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

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

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

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

23

24 Be It Enacted by the Legislature of the State of Florida:

25

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

28 501.913 Registration.--

29 (1) Each brand of antifreeze to be distributed in this  
30 state shall be registered with the department prior to  
31 distribution. The person whose name appears on the label, the

1 manufacturer, or the packager shall make application to the  
2 department on forms provided by the department no later than  
3 July 1 of each year. The registrant assumes, by application to  
4 register the brand, full responsibility for the quality and  
5 quantity of the product sold, offered, or exposed for sale in  
6 this state.

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

9 501.916 Mislabeling of antifreeze.--Antifreeze shall  
10 be deemed to be mislabeled:

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

12 (a) The brand of the product.

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

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

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

19 (e)~~(d)~~ A statement warning of any hazard of  
20 substantial injury to human beings which may result from the  
21 intended use or reasonably foreseeable misuse of the  
22 antifreeze.

23 (f)~~(e)~~ The primary chemical component functioning as  
24 the antifreeze agent.

25 (g)~~(f)~~ The appropriate amount, percentage, proportion,  
26 or concentration of the antifreeze to be used to provide  
27 claimed protection from freezing at a specified degree or  
28 degrees of temperature, claimed protection from corrosion, or  
29 claimed increase of boiling point or protection from  
30 overheating.

31

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

3 501.919 Enforcement; stop-sale order.--

4 (3) Nothing in this act shall be construed to require  
5 the department to report for prosecution or for institution of  
6 libel proceedings any minor violations of the act whenever it  
7 believes that the public interest will be best served by a  
8 suitable notice of warning in writing to the violator  
9 ~~registrant or the person whose name and address appears on the~~  
10 ~~label.~~

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

13 501.922 Violation.--

14 (1) The department may enter an order imposing one or  
15 more of the following penalties against any person who  
16 violates ss. 501.91-501.923 or who impedes, obstructs, or  
17 hinders the department in performing its duties under those  
18 sections:

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

24 (b) Revocation or suspension of any registration  
25 issued by the department. Any period of suspension may not  
26 exceed 1 year.

27 (2) If a registrant in violation of ss. 501.91-501.923  
28 fails to pay a fine within 30 days after imposition of the  
29 fine, the department may suspend all registrations issued to  
30 the registrant by the department until the fine is paid.~~The~~  
31 ~~registration with the department of any person who violates~~

1 ~~this act or fails to comply with any of the provisions of this~~  
2 ~~act may be subject to suspension or revocation. Any~~  
3 ~~suspension shall not exceed 1 year. In addition to any~~  
4 ~~suspension or revocation, for each violation, the department~~  
5 ~~may levy a fine which shall not exceed \$5,000 per violation.~~  
6 ~~If the person in violation of ss. 501.91-501.923 fails to pay~~  
7 ~~the fine within 30 days, then his or her registration may be~~  
8 ~~suspended until such time as the fine is paid.~~

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

11       Section 5. Section 531.54, Florida Statutes, is  
12 repealed.

13       Section 6. Section 570.191, Florida Statutes, 1998  
14 Supplement, is amended to read:

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

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

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

31

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

4           (7) Notwithstanding any other provision of law,  
5 appointing, certifying, licensing, and supervising inspectors  
6 whose duties are to inspect fruit and vegetables that are  
7 regulated by state law, if federal law does not require such  
8 inspectors to be licensed or certified by the federal  
9 government.

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

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

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

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

25           Section 10. Section 571.24, Florida Statutes, 1998  
26 Supplement, is amended to read:

27           571.24 Purpose; duties of the department  
28 ~~division~~--The purpose of this part is to authorize the  
29 department ~~division~~ to establish and coordinate the Florida  
30 Agricultural Promotional Campaign. The duties of the  
31 department ~~division~~ shall include, but are not limited to:



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

3           (2) Registering participants.

4           (3) Assessing and collecting fees.

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

7           (5) Developing in-kind advertising programs.

8           (6) Contracting with media representatives for the  
9 purpose of dispersing promotional materials.

10          (7) Assisting the representative of the department who  
11 serves on the Florida Agricultural Promotional Campaign  
12 Advisory Council.

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

15          (9) Adopting rules pursuant to ss. 120.536(1) and  
16 120.54 to implement the provisions of this part.

17          (10) Enforcing and administering the provisions of  
18 this part, including measures ensuring that only Florida  
19 agricultural or agricultural based products are marketed under  
20 the "Fresh From Florida" or "From Florida" logos or other  
21 logos of the Florida Agricultural Promotional Campaign.

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

24          571.27 Rules.--The department is authorized to adopt  
25 promulgate rules that implement, make specific, and interpret  
26 the provisions of this part, including rules for entering into  
27 contracts with advertising agencies for services which are  
28 directly related to the Florida Agricultural Promotional  
29 Campaign. Such rules shall establish the procedures for  
30 negotiating costs with the offerors of such advertising  
31 services who have been determined by the department ~~division~~

1 to be qualified on the basis of technical merit, creative  
2 ability, and professional competency. Such determination of  
3 qualifications shall also include consideration of the  
4 provisions in s. 287.055(3), (4), and (5). The department is  
5 further authorized to determine, by rule, the logos or product  
6 identifiers to be depicted for use in advertising,  
7 publicizing, and promoting the sale of Florida agricultural  
8 products or agricultural-based products in the Florida  
9 Agricultural Promotional Campaign. The department may also  
10 adopt rules not inconsistent with the provisions of this part  
11 as in its judgment may be necessary for participant  
12 registration, renewal of registration, classes of membership,  
13 application forms, as well as other forms and enforcement  
14 measures ensuring compliance with this part.

15 Section 12. Section 571.29, Florida Statutes, is  
16 amended to read:

17 571.29 Unlawful acts; administrative remedies;  
18 criminal penalties.--

19 (1) It is unlawful for any person to use, reproduce,  
20 or distribute the "Fresh From Florida" or "From Florida" logos  
21 or other logos ~~logo~~ of the Florida Agricultural Promotional  
22 Campaign without being registered with the department, or to  
23 otherwise violate the provisions of this part or any rules  
24 adopted under this part.

25 (2) It is unlawful for any person to use, reproduce,  
26 or distribute the "Fresh From Florida" or "From Florida" logos  
27 or other logos of the Florida Agricultural Promotional  
28 Campaign on any agricultural or agricultural-based products  
29 that are not Florida products.

30 (3) The department may enter an order imposing one or  
31 more of the following penalties against any person who

1 violates any of the provisions of this part or any rules  
2 adopted under this part:

3 (a) Issuance of a warning letter.

4 (b) Imposition of an administrative fine of not more  
5 than \$1,000 per violation for a first time offender. For a  
6 second time offender, or any person who is shown to have  
7 willfully and intentionally violated any provision of this  
8 part or any rules adopted under this part, the administrative  
9 fine may not exceed \$5,000 per violation. The term "per  
10 violation" means each incident in which a logo of the Florida  
11 Agricultural Promotional Campaign has been used, reproduced,  
12 or distributed in any manner inconsistent with the provisions  
13 of this part or the rules adopted under this part.

14 (c) Revocation or suspension of any registration  
15 issued by the department.

16  
17 The administrative proceedings that could result in the entry  
18 of an order imposing any of the penalties specified in  
19 paragraphs (a)-(c) shall be conducted in accordance with  
20 chapter 120.

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

26 ~~(4)(2)~~ Any person who commits ~~is convicted of~~ a  
27 violation of the provisions of this part or rules adopted  
28 under this part is, for the first offense, guilty of a  
29 misdemeanor of the second degree, punishable as provided in s.  
30 775.082 or s. 775.083, and is, for each succeeding offense,

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1 guilty of a misdemeanor of the first degree, punishable as  
2 provided in s. 775.082 or s. 775.083.

3 Section 13. Section 571.30, Florida Statutes, is  
4 created to read:

5 571.30 Injunction.--In addition to the remedies  
6 provided in this part and notwithstanding the existence of  
7 any adequate remedy at law, the department is authorized to  
8 make application for injunction to a circuit judge, and such  
9 circuit judge shall have jurisdiction upon a hearing for cause  
10 shown to grant a temporary or permanent injunction, or both,  
11 restraining any person from violating or continuing to violate  
12 any provisions of this part or from failing or refusing to  
13 comply with the requirements of this part or any rule adopted  
14 hereunder, such injunction to be issued without bond.

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

17 588.011 Legal fence; requirements.--

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

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

28 589.081 Withlacoochee State Forest and Goethe State  
29 Forest; payment to counties of portion of gross receipts.--The  
30 Division of Forestry shall pay 15 percent of the gross  
31 receipts from Withlacoochee State Forest and the Goethe State

1 Forest to each county in which a portion of the respective  
2 forest is located ~~Hernando, Citrus, Sumter, Levy, and Pasco~~  
3 ~~Counties~~ in proportion to the forest acreage located in each  
4 county. The funds must be equally divided between the board  
5 of county commissioners and the school board of each county.

6 Section 16. Section 593.1141, Florida Statutes, is  
7 amended to read:

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

15 Section 17. Section 616.05, Florida Statutes, is  
16 amended to read:

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

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

30 616.07 Members not personally liable; property of  
31 association held in trust; exempt from taxation.--

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

12           Section 19. Section 616.08, Florida Statutes, is  
13 amended to read:

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

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

24 Section 20. Section 616.13, Florida Statutes, 1998  
25 Supplement, is amended to read:

26 616.13 Restrictions on other amusement rides ~~Licenses~~  
27 ~~upon shows within 5 miles of fair.--A~~ Every person may not  
28 engage ~~engaged~~ in the business of providing temporary  
29 amusement rides, as defined in s. 616.242, within a 5-mile  
30 radius ~~5 miles~~ of and within 30 days before or during any  
31 public fair or exposition being operated by a fair

1 association, when not operating in connection with that fair  
2 or exposition, except with the written consent of the affected  
3 fair association ~~shall pay a license tax of \$1,000 per day.~~

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

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

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

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

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

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

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

31



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

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

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

1 exposition, and the department shall issue the permit as  
2 provided in this section within 10 days thereafter if the  
3 applicant is properly qualified.

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

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

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

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

26 Section 22. Paragraph (b) of subsection (5), paragraph  
27 (a) of subsection (8), and paragraph (a) of subsection (10) of  
28 section 616.242, Florida Statutes, 1998 Supplement, are  
29 amended, paragraph (i) is redesignated as paragraph (j), a new  
30 paragraph (i) is added to subsection (11), and paragraph (e)  
31 is added to subsection (17) of said section, to read:

1           616.242 Safety standards for amusement rides.--  
2           (5) ANNUAL PERMIT.--  
3           (b) To apply for an annual permit an owner must submit  
4 to the department a written application on a form prescribed  
5 by rule of the department, which must include the following:  
6           1. The legal name, address, and primary place of  
7 business of the owner.  
8           2. A description, manufacturer's name, serial number,  
9 model number and, if previously assigned, the United States  
10 Amusement Identification Number of the amusement ride.  
11           3. A valid certificate of insurance or bond for each  
12 amusement ride.  
13           4. An affidavit of compliance that the amusement ride  
14 was inspected in person by the affiant and that the amusement  
15 ride is in general conformance with the requirements of this  
16 section and all applicable rules adopted by the department.  
17 The affidavit must be executed by a professional engineer or a  
18 qualified inspector no earlier than 60 days before, but not  
19 later than, the date of the filing of the application with the  
20 department. The owner shall request inspection and permitting  
21 of the amusement ride within 60 days of the date of filing the  
22 application with the department. The department shall inspect  
23 and permit the amusement ride within 60 days of the date the  
24 affidavit was executed.  
25           5. If required by subsection (6), an affidavit of  
26 nondestructive testing dated and executed no earlier than 60  
27 days prior to, but not later than, the date of the filing of  
28 the application with the department. The owner shall request  
29 inspection and permitting of the amusement ride within 60 days  
30 of the date of filing the application with the department. The  
31

1 department shall inspect and permit the amusement ride within  
2 60 days of the date the affidavit was executed.

3 6. A request for inspection.

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

11 (8) FEES.--

12 (a) The department shall by rule establish fees to  
13 cover the 100 percent of all costs and expenditures associated  
14 with the Bureau of Fair Rides Inspection, including all direct  
15 and costs, all indirect costs, and all division, data center,  
16 and administrative overhead. If there is not sufficient  
17 general revenue appropriated by the Legislature, the industry  
18 shall pay for the remaining cost of the program.The fees must  
19 be deposited in the General Inspection Trust Fund.

20 (10) EXEMPTIONS.--

21 (a) This section does not apply to:

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

30 2. Any playground operated by a school, local  
31 government, or business licensed under chapter 509, if the

1 playground is an incidental amenity and the operating entity  
2 is not primarily engaged in providing amusement, pleasure,  
3 thrills, or excitement.

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

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

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

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

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

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

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

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

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

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1 obligations owned by corporations. The property of the  
2 authority shall be subject to the provisions of s. 196.199.

3       Section 24. Any special assessment imposed upon a fair  
4 association or state fair by the state, or any county,  
5 municipality, political subdivision, agency, or  
6 instrumentality thereof, which has not been paid as of the  
7 effective date of this act is not due from the fair  
8 association or state fair.

9       Section 25. Paragraph (c) of subsection (3) of section  
10 823.14, Florida Statutes, is amended to read:

11       823.14 Florida Right to Farm Act.--

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

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

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

18       828.12 Cruelty to animals.--

19       (4) A person who intentionally trips, fells, ropes, or  
20 lassoes the legs of a horse by any means for the purpose of  
21 wagering for entertainment or sport purposes shall be guilty  
22 of a third degree felony, punishable as provided in s.  
23 775.082, s. 775.083, or s. 775.084. As used in this  
24 subsection, "trip" means any act that consists of the use of  
25 any wire, pole, stick, rope or other apparatus to cause a  
26 horse to fall or lose its balance, and "horse" means any  
27 animal of any registered breed of the genus equus, or any  
28 recognized hybrid thereof. The provisions of this subsection  
29 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 27. Section 570.235, Florida Statutes, is  
6 created to read:

7           570.235 Pest Exclusion Advisory Committee.--

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

11           (a) The Commissioner of Agriculture shall appoint 17  
12 members representing the following:

13           1. Two members from the Florida Department of  
14 Agriculture and Consumer Services.

15           2. Two citizens at large.

16           3. One member from each of the following agricultural  
17 production groups:

18           a. Row crops.

19           b. Citrus.

20           c. Horticulture.

21           d. Forestry.

22           e. Cattle.

23           f. Dairy.

24           g. Pork.

25           h. Poultry.

26           i. Horses.

27           j. Aquaculture.

28           k. Apiary.

29           4. One member representing research programs in the  
30 state's land grant institutions.

31



1           5. One member representing extension programs in the  
2 state's land grant institutions.

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

5           1. Two members representing and appointed by the  
6 Animal and Plant Health Inspection Service, United States  
7 Department of Agriculture.

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

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

12          4. One member representing and appointed by the  
13 Florida Game and Fresh Water Fish Commission.

14          5. One member appointed by the Speaker of the House of  
15 Representatives.

16          6. One member appointed by the President of the  
17 Senate.

18          (2) The advisory committee shall be governed by the  
19 provisions of s. 570.0705 and shall have the responsibility of  
20 reviewing and evaluating the state's existing and future  
21 exclusion, detection, and eradication programs. The  
22 Commissioner of Agriculture shall appoint the chair of the  
23 committee. In evaluating the programs, the advisory committee  
24 shall:

25           (a) Require the scientific community to provide  
26 necessary scientific background on Florida's programs. Using  
27 such information, the committee shall evaluate the scientific  
28 basis for the programs.

29           (b) Review current Florida laws and regulations and  
30 recommend changes.

31

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

4           (d) Identify high-risk areas for pest introduction and  
5 offer recommendations for specific programmatic activities to  
6 address such risk.

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

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

14           (g) Make recommendations to the Commissioner of  
15 Agriculture, the Governor, the Speaker of the House of  
16 Representatives, and the President of the Senate for needs and  
17 changes in these programs, including funding requirements and  
18 needs.

19           (3) The committee shall issue a report of its findings  
20 to the Commissioner of Agriculture, the Governor, the Speaker  
21 of the House of Representatives, and the President of the  
22 Senate by January 1, 2001.

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

25           828.125 Killing or aggravated abuse of registered  
26 breed horses or cattle; offenses; penalties.--Any other  
27 provisions of this chapter to the contrary notwithstanding:

28           (5) This section shall not be construed to abridge,  
29 impede, prohibit, or otherwise interfere in any way with the  
30 application, implementation, or conduct of recognized  
31 livestock husbandry practices or techniques by or at the

1 direction of the owner of the livestock so husbanded; nor  
2 shall any person be held culpable for any act prohibited by  
3 this chapter which results from weather conditions or other  
4 acts of God, providing that the person is in compliance with  
5 recognized livestock husbandry practices.

6 Section 29. Section 581.184, Florida Statutes, is  
7 amended to read:

8 581.184 Promulgation of rules; citrus canker  
9 eradication; voluntary destruction agreements; buffer zone.--

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

1 pursuant to and under conditions set forth in the agreement.  
2 Such agreements may include releases and waivers of liability  
3 and may require the agreement of other persons.

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

11 Section 30. Section 588.12, Florida Statutes, is  
12 amended to read:

13 588.12 Livestock at large; legislative  
14 findings.--There is hereby found and declared a necessity for  
15 a statewide livestock law embracing all lands ~~public roads~~ of  
16 the state and necessity that its application be uniform  
17 throughout the state, except as hereinafter provided.

18 Section 31. Subsection (3) of section 588.13, Florida  
19 Statutes, is amended to read:

20 588.13 Definitions.--In construing ss. 588.12-588.25  
21 the following words, phrases, or terms shall be held to mean:

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

28 Section 32. Section 588.14, Florida Statutes, is  
29 repealed.

30 Section 33. Section 588.16, Florida Statutes, is  
31 amended to read:

1           588.16 Authority to impound livestock running at large  
2 or strays.--It shall be the duty of the sheriff or her or his  
3 deputies or designees, or any other law enforcement officer of  
4 the county, the county animal control center, or state highway  
5 patrol officers, where livestock is found to be running at  
6 large or straying, to take up, confine, hold, and impound any  
7 such livestock, to be disposed of as hereinafter provided.

8           Section 34. Subsection (1) of section 588.17, Florida  
9 Statutes, is amended to read:

10           588.17 Disposition of impounded livestock.--

11           (1) Upon the impounding of any livestock by the  
12 sheriff or his or her deputies or designees, or any other law  
13 enforcement officers of the county, the county animal control  
14 center, or state highway patrol officers, the sheriff shall  
15 forthwith serve written notice upon the owner, advising such  
16 owner of the location or place where the livestock is being  
17 held and impounded, of the amount due by reason of such  
18 impounding, and that unless such livestock be redeemed within  
19 3 days from date thereof that the same shall be offered for  
20 sale.

21           Section 35. Section 588.18, Florida Statutes, is  
22 amended to read:

23           588.18 Livestock at large; fees.--The fees allowed for  
24 impounding, serving notice, care and feeding, advertising, and  
25 disposing of impounded animals shall be determined by the  
26 sheriff of each county. Damages done by the sheriff, sheriff's  
27 designees, or any other law enforcement officer in pursuit, or  
28 in the capture, handling, or care of the livestock are the  
29 sole responsibility of the sheriff or other law enforcement  
30 agency.~~as follows:~~

31

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

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

6           ~~(3) For feed and care of impounded animals, the sum of~~  
7 ~~\$5 per day per animal.~~

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

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

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

15           Section 36. Section 588.19, Florida Statutes, is  
16 amended to read:

17           588.19 Failure to secure purchaser or insufficient  
18 funds to defray certain costs.--If there be no bidder for such  
19 livestock at the sale aforesaid, and the sheriff has been  
20 unable to locate the owner through the notice procedures  
21 described in this chapter, the sheriff shall sell the  
22 livestock at the nearest livestock auction yard. The proceeds  
23 from the sale shall be used to reimburse the expenses incurred  
24 in capturing, maintaining and selling the livestock, and in  
25 attempting to locate the owner. Any money remaining after all  
26 expenses are paid shall be given to the owner of the  
27 livestock, if known.~~the sheriff shall either offer the~~  
28 ~~livestock for adoption or kill, or cause to be killed, the~~  
29 ~~same and shall dispose of the carcass thereof; if there be any~~  
30 ~~money received by him or her on account of the said disposal,~~  
31 ~~the same shall be disbursed in the manner hereinafter~~

1 ~~provided; and, if there be no ready sale for said carcass, In~~  
2 the alternative, the sheriff may ~~shall forthwith~~ deliver the  
3 carcass to a public institution of the county, state, or  
4 municipality within said county or to any private charitable  
5 institution, in the order herein set forth, according to their  
6 needs.

7 Section 37. Section 501.025, Florida Statutes, is  
8 amended to read:

9 501.025 Home solicitation sale; buyer's right to  
10 cancel.--In addition to any other right to revoke an offer,  
11 the buyer has the right to cancel a home solicitation sale  
12 until midnight of the third business day after the day on  
13 which the buyer signs an agreement or offer to purchase.  
14 Cancellation is evidenced by the buyer giving written notice  
15 of cancellation in person, by telegram, or by mail to the  
16 seller at the address stated in the agreement or offer to  
17 purchase. The written notice of cancellation given by mail  
18 shall be effective upon postmarking. The notice of  
19 cancellation need not take a particular form and is sufficient  
20 if it indicates by any form of written expression the  
21 intention of the buyer not to be bound by the home  
22 solicitation sale. Notice of a buyer's right to cancel must  
23 appear on every note or other evidence of indebtedness given  
24 pursuant to any home solicitation sale. For the purposes of  
25 this section, unless a mortgage also creates the buyer's  
26 promise to pay the secured debt, it is not an evidence of  
27 indebtedness.

28 Section 38. Paragraph (a) of subsection (4) of section  
29 253.7825, Florida Statutes, is amended to read:

30 253.7825 Recreational uses.--  
31

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

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

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