

By the Committees on General Government Appropriations,
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 creating ss. 570.251-570.275, F.S.; creating
20 the "Florida Agricultural Development Act";
21 providing legislative findings; providing
22 definitions; establishing the Florida
23 Agricultural Development Authority; providing
24 powers and duties; providing for membership of
25 a board; providing for terms of board members;
26 providing for organization of the board;
27 providing general powers of the authority;
28 providing for an executive director and
29 specifying duties; requiring an annual report;
30 providing for the use of surplus moneys by the
31 authority; providing for combination of state

1 and federal programs to facilitate the purposes
2 of the authority; establishing a beginning
3 farmer loan program; providing purposes of the
4 loan program; authorizing the authority to
5 participate in federal programs; requiring the
6 authority to provide for loan criteria by rule;
7 authorizing the authority to provide loan
8 requirements; authorizing the authority to make
9 loans to beginning farmers for agricultural
10 land and improvements and depreciable
11 agricultural property; authorizing the
12 authority to make loans to mortgage lenders and
13 other lenders; authorizing the authority to
14 purchase mortgage loans and secured loans from
15 mortgage lenders; providing powers of the
16 authority relating to loans; providing for the
17 issuance of bonds and notes by the authority;
18 authorizing the authority to establish bond
19 reserve funds; providing remedies of
20 bondholders and holders of notes; providing for
21 the pledging of bonds by the state; providing
22 that bonds and notes shall be considered legal
23 investments; providing requirements with
24 respect to funds of the authority; authorizing
25 examination of accounts by the Auditor General;
26 requiring a report; providing limitation of
27 liability for members of the authority;
28 requiring the assistance of state officers,
29 agencies, and departments; providing for
30 construction of the act; requiring disclosure
31 of specified conflicts of interest; prohibiting

1 certain participation in the event of a
2 conflict of interest; specifying conflicts of
3 interest with respect to the executive director
4 of the authority; providing exemption from
5 competitive bid laws; creating s. 159.8082,
6 F.S.; establishing the agricultural development
7 bond pool; amending s. 159.804, F.S.; providing
8 for specific allocations of state volume
9 limitations to the agricultural development
10 pool; amending s. 159.809; specifying
11 provisions for bond issuance reports not
12 received; amending s. 570.46, F.S.; revising
13 the powers and duties of the Division of
14 Standards; deleting a reference to testing of
15 samples; amending s. 570.48, F.S., relating to
16 duties of the Division of Fruit and Vegetables;
17 providing for the appointment, certification,
18 licensure, and supervision of certain
19 inspectors; amending s. 570.952, F.S., relating
20 to the Florida Agriculture Center and Horse
21 Park Authority; deleting requirements relating
22 to a quorum and official actions; creating s.
23 570.235, F.S.; creating the Pest Exclusion
24 Advisory Committee within the Department of
25 Agriculture and Consumer Services; establishing
26 membership of the advisory committee; providing
27 duties of the advisory committee; requiring a
28 report; amending s. 581.184, F.S.; establishing
29 a citrus canker-free buffer area; requiring the
30 development of a compensation plan; providing a
31 limitation for compensation; amending s.

1 588.011, F.S.; revising legal fence
2 requirements; amending s. 588.12, F.S.;
3 revising legislative findings regarding
4 livestock at large; amending s. 588.13, F.S.;
5 revising definitions; repealing s. 588.14,
6 F.S.; relating to duty of owners of livestock;
7 amending s. 588.16, F.S.; revising the
8 authority to impound livestock running at
9 large; amending s. 588.17, F.S.; revising
10 provisions relating to the disposition of
11 impounded livestock; amending s. 588.18, F.S.;
12 revising fees relating to livestock at large;
13 amending s. 588.19, F.S.; revising procedures
14 for defraying certain costs; amending s.
15 589.081, F.S.; clarifying language regarding
16 distribution to counties of gross receipts
17 funds from Withlacoochee and Goethe State
18 Forests; amending s. 593.1141, F.S.; revising
19 references to the Agricultural Stabilization
20 and Conservation Service; amending s. 616.05,
21 F.S.; clarifying requirements regarding the
22 publication of notice to amend the charter of a
23 fair association; amending s. 616.07, F.S.;
24 revising the tax exempt status of fair
25 associations to include exemption from special
26 assessments; amending s. 616.08, F.S.;
27 clarifying provisions regarding the authority
28 of a fair association to sell, mortgage, lease,
29 or convey property; amending s. 616.13, F.S.;
30 revising restrictions regarding the operation
31 of temporary amusement rides; amending s.

1 616.15, F.S.; requiring certain notice to be
2 sent upon application for a permit to conduct a
3 public fair or exposition; requiring the
4 department to consider proximity of fairs and
5 expositions when issuing permits; authorizing
6 the denial or withdrawal of permits based on
7 competition; amending s. 616.242, F.S.,
8 relating to safety standards for amusement
9 rides; revising documentation provided to the
10 department for an annual permit; revising the
11 rulemaking authority of the department;
12 revising fees and inspection standards;
13 prohibiting bungy catapulting or reverse bungy
14 jumping; amending s. 616.251, F.S.; exempting
15 certain lands from the provisions of s. 380.06;
16 amending s. 616.260, F.S.; revising the tax
17 exempt status of the Florida State Fair
18 Authority to include exemption from special
19 assessments; amending s. 823.14, F.S.;
20 clarifying a definition pertaining to the
21 Florida Right to Farm Act; amending s. 828.12,
22 F.S.; revising provisions relating to cruelty
23 to animals; amending s. 828.125, F.S., relating
24 to killing or aggravated abuse of registered
25 breed horses or cattle; revising provisions
26 relating to prohibited acts; amending s.
27 823.14, F.S.; providing legislative findings
28 regarding the effect of music on animal
29 husbandry; preempting nuisance from noise from
30 raising livestock to the state; providing
31 findings; establishing certain sound limits;

1 providing that certain special assessments
2 shall not be due from a fair association or
3 state fair; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

9 501.913 Registration.--

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

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

21 501.916 Mislabeling of antifreeze.--Antifreeze shall
22 be deemed to be mislabeled:

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

24 (a) The brand of the product.

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

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

28 (d)~~(c)~~ The net quantity of contents (in terms of
29 liquid measure) separately and accurately in a uniform
30 location upon the principal display panel.
31

1 (e)~~(d)~~ A statement warning of any hazard of
2 substantial injury to human beings which may result from the
3 intended use or reasonably foreseeable misuse of the
4 antifreeze.

5 (f)~~(e)~~ The primary chemical component functioning as
6 the antifreeze agent.

7 (g)~~(f)~~ The appropriate amount, percentage, proportion,
8 or concentration of the antifreeze to be used to provide
9 claimed protection from freezing at a specified degree or
10 degrees of temperature, claimed protection from corrosion, or
11 claimed increase of boiling point or protection from
12 overheating.

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

15 501.919 Enforcement; stop-sale order.--

16 (3) Nothing in this act shall be construed to require
17 the department to report for prosecution or for institution of
18 libel proceedings any minor violations of the act whenever it
19 believes that the public interest will be best served by a
20 suitable notice of warning in writing to the violator
21 ~~registrant or the person whose name and address appears on the~~
22 ~~label.~~

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

25 501.922 Violation.--

26 (1) The department may enter an order imposing one or
27 more of the following penalties against any person who
28 violates any provision of ss. 501.91-501.923 or impedes,
29 obstructs, or hinders the department in performance of its
30 duties in connection with the provisions of these sections.
31

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

6 (b) Revocation or suspension of any registration
7 issued by the department. Any suspension shall not exceed one
8 year.

9 (2) If a registrant in violation of ss. 501.91-501.923
10 fails to pay a fine within 30 days, then all registrations
11 issued by the department to the registrant may be suspended
12 until such time as the fine is paid.~~The registration with the~~
13 ~~department of any person who violates this act or fails to~~
14 ~~comply with any of the provisions of this act may be subject~~
15 ~~to suspension or revocation. Any suspension shall not exceed~~
16 ~~1 year. In addition to any suspension or revocation, for each~~
17 ~~violation, the department may levy a fine which shall not~~
18 ~~exceed \$5,000 per violation. If the person in violation of~~
19 ~~ss. 501.91-501.923 fails to pay the fine within 30 days, then~~
20 ~~his or her registration may be suspended until such time as~~
21 ~~the fine is paid.~~

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

24 Section 5. Section 531.54, Florida Statutes, is hereby
25 repealed.

26 Section 6. Section 570.191, Florida Statutes, 1998
27 Supplement, is amended to read:

28 570.191 Agricultural Emergency Eradication Trust
29 Fund.--There is created in the office of the commissioner the
30 Agricultural Emergency Eradication Trust Fund. Funds in the
31 trust fund may be made available upon certification by the

1 commissioner that an agricultural emergency exists and that
2 funds specifically appropriated for the emergency's purpose
3 are exhausted or insufficient to eliminate the agricultural
4 emergency. The term "agricultural emergency" means an animal
5 or plant disease, insect infestation, or plant or pest
6 endangering or threatening the horticultural, aquacultural, or
7 other ~~and~~ agricultural interests in this state.

8 Section 7. Sections 570.251, 570.252, 570.253,
9 570.254, 570.255, 570.256, 570.257, 570.258, 570.259, 570.260,
10 570.261, 570.262, 570.263, 570.264, 570.265, 570.266, 570.267,
11 570.268, 570.269, 570.270, 570.271, 570.272, 570.273, 570.274,
12 and 570.275, Florida Statutes, are created to read:

13 570.251 Short title.--Sections 570.251-570.275 may be
14 cited as the "Florida Agricultural Development Act."

15 570.252 Legislative findings.--

16 (1) The Legislature finds that the ability of
17 residents of the state to pursue agricultural enterprises or
18 enterprises related to agribusiness has been detrimentally
19 affected by causes and events beyond their control or the
20 control of the state, including treaty-supported foreign
21 competition, termination of long established federal subsidy
22 programs, and a shortage of funds from private market sources
23 at rates of interest generally available under revenue bond
24 programs to nonagricultural industry. These conditions have
25 detrimentally affected the rural agriculture industry in this
26 state and have made the sale and purchase of agricultural land
27 by and among family farmers impossible in many parts of this
28 state. The ordinary operation of private enterprise has not
29 corrected this situation. Such conditions have worked to the
30 detriment of the economy and social welfare of the state and
31 threatens to destroy the basic fabric of rural agriculture,

1 such as the family farm and rural communities that depend on
2 agribusiness. The state's farm policy should enhance
3 opportunities for people to generate farm incomes comparable
4 to the incomes of other economic sectors. The United States
5 Congress has recognized the need to provide assistance to the
6 rural segment of the national economy and has instituted
7 programs to assist family farmers and agribusiness by means of
8 tax policy as well as loans, grants, technology transfers, and
9 credit enhancements to qualified state agencies. The
10 Legislature should also encourage, by all suitable means,
11 intellectual, scientific, and agricultural improvement in the
12 rural parts of this state. The public good is served by a
13 policy of facilitating access to capital by beginning farmers,
14 existing farmers, and agribusinesses unable to obtain capital
15 elsewhere. Therefore, the Legislature finds that conditions
16 exist in the state which require the creation of a body
17 politic having corporate power to issue notes, bonds, and
18 other evidences of indebtedness in order to make or acquire
19 loans for the acquisition or development of agricultural
20 lands, improvements, and facilities. All of the purposes
21 stated in this section are public purposes and uses for which
22 public moneys may be borrowed, expended, advanced, loaned, or
23 granted.

24 (2) The Legislature recognizes that many of the
25 programs approved by the United States Congress in the Federal
26 Agricultural Improvement and Reform Act of 1996 which can
27 supplement and enhance the Florida Agricultural Development
28 Authority's mission are being implemented. Therefore, the
29 authority is granted broad powers to adopt rules to carry out
30 the purposes set forth in this act to maximize the benefits to
31

1 the residents of this state from all available federal, state,
2 local, or private programs.
3 570.253 Definitions.--As used in this act, the term:
4 (1) "Agricultural improvements" means any
5 improvements, buildings, structures, or fixtures that are
6 suitable for use in farming, producing, or processing
7 agricultural products and are located on agricultural land in
8 this state. The term includes both any single-family dwelling
9 located on agricultural land which is or will be occupied by a
10 beginning farmer and structures attached to or incidental to
11 the use of the dwelling.
12 (2) "Agricultural land" means land in this state
13 suitable for use in farming, producing, or processing
14 agricultural products, specifically including lands so
15 designated by the Land Acquisition and Management Advisory
16 Council established under s. 259.035.
17 (3) "Agricultural producer" means a person that
18 engages in the business of producing and marketing
19 agricultural produce in this state and includes a farmer.
20 (4) "Agricultural processor" means a person that
21 engages in the business of processing agricultural products
22 within this state, including, without limitation, agricultural
23 commodities, agricultural byproducts, biomass energy and
24 organic compost processing, and any and all products made or
25 derived from agricultural or biomass stock as defined by the
26 authority under rules adopted under chapter 120.
27 (5) "Authority" means the Florida Agricultural
28 Development Authority established in s. 570.254.
29 (6) "Beginning farmer" means an individual,
30 partnership, corporation, limited liability company, limited
31

1 agricultural association as defined in s. 604.11, or trust
2 that engages in farming in this state, and includes:
3 (a) First-time farmers and family farmers as described
4 in s. 147(c)(2) of the Internal Revenue Code, as amended;
5 (b) Existing farmers who have moved, or who intend to
6 move, from existing agricultural activities to raising new or
7 alternative agricultural crops under rules adopted by the
8 authority; and
9 (c) Such other farmers as are designated by rules
10 adopted by the authority.
11 (7) "Bonds" means bonds issued by the authority.
12 (8) "Depreciable agricultural property" means personal
13 property suitable for use in farming for which an income tax
14 deduction for depreciation is allowable in computing federal
15 income tax under the Internal Revenue Code.
16 (9) "Farming" means the cultivation of land in this
17 state for the production of agricultural crops, including
18 biomass and fiber crops, citrus crops, poultry and ratites,
19 eggs, milk, fruits, nuts, vegetables, flowers, ferns, or other
20 horticultural crops, grazing and forage production, swine,
21 livestock, farm-raised deer, aquaculture, hydroponics,
22 organics, silviculture, forest products, or other such
23 activities designated by the authority by rule.
24 (10) "Internal Revenue Code" means the Internal
25 Revenue Code of 1986, as amended.
26 (11) "Lending institution" means a bank, credit union,
27 trust company, mortgage company, national banking association,
28 savings and loan association, insurance company, any state or
29 federal governmental agency or instrumentality, including the
30 federal land bank or the consolidated farm service agency or
31 any of its local associations, or any other financial

1 institution or entity authorized to make farm loans in this
2 state.

3 (12) "Mortgage" means a mortgage, mortgage deed, deed
4 of trust, or other instrument creating a first lien, subject
5 only to title exceptions and encumbrances acceptable to the
6 authority, including any other mortgage liens of equal
7 standing with or subordinate to the mortgage loan retained by
8 a seller or conveyed to a mortgage lender, on a fee interest
9 in agricultural land and agricultural improvements.

10 (13) "Mortgage lender" means a bank, trust company,
11 mortgage company, national banking association, savings and
12 loan association, insurance company, or any state or federal
13 governmental agency or instrumentality, including, without
14 limitation, the federal land bank or any of its local
15 associations or any other financial institution or public or
16 private entity authorized to make mortgage loans or secured
17 loans in this state.

18 (14) "Mortgage loan" means a financial obligation
19 secured by a mortgage.

20 (15) "Note" means a bond anticipation note or other
21 obligation or evidence of indebtedness issued by the
22 authority.

23 (16) "Secured loan" means a financial obligation
24 secured by a chattel mortgage, security agreement, or other
25 instrument creating a lien on an interest in depreciable
26 agricultural property.

27 (17) "State agency" means any board, commission,
28 department, public officer, or other agency or authority of
29 the state.

30
31

1 The authority may by rule define other terms applicable to
2 this act and may clarify the definitions in this section to
3 assure eligibility for funds, insurance, or guarantees
4 available under federal, state, or local laws, to assure
5 compliance with federal tax law and regulations under the
6 Internal Revenue Code and applicable state statutes, and to
7 carry out the public purposes of this act.

8 570.254 Establishment of authority; powers and duties;
9 board; earnings.--

10 (1) There is created the "Florida Agricultural
11 Development Authority," a public body corporate and politic,
12 for the purposes and with the powers set forth herein. Such
13 instrumentality, hereinafter referred to as "the authority"
14 shall have perpetual succession. For the purposes of
15 implementing the intent of ss. 570.251-570.275, the authority
16 shall be considered an instrumentality of the state, subject
17 to the jurisdiction of the state. Any conflict with respect to
18 that jurisdiction shall be resolved by the authority and
19 respective state agencies. The authority shall establish
20 programs that:

21 (a) Assist farmers, beginning farmers, and
22 agribusiness in purchasing, leasing, or otherwise acquiring
23 agricultural land, improvements, technology, and depreciable
24 agricultural property for farming.

25 (b) Promote diversification of the farm economy in
26 this state through the growth and development of new crops or
27 livestock not customarily grown or produced in this state or
28 that emphasize a vertical integration of agricultural products
29 produced or raised in this state into a finished agricultural
30 product or byproduct for consumption or use.

31

1 (c) Assist in financing operating expenses and
2 cash-flow requirements of farming.

3 (2) The authority shall be operated under the
4 supervision of the Commissioner of Agriculture, which
5 supervision may include, but is not limited to, assisting,
6 advising, and making recommendations regarding the operation,
7 financing, and programs of the authority. In assisting and
8 advising the authority, the Commissioner of Agriculture may
9 make appropriate staff of the department available to the
10 authority.

11 (3) The powers of the authority are vested in and
12 exercised by a board of seven members, including the
13 Commissioner of Agriculture or the commissioner's designee.
14 The Commissioner of Agriculture shall appoint the following
15 members of the board:

16 (a) One member from the Farm Credit System.

17 (b) One member from the Florida State Rural
18 Development Council.

19 (c) One member from the Florida Farm Bureau
20 Federation.

21 (d) One member who is an agricultural economist.

22 (e) One member with bonding or lending experience.

23 (f) One member at large.

24 (4) Initially, two members of the board shall be
25 appointed for a term of 4 years, two members for a term of 3
26 years, and two members for a term of 2 years. Thereafter, each
27 member shall be appointed for a 4-year term. A person
28 appointed to fill a vacancy may serve only for the unexpired
29 portion of the term. A member of the board is eligible for
30 reappointment. An appointed board member may be removed from
31 office by the Commissioner of Agriculture. An appointed board

1 member may also serve as a member of any other authority or
2 association.

3 (5) The members shall elect a chair and a vice chair
4 annually and other officers as necessary. The executive
5 director of the authority shall serve as secretary to the
6 board. Meetings of the board must be held at the call of the
7 chair, at the request of a majority of the membership of the
8 board, at the request of the Commissioner of Agriculture, or
9 at such times as may be prescribed by rules of the board.
10 Meetings may be held telephonically as prescribed by rules of
11 the board. Any meeting at which official acts are to be taken
12 or at which the public business of the authority is to be
13 transacted or discussed must be open and noticed to the
14 public.

15 (6) Four voting members of the board constitute a
16 quorum, and the affirmative vote of those present and voting
17 is necessary for any substantive action taken by the board. A
18 vacancy in the membership does not impair the right of a
19 quorum to exercise all rights and perform all duties of the
20 board.

21 (7) The members of the board shall not be entitled to
22 compensation for their services as members, but may receive
23 per diem and travel expenses as provided in s. 112.061 while
24 in performance of their duties.

25 (8) The members of the board shall give bond as
26 required by law for public officers.

27 (9) The net earnings of the authority, beyond that
28 necessary for retirement of its notes, bonds, or other
29 obligations or to implement authorized public purposes and
30 programs, may not inure to the benefit of any person other
31 than the state. Upon termination of the existence of the

1 authority, title to all property owned by the authority,
2 including any net earnings, vests in the department.
3 570.255 General powers.--The authority is granted
4 powers necessary to carry out its purposes and duties. It may:
5 (1) Issue negotiable bonds and notes to finance its
6 programs.
7 (2) Sue and be sued in its own name.
8 (3) Have and alter a corporate seal.
9 (4) Make and alter bylaws for its management and
10 programs.
11 (5) Make and execute agreements, contracts, and other
12 instruments with any public or private entity, including any
13 federal governmental agency. With the approval of the
14 Commissioner of Agriculture, the authority may enter into
15 contracts with any firm of independent certified public
16 accountants to prepare an annual report on behalf of the
17 authority. The authority may enter into contracts with
18 mortgage lenders, insurance companies, or others for the
19 servicing of mortgages and secured loans. All political
20 subdivisions, including federal, state, and local agencies,
21 may enter into contracts and otherwise cooperate with the
22 authority.
23 (6) Lease, purchase, accept a gift or donation of, or
24 otherwise acquire, use, own, hold, improve, or deal in or
25 with, real or personal property, or sell, convey, mortgage,
26 pledge, lease, exchange, or otherwise dispose of any assets,
27 loans or equity interests acquired in the financing of
28 projects funded by the authority, or any other property or
29 interest in property, as the board considers necessary in the
30 transaction of its business. The authority may not carry out a
31 program of real estate investment.

1 (7) Procure insurance against any loss in connection
2 with its operations or property interests, including pool
3 insurance on any group of mortgages or secured loans.

4 (8) Fix and collect fees and charges for its services.

5 (9) Subject to an agreement with bondholders or
6 noteholders, invest or deposit its moneys in a manner
7 determined by the authority, notwithstanding the provisions of
8 chapters 215 and 216.

9 (10) Accept appropriations, gifts, grants, loans, or
10 other aid from public or private entities. A record of all
11 gifts or grants stating the type, amount, and donor must be
12 clearly set out in the authority's annual report along with
13 the record of other receipts.

14 (11) Provide public and private entities with
15 technical assistance, education, counseling, and grants to
16 assist the authority in matters related to the authority's
17 purposes.

18 (12) In cooperation with other local, state, or
19 federal governmental agencies or instrumentalities, conduct
20 studies of the agricultural needs of the beginning farmer,
21 agricultural producer, and processor and gather, compile, and
22 exchange with similar authorities and agencies in other states
23 data useful to facilitate decisionmaking.

24 (13) Contract with accountants, architects, attorneys,
25 economists, engineers, housing construction and finance
26 experts, and other advisors, or enter into contracts for such
27 services with local, state, or federal governmental agencies.

28 (14) Execute contracts, agreements, leases, and other
29 instruments with any person, partnership, corporation, limited
30 liability company, limited agricultural association, or trust,
31 including, without limitation, any federal, state, or local

1 governmental agency, and take actions necessary to accomplish
2 any purpose for which the authority was organized or to
3 exercise any power expressly granted to the authority.

4 (15) Adopt rules relating to:

5 (a) Programs under the jurisdiction of the authority,
6 including beginning farmer programs.

7 (b) Definitions.

8 (c) Eligibility for programs, eligibility criteria and
9 determinations, objective criteria and guidelines, and forms
10 and documents required to implement the authority's programs.

11 570.256 Executive director.--

12 (1) The authority shall appoint the executive director
13 of the authority who serves at the pleasure of the authority.

14 (2) The executive director shall advise the authority
15 on matters relating to agricultural land and property and
16 finance; carry out all directives from the authority and the
17 commissioner; and hire and supervise the authority's staff
18 pursuant to the direction of the board and the commissioner.

19 (3) The executive director, as secretary of the
20 authority, is custodian of all books, documents, minute books,
21 seals, and papers filed with the authority. The executive
22 director may authorize duplication of all minutes and other
23 records and documents of the authority and shall give
24 certificates under the seal of the authority that the copies
25 are true copies and that all persons dealing with the
26 authority may rely upon the certificates.

27 570.257 Annual report.--

28 (1) The authority shall submit to the Governor, the
29 President of the Senate, the Speaker of the House of
30 Representatives, and the Auditor General, by February 15 of
31 each year, a report setting forth:

- 1 (a) The operations and accomplishments of the
2 authority.
- 3 (b) The authority's receipts and expenditures during
4 the fiscal year, in accordance with the classifications it
5 establishes for its operating and capital accounts.
- 6 (c) The authority's assets and liabilities at the end
7 of its fiscal year and the status of reserve, special, and
8 other funds.
- 9 (d) A schedule of the authority's bonds and notes
10 outstanding at the end of its fiscal year, together with a
11 statement of the amounts redeemed and issued during its fiscal
12 year.
- 13 (e) A statement of the authority's proposed and
14 projected activities.
- 15 (f) Recommendations to the Legislature, as the
16 authority determines necessary.
- 17 (g) An analysis of the needs of beginning farmers and
18 other farmers in the state, as well as of agribusiness
19 projects funded by the authority.
- 20 (2) The annual report, together with the authority's
21 audited annual statements of financial condition for the
22 period prepared by the authority's certified public
23 accountants, including, specifically, their review and
24 comments on the authority's activities described in paragraphs
25 (1)(b), (c), and (d), must identify performance goals of the
26 authority and clearly indicate the extent of progress during
27 the reporting period in attaining the goals. When possible,
28 results must be expressed in terms of number of loans and
29 acres of agricultural land and establishment of new or
30 alternative agricultural crops for farmers and agribusiness in
31 the state.

1 570.258 Surplus moneys.--Moneys declared by the
2 authority to be surplus moneys that are not required to
3 service bonds and notes, to pay administrative expenses of the
4 authority, or to accumulate necessary operating or loss
5 reserves must be used by the authority to provide loans,
6 grants, subsidies, and other services or assistance to
7 beginning farmers or agricultural producers through any of the
8 programs authorized in this act.

9 570.259 Combination programs.--Programs authorized in
10 this act may be combined with any other programs authorized by
11 law or authorized under any federal program or programs of any
12 other state in order to facilitate the acquisition and
13 ownership of agricultural land and property by beginning or
14 existing farmers or to facilitate the implementation of soil
15 and water conservation practices and the implementation of new
16 and alternative agricultural crops in this state.

17 570.260 Beginning farmer loan program.--

18 (1) The authority shall develop a beginning farmer
19 loan program to facilitate the acquisition of agricultural
20 land and improvements and depreciable agricultural property by
21 beginning farmers. The authority shall exercise its powers in
22 order to provide financial assistance to beginning farmers in
23 the acquisition of agricultural land and improvements and
24 depreciable agricultural property. The authority may
25 participate in and cooperate with programs of the United
26 States Department of Agriculture Consolidated Farm Service
27 Agency, the federal land bank, or any other agency or
28 instrumentality of the Federal Government, or with any program
29 of any other state agency in the administration of the
30 beginning farmer loan program and in the making or purchasing
31 of bonds, notes, mortgages, or secured loans under this act.

1 (2) The authority may participate in any federal
2 programs designed to assist beginning farmers or in any
3 related federal or state programs.

4 (3) The authority shall by rule prescribe the criteria
5 upon which loans to or on behalf of a beginning farmer program
6 will be provided. These rules must comply with the
7 requirements for "first-time farmers" under s. 147 of the
8 Internal Revenue Code, as amended.

9 (4) The authority may provide in a mortgage or secured
10 loan made or purchased under this act that the loan may not be
11 assumed or that any interest in the agricultural land or
12 improvements or depreciable agricultural property may not be
13 leased, sold, or otherwise conveyed without its prior written
14 consent, and may provide a due-on-sale clause with respect to
15 the occurrence of any of the foregoing events without its
16 prior written consent. The authority may specify by rule the
17 grounds for permitted assumptions of a mortgage or for the
18 leasing, sale, or other conveyance of any interest in the
19 agricultural land or improvements. The authority shall,
20 however, reserve in a mortgage or secured loan its right to
21 raise the interest rate of the loan to the prevailing market
22 rate if the mortgage or secured loan is assumed by a farmer
23 who is already established in that field at the time of the
24 assumption of the loan.

25 (5) The authority may participate in any interest in
26 any mortgage or secured loan made or purchased under this act
27 with a mortgage or other lender. The participation interest
28 may be on a parity with the interest in the mortgage or
29 secured loan retained by the authority, equally and ratably
30 secured by the mortgage or securing agreement securing the
31 mortgage or secured loan.

1 570.261 Loans to beginning farmers.--
2 (1) The authority may make mortgage or secured loans,
3 including, but not limited to, mortgage or secured loans
4 insured, guaranteed, or otherwise secured by the Federal
5 Government or a federal governmental agency or
6 instrumentality, a state agency, or private mortgage insurers,
7 to beginning farmers to provide financing for agricultural
8 land and improvements or depreciable agricultural property.
9 (2) Mortgage or secured loans must contain terms and
10 provisions, including interest rates, and be in a form
11 established by rule of the authority. The authority may
12 require the beginning farmer to execute a note, loan
13 agreement, or other evidence of indebtedness and furnish
14 additional assurances and guarantees, including insurance,
15 reasonably related to protecting the security of the mortgage
16 or secured loan, as the authority deems necessary.
17 570.262 Loans to mortgage lenders and other lenders.--
18 (1) The authority may make loans to mortgage lenders
19 or other lenders on terms and conditions it determines are
20 reasonably related to protecting the security of the
21 authority's investment and to administering this act. Mortgage
22 lenders may borrow from the authority under the provisions of
23 this section and the rules of the authority.
24 (2) The authority shall require as a condition of each
25 loan to a mortgage lender that the mortgage lender, within a
26 reasonable period after receipt of the loan proceeds as the
27 authority prescribes by rule, enter into written commitments
28 to make and, within a reasonable period thereafter as the
29 authority prescribes by rule, disburse the loan proceeds in
30 new mortgage or secured loans to beginning farmers in an
31 aggregate principal amount of not less than the amount of the

1 loan. New mortgage or secured loans must have such terms and
2 conditions as the authority prescribes by rules and as are
3 reasonably related to implementing the purposes of this act.

4 570.263 Purchase of loans.--

5 (1) The authority may purchase and make advance
6 commitments to purchase mortgage or secured loans from
7 mortgage lenders at prices and upon terms and conditions it
8 determines. The total purchase price for all mortgage or
9 secured loans that the authority commits to purchase from a
10 mortgage lender at any one time may not exceed the total of
11 the unpaid principal balances of the mortgage or secured loans
12 purchased. Mortgage lenders are authorized to sell mortgage or
13 secured loans to the authority under the provisions of this
14 section and the rules of the authority.

15 (2) The authority shall require as a condition of
16 purchase of mortgage or secured loans from mortgage lenders
17 that the mortgage lenders certify that the mortgage or secured
18 loans purchased are loans made to beginning farmers. Mortgage
19 or secured loans to be made by mortgage lenders must have such
20 terms and conditions as the authority prescribes by rule. The
21 authority may commit to purchase mortgage or secured loans
22 from mortgage lenders in advance of the time the loans are
23 made by mortgage lenders. The authority shall require as a
24 condition of a commitment that mortgage lenders certify in
25 writing that all mortgage or secured loans represented by the
26 commitment will be made to beginning farmers and that the
27 mortgage lender will comply with other requirements of the
28 authority.

29 570.264 Powers relating to loans.--Subject to any
30 agreement with bondholders or noteholders, the authority may
31 renegotiate a mortgage or secured loan or a loan to a mortgage

1 lender in default, waive a default or consent to the
2 modification of the terms of a mortgage or secured loan or a
3 loan to a mortgage lender, forgive or forbear all or part of a
4 mortgage or secured loan or a loan to a mortgage lender, and
5 commence, prosecute, and enforce a judgment in any action,
6 including, but not limited to, a foreclosure action, to
7 protect or enforce any right conferred upon it by law,
8 mortgage or secured loan agreement, contract, or other
9 agreement and, in connection with any action, bid for and
10 purchase the property or acquire or take possession of it,
11 complete, administer, pay the principal of and interest on any
12 obligations incurred in connection with the property, and
13 dispose of and otherwise deal with the property in a manner
14 the authority determines advisable to protect its interests.

15 570.265 Bonds and notes.--

16 (1) The authority may issue its negotiable bonds and
17 notes in principal amounts that, in the opinion of the
18 authority, are necessary to provide sufficient funds for
19 achievement of its corporate purposes, the payment of interest
20 on its bonds and notes, the establishment of reserves to
21 secure its bonds and notes, and all other expenditures of the
22 authority incident to and necessary or convenient to carry out
23 its purposes and powers. The bonds and notes are to be
24 investment securities and negotiable instruments within the
25 meaning of and for all purposes of the Uniform Commercial
26 Code.

27 (2) Bonds and notes are payable solely from the
28 moneys, assets, or revenues of the authority and as provided
29 in the agreement with bondholders or noteholders pledging any
30 particular moneys, assets, or revenues. Bonds or notes are not
31 an obligation of this state or any political subdivision of

1 this state other than the authority within the meaning of any
2 constitutional or statutory debt limitations, but are special
3 obligations of the authority payable solely from the sources
4 provided in this act, and the authority may not pledge the
5 credit or taxing power of this state or any political
6 subdivision of this state other than the authority or make its
7 debts payable out of any moneys except those of the authority.

8 (3) Bonds and notes must be authorized by a resolution
9 of the authority. A resolution authorizing the issuance of
10 bonds or notes may, however, delegate to an officer of the
11 authority the power to negotiate and fix the details of an
12 issue of bonds or notes by an appropriate certificate of the
13 authorized officer.

14 (4)(a) In addition to any notice required under the
15 Internal Revenue Code for federally tax exempt bonds, the
16 authority shall publish a notice of intention to issue bonds
17 or notes in a newspaper of general circulation published in
18 the state. The notice must include a statement of the maximum
19 amount of bonds or notes proposed to be issued and, in
20 general, what net revenues will be pledged to pay the bonds or
21 notes and interest thereon. An action may not be brought
22 questioning the legality of the bonds or notes or the power of
23 the authority to issue the bonds or notes or as to the
24 legality of any proceedings in connection with the
25 authorization or issuance of the bonds or notes after 60 days
26 from the date of publication of the notice.

27 (b) In lieu of paragraph (a), the authority may
28 validate any bonds issued pursuant to this section, as
29 provided in chapter 75. The validation complaint shall be
30 filed only in the circuit court for Leon County. The notice
31 required under s. 75.06 shall be published in Leon County, and

1 the complaint and order of the circuit court shall be served
2 only on the state attorney for the Second Judicial Circuit.
3 The provisions of ss. 75.04(2) and 75.06(2) shall not apply to
4 a validation complaint filed as authorized in this subsection.
5 The validation of the bonds issued pursuant to this section
6 may be appealed to the Supreme Court, and such appeal shall be
7 handled on an expedited basis.

8 (5) Bonds and notes issued by the authority for
9 purposes of financing the beginning farmer loan program
10 provided in s. 570.260 are exempt from all taxation by the
11 state, including income taxes, documentary stamp taxes, and
12 intangible taxes, and interest earned on the bonds and notes
13 is deductible in determining net income for purposes of the
14 corporate income tax under chapter 220.

15 570.266 Reserve funds and appropriations.--The
16 authority may create and establish one or more special funds,
17 each to be known as a "bond reserve fund," and shall pay into
18 each bond reserve fund any moneys appropriated and made
19 available by the state for the purpose of the fund, any
20 proceeds of the sale of notes or bonds to the extent provided
21 in the resolutions of the authority authorizing their
22 issuance, and any other moneys that are available to the
23 authority for the purpose of the fund from any other sources.
24 Moneys held in a bond reserve fund, except as otherwise
25 provided in this act, must be used as required solely for the
26 payment of the principal of bonds secured in whole or in part
27 by the fund or of the sinking fund payments with respect to
28 the bonds, the purchase or redemption of the bonds, the
29 payment of interest on the bonds, or the payments of any
30 redemption premium required to be paid when the bonds are
31 redeemed prior to maturity.

1 570.267 Remedies of bondholders and noteholders.--
2 (1) If the authority defaults in the payment of
3 principal or interest on an issue of bonds or notes at
4 maturity or upon call for redemption and the default continues
5 for a period of 30 days, or, if the authority fails or refuses
6 to comply with the provisions of this act or defaults in an
7 agreement made with the holders of an issue of bonds or notes,
8 the holders of 25 percent in aggregate principal amount of
9 bonds or notes of the issue then outstanding, by instrument
10 filed in the office of the clerk of Leon County and proved or
11 acknowledged in the same manner as a deed to be recorded, may
12 appoint a trustee to represent the holders of the bonds or
13 notes for the purposes provided in this section.
14 Notwithstanding the foregoing, the authority shall not be
15 deemed in default hereunder if such default can be cured
16 within a reasonable period of time and if the authority in
17 good faith institutes curative action and diligently pursues
18 such action until the default has been corrected.
19 (2) The authority or any trustee appointed under the
20 indenture under which the bonds or notes are issued may, and
21 upon written request of the holders of 25 percent in aggregate
22 principal amount of the issue of bonds or notes then
23 outstanding, shall:
24 (a) Enforce all rights of the bondholders or
25 noteholders, including the right to require the authority to
26 carry out its agreements with the holders and to perform its
27 duties under this act.
28 (b) Bring suit upon the bonds or notes.
29 (c) By action, require the authority to account as if
30 it were the trustee of an express trust for the holders.
31

1 (d) By action, enjoin any acts or things that are
2 unlawful or in violation of the rights of the holders.

3 (e) Declare all the bonds or notes due and payable
4 and, if all defaults are made good, then with the consent of
5 the holders of 25 percent of the aggregate principal amount of
6 the issue of bonds or notes then outstanding annul the
7 declaration and its consequences.

8 (3) The trustee has powers necessary for the exercise
9 of functions specifically set forth or incident to the general
10 representation of bondholders or noteholders in the
11 enforcement and protection of their rights.

12 (4) Before declaring the principal of bonds or notes
13 due and payable, the trustee shall first give 30 days' notice
14 in writing to the Governor, to the authority, to the
15 Commissioner of Agriculture, and to the Attorney General.

16 (5) The circuit court has jurisdiction of any action
17 by the trustee on behalf of bondholders or noteholders. The
18 venue of the action is in Leon County.

19
20 The bondholders or noteholders may, to the extent provided in
21 the resolution to which the bonds or notes were issued or in
22 its agreement with the authority, enforce any of the remedies
23 in paragraphs (2)(a)-(e) or the remedies provided in such
24 proceedings or agreements for and on their own behalf.

25 570.268 Agreement of the state.--The state pledges and
26 agrees with the holders of any bonds or notes that the state
27 will not limit or alter the rights vested in the authority to
28 fulfill the terms of agreements made with the holders of such
29 bonds or notes or in any way impair the rights and remedies of
30 the holders of such bonds or notes until the bonds or notes,
31 together with the interest thereon, plus interest on unpaid

1 installments of interest, and all costs and expenses in
2 connection with an action by or on behalf of the holders of
3 such bonds are fully met and discharged. The authority may
4 include this pledge and agreement of the state in any
5 agreement with the holders of bonds or notes.

6 570.269 Bonds and notes as legal investments.--Bonds
7 and notes are securities in which public officers, state
8 departments and agencies, political subdivisions, pension and
9 retirement funds, insurance companies and other persons
10 carrying on an insurance business, banks, trust companies,
11 savings and loan associations, investment companies, credit
12 unions, and other persons carrying on a banking business,
13 administrators, executors, guardians, conservators, trustees
14 and other fiduciaries, and other persons authorized to invest
15 in bonds or other obligations of this state may legally invest
16 funds, including capital in their control or belonging to
17 them. Bonds and notes are also securities that may be
18 deposited with and received by public officers, state
19 departments and agencies, and political subdivisions for any
20 purpose for which the deposit of bonds or other obligations of
21 this state is authorized.

22 570.270 Moneys of the authority.--

23 (1) Moneys of the authority, except as otherwise
24 provided in this act, must be paid to the authority and must
25 be deposited in a bank or other financial institution
26 designated by the authority. The moneys of the authority may
27 be withdrawn on the order of the person authorized by the
28 authority. Deposits must be secured in the manner determined
29 by the authority. The Auditor General shall annually examine
30 the accounts and books of the authority, including its
31 receipts, disbursements, contracts, leases, sinking funds,

1 investments, and any other records and papers relating to its
2 financial standing.

3 (2) The authority may contract with holders of its
4 bonds or notes as to the custody, collection, security,
5 investment, and payment of moneys of the authority, of moneys
6 held in trust or otherwise for the payment of bonds or notes
7 and to carry out the contract. Moneys held in trust or
8 otherwise for the payment of bonds or notes or in any way to
9 secure bonds or notes and deposits of the moneys may be
10 secured in the same manner as moneys of the authority, and
11 banks and trust companies may give security for the deposits.

12 (3) Subject to the provisions of any contract with
13 bondholders or noteholders, the authority shall prescribe a
14 system of accounts.

15 (4) The authority shall submit to the Governor, the
16 Auditor General, the President of the Senate, and the Speaker
17 of the House of Representatives, within 30 days after receipt
18 by the authority, a copy of the report of every external
19 examination of the books and accounts of the authority other
20 than copies of the reports of examinations made by the Auditor
21 General.

22 570.271 Limitation of liability.--Members of the
23 authority and persons acting in its behalf, while acting
24 within the scope of their employment or agency, are not
25 subject to personal liability resulting from carrying out the
26 powers and duties given in this act, and the authority may
27 carry such insurance or other indemnification for any actions
28 arising out of such duties.

29 570.272 Assistance by state officers, agencies, and
30 departments.--State officers, departments, and agencies shall
31

1 provide services to the authority within their respective
2 functions as requested by the Commissioner of Agriculture.

3 570.273 Liberal interpretation.--This act, being
4 necessary for the welfare of this state and its inhabitants,
5 must be liberally construed to effect its purposes.

6 570.274 Conflicts of interest.--

7 (1) If a member or employee of the authority has an
8 interest, either direct or indirect, in a contract to which
9 the authority is a party or in a mortgage lender or other
10 lender requesting a loan from or offering to sell mortgage or
11 secured loans to the authority, the interest must be disclosed
12 to the authority in writing and must be set forth in the
13 minutes of the authority. The member or employee having the
14 interest may not participate in an action by the authority
15 with respect to such contract or mortgage lender or other
16 lender.

17 (2) This section does not limit the right of a member,
18 officer, or employee of the authority to acquire an interest
19 in bonds or notes or limit the right of a member or employee
20 to have an interest in a bank, insurance company, or other
21 financial institution in which the funds of the authority are
22 deposited or which is acting as trustee or paying agent under
23 a trust indenture to which the authority is a party; nor does
24 this section, except as to the disclosures required by
25 subsection (1), preclude an insurance company or financial
26 institution in which an authority board member or employee has
27 an interest from placing insurance, funding bonds, or
28 acquiring or selling notes, mortgages, or other obligations of
29 the authority.

30 (3) The executive director may not have an interest in
31 a bank or other financial institution in which the funds of

1 the authority are deposited or which is acting as trustee or
2 paying agent under a trust indenture to which the authority is
3 a party. The executive director may not receive, in addition
4 to fixed salary or compensation, any money or valuable thing,
5 either directly or indirectly or through any substantial
6 interest in any other corporation or business unit, for
7 negotiating, procuring, recommending, or aiding in any
8 purchase or sale of property or loan made by the authority,
9 nor may the executive director be pecuniarily interested,
10 either as principal, co-principal, agent, or beneficiary,
11 either directly or indirectly or through any substantial
12 interest in any other corporation or business unit, in any
13 purchase, sale, or loan.

14 570.275 Exemption from competitive bid laws.--The
15 authority and all contracts made by it in carrying out its
16 public and essential governmental functions are exempt from
17 the laws of the state which provide for competitive bids in
18 connection with such contracts.

19 Section 8. Section 159.8082, Florida Statutes, is
20 created to read:

21 159.8082 Agricultural development bond pool.--

22 (1) There is established the agricultural development
23 bond pool. The agricultural development bond pool is
24 available solely to provide written confirmations for private
25 activity bonds to the Florida Agricultural Development
26 Authority to finance agricultural development as described in
27 ss. 570.251-570.275. Allocations from this pool must be
28 awarded for use on a statewide basis pursuant to the
29 procedures specified in s. 159.805, except that the provisions
30 of s. 159.805(2) and (3) do not apply. In issuing written
31 confirmations of allocations for agricultural development

1 projects, the division must use the agricultural development
2 bond pool. If allocation is not available from the
3 agricultural development bond pool, the division must issue
4 written confirmations of allocations for agricultural
5 development projects under s. 159.806 or s. 159.807, in that
6 order. For the purposes of determining priority within a
7 regional allocation pool or the state allocation pool, notices
8 of intent to issue bonds for agricultural development projects
9 to be issued from a regional allocation pool or the state
10 allocation pool are considered to have been received by the
11 division at the time it is determined by the division that the
12 agricultural development bond pool is unavailable to issue
13 confirmation for such agricultural development project.

14 (2) Any written confirmation issued by the director
15 pursuant to this section has no effect unless the bonds to
16 which such confirmation applies have been issued by the
17 Florida Agricultural Development Authority and written notice
18 of such issuance has been provided to the director on or
19 before November 15, unless a carryforward has been granted for
20 the allocation.

21 Section 9. Section 159.804, Florida Statutes, is
22 amended to read:

23 159.804 Allocation of state volume limitation.--The
24 division shall annually determine the amount of private
25 activity bonds permitted to be issued in this state under the
26 Code and shall make such information available upon request to
27 any person or agency. The total amount of private activity
28 bonds authorized to be issued in this state pursuant to the
29 Code shall be initially allocated as follows on January 1 of
30 each year:
31

1 (1)(a) On January 1, 1993, the first \$75 million of
2 the state volume limitation shall be allocated to the
3 manufacturing facility pool established pursuant to s.
4 159.8081. This allocation shall be increased in subsequent
5 years in increments of \$7.5 million as follows: On January 1
6 of each year, if at least 75 percent of the preceding year's
7 allocation under this subsection was used to issue bonds by
8 November 15 of that year, the allocation to the pool for the
9 current year must equal the sum of the amount that was
10 allocated to the pool in the preceding year plus an additional
11 \$7.5 million. If, however, 75 percent of the preceding year's
12 allocation was not used to issue bonds by November 15, the
13 allocation to the pool for the current year must be the same
14 amount as that allocated to the pool in the preceding year.

15 (b) On January 1, 2000, the next \$10 million of the
16 state volume limitation must be allocated to the agricultural
17 development pool established under s. 159.8082. This
18 allocation must be increased in subsequent years in increments
19 of \$2 million as follows: on January 1 of each year, if at
20 least 75 percent of the preceding year's allocation under this
21 subsection was used to issue bonds by November 15 of that
22 year, the allocation to the pool for the current year must
23 equal the sum of the amount that was allocated to the pool in
24 the preceding year plus an additional \$2 million; if, however,
25 75 percent of the preceding year's allocation was not used to
26 issue bonds by November 15, the allocation to the pool for the
27 current year must be the same amount as that allocated to the
28 pool in the preceding year.

29 (c)~~(b)~~ If on January 1 of any year, under federal law,
30 bonds for manufacturing facilities or agricultural development
31 no longer require or are eligible for an allocation pursuant

1 to s. 146 of the Code or if a separate volume cap is
2 established for agricultural development bonds under federal
3 law, the allocation of the state volume limitation in the
4 manufacturing facility pool or agricultural development pool,
5 or both, if applicable shall be divided among the remaining
6 pools in the following manner: 50 percent to be shared by the
7 16 regions for use in the manner prescribed in subsection (2);
8 25 percent for use by the Florida Housing Finance Agency in
9 the manner prescribed in subsection (3); 5 percent for use in
10 the state allocation pool in the manner prescribed in
11 subsection (4); and 20 percent for use in the Florida First
12 Business allocation pool in the manner prescribed in
13 subsection (5).

14 (d)~~(c)~~ If the state volume limitation imposed on
15 private activity bonds under s. 146 of the Code is decreased,
16 the amount allocated to the manufacturing facility pool shall
17 be decreased in proportion to the percentage the state volume
18 limitation is decreased.

19 (2)(a) Fifty percent of the state volume limitation
20 remaining after the allocations ~~allocation~~ made pursuant to
21 subsection (1) shall be allocated among the regions
22 established in paragraph (b) for use by all agencies whose
23 boundaries are coterminous with or contained within each
24 region. The volume limitation for each regional allocation
25 pool must be an amount that bears the same ratio to 50 percent
26 of the state volume limitation remaining after the allocation
27 made pursuant to subsection (1) for such calendar year as the
28 population of the region bears to the population of the entire
29 state.

30 (b) The following regions are established for the
31 purposes of this allocation:

- 1 1. Region 1 consisting of Bay, Escambia, Holmes,
2 Okaloosa, Santa Rosa, Walton, and Washington Counties.
- 3 2. Region 2 consisting of Calhoun, Franklin, Gadsden,
4 Gulf, Jackson, Jefferson, Leon, Liberty, and Wakulla Counties.
- 5 3. Region 3 consisting of Alachua, Bradford, Columbia,
6 Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee,
7 Taylor, and Union Counties.
- 8 4. Region 4 consisting of Baker, Clay, Flagler,
9 Nassau, Putnam, and St. Johns Counties.
- 10 5. Region 5 consisting of Citrus, Hernando, Levy,
11 Marion, Pasco, and Sumter Counties.
- 12 6. Region 6 consisting of Brevard, Lake, Osceola,
13 Seminole, and Volusia Counties.
- 14 7. Region 7 consisting of DeSoto, Hardee, Highlands,
15 Manatee, Okeechobee, and Polk Counties.
- 16 8. Region 8 consisting of Charlotte, Collier, Glades,
17 Hendry, Lee, Monroe, and Sarasota Counties.
- 18 9. Region 9 consisting of Indian River, Martin, and
19 St. Lucie Counties.
- 20 10. Region 10 consisting of Broward County.
- 21 11. Region 11 consisting of Dade County.
- 22 12. Region 12 consisting of Duval County.
- 23 13. Region 13 consisting of Hillsborough County.
- 24 14. Region 14 consisting of Orange County.
- 25 15. Region 15 consisting of Palm Beach County.
- 26 16. Region 16 consisting of Pinellas County.
- 27 (3)(a) Twenty-five percent of the state volume
28 limitation remaining after the allocations ~~allocation~~ made
29 pursuant to subsection (1) shall be allocated to the Florida
30 Housing Finance Agency for use in connection with the issuance
31 of housing bonds of that agency or its assigns.

1 (b) The Florida Housing Finance Agency need not apply
2 to the division for an allocation of its volume limitation
3 granted under paragraph (a) for bonds it issues prior to July
4 1 of any year and is not subject to the fee required under s.
5 159.811. However, for bonds it intends to issue between July
6 1 and September 29 of any year, utilizing the allocation
7 granted under paragraph (a), the Florida Housing Finance
8 Agency must submit a notice of intent to issue to the division
9 not later than June 30 of such year, and a written
10 confirmation of allocation shall be granted if a sufficient
11 amount of that allocation is available.

12 (c) The Florida Housing Finance Agency, in its
13 discretion, may, prior to July 1 of each year, assign any
14 portion of the Florida Housing Finance Agency allocation to
15 any agency for the issuance of housing bonds, taking into
16 consideration the ability of the agency to timely issue such
17 bonds, the need and public purpose to be served by the issue,
18 and the ability of the agency to comply with the requirements
19 of federal and state law. Such assignment is not effective
20 until receipt by the division of notification of the
21 assignment. A separate allocation from the division is not
22 needed for bonds issued prior to July 1 utilizing such an
23 assignment. An agency that intends to utilize such an
24 assignment to issue housing bonds between July 1 and September
25 29 of any year must submit a notice of intent to issue to the
26 division for the amount of such assignment not later than June
27 30, and a written confirmation of allocation shall be granted
28 if a sufficient amount of the allocation under paragraph (a)
29 is available. Any amounts representing assignments of which
30 the division had been notified by the Florida Housing Finance
31 Agency but for which an issuance report or notice of intent to

1 issue pursuant to this subsection has not been received by the
2 division by June 30 of any year shall be reallocated to the
3 state allocation pool on July 1 of that year.

4 (4) Five percent of the state volume limitation
5 remaining after the allocations ~~allocation~~ made pursuant to
6 subsection (1) shall be allocated to the state allocation
7 pool, for use as provided in s. 159.807.

8 (5) Twenty percent of the state volume limitation
9 remaining after the allocations ~~allocation~~ made pursuant to
10 subsection (1) shall be allocated to the Florida First
11 Business allocation pool, to be used as provided in s.
12 159.8083.

13 Section 10. Subsection (3) of section 159.809, Florida
14 Statutes, is amended to read:

15 159.809 Recapture of unused amounts.--

16 (3) On November 16 of each year, any portion of the
17 initial allocation, made pursuant to s. 159.804(1), s.
18 159.804(5), or subsection (1) or subsection (2), other than as
19 provided in ss. 159.8082 and ~~s. 159.8083~~, for which an
20 issuance report for bonds utilizing such an allocation has not
21 been received by the division prior to that date shall be
22 added to the state allocation pool.

23 Section 11. Subsection (5) of section 570.46, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 570.46 Division of Standards; powers and duties.--The
26 duties of the Division of Standards include, but are not
27 limited to:

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

1 Section 12. Subsection (7) is added to section 570.48,
2 Florida Statutes, to read:

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

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

12 Section 13. Subsections (5) and (6) of section
13 570.952, Florida Statutes, 1998 Supplement, are amended to
14 read:

15 570.952 Florida Agriculture Center and Horse Park
16 Authority.--

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

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

28 Section 14. Section 570.235, Florida Statutes, is
29 created to read:

30 570.235 Pest Exclusion Advisory Committee.--

31

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

4 (a) The Commissioner of Agriculture shall appoint 17
5 members representing the following:

6 1. Two members from the Florida Department of
7 Agriculture and Consumer Services.

8 2. Two citizens at large.

9 3. One member from each of the following agricultural
10 production groups:

11 a. Row crops.

12 b. Citrus.

13 c. Horticulture.

14 d. Forestry.

15 e. Cattle.

16 f. Dairy.

17 g. Pork.

18 h. Poultry.

19 i. Horses.

20 j. Aquaculture.

21 k. Apiary.

22 4. One member representing research programs in the
23 state's land grant institutions.

24 5. One member representing extension programs in the
25 state's land grant institutions.

26 (b) In addition, the committee shall be composed of
27 the following 7 members:

28 1. Two members representing and appointed by the
29 Animal and Plant Health Inspection Service, United States
30 Department of Agriculture.

31

1 2. One member representing and appointed by the
2 Florida Department of Health.

3 3. One member representing and appointed by the
4 Florida Department of Environmental Protection.

5 4. One member representing and appointed by the
6 Florida Game and Fresh Water Fish Commission.

7 5. One member appointed by the Speaker of the House of
8 Representatives.

9 6. One member appointed by the President of the
10 Senate.

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

18 (a) Require the scientific community to provide
19 necessary scientific background on Florida's programs. Using
20 such information, the committee shall evaluate the scientific
21 basis for the programs.

22 (b) Review current Florida laws and regulations and
23 recommend changes.

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

27 (d) Identify high-risk areas for pest introduction and
28 offer recommendations for specific programmatic activities to
29 address such risk.

30 (e) Study the possibility of partnerships with other
31 public and private entities to develop programs, projects, and

1 activities which may be cost effective and which may assist in
2 implementing a pest exclusion program.

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

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

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

15 Section 15. Section 581.184, Florida Statutes, is
16 amended to read:

17 581.184 Promulgation of rules; citrus canker
18 eradication; voluntary destruction agreements; buffer area.--

19 (1) In addition to the powers and duties set forth
20 under this chapter the department is directed to adopt rules
21 specifying facts and circumstances that, if present, would
22 require the destruction of plants for purposes of eradicating,
23 controlling, or preventing the dissemination of citrus canker
24 disease in the state. In addition, the department is directed
25 to adopt rules regarding the conditions under which citrus
26 plants can be grown, moved, and planted in this state as may
27 be necessary for the eradication, control, or prevention of
28 the dissemination of citrus canker. Such rules shall be in
29 effect for any period during which, in the judgment of the
30 Commissioner of Agriculture, there is the threat of the spread
31 of citrus canker disease in the state. Such rules may provide

1 for the conduct of any activity regulated by such rules
2 subject to an agreement by persons wishing to engage in such
3 activity to voluntarily destroy, at their own expense, citrus
4 plants declared by the department to be imminently dangerous
5 by reason of being infected or infested with citrus canker or
6 exposed to infection and likely to communicate same. The
7 terms of such agreement may also require the destruction of
8 healthy plants under specified conditions. Any such
9 destruction shall be done after reasonable notice in a manner
10 pursuant to and under conditions set forth in the agreement.
11 Such agreements may include releases and waivers of liability
12 and may require the agreement of other persons.

13 (2) The department, pursuant to s. 581.031(15) and
14 (17), may create a citrus canker host-free buffer area,
15 delineated by department rule, to retard the spread of citrus
16 canker from known infected areas. In addition, the department
17 shall develop a compensation plan for the trees removed from
18 the buffer area. Compensation for the trees removed from the
19 buffer area is subject to annual legislative appropriation.

20 Section 16. Subsection (1) of section 588.011, Florida
21 Statutes, is amended to read:

22 588.011 Legal fence; requirements.--

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

31

1 Section 17. Section 588.12, Florida Statutes, is
2 amended to read:

3 588.12 Livestock at large; legislative
4 findings.--There is hereby found and declared a necessity for
5 a statewide livestock law embracing all lands ~~public roads~~ of
6 the state and necessity that its application be uniform
7 throughout the state, except as hereinafter provided.

8 Section 18. Subsection (3) of section 588.13, Florida
9 Statutes, is amended to read:

10 588.13 Definitions.--In construing ss. 588.12-588.25
11 the following words, phrases, or terms shall be held to mean:

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

18 Section 19. Section 588.14, Florida Statutes, is
19 repealed.

20 Section 20. Section 588.16, Florida Statutes, is
21 amended to read:

22 588.16 Authority to impound livestock running at large
23 or strays.--It shall be the duty of the sheriff or her or his
24 deputies or designees, or any other law enforcement officer of
25 the county, the county animal control center, or state highway
26 patrol officers, where livestock is found to be running at
27 large or straying, to take up, confine, hold, and impound any
28 such livestock, to be disposed of as hereinafter provided.

29 Section 21. Subsection (1) of section 588.17, Florida
30 Statutes, is amended to read:

31 588.17 Disposition of impounded livestock.--

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

11 Section 22. Section 588.18, Florida Statutes, is
12 amended to read:

13 588.18 Livestock at large; fees.--The fees allowed for
14 impounding, serving notice, care and feeding, advertising, and
15 disposing of impounded animals shall be determined by the
16 sheriff of each county. Damages done by the sheriff, sheriff's
17 designees, or any other law enforcement officer in the
18 pursuit, or in the capture, handling, or care of the livestock
19 are the sole responsibility of the sheriff or other law
20 enforcement agency.~~as follows:~~

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

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

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

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

31

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

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

5 Section 23. Section 588.19, Florida Statutes, is
6 amended to read:

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

28 Section 24. Section 589.081, Florida Statutes, is
29 amended to read:

30 589.081 Withlacoochee State Forest and Goethe State
31 Forest; payment to counties of portion of gross receipts.--The

1 Division of Forestry shall pay 15 percent of the gross
2 receipts from Withlacoochee State Forest and the Goethe State
3 Forest to each county in which a portion of such forests is
4 located, ~~Hernando, Citrus, Sumter, Levy, and Pasco Counties~~ in
5 proportion to the forest acreage located in each county. The
6 funds must be equally divided between the board of county
7 commissioners and the school board of each county.

8 Section 25. Section 593.1141, Florida Statutes, is
9 amended to read:

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

17 Section 26. Section 616.05, Florida Statutes, is
18 amended to read:

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

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

1 616.07 Members not personally liable; property of
2 association held in trust; exempt from taxation.--

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

14 Section 28. Section 616.08, Florida Statutes, is
15 amended to read:

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

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

26 Section 29. Section 616.13, Florida Statutes, 1998
27 Supplement, is amended to read:

28 616.13 Restrictions on other amusement rides ~~Licenses~~
29 ~~upon shows within 5 miles of fair.--No~~ Every person shall
30 engage ~~engaged~~ in the business of providing temporary
31 amusement rides as defined in s. 616.242, within a 5-mile

1 radius ~~5 miles~~ of and within 30 days before or during any
2 public fair or exposition being operated by a fair
3 association, when not operating in connection with that fair
4 or exposition, except with the written consent of the affected
5 fair association shall pay a license tax of \$1,000 per day.

6 Section 30. Subsections (1) and (3) of section 616.15,
7 Florida Statutes, are amended to read:

8 616.15 Permit from Department of Agriculture and
9 Consumer Services required.--

10 (1) No public fair or exposition may be conducted by a
11 fair association without a permit issued by the department.
12 The permit shall be issued in the following manner: The
13 association shall present to the department an application for
14 the permit, signed by an officer of the association, at least
15 3 months before holding the fair or exposition; this
16 application shall be accompanied by a fee in an amount to be
17 determined by the department not to exceed \$366 or be less
18 than \$183 for processing the application and making any
19 required investigation. The fees collected under this
20 subsection shall be deposited in the General Inspection Trust
21 Fund of the State Treasury in a special account to be known as
22 the "Agricultural and Livestock Fair Account." At the same
23 time the application is sent to the department, a copy of the
24 application shall be sent to each fair association located
25 within 50 miles of the site of the proposed fair or
26 exposition.The department may issue the permit with the
27 advice and counsel of the Agricultural and Livestock Fair
28 Council, provided the application sets forth:

29 (a) The opening and closing dates of the proposed fair
30 or exposition.

31

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

3 (c) An affidavit properly executed by the president or
4 other chief executive officer of the applicant association
5 certifying the existence of a binding contract entered into by
6 the association or exposition and the owner of the central
7 amusement attraction covering the period for which the permit
8 from the department is applied. The contract or contracts
9 between the parties shall be available for inspection by duly
10 authorized agents of the department in administering this
11 chapter.

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

22 (e) A premium list of the current fair or exposition
23 to be conducted or a copy of the previous year's premium list
24 showing all premiums and awards to be offered to exhibitors in
25 various departments of the fair, such as art exhibition, beef
26 cattle, county exhibits, dairy cattle, horticulture, swine,
27 women's department, 4-H Club activities, Future Farmers of
28 America activities, Future Homemakers of America activities,
29 poultry and egg exhibits, and community exhibits, the
30 foregoing being a list of the usual exhibitors of a fair and
31 not to be construed as limiting the premium list to these

1 departments. The list may be submitted separately at any time
2 not later than 60 days before the holding of the fair or
3 exposition, and the department shall issue the permit as
4 provided in this section within 10 days thereafter if the
5 applicant is properly qualified.

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

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

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

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

28 Section 31. Paragraph (b) of subsection (5), paragraph
29 (a) of subsection (8), and paragraph (a) of subsection (10) of
30 section 616.242, Florida Statutes, 1998 Supplement, are
31 amended, paragraph (i) is redesignated as paragraph (j), a new

1 paragraph (i) is added to subsection (11), and paragraph (e)
2 is added to subsection (17) of said section, to read:

3 616.242 Safety standards for amusement rides.--

4 (5) ANNUAL PERMIT.--

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

8 1. The legal name, address, and primary place of
9 business of the owner.

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

13 3. A valid certificate of insurance or bond for each
14 amusement ride.

15 4. An affidavit of compliance that the amusement ride
16 was inspected in person by the affiant and that the amusement
17 ride is in general conformance with the requirements of this
18 section and all applicable rules adopted by the department.
19 The affidavit must be executed by a professional engineer or a
20 qualified inspector no earlier than 60 days before, but not
21 later than, the date of the filing of the application with the
22 department. The owner shall request inspection and permitting
23 of the amusement ride within 60 days of the date of filing the
24 application with the department. The department shall inspect
25 and permit the amusement ride within 60 days of the date the
26 affidavit was executed.

27 5. If required by subsection (6), an affidavit of
28 nondestructive testing dated and executed no earlier than 60
29 days prior to, but not later than, the date of the filing of
30 the application with the department. The owner shall request
31 inspection and permitting of the amusement ride within 60 days

1 of the date of filing the application with the department. The
2 department shall inspect and permit the amusement ride within
3 60 days of the date the affidavit was executed.

4 6. A request for inspection.

5 7. Upon request, the owner shall, at no cost to the
6 department, provide the department a copy of the
7 manufacturer's current recommended operating instructions in
8 the possession of the owner, the owner's operating fact sheet,
9 and any written bulletins in the possession of the owner
10 concerning the safety, operation, or maintenance of the
11 amusement ride.

12 (8) FEES.--

13 (a) The department may ~~shall~~ by rule establish fees to
14 cover the ~~the 100 percent of all~~ costs and expenditures associated
15 with the Bureau of Fair Rides Inspection, including all direct
16 costs, and all indirect costs, ~~and all division, data center,~~
17 ~~and administrative overhead~~. The fees must be deposited in the
18 General Inspection Trust Fund.

19 (10) EXEMPTIONS.--

20 (a) This section does not apply to:

21 1. Permanent facilities that employ at least 1,000
22 full-time employees and that maintain full-time, in-house
23 safety inspectors. Furthermore, the permanent facilities must
24 file an affidavit of the annual inspection with the
25 department, on a form prescribed by rule of the department
26 ~~required by paragraph (5)(b)~~. Additionally, the Department of
27 Agriculture and Consumer Services may consult annually with
28 the permanent facilities regarding industry safety programs.

29 2. Any playground operated by a school, local
30 government, or business licensed under chapter 509, if the
31 playground is an incidental amenity and the operating entity

1 is not primarily engaged in providing amusement, pleasure,
2 thrills, or excitement.

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

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

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

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

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

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

28 9. Facilities described in s. 549.09(1)(a) when such
29 facilities are operating cars, trucks, or motorcycles only.
30
31

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

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

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

12 (e) The practice of bungee catapulting or reverse bungee
13 jumping.

14 Section 32. Subsection (5) is added to section
15 616.251, Florida Statutes, to read:

16 616.251 Florida State Fair Authority; creation;
17 responsibility for staging annual state fair.--

18 (5) Lands acquired by the authority, or by any other
19 entity on behalf of the authority, for development and use as
20 a state fair grounds shall be exempt from the provisions of s.
21 380.06.

22 Section 33. Section 616.260, Florida Statutes, is
23 amended to read:

24 616.260 Tax exemption of authority.--It is hereby
25 found and determined that all of the projects authorized by
26 this part constitute essential governmental purposes, and all
27 of the properties, revenues, moneys, and other assets owned
28 and used in the operation of those projects shall be exempt
29 from all taxation, including special assessments, by the state
30 or by any county, municipality, political subdivision, agency,
31 or instrumentality thereof. However, nothing in this section

1 shall grant any person other than the authority an exemption
2 from the tax imposed in chapter 220, and if property of the
3 authority is leased, the property shall be exempt from ad
4 valorem taxation only if the use by the lessee qualifies the
5 property for exemption under s. 196.199. The exemption
6 granted by this section shall not be applicable to any tax
7 imposed by chapter 220 on interest, income, or profits on debt
8 obligations owned by corporations. The property of the
9 authority shall be subject to the provisions of s. 196.199.

10 Section 34. Paragraph (c) of subsection (3) of section
11 823.14, Florida Statutes, is amended to read:

12 823.14 Florida Right to Farm Act.--

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

14 (c) "Farm product" means any plant, as defined by s.
15 581.011, or animal useful to humans and includes, but is not
16 limited to, any product derived therefrom.

17 Section 35. Subsection (4) is added to section 828.12,
18 Florida Statutes, to read:

19 828.12 Cruelty to animals.--

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

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

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

3 (c) For the purpose of administering veterinary care
4 to the horse.

5 Section 36. Subsection (5) of section 828.125, Florida
6 Statutes, is amended to read:

7 828.125 Killing or aggravated abuse of registered
8 breed horses or cattle; offenses; penalties.--Any other
9 provisions of this chapter to the contrary notwithstanding:

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

19 Section 37. Subsection (2) of section 823.14, Florida
20 Statutes, is amended, and paragraphs (c) and (d) are added to
21 subsection (4) of said section, to read:

22 823.14 Florida Right to Farm Act.--

23 (2) LEGISLATIVE FINDINGS AND PURPOSE.--

24 (a) The Legislature finds that agricultural production
25 is a major contributor to the economy of the state; that
26 agricultural lands constitute unique and irreplaceable
27 resources of statewide importance; that the continuation of
28 agricultural activities preserves the landscape and
29 environmental resources of the state, contributes to the
30 increase of tourism, and furthers the economic
31 self-sufficiency of the people of the state; and that the

1 encouragement, development, improvement, and preservation of
2 agriculture will result in a general benefit to the health and
3 welfare of the people of the state. The Legislature further
4 finds that agricultural activities conducted on farm land in
5 urbanizing areas are potentially subject to lawsuits based on
6 the theory of nuisance and that these suits encourage and even
7 force the premature removal of the farm land from agricultural
8 use. It is the purpose of this act to protect reasonable
9 agricultural activities conducted on farm land from nuisance
10 suits.

11 (b) The Legislature finds that animal husbandry
12 contributes no less than twenty percent to the agriculture
13 industry. The Legislature also finds that exposure of
14 livestock to continuous sound, particularly that of music, is
15 beneficial to agriculture. It allows livestock to become
16 accustomed to people and a variety of sounds. In turn, this
17 makes the animals less inclined to negative stress reactions
18 at the time of being moved or otherwise handled by people.
19 The Legislature further finds that providing music to
20 livestock is a common practice among farmers that results in
21 healthier animals, producing a finer product.

22 (4) FARM OPERATION NOT TO BE OR BECOME A NUISANCE.--

23 (c) Except as expressly provided by general law, the
24 Legislature hereby declares that it is occupying the whole
25 field of regulation of nuisances resulting from the noise of
26 commercial raising of livestock, to the exclusion of all
27 existing and future county, city, town, or municipal
28 ordinances or regulations relating thereto. Any such existing
29 ordinances are hereby declared null and void. This paragraph
30 shall not affect zoning ordinances which encompass commercial
31 agriculture. Zoning ordinances which are designed for the

1 purpose of restricting the noise from commercial raising of
2 livestock are in conflict with this paragraph and are
3 prohibited.

4 (d) No commercial farm operation in this state
5 involving the raising of livestock shall be limited in any way
6 from using amplified sounds designed to enhance animal
7 husbandry, including music intended to make animals less
8 inclined to negative stress reactions; provided, however, that
9 no person shall be required to be subjected to amplified
10 sounds of 85 decibels or louder for a continuous 8-hour
11 period.

12 Section 38. A special assessment imposed upon a fair
13 association or state fair by the state or by any county,
14 municipality, political subdivision, agency, or
15 instrumentality thereof before the effective date of this act,
16 which has not been paid as of the effective date of this act,
17 shall not be due from the fair association or state fair.

18 Section 39. This act shall take effect July 1, 1999.
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