

By the Committees on Community Affairs; and Agriculture; and  
Senator Alexander

578-03132-10

20102182c2

1                   A bill to be entitled  
2           An act relating to agriculture; amending s. 193.461,  
3           F.S.; clarifying that land that is classified as  
4           agricultural retains that classification when offered  
5           for sale; providing for retroactive application;  
6           providing the methodology for assessing certain  
7           agricultural improvements, structures, or equipment  
8           located on agricultural land and used for specified  
9           purposes; amending s. 573.112, F.S.; requiring that  
10          the Citrus Research and Development Foundation provide  
11          advice to the Department of Agriculture and Consumer  
12          Services with respect to citrus research marketing  
13          orders; amending s. 573.118, F.S.; providing for the  
14          deposit of certain agricultural assessments; revising  
15          the assessment rate on citrus fruit; amending s.  
16          581.031, F.S.; expanding the type of research projects  
17          that may be conducted by the department; requiring the  
18          Citrus Research and Development Foundation, Inc., to  
19          recommend the research projects; providing an  
20          effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Paragraph (b) of subsection (3) and paragraph  
25           (c) of subsection (6) of section 193.461, Florida Statutes, are  
26           amended to read:

27           193.461 Agricultural lands; classification and assessment;  
28           mandated eradication or quarantine program.—

29           (3)

578-03132-10

20102182c2

30 (b) Subject to the restrictions specified ~~set out~~ in this  
31 section, only lands that ~~which~~ are used primarily for bona fide  
32 agricultural purposes shall be classified agricultural. The term  
33 "bona fide agricultural purposes" means good faith commercial  
34 agricultural use of the land.

35 1. In determining whether the use of the land for  
36 agricultural purposes is bona fide, the following factors may be  
37 taken into consideration:

38 a.1. ~~The length of time the land has been so used.~~

39 b.2. ~~Whether the use has been continuous.~~

40 c.3. ~~The purchase price paid.~~

41 d.4. ~~Size, as it relates to specific agricultural use, but~~  
42 ~~in no event shall~~ a minimum acreage may not be required for  
43 agricultural assessment.

44 e.5. ~~Whether an indicated effort has been made to care~~  
45 ~~sufficiently and adequately for the land in accordance with~~  
46 ~~accepted commercial agricultural practices, including, without~~  
47 ~~limitation, fertilizing, liming, tilling, mowing, reforesting,~~  
48 ~~and other accepted agricultural practices.~~

49 f.6. ~~Whether the~~ ~~such~~ land is under lease and, if so, the  
50 effective length, terms, and conditions of the lease.

51 g.7. ~~Such other factors as may~~ ~~from time to time~~ become  
52 applicable.

53 2. Offering property for sale does not constitute a primary  
54 use of land and may not be the basis for denying its  
55 agricultural classification if the land continues to be used  
56 primarily for bona fide agricultural purposes while it is being  
57 offered for sale.

58 (6)

578-03132-10

20102182c2

59 (c)1. For purposes of the income methodology approach to  
60 assessment of property used for agricultural purposes,  
61 irrigation systems, including pumps and motors, physically  
62 attached to the land shall be considered a part of the average  
63 yields per acre and shall have no separately assessable  
64 contributory value.

65 2. Litter containment structures located on producing  
66 poultry farms and animal waste nutrient containment structures  
67 located on producing dairy farms shall be assessed by the  
68 methodology described in subparagraph 1.

69 3. Agricultural improvements, structures, or equipment  
70 located on land classified as agricultural land pursuant to s.  
71 193.461 and used as a natural resource conservation practice or  
72 to implement state-adopted best-management practices shall be  
73 assessed by the methodology described in subparagraph 1.

74 Section 2. The amendment to paragraph (b) of subsection (3)  
75 of section 193.461, Florida Statutes, made by this act is  
76 intended to be remedial and clarifying in nature and applies  
77 retroactively to all parcels for which a final court order has  
78 not yet been entered as of the effective date of this act.

79 Section 3. Subsection (7) is added to section 573.112,  
80 Florida Statutes, to read:

81 573.112 Advisory council.—

82 (7) Notwithstanding the provisions of this section, the  
83 Citrus Research and Development Foundation, Inc., a direct-  
84 support organization of the University of Florida established  
85 pursuant to s. 1004.28, shall serve as the advisory council for  
86 a citrus research marketing order, provide the department with  
87 advice on administering the order, and, in accordance with the

578-03132-10

20102182c2

88 order, conduct citrus research and perform other duties assigned  
89 by the department. Notwithstanding s. 1004.28(3), the  
90 foundation's board of directors shall be composed of 13 members,  
91 including 10 citrus growers, 2 representatives of the  
92 university's Institute of Food and Agricultural Sciences, and 1  
93 member appointed by the Commissioner of Agriculture.

94 Section 4. Subsections (1) and (6) of section 573.118,  
95 Florida Statutes, are amended to read:

96 573.118 Assessment; funds; audit; loans.—

97 (1) To provide funds to defray the necessary expenses  
98 incurred by the department in the formulation, issuance,  
99 administration, and enforcement of any marketing order, every  
100 person engaged in the production, distributing, or handling of  
101 agricultural commodities within this state, and directly  
102 affected by any marketing order, shall pay to the department, at  
103 such times and in such installments as the department may  
104 prescribe, such person's pro rata share of necessary expenses.  
105 Each person's share of expenses shall be that proportion which  
106 the total volume of agricultural commodities produced,  
107 distributed, or handled by the person during the current  
108 marketing season, or part thereof covered by such marketing  
109 order, is of the total volume of the commodities produced,  
110 distributed, or handled by all such persons during the same  
111 current marketing season or part thereof. The department, after  
112 receiving the recommendations of the advisory council, shall fix  
113 the rate of assessment on the volume of agricultural commodities  
114 sold or some other equitable basis. For convenience of  
115 collection, upon request of the department, handlers of the  
116 commodities shall pay any producer assessments. Handlers paying

578-03132-10

20102182c2

117 assessments for and on behalf of any producers may ~~shall, at~~  
118 ~~their discretion,~~ collect the producer assessments from any  
119 moneys owed by the handlers to the producers. The collected  
120 assessments shall be deposited into the appropriate ~~General~~  
121 ~~Inspection~~ trust fund and ~~shall be~~ used for the sole purpose of  
122 implementing the marketing order for which the assessment was  
123 collected. The department is not subject to ~~the procedures found~~  
124 ~~in~~ s. 287.057 in the expenditure of these funds. However, the  
125 director of the Division of Marketing and Development shall file  
126 with the internal auditor of the department a certification of  
127 conditions and circumstances justifying each contract or  
128 agreement entered into without competitive bidding.

129 (6) An ~~Any~~ assessment levied upon citrus fruit under this  
130 section may not exceed the rate established in the marketing  
131 order and shall be at a rate not to exceed 1 cent per standard-  
132 packed box of citrus fruit grown and placed into the primary  
133 channel of trade in this state. All revenues from such  
134 assessment collected by the department shall be deposited into  
135 the Citrus Inspection Trust Fund.

136 Section 5. Subsection (32) of section 581.031, Florida  
137 Statutes, is amended to read:

138 581.031 Department; powers and duties.—The department has  
139 the following powers and duties:

140 (32) To ~~The Department of Agriculture and Consumer Services~~  
141 ~~shall~~ conduct or cause to be conducted ~~those~~ research projects  
142 ~~on citrus diseases,~~ including, but not limited to, citrus canker  
143 and citrus greening, which are recommended by the Citrus  
144 Research and Development Foundation, Inc. Florida Citrus  
145 Production Research Advisory Council, within the limits of

578-03132-10

20102182c2

146 appropriations made specifically for such purpose.

147 Section 6. This act shall take effect upon becoming a law.