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CS/CS/HB 749, Engrossed 1

2016 Legislature

1  
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.; providing for conservation easement  
17 agreements to include provisions which allow  
18 agricultural activities under certain conditions;  
19 providing applicability; providing an effective date.

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

22  
23 Section 1. Paragraph (a) of subsection (7) of section  
24 193.461, Florida Statutes, is amended to read:

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



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

51 Section 2. Section 320.51, Florida Statutes, is amended to  
52 read:



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53           320.51 Farm tractors and farm trailers exempt.—The  
 54 following are exempt from the provisions of this chapter which  
 55 require the registration of motor vehicles, the payment of  
 56 license taxes, and the display of license plates:

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

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

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

74  
 75 ~~Nothing in~~ This section does not exempt ~~shall be construed as~~  
 76 ~~exempting~~ such farm tractors and farm trailers from laws  
 77 relating to the tires to be used when operating on the roads of  
 78 this state.



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

81 580.0365 Preemption of regulatory authority over  
82 commercial feed and feedstuff.—It is the intent of the  
83 Legislature to eliminate duplication of regulation over  
84 commercial feed and feedstuff. Notwithstanding any other  
85 provision of law, the authority to regulate, inspect, sample,  
86 and analyze any commercial feed or feedstuff distributed in this  
87 state or to exercise the powers and duties under this chapter,  
88 including the assessment of any penalties for violations of this  
89 chapter, is preempted to the department.

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

92 581.211 Penalties for violations.—

93 (4) 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 without a special permit from the  
97 division:

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

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

103 (c) May have a certificate of registration or certificate  
104 of inspection suspended or revoked; and



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

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

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

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

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

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

128 Section 5. Subsection (13) is added to section 704.06,  
 129 Florida Statutes, to read:

130 704.06 Conservation easements; creation; acquisition;



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131 enforcement.—

132 (13) A conservation easement agreement may include  
133 provisions which allow agricultural activities, including, but  
134 not limited to, silviculture, forestry management, and livestock  
135 grazing, if such activity is a current or historic use of the  
136 land placed under easement. If such agricultural activities are  
137 allowed under the terms of the agreement, such activities must  
138 be conducted in accordance with applicable best management  
139 practices adopted by the Department of Agriculture and Consumer  
140 Services. This subsection does not restrict or diminish the  
141 authority granted in a previous conservation easement agreement  
142 for forest management and livestock grazing as a compatible use  
143 on lands subject to a conservation easement.

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