

1                                   A bill to be entitled  
 2           An act relating to agriculture; amending s. 586.10,  
 3           F.S.; specifying that the Department of Agriculture  
 4           and Consumer Services has exclusive authority over the  
 5           regulation of beekeeping, apiaries, and apiary  
 6           locations; authorizing the placement of apiaries on  
 7           certain lands; amending s. 604.50, F.S.; defining the  
 8           term "farm sign"; exempting farm signs from the  
 9           Florida Building Code and county and municipal codes  
 10          and fees; amending s. 823.14, F.S.; revising  
 11          definitions and adding honeybee products to the list  
 12          of farm operations that are not considered a public or  
 13          private nuisance under the Florida Right to Farm Act;  
 14          providing an effective date.

15  
 16   Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1.   Section 586.10, Florida Statutes, is amended to  
 19   read:

20           586.10   Powers and duties of department.—

21           (1)   The department has ~~shall have~~ the powers and duties  
 22   to:

23           (a)(1)   Administer and enforce ~~the provisions of~~ this  
 24   chapter.

25           (b)(2)   Adopt ~~Promulgate~~ rules necessary to the enforcement  
 26   of this chapter.

27           (c)(3)   Adopt ~~Promulgate~~ rules relating to standard grades  
 28   for honey and other honeybee products.

HB 1197

2012

29        (d)~~(4)~~ Enter upon any public or private premise or carrier  
30 during regular business hours for the purpose of inspection,  
31 quarantine, destruction, or treatment of honeybees, used  
32 beekeeping equipment, unwanted races of honeybees, or regulated  
33 articles.

34        (e)~~(5)~~ Declare a honeybee pest or unwanted race of  
35 honeybees to be a nuisance to the beekeeping industry as well as  
36 any honeybee or other article infested or infected therewith or  
37 that has been exposed to infestation or infection in a manner  
38 believed likely to communicate the infection or infestation.

39        (f)~~(6)~~ Declare a quarantine against any area, place, or  
40 political unit within this state or other states, territories,  
41 or foreign countries, or portion thereof, in reference to  
42 honeybee pests or unwanted races of honeybees and prohibit the  
43 movement within this state from other states, territories, or  
44 foreign countries of all honeybees, honeybee products, used  
45 beekeeping equipment, or other articles from such quarantined  
46 places or areas which are likely to carry honeybee pests or  
47 unwanted races of honeybees if the quarantine is determined,  
48 after due investigation, to be necessary in order to protect  
49 this state's beekeeping industry, honeybees, and the public. In  
50 such cases, the quarantine may be made absolute or rules may be  
51 adopted prescribing the method and manner under which the  
52 prohibited articles may be moved into or within, sold in, or  
53 otherwise disposed of in this state.

54        (g)~~(7)~~ Enter into cooperative arrangements with any  
55 person, municipality, county, or other department of this state  
56 or any agency, officer, or authority of other states or the

HB 1197

2012

57 United States Government, including the United States Department  
58 of Agriculture, for inspection of honeybees, honeybee pests, or  
59 unwanted races of honeybees and products thereof and the control  
60 or eradication of honeybee pests and unwanted races of  
61 honeybees, and contribute a share of the expenses incurred under  
62 such arrangements.

63 (h)~~(8)~~ Carry on investigations of methods of control,  
64 eradication, and prevention of dissemination of honeybee pests  
65 or unwanted races of honeybees.

66 (i)~~(9)~~ Inspect or cause to be inspected all apiaries in  
67 the state at such intervals as it may deem best and to keep a  
68 complete, accurate, and current list of all inspected apiaries  
69 to include the:

70 1.~~(a)~~ Name of the apiary.

71 2.~~(b)~~ Name of the owner of the apiary.

72 3.~~(c)~~ Mailing address of the apiary owner.

73 4.~~(d)~~ Location of the apiary.

74 5.~~(e)~~ Number of hives in the apiary.

75 6.~~(f)~~ Pest problems associated with the apiary.

76 7.~~(g)~~ Brands used by beekeepers where applicable.

77 (j)~~(10)~~ Collect or accept from other agencies or  
78 individuals specimens of arthropods, nematodes, fungi, bacteria,  
79 or other organisms for identification.

80 (k)~~(11)~~ Confiscate, destroy, or make use of abandoned  
81 beehives or beekeeping equipment.

82 (l)~~(12)~~ Require the identification of ownership of  
83 apiaries.

84 (m)~~(13)~~ Enter into a compliance agreement with any person

HB 1197

2012

85 engaged in purchasing, assembling, exchanging, processing,  
86 utilizing, treating, or moving beekeeping equipment or  
87 honeybees.

88 (n) ~~(14)~~ Make and issue to beekeepers certificates of  
89 registration and inspection, following proper inspection and  
90 certification of their honeybee colonies.

91 (2) ~~(15)~~ If the department determines that a beekeeper or  
92 honeybee product processor is selling or offering for sale or is  
93 distributing or offering to distribute honeybees, honeybee  
94 products, or beekeeping equipment in violation of this chapter  
95 or rules adopted under this chapter, or has aided or abetted in  
96 the violation, the department may revoke or suspend her or his  
97 certificate of inspection or the use of any certificate or  
98 permit issued by the department.

99 (3) ~~(16)~~ The department may refuse the certification of any  
100 honeybees, honeybee products, or beekeeping equipment when it is  
101 determined that an unwanted race of honeybees exists, or  
102 honeybee pests exist on honeybees, honeybee products, or  
103 beekeeping equipment, or that the condition of the apiary  
104 inhibits a thorough and efficient inspection by the department.

105 (4) ~~(17)~~ The department is authorized to conduct,  
106 supervise, or cause the fumigation, destruction, or treatment of  
107 honeybees, including unwanted races of honeybees, honeybee  
108 products, and used beekeeping equipment or other articles  
109 infested or infected by honeybee pests or unwanted races of  
110 honeybees or so exposed to infection or infestation that it is  
111 reasonably believed that infection or infestation could exist.

112 (5) ~~(18)~~ The department may require the removal from this

HB 1197

2012

113 state of any honeybees or beekeeping equipment ~~which has been~~  
 114 brought into the state in violation of this chapter or the rules  
 115 adopted under this chapter.

116 (6) The department has exclusive authority to regulate  
 117 beekeeping, apiaries, and apiary locations. However, an apiary  
 118 may be located on land classified as agricultural land under s.  
 119 193.461 or on land that is integral to a beekeeping operation.

120 Section 2. Section 604.50, Florida Statutes, is amended to  
 121 read:

122 604.50 Nonresidential farm buildings, ~~and~~ farm fences, and  
 123 farm signs.-

124 (1) Notwithstanding any other law to the contrary, any  
 125 nonresidential farm building, ~~or~~ farm fence, or farm sign is  
 126 exempt from the Florida Building Code and any county or  
 127 municipal code or fee, except for code provisions implementing  
 128 local, state, or federal floodplain management regulations.

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

130 (a) ~~(b)~~ "Farm" has the same meaning as provided in s.  
 131 823.14.

132 (b) "Farm sign" means a sign erected, used, or maintained  
 133 on a farm by the owner or lessee of the farm which displays a  
 134 message exclusively relating to farm produce, merchandise,  
 135 services, or entertainment sold, produced, manufactured, or  
 136 furnished on the farm.

137 (c) ~~(a)~~ "Nonresidential farm building" means any temporary  
 138 or permanent building or support structure that is classified as  
 139 a nonresidential farm building on a farm under s. 553.73(9)(c)  
 140 or that is used primarily for agricultural purposes, is located

141 on land that is an integral part of a farm operation or is  
 142 classified as agricultural land under s. 193.461, and is not  
 143 intended to be used as a residential dwelling. The term may  
 144 include, but is not limited to, a barn, greenhouse, shade house,  
 145 farm office, storage building, or poultry house.

146 Section 3. Paragraphs (a), (b), and (c) of subsection (3)  
 147 of section 823.14, Florida Statutes, are amended to read:

148 823.14 Florida Right to Farm Act.—

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

150 (a) "Farm" means the land, buildings, support facilities,  
 151 machinery, and other appurtenances used in the production of  
 152 farm products, honeybee products, or aquaculture products.

153 (b) "Farm operation" means all conditions or activities by  
 154 the owner, lessee, agent, independent contractor, and supplier  
 155 which occur on a farm in connection with the production of farm  
 156 products or honeybee products, which may include ~~and includes,~~  
 157 but is not limited to, the marketing of produce at roadside  
 158 stands or farm markets; the operation of machinery and  
 159 irrigation pumps; the generation of noise, odors, dust, and  
 160 fumes; ground or aerial seeding and spraying; the application of  
 161 chemical fertilizers, conditioners, insecticides, pesticides,  
 162 and herbicides; ~~and~~ the employment and use of labor; or the  
 163 placement and operation of an apiary.

164 (c) "Farm product" means any plant, as defined in s.  
 165 581.011, ~~or~~ animal, or insect useful to humans and includes, but  
 166 is not limited to, any product derived therefrom.

167 Section 4. This act shall take effect July 1, 2012.