

1 A bill to be entitled
2 An act relating to agriculture; amending s. 163.3162,
3 F.S.; defining the term "governmental entity";
4 prohibiting certain governmental entities from
5 charging stormwater management assessments or fees on
6 certain bona fide farm operations except under certain
7 circumstances; providing for applicability; amending
8 s. 206.41, F.S.; revising the definition of the term
9 "agricultural and aquacultural purposes" for purposes
10 of the required refund of state taxes imposed on motor
11 fuel used for such purposes; amending s. 316.515,
12 F.S.; revising the Florida Uniform Traffic Control Law
13 to authorize the use of citrus harvesting equipment
14 and citrus fruit loaders to transport certain
15 agricultural products and to authorize the use of
16 certain motor vehicles to transport citrus; amending
17 s. 570.07, F.S.; revising the powers and duties of the
18 Department of Agricultural and Consumer Services to
19 enforce laws and rules relating to the use of
20 commercial stock feeds; amending s. 580.036, F.S.;
21 authorizing the department to adopt rules establishing
22 certain standards for regulating commercial feed or
23 feedstuff; requiring the department to consult with
24 the Commercial Feed Technical Council in the
25 development of such rules; providing an effective
26 date.

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

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Section 1. Paragraph (d) is added to subsection (2) of section 163.3162, Florida Statutes, and paragraphs (b), (c), and (i) of subsection (3) of that section are amended to read:

163.3162 Agricultural Lands and Practices.—

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

(d) "Governmental entity" has the same meaning as provided in s. 164.1031.

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

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

(c) For each governmental entity ~~county~~ that, before March 1, 2009, adopted a stormwater utility ordinance or resolution, adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the governmental entity's ~~county's~~ intent to use the uniform method of collection pursuant to s. 197.3632 for such stormwater

57 | ordinances, the governmental entity ~~county~~ may continue to
58 | charge an assessment or fee for stormwater management on a bona
59 | fide farm operation on land classified as agricultural pursuant
60 | to s. 193.461, if the ordinance or resolution provides credits
61 | against the assessment or fee on a bona fide farm operation for
62 | the water quality or flood control benefit of:

63 | 1. The implementation of best management practices adopted
64 | as rules under chapter 120 by the Department of Environmental
65 | Protection, the Department of Agriculture and Consumer Services,
66 | or a water management district as part of a statewide or
67 | regional program;

68 | 2. The stormwater quality and quantity measures required
69 | as part of a National Pollutant Discharge Elimination System
70 | permit, environmental resource permit, or works-of-the-district
71 | permit; or

72 | 3. The implementation of best management practices or
73 | alternative measures which the landowner demonstrates to the
74 | governmental entity ~~county~~ to be of equivalent or greater
75 | stormwater benefit than those provided by implementation of best
76 | management practices adopted as rules under chapter 120 by the
77 | Department of Environmental Protection, the Department of
78 | Agriculture and Consumer Services, or a water management
79 | district as part of a statewide or regional program, or
80 | stormwater quality and quantity measures required as part of a
81 | National Pollutant Discharge Elimination System permit,
82 | environmental resource permit, or works-of-the-district permit.

83 | (i) The provisions of this subsection that limit a
84 | governmental entity's ~~county's~~ authority to adopt or enforce any

85 ordinance, regulation, rule, or policy, or to charge any
 86 assessment or fee for stormwater management, apply only to a
 87 bona fide farm operation as described in this subsection.

88 Section 2. Paragraph (c) of subsection (4) of section
 89 206.41, Florida Statutes, is amended to read:

90 206.41 State taxes imposed on motor fuel.-

91 (4)

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

97 2. For the purposes of this paragraph, "agricultural and
 98 aquacultural purposes" means motor fuel used in any tractor,
 99 vehicle, or other farm equipment which is used exclusively on a
 100 farm or for processing farm products on the farm, and no part of
 101 which fuel is used in any vehicle or equipment driven or
 102 operated upon the public highways of this state. This
 103 restriction does not apply to the movement of a farm vehicle, ~~or~~
 104 farm equipment, citrus harvesting equipment, or citrus fruit
 105 loaders between farms. The transporting of bees by water and the
 106 operating of equipment used in the apiary of a beekeeper shall
 107 be also deemed an agricultural purpose.

108 3. For the purposes of this paragraph, "commercial fishing
 109 and aquacultural purposes" means motor fuel used in the
 110 operation of boats, vessels, or equipment used exclusively for
 111 the taking of fish, crayfish, oysters, shrimp, or sponges from
 112 salt or fresh waters under the jurisdiction of the state for

113 resale to the public, and no part of which fuel is used in any
 114 vehicle or equipment driven or operated upon the highways of
 115 this state; however, the term may in no way be construed to
 116 include fuel used for sport or pleasure fishing.

117 4. For the purposes of this paragraph, "commercial
 118 aviation purposes" means motor fuel used in the operation of
 119 aviation ground support vehicles or equipment, no part of which
 120 fuel is used in any vehicle or equipment driven or operated upon
 121 the public highways of this state.

122 Section 3. Paragraph (a) of subsection (5) of section
 123 316.515, Florida Statutes, is amended to read:

124 316.515 Maximum width, height, length.—

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

127 (a) Notwithstanding any other provisions of law, straight
 128 trucks, agricultural tractors, citrus harvesting equipment,
 129 citrus fruit loaders, and cotton module movers, not exceeding 50
 130 feet in length, or any combination of up to and including three
 131 implements of husbandry, including the towing power unit, and
 132 any single agricultural trailer with a load thereon or any
 133 agricultural implements attached to a towing power unit, or a
 134 self-propelled agricultural implement or an agricultural
 135 tractor, is authorized for the purpose of transporting peanuts,
 136 grains, soybeans, citrus, cotton, hay, straw, or other
 137 perishable farm products from their point of production to the
 138 first point of change of custody or of long-term storage, and
 139 for the purpose of returning to such point of production, or for
 140 the purpose of moving such tractors, movers, and implements from

141 one point of agricultural production to another, by a person
 142 engaged in the production of any such product or custom hauler,
 143 if such vehicle or combination of vehicles otherwise complies
 144 with this section. The Department of Transportation may issue
 145 overlength permits for cotton module movers greater than 50 feet
 146 but not more than 55 feet in overall length. Such vehicles shall
 147 be operated in accordance with all safety requirements
 148 prescribed by law and rules of the Department of Transportation.

149 Section 4. Paragraph (c) of subsection (16) of section
 150 570.07, Florida Statutes, is amended to read:

151 570.07 Department of Agriculture and Consumer Services;
 152 functions, powers, and duties.—The department shall have and
 153 exercise the following functions, powers, and duties:

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

155 (c) Registration, labeling, inspection, sale, use,
 156 composition, formulation, wholesale and retail distribution, and
 157 analysis of commercial stock feeds and registration, labeling,
 158 inspection, and analysis of commercial fertilizers;

159
 160 In order to ensure uniform health and safety standards, the
 161 adoption of standards and fines in the subject areas of
 162 paragraphs (a)-(n) is expressly preempted to the state and the
 163 department. Any local government enforcing the subject areas of
 164 paragraphs (a)-(n) must use the standards and fines set forth in
 165 the pertinent statutes or any rules adopted by the department
 166 pursuant to those statutes.

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

CS/HB 1021

2012

169 580.036 Powers and duties.—

170 (2) The department is authorized to adopt rules pursuant
171 to ss. 120.536(1) and 120.54 to enforce the provisions of this
172 chapter. These rules shall be consistent with the rules and
173 standards of the United States Food and Drug Administration and
174 the United States Department of Agriculture, when applicable,
175 and shall include:

176 (g) Establishing standards for the sale, use, and
177 distribution of commercial feed or feedstuff to ensure usage
178 that is consistent with animal health, safety, and welfare and,
179 to the extent that meat, poultry, and other animal products may
180 be affected by commercial feed or feedstuff, with the safety of
181 these products for human consumption. Such standards, if
182 adopted, must be developed in consultation with the Commercial
183 Feed Technical Council created under s. 580.151.

184 Section 6. This act shall take effect July 1, 2012.