

**STORAGE NAME:** h1855s1a.gg

**DATE:** April 16, 1999

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
GENERAL GOVERNMENT APPROPRIATIONS  
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)

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**I. 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. 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.

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

The bill 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.

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

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 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. It also prohibits bungee catapulting or reverse bungee 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. The department now has the option of adopting rules to cover the expenditures associated with the Bureau of Fair Rides. 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 entertainment or sport. The bill allows commercial farm operations to use amplified sounds to enhance animal husbandry.

And lastly, the bill exempts the Florida State Fair Authority from the provisions of development of regional impact for lands acquired for development and use as a state fair grounds.

**II. 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.

**Florida Agricultural Development Authority**

Currently, there is no state agricultural loan program available in Florida. However, the federal government has three agricultural loan programs available to Florida farmers: the United States Department of Agriculture's Farm Service Agency program, the Farm Credit System, and the Rural Business-Cooperative Service program. Farmers meeting specific criteria may apply for this assistance, as provided in the Federal Agriculture Improvement and Reform Act of 1996. There are approximately 30 states that have some type of state agricultural loan program.

The Department of Agriculture and Consumer Services (department) operates a program (AgVenture Services) designed to provide assistance in areas such as planning, marketing, research, facilities and equipment discounts, and resource network referrals for start-up agribusinesses and fledgling enterprises. The program has 88 resource partners, including the United States Department of Agriculture, the Institute of Food and Agricultural Sciences of the University of Florida, and Enterprise Florida, Inc. Currently, 181 people have contacted the program for assistance and 14 of these have become active clients; 7 are having their plans modified by program staff; and 160 of these prospects are either still formulating their business ideas or developing a business plan.

**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.

**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. So written, the law allows the 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.

## **B. EFFECT OF PROPOSED CHANGES:**

### **Antifreeze Act**

This bill would allow 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 would 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.

### **Florida Agricultural Development Authority**

The bill 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.

### **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**

This is a technical change to delete a duplicative reference to a quorum requirement for meetings of the Authority.

#### **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 down 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.

#### **Livestock at Large**

The procedures for handling livestock at large have been revised to allow sheriffs, or their designees, more flexibility in dealing with strays.

#### **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 include exemption 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. 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 removes the requirement that the department cover the costs and expenditures of the Bureau of Fair Rides Inspection through fees. 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 would require 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. The bill permits commercial farm operations to use amplified sounds to enhance animal husbandry.

**Abuse of Registered Breed Horses or Cattle**

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 entertainment or sport.

**Florida State Fair Authority**

The bill exempts lands acquired by the Authority for development and use as a state fair grounds from development regional impacts.

**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. It allows the department to establish rules to cover the costs and expenditures of the Bureau of Fair Rides Inspection. The department is also given the authority, by rule, to adopt forms for permanent facilities to file their affidavit of annual inspection.

Also, section 570.255, F.S., grants the Florida Agricultural Development Authority the powers necessary to carry out its purposes and duties, and section 570.255(15) provides a broad grant of rulemaking authorization to the authority so that it may carry out the purposes of the bill. Additionally, there are several specific grants of rulemaking authority.

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

(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 Florida Agricultural Development Authority is placed under the supervision of the Commissioner of Agriculture. According to the Department of Agriculture and Consumer Services, additional duties for the department are indeterminate at this time.

The department is instructed to develop a compensation plan for trees removed from the citrus canker buffer zone.

- (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?

In section 570.255(8), F.S., the bill gives the Florida Agricultural Development Authority the power to fix and collect fees and charges for its services. The sources and amounts have not yet been determined.

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?

Are families required to participate in a program?

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 159.8082, 159.804, 159.809, 501.913, 501.916, 501.919, 501.922, 531.54, 570.191, 570.235, 570.251, 570.252, 570.253, 570.254, 570.255, 570.256, 570.257, 570.258, 570.259, 570.260, 570.261, 570.262, 570.263, 570.264, 570.265, 570.266, 570.267, 570.268, 570.269, 570.270, 570.271, 570.272, 570.273, 570.274, 570.275, 570.46, 570.48, 570.952, 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, 616.251, 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 creates sections 570.251-570.275, F.S. Section 570.251, F.S., establishes that sections 570.251-570.275, F.S., may be cited as the "Florida Agricultural Development Act."

Section 570.252, F.S., provides legislative findings regarding the need to facilitate access to capital by the agricultural community and the need to encourage intellectual, scientific, and agricultural improvement across the state; granting the authority broad powers to adopt rules to carry out the purposes of the act.

Section 570.253, F.S., provides definitions.

Section 570.254, F.S., establishes the Florida Agricultural Development Authority; directs the authority to establish programs; mandates that the authority is to be operated under the supervision of the Commissioner of Agriculture; creates a board of seven members and establishes terms; provides for the election of a chair and vice chair; requires that meetings where official acts are to be taken shall be open and noticed to the public; establishes a quorum of four voting members; provides for per diem and traveling expenses.

Section 570.255, F.S., establishes and grants general powers.

Section 570.256, F.S., provides for an executive director who shall be selected by the authority, and serve at the pleasure of the commissioner and who shall advise the authority on matters relating to agricultural land and property and finance, carry out all directives from the authority and commissioner, hire and supervise staff pursuant to the direction of the board and the commissioner, and perform other duties.

Section 570.257, F.S., requires the authority to submit an annual report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Auditor General by February 15 of each year.

Section 570.258, F.S., provides for the use of surplus moneys by the authority.

Section 570.259, F.S., provides for the combination of state and federal programs to facilitate the purposes of the program.

Section 570.260, F.S., establishes a beginning farmer loan program to facilitate the acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers; provides for participation in federal programs; requires the authority to provide loan criteria; authorizes the authority to provide loan requirements.

Section 570.261, F.S., authorizes the authority to make loans to beginning farmers to provide financing for agricultural land and improvements or depreciable agricultural property.

Section 570.262, F.S., authorizes the authority to make loans to mortgage lenders and other lenders.

Section 570.263, F.S., authorizes the authority to purchase mortgage loans and secured loans from mortgage lenders.

Section 570.264, F.S., provides for powers of the authority relating to loans.

Section. 570.265, F.S., authorizes the authority to issue bonds and notes and provides that they must be authorized by a resolution of the authority; specifies that bonds and notes are payable solely and only out of the moneys, assets, or revenues of the authority; mandates that the authority publish intent to issue bonds or notes; exempts bonds and notes issued for financing the



beginning farmer loan program from taxation by the state; exempts interest earned on bonds and notes from corporate income tax.

Section 570.266, F.S., provides for the establishment of bond reserve funds.

Section 570.267, F.S., provides for remedies of bondholders and note holders.

Section 570.268, F.S., provides for the pledging of bonds by the state.

Section 570.269, F.S., states that bonds and notes shall be considered legal investments.

Section 570.270, F.S., provides requirements for authority funds, including banking and accounting requirements; requires that the authority submit to the Governor, the Auditor General, the President of the Senate, and the Speaker of the House of Representatives copies of reports of external examinations of the authority's books and accounts.

Section 570.271, F.S., provides limitation of liability for members of the authority and persons acting in its behalf.

Section 570.272, F.S., requires the assistance of state officers, departments, and agencies, within their respective functions.

Section 570.273, F.S., provides that the act shall be liberally construed to effect its purposes.

Section 570.274, F.S., requires written disclosure of conflicts of interests to the authority; prohibits participation in action for such interest(s) by the disclosing member or employee of the authority; specifies conflicts of interest with respect to the executive director of the authority.

Section 570.275, F.S., exempts the authority from competitive bid laws.

**Section 8:** This creates s. 159.8082, F.S., which establishes the agricultural development bond pool.

**Section 9:** This amends s. 159.804, F.S. providing specific allocations of state volume limitations to the agricultural development pool.

**Section 10:** This amends s. 159.809, F.S.; specifying provisions for bond issuance reports not received.

**Section 11:** This removes a reference to the Consumer Products Testing Laboratory which was dissolved in 1998.

**Section 12:** This section authorizes the Division of Fruit and Vegetables to certify and license inspectors.

**Section 13:** This is a technical change to remove a duplicative reference to a quorum.

**Section 14:** 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 15:** 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 16:** 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 17:** This section clarifies that the livestock at large law shall encompass all lands of the state, rather than just public roads.

**Section 18:** This section revises the definition of livestock “running at large” or “straying.”

**Section 19:** This section repeals s. 588.14, F.S.

**Section 20:** This section clarifies that a sheriff may appoint a designee to impound livestock running at large.

**Section 21:** This section reflects the reference to a sheriff’s appointed designee.

**Section 22:** This section allows the sheriff of each county to set the fees for impoundment of livestock at large.

**Section 23:** This section revises the procedures for disposing of livestock at large in the event the owner is not located.

**Section 24:** 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 25:** 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 26:** This section provides that amendments to the charter be noticed in the same manner as the original charter.

**Section 27:** This section revises the tax exemptions of fair associations to include exemptions from special assessments.

**Section 28:** This section clarifies the authority of a fair association to sell, mortgage, lease, or convey property.

**Section 29:** 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 30:** 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 31:** 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. The department is no longer required to cover the costs and expenditures of the Bureau of Fair Rides Inspection through fees. 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 32:** This exempts lands acquired by the Florida State Fair Authority for development and use as a state fair grounds from the provisions of the development of regional impact.

**Section 33:** This section includes special assessments in the exemption for fair associations.

**Section 34:** This section clarifies the definition of a farm product.

**Section 35:** This section provides penalties for any person who intentionally trips a horse by any means for sport or entertainment.

**Section 36:** 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 37:** This section provides legislative finding to the benefit music has on animal husbandry. It also nullifies any existing ordinances relating to the noise of raising commercial livestock.

**Section 38:** 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 39:** This section provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

**Florida Agricultural Development Authority**

	<u>FY 99-00</u>	<u>FY 00-01</u>	<u>FY 01-02</u>
Positions			
Program Planning Coordinator (Pay Grade 21)	\$ 42,916		
Administrative Assistant I (Pay Grade 11)	24,354		
 OPS			
Clerk (26 wks @ \$8/hour)	\$ 4,160		
 Expenses			
(2) Standard expense packages @ \$8,611 and \$6,665	\$ 15,276		
 OCO			
(1) 4x4 vehicle	\$ 22,617		
(2) Standard OCO packages @ \$3,302	<u>6,604</u>		
 Total Non-recurring Effects	<u>\$115,927</u>		
 Total Revenues and Expenditures	<u>\$115,927</u>		

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:

There will be a small indeterminate amount of expenses.

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:

In regards to the Florida Agricultural Development Authority, the salaries and expenses will be paid by the Authority after its first year of operation when other revenue streams have been identified and secured. Without the appropriate funding, this program could potentially divert in excess of \$125,000 from other critical programs. The department reports that "start up responsibilities for a program of this magnitude are significant...The extent of assistance by the department is unknown at this time."

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.

IV. 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.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

There were ten amendments offered on HB 1855, all of which were adopted.

**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.

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**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.

VII. 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