



510656

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RE	.	
4/9/2008	.	
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1 The Committee on Agriculture (Peaden) recommended the following  
 2 **amendment:**

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

8 Section 1. Subsection (4) of section 163.3162, Florida  
9 Statutes, is amended to read:

10 163.3162 Agricultural Lands and Practices Act.--

11 (4) DUPLICATION OF REGULATION.--Except as otherwise  
 12 provided in this section and s. 487.051(2), and notwithstanding  
 13 any other law, including any provision of chapter 125 or this  
 14 chapter, a county may not exercise any of its powers to adopt or  
 15 enforce any ordinance, resolution, regulation, rule, or policy to  
 16 prohibit, restrict, regulate, or otherwise limit an activity of a  
 17 bona fide farm operation on land classified as agricultural land

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18 pursuant to s. 193.461, if such activity is regulated through  
19 implemented best management practices, interim measures, or  
20 regulations developed by the Department of Environmental  
21 Protection, the Department of Agriculture and Consumer Services,  
22 or a water management district and adopted under chapter 120 as  
23 part of a statewide or regional program; or if such activity is  
24 expressly regulated by the United States Department of  
25 Agriculture, the United States Army Corps of Engineers, or the  
26 United States Environmental Protection Agency. A county may not  
27 impose an assessment or fee for stormwater management on land  
28 classified as agricultural land pursuant to s. 193.461 if the  
29 agricultural operation has an agricultural discharge permit or  
30 implements best management practices developed by the Department  
31 of Environmental Protection, the Department of Agriculture and  
32 Consumer Services, or a water management district and adopted  
33 under chapter 120 as part of a statewide or regional program.

34 (a) When an activity of a farm operation takes place within  
35 a wellfield protection area as defined in any wellfield  
36 protection ordinance adopted by a county, and the implemented  
37 best management practice, regulation, or interim measure does not  
38 specifically address wellfield protection, a county may regulate  
39 that activity pursuant to such ordinance. This subsection does  
40 not limit the powers and duties provided for in s. 373.4592 or  
41 limit the powers and duties of any county to address an emergency  
42 as provided for in chapter 252.

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

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48 (c) This subsection does not limit the powers of a  
49 predominantly urbanized county with a population greater than  
50 1,500,000 and more than 25 municipalities, not operating under a  
51 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
52 VIII of the Constitution of 1885, as preserved by s. 6(e), Art.  
53 VIII of the Constitution of 1968, which has a delegated pollution  
54 control program under s. 403.182 and includes drainage basins  
55 that are part of the Everglades Stormwater Program, to enact  
56 ordinances, regulations, or other measures to comply with the  
57 provisions of s. 373.4592, or which are necessary to carrying out  
58 a county's duties pursuant to the terms and conditions of any  
59 environmental program delegated to the county by agreement with a  
60 state agency.

61 (d) For purposes of this subsection, a county ordinance  
62 that regulates the transportation or land application of domestic  
63 wastewater residuals or other forms of sewage sludge shall not be  
64 deemed to be duplication of regulation.

65 Section 2. Subsection (1) of section 205.064, Florida  
66 Statutes, is amended to read:

67 205.064 Farm, aquacultural, grove, horticultural,  
68 floricultural, tropical piscicultural, and tropical fish farm  
69 products; certain exemptions.--

70 (1) A local business tax receipt is not required of any  
71 ~~natural~~ person for the privilege of engaging in the selling of  
72 farm, aquacultural, grove, horticultural, floricultural, tropical  
73 piscicultural, or tropical fish farm products, or products  
74 manufactured therefrom, except intoxicating liquors, wine, or  
75 beer, when such products were grown or produced by such ~~natural~~  
76 person in the state.

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77 Section 3. Section 500.70, Florida Statutes, is created to  
78 read:

79 500.70 Food safety compliance relating to tomatoes.-- A  
80 tomato farmer, packer, repacker, or handler that implements  
81 applicable good agricultural practices (GAPs) and best management  
82 practices (BMPs) according to rules adopted by the department is  
83 considered to have acted in good faith, with reasonable care, and  
84 in compliance with state food safety microbial standards or  
85 guidelines unless a violation of or noncompliance with such  
86 measures can be shown through inspections.

87 Section 4. Subsection (10) of section 570.07, Florida  
88 Statutes, is amended to read:

89 570.07 Department of Agriculture and Consumer Services;  
90 functions, powers, and duties.--The department shall have and  
91 exercise the following functions, powers, and duties:

92 (10) To act as adviser to producers and distributors, when  
93 requested, and to assist them in the economical and efficient  
94 distribution of their agricultural products and to encourage  
95 cooperative effort among producers to gain economical and  
96 efficient production of agricultural products. The department may  
97 adopt by rule, pursuant to s. 120.536(1) and s. 120.54,  
98 comprehensive best management practices for agricultural  
99 production and food safety.

100 Section 5. Subsection (1) of section 604.15, Florida  
101 Statutes, is amended to read:

102 604.15 Dealers in agricultural products; definitions.--For  
103 the purpose of ss. 604.15-604.34, the following words and terms,  
104 when used, shall be construed to mean:

105 (1) "Agricultural products" means the natural products of  
106 the farm, nursery, grove, orchard, vineyard, garden, and apiary

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107 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
 108 livestock; milk and milk products; poultry and poultry products;  
 109 the fruit of the saw palmetto (meaning the fruit of the Serenoa  
 110 repens); limes (meaning the fruit Citrus aurantifolia, variety  
 111 Persian, Tahiti, Bearss, or Florida Key limes); and any other  
 112 nonexempt agricultural products produced in the state, except  
 113 tobacco, sugarcane, tropical foliage, timber and timber  
 114 byproducts, forest products as defined in s. 591.17, and citrus  
 115 other than limes.

116 Section 6. Section 823.145, Florida Statutes, is amended to  
 117 read:

118 823.145 Disposal by open burning of certain materials ~~mulch~~  
 119 ~~plastic~~ used in agricultural operations.--Polyethylene  
 120 agricultural mulch plastic; damaged, nonsalvageable, untreated  
 121 wood pallets; and packing material that cannot be feasibly  
 122 recycled, which are used in connection with agricultural  
 123 operations related to the growing, harvesting, or maintenance of  
 124 crops, may be disposed of by open burning provided that no public  
 125 nuisance or any condition adversely affecting the environment or  
 126 the public health is created thereby and that state or federal  
 127 national ambient air quality standards are not violated.

128 Section 7. This act shall take effect July 1, 2008.

129  
 130  
 131 ===== T I T L E A M E N D M E N T =====

132 And the title is amended as follows:

133 Delete everything before the enacting clause  
 134 and insert:

135 A bill to be entitled

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136 An act relating to agriculture; amending s. 163.3162,  
137 F.S.; prohibiting county government imposition of an  
138 assessment or fee for stormwater management on  
139 agricultural land meeting certain requirements; amending  
140 s. 205.064, F.S.; expanding the applicability of an  
141 exemption from a local business tax receipt for the  
142 privilege of selling specified products; creating s.  
143 500.70, F.S.; providing that a tomato farmer, packer,  
144 repacker, or handler acts in good faith if certain  
145 requirements are met; amending s. 570.07, F.S.;  
146 authorizing the Department of Agriculture and Consumer  
147 Services to adopt rules relating to the comprehensive best  
148 management practice for agricultural production and food  
149 safety; amending s. 604.15, F.S.; revising the term  
150 "agricultural products" to exempt tropical foliage from  
151 regulation; amending s. 823.145, F.S.; expanding the  
152 materials used in agricultural operations that can be  
153 openly burned; providing limitations; providing an  
154 effective date.