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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

03/05/2012 10:44 AM

Senator Hays moved the following:

Senate Amendment (with title amendment)

Between lines 17 and 18

insert:

Section 1. Subsection (2) and paragraphs (b), (c), and (i) of subsection (3) of section 163.3162, Florida Statutes, are amended to read:

163.3162 Agricultural Lands and Practices.—

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

(a) "Farm" has the same meaning ~~is~~ as provided ~~defined~~ in s. 823.14.

(b) "Farm operation" has the same meaning ~~is~~ as provided ~~defined~~ in s. 823.14.



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14 (c) "Farm product" means any plant, as defined in s.
15 581.011, or animal useful to humans and includes, but is not
16 limited to, any product derived therefrom.

17 (d) "Governmental entity" has the same meaning as provided
18 in s. 164.1031. The term does not include a water control
19 district established under chapter 298 or a special district
20 created by special act for water management purposes.

21 (3) DUPLICATION OF REGULATION.—Except as otherwise provided
22 in this section and s. 487.051(2), and notwithstanding any other
23 law, including any provision of chapter 125 or this chapter:

24 (b) A governmental entity ~~county~~ may not charge an
25 assessment or fee for stormwater management on a bona fide farm
26 operation on land classified as agricultural land pursuant to s.
27 193.461, if the farm operation has a National Pollutant
28 Discharge Elimination System permit, environmental resource
29 permit, or works-of-the-district permit or implements best
30 management practices adopted as rules under chapter 120 by the
31 Department of Environmental Protection, the Department of
32 Agriculture and Consumer Services, or a water management
33 district as part of a statewide or regional program.

34 (c) For each governmental entity ~~county~~ that, before March
35 1, 2009, adopted a stormwater utility ordinance or resolution,
36 adopted an ordinance or resolution establishing a municipal
37 services benefit unit, or adopted a resolution stating the
38 governmental entity's ~~county's~~ intent to use the uniform method
39 of collection pursuant to s. 197.3632 for such stormwater
40 ordinances, the governmental entity ~~county~~ may continue to
41 charge an assessment or fee for stormwater management on a bona
42 fide farm operation on land classified as agricultural pursuant



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43 to s. 193.461, if the ordinance or resolution provides credits
44 against the assessment or fee on a bona fide farm operation for
45 the water quality or flood control benefit of:

46 1. The implementation of best management practices adopted
47 as rules under chapter 120 by the Department of Environmental
48 Protection, the Department of Agriculture and Consumer Services,
49 or a water management district as part of a statewide or
50 regional program;

51 2. The stormwater quality and quantity measures required as
52 part of a National Pollutant Discharge Elimination System
53 permit, environmental resource permit, or works-of-the-district
54 permit; or

55 3. The implementation of best management practices or
56 alternative measures which the landowner demonstrates to the
57 governmental entity ~~county~~ to be of equivalent or greater
58 stormwater benefit than those provided by implementation of best
59 management practices adopted as rules under chapter 120 by the
60 Department of Environmental Protection, the Department of
61 Agriculture and Consumer Services, or a water management
62 district as part of a statewide or regional program, or
63 stormwater quality and quantity measures required as part of a
64 National Pollutant Discharge Elimination System permit,
65 environmental resource permit, or works-of-the-district permit.

66 (i) The provisions of this subsection that limit a
67 governmental entity's ~~county's~~ authority to adopt or enforce any
68 ordinance, regulation, rule, or policy, or to charge any
69 assessment or fee for stormwater management, apply only to a
70 bona fide farm operation as described in this subsection.

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72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Delete line 2

75 and insert:

76 An act relating to agriculture; amending s. 163.3162,
77 F.S.; defining the term "governmental entity";
78 prohibiting certain governmental entities from
79 charging stormwater management assessments or fees on
80 certain bona fide farm operations except under certain
81 circumstances; amending s. 823.14,