

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; amending s. 320.51, F.S.; exempting certain
8 farm vehicles from registration requirements under
9 certain circumstances; creating s. 580.0365, F.S.;
10 preempting regulatory authority over commercial feed
11 and feedstuff to the Department of Agriculture and
12 Consumer Services; amending s. 581.211, F.S.;
13 providing penalties for certain handling of plant
14 pests without a special permit from the Division of
15 Plant Industry within the department; amending s.
16 704.06, F.S.; revising the definition of the term
17 "conservation easement" to allow such lands to remain
18 in an agricultural condition for specified purposes;
19 providing an exception for maintenance purposes;
20 providing applicability; providing an effective date.

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

23
24 Section 1. Paragraph (a) of subsection (7) of section
25 193.461, Florida Statutes, is amended to read:

26 193.461 Agricultural lands; classification and assessment;

27 mandated eradication or quarantine program.—

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

52 Section 2. Section 320.51, Florida Statutes, is amended to

53 read:

54 320.51 Farm tractors and farm trailers exempt.—The
 55 following are exempt from the provisions of this chapter which
 56 require the registration of motor vehicles, the payment of
 57 license taxes, and the display of license plates:

58 (1) A motor vehicle which is operated principally on a
 59 farm, grove, or orchard in agricultural or horticultural
 60 pursuits and which is operated on the roads of this state only
 61 incidentally in going from the owner's or operator's
 62 headquarters to such farm, grove, or orchard and returning
 63 therefrom or in going from one farm, grove, or orchard to
 64 another. ~~and~~

65 (2) A vehicle without motive power which is used
 66 principally for the purpose of transporting plows, harrows,
 67 fertilizer distributors, spray machines, and other farm or grove
 68 equipment and which uses the roads of this state only
 69 incidentally.

70 (3) A vehicle as described in subsection (1) or subsection
 71 (2) that is operated on the roads of this state for up to 3 days
 72 while moving from an auction site or other place of purchase to
 73 the purchaser's property if the operator has in his or her
 74 possession a bill of sale.

75
 76 ~~Nothing in This section does not exempt shall be construed as~~
 77 ~~exempting~~ such farm tractors and farm trailers from laws
 78 relating to the tires to be used when operating on the roads of

79 | this state.

80 | Section 3. Section 580.0365, Florida Statutes, is created
81 | to read:

82 | 580.0365 Preemption of regulatory authority over
83 | commercial feed and feedstuff.—It is the intent of the
84 | Legislature to eliminate duplication of regulation over
85 | commercial feed and feedstuff. Notwithstanding any other
86 | provision of law, the authority to regulate, inspect, sample,
87 | and analyze any commercial feed or feedstuff distributed in this
88 | state or to exercise the powers and duties under this chapter,
89 | including the assessment of any penalties for violations of this
90 | chapter, is preempted to the department.

91 | Section 4. Subsections (4) and (5) are added to section
92 | 581.211, Florida Statutes, to read:

93 | 581.211 Penalties for violations.—

94 | (4) A person who knowingly acquires, imports, possesses,
95 | sells or offers to sell, trades or offers to trade, barter or
96 | offers to barter, moves or causes to be moved, introduces, or
97 | releases a plant pest without a special permit from the
98 | division:

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

101 | (b) Is subject to an administrative fine pursuant to s.
102 | 570.971 in the Class II category for each violation of this
103 | chapter;

104 | (c) May have a certificate of registration or certificate

105 of inspection suspended or revoked; and

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

110 (5) A person who knowingly acquires, imports, possesses,
 111 sells or offers to sell, trades or offers to trade, barter or
 112 offers to barter, moves or causes to be moved, introduces, or
 113 releases a plant pest without a special permit from the division
 114 that results in the issuance of a declaration of an agricultural
 115 emergency by the Commissioner of Agriculture or the
 116 implementation of a control or eradication program by the
 117 department or the United States Department of Agriculture:

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

120 (b) Is subject to an administrative fine pursuant to s.
 121 570.971 in the Class IV category for each violation of this
 122 chapter;

123 (c) May have a certificate of registration or certificate
 124 of inspection suspended or revoked; and

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

129 Section 5. Subsection (1) of section 704.06, Florida
 130 Statutes, is amended to read:

131 704.06 Conservation easements; creation; acquisition;
132 enforcement.—

133 (1) As used in this section, "conservation easement" means
134 a right or interest in real property which is appropriate to
135 retaining land or water areas predominantly in their natural,
136 scenic, open, agricultural, or wooded condition; retaining such
137 areas as suitable habitat for fish, plants, or wildlife;
138 retaining the structural integrity or physical appearance of
139 sites or properties of historical, architectural,
140 archaeological, or cultural significance; or maintaining
141 existing land uses and which prohibits or limits any or all of
142 the following:

143 (a) Construction or placing of buildings, roads, signs,
144 billboards or other advertising, utilities, or other structures
145 on or above the ground.

146 (b) Dumping or placing of soil or other substance or
147 material as landfill or dumping or placing of trash, waste, or
148 unsightly or offensive materials.

149 (c) Removal or destruction of trees, shrubs, or other
150 vegetation, except when needed for maintenance purposes or as
151 part of forest management conducted in accordance with
152 applicable best management practices adopted by the Department
153 of Agriculture and Consumer Services.

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

157 (e) Surface use except for purposes that permit the land
158 or water area to remain predominantly in its natural or
159 agricultural condition. An allowable surface use may include,
160 but is not limited to, livestock grazing if such activity is a
161 current or historic use and if such future use within the
162 conservation easement area is conducted in accordance with
163 applicable best management practices adopted by the Department
164 of Agriculture and Consumer Services.

165 (f) Activities detrimental to drainage, flood control,
166 water conservation, erosion control, soil conservation, or fish
167 and wildlife habitat preservation.

168 (g) Acts or uses detrimental to such retention of land or
169 water areas.

170 (h) Acts or uses detrimental to the preservation of the
171 structural integrity or physical appearance of sites or
172 properties of historical, architectural, archaeological, or
173 cultural significance.

174
175 The provisions of paragraphs (c) and (e) do not restrict or
176 diminish the authority of any unit of government to allow forest
177 management and livestock grazing as a compatible use on lands
178 subject to a conservation easement.

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