

By the Committee on Agriculture and Representatives  
Putnam, Constantine, Bronson, J. Miller, Stansel, Patterson,  
Spratt, Bainter and Harrington

1                                   A bill to be entitled  
2           An act relating to agriculture and consumer  
3           services; amending s. 501.913, F.S.; revising  
4           provisions relating to identity of registrant  
5           of antifreeze; providing liability; amending s.  
6           501.916, F.S., relating to mislabeling of  
7           antifreeze; revising required labeling to be  
8           included on antifreeze; amending s. 501.919,  
9           F.S.; revising provisions relating to  
10          enforcement and stop-sale orders; amending s.  
11          501.922, F.S., relating to violation of the  
12          antifreeze act; revising penalties and  
13          suspension of registration; repealing s.  
14          531.54, F.S., relating to salaries and expenses  
15          of enforcement; amending s. 570.191, F.S.,  
16          relating to the Agricultural Emergency  
17          Eradication Trust Fund; clarifying the  
18          definition of "agricultural emergency";  
19          amending s. 570.46, F.S.; revising the powers  
20          and duties of the Division of Standards;  
21          deleting a reference to testing of samples;  
22          amending s. 570.48, F.S., relating to duties of  
23          the Division of Fruit and Vegetables; providing  
24          for the appointment, certification, licensure,  
25          and supervision of certain inspectors; amending  
26          s. 570.952, F.S., relating to the Florida  
27          Agriculture Center and Horse Park Authority;  
28          deleting requirements relating to a quorum and  
29          official actions; amending s. 588.011, F.S.;  
30          revising legal fence requirements; amending s.  
31          593.1141, F.S.; revising references to the

1           Agricultural Stabilization and Conservation  
2           Service; creating s. 570.235, F.S.; creating  
3           the Pest Exclusion Advisory Committee within  
4           the Department of Agriculture and Consumer  
5           Services; establishing membership of the  
6           advisory committee; providing duties of the  
7           advisory committee; requiring a report;  
8           amending s. 589.081, F.S.; clarifying language  
9           regarding distribution to counties of gross  
10          receipts funds from Withlacoochee and Goethe  
11          State Forests; amending s. 616.05, F.S.;  
12          clarifying requirements regarding the  
13          publication of notice to amend the charter of a  
14          fair association; amending s. 616.07, F.S.;  
15          revising the tax exempt status of fair  
16          associations to include exemption from special  
17          assessments; amending s. 616.08, F.S.;  
18          clarifying provisions regarding the authority  
19          of a fair association to sell, mortgage, lease,  
20          or convey property; amending s. 616.13, F.S.;  
21          revising restrictions regarding the operation  
22          of temporary amusement rides; amending s.  
23          616.15, F.S.; requiring certain notice to be  
24          sent upon application for a permit to conduct a  
25          public fair or exposition; requiring the  
26          department to consider proximity of fairs and  
27          expositions when issuing permits; authorizing  
28          the denial or withdrawal of permits based on  
29          competition; amending s. 616.242, F.S.,  
30          relating to safety standards for amusement  
31          rides; revising documentation provided to the

1 department for an annual permit; revising the  
2 rulemaking authority of the department;  
3 revising fees and inspection standards;  
4 prohibiting bungy catapulting or reverse bungy  
5 jumping; amending s. 616.260, F.S.; revising  
6 the tax exempt status of the Florida State Fair  
7 Authority to include exemption from special  
8 assessments; amending s. 823.14, F.S.;  
9 clarifying a definition pertaining to the  
10 Florida Right to Farm Act; amending s. 828.125,  
11 F.S., relating to killing or aggravated abuse  
12 of registered breed horses or cattle; revising  
13 provisions relating to prohibited acts;  
14 providing that certain special assessments  
15 shall not be due from a fair association or  
16 state fair; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsection (1) of section 501.913, Florida  
21 Statutes, is amended to read:

22 501.913 Registration.--

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

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

3           501.916 Mislabeling of antifreeze.--Antifreeze shall  
4 be deemed to be mislabeled:

5           (1) If it does not bear a label which specifies:

6           (a) The brand of the product.

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

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

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

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

17          ~~(f)(e)~~ The primary chemical component functioning as  
18 the antifreeze agent.

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

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

27           501.919 Enforcement; stop-sale order.--

28           (3) Nothing in this act shall be construed to require  
29 the department to report for prosecution or for institution of  
30 libel proceedings any minor violations of the act whenever it  
31 believes that the public interest will be best served by a

1 suitable notice of warning in writing to the violator  
2 ~~registrant or the person whose name and address appears on the~~  
3 ~~label.~~

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

6 501.922 Violation.--

7 (1) The department may enter an order imposing one or  
8 more of the following penalties against any person who  
9 violates any provision of ss. 501.91-501.923 or impedes,  
10 obstructs, or hinders the department in performance of its  
11 duties in connection with the provisions of these sections.

12 (a) Imposition of an administrative fine of not more  
13 than \$1,000 per violation for the first time offender. For a  
14 second or repeat offender, or any person who willfully and  
15 intentionally violates any provisions of this section, the  
16 administrative fine shall not exceed \$5,000 per violation.

17 (b) Revocation or suspension of any registration  
18 issued by the department. Any suspension shall not exceed one  
19 year.

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

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1 ~~his or her registration may be suspended until such time as~~  
2 ~~the fine is paid.~~

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

5       Section 5. Section 531.54, Florida Statutes, is hereby  
6 repealed.

7       Section 6. Section 570.191, Florida Statutes, 1998  
8 Supplement, is amended to read:

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

20       Section 7. Subsection (5) of section 570.46, Florida  
21 Statutes, 1998 Supplement, is amended to read:

22       570.46 Division of Standards; powers and duties.--The  
23 duties of the Division of Standards include, but are not  
24 limited to:

25       ~~(5) Testing samples, including those submitted by the~~  
26 ~~Department of Management Services and the Department of~~  
27 ~~Education, to establish and verify conformity with state~~  
28 ~~specifications.~~

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

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1           570.48 Division of Fruit and Vegetables; powers and  
2 duties; records.--The duties of the Division of Fruit and  
3 Vegetables include, but are not limited to:

4           (7) Appointing, certifying, licensing, and supervising  
5 inspectors whose duties shall be to inspect fruit and  
6 vegetables regulated by state law where no federal law  
7 requires such inspectors to be licensed or certified by the  
8 federal government, other provisions of the law  
9 notwithstanding.

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

12           570.952 Florida Agriculture Center and Horse Park  
13 Authority.--

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

17           (5)(6) Beginning January 1, 1995,The commissioner  
18 shall submit information annually to the Speaker of the House  
19 of Representatives and the President of the Senate reporting  
20 the activities of the Florida Agriculture Center and Horse  
21 Park Authority and the progress of the Florida Agriculture  
22 Center and Horse Park, including, but not limited to,  
23 pertinent planning, budgeting, and operational information  
24 concerning the authority.

25           Section 10. Section 570.235, Florida Statutes, is  
26 created to read:

27           570.235 Pest Exclusion Advisory Committee.--

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

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- 1           (a) The Commissioner of Agriculture shall appoint 17  
2 members representing the following:  
3           1. Two members from the Florida Department of  
4 Agriculture and Consumer Services.  
5           2. Two citizens at large.  
6           3. One member from each of the following agricultural  
7 production groups:  
8           a. Row crops.  
9           b. Citrus.  
10          c. Horticulture.  
11          d. Forestry.  
12          e. Cattle.  
13          f. Dairy.  
14          g. Pork.  
15          h. Poultry.  
16          i. Horses.  
17          j. Aquaculture.  
18          k. Apiary.  
19          4. One member representing research programs in the  
20 state's land grant institutions.  
21          5. One member representing extension programs in the  
22 state's land grant institutions.  
23          (b) In addition, the committee shall be composed of  
24 the following 7 members:  
25          1. Two members representing and appointed by the  
26 Animal and Plant Health Inspection Service, United States  
27 Department of Agriculture.  
28          2. One member representing and appointed by the  
29 Florida Department of Health.  
30          3. One member representing and appointed by the  
31 Florida Department of Environmental Protection.

1           4. One member representing and appointed by the  
2 Florida Game and Fresh Water Fish Commission.

3           5. One member appointed by the Speaker of the House of  
4 Representatives.

5           6. One member appointed by the President of the  
6 Senate.

7           (2) The advisory committee shall be governed by the  
8 provisions of s. 570.0705 and shall have the responsibility of  
9 reviewing and evaluating the state's existing and future  
10 exclusion, detection, and eradication programs. The  
11 Commissioner of Agriculture shall appoint the chair of the  
12 committee. In evaluating the programs, the advisory committee  
13 shall:

14           (a) Require the scientific community to provide  
15 necessary scientific background on Florida's programs. Using  
16 such information, the committee shall evaluate the scientific  
17 basis for the programs.

18           (b) Review current Florida laws and regulations and  
19 recommend changes.

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

23           (d) Identify high-risk areas for pest introduction and  
24 offer recommendations for specific programmatic activities to  
25 address such risk.

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

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

4       (g) Make recommendations to the Commissioner of  
5 Agriculture, the Governor, the Speaker of the House of  
6 Representatives, and the President of the Senate for needs and  
7 changes in these programs, including funding requirements and  
8 needs.

9       (3) The committee shall issue a report of its findings  
10 to the Commissioner of Agriculture, the Governor, the Speaker  
11 of the House of Representatives, and the President of the  
12 Senate by January 1, 2001.

13       Section 11. Subsection (1) of section 588.011, Florida  
14 Statutes, is amended to read:

15       588.011 Legal fence; requirements.--

16       (1) Any fence or enclosure at least 3 feet in height  
17 made of barbed or other soft wire consisting of not less than  
18 three strands of wire stretched securely on posts, trees, or  
19 other supports, standing not more than 20 feet apart; or when  
20 using battens, up to 60 feet apart for non-electric and 150  
21 feet apart for electric if constructed with high tensile wire  
22 in accordance with the manufacturer's specifications, shall be  
23 considered as a legal fence.

24       Section 12. Section 589.081, Florida Statutes, is  
25 amended to read:

26       589.081 Withlacoochee State Forest and Goethe State  
27 Forest; payment to counties of portion of gross receipts.--The  
28 Division of Forestry shall pay 15 percent of the gross  
29 receipts from Withlacoochee State Forest and the Goethe State  
30 Forest to each county in which a portion of such forests is  
31 located,~~Hernando, Citrus, Sumter, Levy, and Pasco Counties~~ in

1 proportion to the forest acreage located in each county. The  
2 funds must be equally divided between the board of county  
3 commissioners and the school board of each county.

4 Section 13. Section 593.1141, Florida Statutes, is  
5 amended to read:

6 593.1141 Authority to enter agreements with the Farm  
7 Service Agency ~~Agricultural Stabilization and Conservation~~  
8 ~~Service.~~--The department is authorized to enter into  
9 agreements with the Farm Service Agency, "FSA,"~~Agricultural~~  
10 ~~Stabilization and Conservation Service, "ASCS,"~~for the  
11 purpose of allowing a cotton grower to tender payment of  
12 assessments, including penalties, to the FSA ~~ASCS~~.

13 Section 14. Section 616.05, Florida Statutes, is  
14 amended to read:

15 616.05 Amendment of charter.--Any fair association  
16 desiring to propose an amendment of its charter may do so by  
17 resolution as provided in its bylaws. The proposed amendment  
18 shall be submitted to the department for approval. When  
19 approved, the proposed amendment, upon publication of notice  
20 in the same manner as provided in s. 616.03, placement on file  
21 in the office of the clerk of the circuit court and in the  
22 office of the department, the rendering of a decree of the  
23 circuit judge approving and allowing the amendment, and being  
24 recorded in the clerk's office, shall be incorporated into the  
25 original charter.

26 Section 15. Subsection (1) of section 616.07, Florida  
27 Statutes, is amended to read:

28 616.07 Members not personally liable; property of  
29 association held in trust; exempt from taxation.--

30 (1) No member, officer, director, or trustee of a fair  
31 association shall be personally liable for any of the debts of

1 the association; and no money or property of a fair  
2 association shall be distributed as profits or dividends among  
3 its members, officers, directors, or trustees, but all money  
4 and property of the association shall, except for the payment  
5 of its just debts and liabilities, be and remain perpetually  
6 public property, administered by the association as trustee,  
7 to be used exclusively for the legitimate purpose of the  
8 association, and shall be, so long as so used, exempt from all  
9 forms of taxation, including special assessments.

10 Section 16. Section 616.08, Florida Statutes, is  
11 amended to read:

12 616.08 Additional powers of association.--Every fair  
13 association shall have the power to hold, conduct, and operate  
14 public fairs and expositions annually and for such purpose to  
15 buy, lease, acquire, and occupy lands, erect buildings and  
16 improvements of all kinds thereon, and develop those lands,  
17 buildings, and improvements; to sell, mortgage, lease, or  
18 convey any such property or any part thereof, in its  
19 discretion, from time to time for public fair or exposition  
20 purposes; to charge and receive compensation for admission to  
21 those fairs and expositions, for the sale or renting of space  
22 for exhibitions, and for other privileges; to conduct and hold  
23 public meetings; to supervise and conduct lectures and all  
24 kinds of demonstration work in connection with or for the  
25 improvement of agriculture, horticulture, stockraising and  
26 poultry raising, and all kinds of farming and matters  
27 connected therewith; to hold exhibits of agricultural and  
28 horticultural products and livestock, chickens, and other  
29 domestic animals; to give certificates or diplomas of  
30 excellence; to promote the progress of the geographical area  
31 it represents and serves and stimulate public interest in the

1 advantages and development of that area by providing  
2 facilities for agricultural and industrial exhibitions, public  
3 gatherings, cultural activities, and other functions which the  
4 association determines will enhance the educational, physical,  
5 economic, and cultural interests of the public; and generally  
6 to do, perform, and carry out all matters, acts, and business  
7 usual or proper in connection with public fairs and  
8 expositions; but this enumeration of particular powers shall  
9 not be in derogation of or limit any special provisions of the  
10 charter of the association inserted for the regulation of its  
11 business, and the conduct of its affairs of creating,  
12 defining, limiting, and regulating the powers of the  
13 association or its officers or members; provided, the  
14 treasurer or similar officer of the association shall be  
15 required to give a good and sufficient bond with a surety  
16 company duly authorized under the laws of the state, payable  
17 to the association and in an amount equal to the value of the  
18 total amount of money and other property in that officer's  
19 possession or custody, in addition to the value of any money  
20 and property of the association that may reasonably be  
21 expected to come into that officer's possession or custody.

22 Section 17. Section 616.13, Florida Statutes, 1998  
23 Supplement, is amended to read:

24 616.13 Restrictions on other amusement rides ~~Licenses~~  
25 ~~upon shows within 5 miles of fair.--No~~ Every person shall  
26 engage ~~engaged~~ in the business of providing temporary  
27 amusement rides as defined in s. 616.242, within a 20-mile  
28 radius ~~5 miles~~ of and within 30 days before or during any  
29 public fair or exposition being operated by a fair  
30 association, when not operating in connection with that fair  
31

1 or exposition, except with the written consent of the affected  
2 fair association ~~shall pay a license tax of \$1,000 per day.~~

3 Section 18. Subsections (1) and (3) of section 616.15,  
4 Florida Statutes, are amended to read:

5 616.15 Permit from Department of Agriculture and  
6 Consumer Services required.--

7 (1) No public fair or exposition may be conducted by a  
8 fair association without a permit issued by the department.

9 The permit shall be issued in the following manner: The  
10 association shall present to the department an application for  
11 the permit, signed by an officer of the association, at least  
12 3 months before holding the fair or exposition; this  
13 application shall be accompanied by a fee in an amount to be  
14 determined by the department not to exceed \$366 or be less  
15 than \$183 for processing the application and making any  
16 required investigation. The fees collected under this  
17 subsection shall be deposited in the General Inspection Trust  
18 Fund of the State Treasury in a special account to be known as  
19 the "Agricultural and Livestock Fair Account." At the same  
20 time the application is sent to the department, a copy of the  
21 application shall be sent to each fair association located  
22 within 50 miles of the site of the proposed fair or

23 exposition.The department may issue the permit with the  
24 advice and counsel of the Agricultural and Livestock Fair  
25 Council, provided the application sets forth:

26 (a) The opening and closing dates of the proposed fair  
27 or exposition.

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

30 (c) An affidavit properly executed by the president or  
31 other chief executive officer of the applicant association

1 certifying the existence of a binding contract entered into by  
2 the association or exposition and the owner of the central  
3 amusement attraction covering the period for which the permit  
4 from the department is applied. The contract or contracts  
5 between the parties shall be available for inspection by duly  
6 authorized agents of the department in administering this  
7 chapter.

8 (d) A statement that the main purpose of the  
9 association is to conduct and operate the proposed fair or  
10 exposition for the benefit and development of the educational,  
11 agricultural, horticultural, livestock, charitable,  
12 historical, civic, cultural, scientific, and other resources  
13 of the geographical area the fair or exposition represents and  
14 serves. The statement shall be in writing, shall be  
15 subscribed, and shall be acknowledged by an officer of the  
16 association before an officer authorized to take  
17 acknowledgments.

18 (e) A premium list of the current fair or exposition  
19 to be conducted or a copy of the previous year's premium list  
20 showing all premiums and awards to be offered to exhibitors in  
21 various departments of the fair, such as art exhibition, beef  
22 cattle, county exhibits, dairy cattle, horticulture, swine,  
23 women's department, 4-H Club activities, Future Farmers of  
24 America activities, Future Homemakers of America activities,  
25 poultry and egg exhibits, and community exhibits, the  
26 foregoing being a list of the usual exhibitors of a fair and  
27 not to be construed as limiting the premium list to these  
28 departments. The list may be submitted separately at any time  
29 not later than 60 days before the holding of the fair or  
30 exposition, and the department shall issue the permit as  
31

1 provided in this section within 10 days thereafter if the  
2 applicant is properly qualified.

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

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

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

9 (3) Notwithstanding any fair association meeting the  
10 requirements set forth in subsection (1), the department may  
11 order a full investigation to determine whether or not the  
12 fair association meets in full the requirements of s. 616.01  
13 and accordingly may withhold a permit from, deny a permit to,  
14 or withdraw a permit once issued to the association. The  
15 department shall also consider whether any proposed fair or  
16 exposition, as set forth in an application for permit, will  
17 compete with another public fair or exposition within 50  
18 miles, in name, dates of operation, or market. The department  
19 may deny, withhold, or withdraw a permit from a fair  
20 association upon determination that a proposed fair or  
21 exposition competes with another fair or exposition.  
22 Preference in permitting shall be given to existing fairs or  
23 expositions with established dates, locations, and names.The  
24 determination by the department shall be final.

25 Section 19. Paragraph (b) of subsection (5), paragraph  
26 (a) of subsection (8), and paragraph (a) of subsection (10) of  
27 section 616.242, Florida Statutes, 1998 Supplement, are  
28 amended, paragraph (i) is redesignated as paragraph (j), a new  
29 paragraph (i) is added to subsection (11), and paragraph (e)  
30 is added to subsection (17) of said section, to read:

31 616.242 Safety standards for amusement rides.--

- 1           (5) ANNUAL PERMIT.--
- 2           (b) To apply for an annual permit an owner must submit
- 3 to the department a written application on a form prescribed
- 4 by rule of the department, which must include the following:
- 5           1. The legal name, address, and primary place of
- 6 business of the owner.
- 7           2. A description, manufacturer's name, serial number,
- 8 model number and, if previously assigned, the United States
- 9 Amusement Identification Number of the amusement ride.
- 10          3. A valid certificate of insurance or bond for each
- 11 amusement ride.
- 12          4. An affidavit of compliance that the amusement ride
- 13 was inspected in person by the affiant and that the amusement
- 14 ride is in general conformance with the requirements of this
- 15 section and all applicable rules adopted by the department.
- 16 The affidavit must be executed by a professional engineer or a
- 17 qualified inspector no earlier than 60 days before, but not
- 18 later than, the date of the filing of the application with the
- 19 department. The owner shall request inspection and permitting
- 20 of the amusement ride within 30 days of the date of filing the
- 21 application with the department. The department shall inspect
- 22 and permit the amusement ride within 90 days of the date the
- 23 affidavit was executed.
- 24          5. If required by subsection (6), an affidavit of
- 25 nondestructive testing dated and executed no earlier than 60
- 26 days prior to, but not later than, the date of the filing of
- 27 the application with the department. The owner shall request
- 28 inspection and permitting of the amusement ride within 30 days
- 29 of the date of filing the application with the department. The
- 30 department shall inspect and permit the amusement ride within
- 31 90 days of the date the affidavit was executed.

- 1           6. A request for inspection.
- 2           7. Upon request, the owner shall provide the  
3 department a copy of the manufacturer's current recommended  
4 operating instructions in the possession of the owner, the  
5 owner's operating fact sheet, and any written bulletins in the  
6 possession of the owner concerning the safety, operation, or  
7 maintenance of the amusement ride.
- 8           (8) FEES.--
- 9           (a) The department may ~~shall~~ by rule establish fees to  
10 cover the ~~100 percent of all~~ costs and expenditures associated  
11 with the Bureau of Fair Rides Inspection, including all direct  
12 costs, and all indirect costs, ~~and all division, data center,~~  
13 ~~and administrative overhead~~. The fees must be deposited in the  
14 General Inspection Trust Fund.
- 15           (10) EXEMPTIONS.--
- 16           (a) This section does not apply to:
- 17           1. Permanent facilities that employ at least 1,000  
18 full-time employees and that maintain full-time, in-house  
19 safety inspectors. Furthermore, the permanent facilities must  
20 file an affidavit of the annual inspection with the  
21 department, on a form prescribed by rule of the department  
22 ~~required by paragraph (5)(b)~~. Additionally, the Department of  
23 Agriculture and Consumer Services may consult annually with  
24 the permanent facilities regarding industry safety programs.
- 25           2. Any playground operated by a school, local  
26 government, or business licensed under chapter 509, if the  
27 playground is an incidental amenity and the operating entity  
28 is not primarily engaged in providing amusement, pleasure,  
29 thrills, or excitement.
- 30
- 31

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

4           4. Conventions or trade shows for the sale or exhibit  
5 of amusement rides if there are a minimum of 15 amusement  
6 rides on display or exhibition, and if any operation of such  
7 amusement rides is limited to the registered attendees of the  
8 convention or trade show.

9           5. Skating rinks, arcades, lazer or paint ball war  
10 games, bowling alleys, miniature golf courses, mechanical  
11 bulls, inflatable rides, trampolines, ball crawls, exercise  
12 equipment, jet skis, paddle boats, air boats, helicopters,  
13 airplanes, parasails, hot air or helium balloons whether  
14 tethered or untethered, theatres, batting cages, stationary  
15 spring-mounted fixtures, rider-propelled merry-go-rounds,  
16 games, side shows, live animal rides, or live animal shows.

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

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

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

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

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

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1       (i) Signs that advise or warn patrons of age  
2 restrictions, size restrictions, health restrictions, weight  
3 limitations, or any other special consideration or use  
4 restrictions required or recommended for the amusement ride by  
5 the manufacturer shall be prominently displayed at the patron  
6 entrance of each amusement ride.

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

9       (e) The practice of bungee catapulting or reverse bungee  
10 jumping.

11           Section 20. Section 616.260, Florida Statutes, is  
12 amended to read:

13           616.260 Tax exemption of authority.--It is hereby  
14 found and determined that all of the projects authorized by  
15 this part constitute essential governmental purposes, and all  
16 of the properties, revenues, moneys, and other assets owned  
17 and used in the operation of those projects shall be exempt  
18 from all taxation, including special assessments, by the state  
19 or by any county, municipality, political subdivision, agency,  
20 or instrumentality thereof. However, nothing in this section  
21 shall grant any person other than the authority an exemption  
22 from the tax imposed in chapter 220, and if property of the  
23 authority is leased, the property shall be exempt from ad  
24 valorem taxation only if the use by the lessee qualifies the  
25 property for exemption under s. 196.199. The exemption  
26 granted by this section shall not be applicable to any tax  
27 imposed by chapter 220 on interest, income, or profits on debt  
28 obligations owned by corporations. The property of the  
29 authority shall be subject to the provisions of s. 196.199.

30           Section 21. Paragraph (c) of subsection (3) of section  
31 823.14, Florida Statutes, is amended to read:

1           823.14 Florida Right to Farm Act.--  
2           (3) DEFINITIONS.--As used in this section:  
3           (c) "Farm product" means any plant, as defined by s.  
4 581.011, or animal useful to humans and includes, but is not  
5 limited to, any product derived therefrom.  
6           Section 22. Subsection (5) of section 828.125, Florida  
7 Statutes, is amended to read:  
8           828.125 Killing or aggravated abuse of registered  
9 breed horses or cattle; offenses; penalties.--Any other  
10 provisions of this chapter to the contrary notwithstanding:  
11           (5) This section shall not be construed to abridge,  
12 impede, prohibit, or otherwise interfere in any way with the  
13 application, implementation, or conduct of recognized  
14 livestock husbandry practices or techniques by or at the  
15 direction of the owner of the livestock so husbanded; nor  
16 shall any person be held culpable for any act prohibited by  
17 this chapter which results from weather conditions or other  
18 acts of God, provided that the person is in compliance with  
19 recognized livestock husbandry practices.  
20           Section 23. A special assessment imposed upon a fair  
21 association or state fair by the state or by any county,  
22 municipality, political subdivision, agency, or  
23 instrumentality thereof before the effective date of this act,  
24 which has not been paid as of the effective date of this act,  
25 shall not be due from the fair association or state fair.  
26           Section 24. This act shall take effect July 1, 1999.  
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HOUSE SUMMARY

Revises provisions relating to identity of registrant of antifreeze and provides for liability. Revises required labeling to be included on antifreeze. Revises provisions relating to enforcement and stop-sale orders. Revises penalties and suspension of registration for violation of the antifreeze act. Repeals provisions relating to salaries and expenses of enforcement. Amends provisions relating to the Agricultural Emergency Eradication Trust Fund to clarify the definition of "agricultural emergency." Revises the powers and duties of the Division of Standards to delete a reference to testing of samples. Amends provisions relating to duties of the Division of Fruit and Vegetables to provide for the appointment, certification, licensure, and supervision of certain inspectors. Deletes requirements relating to a quorum and official actions of the Florida Agriculture Center and Horse Park Authority. Revises legal fence requirements. Revises references to the Agricultural Stabilization and Conservation Service. Creates the Pest Exclusion Advisory Committee within the Department of Agriculture and Consumer Affairs. Establishes membership and duties. Requires a report. Clarifies language regarding distribution to counties of gross receipts funds from Withlacoochee and Goethe State Forests. Clarifies requirements regarding publication of notice to amend the charter of a fair association. Revises the tax exempt status of fair associations to include exceptions from special assessments. Clarifies provisions regarding the authority of a fair authority to sell, mortgage, lease, or convey property. Revises restrictions regarding the operation of temporary amusement rides. Requires certain notice to be sent upon application to conduct a public fair or exposition. Requires the department to consider the proximity of fairs and exhibitions when issuing permits. Authorizes the denial or withdrawal of permits based on competition. Amends provisions relating to safety standards for amusement rides. Revises documentation required to be provided to the department for an annual permit. Revises the rulemaking authority of the department. Revises fees and inspection standards. Prohibits bungee catapulting or reverse bungee jumping. Revises the tax exempt status of the Florida State Fair Authority to include exemption from special assessments. Clarifies a definition pertaining to the Florida Right to Farm Act. Revises provisions relating to prohibited acts regarding killing or aggravated abuse of registered breed horses or cattle. Provides that certain special assessments shall not be due from a fair association or state fair.