

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1075 Use of farm lands
SPONSOR(S): Poppell
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1660

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture		Kaiser	Reese
2) Agriculture & Environment Apps (Sub)			
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

HB 1075 creates the "Agricultural Lands and Practices Act," which prohibits local governments from adopting any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm or farm operation on land that is an integral part of a farm operation or that is classified as agricultural, if such activity is regulated through best-management practices or by an existing state, regional, or federal regulatory program.

In addition, a local government is prohibited from changing the land classification or zoning designation of land that is an integral part of a farm operation or that is classified as agricultural except with the written permission of the landowner.

This bill does not appear to have a fiscal impact nor impose an unfunded mandate on local governments. However, paragraph (5) of s. 163.3162, F.S., potentially limits and restricts the police power and rulemaking authority of local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1075.ag.doc
DATE: March 21, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

HB 1075 prohibits local governments from adopting any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm or farm operation on land that is an integral part of a farm operation or that is classified as agricultural, if such activity is regulated through best-management practices or by an existing state, regional, or federal regulatory program.

In addition, a local government is prohibited from changing the land classification or zoning designation of land that is an integral part of a farm operation or that is classified as agricultural except with the written permission of the landowner.

The Florida Farm Bureau Federation cites the following instances as the impetus for the proposed legislation:

- Gilchrist County proposed duplicative and more restrictive regulations for dairy farms, essentially eliminating future expansion of the dairy industry in the county. Currently, the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACS) and the water management districts regulate dairy operations in Florida through an extensive permitting process for both water quality, quantity and land use. For over a year, the County imposed a moratorium on development of new dairy operations or expansion. For one individual converting from a beef cattle operation to a dairy operation, the moratorium resulted in thousands of dollars in costs for loss of production.
- In Martin County, a proposed storm water drainage ordinance would have treated the agriculture industry as "development", which is prohibited by Chapters 163 and 380, F.S. Refusing to acknowledge the exemption included in the ordinance would have required each existing agricultural operation to be permitted by the county in addition to paying an annual stormwater fee. Currently, both DEP and the water management districts regulate agriculture stormwater discharge. After significant protest, opposition and the threat of litigation, the County exempted existing agricultural operations from the ordinance. If the county had adopted the regulations, Martin County's agricultural industry would have been financially devastated.
- Alachua County recently proposed adopting forestry best management practices that would have eliminated use of existing standards, severely limiting harvesting of timber on agricultural lands. In addition, the adopted wetland buffers far exceeded DEP and water management district criteria. The County also adopted provisions designating large tracts of agricultural lands as primary conservation areas, including uplands, that significantly affected intensities of agricultural uses and lowering property values. The agricultural land owners have filed an administrative challenge to the rules and, as of March 18, 2003, have spent over \$200,000 in legal fees and hearing costs.

C. SECTION DIRECTORY:

Section 1: Creates s. 163.3162, F.S.; providing a name for the Act; providing legislative findings and purpose; providing definitions for “farm”, “farm operation”, and “farm product”; prohibiting a local government from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm or farm operation on certain land that is an integral part of a farm operation or that is classified as agricultural land; and, prohibiting a local government from changing the land use classification or zoning designation of such agricultural land without a written agreement from the affected landowner.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This legislation does not appear to impose an unfunded mandate on counties or municipalities.

2. Other:

Impact on Local Government:

Paragraph (5) of s. 163.3162, F.S., potentially limits and restricts the police power and rulemaking authority of local governments.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of Agriculture and Consumer Services has taken no stand on this legislation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A