

STORAGE NAME: h1855s1z.ag
DATE: June 22, 1999

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
AGRICULTURE
FINAL ANALYSIS**

BILL #: CS/HB 1855 (PCB AG 99-02a)
RELATING TO: Department of Agriculture and Consumer Services
SPONSOR(S): Committee on Agriculture, Representative Putnam & others
COMPANION BILL(S): SB 2066 (s) by Senator Thomas

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE YEAS 10 NAYS 0
- (2) BUSINESS REGULATION & CONSUMER AFFAIRS (W/D)
- (3) FINANCE & TAX (W/D)
- (4) GENERAL GOVERNMENT APPROPRIATIONS YEAS 10 NAYS 0
- (5)

I. FINAL ACTION STATUS:

CS/HB 1855 passed both houses and was approved by the Governor (Chapter 99-391, Laws of Florida) on June 18, 1999. Refer to Section VII. (Amendments and Committee Substitutes) for changes made on the House and Senate floors.

II. SUMMARY:

CS/HB 1855 addresses a variety of issues relating to the powers and duties of the Department of Agriculture and Consumer Services (department).

Many of the changes in the bill are of a technical nature. The definitions of "farm product" and "agricultural emergency" are clarified to more accurately state the original intent. A reference to a quorum for the Florida Agriculture Center and Horse Park Authority is deleted because it is duplicative in nature. The acreage allowance that the horse park-agricultural center may use is increased from 250 to 500 acres. References to the Consumer Products Testing Laboratory, which was dissolved last year, are removed. A name change, brought about by the United States Department of Agriculture (USDA) reorganization, is authorized. In regards to Withlacoochee and Goethe State Forests, the bill removes individual county names and inserts "each county in which a portion of the respective forest is located" to prevent any one county from losing revenue as the forests are expanded. The bill clarifies the definition of a legal fence, and procedures for handling livestock at large are revised. The bill clarifies that unless a mortgage includes a promissory clause, it is not an evidence of indebtedness.

More specifically, the bill clarifies information required on an antifreeze label, establishes product liability, and redefines the penalties for violating the antifreeze act.

A Pest Exclusion Advisory Committee is created to look at plant and animal pest infestations, both present and future, and offer solutions and recommendations, in report form, to the Commissioner of Agriculture, Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2001.

The bill provides penalties for use of the "Fresh from Florida" logo on agricultural products other than those grown or produced in Florida.

The bill deletes the requirement for the weights and measures program to be fully funded out of the General Inspection Trust Fund (GITF).

The department is permitted to create a buffer zone to slow the spread of citrus canker from infected areas. A compensation program for trees removed from the buffer zone will be developed, subject to annual legislative appropriation.

The bill restricts the proximity and dates of operation of temporary amusement rides to public fairs and expositions, except with the written consent of the affected fair association. The bill requires public fairs and expositions to forward a copy of the application for permit to fair associations within 50 miles of the site of a proposed fair when application is presented to the department. The department is given authority to determine which, if any, fairs or expositions may compete with one another. The bill declares public fairs and expositions exempt from special assessments.

The bill expands the duties of the Division of Fruit and Vegetables to certify and license inspectors when federal law provides no mandate for licensing and certifying inspectors.

The bill allows owners of amusement rides to submit copies of current manufacturer's operating instructions to the department only upon the department's request and at no cost to the department. It also prohibits bungy catapulting or reverse bungy jumping. The length of time between the execution of the Affidavit of Nondestructive Testing (NDT) and the time the inspection is done and the permit is issued is reduced to 60 days. If general revenue is insufficient to cover the costs associated with the Bureau of Fair Rides Inspection, the industry shall pay for the remaining cost of the program. And lastly, amusement ride owners are required to post signs at patron entrances to advise or warn of age, size, and health restrictions, weight limits or other special considerations recommended by the manufacturer.

The bill provides relief from prosecution for prohibited acts relating to killing or aggravated abuse of registered breed horses or cattle resulting from weather conditions or other acts of God, providing the person is otherwise in compliance. The bill provides a penalty for any person who intentionally trips, fells, ropes, or lassoes the legs of a horse for the purpose of wagering for entertainment or sport.

III. SUBSTANTIVE ANALYSIS:

A. **PRESENT SITUATION:**

Antifreeze Act

Presently, if a consumer is defrauded by an antifreeze product, the department has no recourse but to go after the original registrant, which is not always the person responsible for defrauding the consumer. The statutes currently allow the department to suspend or revoke the registration of any person who violates or fails to comply with the provisions of this act. In addition, the department may levy a fine not to exceed \$5,000 per violation.

Weights and Measures Program

Section 531.54, F.S., requires the weights and measures program to be fully funded out of the General Inspection Trust Fund.

Agricultural Emergency Eradication Trust Fund

The current definition for an agricultural emergency is defined as an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, "and" agricultural interests of the state.

Division of Standards

The statutes include a reference to the Consumer Products Testing Laboratory which was dissolved in 1998.

Florida Agriculture Center and Horse Park Authority

Currently in the statutes there are duplicative references to rules of procedure for conducting meetings for the Authority. A cap of 250 acres of former canal lands is currently allowed for the construction of a horse park-agricultural center.

Florida Agricultural Promotional Campaign

The "Fresh from Florida" logo is intended to be used only on agricultural products that are produced in Florida. Currently, the department has no recourse when the "Fresh from Florida" logo is misrepresented or used on agricultural products that are not produced in Florida.

Citrus Canker

Citrus canker is currently being battled in residential neighborhoods in Dade and Broward counties. Canker has recently been detected in citrus groves in Hendry County as well. The canker is spread by wind-blown rain and infected leaves and stems transported on vehicles, equipment and people. Establishing a canker-free buffer zone will help the department to contain and eradicate the disease before it moves up the coast and into the Indian River area.

Withlacoochee and Goethe State Forests

For the purpose of distribution of gross receipts, the statutes currently list, by name, each county containing a portion of the Withlacoochee or Goethe State Forests.

Agricultural Commodity Insect Control

The statutes include a reference to the "Agricultural Stabilization and Conservation Service," which has been renamed by the USDA.

Public Fairs and Expositions

Presently, temporary amusement ride owners not affiliated with a fair association but operating within 5 miles of and within 30 days before or during any public fair or exposition are taxed \$1000 per day. When application for permit is made to the department to hold a fair, other fair associations in the area are not notified.

Amusement Rides

Under existing law, amusement ride owners are required to provide the department with a copy of the manufacturer's current recommended operating instructions, as well as any other written information in the owner's possession regarding the safety, operation, or maintenance of the amusement ride. Bungy catapulting and reverse bungy jumping are currently permitted in the state.

The department is required to establish, by rule, fees to cover 100 percent of all costs and expenditures associated with the Bureau of Fair Rides Inspection. Currently, patron advisory signs are only required to be posted when required by the manufacturer. The law, at present, allows an amusement ride owner to submit an Affidavit of Nondestructive Testing (NDT) no earlier than 60 days prior to filing the application for the annual permit. So long as the old permit, NDT, and insurance do not expire, the inspection and permitting can be delayed for up to a year.

Livestock at Large

Currently, the statewide livestock law embraces all public roads of the state. The sheriffs, or their deputies, of each county may charge the standard fees as laid out in the statutes for impounding, serving notice, care and feeding, advertising, and disposing of the impounded animals.

B. EFFECT OF PROPOSED CHANGES:

Antifreeze Act

This bill allows manufacturers and packagers, as well as distributors, to register antifreeze in the state. This change protects the contractual agreement between the manufacturers, packagers, and distributors and places the responsibility as to the quality and quantity of the product being offered for sale upon the registrant. The bill also requires the label to identify the brand of the product and the registrant's name and address. The fines for violations will be administered on a graduated scale, depending on the number of violations committed. These changes allow the department to go after the person actually responsible for defrauding the consumer.

Weights and Measures Program

The bill removes the requirement for the weights and measures program to be fully funded from the General Inspection Trust Fund. Since the regulation of the weights and measures program protects all consumers and not just the regulated entity, the department believes funding for the program should come from all available sources.

Agricultural Emergency Eradication Trust Fund

The bill clarifies the definition of an agricultural emergency to be when any, rather than all, of the agricultural interests (horticultural, aquacultural, etc.) of the state are threatened.

Division of Standards

The bill removes a reference to the Consumer Products Testing Laboratory which was dissolved in 1998.

Division of Fruit and Vegetables

The bill authorizes the division to certify and license inspectors of fruits and vegetables where no federal law requires such inspectors to be licensed and certified by the federal government. This will allow the department to continue the practice of providing "certified" inspections at processing plants, as required by state law.

Florida Agriculture Center and Horse Park Authority

The acreage allowance that the horse park-agricultural center may use is increased from 250 to 500 acres. A technical change to delete a duplicative reference to a quorum requirement for meetings of the Authority is also made.

Florida Agricultural Promotional Campaign

The department is granted the authority to enforce measures ensuring that only Florida agricultural or agricultural based products are marketed under the "Fresh from Florida" logos or other logos of the Florida Agricultural Promotional Campaign. The department is also given authority to determine the logos or product identifiers to be depicted for use in advertising, publicizing, and promoting Florida agricultural products. In addition, the department is given authority to adopt rules necessary for participant registration, renewal of registration, classes of membership, application forms, as well as other forms and enforcement measures ensuring compliance with logo use. Penalties established for logo violations include issuance of a warning letter; imposition of an administrative fine of not more

than \$1000 per violation for a first time offender. Second time offenders, or any person willfully violating this provision, shall face a fine not exceeding \$5000 per violation; and/or revocation or suspension of any registration by the department.

Pest Exclusion Advisory Committee

The bill creates a Pest Exclusion Advisory Committee responsible for reviewing and evaluating the state's present and future pest exclusion, detection, and eradication programs. The committee is to be comprised of 24 members representing the department, various agricultural, horticultural, aquacultural, and animal interests in the state, the United States Department of Agriculture's Animal and Plant Health Inspection Service, the Florida Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, the Florida Department of Health, the research and extension programs in the state's land grant institutions, the Speaker of the House of Representatives, the President of the Senate, and two citizens at large. A report to the Commissioner of Agriculture, Governor, Speaker of the House of Representatives, and the President of the Senate is required by January 1, 2001.

Citrus Canker

The department is permitted to create a buffer zone to slow the spread of citrus canker from infected areas. A compensation program for trees removed from the buffer zone will be developed, subject to annual legislative appropriation.

Withlacoochee and Goethe State Forests

This is a technical change deleting individual county names and inserting generic language to ensure that each county gets its fair share of gross receipts as the forests are expanded.

Legal Fences

The definition of a legal fence is expanded to include fences constructed of high tensile wire in accordance with the manufacturer's specifications.

Agricultural Commodity Insect Control

This is a technical change to reflect the new Farm Service Agency name brought about by the USDA reorganization. The Farm Service Agency was formerly known as the Agricultural Stabilization and Conservation Service.

Public Fairs and Expositions

The bill revises the tax exempt status of the Florida State Fair Authority to clarify that the authority is exempt from special assessments. The bill restricts the proximity and dates of operation of temporary amusement rides to public fairs and expositions, except with the written consent of the affected fair association. Public fairs and expositions are now required to forward a copy of permit applications to fair associations within 50 miles when the application is sent to the department. The bill allows the department to make a determination regarding competition when two fair associations are scheduled within 50 miles of one another for the same name, dates or market. Preference in permitting shall be given to existing fair associations with established dates, locations, and names.

Amusement Rides

The bill removes the existing requirement for amusement ride owners to submit the manufacturer's current recommended operating instructions except upon request of the department and at no cost to the department. This will reduce the duplication of material the industry is required to provide to the department. The bill requires permanent facilities to use the department's prescribed form when filing an affidavit of the annual inspection. The bill prohibits bungy catapulting and reverse bungy jumping in the state. These two types of bungy jumping are deemed to be too risky to allow at this time. The bill requires the industry to pay the remaining costs associated with the Bureau of Fair Rides Inspection should general revenue be insufficient to cover said costs. Signs advising or warning patrons of age, size, and health restrictions, weight limitations or any other special consideration or use restriction would be required to be displayed at the patron entrance of each amusement ride. The department believes patrons should be advised of any special consideration or use restriction

regarding an amusement ride, whether required or recommended by the manufacturer. And lastly, the bill requires the permit inspection to be done and the annual permit issued within 60 days of the execution of the Affidavit of Nondestructive Testing (NDT). This change will ensure the inspection and permitting occur within a reasonable time after the owner obtains the NDT and third party inspection.

Florida Right to Farm Act

The bill includes a technical change clarifying the definition of a farm product.

Cruelty to Animals

The bill provides relief from prosecution for prohibited acts relating to killing or aggravated abuse of registered breed horses or cattle resulting from weather conditions or other acts of God, providing the person is otherwise in compliance. A penalty is also provided for any person who intentionally trips, fells, ropes, or lassoes the legs of a horse for the purpose of wagering for entertainment or sport.

Livestock at Large

The statewide livestock law is amended to embrace all lands of the state. The sheriffs are given the authority to appoint a designee, in lieu of a deputy, to impound livestock running at large. In addition, the fees for impounding, serving notice, care and feeding, advertising, and disposing of the impounded animals shall be determined by the sheriff of each county. Furthermore, the sheriff is given the authority to sell the livestock at the nearest livestock auction yard if the owner cannot be located. The proceeds from the sale shall be used to reimburse the expenses incurred in capturing, maintaining and selling the livestock, and in attempting to locate the owner.

Home Solicitation Sale

The bill clarifies that unless a mortgage includes a promissory clause, it is not an evidence of indebtedness.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. The department is given the authority, by rule, to adopt forms for permanent amusement ride facilities to file affidavits of annual inspection.

Also, section 588.12, F.S., allows the sheriff in each county to determine the fees for impoundment of livestock at large.

The department is also given the authority to adopt rules in regards to establishing a citrus canker host-free buffer area.

And lastly, the department is allowed to adopt rules to enforce the provisions of the Florida Agricultural Promotional Campaign.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. Fair associations are required to forward a copy of permit applications to other fair associations within a 50 mile area at the time the application is sent to the department.

The department is instructed to develop a compensation plan for trees removed from the citrus canker host-free buffer zone. The department will also be responsible for enforcement of the provisions of the Florida Agricultural Promotional Campaign.

- (3) any entitlement to a government service or benefit?

Yes. Residents within the citrus canker buffer zone will be compensated for the destruction of their healthy citrus trees.

- b. If an agency or program is eliminated or reduced: **Not Applicable.**

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

- (2) what is the cost of such responsibility at the new level/agency?

- (3) how is the new agency accountable to the people governed?

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

Yes. Special assessments imposed upon fair associations or state fairs prior to the effective date of this act and unpaid at the effective date of this act are void.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment: **Not Applicable.**

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

- (2) Who makes the decisions?

- (3) Are private alternatives permitted?

- (4) Are families required to participate in a program?

- (5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

- (2) service providers?

- (3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Sections 253.7858, 501.025, 501.913, 501.916, 501.919, 501.922, 531.54, 570.191, 570.235, 570.46, 570.48, 570.952, 571.24, 571.27, 571.29, 571.30, 581.184, 588.011, 588.12, 588.13, 588.14, 588.16, 588.17, 588.18, 588.19, 589.081, 593.1141, 616.05, 616.07, 616.08, 616.13, 616.15, 616.242, 616.260, 823.14, 828.12, and 828.125, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: This section establishes the registrant of the antifreeze as the party responsible for the quality and quantity of the product sold, offered, or exposed for sale in this state. It also allows the manufacturer or packager, as well as the person whose name appears on the label, to register with the department.

Section 2: This section clarifies information to be included on antifreeze labels.

Section 3: This is a technical change to ensure the party actually committing the violation (of the Antifreeze Act) is warned rather than the registrant or the person whose name appears on the label.

Section 4: This section establishes a graduated scale of penalties for violations of the Antifreeze Act.

Section 5: This section removes the requirement that the weights and measures program be fully funded from the General Inspection Trust Fund.

Section 6: This is a technical change to clarify the definition of an agricultural emergency.

Section 7: This removes a reference to the Consumer Products Testing Laboratory which was dissolved in 1998.

Section 8: This section authorizes the Division of Fruit and Vegetables to certify and license inspectors.

Section 9: This is a technical change to remove a duplicative reference to a quorum.

Section 10: This clarifies that the department, rather than the Division of Marketing, is responsible for establishing and coordinating the Florida Agricultural Promotional Campaign (FAPC). A provision is also added to ensure that only Florida agricultural products are marketed under the logos of the FAPC.

Section 11: The department is allowed to adopt rules to determine the logos or product identifiers for use in advertising, publicizing, and promoting the sale of Florida agricultural products, as well as rules necessary for participant registration, registration renewal, classes of membership, application forms, and enforcement measures.

Section 12: This section provides administrative remedies and criminal penalties for violations of the provisions of the FAPC.

Section 13: This allows the department to apply for an injunction to a circuit judge to grant temporary or permanent injunction restraining any person from violating or continuing to violate any provisions of the FAPC. Said injunction shall be issued without bond.

Section 14: This section expands the definition of a legal fence to include fences constructed of high tensile wire in accordance with the manufacturer's specifications.

Section 15: This is a technical change deleting individual county names and inserting generic language to ensure that as the Withlacoochee and Goethe State Forests grow, each county gets its share of the gross receipts.

Section 16: This is a technical change to reflect the new Farm Service Agency name brought about the USDA reorganization. The Farm Service Agency was formerly known as the Agricultural Stabilization and Conservation Service.

Section 17: This section provides that amendments to the charter of a fair association be noticed in the same manner as the original charter.

Section 18: This section revises the tax exemptions of fair associations to include exemptions from special assessments.

Section 19: This section clarifies the authority of a fair association to sell, mortgage, lease, or convey property.

Section 20: This section changes the proximity of temporary amusement rides to public fairs and expositions to a 5 mile radius, except with the written consent of the affected fair association. There is no longer a penalty for violation.

Section 21: Public fairs and expositions would be required to forward a copy of permit applications to fair associations within 50 miles when the application is sent to the department. The bill allows the department to make a determination regarding competition when two fair associations are scheduled within 50 miles of one another for the same name, dates or market.

Preference in permitting shall be given to existing fair associations with established dates, locations, and names.

Section 22: This section no longer requires amusement ride owners to submit the manufacturer's current recommended operating instructions except upon request of the department, at which time the owner must provide the instructions to the department at no cost. The bill requires permanent facilities to use the department's prescribed form when filing an affidavit of the annual inspection. The bill prohibits bungy catapulting and reverse bungy jumping in the state. If general revenue is insufficient to cover the costs associated with the Bureau of Fair Rides Inspection, the industry shall pay for the remaining cost of the program. Signs advising or warning patrons of age, size, and health restrictions, weight limitations or any other special consideration or use restriction must be displayed at the patron entrance of each amusement ride. And lastly, the bill would require the permit inspection to be done and the annual permit issued within 60 days of the execution of the NDT.

Section 23: This section includes special assessments in the exemption for fair associations.

Section 24: This section voids special assessments imposed upon a fair association or state fair before the effective date of this act if not paid by the effective date of this act.

Section 25: This section clarifies the definition of a farm product.

Section 26: This section provides penalties for any person who intentionally trips a horse by any means for the purpose of wagering for sport or entertainment.

Section 27: This section creates a Pest Exclusion Advisory Committee to look at plant and animal pest infestations and offer solutions and recommendations, in report form, to the Commissioner of Agriculture, Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2001.

Section 28: This section provides relief from prosecution for prohibited acts relating to killing or aggravated abuse of registered breed horses or cattle resulting from weather conditions or other acts of God, providing the person is otherwise in compliance.

Section 29: This allows the department to create a buffer zone to retard the spread of citrus canker from infected areas. The department is also instructed to develop a compensation plan for trees removed from the buffer zone, which is subject to annual legislative appropriation.

Section 30: This section clarifies that the livestock at large law shall encompass all lands of the state, rather than just public roads.

Section 31: This section revises the definition of livestock "running at large" or "straying."

Section 32: This section repeals s. 588.14, F.S.

Section 33: This section clarifies that a sheriff may appoint a designee to impound livestock running at large.

Section 34: This section reflects the reference to a sheriff's appointed designee.

Section 35: This section allows the sheriff of each county to set the fees for impoundment of livestock at large.

Section 36: This section revises the procedures for disposing of livestock at large in the event the owner is not located.

Section 37: This section clarifies that unless a mortgage contains a promissory clause, it is not an evidence of indebtedness.

Section 38: This section increases the allowable acreage a horse park-agricultural center may use.

Section 39: This section provides an effective date.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

2. Recurring Effects:

There will be a small indeterminate amount of expenses associated with the reimbursement of travel and per diem for the Pest Exclusion Advisory Committee.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

The bill requires the amusement ride industry to place signs at each amusement ride to advise and warn patrons of any special considerations or use restrictions recommended by the manufacturer. Since many of the amusement rides do not have these signs posted at this time, the estimated cost to the industry would be approximately \$45,000 in the first year.

Approximately 1,800 amusement rides receive permits each year in the state. Based on observations, the department estimates only 50 percent of the permitted amusement rides will require such signs. It is reasonable to estimate the appropriate signs would not cost more than \$50 each.

Number of amusement rides requiring signs (Half of presently permitted rides)	900
Cost of signs (per ride)	<u>\$ 50</u>
Total first year cost to industry	<u>\$45,000</u>

Signs would need periodic replacement but costs to the industry for replacement during any fiscal year should not exceed the cost of the initial year.

2. Direct Private Sector Benefits:

The proposed legislation, regarding antifreeze registration, will provide indirect benefits which will include increased latitude in the structure of contracts between distributors, manufacturers, and packagers.

Warning signs posted at patron entrances to amusement rides will allow patrons to make informed decisions on rides they should and should not be using. This should lessen the potential for injury.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The proposed legislation voids special assessments imposed upon a fair association or state fair before the effective date of this act if not paid by the effective date of this act. Currently, only two fairs have special assessments outstanding. South Florida Fair in Palm Beach County has approximately \$20,000 in special assessments and Florida State Fair in Tampa has approximately \$200,000 in special assessments.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

General Government Appropriations:

On April 16, 1999, ten amendments were offered on HB 1855, all of which were adopted.

Subsequently, HB 1855 was made a committee substitute.

Amendment 1: Creates the Florida Agricultural Development Authority and places it under the supervision of the Commissioner of Agriculture. The Authority will establish programs to assist beginning and established farmers, promote diversification of the farm economy, and assist in financing expenses and cash-flow requirements of farming.

Amendment 2: Allows the Department of Agriculture and Consumer Services (department) to create a buffer zone to slow down the spread of citrus canker from infected areas. It also instructs the department to develop a compensation plant for trees removed from the buffer zone, which is subject to annual legislative appropriation.

Amendment 3: Revises the procedures used by sheriffs, or their designees, for handling livestock at large.

Amendment 4: Changes the radius in which temporary amusement rides and public fairs and expositions can operate to 5 miles.

Amendment 5: Changes the timeframe for owners to request inspection and permitting to within 60 days after filing the application.

Amendment 6: Changes the timeframe for the department to inspect and permit the amusement ride to within 60 days after the affidavit was executed.

Amendment 7: Provides a penalty for any person who intentionally trips, fells, ropes, or lassoes the legs of a horse by any means for entertainment or sport.

Amendment 8: Nullifies any existing noise ordinances relating to the commercial raising of livestock. It also allows commercial farm operations to use amplified sounds to enhance animal husbandry, provided that no one is subjected to amplified sounds of 85 decibels or louder for a continuous 8-hour period.

Amendment 9: Exempts lands acquired and used for state fair grounds from development of regional impact requirements.

Amendment 10: Requires amusement ride owners to provide, at no cost, a copy of the manufacturer's operating manual when requested by the department.

Floor Action:

On April 22, 1999, CS/HB 1855 was amended on the House floor. The effect of the two amendments that were adopted removed language from the bill creating the Florida Agricultural Development Authority, and language that exempted the Florida State Fair Authority from complying with development of regional impact provisions. As amended, CS/HB 1855 was sent to the Senate.

On April 27, 1999, the Senate took up CS/HB 1855, laid its Senate companion, CS/SB 2066, on the table, and offered a strike-everything amendment to CS/HB 1855. The strike-everything amendment made the following changes to CS/HB 1855: the use of music for animal husbandry is removed; penalties for violations of the Florida Agricultural Promotional Campaign are provided; the allowable acreage a horse park-agriculture center may use is increased from 250 to 500 acres; when necessary, the industry is required to make up the difference between available general revenue and the remaining costs associated with the Bureau of Fair Rides Inspection; clarifying language is provided to determine when a mortgage is an evidence of indebtedness; a sales tax exemption on feed for racing greyhounds is provided; and clarifying language is provided regarding horse tripping.

The Senate adopted the strike-everything amendment, and CS/HB 1855, as amended, was returned to the House in Senate Messages.

Subsequently, on April 29, 1999, the House concurred in the Senate strike-everything amendment and offered an amendment removing the sales tax exemption on feed for racing greyhounds. The amendment to the amendment was adopted, and CS/HB was sent back to the Senate for concurrence. On April 30, 1999, the Senate concurred in the amendment to the amendment, and CS/HB 1855 was ordered enrolled.

VIII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Debbi Kaiser

Staff Director:

Susan D. Reese

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Marsha Belcher

Staff Director:

Cynthia P. Kelly

STORAGE NAME: h1855s1z.ag

DATE: June 22, 1999

PAGE 13

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON AGRICULTURE:

Prepared by:

Staff Director:

Debbi Kaiser

Susan D. Reese