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CHAMBER ACTION

Senate

House

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Floor: 5/AD/2R
5/2/2008 2:41 PM

Floor: C
5/2/2008 4:15 PM

Senators Dean and Alexander moved the following amendment:

Senate Amendment (with title amendment)

Delete line(s) 474

and insert:

Section 2. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural Lands and Practices Act.--

(4) DUPLICATION OF REGULATION.--Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter, a county may not exercise any of its powers to adopt any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations



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18 developed by the Department of Environmental Protection, the  
19 Department of Agriculture and Consumer Services, or a water  
20 management district and adopted by rule under chapter 120 as part  
21 of a statewide or regional program; or if such activity is  
22 expressly regulated by the United States Department of  
23 Agriculture, the United States Army Corps of Engineers, or the  
24 United States Environmental Protection Agency. A county may not  
25 impose an assessment or fee for stormwater management on land  
26 classified as agricultural under s. 193.461 if the agricultural  
27 operation has an agricultural discharge permit, an environmental  
28 resource permit, or implements best management practices  
29 developed by the Department of Environmental Protection, the  
30 Department of Agriculture and Consumer Services, or a water  
31 management district and adopted by rule as part of a statewide or  
32 regional program unless the assessment or fee provides water  
33 quality treatment or flood control benefits to the agricultural  
34 land or agricultural operation and the assessment or fee provides  
35 credits for the water quality treatment and flood control  
36 benefits provided by the implementation of agricultural  
37 stormwater controls, permits, or the best management practices.

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



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

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

65 (d) For purposes of this subsection, a county ordinance  
 66 that regulates the transportation or land application of domestic  
 67 wastewater residuals or other forms of sewage sludge may ~~shall~~  
 68 not be deemed to be duplication of regulation.

69 Section 3. This act shall take effect July 1, 2008.

70  
 71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete line(s) 2-35

74 and insert:

75 An act relating to agriculture; creating s. 570.345, F.S.;

76 establishing the Pest Control Compact; providing for



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77 enactment of the compact; requiring the Commissioner of  
78 Agriculture to administer the compact; requiring that an  
79 application for assistance under the compact be made by  
80 the commissioner; providing for crediting of funds to  
81 appropriate accounts of a state treasury under certain  
82 circumstances; providing findings with respect to the need  
83 for all states to cooperate in pest-eradication and  
84 control programs; providing definitions; providing for the  
85 establishment of the Pest Control Insurance Fund for the  
86 purpose of financing pest-control operations under the  
87 compact; specifying sources of funds deposited into the  
88 Pest Control Insurance Fund and any conditions that may be  
89 placed on such funds; providing for the Pest Control  
90 Insurance Fund to be administered by a Governing Board and  
91 Executive Committee; providing for the internal operations  
92 and management of the Governing Board; requiring an annual  
93 report to the Governor and Legislature of each state that  
94 is a party to the compact; providing for the  
95 administration of the compact and the Pest Control  
96 Insurance Fund; providing procedures for applying for an  
97 expenditure from the fund; providing for a determination  
98 with respect to expenditures from the fund and for the  
99 review thereof; authorizing the Governing Board to  
100 establish advisory and technical committees; providing for  
101 an application for assistance from the fund on behalf of a  
102 nonparty state; providing requirements for the fund with  
103 respect to preparing budgets and maintaining financial  
104 assets; prohibiting a pledge of the assets of a state that  
105 is a party to the compact; providing for the compact to  
106 enter into force upon its enactment by five or more



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107 | states; providing a procedure for a state to withdraw from  
108 | the compact; providing for construction and severability;  
109 | amending s. 163.3162, F.S.; prohibiting a county from  
110 | imposing an assessment or fee on certain agricultural  
111 | lands; providing an exception;