

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1197 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Horner offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 823.14 Florida Right to Farm Act.—

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

10 (b) "Farm operation" means all conditions or activities by
11 the owner, lessee, agent, independent contractor, and supplier
12 which occur on a farm in connection with the production of farm,
13 honeybee, or aquaculture products and includes, but is not
14 limited to, the marketing of produce at roadside stands or farm
15 markets; the operation of machinery and irrigation pumps; the
16 generation of noise, odors, dust, and fumes; ground or aerial
17 seeding and spraying; the placement and operation of an apiary;
18 the application of chemical fertilizers, conditioners,

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19 insecticides, pesticides, and herbicides; and the employment and
20 use of labor.

21 (c) "Farm product" means any plant, as defined in s.
22 581.011, or animal or insect useful to humans and includes, but
23 is not limited to, any product derived therefrom.

24 Section 2. Subsection (1) of section 586.02, Florida
25 Statutes, is amended, present subsections (2) through (14) of
26 that section are redesignated as subsections (3) through (15),
27 respectively, and a new subsection (2) is added to that section,
28 to read:

29 586.02 Definitions.—As used in this chapter:

30 (1) "Apiary" means a beeyard or site where honeybee hives,
31 honeybees, or honeybee equipment is located. The beeyard or site
32 may be located on land classified as agricultural under s.
33 193.461 or on land that is integral to a beekeeping operation.

34 (2) "Apiculture" means the raising, caring, and breeding
35 of honeybees.

36 Section 3. Section 586.10, Florida Statutes, is amended to
37 read:

38 586.10 Powers and duties of department.—The authority to
39 regulate, inspect, and permit managed honeybee colonies and to
40 adopt rules on the placement and location of registered
41 inspected managed honeybee colonies is preempted to the state
42 through the department and supersedes any related ordinance
43 adopted by a county, municipality, or political subdivision
44 thereof. The department shall ~~have the powers and duties to:~~

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

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47 (2)~~(1)~~ Administer and enforce the provisions of this
48 chapter.

49 (3)~~(2)~~ Adopt ~~Promulgate~~ rules necessary to the enforcement
50 of this chapter.

51 (4)~~(3)~~ Adopt ~~Promulgate~~ rules relating to standard grades
52 for honey and other honeybee products.

53 (5)~~(4)~~ Enter upon any public or private premise or carrier
54 during regular business hours for the purpose of inspection,
55 quarantine, destruction, or treatment of honeybees, used
56 beekeeping equipment, unwanted races of honeybees, or regulated
57 articles.

58 (6)~~(5)~~ Declare a honeybee pest or unwanted race of
59 honeybees to be a nuisance to the beekeeping industry as well as
60 any honeybee or other ~~article~~ infested or infected article
61 ~~therewith or~~ that has been exposed to infestation or infection
62 in a manner believed likely to communicate the infection or
63 infestation.

64 (7)~~(6)~~ Declare a quarantine against any area, place, or
65 political unit within this state or other states, territories,
66 or foreign countries, or portion thereof, in reference to
67 honeybee pests or unwanted races of honeybees and prohibit the
68 movement within this state from other states, territories, or
69 foreign countries of all honeybees, honeybee products, used
70 beekeeping equipment, or other articles from such quarantined
71 places or areas which are likely to carry honeybee pests or
72 unwanted races of honeybees if the quarantine is determined,
73 after due investigation, to be necessary in order to protect
74 this state's beekeeping industry, honeybees, and the public. In

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75 such cases, the quarantine may be made absolute or rules may be
76 adopted prescribing the method and manner under which the
77 prohibited articles may be moved into or within, sold in, or
78 otherwise disposed of in this state.

79 (8)~~(7)~~ Enter into cooperative arrangements with any
80 person, municipality, county, or other department of this state
81 or any agency, officer, or authority of other states or the
82 United States Government, including the United States Department
83 of Agriculture, for inspection of honeybees, honeybee pests, or
84 unwanted races of honeybees and products thereof and the control
85 or eradication of honeybee pests and unwanted races of
86 honeybees, and contribute a share of the expenses incurred under
87 such arrangements.

88 (9)~~(8)~~ Carry on investigations of methods of control,
89 eradication, and prevention of dissemination of honeybee pests
90 or unwanted races of honeybees.

91 (10)~~(9)~~ Inspect or cause to be inspected all apiaries in
92 the state at such intervals as it may deem best and to keep a
93 complete, accurate, and current list of all inspected apiaries
94 to include the:

- 95 (a) Name of the apiary.
96 (b) Name of the owner of the apiary.
97 (c) Mailing address of the apiary owner.
98 (d) Location of the apiary.
99 (e) Number of hives in the apiary.
100 (f) Pest problems associated with the apiary.
101 (g) Brands used by beekeepers where applicable.

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102 ~~(11)-(10)~~ Collect or accept from other agencies or
103 individuals specimens of arthropods, nematodes, fungi, bacteria,
104 or other organisms for identification.

105 ~~(12)-(11)~~ Confiscate, destroy, or make use of abandoned
106 beehives or beekeeping equipment.

107 ~~(13)-(12)~~ Require the identification of ownership of
108 apiaries.

109 ~~(14)-(13)~~ Enter into a compliance agreement with any person
110 engaged in purchasing, assembling, exchanging, processing,
111 utilizing, treating, or moving beekeeping equipment or
112 honeybees.

113 ~~(15)-(14)~~ Make and issue to beekeepers certificates of
114 registration and inspection, following proper inspection and
115 certification of their honeybee colonies.

116 ~~(16)-(15)~~ Revoke or suspend a beekeeper's or honeybee
117 product processor's certificate of inspection or the use of a
118 certificate or permit issued by the department if the department
119 determines that the a beekeeper or honeybee product processor is
120 selling or offering for sale or is distributing or offering to
121 distribute honeybees, honeybee products, or beekeeping equipment
122 in violation of this chapter or rules adopted under this
123 chapter, or has aided or abetted in such ~~the~~ violation, ~~the~~
124 ~~department may revoke or suspend her or his certificate of~~
125 ~~inspection or the use of any certificate or permit issued by the~~
126 ~~department.~~

127 ~~(17)-(16)~~ ~~The department may~~ Refuse the certification of
128 any honeybees, honeybee products, or beekeeping equipment if
129 ~~when~~ it is determined that an unwanted race of honeybees exists,

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130 or honeybee pests exist on honeybees, honeybee products, or
131 beekeeping equipment, or that the condition of the apiary
132 inhibits a thorough and efficient inspection by the department.

133 ~~(18)-(17) The department is authorized to~~ Conduct,
134 supervise, or cause the fumigation, destruction, or treatment of
135 honeybees, including unwanted races of honeybees, honeybee
136 products, and used beekeeping equipment or other articles
137 infested or infected by honeybee pests or unwanted races of
138 honeybees or so exposed to infection or infestation that it is
139 reasonably believed that infection or infestation could exist.

140 ~~(19)-(18) The department may~~ Require the removal from this
141 state of any honeybees or beekeeping equipment that ~~which~~ has
142 been brought into the state in violation of this chapter or the
143 rules adopted under this chapter.

144 Section 4. Section 604.50, Florida Statutes, is reordered
145 and amended to read:

146 604.50 Nonresidential farm buildings, ~~and~~ farm fences, and
147 farm signs.-

148 (1) Notwithstanding any other law to the contrary, any
149 nonresidential farm building, ~~or~~ farm fence, or farm sign is
150 exempt from the Florida Building Code and any county or
151 municipal code or fee, except for code provisions implementing
152 local, state, or federal floodplain management regulations.
153 Farm signs located on public roads shall meet the requirements
154 of ss. 479.11(4)-(8). However, section 479.16(1) does not apply
155 to farm signs.

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

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157 (c)~~(a)~~ "Nonresidential farm building" means any temporary
158 or permanent building or support structure that is classified as
159 a nonresidential farm building on a farm under s. 553.73(9)(c)
160 or that is used primarily for agricultural purposes, is located
161 on land that is an integral part of a farm operation or is
162 classified as agricultural land under s. 193.461, and is not
163 intended to be used as a residential dwelling. The term may
164 include, but is not limited to, a barn, greenhouse, shade house,
165 farm office, storage building, or poultry house.

166 (a)~~(b)~~ "Farm" has the same meaning as provided in s.
167 823.14.

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

172 Section 5. This act shall take effect July 1, 2012.
173
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176 **T I T L E A M E N D M E N T**

177 Remove the entire title and insert:

178 An act relating to agriculture; amending s. 823.14,
179 F.S.; revising definitions relating to the Florida
180 Right to Farm Act to include beekeeping; amending s.
181 586.02, F.S.; revising the definition of the term
182 "apiary" and adding a definition for the term
183 "apiculture"; amending s. 586.10, F.S.; providing that
184 authority to regulate honeybee colonies is preempted

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185 to the state; requiring that the Department of
186 Agriculture and Consumer Services adopt rules after
187 consulting with local governments and other affected
188 stakeholders; reordering and amending s. 604.50, F.S.;
189 providing an exemption from the Florida Building Code
190 for farm signs; providing an effective date.