HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

BILL #:	CS/HB 1197 (CS/SB 1132)	**FINAL HOUSE FLOOR ACTION:**	
SPONSOR(S):	State Affairs Committee; Horner and others (Budget Subcommittee on General Government Appropriations and Hayes)	109 **Y's**	5 **N's**
COMPANION BILLS:	CS/SB 1132	**GOVERNOR'S ACTION:**	Approved

SUMMARY ANALYSIS

CS/HB 1197 passed the House on February 23, 2012. The bill was amended by the Senate on March 6, 2012, and subsequently passed the House on March 6, 2012. This bill addresses several issues relating to agriculture in the state.

- Current law prohibits a county from charging an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural, under certain circumstances. The bill replaces the word "county" with "governmental entity" in the provisions described above to expand the types of governmental entities for which the above provisions apply. The bill also provides a definition for governmental entity and specifies that the term does not include a water control district or a special district created for water management purposes.

- The bill adds citrus harvesting equipment and citrus fruit loaders to the types of equipment that can move between farms on public highways in the State and not violate the public highway use restriction for the purpose of qualifying for the motor fuel tax refund described above. The bill also amends the Florida Uniform Traffic Control Law to include citrus harvesting equipment and citrus fruit loaders, not exceeding 50 feet in length, to the list of machinery that are authorized to transport certain perishable farm products.

- The bill revises the powers and duties of the Department of Agriculture and Consumer Services (department) to include enforcing the state laws and rules relating to the use of commercial feed stocks. In addition, the bill requires the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff.

- The bill provides the department with the exclusive authority to regulate beekeeping, apiaries, and apiary locations and provides that an apiary may be located on land classified as agricultural under s. 193.461, F.S., or on land that is integral to a beekeeping operation. The bill also amends the definition of "farm," "farm operation," and "farm product" in the Florida Right to Farm Act to include land and buildings used in the production of honeybee products, the placement and operation of an apiary, and insects that are useful to humans within the purview of the act.

- The bill reduces, from 10 to 5, the acreage required for a winery to qualify as a certified Florida Farm Winery and provides the certification applies to wines made from vegetables as well as fruits. The bill also requires that sixty percent of the wine produced or sold by a Florida Farm Winery must be made from state agricultural products.

- The bill exempts farm signs from the Florida Building Code and any county or municipal code or fee. The bill provides a definition for "farm sign." The bill also requires farm signs on public roads to meet certain criteria.

- Lastly, the bill repeals a provision in the statutes prohibiting the artificial coloring or the sale of artificially colored animals or fowl in the state.

The bill does not appear to have a fiscal impact on state government. The fiscal impact on local government is expected to be insignificant. For more information, see Fiscal Analysis & Economic Impact Statement.

The bill was approved by the Governor on April 6, 2012, ch. 2012-83, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Stormwater Management Assessments

Current Situation

In 2011, the Legislature overrode the veto of CS/HB 7103, which passed the House and Senate during the 2010 Legislative Session. CS/HB 7103, in part, amended s. 163.3162(3)(b), F.S., to specify that a county cannot charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural if the farm operation has a National Pollutant Discharge Elimination System (NPDES) permit, environmental resources permit (ERP) or works-of-the-district permit, or implements best management practices (BMPs).[1]

In addition, CS/HB 7103 amended s. 163.3162(3)(c), F.S., to specify that each county that, before March 1, 2009, adopted a stormwater utility ordinance or resolution, adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the county's intent to use the uniform method of collection for such stormwater ordinances, can continue to charge an assessment or fee for stormwater management on a bona fide farm operation on agricultural land, if the ordinance or resolution provides credits against the assessment or fee on a bona fide farm operation for the water quality or flood control benefit of:

- The implementation of BMPs;[2]
- The stormwater quality and quantity measures required as part of the NPDES permit, ERP, or works-of-the-district permit; or
- The implementation of BMPs or alternative measures, which the landowner demonstrates to the county to be of equivalent or greater stormwater benefit than the BMPs adopted by the Department of Environmental Protection, Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of an NPDES permit, ERP, or works-of-the-district permit.

Since the veto override of CS/HB 7103, the City of Palm Coast has adopted and implemented a stormwater fee that affects thousands of acres of timber and agricultural lands. However, since the stormwater management assessment provisions described above currently only apply to counties, they do not currently apply to the City of Palm Coast.

Effect of Proposed Changes

The bill creates s. 163.3162(2)(d), F.S., to define the term "governmental entity" as "having the same meaning as provided in s. 164.1031, F.S.[3] The term does not include a water control district established under chapter 298, F.S., or a special district created by a special act for water management purposes." The bill amends ss. 163.3162(3)(b) and 163.3162(3)(c), F.S., by replacing the word "county" with the words "governmental entity" in the provisions of those sections described above. This has the effect of expanding the types of entities that are prohibited from charging an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural if the farm

[1] The BMPs must have been adopted as rules under Chapter 120, F.S., by the Department of Environmental Protection, the Department of Agriculture and Consumer Services or a water management district as part of a statewide or regional program.
[2] *Id.*
[3] Governmental entity is defined in s. 164.1031, F.S., to include local and regional governmental entities. "Local governmental entities" includes municipalities, counties, school boards, special districts, and other local entities within the jurisdiction of one county created by general or special law or local ordinance. "Regional governmental entities" includes regional planning councils, metropolitan planning organizations, water supply authorities that include more than one county, local health councils, water management districts, and other regional entities that are authorized and created by general or special law that have duties or responsibilities extending beyond the jurisdiction of a single county.

operation has an NPDES permit, ERP, or works-of-the-district permit or implements best management practices (BMPs), and that can continue, if certain requirements are met, to charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural.

Motor Fuel Tax Refund

Current Situation

Section 206.41(4)(c), F.S., specifies that a person who uses motor fuel for agricultural, aquacultural, commercial fishing, or commercial aviation purposes that has paid the local option fuel tax, an additional tax designated as the "State Comprehensive Enhanced Transportation System Tax," or fuel sales tax, is entitled to a refund of such tax. For the purpose of establishing what activities qualify for the tax refund, "agricultural and aquacultural purposes" means "motor fuel used in any tractor, vehicle, or other farm equipment that is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state." This restriction from being driven or operated upon the public highways of the state does not apply to the movement of a farm vehicle or farm equipment between farms.

Effect of Proposed Changes

The bill amends s. 206.41(4)(c), F.S., to add citrus harvesting equipment and citrus fruit loaders to the types of equipment that can move between farms on public highways in the State and not violate the public highway use restriction for the purpose of qualifying for the motor fuel tax refund described above.

Transporting Farm Products

Current Situation

Chapter 316, F.S., establishes the Florida Uniform Traffic Control Law. Section 316.515(5)(a), F.S., specifies that, notwithstanding any other provisions of law, certain agricultural equipment such as straight trucks, agricultural tractors, and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry, including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit, or a self-propelled agricultural implement or an agricultural tractor, is authorized to transport peanuts, grains, soybeans, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving such tractors, movers, and implements from one point of agricultural production to another, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section of law.

Effect of Proposed Changes

The bill amends s. 316.515(5)(a), F.S., to include citrus harvesting equipment and citrus fruit loaders, not exceeding 50 feet in length, to the list of machinery that are authorized to transport certain perishable farm products, and includes citrus in the list of perishable farm products specified in statute that are authorized to be transported by specified equipment.

Regulation of Commercial Feed

Current Situation

The Department of Agriculture and Consumer Services has the authority under s. 570.07, F.S., to enforce the laws and rules of the state relating to the registration, labeling, inspection, sale, composition, formulation, wholesale and retail distribution, and analysis of commercial stock feeds.

Chapter 580, F.S., provides for the regulation of commercial feed and feedstuff. Section 580.036, F.S., authorizes the department to adopt rules pursuant to chapter 120, F.S., to enforce the provisions of chapter 580, F.S., and specifies that such rules must be consistent with the rules and standards of the United States Food and Drug Administration and United States Department of Agriculture, when applicable. Such rules must include:

- Establishing definitions and reasonable standards for commercial feed or feedstuff and permissible tolerances for pesticide chemicals, chemical additives, non-nutritive ingredients, or drugs in or on commercial feed or feedstuff in such amounts as will ensure the safety of livestock and poultry and their products, which are used for human consumption.
- Adopting standards for the manufacture and distribution of medicated feedstuff.
- Establishing definitions and reasonable standards for the certification of laboratories for the conduct of testing and analyses as required by Florida law.
- Establishing product labeling requirements for distributors.
- Limiting the use of drugs in commercial feed and prescribe feeding directions to be used to ensure safe usage of medicated feed.
- Establishing standards for evaluating quality-assurance/quality-control plans, including testing protocols, for exemptions to certified laboratory testing requirements.

Effect of Proposed Changes

The bill amends s. 570.07, F.S., authorizing the department to enforce laws and rules of the state relating to the use of commercial feed and feedstuff.

The bill also amends s. 580.036, F.S., requiring the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff to ensure usage that is consistent with animal health, safety, and welfare and, to the extent that meat, poultry, and other animal products may be affected by commercial feed or feedstuff, with the safety of these products for human consumption. These standards, if adopted, must be developed in consultation with the Commercial Feed Technical Council.

Florida Right to Farm Act

Present Situation

The Florida Right to Farm Act[4] states that the Legislature finds that agricultural production is a major contributor to the economy of the state and agricultural lands constitute unique and irreplaceable resources of statewide importance. The Legislature also finds that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of the farm land from agricultural use. The purpose of this act is to protect reasonable agricultural activities conducted on farm land from nuisance suits. The act, in general, states that no farm operation that has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices.

[4] Section 823.14, F.S.

The act also specifies that a local government may not adopt any ordinance, 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 where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the department, or water management districts and adopted under chapter 120 as part of a statewide or regional program.

The act defines "farm" to mean the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products. "Farm operation" is defined in the act to mean all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor. "Farm product" is also defined in the act to mean any plant, as defined in s. 581.011, F.S.,[5] or animal useful to humans and includes, but is not limited to, any product derived therefrom.

Effect of Proposed Changes

The bill revises the Right to Farm Act by amending the definition of "farm" to include production of honeybee products in addition to farm and aquaculture products. The bill also amends the definition of "farm operation" to integrate production of honeybee products, which may include the placement and operation of an apiary. The definition of "farm product" is amended to include any insect useful to humans. These definitional changes brings land and buildings used in the production of honeybee products, the placement and operation of an apiary, and insects that are useful to humans within the purview of the Right to Farm Act.

Beekeeping, Apiaries, and Apiary Locations

Current Situation

Apiary inspection plays a vital role in Florida agriculture as inspectors work to prevent introduction and establishment of honey bee pests and diseases. Florida's honey industry is consistently ranked among the top five in the nation with an annual worth of $13 million. In addition, the Florida honey bee industry benefits the state's fruit and vegetable industry by providing an estimated $20 million in increased production numbers created by managed pollination services that are available in no other way. There are more than 100 varieties of popular fruits and vegetables that use pollination to ensure fruitful crops.

Florida apiary inspectors certify movement of honey bee colonies throughout the state and nation.[6] These colonies are monitored for diseases, honey bee pests and unwanted species. The Department of Agriculture and Consumer Services (department) has a comprehensive state program (e.g., numbers of inspectors and traps) to prevent the accidental introduction of the unwanted Africanized honey bee.

Seventeen million pounds of honey are produced in Florida each year.[7]

[5] Plant means trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them, unless specifically excluded by rule.
[6] Rule 5B-54.006, F.A.C.
[7] http://www.freshfromflorida.com/onestop/plt/apiaryinsp.html

Chapter 586, F.S., regulates honey production and beekeeping in Florida. Section 586.10, F.S., specifies that the department has the powers and duties to:

- Administer and enforce the provisions of this chapter;
- Promulgate rules necessary to the enforcement of this chapter;
- Promulgate rules relating to standard grades for honey and other honeybee products;
- Enter any public or private premise during regular business hours for the purpose of inspection, quarantine, destruction, or treatment of honeybees, used beekeeping equipment, unwanted races of honeybees, or regulated articles;
- Declare a honeybee pest or unwanted race of honeybees to be a nuisance;
- Declare a quarantine;
- Enter into cooperative arrangements with any person, municipality, county, or other department of this state or any agency, officer, or authority of other states or the United States Department of Agriculture, for inspection of honeybees, honeybee pests, or unwanted races of honeybees, and contribute a share of the expenses incurred under such arrangements.
- Carry on investigations of methods of control, eradication, and prevention of dissemination of honeybee pests or unwanted races of honeybees;
- Inspect or cause to be inspected all apiaries of the state to include: name of the apiary, name of the apiary owner, mailing address of the apiary owner, number of hives of the apiary owner, pest problems associated with the apiary, and brands used by beekeepers where applicable;
- Collect or accept arthropods, nematodes, fungi, bacteria, or other organisms for identification;
- Confiscate, destroy, or make use of abandoned beehives or beekeeping equipment;
- Require the identification of ownership of apiaries;
- Enter into a compliance agreement with any person engaged in purchasing, assembling, exchanging, processing, utilizing, treating, or moving beekeeping equipment or honeybees;
- Make and issue to beekeepers certificates of registration and inspection, following proper inspection and certification of their honeybee colonies;
- Revoke or suspend a certificate of inspection or the use of any certificate or permit issued by the department if a beekeeper or honeybee product processor violates this section;
- Refuse the certification of any honeybees, honeybee products, or beekeeping equipment when it is determined that an unwanted race of honeybees, honeybee products, or beekeeping equipment, or that the condition of the apiary inhibits a thorough and efficient inspection by the department;
- Conduct, supervise, or cause the fumigation, destruction, or treatment of honeybees, including unwanted races of honeybees, honeybee products, and used beekeeping equipment or other articles infested or infected by honeybee pests or unwanted races of honeybees or so exposed that infection or infestation could exist; and
- May require the removal from this state of any honeybees or beekeeping equipment brought into the state in violation of this chapter.[8]

Section 586.02, F.S., provides various definitions related to beekeeping and honey production.

Effect of Proposed Changes

The bill amends s. 586.10, F.S., to specify that the department has the exclusive authority to regulate beekeeping, apiaries, and apiary locations. The bill also instructs the department to consult with local governments and affected stakeholders prior to adopting rules relating to beekeeping.

The bill provides that an apiary may be located on land classified as agricultural under s. 193.461, F.S., or on land that is integral to a beekeeping operation. Section 193.461, F.S., provides that lands that are used primarily for bona fide agricultural purposes must be classified agricultural. The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land. In determining

[8] Section 586.10, F.S.

whether the use of the land for agricultural purposes is bona fide, the following factors are taken into consideration:

- The length of time the land has been so used.
- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

The bill also defines "apiculture" as "the raising, caring for, and breeding of honeybees."

Florida Farm Winery Certification

Current Situation

Section 599.004, F.S., establishes the Florida Farm Winery program (program) within the Department of Agriculture and Consumer Services (DACS). Under this program, a winery may qualify as a tourist attraction only if it is registered with and certified by the DACS. A winery may not claim to be certified unless it has received written approval from the DACS.

To qualify for the program, a winery must:

- Produce or sell less than 250,000 gallons of wine annually.
- Maintain a minimum of 10 acres of owned or managed vineyards in Florida.
- Be open to the public for tours, tastings, and sales at least 30 hours each week.
- Make annual application to the DACS for recognition as a Florida Farm Winery, on forms provided by the DACS.
- Pay an annual application and registration fee of $100.

To maintain certification and recognition in the program, a winery must comply with the qualifications provided above. The Commissioner of Agriculture is authorized to officially recognize a certified Florida Farm Winery as a state tourist attraction.

The DACS, in coordination with the Viticulture Advisory Council, must develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to wineries participating in the program. The logo and emblem of certified Florida Farm Winery signs must be uniform.

Upon request of a participant in the program, the Department of Transportation must acquire and place the logo, emblem, and directional signs on the rights-of-way of interstate highways and primary and secondary roads. All costs for placement of the signs must be paid by the participant in the program requesting the signs. However, the cost of placing a sign cannot exceed $250 and the annual permit fee cannot exceed $50.

Participants in the program must pay to the DACS a licensing fee of $10 each year for each Florida Farm Winery logo, emblem, and directional sign in place. All fees collected, except as otherwise provided by this section, must be deposited into the Viticulture Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Effect of Proposed Changes

The bill amends s. 599.004, F.S., to reduce the acreage from 10 acres to 5 acres required for a winery to qualify as a certified Florida Farm Winery. The bill provides that certification applies to wines made from produce other than grapes. The bill also requires that sixty percent of the wine produced or sold by a Florida Farm Winery must be made from state agricultural products.

Farm Signs

Current Situation

Section 604.50, F.S., specifies that any nonresidential farm building or farm fence is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations.[9] "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.[10] "Nonresidential farm building" means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c), F.S., or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, F.S., and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Section 479.11(4)-(8), F.S., prohibits signs on public roads that:

- Are within 100 feet of any church, school, cemetery, public park, public reservation, public playground, or state or national forest, when such facility is located outside of an incorporated area, except as provided in s. 479.16, F.S.
- Display intermittent lights not embodied in the sign, or any rotating or flashing light within 100 feet of the outside boundary of the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system or which is illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists so as to interfere with the motorists' ability to safely operate their vehicles. If the sign is on the premises of an establishment as provided in s. 479.16(1), F.S., the local government authority with jurisdiction over the location of the sign shall enforce the provisions of this section as provided in chapter 162 and this section.
- Use the word "stop" or "danger," or present or imply the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official signs, and which is adjacent to the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system.
- Is placed on the inside of a curve or in any manner that may prevent persons using the highway from obtaining an unobstructed view of approaching vehicles and which is adjacent to the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system.
- Is located upon the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system.

Section 479.16(1), F.S., provides that the following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of ch. 479, F.S., but are required to comply with the provisions of ss. 479.11(4)-(8), F.S.:

- Signs erected on the premises of an establishment, which signs consist primarily of the name of the establishment or which identify the principal or accessory merchandise, services, activities,

[9] Section 604.50, F.S.
[10] Section 823.14, F.S.

or entertainment sold, produced, manufactured, or furnished on the premises of the establishment and which comply with the lighting restrictions under department rule adopted pursuant to s. 479.11(5), or signs owned by a municipality or a county located on the premises of such municipality or such county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:

- Messages which specifically reference any commercial enterprise.
- Messages which reference a commercial sponsor of any event.
- Personal messages.
- Political campaign messages.

Effect of Proposed Changes

The bill exempts farm signs from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. The bill also defines "farm sign" as a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.

The bill also provides that farm signs on public roads may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4)-(8), F.S., described above. In addition, the bill divides s. 479.11(5), F.S., into two paragraphs to specifically provide that local governments do not have authority over farm signs even if they are on the premises of an establishment as provided in s. 479.16(1), F.S., described above.

Artificially Colored or Dyed Animals or Fowl

Current Situation

Section 828.161(1), F.S., prohibits any person from artificially dyeing or coloring any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or bringing any dyed or colored animal or fowl into the state.

Subsection (2) prohibits any person from selling, offering for sale, or giving away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys or retail premiums.

The above provisions do not apply to any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.

Persons violating the provisions of this section are guilty of a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days or a fine not to exceed $500.

Effect of Proposed Changes

The bill repeals s. 828.161, F.S., which prohibits the artificial coloring or sale of artificially colored animals and fowl in the state.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

On January 20, 2012, the Revenue Estimating Conference adopted an estimate of the fiscal impact as a result of amending s. 163.3162, F.S., replacing the word “county” with “governmental entity.”

	FY 2012-13	**FY 2013-14**	**FY 2014-15**	**FY 2015-16**
Cities	($.9 million)	($1 million)	($1 million)	($1.1 million)
Total	**($.9 million)**	**($1 million)**	**$1 million)**	**$1.1 million)**

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

By amending s. 604.50, F.S., agricultural producers may be exempt from paying fees or fines assessed by certain governmental entities for farm signs.

By amending s. 823.14, F.S., the Florida Right to Farm Act, the number of lawsuits for agricultural nuisances relating to honeybee production, products, and insects may be reduced.

The bill provides relief to agricultural producers who are being assessed with stormwater management fees by certain governmental entities. The bill expands the opportunity for agricultural producers to participate in the Florida Farm Winery program.

By repealing s. 828.161, F.S., persons who have animals that compete in dog or horse shows, where dyed fur or hair is beneficial to the rankings, are no longer at a disadvantage.

D. FISCAL COMMENTS:

By amending s. 604.50, F.S., counties and municipalities that collect fees or fines associated with farm signs, may experience a decrease in revenues. Although the fiscal impact is indeterminate, it is likely to be insignificant.

The Department of Revenue has determined that pursuant to s. 206.41(4), F.S., citrus harvesting equipment and citrus fruit loaders fall under the existing definition of farm equipment and already qualify for the motor fuel tax refund.

The Department of Transportation expects no fiscal impact as a result of including citrus harvesting equipment and citrus fruit loaders, not exceeding 50 feet in length, as authorized to transport citrus or other perishable farm products.

The Department of Agriculture may see an increase in revenues from additional participants in the Florida Farm Winery program.

The state may see an increase in revenue from dog and horse shoe competitions that may now be held in the state due to the repeal of the provision of law relating to the prohibition of artificially dyed or colored animals in the state.