

By Senator McKay

26-1050A-00

See HB 4027

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; repealing ss.
7 506.01-506.05, F.S., relating to regulation on
8 the use of stamped or marked containers and
9 baskets; repealing ss. 506.14-506.18, F.S.,
10 relating to regulation of the sale or
11 distribution of milk products in marked
12 bottles, cans, or crates; repealing ss.
13 506.29-506.45, F.S., the Florida Milk and
14 Ice-cream Container Law; amending s. 506.519,
15 F.S.; revising a reference, to conform;
16 repealing ch. 523, F.S., relating to regulation
17 of naval stores; repealing ch. 544, F.S.,
18 relating to combinations against Florida meats;
19 repealing s. 570.541, F.S.; abolishing the
20 Racing Quarter Horse Advisory Council;
21 repealing ss. 588.07 and 588.08, F.S., relating
22 to the prohibition against stakes and the right
23 to land not in issue at trial; repealing s.
24 593.114(3)(b), F.S., relating to applicability
25 of provisions concerning the validity of
26 assessments under the Florida Boll Weevil
27 Eradication Law; repealing ch. 602, F.S.,
28 relating to citrus canker disease; amending ss.
29 616.001, 616.15, 616.21, F.S.; abolishing the
30 Agricultural and Livestock Fair Council;
31 repealing s. 698.10, F.S., relating to chattel

1 mortgages filed or recorded prior to a certain
2 date; repealing s. 865.04, F.S., relating to a
3 prohibition against the false packing of
4 provisions; providing an effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Sections 506.01, 506.02, 506.03, 506.04,
9 and 506.05, Florida Statutes, are repealed.

10 Section 2. Sections 506.14, 506.15, 506.16, 506.17,
11 and 506.18, Florida Statutes, are repealed.

12 Section 3. Sections 506.29, 506.30, 506.31, 506.32,
13 506.33, 506.34, 506.35, 506.36, 506.37, 506.38, 506.39,
14 506.40, 506.41, 506.42, 506.43, 506.44, and 506.45, Florida
15 Statutes, are repealed.

16 Section 4. Subsection (2) of section 506.519, Florida
17 Statutes, is amended to read:

18 506.519 Scope of ss. 506.501-506.519.--

19 (2) The provisions of ss. 506.501-506.519 are intended
20 to be supplemental to the other provisions of this chapter ~~ss.~~
21 ~~506.01-506.45~~ and any other provisions of law governing the
22 subject matter of ss. 506.501-506.519.

23 Section 5. Sections 523.01, 523.02, 523.03, 523.04,
24 523.05, 523.06, 523.07, 523.08, 523.09, 523.10, 523.12,
25 523.13, 523.14, 523.15, 523.16, 523.17, 523.18, 523.19,
26 523.20, 523.21, and 523.22, Florida Statutes, are repealed.

27 Section 6. Sections 544.01, 544.02, 544.03, 544.04,
28 544.05, and 544.06, Florida Statutes, are repealed.

29 Section 7. Section 570.541, Florida Statutes, is
30 repealed.
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1 Section 8. Sections 588.07 and 588.08, Florida
2 Statutes, are repealed.

3 Section 9. Paragraph (b) of subsection (3) of section
4 593.114, Florida Statutes, is repealed.

5 Section 10. Sections 602.015, 602.025, 602.035,
6 602.055, 602.065, 602.075, 602.085, 602.095, 602.097, and
7 602.099, Florida Statutes, are repealed.

8 Section 11. Section 616.001, Florida Statutes, is
9 amended to read:

10 616.001 Definitions.--As used in this chapter, the
11 term:

12 (1) "Authority" means the Florida State Fair
13 Authority.

14 (2) "Community fair" means a fair which serves an area
15 of less than an entire county and the exhibits of which are in
16 accordance with s. 616.17 and in which premiums or awards are
17 given to exhibitors of the fair. Agricultural products shall
18 be produced in the community the exhibit represents. The
19 majority of the board of directors of the fair shall reside,
20 be employed, or operate a business in the community the fair
21 represents.

22 ~~(3) "Council" means the Agricultural and Livestock~~
23 ~~Fair Council.~~

24 (3)~~(4)~~ "County fair" means a fair which serves an
25 entire county and the exhibits of which are in accordance with
26 s. 616.17 and in which premiums or awards are given to
27 exhibitors of the fair. Agricultural products shall be
28 typical of those produced in the county the exhibit represents
29 in meeting minimum exhibit requirements. The majority of the
30 board of directors of the fair shall reside, be employed, or
31 operate a business in the county the fair represents.

1 (4)~~(5)~~ "Department" means the Department of
2 Agriculture and Consumer Services.

3 (5)~~(6)~~ "District fair" means a fair which serves at
4 least five counties and the exhibits of which are in
5 accordance with s. 616.17, which fair shall pay not less than
6 a minimum of \$25,000 in cash premiums or awards to exhibitors
7 of the fair. Agricultural products shall be typical of those
8 produced in the county the exhibit represents. Livestock may
9 originate from outside the district, but must be registered in
10 the exhibitor's name 30 days before the opening day of the
11 fair. Each county shall be encouraged to have proportionate
12 exhibits, typical of its respective natural resources. Each
13 county shall have exhibits in some phase of basic resources in
14 agriculture and industry.

15 (6)~~(7)~~ "Entry" means one item entered for competition
16 or show. An entry may or may not constitute an exhibit,
17 depending upon the regulations as stated in the premium book.

18 (7)~~(8)~~ "Exhibit" means one or more entries entered for
19 exhibition and constituting a unit. An exhibit may consist of
20 one or more entries, depending upon the regulations as stated
21 in the premium book.

22 (8)~~(9)~~ "Exhibitor" means an individual, group of
23 individuals, or business having an entry or entries in a show
24 or fair.

25 (9)~~(10)~~ "Fair association" or "association" means an
26 association not for profit incorporated under this chapter for
27 the purpose of conducting and operating public fairs or
28 expositions.

29 (10)~~(11)~~ "Public fair or exposition" means a fair or
30 exposition not for profit for the purpose of the benefit and
31 development of the educational, agricultural, horticultural,

1 livestock, charitable, historical, civic, cultural,
2 scientific, and other resources of the state, any county or
3 counties of the state, or any municipality or other community
4 of any county of the state.

5 (11)~~(12)~~ "Regional fair" or "interstate fair" means a
6 fair of several states, one of which is Florida, in which fair
7 exhibits are in accordance with s. 616.17. Agricultural
8 products shall be typical of those produced in the area the
9 exhibit represents.

10 (12)~~(13)~~ "Specialized show" means a show or exhibition
11 exhibiting and emphasizing a livestock or poultry show, or a
12 fruit or vegetable festival, and shall meet the minimum
13 exhibit requirements as defined in s. 616.17. A specialized
14 show may qualify under one of the definitions in subsections
15 (2), (3)~~(4)~~, (5)~~(6)~~, and (13)~~(14)~~.

16 (13)~~(14)~~ "State fair" means a fair which serves the
17 entire state. Exhibits shall be in accordance with s. 616.17,
18 and cash premiums or awards may be given to exhibitors of the
19 fair.

20 Section 12. Subsection (1) of section 616.15, Florida
21 Statutes, is amended to read:

22 616.15 Permit from Department of Agriculture and
23 Consumer Services required.--

24 (1) No public fair or exposition may be conducted by a
25 fair association without a permit issued by the department.
26 The permit shall be issued in the following manner: The
27 association shall present to the department an application for
28 the permit, signed by an officer of the association, at least
29 3 months before holding the fair or exposition; this
30 application shall be accompanied by a fee in an amount to be
31 determined by the department not to exceed \$366 or be less

1 than \$183 for processing the application and making any
2 required investigation. The fees collected under this
3 subsection shall be deposited in the General Inspection Trust
4 Fund of the State Treasury in a special account to be known as
5 the "Agricultural and Livestock Fair Account." A copy of the
6 application must be sent to each fair association located
7 within 50 miles of the site of the proposed fair or exposition
8 at the same time the application is sent to the department.
9 The department may issue the permit if ~~with the advice and~~
10 ~~counsel of the Agricultural and Livestock Fair Council,~~
11 ~~provided~~ the application sets forth:

12 (a) The opening and closing dates of the proposed fair
13 or exposition.

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

16 (c) An affidavit properly executed by the president or
17 other chief executive officer of the applicant association
18 certifying the existence of a binding contract entered into by
19 the association or exposition and the owner of the central
20 amusement attraction covering the period for which the permit
21 from the department is applied. The contract or contracts
22 between the parties shall be available for inspection by duly
23 authorized agents of the department in administering this
24 chapter.

25 (d) A statement that the main purpose of the
26 association is to conduct and operate the proposed fair or
27 exposition for the benefit and development of the educational,
28 agricultural, horticultural, livestock, charitable,
29 historical, civic, cultural, scientific, and other resources
30 of the geographical area the fair or exposition represents and
31 serves. The statement shall be in writing, shall be

1 subscribed, and shall be acknowledged by an officer of the
2 association before an officer authorized to take
3 acknowledgments.

4 (e) A premium list of the current fair or exposition
5 to be conducted or a copy of the previous year's premium list
6 showing all premiums and awards to be offered to exhibitors in
7 various departments of the fair, such as art exhibition, beef
8 cattle, county exhibits, dairy cattle, horticulture, swine,
9 women's department, 4-H Club activities, Future Farmers of
10 America activities, Future Homemakers of America activities,
11 poultry and egg exhibits, and community exhibits, the
12 foregoing being a list of the usual exhibitors of a fair and
13 not to be construed as limiting the premium list to these
14 departments. The list may be submitted separately at any time
15 not later than 60 days before the holding of the fair or
16 exposition, and the department shall issue the permit as
17 provided in this section within 10 days thereafter if the
18 applicant is properly qualified.

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

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

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

25 Section 13. Section 616.21, Florida Statutes, is
26 amended to read:

27 616.21 Agricultural and livestock exhibit buildings;
28 conditions for expenditures; Agricultural and Livestock Fair
29 Council.--

30 ~~(1)~~ No part of appropriated funds may be expended
31 except upon approval and with the recommendation of the

1 department. Further, no part of such an appropriation may be
2 expended for the construction of a building unless and until a
3 good fee simple title to the land on which the building is to
4 be constructed is vested in the county, municipality, or fair
5 association for which the building is to be constructed.

6 ~~(2)(a) There is created in the department the~~
7 ~~Agricultural and Livestock Fair Council, which shall be~~
8 ~~composed of five members, one of whom shall be appointed chair~~
9 ~~annually by the commissioner, as follows: a representative of~~
10 ~~the Department of Education designated by the Commissioner of~~
11 ~~Education; a representative of the department designated by~~
12 ~~the Commissioner of Agriculture; the Dean for Extension,~~
13 ~~Institute of Food and Agricultural Sciences of the University~~
14 ~~of Florida; the president of the Florida Federation of Fairs~~
15 ~~and Livestock Shows; and the president of the Florida Farm~~
16 ~~Bureau Federation or his or her representative. A~~
17 ~~representative of the department shall serve as secretary to~~
18 ~~the council and shall keep a complete record of all its~~
19 ~~proceedings, which record shall show the names of the members~~
20 ~~present at each meeting and any action taken by the council.~~

21 ~~(b) The council shall meet at the call of its chair,~~
22 ~~at the request of a majority of its membership, at the request~~
23 ~~of the department, or at such times as may be prescribed by~~
24 ~~its rules. No official action may be taken by the council~~
25 ~~unless three of its members are in agreement on the particular~~
26 ~~proposal, recommendation, or motion.~~

27 ~~(c) The members of the council shall receive no~~
28 ~~compensation for their services but shall be entitled to be~~
29 ~~reimbursed for per diem and travel expenses as provided in s.~~
30 ~~112.061.~~

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1 ~~(3) It is the duty and responsibility of the~~
2 ~~Agricultural and Livestock Fair Council:~~

3 ~~(a) To advise, counsel, and consult with the~~
4 ~~department upon request in connection with:~~

5 ~~1. The adoption, administration, and enforcement of~~
6 ~~all laws and rules relating to public fairs and expositions.~~

7 ~~2. Expenditures of moneys appropriated for the~~
8 ~~construction or repair of agricultural and livestock exhibit~~
9 ~~buildings in the state.~~

10 ~~3. Issuance of permits to conduct public fairs or~~
11 ~~expositions as provided in s. 616.15.~~

12 ~~(b) On its own initiative, to offer suggestions and~~
13 ~~recommendations to the commissioner and the department in~~
14 ~~regard to changes in the laws and rules relating to public~~
15 ~~fairs and expositions as may be deemed advisable to secure the~~
16 ~~effective administration and enforcement of the laws and~~
17 ~~rules.~~

18 ~~(c) Upon the request of the commissioner, to~~
19 ~~investigate violations of the provisions of this chapter and~~
20 ~~rules adopted under this chapter and to report its findings or~~
21 ~~recommendations in connection therewith to the commissioner~~
22 ~~and the department.~~

23 ~~(4) The council may adopt rules, not inconsistent with~~
24 ~~law, to govern its own proceedings.~~

25 Section 14. Section 698.10, Florida Statutes, is
26 repealed.

27 Section 15. Section 865.04, Florida Statutes, is
28 repealed.

29 Section 16. This act shall take effect upon becoming a
30 law.

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LEGISLATIVE SUMMARY

Repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Repeals or deletes provisions relating to regulation on the use of stamped or marked containers and baskets; regulation of the sale or distribution of milk products in marked bottles, cans, or crates; the Florida Milk and Ice-cream Container Law; regulation of naval stores; combinations against Florida meats; the prohibition against stakes and the right to land not in issue at trial; applicability of provisions concerning the validity of assessments under the Florida Boll Weevil Eradication Law; citrus canker disease; chattel mortgages filed or recorded prior to May 1, 1935; and a prohibition against the false packing of provisions. Abolishes the Racing Quarter Horse Advisory Council and the Agricultural and Livestock Fair Council.