



HB 1075

2003

A bill to be entitled

An act relating to the use of farm lands; creating s. 163.3162, F.S.; providing a popular name; providing legislative findings and purpose with respect to agricultural activities conducted on land in urban areas; defining the terms "farm," "farm operation," and "farm product" for purposes of the act; prohibiting a local government from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm or farm operation on certain land that is an integral part of a farm operation or that is classified as agricultural land; prohibiting a local government from changing the land use classification or zoning designation of such agricultural land without a written agreement from the affected landowner; providing an effective date.

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

Section 1. Section 163.3162, Florida Statutes, is created to read:

163.3162 Agricultural Lands and Practices Act.--

(1) POPULAR NAME.--This section shall be known by the popular name the "Agricultural Lands and Practices Act."

(2) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency



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31 of the people of the state; and that the encouragement,  
32 development, improvement, and preservation of agriculture will  
33 result in a general benefit to the health, safety, and welfare  
34 of the people of the state. The Legislature further finds that  
35 agricultural activities conducted on farm land in urban areas  
36 are potentially subject to restrictions imposed by local  
37 governments which are duplicative, overbearing, and unnecessary  
38 to protect the public from perceived harm. It is the purpose of  
39 this act to protect reasonable agricultural activities conducted  
40 on farm lands from duplicative regulation.

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

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

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

44 (c) "Farm product" means any plant, as defined in s.  
45 581.011, or animal useful to humans and includes, but is not  
46 limited to, any product derived therefrom.

47 (4) DUPLICATION OF REGULATION.--Except as otherwise  
48 provided in this section and s. 487.051(2), and notwithstanding  
49 any other law, including any provision of chapter 125 or this  
50 chapter, a local government may not exercise any of its powers  
51 to adopt any ordinance, resolution, regulation, rule, or policy  
52 to prohibit, restrict, regulate, or otherwise limit an activity  
53 of a bona fide farm or farm operation, or deprive any owner or  
54 operator of a full and complete use of lands and farm practices  
55 for production of any farm product on land that is an integral  
56 part of a farm operation or that is classified as agricultural  
57 land pursuant to s. 193.461, if such activity is regulated  
58 through best-management practices or by an existing state,  
59 regional, or federal regulatory program.



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60        (5) WRITTEN AGREEMENT REQUIRED.--A local government may  
61 not change the land use classification or the zoning designation  
62 of land that is an integral part of a farm operation or that is  
63 classified as agricultural land pursuant to s. 193.461 unless it  
64 receives written agreement for the change from the affected  
65 landowner.

66        Section 2. This act shall take effect July 1, 2003.