

By the Committees on Comprehensive Planning; Agriculture; and
 Senators Argenziano, Alexander, Dockery, Peaden, Lynn,
 Webster, Bennett, Fasano, Posey, Smith, Bullard and Lee

316-2492-03

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 and duplicative regulation; defining the terms
 7 "farm," "farm operation," and "farm product"
 8 for purposes of the act; prohibiting a county
 9 from adopting any ordinance, resolution,
 10 regulation, rule, or policy to prohibit or
 11 otherwise limit a bona fide farm operation on
 12 land that is classified as agricultural land
 13 under s. 193.461, F.S.; providing that the act
 14 does not limit the powers of a county under
 15 certain circumstances; clarifying that a farm
 16 operation may not expand its operations under
 17 certain circumstances; providing that the act
 18 does not limit the powers of certain counties;
 19 providing that certain county ordinances are
 20 not deemed to be a duplication of regulation;
 21 providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

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

27 163.3162 Agricultural Lands and Practices Act.--

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

30 (2) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
 31 finds that agricultural production is a major contributor to

1 the economy of the state; that agricultural lands constitute
2 unique and irreplaceable resources of statewide importance;
3 that the continuation of agricultural activities preserves the
4 landscape and environmental resources of the state,
5 contributes to the increase of tourism, and furthers the
6 economic self-sufficiency of the people of the state; and that
7 the encouragement, development, and improvement of agriculture
8 will result in a general benefit to the health, safety, and
9 welfare of the people of the state. It is the purpose of this
10 act to protect reasonable agricultural activities conducted on
11 farm lands from duplicative regulation.

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

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

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

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

18 (4) DUPLICATION OF REGULATION.--Except as otherwise
19 provided in this section and s. 487.051(2), and
20 notwithstanding any other law, including any provision of
21 chapter 125 or this chapter, a county may not exercise any of
22 its powers to adopt any ordinance, resolution, regulation,
23 rule, or policy to prohibit, restrict, regulate, or otherwise
24 limit an activity of an existing bona fide farm operation on
25 land classified as agricultural land pursuant to s. 193.461,
26 if such activity is regulated through implemented
27 best-management practices, interim measures, or regulations
28 developed by the Department of Environmental Protection, the
29 Department of Agriculture and Consumer Services, or a water
30 management district and adopted under chapter 120 as part of a
31 statewide or regional program; or if such activity is

1 expressly regulated by the United States Department of
2 Agriculture, the United States Army Corps of Engineers, or the
3 United States Environmental Protection Agency.

4 (a) When an activity of a farm operation takes place
5 within a wellfield protection area as defined in any wellfield
6 protection ordinance adopted by a county, and the implemented
7 best-management practice, regulation, or interim measure does
8 not specifically address wellfield protection, a county may
9 regulate that activity pursuant to such ordinance. This
10 subsection does not limit the powers and duties provided for
11 in s. 373.4592 or limit the powers and duties of any county to
12 address an emergency as provided for in chapter 252.

13 (b) This subsection may not be construed to permit an
14 existing farm operation to change to a more excessive farm
15 operation with regard to traffic, noise, odor, dust, or fumes
16 where the existing farm operation is adjacent to an
17 established homestead or business.

18 (c) This subsection does not limit the powers of a
19 predominantly urbanized county with a population greater than
20 1,500,000 and more than 25 municipalities, not operating under
21 a home rule charter adopted pursuant to ss. 10, 11, and 24,
22 Art. VIII of the Constitution of 1885, as preserved by s.
23 6(e), Art. VIII of the Constitution of 1968, which has a
24 delegated pollution control program under s. 403.182 and
25 includes drainage basins that are part of the Everglades
26 Stormwater Program, to enact ordinances, regulations, or other
27 measures to comply with the provisions of s. 373.4592, or
28 which are necessary to carrying out a county's duties pursuant
29 to the terms and conditions of any environmental program
30 delegated to the county by agreement with a state agency.

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1 (d) For purposes of this subsection, a county
2 ordinance that regulates the transportation or land
3 application of domestic wastewater residuals or other forms of
4 sewage sludge shall not be deemed to be duplication of
5 regulation.

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

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 CS/SB 1660

11 The committee substitute for the committee substitute (CS)
12 revises the intent language for the "Agricultural Lands and
13 Practices Act" created by the CS. The CS prohibits a county
14 from adopting an ordinance that regulates or limits the
15 activity of a bona fide farming operation if the activity is
16 regulated through implemented best management practices,
17 interim measures, or regulations developed by specified state
18 agencies, adopted under ch. 120, F.S., as part of a statewide
19 or regional program, or if the activity is expressly regulated
20 by certain federal agencies.

21 This CS provides that a county may regulate an activity of a
22 farm operation if the activity is located within a wellfield
23 protection area and the implemented best management practice,
24 interim measure, or regulation governing the activity does not
25 address wellfield protection. The provision of this CS
26 relating to duplication of regulation may not be construed to
27 allow an existing farm operation to change to a more excessive
28 farm operation if located next to an established homestead or
29 business. This CS does not apply to counties meeting certain
30 criteria. Further, the CS provides that a county ordinance
31 regulating the transportation or land application of sewage
sludge is not a duplication of regulation.

This CS removes language that prohibited a county from
enacting an ordinance regulating an activity of a bona fide
farming operation or depriving an owner of the full and
complete use of land for the production of a farm product if
the activity is regulated through best management practices or
through an existing state, regional, or federal regulatory
program. This CS also deletes language requiring a county to
compensate a property owner for any loss in value resulting
from a change to an existing agricultural land use
classification or zoning designation, or lowering the current
residential density for agricultural land.