

## Committee Substitute for House Bill No. 1855

An act relating to the Department of Agriculture and Consumer Services; amending s. 501.913, F.S., relating to the registration of brands of antifreeze distributed in the state; providing that the registrant assumes responsibility for the product's quality; amending s. 501.916, F.S.; revising requirements for labeling antifreeze; amending s. 501.919, F.S.; providing for notice to be given to the violator of ss. 501.91-501.923, F.S.; amending s. 501.922, F.S.; authorizing the department to impose additional penalties; repealing s. 531.54, F.S., relating to salaries and expenses of enforcing ch. 531, F.S., the Weights and Measures Act of 1971; amending s. 570.191, F.S., relating to the Agricultural Emergency Eradication Trust Fund; providing for funds to be used for other agricultural interests; repealing s. 570.46(5), F.S., relating to duties of the Division of Standards with respect to verifying certain testing samples; amending s. 570.48, F.S.; authorizing the Division of Fruit and Vegetables to certify and supervise certain inspectors; repealing s. 570.952(5), F.S., relating to the Florida Agriculture Center and Horse Park Authority; amending s. 571.24, F.S., relating to the Florida Agricultural Promotional Campaign; providing for measures to ensure only Florida agricultural products are marketed under logos of the promotional campaign; amending s. 571.27, F.S., relating to rules for entering into contracts for services directly related to the Florida Agricultural Promotional Campaign; authorizing the department to determine by rule the logos to be depicted for use in advertising agricultural products marketed under the promotional campaign; amending s. 571.29, F.S., relating to the Florida Agricultural Promotional Campaign; relating to unlawful acts pertaining to the promotional campaign; creating s. 571.30, F.S.; providing for injunction remedies to the department for violations of provisions of the Florida Agricultural Promotional Campaign; amending s. 588.011, F.S.; revising legal fence requirements; amending s. 589.081, F.S.; revising requirements for payments to counties within the Withlacoochee State Forest and Goethe State Forest by the Division of Forestry; amending s. 593.1141, F.S.; conforming a reference to the Farm Service Agency for purposes of certain agreements of the department; amending s. 616.05, F.S.; providing requirements for fair associations in publishing proposed amendments to a charter; amending s. 616.07, F.S.; providing that property held in trust by a fair association is exempt from special assessments; amending s. 616.08, F.S.; clarifying provisions authorizing a fair association to sell, mortgage, or lease property; amending s. 616.13, F.S.; revising certain restrictions on temporary amusement rides with respect to location of operation; deleting a license tax imposed on such rides; amending s. 616.15, F.S.; providing additional requirements for obtaining a permit to conduct a public fair or exposition; requiring that the department give preference to established fair associations in issuing permits; amending s. 616.242, F.S., relating to safety standards for amusement rides; revising requirements for the application for

a permit to operate a ride; revising requirements for the department in setting permit fees; requiring that certain notices be posted at entrances to amusement rides; prohibiting bungy catapulting or reverse bungy jumping; amending s. 616.260, F.S.; providing that the Florida State Fair Authority is exempt from special assessments; providing that certain special assessments are not due from a fair association or state fair; amending s. 823.14, F.S.; clarifying the definition of the term "farm product" for purposes of the Florida Right to Farm Act; amending s. 828.12, F.S.; revising provisions relating to cruelty to animals; creating the Pest Exclusion Advisory Committee within the department; providing for membership; providing for governance of the committee; requiring that the committee conduct certain evaluations and studies; requiring a report to the Governor, the Legislature, and the Commissioner of Agriculture; amending s. 828.125, F.S.; revising provisions relating to the killing or aggravated abuse of registered breed horses or cattle; amending s. 581.184, F.S.; establishing a citrus canker-free buffer zone; amending s. 588.12, F.S.; revising legislative findings of livestock at large; revising definitions; repealing s. 588.14, F.S.; relating to duty of owners; amending s. 588.16, F.S.; amending authority to impound livestock running at large; amending s. 588.17, F.S.; revising disposition of impounded livestock; amending s. 588.18, F.S.; revising fees for livestock at large; amending s. 588.19, F.S.; revising procedures for defraying costs incurred in impoundment; amending s. 501.025, F.S.; clarifying provisions relating to home solicitation sale and buyer's right to cancel; amending s. 253.7825, F.S.; providing acreage requirements for a horse park-agricultural center; providing an effective date.

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

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

501.913 Registration.—

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

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

501.916 Mislabeling of antifreeze.—Antifreeze shall be deemed to be mislabeled:

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

- (a) The brand of the product.
- (b)(a) The identity of the product.
- (c)(b) The name and address of the manufacturer, packager, or distributor, or registrant.
- (d)(e) The net quantity of contents (in terms of liquid measure) separately and accurately in a uniform location upon the principal display panel.
- (e)(d) A statement warning of any hazard of substantial injury to human beings which may result from the intended use or reasonably foreseeable misuse of the antifreeze.
- (f)(e) The primary chemical component functioning as the antifreeze agent.
- (g)(f) The appropriate amount, percentage, proportion, or concentration of the antifreeze to be used to provide claimed protection from freezing at a specified degree or degrees of temperature, claimed protection from corrosion, or claimed increase of boiling point or protection from overheating.

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

501.919 Enforcement; stop-sale order.—

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

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

501.922 Violation.—

(1) The department may enter an order imposing one or more of the following penalties against any person who violates ss. 501.91-501.923 or who impedes, obstructs, or hinders the department in performing its duties under those sections:

(a) Imposition of an administrative fine of not more than \$1,000 per violation for a first-time offender. For a second-time or repeat offender, or any person who willfully and intentionally violates ss. 501.91-501.923, the administrative fine may not exceed \$5,000 per violation.

(b) Revocation or suspension of any registration issued by the department. Any period of suspension may not exceed 1 year.

(2) If a registrant in violation of ss. 501.91-501.923 fails to pay a fine within 30 days after imposition of the fine, the department may suspend all registrations issued to the registrant by the department until the fine is paid. The registration with the department of any person who violates this

~~act or fails to comply with any of the provisions of this act may be subject to suspension or revocation. Any suspension shall not exceed 1 year. In addition to any suspension or revocation, for each violation, the department may levy a fine which shall not exceed \$5,000 per violation. If the person in violation of ss. 501.91-501.923 fails to pay the fine within 30 days, then his or her registration may be suspended until such time as the fine is paid.~~

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

Section 5. Section 531.54, Florida Statutes, is repealed.

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

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

Section 7. Subsection (5) of section 570.46, Florida Statutes, as amended by section 3 of chapter 98-133, Laws of Florida, is repealed.

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

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

(7) Notwithstanding any other provision of law, appointing, certifying, licensing, and supervising inspectors whose duties are to inspect fruit and vegetables that are regulated by state law, if federal law does not require such inspectors to be licensed or certified by the federal government.

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

570.952 Florida Agriculture Center and Horse Park Authority.—

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

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

Section 10. Section 571.24, Florida Statutes, 1998 Supplement, is amended to read:

571.24 Purpose; duties of the ~~department division~~.—The purpose of this part is to authorize the ~~department division~~ to establish and coordinate the Florida Agricultural Promotional Campaign. The duties of the ~~department division~~ shall include, but are not limited to:

(1) Developing logos ~~a logo~~ and authorizing the use of logos as provided by rule ~~that logo~~.

(2) Registering participants.

(3) Assessing and collecting fees.

(4) Working closely with the Department of Commerce to explore the feasibility of combining marketing strategies.

(5) Developing in-kind advertising programs.

(6) Contracting with media representatives for the purpose of dispersing promotional materials.

(7) Assisting the representative of the department who serves on the Florida Agricultural Promotional Campaign Advisory Council.

(8) Designating a division employee to be a member of the Advertising Interagency Coordinating Council.

(9) Adopting rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

(10) Enforcing and administering the provisions of this part, including measures ensuring that only Florida agricultural or agricultural based products are marketed under the "Fresh From Florida" or "From Florida" logos or other logos of the Florida Agricultural Promotional Campaign.

Section 11. Section 571.27, Florida Statutes, is amended to read:

571.27 Rules.—The department is authorized to adopt promulgate ~~that implement, make specific, and interpret the provisions of this part,~~ including rules for entering into contracts with advertising agencies for services which are directly related to the Florida Agricultural Promotional Campaign. Such rules shall establish the procedures for negotiating costs with the offerors of such advertising services who have been determined by the ~~department division~~ to be qualified on the basis of technical merit, creative ability, and professional competency. Such determination of qualifications shall also include consideration of the provisions in s. 287.055(3), (4), and (5). The department is further authorized to determine, by rule, the logos or product identifiers to be depicted for use in advertising, publicizing, and promoting the sale of Florida agricultural products or agricultural-based products in the Florida Agricultural Promotional Campaign. The department may also adopt rules not inconsistent with the provisions of this

part as in its judgment may be necessary for participant registration, renewal of registration, classes of membership, application forms, as well as other forms and enforcement measures ensuring compliance with this part.

Section 12. Section 571.29, Florida Statutes, is amended to read:

571.29 Unlawful acts; administrative remedies; criminal penalties.—

(1) It is unlawful for any person to use, reproduce, or distribute the “Fresh From Florida” or “From Florida” logos or other logos of the Florida Agricultural Promotional Campaign without being registered with the department, or to otherwise violate the provisions of this part or any rules adopted under this part.

(2) It is unlawful for any person to use, reproduce, or distribute the “Fresh From Florida” or “From Florida” logos or other logos of the Florida Agricultural Promotional Campaign on any agricultural or agricultural-based products that are not Florida products.

(3) The department may enter an order imposing one or more of the following penalties against any person who violates any of the provisions of this part or any rules adopted under this part:

(a) Issuance of a warning letter.

(b) Imposition of an administrative fine of not more than \$1,000 per violation for a first time offender. For a second time offender, or any person who is shown to have willfully and intentionally violated any provision of this part or any rules adopted under this part, the administrative fine may not exceed \$5,000 per violation. The term “per violation” means each incident in which a logo of the Florida Agricultural Promotional Campaign has been used, reproduced, or distributed in any manner inconsistent with the provisions of this part or the rules adopted under this part.

(c) Revocation or suspension of any registration issued by the department.

The administrative proceedings that could result in the entry of an order imposing any of the penalties specified in paragraphs (a)–(c) shall be conducted in accordance with chapter 120.

~~(1) Any person who violates any of the provisions of this part or any rule promulgated under this part is subject to the imposition of an administrative fine of up to \$1,000 for each offense. Upon repeated violation, the department may seek enforcement pursuant to s. 120.69.~~

~~(4)(2)~~ Any person who commits ~~is convicted of~~ a violation of the provisions of this part or rules adopted under this part is, for the first offense, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and is, for each succeeding offense, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Section 571.30, Florida Statutes, is created to read:

571.30 Injunction.—In addition to the remedies provided in this part and not withstanding the existence of any adequate remedy at law, the department is authorized to make application for injunction to a circuit judge, and such circuit judge shall have jurisdiction upon a hearing for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any provisions of this part or from failing or refusing to comply with the requirements of this part or any rule adopted hereunder, such injunction to be issued without bond.

Section 14. Subsection (1) of section 588.011, Florida Statutes, is amended to read:

588.011 Legal fence; requirements.—

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

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

589.081 Withlacoochee State Forest and Goethe State Forest; payment to counties of portion of gross receipts.—The Division of Forestry shall pay 15 percent of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to each county in which a portion of the respective forest is located ~~Hernando, Citrus, Sumter, Levy, and Pasco Counties~~ in proportion to the forest acreage located in each county. The funds must be equally divided between the board of county commissioners and the school board of each county.

Section 16. Section 593.1141, Florida Statutes, is amended to read:

593.1141 Authority to enter agreements with the ~~Farm Service Agency Agricultural Stabilization and Conservation Service.~~—The department is authorized to enter into agreements with the Farm Service Agency, "FSA," Agricultural Stabilization and Conservation Service, "ASCS," for the purpose of allowing a cotton grower to tender payment of assessments, including penalties, to the FSA ASCS.

Section 17. Section 616.05, Florida Statutes, is amended to read:

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

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

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

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

Section 19. Section 616.08, Florida Statutes, is amended to read:

616.08 Additional powers of association.—Every fair association shall have the power to hold, conduct, and operate public fairs and expositions annually and for such purpose to buy, lease, acquire, and occupy lands, erect buildings and improvements of all kinds thereon, and develop those lands, buildings, and improvements; to sell, mortgage, lease, or convey any such property or any part thereof, in its discretion, from time to time for the purpose of public fairs or expositions; to charge and receive compensation for admission to those fairs and expositions, for the sale or renting of space for exhibitions, and for other privileges; to conduct and hold public meetings; to supervise and conduct lectures and all kinds of demonstration work in connection with or for the improvement of agriculture, horticulture, stock-raising and poultry raising, and all kinds of farming and matters connected therewith; to hold exhibits of agricultural and horticultural products and livestock, chickens, and other domestic animals; to give certificates or diplomas of excellence; to promote the progress of the geographical area it represents and serves and stimulate public interest in the advantages and development of that area by providing facilities for agricultural and industrial exhibitions, public gatherings, cultural activities, and other functions which the association determines will enhance the educational, physical, economic, and cultural interests of the public; and generally to do, perform, and carry out all matters, acts, and business usual or proper in connection with public fairs and expositions; but this enumeration of particular powers shall not be in derogation of or limit any special provisions of the charter of the association inserted for the regulation of its business, and the conduct of its affairs of creating, defining, limiting, and regulating the powers of the association or its officers or members; provided, the treasurer or similar officer of the association shall be required to give a good and sufficient bond with a surety company duly authorized under the laws of the state, payable to the association and in an amount equal to the value of the total amount of money and other property in that officer's possession or custody, in addition to the value of any money and property of the association that may reasonably be expected to come into that officer's possession or custody.

Section 20. Section 616.13, Florida Statutes, 1998 Supplement, is amended to read:

~~616.13 Restrictions on other amusement rides Licenses upon shows within 5 miles of fair.—~~ Every person may not engage engaged in the business of providing temporary amusement rides, as defined in s. 616.242, within a 5-mile radius 5 miles of and within 30 days before or during any public fair or exposition being operated by a fair association, when not operating in connection with that fair or exposition, except with the written consent of the affected fair association shall pay a license tax of \$1,000 per day.

Section 21. Subsections (1) and (3) of section 616.15, Florida Statutes, are amended to read:

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

(1) No public fair or exposition may be conducted by a fair association without a permit issued by the department. The permit shall be issued in the following manner: The association shall present to the department an application for the permit, signed by an officer of the association, at least 3 months before holding the fair or exposition; this application shall be accompanied by a fee in an amount to be determined by the department not to exceed \$366 or be less than \$183 for processing the application and making any required investigation. The fees collected under this subsection shall be deposited in the General Inspection Trust Fund of the State Treasury in a special account to be known as the "Agricultural and Livestock Fair Account." A copy of the application must be sent to each fair association located within 50 miles of the site of the proposed fair or exposition at the same time the application is sent to the department. The department may issue the permit with the advice and counsel of the Agricultural and Livestock Fair Council, provided the application sets forth:

- (a) The opening and closing dates of the proposed fair or exposition.
- (b) The name and address of the owner of the central amusement attraction to operate during the fair or exposition.
- (c) An affidavit properly executed by the president or other chief executive officer of the applicant association certifying the existence of a binding contract entered into by the association or exposition and the owner of the central amusement attraction covering the period for which the permit from the department is applied. The contract or contracts between the parties shall be available for inspection by duly authorized agents of the department in administering this chapter.
- (d) A statement that the main purpose of the association is to conduct and operate the proposed fair or exposition for the benefit and development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the geographical area the fair or exposition represents and serves. The statement shall be in writing, shall be subscribed, and shall be acknowledged by an officer of the association before an officer authorized to take acknowledgments.

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

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

(g) A copy of the most recent review.

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

(3) Notwithstanding any fair association meeting the requirements set forth in subsection (1), the department may order a full investigation to determine whether or not the fair association meets in full the requirements of s. 616.01 and accordingly may withhold a permit from, deny a permit to, or withdraw a permit once issued to the association. The department shall also consider whether any proposed fair or exposition, as set forth in an application for a permit, will compete with another public fair or exposition within 50 miles of the proposed fair or exposition with respect to name, dates of operation, or market. The department may deny, withhold, or withdraw a permit from a fair association if the department determines that such fair association will compete with another association. The department shall give preference to existing fair associations with established dates, locations, and names. The determination by the department shall be final.

Section 22. Paragraph (b) of subsection (5), paragraph (a) of subsection (8), and paragraph (a) of subsection (10) of section 616.242, Florida Statutes, 1998 Supplement, are amended, paragraph (i) is redesignated as paragraph (j), a new paragraph (i) is added to subsection (11), and paragraph (e) is added to subsection (17) of said section, to read:

616.242 Safety standards for amusement rides.—

(5) ANNUAL PERMIT.—

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

1. The legal name, address, and primary place of business of the owner.
2. A description, manufacturer's name, serial number, model number and, if previously assigned, the United States Amusement Identification Number of the amusement ride.

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

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

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

6. A request for inspection.

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

(8) FEES.—

(a) The department shall by rule establish fees to cover the 100 percent of all costs and expenditures associated with the Bureau of Fair Rides Inspection, including all direct and costs, all indirect costs, and all division, data center, and administrative overhead. If there is not sufficient general revenue appropriated by the Legislature, the industry shall pay for the remaining cost of the program. The fees must be deposited in the General Inspection Trust Fund.

(10) EXEMPTIONS.—

(a) This section does not apply to:

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

2. Any playground operated by a school, local government, or business licensed under chapter 509, if the playground is an incidental amenity and

the operating entity is not primarily engaged in providing amusement, pleasure, thrills, or excitement.

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

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

5. Skating rinks, arcades, lazer or paint ball war games, bowling alleys, miniature golf courses, mechanical bulls, inflatable rides, trampolines, ball crawls, exercise equipment, jet skis, paddle boats, air boats, helicopters, airplanes, parasails, hot air or helium balloons whether tethered or untethered, theatres, batting cages, stationary spring-mounted fixtures, rider-propelled merry-go-rounds, games, side shows, live animal rides, or live animal shows.

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

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

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

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

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

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

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

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

Section 23. Section 616.260, Florida Statutes, is amended to read:

616.260 Tax exemption of authority.—It is hereby found and determined that all of the projects authorized by this part constitute essential governmental purposes, and all of the properties, revenues, moneys, and other assets owned and used in the operation of those projects shall be exempt

from all taxation, including special assessments, by the state or by any county, municipality, political subdivision, agency, or instrumentality thereof. However, nothing in this section shall grant any person other than the authority an exemption from the tax imposed in chapter 220, and if property of the authority is leased, the property shall be exempt from ad valorem taxation only if the use by the lessee qualifies the property for exemption under s. 196.199. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations. The property of the authority shall be subject to the provisions of s. 196.199.

Section 24. Any special assessment imposed upon a fair association or state fair by the state, or any county, municipality, political subdivision, agency, or instrumentality thereof, which has not been paid as of the effective date of this act is not due from the fair association or state fair.

Section 25. Paragraph (c) of subsection (3) of section 823.14, Florida Statutes, is amended to read:

823.14 Florida Right to Farm Act.—

(3) DEFINITIONS.—As used in this section:

(c) “Farm product” means any plant, as defined in s. 581.011, or animal useful to humans and includes, but is not limited to, any product derived therefrom.

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

828.12 Cruelty to animals.—

(4) A person who intentionally trips, fells, ropes, or lassoes the legs of a horse by any means for the purpose of wagering for entertainment or sport purposes shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, “trip” means any act that consists of the use of any wire, pole, stick, rope or other apparatus to cause a horse to fall or lose its balance, and “horse” means any animal of any registered breed of the genus equus, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

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

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

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

Section 27. Section 570.235, Florida Statutes, is created to read:

570.235 Pest Exclusion Advisory Committee.—

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

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

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

2. Two citizens at large.

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

a. Row crops.

b. Citrus.

c. Horticulture.

d. Forestry.

e. Cattle.

f. Dairy.

g. Pork.

h. Poultry.

i. Horses.

j. Aquaculture.

k. Apiary.

4. One member representing research programs in the state's land grant institutions.

5. One member representing extension programs in the state's land grant institutions.

(b) In addition, the committee shall be composed of the following 7 members:

1. Two members representing and appointed by the Animal and Plant Health Inspection Service, United States Department of Agriculture.

2. One member representing and appointed by the Florida Department of Health.

3. One member representing and appointed by the Florida Department of Environmental Protection.

4. One member representing and appointed by the Florida Game and Fresh Water Fish Commission.

5. One member appointed by the Speaker of the House of Representatives.

6. One member appointed by the President of the Senate.

(2) The advisory committee shall be governed by the provisions of s. 570.0705 and shall have the responsibility of reviewing and evaluating the state's existing and future exclusion, detection, and eradication programs. The Commissioner of Agriculture shall appoint the chair of the committee. In evaluating the programs, the advisory committee shall:

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

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

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

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

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

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

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

(3) The committee shall issue a report of its findings to the Commissioner of Agriculture, the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 1, 2001.

Section 28. Subsection (5) of section 828.125, Florida Statutes, is amended to read:

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

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

Section 29. Section 581.184, Florida Statutes, is amended to read:

581.184 Promulgation of rules; citrus canker eradication; voluntary destruction agreements; buffer zone.—

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

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

Section 30. Section 588.12, Florida Statutes, is amended to read:

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

Section 31. Subsection (3) of section 588.13, Florida Statutes, is amended to read:

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

(3) Livestock “running at large” or “straying” shall mean any livestock found or being on any public land, or land belonging to a person other than the owner of the livestock, without the landowner’s permission, and posing a threat to public safety public road of this state and either apparently a neglected animal or not under manual control of a person.

Section 32. Section 588.14, Florida Statutes, is repealed.

Section 33. Section 588.16, Florida Statutes, is amended to read:

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

Section 34. Subsection (1) of section 588.17, Florida Statutes, is amended to read:

588.17 Disposition of impounded livestock.—

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

Section 35. Section 588.18, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

Section 36. Section 588.19, Florida Statutes, is amended to read:

588.19 Failure to secure purchaser or insufficient funds to defray certain costs.—If there be no bidder for such livestock at the sale aforesaid, and the sheriff has been unable to locate the owner through the notice procedures described in this chapter, the sheriff shall sell the livestock at the nearest

~~livestock auction yard. The proceeds from the sale shall be used to reimburse the expenses incurred in capturing, maintaining and selling the livestock, and in attempting to locate the owner. Any money remaining after all expenses are paid shall be given to the owner of the livestock, if known. the sheriff shall either offer the livestock for adoption or kill, or cause to be killed, the same and shall dispose of the carcass thereof; if there be any money received by him or her on account of the said disposal, the same shall be disbursed in the manner hereinafter provided; and, if there be no ready sale for said carcass, In the alternative, the sheriff may shall forthwith deliver the carcass to a public institution of the county, state, or municipality within said county or to any private charitable institution, in the order herein set forth, according to their needs.~~

Section 37. Section 501.025, Florida Statutes, is amended to read:

501.025 Home solicitation sale; buyer's right to cancel.—In addition to any other right to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase. Cancellation is evidenced by the buyer giving written notice of cancellation in person, by telegram, or by mail to the seller at the address stated in the agreement or offer to purchase. The written notice of cancellation given by mail shall be effective upon postmarking. The notice of cancellation need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale. Notice of a buyer's right to cancel must appear on every note or other evidence of indebtedness given pursuant to any home solicitation sale. For the purposes of this section, unless a mortgage also creates the buyer's promise to pay the secured debt, it is not an evidence of indebtedness.

Section 38. Paragraph (a) of subsection (4) of section 253.7825, Florida Statutes, is amended to read:

253.7825 Recreational uses.—

(4)(a) A horse park-agricultural center may be constructed by or on behalf of the Florida Department of Agriculture and Consumer Services on not more than 500 250 acres of former canal lands ~~which meet the criteria for surplus lands and which lie outside the greenways boundary.~~

Section 39. This act shall take effect July 1, 1999.

Approved by the Governor June 18, 1999.

Filed in Office Secretary of State June 18, 1999.