

By Senator Peaden

1-1518-02

See HB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to the Florida Right to Farm Act; amending s. 823.14, F.S.; defining the term "abandoned vehicle"; providing that a local government may not prohibit an owner of a farm from maintaining certain vehicles within the land boundaries of the farm; providing an effective date.

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

Section 1. Present paragraphs (a), (b), (c), and (d) of subsection (3) of section 823.14, Florida Statutes, are redesignated as paragraphs (b), (c), (d), and (e), respectively, a new paragraph (a) is added to that subsection, and subsection (6) of that section is amended, to read:

823.14 Florida Right to Farm Act.--

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

(a) "Abandoned vehicle" means any motor vehicle or agricultural equipment that does not have an identifiable owner, has been disposed of on public or private property in a wrecked, inoperative, or partially dismantled condition, and has no apparent intrinsic value to the rightful owner.

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.--

(a) It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this ~~paragraph~~ subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to

1 prohibit, restrict, regulate, or otherwise limit an activity
2 of a bona fide farm operation on land classified as
3 agricultural land pursuant to s. 193.461, where such activity
4 is regulated through implemented best-management practices or
5 interim measures developed by the Department of Environmental
6 Protection, the Department of Agriculture and Consumer
7 Services, or water management districts and adopted under
8 chapter 120 as part of a statewide or regional program. When
9 an activity of a farm operation takes place within a wellfield
10 protection area as defined in any wellfield protection
11 ordinance adopted by a local government, and the adopted
12 best-management practice or interim measure does not
13 specifically address wellfield protection, a local government
14 may regulate that activity pursuant to such ordinance. This
15 ~~paragraph~~ subsection does not limit the powers and duties
16 provided for in s. 373.4592 or limit the powers and duties of
17 any local government to address an emergency as provided for
18 in chapter 252.

19 (b) A local government may not adopt any ordinance,
20 regulation, rule, or policy to prohibit an owner of a farm
21 from maintaining within the land boundaries of the farm any
22 motor vehicle or agricultural equipment that does not meet the
23 definition of abandoned vehicle pursuant to subsection (3).

24 Section 2. This act shall take effect July 1, 2002.

25 *****

26
27 LEGISLATIVE SUMMARY

28 For purposes of the Florida Right to Farm Act, defines
29 the term "abandoned vehicle" and provides that a local
30 government may not prohibit a farm owner from maintaining
31 on the farm a motor vehicle or agricultural equipment
that does not meet the definition of abandoned vehicle.