

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1021 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Albritton offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (2) and paragraphs (b), (c), and (i)
7 of subsection (3) of section 163.3162, Florida Statutes, are
8 amended to read:

9 163.3162 Agricultural Lands and Practices.—

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

11 (a) "Farm" has the same meaning ~~is~~ as provided ~~defined~~ in
12 s. 823.14.

13 (b) "Farm operation" has the same meaning ~~is~~ as provided
14 ~~defined~~ in s. 823.14.

15 (c) "Farm product" means any plant, as defined in s.
16 581.011, or animal useful to humans and includes, but is not
17 limited to, any product derived therefrom.

18 (d) "Governmental entity" has the same meaning as provided
19 in s. 164.1031. The term does not include a water control

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20 district established under chapter 298 or a special district
21 created by special act for water management purposes.

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

26 (b) A governmental entity ~~county~~ may not charge an
27 assessment or fee for stormwater management on a bona fide farm
28 operation on land classified as agricultural land pursuant to s.
29 193.461, if the farm operation has a National Pollutant
30 Discharge Elimination System permit, environmental resource
31 permit, or works-of-the-district permit or implements best
32 management practices adopted as rules under chapter 120 by the
33 Department of Environmental Protection, the Department of
34 Agriculture and Consumer Services, or a water management
35 district as part of a statewide or regional program.

36 (c) For each governmental entity ~~county~~ that, before March
37 1, 2009, adopted a stormwater utility ordinance or resolution,
38 adopted an ordinance or resolution establishing a municipal
39 services benefit unit, or adopted a resolution stating the
40 governmental entity's ~~county's~~ intent to use the uniform method
41 of collection pursuant to s. 197.3632 for such stormwater
42 ordinances, the governmental entity ~~county~~ may continue to
43 charge an assessment or fee for stormwater management on a bona
44 fide farm operation on land classified as agricultural pursuant
45 to s. 193.461, if the ordinance or resolution provides credits
46 against the assessment or fee on a bona fide farm operation for
47 the water quality or flood control benefit of:

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48 1. The implementation of best management practices adopted
49 as rules under chapter 120 by the Department of Environmental
50 Protection, the Department of Agriculture and Consumer Services,
51 or a water management district as part of a statewide or
52 regional program;

53 2. The stormwater quality and quantity measures required
54 as part of a National Pollutant Discharge Elimination System
55 permit, environmental resource permit, or works-of-the-district
56 permit; or

57 3. The implementation of best management practices or
58 alternative measures which the landowner demonstrates to the
59 governmental entity ~~county~~ to be of equivalent or greater
60 stormwater benefit than those provided by implementation of best
61 management practices adopted as rules under chapter 120 by the
62 Department of Environmental Protection, the Department of
63 Agriculture and Consumer Services, or a water management
64 district as part of a statewide or regional program, or
65 stormwater quality and quantity measures required as part of a
66 National Pollutant Discharge Elimination System permit,
67 environmental resource permit, or works-of-the-district permit.

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

73 Section 2. Paragraph (c) of subsection (4) of section
74 206.41, Florida Statutes, is amended to read:

75 206.41 State taxes imposed on motor fuel.-

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76 (4)

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

82 2. For the purposes of this paragraph, "agricultural and
83 aquacultural purposes" means motor fuel used in any tractor,
84 vehicle, or other farm equipment which is used exclusively on a
85 farm or for processing farm products on the farm, and no part of
86 which fuel is used in any vehicle or equipment driven or
87 operated upon the public highways of this state. This
88 restriction does not apply to the movement of a farm vehicle, ~~or~~
89 farm equipment, citrus harvesting equipment, or citrus fruit
90 loaders between farms. The transporting of bees by water and the
91 operating of equipment used in the apiary of a beekeeper shall
92 be also deemed an agricultural purpose.

93 3. For the purposes of this paragraph, "commercial fishing
94 and aquacultural purposes" means motor fuel used in the
95 operation of boats, vessels, or equipment used exclusively for
96 the taking of fish, crayfish, oysters, shrimp, or sponges from
97 salt or fresh waters under the jurisdiction of the state for
98 resale to the public, and no part of which fuel is used in any
99 vehicle or equipment driven or operated upon the highways of
100 this state; however, the term may in no way be construed to
101 include fuel used for sport or pleasure fishing.

102 4. For the purposes of this paragraph, "commercial
103 aviation purposes" means motor fuel used in the operation of

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104 aviation ground support vehicles or equipment, no part of which
105 fuel is used in any vehicle or equipment driven or operated upon
106 the public highways of this state.

107 Section 3. Paragraph (a) of subsection (5) of section
108 316.515, Florida Statutes, is amended to read:

109 316.515 Maximum width, height, length.—

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

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

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

134 Section 4. Paragraph (c) of subsection (16) of section
135 570.07, Florida Statutes, is amended to read:

136 570.07 Department of Agriculture and Consumer Services;
137 functions, powers, and duties.—The department shall have and
138 exercise the following functions, powers, and duties:

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

140 (c) Registration, labeling, inspection, sale, use,
141 composition, formulation, wholesale and retail distribution, and
142 analysis of commercial stock feeds and registration, labeling,
143 inspection, and analysis of commercial fertilizers;

144
145 In order to ensure uniform health and safety standards, the
146 adoption of standards and fines in the subject areas of
147 paragraphs (a)-(n) is expressly preempted to the state and the
148 department. Any local government enforcing the subject areas of
149 paragraphs (a)-(n) must use the standards and fines set forth in
150 the pertinent statutes or any rules adopted by the department
151 pursuant to those statutes.

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

154 580.036 Powers and duties.—

155 (2) The department is authorized to adopt rules pursuant
156 to ss. 120.536(1) and 120.54 to enforce the provisions of this
157 chapter. These rules shall be consistent with the rules and
158 standards of the United States Food and Drug Administration and

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159 the United States Department of Agriculture, when applicable,
160 and shall include:

161 (g) Establishing standards for the sale, use, and
162 distribution of commercial feed or feedstuff to ensure usage
163 that is consistent with animal safety and wellbeing and, to the
164 extent that meat, poultry, and other animal products for human
165 consumption may be affected by commercial feed or feedstuff, to
166 ensure that these products are safe for human consumption. Such
167 standards, if adopted, must be developed in consultation with
168 the Commercial Feed Technical Council created under s. 580.151.

169 Section 6. Paragraph (a) of subsection (1) of section
170 599.004, Florida Statutes, is amended to read:

171 599.004 Florida Farm Winery Program; registration; logo;
172 fees.—

173 (1) The Florida Farm Winery Program is established within
174 the Department of Agriculture and Consumer Services. Under this
175 program, a winery may qualify as a tourist attraction only if it
176 is registered with and certified by the department as a Florida
177 Farm Winery. A winery may not claim to be certified unless it
178 has received written approval from the department.

179 (a) To qualify as a certified Florida Farm Winery, a
180 winery must ~~shall meet the following standards:~~

181 1. Produce or sell less than 250,000 gallons of wine
182 annually.

183 2. Maintain a minimum of 5 ~~10~~ acres of owned or managed
184 land vineyards in Florida which produces commodities used in the
185 production of wine.

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186 3. Be open to the public for tours, tastings, and sales at
187 least 30 hours each week.

188 4. Make annual application to the department for
189 recognition as a Florida Farm Winery, on forms provided by the
190 department.

191 5. Pay an annual application and registration fee of \$100.

192 Section 7. For the purpose of incorporating the amendment
193 made by this act to section 599.004, Florida Statutes, in a
194 reference thereto, subsection (5) of section 561.24, Florida
195 Statutes, is reenacted to read:

196 561.24 Licensing manufacturers as distributors or
197 registered exporters prohibited; procedure for issuance and
198 renewal of distributors' licenses and exporters' registrations.-

199 (5) Notwithstanding any of the provisions of the foregoing
200 subsections, any corporation which holds a license as a
201 distributor on June 3, 1947, shall be entitled to a renewal
202 thereof, provided such corporation complies with all of the
203 provisions of the Beverage Law of Florida, as amended, and of
204 this section and establishes by satisfactory evidence to the
205 division that, during the 6-month period next preceding its
206 application for such renewal, of the total volume of its sales
207 of spirituous liquors, in either dollars or quantity, not more
208 than 40 percent of such spirituous liquors sold by it, in either
209 dollars or quantity, were manufactured, rectified, or distilled
210 by any corporation with which the applicant is affiliated,
211 directly or indirectly, including any corporation which owns or
212 controls in any way any stock in the applicant corporation or
213 any corporation which is a subsidiary or affiliate of the

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214 corporation so owning stock in the applicant corporation. Any
215 manufacturer of wine holding a license as a distributor on the
216 effective date of this act shall be entitled to a renewal of
217 such license notwithstanding the provisions of subsections (1)-
218 (5). This section does not apply to any winery qualifying as a
219 certified Florida Farm Winery under s. 599.004.

220 Section 8. Section 604.50, Florida Statutes, is reordered
221 and amended to read:

222 604.50 Nonresidential farm buildings; ~~and~~ farm fences;
223 farm signs.-

224 (1) Notwithstanding any provision of ~~other~~ law to the
225 contrary, any nonresidential farm building, ~~or~~ farm fence, or
226 farm sign is exempt from the Florida Building Code and any
227 county or municipal code or fee, except for code provisions
228 implementing local, state, or federal floodplain management
229 regulations. A farm sign located on a public road may not be
230 erected, used, operated, or maintained in a manner that violates
231 any of the standards provided in s. 479.11(4), (5)(a), and (6)-
232 (8).

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

234 (a) ~~(b)~~ "Farm" has the same meaning as provided in s.
235 823.14.

236 (b) "Farm sign" means a sign erected, used, or maintained
237 on a farm by the owner or lessee of the farm which relates
238 solely to farm produce, merchandise, or services sold, produced,
239 manufactured, or furnished on the farm.

240 (c) ~~(a)~~ "Nonresidential farm building" means any temporary
241 or permanent building or support structure that is classified as
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242 a nonresidential farm building on a farm under s. 553.73(9)(c)
243 or that is used primarily for agricultural purposes, is located
244 on land that is an integral part of a farm operation or is
245 classified as agricultural land under s. 193.461, and is not
246 intended to be used as a residential dwelling. The term may
247 include, but is not limited to, a barn, greenhouse, shade house,
248 farm office, storage building, or poultry house.

249 Section 9. This act shall take effect July 1, 2012.

250
251
252 -----
253 **T I T L E A M E N D M E N T**

254 Remove the entire title and insert:

255 An act relating to agriculture; amending s. 163.3162, F.S.;
256 defining the term "governmental entity"; prohibiting certain
257 governmental entities from charging stormwater management
258 assessments or fees on certain bona fide farm operations except
259 under certain circumstances; providing for applicability;
260 conforming provisions; amending s. 206.41, F.S.; revising the
261 definition of the term "agricultural and aquacultural purposes"
262 for purposes of the required refund of state taxes imposed on
263 motor fuel used for such purposes; amending s. 316.515, F.S.;
264 revising the Florida Uniform Traffic Control Law to authorize
265 the use of citrus harvesting equipment and citrus fruit loaders
266 to transport certain agricultural products and to authorize the
267 use of certain motor vehicles to transport citrus; amending s.
268 570.07, F.S.; revising the powers and duties of the Department
269 of Agricultural and Consumer Services to enforce laws and rules

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270 relating to the use of commercial stock feeds; amending s.
271 580.036, F.S.; authorizing the department to adopt rules
272 establishing certain standards for regulating commercial feed or
273 feedstuff; requiring the department to consult with the
274 Commercial Feed Technical Council in the development of such
275 rules; amending s. 599.004, F.S.; revising qualifications for a
276 certified Florida Farm Winery; reenacting s. 561.24(5), F.S.,
277 relating to limitations on the issuance of wine distributor
278 licenses and exporter registrations, to incorporate changes made
279 by the act to s. 599.004, F.S., in a reference thereto; amending
280 s. 604.50, F.S.; defining the term "farm sign"; providing an
281 exemption from the Florida Building Code for farm signs;
282 prohibiting farm signs located on public roads from violating
283 certain standards; limiting the authority of local governments
284 to enforce certain requirements with respect to farm signs;
285 providing an effective date.