

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

Michael T. Olexa and Connor Brock²

Preface

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decisions on which this handbook is based are subject to constant revision, portions of this handbook could become outdated at any time.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

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice. It is not all-inclusive in providing information to achieve compliance with laws and regulations governing the practice of agriculture. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, UF/IFAS, the Center for Agricultural and Natural Resource Law, and the University of Florida for any liability claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this handbook.

A Brief Note on Florida Laws and Rulemaking

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

Introduction

This handbook can be used to learn which Florida laws apply to a particular agricultural project or subject, and to find the name, address, and telephone number of a state office that can provide more specific information or services.

1. This document is FE117, one of a series of the Food and Resource Economics Department, UF/IFAS Extension. Original publication date November 1999. Revised April 2004, December 2007, June 2014, August 2018, and May 2022. Visit the EDIS website at <https://edis.ifas.ufl.edu> for the currently supported version of this publication.
2. Michael T. Olexa, professor, Department of Food and Resource Economics, director, Center for Agricultural and Natural Resource Law, and member, The Florida Bar; and Connor Brock, student, University of Florida Levin College of Law; UF/IFAS Extension Gainesville, FL 32611.

The Institute of Food and Agricultural Sciences (IFAS) is an Equal Opportunity Institution authorized to provide research, educational information and other services only to individuals and institutions that function with non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations. For more information on obtaining other UF/IFAS Extension publications, contact your county's UF/IFAS Extension office. U.S. Department of Agriculture, UF/IFAS Extension Service, University of Florida, IFAS, Florida A & M University Cooperative Extension Program, and Boards of County Commissioners Cooperating. Andra Johnson, dean for UF/IFAS Extension.

Created for readers with no prior experience in the law, the handbook is designed as a necessary first step in recognizing which agricultural activities merit special attention because of their implications to agriculture. The handbook also provides an introduction to the crucial agencies and statutes which govern agricultural law.

The online handbook is divided into a Table of Contents, Index, and six fact sheets. The Table of Contents gives general and specific areas of Florida laws related to agriculture and the number of the fact sheet where that topic can be found. The six fact sheets are as follows: [FE114](#), *General Agriculture-Related Laws*; [FE115](#), *Animal Husbandry*; [FE116](#), *Crops and Products*; [FE117](#), *Related Non-Crop or Product Agricultural Topics*; [FE118](#), *Environmental and Conservation Regulations*; and [FE119](#), *Taxation and Property Rights Related to Agricultural Land*. The user can find the specific laws by using either the *Table of Contents* ([FE113](#)) or the *Index* ([FE122](#)).

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

To use the Table of Contents to find the topic:

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

To use the Index to find the topic:

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

Division of the Tables

The table in each fact sheet has five columns of information. The first column, “Statute / Law (description),” either provides the law’s name or a general description when no name is available. The second column, “Florida Statute Number,” lists either a chapter number (when an entire chapter relates to a particular topic), a range of sections, or a single specific section. At times, a single chapter number may have many more laws than a range. For example, sections 593.101 to 593.117 cover a narrower field, the control of cotton boll weevil, than does the larger Chapter 601 on citrus fruit. The chapter and section number in all columns are presented without the typical abbreviations or symbols.

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

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

Michael T. Olexa
Director, Center for Agricultural and Natural Resource Law
UF/IFAS Food and Resource Economics Department
PO Box 110240
Gainesville, FL 32611-0240

Acknowledgment

The authors are indebted to the personnel of both state and federal agencies who gave of their time and advice in the preparation of this handbook. The authors are also indebted to the O.R. and Shirley Minton and the James S. and Dorothy F. Wershow Endowments for funding assistance in the development of this handbook, and Andra Johnson, Ph.D., dean and professor, Office of Dean for Extension and the Florida Cooperative Extension Service.

Table 1. Florida agricultural laws: Related non-crop or product agricultural topics.

Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
A. Labor Law				
Farm Labor Contractor Registration Law	450.27 – 450.39	Establishes duties of a farm labor contractor, sets up voluntary training programs, and requires examination and registration of farm labor contractors.	Requires contractors to: carry with his/her certificate with him/her at all times and exhibit it to all persons that the contractor intends to deal in his/her capacity with; post terms/ conditions of employment, pay workers promptly, maintain records, and comply with all labor laws (450.33). See 2004-64, section 20, establishing 450.39; a farm labor contractor cannot require farm laborers to purchase goods or services solely from the contractor, nor can the contractor charge more than reasonable costs for commodities. 450.28 distinguishes between major and minor violations; a major violation is one that significantly threatens or causes physical or economic harm, resulting in harsher penalties. See 2004-64, section 13, amending 450.31, which expanded the reasons that a farm labor contractor's certificate of registration can be revoked. DBPR's Division of Professions is responsible for farm and child labor licensing (FLCF handles enforcement and compliance). See Florida Agricultural Safety Act (487.2011–487.2071).	DBPR FLCF
Child Labor Law	450.001 – 450.165	Establishes limitations on the employment of children.	Allows minors of any age to be employed in domestic or farm work in connection with their own homes or farm/ranch on which they live or in herding, tending, and managing livestock during non-school hours (450.021); minors years of age and younger shall not work before 7 a.m. or after 7 p.m. on school nights, or for more than 15 hours per week (450.081). Minors 15 years old or younger are generally prohibited from hazardous occupations such as working with power-driven machinery or lifting equipment. However, 14- and 15-year-olds may operate farm tractors under close supervision of their parents or the farm operator, providing minor has completed a training course and is certified in tractor operation (450.061).	DBPR FLCC
Law regarding migrant labor camp or residential migrant housing	381.0081 – 381.0088	Requires permit to operate migrant worker housing, and provides for rule making by DOH to protect health and safety of migrant farm workers.	Department or its inspectors may enter and inspect migrant labor camps or residential migrant housing at reasonable hours and investigate to determine whether there are any violations; this right of entry extends to any premises the department believes is being established, maintained, or operated as a migrant labor camp or resident migrant housing without a permit, but the permission of the owner must be given for entry to be made. (381.0088).	DOH
Law regarding migrant labor; "Alfredo Bahena Act"	450.175 – 450.261	Sets up legislative and advisory committees to deal with migrant labor issues. Authorizes Governor to execute an interstate migrant labor compact.	Interstate Compact on Migrant Labor (450.251). Authorizes Governor to appoint the Executive Director of the Florida Department of Economic Opportunity as his representative on the Interstate Migrant Labor Commission (450.261).	

Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
B. Commercial Feed and Foodstuffs				
Florida Commercial Feed Law	580	Establishes the law regulating the registration of non-retail commercial feed distributors, and the labeling, laboratory certification, inspection, prohibitions, and penalties regarding commercial feeds.	Prohibits adulteration, misbranding, and other acts (580.071; 580.081; 580.112), provides for penalties (580.121), and provides that certain penalties are payable to consumers (580.131). The law's labeling requirement does not apply to feeds made according to customer's formula, to feeds distributed in vertically integrated poultry operations, or to feeds made or distributed by a cooperative to its members (580.051(1)). However, feed distributed by an integrated poultry operation or by a cooperative to its members must be labeled according to FDA requirements (580.051(3)).	DAES DACS
C. Fertilizers				
Laws regarding the use of fertilizers	576	Establishes law regulating the registration of fertilizer manufacturers, and licensing, labeling, inspection, and use of fertilizers.	Irrigation systems that apply fertilizer must be equipped with proper anti-siphon devices (576.087). License denial, revocation or suspension, other prohibited acts and stop-sales, seizures, and penalties are described (576.101–576.181).	BAEL DACS
Nitrogen and phosphorus findings and intent	576.045	Establishes provisions to improve fertilizer management programs as part of effort to reduce nitrogen and phosphorus levels in groundwater and drinking water.	Limits liability for nitrogen and phosphorus contamination of water provided owner/leaseholder follows best management practices for fertilizer application or other measures adopted by DACS. Authorizes government agencies in conjunction with affected farming groups to adopt specific rules and procedures. Subsections (1), (2), (3), (4), and (6) expire on December 31, 2022; remaining subsections (5) and (7) expire on December 31, 2027 (580.045(8)).	DACS DEP OAWP
D. Pesticides and Pest Control				
Florida Pesticide Law	487.011 – 487.175	Establishes law regulating labeling, distribution, sale, proper use, and registration of pesticides. Designates a class of more injurious pesticides as "restricted-use" pesticides (487.042). Prohibits improper sales and unlicensed uses of restricted-use pesticides (487.031). Allows claims for damages/injury from others' pesticide applications, but requires claims within 48 hours of incident (487.159).	"Pest" is defined as an insect, rodent, nematode, fungus, weed; or other organism determined to be a pest by EPA or DACS (487.021(48)). Pesticide use is also controlled by the Mosquito Control Chapter (388), and by Structural Pest Control Act (482), which deals with lawn and home pest control. Aerial applicators licensed by DACS to apply pesticides must meet all applicable FAA and DOT requirements, and must show proof of liability insurance or post a surety bond (487.046). Provides certain penalty exemptions for engaging in prohibited acts and violations of the law (487.081). Effective January 1, 2009, pesticide registration needs to be renewed every two years (487.041(1)(b)).	DAES
Anti-siphon requirements for irrigation systems	487.064	Requires irrigation systems and water supply lines to pesticide mixing-loading equipment to have anti-siphon devices to prevent backflow of pesticide.	DACS has set forth rules for the specific requirements of the anti-siphon device, regarding design and operation. See "Fertilizer" section.	DAES

Statute / Law (description)	Florida Statute Number	General Description	Related References, Details, and Exceptions	Primary Contact Agencies
Florida Agricultural Work Safety Act	487.2011– 487.2071	Protects agricultural farm workers employed in Florida from agricultural pesticides and provides information to them about pesticides they may come in contact with while working.	Adopts EPA pesticide labeling laws (487.2041). Employers must make pesticide information available to workers if they may be exposed to pesticides while working or if workers enter areas treated with pesticides within the last 30 days (487.2051). It is prohibited for employers to fail to make information available to workers or to retaliate against workers who exercise their rights (487.2061). Process for filing violations with DACS is found under 487.2042.	DACS EPA
E. Seeds				
Florida Seed Law	578	Establishes the basic law regarding the registration of suppliers and the labeling of seeds intended for sowing or planting.	Establishes prohibitions and penalties for violations of the chapter (578.13; 578.181). Requires seed dealers to keep records of seed sales for 2 years, and samples for 1 year after final disposition (578.23).	DACS

Table 2. Contact agencies.

DACS DAES DBPR DCF DEP EPA FLCF FLCC OAWP	Florida Department of Agriculture and Consumer Services Division of Agricultural Environmental Services Department of Business and Professional Regulations Department of Children and Families (or contact local DCF) Florida Department of Environmental Protection Environmental Protection Agency Division of Regulation, Farm Labor Program (DBPR) Division of Regulation, Child Labor Program (DBPR) Office of Agricultural Water Policy (DACS)
Florida Department of Agriculture and Consumer Services (DACS) Office of the Commissioner Plaza Level 10, The Capitol 400 South Monroe Street Tallahassee, FL 32399-0800 (800) 435-7352 [voice, toll-free, Florida residents] (850) 410-3800 [voice, non-Florida residents] http://freshfromflorida.com	
Division of Agricultural Environmental Services (DAES) Bureau of Compliance Monitoring 3125 Conner Boulevard, Suite E Tallahassee, FL 32399-1650 (850) 617-7900 [voice] (850) 617-1701 [fax] http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services	
Florida Department of Business and Professional Regulation (DBPR) DBPR Customer Contact Center 2601 Blair Stone Road Tallahassee, FL 32399-1027 (850) 487-1395 http://www.myfloridalicense.com/dbpr/index.html	
	Division of Regulation Farm Labor Program (FLCF) 2601 Blair Stone Road Tallahassee, FL 32399-0783 (850) 487-1395 [voice] (850) 488-0512 [fax] http://www.myfloridalicense.com/DBPR/farm-labor/
	Division of Regulation Child Labor Program (FLCC) 2601 Blair Stone Road Tallahassee, FL 32399-0783 (800) 226-2536 [toll-free, voice] (850) 488-3131 [voice] (850) 487-4928 [fax] childlabor.entertainment@myfloridalicense.com http://www.myfloridalicense.com/DBPR/child-labor/
Florida Department of Children and Families (DCF) Office of the Secretary 1317 Winewood Boulevard, Building 1, Room 202 Tallahassee, FL 32399-0700 (850) 487-1111 [voice] (850) 922-2993 [fax] http://www.myflfamilies.com/	
Florida Department of Environmental Protection (DEP) 3900 Commonwealth Boulevard, M.S. 49 Tallahassee, FL 32399 (850) 245-2118 [voice] (850) 245-2128 [fax] http://www.dep.state.fl.us/	

	Central District—Orlando District Management 3319 Maguire Boulevard, Suite 232 Orlando, FL 32803 (407) 897-4100 [voice] DEP_CD@dep.state.fl.us http://www.dep.state.fl.us/central/
	Northeast District—Jacksonville District Management 8800 Baymeadows Way West, Suite 100 Jacksonville, FL 32256 (904) 256-1700 [voice] (904) 4256-1588 [fax] http://www.dep.state.fl.us/northeast/
	Northwest District—Pensacola District Management 160 West Government Street, Suite 308 Pensacola, FL 32502 (850) 595-8300 [voice] (850) 595-8417 [fax] http://www.dep.state.fl.us/northwest/
	South District—Fort Myers District Management 2295 Victoria Avenue, Suite 364 Fort Myers, FL 33902-2549 (239) 344-5600 [voice] (239) 412-0590 [fax] http://www.dep.state.fl.us/south/
	Southeast District—West Palm Beach District Management 3301 Gun Club Rd, MSC 7210-1 West Palm Beach, FL 33406 (561) 681-6600 [voice] (561) 681-6755 [fax] http://www.dep.state.fl.us/southeast/
	Southwest District—Tampa District Management 13051 North Telecom Parkway Temple Terrace, FL 33637 (813) 470-5700 [voice] http://www.dep.state.fl.us/southwest/
Environmental Protection Agency Contacts for EPA National Offices http://www.epa.gov http://www.epa.gov/epahome/hotline.htm	
	EPCRA & Superfund Call Center Provides information on Superfund and EPCRA questions (800) 424-9346 [voice, toll-free]
	Toxic Release Inventory—Community Right to Know—EPCRA Hotline Source of information concerning waste management activities and toxic chemicals (800) 424-9346 [voice, toll-free] tri.us@epa.gov
	Toxic Substances Control Act (TSCA) Hotline Provides technical assistance and information about toxic substances programs (202) 554-1404 [voice] (202) 554-5603 [fax] tsca-hotline@epa.gov

	National Pesticide Information Center Provides information on pesticides and pesticide poisonings (800) 858-7378 [voice, toll-free] (541) 737-0761 [fax] npic@ace.orst.edu
	Florida Pesticide Regulation Division of Agricultural Environmental Services (DAES) Bureau of Compliance Monitoring 3125 Conner Boulevard, Suite E Tallahassee, FL 32399-1650 (850) 617-7900 [voice] (850) 617-1701 [fax] http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services
Environmental Protection Agency (EPA) Region 4 Contacts within EPA Region 4 (includes Florida)	
	General Information for Region 4: United States EPA Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-8960 (404) 562-9900 [voice] (800) 241-1754 [voice, toll-free] (404) 562-8174 [fax]
	National Response Center (800) 424-8802 [24-hour spill reporting number, toll-free]
Office of Agricultural Water Policy (OAWP) 401 S. Monroe Tallahassee, FL 32399 (850) 617-1700 [voice] (850) 617-1701 [fax] AgBmpHelp@FDACS.gov http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy	