BAR B RANCH
A MESSAGE FROM MAYOR JUDY PAUL

As a long time Davie resident and elected official, one of my top priorities has been to preserve the agricultural roots of our community. To this end, in 1998, I created the Davie Agrarian Committee, which was committed to bringing together all agricultural interests including but not limited to equestrian, cattle, nursery, apiary, and crop. Davie was founded as a farming community and once was home to lucrative citrus and cattle companies. Remnants still persist, including New River Grove, Spykes Grove, Marando Farms and Ranch (formerly Batten’s Farm), along with a host of horse farms, nurseries and farmers markets throughout the Town.
The idea was to create a coordinated, citizen based, organization that could advocate on behalf of the interests of the agricultural community with deep roots and a strong heritage in the Davie area. Vast areas of cattle land were giving way to mass highways and residential and commercial development and many felt it was necessary to draw a line in the sand to stem the tide and protect agriculture from an untimely demise in central Broward County.

In March 2001, the people of Davie voted for a charter amendment to adopt legislation to ensure the preservation of the Town’s rural character and equestrian lifestyle. This referendum passed with nearly a 90 percent majority. The Agricultural Advisory Board (now known as the Agricultural and Environmental Committee) was then created and became an arm of the Town Council.

As a “farm friendly” Town, the elected officials have been farsighted in adopting legislation to encourage, protect, and preserve agriculture in the community, the first branch of local government in the state of Florida to do so. Town ordinances and state statutes pertaining to farms and agricultural use, which are scattered throughout local and state law, have been compiled into this pamphlet for your assistance. The Agricultural and Environmental Committee will also assist individuals with farm-related issues.

Many don’t realize it, but Florida is an agricultural state with fruits, vegetables, field crops, beef cattle and milk counted as our leading products. Poultry and egg production is also important along with thoroughbred and a variety of show breed and pleasure horses. Oranges are Florida's most important agricultural product. Other citrus fruits grown include grapefruit, limes, tangerines and tangelos. Tomatoes are Florida's second leading crop. Non-citrus fruits grown include bananas, papayas, strawberries and watermelons. Vegetables...
grown in Florida are cabbage, celery, cucumbers, green peppers, lettuce, potatoes, snap beans, squash and sweet corn. Florida leads the nation in the production of sugar cane. Other field crops are peanuts, soybeans and tobacco.

Florida is second only to California in the production of greenhouse and nursery products and ranks first in the production of indoor plants. In 2012 agriculture in Florida accounted for $133 billion in sales revenue.

Davie is home to many horse farms and nurseries and has a network of over 165 miles (and growing) of trails linking the community to hundreds of acres of equestrian-friendly county and town parks.

Davie takes preserving its rural character seriously and has earmarked several major agricultural corridors for special attention. In September, 2005, the voters of Davie approved a $25,000,000 bond to acquire more land for parks and open spaces, to improve existing parks and to complete the recreational trail system.

Whether you are looking for land to start up or to relocate an agricultural operation or already own a farm in Davie, this guide has been prepared to inform you of your rights to various exemptions for farms according to Davie ordinances and state law.
Please note:

The information contained in this guide reflects law that was current as of the date of this edition. However, the law may subsequently be changed or amended by the State Legislature, the Town Council and/or decisions of the courts. Therefore the contents of this document should be considered as general information only and should not be construed as legal advice of any kind.
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TOWN OF DAVIE CODE OF ORDINANCES

DEFINITIONS

Chapter 12, Sec. 12-503

Agricultural use. The use of a parcel of land for the cultivation of crops and livestock including, but not limited to: cropland, pastureland, orchards, vineyards, ornamental horticulture areas, groves, confined feeding operations, specialty farms, silviculture areas, aviaries, beekeeping, farm stands,

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plant nurseries but specifically excluding landscape maintenance contractors.

**Boarding stable.** A stable for livestock that provides food and shelter for compensation.

**Development.** (6) It is expressly recognized that the term ‘development’ as defined herein and throughout this Code, shall not include nor be interpreted to include any farm, or ‘agricultural uses’ as that term is defined pursuant to Section 12-32(A).

**Equestrian facilities.** Any building, structure or land area that may not meet the criteria to be classified as a "farm" under the Florida Statutes or the Davie Town Code and that is used primarily for equestrian competitions, events or displays, whether private or commercial, such as showgrounds, rodeo arenas and racetracks. The term equestrian facilities also include communal stables, paddocks and riding areas that are an amenity or accessory to a residential development. Equestrian facilities may also board horses belonging to owners who reside elsewhere.

**Farm.** The land, buildings, structures, and machinery which are primarily adapted and used for agricultural purposes when such land is classified agricultural pursuant to Section 193.461, F.S., or has been determined to be a farm pursuant to a joint administrative determination by the code enforcement official and the building official or a final order of a hearing officer in accordance with Section 12-34 (B) Animals, subparagraph (15) of the Town of Davie Land Development Code.

**Farm Building or Structure.** Any building or structure located on a plot classified as a farm, which is used to house or store farm products or materials and equipment necessary to farm operations. A farm structure shall also include fences, walls, and hedges along the plot line of a farm.

**Farm Operation.** All conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production or marketing of farm products.

**Farm Product.** Any plant, as defined in Section 581.011, F.S., any animal, except household pets, useful to humans, including any product derived therefrom, the cultivation of crops, groves, thoroughbred and pleasure horse ranches, including horse boarding, private game preserves, fish-breeding areas, tree and plant nurseries, cattle ranches, and other similar activities involving livestock or poultry.

**Farm stand.** A temporary structure or vehicle used in the sale of farm products, including but not limited to fruits, vegetables, juices and ornamental plants located on a farm.

**Garden center.** A place of business where retail and wholesale products and produce are sold to the retail consumer. Items offered for sale may include-plants, nursery products and stock, predominantly grown elsewhere, and fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools, and utensils. These establishments may sell a limited amount of product they grow themselves.
**Hobby farm.** A parcel of land located in an existing or designated semi-rural area, with or without a residential dwelling and/or accessory buildings, where limited agricultural activities for primarily recreational purposes are not prohibited at the time of the adoption of this act and which does not meet the criteria to be classified as a "farm" under the Florida Statutes or Section 12-34(B)(16) of this Code.

**Landscape maintenance contractor.** An establishment primarily engaged in providing landscape and/or lawn care and maintenance services, such as lawn mowing, edging, weeding, pruning, clipping, seasonal planting, irrigation, fertilization, application of pesticides, and the installation of water features or other garden ornamentation.

**Limited agricultural activities.** Agricultural uses as defined under Chapter 12 of this Code, not qualifying as a "farm" under the Florida Statutes.

**Livestock.** Grazing animals, such as cattle, horses, sheep, swine, goats, other hoofed animals, ruminants, ostriches, emus, and rheas.

**Plant nursery.** A farm on or in which nursery stock is propagated or grown to a usable size for sale, either retail or wholesale. These establishments may sell a limited amount of ancillary items such as fertilizers, potting soil, pots and garden ornaments and may also undertake limited installation of trees, shrubs and/or plants incidental to the sale of such products.

**Poultry.** Any chickens, turkeys, ducks, geese, peafowl or guinea fowl, or pigeons, pheasants, quail and other game birds raised for meat or eggs.

**Poultry market.** A commercial establishment or place where live poultry or fowl are kept and prepared for sale, including killing or cleaning.

**Semi-rural area.** Existing residential neighborhoods within the town, where limited agricultural activities are not prohibited by the Davie Town Code at the time of the adoption of this Act.
(B) Agricultural Use:

1. Animal housing/shelter.
   - That portion of any structure containing not more than three (3) stalls a maximum of twelve (12) feet by twelve (12) feet, a tack room, and feed room, used for housing or feeding livestock shall be at least forty (40) feet from any other property under separate ownership, from any public road right-of-way or any existing structure. For each additional stall not to exceed twelve (12) feet by twelve (12) feet, an additional ten-foot setback shall be required, to a maximum setback of one hundred (100) feet. This requirement shall not apply to non-residential farm buildings or structures on farms used for agricultural purpose on a plot larger than five (5) acres in size. On any farm less than five (5) acres in size, any farm building or structure on a portion of a plot occupied by a farm shall either be located not less than fifty (50) feet from any lot line, or shall have buffer consisting of an opaque fence, hedge or berm to a minimum height of six (6) feet.

2. Number and types of animals.
   - The number and types of animals shall not be restricted on farms as defined by section 12-503, subject to restrictions on the keeping or raising of pigs or hogs as set in section 12-34(B)(7).
(b) In the RR, AG, A-1, RO, O, CC, B-1, B-2, B-3, M-1, M-2, and M-3 districts, permitted livestock is limited to a total of eight (8) livestock on a minimum thirty-five thousand-square-foot plot, but limited to four (4) cattle and horses. Offspring of livestock kept on plot shall not be counted towards said limited number for one (1) year. Ten (10) rabbits and/or twenty-five (25) poultry are permitted on a minimum thirty-five thousand-square-foot plot, provided however, that the poultry and rabbits are in a completely penned area. Up to three (3) poultry/fowl can be considered pets in all residential zonings designations.

(c) In the R-1 district, permitted livestock is limited to eight (8) livestock on a minimum thirty-five thousand-square-foot plot, but limited to four (4) cattle and horses, ten (10) rabbits and/or five (5) poultry; provided, that two (2) additional livestock may be kept for each thirty-five thousand (35,000) square feet in excess of the minimum required plot size; and, further provided, that the poultry and rabbits are in a completely penned area. Offspring of livestock kept on plot shall not be counted towards said limited number for one (1) year.

(3) Plant Nursery. In the RR, AG, and A-1 districts, retail sales shall be limited to agricultural products grown, kept, or raised on site, and shall be limited to a maximum of twenty-five (25) percent of the allowable building space on the site. The limitation on the size of building space shall not apply to farms used for an agricultural purpose in these districts.

(4) Beekeeping. In the RR, AG, and A-1 districts, beekeeping is permitted on a minimum plot of five (5) acres, provided the hives are to be located a minimum of one hundred (100) feet from all property lines. Note: Section 586.10, Florida Statutes, provides that "(1) The authority to regulate, inspect, and permit managed honeybee colonies and to adopt rules on the placement and location of registered inspected managed honeybee colonies is preempted to the state through the department and supersedes any related ordinance adopted by a county, municipality, or political subdivision thereof".

(5) Agricultural uses such as cultivation of crops, groves, thoroughbred and pleasure horses, cattle ranches are permitted in the CC, B-1, B-2, B-3, M-1, M-2, M-3 and RO districts provided the land is free of commercial or industrial structures and such agricultural uses are discontinued upon conversion of the property to another use.

(6) Hobby Farm.
(a) Intent. The intent of this section is to safeguard the rights of Davie residents to continue to conduct limited agricultural activities within "semi-rural residential neighborhoods" within the town and provide protections under the Code for those residents conducting limited agricultural activities as defined within this section and section 12-503.

(b) Hobby farm locations. Hobby farms are permitted in any residential neighborhood within the town, where limited agricultural activities are not prohibited by the Davie Town Code at the time of the adoption of Ordinance No. 2003-044.

(c) Nuisance provisions. No maintenance of a "hobby farm" as defined within this section shall be deemed to be a nuisance if
said activities were not a nuisance at the time of the adoption of Ordinance No. 2003-044 and the agricultural activities conducted on the property conform to Central Broward Water Management Board Best Management practices for that type of agricultural activity. No limited agricultural activities conducted in the maintenance of a "hobby farm" shall be deemed to be a public or private nuisance due to a change in the type of limited agricultural activity being conducted, a change in conditions in or around the locality of the semi-rural area or a change in the ownership of the property on which the "hobby farm" is situated.

(d) Nonconforming status. In the event of future land use amendments or zoning changes to the contrary, any land use amendments or zoning changes to the contrary, any limited agricultural activity in a semi-rural area previously existing or commenced Ordinance No. 2003-044 shall become a legal nonconforming use, notwithstanding any change in ownership or change in the type of limited agricultural activity being conducted on the property.

(7) Vietnamese Potbellied Pigs. The raising, breeding or keeping of swine of any type except for one (1) Vietnamese Potbellied Pig kept as a household pet, shall be presumed to be a nuisance and shall be prohibited in all zoning districts.

(8) Livestock in residential districts. Raising of horses, cattle, goats, sheep, poultry and rabbits is not permitted in any residential zoning district, except for RR, AG, A-1, and R-1, and except as provided in chapter J2, article III, division 5, Nonconforming uses and structures of this Code for nonconforming uses on farms existing on the date this chapter is adopted by the town council.

(9) Agritourism Activity. Agritourism activity is permitted on land classified as agricultural land pursuant to F.S. § 193.461. "Agritourism activity" means any agricultural related activity consistent with a bona fide farm or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Sec. 12-34. - Standards for specific uses.

(I) Equestrian Facilities: An equestrian facility shall provide for stables, paddocks and trails, and may also provide pasture land and exercise areas. Equestrian facilities may be included within a minimum 35-acre development. The maximum number of stalls shall be limited to one (1) stall per two (2) dwelling units within the residential community. The facility shall be designed as an integral component of the residential community and internalized within the overall development plan as depicted on the site plan. Additionally, the site plan shall include an alternate development proposal, in conformance with district regulations.

The use of the facility shall be available to the residents of the community on a priority basis and may be open to the public for
boarding only. Activities within the equestrian facility shall be limited to use by residents and boarders only. The owners/operators of the equestrian facility shall be members of the homeowners' association governing the overall development.

Sec. 12-34. - Standards for specific uses.
(U) Residential Agriculture: Residential agriculture in the RR, AG, A-1 and R-1 districts are [is] limited to noncommercial use, and provided no persons are employed on the premises who do not live in the dwelling unit.

(KK) Farms:

(1) Administrative determinations.

(a) Any person who has not been granted an agricultural classification pursuant to F.S. § 193.461, and is claiming that a parcel of land or a portion of a parcel of land is a farm shall make application for an administrative determination. Requests for such a determination may be made to The Town Administrator or designee.

(b) The Town Administrator or designee shall review the application and any supporting documents to determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (2). Within forty-five (45) calendar days after the receipt of a complete and sufficient application, the Town Administrator shall either grant the application or respond to the applicant in writing the reason or reasons for denial.

(c) If the applicant disagrees with the determination, the decision may be appealed by notifying The Town Administrator in writing that the applicant is appealing the administrative decision. The notification shall be received no later than thirty (30) calendar days after the administrative decision is "rendered". If the notification is not received within thirty (30) days after rendition of the decision, the applicant is deemed to have waived the right to challenge the decision. For the purposes of this subparagraph, the term "rendered" means ten (10) calendar days after the date the decision was mailed. The time frame to seek an appeal shall be stayed until the final determination by the Broward County Value Adjustment Board if the applicant has appealed the decision of the classification of the applicant's property pursuant to F.S. § 193.461.

(d) Upon receipt of a timely notice of appeal, the appeal shall be assigned to a hearing officer. The procedures for conducting hearings shall be approved by a Resolution. The hearing shall be set no later than sixty (60) days from the date of the notice of appeal unless an extension of time is requested or agreed to by the applicant.

(e) The town attorney shall represent the town in the administrative hearing. The hearing officer shall determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (2) and the definitions of "farm" and "agricultural use" as set forth within section 12-503 of the Land Development Code and as provided in applicable statutes, or established case law.

(f) Nothing in this section prohibits the officials from reconsidering and reversing a denial of the administrative decision at any
time prior to the start of the hearing before the hearing officer.

(g) The hearing officer shall, within forty-five (45) days of the hearing, issue a proposed order which shall include findings of fact and conclusions of law with respect to the claim of the applicant.

(h) The decision of the hearing officer is final. Appeal of the hearing officer's decision shall be by petition for writ of certiorari to the circuit court pursuant to the Florida Rules of Appellate Procedure, within thirty (30) days of the rendition of the hearing officer's findings.

(2) Criteria for farm claims. The criteria set forth below shall be considered in both the administrative determination and in the hearing by the hearing officer. The applicant shall not be required to show that the applicant meets all of the criteria. However, the applicant shall be required to show that the applicant meets a sufficient number of the criteria under the particular circumstances for the officials or the hearing officer to determine that the applicant's property is a farm.

(a) The general intent of the "Right to Farm Act" is to preserve productive land for agricultural purposes and to protect established farmers from the demands of sprawling urban development.

(b) The applicant can demonstrate that there are clearly identifiable farm products as defined in section 12-503 resulting from the farm operation.

(c) The proportion of the gross acreage of the land used for agricultural purposes and the intensity of that agricultural purpose as compared to any residential or other nonagricultural uses which are also present on the land.

(d) Whether the parcel in question is comparable to similar farm operations of the same type in the community which are classified as agricultural pursuant to section F.S.§ 193.461, or which have been determined to be a farm pursuant to the Town of Davie Land Development Code.

(e) Whether a Schedule "F" or other Federal Income Tax return has been filed in connection with any farm income and expenditures.

(f) The length of time the land has been used for agriculture by the current operator and the level of agricultural activity achieved commensurate to this time period.

(g) The amount of time, effort and capitalization invested in the agricultural use of the land.

(h) Membership or involvement with agricultural associations, such as the Farm Bureau, the Nursery and Growers Association, breed societies or other organizations which may be specific to various forms of agriculture.

(3) Right to farm. The Town's Code shall conform to F.S. § 823.14, the Florida Right to Farm Act, which prohibits a local government from the adoption of any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to F.S. § 193.461, where such activity is regulated through implemented best-management practices or interim measures developed by the department of environmental protection, the department of agricultural and consumer services, or water management districts and adopted under chapter 120 as part of a statewide or regional program.
LUCKY SUMO LLC

BUILDINGS AND STRUCTURES

ARTICLE II, Sec. 5-6. Construction of Nonmobile Structures Used for Wholesale or Retail Sales

(a) Every business conducted within the town for the wholesale or retail sale of merchandise, excluding farms and agricultural uses, and products manufactured therefrom, shall be conducted within or from a structure constructed in compliance with the Florida Building Code. Every such business, including farms and agricultural uses, shall have an adequate water supply and sewage disposal facilities.

GENERAL REGULATIONS

Chapter 12-33

(U) Nuisances.

(1) No farm operation which has been in operation for one (1) year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm conforms to generally accepted agricultural and management practices, except that the following...
Commercial

Established

more

local,

farm,

conditions

farm

give

where

program.

current

such

which

improperly

b.

human

materials,

nuisance:

d.

The presence of untreated or improperly treated human waist, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.

b. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.

c. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

d. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(2) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for one (1) year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

(G) Commercial Vehicle Parking: Trucks, commercial vehicles, agricultural equipment or construction equipment shall not be parked, stored or maintained within a residentially zoned district, whether on private property, public property, swale areas or public or private road rights-of-way except as provided for herein:

(1) For the purposes of this section, the following shall apply:

(a) Commercial vehicle, for the purpose of this section, shall mean any vehicle whatsoever designed, intended or used for profit or hire, included but not limited to, vans, trucks, farm tractors, farm trailers, tow trucks, tractor-trailers, semitrailers, buses and trailers of any kind.

(c) Agricultural equipment shall include any farm or grove implements principally operated in agricultural or horticultural pursuits and shall include farm tractors and farm trailers not otherwise comprehended within the term commercial vehicle.

(6) Agricultural equipment shall not be permitted to be parked in residential areas other than those zoned RR, A-1 and AG. Additionally, farm trailers, stock trailers, farm tractors and heavy equipment used in an agricultural or horticultural pursuit may be stored or maintained in RR, A-1 and AG districts on property belonging to the owner of the tractor, trailer or heavy equipment without reference to the restrictions of this section.
**LICENSING**

Sec. 13-29. - Grower exemptions; dealers in agriculture products.

All farm, horticultural, floricultural and grove products and products manufactured therefrom, except intoxicating liquors, beer and wines, shall be exempt from all forms of license tax when the same are being offered for sale or sold by the farmer or grower producing such products, an exempt license shall be issued in these circumstances upon application. The management of a wholesale farmers' produce market shall have the right to pay a license of one hundred dollars ($100.00) that will entitle its stall tenants to deal in agricultural and horticultural products without obtaining individual licenses, but individual licenses shall be required of such tenants unless such license is obtained for the market.

**SIGNS**

Sec. 12-238. - General regulations.

(C) Building permits required; Exceptions:
No person shall erect, alter, or relocate any sign within the incorporated areas of the town without first obtaining a building permit, with the following exceptions:

Town without first obtaining a building permit, with the following exceptions:

(13) Farm signs, to the extent that such signs are exempt from municipal regulation pursuant to Sec. 604.50, Florida Statutes.
SITE LANDSCAPING

Sec. 12-101 (A)

4. Exempted from the provisions of the Florida-friendly landscape requirements (note: not irrigation requirements) are the following, as applicable:

a. Bona fide agricultural activities;
b. Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing of livestock;

LIVESTOCK RUNNING AT LARGE

Sec 4-41 Definitions

The following words when used in this article shall have the meaning ascribed herein unless the context clearly indicates otherwise:

Animal shall mean any horse, pony, mule, cow, swine, sheep and goat, both domesticated and wild, male and female, singular and plural.

At large shall mean off the premises of the owner or custodian of the animal, and not under the immediate control of the owner or custodian.

Permit shall mean to suffer, allow, consent, let; to give leave or license; to acquiesce, by failure to prevent, or to expressly assent or agree to the doing of an act prohibited.

Shelter shall mean the operation of the person or firm designated by the town to pick up and board any animal found at large.

Sec. 4-42 Certain animals declared a nuisance

No person owning or having in his custody animals as herein defined shall permit them to go at large to the injury or annoyance of others, nor shall such animal be permitted at large upon the streets or public ways of the town. Such action is declared to be a nuisance and dangerous to the public health and safety.

Sec. 4-43 Impoundment generally; warrant of arrest for owner or custodian

(a) Any person finding any animal upon his property to his injury or annoyance may take it and remove it to any private or other animal shelter that will take possession of it. If no such shelter is available, he may hold the animal in his own possession, and as soon as possible notify the police department of this custody, giving a description of the animal and the name of the owner if known.

(b) The police department as soon as possible after receiving notice will dispatch an officer to appear at the premises and take possession of the animal.

(c) If the officer has or with reasonable dispatch can obtain the name of the owner as custodian of the animal, he will return it to

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the residence address. If there is no one at the address, he will leave a notice where the owner or custodian may reclaim the property. He will then contact the shelter and instruct it to pick up the animal and convey it to the shelter. He may then secure or cause to be secured and serve or have served a warrant of arrest on the owner or custodian for permitting the animal to go at large.

(d) Any police officer or other person designated by the town for such purpose is authorized to capture and impound any animal found at large, impounding to be in accordance with the procedure authorized by this article.

(e) Any officer or designated person picking up an animal and after reasonable diligence is unable to find who owns or has custody of it, will take it to the animal shelter and leave it.

Sec. 4-44 Notice of impoundment and sale

a) Upon the impounding of any animal the chief of police shall forthwith serve written notice upon the owner, advising such owner of the location or place where the animal is being held and impounded, the amount due by reason of such impounding, and that unless such animal be redeemed within five (5) days from date thereof that the same shall be offered for sale.

(b) If the owner of such animal is unknown or cannot be found, service upon the owner shall be obtained by publishing a notice five (5) times, consecutively, in a newspaper or general circulation where the animal is impounded (Sundays and holidays excluded) and by posting in two (2) conspicuous places in the town limits.

(c) Unless the impounded animal is redeemed within three (3) days from the date of last publication of notice, the chief of police shall forthwith give notice of sale thereof which shall be held not less than five (5) days nor more than ten (10) days (excluding Sundays and holidays) from the first publication of the notice of sale. The notice of sale shall be published in a newspaper of general circulation in the town (excluding Sundays and holidays) and by posting a copy of such notice at two (2) conspicuous places in the town limits.

Sec. 4-45 Fees and costs

The owner or custodian who redeems an animal from the animal shelter will pay a pick-up fee to the police department in accordance with the following schedule:

**Fee**

Call out charge ..... $42.00
Pick up charge ..... 30.00
Each additional animal ..... 12.00
Impounding charge (per day, per head) ..... 9.00
Charge if additional help is required (per hour) ..... 18.00
BROWARD COUNTY AGRICULTURAL CLASSIFICATION

As a member of the Broward County Commission and Value Adjustment Board, Lori Parrish championed the agricultural and horse boarding classification for owners of bona fide commercial agricultural businesses. Lori worked to amend the zoning laws to promote agricultural businesses within Broward County. The Broward County Property Appraiser’s office is required by law to classify all property within the County as either agricultural or non-agricultural. For information on this valuable classification, please contact Broward County Property Appraisals at 954.357.6866.

AGRICULTURAL CLASSIFICATION & THE GREENBELT LAW

LEGISLATIVE INTENT

It is the declared policy of the State of Florida to conserve, protect and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products and as valued natural and ecological resources for clean air sheds, wildlife habitat and other benefits of green space, including aesthetic purposes.

The Legislature has also declared Florida’s economic and environmental future is enhanced by a tax policy which encourages sustainable agricultural use of its lands and discourages pressures to otherwise develop the land in indiscriminate manners, which brings conflicting land uses into juxtaposition, urban sprawl and creates higher costs for public services.

BACKGROUND

Spreading suburban development drives up land values, which in turn drives up the farmer’s property taxes, making agriculture economically unviable and forcing the farmer to sell the land to developers, causing the further spread of development and the loss of irreplaceable natural resources and open space.

Recognizing this self-perpetuating cycle, the Florida Legislature enacted the Greenbelt Law to help preserve farmland and slow down the rate of development. This law established agriculture as a separate class of property to be taxed on the agricultural
value of the land instead of on its value for development. This benefits society as a whole, since rampant development causes over-crowded schools, more traffic on the roads and strains local government’s ability to keep pace with the demands for these and other services such as police, fire, water and sanitation. Since horses, cows and nursery plants don’t go to school, drive on the roads or call the police, farms make minimal use of these services and, more importantly, farmland provides scenic, open green space that serves as water catchment areas, clean air sheds and wildlife habitat.

Farmers pay full taxes on their houses and yards and may also be eligible for the homestead exemption, the same as every taxpayer. Only the farmland can receive the agricultural classification and, even with the agricultural classification on the land, farms contribute more in property taxes than they cost the government in services.

**BROWARD FARMS**

The Broward County Property Appraiser’s office is required by law to classify all property within the County as either agricultural or non-agricultural. In the past, Broward County had a landscape of vast cattle ranches and citrus groves interspersed with smaller farms of all types. With the advent of air conditioning came more and more people to share the benefits of this tropical climate the population continues to grow. This growth has forever changed the face of Broward County and, to be sustainable, agriculture has had to adapt to the change and evolve. Traditional forms of agriculture requiring hundreds of acres of land to be profitable are no longer viable in Broward County. Replacing the old types of conventional agriculture is a new type of farming which can thrive on far smaller parcels of land and in a suburban setting, agriculture which relies on a nearby metropolitan population for its client base. Landscape nurseries and horse farms are the two primary forms of modern agriculture. They provide desired agricultural services directly to the community and continue to conserve our open spaces and environmental resources into the future.

**QUALIFYING FOR AGRICULTURAL CLASSIFICATION**

For land to be granted agricultural classification, the use of the land must be primarily for bona fide commercial agriculture as of January 1st of the tax year.

First and most important, the “use” of the land must be for “agricultural purposes.” The Greenbelt Law defines “agricultural purposes” as including but “not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production.” While this list is broad and inclusive in its general terms and does not necessarily exclude categories not specifically listed, the Courts have ruled, for example, horses are livestock, therefore using the land to keep livestock, whether breeding, boarding, training or for other commercial purposes is agriculture, but the term livestock does not include greyhound dogs, therefore use of the land for raising or training dogs for racing is not an agricultural use.
Second, agricultural use must be the “primary” activity which takes place on the land. If the owner’s residence is on the land, the area of the house and grounds will be excluded from the agricultural classification, although it is still eligible for homestead exemption. On the remainder of the land, the agricultural use must be the most significant activity and not merely an incidental use.

Third, the agricultural use must be “commercial,” which the Courts have defined as meaning done with a profit motive or intent to make a profit. The Courts have also ruled it is not necessary to have the expectation of meeting the investment costs of the land and realizing a profit overall to be “commercial”. However, it is not enough to grow fruit or vegetables for your own use or keep a pet cow or only your own horses for pleasure or sport. While the “commercial” requirement is not as strict as the IRS business standards, you should be trying to make money from the agricultural use of your land.

Fourth, the agricultural use must be “bona fide.” Again, the Courts have ruled this means good faith - real, actual and genuine and not a sham or deception. For example, if you apply for agricultural classification for a horse boarding farm, you should be actually boarding other people’s horses on your land. If you apply as a nursery, then you should be growing and selling plants on your land, not using the land to store equipment for a lawn mowing business.

THE GREENBELT LAW - FLORIDA STATUTE 193.461

The Legislature has provided a list of factors the Property Appraiser may weigh and consider in determining whether the agricultural use is bona fide, i.e. commercial agriculture:

1. The length of time the land has been so utilized;
2. Whether the use has been continuous;
3. The purchase price paid;
4. Size, as it relates to specific agricultural use;
5. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices;
6. Whether such land is under lease and, if so, the effective length, terms, and conditions of the lease; and
7. Such other factors as may from time to time become applicable.

The Department of Revenue has provided a suggested list of “other factors”, to which the Property Appraiser is not limited but may also consider:

Florida Administrative Code Rule 12D-5.004:
(1) Other factors:

(a) Opinions of appropriate experts in the fields;
(b) Business or occupation of owner;
(c) The nature of the terrain of the property;
(d) Economic merchantability of the agricultural product;
(e) The reasonably attainable economic salability of the product within a reasonable future time for the particular agricultural product.

(2) Other recommended factors:

(a) Zoning;
(b) General character of the neighborhood;
(c) Use of adjacent properties;
(d) Proximity of subject properties to a metropolitan area and services;
(e) Principal domicile of the owner and family;
(f) Date of acquisition;
(g) Agricultural experience of the person conducting agricultural operations;
(h) Participation in governmental or private agricultural programs or activities;
(i) Amount of harvest for each crop;
(j) Gross sales from the agricultural operation;
(k) Months of hired labor; and
(l) Inventory of buildings and machinery and the condition of the same.

The Property Appraiser is not required to consider each and every one of these factors, but also cannot single out one, particular factor as the sole criterion for determining whether or not the property should be granted the agricultural classification. No one factor, by itself, is determinative. The Courts have ruled, for example, it is not required the owner be a farmer or the agricultural use be a permitted use under the local zoning regulations. Nor can the size of the property, alone, can be the deciding factor. Although a purchase price of three or more times the agricultural value of the land creates a presumption the land is not to be used primarily for agriculture, once the property owner demonstrates the land is being used for bona fide commercial agriculture, the purchase price is no longer important.

The Courts have stressed the “use” of the land as of January 1st of the year in question is the guidepost in classifying the land and “agricultural use” is now and has always been the test.

However, the Property Appraiser is required to recategorize the following lands as non-agricultural when:

1. Land diverted from an agricultural to a non-agricultural use.

2. Land no longer being utilized for agricultural purposes.

**NEW APPLICATIONS FOR AGRICULTURAL CLASSIFICATION**

If you believe your property, as of January 1 of the current tax year, meets the criteria for the agricultural classification, you must file an initial application with the Broward County Property Appraiser’s office by March 1 of the year (however, state law now allows us to accept late-filed applications until the annual TRIM Notice appeal deadline mid-September). You may call 954.357.6866 for the form, or you may
obtain the form online at: http://www.bcpa.net/forms-dl.asp

When you submit your application, please attach as much additional information as possible to show the use of your land is primarily for bona fide, commercial agriculture. Utilize the factors listed above for guidance as to what documentation would assist us in making a correct determination. Such additional information, if not already provided, may be requested by the Property Appraiser as is reasonably required in making this determination. Any financial information submitted will be strictly private and confidential.

If you are a new purchaser of property previously granted the agricultural classification, you must submit a new application if you wish the property to continue to receive the agricultural classification.

The Property Appraiser’s Office will carefully review your application and any additional information provided and will physically inspect your property. The Property Appraiser’s Office will notify you by mail, postmarked by July 1st, as to the status of your request.

RENEWALS OF AGRICULTURAL CLASSIFICATION

Land previously granted the agricultural classification will be automatically renewed in subsequent years, providing the agricultural use of the land has not been abandoned or discontinued, the land has not been diverted to a nonagricultural use, the ownership has not changed or the land has not been zoned to a non-agricultural use at the request of the owner. The automatic renewal is subject to routine property inspections for verification purposes, but you do not need to file an initial application form or burdensome paperwork again.

However, if you have changed from one agricultural use to a different agricultural use, you should notify us promptly so the agricultural value of your property may be changed accordingly. You must also notify the Property Appraiser’s Office if you have sold your property or discontinued the agricultural use.

LATE FILING AND RESOLVING DISAGREEMENTS

If you missed the March 1 filing date deadline, state law now allows us to accept late-filed applications until the annual TRIM Notice appeal deadline mid-September.

The absolute deadline to late file for an agricultural classification for a year is mid-September of that year (the same date as the annual deadline to file a valuation challenge to the VAB). You can read more about the VAB process at: http://www.bcpa.net/forms-dl.asp. The VAB will notify you directly of your hearing date. Agricultural hearings are usually scheduled in late summer or early fall.

If you believe the Property Appraiser’s decision regarding your application or renewal for agricultural classification is incorrect, you may contact our office at 954-357-6866 for further discussion and review. You may also contact the Value Adjustment Board and file a petition for a hearing and
independent review. A petition must be filed within 30 days of the notice from the Property Appraiser’s office regarding the status of your application or renewal for agricultural classification.

**STATE LAW**

**AGRICULTURAL CLASSIFICATION**

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

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The property appraiser shall have available at his or her office a list by ownership of all applications showing the acreage, the full valuation under s.193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

(3)(a) No lands shall be classified as agricultural lands unless a return is filed on or before March 1 of each year. The property appraiser, before so classifying such lands, may require the taxpayer or the taxpayer’s representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 shall constitute a waiver for 1 year of the privilege herein granted for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 may file an application for the classification and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s.194.011(1). Notwithstanding the provisions of s.194.013, the applicant must
pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the classification, the property appraiser or the value adjustment board may grant the classification. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

   a. The length of time the land has been so used.
   b. Whether the use has been continuous.
   c. The purchase price paid.
   d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
   e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
   f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
   g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

   (c) The maintenance of a dwelling on part of the lands used for agricultural purposes shall not in itself preclude an agricultural classification.

   (d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

   (e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the value
adjustment board or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this paragraph. If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county’s governing body. This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.

(4) The property appraiser shall reclassify the following lands as nonagricultural:

(a) Land diverted from an agricultural to a nonagricultural use.
(b) Land no longer being utilized for agricultural purposes.

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

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

1. The quantity and size of the property;
2. The condition of the property;
3. The present market value of the property as agricultural land;
4. The income produced by the property;
5. The productivity of land in its present use;
6. The economic merchantability of the agricultural product; and
7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c) 1 For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.
2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

3. Structures or improvements used in horticultural production for frost or freeze protection, which structures or improvements are consistent with the Department of Agriculture and Consumer Services’ interim measures or best management practices adopted pursuant to s.570.085 or s.403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7) Lands classified for assessment purposes as agricultural lands which are taken out of production by any state or federal eradication or quarantine program shall continue to be classified as agricultural lands for the duration of such program or successor programs. Lands under these programs which are converted to fallow, or otherwise non-income producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of no more than $50 per acre, on a single year assessment methodology; however, lands converted to other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

FLORIDA HONEY CERTIFICATION AND HONEYBEE LAW

The 2016 Florida Statutes

Title XXXV
AGRICULTURE, HORTICULTURE, AND ANIMAL INDUSTRY

CHAPTER 586
HONEY CERTIFICATION AND HONEYBEE LAW
586.01 Short title.—This chapter shall be known as the “Florida Honey Certification and Honeybee Law.”
History.—s. 9, ch. 28167, 1953; s. 1, ch. 86-62.

586.02 Definitions.—As used in this chapter:
(1) “Apiary” means a beeyard or site where honeybee hives, honeybees, or honeybee equipment is located.

(2) “Apiculture” means the raising, caring for, and breeding of honeybees.

(3) “Beekeeping equipment” means honeybee hives, frames, supers, pallets, queen excluders, and other equipment which is used in the cultivation of honeybees and the harvesting of products produced by honeybees.

(4) “Certified honey” means honey that is sampled, analyzed, and certified by the department to be primarily of one type from a principal nectar source.

(5) “Colony” means a distinguishable localized population of honeybees in which one or more life stages may be present.

(6) “Compliance agreement” means a written agreement between the department and any person engaged in purchasing, assembling, exchanging, processing, utilizing, treating, or moving beekeeping equipment or honeybees wherein the person agrees to comply with stipulated requirements.

(7) “Department” means the Department of Agriculture and Consumer Services of the state or its authorized representative.

(8) “Honey” means the natural food product resulting from the harvest of nectar or honeydew by honeybees and the natural activities of the honeybees in processing nectar or honeydew.

(9) “Honeybee pest” means an insect, mite, or other arthropod or a bacterium, fungus, virus, microsporidium, nematode, or other organism that damages or causes abnormalities to honeybees, colonies of honeybees, or beeswax.

(10) “Honeybee products” means honey, beeswax, pollen, propolis, and other products resulting from the activities of honeybees.

(11) “Honeydew” means a sweet substance found on leaves of plants, usually a secretion from homopterous insects.

(12) “Nectar” means a sweet solution secreted by the plant extra floral glands (nectaries) or by any part of the flower.

(13) “Regulated article” means any article capable of transporting a honeybee pest or an unwanted race of honeybees.

(14) “Special inspection” means an inspection of honeybees, honeybee products, or beekeeping equipment performed at the request of the beekeeper or honeybee product producer or handler for the purpose
of meeting inspection or certification requirements of other states or countries.

(15) “Unwanted race of honeybees” means those natural, genetically isolated subspecies of honeybees which beyond a reasonable doubt can inflict damage to people or animals greater than managed or feral honeybees commonly utilized in North America.

History.—s. 1, ch. 28167, 1953; ss. 14, 35, ch. 69-106; s. 250, ch. 71-377; s. 1, ch. 74-284; s. 4, ch. 83-14; s. 2, ch. 86-62; s. 1, ch. 89-56; s. 939, ch. 97-103; s. 7, ch. 2012-83.

586.025 Unlawful acts.—It shall be unlawful to:
(1) Introduce into this state any honeybee pest or an unwanted race of honeybees, except under special permit issued by the department, which shall be the sole issuing agency for such special permits.

(2) Use the terms “certified honey,” “certified,” “registered,” or “inspected” or any other term to convey or imply to the purchaser that the honey is certified honey, unless the honey has been certified by the department.

(3) Label, represent, advertise, or offer honey for sale unless it meets the definition provided in this chapter.

(4) Knowingly sell, offer for sale, or distribute any honeybee, any unwanted race of honeybee, or any regulated article infested or infected with any honeybee pest declared by rule of the department to be a nuisance or threat to the state’s apiary industry.

(5) Knowingly conceal, or willfully withhold information regarding, honeybees, honeybee pests, unwanted races of honeybees, or regulated articles from the department.

(6) Knowingly receive honeybees, honeybee products, beekeeping equipment, or other articles for distribution within this state that are not in compliance with this chapter without immediately informing the department and isolating and holding the honeybees, honeybee pests, honeybee products, beekeeping equipment, or other articles unopened or unused until action is taken by the department.

History.—s. 3, ch. 86-62; s. 66, ch. 93-169.

586.03 Certification and labeling of Florida-produced honey.—
(1) Any beekeeper or his or her representative managing honeybees in this state may make application to the department for inspection and sample analysis on which qualification for “certified honey,” or for special certification, shall be based.

(2) When requested by beekeepers, honeybee products processors, or other interested parties, the department may provide special certifications based on special inspections, special laboratory analyses, special investigations, or other honeybee regulatory activities when or where feasible and not otherwise specifically provided for in these statutes.
The department may fix, assess, and collect fees not to exceed actual expenses incurred for certifying honey, including fees for special certification.

History.—s. 2, ch. 28167, 1953; ss. 14, 35, ch. 69-106; s. 4, ch. 86-62; s. 67, ch. 93-169; s. 940, ch. 97-103.

586.045 Certificates of registration and inspection.—

(1) Each beekeeper having honeybee colonies within the state shall apply to the department, on forms supplied by the department, for certificates of inspection and registration, and for annual renewal on the anniversary date of the registration. An application for renewal postmarked after the anniversary date shall be accompanied by a $10 late filing fee.

(2) Each application shall be accompanied by a registration fee as set by department rule, based on the cost of the honeybee inspection program.

(3) Neither the registration fee nor the annual renewal fee shall exceed $100. The department may exempt from the payment of a registration fee those governmental agencies having honeybee colonies for experimental or educational purposes.

(4) The department shall provide to each person subject to this section written notice and renewal forms 60 days prior to the annual renewal date informing the person of the certificate of registration renewal date and the application fee.

(5) Upon application prior to the renewal date, the department may, for good cause, such as natural disasters, hardship cases, or unusual circumstances, supported by written documentation, extend the renewal date without penalty for up to 90 days.

(6) The certificate of registration shall be renewed if the registrant has complied with the provisions of this chapter, including the payment of the applicable fee, and the rules of the department.

History.—s. 2, ch. 89-56; s. 8, ch. 92-147; s. 69, ch. 93-169; s. 10, ch. 95-317.

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

History.—s. 8, ch. 2012-83.

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

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

(2) The department shall:

(a) Administer and enforce this chapter.

(b) Adopt rules necessary to enforce this chapter, rules relating to standard grades for honey and other honeybee products, and, after consultation with local governments and other affected stakeholders, rules to administer this section.
(3) The department may:

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

(b) Declare a honeybee pest or unwanted race of honeybees to be a nuisance to the beekeeping industry as well as any honeybee or other infested or infected article that is exposed to infestation or infection in a manner believed likely to communicate the infection or infestation.

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

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

(e) Investigate methods of control, eradication, and prevention of dissemination of honeybee pests or unwanted races of honeybees.

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

1. Name of the apiary.
2. Name of the owner of the apiary.
3. Mailing address of the apiary owner.
4. Location of the apiary.
5. Number of hives in the apiary.
6. Pest problems associated with the apiary.
7. Brands used by beekeepers where applicable.

Notwithstanding s. 112.313, an apiary inspector may be a certified beekeeper as long as the inspector does not inspect his or her own apiary.
(g) Collect or accept from other agencies or individuals specimens of arthropods, nematodes, fungi, bacteria, or other organisms for identification.

(h) Confiscate, destroy, or make use of abandoned beehives or beekeeping equipment.

(i) Require the identification of ownership of apiaries.

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

(k) Make and issue to beekeepers certificates of registration and inspection, following proper inspection and certification of their honeybee colonies.

(l) Revoke or suspend a beekeeper’s or honeybee product processor’s certificate of inspection or use of a certificate or permit issued by the department if the department determines that the beekeeper or honeybee product processor is selling or offering for sale or is distributing or offering to distribute honeybees, honeybee products, or beekeeping equipment in violation of this chapter or rules adopted under this chapter, or has aided or abetted in such violation.

(m) Refuse the certification of any honeybees, honeybee products, or beekeeping equipment if it is determined that an unwanted race of honeybees exists, or honeybee pests exist on honeybees, honeybee products, or beekeeping equipment, or that the condition of the apiary inhibits a thorough and efficient inspection by the department.

(n) Conduct, supervise, or cause the fumigation, destruction, or treatment of honeybees, including unwanted races of honeybees, honeybee products, and used beekeeping equipment or other articles infested or infected by honeybee pests or unwanted races of honeybees or so exposed to infection or infestation that it is reasonably believed that infection or infestation could exist.

(o) Require the removal from this state of any honeybees or beekeeping equipment that is brought into the state in violation of this chapter or the rules adopted under this chapter.

History.—s. 1, ch. 61-415; ss. 14, 35, ch. 69-106; s. 7, ch. 86-62; s. 2, ch. 87-17; s. 3, ch. 89-56; s. 71, ch. 93-169; s. 941, ch. 97-103; s. 9, ch. 2012-83; s. 94, ch. 2013-15; s. 18, ch. 2013-226.

586.11 Certificate of inspection to accompany interstate shipments; enforcement.—

(1) All honeybees, except bees in combless packages, and used beekeeping equipment shipped or moved into this state shall be accompanied by a certificate of inspection issued by the state of origin.

(2)(a) The certificate shall certify that the apiaries owned or operated by the beekeeper or his or her agents or representatives have been inspected annually in the state of origin at a time when the bees are actively rearing brood, and that the honeybees meet the entry
(b) The certificate described in paragraph (a) shall not be valid to allow honeybees and used beekeeping equipment to be shipped or moved into this state unless the certificate is issued by a state which has standards of inspection which are adequate to ensure the health and safety of Florida honeybees and which are at least equal to the standards established by the department.

(3) Bees in combless packages must be accompanied by a certificate of inspection from the state of origin and an affidavit that no honey is used in the feed.

(4) It shall be the duty of the sheriffs and officers of the Florida Highway Patrol to enforce the provisions relating to the movement of bees and used beekeeping equipment into the state, as well as such movement within the state.

History.—s. 2, ch. 61-415; ss. 14, 35, ch. 69-106; s. 1, ch. 83-168; s. 8, ch. 86-62; s. 4, ch. 89-56; s. 1, ch. 91-21; s. 72, ch. 93-169; s. 942, ch. 97-103.

586.112 Stop-sale or stop-movement notice.—The department may issue and enforce a stop-sale or stop-movement notice to the owner or custodian of any honeybees, honeybee products, or honeybee equipment found or suspected to be in violation of this chapter or any department rules promulgated thereunder. The notice shall prohibit further sale, barter, exchange, or distribution of such items until the department has issued a written release confirming compliance with the provisions of this chapter and any department rule promulgated thereunder. History.—s. 11, ch. 95-317.

586.13 Removal, destruction, or treatment of infested or infected honeybees or beekeeping equipment.—
(1) If the department finds any honeybees, honeybee products, or used beekeeping equipment or other articles infested or infected with honeybee pests or an unwanted race of honeybees, notification shall be given in writing to the owner or person having charge of the apiary to that effect. The owner or person in charge shall, under the supervision of the department and within 48 hours after notice, cause the infested and infected honeybees, honeybee products, or beekeeping equipment or other article to be removed from this state or destroyed if the problem cannot be successfully treated, as determined by the department. If successful treatment is possible, the owner or person in charge shall, under the supervision of the department, follow the treatment as prescribed in the notice of the department.

(2) No damages shall be awarded to the owner for the destruction of unwanted races of honeybees or infested or infected honeybees, honeybee products, or beekeeping equipment or other articles except as provided under the provisions of this chapter.

(3) If the owner or person in charge refuses or neglects to comply with the terms of the notice within 10 days after receiving it, the department may treat or destroy or cause to be treated or destroyed the infested or infected honeybees, beekeeping equipment, honeybee products, honeybee...
pests or unwanted races of honeybees. The expenses shall be assessed, collected, and enforced against the owner by the department.

History.—s. 4, ch. 61-415; ss. 14, 35, ch. 69-106; s. 10, ch. 86-62; s. 3, ch. 87-17; s. 74, ch. 93-169.

586.14 Compensation for beekeeping equipment and honeybees contained therein destroyed due to infection with American foulbrood.—Upon destruction of honeybees or honeybee equipment infected with American foulbrood, Bacillus larvae, Florida resident owners of honeybees and beekeeping equipment may receive compensation from the department. This compensation shall be up to 50 percent of the appraised value of the destroyed property, providing funds are available for this purpose; however, compensation shall not exceed $30 per colony.

History.—s. 5, ch. 61-415; ss. 14, 35, ch. 69-106; s. 1, ch. 75-213; s. 2, ch. 80-113; s. 418, ch. 81-259; s. 11, ch. 86-62; s. 75, ch. 93-169.

586.15 Penalty for violation.—
(1) A person who violates any of the provisions of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 for the first offense, and commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 for a second or subsequent offense.

(2)(a) The department may, after notice and hearing, impose an administrative fine in the Class II category pursuant to s. 570.971 for a violation of this chapter or the rules adopted under this chapter upon any person. The fine, when paid, shall be deposited in the Plant Industry Trust Fund. The imposition of a fine pursuant to this subsection may be in addition to or in lieu of the suspension or revocation of a permit or a certificate of inspection or registration.

(b) Any administrative order made and entered by the department imposing a fine upon any person pursuant to this subsection shall specify the amount of the fine and the time limit, which shall not exceed 15 days, for payment thereof. Upon failure to pay the fine within the time limit, the permit or the certificate of inspection or registration of the person may be suspended or revoked without further hearing. An additional fine of $100 per day may be imposed until the order is complied with.

(3) In addition to the penalties provided in this section and chapter 500, the department may collect costs related to enforcing prohibitions against the adulteration or misbranding of honey. Such collections shall be deposited into the General Inspection Trust Fund.

History.—s. 6, ch. 61-415; ss. 14, 35, ch. 69-106; s. 611, ch. 71-136; s. 3, ch. 80-113; s. 12, ch. 86-62; s. 76, ch. 93-169; s. 19, ch. 2013-226; s. 142, ch. 2014-150.

586.16 Handling of money received.—All money received by the department as fees and penalties under the provisions of this chapter shall be deposited in the State Treasury to the credit of the Plant Industry Trust Fund and shall be used by the

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department to defray its expenses in carrying out the duties imposed on it by this chapter. History.—s. 13, ch. 86-62; s. 77, ch. 93-169.

586.161 Honeybee Technical Council.—
(1) COMPOSITION.—The Honeybee Technical Council is created in the Department of Agriculture and Consumer Services and shall be composed of seven members to be appointed by the Commissioner of Agriculture of which there shall be five representatives of the honeybee industry, one representative of the Institute of Food and Agricultural Sciences, and one representative of the Department of Agriculture and Consumer Services who shall serve as secretary of the council.

(2) STAGGERED TERMS.—Members shall be appointed to 4-year staggered terms. Effective July 1, 1993, two members shall be appointed to a term of 4 years, two members shall be appointed to a term of 3 years, two members shall be appointed to a term of 2 years, and one member shall be appointed to a term of 1 year.

(3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The meetings, powers and duties, procedures, and recordkeeping of the Honeybee Technical Council shall be pursuant to s. 570.232.

History.—s. 14, ch. 86-62; s. 1, ch. 87-50; s. 5, ch. 91-429; s. 78, ch. 93-169; s. 28, ch. 94-335; s. 53, ch. 2011-206; s. 143, ch. 2014-150.

FLORIDA ADMINISTRATIVE CODE DEFINITIONS

FAC Rule 12D-1.002 Definitions.

Unless otherwise stated or unless otherwise clearly indicated by the context in which a particular term is used, all terms used in this chapter shall have the same meanings as are attributed to them in the current Florida Statutes. In this connection, reference is made to the definitions contained in Sections 192.001, 196.012, and 197.102, Florida Statutes.

SALES TAX EXEMPTIONS

212.031 Tax on rental or license fee for use of real property.—

(3) “Livestock” — Animals kept or raised for use or pleasure, especially farm animals kept for use and profit. Livestock is further defined as those kinds of domestic animals and fowls which are normally susceptible to confinement within boundaries without seriously impairing their utility, and the intrusion of which upon the land of others normally causes harm to land or to crops thereon.

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the
The business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

212.07 Sales, storage, use tax; tax added to purchase price; dealer not to absorb; liability of purchasers who cannot prove payment of the tax; penalties; general exemptions.—

(5)(a) The gross proceeds derived from the sale in this state of livestock, poultry, and other farm products direct from the farm are exempted from the tax levied by this chapter provided such sales are made directly by the producers. The producers shall be entitled to such exemptions although the livestock so sold in this state may have been registered with a breeders’ or registry association prior to the sale and although the sale takes place at a livestock show or race meeting, so long as the sale is made by the original producer and within this state. When sales of livestock, poultry, or other farm products are made to consumers by any person, as defined herein, other than a producer, they are not exempt from the tax imposed by this chapter. The foregoing exemption does not apply to ornamental nursery stock offered for retail sale by the producer.

(b) Sales of race horses at claiming races are taxable; however, if sufficient information is provided by race track officials to properly administer the tax, sales tax is due only on the maximum single amount for which a horse is sold at all races at which it is claimed during an entire racing season.

(6) It is specifically provided that the use tax as defined herein does not apply to livestock and livestock products, to poultry and poultry products, or to farm and agricultural products, when produced by the farmer and used by him or her and members of the farmer’s family and his or her employees on the farm.

(7) Provided, however, that each and every agricultural commodity sold by any person, other than a producer, to any other person who purchases not for direct consumption but for the purpose of acquiring raw products for use or for sale in the process of preparing, finishing, or manufacturing such agricultural commodity for the ultimate retail consumer trade shall be and is exempted from any and all provisions of this chapter, including payment of the tax applicable to the sale, storage, use, or transfer, or any other utilization or handling thereof, except when such agricultural commodity is actually sold as a marketable or finished product to the ultimate consumer; in no case shall more than one tax be exacted.

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

3) EXEMPTIONS; CERTAIN FARM EQUIPMENT.—There shall be no tax on the sale, rental, lease, use, consumption, or storage for use in this state of power farm equipment used exclusively on a farm or in a forest in the agricultural production of crops.
or products as produced by those agricultural industries included in s. 570.02(1), or for fire prevention and suppression work with respect to such crops or products. Harvesting may not be construed to include processing activities. This exemption is not forfeited by moving farm equipment between farms or forests. However, this exemption shall not be allowed unless the purchaser, renter, or lessee signs a certificate stating that the farm equipment is to be used exclusively on a farm or in a forest for agricultural production or for fire prevention and suppression, as required by this subsection. Possession by a seller, lessor, or other dealer of a written certification by the purchaser, renter, or lessee certifying the purchaser’s, renter’s, or lessee’s entitlement to an exemption permitted by this subsection relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

(5) EXEMPTIONS; ACCOUNT OF USE.—

a) Items in agricultural use and certain nets.—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; generators used on poultry farms; and liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption shall not be allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

  (e) Gas or electricity used for certain agricultural purposes.—

1. Butane gas, propane gas, natural gas, and all other forms of liquefied petroleum gases are exempt from the tax imposed by this chapter if used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm and no part of which gas is used in any vehicle or equipment driven or operated on the public highways of this state. This restriction does not apply to the movement of farm vehicles or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper is also deemed an exempt use.
2. Electricity used directly or indirectly for production, packing, or processing of agricultural products on the farm, or used directly or indirectly in a packinghouse, is exempt from the tax imposed by this chapter. As used in this subsection, the term “packinghouse” means any building or structure where fruits, vegetables, or meat from cattle or hogs is packed or otherwise prepared for market or shipment in fresh form for wholesale distribution. The exemption does not apply to electricity used in buildings or structures where agricultural products are sold at retail. This exemption applies only if the electricity used for the exempt purposes is separately metered. If the electricity is not separately metered, it is conclusively presumed that some portion of the electricity is used for a nonexempt purpose, and all of the electricity used for such purposes is taxable.

(7) MISCELLANEOUS EXEMPTIONS.

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, are exempt.

**FLORIDA RIGHT TO FARM ACT**

823.14 Florida Right to Farm Act.—

(1) SHORT TITLE.—This section shall be known and may be cited as the “Florida Right to Farm Act.”

(2) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state. The Legislature further finds that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of the farm land from agricultural use. It is the purpose of this act to protect reasonable agricultural activities conducted on farm land from nuisance suits.

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

(a) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

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

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

(d) “Established date of operation” means the date the farm operation commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation of a previous established date of operation.

(4) FARM OPERATION NOT TO BE OR BECOME A NUISANCE.—

(a) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

1. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.

2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.

3. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

4. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(b) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for 1 year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

(5) WHEN EXPANSION OF OPERATION NOT PERMITTED.—This act shall not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any
ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

BUILDING CODES AND EXEMPTIONS

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(c) Nonresidential farm buildings on farms.

604.50 Nonresidential farm buildings; farm fences; farm signs.—

(1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4), (5)(a), and (6)-(8).

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

(a) “Bona fide agricultural purposes” has the same meaning as provided in s. 193.461(3)(b).

(b) “Farm” has the same meaning as provided in s. 823.14.
(c) “Farm sign” means a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.

(d) “Nonresidential farm building” means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

**604.40 Farm equipment.**—
Notwithstanding any other law, ordinance, rule, or policy to the contrary, all power-drawn, power-driven, or self-propelled equipment used on a farm may be stored, maintained, or repaired by the owner within the boundaries of the owner's farm and at least 50 feet away from any public road without limitation.

**VEHICLES**

**FLORIDA STATUTES - EXEMPTIONS FARM VEHICLES**

**322.04 Persons exempt from obtaining driver's license.**—

(1) The following persons are exempt from obtaining a driver's license:

(b) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

**322.53 License required; exemptions.**—

(1) Except as provided in subsection (2), every person who drives a commercial motor vehicle in this state is required to possess a valid commercial driver's license issued in accordance with the requirements of this chapter.

(2) The following persons are exempt from the requirement to obtain a commercial driver's license:

(a) Drivers of authorized emergency vehicles.

(b) Military personnel driving vehicles operated for military purposes.

(c) Farmers transporting farm supplies or farm machinery within 150 miles of their farm, or transporting agricultural products to or from the first place of storage or processing or directly to or from market, within 150 miles of their farm.

(d) Drivers of recreational vehicles, as defined in s. 320.01.

(e) Drivers who operate straight trucks, as defined in s. 316.003, that are exclusively transporting their own tangible personal property which is not for sale.
(f) An employee of a publicly owned transit system who is limited to moving vehicles for maintenance or parking purposes exclusively within the restricted-access confines of a transit system's property.

(3) Notwithstanding subsection (2), all drivers of for-hire commercial motor vehicles are required to possess a valid commercial driver's license issued in accordance with the requirements of this chapter.

(4) A resident who is exempt from obtaining a commercial driver's license pursuant to paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may drive a commercial motor vehicle pursuant to the exemption granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) if he or she possesses a valid Class E driver's license or a military license.

(5) The department shall adopt rules and enter into necessary agreements with other jurisdictions to provide for the operation of commercial vehicles by nonresidents pursuant to the exemption granted in subsection (2).

322.01 Definitions.--As used in this chapter:

(19) "Farmer" means a person who grows agricultural products, including aquacultural, horticultural, and forestry products, and, except as provided herein, employees of such persons. The term does not include employees whose primary purpose of employment is the operation of motor vehicles.

(20) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

320.01 Definitions, general.--As used in the Florida Statutes, except as otherwise provided, the term:

22) "Golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

42) "Low-speed vehicle" means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.

43) "Utility vehicle" means a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in s. 316.2074.

44) For purposes of this chapter, the term "agricultural products" means any food product; any agricultural, horticultural, or livestock product; any raw material used in plant food formulation; and any plant food used to produce food and fiber.
(45) "Mini truck" means any four-wheeled, reduced-dimension truck that does not have a National Highway Traffic Safety Administration truck classification, with a top speed of 55 miles per hour, and which is equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshield, and seat belts.

320.51 Farm tractors and farm trailers exempt.--

The following are exempt from the provisions of this chapter which require the registration of motor vehicles, the payment of license taxes, and the display of license plates:

(1) A motor vehicle which is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and which is operated on the roads of this state only incidentally in going from the owner's or operator's headquarters to such farm, grove, or orchard and returning therefrom or in going from one farm, grove, or orchard to another; and

(2) A vehicle without motive power which is used principally for the purpose of transporting plows, harrows, fertilizer distributors, spray machines, and other farm or grove equipment and which uses the roads of this state only incidentally. Nothing in this section shall be construed as exempting such farm tractors and farm trailers from laws relating to the tires to be used when operating on the roads of this state.

Chapter 316

STATE UNIFORM TRAFFIC CONTROL

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

12) FARM TRACTOR.--Any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

16) IMPLEMENT OF HUSBANDRY.--Any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

42) ROADWAY.--That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein refers to any such roadway separately, but not to all such roadways collectively.

(68) GOLF CART.--A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

316.215 Scope and effect of regulations.--

(3) The provisions of this chapter with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.
316.2295 Lamps, reflectors and emblems on farm tractors, farm equipment and implements of husbandry.--

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall be equipped with vehicular hazard-warning lights visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall at all times, and every other such motor vehicle shall at all times mentioned in s. 316.217, be equipped with lamps and reflectors as follows:
   (a) At least two headlamps meeting the requirements of ss. 316.237 and 316.239.
   (b) At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable.
   (c) At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in s. 316.217 be equipped with lamps and reflectors as follows:
   (a) The farm tractor shall be equipped as required in subsections (1) and (2).
   (b) If the towed unit or its load extends more than 4 feet to the rear of the tractor or obscures any light thereon, the unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.
   (c) If the towed unit of such combination extends more than 4 feet to the left of the centerline of the tractor, the unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of headlamps. This reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.

(4) The two red reflectors required in the foregoing subsections shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. If all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by subsection (3).

(5) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of 25 miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6).

(6) Every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of 25 miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:
(a) When the towed unit or any load thereon obscures the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.
(b) When the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem, but it shall be sufficient if either has it.
(c) The emblem required by subsections (5) and (6) shall comply with current standards and specifications of the American Society of Agricultural Engineers approved by the department.

(7) Except during the periods of time stated in s. 316.217(1), an agricultural product trailer which is less than 10 feet in length and narrower than the hauling vehicle is not required to have tail lamps, stop lamps, and turn signals and may use the hauling vehicle's lighting apparatus to meet the requirements of ss. 316.221 and 316.222. However, the load of the agricultural product trailer must be contained within the trailer and must not in any way obstruct the hauling vehicle's lighting apparatus.

(8) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

316.217 When lighted lamps are required

(1) Every vehicle operated upon a highway within this state shall display lighted lamps and illuminating devices as herein respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, under the following conditions;

(a) At any time from sunset to sunrise including the twilight hours. Twilight hours shall mean the time between sunset and full night or between full night and sunrise.
(b) During any rain, smoke, or fog.
(c) Stop lights, turn signals, and other signaling devices shall be lighted as prescribed for use of such devices.
may issue over length permits for cotton module movers greater than 50 feet but not more than 55 feet in overall length. Such vehicles shall be operated in accordance with all safety requirements prescribed by law and rules of the Department of Transportation.

b) Notwithstanding any other provision of law, equipment not exceeding 136 inches in width and not capable of speeds exceeding 20 miles per hour which is used exclusively for harvesting forestry products is authorized for the purpose of transporting equipment from one point of harvest to another point of harvest, not to exceed 10 miles, by a person engaged in the harvesting of forestry products. Such vehicles must be operated during daylight hours only, in accordance with all safety requirements prescribed by s. 316.2295(5) and (6).

c) The width and height limitations of this section do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours upon a public road that is not a limited access facility as defined in s. 334.03(13), and the width and height limitations may be exceeded by such equipment without a permit. To be eligible for this exemption, the equipment shall be operated within a radius of 50 miles of the real property owned, rented, or leased by the equipment owner. However, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width must have one warning lamp mounted on each side of the equipment to denote the width and must have a slow-moving vehicle sign. Warning lamps required by this paragraph must be visible from the front and rear of the vehicle and must be visible from a distance of at least 1,000 feet.

d) The operator of equipment operated under this subsection is responsible for verifying that the route used has adequate clearance for the equipment.

316.520 Loads on vehicles

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, any inanimate object or objects, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover or a load securing device meeting the requirements of 49 C.F.R. s. 393.100 or a device designed to reasonably ensure that cargo will not shift upon or fall from the vehicle is required and shall constitute compliance with this section.
(4) The provision of subsection (2) requiring covering and securing the load with a close-fitting tarpaulin or other appropriate cover does not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.

316.525 Requirements for vehicles hauling loads.--

(1) It is the duty of every owner, licensee, and driver, severally, of any truck, trailer, semitrailer, or pole trailer to use such stanchions, standards, stays, supports, or other equipment, appliances, or contrivances, together with one or more lock chains, when lock chains are the most suitable means of fastening the load, or together with nylon strapping, when nylon strapping is the most suitable means of securing the load, so as to fasten the load securely to the vehicle.

316.530 Towing requirements

2) When a vehicle is towing a trailer or semitrailer on a public road or highway by means of a trailer hitch to the rear of the vehicle, there shall be attached in addition thereto safety chains, cables, or other safety devices that comply with 49 C.F.R. subpart F, ss. 393.71(g)(2)(1) and 393.71(h)(10) from the trailer or semitrailer to the vehicle. These safety chains, cables, or other safety devices shall be of sufficient strength to maintain connection of the trailer or semitrailer to the pulling vehicle under all conditions while the trailer or semitrailer is being towed by the vehicle. The provisions of this subsection shall not apply to trailers or semitrailers using a hitch known as a fifth wheel nor to farm equipment traveling less than 20 miles per hour.
LOCAL BUSINESS TAXES

205.064 Farm, aqua-cultural, grove, horticultural, floricultural, tropical pisci-cultural, and tropical fish farm products; certain exemptions.

(1) A local business tax receipt is not required of any person for the privilege of engaging in the selling of farm, aqua-cultural, grove, horticultural, floricultural, tropical pisci-cultural, or tropical fish farm products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such person in the state.

(2) A wholesale farmers’ produce market may pay a tax of not more than $200 for a receipt that will entitle the market’s stall tenants to engage in the selling of agricultural and horticultural products therein, in lieu of such tenants being required to obtain individual local business tax receipts to so engage.
SIGNS

479.16 Signs for which permits are not required.

The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8):

(2) Signs erected, used, or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm.

WELLs, LAKES, EARTH MOVING ETC. EXEMPTIONS

373.313 Prior permission and notification.

(1) Taking into consideration other applicable state laws, in any geographical area where the department determines such permission to be reasonably necessary to protect the groundwater resources, prior permission shall be obtained from the department for each of the following:
   (a) The construction of any water well;
   (b) The repair of any water well; or
   (c) The abandonment of any water well.

373.326 Exemptions.

(2) Nothing in this part shall prevent a person who has not obtained a license pursuant to s. 373.323 from constructing a well that is 2 inches or under in diameter, on the person’s own or leased property, intended for use only in a single-family house which is his or her residence, or intended for use only for farming purposes on the person’s farm, and when the waters to be produced are not intended for use by the public or any residence other than his or her own, provided that such person complies with all local and state rules and regulations relating to the construction of water wells.

373.406 Exemptions. The following exemptions shall apply:

(1) Nothing herein, or in any rule, regulation, or order adopted pursuant hereto, shall be construed to affect the right of any natural person to capture, discharge, and use water for purposes permitted by law.

(2) Notwithstanding s. 403.927, nothing herein, or in any rule, regulation, or order adopted pursuant hereto, shall be construed to affect the right of any person engaged in the occupation of agriculture, silviculture, floriculture, or horticulture to alter the topography of any tract of land, including, but not limited to, activities that may impede or divert the flow of surface waters or adversely impact wetlands, for purposes consistent with the normal and customary
practice of such occupation in the area. However, such alteration or activity may not be for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands. This exemption applies to lands classified as agricultural pursuant to s. 193.461 and to activities requiring an environmental resource permit pursuant to this part. This exemption does not apply to any activities previously authorized by an environmental resource permit or a management and storage of surface water permit issued pursuant to this part or a dredge and fill permit issued pursuant to chapter 403. This exemption has retroactive application to July 1, 1984.

DEFINITIONS STATE LAW

163.3164 Community Planning Act; definitions as used in this act:

(14) “Development” has the same meaning as in s. 380.04.

(16) “Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(26) “Land development regulations” means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213.

163.3213 Administrative review of land development regulations.

(1) It is the intent of the Legislature that substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

(2) As used in this section:

(b) “Land development regulation” means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign
regulation or any other regulation concerning the development of land. This term shall include a general zoning code, but shall not include a zoning map, an action which results in zoning or rezoning of land, or any building construction standard adopted pursuant to and in compliance with the provisions of chapter 553.

163.3194 Legal status of comprehensive plan.
(5) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461.

380.04 Definition of development.—
(3) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
FLORIDA ATTORNEY GENERAL OPINIONS

Number: AGO 2013-01 (link)
Date: January 29, 2013
Subject: Nonresidential farm buildings, regulation

Number: AGO 2001-71 (link)
Date: October 10, 2001
Subject: Nonresidential farm building, zoning/building permits

Number: AGO 2009-26 (link)
Date: June 15, 2009
Subject: Right to Farm Act, residential dwelling

TOWN OF DAVIE CATTLE FARM

Davie Farm Guide – September 1, 2017

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USDA 2014 FARM BILL HIGHLIGHTS

2014 Farm Bill Highlights

Farm Safety Net

Before the 2014 Farm Bill
- The 2008 Farm Bill continued direct payments—a system that paid producers regardless of whether they incurred losses.
- Disaster assistance programs expired in fiscal year 2011. Since then, producers impacted by disease or adverse weather conditions have not received financial assistance for losses incurred.

2014 Farm Bill
- Eliminates direct payments and continues crop insurance.
- Producers will choose between the Price Loss Coverage and Agricultural Risk Coverage. Establishes the Dairy Margin Protection program.
- Restores livestock disaster assistance for losses dating back to 2011, and establishes a permanent livestock disaster program.

Rural Development

Before the 2014 Farm Bill
- USDA programs support investments in the rural economy through grants, loans and loan guarantees with an emphasis on essential infrastructure, small business development, job creation, and growth.

2014 Farm Bill
- Continues USDA Rural Development programs. Provides $15 million to support rural business development and growth through the Rural Microentrepreneur Assistance Program.
- Provides $150 million for water and wastewater infrastructure.
- Reserves 10% of certain programs for regional, long-term investments to better promote economic development through regional planning and leveraging of resources.

Trade and Foreign Agriculture

Before the 2014 Farm Bill
- USDA expands markets for U.S. agricultural goods through the Foreign Market Development Program and Market Access Program. Local and Regional Procurement (LRP) authorized as a pilot to provide international development assistance and expedite food aid.

2014 Farm Bill
- Continues authorization for $200 million annually for international market development.
- Authorizes up to $80 million for LRP and makes the program permanent.
- Provides more flexibility for USAID to use cash assistance in administering the Food for Peace program.
- Increases flexibility for assistance in emergency situations.

Research

Before the 2014 Farm Bill
- USDA advances scientific knowledge related to agriculture through research, extension, and education. Specialty Crop Research Initiative (SCRI) funded at $40 million annually.

2014 Farm Bill
- Endows $200 million for a foundation for agricultural research.
- Doubles the funding for SCRI to $80 million annually.

Conservation

Before the 2014 Farm Bill
- The 2008 Farm Bill built on past farm bills, providing further conservation opportunities for farms and ranchers.

2014 Farm Bill
- Consolidates conservation programs for flexibility, accountability and adaptability at the local level.
- Links basic conservation practices to crop insurance premium subsidy for highly erodible lands and wetlands.
- Builds upon previous successful partnerships and encourages agricultural producers and partners to design conservation projects that focus on and address regional priorities.
### Renewable Energy and Energy Efficiency

**Before the 2014 Farm Bill**
- The 2008 Farm Bill established new energy programs, including the Biorefinery Assistance Program, the Biobased Marketing Program and the Biomass Crop Assistance Program.

**2014 Farm Bill**
- Reauthorizes and provides $880 million for energy programs established in the 2008 Farm Bill.
- Expands Biorefinery Assistance Program to include biobased product and renewable chemical manufacturing.
- Expands Biopreferred program to include forestry products.

### Forestry

**Before the 2014 Farm Bill**
- The Forest Service (FS) was granted Stewardship Contracting Authority through FY14.
- Good Neighbor Authority allowed State Foresters in CO and UT to conduct restoration services on National Forest System Lands. Expanded to include all states in FY14, through FY18.

**2014 Farm Bill**
- Makes Stewardship Contracting Authority permanent, allowing FS to conduct restoration work and stimulate job growth.
- Makes the Good Neighbor Authority permanent and available nationwide.

### Nutrition

**Before the 2014 Farm Bill**
- The Supplemental Nutrition Assistance Program (SNAP) is the cornerstone of the Nation’s food assistance safety net, helping families put food on the table.
- The Emergency Food Assistance Program (TEFAP) supports food banks and food pantries.

**2014 Farm Bill**
- Maintains SNAP eligibility for millions of low-income families.
- Provides $200 million for job training and $100 million to increase fruit and vegetable purchases.
- Provides $250 million in additional funding for TEFAP.
- Authorizes $125 million for the Healthy Food Financing Initiative to make nutritious food more accessible.

### Next Generation Farmers and Ranchers

**Before the 2014 Farm Bill**
- The 2008 Farm Bill established the Beginning Farmers and Ranchers Development Program with $75 million for FY 2009 to FY 2012.

**2014 Farm Bill**
- Provides $100 million for the Beginning Farmers and Ranchers Development Program.
- Increases access to capital and supports crop insurance and risk management tools, including reducing crop insurance premiums during the first 5 years of farming.

### Local and Regional Food Systems

**Before the 2014 Farm Bill**
- The Farmers Market Promotion Program (FMPP) funded at $10 million annually.

**2014 Farm Bill**
- Renames FMPP to “Farmers Market and Local Food Promotion Program” and provides $30 million annually.
- Continues to reserve funds in the Business & Industry Loan Program for locally- and regionally-focused businesses.
- Advances growth of local and regional food systems with $65 million for Value Added Product Market Development Grants.

### Specialty Crops and Organics

**Before the 2014 Farm Bill**
- Funded the Specialty Crop Block Grant Program (SCBG) at $52 million annually to promote fruit and vegetable production.
- The 2008 Farm Bill provided $55 million to strengthen the nation’s infrastructure for pest detection and threat mitigation, and to safeguard nursery production.

**2014 Farm Bill**
- Provides $72.5 million annually for SCBG.
- Provides new resources for organic farmers, including funding the Organic Cost Share program at $11.5 million annually.
- Increases funding for pest and disease management and disaster prevention to $62.5 million per year, and $75 million in FY 2018 and beyond.

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March 2014