

1 A bill to be entitled
2 An act relating to agriculture and consumer
3 services; amending s. 501.913, F.S.; revising
4 provisions relating to identity of registrant
5 of antifreeze; providing liability; amending s.
6 501.916, F.S., relating to mislabeling of
7 antifreeze; revising required labeling to be
8 included on antifreeze; amending s. 501.919,
9 F.S.; revising provisions relating to
10 enforcement and stop-sale orders; amending s.
11 501.922, F.S., relating to violation of the
12 antifreeze act; revising penalties and
13 suspension of registration; repealing s.
14 531.54, F.S., relating to salaries and expenses
15 of enforcement; amending s. 570.191, F.S.,
16 relating to the Agricultural Emergency
17 Eradication Trust Fund; clarifying the
18 definition of "agricultural emergency";
19 amending s. 570.46, F.S.; revising the powers
20 and duties of the Division of Standards;
21 deleting a reference to testing of samples;
22 amending s. 570.48, F.S., relating to duties of
23 the Division of Fruit and Vegetables; providing
24 for the appointment, certification, licensure,
25 and supervision of certain inspectors; amending
26 s. 570.952, F.S., relating to the Florida
27 Agriculture Center and Horse Park Authority;
28 deleting requirements relating to a quorum and
29 official actions; creating s. 570.235, F.S.;
30 creating the Pest Exclusion Advisory Committee
31 within the Department of Agriculture and

1 Consumer Services; establishing membership of
2 the advisory committee; providing duties of the
3 advisory committee; requiring a report;
4 amending s. 581.184, F.S.; establishing a
5 citrus canker-free buffer area; requiring the
6 development of a compensation plan; providing a
7 limitation for compensation; amending s.
8 588.011, F.S.; revising legal fence
9 requirements; amending s. 588.12, F.S.;
10 revising legislative findings regarding
11 livestock at large; amending s. 588.13, F.S.;
12 revising definitions; repealing s. 588.14,
13 F.S.; relating to duty of owners of livestock;
14 amending s. 588.16, F.S.; revising the
15 authority to impound livestock running at
16 large; amending s. 588.17, F.S.; revising
17 provisions relating to the disposition of
18 impounded livestock; amending s. 588.18, F.S.;
19 revising fees relating to livestock at large;
20 amending s. 588.19, F.S.; revising procedures
21 for defraying certain costs; amending s.
22 589.081, F.S.; clarifying language regarding
23 distribution to counties of gross receipts
24 funds from Withlacoochee and Goethe State
25 Forests; amending s. 593.1141, F.S.; revising
26 references to the Agricultural Stabilization
27 and Conservation Service; amending s. 616.05,
28 F.S.; clarifying requirements regarding the
29 publication of notice to amend the charter of a
30 fair association; amending s. 616.07, F.S.;
31 revising the tax exempt status of fair

1 associations to include exemption from special
2 assessments; amending s. 616.08, F.S.;
3 clarifying provisions regarding the authority
4 of a fair association to sell, mortgage, lease,
5 or convey property; amending s. 616.13, F.S.;
6 revising restrictions regarding the operation
7 of temporary amusement rides; amending s.
8 616.15, F.S.; requiring certain notice to be
9 sent upon application for a permit to conduct a
10 public fair or exposition; requiring the
11 department to consider proximity of fairs and
12 expositions when issuing permits; authorizing
13 the denial or withdrawal of permits based on
14 competition; amending s. 616.242, F.S.,
15 relating to safety standards for amusement
16 rides; revising documentation provided to the
17 department for an annual permit; revising the
18 rulemaking authority of the department;
19 revising fees and inspection standards;
20 prohibiting bungy catapulting or reverse bungy
21 jumping; amending s. 616.260, F.S.; revising
22 the tax exempt status of the Florida State Fair
23 Authority to include exemption from special
24 assessments; amending s. 823.14, F.S.;
25 clarifying a definition pertaining to the
26 Florida Right to Farm Act; amending s. 828.12,
27 F.S.; revising provisions relating to cruelty
28 to animals; amending s. 828.125, F.S., relating
29 to killing or aggravated abuse of registered
30 breed horses or cattle; revising provisions
31 relating to prohibited acts; amending s.

1 823.14, F.S.; providing legislative findings
2 regarding the effect of music on animal
3 husbandry; preempting nuisance from noise from
4 raising livestock to the state; providing
5 findings; establishing certain sound limits;
6 providing that certain special assessments
7 shall not be due from a fair association or
8 state fair; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Subsection (1) of section 501.913, Florida
13 Statutes, is amended to read:

14 501.913 Registration.--

15 (1) Each brand of antifreeze to be distributed in this
16 state shall be registered with the department prior to
17 distribution. The person whose name appears on the label, the
18 manufacturer, or the packager shall make application to the
19 department on forms provided by the department no later than
20 July 1 of each year. The registrant assumes, by application to
21 register the brand, full responsibility for the quality and
22 quantity of the product sold, offered, or exposed for sale in
23 this state.

24 Section 2. Subsection (1) of section 501.916, Florida
25 Statutes, is amended to read:

26 501.916 Mislabeling of antifreeze.--Antifreeze shall
27 be deemed to be mislabeled:

28 (1) If it does not bear a label which specifies:

29 (a) The brand of the product.

30 (b)~~(a)~~ The identity of the product.
31

1 (c)~~(b)~~ The name and address of the manufacturer,
2 packager, ~~or~~ distributor, or registrant.

3 (d)~~(c)~~ The net quantity of contents (in terms of
4 liquid measure) separately and accurately in a uniform
5 location upon the principal display panel.

6 (e)~~(d)~~ A statement warning of any hazard of
7 substantial injury to human beings which may result from the
8 intended use or reasonably foreseeable misuse of the
9 antifreeze.

10 (f)~~(e)~~ The primary chemical component functioning as
11 the antifreeze agent.

12 (g)~~(f)~~ The appropriate amount, percentage, proportion,
13 or concentration of the antifreeze to be used to provide
14 claimed protection from freezing at a specified degree or
15 degrees of temperature, claimed protection from corrosion, or
16 claimed increase of boiling point or protection from
17 overheating.

18 Section 3. Subsection (3) of section 501.919, Florida
19 Statutes, is amended to read:

20 501.919 Enforcement; stop-sale order.--

21 (3) Nothing in this act shall be construed to require
22 the department to report for prosecution or for institution of
23 libel proceedings any minor violations of the act whenever it
24 believes that the public interest will be best served by a
25 suitable notice of warning in writing to the violator
26 ~~registrant or the person whose name and address appears on the~~
27 ~~label~~.

28 Section 4. Section 501.922, Florida Statutes, is
29 amended to read:

30 501.922 Violation.--

31

1 (1) The department may enter an order imposing one or
2 more of the following penalties against any person who
3 violates any provision of ss. 501.91-501.923 or impedes,
4 obstructs, or hinders the department in performance of its
5 duties in connection with the provisions of these sections.

6 (a) Imposition of an administrative fine of not more
7 than \$1,000 per violation for the first time offender. For a
8 second or repeat offender, or any person who willfully and
9 intentionally violates any provisions of this section, the
10 administrative fine shall not exceed \$5,000 per violation.

11 (b) Revocation or suspension of any registration
12 issued by the department. Any suspension shall not exceed one
13 year.

14 (2) If a registrant in violation of ss. 501.91-501.923
15 fails to pay a fine within 30 days, then all registrations
16 issued by the department to the registrant may be suspended
17 until such time as the fine is paid.~~The registration with the~~
18 ~~department of any person who violates this act or fails to~~
19 ~~comply with any of the provisions of this act may be subject~~
20 ~~to suspension or revocation. Any suspension shall not exceed~~
21 ~~1 year. In addition to any suspension or revocation, for each~~
22 ~~violation, the department may levy a fine which shall not~~
23 ~~exceed \$5,000 per violation. If the person in violation of~~
24 ~~ss. 501.91-501.923 fails to pay the fine within 30 days, then~~
25 ~~his or her registration may be suspended until such time as~~
26 ~~the fine is paid.~~

27 (3) All fines collected by the department shall be
28 deposited in the General Inspection Trust Fund.

29 Section 5. Section 531.54, Florida Statutes, is hereby
30 repealed.

31

1 Section 6. Section 570.191, Florida Statutes, 1998
2 Supplement, is amended to read:

3 570.191 Agricultural Emergency Eradication Trust
4 Fund.--There is created in the office of the commissioner the
5 Agricultural Emergency Eradication Trust Fund. Funds in the
6 trust fund may be made available upon certification by the
7 commissioner that an agricultural emergency exists and that
8 funds specifically appropriated for the emergency's purpose
9 are exhausted or insufficient to eliminate the agricultural
10 emergency. The term "agricultural emergency" means an animal
11 or plant disease, insect infestation, or plant or pest
12 endangering or threatening the horticultural, aquacultural, or
13 other ~~and~~ agricultural interests in this state.

14 Section 7. Subsection (5) of section 570.46, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 570.46 Division of Standards; powers and duties.--The
17 duties of the Division of Standards include, but are not
18 limited to:

19 ~~(5) Testing samples, including those submitted by the~~
20 ~~Department of Management Services and the Department of~~
21 ~~Education, to establish and verify conformity with state~~
22 ~~specifications.~~

23 Section 8. Subsection (7) is added to section 570.48,
24 Florida Statutes, to read:

25 570.48 Division of Fruit and Vegetables; powers and
26 duties; records.--The duties of the Division of Fruit and
27 Vegetables include, but are not limited to:

28 (7) Appointing, certifying, licensing, and supervising
29 inspectors whose duties shall be to inspect fruit and
30 vegetables regulated by state law where no federal law
31 requires such inspectors to be licensed or certified by the

1 federal government, other provisions of the law
2 notwithstanding.

3 Section 9. Subsections (5) and (6) of section 570.952,
4 Florida Statutes, 1998 Supplement, are amended to read:

5 570.952 Florida Agriculture Center and Horse Park
6 Authority.--

7 ~~(5) A majority of the members shall constitute a~~
8 ~~quorum, and action by a majority of a quorum shall be~~
9 ~~official.~~

10 ~~(5)(6) Beginning January 1, 1995,~~The commissioner
11 shall submit information annually to the Speaker of the House
12 of Representatives and the President of the Senate reporting
13 the activities of the Florida Agriculture Center and Horse
14 Park Authority and the progress of the Florida Agriculture
15 Center and Horse Park, including, but not limited to,
16 pertinent planning, budgeting, and operational information
17 concerning the authority.

18 Section 10. Section 570.235, Florida Statutes, is
19 created to read:

20 570.235 Pest Exclusion Advisory Committee.--

21 (1) There is created within the department a Pest
22 Exclusion Advisory Committee. The advisory committee shall be
23 composed of 24 members.

24 (a) The Commissioner of Agriculture shall appoint 17
25 members representing the following:

26 1. Two members from the Florida Department of
27 Agriculture and Consumer Services.

28 2. Two citizens at large.

29 3. One member from each of the following agricultural
30 production groups:

31 a. Row crops.

- 1 b. Citrus.
2 c. Horticulture.
3 d. Forestry.
4 e. Cattle.
5 f. Dairy.
6 g. Pork.
7 h. Poultry.
8 i. Horses.
9 j. Aquaculture.
10 k. Apiary.
11 4. One member representing research programs in the
12 state's land grant institutions.
13 5. One member representing extension programs in the
14 state's land grant institutions.
15 (b) In addition, the committee shall be composed of
16 the following 7 members:
17 1. Two members representing and appointed by the
18 Animal and Plant Health Inspection Service, United States
19 Department of Agriculture.
20 2. One member representing and appointed by the
21 Florida Department of Health.
22 3. One member representing and appointed by the
23 Florida Department of Environmental Protection.
24 4. One member representing and appointed by the
25 Florida Game and Fresh Water Fish Commission.
26 5. One member appointed by the Speaker of the House of
27 Representatives.
28 6. One member appointed by the President of the
29 Senate.
30 (2) The advisory committee shall be governed by the
31 provisions of s. 570.0705 and shall have the responsibility of

1 reviewing and evaluating the state's existing and future
2 exclusion, detection, and eradication programs. The
3 Commissioner of Agriculture shall appoint the chair of the
4 committee. In evaluating the programs, the advisory committee
5 shall:

6 (a) Require the scientific community to provide
7 necessary scientific background on Florida's programs. Using
8 such information, the committee shall evaluate the scientific
9 basis for the programs.

10 (b) Review current Florida laws and regulations and
11 recommend changes.

12 (c) Identify exotic plants and pests in foreign
13 countries that pose a significant threat to consumer safety
14 and have a high likelihood of being introduced into the state.

15 (d) Identify high-risk areas for pest introduction and
16 offer recommendations for specific programmatic activities to
17 address such risk.

18 (e) Study the possibility of partnerships with other
19 public and private entities to develop programs, projects, and
20 activities which may be cost effective and which may assist in
21 implementing a pest exclusion program.

22 (f) Address any area of concern that is raised
23 regarding the state's pest exclusion, detection, and
24 eradication program.

25 (g) Make recommendations to the Commissioner of
26 Agriculture, the Governor, the Speaker of the House of
27 Representatives, and the President of the Senate for needs and
28 changes in these programs, including funding requirements and
29 needs.

30 (3) The committee shall issue a report of its findings
31 to the Commissioner of Agriculture, the Governor, the Speaker

1 of the House of Representatives, and the President of the
2 Senate by January 1, 2001.

3 Section 11. Section 581.184, Florida Statutes, is
4 amended to read:

5 581.184 Promulgation of rules; citrus canker
6 eradication; voluntary destruction agreements; buffer area.--

7 (1) In addition to the powers and duties set forth
8 under this chapter the department is directed to adopt rules
9 specifying facts and circumstances that, if present, would
10 require the destruction of plants for purposes of eradicating,
11 controlling, or preventing the dissemination of citrus canker
12 disease in the state. In addition, the department is directed
13 to adopt rules regarding the conditions under which citrus
14 plants can be grown, moved, and planted in this state as may
15 be necessary for the eradication, control, or prevention of
16 the dissemination of citrus canker. Such rules shall be in
17 effect for any period during which, in the judgment of the
18 Commissioner of Agriculture, there is the threat of the spread
19 of citrus canker disease in the state. Such rules may provide
20 for the conduct of any activity regulated by such rules
21 subject to an agreement by persons wishing to engage in such
22 activity to voluntarily destroy, at their own expense, citrus
23 plants declared by the department to be imminently dangerous
24 by reason of being infected or infested with citrus canker or
25 exposed to infection and likely to communicate same. The
26 terms of such agreement may also require the destruction of
27 healthy plants under specified conditions. Any such
28 destruction shall be done after reasonable notice in a manner
29 pursuant to and under conditions set forth in the agreement.
30 Such agreements may include releases and waivers of liability
31 and may require the agreement of other persons.

1 (2) The department, pursuant to s. 581.031(15) and
2 (17), may create a citrus canker host-free buffer area,
3 delineated by department rule, to retard the spread of citrus
4 canker from known infected areas. In addition, the department
5 shall develop a compensation plan for the trees removed from
6 the buffer area. Compensation for the trees removed from the
7 buffer area is subject to annual legislative appropriation.

8 Section 12. Subsection (1) of section 588.011, Florida
9 Statutes, is amended to read:

10 588.011 Legal fence; requirements.--

11 (1) Any fence or enclosure at least 3 feet in height
12 made of barbed or other soft wire consisting of not less than
13 three strands of wire stretched securely on posts, trees, or
14 other supports, standing not more than 20 feet apart; or when
15 using battens, up to 60 feet apart for non-electric and 150
16 feet apart for electric if constructed with high tensile wire
17 in accordance with the manufacturer's specifications, shall be
18 considered as a legal fence.

19 Section 13. Section 588.12, Florida Statutes, is
20 amended to read:

21 588.12 Livestock at large; legislative
22 findings.--There is hereby found and declared a necessity for
23 a statewide livestock law embracing all lands ~~public roads~~ of
24 the state and necessity that its application be uniform
25 throughout the state, except as hereinafter provided.

26 Section 14. Subsection (3) of section 588.13, Florida
27 Statutes, is amended to read:

28 588.13 Definitions.--In construing ss. 588.12-588.25
29 the following words, phrases, or terms shall be held to mean:

30 (3) Livestock "running at large" or "straying" shall
31 mean any livestock found or being on any public land, or land

1 belonging to a person other than the owner of the livestock,
2 without the landowner's permission, and posing a threat to
3 public safety ~~public road of this state and either apparently~~
4 ~~a neglected animal or not under manual control of a person.~~

5 Section 15. Section 588.14, Florida Statutes, is
6 repealed.

7 Section 16. Section 588.16, Florida Statutes, is
8 amended to read:

9 588.16 Authority to impound livestock running at large
10 or strays.--It shall be the duty of the sheriff or her or his
11 deputies or designees, or any other law enforcement officer of
12 the county, the county animal control center, or state highway
13 patrol officers, where livestock is found to be running at
14 large or straying, to take up, confine, hold, and impound any
15 such livestock, to be disposed of as hereinafter provided.

16 Section 17. Subsection (1) of section 588.17, Florida
17 Statutes, is amended to read:

18 588.17 Disposition of impounded livestock.--

19 (1) Upon the impounding of any livestock by the
20 sheriff or his or her deputies or designees, or any other law
21 enforcement officers of the county, the county animal control
22 center, or state highway patrol officers, the sheriff shall
23 forthwith serve written notice upon the owner, advising such
24 owner of the location or place where the livestock is being
25 held and impounded, of the amount due by reason of such
26 impounding, and that unless such livestock be redeemed within
27 3 days from date thereof that the same shall be offered for
28 sale.

29 Section 18. Section 588.18, Florida Statutes, is
30 amended to read:

31

1 588.18 Livestock at large; fees.--The fees allowed for
2 impounding, serving notice, care and feeding, advertising, and
3 disposing of impounded animals shall be determined by the
4 sheriff of each county. Damages done by the sheriff, sheriff's
5 designees, or any other law enforcement officer in the
6 pursuit, or in the capture, handling, or care of the livestock
7 are the sole responsibility of the sheriff or other law
8 enforcement agency.~~as follows:~~

9 ~~(1) For impounding each animal, the sum of \$20 and~~
10 ~~mileage incurred, at the rate of 20 cents per mile.~~

11 ~~(2) For serving any notice and making return thereon,~~
12 ~~the sum of \$10 and mileage incurred, at the rate of 20 cents~~
13 ~~per mile.~~

14 ~~(3) For feed and care of impounded animals, the sum of~~
15 ~~\$5 per day per animal.~~

16 ~~(4) For advertising or posting notices of sale of~~
17 ~~impounded animals, the same as provided by law for advertising~~
18 ~~property for sale under process.~~

19 ~~(5) For sale or other dispositions of impounded~~
20 ~~animals, the sum of \$5.~~

21 ~~(6) For report of sale of impounded animals, the sum~~
22 ~~of \$2.50.~~

23 Section 19. Section 588.19, Florida Statutes, is
24 amended to read:

25 588.19 Failure to secure purchaser or insufficient
26 funds to defray certain costs.--If there be no bidder for such
27 livestock at the sale aforesaid, and the sheriff has been
28 unable to locate the owner through the notice procedures
29 described in this chapter, the sheriff shall sell the
30 livestock at the nearest livestock auction yard. The proceeds
31 from the sale shall be used to reimburse the expenses incurred

1 in capturing, maintaining, and selling the livestock, and in
2 attempting to locate the owner. Any money remaining after all
3 expenses are paid shall be given to the owner of the
4 livestock, if known.~~the sheriff shall either offer the~~
5 ~~livestock for adoption or kill, or cause to be killed, the~~
6 ~~same and shall dispose of the carcass thereof; if there be any~~
7 ~~money received by him or her on account of the said disposal,~~
8 ~~the same shall be disbursed in the manner hereinafter~~
9 ~~provided; and, if there be no ready sale for said carcass,~~In
10 the alternative,the sheriff may ~~shall~~ forthwith deliver the
11 carcass to a public institution of the county, state, or
12 municipality within said county or to any private charitable
13 institution, in the order herein set forth, according to their
14 needs.

15 Section 20. Section 589.081, Florida Statutes, is
16 amended to read:

17 589.081 Withlacoochee State Forest and Goethe State
18 Forest; payment to counties of portion of gross receipts.--The
19 Division of Forestry shall pay 15 percent of the gross
20 receipts from Withlacoochee State Forest and the Goethe State
21 Forest to each county in which a portion of such forests is
22 located,~~Hernando, Citrus, Sumter, Levy, and Pasco Counties~~ in
23 proportion to the forest acreage located in each county. The
24 funds must be equally divided between the board of county
25 commissioners and the school board of each county.

26 Section 21. Section 593.1141, Florida Statutes, is
27 amended to read:

28 593.1141 Authority to enter agreements with the Farm
29 Service Agency ~~Agricultural Stabilization and Conservation~~
30 ~~Service.~~--The department is authorized to enter into
31 agreements with the Farm Service Agency, "FSA,"~~Agricultural~~

1 ~~Stabilization and Conservation Service, "ASCS,"~~for the
2 purpose of allowing a cotton grower to tender payment of
3 assessments, including penalties, to the FSA ~~ASCS~~.

4 Section 22. Section 616.05, Florida Statutes, is
5 amended to read:

6 616.05 Amendment of charter.--Any fair association
7 desiring to propose an amendment of its charter may do so by
8 resolution as provided in its bylaws. The proposed amendment
9 shall be submitted to the department for approval. When
10 approved, the proposed amendment, upon publication of notice
11 in the same manner as provided in s. 616.03, placement on file
12 in the office of the clerk of the circuit court and in the
13 office of the department, the rendering of a decree of the
14 circuit judge approving and allowing the amendment, and being
15 recorded in the clerk's office, shall be incorporated into the
16 original charter.

17 Section 23. Subsection (1) of section 616.07, Florida
18 Statutes, is amended to read:

19 616.07 Members not personally liable; property of
20 association held in trust; exempt from taxation.--

21 (1) No member, officer, director, or trustee of a fair
22 association shall be personally liable for any of the debts of
23 the association; and no money or property of a fair
24 association shall be distributed as profits or dividends among
25 its members, officers, directors, or trustees, but all money
26 and property of the association shall, except for the payment
27 of its just debts and liabilities, be and remain perpetually
28 public property, administered by the association as trustee,
29 to be used exclusively for the legitimate purpose of the
30 association, and shall be, so long as so used, exempt from all
31 forms of taxation, including special assessments.

1 Section 24. Section 616.08, Florida Statutes, is
2 amended to read:

3 616.08 Additional powers of association.--Every fair
4 association shall have the power to hold, conduct, and operate
5 public fairs and expositions annually and for such purpose to
6 buy, lease, acquire, and occupy lands, erect buildings and
7 improvements of all kinds thereon, and develop those lands,
8 buildings, and improvements; to sell, mortgage, lease, or
9 convey any such property or any part thereof, in its
10 discretion, from time to time for public fair or exposition
11 purposes; to charge and receive compensation for admission to
12 those fairs and expositions, for the sale or renting of space
13 for exhibitions, and for other privileges; to conduct and hold
14 public meetings; to supervise and conduct lectures and all
15 kinds of demonstration work in connection with or for the
16 improvement of agriculture, horticulture, stockraising and
17 poultry raising, and all kinds of farming and matters
18 connected therewith; to hold exhibits of agricultural and
19 horticultural products and livestock, chickens, and other
20 domestic animals; to give certificates or diplomas of
21 excellence; to promote the progress of the geographical area
22 it represents and serves and stimulate public interest in the
23 advantages and development of that area by providing
24 facilities for agricultural and industrial exhibitions, public
25 gatherings, cultural activities, and other functions which the
26 association determines will enhance the educational, physical,
27 economic, and cultural interests of the public; and generally
28 to do, perform, and carry out all matters, acts, and business
29 usual or proper in connection with public fairs and
30 expositions; but this enumeration of particular powers shall
31 not be in derogation of or limit any special provisions of the

1 charter of the association inserted for the regulation of its
2 business, and the conduct of its affairs of creating,
3 defining, limiting, and regulating the powers of the
4 association or its officers or members; provided, the
5 treasurer or similar officer of the association shall be
6 required to give a good and sufficient bond with a surety
7 company duly authorized under the laws of the state, payable
8 to the association and in an amount equal to the value of the
9 total amount of money and other property in that officer's
10 possession or custody, in addition to the value of any money
11 and property of the association that may reasonably be
12 expected to come into that officer's possession or custody.

13 Section 25. Section 616.13, Florida Statutes, 1998
14 Supplement, is amended to read:

15 616.13 Restrictions on other amusement rides licenses
16 ~~upon shows within 5 miles of fair.--No~~ Every person shall
17 engage ~~engaged~~ in the business of providing temporary
18 amusement rides as defined in s. 616.242, within a 5-mile
19 radius ~~5 miles~~ of and within 30 days before or during any
20 public fair or exposition being operated by a fair
21 association, when not operating in connection with that fair
22 or exposition, except with the written consent of the affected
23 fair association ~~shall pay a license tax of \$1,000 per day.~~

24 Section 26. Subsections (1) and (3) of section 616.15,
25 Florida Statutes, are amended to read:

26 616.15 Permit from Department of Agriculture and
27 Consumer Services required.--

28 (1) No public fair or exposition may be conducted by a
29 fair association without a permit issued by the department.
30 The permit shall be issued in the following manner: The
31 association shall present to the department an application for

1 the permit, signed by an officer of the association, at least
2 3 months before holding the fair or exposition; this
3 application shall be accompanied by a fee in an amount to be
4 determined by the department not to exceed \$366 or be less
5 than \$183 for processing the application and making any
6 required investigation. The fees collected under this
7 subsection shall be deposited in the General Inspection Trust
8 Fund of the State Treasury in a special account to be known as
9 the "Agricultural and Livestock Fair Account." At the same
10 time the application is sent to the department, a copy of the
11 application shall be sent to each fair association located
12 within 50 miles of the site of the proposed fair or
13 exposition.The department may issue the permit with the
14 advice and counsel of the Agricultural and Livestock Fair
15 Council, provided the application sets forth:

16 (a) The opening and closing dates of the proposed fair
17 or exposition.

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

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

29 (d) A statement that the main purpose of the
30 association is to conduct and operate the proposed fair or
31 exposition for the benefit and development of the educational,

1 agricultural, horticultural, livestock, charitable,
2 historical, civic, cultural, scientific, and other resources
3 of the geographical area the fair or exposition represents and
4 serves. The statement shall be in writing, shall be
5 subscribed, and shall be acknowledged by an officer of the
6 association before an officer authorized to take
7 acknowledgments.

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

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

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

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

29 (3) Notwithstanding any fair association meeting the
30 requirements set forth in subsection (1), the department may
31 order a full investigation to determine whether or not the

1 fair association meets in full the requirements of s. 616.01
2 and accordingly may withhold a permit from, deny a permit to,
3 or withdraw a permit once issued to the association. The
4 department shall also consider whether any proposed fair or
5 exposition, as set forth in an application for permit, will
6 compete with another public fair or exposition within 50
7 miles, in name, dates of operation, or market. The department
8 may deny, withhold, or withdraw a permit from a fair
9 association upon determination that a proposed fair or
10 exposition competes with another fair or exposition.
11 Preference in permitting shall be given to existing fairs or
12 expositions with established dates, locations, and names.The
13 determination by the department shall be final.

14 Section 27. Paragraph (b) of subsection (5), paragraph
15 (a) of subsection (8), and paragraph (a) of subsection (10) of
16 section 616.242, Florida Statutes, 1998 Supplement, are
17 amended, paragraph (i) is redesignated as paragraph (j), a new
18 paragraph (i) is added to subsection (11), and paragraph (e)
19 is added to subsection (17) of said section, to read:

20 616.242 Safety standards for amusement rides.--

21 (5) ANNUAL PERMIT.--

22 (b) To apply for an annual permit an owner must submit
23 to the department a written application on a form prescribed
24 by rule of the department, which must include the following:

25 1. The legal name, address, and primary place of
26 business of the owner.

27 2. A description, manufacturer's name, serial number,
28 model number and, if previously assigned, the United States
29 Amusement Identification Number of the amusement ride.

30 3. A valid certificate of insurance or bond for each
31 amusement ride.

1 4. An affidavit of compliance that the amusement ride
2 was inspected in person by the affiant and that the amusement
3 ride is in general conformance with the requirements of this
4 section and all applicable rules adopted by the department.
5 The affidavit must be executed by a professional engineer or a
6 qualified inspector no earlier than 60 days before, but not
7 later than, the date of the filing of the application with the
8 department. The owner shall request inspection and permitting
9 of the amusement ride within 60 days of the date of filing the
10 application with the department. The department shall inspect
11 and permit the amusement ride within 60 days of the date the
12 affidavit was executed.

13 5. If required by subsection (6), an affidavit of
14 nondestructive testing dated and executed no earlier than 60
15 days prior to, but not later than, the date of the filing of
16 the application with the department. The owner shall request
17 inspection and permitting of the amusement ride within 60 days
18 of the date of filing the application with the department. The
19 department shall inspect and permit the amusement ride within
20 60 days of the date the affidavit was executed.

21 6. A request for inspection.

22 7. Upon request, the owner shall, at no cost to the
23 department, provide the department a copy of the
24 manufacturer's current recommended operating instructions in
25 the possession of the owner, the owner's operating fact sheet,
26 and any written bulletins in the possession of the owner
27 concerning the safety, operation, or maintenance of the
28 amusement ride.

29 (8) FEES.--

30 (a) The department may ~~shall~~ by rule establish fees to
31 cover the ~~100 percent of all~~ costs and expenditures associated

1 with the Bureau of Fair Rides Inspection, including all direct
2 costs, and all indirect costs, ~~and all division, data center,~~
3 ~~and administrative overhead~~. The fees must be deposited in the
4 General Inspection Trust Fund.

5 (10) EXEMPTIONS.--

6 (a) This section does not apply to:

7 1. Permanent facilities that employ at least 1,000
8 full-time employees and that maintain full-time, in-house
9 safety inspectors. Furthermore, the permanent facilities must
10 file an affidavit of the annual inspection with the
11 department, on a form prescribed by rule of the department
12 ~~required by paragraph (5)(b)~~. Additionally, the Department of
13 Agriculture and Consumer Services may consult annually with
14 the permanent facilities regarding industry safety programs.

15 2. Any playground operated by a school, local
16 government, or business licensed under chapter 509, if the
17 playground is an incidental amenity and the operating entity
18 is not primarily engaged in providing amusement, pleasure,
19 thrills, or excitement.

20 3. Museums or other institutions principally devoted
21 to the exhibition of products of agriculture, industry,
22 education, science, religion, or the arts.

23 4. Conventions or trade shows for the sale or exhibit
24 of amusement rides if there are a minimum of 15 amusement
25 rides on display or exhibition, and if any operation of such
26 amusement rides is limited to the registered attendees of the
27 convention or trade show.

28 5. Skating rinks, arcades, lazer or paint ball war
29 games, bowling alleys, miniature golf courses, mechanical
30 bulls, inflatable rides, trampolines, ball crawls, exercise
31 equipment, jet skis, paddle boats, air boats, helicopters,

1 airplanes, parasails, hot air or helium balloons whether
2 tethered or untethered, theatres, batting cages, stationary
3 spring-mounted fixtures, rider-propelled merry-go-rounds,
4 games, side shows, live animal rides, or live animal shows.

5 6. Go-karts operated in competitive sporting events if
6 participation is not open to the public.

7 7. Nonmotorized playground equipment that is not
8 required to have a manager.

9 8. Coin-actuated amusement rides designed to be
10 operated by depositing coins, tokens, credit cards, debit
11 cards, bills, or other cash money and which are not required
12 to have a manager, and which have a capacity of six persons or
13 less.

14 9. Facilities described in s. 549.09(1)(a) when such
15 facilities are operating cars, trucks, or motorcycles only.

16 (11) INSPECTION STANDARDS.--An amusement ride must
17 conform to and must be inspected by the department in
18 accordance with the following standards:

19 (i) Signs that advise or warn patrons of age
20 restrictions, size restrictions, health restrictions, weight
21 limitations, or any other special consideration or use
22 restrictions required or recommended for the amusement ride by
23 the manufacturer shall be prominently displayed at the patron
24 entrance of each amusement ride.

25 (17) PROHIBITIONS RELATED TO BUNGY OPERATIONS.--The
26 following bungee operations are prohibited:

27 (e) The practice of bungee catapulting or reverse bungee
28 jumping.

29 Section 28. Section 616.260, Florida Statutes, is
30 amended to read:

31

1 616.260 Tax exemption of authority.--It is hereby
2 found and determined that all of the projects authorized by
3 this part constitute essential governmental purposes, and all
4 of the properties, revenues, moneys, and other assets owned
5 and used in the operation of those projects shall be exempt
6 from all taxation, including special assessments, by the state
7 or by any county, municipality, political subdivision, agency,
8 or instrumentality thereof. However, nothing in this section
9 shall grant any person other than the authority an exemption
10 from the tax imposed in chapter 220, and if property of the
11 authority is leased, the property shall be exempt from ad
12 valorem taxation only if the use by the lessee qualifies the
13 property for exemption under s. 196.199. The exemption
14 granted by this section shall not be applicable to any tax
15 imposed by chapter 220 on interest, income, or profits on debt
16 obligations owned by corporations. The property of the
17 authority shall be subject to the provisions of s. 196.199.

18 Section 29. Paragraph (c) of subsection (3) of section
19 823.14, Florida Statutes, is amended to read:

20 823.14 Florida Right to Farm Act.--

21 (3) DEFINITIONS.--As used in this section:

22 (c) "Farm product" means any plant, as defined by s.
23 581.011, or animal useful to humans and includes, but is not
24 limited to, any product derived therefrom.

25 Section 30. Subsection (4) is added to section 828.12,
26 Florida Statutes, to read:

27 828.12 Cruelty to animals.--

28 (4) A person who intentionally trips, fells, ropes, or
29 lassoes the legs of a horse by any means for the purpose of
30 entertainment or sport shall be guilty of a third degree
31 felony, punishable as provided in s. 775.082, s. 775.083, or

1 s. 775.084. As used in this subsection, "trip" means any act
2 that consists of the use of any wire, pole, stick, rope or
3 other apparatus to cause a horse to fall or lose its balance,
4 and "horse" means any animal of any registered breed of the
5 genus equus, or any recognized hybrid thereof. The provisions
6 of this subsection shall not apply when tripping is used:

7 (a) To control a horse that is posing an immediate
8 threat to other livestock or human beings;

9 (b) For the purpose of identifying ownership of the
10 horse when its ownership is unknown; or

11 (c) For the purpose of administering veterinary care
12 to the horse.

13 Section 31. Subsection (5) of section 828.125, Florida
14 Statutes, is amended to read:

15 828.125 Killing or aggravated abuse of registered
16 breed horses or cattle; offenses; penalties.--Any other
17 provisions of this chapter to the contrary notwithstanding:

18 (5) This section shall not be construed to abridge,
19 impede, prohibit, or otherwise interfere in any way with the
20 application, implementation, or conduct of recognized
21 livestock husbandry practices or techniques by or at the
22 direction of the owner of the livestock so husbanded; nor
23 shall any person be held culpable for any act prohibited by
24 this chapter which results from weather conditions or other
25 acts of God, provided that the person is in compliance with
26 recognized livestock husbandry practices.

27 Section 32. Subsection (2) of section 823.14, Florida
28 Statutes, is amended, and paragraphs (c) and (d) are added to
29 subsection (4) of said section, to read:

30 823.14 Florida Right to Farm Act.--

31 (2) LEGISLATIVE FINDINGS AND PURPOSE.--

1 (a) The Legislature finds that agricultural production
2 is a major contributor to the economy of the state; that
3 agricultural lands constitute unique and irreplaceable
4 resources of statewide importance; that the continuation of
5 agricultural activities preserves the landscape and
6 environmental resources of the state, contributes to the
7 increase of tourism, and furthers the economic
8 self-sufficiency of the people of the state; and that the
9 encouragement, development, improvement, and preservation of
10 agriculture will result in a general benefit to the health and
11 welfare of the people of the state. The Legislature further
12 finds that agricultural activities conducted on farm land in
13 urbanizing areas are potentially subject to lawsuits based on
14 the theory of nuisance and that these suits encourage and even
15 force the premature removal of the farm land from agricultural
16 use. It is the purpose of this act to protect reasonable
17 agricultural activities conducted on farm land from nuisance
18 suits.

19 (b) The Legislature finds that animal husbandry
20 contributes no less than twenty percent to the agriculture
21 industry. The Legislature also finds that exposure of
22 livestock to continuous sound, particularly that of music, is
23 beneficial to agriculture. It allows livestock to become
24 accustomed to people and a variety of sounds. In turn, this
25 makes the animals less inclined to negative stress reactions
26 at the time of being moved or otherwise handled by people.
27 The Legislature further finds that providing music to
28 livestock is a common practice among farmers that results in
29 healthier animals, producing a finer product.

30 (4) FARM OPERATION NOT TO BE OR BECOME A NUISANCE.--
31

1 (c) Except as expressly provided by general law, the
2 Legislature hereby declares that it is occupying the whole
3 field of regulation of nuisances resulting from the noise of
4 commercial raising of livestock, to the exclusion of all
5 existing and future county, city, town, or municipal
6 ordinances or regulations relating thereto. Any such existing
7 ordinances are hereby declared null and void. This paragraph
8 shall not affect zoning ordinances which encompass commercial
9 agriculture. Zoning ordinances which are designed for the
10 purpose of restricting the noise from commercial raising of
11 livestock are in conflict with this paragraph and are
12 prohibited.

13 (d) No commercial farm operation in this state
14 involving the raising of livestock shall be limited in any way
15 from using amplified sounds designed to enhance animal
16 husbandry, including music intended to make animals less
17 inclined to negative stress reactions; provided, however, that
18 no person shall be required to be subjected to amplified
19 sounds of 85 decibels or louder for a continuous 8-hour
20 period.

21 Section 33. A special assessment imposed upon a fair
22 association or state fair by the state or by any county,
23 municipality, political subdivision, agency, or
24 instrumentality thereof before the effective date of this act,
25 which has not been paid as of the effective date of this act,
26 shall not be due from the fair association or state fair.

27 Section 34. This act shall take effect July 1, 1999.
28
29
30
31