

HB 449

2012

1 A bill to be entitled
2 An act relating to public fairs and expositions;
3 amending s. 616.001, F.S.; redefining existing terms
4 and defining the terms "annual public fair" and
5 "concession"; amending s. 616.01, F.S., relating to
6 requirements for the proposed charter of an annual
7 public fair; revising provisions to conform to changes
8 made by the act; amending s. 616.02, F.S.; providing
9 that the primary objective of a fair association is
10 the holding, conducting, and promoting of public fairs
11 or expositions; amending s. 616.03, F.S.; providing
12 that a fair association may file its duly approved
13 charter with the Department of State in addition to
14 the Department of Agriculture and Consumer Services
15 for notice purposes; amending s. 616.05, F.S.;
16 providing the process by which a fair association may
17 amend its charter; requiring a fair association that
18 files its charter with the Department of State to file
19 a copy of amendments to its charter with that
20 department; amending s. 616.051, F.S.; revising
21 provisions regarding the process by which a fair
22 association may dissolve its charter; amending s.
23 616.07, F.S.; revising provisions regarding the
24 distribution of public funds and property when a fair
25 association is dissolved; clarifying that certain
26 authorized projects, activities, events, programs, and
27 uses serve an essential governmental purpose and,
28 therefore, are exempt from taxation; amending s.

29 | 616.08, F.S.; requiring each fair association to hold
30 | an annual public fair; authorizing the fair
31 | association to license certain property and to grant,
32 | lease, rent, or license space for exhibits and
33 | concessions; requiring the fair association to
34 | stimulate public interest in the benefit and
35 | development of certain resources of the state, any
36 | county, or a municipality, including facilities for
37 | specified uses; exempting existing fair associations
38 | from local land use and zoning ordinances that
39 | conflict with the uses and purposes of public fairs
40 | and expositions; providing that certain fair
41 | associations are noncommercial activity providers;
42 | amending s. 616.101, F.S.; revising provisions related
43 | to the review of association accounts and records;
44 | amending s. 616.11, F.S.; clarifying the rights of the
45 | association to use certain property for public
46 | purposes; adding the Department of Transportation to
47 | the list of governmental entities that may make
48 | contributions to a fair association to assist it in
49 | carrying out its purpose; authorizing state, county,
50 | and municipal governments to fund certain projects at
51 | or connected with public fairs and expositions;
52 | amending s. 616.12, F.S.; revising provisions relating
53 | to the exemption from certain license taxes and local
54 | business taxes for annual public fairs held by a fair
55 | association; amending s. 616.121, F.S., relating to a
56 | penalty imposed for making false application for a

HB 449

2012

57 permit; replacing the term "exhibitions" with the term
58 "annual public fair" to conform to changes made by the
59 act; amending s. 616.14, F.S.; prohibiting a fair
60 association from conducting more than one annual
61 public fair each calendar year; amending ss. 616.15
62 and 616.17, F.S., relating to procedures for obtaining
63 a permit from the Department of Agriculture and
64 Consumer Services to conduct a public fair; revising
65 provisions to conform to changes made by the act;
66 revising requirements for obtaining a departmental
67 waiver from minimum exhibit requirements; amending s.
68 616.185, F.S.; revising provisions prohibiting the
69 offense of trespass upon the grounds or facilities of
70 a public fair; amending s. 616.19, F.S.; revising
71 provisions relating to the designation of fairs;
72 amending s. 616.21, F.S.; revising provisions related
73 to the expenditure of appropriated funds; amending s.
74 616.23, F.S.; removing certain limitations on the use
75 of buildings by counties, municipalities, or fair
76 associations; amending s. 616.24, F.S.; revising
77 provisions related to enforcement; amending s.
78 288.1175, F.S.; conforming cross-references; providing
79 an effective date.

80
81 Be It Enacted by the Legislature of the State of Florida:

82
83 Section 1. Section 616.001, Florida Statutes, is amended
84 to read:

HB 449

2012

85 616.001 Definitions.—As used in this chapter, the term:

86 (1) "Annual public fair" means a community, county,
87 district, regional, or state fair that is held and conducted by
88 a fair association and permitted by the department pursuant to
89 s. 616.15.

90 (2)-(1) "Authority" means the Florida State Fair Authority.

91 (3)-(2) "Community fair" means an annual public a fair that
92 ~~which~~ serves an area of less than an entire county, has and the
93 exhibits that of which are in accordance with s. 616.17, and
94 gives in which premiums or awards are ~~given~~ to exhibitors ~~of the~~
95 ~~fair~~. Agricultural products shall be produced in the community
96 the exhibit represents. The majority of the board of directors
97 of the fair shall reside, be employed, or operate a business in
98 the community the fair represents.

99 (4) "Concession" means use by a fair association, or a
100 grant, lease, or license to a third party, of a portion of the
101 land under the ownership, custody, or control of a fair
102 association for specific uses, or the right to enter upon the
103 land for specific purposes, such as providing rides, games,
104 food, beverage, merchandise for sale, exhibits, projects,
105 activities, events, programs, or other uses authorized in this
106 chapter.

107 (5)-(3) "County fair" means an annual public a fair that
108 ~~which~~ serves an entire county and provides exhibitors with
109 premiums or awards for the exhibits that of which are in
110 accordance with s. 616.17 ~~and in which premiums or awards are~~
111 ~~given to exhibitors of the fair~~. Agricultural products must
112 ~~shall~~ be typical of those produced in the county the exhibit

HB 449

2012

113 | represents ~~in meeting minimum exhibit requirements~~. The majority
 114 | of the board of directors of the fair shall reside, be employed,
 115 | or operate a business in the county that the fair association
 116 | represents.

117 | (6)-(4) "Department" means the Department of Agriculture
 118 | and Consumer Services.

119 | (7)-(5) "District fair" means an annual public a fair that
 120 | ~~which~~ serves at least five counties and has the exhibits that
 121 | meet the requirements of which are in accordance with s. 616.17.
 122 | A district, which fair shall pay at least not less than a
 123 | ~~minimum of \$25,000 in cash premiums or awards to exhibitors of~~
 124 | ~~the fair~~. Agricultural products must shall be typical of those
 125 | produced in the counties county the exhibit represents.
 126 | Livestock may originate from outside the district, but must be
 127 | registered in the exhibitor's name at least 30 days before the
 128 | opening day of the fair. Each county is shall be encouraged to
 129 | have proportionate exhibits, typical of its respective natural
 130 | resources. Each county shall have exhibits representing in some
 131 | ~~phase of~~ basic resources in agriculture and industry.

132 | (8)-(6) "Entry" means one item entered for competition or
 133 | show. An entry may ~~or may not~~ constitute an exhibit, depending
 134 | upon the regulations ~~as~~ stated in the premium book.

135 | (9)-(7) "Exhibit" means one or more entries entered for
 136 | exhibition and constituting a unit. An exhibit may consist of
 137 | one or more entries, depending upon the regulations ~~as~~ stated in
 138 | the premium book. The term includes parades and displays of
 139 | articles or a collection of articles, whether static,
 140 | interactive, or dynamic, by a fair association or a third party

HB 449

2012

141 contracting with a fair association, such as exhibits of
 142 animals, art, housewares, or motor vehicles.

143 (10)(8) "Exhibitor" means an individual, group of
 144 individuals, or business, including a fair association or third
 145 party contracting with a fair association, which has an exhibit
 146 having an entry or entries in a show or fair.

147 (11)(9) "Fair association" or "association" means an
 148 association not for profit incorporated under this chapter for
 149 the purpose of conducting and operating public fairs or
 150 expositions.

151 (12)(10) "Public fair or exposition" means the annual
 152 public fair or any other project, activity, event, or program of
 153 a fair association which serves the purposes specified in s.
 154 616.08 and benefits and develops ~~or exposition not for profit~~
 155 ~~for the purpose of the benefit and development of the~~
 156 educational, agricultural, horticultural, livestock, charitable,
 157 historical, civic, cultural, scientific, and other resources of
 158 this the state, or any county, ~~or counties of the state, or any~~
 159 municipality, or other community in this ~~of any county of the~~
 160 state.

161 (13)(11) "Regional fair" or "interstate fair" means an
 162 annual public a fair of this state and other several states, ~~one~~
 163 ~~of which is Florida,~~ in which fair exhibits meet the
 164 requirements of ~~are in accordance with~~ s. 616.17. Agricultural
 165 products must ~~shall~~ be typical of those produced in the area the
 166 exhibit represents.

167 (14)(12) "Specialized show" means a show or exhibition
 168 exhibiting and emphasizing ~~a~~ livestock or poultry ~~show,~~ or a

169 fruit or vegetable festival, and must ~~shall~~ meet the minimum
 170 exhibit requirements specified ~~as defined~~ in s. 616.17. A
 171 specialized show may qualify under one of the definitions in
 172 subsections ~~(2)~~, (3), (5), (7), and (15) ~~(13)~~.

173 (15) ~~(13)~~ "State fair" means an annual public a fair that
 174 ~~which~~ serves the entire state. Exhibits must comply ~~shall be in~~
 175 ~~accordance~~ with s. 616.17, and cash premiums or awards may be
 176 given to exhibitors ~~of the fair~~.

177 Section 2. Section 616.01, Florida Statutes, is amended to
 178 read:

179 616.01 Number of persons required; requisites of proposed
 180 charter.—Twenty-five or more persons who are residents and
 181 qualified electors of the county in which ~~wherein~~ the annual
 182 public fair is to be located, who wish ~~wishing~~ to form an
 183 association not for profit for the purpose of conducting and
 184 operating public fairs or expositions, may become incorporated
 185 in the following manner. The subscribers ~~They~~ shall submit the
 186 proposed charter to the department for review and approval. If
 187 the proposed charter is approved, the subscribers shall sign and
 188 ~~then~~ present the proposed charter to the judge of the circuit
 189 court for the county in which the principal office of the
 190 association will ~~is to~~ be located. The a proposed charter must
 191 specify ~~signed by the intended incorporators, which shall set~~
 192 ~~forth~~:

193 (1) The name of the association and the place where the
 194 principal office is to be located. The name of the association
 195 shall include the word, "Inc."

196 (2) The general nature of the objectives ~~its objects~~ and

197 | powers of the association, including a provision that the
 198 | association is incorporated for the sole purpose of conducting
 199 | and operating public fairs or expositions.

200 | (3) The qualifications and terms of association members
 201 | and criteria for ~~the manner of~~ their admission and expulsion.
 202 | Provision may be made in the charter for ex officio membership,
 203 | ~~and memberships may be for terms of years.~~

204 | (4) The time for which the association ~~it~~ is to exist.

205 | (5) The name ~~names~~ and residence ~~residences~~ of each
 206 | subscriber ~~the subscribers~~.

207 | (6) Procedures for the election of and governance by ~~what~~
 208 | ~~officers, who may~~ its affairs are to be managed, and the time at
 209 | ~~which the officers will~~ be elected or appointed.

210 | (7) The designation ~~names~~ of ~~the~~ officers who will ~~are to~~
 211 | manage the ~~its~~ affairs of the association until the first
 212 | election or appointment under the charter.

213 | (8) Procedures for the adoption, amendment, or rescission
 214 | of ~~By whom its~~ bylaws of the association ~~are to be made,~~
 215 | ~~altered, or rescinded.~~

216 | (9) The highest amount of indebtedness or liability that
 217 | may be accrued by the association ~~to which it may at any time~~
 218 | ~~subject itself.~~

219 | Section 3. Section 616.02, Florida Statutes, is amended to
 220 | read:

221 | 616.02 Acknowledgment of charter.—The proposed charter of
 222 | a fair association shall be acknowledged by at least three of
 223 | its subscribers, ~~each a person of good character and reputation,~~
 224 | before an officer authorized to make acknowledgment of deeds. 7

HB 449

2012

225 ~~which~~ Subscribers shall also make and take ~~subscribe to~~ an oath,
 226 which must ~~to~~ be attached to the proposed charter, stating that
 227 the primary objective ~~object~~ of the association is public
 228 service and holding, conducting, and promoting public fairs or
 229 expositions; that money and other available assets in value
 230 exceeding \$5,000 have ~~there has~~ been provided for the purposes
 231 of the association ~~property, money, and other available assets~~
 232 ~~in value exceeding \$5,000~~; and that the association will operate
 233 ~~intends~~ in good faith to carry out the purposes and objectives
 234 ~~objects~~ set forth in its charter.

235 Section 4. Section 616.03, Florida Statutes, is amended to
 236 read:

237 616.03 Notice of application; approval and record of
 238 charter.—A notice of intention to apply to the circuit court
 239 judge for the charter of a fair association must specify,
 240 ~~stating~~ the date that ~~time when the~~ application will be made,
 241 shall be sent to the department for approval, and then shall be
 242 published in a newspaper in the county where the principal
 243 office of the association will ~~is to~~ be located once each week
 244 for 4 consecutive weeks. The notice must, ~~setting forth~~ briefly
 245 summarize the charter and objectives ~~objects~~ of the proposed
 246 association ~~to be formed~~. The proposed charter shall be
 247 submitted to and approved by the board of county commissioners
 248 of the county in which the principal office of the association
 249 will ~~is to~~ be located. After ~~Upon~~ approval by ~~of~~ the department
 250 and the board of county commissioners, the proposed charter and
 251 ~~with~~ proof of ~~both~~ approval and publication shall be submitted
 252 to the circuit judge on the date specified ~~at the time named~~ in

253 the notice. ~~and,~~ If no cause is shown to the contrary and if
 254 the judge finds that the proposed charter ~~is to be~~ in proper
 255 form and will serve ~~so sworn to and for~~ the primary objective
 256 ~~object~~ of public service, the judge shall approve the charter
 257 and issue an order ~~render a decree~~ incorporating the subscribers
 258 under the charter for the objectives ~~objects~~ and purposes
 259 specified in the charter and ~~with the powers therein specified.~~
 260 The charter and order ~~decree~~ of incorporation shall ~~then~~ be
 261 recorded in the office of the clerk of the circuit court in the
 262 county where the principal office of the association will ~~is to~~
 263 be located and provided to ~~in the office of~~ the department.
 264 After the order is recorded, ~~Thenceforth~~ the subscribers and
 265 their associates are ~~shall be~~ incorporated with the objectives
 266 and powers established in the charter and under ~~by~~ the name
 267 given in the charter and ~~with the objects and powers set forth~~
 268 ~~therein.~~ During the publication period, the proposed charter,
 269 ~~during the time of publication,~~ shall be on file in the office
 270 of the clerk of the circuit court. This section does not
 271 preclude a fair association from also filing its duly approved
 272 charter with the Department of State pursuant to chapter 617 for
 273 notice purposes.

274 Section 5. Section 616.05, Florida Statutes, is amended to
 275 read:

276 616.05 Amendment of charter.—A ~~Any~~ fair association may
 277 ~~desiring to~~ propose an amendment to ~~of~~ its charter ~~may do so~~ by
 278 resolution as provided in its charter or bylaws.

279 (1) The proposed amendment shall be submitted to the
 280 department for approval.

281 (2) After the department approves the proposed amendment,
 282 it will be incorporated into the original charter ~~When approved,~~
 283 ~~the proposed amendment,~~ upon:

284 (a) Publication of notice in the same manner as provided
 285 in s. 616.03;

286 (b) Filing the order of the circuit judge approving the
 287 amendment with ~~Placement on file in the office of the clerk of~~
 288 ~~the circuit court and in the office of the department, the~~
 289 ~~rendering of a decree of the circuit judge approving and~~
 290 ~~allowing the amendment;~~ and

291 (c) Being recorded in the clerk's office, ~~shall be~~
 292 ~~incorporated into the original charter.~~

293

294 If a fair association has filed its charter with the Department
 295 of State pursuant to chapter 617, a copy of any amendment to the
 296 charter must be filed with the Department of State for notice
 297 purposes.

298 Section 6. Section 616.051, Florida Statutes, is amended
 299 to read:

300 616.051 Dissolving a charter.—A ~~Any~~ fair association may
 301 ~~desiring to~~ dissolve its charter ~~may do so~~ by resolution as
 302 provided in its charter or bylaws. The proposal for dissolving
 303 the charter shall be submitted to the department for approval.
 304 Upon approval and ~~upon~~ publication of notice and proof that all
 305 indebtedness has been paid and no claims are outstanding against
 306 the association, the circuit judge may, by decree, dissolve the
 307 association and order its remaining public funds ~~remaining~~ to be
 308 distributed as recommended by the board of directors.

309 Section 7. Section 616.07, Florida Statutes, is amended to
 310 read:

311 616.07 Members not personally liable; property of
 312 association held in trust; exempt from taxation.—

313 (1) A ~~No~~ member, officer, director, or trustee of a fair
 314 association is not shall be personally liable for any of the
 315 debts of the association, ~~+~~ and ~~no~~ money or property of a fair
 316 association may not shall be distributed as profits or dividends
 317 among its members, officers, directors, or trustees. ~~+~~ but

318 (2) All money and property of the association, except that
 319 necessary shall, except for the payment of its just debts and
 320 liabilities, are be and remain perpetually public property,
 321 shall be administered by the association as trustee, and shall
 322 ~~to~~ be used exclusively for the legitimate purpose of the
 323 association. So long as they are used for that purpose, all
 324 money and property of the association are, and shall be, so long
 325 as so used, exempt from all forms of taxation, including special
 326 assessments, and any projects, activities, events, programs, and
 327 uses authorized by this part serve an essential governmental
 328 purpose and, therefore, are not taxable and are not subject to
 329 assessments.

330 (3) ~~(2)~~ Upon order of the circuit judge, any public funds
 331 or property remaining in a fair association when the association
 332 is dissolved shall be distributed by resolution of the board of
 333 directors, ~~upon order of the circuit judge~~ to any county or any
 334 municipality within the county. The board, and may designate
 335 provide in the distribution resolution the public project that
 336 will benefit from on which the funds ~~shall be used~~ or the manner

HB 449

2012

337 in which the property will be used. If the use to which the
338 ~~property shall be put; however, where~~ property has been
339 contributed by a municipality or county, the property shall be
340 reconveyed to the municipality or county that gave the property
341 to the association making the contribution of said property.

342 Section 8. Section 616.08, Florida Statutes, is amended to
343 read:

344 616.08 Additional powers of association.—~~Each~~ Every fair
345 association shall ~~have the power to~~ hold, conduct, and operate
346 public fairs and expositions, including an annual public fair.
347 ~~annually and~~ For that ~~such~~ purpose, a fair association may to
348 buy, lease, acquire, and occupy lands, and erect buildings and
349 improvements of any kind on all kinds ~~thereon, and develop~~ those
350 lands, ~~buildings, and improvements;~~ ~~to~~ sell, mortgage, lease,
351 license, or convey any such property or any part thereof, in its
352 discretion, from time to time for the purpose of public fairs or
353 expositions; ~~to~~ charge and receive compensation for admission to
354 those public fairs and expositions, and grant a lease or license
355 or rent for the sale or renting of space for exhibits,
356 concessions ~~exhibitions,~~ and ~~for~~ other purposes ~~privileges;~~ ~~to~~
357 conduct and hold public meetings; ~~to~~ supervise and conduct
358 lectures and ~~all kinds of~~ demonstration work in connection with
359 or for the improvement of agriculture, horticulture,
360 stockraising and poultry raising, and all kinds of farming and
361 related matters ~~connected therewith;~~ ~~to~~ hold exhibits of
362 agricultural and horticultural products and livestock, poultry,
363 equine ~~chickens,~~ and other domestic animals; ~~to~~ give
364 certificates or diplomas of excellence; ~~to~~ promote the progress

365 of the geographical area it represents and serves and stimulate
 366 public interest in the advantages and development of that area
 367 by providing facilities for the benefit and development of the
 368 educational, agricultural, horticultural, livestock, equestrian,
 369 charitable, historical, civic, cultural, scientific, and other
 370 resources of the state, any county of the state, or any
 371 municipality or other community of any county of the state,
 372 including facilities for exhibits, concessions, and industrial
 373 exhibitions, public gatherings, cultural activities,
 374 entertainment events, recreational vehicle parking, auctions,
 375 trade shows, concerts, and other functions that ~~which~~ the
 376 association determines will enhance the educational, physical,
 377 economic, and cultural interests of the public; and generally ~~to~~
 378 do, perform, and carry out all matters, acts, and business usual
 379 or proper in connection with public fairs and expositions. ~~;~~ ~~but~~
 380 This enumeration of particular powers does ~~shall~~ not diminish ~~be~~
 381 ~~in derogation of~~ or limit any special provisions of the charter
 382 of the association ~~inserted~~ for the regulation of its business,
 383 and the conduct of its affairs of creating, defining, limiting,
 384 and regulating the powers of the association or its officers or
 385 members. ~~;~~ ~~provided,~~ The treasurer or similar officer of the
 386 association shall ~~be required to~~ give a good and sufficient bond
 387 with a surety company duly authorized under the laws of the
 388 state, payable to the association and in an amount equal to the
 389 value of the total amount of money and other property in that
 390 officer's possession or custody, in addition to the value of any
 391 money and property of the association which ~~that~~ may reasonably
 392 be expected to come into that officer's possession or custody. A

HB 449

2012

393 fair association organized under this chapter and in existence
 394 as of July 1, 2011, is exempt from local land use and zoning
 395 ordinances that are in conflict with public fair and exposition
 396 uses and purposes or with any development or improvement
 397 fulfilling such uses and purposes. A fair association organized
 398 under this chapter is a noncommercial activity provider.

399 Section 9. Section 616.101, Florida Statutes, is amended
 400 to read:

401 616.101 Annual review of accounts and records. ~~Once each~~
 402 ~~year, a review of~~ The accounts and records of every fair
 403 association whose annual public fair has an annual attendance of
 404 more than 25,000, ~~based on sound accounting practices and~~
 405 ~~procedures,~~ shall be reviewed annually ~~made~~ by a qualified
 406 accountant licensed by the state. A fair association whose
 407 annual public fair has an annual attendance of 25,000 or fewer
 408 ~~less~~ must submit an annual financial statement that has been
 409 signed by an officer of the county. The results of the ~~all such~~
 410 reviews shall be kept in the official records of each
 411 association, available to all directors of the association. A
 412 certified copy of the review shall be filed with ~~in the office~~
 413 ~~of~~ the department:

414 (1) On request by the department to certify expenditures
 415 of the premiums awarded to exhibitors of a fair ~~state premium~~ or
 416 of building funds when there is evidence of violation of state
 417 laws; or

418 (2) When the association is applying for a fair permit.

419 Section 10. Section 616.11, Florida Statutes, is amended
 420 to read:

421 616.11 Association authorized to contract with
 422 municipality, county, or state for use of land; admission fees;
 423 state, counties, and municipalities authorized to make
 424 contributions.—Any fair association may enter into any contract,
 425 lease, or agreement with any municipality or county in the state
 426 or with the state or agency or subdivision of the state ~~thereof~~
 427 for the donation to or the use and occupation by the association
 428 of any land owned, leased, or held by the county or municipality
 429 or the state or agency or subdivision of the state ~~thereof~~
 430 during a such time and on the such terms approved by ~~as~~ the
 431 county or municipality or the state or agency or subdivision
 432 ~~thereof may authorize~~, with the right ~~on the part~~ of the
 433 association to use the property for public charge and ~~receive an~~
 434 ~~admission fee to the fair or~~ exposition purposes ~~or any part~~
 435 ~~thereof~~. The state, the Department of Transportation and ~~or~~ any
 436 other agency or subdivision of the state ~~thereof~~, the board of
 437 county commissioners of any county within which the fair or
 438 exhibition is held, and the mayor and city council of any
 439 municipality within the county may also make contributions of
 440 money, property, or services to fair associations to assist in
 441 carrying out the purposes of the associations under ~~as~~
 442 ~~authorized by~~ this chapter. The state or any agency or
 443 subdivision of the state, boards of county commissioners of the
 444 various counties of the state, and the mayor and city council of
 445 any municipality within the county may expend ~~in their~~
 446 ~~discretion~~ such sums of money as they deem necessary for the
 447 best interests of their counties and in aiding the development
 448 of the educational, agricultural, horticultural, livestock,

449 charitable, historical, civic, cultural, scientific, and any
 450 other resources of their counties at and in connection with
 451 public fairs and expositions, including the offering and paying
 452 of premiums for the exhibitions of resources of the state,
 453 county, or municipality ~~their respective counties.~~

454 Section 11. Section 616.12, Florida Statutes, is amended
 455 to read:

456 616.12 Licenses upon certain shows; distribution of fees;
 457 exemptions.—

458 (1) Each ~~Every~~ person who operates ~~may operate~~ under any
 459 ~~terms whatsoever, including a lease arrangement,~~ any traveling
 460 show, exhibition, amusement enterprise, carnival, vaudeville,
 461 exhibit, minstrel, rodeo, theatrical, game or test of skill,
 462 riding device, dramatic repertoire, ~~or~~ other show or amusement,
 463 or concession, ~~(including a concession operating in a tent,~~
 464 enclosure, or other temporary structure, ~~whether covered or~~
 465 ~~uncovered)~~ within the grounds of, and in connection with, any
 466 annual public fair ~~or exposition~~ held by a fair association
 467 shall pay the license taxes ~~now or hereafter~~ provided by law.†
 468 However, if in the event the association satisfies the
 469 requirements ~~fully qualifies with all other provisions~~ of this
 470 chapter, including securing the required fair permit from the
 471 department, the ~~traveling show, exhibition, amusement~~
 472 ~~enterprise, carnival, vaudeville, minstrel, rodeo, theatrical,~~
 473 ~~game or test of skill, riding device, dramatic repertoire, or~~
 474 ~~other show or amusement (including a concession operating in a~~
 475 ~~tent, enclosure, or other temporary structure, whether covered~~
 476 ~~or uncovered)~~ within the grounds of, and in connection with, any

477 ~~such fair or exposition is not required to pay any such license~~
 478 ~~taxes and local business tax authorized in chapter 205 are~~
 479 ~~waived and the department shall issue tax, but shall operate~~
 480 ~~under a tax exemption certificate issued by the department. The~~
 481 ~~department shall adopt ~~prescribe~~ the proper forms and rules to~~
 482 ~~administer for carrying out the purpose and intent expressed in~~
 483 ~~this section, including the necessary tax exemption certificate,~~
 484 ~~to be signed by the tax collector,~~ showing that the fair
 485 association has met all requirements and that the traveling
 486 show, exhibition, amusement enterprise, carnival, vaudeville,
 487 exhibit, minstrel, rodeo, theatrical, game or test of skill,
 488 riding device, dramatic repertoire, ~~or~~ other show or amusement,
 489 or concession (including a concession operating in a tent,
 490 enclosure, or other temporary structure, whether covered or
 491 uncovered) has met in full all requirements of this chapter and
 492 accordingly is fully exempt.

493 (2) Any fair association securing the required annual fair
 494 permit from the department is exempt from local business tax as
 495 defined by chapter 205, ~~occupational license fees, occupational~~
 496 permit fees, inspection fees, franchise fees and taxes, utility
 497 service fees and taxes, communication service fees and taxes,
 498 surplus line fees and taxes, impact fees, or any occupational
 499 taxes assessed by any county, municipality, political
 500 subdivision, department, ~~or~~ agency, or instrumentality thereof.

501 Section 12. Section 616.121, Florida Statutes, is amended
 502 to read:

503 616.121 Making false application.—Any person who, with
 504 fraudulent intent, makes or causes to be made any false

505 statement in an application for a permit to hold an annual a
 506 public fair ~~or exposition~~ or in an application for distribution
 507 of the amount paid for license taxes under the provisions of
 508 this chapter, ~~with fraudulent intent of obtaining that permit or~~
 509 ~~amount,~~ and by that false statement obtains that permit or
 510 distribution, ~~any part of that amount for himself or herself or~~
 511 ~~for any firm or corporation in which that person has a financial~~
 512 ~~interest, or for whom that person is acting,~~ commits a
 513 misdemeanor of the first degree, punishable as provided in s.
 514 775.082 or s. 775.083.

515 Section 13. Section 616.14, Florida Statutes, is amended
 516 to read:

517 616.14 Number of fairs; penalty.—

518 (1) A fair association may not conduct more than one
 519 annual public fair each calendar year. Any fair association that
 520 conducts more than one public fair ~~or exposition~~ during any one
 521 calendar year is subject to revocation of its charter by the
 522 court granting the charter.

523 (2) Any fair association that does not conduct an annual a
 524 public fair ~~or exposition~~ for a period of 3 calendar years
 525 shall, upon the recommendation of the department, have its
 526 charter revoked by the court granting the charter.

527 Section 14. Section 616.15, Florida Statutes, is amended
 528 to read:

529 616.15 Permit from Department of Agriculture and Consumer
 530 Services required.—

531 (1) An annual ~~No~~ public fair ~~or exposition~~ may not be
 532 conducted by a fair association without a permit issued by the

HB 449

2012

533 department. ~~The permit shall be issued in the following manner:~~
534 The association shall present to the department an application
535 for a ~~the~~ permit, signed by an officer of the association, at
536 least 3 months before holding the annual public fair. ~~The or~~
537 ~~exposition;~~ this application shall be accompanied by a fee in an
538 amount to be determined by the department ~~not to exceed \$366 or~~
539 ~~be less than \$183~~ for processing the application and making any
540 required investigation. The application fee must be at least
541 \$183 and may not exceed \$366. ~~The~~ Fees collected under this
542 subsection shall be deposited in the General Inspection Trust
543 Fund of the State Treasury in a special account to be known as
544 the "Agricultural and Livestock Fair Account." A copy of the
545 application must be sent to each fair association located within
546 50 miles of the site of the proposed annual public fair ~~or~~
547 ~~exposition~~ at the same time the application is sent to the
548 department. The department may issue a ~~the~~ permit if the
549 applicant provides ~~if the application sets forth:~~

550 (a) The opening and closing dates of the proposed annual
551 public fair ~~or exposition~~.

552 (b) The name and address of the owner of the central
553 amusement attraction that will ~~to~~ operate during the annual
554 public fair ~~or exposition~~.

555 (c) An affidavit properly executed by the president or
556 ~~either~~ chief executive officer of the applicant association
557 certifying the existence of a binding contract entered into by
558 the association ~~or exposition~~ and the owner of the central
559 amusement attraction covering the period for which the permit
560 from the department is applied. The contract ~~or contracts~~

HB 449

2012

561 between the parties shall be available for inspection by duly
562 authorized agents of the department in administering this
563 chapter.

564 (d) A written statement that the main purpose of the
565 association is to conduct and operate a public ~~the proposed~~ fair
566 and ~~or~~ exposition, including the annual fair, for the benefit
567 and development of the educational, agricultural, horticultural,
568 livestock, charitable, historical, civic, cultural, scientific,
569 and other resources of the geographical area the fair
570 association ~~or exposition~~ represents and serves. The statement
571 must ~~shall be in writing,~~ shall be subscribed, and ~~shall be~~
572 acknowledged by an officer of the association before an officer
573 authorized to take acknowledgments.

574 (e) A premium list of the current annual public fair ~~or~~
575 ~~exposition~~ to be conducted or a copy of the previous year's
576 premium list showing all premiums and awards to be offered to
577 exhibitors in various departments of the annual public fair,
578 which may include, but are not limited to, ~~such as~~ art
579 exhibition, beef cattle, county exhibits, dairy cattle,
580 horticulture, swine, women's department, 4-H Club activities,
581 Future Farmers of America activities, Future Homemakers of
582 America activities, poultry and egg exhibits, and community
583 exhibits, ~~the foregoing being a list of the usual exhibitors of~~
584 ~~a fair and not to be construed as limiting the premium list to~~
585 ~~these departments.~~ The premium list, which may be submitted
586 separately from the application, must be submitted at least at
587 ~~any time not later than~~ 60 days before ~~the holding of the~~ annual
588 public fair begins operation ~~or exposition, and the department~~

589 ~~shall issue the permit as provided in this section within 10~~
 590 ~~days thereafter if the applicant is properly qualified.~~

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

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

595 (h) A list of all current members of the board of
 596 directors of the association and their contact information,
 597 including home address addresses.

598
 599 The department shall issue the permit within 10 days after it
 600 receives all the information and the applicant qualifies
 601 pursuant to this section.

602 (2) The department shall administer and enforce the
 603 provisions of this chapter except as to the regulation of games,
 604 which shall be regulated by local law enforcement agencies. The
 605 department shall adopt ~~is authorized to make and publish~~ rules
 606 to administer, ~~not inconsistent with~~ this chapter, including
 607 rules governing ~~as to~~ the form and contents of the application
 608 for the permit and any reports that it may deem necessary in
 609 enforcing the provisions of this chapter.

610 (3) Notwithstanding any fair association meeting the
 611 requirements set forth in subsection (1), the department may
 612 order a full investigation to determine if ~~whether or not~~ the
 613 fair association meets ~~in full~~ the requirements of s. 616.01,
 614 and ~~accordingly~~ may withhold a permit from, deny a permit to, or
 615 withdraw a permit once issued to the association. The department
 616 shall also consider whether any proposed annual public fair ~~or~~

617 ~~exposition~~, as set forth in an application for a permit, will
 618 compete with another annual public fair ~~or exposition~~ within 50
 619 miles of the proposed annual public fair ~~or exposition~~ with
 620 respect to name, dates of operation, or market. The department
 621 may deny, withhold, or withdraw a permit from a fair association
 622 if the department determines that such fair association will
 623 compete with another association. The department shall give
 624 preference to existing fair associations with established dates,
 625 locations, and names. The determination by the department is
 626 ~~shall be~~ final.

627 Section 15. Subsections (1) and (3) of section 616.17,
 628 Florida Statutes, are amended to read:

629 616.17 Minimum exhibits.—

630 (1) An annual ~~No~~ public fair ~~or exposition~~ conducted by a
 631 fair association may not be approved by the department for a tax
 632 exemption certificate unless the fair association ~~or exposition~~
 633 displays at least the following ~~minimum~~ exhibits, ~~but this~~
 634 ~~requirement may not be construed as a limitation on the number~~
 635 ~~of exhibits which the fair or exposition may have:~~

636 (a) Three exhibits from 4-H Clubs or Future Farmers of
 637 America chapters which are officially approved by those clubs or
 638 chapters.

639 (b) Three exhibits of community, individual, or county
 640 farm displays.

641 (c) Three exhibits of field crops in at least three
 642 different crops.

643 (d) Three exhibits of horticultural products.

644 (e) Three culinary exhibits such as canned fruits, canned

HB 449

2012

645 vegetables, canned pickles or juices, jams, jellies, cakes,
646 bread, candies, or eggs.

647 (f) Three exhibits of household arts such as homemade
648 spreads, towels, luncheon sets, rugs, clothing, or baby apparel.

649 (g) Three exhibits of fruit or vegetable crops in at least
650 three different crops.

651 (h) Three exhibits of arts, crafts, photography, or
652 antiques or of scout handiwork.

653 (i) Three exhibits from home demonstration, home
654 economics, educational, religious, or civic groups.

655 (j) Three exhibits of livestock such as dairy cows, beef
656 cattle, hogs, sheep, poultry, horses, or mules.

657 (3) The department may provide a waiver to the minimum
658 exhibit requirements of this section to any fair association
659 that submits an application for the waiver to the department, at
660 least 30 ~~60~~ days before ~~prior to~~ the annual public fair ~~or~~
661 ~~exposition~~ in need of the waiver, and shows good cause why the
662 requirements of this section cannot be met.

663 Section 16. Section 616.185, Florida Statutes, is amended
664 to read:

665 616.185 Trespass upon grounds or facilities of public fair
666 ~~or exposition~~; penalty; arrests.—

667 (1) For the purposes of this chapter, "trespass" upon the
668 grounds of the Florida State Fair Authority or any other ~~public~~
669 fair association ~~or exposition~~ permitted under s. 616.15 means:

670 (a) Entering and remaining upon any grounds or facilities
671 owned, operated, or controlled by the Florida State Fair
672 Authority or any other association ~~public fair or exposition~~

673 | permitted under s. 616.15 and committing any act that ~~which~~
 674 | disrupts the orderly conduct of any authorized activity of the
 675 | fair association ~~organization~~ in charge, or its lessees,
 676 | licensees, or the general public on those grounds or facilities;
 677 | or

678 | (b) Entering and remaining on those grounds or facilities
 679 | after being directed not to enter or to leave them by the
 680 | executive director of the authority, chief administrative
 681 | officer of the fair association ~~or exposition~~, or any employee
 682 | or agent of the association ~~thereof~~ designated by the executive
 683 | director or administrator to maintain order on those grounds and
 684 | facilities, after a determination by the executive director,
 685 | administrator, employee, or agent that the entering or remaining
 686 | on those grounds or facilities is in violation of the rules and
 687 | regulations of the Florida State Fair Authority or permitted
 688 | ~~public~~ fair association ~~or exposition~~ or is disrupting the
 689 | orderly conduct of any authorized activity of the fair
 690 | association ~~organization~~ in charge, or its lessees, licensees,
 691 | or the general public on those grounds or facilities.

692 | (2) Any person ~~found guilty of~~ committing the offense of
 693 | trespass upon the grounds of the Florida State Fair Authority or
 694 | any other ~~public~~ fair association ~~or exposition~~ permitted under
 695 | s. 616.15 commits ~~is guilty of~~ a misdemeanor of the second
 696 | degree, punishable as provided in s. 775.082 or s. 775.083.

697 | (3) A law enforcement ~~peace~~ officer may arrest any person
 698 | on or off the premises, without a warrant, if the officer has
 699 | probable cause for believing such person has committed the
 700 | offense of trespass upon the grounds of the Florida State Fair

HB 449

2012

701 Authority or any ~~public~~ fair association ~~or exposition~~ permitted
 702 under s. 616.15. Such an arrest does ~~shall~~ not render the law
 703 enforcement ~~peace~~ officer criminally or civilly liable for false
 704 arrest, false imprisonment, or unlawful detention.

705 Section 17. Section 616.19, Florida Statutes, is amended
 706 to read:

707 616.19 Designation of fairs.—Any ~~public~~ fair association
 708 ~~or exposition heretofore or hereafter~~ created pursuant to this
 709 chapter shall be designated by the name stated in the permit
 710 required or stated by its fair association and is ~~shall be~~
 711 recognized by the state as equal in dignity to the Florida State
 712 Fair and as fully recognized as the Florida State Fair.

713 Section 18. Section 616.21, Florida Statutes, is amended
 714 to read:

715 616.21 Agricultural and livestock exhibit buildings;
 716 conditions for expenditures.—~~No part of~~ Appropriated funds may
 717 not be expended except upon approval and with the recommendation
 718 of the department. Further, the ~~no part of such an~~ appropriation
 719 may not be expended for the construction of a building unless
 720 ~~and until a good~~ fee simple title to the land on which the
 721 building is to be constructed is vested in the county,
 722 municipality, or fair association for which the building is to
 723 be constructed.

724 Section 19. Section 616.23, Florida Statutes, is amended
 725 to read:

726 616.23 Use of buildings.—The buildings authorized by ss.
 727 616.21-616.23 may be used by the county, municipality, or fair
 728 association for ~~which the buildings are built as agricultural or~~

HB 449

2012

729 ~~livestock exhibition buildings for~~ public fair or exposition
 730 ~~purposes in the promotion of the agricultural and livestock~~
 731 ~~industries.~~ These buildings may be used as office space for
 732 agricultural agents; however, no more than 20 percent of the
 733 buildings may be so used.

734 Section 20. Subsection (2) of section 616.24, Florida
 735 Statutes, is amended to read:

736 616.24 Enforcement.—

737 (2) It is the duty of each ~~every~~ state attorney, law
 738 enforcement officer as defined by chapter 943, and other
 739 appropriate county or municipal officer to enforce this chapter
 740 and the rules adopted pursuant thereto and to assist the
 741 department and its inspectors and agents in the enforcement of
 742 this chapter and the rules adopted pursuant thereto.

743 Section 21. Paragraph (a) of subsection (4) and subsection
 744 (6) of section 288.1175, Florida Statutes, are amended to read:

745 288.1175 Agriculture education and promotion facility.—

746 (4) The Department of Agriculture and Consumer Services
 747 shall certify a facility as an agriculture education and
 748 promotion facility if the Department of Agriculture and Consumer
 749 Services determines that:

750 (a) The applicant is a unit of local government as defined
 751 in s. 218.369, or a fair association as defined in s.

752 616.001(11) ~~616.001(9)~~, which is responsible for the planning,
 753 design, permitting, construction, renovation, management, and
 754 operation of the agriculture education and promotion facility or
 755 holds title to the property on which such facility is to be
 756 developed and located.

HB 449

2012

757 (6) Funds may not be expended to develop or subsidize
758 privately owned facilities, except for facilities owned by fair
759 associations as defined in s. 616.001(11) ~~616.001(9)~~.

760 Section 22. This act shall take effect July 1, 2012