

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; 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. 212.08, F.S.; providing a
6 sales tax exemption for racing greyhound feed;
7 amending s. 581.184, F.S.; establishing a
8 citrus canker-free buffer zone; amending s.
9 588.12, F.S.; revising legislative findings of
10 livestock at large; revising definitions;
11 repealing s. 588.14, F.S.; relating to duty of
12 owners; amending s. 588.16, F.S.; amending
13 authority to impound livestock running at
14 large; amending s. 588.17, F.S.; revising
15 disposition of impounded livestock; amending s.
16 588.18, F.S.; revising fees for livestock at
17 large; amending s. 588.19, F.S.; revising
18 procedures for defraying costs incurred in
19 impoundment; amending s. 501.025, F.S.;
20 clarifying provisions relating to home
21 solicitation sale and buyer's right to cancel;
22 amending s. 253.7825, F.S.; providing acreage
23 requirements for a horse park-agricultural
24 center; providing an effective date.

25

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

27

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

30

501.913 Registration.--

31

1 (1) Each brand of antifreeze to be distributed in this
2 state shall be registered with the department prior to
3 distribution. The person whose name appears on the label, the
4 manufacturer, or the packager shall make application to the
5 department on forms provided by the department no later than
6 July 1 of each year. The registrant assumes, by application to
7 register the brand, full responsibility for the quality and
8 quantity of the product sold, offered, or exposed for sale in
9 this state.

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

12 501.916 Mislabeling of antifreeze.--Antifreeze shall
13 be deemed to be mislabeled:

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

15 (a) The brand of the product.

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

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

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

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

26 ~~(f)(e)~~ The primary chemical component functioning as
27 the antifreeze agent.

28 (g)(f) The appropriate amount, percentage, proportion,
29 or concentration of the antifreeze to be used to provide
30 claimed protection from freezing at a specified degree or
31 degrees of temperature, claimed protection from corrosion, or

1 claimed increase of boiling point or protection from
2 overheating.

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

5 501.919 Enforcement; stop-sale order.--

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

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

15 501.922 Violation.--

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

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

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

29 (2) If a registrant in violation of ss. 501.91-501.923
30 fails to pay a fine within 30 days after imposition of the
31 fine, the department may suspend all registrations issued to

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

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

13 Section 5. Section 531.54, Florida Statutes, is
14 repealed.

15 Section 6. Section 570.191, Florida Statutes, 1998
16 Supplement, is amended to read:

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

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

31

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

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

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

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

14 570.952 Florida Agriculture Center and Horse Park
15 Authority.--

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

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

27 Section 10. Section 571.24, Florida Statutes, 1998
28 Supplement, is amended to read:

29 571.24 Purpose; duties of the department
30 ~~division~~.--The purpose of this part is to authorize the
31 department ~~division~~ to establish and coordinate the Florida

1 Agricultural Promotional Campaign. The duties of the
2 ~~department division~~ shall include, but are not limited to:

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

5 (2) Registering participants.

6 (3) Assessing and collecting fees.

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

9 (5) Developing in-kind advertising programs.

10 (6) Contracting with media representatives for the
11 purpose of dispersing promotional materials.

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

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

17 (9) Adopting rules pursuant to ss. 120.536(1) and
18 120.54 to implement the provisions of this part.

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

24 Section 11. Section 571.27, Florida Statutes, is
25 amended to read:

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

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

17 Section 12. Section 571.29, Florida Statutes, is
18 amended to read:

19 571.29 Unlawful acts; administrative remedies;
20 criminal penalties.--

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

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

1 (3) The department may enter an order imposing one or
2 more of the following penalties against any person who
3 violates any of the provisions of this part or any rules
4 adopted under this part:

5 (a) Issuance of a warning letter.

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

16 (c) Revocation or suspension of any registration
17 issued by the department.

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

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

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

1 775.082 or s. 775.083, and is, for each succeeding offense,
2 guilty of a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.

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

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

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

18 588.011 Legal fence; requirements.--

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

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

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

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

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

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

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

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

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

31

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

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

14 Section 19. Section 616.08, Florida Statutes, is
15 amended to read:

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

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

26 Section 20. Section 616.13, Florida Statutes, 1998
27 Supplement, is amended to read:

28 616.13 Restrictions on other amusement rides ~~Licenses~~
29 ~~upon shows within 5 miles of fair.--A~~ Every person may not
30 engage ~~engaged~~ in the business of providing temporary
31 amusement rides, as defined in s. 616.242, within a 5-mile

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

28 Section 22. Paragraph (b) of subsection (5), paragraph
29 (a) of subsection (8), and paragraph (a) of subsection (10) of
30 section 616.242, Florida Statutes, 1998 Supplement, are
31 amended, paragraph (i) is redesignated as paragraph (j), a new

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

3 616.242 Safety standards for amusement rides.--

4 (5) ANNUAL PERMIT.--

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

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

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

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

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

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

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

4 6. A request for inspection.

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

12 (8) FEES.--

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

19 (10) EXEMPTIONS.--

20 (a) This section does not apply to:

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

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

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

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

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

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

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

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

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

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

30
31

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

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

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

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

14 Section 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. 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 entertainment or sport shall be guilty of a third degree
22 felony, punishable as provided in s. 775.082, s. 775.083, or
23 s. 775.084. As used in this subsection, "trip" means any act
24 that consists of the use of any wire, pole, stick, rope or
25 other apparatus to cause a horse to fall or lose its balance,
26 and "horse" means any animal of any registered breed of the
27 genus equus, or any recognized hybrid thereof. The provisions
28 of this subsection shall not apply when tripping is used:

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

31

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. Paragraph (d) of subsection (7) of section
7 212.08, Florida Statutes, 1998 Supplement, is amended to read:

8 212.08 Sales, rental, use, consumption, distribution,
9 and storage tax; specified exemptions.--The sale at retail,
10 the rental, the use, the consumption, the distribution, and
11 the storage to be used or consumed in this state of the
12 following are hereby specifically exempt from the tax imposed
13 by this chapter.

14 (7) MISCELLANEOUS EXEMPTIONS.--

15 (d) Feeds.--Feeds for poultry, ostriches, and
16 livestock, including racehorses, racing greyhounds, and dairy
17 cows, are exempt.

18 Section 30. Section 581.184, Florida Statutes, is
19 amended to read:

20 581.184 Promulgation of rules; citrus canker
21 eradication; voluntary destruction agreements; buffer zone.--

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

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

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

23 Section 31. Section 588.12, Florida Statutes, is
24 amended to read:

25 588.12 Livestock at large; legislative
26 findings.--There is hereby found and declared a necessity for
27 a statewide livestock law embracing all lands ~~public roads~~ of
28 the state and necessity that its application be uniform
29 throughout the state, except as hereinafter provided.

30 Section 32. Subsection (3) of section 588.13, Florida
31 Statutes, is amended to read:

1 588.13 Definitions.--In construing ss. 588.12-588.25
2 the following words, phrases, or terms shall be held to mean:

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

9 Section 33. Section 588.14, Florida Statutes, is
10 repealed.

11 Section 34. Section 588.16, Florida Statutes, is
12 amended to read:

13 588.16 Authority to impound livestock running at large
14 or strays.--It shall be the duty of the sheriff or her or his
15 deputies or designees, or any other law enforcement officer of
16 the county, the county animal control center, or state highway
17 patrol officers, where livestock is found to be running at
18 large or straying, to take up, confine, hold, and impound any
19 such livestock, to be disposed of as hereinafter provided.

20 Section 35. Subsection (1) of section 588.17, Florida
21 Statutes, is amended to read:

22 588.17 Disposition of impounded livestock.--

23 (1) Upon the impounding of any livestock by the
24 sheriff or his or her deputies or designees, or any other law
25 enforcement officers of the county, the county animal control
26 center, or state highway patrol officers, the sheriff shall
27 forthwith serve written notice upon the owner, advising such
28 owner of the location or place where the livestock is being
29 held and impounded, of the amount due by reason of such
30 impounding, and that unless such livestock be redeemed within
31

1 3 days from date thereof that the same shall be offered for
2 sale.

3 Section 36. Section 588.18, Florida Statutes, is
4 amended to read:

5 588.18 Livestock at large; fees.--The fees allowed for
6 impounding, serving notice, care and feeding, advertising, and
7 disposing of impounded animals shall be determined by the
8 sheriff of each county. Damages done by the sheriff, sheriff's
9 designees, or any other law enforcement officer in pursuit, or
10 in the capture, handling, or care of the livestock are the
11 sole responsibility of the sheriff or other law enforcement
12 agency.~~as follows:~~

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

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

18 ~~(3) For feed and care of impounded animals, the sum of~~
19 ~~\$5 per day per animal.~~

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

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

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

27 Section 37. Section 588.19, Florida Statutes, is
28 amended to read:

29 588.19 Failure to secure purchaser or insufficient
30 funds to defray certain costs.--If there be no bidder for such
31 livestock at the sale aforesaid, and the sheriff has been

1 unable to locate the owner through the notice procedures
2 described in this chapter, the sheriff shall sell the
3 livestock at the nearest livestock auction yard. The proceeds
4 from the sale shall be used to reimburse the expenses incurred
5 in capturing, maintaining and selling the livestock, and in
6 attempting to locate the owner. Any money remaining after all
7 expenses are paid shall be given to the owner of the
8 livestock, if known.~~the sheriff shall either offer the~~
9 ~~livestock for adoption or kill, or cause to be killed, the~~
10 ~~same and shall dispose of the carcass thereof; if there be any~~
11 ~~money received by him or her on account of the said disposal,~~
12 ~~the same shall be disbursed in the manner hereinafter~~
13 ~~provided; and, if there be no ready sale for said carcass,~~In
14 the alternative,the sheriff may ~~shall~~ forthwith deliver the
15 carcass to a public institution of the county, state, or
16 municipality within said county or to any private charitable
17 institution, in the order herein set forth, according to their
18 needs.

19 Section 38. Section 501.025, Florida Statutes, is
20 amended to read:

21 501.025 Home solicitation sale; buyer's right to
22 cancel.--In addition to any other right to revoke an offer,
23 the buyer has the right to cancel a home solicitation sale
24 until midnight of the third business day after the day on
25 which the buyer signs an agreement or offer to purchase.
26 Cancellation is evidenced by the buyer giving written notice
27 of cancellation in person, by telegram, or by mail to the
28 seller at the address stated in the agreement or offer to
29 purchase. The written notice of cancellation given by mail
30 shall be effective upon postmarking. The notice of
31 cancellation need not take a particular form and is sufficient

1 if it indicates by any form of written expression the
2 intention of the buyer not to be bound by the home
3 solicitation sale. Notice of a buyer's right to cancel must
4 appear on every note or other evidence of indebtedness given
5 pursuant to any home solicitation sale. For the purposes of
6 this section, unless a mortgage also creates the buyer's
7 promise to pay the secured debt, it is not an evidence of
8 indebtedness.

9 Section 39. Paragraph (a) of subsection (4) of section
10 253.7825, Florida Statutes, is amended to read:

11 253.7825 Recreational uses.--

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

17 Section 40. This act shall take effect July 1, 1999.