

## ENROLLED

CS/HB 1197, Engrossed 2

2012 Legislature

1  
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. 586.02, F.S.; defining the term  
28 "apiculture" for purposes of the Florida Honey

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29 Certification and Honeybee Law; conforming provisions;  
30 creating s. 586.055, F.S.; authorizing apiaries to be  
31 located on certain lands; amending s. 586.10, F.S.;  
32 providing for preemption to the state of authority to  
33 regulate, inspect, and permit managed honeybee  
34 colonies; providing that certain local government  
35 ordinances are superseded; revising the powers and  
36 duties of the Department of Agriculture and Consumer  
37 Services relating to honey certification and  
38 honeybees; requiring the department to adopt rules  
39 and, before adopting certain rules, consult with local  
40 governments and other affected stakeholders; amending  
41 s. 599.004, F.S.; revising qualifications for a  
42 certified Florida Farm Winery; reenacting s.  
43 561.24(5), F.S., relating to limitations on the  
44 issuance of wine distributor licenses and exporter  
45 registrations, to incorporate changes made by the act  
46 to s. 599.004, F.S., in a reference thereto; amending  
47 s. 604.50, F.S.; defining the term "farm sign";  
48 providing an exemption from the Florida Building Code  
49 for farm signs; prohibiting farm signs located on  
50 public roads from violating certain standards;  
51 limiting the authority of local governments to enforce  
52 certain requirements with respect to farm signs;  
53 amending s. 823.14, F.S.; revising definitions  
54 relating to the Florida Right to Farm Act; limiting  
55 the conditions under which apiculture or the placement  
56 of apiaries may be deemed public or private nuisances;

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57 limiting the authority of local governments to  
 58 regulate apiculture and the placement of apiaries on  
 59 agricultural land; reenacting ss. 163.3163(3)(b),  
 60 193.461(5), 403.9337(4), 570.961(4), and  
 61 812.015(1)(g), F.S., relating to agricultural lands  
 62 and practices, the Agricultural Land Acknowledgement  
 63 Act, the classification and tax assessment of  
 64 agricultural lands, an exemption from certain  
 65 provisions related to the Model Ordinance for Florida-  
 66 Friendly Fertilizer Use on Urban Landscapes,  
 67 provisions related to the promotion of agritourism,  
 68 and penalties for retail or farm theft, respectively,  
 69 to incorporate amendments made by the act to s.  
 70 823.14, F.S.; in references thereto; repealing s.  
 71 828.161, F.S., relating to the prohibition of  
 72 artificial dyeing or coloring of certain animals or  
 73 fowl; providing an effective date.

74

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

76

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

80 163.3162 Agricultural Lands and Practices.—

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

82 (a) "Farm" has the same meaning as provided ~~defined~~ in  
 83 s. 823.14.

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

86 (c) "Farm product" means any plant, as defined in s.  
 87 581.011, or animal useful to humans and includes, but is not  
 88 limited to, any product derived therefrom.

89 (d) "Governmental entity" has the same meaning as provided  
 90 in s. 164.1031. The term does not include a water control  
 91 district established under chapter 298 or a special district  
 92 created by special act for water management purposes.

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

97 (b) A governmental entity ~~county~~ may not charge an  
 98 assessment or fee for stormwater management on a bona fide farm  
 99 operation on land classified as agricultural land pursuant to s.  
 100 193.461, if the farm operation has a National Pollutant  
 101 Discharge Elimination System permit, environmental resource  
 102 permit, or works-of-the-district permit or implements best  
 103 management practices adopted as rules under chapter 120 by the  
 104 Department of Environmental Protection, the Department of  
 105 Agriculture and Consumer Services, or a water management  
 106 district as part of a statewide or regional program.

107 (c) For each governmental entity ~~county~~ that, before March  
 108 1, 2009, adopted a stormwater utility ordinance or resolution,  
 109 adopted an ordinance or resolution establishing a municipal  
 110 services benefit unit, or adopted a resolution stating the  
 111 governmental entity's ~~county's~~ intent to use the uniform method

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112 of collection pursuant to s. 197.3632 for such stormwater  
 113 ordinances, the governmental entity ~~county~~ may continue to  
 114 charge an assessment or fee for stormwater management on a bona  
 115 fide farm operation on land classified as agricultural pursuant  
 116 to s. 193.461, if the ordinance or resolution provides credits  
 117 against the assessment or fee on a bona fide farm operation for  
 118 the water quality or flood control benefit of:

119 1. The implementation of best management practices adopted  
 120 as rules under chapter 120 by the Department of Environmental  
 121 Protection, the Department of Agriculture and Consumer Services,  
 122 or a water management district as part of a statewide or  
 123 regional program;

124 2. The stormwater quality and quantity measures required  
 125 as part of a National Pollutant Discharge Elimination System  
 126 permit, environmental resource permit, or works-of-the-district  
 127 permit; or

128 3. The implementation of best management practices or  
 129 alternative measures which the landowner demonstrates to the  
 130 governmental entity ~~county~~ to be of equivalent or greater  
 131 stormwater benefit than those provided by implementation of best  
 132 management practices adopted as rules under chapter 120 by the  
 133 Department of Environmental Protection, the Department of  
 134 Agriculture and Consumer Services, or a water management  
 135 district as part of a statewide or regional program, or  
 136 stormwater quality and quantity measures required as part of a  
 137 National Pollutant Discharge Elimination System permit,  
 138 environmental resource permit, or works-of-the-district permit.

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

144 Section 2. Paragraph (c) of subsection (4) of section  
 145 206.41, Florida Statutes, is amended to read:

146 206.41 State taxes imposed on motor fuel.—

147 (4)

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

153 2. For the purposes of this paragraph, "agricultural and  
 154 aquacultural purposes" means motor fuel used in any tractor,  
 155 vehicle, or other farm equipment which is used exclusively on a  
 156 farm or for processing farm products on the farm, and no part of  
 157 which fuel is used in any vehicle or equipment driven or  
 158 operated upon the public highways of this state. This  
 159 restriction does not apply to the movement of a farm vehicle, ~~or~~  
 160 farm equipment, citrus harvesting equipment, or citrus fruit  
 161 loaders between farms. The transporting of bees by water and the  
 162 operating of equipment used in the apiary of a beekeeper shall  
 163 be also deemed an agricultural purpose.

164 3. For the purposes of this paragraph, "commercial fishing  
 165 and aquacultural purposes" means motor fuel used in the  
 166 operation of boats, vessels, or equipment used exclusively for

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167 the taking of fish, crayfish, oysters, shrimp, or sponges from  
 168 salt or fresh waters under the jurisdiction of the state for  
 169 resale to the public, and no part of which fuel is used in any  
 170 vehicle or equipment driven or operated upon the highways of  
 171 this state; however, the term may in no way be construed to  
 172 include fuel used for sport or pleasure fishing.

173 4. For the purposes of this paragraph, "commercial  
 174 aviation purposes" means motor fuel used in the operation of  
 175 aviation ground support vehicles or equipment, no part of which  
 176 fuel is used in any vehicle or equipment driven or operated upon  
 177 the public highways of this state.

178 Section 3. Paragraph (a) of subsection (5) of section  
 179 316.515, Florida Statutes, is amended to read:

180 316.515 Maximum width, height, length.—

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

183 (a) Notwithstanding any other provisions of law, straight  
 184 trucks, agricultural tractors, citrus harvesting equipment,  
 185 citrus fruit loaders, and cotton module movers, not exceeding 50  
 186 feet in length, or any combination of up to and including three  
 187 implements of husbandry, including the towing power unit, and  
 188 any single agricultural trailer with a load thereon or any  
 189 agricultural implements attached to a towing power unit, or a  
 190 self-propelled agricultural implement or an agricultural  
 191 tractor, is authorized for the purpose of transporting peanuts,  
 192 grains, soybeans, citrus, cotton, hay, straw, or other  
 193 perishable farm products from their point of production to the  
 194 first point of change of custody or of long-term storage, and

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195 for the purpose of returning to such point of production, or for  
196 the purpose of moving such tractors, movers, and implements from  
197 one point of agricultural production to another, by a person  
198 engaged in the production of any such product or custom hauler,  
199 if such vehicle or combination of vehicles otherwise complies  
200 with this section. The Department of Transportation may issue  
201 overlength permits for cotton module movers greater than 50 feet  
202 but not more than 55 feet in overall length. Such vehicles shall  
203 be operated in accordance with all safety requirements  
204 prescribed by law and rules of the Department of Transportation.

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

207 479.11 Specified signs prohibited.—No sign shall be  
208 erected, used, operated, or maintained:

209 (5) (a) Which displays intermittent lights not embodied in  
210 the sign, or any rotating or flashing light within 100 feet of  
211 the outside boundary of the right-of-way of any highway on the  
212 State Highway System, interstate highway system, or federal-aid  
213 primary highway system or which is illuminated in such a manner  
214 so as to cause glare or to impair the vision of motorists or  
215 otherwise distract motorists so as to interfere with the  
216 motorists' ability to safely operate their vehicles.

217 (b) If the sign is on the premises of an establishment as  
218 provided in s. 479.16(1), the local government authority with  
219 jurisdiction over the location of the sign shall enforce the  
220 provisions of this section as provided in chapter 162 and this  
221 section.

222 Section 5. Paragraph (c) of subsection (16) of section



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223 570.07, Florida Statutes, is amended to read:

224 570.07 Department of Agriculture and Consumer Services;  
 225 functions, powers, and duties.—The department shall have and  
 226 exercise the following functions, powers, and duties:

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

228 (c) Registration, labeling, inspection, sale, use,  
 229 composition, formulation, wholesale and retail distribution, and  
 230 analysis of commercial stock feeds and registration, labeling,  
 231 inspection, and analysis of commercial fertilizers;

232  
 233 In order to ensure uniform health and safety standards, the  
 234 adoption of standards and fines in the subject areas of  
 235 paragraphs (a)-(n) is expressly preempted to the state and the  
 236 department. Any local government enforcing the subject areas of  
 237 paragraphs (a)-(n) must use the standards and fines set forth in  
 238 the pertinent statutes or any rules adopted by the department  
 239 pursuant to those statutes.

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

242 580.036 Powers and duties.—

243 (2) The department is authorized to adopt rules pursuant  
 244 to ss. 120.536(1) and 120.54 to enforce the provisions of this  
 245 chapter. These rules shall be consistent with the rules and  
 246 standards of the United States Food and Drug Administration and  
 247 the United States Department of Agriculture, when applicable,  
 248 and shall include:

249 (g) Establishing standards for the sale, use, and  
 250 distribution of commercial feed or feedstuff to ensure usage

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251 that is consistent with animal safety and wellbeing and, to the  
 252 extent that meat, poultry, and other animal products for human  
 253 consumption may be affected by commercial feed or feedstuff, to  
 254 ensure that these products are safe for human consumption. Such  
 255 standards, if adopted, must be developed in consultation with  
 256 the Commercial Feed Technical Council created under s. 580.151.

257 Section 7. Subsections (2) through (14) of section 586.02,  
 258 Florida Statutes, are renumbered as subsections (3) through  
 259 (15), respectively, and a new subsection (2) is added to that  
 260 section to read:

261 586.02 Definitions.—As used in this chapter:

262 (2) "Apiculture" means the raising, caring for, and  
 263 breeding of honeybees.

264 Section 8. Section 586.055, Florida Statutes, is created  
 265 to read:

266 586.055 Location of apiaries.—An apiary may be located on  
 267 land classified as agricultural under s. 193.461 or on land that  
 268 is integral to a beekeeping operation.

269 Section 9. Section 586.10, Florida Statutes, is amended to  
 270 read:

271 586.10 Powers and duties of department; preemption of  
 272 local government ordinances.—

273 (1) The authority to regulate, inspect, and permit managed  
 274 honeybee colonies and to adopt rules on the placement and  
 275 location of registered inspected managed honeybee colonies is  
 276 preempted to the state through the department and supersedes any  
 277 related ordinance adopted by a county, municipality, or  
 278 political subdivision thereof.

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279            (2) The department shall ~~have the powers and duties to:~~

280            (a) ~~(1)~~ Administer and enforce ~~the provisions of this~~  
 281 chapter.

282            (b) ~~(2)~~ Adopt ~~Promulgate~~ rules necessary to enforce ~~the~~  
 283 ~~enforcement of this chapter,~~

284            ~~(3)~~ ~~Promulgate~~ rules relating to standard grades for honey  
 285 and other honeybee products, and, after consultation with local  
 286 governments and other affected stakeholders, rules to administer  
 287 this section.

288            (3) The department may:

289            (a) ~~(4)~~ Enter upon any public or private premises ~~premise~~  
 290 or carrier during regular business hours for the purpose of  
 291 inspection, quarantine, destruction, or treatment of honeybees,  
 292 used beekeeping equipment, unwanted races of honeybees, or  
 293 regulated articles.

294            (b) ~~(5)~~ Declare a honeybee pest or unwanted race of  
 295 honeybees to be a nuisance to the beekeeping industry as well as  
 296 any honeybee or other ~~article~~ infested or infected article  
 297 ~~therewith or that~~ is ~~has been~~ exposed to infestation or  
 298 infection in a manner believed likely to communicate the  
 299 infection or infestation.

300            (c) ~~(6)~~ Declare a quarantine against any area, place, or  
 301 political unit within this state or other states, territories,  
 302 or foreign countries, or portion thereof, in reference to  
 303 honeybee pests or unwanted races of honeybees and prohibit the  
 304 movement within this state from other states, territories, or  
 305 foreign countries of all honeybees, honeybee products, used  
 306 beekeeping equipment, or other articles from such quarantined

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307 places or areas which are likely to carry honeybee pests or  
 308 unwanted races of honeybees if the quarantine is determined,  
 309 after due investigation, to be necessary in order to protect  
 310 this state's beekeeping industry, honeybees, and the public. In  
 311 such cases, the quarantine may be made absolute or rules may be  
 312 adopted prescribing the method and manner under which the  
 313 prohibited articles may be moved into or within, sold in, or  
 314 otherwise disposed of in this state.

315 (d) ~~(7)~~ Enter into cooperative arrangements with any  
 316 person, municipality, county, or other department of this state  
 317 or any agency, officer, or authority of other states or the  
 318 Federal ~~United States~~ Government, including the United States  
 319 Department of Agriculture, for inspection of honeybees, honeybee  
 320 pests, or unwanted races of honeybees and products thereof and  
 321 the control or eradication of honeybee pests and unwanted races  
 322 of honeybees, and contribute a share of the expenses incurred  
 323 under such arrangements.

324 (e) ~~(8)~~ Investigate ~~Carry on investigations of~~ methods of  
 325 control, eradication, and prevention of dissemination of  
 326 honeybee pests or unwanted races of honeybees.

327 (f) ~~(9)~~ Inspect or cause to be inspected all apiaries in  
 328 the state at such intervals as it may deem best and to keep a  
 329 complete, accurate, and current list of all inspected apiaries  
 330 to include the:

- 331 1. ~~(a)~~ Name of the apiary.
- 332 2. ~~(b)~~ Name of the owner of the apiary.
- 333 3. ~~(c)~~ Mailing address of the apiary owner.
- 334 4. ~~(d)~~ Location of the apiary.

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335           ~~5.(e)~~ Number of hives in the apiary.  
 336           ~~6.(f)~~ Pest problems associated with the apiary.  
 337           ~~7.(g)~~ Brands used by beekeepers where applicable.  
 338           ~~(g)(10)~~ Collect or accept from other agencies or  
 339 individuals specimens of arthropods, nematodes, fungi, bacteria,  
 340 or other organisms for identification.  
 341           ~~(h)(11)~~ Confiscate, destroy, or make use of abandoned  
 342 beehives or beekeeping equipment.  
 343           ~~(i)(12)~~ Require the identification of ownership of  
 344 apiaries.  
 345           ~~(j)(13)~~ Enter into a compliance agreement with any person  
 346 engaged in purchasing, assembling, exchanging, processing,  
 347 utilizing, treating, or moving beekeeping equipment or  
 348 honeybees.  
 349           ~~(k)(14)~~ Make and issue to beekeepers certificates of  
 350 registration and inspection, following proper inspection and  
 351 certification of their honeybee colonies.  
 352           ~~(l)(15)~~ Revoke or suspend a beekeeper's or honeybee  
 353 product processor's certificate of inspection or use of a  
 354 certificate or permit issued by the department if the department  
 355 determines that the ~~a~~ beekeeper or honeybee product processor is  
 356 selling or offering for sale or is distributing or offering to  
 357 distribute honeybees, honeybee products, or beekeeping equipment  
 358 in violation of this chapter or rules adopted under this  
 359 chapter, or has aided or abetted in such ~~the~~ violation, ~~the~~  
 360 ~~department may revoke or suspend her or his certificate of~~  
 361 ~~inspection or the use of any certificate or permit issued by the~~  
 362 ~~department.~~

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363            (m) ~~(16)~~ ~~The department may~~ Refuse the certification of any  
 364 honeybees, honeybee products, or beekeeping equipment if ~~when~~ it  
 365 is determined that an unwanted race of honeybees exists, or  
 366 honeybee pests exist on honeybees, honeybee products, or  
 367 beekeeping equipment, or that the condition of the apiary  
 368 inhibits a thorough and efficient inspection by the department.

369            (n) ~~(17)~~ ~~The department is authorized to~~ Conduct,  
 370 supervise, or cause the fumigation, destruction, or treatment of  
 371 honeybees, including unwanted races of honeybees, honeybee  
 372 products, and used beekeeping equipment or other articles  
 373 infested or infected by honeybee pests or unwanted races of  
 374 honeybees or so exposed to infection or infestation that it is  
 375 reasonably believed that infection or infestation could exist.

376            (o) ~~(18)~~ ~~The department may~~ Require the removal from this  
 377 state of any honeybees or beekeeping equipment that is ~~which has~~  
 378 ~~been~~ brought into the state in violation of this chapter or the  
 379 rules adopted under this chapter.

380            Section 10. Paragraph (a) of subsection (1) of section  
 381 599.004, Florida Statutes, is amended to read:

382            599.004 Florida Farm Winery Program; registration; logo;  
 383 fees.—

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

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

392 1. Produce or sell less than 250,000 gallons of wine  
 393 annually of which 60 percent of the wine produced is made from  
 394 state agricultural products.

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

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

400 4. Make annual application to the department for  
 401 recognition as a Florida Farm Winery, on forms provided by the  
 402 department.

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

404 Section 11. For the purpose of incorporating the amendment  
 405 made by this act to section 599.004, Florida Statutes, in a  
 406 reference thereto, subsection (5) of section 561.24, Florida  
 407 Statutes, is reenacted to read:

408 561.24 Licensing manufacturers as distributors or  
 409 registered exporters prohibited; procedure for issuance and  
 410 renewal of distributors' licenses and exporters' registrations.—

411 (5) Notwithstanding any of the provisions of the foregoing  
 412 subsections, any corporation which holds a license as a  
 413 distributor on June 3, 1947, shall be entitled to a renewal  
 414 thereof, provided such corporation complies with all of the  
 415 provisions of the Beverage Law of Florida, as amended, and of  
 416 this section and establishes by satisfactory evidence to the  
 417 division that, during the 6-month period next preceding its

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418 application for such renewal, of the total volume of its sales  
 419 of spirituous liquors, in either dollars or quantity, not more  
 420 than 40 percent of such spirituous liquors sold by it, in either  
 421 dollars or quantity, were manufactured, rectified, or distilled  
 422 by any corporation with which the applicant is affiliated,  
 423 directly or indirectly, including any corporation which owns or  
 424 controls in any way any stock in the applicant corporation or  
 425 any corporation which is a subsidiary or affiliate of the  
 426 corporation so owning stock in the applicant corporation. Any  
 427 manufacturer of wine holding a license as a distributor on the  
 428 effective date of this act shall be entitled to a renewal of  
 429 such license notwithstanding the provisions of subsections (1)-  
 430 (5). This section does not apply to any winery qualifying as a  
 431 certified Florida Farm Winery under s. 599.004.

432 Section 12. Section 604.50, Florida Statutes, is reordered  
 433 and amended to read:

434 604.50 Nonresidential farm buildings; ~~and~~ farm fences;  
 435 farm signs.-

436 (1) Notwithstanding any provision of ~~other~~ law to the  
 437 contrary, any nonresidential farm building, ~~or~~ farm fence, or  
 438 farm sign is exempt from the Florida Building Code and any  
 439 county or municipal code or fee, except for code provisions  
 440 implementing local, state, or federal floodplain management  
 441 regulations. A farm sign located on a public road may not be  
 442 erected, used, operated, or maintained in a manner that violates  
 443 any of the standards provided in s. 479.11(4), (5)(a), and (6)-  
 444 (8).

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



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446 (a) ~~(b)~~ "Farm" has the same meaning as provided in s.  
 447 823.14.

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

452 (c) ~~(a)~~ "Nonresidential farm building" means any temporary  
 453 or permanent building or support structure that is classified as  
 454 a nonresidential farm building on a farm under s. 553.73(9)(c)  
 455 or that is used primarily for agricultural purposes, is located  
 456 on land that is an integral part of a farm operation or is  
 457 classified as agricultural land under s. 193.461, and is not  
 458 intended to be used as a residential dwelling. The term may  
 459 include, but is not limited to, a barn, greenhouse, shade house,  
 460 farm office, storage building, or poultry house.

461 Section 13. Paragraphs (b) and (c) of subsection (3) of  
 462 section 823.14, Florida Statutes, are amended to read:

463 823.14 Florida Right to Farm Act.—

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

465 (b) "Farm operation" means all conditions or activities by  
 466 the owner, lessee, agent, independent contractor, and supplier  
 467 which occur on a farm in connection with the production of farm,  
 468 honeybee, or apiculture products and includes, but is not  
 469 limited to, the marketing of produce at roadside stands or farm  
 470 markets; the operation of machinery and irrigation pumps; the  
 471 generation of noise, odors, dust, and fumes; ground or aerial  
 472 seeding and spraying; the placement and operation of an apiary;  
 473 the application of chemical fertilizers, conditioners,

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474 insecticides, pesticides, and herbicides; and the employment and  
 475 use of labor.

476 (c) "Farm product" means any plant, as defined in s.  
 477 581.011, or animal or insect useful to humans and includes, but  
 478 is not limited to, any product derived therefrom.

479 Section 14. For the purpose of incorporating the amendment  
 480 made by this act to section 823.14, Florida Statutes, in a  
 481 reference thereto, paragraph (b) of subsection (3) of section  
 482 163.3163, Florida Statutes, is reenacted to read:

483 163.3163 Applications for development permits; disclosure  
 484 and acknowledgement of contiguous sustainable agricultural  
 485 land.—

486 (3) As used in this section, the term:

487 (b) "Farm operation" has the same meaning as defined in s.  
 488 823.14.

489 Section 15. For the purpose of incorporating the amendment  
 490 made by this act to section 823.14, Florida Statutes, in a  
 491 reference thereto, subsection (5) of section 193.461, Florida  
 492 Statutes, is reenacted to read:

493 193.461 Agricultural lands; classification and assessment;  
 494 mandated eradication or quarantine program.—

495 (5) For the purpose of this section, "agricultural  
 496 purposes" includes, but is not limited to, horticulture;  
 497 floriculture; viticulture; forestry; dairy; livestock; poultry;  
 498 bee; pisciculture, when the land is used principally for the  
 499 production of tropical fish; aquaculture; sod farming; and all  
 500 forms of farm products as defined in s. 823.14(3) and farm  
 501 production.

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502 Section 16. For the purpose of incorporating the amendment  
 503 made by this act to section 823.14, Florida Statutes, in a  
 504 reference thereto, subsection (4) of section 403.9337, Florida  
 505 Statutes, is reenacted to read:

506 403.9337 Model Ordinance for Florida-Friendly Fertilizer  
 507 Use on Urban Landscapes.—

508 (4) This section does not apply to the use of fertilizer  
 509 on farm operations as defined in s. 823.14 or on lands  
 510 classified as agricultural lands pursuant to s. 193.461.

511 Section 17. For the purpose of incorporating the amendment  
 512 made by this act to section 823.14, Florida Statutes, in a  
 513 reference thereto, subsection (4) of section 570.961, Florida  
 514 Statutes, is reenacted to read:

515 570.961 Definitions.—As used in ss. 570.96–570.962, the  
 516 term:

517 (4) "Farm operation" has the same meaning as defined in s.  
 518 823.14.

519 Section 18. For the purpose of incorporating the amendment  
 520 made by this act to section 823.14, Florida Statutes, in a  
 521 reference thereto, paragraph (g) of subsection (1) of section  
 522 812.015, Florida Statutes, is reenacted to read:

523 812.015 Retail and farm theft; transit fare evasion;  
 524 mandatory fine; alternative punishment; detention and arrest;  
 525 exemption from liability for false arrest; resisting arrest;  
 526 penalties.—

527 (1) As used in this section:

528 (g) "Farm theft" means the unlawful taking possession of  
 529 any items that are grown or produced on land owned, rented, or

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530 | leased by another person. The term includes the unlawful taking  
531 | possession of equipment and associated materials used to grow or  
532 | produce farm products as defined in s. 823.14(3)(c).

533 |       Section 19. Section 828.161, Florida Statutes, is  
534 | repealed.

535 |       Section 20. This act shall take effect July 1, 2012.