

By the Committee on Agriculture and Consumer Services; and  
Senator Thomas

303-1882A-99

1                                   A bill to be entitled  
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; creating the Pest  
25 Exclusion Advisory Committee within the  
26 department; providing for membership; providing  
27 for governance of the committee; requiring that  
28 the committee conduct certain evaluations and  
29 studies; requiring a report to the Governor,  
30 the Legislature, and the Commissioner of  
31 Agriculture; amending s. 828.125, F.S.;

1           revising provisions relating to the killing or  
2           aggravated abuse of registered breed horses or  
3           cattle; 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 that ~~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) Sections 501.91-501.923 do not ~~Nothing in this act~~  
17 ~~shall be construed to~~ require the department to report for  
18 prosecution or for institution of libel proceedings any minor  
19 violations of ss. 501.91-501.923 ~~the act~~ whenever it believes  
20 that the public interest will be best served by a suitable  
21 notice of warning in writing to the violator ~~registrant or the~~  
22 ~~person whose name and address appears on the 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 ss. 501.91-501.923 or who impedes, obstructs, or  
29 hinders the department in performing its duties under those  
30 sections:

31

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

6           (b) Revocation or suspension of any registration  
7 issued by the department. Any period of suspension may not  
8 exceed 1 year.

9           (2) If a registrant in violation of ss. 501.91-501.923  
10 fails to pay a fine within 30 days after imposition of the  
11 fine, the department may suspend all registrations issued to  
12 the registrant by the department until the fine is paid.~~The~~  
13 ~~registration with the department of any person who violates~~  
14 ~~this act or fails to comply with any of the provisions of this~~  
15 ~~act may be subject to suspension or revocation. Any~~  
16 ~~suspension shall not exceed 1 year. In addition to any~~  
17 ~~suspension or revocation, for each violation, the department~~  
18 ~~may levy a fine which shall not exceed \$5,000 per violation.~~  
19 ~~If the person in violation of ss. 501.91-501.923 fails to pay~~  
20 ~~the fine within 30 days, then his or her registration may be~~  
21 ~~suspended until such time as 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  
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. Subsection (5) of section 570.46, Florida  
9 Statutes, as amended by section 3 of chapter 98-133, Laws of  
10 Florida, is repealed.

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

13 570.48 Division of Fruit and Vegetables; powers and  
14 duties; records.--The duties of the Division of Fruit and  
15 Vegetables include, but are not limited to:

16 (7) Notwithstanding any other provision of law,  
17 appointing, certifying, licensing, and supervising inspectors  
18 whose duties are to inspect fruit and vegetables that are  
19 regulated by state law, if federal law does not require such  
20 inspectors to be licensed or certified by the federal  
21 government.

22 Section 9. Subsection (5) of section 570.952, Florida  
23 Statutes, as amended by section 7 of chapter 98-396, Laws of  
24 Florida, is repealed.

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,

31

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 temporary amusement rides  
27 ~~Licenses upon shows within 5 miles of fair.--A~~ Every person  
28 may not 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. Subsections (5), (8), (10), (11), and (17)  
27 of section 616.242, Florida Statutes, 1998 Supplement, are  
28 amended to read:

29 616.242 Safety standards for amusement rides.--

30 (5) ANNUAL PERMIT.--

31

1 (a) An amusement ride may not be operated without a  
2 current 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 after the date of filing  
22 the application with the department, and the department shall  
23 inspect and permit the amusement ride within 60 days after the  
24 date the affidavit is executed.

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

1 amusement ride within 60 days after the date the affidavit is  
2 executed.

3 6. A request for inspection.

4 (c)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 (d)(c) An annual permit must be issued by the  
12 department to the owner of an amusement ride when a completed  
13 application has been received, the amusement ride has passed  
14 the department's inspection, and all applicable fees, as set  
15 by rule of the department, have been paid.

16 (e)(d) The annual permit is valid for 1 year from the  
17 date of issue and is not transferable.

18 (f)(e) The annual permit must be displayed on the  
19 amusement ride in a place visible to patrons of the amusement  
20 ride.

21 (g)(f) Each go-kart track at the same permanent  
22 facility is considered a separate amusement ride.

23 (h)(g) Amusement rides at water parks which operate  
24 from the same deck or level are considered one amusement ride.

25 (8) FEES.--

26 (a) The department may ~~shall~~ by rule establish fees to  
27 cover the ~~the 100 percent of all~~ costs and expenditures associated  
28 with the Bureau of Fair Rides Inspection, including all direct  
29 costs and, ~~all indirect costs, and all division, data center,~~  
30 ~~and administrative overhead~~. The fees must be deposited in the  
31 General Inspection Trust Fund.

1 (b) Any owner of an amusement ride who has not paid  
2 all the fees required under this section or who has any unpaid  
3 fine outstanding under this section may not operate any  
4 amusement ride in this state until the fees and fines have  
5 been paid to the department.

6 (10) EXEMPTIONS.--

7 (a) This section does not apply to:

8 1. Permanent facilities that employ at least 1,000  
9 full-time employees and that maintain full-time, in-house  
10 safety inspectors. Furthermore, the permanent facilities must  
11 file an affidavit of the annual inspection with the  
12 department, on a form prescribed by rule of the department  
13 ~~required by paragraph (5)(b)~~. Additionally, the Department of  
14 Agriculture and Consumer Services may consult annually with  
15 the permanent facilities regarding industry safety programs.

16 2. Any playground operated by a school, local  
17 government, or business licensed under chapter 509, if the  
18 playground is an incidental amenity and the operating entity  
19 is not primarily engaged in providing amusement, pleasure,  
20 thrills, or excitement.

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

24 4. Conventions or trade shows for the sale or exhibit  
25 of amusement rides if there are a minimum of 15 amusement  
26 rides on display or exhibition, and if any operation of such  
27 amusement rides is limited to the registered attendees of the  
28 convention or trade show.

29 5. Skating rinks, arcades, lazer or paint ball war  
30 games, bowling alleys, miniature golf courses, mechanical  
31 bulls, inflatable rides, trampolines, ball crawls, exercise

1 equipment, jet skis, paddle boats, air boats, helicopters,  
2 airplanes, parasails, hot air or helium balloons whether  
3 tethered or untethered, theatres, batting cages, stationary  
4 spring-mounted fixtures, rider-propelled merry-go-rounds,  
5 games, side shows, live animal rides, or live animal shows.

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

8           7. Nonmotorized playground equipment that is not  
9 required to have a manager.

10           8. Coin-actuated amusement rides designed to be  
11 operated by depositing coins, tokens, credit cards, debit  
12 cards, bills, or other cash money and which are not required  
13 to have a manager, and which have a capacity of six persons or  
14 less.

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

17           (b) The department may, by rule, establish exemptions  
18 from this section for nonmotorized or human-powered amusement  
19 rides or coin-actuated amusement rides.

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

23           (a) All mechanical, structural, and electrical  
24 components that affect patron safety must be in good working  
25 order.

26           (b) All control devices, speed-limiting devices,  
27 brakes, and safety equipment designated by the manufacturer  
28 must be in good working order.

29           (c) Parts must be properly aligned, and they may not  
30 be bent, distorted, cut, or otherwise injured to force a fit.  
31 Parts requiring lubrication must be lubricated in the course

1 of assembly. Fastening and locking devices must be installed  
2 where required for safe operation.

3 (d) Before being used by the public, an amusement ride  
4 must be placed or secured with blocking, cribbing, outriggers,  
5 guys, or other means so as to be stable under all operating  
6 conditions.

7 (e) Areas in which patrons may be endangered by the  
8 operation of an amusement ride must be fenced, barricaded, or  
9 otherwise effectively guarded against inadvertent contact.

10 (f) Machinery used in or with an amusement ride must  
11 be enclosed, barricaded, or otherwise effectively guarded  
12 against inadvertent contact.

13 (g) An amusement ride powered so as to be capable of  
14 exceeding its maximum safe operating speed must be provided  
15 with a maximum-speed-limiting device.

16 (h) The interior and exterior parts of all  
17 patron-carrying amusement rides with which a patron may come  
18 in contact must be smooth and rounded and free from sharp,  
19 rough, or splintered edges and corners, with no projecting  
20 studs, bolts, screws, or other projections which might cause  
21 injury.

22 (i) Signs must be prominently displayed at the patron  
23 entrance of each amusement ride which advise or warn patrons  
24 of age restrictions, size restrictions, health restrictions,  
25 weight limitations, and any other special consideration or use  
26 restrictions required or recommended for the amusement ride by  
27 the manufacturer.

28 (j)~~(i)~~ All amusement rides must comply with this  
29 section and the rules adopted hereunder.

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

1 (a) A bungy operation conducted with balloons, blimps,  
2 helicopters, or other aircraft.

3 (b) Sand bagging, which is the practice of holding  
4 onto any object, including another person, while bungy  
5 jumping, for the purpose of exerting more force on the bungy  
6 cord to stretch it further, and then releasing the object  
7 during the jump causing the jumper to rebound with more force  
8 than could be created by the jumper's weight alone.

9 (c) Tandem or multiple bungy jumping.

10 (d) Bungy jumping from any bridge, overpass, or any  
11 other structure not specifically designed as an amusement  
12 ride.

13 (e) Bungy catapulting or reverse bungy 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  
31

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. (1) The Pest Exclusion Advisory Committee  
17 is created within the Department of Agriculture and Consumer  
18 Services. The committee shall be made up of 23 members. The  
19 Commissioner of Agriculture shall appoint 15 members as  
20 follows:

21 (a) Two members from the Department of Agriculture and  
22 Consumer Services.

23 (b) Two citizens at large.

24 (c) One member from each of the following agricultural  
25 production groups:

26 1. Row crops.

27 2. Citrus.

28 3. Horticulture.

29 4. Forestry.

30 5. Cattle.

31 6. Dairy.

1           7. Pork.

2           8. Poultry.

3           9. Horses.

4           10. Aquaculture.

5           11. Apiary.

6           (d) In addition, the committee shall include the  
7 following members:

8           1. Two members from the Animal and Plant Health  
9 Inspection Service of the United States Department of  
10 Agriculture.

11           2. One member from research programs in the state's  
12 land grant institutions.

13           3. One member from extension programs in the state's  
14 land grant institutions.

15           4. One member from the Department of Environmental  
16 Protection.

17           5. One member from the Fish and Wildlife Conservation  
18 Commission.

19           6. One member appointed by the President of the  
20 Senate.

21           7. One member appointed by the Speaker of the House of  
22 Representatives.

23           (2) The advisory committee shall be governed by  
24 section 570.0705, Florida Statutes, and shall review and  
25 evaluate the state's existing and future pest-exclusion,  
26 detection, and eradication programs. The Commissioner of  
27 Agriculture shall appoint the chairperson of the committee. In  
28 evaluating the programs, the committee shall:

29           (a) Evaluate the scientific basis for the state's  
30 programs, based on scientific background information provided  
31 by the scientific community.

1           (b) Review current state laws and rules, evaluate  
2 current public policy, and recommend any changes that might be  
3 required in public policy.

4           (c) Identify exotic plants and pests in foreign  
5 countries which pose a significant threat to consumer safety  
6 and have a high likelihood of being introduced into the state.

7           (d) Identify areas that are at a high risk for pest  
8 introduction and offer recommendations for special  
9 programmatic activities to address the risk in those areas.

10           (e) Study the possibility of partnerships with other  
11 public and private entities to develop programs, projects, and  
12 activities that may be cost-effective and may help in  
13 implementing a pest-exclusion program.

14           (f) Address any area of concern which is raised  
15 regarding the state's pest-exclusion, detection, and  
16 eradication programs.

17           (g) Make recommendations to the Commissioner of  
18 Agriculture, the Governor, the President of the Senate, and  
19 the Speaker of the House of Representatives regarding the  
20 needs of and necessary changes to the state's programs, as  
21 well as funding requirements and needs.

22           (3) The advisory committee shall issue its report to  
23 the Commissioner of Agriculture, the Governor, the President  
24 of the Senate, and the Speaker of the House of Representatives  
25 by January 1, 2001.

26           Section 27. Subsection (5) of section 828.125, Florida  
27 Statutes, is amended to read:

28           828.125 Killing or aggravated abuse of registered  
29 breed horses or cattle; offenses; penalties.--Any other  
30 provisions of this chapter to the contrary notwithstanding:  
31

1           (5) This section shall not be construed to abridge,  
2 impede, prohibit, or otherwise interfere in any way with the  
3 application, implementation, or conduct of recognized  
4 livestock husbandry practices or techniques by or at the  
5 direction of the owner of the livestock so husbanded; nor  
6 shall any person be held culpable for any act prohibited by  
7 this chapter which results from weather conditions or other  
8 acts of God, providing that the person is in compliance with  
9 recognized livestock husbandry practices.

10           Section 28. This act shall take effect upon becoming a  
11 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 2066

4 Committee Substitute for Senate Bill 2066 is different from  
5 Senate Bill 2066 in that it:

- 6 - Corrects punctuation to clarify that the manufacturer,  
7 the packager, or the person whose name appears on an  
8 antifreeze label must register with the Department of  
9 Agriculture and Consumer Services before distribution.
- 10 - Enables the department to ensure that products listed as  
11 "Fresh from Florida" are in fact grown in Florida.
- 12 - Prohibits a person to use, reproduce or distribute the  
13 "Fresh from Florida" or "from Florida" logos or other  
14 logos of the Florida Agricultural Promotional Campaign  
15 on any agricultural or agricultural-based products which  
16 are not Florida products. Creates administrative  
17 remedies for violations.
- 18 - Revises legal fence requirements.
- 19 - Prohibits a business that has temporary amusement rides  
20 to locate within a 5-mile radius rather than a 20-mile  
21 radius of any public fair or exposition being operated  
22 by a fair association, except with the written consent  
23 of the affected fair association.
- 24 - Requires an owner to request inspection and permitting  
25 of an amusement ride within 60 days rather than 30 days  
26 after an application is filed with the department.
- 27 - Requires the department to inspect and permit an  
28 amusement ride within 60 days rather than 90 days after  
29 the date the affidavit of compliance is executed.
- 30 - Requires the Pest Exclusion Advisory Committee to  
31 identify exotic plants and pests in foreign countries  
that pose a significant threat to consumer safety and  
have a high likelihood of being introduced into the  
state.
- Provides that a person shall not be held culpable for  
the death or abuse of any registered breed horses or  
cattle which results from weather conditions or other  
acts of God.