

By the Committees on Appropriations; and Agriculture; and
Senator Hutson

576-04447-16

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1 A bill to be entitled

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

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (a) of subsection (7) of section
22 193.461, Florida Statutes, is amended to read:

23 193.461 Agricultural lands; classification and assessment;
24 mandated eradication or quarantine program.—

25 (7) (a) Lands classified for assessment purposes as
26 agricultural lands which are taken out of production by a state
27 or federal eradication or quarantine program, including the
28 Citrus Health Response Program, shall continue to be classified
29 as agricultural lands for 5 years after the date of execution of
30 a compliance agreement between the landowner and the Department
31 of Agriculture and Consumer Services, or a federal agency, as

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32 applicable, pursuant to the duration of such program or
33 successor programs. Lands under these programs which are
34 converted to fallow or otherwise nonincome-producing uses shall
35 continue to be classified as agricultural lands and shall be
36 assessed at a de minimis value of up to \$50 per acre on a
37 single-year assessment methodology while converted. Lands under
38 these programs which are replanted in citrus pursuant to the
39 requirements of the compliance agreement shall continue to be
40 classified as agricultural lands and shall be assessed at a de
41 minimis value of up to \$50 per acre, on a single-year assessment
42 methodology, during the 5-year term of the agreement. However,
43 lands converted to other income-producing agricultural uses
44 permissible under such programs shall be assessed pursuant to
45 this section. Land under a mandated eradication or quarantine
46 program which is diverted from an agricultural to a
47 nonagricultural use shall be assessed under s. 193.011.

48 Section 2. Section 580.0365, Florida Statutes, is created
49 to read:

50 580.0365 Preemption of regulatory authority over commercial
51 feed and feedstuff.—In order to provide for uniform regulation
52 throughout the state, the state preempts all regulation over
53 commercial feed and feedstuff to the department. Notwithstanding
54 any other provision of law, the authority to regulate, inspect,
55 sample, and analyze any commercial feed or feedstuff distributed
56 in this state or to exercise the powers and duties under this
57 chapter, including the assessment of any penalties for
58 violations of this chapter, is preempted to the department. If
59 any rule adopted by, or final order of, the department relating
60 to commercial feed and feedstuff is in conflict with any other

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61 provision or restriction under a local ordinance or
62 administrative rule adopted by, or final order of, an entity or
63 agency other than the department, this section shall govern and
64 such local ordinance, rule, or order is preempted.

65 Section 3. Subsections (4) and (5) are added to section
66 581.211, Florida Statutes, to read:

67 581.211 Penalties for violations.-

68 (4) A person who knowingly acquires, imports, possesses,
69 sells or offers to sell, trades or offers to trade, barter or
70 offers to barter, moves or causes to be moved, introduces, or
71 releases a plant pest in this state without a special permit
72 from the division:

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

75 (b) Is subject to an administrative fine pursuant to s.
76 570.971 in the Class II category for each violation of this
77 chapter;

78 (c) May have a certificate of registration or certificate
79 of inspection suspended or revoked; and

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

84 (5) A person who knowingly acquires, imports, possesses,
85 sells or offers to sell, trades or offers to trade, barter or
86 offers to barter, moves or causes to be moved, introduces, or
87 releases a plant pest in this state without a special permit
88 from the division that results in the issuance of a declaration
89 of an agricultural emergency by the Commissioner of Agriculture

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90 or the implementation of a control or eradication program by the
91 department or the United States Department of Agriculture:

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

94 (b) Is subject to an administrative fine pursuant to s.
95 570.971 in the Class IV category for each violation of this
96 chapter;

97 (c) May have a certificate of registration or certificate
98 of inspection suspended or revoked; and

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

103 Section 4. Subsection (1) of section 704.06, Florida
104 Statutes, is amended to read:

105 704.06 Conservation easements; creation; acquisition;
106 enforcement.—

107 (1) As used in this section, "conservation easement" means
108 a right or interest in real property which is appropriate to
109 retaining land or water areas predominantly in their natural,
110 scenic, open, agricultural, or wooded condition; retaining such
111 areas as suitable habitat for fish, plants, or wildlife;
112 retaining the structural integrity or physical appearance of
113 sites or properties of historical, architectural,
114 archaeological, or cultural significance; or maintaining
115 existing land uses and which prohibits or limits any or all of
116 the following:

117 (a) Construction or placing of buildings, roads, signs,
118 billboards or other advertising, utilities, or other structures

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119 on or above the ground.

120 (b) Dumping or placing of soil or other substance or
121 material as landfill or dumping or placing of trash, waste, or
122 unsightly or offensive materials.

123 (c) Removal or destruction of trees, shrubs, or other
124 vegetation, except when needed for maintenance purposes or as
125 part of forest management conducted in accordance with
126 applicable best management practices adopted by the Department
127 of Agriculture and Consumer Services.

128 (d) Excavation, dredging, or removal of loam, peat, gravel,
129 soil, rock, or other material substance in such manner as to
130 affect the surface.

131 (e) Surface use except for purposes that permit the land or
132 water area to remain predominantly in its natural or
133 agricultural condition. An allowable surface use may include,
134 but is not limited to, livestock grazing, if such activity is a
135 current or historic use and if such future use within the
136 conservation easement area is conducted in accordance with
137 applicable best management practices adopted by the Department
138 of Agriculture and Consumer Services.

139 (f) Activities detrimental to drainage, flood control,
140 water conservation, erosion control, soil conservation, or fish
141 and wildlife habitat preservation.

142 (g) Acts or uses detrimental to such retention of land or
143 water areas.

144 (h) Acts or uses detrimental to the preservation of the
145 structural integrity or physical appearance of sites or
146 properties of historical, architectural, archaeological, or
147 cultural significance.

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149 Paragraphs (c) and (e) do not restrict or diminish the authority
150 of any unit of government to allow forest management and
151 livestock grazing as a compatible use on lands subject to a
152 conservation easement.

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Section 5. This act shall take effect July 1, 2016.