

Handbook of Florida Agricultural Laws: Crops and Products¹

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Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It provides a basic overview of the many rights and responsibilities that farmers and farm land owners have under Florida laws. Many readers may value this handbook because it informs them about these rights and responsibilities, and it provides them with good contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this handbook could become outdated at any time. Many details of cited laws are also left out due to space limitations.

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- This publication is designed to provide accurate, current and authoritative information on the subject. However, since the laws, administrative rulings, and court decisions on which it is based are subject to constant revision, portions of this publication could become outdated at any time. This publication is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded, or relied upon, as a substitute for professional advice. For these reasons, the utilization of these materials by any person constitutes an agreement to hold harmless the authors, UF/IFAS, and the University of Florida for any liability, claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this document.
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A Brief Note on Florida Laws and Rule Making

The Florida laws described in this handbook were passed by the state legislature and have become valid state laws. The appropriate state agency then wrote specific rules based on each law. These rules are what the state agencies use to enforce the law. For most laws in this handbook, that agency is the Department of Agriculture and Consumer Services (DACS). Florida legislated laws, also called *statutes*, are organized into chapters. A chapter is divided even further into specific statutes. For example, Chapter 601 (Florida Citrus Code) contains dozens of sections covering topics ranging from marketing, inspection standards, and processing to prohibitions on the use of certain chemicals for citrus fruit. Other chapters may deal with a narrower subject and have far fewer sections. As noted above, the specific rules for each of these sections are written by a designated state agency, and generally go into greater detail. You can view the Florida Statutes online at <http://www.flsenate.gov/statutes>.

Introduction

This handbook can be used to learn which Florida laws apply to a particular agricultural project or subject, and to find the name, address, and telephone number of a state office that can provide more specific information or services. Created for readers with no prior experience in the law, the handbook is designed as a necessary first step in recognizing which agricultural activities merit special attention because of their implications to agriculture. The handbook also provides an introduction to the crucial agencies and statutes which govern agricultural law.

The online handbook is divided into a Table of Contents, Index, and six fact sheets. The Table of Contents gives general and specific areas of Florida laws related to agriculture and the number of the fact sheet where that topic can be found. The six fact sheets are as follows: FE114, General Agriculture-Related Laws; FE115, Animal Husbandry; FE116, Crops and Products; FE117, Related Non-Crop or Product Agricultural Topics; FE118, Environmental and Conservation Regulations;

and FE119, Taxation and Property Rights Related to Agricultural Land. The user can find the specific laws by using either the Table of Contents (FE113) or the Index (FE122).

Below is an example of using the handbook if your area of interest is farming exotic animals such as ostriches.

To use the Table of Contents:

1. Find "Animal Husbandry" in the Table of Contents (FE113).
2. Within the Animal Husbandry area locate "Livestock—Exotic Animals". Follow the link to FE115: Animal Husbandry.
3. In FE115, read the "General Descriptions" and "Related References, Details, and Exceptions" columns for both laws under "Livestock—Exotic Animals". Determine if the information answers the questions or if more information is needed.
4. If the user wants more information regarding the general farming or inspection and slaughter of an exotic animal (e.g., ostriches), locate the appropriate state office telephone number and address. The primary contact agency information is listed at the end of the fact sheet, along with abbreviation information.

To use the Index:

Look up "ostriches" in the Index (FE122). The index leads the reader to the location for information about the culture and inspection/slaughter of ostriches. Follow steps 3 and 4 above to find the contact information.

Division of the Tables

The table in each fact sheet has five columns of information. The first column, "Statute / Law (description)," either provides the law's name or a general description when no name is available. The second column, "Florida Statute Number", lists either a chapter number when an entire chapter relates to a particular topic, a range of sections, or a single

specific section. At times, a single chapter number may have many more laws than a range. For example, sections 593.101 to 593.117 cover a narrower field, the control of cotton boll weevil, than the larger Chapter 601 on citrus fruit. The chapter and section number in all columns are presented without the typical abbreviations or symbols.

Columns 3 and 4 provide brief descriptions and related references, details, and exceptions. This information is highly condensed. As such, not all information is provided. The authors have attempted to include the most relevant aspects of each listed law. Additional information can be obtained by contacting the offices noted in the final column, "Primary Contact Agencies." As noted above, the primary contact information is listed at the end of the fact sheet. The reader will find that the state and federal agencies are unquestionably the best targets for specific questions, as they are in close touch with both the formal and practical considerations of the areas that they regulate.

This publication can be improved with your ideas and suggestions. Comments regarding any areas which may have been omitted, but deserve inclusion, are particularly valuable. Reader feedback is a necessary ingredient to complete any successful future editions. Please send your comments or suggestions to:

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III. Florida Agricultural Laws: Crops and Products				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
A. Aquaculture				
Florida Aquaculture Policy Act	597	Creates state's aquaculture plan to enhance the growth of aquaculture in Florida while protecting the environment. Regulates shellfish leases by qualified persons of any part of the bottom, water column, or bed of any water of the state for the purpose of growing oysters or clams (597.010), and Shellfish Processors (597.020).	Section 373.1131 simplifies permit processing when more than one agency requires aquaculture permits. Other 1996 changes ease regulatory burden on aquaculture operations (see <i>Laws of Florida</i> , 96-247). Also see leasing of submerged Florida land for aquaculture (253.69–253.75); control of aquatic weeds, including invasive nonnative weeds (369.20–369.251); and theft of aquaculture species (812.014(c)(7)).	BSA DACS
B. Citrus Production				
Florida Citrus Code	601	Describes laws designed to promote stable Florida citrus industry. Covers production and marketing topics ranging from general prohibition of arsenic use to advertising, inspection, standards, marketing, and processing of fruit. First person processing orange or grapefruit products and storing or removing such processed citrus products (except for direct consumption by consumers) is subject to excise tax (601.155).	See 2005-6, section 2, amending 601.04, establishing four (not three) citrus districts. See 2006-45, amending 601.15 so that excise tax rates are at the maximum rate. See restrictions on importing citrus plants and stock from outside Florida (581.182); restrictions on new citrus varieties ([581.183); exemption for alcohol beverage manufacture from citrus in dry counties (561.43).	CIT DACS
Laws regulating emissions from citrus juice processing plants	403.08725	Revises and conforms statutory deadlines to the U.S. EPA approval process and schedules.	Sets limitations on sulfur content in fuel used by citrus processors and authorizes the FL DEP to develop best management practices for Clean Air Act pollutants not otherwise regulated by the section.	DACS DEP
C. Cotton / Fiber Production				
Florida Boll Weevil Eradication Law	593.101 – 593.117	Gives the state the authority to require cotton growers to supply crop information, to declare a quarantine of any area affected by boll weevil, to establish and control eradication zones, and to destroy cotton not being grown in accordance with this law.	Authorizes rules for record keeping of cotton shipments (593.107) and penalties for violating declared quarantine area (593.116). Restricts movements of livestock, humans, and honeybee colonies into or from quarantine areas (593.11). Provides assessments of up to \$35 per acre to defray expenses related to eradication or suppression programs (593.114).	DACS DPI

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D. Forestry / Silviculture				
Laws regarding general forestry	589	Establishes Florida Forestry Council, provides for uses of state forests, and provides that the Division of Forestry shall administer tree planting programs to assist rural landowners and urban communities. Gives broad powers to the Division of Forestry to prevent, detect, suppress, and extinguish wildfires wherever they may occur on public or private land.	Forest Protection (590) and Forest Development (591) are related bodies of laws. Allows Florida Commissioner of Agriculture to declare "severe drought emergency" and prohibit any burning within emergency area. Authorizes continued use of prescribed burning to control amount of highly flammable underbrush and dead plant material to reduce the risk and severity of wildfire. Provides requirements that must be met to openly burn land-clearing debris (590.125).	DACS FOR
Laws regarding forest protection	590	Gives broad powers to Division of Forestry to monitor, control, and extinguish fires. Prescribed Burning Act (590.026) authorizes and promotes the continued use of prescribed burning for ecological, silvicultural, wildlife management, and range management purposes.	Section 590.026 allows controlled burning as a management practice, but subject to rules of Division of Forestry. Prohibits several forms of unlawful burning (590.10–590.12). Anyone found to be in violation may be convicted of a second degree or first degree misdemeanor (590.10; 590.11). Requires permit to sell cypress products (590.50). Prohibits fires without written permit near protected areas during emergency drought conditions (590.81).	DACS FOR
Florida Community Forest Law	591.16 – 591.26	Provides mechanisms for communities to acquire, develop, and use forests or lands suitable for forest development.	Encourages communities to develop areas in local forests for recreation and education.	DACS FOR
E. Honey Certification and Honeybees				
Florida Honey Certification and Honeybee Law	586	Authorizes DACS to enforce laws, make rules, and act to keep honeybee pests and unwanted bee races from entering Florida, and to control bee diseases by inspection, quarantine and destruction of hives.	Compensates resident beekeepers for equipment and hives destroyed to eradicate American foulbrood (586.14), but does not compensate them for destruction due to unwanted bee races or other honeybee pests when these problems cannot be otherwise treated (586.13(2)).	API DACS

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F. Nursery and Plant Industry				
Laws regarding nursery plants	581	Establishes laws governing plant nurseries and the movement and importation of nursery stock from places outside Florida.	DACS can declare a plant pest, noxious weed, or insect a nuisance, and declare quarantines of affected plants. Requires certificate of registration from nursery operators (581.131). See 2006-45, section 3, establishing 581.1843, imposing additional restrictions on citrus nursery stock propagation and production (e.g., new citrus nurseries must be set one mile back from commercial citrus groves). See 2005-210, section 19, amending 581.083, requiring special permit to cultivate nonnative plants for nonagricultural purposes exceeding two acres; section 18, amending 581.011, defining "invasive plant" as a "naturalized plant that disrupts naturally occurring native plant communities.	DACS DPI
G. Tropical Fruits				
Laws regarding inspection of fruits and vegetables	603.11 – 603.161	Provides for inspections, inspection fees, enforcement of Federal Marketing Agreement for certain vegetables, maturity standards for limes, and the requirement to obtain and carry sales receipt for certain tropical and semitropical fruits.		DACS FAV
Florida Tropical Fruit Policy Act	603.201 – 603.204	Establishes Tropical Fruit Advisory Council, and calls for a South Florida Tropical Fruit Plan to encourage development of tropical fruit production.		DACS TFAC
Florida Tropical or Subtropical Fruit and Vegetable Sales Law	570.55	Requires a buyer of 55 or more pounds of tropical or subtropical fruit and vegetables to demand and carry a sales receipt from seller. Sales receipt should include the seller's driver's license number or two other forms of identification. Sales receipt is to be kept for at least one year.	Violation may result in confiscation and first degree misdemeanor. Tropical or subtropical fruit is defined broadly to mean fruit that must be grown in tropical or subtropical regions, except for citrus fruit as defined in 601.03(7). Vegetables means tomatoes, peppers, squash, cucumbers, leafy greens, green beans, eggplant, sweet corn, and cabbage.	DACS

Contact Agencies	
<p>API BSA CIT DACS DEP DPI FAV FOR TFAC</p>	<p>Bureau of Plant and Apiary Inspection (DACS) Bureau of Seafood and Aquaculture (DACS) Department of Citrus Department of Agriculture and Consumer Services Department of Environmental Protection Division of Plant Industry Division of Fruit and Vegetables (DACS) Division of Forestry (DACS) Tropical Fruit Advisory Council (DACS)</p>
<p>Bureau of Plant and Apiary Inspection (API) Post Office Box 147100 Gainesville, FL 32614-7100 (352) 372-3505 x154 [voice] http://www.doacs.state.fl.us/pi/plantinsp/paaisp.html</p>	
<p>Bureau of Seafood and Aquaculture (BSA) 2051 East Dirac Drive Tallahassee, FL 32310-3760 (850) 488-0163 [voice] (850) 922-3671 [fax] http://www.florida-agriculture.com/seafood.htm http://www.fl-seafood.com/</p>	
<p>Department of Citrus (CIT) Office of the Executive Director Post Office Box 148 Lakeland, FL 33802 (863) 499-2500 [voice] (863) 284-4300 [fax] info@citrus.state.fl.us http://www.floridajuce.com/</p>	
<p>Florida Department of Agriculture and Consumer Services (DACS) Office of the Commissioner The Capitol Tallahassee, FL 32399-0800 (850) 488-3022 [voice] (850) 488-7585 [fax] commissioner@doacs.state.fl.us http://www.doacs.state.fl.us/</p>	
<p>Florida Department of Environmental Protection (DEP) 3900 Commonwealth Boulevard Tallahassee, FL 32399 (850) 245-2118 [voice] (850) 245-2128 http://www.dep.state.fl.us/mainpage/default.htm</p> <p style="padding-left: 40px;"> Central District – Orlando District Management 3319 Maguire Boulevard, Suite 232 Orlando, FL 32803 (407) 894-7555 [voice] (407) 897-6499 [fax] http://www.dep.state.fl.us/central/ </p>	

Contact Agencies

Northeast District – Jacksonville
District Management
7825 Baymeadows Way, Suite B200
Jacksonville, FL 32256-7577
(904) 807-3300 [voice]
(904) 448-4362 [fax]
<http://www.dep.state.fl.us/northeast/>

Northwest District – Pensacola
District Management
160 Government Center
Pensacola, FL 32502-5794
(850) 595-8300 [voice]
(850) 595-8417 [fax]
<http://www.dep.state.fl.us/northwest/>

South District – Fort Myers
District Management
2295 Victoria Avenue, Suite 364
Fort Myers, FL 33901-3881
(239) 332-6975 [voice]
(941) 332-6969 [fax]
<http://www.dep.state.fl.us/south/>

Southeast District – West Palm Beach
District Management
400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401
(561) 681-6600 [voice]
(561) 681-6755 [fax]
<http://www.dep.state.fl.us/southeast/default.htm>

Southwest District – Tampa
District Management
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
(813) 632-7600 [voice]
(813) 532-7665 [fax]
<http://www.dep.state.fl.us/southwest/>

Division of Plant Industry (DPI)
Post Office Box 147100
Gainesville, FL 32614-7100
(352) 372-3505 x106 [voice]
<http://www.doacs.state.fl.us/pi/>

Division of Fruit and Vegetables (FAV)
Office of the Director
500 Third Street N.W.
Winter Haven, FL 33881-3403
(863) 291-5820 [voice]
(863) 298-7860 [fax]
<http://www.doacs.state.fl.us/fruits/>

Contact Agencies

Florida Division of Forestry (FOR)
Office of the Director
3125 Conner Boulevard
Tallahassee, FL 32399-1650
(850) 488-4274 [voice]
(850) 488-0863 [fax]
dof_support@doacs.state.fl.us
<http://www.fl-dof.com/>

Tropical Fruit Advisory Council (TFAC)
Florida Department of Agriculture and Consumer Services (DACCS)
Office of the Commissioner
The Capitol
Tallahassee, FL 32399-0800
(850) 488-3022 [voice]
(850) 488-7585 [fax]
commissioner@doacs.state.fl.us
<http://www.doacs.state.fl.us/>