

By the Committees on Budget Subcommittee on Finance and Tax;
Community Affairs; and Agriculture; and Senators Hays and Dean

593-02259-12

2012502c3

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; providing that
29 certain exemptions are not applicable to taxes imposed

593-02259-12

2012502c3

30 under ch. 212, F.S.; amending s. 616.08, F.S.;

31 requiring each fair association to hold an annual

32 public fair; authorizing the fair association to

33 license certain property and to grant, lease, rent, or

34 license space for exhibits and concessions; requiring

35 the fair association to stimulate public interest in

36 the benefit and development of certain resources of

37 the state, any county, or a municipality, including

38 facilities for specified uses; providing that certain

39 fair associations are noncommercial activity

40 providers; amending s. 616.101, F.S.; revising

41 provisions related to the review of association

42 accounts and records; amending s. 616.11, F.S.;

43 clarifying the rights of the association to use

44 certain property for public purposes; adding the

45 Department of Transportation to the list of

46 governmental entities that may make contributions to a

47 fair association to assist it in carrying out its

48 purpose; authorizing state, county, and municipal

49 governments to fund certain projects at or connected

50 with public fairs and expositions; amending s. 616.12,

51 F.S.; revising provisions relating to the exemption

52 from certain license taxes and local business taxes

53 for annual public fairs held by a fair association;

54 amending s. 616.121, F.S., relating to a penalty

55 imposed for making false application for a permit;

56 replacing the term "exhibitions" with the term "annual

57 public fair" to conform to changes made by the act;

58 amending s. 616.14, F.S.; prohibiting a fair

593-02259-12

2012502c3

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

79
80 Be It Enacted by the Legislature of the State of Florida:

81
82 Section 1. Section 616.001, Florida Statutes, is amended to
83 read:

84 616.001 Definitions.—As used in this chapter, the term:

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

593-02259-12

2012502c3

88 s. 616.15.

89 (2)~~(1)~~ "Authority" means the Florida State Fair Authority.

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

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

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

116 (6)~~(4)~~ "Department" means the Department of Agriculture and

593-02259-12

2012502c3

117 Consumer Services.

118 (7)-(5) "District fair" means an annual public a fair that
119 which serves at least five counties and has the exhibits that
120 meet the requirements of ~~which are in accordance with~~ s. 616.17.
121 A district, which fair shall pay at least ~~not less than a~~
122 ~~minimum of~~ \$25,000 in cash premiums or awards to exhibitors ~~of~~
123 ~~the fair~~. Agricultural products must ~~shall~~ be typical of those
124 produced in the counties ~~county~~ the exhibit represents.
125 Livestock may originate from outside the district, but must be
126 registered in the exhibitor's name at least 30 days before the
127 opening day of the fair. Each county is ~~shall be~~ encouraged to
128 have proportionate exhibits, typical of its respective natural
129 resources. Each county shall have exhibits representing ~~in some~~
130 ~~phase of~~ basic resources in agriculture and industry.

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

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

142 (10)-(8) "Exhibitor" means an individual, group of
143 individuals, or business, including a fair association or third
144 party contracting with a fair association, which has an exhibit
145 ~~having an entry or entries in a show or fair.~~

593-02259-12

2012502c3

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

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

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

166 (14)~~(12)~~ "Specialized show" means a show or exhibition
167 exhibiting and emphasizing ~~a~~ livestock or poultry ~~show,~~ or a
168 fruit or vegetable festival, and must ~~shall~~ meet the minimum
169 exhibit requirements specified ~~as defined~~ in s. 616.17. A
170 specialized show may qualify under one of the definitions in
171 subsections ~~(2),~~ (3), (5), (7), and (15) ~~(13)~~.

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

593-02259-12

2012502c3

175 given to exhibitors ~~of the fair.~~

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

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

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

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

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

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

593-02259-12

2012502c3

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

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

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

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

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

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

220 616.02 Acknowledgment of charter.—The proposed charter of a
221 fair association shall be acknowledged by at least three of its
222 subscribers, ~~each a person of good character and reputation,~~
223 before an officer authorized to make acknowledgment of deeds. 7
224 ~~which~~ Subscribers shall also make and take ~~subscribe to~~ an oath,
225 which must ~~to~~ be attached to the proposed charter, stating that
226 the primary objective ~~object~~ of the association is public
227 service and holding, conducting, and promoting public fairs or
228 expositions; that money and other available assets in value
229 exceeding \$5,000 have ~~there has~~ been provided for the purposes
230 of the association ~~property, money, and other available assets~~
231 ~~in value exceeding \$5,000; and that the association will operate~~
232 ~~intends~~ in good faith to carry out the purposes and objectives

593-02259-12

2012502c3

233 ~~objects~~ set forth in its charter.

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

236 616.03 Notice of application; approval and record of
237 charter.—A notice of intention to apply to the circuit court
238 judge for the charter of a fair association must specify,
239 ~~stating the date that~~ ~~time when the~~ application will be made,
240 shall be sent to the department for approval, ~~and then~~ shall be
241 published in a newspaper in the county where the principal
242 office of the association will is to be located once each week
243 for 4 consecutive weeks. The notice must, ~~setting forth~~ briefly
244 summarize the charter and objectives ~~objects~~ of the proposed
245 ~~association to be formed~~. The proposed charter shall be
246 submitted to and approved by the board of county commissioners
247 of the county in which the principal office of the association
248 will is to be located. After ~~Upon~~ approval by ~~of~~ the department
249 and the board of county commissioners, the proposed charter and
250 ~~with~~ proof of ~~both~~ approval and publication shall be submitted
251 to the circuit judge on the date specified ~~at the time named~~ in
252 the notice. ~~and,~~ If no cause is shown to the contrary and ~~if~~
253 the judge finds that the proposed charter is to be in proper
254 form and will serve so sworn to and for the primary objective
255 ~~object~~ of public service, the judge shall approve the charter
256 and issue an order ~~render a decree~~ incorporating the subscribers
257 under the charter for the objectives ~~objects~~ and purposes
258 specified in the charter ~~and with the powers therein specified~~.
259 The charter and order ~~decree~~ of incorporation shall ~~then~~ be
260 recorded in the office of the clerk of the circuit court in the
261 county where the principal office of the association will is to

593-02259-12

2012502c3

262 be located and provided to ~~in the office of~~ the department.
263 After the order is recorded, ~~Thenceforth~~ the subscribers and
264 their associates are shall be incorporated with the objectives
265 and powers established in the charter and under ~~by~~ the name
266 given in the charter ~~and with the objects and powers set forth~~
267 ~~therein.~~ During the publication period, the proposed charter,
268 ~~during the time of publication,~~ shall be on file in the office
269 of the clerk of the circuit court. This section does not
270 preclude a fair association from also filing its duly approved
271 charter with the Department of State pursuant to chapter 617 for
272 notice purposes.

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

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

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

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

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

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

290 (c) Being recorded in the clerk's office, ~~shall be~~

593-02259-12

2012502c3

291 ~~incorporated into the original charter.~~

292

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

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

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

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

310 616.07 Members not personally liable; property of
311 association held in trust; exempt from taxation.—

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

317 (2) All money and property of the association, except that
318 necessary ~~shall, except~~ for the payment of its just debts and
319 liabilities, are ~~be and remain~~ perpetually public property,

593-02259-12

2012502c3

320 shall be administered by the association as trustee, and shall
321 ~~to~~ be used exclusively for the legitimate purpose of the
322 association. So long as they are used for that purpose, all
323 money and property of the association are, and shall be, so long
324 ~~as so used,~~ exempt from all forms of taxation, including special
325 assessments, and any projects, activities, events, programs, and
326 uses authorized by this part serve an essential governmental
327 purpose and, therefore, are not taxable and are not subject to
328 assessments. This section does not provide an exemption from or
329 affect any tax imposed under chapter 212.

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

593-02259-12

2012502c3

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~~

593-02259-12

2012502c3

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 is a noncommercial
394 activity provider.

395 Section 9. Section 616.101, Florida Statutes, is amended to
396 read:

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

593-02259-12

2012502c3

407 association, available to all directors of the association. A
408 certified copy of the review shall be filed with ~~in the office~~
409 ~~of~~ the department:

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

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

415 Section 10. Section 616.11, Florida Statutes, is amended to
416 read:

417 616.11 Association authorized to contract with
418 municipality, county, or state for use of land; admission fees;
419 state, counties, and municipalities authorized to make
420 contributions.—Any fair association may enter into any contract,
421 lease, or agreement with any municipality or county in the state
422 or with the state or agency or subdivision of the state ~~thereof~~
423 for the donation to or the use and occupation by the association
424 of any land owned, leased, or held by the county or municipality
425 or the state or agency or subdivision of the state ~~thereof~~
426 during a such time and on the such terms approved by ~~as~~ the
427 county or municipality or the state or agency or subdivision
428 ~~thereof may authorize~~, with the right ~~on the part~~ of the
429 association to use the property for public charge and ~~receive an~~
430 ~~admission fee to the fair or exposition purposes~~ or any part
431 ~~thereof~~. The state, the Department of Transportation and ~~or~~ any
432 other agency or subdivision of the state ~~thereof~~, the board of
433 county commissioners of any county within which the fair or
434 exhibition is held, and the mayor and city council of any
435 municipality within the county may also make contributions of

593-02259-12

2012502c3

436 money, property, or services to fair associations to assist in
437 carrying out the purposes of the associations under ~~as~~
438 ~~authorized by~~ this chapter. The state or any agency or
439 subdivision of the state, boards of county commissioners of the
440 various counties of the state, and the mayor and city council of
441 any municipality within the county may expend ~~in their~~
442 ~~discretion~~ such sums of money as they deem necessary for the
443 best interests of their counties and in aiding the development
444 of the educational, agricultural, horticultural, livestock,
445 charitable, historical, civic, cultural, scientific, and any
446 other resources of their counties at and in connection with
447 public fairs and expositions, including the offering and paying
448 of premiums for the exhibitions of resources of the state,
449 county, or municipality ~~their respective counties.~~

450 Section 11. Section 616.12, Florida Statutes, is amended to
451 read:

452 616.12 Licenses upon certain shows; distribution of fees;
453 exemptions.—

454 (1) Each ~~Every~~ person who operates ~~may operate under any~~
455 ~~terms whatsoever, including a lease arrangement,~~ any traveling
456 show, exhibition, amusement enterprise, carnival, vaudeville,
457 exhibit, minstrel, rodeo, theatrical, game or test of skill,
458 riding device, dramatic repertoire, ~~or~~ other show or amusement,
459 or concession, ~~(including a concession operating in a tent,~~
460 enclosure, or other temporary structure, ~~whether covered or~~
461 ~~uncovered)~~ within the grounds of, and in connection with, any
462 annual public fair or exposition held by a fair association
463 shall pay the license taxes ~~now or hereafter~~ provided by law. ~~†~~
464 However, if ~~in the event~~ the association satisfies the

593-02259-12

2012502c3

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

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

593-02259-12

2012502c3

494 instrumentality thereof.

495 Section 12. Section 616.121, Florida Statutes, is amended
496 to read:

497 616.121 Making false application.—Any person who, with
498 fraudulent intent, makes or causes to be made any false
499 statement in an application for a permit to hold an annual a
500 public fair ~~or exposition~~ or in an application for distribution
501 of the amount paid for license taxes under the provisions of
502 this chapter, ~~with fraudulent intent of obtaining that permit or~~
503 ~~amount~~, and by that false statement obtains that permit or
504 distribution, ~~any part of that amount for himself or herself or~~
505 ~~for any firm or corporation in which that person has a financial~~
506 ~~interest, or for whom that person is acting~~, commits a
507 misdemeanor of the first degree, punishable as provided in s.
508 775.082 or s. 775.083.

509 Section 13. Section 616.14, Florida Statutes, is amended to
510 read:

511 616.14 Number of fairs; penalty.—

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

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

521 Section 14. Section 616.15, Florida Statutes, is amended to
522 read:

593-02259-12

2012502c3

523 616.15 Permit from Department of Agriculture and Consumer
524 Services required.—

525 (1) An annual ~~No~~ public fair ~~or exposition~~ may not be
526 conducted by a fair association without a permit issued by the
527 department. ~~The permit shall be issued in the following manner:~~
528 The association shall present to the department an application
529 for a ~~the~~ permit, signed by an officer of the association, at
530 least 3 months before holding the annual public fair. ~~The~~ ~~or~~
531 ~~exposition;~~ ~~this~~ application shall be accompanied by a fee in an
532 amount to be determined by the department ~~not to exceed \$366 or~~
533 ~~be less than \$183~~ for processing the application and making any
534 required investigation. The application fee must be at least
535 \$183 and may not exceed \$366. ~~The~~ Fees collected under this
536 subsection shall be deposited in the General Inspection Trust
537 Fund of the State Treasury in a special account to be known as
538 the "Agricultural and Livestock Fair Account." A copy of the
539 application must be sent to each fair association located within
540 50 miles of the site of the proposed annual public fair ~~or~~
541 ~~exposition~~ at the same time the application is sent to the
542 department. The department may issue a ~~the~~ permit if the
543 applicant provides ~~if the application sets forth:~~

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

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

549 (c) An affidavit properly executed by the president or
550 ~~other~~ chief executive officer of the applicant association
551 certifying the existence of a binding contract entered into by

593-02259-12

2012502c3

552 the association ~~or exposition~~ and the owner of the central
553 amusement attraction covering the period for which the permit
554 from the department is applied. The contract ~~or contracts~~
555 between the parties shall be available for inspection by duly
556 authorized agents of the department in administering this
557 chapter.

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

568 (e) A premium list of the current annual public fair ~~or~~
569 ~~exposition~~ to be conducted or a copy of the previous year's
570 premium list showing all premiums and awards to be offered to
571 exhibitors in various departments of the annual public fair,
572 which may include, but are not limited to, ~~such as~~ art
573 exhibition, beef cattle, county exhibits, dairy cattle,
574 horticulture, swine, women's department, 4-H Club activities,
575 Future Farmers of America activities, Future Homemakers of
576 America activities, poultry and egg exhibits, and community
577 exhibits, ~~the foregoing being a list of the usual exhibitors of~~
578 ~~a fair and not to be construed as limiting the premium list to~~
579 ~~these departments.~~ The premium list, which may be submitted
580 separately from the application, must be submitted at least at

593-02259-12

2012502c3

581 ~~any time not later than 60 days before the holding of the annual~~
582 ~~public fair begins operation or exposition, and the department~~
583 ~~shall issue the permit as provided in this section within 10~~
584 ~~days thereafter if the applicant is properly qualified.~~

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

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

589 (h) A list of all current members of the board of directors
590 of the association and their contact information, including home
591 address addresses.

592
593 The department shall issue the permit within 10 days after it
594 receives all the information and the applicant qualifies
595 pursuant to this section.

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

604 (3) Notwithstanding any fair association meeting the
605 requirements set forth in subsection (1), the department may
606 order a full investigation to determine if ~~whether or not~~ the
607 fair association meets ~~in full~~ the requirements of s. 616.01,
608 and ~~accordingly~~ may withhold a permit from, deny a permit to, or
609 withdraw a permit once issued to the association. The department

593-02259-12

2012502c3

610 shall also consider whether any proposed annual public fair ~~or~~
611 ~~exposition~~, as set forth in an application for a permit, will
612 compete with another annual public fair ~~or exposition~~ within 50
613 miles of the proposed annual public fair ~~or exposition~~ with
614 respect to name, dates of operation, or market. The department
615 may deny, withhold, or withdraw a permit from a fair association
616 if the department determines that such fair association will
617 compete with another association. The department shall give
618 preference to existing fair associations with established dates,
619 locations, and names. The determination by the department is
620 ~~shall be~~ final.

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

623 616.17 Minimum exhibits.—

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

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

633 (b) Three exhibits of community, individual, or county farm
634 displays.

635 (c) Three exhibits of field crops in at least three
636 different crops.

637 (d) Three exhibits of horticultural products.

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

593-02259-12

2012502c3

639 vegetables, canned pickles or juices, jams, jellies, cakes,
640 bread, candies, or eggs.

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

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

645 (h) Three exhibits of arts, crafts, photography, or
646 antiques or of scout handiwork.

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

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

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

657 Section 16. Section 616.185, Florida Statutes, is amended
658 to read:

659 616.185 Trespass upon grounds or facilities of public fair
660 ~~or exposition~~; penalty; arrests.-

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

664 (a) Entering and remaining upon any grounds or facilities
665 owned, operated, or controlled by the Florida State Fair
666 Authority or any other association ~~public fair or exposition~~
667 permitted under s. 616.15 and committing any act that ~~which~~

593-02259-12

2012502c3

668 disrupts the orderly conduct of any authorized activity of the
669 fair association ~~organization~~ in charge, or its lessees,
670 licensees, or the general public on those grounds or facilities;
671 or

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

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

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

593-02259-12

2012502c3

697 enforcement ~~peace~~ officer criminally or civilly liable for false
698 arrest, false imprisonment, or unlawful detention.

699 Section 17. Section 616.19, Florida Statutes, is amended to
700 read:

701 616.19 Designation of fairs.—Any ~~public~~ fair association ~~or~~
702 ~~exposition heretofore or hereafter~~ created pursuant to this
703 chapter shall be designated by the name stated in the permit
704 required or stated by its fair association and is ~~shall be~~
705 recognized by the state as equal in dignity to the Florida State
706 Fair and as fully recognized as the Florida State Fair.

707 Section 18. Section 616.21, Florida Statutes, is amended to
708 read:

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

718 Section 19. Section 616.23, Florida Statutes, is amended to
719 read:

720 616.23 Use of buildings.—The buildings authorized by ss.
721 616.21-616.23 may be used by the county, municipality, or fair
722 association for ~~which the buildings are built as agricultural or~~
723 ~~livestock exhibition buildings for~~ public fair or exposition
724 purposes ~~in the promotion of the agricultural and livestock~~
725 ~~industries~~. These buildings may be used as office space for

593-02259-12

2012502c3

726 agricultural agents; however, no more than 20 percent of the
727 buildings may be so used.

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

730 616.24 Enforcement.—

731 (2) It is the duty of each ~~every~~ state attorney, law
732 enforcement officer as defined by chapter 943, and other
733 appropriate county or municipal officer to enforce this chapter
734 and the rules adopted pursuant thereto and to assist the
735 department and its inspectors and agents in the enforcement of
736 this chapter and the rules adopted pursuant thereto.

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

739 288.1175 Agriculture education and promotion facility.—

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

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

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

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