

By the Committee on Budget Subcommittee on General Government
Appropriations; and Senators Hays and Montford

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1 A bill to be entitled
2 An act relating to agriculture; amending s. 823.14,
3 F.S.; revising definitions relating to the Florida
4 Right to Farm Act to include beekeeping; amending s.
5 586.02, F.S.; revising the definition of the term
6 "apiary" and adding a definition for the term
7 "apiculture"; amending s. 586.10, F.S.; providing that
8 authority to regulate honeybee colonies is preempted
9 to the state; requiring that the Department of
10 Agriculture and Consumer Services adopt rules after
11 consulting with local governments and other affected
12 stakeholders; reordering and amending s. 604.50, F.S.;
13 providing an exemption from the Florida Building Code
14 for farm signs; providing an effective date.

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

17
18 Section 1. Paragraphs (b) and (c) of subsection (3) of
19 section 823.14, Florida Statutes, are amended to read:

20 823.14 Florida Right to Farm Act.—

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

22 (b) "Farm operation" means all conditions or activities by
23 the owner, lessee, agent, independent contractor, and supplier
24 which occur on a farm in connection with the production of farm,
25 honeybee, or aquaculture products and includes, but is not
26 limited to, the marketing of produce at roadside stands or farm
27 markets; the operation of machinery and irrigation pumps; the
28 generation of noise, odors, dust, and fumes; ground or aerial
29 seeding and spraying; the placement and operation of an apiary;

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30 the application of chemical fertilizers, conditioners,
31 insecticides, pesticides, and herbicides; and the employment and
32 use of labor.

33 (c) "Farm product" means any plant, as defined in s.
34 581.011, or animal or insect useful to humans and includes, but
35 is not limited to, any product derived therefrom.

36 Section 2. Subsection (1) of section 586.02, Florida
37 Statutes, is amended, present subsections (2) through (14) of
38 that section are redesignated as subsections (3) through (15),
39 respectively, and a new subsection (2) is added to that section,
40 to read:

41 586.02 Definitions.—As used in this chapter:

42 (1) "Apiary" means a beeyard or site where honeybee hives,
43 honeybees, or honeybee equipment is located. The beeyard or site
44 may be located on land classified as agricultural under s.
45 193.461 or on land that is integral to a beekeeping operation.

46 (2) "Apiculture" means the raising, caring, and breeding of
47 honeybees.

48 Section 3. Section 586.10, Florida Statutes, is amended to
49 read:

50 586.10 Powers and duties of department.—The authority to
51 regulate, inspect, and permit managed honeybee colonies and to
52 adopt rules on the placement and location of registered
53 inspected managed honeybee colonies is preempted to the state
54 through the department and supersedes any related ordinance
55 adopted by a county, municipality, or political subdivision
56 thereof. The department shall ~~have the powers and duties to:~~

57 (1) After consulting with local governments and other
58 affected stakeholders, adopt rules to administer this section.

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59 (2)~~(1)~~ Administer and enforce the provisions of this
60 chapter.

61 (3)~~(2)~~ Adopt ~~Promulgate~~ rules necessary to the enforcement
62 of this chapter.

63 (4)~~(3)~~ Adopt ~~Promulgate~~ rules relating to standard grades
64 for honey and other honeybee products.

65 (5)~~(4)~~ Enter upon any public or private premise or carrier
66 during regular business hours for the purpose of inspection,
67 quarantine, destruction, or treatment of honeybees, used
68 beekeeping equipment, unwanted races of honeybees, or regulated
69 articles.

70 (6)~~(5)~~ Declare a honeybee pest or unwanted race of
71 honeybees to be a nuisance to the beekeeping industry as well as
72 any honeybee or other ~~article~~ infested or infected article
73 ~~therewith~~ or that has been exposed to infestation or infection
74 in a manner believed likely to communicate the infection or
75 infestation.

76 (7)~~(6)~~ Declare a quarantine against any area, place, or
77 political unit within this state or other states, territories,
78 or foreign countries, or portion thereof, in reference to
79 honeybee pests or unwanted races of honeybees and prohibit the
80 movement within this state from other states, territories, or
81 foreign countries of all honeybees, honeybee products, used
82 beekeeping equipment, or other articles from such quarantined
83 places or areas which are likely to carry honeybee pests or
84 unwanted races of honeybees if the quarantine is determined,
85 after due investigation, to be necessary in order to protect
86 this state's beekeeping industry, honeybees, and the public. In
87 such cases, the quarantine may be made absolute or rules may be

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88 adopted prescribing the method and manner under which the
89 prohibited articles may be moved into or within, sold in, or
90 otherwise disposed of in this state.

91 (8)~~(7)~~ Enter into cooperative arrangements with any person,
92 municipality, county, or other department of this state or any
93 agency, officer, or authority of other states or the United
94 States Government, including the United States Department of
95 Agriculture, for inspection of honeybees, honeybee pests, or
96 unwanted races of honeybees and products thereof and the control
97 or eradication of honeybee pests and unwanted races of
98 honeybees, and contribute a share of the expenses incurred under
99 such arrangements.

100 (9)~~(8)~~ Carry on investigations of methods of control,
101 eradication, and prevention of dissemination of honeybee pests
102 or unwanted races of honeybees.

103 (10)~~(9)~~ Inspect or cause to be inspected all apiaries in
104 the state at such intervals as it may deem best and to keep a
105 complete, accurate, and current list of all inspected apiaries
106 to include the:

- 107 (a) Name of the apiary.
- 108 (b) Name of the owner of the apiary.
- 109 (c) Mailing address of the apiary owner.
- 110 (d) Location of the apiary.
- 111 (e) Number of hives in the apiary.
- 112 (f) Pest problems associated with the apiary.
- 113 (g) Brands used by beekeepers where applicable.

114 (11)~~(10)~~ Collect or accept from other agencies or
115 individuals specimens of arthropods, nematodes, fungi, bacteria,
116 or other organisms for identification.

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117 (12)~~(11)~~ Confiscate, destroy, or make use of abandoned
118 beehives or beekeeping equipment.

119 (13)~~(12)~~ Require the identification of ownership of
120 apiaries.

121 (14)~~(13)~~ Enter into a compliance agreement with any person
122 engaged in purchasing, assembling, exchanging, processing,
123 utilizing, treating, or moving beekeeping equipment or
124 honeybees.

125 (15)~~(14)~~ Make and issue to beekeepers certificates of
126 registration and inspection, following proper inspection and
127 certification of their honeybee colonies.

128 (16)~~(15)~~ Revoke or suspend a beekeeper's or honeybee
129 product processor's certificate of inspection or the use of a
130 certificate or permit issued by the department if the department
131 determines that the a beekeeper or honeybee product processor is
132 selling or offering for sale or is distributing or offering to
133 distribute honeybees, honeybee products, or beekeeping equipment
134 in violation of this chapter or rules adopted under this
135 chapter, or has aided or abetted in such ~~the~~ violation, ~~the~~
136 ~~department may revoke or suspend her or his certificate of~~
137 ~~inspection or the use of any certificate or permit issued by the~~
138 ~~department.~~

139 (17)~~(16)~~ ~~The department may~~ Refuse the certification of any
140 honeybees, honeybee products, or beekeeping equipment if ~~when~~ it
141 is determined that an unwanted race of honeybees exists, or
142 honeybee pests exist on honeybees, honeybee products, or
143 beekeeping equipment, or that the condition of the apiary
144 inhibits a thorough and efficient inspection by the department.

145 (18)~~(17)~~ ~~The department is authorized to~~ Conduct,

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146 supervise, or cause the fumigation, destruction, or treatment of
147 honeybees, including unwanted races of honeybees, honeybee
148 products, and used beekeeping equipment or other articles
149 infested or infected by honeybee pests or unwanted races of
150 honeybees or so exposed to infection or infestation that it is
151 reasonably believed that infection or infestation could exist.

152 (19)~~(18)~~ ~~The department may~~ Require the removal from this
153 state of any honeybees or beekeeping equipment that ~~which~~ has
154 been brought into the state in violation of this chapter or the
155 rules adopted under this chapter.

156 Section 4. Section 604.50, Florida Statutes, is reordered
157 and amended to read:

158 604.50 Nonresidential farm buildings, and farm fences, and
159 farm signs.-

160 (1) Notwithstanding any other law to the contrary, any
161 nonresidential farm building, or farm fence, or farm sign is
162 exempt from the Florida Building Code and any county or
163 municipal code or fee, except for code provisions implementing
164 local, state, or federal floodplain management regulations.

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

166 (c)~~(a)~~ "Nonresidential farm building" means any temporary
167 or permanent building or support structure that is classified as
168 a nonresidential farm building on a farm under s. 553.73(9)(c)
169 or that is used primarily for agricultural purposes, is located
170 on land that is an integral part of a farm operation or is
171 classified as agricultural land under s. 193.461, and is not
172 intended to be used as a residential dwelling. The term may
173 include, but is not limited to, a barn, greenhouse, shade house,
174 farm office, storage building, or poultry house.

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175 (a)~~(b)~~ "Farm" has the same meaning as provided in s.
176 823.14.

177 (b) "Farm sign" means a sign erected, used, or maintained
178 on a farm by the owner or lessee of the farm which relates
179 solely to farm produce, merchandise, or service sold, produced,
180 manufactured, or furnished on the farm.

181 Section 5. This act shall take effect July 1, 2012.