

By Senator Brandes

22-01221A-13

20131190__

1 A bill to be entitled
 2 An act relating to agricultural lands; amending s.
 3 163.3162, F.S.; revising a definition; prohibiting a
 4 governmental entity from adopting or enforcing any
 5 prohibition, restriction, regulation, or other
 6 limitation or from charging a fee on a specific
 7 agricultural activity of a bona fide farm operation on
 8 land classified as agricultural land under certain
 9 circumstances; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Paragraphs (b) through (j) of subsection (3) of
 14 section 163.3162, Florida Statutes, are redesignated as
 15 paragraphs (c) through (k), respectively, paragraph (d) of
 16 subsection (2) and paragraph (a) of subsection (3) are amended,
 17 and a new paragraph (b) is added to subsection (3) of that
 18 section, to read:

19 163.3162 Agricultural Lands and Practices.—

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

21 (d) "Governmental entity" has the same meaning as provided
 22 in s. 164.1031. The term does not include a water management
 23 district, a water control district established under chapter
 24 298, or a special district created by special act for water
 25 management purposes.

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

29 (a) A governmental entity ~~county~~ may not exercise any of

22-01221A-13

20131190__

30 its powers to adopt or enforce any ordinance, resolution,
31 regulation, rule, or policy to prohibit, restrict, regulate, or
32 otherwise limit an activity of a bona fide farm operation on
33 land classified as agricultural land pursuant to s. 193.461, if
34 such activity is regulated through implemented best management
35 practices, interim measures, or regulations adopted as rules
36 under chapter 120 by the Department of Environmental Protection,
37 the Department of Agriculture and Consumer Services, or a water
38 management district as part of a statewide or regional program;
39 or if such activity is expressly regulated by the United States
40 Department of Agriculture, the United States Army Corps of
41 Engineers, or the United States Environmental Protection Agency.

42 (b) A governmental entity may not charge a fee on a
43 specific agricultural activity of a bona fide farm operation on
44 land classified as agricultural land pursuant to s. 193.461, if
45 such agricultural activity is regulated through implemented best
46 management practices, interim measures, or rules adopted under
47 chapter 120 by the Department of Environmental Protection, the
48 Department of Agriculture and Consumer Services, or a water
49 management district as part of a statewide or regional program
50 or if such agricultural activity is expressly regulated by the
51 United States Department of Agriculture, the United States Army
52 Corps of Engineers, or the United States Environmental
53 Protection Agency.

54 Section 2. This act shall take effect July 1, 2013.