

1 A bill to be entitled
2 An act relating to agriculture; amending s. 163.3162,
3 F.S.; defining the term "governmental entity";
4 prohibiting certain governmental entities from
5 charging stormwater management assessments or fees on
6 certain bona fide farm operations except under certain
7 circumstances; providing for applicability; conforming
8 provisions; amending s. 206.41, F.S.; revising the
9 definition of the term "agricultural and aquacultural
10 purposes" for purposes of the required refund of state
11 taxes imposed on motor fuel used for such purposes;
12 amending s. 316.515, F.S.; revising the Florida
13 Uniform Traffic Control Law to authorize the use of
14 citrus harvesting equipment and citrus fruit loaders
15 to transport certain agricultural products and to
16 authorize the use of certain motor vehicles to
17 transport citrus; amending s. 479.11, F.S.; conforming
18 provisions; amending s. 570.07, F.S.; revising the
19 powers and duties of the Department of Agricultural
20 and Consumer Services to enforce laws and rules
21 relating to the use of commercial stock feeds;
22 amending s. 580.036, F.S.; authorizing the department
23 to adopt rules establishing certain standards for
24 regulating commercial feed or feedstuff; requiring the
25 department to consult with the Commercial Feed
26 Technical Council in the development of such rules;
27 amending s. 581.083, F.S.; prohibiting the cultivation
28 of certain algae in plantings greater in size than 2

29 contiguous acres; providing exceptions; providing
 30 certain exemptions from special permitting
 31 requirements; revising bonding requirements for the
 32 special permits; amending s. 599.004, F.S.; revising
 33 qualifications for a certified Florida Farm Winery;
 34 reenacting s. 561.24(5), F.S., relating to limitations
 35 on the issuance of wine distributor licenses and
 36 exporter registrations, to incorporate changes made by
 37 the act to s. 599.004, F.S., in a reference thereto;
 38 amending s. 604.50, F.S.; defining the term "farm
 39 sign"; providing an exemption from the Florida
 40 Building Code for farm signs; prohibiting farm signs
 41 located on public roads from violating certain
 42 standards; limiting the authority of local governments
 43 to enforce certain requirements with respect to farm
 44 signs; providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Subsection (2) and paragraphs (b), (c), and (i)
 49 of subsection (3) of section 163.3162, Florida Statutes, are
 50 amended to read:

51 163.3162 Agricultural Lands and Practices.—

52 (2) DEFINITIONS.—As used in this section, the term:

53 (a) "Farm" has the same meaning ~~is~~ as provided ~~defined~~ in
 54 s. 823.14.

55 (b) "Farm operation" has the same meaning ~~is~~ as provided
 56 ~~defined~~ in s. 823.14.

57 (c) "Farm product" means any plant, as defined in s.
 58 581.011, or animal useful to humans and includes, but is not
 59 limited to, any product derived therefrom.

60 (d) "Governmental entity" has the same meaning as provided
 61 in s. 164.1031. The term does not include a water control
 62 district established under chapter 298 or a special district
 63 created by special act for water management purposes.

64 (3) DUPLICATION OF REGULATION.—Except as otherwise
 65 provided in this section and s. 487.051(2), and notwithstanding
 66 any other law, including any provision of chapter 125 or this
 67 chapter:

68 (b) A governmental entity ~~county~~ may not charge an
 69 assessment or fee for stormwater management on a bona fide farm
 70 operation on land classified as agricultural land pursuant to s.
 71 193.461, if the farm operation has a National Pollutant
 72 Discharge Elimination System permit, environmental resource
 73 permit, or works-of-the-district permit or implements best
 74 management practices adopted as rules under chapter 120 by the
 75 Department of Environmental Protection, the Department of
 76 Agriculture and Consumer Services, or a water management
 77 district as part of a statewide or regional program.

78 (c) For each governmental entity ~~county~~ that, before March
 79 1, 2009, adopted a stormwater utility ordinance or resolution,
 80 adopted an ordinance or resolution establishing a municipal
 81 services benefit unit, or adopted a resolution stating the
 82 governmental entity's ~~county's~~ intent to use the uniform method
 83 of collection pursuant to s. 197.3632 for such stormwater
 84 ordinances, the governmental entity ~~county~~ may continue to

85 charge an assessment or fee for stormwater management on a bona
 86 fide farm operation on land classified as agricultural pursuant
 87 to s. 193.461, if the ordinance or resolution provides credits
 88 against the assessment or fee on a bona fide farm operation for
 89 the water quality or flood control benefit of:

90 1. The implementation of best management practices adopted
 91 as rules under chapter 120 by the Department of Environmental
 92 Protection, the Department of Agriculture and Consumer Services,
 93 or a water management district as part of a statewide or
 94 regional program;

95 2. The stormwater quality and quantity measures required
 96 as part of a National Pollutant Discharge Elimination System
 97 permit, environmental resource permit, or works-of-the-district
 98 permit; or

99 3. The implementation of best management practices or
 100 alternative measures which the landowner demonstrates to the
 101 governmental entity ~~county~~ to be of equivalent or greater
 102 stormwater benefit than those provided by implementation of best
 103 management practices adopted as rules under chapter 120 by the
 104 Department of Environmental Protection, the Department of
 105 Agriculture and Consumer Services, or a water management
 106 district as part of a statewide or regional program, or
 107 stormwater quality and quantity measures required as part of a
 108 National Pollutant Discharge Elimination System permit,
 109 environmental resource permit, or works-of-the-district permit.

110 (i) The provisions of this subsection that limit a
 111 governmental entity's ~~county's~~ authority to adopt or enforce any
 112 ordinance, regulation, rule, or policy, or to charge any

113 assessment or fee for stormwater management, apply only to a
 114 bona fide farm operation as described in this subsection.

115 Section 2. Paragraph (c) of subsection (4) of section
 116 206.41, Florida Statutes, is amended to read:

117 206.41 State taxes imposed on motor fuel.—

118 (4)

119 (c)1. Any person who uses any motor fuel for agricultural,
 120 aquacultural, commercial fishing, or commercial aviation
 121 purposes on which fuel the tax imposed by paragraph (1)(e),
 122 paragraph (1)(f), or paragraph (1)(g) has been paid is entitled
 123 to a refund of such tax.

124 2. For the purposes of this paragraph, "agricultural and
 125 aquacultural purposes" means motor fuel used in any tractor,
 126 vehicle, or other farm equipment which is used exclusively on a
 127 farm or for processing farm products on the farm, and no part of
 128 which fuel is used in any vehicle or equipment driven or
 129 operated upon the public highways of this state. This
 130 restriction does not apply to the movement of a farm vehicle, ~~or~~
 131 farm equipment, citrus harvesting equipment, or citrus fruit
 132 loaders between farms. The transporting of bees by water and the
 133 operating of equipment used in the apiary of a beekeeper shall
 134 be also deemed an agricultural purpose.

135 3. For the purposes of this paragraph, "commercial fishing
 136 and aquacultural purposes" means motor fuel used in the
 137 operation of boats, vessels, or equipment used exclusively for
 138 the taking of fish, crayfish, oysters, shrimp, or sponges from
 139 salt or fresh waters under the jurisdiction of the state for
 140 resale to the public, and no part of which fuel is used in any

141 vehicle or equipment driven or operated upon the highways of
 142 this state; however, the term may in no way be construed to
 143 include fuel used for sport or pleasure fishing.

144 4. For the purposes of this paragraph, "commercial
 145 aviation purposes" means motor fuel used in the operation of
 146 aviation ground support vehicles or equipment, no part of which
 147 fuel is used in any vehicle or equipment driven or operated upon
 148 the public highways of this state.

149 Section 3. Paragraph (a) of subsection (5) of section
 150 316.515, Florida Statutes, is amended to read:

151 316.515 Maximum width, height, length.—

152 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 153 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

154 (a) Notwithstanding any other provisions of law, straight
 155 trucks, agricultural tractors, citrus harvesting equipment,
 156 citrus fruit loaders, and cotton module movers, not exceeding 50
 157 feet in length, or any combination of up to and including three
 158 implements of husbandry, including the towing power unit, and
 159 any single agricultural trailer with a load thereon or any
 160 agricultural implements attached to a towing power unit, or a
 161 self-propelled agricultural implement or an agricultural
 162 tractor, is authorized for the purpose of transporting peanuts,
 163 grains, soybeans, citrus, cotton, hay, straw, or other
 164 perishable farm products from their point of production to the
 165 first point of change of custody or of long-term storage, and
 166 for the purpose of returning to such point of production, or for
 167 the purpose of moving such tractors, movers, and implements from
 168 one point of agricultural production to another, by a person

169 engaged in the production of any such product or custom hauler,
170 if such vehicle or combination of vehicles otherwise complies
171 with this section. The Department of Transportation may issue
172 overlength permits for cotton module movers greater than 50 feet
173 but not more than 55 feet in overall length. Such vehicles shall
174 be operated in accordance with all safety requirements
175 prescribed by law and rules of the Department of Transportation.

176 Section 4. Subsection (5) of section 479.11, Florida
177 Statutes, is amended to read:

178 479.11 Specified signs prohibited.—No sign shall be
179 erected, used, operated, or maintained:

180 (5) (a) Which displays intermittent lights not embodied in
181 the sign, or any rotating or flashing light within 100 feet of
182 the outside boundary of the right-of-way of any highway on the
183 State Highway System, interstate highway system, or federal-aid
184 primary highway system or which is illuminated in such a manner
185 so as to cause glare or to impair the vision of motorists or
186 otherwise distract motorists so as to interfere with the
187 motorists' ability to safely operate their vehicles.

188 (b) If the sign is on the premises of an establishment as
189 provided in s. 479.16(1), the local government authority with
190 jurisdiction over the location of the sign shall enforce the
191 provisions of this section as provided in chapter 162 and this
192 section.

193 Section 5. Paragraph (c) of subsection (16) of section
194 570.07, Florida Statutes, is amended to read:

195 570.07 Department of Agriculture and Consumer Services;
196 functions, powers, and duties.—The department shall have and

197 exercise the following functions, powers, and duties:

198 (16) To enforce the state laws and rules relating to:

199 (c) Registration, labeling, inspection, sale, use,
 200 composition, formulation, wholesale and retail distribution, and
 201 analysis of commercial stock feeds and registration, labeling,
 202 inspection, and analysis of commercial fertilizers;

203
 204 In order to ensure uniform health and safety standards, the
 205 adoption of standards and fines in the subject areas of
 206 paragraphs (a)-(n) is expressly preempted to the state and the
 207 department. Any local government enforcing the subject areas of
 208 paragraphs (a)-(n) must use the standards and fines set forth in
 209 the pertinent statutes or any rules adopted by the department
 210 pursuant to those statutes.

211 Section 6. Paragraph (g) is added to subsection (2) of
 212 section 580.036, Florida Statutes, to read:

213 580.036 Powers and duties.—

214 (2) The department is authorized to adopt rules pursuant
 215 to ss. 120.536(1) and 120.54 to enforce the provisions of this
 216 chapter. These rules shall be consistent with the rules and
 217 standards of the United States Food and Drug Administration and
 218 the United States Department of Agriculture, when applicable,
 219 and shall include:

220 (g) Establishing standards for the sale, use, and
 221 distribution of commercial feed or feedstuff to ensure usage
 222 that is consistent with animal safety and wellbeing and, to the
 223 extent that meat, poultry, and other animal products for human
 224 consumption may be affected by commercial feed or feedstuff, to

225 ensure that these products are safe for human consumption. Such
 226 standards, if adopted, must be developed in consultation with
 227 the Commercial Feed Technical Council created under s. 580.151.

228 Section 7. Subsection (4) of section 581.083, Florida
 229 Statutes, is amended to read:

230 581.083 Introduction or release of plant pests, noxious
 231 weeds, or organisms affecting plant life; cultivation of
 232 nonnative plants; special permit and security required.—

233 (4) A person may not cultivate a nonnative plant, algae,
 234 or blue-green algae, including a genetically engineered plant,
 235 algae, or blue-green algae ~~or a plant that has been introduced,~~
 236 ~~for purposes of fuel production or purposes other than~~
 237 ~~agriculture~~ in plantings greater in size than 2 contiguous
 238 acres, except under a special permit issued by the department
 239 through the division, which is the sole agency responsible for
 240 issuing such special permits. A permit is not required to
 241 cultivate any plant or group of plants that, based on experience
 242 or research data, does not pose a threat to becoming an invasive
 243 species and is commonly grown in the state for the purpose of
 244 human food consumption, commercial feed, feedstuff, forage for
 245 livestock, nursery stock, or silviculture. The department may
 246 adopt rules exempting additional plants or groups of plants from
 247 the permitting requirements of this section if the department,
 248 after consultation with the Institute of Food and Agricultural
 249 Sciences at the University of Florida, determines that based on
 250 experience or research data, the nonnative plant, algae, or
 251 blue-green algae does not pose a threat to becoming an invasive
 252 species or a pest to plants or native fauna under normal growing

253 conditions in the state ~~Such a permit shall not be required if~~
254 ~~the department determines, in conjunction with the Institute of~~
255 ~~Food and Agricultural Sciences at the University of Florida,~~
256 ~~that the plant is not invasive and subsequently exempts the~~
257 ~~plant by rule.~~

258 (a)1. Each application for a special permit must be
259 accompanied by a fee as described in subsection (2) and proof
260 that the applicant has obtained, on a form approved by the
261 department, ~~a bond in the form approved by the department and~~
262 ~~issued by a surety company admitted to do business in this state~~
263 ~~or a certificate of deposit,~~ or other type of security adopted
264 by rule of the department which provides a financial assurance
265 of cost recovery for the removal of a planting. The application
266 must include, on a form provided by the department, the name of
267 the applicant and the applicant's address or the address of the
268 applicant's principal place of business; a statement completely
269 identifying the nonnative plant to be cultivated; and a
270 statement of the estimated cost of removing and destroying the
271 plant that is the subject of the special permit and the basis
272 for calculating or determining that estimate. If the applicant
273 is a corporation, partnership, or other business entity, the
274 applicant must also provide in the application the name and
275 address of each officer, partner, or managing agent. The
276 applicant shall notify the department within 10 business days of
277 any change of address or change in the principal place of
278 business. The department shall mail all notices to the
279 applicant's last known address.

280 2. As used in this subsection, the term "certificate of

281 deposit" means a certificate of deposit at any recognized
282 financial institution doing business in the United States. The
283 department may not accept a certificate of deposit in connection
284 with the issuance of a special permit unless the issuing
285 institution is properly insured by the Federal Deposit Insurance
286 Corporation or the Federal Savings and Loan Insurance
287 Corporation.

288 (b) Upon obtaining a permit, the permitholder may annually
289 cultivate and maintain the nonnative plants as authorized by the
290 special permit. If the permitholder ceases to maintain or
291 cultivate the plants authorized by the special permit, if the
292 permit expires, or if the permitholder ceases to abide by the
293 conditions of the special permit, the permitholder shall
294 immediately remove and destroy the plants that are subject to
295 the permit, if any remain. The permitholder shall notify the
296 department of the removal and destruction of the plants within
297 10 days after such event.

298 (c) If the department:

299 1. Determines that the permitholder is no longer
300 maintaining or cultivating the plants subject to the special
301 permit and has not removed and destroyed the plants authorized
302 by the special permit;

303 2. Determines that the continued maintenance or
304 cultivation of the plants presents an imminent danger to public
305 health, safety, or welfare;

306 3. Determines that the permitholder has exceeded the
307 conditions of the authorized special permit; or

308 4. Receives a notice of cancellation of the surety bond,

309
310 the department may issue an immediate final order, which shall
311 be immediately appealable or enjoicable as provided by chapter
312 120, directing the permitholder to immediately remove and
313 destroy the plants authorized to be cultivated under the special
314 permit. A copy of the immediate final order must ~~shall~~ be mailed
315 to the permitholder and to the surety company or financial
316 institution that has provided security for the special permit,
317 if applicable.

318 (d) If, upon issuance by the department of an immediate
319 final order to the permitholder, the permitholder fails to
320 remove and destroy the plants subject to the special permit
321 within 60 days after issuance of the order, or such shorter
322 period as is designated in the order as public health, safety,
323 or welfare requires, the department may enter the cultivated
324 acreage and remove and destroy the plants that are the subject
325 of the special permit. If the permitholder makes a written
326 request to the department for an extension of time to remove and
327 destroy the plants that demonstrates specific facts showing why
328 the plants could not reasonably be removed and destroyed in the
329 applicable timeframe, the department may extend the time for
330 removing and destroying plants subject to a special permit. The
331 reasonable costs and expenses incurred by the department for
332 removing and destroying plants subject to a special permit shall
333 be reimbursed to the department by the permitholder within 21
334 days after the date the permitholder and the surety company or
335 financial institution are served a copy of the department's
336 invoice for the costs and expenses incurred by the department to

337 | remove and destroy the cultivated plants, along with a notice of
338 | administrative rights, unless the permitholder or the surety
339 | company or financial institution object to the reasonableness of
340 | the invoice. In the event of an objection, the permitholder or
341 | surety company or financial institution is entitled to an
342 | administrative proceeding as provided by chapter 120. Upon entry
343 | of a final order determining the reasonableness of the incurred
344 | costs and expenses, the permitholder has ~~shall have~~ 15 days
345 | after ~~following~~ service of the final order to reimburse the
346 | department. Failure of the permitholder to timely reimburse the
347 | department for the incurred costs and expenses entitles the
348 | department to reimbursement from the applicable bond or
349 | certificate of deposit.

350 | (e) Each permitholder shall maintain for each separate
351 | growing location a bond or a certificate of deposit in an amount
352 | determined by the department, but not more ~~less~~ than 150 percent
353 | of the estimated cost of removing and destroying the cultivated
354 | plants. The bond or certificate of deposit may not exceed \$5,000
355 | per acre, unless a higher amount is determined by the department
356 | to be necessary to protect the public health, safety, and
357 | welfare or unless an exemption is granted by the department
358 | based on conditions specified in the application which would
359 | preclude the department from incurring the cost of removing and
360 | destroying the cultivated plants and would prevent injury to the
361 | public health, safety, and welfare. The aggregate liability of
362 | the surety company or financial institution to all persons for
363 | all breaches of the conditions of the bond or certificate of
364 | deposit may not exceed the amount of the bond or certificate of

365 deposit. The original bond or certificate of deposit required by
366 this subsection shall be filed with the department. A surety
367 company shall give the department 30 days' written notice of
368 cancellation, by certified mail, in order to cancel a bond.
369 Cancellation of a bond does not relieve a surety company of
370 liability for paying to the department all costs and expenses
371 incurred or to be incurred for removing and destroying the
372 permitted plants covered by an immediate final order authorized
373 under paragraph (c). A bond or certificate of deposit must be
374 provided or assigned in the exact name in which an applicant
375 applies for a special permit. The penal sum of the bond or
376 certificate of deposit to be furnished to the department by a
377 permitholder in the amount specified in this paragraph must
378 guarantee payment of the costs and expenses incurred or to be
379 incurred by the department for removing and destroying the
380 plants cultivated under the issued special permit. The bond or
381 certificate of deposit assignment or agreement must be upon a
382 form prescribed or approved by the department and must be
383 conditioned to secure the faithful accounting for and payment of
384 all costs and expenses incurred by the department for removing
385 and destroying all plants cultivated under the special permit.
386 The bond or certificate of deposit assignment or agreement must
387 include terms binding the instrument to the Commissioner of
388 Agriculture. Such certificate of deposit shall be presented with
389 an assignment of the permitholder's rights in the certificate in
390 favor of the Commissioner of Agriculture on a form prescribed by
391 the department and with a letter from the issuing institution
392 acknowledging that the assignment has been properly recorded on

393 | the books of the issuing institution and will be honored by the
394 | issuing institution. Such assignment is irrevocable while a
395 | special permit is in effect and for an additional period of 6
396 | months after termination of the special permit if operations to
397 | remove and destroy the permitted plants are not continuing and
398 | if the department's invoice remains unpaid by the permitholder
399 | under the issued immediate final order. If operations to remove
400 | and destroy the plants are pending, the assignment remains in
401 | effect until all plants are removed and destroyed and the
402 | department's invoice has been paid. The bond or certificate of
403 | deposit may be released by the assignee of the surety company or
404 | financial institution to the permitholder, or to the
405 | permitholder's successors, assignee, or heirs, if operations to
406 | remove and destroy the permitted plants are not pending and no
407 | invoice remains unpaid at the conclusion of 6 months after the
408 | last effective date of the special permit. The department may
409 | not accept a certificate of deposit that contains any provision
410 | that would give to any person any prior rights or claim on the
411 | proceeds or principal of such certificate of deposit. The
412 | department shall determine by rule whether an annual bond or
413 | certificate of deposit will be required. The amount of such bond
414 | or certificate of deposit shall be increased, upon order of the
415 | department, at any time if the department finds such increase to
416 | be warranted by the cultivating operations of the permitholder.
417 | In the same manner, the amount of such bond or certificate of
418 | deposit may be adjusted downward or removed ~~decreased~~ when a
419 | decrease in the cultivating operations of the permitholder
420 | occurs or when research or practical field knowledge and

421 observations indicate a low risk of invasiveness by the
422 nonnative species warrants such decrease. Factors that may be
423 considered for change include multiple years or cycles of
424 successful large-scale contained cultivation; no observation of
425 plant, algae, or blue-green algae escape from managed areas; or
426 science-based evidence that established or approved adjusted
427 cultivation practices provide a similar level of containment of
428 the nonnative plant, algae, or blue-green algae. This paragraph
429 applies to any bond or certificate of deposit, regardless of the
430 anniversary date of its issuance, expiration, or renewal.

431 (f) In order to carry out the purposes of this subsection,
432 the department or its agents may require from any permit holder
433 verified statements of the cultivated acreage subject to the
434 special permit and may review the permit holder's business or
435 cultivation records at her or his place of business during
436 normal business hours in order to determine the acreage
437 cultivated. The failure of a permit holder to furnish such
438 statement, to make such records available, or to make and
439 deliver a new or additional bond or certificate of deposit is
440 cause for suspension of the special permit. If the department
441 finds such failure to be willful, the special permit may be
442 revoked.

443 Section 8. Paragraph (a) of subsection (1) of section
444 599.004, Florida Statutes, is amended to read:

445 599.004 Florida Farm Winery Program; registration; logo;
446 fees.—

447 (1) The Florida Farm Winery Program is established within
448 the Department of Agriculture and Consumer Services. Under this

449 program, a winery may qualify as a tourist attraction only if it
 450 is registered with and certified by the department as a Florida
 451 Farm Winery. A winery may not claim to be certified unless it
 452 has received written approval from the department.

453 (a) To qualify as a certified Florida Farm Winery, a
 454 winery must ~~shall meet the following standards:~~

455 1. Produce or sell less than 250,000 gallons of wine
 456 annually.

457 2. Maintain a minimum of 5 ~~10~~ acres of owned or managed
 458 land vineyards in Florida which produces commodities used in the
 459 production of wine.

460 3. Be open to the public for tours, tastings, and sales at
 461 least 30 hours each week.

462 4. Make annual application to the department for
 463 recognition as a Florida Farm Winery, on forms provided by the
 464 department.

465 5. Pay an annual application and registration fee of \$100.

466 Section 9. For the purpose of incorporating the amendment
 467 made by this act to section 599.004, Florida Statutes, in a
 468 reference thereto, subsection (5) of section 561.24, Florida
 469 Statutes, is reenacted to read:

470 561.24 Licensing manufacturers as distributors or
 471 registered exporters prohibited; procedure for issuance and
 472 renewal of distributors' licenses and exporters' registrations.—

473 (5) Notwithstanding any of the provisions of the foregoing
 474 subsections, any corporation which holds a license as a
 475 distributor on June 3, 1947, shall be entitled to a renewal
 476 thereof, provided such corporation complies with all of the

477 provisions of the Beverage Law of Florida, as amended, and of
 478 this section and establishes by satisfactory evidence to the
 479 division that, during the 6-month period next preceding its
 480 application for such renewal, of the total volume of its sales
 481 of spirituous liquors, in either dollars or quantity, not more
 482 than 40 percent of such spirituous liquors sold by it, in either
 483 dollars or quantity, were manufactured, rectified, or distilled
 484 by any corporation with which the applicant is affiliated,
 485 directly or indirectly, including any corporation which owns or
 486 controls in any way any stock in the applicant corporation or
 487 any corporation which is a subsidiary or affiliate of the
 488 corporation so owning stock in the applicant corporation. Any
 489 manufacturer of wine holding a license as a distributor on the
 490 effective date of this act shall be entitled to a renewal of
 491 such license notwithstanding the provisions of subsections (1)-
 492 (5). This section does not apply to any winery qualifying as a
 493 certified Florida Farm Winery under s. 599.004.

494 Section 10. Section 604.50, Florida Statutes, is reordered
 495 and amended to read:

496 604.50 Nonresidential farm buildings; and farm fences;
 497 farm signs.-

498 (1) Notwithstanding any provision of ~~other~~ law to the
 499 contrary, any nonresidential farm building, ~~or~~ farm fence, or
 500 farm sign is exempt from the Florida Building Code and any
 501 county or municipal code or fee, except for code provisions
 502 implementing local, state, or federal floodplain management
 503 regulations. A farm sign located on a public road may not be
 504 erected, used, operated, or maintained in a manner that violates

505 any of the standards provided in s. 479.11(4), (5)(a), and (6)-
 506 (8).

507 (2) As used in this section, the term:

508 (a) ~~(b)~~ "Farm" has the same meaning as provided in s.
 509 823.14.

510 (b) "Farm sign" means a sign erected, used, or maintained
 511 on a farm by the owner or lessee of the farm which relates
 512 solely to farm produce, merchandise, or services sold, produced,
 513 manufactured, or furnished on the farm.

514 (c) ~~(a)~~ "Nonresidential farm building" means any temporary
 515 or permanent building or support structure that is classified as
 516 a nonresidential farm building on a farm under s. 553.73(9)(c)
 517 or that is used primarily for agricultural purposes, is located
 518 on land that is an integral part of a farm operation or is
 519 classified as agricultural land under s. 193.461, and is not
 520 intended to be used as a residential dwelling. The term may
 521 include, but is not limited to, a barn, greenhouse, shade house,
 522 farm office, storage building, or poultry house.

523 Section 11. This act shall take effect July 1, 2012.