

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 specifying that the exemptions do not apply to code
25 provisions implementing certain floodplain regulations;
26 amending s. 689.261, F.S.; requiring certain prospective
27 purchasers of residential property to be presented with a
28 copy of an acknowledgement of neighboring agricultural

29 | land at or before execution of the contract for sale;
 30 | providing an effective date.

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

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34 | Section 1. Subsection (4) of section 163.3162, Florida
 35 | Statutes, is amended to read:

36 | 163.3162 Agricultural Lands and Practices Act.--

37 | (4) DUPLICATION OF REGULATION.--Except as otherwise
 38 | provided in this section and s. 487.051(2), and notwithstanding
 39 | any other law, including any provision of chapter 125 or this
 40 | chapter, a county may not exercise any of its powers to adopt or
 41 | enforce any ordinance, resolution, regulation, rule, or policy
 42 | to prohibit, restrict, regulate, or otherwise limit an activity
 43 | of a bona fide farm operation on land classified as agricultural
 44 | land pursuant to s. 193.461, if such activity is regulated
 45 | through implemented best management practices, interim measures,
 46 | or regulations adopted as rules under chapter 120 ~~developed~~ by
 47 | the Department of Environmental Protection, the Department of
 48 | Agriculture and Consumer Services, or a water management
 49 | district ~~and adopted under chapter 120~~ as part of a statewide or
 50 | regional program; or if such activity is expressly regulated by
 51 | the United States Department of Agriculture, the United States
 52 | Army Corps of Engineers, or the United States Environmental
 53 | Protection Agency. A county may not charge an assessment or fee
 54 | for stormwater management on land classified as agricultural
 55 | land pursuant to s. 193.461, if the agricultural operation has a
 56 | National Pollutant Discharge Elimination System permit,

57 environmental resource permit, or works-of-the-district permit
58 or implements best management practices adopted as rules under
59 chapter 120 by the Department of Environmental Protection, the
60 Department of Agriculture and Consumer Services, or a water
61 management district as part of a statewide or regional program.

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

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

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

85 the provisions of s. 373.4592, or which are necessary to
 86 carrying out a county's duties pursuant to the terms and
 87 conditions of any environmental program delegated to the county
 88 by agreement with a state agency.

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

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

96 Section 2. Section 163.3163, Florida Statutes, is created
 97 to read:

98 163.3163 Applications for development permits; disclosure
 99 and acknowledgement of neighboring agricultural land.--

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

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

113 certificate, that the land neighbors agricultural land and that
 114 certain generally accepted agricultural practices will take
 115 place.

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

117 (a) "Agricultural land" means land classified as
 118 agricultural land pursuant to s. 193.461.

119 (b) "Contiguous" means touching, bordering, or adjoining
 120 along a boundary. For purposes of this section, properties
 121 separated only by a roadway, railroad, or other public easement
 122 are considered contiguous.

123 (c) "Farm operation" has the same meaning as defined in s.
 124 823.14.

125 (4) (a) Before a political subdivision issues a local land
 126 use permit, building permit, or certificate of occupancy for
 127 nonagricultural land contiguous to agricultural land, the
 128 political subdivision shall require that, as a condition of
 129 issuing the permit or certificate, the applicant for the permit
 130 or certificate sign and submit to the political subdivision a
 131 written acknowledgement of neighboring agricultural land in the
 132 following form:

134 ACKNOWLEDGEMENT OF NEIGHBORING AGRICULTURAL LAND

136 I, ...(name of applicant)..., understand that my property
 137 located at ...(address of nonagricultural land)... is
 138 contiguous to agricultural land located at ...(address of
 139 agricultural land)....

140 I acknowledge and understand that the farm operation

141 on the neighboring agricultural land identified herein
 142 will be conducted according to generally accepted
 143 agricultural practices as provided in the Florida Right to
 144 Farm Act, s. 823.14, Florida Statutes."

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

146 Date: ... (date)....

147
 148 (b) An acknowledgement submitted to a political
 149 subdivision under paragraph (a) is a public record and shall be
 150 maintained by the political subdivision as a permanent record.

151 Section 3. Section 604.50, Florida Statutes, is amended to
 152 read:

153 604.50 Nonresidential farm buildings and farm
 154 fences.--Notwithstanding any other law to the contrary, any
 155 nonresidential farm building or farm fence is exempt from the
 156 Florida Building Code and any county or municipal ~~building~~ code
 157 or fee, except for code provisions implementing local, state, or
 158 federal floodplain management regulations. For purposes of this
 159 section, the term "nonresidential farm building" means any
 160 building or support structure that is used for agricultural
 161 purposes, is located on a farm that is not used as a residential
 162 dwelling, and is located on land that is an integral part of a
 163 farm operation or is classified as agricultural land under s.
 164 193.461. The term "farm" is as defined in s. 823.14.

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

167 689.261 Sale of residential property; disclosure of ad
 168 valorem taxes and neighboring agricultural land to prospective

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169 purchaser.--

170 (3) A prospective purchaser of residential property
171 contiguous to agricultural land must be presented with a copy of
172 the acknowledgement of neighboring agricultural land required
173 pursuant to s. 163.3163 at or before execution of the contract
174 for sale.

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