

1                   A bill to be entitled  
2           An act relating to agriculture; amending s. 163.3162,  
3           F.S.; prohibiting a county from enforcing certain limits  
4           on the activity of a bona fide farm operation on  
5           agricultural land under certain circumstances; prohibiting  
6           a county from charging agricultural lands for stormwater  
7           management assessments and fees under certain  
8           circumstances; exempting certain wetland protection  
9           ordinances, regulations, and rules adopted before a  
10          specified date from provisions restricting a county's  
11          powers over the activity on agricultural land; creating s.  
12          163.3163, F.S.; creating the "Agricultural Land  
13          Acknowledgement Act"; providing legislative findings and  
14          intent; providing definitions; requiring an applicant for  
15          certain development permits to sign and submit an  
16          acknowledgement of neighboring agricultural land as a  
17          condition of the political subdivision issuing the  
18          permits; specifying information to be included in the  
19          acknowledgement; requiring that the acknowledgement be  
20          permanently maintained as a public record; amending s.  
21          604.50, F.S.; exempting farm fences from the Florida  
22          Building Code; exempting nonresidential farm buildings and  
23          farm fences from county and municipal codes and fees;  
24          amending s. 689.261, F.S.; requiring certain prospective  
25          purchasers of residential property to be presented with a  
26          copy of an acknowledgement of neighboring agricultural  
27          land at or before execution of the contract for sale;  
28          providing an effective date.

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

Section 1. 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 or enforce 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 adopted as rules under chapter 120 ~~developed by~~ the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district ~~and adopted under chapter 120~~ as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency. A county may not charge an assessment or fee for stormwater management on land classified as agricultural land pursuant to s. 193.461, if the agricultural operation has a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under

57 | chapter 120 by the Department of Environmental Protection, the  
 58 | Department of Agriculture and Consumer Services, or a water  
 59 | management district as part of a statewide or regional program.

60 | (a) When an activity of a farm operation takes place  
 61 | within a wellfield protection area as defined in any wellfield  
 62 | protection ordinance adopted by a county, and the implemented  
 63 | best management practice, regulation, or interim measure does  
 64 | not specifically address wellfield protection, a county may  
 65 | regulate that activity pursuant to such ordinance. This  
 66 | subsection does not limit the powers and duties provided for in  
 67 | s. 373.4592 or limit the powers and duties of any county to  
 68 | address an emergency as provided for in chapter 252.

69 | (b) This subsection may not be construed to permit an  
 70 | existing farm operation to change to a more excessive farm  
 71 | operation with regard to traffic, noise, odor, dust, or fumes  
 72 | where the existing farm operation is adjacent to an established  
 73 | homestead or business on March 15, 1982.

74 | (c) This subsection does not limit the powers of a  
 75 | predominantly urbanized county with a population greater than  
 76 | 1,500,000 and more than 25 municipalities, not operating under a  
 77 | home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
 78 | VIII of the Constitution of 1885, as preserved by s. 6(e), Art.  
 79 | VIII of the Constitution of 1968, which has a delegated  
 80 | pollution control program under s. 403.182 and includes drainage  
 81 | basins that are part of the Everglades Stormwater Program, to  
 82 | enact ordinances, regulations, or other measures to comply with  
 83 | the provisions of s. 373.4592, or which are necessary to  
 84 | carrying out a county's duties pursuant to the terms and

85 conditions of any environmental program delegated to the county  
 86 by agreement with a state agency.

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

91 (e) This subsection does not limit a county's powers to  
 92 enforce its applicable wetland protection ordinances,  
 93 regulations, or rules adopted before January 1, 2009.

94 Section 2. Section 163.3163, Florida Statutes, is created  
 95 to read:

96 163.3163 Applications for development permits; disclosure  
 97 and acknowledgement of neighboring agricultural land.--

98 (1) This section may be cited as the "Agricultural Land  
 99 Acknowledgement Act."

100 (2) The Legislature finds that nonagricultural land which  
 101 neighbors agricultural land may adversely affect agricultural  
 102 production and farm operations on the agricultural land and may  
 103 lead to the agricultural land's conversion to urban, suburban,  
 104 or other nonagricultural uses. The Legislature intends to  
 105 preserve and encourage agricultural land use and to reduce the  
 106 occurrence of conflicts between agricultural and nonagricultural  
 107 land uses. The purpose of this section is to give notice to a  
 108 residential land purchaser before the contract for sale, or to  
 109 an applicant for a local land use permit, building permit, or  
 110 certificate of occupancy before issuance of a permit or  
 111 certificate, that the land neighbors agricultural land and that  
 112 certain generally accepted agricultural practices will take

113 place.

114 (3) As used in this section, the term:

115 (a) "Agricultural land" means land classified as  
 116 agricultural land pursuant to s. 193.461.

117 (b) "Farm operation" has the same meaning as defined in s.  
 118 823.14.

119 (4) (a) Before a political subdivision issues a local land  
 120 use permit, building permit, or certificate of occupancy for  
 121 nonagricultural land contiguous to agricultural land, the  
 122 political subdivision shall require that, as a condition of  
 123 issuing the permit or certificate, the applicant for the permit  
 124 or certificate sign and submit to the political subdivision a  
 125 written acknowledgement of neighboring agricultural land in the  
 126 following form:

127  
 128 ACKNOWLEDGEMENT OF NEIGHBORING AGRICULTURAL LAND

129  
 130 I, ...(name of applicant)..., understand that my property  
 131 located at ...(address of nonagricultural land)... is  
 132 contiguous to agricultural land located at ...(address of  
 133 agricultural land)....

134 I acknowledge and understand that the farm operation  
 135 on the neighboring agricultural land identified herein  
 136 will be conducted according to generally accepted  
 137 agricultural practices as provided in the Florida Right to  
 138 Farm Act, s. 823.14, Florida Statutes."

139 Signature: ...(signature of applicant)....

140 Date: ...(date)....

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142       (b) An acknowledgement submitted to a political  
143 subdivision under paragraph (a) is a public record and shall be  
144 maintained by the political subdivision as a permanent record.

145       Section 3. Section 604.50, Florida Statutes, is amended to  
146 read:

147       604.50 Nonresidential farm buildings and farm  
148 fences.--Notwithstanding any other law to the contrary, any  
149 nonresidential farm building or farm fence is exempt from the  
150 Florida Building Code and any county or municipal ~~building~~ code  
151 or fee. For purposes of this section, the term "nonresidential  
152 farm building" means any building or support structure that is  
153 used for agricultural purposes, is located on a farm that is not  
154 used as a residential dwelling, and is located on land that is  
155 an integral part of a farm operation or is classified as  
156 agricultural land under s. 193.461. The term "farm" is as  
157 defined in s. 823.14.

158       Section 4. Subsection (3) is added to section 689.261,  
159 Florida Statutes, to read:

160       689.261 Sale of residential property; disclosure of ad  
161 valorem taxes and neighboring agricultural land to prospective  
162 purchaser.--

163       (3) A prospective purchaser of residential property  
164 contiguous to agricultural land must be presented with a copy of  
165 the acknowledgement of neighboring agricultural land required  
166 pursuant to s. 163.3163 at or before execution of the contract  
167 for sale.

168       Section 5. This act shall take effect July 1, 2009.