

CHAPTER 2012-204

Committee Substitute for Committee Substitute for House Bill No. 449

An act relating to public fairs and expositions; amending s. 616.001, F.S.; redefining existing terms and defining the terms “annual public fair” and “concession”; amending s. 616.01, F.S., relating to requirements for the proposed charter of an annual public fair; revising provisions to conform to changes made by the act; amending s. 616.02, F.S.; providing that the primary objective of a fair association is the holding, conducting, and promoting of public fairs or expositions; amending s. 616.03, F.S.; providing that a fair association may file its duly approved charter with the Department of State in addition to the Department of Agriculture and Consumer Services for notice purposes; amending s. 616.05, F.S.; providing the process by which a fair association may amend its charter; requiring a fair association that files its charter with the Department of State to file a copy of amendments to its charter with that department; amending s. 616.051, F.S.; revising provisions regarding the process by which a fair association may dissolve its charter; amending s. 616.07, F.S.; revising provisions regarding the distribution of public funds and property when a fair association is dissolved; clarifying that certain authorized projects, activities, events, programs, and uses serve an essential governmental purpose and, therefore, are exempt from taxation; providing for applicability of such exemptions; amending s. 616.08, F.S.; requiring each fair association to hold an annual public fair; authorizing the fair association to license certain property and to grant, lease, rent, or license space for exhibits and concessions; requiring the fair association to stimulate public interest in the benefit and development of certain resources of the state, any county, or a municipality, including facilities for specified uses; providing that certain fair associations are noncommercial activity providers; amending s. 616.101, F.S.; revising provisions related to the review of association accounts and records; amending s. 616.11, F.S.; clarifying the rights of the association to use certain property for public purposes; adding the Department of Transportation to the list of governmental entities that may make contributions to a fair association to assist it in carrying out its purpose; authorizing state, county, and municipal governments to fund certain projects at or connected with public fairs and expositions; amending s. 616.12, F.S.; revising provisions relating to the exemption from certain local business taxes for annual public fairs held by a fair association; amending s. 616.121, F.S., relating to a penalty imposed for making false application for a permit; replacing the term “exhibitions” with the term “annual public fair” to conform to changes made by the act; amending s. 616.14, F.S.; prohibiting a fair association from conducting more than one annual public fair each calendar year; amending ss. 616.15 and 616.17, F.S., relating to procedures for obtaining a permit from the Department of Agriculture and Consumer Services to conduct a public fair; revising provisions to conform to changes made by the act; revising

requirements for obtaining a departmental waiver from minimum exhibit requirements; amending s. 616.185, F.S.; revising provisions prohibiting the offense of trespass upon the grounds or facilities of a public fair; amending s. 616.19, F.S.; revising provisions relating to the designation of fairs; amending s. 616.21, F.S.; revising provisions related to the expenditure of appropriated funds; amending s. 616.23, F.S.; removing certain limitations on the use of buildings by counties, municipalities, or fair associations; amending s. 616.24, F.S.; revising provisions related to enforcement; amending s. 288.1175, F.S.; conforming cross-references; providing an effective date.

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

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

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

(1) “Annual public fair” means a community, county, district, regional, or state fair that is held and conducted by a fair association and permitted by the department pursuant to s. 616.15.

~~(2)~~(1) “Authority” means the Florida State Fair Authority.

~~(3)~~(2) “Community fair” means an annual public a fair that which serves an area of less than an entire county, has and the exhibits that of which are in accordance with s. 616.17, and gives 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.

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

~~(5)~~(3) “County fair” means an annual public a fair that which serves an entire county and provides exhibitors with premiums or awards for the exhibits that of which are in accordance with s. 616.17 and in which premiums or awards are given to exhibitors of the fair. Agricultural products must 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 that the fair association represents.

~~(6)~~(4) “Department” means the Department of Agriculture and Consumer Services.

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

~~(8)(6)~~ “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.

~~(9)(7)~~ “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. The term includes parades and displays of articles or a collection of articles, whether static, interactive, or dynamic, by a fair association or a third party contracting with a fair association, such as exhibits of animals, art, housewares, or motor vehicles.

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

~~(11)(9)~~ “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.

~~(12)(10)~~ “Public fair or exposition” means a project, activity, event, or program, and use by a fair association, including, but not limited to, the annual public fair, which serves the purposes specified in s. 616.08 and benefits and develops 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 this the state, or any county, or counties of the state, or any municipality, or other community in this of any county of the state.

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

~~(14)(12)~~ “Specialized show” means a show or exhibition exhibiting and emphasizing a livestock or poultry ~~show~~, or a fruit or vegetable festival, and must shall meet the minimum exhibit requirements specified as defined in s.

616.17. A specialized show may qualify under one of the definitions in subsections ~~(2), (3), (5), (7), and (15)~~ (13).

~~(15)(13)~~ “State fair” means an annual public a fair ~~that~~ which serves the entire state. Exhibits must comply ~~shall be in accordance~~ with s. 616.17, and cash premiums or awards may be given to exhibitors of the fair.

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

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

(1) The name of the association and the place where the principal office is to be located. The name of the association shall include the word, “Inc.”

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

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

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

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

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

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

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

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

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

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

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

616.03 Notice of application; approval and record of charter.—A notice of intention to apply to the circuit court judge for the charter of a fair association must specify, stating the date that time when the application will be made, shall be sent to the department for approval, and ~~then~~ shall be published in a newspaper in the county where the principal office of the association ~~will is to be located~~ once each week for 4 consecutive weeks. The notice must, setting forth briefly summarize the charter and objectives objects of the proposed association to be formed. The proposed charter shall be submitted to and approved by the board of county commissioners of the county in which the principal office of the association will is to be located. After ~~Upon~~ approval by of the department and the board of county commissioners, the proposed charter and with proof of both approval and publication shall be submitted to the circuit judge on the date specified at the time named in the notice; and, If no cause is shown to the contrary and if the judge finds that the proposed charter is to be in proper form and will serve so sworn to and for the primary objective object of public service, the judge shall approve the charter and issue an order render a decree incorporating the subscribers under the charter for the objectives objects and purposes specified in the charter and with the powers therein specified. The charter and order decree of incorporation shall then be recorded in the office of the clerk of the circuit court in the county where the principal office of the association will is to be located and provided to in the office of the department. After the order is recorded, Thenceforth the subscribers and their associates are shall be incorporated with the objectives and powers established in the charter and under by the name given in the charter and with the objects and powers set forth therein. During the publication period, the proposed charter, during the time of publication, shall be on file in the office of the clerk of the circuit court. This section does not preclude a fair association from also filing its duly approved charter with the Department of State pursuant to chapter 617 for notice purposes.

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

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

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

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

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

(b) Filing the order of the circuit judge approving the amendment with ~~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

(c) Being recorded in the clerk's office, ~~shall be incorporated into the original charter.~~

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

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

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

Section 7. 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) ~~A~~ No member, officer, director, or trustee of a fair association is not ~~shall be~~ personally liable for any of the debts of the association; ~~and no~~ money or property of a fair association may not ~~shall~~ be distributed as profits or dividends among its members, officers, directors, or trustees; ~~but~~

(2) All money and property of the association, except that necessary shall, ~~except for the payment of its just debts and liabilities, are be and remain~~ perpetually public property, shall be administered by the association as trustee, and shall to be used exclusively for the legitimate purpose of the association. So long as they are used for that purpose, all money and property

of the association are, and shall be, so long as so used, exempt from all forms of taxation, including special assessments, and any projects, activities, events, programs, and uses authorized by this part serve an essential governmental purpose and, therefore, are not taxable and are not subject to assessments. This subsection does not apply to chapter 212.

(3)(2) Upon order of the circuit judge, any public funds or property remaining in a fair association when the association is dissolved shall be distributed by resolution of the board of directors, upon order of the circuit judge to any county or any municipality within the county. The board, and may designate provide in the distribution resolution the public project that will benefit from on which the funds shall be used or the manner in which the property will be used. If the use to which the property shall be put; however, where property has been contributed by a municipality or county, the property shall be reconveyed to the municipality or county that gave the property to the association making the contribution of said property.

Section 8. Section 616.08, Florida Statutes, is amended to read:

616.08 Additional powers of association.—Each ~~Every~~ fair association shall have the power to hold, conduct, and operate public fairs and expositions, including an annual public fair annually and ~~For that such~~ purpose, a fair association may to buy, lease, acquire, and occupy lands, and erect buildings and improvements of any kind on all kinds thereon, and develop those lands, buildings, and improvements; to sell, mortgage, lease, license, 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 public fairs and expositions, and grant a lease or license or rent for the sale or renting of space for exhibits, concessions ~~exhibitions, and for other purposes~~ 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, stockraising and poultry raising, and all kinds of farming and related matters ~~connected therewith;~~ to hold exhibits of agricultural and horticultural products and livestock, poultry, equine ~~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 the benefit and development of the educational, agricultural, horticultural, livestock, equestrian, charitable, historical, civic, cultural, scientific, and other resources of the state, any county of the state, or any municipality or other community of any county of the state, including facilities for exhibits, concessions, and industrial exhibitions, public gatherings, cultural activities, entertainment events, recreational vehicle parking, auctions, trade shows, concerts, and other functions that 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 does ~~shall~~ not diminish ~~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 which that may reasonably be expected to come into that officer's possession or custody. A fair association organized under this chapter is a noncommercial activity provider.

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

616.101 Annual review of accounts and records.—~~Once each year, a review of~~ The accounts and records of every fair association whose annual public fair has an annual attendance of more than 25,000, ~~based on sound accounting practices and procedures,~~ shall be reviewed annually made by a qualified accountant licensed by the state. A fair association whose annual public fair has an annual attendance of 25,000 or fewer less must submit an annual financial statement that has been signed by an officer of the county. The results of ~~the all such~~ reviews shall be kept in the official records of each association, available to all directors of the association. A certified copy of the review shall be filed with ~~in the office of~~ the department:

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

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

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

616.11 Association authorized to contract with municipality, county, or state for use of land; admission fees; state, counties, and municipalities authorized to make contributions.—Any fair association may enter into any contract, lease, or agreement with any municipality or county in the state or with the state or agency or subdivision of the state thereof for the donation to or the use and occupation by the association of any land owned, leased, or held by the county or municipality or the state or agency or subdivision of the state thereof during a such time and on the such terms approved by as the county or municipality or the state or agency or subdivision thereof ~~may authorize,~~ with the right ~~on the part of the association to use the property for public charge and receive an admission fee to the fair or exposition purposes or any part thereof.~~ The state, the Department of Transportation and ~~or any other~~ agency or subdivision of the state thereof, the board of county commissioners of any county within which the fair or exhibition is held, and the mayor and city council of any municipality within the county may also make contributions of money, property, or services to fair associations to assist in carrying out the purposes of the associations under as authorized by

this chapter. The state or any agency or subdivision of the state, boards of county commissioners of the various counties of the state, and the mayor and city council of any municipality within the county may expend in their discretion such sums of money as they deem necessary for the best interests of their counties and in aiding the development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and any other resources of their counties at and in connection with public fairs and expositions, including the offering and paying of premiums for the exhibitions of resources of the state, county, or municipality their respective counties.

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

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

(1) Each Every person who operates ~~may operate under any terms whatsoever, including a lease arrangement, any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, minstrel, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, or other show or amusement, or concession, (including a concession operating in a tent, enclosure, or other temporary structure, whether covered or uncovered) within the grounds of, and in connection with, any annual public fair or exposition held by a fair association shall pay the license taxes now or hereafter provided by law.;~~ However, if in the event the association satisfies the requirements ~~fully qualifies with all other provisions of this chapter, including securing the required fair permit from the department, the traveling show, exhibition, amusement enterprise, carnival, vaudeville, minstrel, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, or other show or amusement (including a concession operating in a tent, enclosure, or other temporary structure, whether covered or uncovered) within the grounds of, and in connection with, any such fair or exposition is not required to pay any such license taxes and local business tax authorized in chapter 205 are waived and the department shall issue tax, but shall operate under a tax exemption certificate issued by the department. The department shall adopt~~ prescribe the proper forms and rules to administer for carrying out the purpose and intent expressed in this section, including the necessary tax exemption certificate, to be signed by the tax collector, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, minstrel, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, or other show or amusement, or concession (including a concession operating in a tent, enclosure, or other temporary structure, whether covered or uncovered) has met in full all requirements of this chapter and accordingly is fully exempt.

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

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

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

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

616.14 Number of fairs; penalty.—

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

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

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

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

(1) ~~An annual~~ No public fair or exposition may not 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 a the permit, signed by an officer of the association, at least 3 months before holding the annual public fair. ~~The 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 application fee must be at least \$183 and may not exceed \$366. ~~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 annual public fair or exposition at the same time the application is sent to the department. The department may issue a the permit if the applicant provides if the application sets forth:

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

(b) The name and address of the owner of the central amusement attraction that will ~~to~~ operate during the annual public 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 written statement that the main purpose of the association is to conduct and operate a public the proposed fair and ~~or exposition, including the annual fair,~~ 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 ~~association or exposition~~ represents and serves. The statement must ~~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 annual public 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 annual public fair, which may include, but are not limited to, 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 premium list, which may be submitted separately ~~from the application,~~ must be submitted at least at any time not later than 60 days before the holding of the annual public fair begins operation 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 contact information, including home address ~~addresses.~~

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

(2) The department shall administer and enforce the provisions of this chapter except as to the regulation of games, which shall be regulated by local law enforcement agencies. The department shall adopt ~~is authorized to make and publish rules to administer,~~ not inconsistent with this chapter,

including rules governing as to the form and contents of the application for the permit and any reports that it may deem necessary in enforcing the provisions of this chapter.

(3) Notwithstanding any fair association meeting the requirements set forth in subsection (1), the department may order a full investigation to determine ~~if 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 annual public fair or exposition, as set forth in an application for a permit, will compete with another annual public fair or exposition within 50 miles of the proposed annual public 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 is ~~shall be~~ final.

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

616.17 Minimum exhibits.—

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

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

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

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

(d) Three exhibits of horticultural products.

(e) Three culinary exhibits such as canned fruits, canned vegetables, canned pickles or juices, jams, jellies, cakes, bread, candies, or eggs.

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

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

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

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

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

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

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

616.185 Trespass upon grounds or facilities of public fair ~~or exposition~~; penalty; arrests.—

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

(a) Entering and remaining upon any grounds or facilities owned, operated, or controlled by the Florida State Fair Authority or any other ~~association public fair or exposition~~ permitted under s. 616.15 and committing any act ~~that~~ which disrupts the orderly conduct of any authorized activity of the fair ~~association organization~~ in charge, or its lessees, licensees, ~~or the general public~~ on those grounds or facilities; or

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

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

(3) A ~~law enforcement~~ peace officer may arrest any person on or off the premises, without a warrant, if the officer has probable cause for believing such person has committed the offense of trespass upon the grounds of the Florida State Fair Authority or any ~~public fair~~ association or exposition

permitted under s. 616.15. Such an arrest does ~~shall~~ not render the law enforcement ~~peace officer~~ criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

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

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

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

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures.—~~No part of Appropriated funds may not be expended except upon approval and with the recommendation of the department. Further, the no part of such an appropriation may not 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.~~

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

616.23 Use of buildings.—The buildings authorized by ss. 616.21-616.23 may be used by the county, municipality, or fair association for ~~which the buildings are built as agricultural or livestock exhibition buildings for public fair or exposition purposes in the promotion of the agricultural and livestock industries.~~ These buildings may be used as office space for agricultural agents; however, no more than 20 percent of the buildings may be so used.

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

616.24 Enforcement.—

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

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

288.1175 Agriculture education and promotion facility.—

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

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

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

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

Approved by the Governor May 4, 2012.

Filed in Office Secretary of State May 4, 2012.