



172018

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

Senators Dean and Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 2599 and 2600
insert:

Section 69. 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



172018

14 a bona fide farm operation on land classified as agricultural
15 land pursuant to s. 193.461, if such activity is regulated
16 through implemented best management practices, interim measures,
17 or regulations adopted as rules under chapter 120 ~~developed~~ by
18 the Department of Environmental Protection, the Department of
19 Agriculture and Consumer Services, or a water management
20 district ~~and adopted under chapter 120~~ as part of a statewide or
21 regional program; or if such activity is expressly regulated by
22 the United States Department of Agriculture, the United States
23 Army Corps of Engineers, or the United States Environmental
24 Protection Agency. A county may not charge an assessment or fee
25 for stormwater management on a bona fide farm operation on land
26 classified as agricultural land pursuant to s. 193.461, if the
27 farm operation has a National Pollutant Discharge Elimination
28 System permit, environmental resource permit, or works-of-the-
29 district permit or implements best management practices adopted
30 as rules under chapter 120 by the Department of Environmental
31 Protection, the Department of Agriculture and Consumer Services,
32 or a water management district as part of a statewide or
33 regional program. However, this subsection does not prohibit a
34 county from charging an assessment or fee for stormwater
35 management on a bona fide farm operation that does not have a
36 National Pollutant Discharge Elimination System permit,
37 environmental resource permit, or works-of-the-district permit,
38 or has not implemented water quality and quantity best-
39 management practices as described in this subsection. For those
40 counties that, before March 1, 2009, adopted a stormwater
41 utility ordinance, resolution, or municipal services benefit
42 unit or, before March 1, 2009, adopted a resolution stating its



172018

43 intent to use the uniform method of collection pursuant to s.
44 197.3632 for such stormwater ordinances, the county may continue
45 to charge an assessment or fee for stormwater management on a
46 bona fide farm operation on land classified as agricultural
47 pursuant to s. 193.461 if the ordinance provides credits against
48 the assessment or fee on a bona fide farm operation for the
49 implementation of best-management practices adopted as rules
50 under chapter 120 by the Department of Environmental Protection,
51 the Department of Agriculture and Consumer Services, or a water
52 management district as part of a statewide or regional program,
53 or stormwater quality and quantity measures required as part of
54 a National Pollutant Discharge Elimination System permit,
55 environmental resource permit, or works-of-the-district permit
56 or implementation of best-management practices or alternative
57 measures which the landowner demonstrates to the county to be of
58 equivalent or greater stormwater benefit than those provided by
59 implementation of best-management practices adopted as rules
60 under chapter 120 by the Department of Environmental Protection,
61 the Department of Agriculture and Consumer Services, or a water
62 management district as part of a statewide or regional program,
63 or stormwater quality and quantity measures required as part of
64 a National Pollutant Discharge Elimination System permit,
65 environmental resource permit, or works-of-the-district permit.

66 (a) When an activity of a farm operation takes place within
67 a wellfield protection area as defined in any wellfield
68 protection ordinance adopted by a county, and the implemented
69 best management practice, regulation, or interim measure does
70 not specifically address wellfield protection, a county may
71 regulate that activity pursuant to such ordinance. This



172018

72 subsection does not limit the powers and duties provided for in
73 s. 373.4592 or limit the powers and duties of any county to
74 address an emergency as provided for in chapter 252.

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

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

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

97 (e) This subsection does not limit a county's powers to:

98 1. Enforce wetlands, springs protection, or stormwater
99 ordinances, regulations, or rules adopted before January 15,
100 2009.



172018

101 2. Enforce wetlands, springs protection, or stormwater
102 ordinances, regulations, or rules pertaining to the Wekiva River
103 Protection Area.

104 3. Enforce ordinances, regulations, or rules as directed by
105 law or implemented consistent with the requirements of a program
106 operated under a delegation agreement from a state agency or
107 water management district.

108 (f) The provisions of this subsection that limit a county's
109 authority to adopt or enforce any ordinance, regulation, rule,
110 or policy, or to charge any assessment or fee for stormwater
111 management, apply only to a bona fide farm operation as
112 described in this subsection.

113
114 As used in this paragraph, the term "wetlands" has the same
115 meaning as defined in s. 373.019.

116 Section 70. Section 163.3163, Florida Statutes, is created
117 to read:

118 163.3163 Applications for development permits; disclosure
119 and acknowledgement of neighboring agricultural land.-

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

122 (2) The Legislature finds that nonagricultural land which
123 neighbors agricultural land may adversely affect agricultural
124 production and farm operations on the agricultural land and may
125 lead to the agricultural land's conversion to urban, suburban,
126 or other nonagricultural uses. The Legislature intends to
127 preserve and encourage agricultural land use and to reduce the
128 occurrence of conflicts between agricultural and nonagricultural
129 land uses. The purpose of this section is to ensure that



172018

130 generally accepted agricultural practices will not be subject to
131 interference by residential use of land contiguous to
132 agricultural land.

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

134 (a) "Agricultural land" means land classified as
135 agricultural land pursuant to s. 193.461.

136 (b) "Contiguous" means touching, bordering, or adjoining
137 along a boundary. For purposes of this section, properties that
138 would be contiguous if not separated by a roadway, railroad, or
139 other public easement are considered contiguous.

140 (c) "Farm operation" has the same meaning as defined in s.
141 823.14.

142 (4) (a) Before a political subdivision issues a local land
143 use permit, building permit, or certificate of occupancy for
144 nonagricultural land contiguous to agricultural land, the
145 political subdivision shall require that, as a condition of
146 issuing the permit or certificate, the applicant for the permit
147 or certificate sign and submit to the political subdivision, in
148 a format that is recordable in the official records of the
149 county in which the political subdivision is located, a written
150 acknowledgement of contiguous agricultural land in the following
151 form:

152
153 ACKNOWLEDGEMENT OF CONTIGUOUS AGRICULTURAL LAND
154

155 I, ...(name of applicant)..., understand that my property
156 located at ...(address of nonagricultural land)..., as further
157 described in the attached legal description, is contiguous to
158 agricultural land located at ...(address of agricultural



172018

159 land)..., as further described in the attached legal
160 description.

161 I acknowledge and understand that the farm operation on the
162 contiguous agricultural land identified herein will be conducted
163 according to generally accepted agricultural practices as
164 provided in the Florida Right to Farm Act, s. 823.14, Florida
165 Statutes.

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

167 Date: ...(date)....

168

169 (b) An acknowledgement submitted to a political subdivision
170 under paragraph (a) shall be recorded in the official records of
171 the county in which the political subdivision is located.

172 Section 71. Section 604.50, Florida Statutes, is amended to
173 read:

174 604.50 Nonresidential farm buildings and farm fences.-
175 Notwithstanding any other law to the contrary, any
176 nonresidential farm building or farm fence is exempt from the
177 Florida Building Code and any county or municipal ~~building~~ code
178 or fee, except for code provisions implementing local, state, or
179 federal floodplain management regulations. For purposes of this
180 section, the term "nonresidential farm building" means any
181 building or support structure that is used for agricultural
182 purposes, is located on a farm that is not used as a residential
183 dwelling, and is located on land that is an integral part of a
184 farm operation or is classified as agricultural land under s.
185 193.461. The term "farm" is as defined in s. 823.14.

186 Section 72. Subsection (1) of section 205.064, Florida
187 Statutes, is amended to read:



172018

188 205.064 Farm, aquacultural, grove, horticultural,
189 floricultural, tropical piscicultural, and tropical fish farm
190 products; certain exemptions.—

191 (1) A local business tax receipt is not required of any
192 ~~natural~~ person for the privilege of engaging in the selling of
193 farm, aquacultural, grove, horticultural, floricultural,
194 tropical piscicultural, or tropical fish farm products, or
195 products manufactured therefrom, except intoxicating liquors,
196 wine, or beer, when such products were grown or produced by such
197 ~~natural~~ person in the state.

198 Section 73. Subsection (20) of section 322.01, Florida
199 Statutes, is amended to read:

200 322.01 Definitions.—As used in this chapter:

201 (20) "Farm tractor" means a motor vehicle that is:

202 (a) Operated principally on a farm, grove, or orchard in
203 agricultural or horticultural pursuits and that is operated on
204 the roads of this state only incidentally to transportation
205 between the owner's or operator's headquarters and the farm,
206 grove, or orchard or between one farm, grove, or orchard and
207 another; or

208 (b) Designed and used primarily as a farm implement for
209 drawing plows, mowing machines, and other implements of
210 husbandry.

211 Section 74. Section 823.145, Florida Statutes, is amended
212 to read:

213 823.145 Disposal by open burning of certain materials ~~mulch~~
214 ~~plastic~~ used in agricultural operations.—Polyethylene
215 agricultural ~~mulch~~ plastic; damaged, nonsalvageable, untreated
216 wood pallets; and packing material that cannot be feasibly



172018

217 recycled, which are used in connection with agricultural
218 operations related to the growing, harvesting, or maintenance of
219 crops, may be disposed of by open burning provided that no
220 public nuisance or any condition adversely affecting the
221 environment or the public health is created thereby and that
222 state or federal national ambient air quality standards are not
223 violated.

224 Section 75. Subsection (7) is added to section 624.4095,
225 Florida Statutes, to read:

226 624.4095 Premiums written; restrictions.—

227 (7) For purposes of this section and s. 624.407, with
228 regard to capital and surplus required, gross written premiums
229 for federal multi-peril crop insurance that is ceded to the
230 Federal Crop Insurance Corporation and authorized reinsurers
231 shall not be included when calculating the insurer's gross
232 writing ratio. The liabilities for ceded reinsurance premiums
233 payable for federal multi-peril crop insurance ceded to the
234 Federal Crop Insurance Corporation and authorized reinsurers
235 shall be netted against the asset for amounts recoverable from
236 reinsurers. Each insurer that writes other insurance products
237 together with federal multi-peril crop insurance shall disclose
238 in the notes to the annual and quarterly financial statement, or
239 file a supplement to the financial statement that discloses, a
240 breakout of the gross written premiums for federal multi-peril
241 crop insurance.

242 Section 76. Subsection (4) of section 686.201, Florida
243 Statutes, is amended to read:

244 686.201 Sales representative contracts involving
245 commissions; requirements; termination of agreement; civil



246 remedies.-
247 (4) This section does not apply to persons licensed
248 pursuant to chapter 475 who are performing services within the
249 scope of their license or to contracts to which a seller of
250 travel as defined in s. 559.927 is a party.

251
252
253 ===== T I T L E A M E N D M E N T =====

254 And the title is amended as follows:

255
256 Delete line 259
257 and insert:
258 Museum; amending s. 163.3162, F.S.; prohibiting a
259 county from enforcing certain limits on the activity
260 of a bona fide farm operation on agricultural land
261 under certain circumstances; prohibiting a county from
262 charging agricultural lands for stormwater management
263 assessments and fees under certain circumstances;
264 allowing an assessment to be collected if credits
265 against the assessment are provided for implementation
266 of best-management practices; providing exemptions
267 from certain restrictions on a county's powers over
268 the activity on agricultural land providing a
269 definition; creating s. 163.3163, F.S.; creating the
270 "Agricultural Land Acknowledgement Act"; providing
271 legislative findings and intent; providing
272 definitions; requiring an applicant for certain
273 development permits to sign and submit an
274 acknowledgement of contiguous agricultural land as a



172018

275 condition of the political subdivision issuing the
276 permits; specifying information to be included in the
277 acknowledgement; requiring that the acknowledgement be
278 recorded in the official county records; amending s.
279 604.50, F.S.; exempting farm fences from the Florida
280 Building Code; exempting nonresidential farm buildings
281 and farm fences from county and municipal codes and
282 fees; specifying that the exemptions do not apply to
283 code provisions implementing certain floodplain
284 regulations; amending s. 205.064, F.S.; authorizing a
285 person selling certain agricultural products who is
286 not a natural person to qualify for an exemption from
287 obtaining a local business tax receipt; amending s.
288 322.01, F.S.; revising the term "farm tractor" for
289 purposes of drivers' licenses; amending s. 823.145,
290 F.S.; expanding the materials used in agricultural
291 operations that may be disposed of by open burning;
292 providing certain limitations on open burning;
293 amending s. 624.4095, F.S.; requiring that gross
294 written premiums for certain crop insurance not be
295 included when calculating the insurer's gross ratio;
296 requiring that liabilities for ceded reinsurance
297 premiums be netted against the asset for amounts
298 recoverable from reinsurers; requiring that insurers
299 who write other insurance products to disclose a
300 breakout of the gross written premiums for crop
301 insurance; amending s. 686.201, F.S.; exempting
302 contracts involving a seller of travel from the
303 requirements of that section; authorizing the issuance



172018

304
305

of stop-operation orders for amusement rides under
certain circumstances; providing an effective date.