

COMMISSIONER OF AGRICULTURE
EMERGENCY ORDER
2020-043

WHEREAS, on March 9, 2020, through Executive Order 20-52, the Governor of the State of Florida declared that Novel Coronavirus Disease 2019 (COVID-19) poses a risk to the entire State of Florida, and that because of this danger, a state of emergency exists in the State of Florida; and

WHEREAS, the Governor has extended Executive Order 20-52 through Executive Orders 20-114, 20-166, 20-213, and 20-276; and

WHEREAS, the Governor of the State of Florida, pursuant to Executive Order 20-52, Section 4, Subparagraph B, authorized State agencies to suspend the effect of any regulatory statute, rule, or order that would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, the United States Centers for Disease Control and Prevention and the Florida Department of Health recommend social distancing measures to control the spread of the COVID-19 outbreak; and

WHEREAS, the number of new daily COVID-19 cases has increased substantially over the last two months of 2020; and

WHEREAS, the Florida State Fair Authority ("Authority") and other annual public fair associations are scheduled to conduct their fairs during the months of January, February, and March of 2021; and

WHEREAS, pursuant to Sections 616.15 and 616.255(3), Florida Statutes, the Department is responsible for issuing permits for the conducting of annual public fairs including the Florida State Fair; and

WHEREAS, pursuant to Section 616.15(1), and Rule 5H-23.002(2), Florida Administrative Code, the Authority or a fair association seeking a permit to hold an annual public fair is required to submit to the Department an application, supporting documentation, and an application fee at least 3 months before holding the annual public fair; and

WHEREAS, pursuant to Section 616.15(3), Florida Statutes, and Rule 5H-23.002(4), Florida Administrative Code, the Department is responsible for approving and coordinating proposed fair dates to minimize conflicts between the annual public fairs; and

WHEREAS, pursuant to Section 616.13, Florida Statutes, non-fair entities are restricted from providing temporary amusement rides within a 5-mile radius of and within 30 days before or during any public fair or exposition; and

WHEREAS, the Department desires to give the Authority and affected fair associations the ability to change their permitted fair dates in order to address concerns over the potential spread of COVID-19 at the annual public fairs;

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NOW THEREFORE, with the powers and authorities conferred by Article IV, Section 4, Florida Constitution, and Executive Order 20-52, as extended, and any future extensions thereof, I hereby declare the following:

1. Temporary suspension of Section 616.15(1), Florida Statutes, and Rule 5H-23.002(2), Florida Administrative Code.

This order is created to provide flexibility to fair boards seeking to reschedule their annual fair events due to the impact of COVID-19. Therefore, the portions of Section 616.15(1), Florida Statutes, and Rule 5H-23.002(2), Florida Administrative Code, which require the submittal of an application, supporting documentation, and an application fee to the Department at least three (3) months before holding their annual public fair are hereby suspended. All other portions of the statute and rule remain in effect.

The Authority and those fair associations that have previously been issued a permit to conduct their annual fair, or any portion thereof, during the months of January, February, or March of 2021, may submit a written request to the Department: (1) that the fair be held on proposed dates subsequent to the originally permitted dates, but prior to June 30, 2021; or (2) that specifically identified agricultural and livestock events of the fair be held on the originally permitted dates and that the remaining events, including the central amusement attraction, be held on proposed dates subsequent to the originally permitted dates, but prior to June 30, 2021.

A new application fee is not required. The written request shall be signed by an officer of the Authority or association and state the new proposed dates of the fair or, if a date change is only being requested as to some fair events, the new proposed dates of the specified fair events for which a date change is being sought. The request, with all attachments, must be submitted at least sixty (60) days prior to the new proposed dates of the fair or, if a date change is only being requested as to some fair events, then at least sixty (60) days prior to the proposed dates of any rescheduled fair events. To expedite processing, it is suggested that a copy of the request and supporting documentation be emailed to Marketing@FDACS.gov at the same time the request is mailed to the Department.

The remaining requirements of Section 616.15(1), Florida Statutes, remain in place and the required documentation shall be submitted to the Department with the proposed revised dates. However, the documents identified in Section 616.15(1)(d), (e), (g), or (h), Florida Statutes, are not required to be resubmitted unless the information has changed since the original application. The Department will consider and approve or deny the request in accordance with the unmodified herein portions of Section 616.15, Florida Statutes, and the rules promulgated thereunder.

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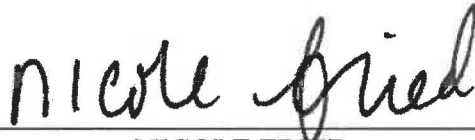
2. Temporary suspension of Section 616.13, Florida Statutes.

The provisions of Section 616.13, Florida Statutes, restricting the ability of non-fair entities to provide temporary amusement rides within a 5-mile radius of and within 30 days before or during any public fair or exposition are suspended as it relates to any public fair event that has been rescheduled pursuant to this Order.

3. Unless specifically suspended in this Order or any other Emergency Order issued pursuant to the authority conferred by Article IV, Section 4, Florida Constitution, and Executive Orders 20-52, as extended, and any future extensions thereof, all other portions of Sections 616.13 and 616.15, Florida Statutes, and the rules promulgated thereunder remain in effect.

THIS ORDER shall expire sixty (60) days from the date of this Order unless extended or rescinded by the Commissioner of Agriculture or upon the expiration or rescission of Executive Order 20-52, as extended, and any future extensions thereof, whichever occurs first.

EXECUTED DECEMBER 23, 2020.



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COMMISSIONER OF AGRICULTURE

