray certain costs.--If there be no bidder for such  
 9 livestock at the sale aforesaid, and the sheriff has been  
 10 unable to locate the owner through the notice procedures  
 11 described in this chapter, the sheriff shall sell the  
 12 livestock at the nearest livestock auction yard. The proceeds  
 13 from the sale shall be used to reimburse the expenses incurred  
 14 in capturing, maintaining and selling the livestock, and in  
 15 attempting to locate the owner. Any money remaining after all  
 16 expenses are paid shall be given to the owner of the  
 17 livestock, if known.~~the sheriff shall either offer the~~  
 18 ~~livestock for adoption or kill, or cause to be killed, the~~  
 19 ~~same and shall dispose of the carcass thereof; if there be any~~  
 20 ~~money received by him or her on account of the said disposal,~~  
 21 ~~the same shall be disbursed in the manner hereinafter~~  
 22 ~~provided; and, if there be no ready sale for said carcass,~~In  
 23 the alternative, the sheriff may shall forthwith deliver the  
 24 carcass to a public institution of the county, state, or  
 25 municipality within said county or to any private charitable  
 26 institution, in the order herein set forth, according to their  
 27 needs.

28           Section 38. Section 501.025, Florida Statutes, is  
 29 amended to read:

30           501.025 Home solicitation sale; buyer's right to  
 31 cancel.--In addition to any other right to revoke an offer,

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1 the buyer has the right to cancel a home solicitation sale  
2 until midnight of the third business day after the day on  
3 which the buyer signs an agreement or offer to purchase.  
4 Cancellation is evidenced by the buyer giving written notice  
5 of cancellation in person, by telegram, or by mail to the  
6 seller at the address stated in the agreement or offer to  
7 purchase. The written notice of cancellation given by mail  
8 shall be effective upon postmarking. The notice of  
9 cancellation need not take a particular form and is sufficient  
10 if it indicates by any form of written expression the  
11 intention of the buyer not to be bound by the home  
12 solicitation sale. Notice of a buyer's right to cancel must  
13 appear on every note or other evidence of indebtedness given  
14 pursuant to any home solicitation sale. For the purposes of  
15 this section, unless a mortgage also creates the buyer's  
16 promise to pay the secured debt, it is not an evidence of  
17 indebtedness.

18 Section 39. Paragraph (a) of subsection (4) of section  
19 253.7825, Florida Statutes, is amended to read:

20 253.7825 Recreational uses.--

21 (4)(a) A horse park-agricultural center may be  
22 constructed by or on behalf of the Florida Department of  
23 Agriculture and Consumer Services on not more than 500 ~~250~~  
24 acres of former canal lands ~~which meet the criteria for~~  
25 ~~surplus lands and which lie outside the greenways boundary.~~

26 Section 40. This act shall take effect July 1, 1999.

27  
28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause,

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1 and insert:

2                                                           A bill to be entitled  
3       An act relating to the Department of  
4       Agriculture and Consumer Services; amending s.  
5       501.913, F.S., relating to the registration of  
6       brands of antifreeze distributed in the state;  
7       providing that the registrant assumes  
8       responsibility for the product's quality;  
9       amending s. 501.916, F.S.; revising  
10      requirements for labeling antifreeze; amending  
11      s. 501.919, F.S.; providing for notice to be  
12      given to the violator of ss. 501.91-501.923,  
13      F.S.; amending s. 501.922, F.S.; authorizing  
14      the department to impose additional penalties;  
15      repealing s. 531.54, F.S., relating to salaries  
16      and expenses of enforcing ch. 531, F.S., the  
17      Weights and Measures Act of 1971; amending s.  
18      570.191, F.S., relating to the Agricultural  
19      Emergency Eradication Trust Fund; providing for  
20      funds to be used for other agricultural  
21      interests; repealing s. 570.46(5), F.S.,  
22      relating to duties of the Division of Standards  
23      with respect to verifying certain testing  
24      samples; amending s. 570.48, F.S.; authorizing  
25      the Division of Fruit and Vegetables to certify  
26      and supervise certain inspectors; repealing s.  
27      570.952(5), F.S., relating to the Florida  
28      Agriculture Center and Horse Park Authority;  
29      amending s. 571.24, F.S., relating to the  
30      Florida Agricultural Promotional Campaign;  
31      providing for measures to ensure only Florida

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1 agricultural products are marketed under logos  
2 of the promotional campaign; amending s.  
3 571.27, F.S., relating to rules for entering  
4 into contracts for services directly related to  
5 the Florida Agricultural Promotional Campaign;  
6 authorizing the department to determine by rule  
7 the logos to be depicted for use in advertising  
8 agricultural products marketed under the  
9 promotional campaign; amending s. 571.29, F.S.,  
10 relating to the Florida Agricultural  
11 Promotional Campaign; relating to unlawful acts  
12 pertaining to the promotional campaign;  
13 creating s. 571.30, F.S.; providing for  
14 injunction remedies to the department for  
15 violations of provisions of the Florida  
16 Agricultural Promotional Campaign; amending s.  
17 588.011, F.S.; revising legal fence  
18 requirements; amending s. 589.081, F.S.;  
19 revising requirements for payments to counties  
20 within the Withlacoochee State Forest and  
21 Goethe State Forest by the Division of  
22 Forestry; amending s. 593.1141, F.S.;  
23 conforming a reference to the Farm Service  
24 Agency for purposes of certain agreements of  
25 the department; amending s. 616.05, F.S.;  
26 providing requirements for fair associations in  
27 publishing proposed amendments to a charter;  
28 amending s. 616.07, F.S.; providing that  
29 property held in trust by a fair association is  
30 exempt from special assessments; amending s.  
31 616.08, F.S.; clarifying provisions authorizing

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1 a fair association to sell, mortgage, or lease  
2 property; amending s. 616.13, F.S.; revising  
3 certain restrictions on temporary amusement  
4 rides with respect to location of operation;  
5 deleting a license tax imposed on such rides;  
6 amending s. 616.15, F.S.; providing additional  
7 requirements for obtaining a permit to conduct  
8 a public fair or exposition; requiring that the  
9 department give preference to established fair  
10 associations in issuing permits; amending s.  
11 616.242, F.S., relating to safety standards for  
12 amusement rides; revising requirements for the  
13 application for a permit to operate a ride;  
14 revising requirements for the department in  
15 setting permit fees; requiring that certain  
16 notices be posted at entrances to amusement  
17 rides; prohibiting bungy catapulting or reverse  
18 bungy jumping; amending s. 616.260, F.S.;  
19 providing that the Florida State Fair Authority  
20 is exempt from special assessments; providing  
21 that certain special assessments are not due  
22 from a fair association or state fair; amending  
23 s. 823.14, F.S.; clarifying the definition of  
24 the term "farm product" for purposes of the  
25 Florida Right to Farm Act; amending s. 828.12,  
26 F.S.; revising provisions relating to cruelty  
27 to animals; creating the Pest Exclusion  
28 Advisory Committee within the department;  
29 providing for membership; providing for  
30 governance of the committee; requiring that the  
31 committee conduct certain evaluations and

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1 studies; requiring a report to the Governor,  
2 the Legislature, and the Commissioner of  
3 Agriculture; amending s. 828.125, F.S.;  
4 revising provisions relating to the killing or  
5 aggravated abuse of registered breed horses or  
6 cattle; amending s. 212.08, F.S.; providing a  
7 sales tax exemption for racing greyhound feed;  
8 amending s. 581.184, F.S.; establishing a  
9 citrus canker-free buffer zone; amending s.  
10 588.12, F.S.; revising legislative findings of  
11 livestock at large; revising definitions;  
12 repealing s. 588.14, F.S.; relating to duty of  
13 owners; amending s. 588.16, F.S.; amending  
14 authority to impound livestock running at  
15 large; amending s. 588.17, F.S.; revising  
16 disposition of impounded livestock; amending s.  
17 588.18, F.S.; revising fees for livestock at  
18 large; amending s. 588.19, F.S.; revising  
19 procedures for defraying costs incurred in  
20 impoundment; amending s. 501.025, F.S.;  
21 clarifying provisions relating to home  
22 solicitation sale and buyer's right to cancel;  
23 amending s. 253.7825, F.S.; providing acreage  
24 requirements for a horse park-agricultural  
25 center; providing an effective date.

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