

Handbook of Florida Agricultural Laws: Related Non-Crop or Product Agricultural Topics¹

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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decisions on which this handbook is based are subject to constant revision, portions of this handbook could become outdated at any time.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.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice. It is not all-inclusive in providing information to achieve compliance with laws and regulations governing the practice of agriculture. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, UF/IFAS, the Agricultural Law Center, 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 handbook.

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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and court decisions on which it is based are subject to constant revision, portions of this publication could become outdated at any time.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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IV. Florida Agricultural Laws: Related Non-Crop or Product Agricultural Topics				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
A. Labor Law				
Farm Labor Registration Law	450.27 – 450.38	Establishes duties of a farm labor contractor, sets up voluntary training programs, and requires examination and registration of farm labor contractors.	Requires contractors to post terms/conditions of employment, pay workers promptly, maintain records, and comply with all labor laws (450.33). See 2004-64, section 20, establishing 450.39; a farm labor contractor cannot require farm labors to purchase goods or services solely from the contractor, nor can the contractor charge more than reasonable costs for commodities. 450.28 distinguishes between major and minor violations; a major violation is one that significantly threatens or causes physical or economic harm, resulting in harsher penalties. See 2004-64, section 13, amending 450.31, which expanded the reasons that a farm labor contractor's certificate of registration can be revoked. DBPR's Division of Professions is responsible for farm and child labor laws (FLCF handles compliance). See Florida Agricultural Safety Act (487.2011–487.2071).	DBPR FLCF
Child Labor Law	450.001 – 450.161	Establishes limitations on the employment of children.	Allows minors of any age to be employed in domestic or farm work in connection with their own homes or farm/ranch on which they live or in herding, tending, and managing livestock during non-school hours (450.021). Minors 15 years old or younger are generally prohibited from hazardous occupations such as working with power-driven machinery or lifting equipment. However, they may operate farm tractors under close supervision of their parents or the farm operator, providing minor has completed training course and is certified in tractor operation (450.061).	DBPR FLCC

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Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
Law regarding migrant labor camp or residential migrant housing	381.008 – 381.00897	Requires permit to operate migrant worker housing, and provides for rule making by DCF to protect health and safety of migrant farm workers.		DCF
Law regarding migrant labor	450.181 – 450.191	Sets up legislative and advisory committees to deal with migrant labor issues. Authorizes Governor to execute an interstate migrant labor compact.	Authorizes Governor to appoint Florida members to the Interstate Migrant Labor Commission (450.261).	DCF
B. Commercial Feed and Foodstuffs				
Florida Commercial Feed Law	580	Establishes the law regulating the registration of non-retail commercial feed distributors, and the labeling, laboratory certification, inspection, prohibitions, and penalties regarding commercial feeds.	Prohibits adulteration, misbranding, and other acts (580.071; 580.081; 580.112), provides for penalties (580.121), and provides that certain penalties are payable to consumers [(80.131). The law's labeling requirement does not apply to feeds made according to customer's formula, to feeds distributed in vertically integrated poultry operations, or to feeds made or distributed by a cooperative to its members (580.051(1)). However, feed distributed by an integrated poultry operation or by a cooperative to its members must be labeled according to FDA requirements (580.051(3))].	BFSF DACS
C. Fertilizers				
Laws regarding the use of fertilizers	576	Establishes law regulating the registration of fertilizer manufacturers, and licensing, labeling, inspection, and use of fertilizers.	Irrigation systems that apply fertilizer must be equipped with proper anti-siphon devices (576.087). Other prohibited acts and stop-sales, seizures, and penalties are described (576.101–576.181).	BFSF DACS

IV. Florida Agricultural Laws: Related Non-Crop or Product Agricultural Topics				
Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
Nitrogen and phosphorus findings and intent	576.045	Establishes provisions to improve fertilizer management programs as part of effort to reduce nitrogen and phosphorus levels in groundwater and drinking water.	Limits liability for nitrogen and phosphorus contamination of water provided owner/leaseholder follows best management practices for fertilizer application or other measures adopted by DACS. Authorizes government agencies in conjunction with affected farming groups to adopt specific rules and procedures. Subsections (1), (2), (3), (4), and (6) expire on December 31, 2012; remaining subsections (5) and (7) expire on December 31, 2017 (580.045(8)).	DACS DEP OAWP
D. Pesticides and Pest Control				
Florida Pesticide Law	487.011 – 487.175	Establishes law regulating labeling, distribution, sale, proper use, and registration of pesticides. Designates a class of more injurious pesticides as "restricted-use" pesticides (487.042). Prohibits improper sales and unlicensed uses of restricted-use pesticides (487.031). Allows claims for damages/injury from others' pesticide applications, but requires claims within 48 hours of incident (487.159).	"Pest" is defined as an insect, rodent, nematode, plant, or other organism determined to be a pest by EPA or DACS. Pesticide use is also controlled by the Mosquito Control Chapter (388), and by Structural Pest Control Act (482), which deals with lawn and home pest control. Aerial applicators licensed by DACS to apply pesticides must meet all applicable FAA and DOT requirements, and must show proof of liability insurance and surety bond (486.046). Provides certain penalty exemptions for engaging in prohibited acts and violations of the law (487.081). Effective January 1, 2009, pesticide registration needs to be renewed every two years (487.041(2)).	DAES
Anti-siphon requirements for irrigation systems	487.064	Requires irrigation systems and water supply lines to pesticide mixing-loading equipment to have anti-siphon devices to prevent backflow of pesticide.	DACS has set forth rules for the specific requirements of the anti-siphon device, regarding design and operation. See "Fertilizer" section.	BCM

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Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
Florida Agricultural Work Safety Act	487.2011 – 487.2071	Protects agricultural farm workers employed in Florida from agricultural pesticides and provides information to them about pesticides they may come in contact with while working.	Adopts EPA pesticide labeling laws (487.2041). Employers must make pesticide information available to workers if they may be exposed to pesticides while working or if workers enter areas treated with pesticides within the last 30 days (487.2051). It is prohibited for employers to fail to make information available to workers or to retaliate against workers who exercise their rights (487.2061). Process for filing violations with DACS is found under 487.2042.	DACS EPA
E. Seeds				
Florida Seed Law	578	Establishes the basic law regarding the registration of suppliers and the labeling of seeds intended for sowing or planting.	Establishes penalties for violations of the chapter (578.13; 578.181). Requires seed dealers to keep records of seed sales for 3 years (578.23).	DAES

Contact Agencies	
BCM	Bureau of Compliance Monitoring (DACS)
BFSF	Bureau of Feed, Seed, and Fertilizer Laboratories (DACS)
DACS	Florida Department of Agriculture and Consumer Services
DAES	Division of Agricultural Environmental Services
DBPR	Department of Business and Professional Regulations
DCF	Department of Children and Families (or contact local DCF)
DEP	Florida Department of Environmental Protection
EPA	Environmental Protection Agency
FLCF	Bureau of Compliance, Farm Labor Program (DBPR)
FLCC	Bureau of Compliance, Child Labor Program (DBPR)
OAWP	Office of Agricultural Water Policy (DACS)
Bureau of Compliance Monitoring (BCM) 3125 Conner Boulevard, Suite F Tallahassee, FL 32399-1650 (850) 488-8731 [voice] http://www.flaes.org/complimonitoring/index.html	

Contact Agencies
<p>Bureau of Feed, Seed, and Fertilizer Laboratories (BFSF) 3125 Conner Boulevard Tallahassee, FL 32399-1650 (850) 488-9095 [voice] http://www.flaes.org/aes-fsflab/index.html</p>
<p>Florida Department of Agriculture and Consumer Services (DACs) Office of the Commissioner The Capitol Tallahassee, FL 32399-0800 (850) 488-3022 [voice] E-mail: commissioner@doacs.state.fl.us</p>
<p>Division of Agricultural Environmental Services (DAES) Bureau of Compliance Monitoring 3125 Conner Boulevard, Suite F Tallahassee, FL 32399-1650 (850) 488-8731 [voice] http://www.flaes.org/complimonitoring/index.html</p>
<p>Florida Department of Business and Professional Regulation (DBPR) DBPR Customer Contact Center 1940 North Monroe Street Tallahassee, FL 32399-1027 (850) 487-1395 Call.Center@dbpr.state.fl.us http://www.state.fl.us/dbpr/</p>
<p>Farm Labor Program (FLCF) Bureau of Farm Labor Post Office Box 1698 Tallahassee, FL 32302-1698 (850) 488-3131 [voice] Call.Center@dbpr.state.fl.us http://www.myflorida.com/dbpr/reg/farm/index.shtml</p> <p>Child Labor Program (FLCC) Bureau of Child Labor 1940 North Monroe Street Tallahassee, FL 32399-1044 (800) 226-2536 [toll-free, voice] (850) 488-3131 [voice] Call.Center@dbpr.state.fl.us (Include "Child Labor" in subject line) http://www.myflorida.com/dbpr/reg/childlabor/index.shtml</p>
<p>Florida Department of Children and Families (DCF) Office of the Secretary 1317 Winewood Boulevard, Building 1, Room 202 Tallahassee, FL 32399-0700 (850) 487-1111 [voice] (850) 922-2993 [fax] http://www.myflorida.com/cf_web/</p>

Contact Agencies

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>

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/>

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]
(239) 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.de.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) 632-7665 [fax]
<http://www.dep.state.fl.us/southwest/>

Contact Agencies

Environmental Protection Agency
Contacts for EPA National Offices
<http://www.epa.gov>
<http://www.epa.gov/epahome/hotline.htm>

EPCRA & Superfund Call Center
Provides information on Superfund and EPCRA questions
(800) 424-9346 [toll-free voice]

Toxic Release Inventory – Community Right to Know – EPCRA Hotline
Source of information concerning waste management activities and toxic chemicals
(800) 424-9346 [toll-free voice]
tri.us@epa.gov

Toxic Substances Control Act (TSCA) Hotline
Provides technical assistance and information about toxic substances programs
(202) 554-1404 [voice]
(202) 554-5603 [fax]
tsca-hotline@epa.gov

National Pesticide Information Center
Provides information on pesticides and pesticide poisonings
(800) 858-7378 [toll-free voice]
(541) 737-0761 [fax]
npic@ace.orst.edu

Florida Administrator of EPA Pesticide Regulation
Bureau of Pesticides / Division and Consumer Services
3125 Conner Boulevard
Tallahassee, FL 32399-1650
(850) 487-0532 [voice]
<http://www.flaes.org/pesticide/index.html>

Environmental Protection Agency (EPA) Region 4
Contacts within EPA Region 4 (includes Florida)

General Information for Region 4:
United States EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960
(404) 562-9900 [voice]
(404) 562-8174 [fax]

Region 4 Emergency Response & Removal
(800) 564-7577 [toll-free voice] — Monday–Friday, 8am–5pm EST

Office of Agricultural Water Policy (OAWP)
1203 Governor's Square Boulevard, Suite 200
Tallahassee, FL 32301-2960
(850) 617-1700 [voice]
(850) 617-1701 [fax]
<http://www.floridaagwaterpolicy.com/>