

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 creating s. 580.0365, F.S.; preempting regulatory
 7 authority over commercial feed and feedstuff to the
 8 department; amending s. 581.211, F.S.; providing
 9 penalties for certain handling of plant pests without
 10 a special permit from the Division of Plant Industry
 11 within the department; amending s. 704.06, F.S.;
 12 revising the definition of the term "conservation
 13 easement" to allow such lands to remain in an
 14 agricultural condition for specified purposes;
 15 providing an effective date.

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

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

21 163.3162 Agricultural Lands and Practices.—

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

26 Section 2. Section 580.0365, Florida Statutes, is created

27 to read:

28 580.0365 Preemption of regulatory authority over
29 commercial feed and feedstuff.—It is the intent of the
30 Legislature to eliminate duplication of regulation over
31 commercial feed and feedstuff. Notwithstanding any other
32 provision of law, the authority to regulate, inspect, sample,
33 and analyze any commercial feed or feedstuff distributed in this
34 state or to exercise the powers and duties under this chapter,
35 including the assessment of any penalties for violations of this
36 chapter, is preempted to the department.

37 Section 3. Subsections (4) and (5) are added to section
38 581.211, Florida Statutes, to read:

39 581.211 Penalties for violations.—

40 (4) A person who knowingly acquires, imports, possesses,
41 sells or offers to sell, trades or offers to trade, barter or
42 offers to barter, moves or causes to be moved, introduces, or
43 releases a plant pest without a special permit from the
44 division:

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

47 (b) Is subject to an administrative fine pursuant to s.
48 570.971 in the Class II category for each violation of this
49 chapter;

50 (c) May have a certificate of registration or certificate
51 of inspection suspended or revoked; and

52 (d) Is liable for the payment of all reasonable costs and

53 expenses incurred by the department in a pest control or
54 eradication program. Moneys collected pursuant to this section
55 shall be deposited into the Plant Industry Trust Fund.

56 (5) A person who knowingly acquires, imports, possesses,
57 sells or offers to sell, trades or offers to trade, barter or
58 offers to barter, moves or causes to be moved, introduces, or
59 releases a plant pest without a special permit from the division
60 that results in the issuance of a declaration of an agricultural
61 emergency by the Commissioner of Agriculture or the
62 implementation of a control or eradication program by the
63 department or the United States Department of Agriculture:

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

66 (b) Is subject to an administrative fine pursuant to s.
67 570.971 in the Class IV category for each violation of this
68 chapter;

69 (c) May have a certificate of registration or certificate
70 of inspection suspended or revoked; and

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

75 Section 4. Paragraph (e) of subsection (1) of section
76 704.06, Florida Statutes, is amended to read:

77 704.06 Conservation easements; creation; acquisition;
78 enforcement.—

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79 (1) As used in this section, "conservation easement" means
80 a right or interest in real property which is appropriate to
81 retaining land or water areas predominantly in their natural,
82 scenic, open, agricultural, or wooded condition; retaining such
83 areas as suitable habitat for fish, plants, or wildlife;
84 retaining the structural integrity or physical appearance of
85 sites or properties of historical, architectural,
86 archaeological, or cultural significance; or maintaining
87 existing land uses and which prohibits or limits any or all of
88 the following:

89 (e) Surface use except for purposes that allow ~~permit~~ the
90 land or water area to remain predominantly in its natural
91 condition or in an agricultural condition, such as livestock
92 grazing in accordance with applicable best management practices
93 adopted by the Department of Agriculture and Consumer Services.

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