

1 A bill to be entitled
 2 An act relating to agriculture; amending 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 replanted in
 7 citrus; creating s. 580.0365, F.S.; preempting
 8 regulatory authority over commercial feed and
 9 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; amending s.
 14 704.06, F.S.; revising the definition of the term
 15 "conservation easement" to allow such lands to remain
 16 in an agricultural condition for specified purposes;
 17 providing an exception for maintenance purposes;
 18 providing an effective date.

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

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 22 Section 1. Paragraph (a) of subsection (7) of section
 23 193.461, Florida Statutes, is amended to read:

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

26 (7) (a) Lands classified for assessment purposes as

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

50 Section 2. Section 580.0365, Florida Statutes, is created
 51 to read:

52 580.0365 Preemption of regulatory authority over

53 commercial feed and feedstuff.—It is the intent of the
54 Legislature to eliminate duplication of regulation over
55 commercial feed and feedstuff. Notwithstanding any other
56 provision of law, the authority to regulate, inspect, sample,
57 and analyze any commercial feed or feedstuff distributed in this
58 state or to exercise the powers and duties under this chapter,
59 including the assessment of any penalties for violations of this
60 chapter, is preempted to the department.

61 Section 3. Subsections (4) and (5) are added to section
62 581.211, Florida Statutes, to read:

63 581.211 Penalties for violations.—

64 (4) A person who knowingly acquires, imports, possesses,
65 sells or offers to sell, trades or offers to trade, barters or
66 offers to barter, moves or causes to be moved, introduces, or
67 releases a plant pest without a special permit from the
68 division:

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

71 (b) Is subject to an administrative fine pursuant to s.
72 570.971 in the Class II category for each violation of this
73 chapter;

74 (c) May have a certificate of registration or certificate
75 of inspection suspended or revoked; and

76 (d) Is liable for the payment of all reasonable costs and
77 expenses incurred by the department in a pest control or
78 eradication program. Moneys collected pursuant to this section

79 shall be deposited into the Plant Industry Trust Fund.

80 (5) A person who knowingly acquires, imports, possesses,
81 sells or offers to sell, trades or offers to trade, barter or
82 offers to barter, moves or causes to be moved, introduces, or
83 releases a plant pest without a special permit from the division
84 that results in the issuance of a declaration of an agricultural
85 emergency by the Commissioner of Agriculture or the
86 implementation of a control or eradication program by the
87 department or the United States Department of Agriculture:

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

90 (b) Is subject to an administrative fine pursuant to s.
91 570.971 in the Class IV category for each violation of this
92 chapter;

93 (c) May have a certificate of registration or certificate
94 of inspection suspended or revoked; and

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

99 Section 4. Paragraphs (c) and (e) of subsection (1) of
100 section 704.06, Florida Statutes, are amended to read:

101 704.06 Conservation easements; creation; acquisition;
102 enforcement.—

103 (1) As used in this section, "conservation easement" means
104 a right or interest in real property which is appropriate to

105 retaining land or water areas predominantly in their natural,
106 scenic, open, agricultural, or wooded condition; retaining such
107 areas as suitable habitat for fish, plants, or wildlife;
108 retaining the structural integrity or physical appearance of
109 sites or properties of historical, architectural,
110 archaeological, or cultural significance; or maintaining
111 existing land uses and which prohibits or limits any or all of
112 the following:

113 (c) Removal or destruction of trees, shrubs, or other
114 vegetation except when needed for maintenance purposes.

115 (e) Surface use except for purposes that permit the land
116 or water area to remain predominantly in its natural or
117 agricultural condition, which may include livestock grazing if
118 such activity is a current or historic use of the land to be
119 placed under the conservation easement and if any future
120 livestock grazing within the conservation easement area is
121 conducted in accordance with applicable best management
122 practices adopted by the Department of Agriculture and Consumer
123 Services.

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