

By the Committee on Appropriations; and Senators Brandes, Sachs,
and Evers

576-04933-13

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1 A bill to be entitled
2 An act relating to agricultural lands; amending s.
3 163.3162, F.S.; revising a definition; prohibiting a
4 governmental entity from adopting or enforcing any
5 prohibition, restriction, regulation, or other
6 limitation or from charging a fee on a specific
7 agricultural activity of a bona fide farm operation on
8 land classified as agricultural land under certain
9 circumstances; amending s. 604.50, F.S.; revising an
10 exemption from the Florida Building Code and certain
11 county and municipal code provisions and fees for
12 nonresidential farm buildings, fences, and signs;
13 limiting applicability of the exemption to such farm
14 buildings, fences, and signs located on certain lands;
15 defining the term "bona fide agricultural purposes";
16 providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Paragraphs (b) through (j) of subsection (3) of
21 section 163.3162, Florida Statutes, are redesignated as
22 paragraphs (c) through (k), respectively, paragraph (d) of
23 subsection (2) and paragraph (a) of subsection (3) are amended,
24 and a new paragraph (b) is added to subsection (3) of that
25 section, to read:

26 163.3162 Agricultural Lands and Practices.—

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

28 (d) "Governmental entity" has the same meaning as provided
29 in s. 164.1031. The term does not include a water management

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30 district, a water control district established under chapter
31 298, or a special district created by special act for water
32 management purposes.

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

36 (a) A governmental entity ~~county~~ may not exercise any of
37 its powers to adopt or enforce any ordinance, resolution,
38 regulation, rule, or policy to prohibit, restrict, regulate, or
39 otherwise limit an activity of a bona fide farm operation on
40 land classified as agricultural land pursuant to s. 193.461, if
41 such activity is regulated through implemented best management
42 practices, interim measures, or regulations adopted as rules
43 under chapter 120 by the Department of Environmental Protection,
44 the Department of Agriculture and Consumer Services, or a water
45 management district as part of a statewide or regional program;
46 or if such activity is expressly regulated by the United States
47 Department of Agriculture, the United States Army Corps of
48 Engineers, or the United States Environmental Protection Agency.

49 (b) A governmental entity may not charge a fee on a
50 specific agricultural activity of a bona fide farm operation on
51 land classified as agricultural land pursuant to s. 193.461, if
52 such agricultural activity is regulated through implemented best
53 management practices, interim measures, or rules adopted under
54 chapter 120 by the Department of Environmental Protection, the
55 Department of Agriculture and Consumer Services, or a water
56 management district as part of a statewide or regional program
57 or if such agricultural activity is expressly regulated by the
58 United States Department of Agriculture, the United States Army

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59 Corps of Engineers, or the United States Environmental
60 Protection Agency.

61 Section 2. Section 604.50, Florida Statutes, is amended to
62 read:

63 604.50 Nonresidential farm buildings; farm fences; farm
64 signs.—

65 (1) Notwithstanding any provision of law to the contrary,
66 any nonresidential farm building, farm fence, or farm sign that
67 is located on lands used for bona fide agricultural purposes is
68 exempt from the Florida Building Code and any county or
69 municipal code or fee, except for code provisions implementing
70 local, state, or federal floodplain management regulations. A
71 farm sign located on a public road may not be erected, used,
72 operated, or maintained in a manner that violates any of the
73 standards provided in s. 479.11(4), (5)(a), and (6)-(8).

74 (2) As used in this section, the term:

75 (a) "Bona fide agricultural purposes" has the same meaning
76 as provided in s. 193.461(3)(b).

77 (b)~~(a)~~ "Farm" has the same meaning as provided in s.
78 823.14.

79 (c)~~(b)~~ "Farm sign" means a sign erected, used, or
80 maintained on a farm by the owner or lessee of the farm which
81 relates solely to farm produce, merchandise, or services sold,
82 produced, manufactured, or furnished on the farm.

83 (d)~~(e)~~ "Nonresidential farm building" means any temporary
84 or permanent building or support structure that is classified as
85 a nonresidential farm building on a farm under s. 553.73(10)(c)
86 or that is used primarily for agricultural purposes, is located
87 on land that is an integral part of a farm operation or is

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88 classified as agricultural land under s. 193.461, and is not
89 intended to be used as a residential dwelling. The term may
90 include, but is not limited to, a barn, greenhouse, shade house,
91 farm office, storage building, or poultry house.

92 Section 3. This act shall take effect July 1, 2013.