

By Senators Argenziano, Alexander, Dockery, Peaden, Lynn, Webster, Bennett, Fasano and Posey

3-765B-03

1 A bill to be entitled
2 An act relating to the use of farm lands;
3 creating s. 163.3162, F.S.; providing a short
4 title; providing legislative findings and
5 purpose with respect to agricultural activities
6 conducted on land in urban areas; defining the
7 terms "farm," "farm operation," and "farm
8 product" for purposes of the act; prohibiting a
9 local government from adopting any ordinance,
10 resolution, regulation, rule, or policy to
11 prohibit or otherwise limit a bona fide farm or
12 farm operation on certain land that is an
13 integral part of a farm operation or that is
14 classified as agricultural land; prohibiting a
15 local government from changing the land use
16 classification or zoning designation of such
17 agricultural land without a written agreement
18 from the affected landowner; providing an
19 effective date.

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

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

25 163.3162 Agricultural Lands and Practices Act.--

26 (1) SHORT TITLE.--This section may be cited as the
27 "Agricultural Lands and Practices Act."

28 (2) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
29 finds that agricultural production is a major contributor to
30 the economy of the state; that agricultural lands constitute
31 unique and irreplaceable resources of statewide importance;

1 that the continuation of agricultural activities preserves the
2 landscape and environmental resources of the state,
3 contributes to the increase of tourism, and furthers the
4 economic self-sufficiency of the people of the state; and that
5 the encouragement, development, improvement, and preservation
6 of agriculture will result in a general benefit to the health,
7 safety, and welfare of the people of the state. The
8 Legislature further finds that agricultural activities
9 conducted on farm land in urban areas are potentially subject
10 to restrictions imposed by local governments which are
11 duplicative, overbearing, and unnecessary to protect the
12 public from perceived harm. It is the purpose of this act to
13 protect reasonable agricultural activities conducted on farm
14 lands from duplicative regulation.

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

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

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

18 (c) "Farm product" means any plant, as defined in s.
19 581.011, or animal useful to humans and includes, but is not
20 limited to, any product derived therefrom.

21 (4) DUPLICATION OF REGULATION.--Except as otherwise
22 provided in this section and s. 487.051(2), and
23 notwithstanding any other law, including any provision of
24 chapter 125 or this chapter, a local government may not
25 exercise any of its powers to adopt any ordinance, resolution,
26 regulation, rule, or policy to prohibit, restrict, regulate,
27 or otherwise limit an activity of a bona fide farm or farm
28 operation, or deprive any owner or operator of a full and
29 complete use of lands and farm practices for production of any
30 farm product on land that is an integral part of a farm
31 operation or that is classified as agricultural land pursuant

1 to s. 193.461, if such activity is regulated through
2 best-management practices or by an existing state, regional,
3 or federal regulatory program.

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

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

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13 SENATE SUMMARY

14 Creates the Agricultural Lands and Practices Act.
15 Prohibits a local government from adopting any ordinance,
16 resolution, regulation, rule, or policy to prohibit or
17 otherwise limit a bona fide farm or farm operation on
18 land that is an integral part of a farm operation or that
19 is classified as agricultural land if the activity is
20 regulated through best-management practices or by a
21 state, regional, or federal regulatory program. Prohibits
22 a local government from changing the land use
23 classification or zoning designation of such agricultural
24 land without written agreement from the affected
25 landowner. (See bill for details.)
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