

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Poppell offered the following:

Amendment (with title amendment)

Remove line(s) 44-75, and insert:

of the state. It is the purpose of this act to protect reasonable agricultural activities conducted on farm lands from duplicative regulation.

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

(a) "Farm" is as defined in s. 823.14.

(b) "Farm operation" is as defined in s. 823.14.

(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.

(4) DUPLICATION OF REGULATION.--Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter, a county may not exercise any of its powers to adopt

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28 any ordinance, resolution, regulation, rule, or policy to
29 prohibit, restrict, regulate, or otherwise limit an activity of
30 a bona fide farm operation on land that is an integral part of a
31 farm operation or land classified as agricultural land pursuant
32 to s. 193.461, if such activity is regulated through implemented
33 best-management practices, interim measures, or regulations
34 developed by the Department of Environmental Protection, the
35 Department of Agriculture and Consumer Services, or water
36 management districts and adopted under chapter 120 as part of a
37 statewide or regional program or if such activity is expressly
38 regulated by the United States Department of Agriculture, the
39 United States Army Corps of Engineers, or the United States
40 Environmental Protection Agency.

41 (a) When an activity of a farm operation takes place
42 within a wellfield protection area, as defined in any wellfield
43 protection ordinance adopted by a local government, and the
44 implemented best-management practice, interim measure, or
45 regulation does not specifically address wellfield protection, a
46 local government may regulate that activity pursuant to such
47 ordinance. This subsection does not limit the powers and duties
48 provided for in s. 373.4592 or limit the powers and duties of
49 any local government to address an emergency as provided for in
50 chapter 252.

51 (b) This subsection may not be construed to permit an
52 existing farm operation to change to a more excessive farm
53 operation with regard to traffic, noise, odor, dust, or fumes
54 where the existing farm operation is adjacent to an established
55 homestead or business on March 15, 1982.

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56 (c) This subsection does not limit the powers of a
57 predominantly urbanized county with a population greater than
58 1,500,000 and more than 25 municipalities that is not operating
59 under a home rule charter adopted pursuant to ss. 10, 11, and
60 24, Art. VIII of the Constitution of 1885, as preserved by s.
61 6(e), Art. VIII of the Constitution of 1968, that has a
62 delegated pollution control program under s. 403.182, and
63 includes drainage basins that are part of the Everglades
64 Stormwater Program, to enact ordinances, regulations, or other
65 measures to comply with the provisions of s. 373.4592 or which
66 are necessary for carrying out a county's duties pursuant to the
67 terms and conditions of any environmental program delegated to
68 the county by agreement with a state agency.

69 (d) For the purposes of this subsection, a county
70 ordinance which regulates the transportation or land application
71 of domestic wastewater residuals or other forms of sewage sludge
72 shall not be deemed a duplication of regulation.

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===== T I T L E A M E N D M E N T =====

77 Remove line(s) 16-25, and insert:
78 product" for purposes of the act; providing powers of certain
79 counties; prohibiting duplication of regulation; providing
80 construction; providing an effective date.

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