

Senate Bill No. 1786

An act relating to the Florida Statutes; repealing various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing ss. 506.01-506.05, F.S., relating to regulation on the use of stamped or marked containers and baskets; repealing ss. 506.14-506.18, F.S., relating to regulation of the sale or distribution of milk products in marked bottles, cans, or crates; repealing ss. 506.29-506.45, F.S., the Florida Milk and Ice-cream Container Law; amending s. 506.519, F.S.; revising a reference, to conform; repealing ch. 523, F.S., relating to regulation of naval stores; repealing ch. 544, F.S., relating to combinations against Florida meats; repealing s. 570.541, F.S.; abolishing the Racing Quarter Horse Advisory Council; repealing ss. 588.07 and 588.08, F.S., relating to the prohibition against stakes and the right to land not in issue at trial; repealing s. 593.114(3)(b), F.S., relating to applicability of provisions concerning the validity of assessments under the Florida Boll Weevil Eradication Law; repealing ch. 602, F.S., relating to citrus canker disease; amending ss. 616.001, 616.15, 616.21, F.S.; abolishing the Agricultural and Livestock Fair Council; repealing s. 698.10, F.S., relating to chattel mortgages filed or recorded prior to a certain date; repealing s. 865.04, F.S., relating to a prohibition against the false packing of provisions; providing an effective date.

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

Section 1. Sections 506.01, 506.02, 506.03, 506.04, and 506.05, Florida Statutes, are repealed.

Section 2. Sections 506.14, 506.15, 506.16, 506.17, and 506.18, Florida Statutes, are repealed.

Section 3. Sections 506.29, 506.30, 506.31, 506.32, 506.33, 506.34, 506.35, 506.36, 506.37, 506.38, 506.39, 506.40, 506.41, 506.42, 506.43, 506.44, and 506.45, Florida Statutes, are repealed.

Section 4. Subsection (2) of section 506.519, Florida Statutes, is amended to read:

506.519 Scope of ss. 506.501-506.519.—

(2) The provisions of ss. 506.501-506.519 are intended to be supplemental to the other provisions of this chapter ~~ss. 506.01-506.45~~ and any other provisions of law governing the subject matter of ss. 506.501-506.519.

Section 5. Sections 523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 523.07, 523.08, 523.09, 523.10, 523.12, 523.13, 523.14, 523.15, 523.16, 523.17, 523.18, 523.19, 523.20, 523.21, and 523.22, Florida Statutes, are repealed.

Section 6. Sections 544.01, 544.02, 544.03, 544.04, 544.05, and 544.06, Florida Statutes, are repealed.

Section 7. Section 570.541, Florida Statutes, is repealed.

Section 8. Sections 588.07 and 588.08, Florida Statutes, are repealed.

Section 9. Paragraph (b) of subsection (3) of section 593.114, Florida Statutes, is repealed.

Section 10. Sections 602.015, 602.025, 602.035, 602.055, 602.065, 602.075, 602.085, 602.095, 602.097, and 602.099, Florida Statutes, are repealed.

Section 11. Section 616.001, Florida Statutes, is amended to read:

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

(1) “Authority” means the Florida State Fair Authority.

(2) “Community fair” means a fair which serves an area of less than an entire county and the exhibits of which are in accordance with s. 616.17 and in which premiums or awards are given to exhibitors of the fair. Agricultural products shall be produced in the community the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the community the fair represents.

~~(3) “Council” means the Agricultural and Livestock Fair Council.~~

~~(3)(4)~~ “County fair” means a fair which serves an entire county and the exhibits of which are in accordance with s. 616.17 and in which premiums or awards are given to exhibitors of the fair. Agricultural products shall be typical of those produced in the county the exhibit represents in meeting minimum exhibit requirements. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the county the fair represents.

~~(4)(5)~~ “Department” means the Department of Agriculture and Consumer Services.

~~(5)(6)~~ “District fair” means a fair which serves at least five counties and the exhibits of which are in accordance with s. 616.17, which fair shall pay not less than a minimum of \$25,000 in cash premiums or awards to exhibitors of the fair. Agricultural products shall be typical of those produced in the county the exhibit represents. Livestock may originate from outside the district, but must be registered in the exhibitor’s name 30 days before the opening day of the fair. Each county shall be encouraged to have proportionate exhibits, typical of its respective natural resources. Each county shall have exhibits in some phase of basic resources in agriculture and industry.

~~(6)(7)~~ “Entry” means one item entered for competition or show. An entry may or may not constitute an exhibit, depending upon the regulations as stated in the premium book.

(7)(8) “Exhibit” means one or more entries entered for exhibition and constituting a unit. An exhibit may consist of one or more entries, depending upon the regulations as stated in the premium book.

(8)(9) “Exhibitor” means an individual, group of individuals, or business having an entry or entries in a show or fair.

(9)(10) “Fair association” or “association” means an association not for profit incorporated under this chapter for the purpose of conducting and operating public fairs or expositions.

(10)(11) “Public fair or exposition” means a fair or exposition not for profit for the purpose of the benefit and development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the state, any county or counties of the state, or any municipality or other community of any county of the state.

(11)(12) “Regional fair” or “interstate fair” means a fair of several states, one of which is Florida, in which fair exhibits are in accordance with s. 616.17. Agricultural products shall be typical of those produced in the area the exhibit represents.

(12)(13) “Specialized show” means a show or exhibition exhibiting and emphasizing a livestock or poultry show, or a fruit or vegetable festival, and shall meet the minimum exhibit requirements as defined in s. 616.17. A specialized show may qualify under one of the definitions in subsections (2), (3)(4), (5)(6), and (13)(14).

(13)(14) “State fair” means a fair which serves the entire state. Exhibits shall be in accordance with s. 616.17, and cash premiums or awards may be given to exhibitors of the fair.

Section 12. Subsection (1) of section 616.15, Florida Statutes, is 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 ~~if 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.

Section 13. Section 616.21, Florida Statutes, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(4) No part of appropriated funds may be expended except upon approval and with the recommendation of the department. Further, no part of such an appropriation may be expended for the construction of a building unless and until a good fee simple title to the land on which the building is to be constructed is vested in the county, municipality, or fair association for which the building is to be constructed.

~~(2)(a) — There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed chair annually by the commissioner, as follows: a representative of the Department of Education designated by the Commissioner of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his or her representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.~~

~~(b) — The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules. No official action may be taken by the council unless three of its members are in agreement on the particular proposal, recommendation, or motion.~~

~~(c) — The members of the council shall receive no compensation for their services but shall be entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

~~(3) — It is the duty and responsibility of the Agricultural and Livestock Fair Council:~~

~~(a) — To advise, counsel, and consult with the department upon request in connection with:~~

~~1. — The adoption, administration, and enforcement of all laws and rules relating to public fairs and expositions.~~

~~2. — Expenditures of moneys appropriated for the construction or repair of agricultural and livestock exhibit buildings in the state.~~

~~3. — Issuance of permits to conduct public fairs or expositions as provided in s. 616.15.~~

~~(b) — On its own initiative, to offer suggestions and recommendations to the commissioner and the department in regard to changes in the laws and rules relating to public fairs and expositions as may be deemed advisable to secure the effective administration and enforcement of the laws and rules.~~

~~(c) — Upon the request of the commissioner, to investigate violations of the provisions of this chapter and rules adopted under this chapter and to report its findings or recommendations in connection therewith to the commissioner and the department.~~

~~(4) — The council may adopt rules, not inconsistent with law, to govern its own proceedings.~~

Section 14. Section 698.10, Florida Statutes, is repealed.

Section 15. Section 865.04, Florida Statutes, is repealed.

Section 16. This act shall take effect upon becoming a law.

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.