



# Handbook of Florida Agricultural Laws: General Agriculture-Related Laws<sup>1</sup>

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Michael T. Olexa, Ian Alperstein, and Joseph Fischer<sup>2</sup>

## 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decisions on which this handbook is based are subject to constant revision, portions of this handbook could become outdated at any time.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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  2. Michael T. Olexa, Professor, Department of Food and Resource Economics, and Director, UF/IFAS Agricultural Law Center, Member, The Florida Bar, Florida Cooperative Extension Service, UF/IFAS, University of Florida, Gainesville, FL; Ian Alperstein, third-year law student, Levin College of Law, University of Florida, Gainesville, FL; and Joseph Fischer, graduate, Levin College of Law, University of Florida, and members, The Florida Bar.
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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:

Michael T. Olexa

Director, Agricultural Law Center

Food and Resource Economics Department

Post Office Box 110240

University of Florida

Gainesville, FL 32611-0240

Fax (352) 392-9898

<b>I. Florida Agricultural Laws: General Agriculture-Related Laws</b>				
<b>Statute / Law (description)</b>	<b>Florida Statute Number</b>	<b>General Description</b>	<b>Related References, Details, and Exceptions</b>	<b>Primary Contact Agencies</b>
Florida Right to Farm Act	823.14	Protects reasonable agricultural activities conducted on farmland from nuisance suits. A farm that was not a nuisance when it was established is not subject to public or private nuisance suits after one year of operation.	Exceptions to this protection include unsanitary conditions, improper treatment of wastes, keeping animals that may give rise to diseases harmful to human or animal health, and expansion of operations when adjacent to existing homestead or business. Also, this law does not protect a farmer from suits due to negligent acts, such as groundwater contamination or pesticide misapplication. "Farm product" means any product that is useful to humans that is made from or derived from plants (as defined in 581.011) or animals. With few exceptions, the Act limits the authority of local governments to adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or limit an activity of a bona fide farm operation on agricultural land as long as the activity is regulated through implemented best-management practices or interim measures.	DACS
Produce Labeling Act of 1979	504.011 – 504.014	Defines how growers, producers, or shippers may mark and label fresh fruits, vegetables, bee pollen, and honey to indicate to a purchaser that the product was produced in Florida. Also requires that prior to delivery in Florida, imported fruits, vegetables, bee pollen, and honey must be marked to indicate their country of origin (Note: Related law, 504.21–504.36, <i>FL Organic Farming and Food Law</i> was repealed effective December 31, 2002).		DACS

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Law prohibiting disparagement of any perishable food product	865.065	Prohibits providing false information to the public stating that a perishable agricultural food product is not safe for human consumption. A court can assess punitive damages against someone who makes a statement intending to harm producers of a perishable product.	Applies to aquacultural and agricultural perishable foods grown or produced within the State of Florida. 865.02 makes falsely shipping foreign-grown oranges or fruit as Florida-grown punishable by a second degree misdemeanor.	DACS
Agricultural license plates	320.08058	Establishes a specialty Florida license plate for agriculture, with "Agriculture" at the top and "Keeps Florida Green" written at the bottom.	Funds obtained from this specialty license plate will fund and promote the Florida Agriculture in the Classroom Program, but up to 25% of the funds received may be used for paying costs to run the program (see 570.91, 570.912).	DACS
Law regarding DACS right of access, and agricultural inspection stations	570.15	DACS has a right of access to any building or vehicle used in agriculture and may get a search warrant to inspect without the "probable cause" standard of Chapter 933. Requires DACS to establish rules authorizing certain nonagricultural motor vehicles to pass agricultural inspection stations without stopping and submitting to inspection.	This law makes it unlawful to impersonate an inspector, agent, or other DACS employee, and provides for penalties.	DACS
Law creating the Florida Food Safety & Food Security Advisory Council	500.033	This council is intended to serve as a forum for presenting, investigating, and evaluating issues concerning food safety. The statute provides for who will serve on the council.		DACS

**Contact Agencies**

DACS                      Department of Agriculture and Consumer Services

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](mailto:commissioner@doacs.state.fl.us)  
<http://www.doacs.state.fl.us/>