

By the Committee on Agriculture; and Senator Norman

575-02176-12

20121184c1

1 A bill to be entitled
2 An act relating to agriculture; amending s. 163.3162,
3 F.S.; defining the term "governmental entity";
4 prohibiting certain governmental entities from
5 charging stormwater management assessments or fees on
6 certain bona fide farm operations except under certain
7 circumstances; providing for applicability; amending
8 s. 206.41, F.S.; revising the definition of the term
9 "agricultural and aquacultural purposes" for purposes
10 of the required refund of state taxes imposed on motor
11 fuel used for such purposes; amending s. 316.515,
12 F.S.; revising the Florida Uniform Traffic Control Law
13 to authorize the use of citrus harvesting equipment
14 and citrus fruit loaders to transport certain
15 agricultural products and to authorize the use of
16 certain motor vehicles to transport citrus; amending
17 s. 570.07, F.S.; revising the powers and duties of the
18 Department of Agricultural and Consumer Services to
19 enforce laws and rules relating to the use of
20 commercial stock feeds; amending s. 580.036, F.S.;
21 authorizing the department to adopt rules establishing
22 certain standards for regulating commercial feed or
23 feedstuff; requiring the department to consult with
24 the Commercial Feed Technical Council in the
25 development of such rules; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

575-02176-12

20121184c1

30 Section 1. Paragraph (d) is added to subsection (2) of
31 section 163.3162, Florida Statutes, and paragraphs (b), (c), and
32 (i) of subsection (3) of that section are amended to read:

33 163.3162 Agricultural Lands and Practices.—

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

35 (d) "Governmental entity" has the same meaning as provided
36 in s. 164.1031.

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

40 (b) A governmental entity ~~county~~ may not charge an
41 assessment or fee for stormwater management on a bona fide farm
42 operation on land classified as agricultural land pursuant to s.
43 193.461, if the farm operation has a National Pollutant
44 Discharge Elimination System permit, environmental resource
45 permit, or works-of-the-district permit or implements best
46 management practices adopted as rules under chapter 120 by the
47 Department of Environmental Protection, the Department of
48 Agriculture and Consumer Services, or a water management
49 district as part of a statewide or regional program.

50 (c) For each governmental entity ~~county~~ that, before March
51 1, 2009, adopted a stormwater utility ordinance or resolution,
52 adopted an ordinance or resolution establishing a municipal
53 services benefit unit, or adopted a resolution stating the
54 governmental entity's ~~county's~~ intent to use the uniform method
55 of collection pursuant to s. 197.3632 for such stormwater
56 ordinances, the governmental entity ~~county~~ may continue to
57 charge an assessment or fee for stormwater management on a bona
58 fide farm operation on land classified as agricultural pursuant

575-02176-12

20121184c1

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

62 1. The implementation of best management practices adopted
63 as rules under chapter 120 by the Department of Environmental
64 Protection, the Department of Agriculture and Consumer Services,
65 or a water management district as part of a statewide or
66 regional program;

67 2. The stormwater quality and quantity measures required as
68 part of a National Pollutant Discharge Elimination System
69 permit, environmental resource permit, or works-of-the-district
70 permit; or

71 3. The implementation of best management practices or
72 alternative measures which the landowner demonstrates to the
73 governmental entity ~~county~~ to be of equivalent or greater
74 stormwater benefit than those provided by implementation of best
75 management practices adopted as rules under chapter 120 by the
76 Department of Environmental Protection, the Department of
77 Agriculture and Consumer Services, or a water management
78 district as part of a statewide or regional program, or
79 stormwater quality and quantity measures required as part of a
80 National Pollutant Discharge Elimination System permit,
81 environmental resource permit, or works-of-the-district permit.

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

87 Section 2. Paragraph (c) of subsection (4) of section

575-02176-12

20121184c1

88 206.41, Florida Statutes, is amended to read:

89 206.41 State taxes imposed on motor fuel.—

90 (4)

91 (c)1. Any person who uses any motor fuel for agricultural,
92 aquacultural, commercial fishing, or commercial aviation
93 purposes on which fuel the tax imposed by paragraph (1)(e),
94 paragraph (1)(f), or paragraph (1)(g) has been paid is entitled
95 to a refund of such tax.

96 2. For the purposes of this paragraph, "agricultural and
97 aquacultural purposes" means motor fuel used in any tractor,
98 vehicle, or other farm equipment which is used exclusively on a
99 farm or for processing farm products on the farm, and no part of
100 which fuel is used in any vehicle or equipment driven or
101 operated upon the public highways of this state. This
102 restriction does not apply to the movement of a farm vehicle, ~~or~~
103 farm equipment, citrus harvesting equipment, or citrus fruit
104 loaders between farms. The transporting of bees by water and the
105 operating of equipment used in the apiary of a beekeeper shall
106 be also deemed an agricultural purpose.

107 3. For the purposes of this paragraph, "commercial fishing
108 and aquacultural purposes" means motor fuel used in the
109 operation of boats, vessels, or equipment used exclusively for
110 the taking of fish, crayfish, oysters, shrimp, or sponges from
111 salt or fresh waters under the jurisdiction of the state for
112 resale to the public, and no part of which fuel is used in any
113 vehicle or equipment driven or operated upon the highways of
114 this state; however, the term may in no way be construed to
115 include fuel used for sport or pleasure fishing.

116 4. For the purposes of this paragraph, "commercial aviation

575-02176-12

20121184c1

117 purposes" means motor fuel used in the operation of aviation
118 ground support vehicles or equipment, no part of which fuel is
119 used in any vehicle or equipment driven or operated upon the
120 public highways of this state.

121 Section 3. Paragraph (a) of subsection (5) of section
122 316.515, Florida Statutes, is amended to read:

123 316.515 Maximum width, height, length.—

124 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
125 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

126 (a) Notwithstanding any other provisions of law, straight
127 trucks, agricultural tractors, citrus harvesting equipment,
128 citrus fruit loaders, and cotton module movers, not exceeding 50
129 feet in length, or any combination of up to and including three
130 implements of husbandry, including the towing power unit, and
131 any single agricultural trailer with a load thereon or any
132 agricultural implements attached to a towing power unit, or a
133 self-propelled agricultural implement or an agricultural
134 tractor, is authorized for the purpose of transporting peanuts,
135 grains, soybeans, citrus, cotton, hay, straw, or other
136 perishable farm products from their point of production to the
137 first point of change of custody or of long-term storage, and
138 for the purpose of returning to such point of production, or for
139 the purpose of moving such tractors, movers, and implements from
140 one point of agricultural production to another, by a person
141 engaged in the production of any such product or custom hauler,
142 if such vehicle or combination of vehicles otherwise complies
143 with this section. The Department of Transportation may issue
144 overlength permits for cotton module movers greater than 50 feet
145 but not more than 55 feet in overall length. Such vehicles shall

575-02176-12

20121184c1

146 be operated in accordance with all safety requirements
147 prescribed by law and rules of the Department of Transportation.

148 Section 4. Paragraph (c) of subsection (16) of section
149 570.07, Florida Statutes, is amended to read:

150 570.07 Department of Agriculture and Consumer Services;
151 functions, powers, and duties.—The department shall have and
152 exercise the following functions, powers, and duties:

153 (16) To enforce the state laws and rules relating to:

154 (c) Registration, labeling, inspection, sale, use,
155 composition, formulation, wholesale and retail distribution, and
156 analysis of commercial stock feeds and registration, labeling,
157 inspection, and analysis of commercial fertilizers;

158

159 In order to ensure uniform health and safety standards, the
160 adoption of standards and fines in the subject areas of
161 paragraphs (a)-(n) is expressly preempted to the state and the
162 department. Any local government enforcing the subject areas of
163 paragraphs (a)-(n) must use the standards and fines set forth in
164 the pertinent statutes or any rules adopted by the department
165 pursuant to those statutes.

166 Section 5. Paragraph (g) is added to subsection (2) of
167 section 580.036, Florida Statutes, to read:

168 580.036 Powers and duties.—

169 (2) The department is authorized to adopt rules pursuant to
170 ss. 120.536(1) and 120.54 to enforce the provisions of this
171 chapter. These rules shall be consistent with the rules and
172 standards of the United States Food and Drug Administration and
173 the United States Department of Agriculture, when applicable,
174 and shall include:

575-02176-12

20121184c1

175 (g) Establishing standards for the sale, use, and
176 distribution of commercial feed or feedstuff to ensure usage
177 that is consistent with animal health, safety, and welfare and,
178 to the extent that meat, poultry, and other animal products may
179 be affected by commercial feed or feedstuff, with the safety of
180 these products for human consumption. Such standards, if
181 adopted, must be developed in consultation with the Commercial
182 Feed Technical Council created under s. 580.151.

183 Section 6. This act shall take effect July 1, 2012.