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 CS/CS/HB 203, Engrossed 1

2013 Legislature

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 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 activity of a bona fide farm operation on land  
 8 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.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 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



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29 | in s. 164.1031. The term does not include a water management  
 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  
 34 | provided in this section and s. 487.051(2), and notwithstanding  
 35 | any other law, including any provision of chapter 125 or this  
 36 | chapter:

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

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



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57 or a water management district as part of a statewide or  
 58 regional program; or if such agricultural activity is expressly  
 59 regulated by the United States Department of Agriculture, the  
 60 United States Army Corps of Engineers, or the United States  
 61 Environmental Protection Agency.

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

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

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

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

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

78 (b)-(a) "Farm" has the same meaning as provided in s.  
 79 823.14.

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

84 (d)-(e) "Nonresidential farm building" means any temporary



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85 | or permanent building or support structure that is classified as  
86 | a nonresidential farm building on a farm under s. 553.73(10)(c)  
87 | or that is used primarily for agricultural purposes, is located  
88 | on land that is an integral part of a farm operation or is  
89 | classified as agricultural land under s. 193.461, and is not  
90 | intended to be used as a residential dwelling. The term may  
91 | include, but is not limited to, a barn, greenhouse, shade house,  
92 | farm office, storage building, or poultry house.

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