

By Senator Hays

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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

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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  
57 permit; replacing the term "exhibitions" with the term  
58 "annual public fair" to conform to changes made by the

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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 to  
84 read:

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

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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  
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.

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117        (6)~~(4)~~ "Department" means the Department of Agriculture and  
118 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  
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

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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~~

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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 and  
 201 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.~~

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



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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. Upon ~~After~~ 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

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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 in  
285 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

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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 to  
299 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

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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 or  
331 property remaining in a fair association when the association is  
332 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  
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

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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~~

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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  
 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 to  
 400 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

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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 of  
415 the premiums awarded to exhibitors of a fair ~~state premium~~ or of  
416 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 to  
420 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

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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 to  
455 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~~



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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

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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 to  
516 read:

517 616.14 Number of fairs; penalty.—

518 (1) A fair association may not conduct more than one annual  
519 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.

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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 to  
528 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  
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~~.

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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~~  
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,

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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 directors  
596 of the association and their contact information, including home  
597 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.

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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.

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639 (b) Three exhibits of community, individual, or county farm  
640 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  
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 economics,  
654 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

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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.



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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  
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 to  
706 read:

707 616.19 Designation of fairs.—Any ~~public~~ fair association ~~or~~  
708 ~~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 to  
714 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 to  
725 read:

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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~~  
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

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755 holds title to the property on which such facility is to be  
756 developed and located.

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.