

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Agriculture Committee

BILL: SB 1132

INTRODUCER: Senators Hays and Montford

SUBJECT: Beekeeping

DATE: January 23, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	AG	Favorable
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises definitions¹ in the Florida Right to Farm Act for “farm operation” and “farm product” so that the definitions include honeybee and aquaculture activities and the placement and operation of an apiary. It revises the definition of “apiary” to allow honeybee hives to be placed on agricultural land or land integral to a beekeeping operation. And it creates a definition for “apiculture.” The bill grants the Department of Agriculture and Consumer Services (DACS) exclusive authority to regulate, inspect, permit, and determine placement of managed honeybee colonies.

This bill substantially amends sections 823.14, 586.02, and 586.10 of the Florida Statutes.

II. Present Situation:

Beekeeping

The Bureau of Plant & Apiary Inspection of DACS plays a vital role in Florida agriculture as inspectors work to prevent the introduction and establishment of honey bee pests and diseases. Florida’s honey industry ranks among the top five in the nation with an annual worth of \$13 million. Seventeen million pounds of honey are produced in Florida each year. Additionally, honeybee operations benefit the state’s fruit and vegetable industry by providing an estimated \$20 million in increased production numbers created by managed pollination services for over 100 varieties of popular fruits and vegetables. Florida Apiary Inspectors certify movement of honey bee colonies throughout the state and the nation. DACS has the most comprehensive state

¹ See s. 823.14(3), F.S., for definitions.

program (e.g., number of inspectors and traps) to prevent the accidental introduction of the unwanted Africanized honey bee.²

The Florida Legislature first provided for inspection and “certification of honey” in 1953 by authorizing the then Commissioner of Agriculture to establish standards of grade and quality to qualify for the label of “certified honey” and further gave the commissioner authority to make rules and regulations as necessary to implement a certification program.³ This function was transferred to DACS upon its creation in a 1969 reorganization of the executive branch of government.⁴ The laws regulating honey certification were substantially reworded in 1986 and expanded to include regulation of honeybees and honeybee products at which time the Honeybee Technical Council was also created.⁵ Currently, Chapter 586, F.S., gives DACS the powers and duties to regulate honeybees, honeybee pests, honeybee products, and beekeeping equipment. Beekeepers are required to register their hives and submit to an annual inspection. Based on inspection programs and inspection results, DACS also has authority to regulate the certification and labeling of Florida-produced honey and the issuance of certificates of registration and inspection.

Researchers at the University of Florida’s Institute of Food and Agriculture Sciences estimate that as much as 30 percent of all foods in the human diet depends upon pollination by honey bees. In addition, these insects pollinate livestock forage crops such as alfalfa and clover and are also important for dairy, poultry and swine production for that reason.⁶

Florida Right to Farm Act

The Florida Right to Farm Act⁷ (act) makes legislative findings that agricultural production is a major contributor to the economy of the state and that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of farm land from agricultural use. The act also prohibits local government from adopting any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, DACS, or water management districts and adopted under chapter 120 as a part of a statewide or regional program. The definition of “farm operation” in the act does not include honeybee or aquaculture products or the placement of an apiary. Further the definition of “farm product” includes animals useful to humans, but not insects. The act defines apiary, but not apiculture, and is silent as to where an apiary may be located.

Some local governments greatly restrict or ban honey bee colony placement within their jurisdictions with the consequence of reducing pollination of plants and creating a more

² Retrieved from <http://ww.freshfromflorida.com/pi/plantinsp/apiary/apiary.html>. Site last visited April 17, 2012.

³ L.O.F. 28167.

⁴ L.O.F. 69-106.

⁵ L.O.F. 86-62

⁶ G. B. Crawford, “The buzz about bees,” *Florida Agriculture, The Voice of Agriculture in Florida*, Vol. 71, No. 10, October 2011.

⁷ Section 823.14, F.S.

favorable environment for unwanted, more aggressive African honey bees to colonize.⁸ Additionally, honey bees, honey bee products, and aquaculture products are being produced in farming operations but may not be included in the current law as farm products.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 823.14, F.S., to revise the definition of “farm operation” to include honeybee and aquaculture activities and to, additionally, include the placement and operation of an apiary. It expands the definition of “farm product” to include “insects” useful to humans.

Section 2 amends s. 586.02, F.S., to revise the definition of “apiary” to specify that an apiary may be located on land classified as agriculture under s. 193.461, F.S., or on land that is integral to a beekeeping operation. It provides a definition for “apiculture” which is the raising, caring, and breeding of honeybees.

Section 3 amends s. 586.10, F.S., to preempt to the state the authority to regulate, inspect, and permit managed honeybee colonies and to adopt rules regarding the placement and location of managed colonies which would supersede any local ordinances regarding these matters. It makes the department’s enumerated powers and duties mandatory.

Section 4 provides that this act shall take effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may have a positive fiscal impact of an indeterminate amount on the private sector as there is the potential for elimination of duplicate regulation.

⁸ DACS bill analysis for SB 1132, January 10, 2012, on file with the Senate Agriculture Committee.

⁹ *Id.*

C. Government Sector Impact:

The fiscal impact to local governments due to the loss of revenue arising from the regulation of honeybee activities is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.