

By the Committee on Agriculture; and Senator Hutson

575-02292-16

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1 A bill to be entitled  
2 An act relating to agriculture; amending s. 163.3162,  
3 F.S.; providing sole authority to regulate the burning  
4 of agricultural crops on certain lands to the  
5 Department of Agriculture and Consumer Services;  
6 amending s. 193.461, F.S.; revising the period during  
7 which certain agricultural lands in eradication or  
8 quarantine programs continue to be classified as such;  
9 providing for the classification of such lands that  
10 are replanted in citrus; creating s. 580.0365, F.S.;  
11 preempting regulatory authority over commercial feed  
12 and feedstuff to the department; amending s. 581.211,  
13 F.S.; providing penalties for certain handling of  
14 plant pests without a special permit from the Division  
15 of Plant Industry within the department; specifying  
16 that moneys collected must be deposited into the Plant  
17 Industry Trust Fund; amending s. 704.06, F.S.;  
18 revising the definition of the term "conservation  
19 easement"; providing an effective date.  
20

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

23 Section 1. Subsection (5) is added to section 163.3162,  
24 Florida Statutes, to read:

25 163.3162 Agricultural Lands and Practices.—

26 (5) BURNING OF AGRICULTURAL CROPS.—The Department of  
27 Agriculture and Consumer Services has the sole authority to  
28 regulate the burning of agricultural crops on land classified as  
29 agricultural land pursuant to s. 193.461.

30 Section 2. Paragraph (a) of subsection (7) of section  
31 193.461, Florida Statutes, is amended to read:

32 193.461 Agricultural lands; classification and assessment;

575-02292-16

20161310c1

33 mandated eradication or quarantine program.—

34 (7) (a) Lands classified for assessment purposes as  
35 agricultural lands which are taken out of production by a state  
36 or federal eradication or quarantine program, including the  
37 Citrus Health Response Program, shall continue to be classified  
38 as agricultural lands for 5 years after the date of execution of  
39 a compliance agreement between the landowner and the Department  
40 of Agriculture and Consumer Services, or a federal agency, as  
41 applicable, pursuant to the duration of such program or  
42 successor programs. Lands under these programs which are  
43 converted to fallow or otherwise nonincome-producing uses shall  
44 continue to be classified as agricultural lands and shall be  
45 assessed at a de minimis value of up to \$50 per acre on a  
46 single-year assessment methodology while converted. Lands under  
47 these programs which are replanted in citrus pursuant to the  
48 requirements of the compliance agreement shall continue to be  
49 classified as agricultural lands and shall be assessed at a de  
50 minimis value of up to \$50 per acre, on a single-year assessment  
51 methodology, during the 5-year term of the agreement. However,  
52 lands converted to other income-producing agricultural uses  
53 permissible under such programs shall be assessed pursuant to  
54 this section. Land under a mandated eradication or quarantine  
55 program which is diverted from an agricultural to a  
56 nonagricultural use shall be assessed under s. 193.011.

57 Section 3. Section 580.0365, Florida Statutes, is created  
58 to read:

59 580.0365 Preemption of regulatory authority over commercial  
60 feed and feedstuff.—In order to provide for uniform regulation  
61 throughout the state, the state preempts all regulation over

575-02292-16

20161310c1

62 commercial feed and feedstuff to the department. Notwithstanding  
63 any other provision of law, the authority to regulate, inspect,  
64 sample, and analyze any commercial feed or feedstuff distributed  
65 in this state or to exercise the powers and duties under this  
66 chapter, including the assessment of any penalties for  
67 violations of this chapter, is preempted to the department. If  
68 any rule adopted by, or final order of, the department relating  
69 to commercial feed and feedstuff is in conflict with any other  
70 provision or restriction under a local ordinance or  
71 administrative rule adopted by, or final order of, an entity or  
72 agency other than the department, this section shall govern and  
73 such local ordinance, rule, or order is preempted.

74 Section 4. Subsections (4) and (5) are added to section  
75 581.211, Florida Statutes, to read:

76 581.211 Penalties for violations.—

77 (4) A person who knowingly acquires, imports, possesses,  
78 sells or offers to sell, trades or offers to trade, barter or  
79 offers to barter, moves or causes to be moved, introduces, or  
80 releases a plant pest in this state without a special permit  
81 from the division:

82 (a) Commits a misdemeanor of the first degree, punishable  
83 as provided in s. 775.082 or s. 775.083;

84 (b) Is subject to an administrative fine pursuant to s.  
85 570.971 in the Class II category for each violation of this  
86 chapter;

87 (c) May have a certificate of registration or certificate  
88 of inspection suspended or revoked; and

89 (d) Is liable for the payment of all reasonable costs and  
90 expenses incurred by the department in a plant pest control or

575-02292-16

20161310c1

91 eradication program. Moneys collected pursuant to this section  
92 shall be deposited into the Plant Industry Trust Fund.

93 (5) A person who knowingly acquires, imports, possesses,  
94 sells or offers to sell, trades or offers to trade, barter or  
95 offers to barter, moves or causes to be moved, introduces, or  
96 releases a plant pest in this state without a special permit  
97 from the division that results in the issuance of a declaration  
98 of an agricultural emergency by the Commissioner of Agriculture  
99 or the implementation of a control or eradication program by the  
100 department or the United States Department of Agriculture:

101 (a) Commits a felony of the second degree, punishable as  
102 provided in s. 775.082 or s. 775.083;

103 (b) Is subject to an administrative fine pursuant to s.  
104 570.971 in the Class IV category for each violation of this  
105 chapter;

106 (c) May have a certificate of registration or certificate  
107 of inspection suspended or revoked; and

108 (d) Is liable for the payment of all reasonable costs and  
109 expenses incurred by the department in a plant pest control or  
110 eradication program. Moneys collected pursuant to this section  
111 shall be deposited into the Plant Industry Trust Fund.

112 Section 5. Paragraphs (c) and (e) of subsection (1) of  
113 section 704.06, Florida Statutes, are amended to read:

114 704.06 Conservation easements; creation; acquisition;  
115 enforcement.—

116 (1) As used in this section, "conservation easement" means  
117 a right or interest in real property which is appropriate to  
118 retaining land or water areas predominantly in their natural,  
119 scenic, open, agricultural, or wooded condition; retaining such

575-02292-16

20161310c1

120 areas as suitable habitat for fish, plants, or wildlife;  
121 retaining the structural integrity or physical appearance of  
122 sites or properties of historical, architectural,  
123 archaeological, or cultural significance; or maintaining  
124 existing land uses and which prohibits or limits any or all of  
125 the following:

126 (c) Removal or destruction of trees, shrubs, or other  
127 vegetation except when necessary for maintenance purposes.

128 (e) Surface use except for purposes that permit the land or  
129 water area to remain predominantly in its natural or  
130 agricultural condition. Such agricultural condition may include  
131 livestock grazing if the activity is a current or historic use  
132 of the land and if future livestock grazing within the  
133 conservation easement area is conducted in accordance with  
134 applicable best management practices adopted by the Department  
135 of Agriculture and Consumer Services.

136 Section 6. This act shall take effect July 1, 2016.