

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; providing that certain fair
38 | associations are noncommercial activity providers;
39 | amending s. 616.101, F.S.; revising provisions related
40 | to the review of association accounts and records;
41 | amending s. 616.11, F.S.; clarifying the rights of the
42 | association to use certain property for public
43 | purposes; adding the Department of Transportation to
44 | the list of governmental entities that may make
45 | contributions to a fair association to assist it in
46 | carrying out its purpose; authorizing state, county,
47 | and municipal governments to fund certain projects at
48 | or connected with public fairs and expositions;
49 | amending s. 616.12, F.S.; revising provisions relating
50 | to the exemption from certain local business taxes for
51 | annual public fairs held by a fair association;
52 | amending s. 616.121, F.S., relating to a penalty
53 | imposed for making false application for a permit;
54 | replacing the term "exhibitions" with the term "annual
55 | public fair" to conform to changes made by the act;
56 | amending s. 616.14, F.S.; prohibiting a fair

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

77 |
 78 | Be It Enacted by the Legislature of the State of Florida:

79 |
 80 | Section 1. Section 616.001, Florida Statutes, is amended
 81 | to read:

82 | 616.001 Definitions.—As used in this chapter, the term:
 83 | (1) "Annual public fair" means a community, county,
 84 | district, regional, or state fair that is held and conducted by

85 a fair association and permitted by the department pursuant to
 86 s. 616.15.

87 (2)(1) "Authority" means the Florida State Fair Authority.

88 (3)(2) "Community fair" means an annual public a fair that
 89 ~~which~~ serves an area of less than an entire county, has and the
 90 exhibits that of which are in accordance with s. 616.17, and
 91 gives in which premiums or awards ~~are given~~ to exhibitors ~~of the~~
 92 ~~fair~~. Agricultural products shall be produced in the community
 93 the exhibit represents. The majority of the board of directors
 94 of the fair shall reside, be employed, or operate a business in
 95 the community the fair represents.

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

104 (5)(3) "County fair" means an annual public a fair that
 105 ~~which~~ serves an entire county and provides exhibitors with
 106 premiums or awards for the exhibits that of which are in
 107 accordance with s. 616.17 ~~and in which premiums or awards are~~
 108 ~~given to exhibitors of the fair~~. Agricultural products must
 109 ~~shall~~ be typical of those produced in the county the exhibit
 110 represents ~~in meeting minimum exhibit requirements~~. The majority
 111 of the board of directors of the fair shall reside, be employed,
 112 or operate a business in the county that the fair association

113 represents.

114 ~~(6)(4)~~ "Department" means the Department of Agriculture
 115 and Consumer Services.

116 ~~(7)(5)~~ "District fair" means an annual public ~~a fair that~~
 117 ~~which~~ serves at least five counties and has the exhibits that
 118 meet the requirements of which are in accordance with s. 616.17.

119 A district, ~~which~~ fair shall pay at least not less than a
 120 ~~minimum of~~ \$25,000 in cash premiums or awards to exhibitors ~~of~~
 121 ~~the fair.~~ Agricultural products must shall be typical of those
 122 produced in the counties ~~county~~ the exhibit represents.

123 Livestock may originate from outside the district, but must be
 124 registered in the exhibitor's name at least 30 days before the
 125 opening day of the fair. Each county is shall be encouraged to
 126 have proportionate exhibits, typical of its respective natural
 127 resources. Each county shall have exhibits representing in some
 128 ~~phase of~~ basic resources in agriculture and industry.

129 ~~(8)(6)~~ "Entry" means one item entered for competition or
 130 show. An entry may ~~or may not~~ constitute an exhibit, depending
 131 upon the regulations ~~as~~ stated in the premium book.

132 ~~(9)(7)~~ "Exhibit" means one or more entries entered for
 133 exhibition and constituting a unit. An exhibit may consist of
 134 one or more entries, depending upon the regulations ~~as~~ stated in
 135 the premium book. The term includes parades and displays of
 136 articles or a collection of articles, whether static,
 137 interactive, or dynamic, by a fair association or a third party
 138 contracting with a fair association, such as exhibits of
 139 animals, art, housewares, or motor vehicles.

140 ~~(10)(8)~~ "Exhibitor" means an individual, group of

141 individuals, or business, including a fair association or third
 142 party contracting with a fair association, which has an exhibit
 143 ~~having an entry or entries in a show or fair.~~

144 ~~(11)-(9)~~ "Fair association" or "association" means an
 145 association not for profit incorporated under this chapter for
 146 the purpose of conducting and operating public fairs or
 147 expositions.

148 ~~(12)-(10)~~ "Public fair or exposition" means a project,
 149 activity, event, or program, and use by a fair association,
 150 including, but not limited to, the annual public fair, which
 151 serves the purposes specified in s. 616.08 and benefits and
 152 develops ~~or exposition not for profit for the purpose of the~~
 153 ~~benefit and development of the educational, agricultural,~~
 154 horticultural, livestock, charitable, historical, civic,
 155 cultural, scientific, and other resources of this ~~the~~ state, or
 156 any county, or counties of the state, or any municipality, or
 157 other community in this ~~of any county of the state.~~

158 ~~(13)-(11)~~ "Regional fair" or "interstate fair" means an
 159 annual public a fair of this state and other several ~~states, one~~
 160 ~~of which is Florida,~~ in which fair exhibits meet the
 161 requirements of ~~are in accordance with~~ s. 616.17. Agricultural
 162 products must ~~shall~~ be typical of those produced in the area the
 163 exhibit represents.

164 ~~(14)-(12)~~ "Specialized show" means a show or exhibition
 165 exhibiting and emphasizing a livestock or poultry ~~show,~~ or a
 166 fruit or vegetable festival, and must ~~shall~~ meet the minimum
 167 exhibit requirements specified ~~as defined~~ in s. 616.17. A
 168 specialized show may qualify under one of the definitions in

169 subsections ~~(2),~~ (3), (5), (7), and (15) ~~(13)~~.

170 (15)~~(13)~~ "State fair" means an annual public a fair that
 171 ~~which~~ serves the entire state. Exhibits must comply ~~shall be in~~
 172 ~~accordance~~ with s. 616.17, and cash premiums or awards may be
 173 given to exhibitors ~~of the fair~~.

174 Section 2. Section 616.01, Florida Statutes, is amended to
 175 read:

176 616.01 Number of persons required; requisites of proposed
 177 charter.—Twenty-five or more persons who are residents and
 178 qualified electors of the county in which ~~wherein~~ the annual
 179 public fair is to be located, who wish ~~wishing~~ to form an
 180 association not for profit for the purpose of conducting and
 181 operating public fairs or expositions, may become incorporated
 182 in the following manner. The subscribers ~~They~~ shall submit the
 183 proposed charter to the department for review and approval. If
 184 the proposed charter is approved, the subscribers shall sign and
 185 ~~then~~ present the proposed charter to the judge of the circuit
 186 court for the county in which the principal office of the
 187 association will ~~is to~~ be located. The a proposed charter must
 188 specify ~~signed by the intended incorporators, which shall set~~
 189 ~~forth~~:

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

193 (2) The general nature of the objectives ~~its objects~~ and
 194 powers of the association, including a provision that the
 195 association is incorporated for the sole purpose of conducting
 196 and operating public fairs or expositions.

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

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

202 (5) The name ~~names~~ and residence ~~residences~~ of each
 203 subscriber ~~the subscribers.~~

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

207 (7) The designation ~~names~~ of ~~the~~ officers who will ~~are to~~
 208 manage the its affairs of the association until the first
 209 election or appointment under the charter.

210 (8) Procedures for the adoption, amendment, or rescission
 211 of ~~By whom its bylaws of the association are to be made,~~
 212 ~~altered, or rescinded.~~

213 (9) The highest amount of indebtedness or liability that
 214 may be accrued by the association ~~to which it may at any time~~
 215 ~~subject itself.~~

216 Section 3. Section 616.02, Florida Statutes, is amended to
 217 read:

218 616.02 Acknowledgment of charter.—The proposed charter of
 219 a fair association shall be acknowledged by at least three of
 220 its subscribers, ~~each a person of good character and reputation,~~
 221 before an officer authorized to make acknowledgment of deeds. ~~7~~
 222 ~~which~~ Subscribers shall also make and take ~~subscribe to~~ an oath,
 223 which must ~~to~~ be attached to the proposed charter, stating that
 224 the primary objective ~~object~~ of the association is public

225 service and holding, conducting, and promoting public fairs or
 226 expositions; that money and other available assets in value
 227 exceeding \$5,000 have ~~there has~~ been provided for the purposes
 228 of the association ~~property, money, and other available assets~~
 229 ~~in value exceeding \$5,000;~~ and that the association will operate
 230 ~~intends~~ in good faith to carry out the purposes and objectives
 231 ~~objects~~ set forth in its charter.

232 Section 4. Section 616.03, Florida Statutes, is amended to
 233 read:

234 616.03 Notice of application; approval and record of
 235 charter.—A notice of intention to apply to the circuit court
 236 judge for the charter of a fair association must specify,
 237 ~~stating the date that time when the~~ application will be made,
 238 shall be sent to the department for approval, ~~and then~~ shall be
 239 published in a newspaper in the county where the principal
 240 office of the association will is to be located once each week
 241 for 4 consecutive weeks. The notice must, ~~setting forth~~ briefly
 242 summarize the charter and objectives ~~objects~~ of the proposed
 243 association ~~to be formed~~. The proposed charter shall be
 244 submitted to and approved by the board of county commissioners
 245 of the county in which the principal office of the association
 246 will is to be located. After ~~Upon~~ approval by ~~of~~ the department
 247 and the board of county commissioners, the proposed charter and
 248 ~~with~~ proof of ~~both~~ approval and publication shall be submitted
 249 to the circuit judge on the date specified ~~at the time named in~~
 250 the notice. ~~and,~~ If no cause is shown to the contrary and ~~if~~
 251 the judge finds that the proposed charter is to be in proper
 252 form and will serve ~~so sworn to and for~~ the primary objective

CS/HB 449

2012

253 ~~object~~ of public service, the judge shall approve the charter
 254 and issue an order ~~render a decree~~ incorporating the subscribers
 255 under the charter for the objectives ~~objects~~ and purposes
 256 specified in the charter and ~~with the powers therein specified~~.
 257 The charter and order ~~decree~~ of incorporation shall ~~then~~ be
 258 recorded in the office of the clerk of the circuit court in the
 259 county where the principal office of the association will ~~is to~~
 260 be located and provided to ~~in the office of~~ the department.
 261 After the order is recorded, ~~Thenceforth~~ the subscribers and
 262 their associates are ~~shall be~~ incorporated with the objectives
 263 and powers established in the charter and under ~~by~~ the name
 264 given in the charter and ~~with the objects and powers set forth~~
 265 ~~therein~~. During the publication period, the proposed charter,
 266 ~~during the time of publication,~~ shall be on file in the office
 267 of the clerk of the circuit court. This section does not
 268 preclude a fair association from also filing its duly approved
 269 charter with the Department of State pursuant to chapter 617 for
 270 notice purposes.

271 Section 5. Section 616.05, Florida Statutes, is amended to
 272 read:

273 616.05 Amendment of charter.—A ~~Any~~ fair association may
 274 ~~desiring to~~ propose an amendment to ~~of~~ its charter ~~may do so~~ by
 275 resolution as provided in its charter or bylaws.

276 (1) The proposed amendment shall be submitted to the
 277 department for approval.

278 (2) After the department approves the proposed amendment,
 279 it will be incorporated into the original charter ~~When approved,~~
 280 ~~the proposed amendment,~~ upon:

CS/HB 449

2012

281 (a) Publication of notice in the same manner as provided
 282 in s. 616.03;~~;~~

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

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

290

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

295 Section 6. Section 616.051, Florida Statutes, is amended
 296 to read:

297 616.051 Dissolving a charter.—~~A~~ Any fair association may
 298 ~~desiring to~~ dissolve its charter ~~may do so~~ by resolution as
 299 provided in its charter or bylaws. The proposal for dissolving
 300 the charter shall be submitted to the department for approval.
 301 Upon approval and ~~upon~~ publication of notice and proof that all
 302 indebtedness has been paid and no claims are outstanding against
 303 the association, the circuit judge may, by decree, dissolve the
 304 association and order its remaining public funds ~~remaining~~ to be
 305 distributed as recommended by the board of directors.

306 Section 7. Section 616.07, Florida Statutes, is amended to
 307 read:

308 616.07 Members not personally liable; property of

309 association held in trust; exempt from taxation.-

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

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

327 (3) ~~(2)~~ Upon order of the circuit judge, any public funds
 328 or property remaining in a fair association when the association
 329 is dissolved shall be distributed by resolution of the board of
 330 directors, ~~upon order of the circuit judge~~ to any county or any
 331 municipality within the county. The board, and may designate
 332 ~~provide~~ in the distribution resolution the public project that
 333 will benefit from ~~on which~~ the funds ~~shall be used~~ or the manner
 334 in which the property will be used. If the use to which the
 335 ~~property shall be put; however, where~~ property has been
 336 contributed by a municipality or county, the property shall be

337 reconveyed to the municipality or county that gave the property
338 to the association ~~making the contribution of said property.~~

339 Section 8. Section 616.08, Florida Statutes, is amended to
340 read:

341 616.08 Additional powers of association.—~~Each~~ Every fair
342 association shall ~~have the power to~~ hold, conduct, and operate
343 public fairs and expositions, including an annual public fair.
344 ~~annually and~~ For that ~~such~~ purpose, a fair association may ~~to~~
345 buy, lease, acquire, and occupy lands, and erect buildings and
346 improvements of any kind on ~~all kinds thereon,~~ and ~~develop~~ those
347 lands, ~~buildings, and improvements;~~ ~~to~~ sell, mortgage, lease,
348 license, or convey any such property or any part thereof, in its
349 discretion, from time to time for the purpose of public fairs or
350 expositions; ~~to~~ charge and receive compensation for admission to
351 those public fairs and expositions, and grant a lease or license
352 or rent ~~for the sale or renting of~~ space for exhibits,
353 concessions ~~exhibitions,~~ and ~~for~~ other purposes ~~privileges;~~ ~~to~~
354 conduct and hold public meetings; ~~to~~ supervise and conduct
355 lectures and ~~all kinds of~~ demonstration work in connection with
356 or for the improvement of agriculture, horticulture,
357 stockraising and poultry raising, and all kinds of farming and
358 related matters ~~connected therewith;~~ ~~to~~ hold exhibits of
359 agricultural and horticultural products and livestock, poultry,
360 equine ~~chickens,~~ and other domestic animals; ~~to~~ give
361 certificates or diplomas of excellence; ~~to~~ promote the progress
362 of the geographical area it represents and serves and stimulate
363 public interest in the advantages and development of that area
364 by providing facilities for the benefit and development of the

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

392 Section 9. Section 616.101, Florida Statutes, is amended

CS/HB 449

2012

393 to read:

394 616.101 Annual review of accounts and records. ~~Once each~~
 395 ~~year, a review of~~ The accounts and records of every fair
 396 association whose annual public fair has an annual attendance of
 397 more than 25,000, ~~based on sound accounting practices and~~
 398 ~~procedures,~~ shall be reviewed annually ~~made~~ by a qualified
 399 accountant licensed by the state. A fair association whose
 400 annual public fair has an annual attendance of 25,000 or fewer
 401 ~~less~~ must submit an annual financial statement that has been
 402 signed by an officer of the county. The results of the ~~all such~~
 403 reviews shall be kept in the official records of each
 404 association, available to all directors of the association. A
 405 certified copy of the review shall be filed with ~~in the office~~
 406 ~~of~~ the department:

407 (1) On request by the department to certify expenditures
 408 of the premiums awarded to exhibitors of a fair ~~state premium~~ or
 409 of building funds when there is evidence of violation of state
 410 laws; or

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

412 Section 10. Section 616.11, Florida Statutes, is amended
 413 to read:

414 616.11 Association authorized to contract with
 415 municipality, county, or state for use of land; admission fees;
 416 state, counties, and municipalities authorized to make
 417 contributions.—Any fair association may enter into any contract,
 418 lease, or agreement with any municipality or county in the state
 419 or with the state or agency or subdivision of the state ~~thereof~~
 420 for the donation to or the use and occupation by the association

421 of any land owned, leased, or held by the county or municipality
 422 or the state or agency or subdivision of the state thereof
 423 during ~~a such~~ time and on the such terms approved by ~~as~~ the
 424 county or municipality or the state or agency or subdivision
 425 thereof ~~may authorize~~, with the right ~~on the part~~ of the
 426 association to use the property for public charge and ~~receive an~~
 427 ~~admission fee to the fair or exposition~~ purposes ~~or any part~~
 428 ~~thereof~~. The state, the Department of Transportation and ~~or~~ any
 429 other agency or subdivision of the state thereof, the board of
 430 county commissioners of any county within which the fair or
 431 exhibition is held, and the mayor and city council of any
 432 municipality within the county may also make contributions of
 433 money, property, or services to fair associations to assist in
 434 carrying out the purposes of the associations under ~~as~~
 435 ~~authorized by~~ this chapter. The state or any agency or
 436 subdivision of the state, boards of county commissioners of the
 437 various counties of the state, and the mayor and city council of
 438 any municipality within the county may expend ~~in their~~
 439 ~~discretion~~ such sums of money as they deem necessary for the
 440 best interests of their counties and in aiding the development
 441 of the educational, agricultural, horticultural, livestock,
 442 charitable, historical, civic, cultural, scientific, and any
 443 other resources of their counties at and in connection with
 444 public fairs and expositions, including the offering and paying
 445 of premiums for the exhibitions of resources of the state,
 446 county, or municipality ~~their respective counties~~.

447 Section 11. Section 616.12, Florida Statutes, is amended
 448 to read:

449 616.12 Licenses upon certain shows; distribution of fees;
450 exemptions.—

451 (1) Each ~~Every~~ person who operates ~~may operate under any~~
452 ~~terms whatsoever, including a lease arrangement,~~ any traveling
453 show, exhibition, amusement enterprise, carnival, vaudeville,
454 exhibit, minstrel, rodeo, theatrical, game or test of skill,
455 riding device, dramatic repertoire, or other show or amusement,
456 or concession, ~~(including a concession operating in a tent,~~
457 ~~enclosure, or other temporary structure, whether covered or~~
458 ~~uncovered)~~ within the grounds of, and in connection with, any
459 annual public fair or exposition held by a fair association
460 shall pay the license taxes ~~now or hereafter~~ provided by law.~~‡~~
461 However, if in the event the association satisfies the
462 requirements ~~fully qualifies with all other provisions~~ of this
463 chapter, including securing the required fair permit from the
464 department, ~~the traveling show, exhibition, amusement~~
465 ~~enterprise, carnival, vaudeville, minstrel, rodeo, theatrical,~~
466 ~~game or test of skill, riding device, dramatic repertoire, or~~
467 ~~other show or amusement (including a concession operating in a~~
468 ~~tent, enclosure, or other temporary structure, whether covered~~
469 ~~or uncovered)~~ within the grounds of, and in connection with, any
470 ~~such fair or exposition is not required to pay any such license~~
471 taxes and local business tax authorized in chapter 205 are
472 waived and the department shall issue tax, ~~but shall operate~~
473 ~~under a tax exemption certificate issued by the department.~~ The
474 department shall adopt ~~prescribe~~ the proper forms and rules to
475 administer ~~for carrying out the purpose and intent expressed in~~
476 this section, including the necessary tax exemption certificate,

CS/HB 449

2012

477 ~~to be signed by the tax collector,~~ showing that the fair
 478 association has met all requirements and that the traveling
 479 show, exhibition, amusement enterprise, carnival, vaudeville,
 480 exhibit, minstrel, rodeo, theatrical, game or test of skill,
 481 riding device, dramatic repertoire, ~~or~~ other show or amusement,
 482 or concession ~~(including a concession operating in a tent,~~
 483 ~~enclosure, or other temporary structure, whether covered or~~
 484 ~~uncovered) has met in full all requirements of this chapter and~~
 485 ~~accordingly is fully exempt.~~

486 (2) Any fair association securing the required annual fair
 487 permit from the department is exempt from local business tax as
 488 defined by chapter 205 ~~occupational license fees,~~ occupational
 489 permit fees, or any occupational taxes assessed by any county,
 490 municipality, political subdivision, department, ~~or~~ agency, or
 491 instrumentality thereof.

492 Section 12. Section 616.121, Florida Statutes, is amended
 493 to read:

494 616.121 Making false application.—Any person who, with
 495 fraudulent intent, makes or causes to be made any false
 496 statement in an application for a permit to hold an annual ~~a~~
 497 public fair ~~or exposition~~ or in an application for distribution
 498 of the amount paid for license taxes under the provisions of
 499 this chapter, ~~with fraudulent intent of obtaining that permit or~~
 500 ~~amount,~~ and by that false statement obtains that permit or
 501 distribution, ~~any part of that amount for himself or herself or~~
 502 ~~for any firm or corporation in which that person has a financial~~
 503 ~~interest, or for whom that person is acting,~~ commits a
 504 misdemeanor of the first degree, punishable as provided in s.

CS/HB 449

2012

505 775.082 or s. 775.083.

506 Section 13. Section 616.14, Florida Statutes, is amended
507 to read:

508 616.14 Number of fairs; penalty.—

509 (1) A fair association may not conduct more than one
510 annual public fair each calendar year. Any fair association that
511 conducts more than one public fair ~~or exposition~~ during any one
512 calendar year is subject to revocation of its charter by the
513 court granting the charter.

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

518 Section 14. Section 616.15, Florida Statutes, is amended
519 to read:

520 616.15 Permit from Department of Agriculture and Consumer
521 Services required.—

522 (1) An annual ~~No~~ public fair ~~or exposition~~ may not be
523 conducted by a fair association without a permit issued by the
524 department. ~~The permit shall be issued in the following manner:~~
525 The association shall present to the department an application
526 for a ~~the~~ permit, signed by an officer of the association, at
527 least 3 months before holding the annual public fair. ~~The or~~
528 ~~exposition; this~~ application shall be accompanied by a fee in an
529 amount to be determined by the department ~~not to exceed \$366 or~~
530 ~~be less than \$183~~ for processing the application and making any
531 required investigation. The application fee must be at least
532 \$183 and may not exceed \$366. ~~The Fees collected under this~~

CS/HB 449

2012

533 subsection shall be deposited in the General Inspection Trust
534 Fund of the State Treasury in a special account to be known as
535 the "Agricultural and Livestock Fair Account." A copy of the
536 application must be sent to each fair association located within
537 50 miles of the site of the proposed annual public fair ~~or~~
538 ~~exposition~~ at the same time the application is sent to the
539 department. The department may issue a ~~the~~ permit if the
540 applicant provides ~~if the application sets forth:~~

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

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

546 (c) An affidavit properly executed by the president or
547 ~~other~~ chief executive officer of the applicant association
548 certifying the existence of a binding contract entered into by
549 the association ~~or exposition~~ and the owner of the central
550 amusement attraction covering the period for which the permit
551 from the department is applied. The contract ~~or contracts~~
552 between the parties shall be available for inspection by duly
553 authorized agents of the department in administering this
554 chapter.

555 (d) A written statement that the main purpose of the
556 association is to conduct and operate a public ~~the proposed~~ fair
557 and ~~or~~ exposition, including the annual fair, for the benefit
558 and development of the educational, agricultural, horticultural,
559 livestock, charitable, historical, civic, cultural, scientific,
560 and other resources of the geographical area the fair

CS/HB 449

2012

561 association ~~or exposition~~ represents and serves. The statement
562 must ~~shall be in writing,~~ shall be subscribed, and ~~shall be~~
563 acknowledged by an officer of the association before an officer
564 authorized to take acknowledgments.

565 (e) A premium list of the current annual public fair ~~or~~
566 ~~exposition~~ to be conducted or a copy of the previous year's
567 premium list showing all premiums and awards to be offered to
568 exhibitors in various departments of the annual public fair,
569 which may include, but are not limited to, such as art
570 exhibition, beef cattle, county exhibits, dairy cattle,
571 horticulture, swine, women's department, 4-H Club activities,
572 Future Farmers of America activities, Future Homemakers of
573 America activities, poultry and egg exhibits, and community
574 exhibits, ~~the foregoing being a list of the usual exhibitors of~~
575 ~~a fair and not to be construed as limiting the premium list to~~
576 ~~these departments.~~ The premium list, which may be submitted
577 separately from the application, must be submitted at least at
578 ~~any time not later than 60 days before the holding of the~~ annual
579 public fair begins operation ~~or exposition,~~ and the department
580 shall issue the permit as provided in this section within 10
581 days thereafter if the applicant is properly qualified.

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

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

586 (h) A list of all current members of the board of
587 directors of the association and their contact information,
588 including home address addresses.

589
590 The department shall issue the permit within 10 days after it
591 receives all the information and the applicant qualifies
592 pursuant to this section.

593 (2) The department shall administer and enforce the
594 provisions of this chapter except as to the regulation of games,
595 which shall be regulated by local law enforcement agencies. The
596 department shall adopt ~~is authorized to make and publish~~ rules
597 to administer, ~~not inconsistent with~~ this chapter, including
598 rules governing ~~as to~~ the form and contents of the application
599 for the permit and any reports that it may deem necessary in
600 enforcing the provisions of this chapter.

601 (3) Notwithstanding any fair association meeting the
602 requirements set forth in subsection (1), the department may
603 order a full investigation to determine if ~~whether or not~~ the
604 fair association meets ~~in full~~ the requirements of s. 616.01,
605 and ~~accordingly~~ may withhold a permit from, deny a permit to, or
606 withdraw a permit once issued to the association. The department
607 shall also consider whether any proposed annual public fair ~~or~~
608 ~~exposition,~~ as set forth in an application for a permit, will
609 compete with another annual public fair ~~or exposition~~ within 50
610 miles of the proposed annual public fair ~~or exposition~~ with
611 respect to name, dates of operation, or market. The department
612 may deny, withhold, or withdraw a permit from a fair association
613 if the department determines that such fair association will
614 compete with another association. The department shall give
615 preference to existing fair associations with established dates,
616 locations, and names. The determination by the department is

617 ~~shall be~~ final.

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

620 616.17 Minimum exhibits.—

621 (1) An annual ~~No~~ public fair ~~or exposition~~ conducted by a
622 fair association may not be approved by the department for a tax
623 exemption certificate unless the fair association ~~or exposition~~
624 displays at least the following ~~minimum~~ exhibits, ~~but this~~
625 ~~requirement may not be construed as a limitation on the number~~
626 ~~of exhibits which the fair or exposition may have:~~

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

630 (b) Three exhibits of community, individual, or county
631 farm displays.

632 (c) Three exhibits of field crops in at least three
633 different crops.

634 (d) Three exhibits of horticultural products.

635 (e) Three culinary exhibits such as canned fruits, canned
636 vegetables, canned pickles or juices, jams, jellies, cakes,
637 bread, candies, or eggs.

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

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

642 (h) Three exhibits of arts, crafts, photography, or
643 antiques or of scout handiwork.

644 (i) Three exhibits from home demonstration, home

645 economics, educational, religious, or civic groups.

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

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

654 Section 16. Section 616.185, Florida Statutes, is amended
655 to read:

656 616.185 Trespass upon grounds or facilities of public fair
657 ~~or exposition; penalty; arrests.-~~

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

661 (a) Entering and remaining upon any grounds or facilities
662 owned, operated, or controlled by the Florida State Fair
663 Authority or any other association ~~public fair or exposition~~
664 permitted under s. 616.15 and committing any act that ~~which~~
665 disrupts the orderly conduct of any authorized activity of the
666 fair association ~~organization~~ in charge, or its lessees,
667 licensees, or the general public on those grounds or facilities;
668 or

669 (b) Entering and remaining on those grounds or facilities
670 after being directed not to enter or to leave them by the
671 executive director of the authority, chief administrative
672 officer of the fair association ~~or exposition~~, or any employee

673 or agent of the association ~~thereof~~ designated by the executive
 674 director or administrator to maintain order on those grounds and
 675 facilities, after a determination by the executive director,
 676 administrator, employee, or agent that the entering or remaining
 677 on those grounds or facilities is in violation of the rules and
 678 regulations of the Florida State Fair Authority or permitted
 679 ~~public fair~~ association ~~or exposition~~ or is disrupting the
 680 orderly conduct of any authorized activity of the fair
 681 association ~~organization~~ in charge, or its lessees, licensees,
 682 or the general public on those grounds or facilities.

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

688 (3) A law enforcement ~~peace~~ officer may arrest any person
 689 on or off the premises, without a warrant, if the officer has
 690 probable cause for believing such person has committed the
 691 offense of trespass upon the grounds of the Florida State Fair
 692 Authority or any ~~public fair~~ association ~~or exposition~~ permitted
 693 under s. 616.15. Such an arrest does ~~shall~~ not render the law
 694 enforcement ~~peace~~ officer criminally or civilly liable for false
 695 arrest, false imprisonment, or unlawful detention.

696 Section 17. Section 616.19, Florida Statutes, is amended
 697 to read:

698 616.19 Designation of fairs.—Any ~~public fair~~ association
 699 ~~or exposition heretofore or hereafter~~ created pursuant to this
 700 chapter shall be designated by the name stated in the permit

CS/HB 449

2012

701 required or stated by its fair association and is ~~shall be~~
 702 recognized by the state as equal in dignity to the Florida State
 703 Fair and as fully recognized as the Florida State Fair.

704 Section 18. Section 616.21, Florida Statutes, is amended
 705 to read:

706 616.21 Agricultural and livestock exhibit buildings;
 707 conditions for expenditures. ~~No part of~~ Appropriated funds may
 708 not be expended except upon approval and with the recommendation
 709 of the department. Further, ~~the no part of such an~~ appropriation
 710 may not be expended for the construction of a building unless
 711 ~~and until a good~~ fee simple title to the land on which the
 712 building is to be constructed is vested in the county,
 713 municipality, or fair association for which the building is to
 714 be constructed.

715 Section 19. Section 616.23, Florida Statutes, is amended
 716 to read:

717 616.23 Use of buildings.—The buildings authorized by ss.
 718 616.21-616.23 may be used by the county, municipality, or fair
 719 association for ~~which the buildings are built as agricultural or~~
 720 ~~livestock exhibition buildings for~~ public fair or exposition
 721 purposes ~~in the promotion of the agricultural and livestock~~
 722 ~~industries~~. These buildings may be used as office space for
 723 agricultural agents; however, no more than 20 percent of the
 724 buildings may be so used.

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

727 616.24 Enforcement.—

728 (2) It is the duty of each ~~every~~ state attorney, law

729 enforcement officer as defined by chapter 943, and other
 730 appropriate county or municipal officer to enforce this chapter
 731 and the rules adopted pursuant thereto and to assist the
 732 department and its inspectors and agents in the enforcement of
 733 this chapter and the rules adopted pursuant thereto.

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

736 288.1175 Agriculture education and promotion facility.—

737 (4) The Department of Agriculture and Consumer Services
 738 shall certify a facility as an agriculture education and
 739 promotion facility if the Department of Agriculture and Consumer
 740 Services determines that:

741 (a) The applicant is a unit of local government as defined
 742 in s. 218.369, or a fair association as defined in s.
 743 616.001(11) ~~616.001(9)~~, which is responsible for the planning,
 744 design, permitting, construction, renovation, management, and
 745 operation of the agriculture education and promotion facility or
 746 holds title to the property on which such facility is to be
 747 developed and located.

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

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