

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 211](#)

**TITLE:** Farm Products

**SPONSOR(S):** Cobb, Hunschofsky

**COMPANION BILL:** [SB 374](#) (Truenow)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 114 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill amends the definition of "farm product" to include plants and plant products, regardless of whether the plants and plant products are edible or nonedible.

The bill revises the prohibition on governmental entities adopting or enforcing any ordinance, resolution, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an activity of a bona fide farm operation to include the collection, storage, processing, and distribution of farm products on agricultural land.

#### Fiscal or Economic Impact:

None.

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### ANALYSIS

#### EFFECT OF THE BILL:

The bill amends the definition of "[farm product](#)" to include plants and plant products,<sup>1</sup> regardless of whether the plants and plant products are edible or nonedible. (Section [1](#).)

The bill revises the prohibition on governmental entities<sup>2</sup> adopting or enforcing any ordinance, resolution, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an activity of a [bona fide farm operation](#) to include the collection, storage, processing, and distribution of farm products on agricultural land. (Section [1](#).)

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2025.

### RELEVANT INFORMATION

#### SUBJECT OVERVIEW:

##### Agriculture in Florida

As of 2024, Florida had 44,400 farm operations<sup>3</sup> covering 9.7 million acres of farmland.<sup>4</sup> In 2023, Florida ranked first in the United States in the value of production for floriculture, Valencia oranges, sugarcane, watermelons and

<sup>1</sup> "Plants and plant products" means trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them, unless specifically excluded by the rules of the Department of Agriculture and Consumer Services. S. [581.011\(27\), F.S.](#)

<sup>2</sup> For purposes of these provisions, "governmental entity" means local and regional government entities but does not include a water management district, a water control district established under ch. 298, F.S., or a special district created by special act for water management purposes. Ss. [164.1031\(3\)](#) and [163.3162\(1\)\(d\), F.S.](#)

<sup>3</sup> "Farm operations" means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors,

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sweet corn. The state ranked second in value of production for bell peppers, strawberries, tomatoes grown in the open, and non-Valencia oranges; ranked third nationally in cabbage and grapefruit; and ranked fourth nationally in peanuts.<sup>5</sup>

### **Regulation of Bona Fide Farm Operations**

To prevent duplication of regulation, a local or regional governmental entity<sup>6</sup> is prohibited from exercising any of its powers to adopt or enforce any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a [bona fide farm operation](#) on land classified as agriculture land,<sup>7</sup> if such activity is:

- Regulated through implemented best management practices, interim measures, or regulations adopted as rules pursuant to ch. 120, F.S.,<sup>8</sup> by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or
- Regulated by the U.S. Department of Agriculture, the U.S. Army Corps of Engineers, or the U.S. Environmental Protection Agency.<sup>9</sup>

### **Classification of Agricultural Land**

Under Florida law, a property appraiser must, on an annual basis, classify all lands within a county for tax assessment purposes as either agricultural or nonagricultural.<sup>10</sup> Subject to certain restrictions, only lands that are used primarily for bona fide agricultural purposes may be classified as agricultural.<sup>11</sup> For purposes of this classification, the term “bona fide agricultural purposes” means good faith commercial agricultural use of the land, which includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, commercial tropical fish farming, aquaculture, algaculture, sod farming, and all forms of farm products and farm production.<sup>12</sup>

Currently, Florida law defines “[farm product](#)” as any plant<sup>13</sup> or any animal that is useful to humans and includes, but is not limited to, any product derived therefrom.<sup>14</sup>

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dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor. S. [823.14\(3\)\(d\), F.S.](#)

<sup>4</sup> USDA’s National Agricultural Statistics Service Florida Field Office, *2024 State Agricultural Overview*, [https://www.nass.usda.gov/Quick Stats/Ag\\_Overview/stateOverview.php?state=FLORIDA](https://www.nass.usda.gov/Quick Stats/Ag_Overview/stateOverview.php?state=FLORIDA) (last visited May 5, 2025).

<sup>5</sup> Department of Agriculture and Consumer Services, *Florida Agriculture Overview and Statistics*, <https://www.fdacs.gov/Agriculture-Industry/Florida-Agriculture-Overview-and-Statistics> (last visited Mar. 27, 2025).

<sup>6</sup> *Supra* note 2.

<sup>7</sup> See s. [193.461, F.S.](#)

<sup>8</sup> Ch. 120, F.S., is the Administrative Procedure Act. See s. [210.51, F.S.](#)

<sup>9</sup> S. [163.3162\(3\)\(a\), F.S.](#)

<sup>10</sup> S. [193.461\(1\), F.S.](#)

<sup>11</sup> S. [193.461\(3\)\(b\), F.S.](#)

<sup>12</sup> Ss. [193.461\(3\)\(b\)](#) and [193.461\(5\), F.S.](#)

<sup>13</sup> *Supra* note 1.

<sup>14</sup> S. [163.3162\(2\)\(c\), F.S.](#)