

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Environment, Agriculture &
 2 Flooding Subcommittee

3 Representative Hardy offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2) and (3) of section 823.14,
 8 Florida Statutes, are amended to read:

9 823.14 Florida Right to Farm Act.—

10 (2) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature
 11 finds that agricultural production is a major contributor to the
 12 economy of the state; that agricultural lands constitute unique
 13 and irreplaceable resources of statewide importance; that the
 14 continuation of agricultural activities preserves the landscape
 15 and environmental resources of the state, contributes to the
 16 increase of tourism, including agritourism, and furthers the

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17 economic self-sufficiency of the people of the state; and that
18 the encouragement, development, improvement, and preservation of
19 agriculture will result in a general benefit to the health and
20 welfare of the people of the state. The Legislature further
21 finds that agricultural activities conducted on farm land in
22 urbanizing areas are potentially subject to lawsuits based on
23 the theory of nuisance and that these suits encourage and even
24 force the premature removal of the farm land from agricultural
25 use. It is the purpose of this act to protect reasonable
26 agricultural activities conducted on farm land from nuisance
27 suits.

28 (3) DEFINITIONS.—As used in this section:

29 (a) "Agritourism activity" has the same meaning as
30 provided in s. 570.86.

31 (b) ~~(d)~~ "Established date of operation" means the date the
32 farm operation commenced. For an agritourism activity, the term
33 "established date of operation" means the date the specific
34 agritourism activity commenced. If the farm operation is
35 subsequently expanded within the original boundaries of the farm
36 land, the established date of operation of the expansion shall
37 also be considered as the date the original farm operation
38 commenced. If the land boundaries of the farm are subsequently
39 expanded, the established date of operation for each expansion
40 is deemed to be a separate and independent established date of

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41 operation. The expanded operation shall not divest the farm
42 operation of a previous established date of operation.

43 (c)~~(a)~~ "Farm" means the land, buildings, support
44 facilities, machinery, and other appurtenances used in the
45 production of farm or aquaculture products.

46 (d)~~(b)~~ "Farm operation" means all conditions or activities
47 by the owner, lessee, agent, independent contractor, and
48 supplier which occur on a farm in connection with the production
49 of farm, honeybee, or apiculture products or in connection with
50 complementary agritourism activities. These conditions and
51 activities include, but are ~~and includes, but is~~ not limited to,
52 the marketing of produce at roadside stands or farm markets; the
53 operation of machinery and irrigation pumps; the generation of
54 noise, odors, dust, and fumes; ground or aerial seeding and
55 spraying; the placement and operation of an apiary; the
56 application of chemical fertilizers, conditioners, insecticides,
57 pesticides, and herbicides; agritourism activities; and the
58 employment and use of labor.

59 (e)~~(e)~~ "Farm product" means any plant, as defined in s.
60 581.011, or animal or insect useful to humans and includes, but
61 is not limited to, any product derived therefrom.

62 Section 2. Paragraphs (a) and (b) of subsection (1) of
63 section 193.4517, Florida Statutes, are amended to read:

64 193.4517 Assessment of agricultural equipment rendered
65 unable to be used due to Hurricane Michael.-

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66 (1) As used in this section, the term:

67 (a) "Farm" has the same meaning as provided in s.
68 823.14(3) ~~s. 823.14(3)(a)~~.

69 (b) "Farm operation" has the same meaning as provided in
70 s. 823.14(3) ~~s. 823.14(3)(b)~~.

71 Section 3. Paragraph (a) of subsection (1) of section
72 316.5501, Florida Statutes, is amended to read:

73 316.5501 Permitting program for combination truck tractor,
74 semitrailer, and trailer combination coupled as a single unit
75 subject to certain requirements.—

76 (1) By no later than January 1, 2020, the Department of
77 Transportation in conjunction with the Department of Highway
78 Safety and Motor Vehicles shall develop a permitting program
79 that, notwithstanding any other provision of law except
80 conflicting federal law and applicable provisions of s. 316.550,
81 prescribes the operation of any combination of truck tractor,
82 semitrailer, and trailer combination coupled together so as to
83 operate as a single unit in which the semitrailer and the
84 trailer unit may each be up to 48 feet in length, but not less
85 than 28 feet in length, if such truck tractor, semitrailer, and
86 trailer combination is:

87 (a) Being used for the primary purpose of transporting
88 farm products as defined in s. 823.14(3) ~~s. 823.14(3)(e)~~ on a
89 prescribed route within the boundary of the Everglades
90 Agricultural Area as described in s. 373.4592(15);

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91 Section 4. Paragraph (b) of subsection (16) of section
92 633.202, Florida Statutes, is amended to read:

93 633.202 Florida Fire Prevention Code.—
94 (16)

95 (b) Notwithstanding any other provision of law:

96 1. A nonresidential farm building in which the occupancy
97 is limited by the property owner to no more than 35 persons is
98 exempt from the Florida Fire Prevention Code, including the
99 national codes and Life Safety Code incorporated by reference.

100 2. An agricultural pole barn is exempt from the Florida
101 Fire Prevention Code, including the national codes and the Life
102 Safety Code incorporated by reference.

103 3. Except for an agricultural pole barn, a structure on a
104 farm, as defined in s. 823.14(3) ~~s. 823.14(3)(a)~~, which is used
105 by an owner for agritourism activity, as defined in s. 570.86,
106 for which the owner receives consideration must be classified in
107 one of the following classes:

108 a. Class 1: A nonresidential farm building that is used by
109 the owner 12 or fewer times per year for agritourism activity
110 with up to 100 persons occupying the structure at one time. A
111 structure in this class is subject to annual inspection for
112 classification by the local authority having jurisdiction. This
113 class is not subject to the Florida Fire Prevention Code but is
114 subject to rules adopted by the State Fire Marshal pursuant to
115 this section.

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116 b. Class 2: A nonresidential farm building that is used by
117 the owner for agritourism activity with up to 300 persons
118 occupying the structure at one time. A structure in this class
119 is subject to annual inspection for classification by the local
120 authority having jurisdiction. This class is not subject to the
121 Florida Fire Prevention Code but is subject to rules adopted by
122 the State Fire Marshal pursuant to this section.

123 c. Class 3: A structure or facility that is used primarily
124 for housing, sheltering, or otherwise accommodating members of
125 the general public. A structure or facility in this class is
126 subject to annual inspection for classification by the local
127 authority having jurisdiction. This class is subject to the
128 Florida Fire Prevention Code.

129 Section 5. Paragraph (g) of subsection (1) of section
130 812.015, Florida Statutes, is amended to read:

131 812.015 Retail and farm theft; transit fare evasion;
132 mandatory fine; alternative punishment; detention and arrest;
133 exemption from liability for false arrest; resisting arrest;
134 penalties.—

135 (1) As used in this section:

136 (g) "Farm theft" means the unlawful taking possession of
137 any items that are grown or produced on land owned, rented, or
138 leased by another person. The term includes the unlawful taking
139 possession of equipment and associated materials used to grow or
140 produce farm products as defined in s. 823.14 ~~s. 823.14(3)(e)~~.

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141 Section 6. For the purpose of incorporating the amendment
142 made by this act to section 823.14, Florida Statutes, in a
143 reference thereto, paragraph (b) of subsection (2) of section
144 163.3162, Florida Statutes, is reenacted to read:

145 163.3162 Agricultural Lands and Practices.—

146 (2) DEFINITIONS.—As used in this section, the term:

147 (b) "Farm operation" has the same meaning as provided in
148 s. 823.14.

149 Section 7. For the purpose of incorporating the amendments
150 made by this act to section 823.14, Florida Statutes, in a
151 reference thereto, subsection (4) of section 403.9337, Florida
152 Statutes, is reenacted to read:

153 403.9337 Model Ordinance for Florida-Friendly Fertilizer
154 Use on Urban Landscapes.—

155 (4) This section does not apply to the use of fertilizer
156 on farm operations as defined in s. 823.14 or on lands
157 classified as agricultural lands pursuant to s. 193.461.

158 Section 8. This act shall take effect July 1, 2021.

159
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T I T L E A M E N D M E N T

161 Remove everything before the enacting clause and insert:

162 A bill to be entitled

163 An act relating to farming operations; amending s. 823.14,
164 F.S.; revising legislative findings; defining the term
165

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1601 (2021)

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166 "agritourism activity"; revising the definition of the term
167 "established date of operation"; revising the definition of
168 the term "farm operation"; amending ss. 193.4517, 316.5501,
169 633.202, and 812.015, F.S.; conforming provisions to
170 changes made by the act; reenacting s. 163.3162(2)(b) and
171 403.9337(4), F.S., relating to Agricultural Lands and
172 Practices and Model Ordinance for Florida-Friendly
173 Fertilizer Use on Urban Landscapes, respectively, to
174 incorporate the amendments made by this act to s. 823.14,
175 F.S., in references thereto; providing an effective date.