

By Senator Bradley

6-01355-23

20231472__

1 A bill to be entitled
2 An act relating to organic material products; amending
3 s. 823.14, F.S.; defining the term "organic material"
4 and revising definitions; prohibiting local
5 governments from adopting any ordinance, regulation,
6 rule, or policy to prohibit, restrict, regulate, or
7 otherwise limit the collection, storage, processing,
8 or distribution of organic material products;
9 providing that such activities are a bona fide farm
10 operation and lands associated with such activities
11 are agricultural; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraphs (c), (d), and (e) of subsection (3)
16 and subsection (6) of section 823.14, Florida Statutes, are
17 amended, and paragraph (g) is added to subsection (3) of that
18 section, to read:

19 823.14 Florida Right to Farm Act.—

20 (3) DEFINITIONS.—As used in this section:

21 (c) "Farm" means the land, buildings, support facilities,
22 machinery, and other appurtenances used in the production of
23 farm, organic material, or aquaculture products.

24 (d) "Farm operation" means all conditions or activities by
25 the owner, lessee, agent, independent contractor, or supplier
26 which occur on a farm in connection with the production of farm,
27 honeybee, or apiculture products or in connection with
28 complementary agritourism activities, or the collection,
29 storage, processing, and distribution of organic material

6-01355-23

20231472__

30 products. These conditions and activities include, but are not
31 limited to, the marketing of farm products at roadside stands or
32 farm markets; the operation of machinery and irrigation pumps;
33 the generation of noise, odors, dust, fumes, and particle
34 emissions; ground or aerial seeding and spraying; the placement
35 and operation of an apiary; the application of chemical
36 fertilizers, conditioners, insecticides, pesticides, and
37 herbicides; agritourism activities; and the employment and use
38 of labor.

39 (e) "Farm product" means any plant, as defined in s.
40 581.011, organic material, or animal or insect useful to humans
41 and includes, but is not limited to, any product derived
42 therefrom.

43 (g) "Organic material" means vegetative matter resulting
44 from landscaping maintenance or land clearing operations. The
45 term includes clean wood and materials such as tree and shrub
46 trimmings, grass clippings, palm fronds, trees and tree stumps,
47 and associated rocks and soils.

48 (6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—

49 (a) It is the intent of the Legislature to eliminate
50 duplication of regulatory authority over farm operations as
51 expressed in this subsection. Except as otherwise provided for
52 in this section and s. 487.051(2), and notwithstanding any other
53 provision of law, a local government may not adopt any
54 ordinance, regulation, rule, or policy to prohibit, restrict,
55 regulate, or otherwise limit:

56 1. An activity of a bona fide farm operation on land
57 classified as agricultural land pursuant to s. 193.461, where
58 such activity is regulated through implemented best management

6-01355-23

20231472__

59 practices or interim measures developed by the Department of
60 Environmental Protection, the Department of Agriculture and
61 Consumer Services, or water management districts and adopted
62 under chapter 120 as part of a statewide or regional program.

63 2. The collection, storage, processing, or distribution of
64 organic material products. For purposes of this section, the
65 collection, storage, processing, or distribution of organic
66 material products are deemed a bona fide farm operation and the
67 lands associated with the operation are deemed agricultural.

68 (b) When an activity of a farm operation takes place within
69 a wellfield protection area as defined in any wellfield
70 protection ordinance adopted by a local government, and the
71 adopted best management practice or interim measure does not
72 specifically address wellfield protection, a local government
73 may regulate that activity pursuant to such ordinance. This
74 subsection does not limit the powers and duties provided for in
75 s. 373.4592 or limit the powers and duties of any local
76 government to address an emergency as provided for in chapter
77 252.

78 Section 2. This act shall take effect July 1, 2023.