



May 6, 2011

Week 9

Throughout the 2011 legislative session Florida Farm Bureau has pursued policy issues that affect your livelihood.

We have sought to express your positions in committee hearings, meetings with legislative aides, executive agency briefings and discussions with representatives of other agricultural and business organizations, as well as with other stakeholders.

We thank our Farm Bureau members who contacted legislators and their staffs on our issues. Your volunteer leadership service on behalf of agriculture gave us a powerful voice at our state capitol. We may not win every battle, but you can rest assured that before the final gavel falls this evening, every legislator will have known Farm Bureau's positions.

Florida Farm Bureau has been successful in creating support for a number of measures that will assist farmers, ranchers, growers and other private property owners throughout the state. As of Friday morning, May 6, the following measures have successfully passed the House and Senate:

Veto Override

During the third week of the session both houses agreed to override Gov. Charlie Crist's veto of last year's general ag bill. This bill included a reduction in permits, fees and duplicative regulations.

The House approved the override unanimously and the Senate soon followed with an overwhelming endorsement. The provisions of the bill became effective immediately.

Property Rights

HB 701 by Rep. Eric Eisnaugle; SB 998 by Sen. David Simmons

Both houses have adopted bills that amend the Bert Harris Jr. Private Property Rights Act. Pending approval from Gov. Rick Scott, provisions of the bills become effective on July 1 and will have the following effects:

- Allow landowners to bring a claim against a government entity based on when the law was applied, not when it was enacted;
- Provide that a moratorium on a development that is in effect for longer than one year is not a temporary impact to real property and may constitute an inordinate burden;
- Change the notification period from 180 days to 120 days;
- Replace the term "ripeness" with language specifying when the prerequisites for judicial review are met; and
- Waive sovereign immunity for purposes of the Act.

Wetlands/Ag Exemption

HB 421 by Rep. Leonard Bembry; SB 1174 by Sen. Gary Siplin

This legislation accomplishes the following:

- Revises exemption for agricultural-related activities to include certain impacts to surface waters and wetlands; clarifies purpose of such activities, and limits applicability of exemption;

- Provides exclusive authority to the Florida Department of Agriculture and Consumer Services (FDACS) to determine whether certain activities qualify for agricultural-related exemption under specified conditions, retroactive to 1984;
- Requires memoranda of agreement between FDACS and water management districts;
- Provides exemption from mitigation requirements for converted agricultural lands under certain conditions; and
- Revises the definition of the term "agricultural activities" to include cultivating, fallowing, leveling as well as specified practices and standards, and provides for certain impacts to surface waters and wetlands.

Florida Department of Agriculture and Consumer Services

HB 7215 by Rep. Steve Crisafulli; SB 2076 by Senate Agriculture Committee

This legislation has many provisions, some of which are highlighted below:

- Deletes provisions establishing the Division of Dairy within the department as part of a departmental reorganization;
- Redefines the term "agricultural purposes" as it relates to the assessment of land classified as agricultural by the property appraiser to include all forms of farm products as defined in Florida Statutes 823.14(3);
- Requires certain persons who produce, harvest,

pack or repack tomatoes to register each location of a tomato farm, tomato greenhouse, tomato packing-house or tomato repacker by Aug. 1 and authorizes the department to set a registration fee;

- Creates the Office of Energy and Water within the department;
- Authorizes the Commissioner of Agriculture to certify the dissolution or discontinuance of a soil and water conservation district without the review or recommendation of the Soil and Water Conservation Council under certain circumstances;
- Provides penalties for the theft of bee colonies of registered beekeepers;
- Redefines the term "farmer" to include a person who grows or produces honey; and
- Redefines the term "farm theft" to include the unlawful taking possession of equipment and associated materials used to grow or produce certain farm products.

Pending approval by the Governor, this legislation will take effect on July 1.

Sine Die

The legislature is expected to adjourn tonight, some time after 10 p.m. There are still many issues such as immigration and septic tank inspections currently in play.

Next week's *AGWATCH* will include a legislative wrap-up and a comprehensive review of bills of importance to the ag industry that were passed or that died in the 2011 legislative session.

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