

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; conforming
8 provisions; amending s. 206.41, F.S.; revising the
9 definition of the term "agricultural and aquacultural
10 purposes" for purposes of the required refund of state
11 taxes imposed on motor fuel used for such purposes;
12 amending s. 316.515, F.S.; revising the Florida
13 Uniform Traffic Control Law to authorize the use of
14 citrus harvesting equipment and citrus fruit loaders
15 to transport certain agricultural products and to
16 authorize the use of certain motor vehicles to
17 transport citrus; amending s. 479.11, F.S.; conforming
18 provisions; amending s. 570.07, F.S.; revising the
19 powers and duties of the Department of Agricultural
20 and Consumer Services to enforce laws and rules
21 relating to the use of commercial stock feeds;
22 amending s. 580.036, F.S.; authorizing the department
23 to adopt rules establishing certain standards for
24 regulating commercial feed or feedstuff; requiring the
25 department to consult with the Commercial Feed
26 Technical Council in the development of such rules;
27 amending s. 599.004, F.S.; revising qualifications for
28 a certified Florida Farm Winery; reenacting s.

29 561.24(5), F.S., relating to limitations on the
 30 issuance of wine distributor licenses and exporter
 31 registrations, to incorporate changes made by the act
 32 to s. 599.004, F.S., in a reference thereto; amending
 33 s. 604.50, F.S.; defining the term "farm sign";
 34 providing an exemption from the Florida Building Code
 35 for farm signs; prohibiting farm signs located on
 36 public roads from violating certain standards;
 37 limiting the authority of local governments to enforce
 38 certain requirements with respect to farm signs;
 39 providing an effective date.

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

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

46 163.3162 Agricultural Lands and Practices.—

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

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

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

52 (c) "Farm product" means any plant, as defined in s.
 53 581.011, or animal useful to humans and includes, but is not
 54 limited to, any product derived therefrom.

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

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

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

63 (b) A governmental entity ~~county~~ may not charge an
64 assessment or fee for stormwater management on a bona fide farm
65 operation on land classified as agricultural land pursuant to s.
66 193.461, if the farm operation has a National Pollutant
67 Discharge Elimination System permit, environmental resource
68 permit, or works-of-the-district permit or implements best
69 management practices adopted as rules under chapter 120 by the
70 Department of Environmental Protection, the Department of
71 Agriculture and Consumer Services, or a water management
72 district as part of a statewide or regional program.

73 (c) For each governmental entity ~~county~~ that, before March
74 1, 2009, adopted a stormwater utility ordinance or resolution,
75 adopted an ordinance or resolution establishing a municipal
76 services benefit unit, or adopted a resolution stating the
77 governmental entity's ~~county's~~ intent to use the uniform method
78 of collection pursuant to s. 197.3632 for such stormwater
79 ordinances, the governmental entity ~~county~~ may continue to
80 charge an assessment or fee for stormwater management on a bona
81 fide farm operation on land classified as agricultural pursuant
82 to s. 193.461, if the ordinance or resolution provides credits
83 against the assessment or fee on a bona fide farm operation for
84 the water quality or flood control benefit of:

85 | 1. The implementation of best management practices adopted
 86 | as rules under chapter 120 by the Department of Environmental
 87 | Protection, the Department of Agriculture and Consumer Services,
 88 | or a water management district as part of a statewide or
 89 | regional program;

90 | 2. The stormwater quality and quantity measures required
 91 | as part of a National Pollutant Discharge Elimination System
 92 | permit, environmental resource permit, or works-of-the-district
 93 | permit; or

94 | 3. The implementation of best management practices or
 95 | alternative measures which the landowner demonstrates to the
 96 | governmental entity ~~county~~ to be of equivalent or greater
 97 | stormwater benefit than those provided by implementation of best
 98 | management practices adopted as rules under chapter 120 by the
 99 | Department of Environmental Protection, the Department of
 100 | Agriculture and Consumer Services, or a water management
 101 | district as part of a statewide or regional program, or
 102 | stormwater quality and quantity measures required as part of a
 103 | National Pollutant Discharge Elimination System permit,
 104 | environmental resource permit, or works-of-the-district permit.

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

110 | Section 2. Paragraph (c) of subsection (4) of section
 111 | 206.41, Florida Statutes, is amended to read:

112 | 206.41 State taxes imposed on motor fuel.—

113 (4)
 114 (c)1. Any person who uses any motor fuel for agricultural,
 115 aquacultural, commercial fishing, or commercial aviation
 116 purposes on which fuel the tax imposed by paragraph (1)(e),
 117 paragraph (1)(f), or paragraph (1)(g) has been paid is entitled
 118 to a refund of such tax.

119 2. For the purposes of this paragraph, "agricultural and
 120 aquacultural purposes" means motor fuel used in any tractor,
 121 vehicle, or other farm equipment which is used exclusively on a
 122 farm or for processing farm products on the farm, and no part of
 123 which fuel is used in any vehicle or equipment driven or
 124 operated upon the public highways of this state. This
 125 restriction does not apply to the movement of a farm vehicle, ~~or~~
 126 farm equipment, citrus harvesting equipment, or citrus fruit
 127 loaders between farms. The transporting of bees by water and the
 128 operating of equipment used in the apiary of a beekeeper shall
 129 be also deemed an agricultural purpose.

130 3. For the purposes of this paragraph, "commercial fishing
 131 and aquacultural purposes" means motor fuel used in the
 132 operation of boats, vessels, or equipment used exclusively for
 133 the taking of fish, crayfish, oysters, shrimp, or sponges from
 134 salt or fresh waters under the jurisdiction of the state for
 135 resale to the public, and no part of which fuel is used in any
 136 vehicle or equipment driven or operated upon the highways of
 137 this state; however, the term may in no way be construed to
 138 include fuel used for sport or pleasure fishing.

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

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

144 Section 3. Paragraph (a) of subsection (5) of section
 145 316.515, Florida Statutes, is amended to read:

146 316.515 Maximum width, height, length.—

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

149 (a) Notwithstanding any other provisions of law, straight
 150 trucks, agricultural tractors, citrus harvesting equipment,
 151 citrus fruit loaders, and cotton module movers, not exceeding 50
 152 feet in length, or any combination of up to and including three
 153 implements of husbandry, including the towing power unit, and
 154 any single agricultural trailer with a load thereon or any
 155 agricultural implements attached to a towing power unit, or a
 156 self-propelled agricultural implement or an agricultural
 157 tractor, is authorized for the purpose of transporting peanuts,
 158 grains, soybeans, citrus, cotton, hay, straw, or other
 159 perishable farm products from their point of production to the
 160 first point of change of custody or of long-term storage, and
 161 for the purpose of returning to such point of production, or for
 162 the purpose of moving such tractors, movers, and implements from
 163 one point of agricultural production to another, by a person
 164 engaged in the production of any such product or custom hauler,
 165 if such vehicle or combination of vehicles otherwise complies
 166 with this section. The Department of Transportation may issue
 167 overlength permits for cotton module movers greater than 50 feet
 168 but not more than 55 feet in overall length. Such vehicles shall

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

171 Section 4. Subsection (5) of section 479.11, Florida
 172 Statutes, is amended to read:

173 479.11 Specified signs prohibited.—No sign shall be
 174 erected, used, operated, or maintained:

175 (5) (a) Which displays intermittent lights not embodied in
 176 the sign, or any rotating or flashing light within 100 feet of
 177 the outside boundary of the right-of-way of any highway on the
 178 State Highway System, interstate highway system, or federal-aid
 179 primary highway system or which is illuminated in such a manner
 180 so as to cause glare or to impair the vision of motorists or
 181 otherwise distract motorists so as to interfere with the
 182 motorists' ability to safely operate their vehicles.

183 (b) If the sign is on the premises of an establishment as
 184 provided in s. 479.16(1), the local government authority with
 185 jurisdiction over the location of the sign shall enforce the
 186 provisions of this section as provided in chapter 162 and this
 187 section.

188 Section 5. Paragraph (c) of subsection (16) of section
 189 570.07, Florida Statutes, is amended to read:

190 570.07 Department of Agriculture and Consumer Services;
 191 functions, powers, and duties.—The department shall have and
 192 exercise the following functions, powers, and duties:

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

194 (c) Registration, labeling, inspection, sale, use,
 195 composition, formulation, wholesale and retail distribution, and
 196 analysis of commercial stock feeds and registration, labeling,

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197 inspection, and analysis of commercial fertilizers;

198
 199 In order to ensure uniform health and safety standards, the
 200 adoption of standards and fines in the subject areas of
 201 paragraphs (a)-(n) is expressly preempted to the state and the
 202 department. Any local government enforcing the subject areas of
 203 paragraphs (a)-(n) must use the standards and fines set forth in
 204 the pertinent statutes or any rules adopted by the department
 205 pursuant to those statutes.

206 Section 6. Paragraph (g) is added to subsection (2) of
 207 section 580.036, Florida Statutes, to read:

208 580.036 Powers and duties.—

209 (2) The department is authorized to adopt rules pursuant
 210 to ss. 120.536(1) and 120.54 to enforce the provisions of this
 211 chapter. These rules shall be consistent with the rules and
 212 standards of the United States Food and Drug Administration and
 213 the United States Department of Agriculture, when applicable,
 214 and shall include:

215 (g) Establishing standards for the sale, use, and
 216 distribution of commercial feed or feedstuff to ensure usage
 217 that is consistent with animal safety and wellbeing and, to the
 218 extent that meat, poultry, and other animal products for human
 219 consumption may be affected by commercial feed or feedstuff, to
 220 ensure that these products are safe for human consumption. Such
 221 standards, if adopted, must be developed in consultation with
 222 the Commercial Feed Technical Council created under s. 580.151.

223 Section 7. Paragraph (a) of subsection (1) of section
 224 599.004, Florida Statutes, is amended to read:

225 599.004 Florida Farm Winery Program; registration; logo;
 226 fees.—

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

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

235 1. Produce or sell less than 250,000 gallons of wine
 236 annually.

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

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

242 4. Make annual application to the department for
 243 recognition as a Florida Farm Winery, on forms provided by the
 244 department.

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

246 Section 8. For the purpose of incorporating the amendment
 247 made by this act to section 599.004, Florida Statutes, in a
 248 reference thereto, subsection (5) of section 561.24, Florida
 249 Statutes, is reenacted to read:

250 561.24 Licensing manufacturers as distributors or
 251 registered exporters prohibited; procedure for issuance and
 252 renewal of distributors' licenses and exporters' registrations.—

253 (5) Notwithstanding any of the provisions of the foregoing
 254 subsections, any corporation which holds a license as a
 255 distributor on June 3, 1947, shall be entitled to a renewal
 256 thereof, provided such corporation complies with all of the
 257 provisions of the Beverage Law of Florida, as amended, and of
 258 this section and establishes by satisfactory evidence to the
 259 division that, during the 6-month period next preceding its
 260 application for such renewal, of the total volume of its sales
 261 of spirituous liquors, in either dollars or quantity, not more
 262 than 40 percent of such spirituous liquors sold by it, in either
 263 dollars or quantity, were manufactured, rectified, or distilled
 264 by any corporation with which the applicant is affiliated,
 265 directly or indirectly, including any corporation which owns or
 266 controls in any way any stock in the applicant corporation or
 267 any corporation which is a subsidiary or affiliate of the
 268 corporation so owning stock in the applicant corporation. Any
 269 manufacturer of wine holding a license as a distributor on the
 270 effective date of this act shall be entitled to a renewal of
 271 such license notwithstanding the provisions of subsections (1)-
 272 (5). This section does not apply to any winery qualifying as a
 273 certified Florida Farm Winery under s. 599.004.

274 Section 9. Section 604.50, Florida Statutes, is reordered
 275 and amended to read:

276 604.50 Nonresidential farm buildings; ~~and~~ farm fences;
 277 farm signs.—

278 (1) Notwithstanding any provision of ~~other~~ law to the
 279 contrary, any nonresidential farm building, ~~or~~ farm fence, or
 280 farm sign is exempt from the Florida Building Code and any

281 county or municipal code or fee, except for code provisions
 282 implementing local, state, or federal floodplain management
 283 regulations. A farm sign located on a public road may not be
 284 erected, used, operated, or maintained in a manner that violates
 285 any of the standards provided in s. 479.11(4), (5) (a), and (6)-
 286 (8).

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

288 (a) ~~(b)~~ "Farm" has the same meaning as provided in s.
 289 823.14.

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

294 (c) ~~(a)~~ "Nonresidential farm building" means any temporary
 295 or permanent building or support structure that is classified as
 296 a nonresidential farm building on a farm under s. 553.73(9) (c)
 297 or that is used primarily for agricultural purposes, is located
 298 on land that is an integral part of a farm operation or is
 299 classified as agricultural land under s. 193.461, and is not
 300 intended to be used as a residential dwelling. The term may
 301 include, but is not limited to, a barn, greenhouse, shade house,
 302 farm office, storage building, or poultry house.

303 Section 10. This act shall take effect July 1, 2012.