

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1660

SPONSOR: Agriculture Committee and Senators Argenziano, Alexander, and others

SUBJECT: Agricultural Lands and Practices

DATE: March 26, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Poole	AG	Favorable/CS
2.			CP	
3.				
4.				
5.				
6.				

I. Summary:

This bill sets forth legislative findings regarding the importance of agriculture to the economy and the people of the state of Florida. It restrains a county from placing restrictions on activities of a farm or a farm operation or depriving an individual of the full use of lands for farm production if that farm land is an integral part of a farm operation or classified as agricultural land and regulated by best-management practices or by an existing state, regional, or federal program. It prohibits a county from changing the land use classification or zoning of agricultural land unless the landowner is compensated for loss of value.

This bill creates section 163.3162 of the Florida Statutes.

II. Present Situation:

The state constitution provides for political subdivisions such as counties which shall have the power to enact ordinances that are not inconsistent with general or special law. Chapter 125, F.S., outlines certain powers of the county governments which include among other powers the right to:

- Prepare and enforce comprehensive plans for the development of the county.
- Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
- Adopt ordinances and resolutions necessary for the exercise of its powers.
- Perform any other acts that are not inconsistent with the law, which acts are in the common interest of the people of the county.

Chapter 127, F.S., delegates to the counties the right of eminent domain to appropriate property for any county purpose. The county property appraiser is directed by s. 193.461, F.S., to classify

annually all lands as either agricultural, which lands must be used primarily for bona fide agricultural purposes, or nonagricultural.

The Florida Right to Farm Act, s. 823.14, F.S., protects agricultural activities conducted on farm land from nuisance suits and limits duplicate regulation of farm activity on land classified as agricultural land where best management practices have been adopted in accordance with Chapter 120, F.S., rule making procedures as part of a state or regional regulatory program. This limitation does not apply in instances where the farm activity is regulated by a federal program or the best management practices have not been adopted pursuant to Chapter 120, F.S.

III. Effect of Proposed Changes:

Section 1. Sets forth legislative findings that emphasize the importance of agriculture to the health, safety, and welfare of the people of the state. Finds that agricultural activities conducted on farm land in urban areas are potentially subject to county restrictions which are duplicative, overbearing, and unnecessary. Cites that the purpose of this act is to protect reasonable agricultural activities conducted on farm lands from duplicate regulation.

Includes by reference the definitions of “farm” and “farm operation” that are set forth in s. 823.14, F.S. Defines “farm product” as any plant listed in s. 581.011, F.S., or animal useful to humans and includes, but is not limited to, any product derived therefrom.

Prohibits a county from adopting an ordinance, resolution, regulation, rule, or policy that would limit an activity of a bona fide farm or farm operation or deprive an owner or operator of full and complete use of land that is an integral part of a farm operation or that is classified as agricultural land pursuant to s. 193.461 F.S., if such activity is regulated through best-management practices or by an existing state, regional, or federal program.

Also prohibits a county from changing the land use classification or zoning designation of a farm or agricultural land without compensating the affected landowner for loss of value.

Section 2. Provides that the act shall take effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is a potential limitation on the police power and rule-making authority of counties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
