

By Senator Hays

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1 A bill to be entitled
2 An act relating to beekeeping; 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; providing an effective date.

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

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

15 823.14 Florida Right to Farm Act.—

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

17 (b) "Farm operation" means all conditions or activities by
18 the owner, lessee, agent, independent contractor, and supplier
19 which occur on a farm in connection with the production of farm,
20 honeybee, or aquaculture products and includes, but is not
21 limited to, the marketing of produce at roadside stands or farm
22 markets; the operation of machinery and irrigation pumps; the
23 generation of noise, odors, dust, and fumes; ground or aerial
24 seeding and spraying; the placement and operation of an apiary;
25 the application of chemical fertilizers, conditioners,
26 insecticides, pesticides, and herbicides; and the employment and
27 use of labor.

28 (c) "Farm product" means any plant, as defined in s.
29 581.011, or animal or insect useful to humans and includes, but

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30 is not limited to, any product derived therefrom.

31 Section 2. Subsection (1) of section 586.02, Florida
32 Statutes, is amended, present subsections (2) through (14) of
33 that section are redesignated as subsections (3) through (15),
34 respectively, and a new subsection (2) is added to that section,
35 to read:

36 586.02 Definitions.—As used in this chapter:

37 (1) "Apiary" means a beeyard or site where honeybee hives,
38 honeybees, or honeybee equipment is located. The beeyard or site
39 may be located on land classified as agricultural under s.
40 193.461 or on land that is integral to a beekeeping operation.

41 (2) "Apiculture" means the raising, caring, and breeding of
42 honeybees.

43 Section 3. Section 586.10, Florida Statutes, is amended to
44 read:

45 586.10 Powers and duties of department.—The authority to
46 regulate, inspect, and permit managed honeybee colonies and to
47 adopt rules on the placement and location of registered
48 inspected managed honeybee colonies is preempted to the state
49 through the department and supersedes any related ordinance
50 adopted by a county, municipality, or political subdivision
51 thereof. The department shall have the powers and duties to:

52 (1) Administer and enforce the provisions of this chapter.

53 (2) Adopt ~~Promulgate~~ rules necessary to the enforcement of
54 this chapter.

55 (3) Adopt ~~Promulgate~~ rules relating to standard grades for
56 honey and other honeybee products.

57 (4) Enter upon any public or private premise or carrier
58 during regular business hours for the purpose of inspection,

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59 quarantine, destruction, or treatment of honeybees, used
60 beekeeping equipment, unwanted races of honeybees, or regulated
61 articles.

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

67 (6) Declare a quarantine against any area, place, or
68 political unit within this state or other states, territories,
69 or foreign countries, or portion thereof, in reference to
70 honeybee pests or unwanted races of honeybees and prohibit the
71 movement within this state from other states, territories, or
72 foreign countries of all honeybees, honeybee products, used
73 beekeeping equipment, or other articles from such quarantined
74 places or areas which are likely to carry honeybee pests or
75 unwanted races of honeybees if the quarantine is determined,
76 after due investigation, to be necessary in order to protect
77 this state's beekeeping industry, honeybees, and the public. In
78 such cases, the quarantine may be made absolute or rules may be
79 adopted prescribing the method and manner under which the
80 prohibited articles may be moved into or within, sold in, or
81 otherwise disposed of in this state.

82 (7) Enter into cooperative arrangements with any person,
83 municipality, county, or other department of this state or any
84 agency, officer, or authority of other states or the United
85 States Government, including the United States Department of
86 Agriculture, for inspection of honeybees, honeybee pests, or
87 unwanted races of honeybees and products thereof and the control

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88 or eradication of honeybee pests and unwanted races of
89 honeybees, and contribute a share of the expenses incurred under
90 such arrangements.

91 (8) Carry on investigations of methods of control,
92 eradication, and prevention of dissemination of honeybee pests
93 or unwanted races of honeybees.

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

98 (a) Name of the apiary.

99 (b) Name of the owner of the apiary.

100 (c) Mailing address of the apiary owner.

101 (d) Location of the apiary.

102 (e) Number of hives in the apiary.

103 (f) Pest problems associated with the apiary.

104 (g) Brands used by beekeepers where applicable.

105 (10) Collect or accept from other agencies or individuals
106 specimens of arthropods, nematodes, fungi, bacteria, or other
107 organisms for identification.

108 (11) Confiscate, destroy, or make use of abandoned beehives
109 or beekeeping equipment.

110 (12) Require the identification of ownership of apiaries.

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

115 (14) Make and issue to beekeepers certificates of
116 registration and inspection, following proper inspection and

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117 certification of their honeybee colonies.

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

129 (16) ~~The department may~~ Refuse the certification of any
130 honeybees, honeybee products, or beekeeping equipment if ~~when~~ it
131 is determined that an unwanted race of honeybees exists, or
132 honeybee pests exist on honeybees, honeybee products, or
133 beekeeping equipment, or that the condition of the apiary
134 inhibits a thorough and efficient inspection by the department.

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

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

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