

By the Committee on Agriculture; and Senators Argenziano, Alexander, Dockery, Peaden, Lynn, Webster, Bennett, Fasano, Posey, Smith and Bullard

303-2059-03

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 county from adopting any ordinance, resolution,
10 regulation, rule, or policy to prohibit or
11 otherwise limit a bona fide farm or farm
12 operation on certain land that is an integral
13 part of a farm operation or that is classified
14 as agricultural land; prohibiting a county from
15 changing the land use classification or zoning
16 designation of such agricultural land unless
17 the affected landowner is compensated for the
18 loss in value; providing an effective date.

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

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

24 163.3162 Agricultural Lands and Practices Act.--

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

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

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

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

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

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

16 (c) "Farm product" means any plant, as defined in s.
17 581.011, or animal useful to humans and includes, but is not
18 limited to, any product derived therefrom.

19 (4) DUPLICATION OF REGULATION.--Except as otherwise
20 provided in this section and s. 487.051(2), and
21 notwithstanding any other law, including any provision of
22 chapter 125 or this chapter, a county may not exercise any of
23 its powers to adopt any ordinance, resolution, regulation,
24 rule, or policy to prohibit, restrict, regulate, or otherwise
25 limit an activity of a bona fide farm or farm operation, or
26 deprive any owner or operator of a full and complete use of
27 lands and farm practices for production of any farm product on
28 land that is an integral part of a farm operation or that is
29 classified as agricultural land pursuant to s. 193.461, if
30 such activity is regulated through best-management practices

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1 or by an existing state, regional, or federal regulatory
2 program.

3 (5) COMPENSATION REQUIRED.--A county may not change an
4 existing agricultural land use classification or zoning
5 designation or lower the current residential density
6 designation of land that is classified as agricultural land
7 pursuant to s. 193.461 unless the property owner is
8 compensated for the subsequent loss of value by the county.

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1660

14 The Committee Substitute for Senate Bill 1660 is different
15 from Senate Bill 1660 in that it:

- 16 1. Provides that counties cannot change agricultural land
17 use classification or zoning designation unless the
18 affected landowner is compensated for loss of value,
19 instead of requiring consent of the landowner, and
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21 2. Substitutes "county," wherever it appears, for "local
22 government" making the act not applicable to
23 municipalities.
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