

1                   A bill to be entitled  
2       An act relating to agriculture; amending s. 479.11,  
3       F.S.; conforming provisions; amending s. 586.02, F.S.;  
4       defining the term "apiculture" for purposes of the  
5       Florida Honey Certification and Honeybee Law;  
6       conforming provisions; creating s. 586.055, F.S.;  
7       authorizing apiaries to be located on certain lands;  
8       amending s. 586.10, F.S.; providing for preemption to  
9       the state of authority to regulate, inspect, and  
10      permit managed honeybee colonies; providing that  
11      certain local government ordinances are superseded;  
12      revising the powers and duties of the Department of  
13      Agriculture and Consumer Services relating to honey  
14      certification and honeybees; requiring the department  
15      to adopt rules and, before adopting certain rules,  
16      consult with local governments and other affected  
17      stakeholders; amending s. 604.50, F.S.; defining the  
18      term "farm sign"; providing an exemption from the  
19      Florida Building Code for farm signs; prohibiting farm  
20      signs located on public roads from violating certain  
21      standards; limiting the authority of local governments  
22      to enforce certain requirements with respect to farm  
23      signs; amending s. 823.14, F.S.; revising definitions  
24      relating to the Florida Right to Farm Act; limiting  
25      the conditions under which apiculture or the placement  
26      of apiaries may be deemed public or private nuisances;  
27      limiting the authority of local governments to  
28      regulate apiculture and the placement of apiaries on

29 | agricultural land; reenacting ss. 163.3162(2)(b),  
 30 | 163.3163(3)(b), 193.461(5), 403.9337(4), 570.961(4),  
 31 | and 812.015(1)(g), F.S., relating to agricultural  
 32 | lands and practices, the Agricultural Land  
 33 | Acknowledgement Act, the classification and tax  
 34 | assessment of agricultural lands, an exemption from  
 35 | certain provisions related to the Model Ordinance for  
 36 | Florida-Friendly Fertilizer Use on Urban Landscapes,  
 37 | provisions related to the promotion of agritourism,  
 38 | and penalties for retail or farm theft, respectively,  
 39 | to incorporate amendments made by the act to s.  
 40 | 823.14, F.S., in references thereto; providing an  
 41 | effective date.

42 |  
 43 | Be It Enacted by the Legislature of the State of Florida:  
 44 |

45 | Section 1. Subsection (5) of section 479.11, Florida  
 46 | Statutes, is amended to read:

47 | 479.11 Specified signs prohibited.—No sign shall be  
 48 | erected, used, operated, or maintained:

49 | (5) (a) Which displays intermittent lights not embodied in  
 50 | the sign, or any rotating or flashing light within 100 feet of  
 51 | the outside boundary of the right-of-way of any highway on the  
 52 | State Highway System, interstate highway system, or federal-aid  
 53 | primary highway system or which is illuminated in such a manner  
 54 | so as to cause glare or to impair the vision of motorists or  
 55 | otherwise distract motorists so as to interfere with the  
 56 | motorists' ability to safely operate their vehicles.

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57        (b) If the sign is on the premises of an establishment as  
58 provided in s. 479.16(1), the local government authority with  
59 jurisdiction over the location of the sign shall enforce the  
60 provisions of this section as provided in chapter 162 and this  
61 section.

62        Section 2. Subsections (2) through (14) of section 586.02,  
63 Florida Statutes, are renumbered as subsections (3) through  
64 (15), respectively, and a new subsection (2) is added to that  
65 section to read:

66        586.02 Definitions.—As used in this chapter:

67        (2) "Apiculture" means the raising, caring for, and  
68 breeding of honeybees.

69        Section 3. Section 586.055, Florida Statutes, is created  
70 to read:

71        586.055 Location of apiaries.—An apiary may be located on  
72 land classified as agricultural under s. 193.461 or on land that  
73 is integral to a beekeeping operation.

74        Section 4. Section 586.10, Florida Statutes, is amended to  
75 read:

76        586.10 Powers and duties of department; preemption of  
77 local government ordinances.—

78        (1) The authority to regulate, inspect, and permit managed  
79 honeybee colonies and to adopt rules on the placement and  
80 location of registered inspected managed honeybee colonies is  
81 preempted to the state through the department and supersedes any  
82 related ordinance adopted by a county, municipality, or  
83 political subdivision thereof.

84        (2) The department shall have the powers and duties to:

85        (a)~~(1)~~ Administer and enforce ~~the provisions of~~ this  
 86 chapter.

87        (b)~~(2)~~ Adopt ~~Promulgate~~ rules necessary to enforce ~~the~~  
 88 ~~enforcement of~~ this chapter,~~,-~~

89        ~~(3)~~ Promulgate rules relating to standard grades for honey  
 90 and other honeybee products, and, after consultation with local  
 91 governments and other affected stakeholders, rules to administer  
 92 this section.

93        (3) The department may:

94        (a)~~(4)~~ Enter upon any public or private premises ~~premise~~  
 95 or carrier during regular business hours for the purpose of  
 96 inspection, quarantine, destruction, or treatment of honeybees,  
 97 used beekeeping equipment, unwanted races of honeybees, or  
 98 regulated articles.

99        (b)~~(5)~~ Declare a honeybee pest or unwanted race of  
 100 honeybees to be a nuisance to the beekeeping industry as well as  
 101 any honeybee or other ~~article~~ infested or infected article  
 102 ~~therewith or that is~~ has been exposed to infestation or  
 103 infection in a manner believed likely to communicate the  
 104 infection or infestation.

105        (c)~~(6)~~ Declare a quarantine against any area, place, or  
 106 political unit within this state or other states, territories,  
 107 or foreign countries, or portion thereof, in reference to  
 108 honeybee pests or unwanted races of honeybees and prohibit the  
 109 movement within this state from other states, territories, or  
 110 foreign countries of all honeybees, honeybee products, used  
 111 beekeeping equipment, or other articles from such quarantined  
 112 places or areas which are likely to carry honeybee pests or

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113 unwanted races of honeybees if the quarantine is determined,  
114 after due investigation, to be necessary in order to protect  
115 this state's beekeeping industry, honeybees, and the public. In  
116 such cases, the quarantine may be made absolute or rules may be  
117 adopted prescribing the method and manner under which the  
118 prohibited articles may be moved into or within, sold in, or  
119 otherwise disposed of in this state.

120 (d) ~~(7)~~ Enter into cooperative arrangements with any  
121 person, municipality, county, or other department of this state  
122 or any agency, officer, or authority of other states or the  
123 Federal ~~United States~~ Government, including the United States  
124 Department of Agriculture, for inspection of honeybees, honeybee  
125 pests, or unwanted races of honeybees and products thereof and  
126 the control or eradication of honeybee pests and unwanted races  
127 of honeybees, and contribute a share of the expenses incurred  
128 under such arrangements.

129 (e) ~~(8)~~ Investigate ~~Carry on investigations of~~ methods of  
130 control, eradication, and prevention of dissemination of  
131 honeybee pests or unwanted races of honeybees.

132 (f) ~~(9)~~ Inspect or cause to be inspected all apiaries in  
133 the state at such intervals as it may deem best and to keep a  
134 complete, accurate, and current list of all inspected apiaries  
135 to include the:

- 136 1. ~~(a)~~ Name of the apiary.
- 137 2. ~~(b)~~ Name of the owner of the apiary.
- 138 3. ~~(c)~~ Mailing address of the apiary owner.
- 139 4. ~~(d)~~ Location of the apiary.
- 140 5. ~~(e)~~ Number of hives in the apiary.

- 141           ~~6.(f)~~ Pest problems associated with the apiary.
- 142           ~~7.(g)~~ Brands used by beekeepers where applicable.
- 143           (g)~~(10)~~ Collect or accept from other agencies or  
 144 individuals specimens of arthropods, nematodes, fungi, bacteria,  
 145 or other organisms for identification.
- 146           (h)~~(11)~~ Confiscate, destroy, or make use of abandoned  
 147 beehives or beekeeping equipment.
- 148           (i)~~(12)~~ Require the identification of ownership of  
 149 apiaries.
- 150           (j)~~(13)~~ Enter into a compliance agreement with any person  
 151 engaged in purchasing, assembling, exchanging, processing,  
 152 utilizing, treating, or moving beekeeping equipment or  
 153 honeybees.
- 154           (k)~~(14)~~ Make and issue to beekeepers certificates of  
 155 registration and inspection, following proper inspection and  
 156 certification of their honeybee colonies.
- 157           (l)~~(15)~~ Revoke or suspend a beekeeper's or honeybee  
 158 product processor's certificate of inspection or use of a  
 159 certificate or permit issued by the department if the department  
 160 determines that the a beekeeper or honeybee product processor is  
 161 selling or offering for sale or is distributing or offering to  
 162 distribute honeybees, honeybee products, or beekeeping equipment  
 163 in violation of this chapter or rules adopted under this  
 164 chapter, or has aided or abetted in such ~~the~~ violation, ~~the~~  
 165 ~~department may revoke or suspend her or his certificate of~~  
 166 ~~inspection or the use of any certificate or permit issued by the~~  
 167 ~~department.~~
- 168           (m)~~(16)~~ ~~The department may~~ Refuse the certification of any

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169 honeybees, honeybee products, or beekeeping equipment if ~~when~~ it  
 170 is determined that an unwanted race of honeybees exists, or  
 171 honeybee pests exist on honeybees, honeybee products, or  
 172 beekeeping equipment, or that the condition of the apiary  
 173 inhibits a thorough and efficient inspection by the department.

174 (n) ~~(17)~~ ~~The department is authorized to~~ Conduct,  
 175 supervise, or cause the fumigation, destruction, or treatment of  
 176 honeybees, including unwanted races of honeybees, honeybee  
 177 products, and used beekeeping equipment or other articles  
 178 infested or infected by honeybee pests or unwanted races of  
 179 honeybees or so exposed to infection or infestation that it is  
 180 reasonably believed that infection or infestation could exist.

181 (o) ~~(18)~~ ~~The department may~~ Require the removal from this  
 182 state of any honeybees or beekeeping equipment that is ~~which has~~  
 183 ~~been~~ brought into the state in violation of this chapter or the  
 184 rules adopted under this chapter.

185 Section 5. Section 604.50, Florida Statutes, is reordered  
 186 and amended to read:

187 604.50 Nonresidential farm buildings; and farm fences;  
 188 farm signs.—

189 (1) Notwithstanding any provision of ~~other~~ law to the  
 190 contrary, any nonresidential farm building, or farm fence, or  
 191 farm sign is exempt from the Florida Building Code and any  
 192 county or municipal code or fee, except for code provisions  
 193 implementing local, state, or federal floodplain management  
 194 regulations. A farm sign located on a public road may not be  
 195 erected, used, operated, or maintained in a manner that violates  
 196 any of the standards provided in s. 479.11(4), (5)(a), and (6)–

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197 (8).

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

199 (a)~~(b)~~ "Farm" has the same meaning as provided in s.  
200 823.14.

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

205 (c)~~(a)~~ "Nonresidential farm building" means any temporary  
206 or permanent building or support structure that is classified as  
207 a nonresidential farm building on a farm under s. 553.73(9)(c)  
208 or that is used primarily for agricultural purposes, is located  
209 on land that is an integral part of a farm operation or is  
210 classified as agricultural land under s. 193.461, and is not  
211 intended to be used as a residential dwelling. The term may  
212 include, but is not limited to, a barn, greenhouse, shade house,  
213 farm office, storage building, or poultry house.

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

216 823.14 Florida Right to Farm Act.—

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

218 (b) "Farm operation" means all conditions or activities by  
219 the owner, lessee, agent, independent contractor, and supplier  
220 which occur on a farm in connection with the production of farm,  
221 honeybee, or apiculture products and includes, but is not  
222 limited to, the marketing of produce at roadside stands or farm  
223 markets; the operation of machinery and irrigation pumps; the  
224 generation of noise, odors, dust, and fumes; ground or aerial

225 seeding and spraying; the placement and operation of an apiary;  
 226 the application of chemical fertilizers, conditioners,  
 227 insecticides, pesticides, and herbicides; and the employment and  
 228 use of labor.

229 (c) "Farm product" means any plant, as defined in s.  
 230 581.011, or animal or insect useful to humans and includes, but  
 231 is not limited to, any product derived therefrom.

232 Section 7. For the purpose of incorporating the amendment  
 233 made by this act to section 823.14, Florida Statutes, in a  
 234 reference thereto, paragraph (b) of subsection (2) of section  
 235 163.3162, Florida Statutes, is reenacted to read:

236 163.3162 Agricultural Lands and Practices.—

237 (2) DEFINITIONS.—As used in this section, the term:

238 (b) "Farm operation" is as defined in s. 823.14.

239 Section 8. For the purpose of incorporating the amendment  
 240 made by this act to section 823.14, Florida Statutes, in a  
 241 reference thereto, paragraph (b) of subsection (3) of section  
 242 163.3163, Florida Statutes, is reenacted to read:

243 163.3163 Applications for development permits; disclosure  
 244 and acknowledgement of contiguous sustainable agricultural  
 245 land.—

246 (3) As used in this section, the term:

247 (b) "Farm operation" has the same meaning as defined in s.  
 248 823.14.

249 Section 9. For the purpose of incorporating the amendment  
 250 made by this act to section 823.14, Florida Statutes, in a  
 251 reference thereto, subsection (5) of section 193.461, Florida  
 252 Statutes, is reenacted to read:

253 |           193.461 Agricultural lands; classification and assessment;  
254 | mandated eradication or quarantine program.—

255 |           (5) For the purpose of this section, "agricultural  
256 | purposes" includes, but is not limited to, horticulture;  
257 | floriculture; viticulture; forestry; dairy; livestock; poultry;  
258 | bee; pisciculture, when the land is used principally for the  
259 | production of tropical fish; aquaculture; sod farming; and all  
260 | forms of farm products as defined in s. 823.14(3) and farm  
261 | production.

262 |           Section 10. For the purpose of incorporating the amendment  
263 | made by this act to section 823.14, Florida Statutes, in a  
264 | reference thereto, subsection (4) of section 403.9337, Florida  
265 | Statutes, is reenacted to read:

266 |           403.9337 Model Ordinance for Florida-Friendly Fertilizer  
267 | Use on Urban Landscapes.—

268 |           (4) This section does not apply to the use of fertilizer  
269 | on farm operations as defined in s. 823.14 or on lands  
270 | classified as agricultural lands pursuant to s. 193.461.

271 |           Section 11. For the purpose of incorporating the amendment  
272 | made by this act to section 823.14, Florida Statutes, in a  
273 | reference thereto, subsection (4) of section 570.961, Florida  
274 | Statutes, is reenacted to read:

275 |           570.961 Definitions.—As used in ss. 570.96–570.962, the  
276 | term:

277 |           (4) "Farm operation" has the same meaning as defined in s.  
278 | 823.14.

279 |           Section 12. For the purpose of incorporating the amendment  
280 | made by this act to section 823.14, Florida Statutes, in a

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281 reference thereto, paragraph (g) of subsection (1) of section  
282 812.015, Florida Statutes, is reenacted to read:

283 812.015 Retail and farm theft; transit fare evasion;  
284 mandatory fine; alternative punishment; detention and arrest;  
285 exemption from liability for false arrest; resisting arrest;  
286 penalties.—

287 (1) As used in this section:

288 (g) "Farm theft" means the unlawful taking possession of  
289 any items that are grown or produced on land owned, rented, or  
290 leased by another person. The term includes the unlawful taking  
291 possession of equipment and associated materials used to grow or  
292 produce farm products as defined in s. 823.14(3)(c).

293 Section 13. This act shall take effect July 1, 2012.