



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER ADAM H. PUTNAM

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**MINUTES**

**HONEY BEE TECHNICAL COUNCIL**

**August 19th, 2011**

**Division of Plant Industry Building Auditorium  
Gainesville, Florida**

**MEMBERS PRESENT:**

Bill Merritt, Chairman  
Jerry Hayes, Secretary  
Dr. Jamie Ellis, UF/IFAS Apiculturist  
Gary Ranker, President, Florida State Beekeepers Association  
David Mendes  
Jerry Latner  
Steve Cantu  
Nancy Gentry

**OTHERS PRESENT:**

**(see attached list)**

Secretary Jerry Hayes called the Honey Bee Technical Council (HBTC) meeting to order at 9:31 AM. He welcomed the group and said that because of special guests present, he was going to change the agenda a little.

Mr. Hayes introduced Florida's Honey Bee Queen, Jayla Gillaspie. Ms. Gillaspie thanked the group for their support and gave a brief discussion of her public appearances from the Florida State Fair to the 4-H Youth Groups in Marianne, and Saturday for the National Honey Bee Awareness Day at Dadant's in High Springs. She spoke briefly about being able to represent beekeepers and bringing awareness to the public about the importance of beekeeping. She said if anyone was interested in having her speak to their group that they could get in touch with Beth Fox through the Florida State Beekeeper's Association and make a request.

Next Mr. Hayes introduced Allison Adams, the National Honey Bee Princess from the Austin, Texas area. Ms. Adams, spoke of the events that she had attended in various states promoting beekeeping. She and Ms. Gillaspie had a 22 minute interview on Star 99.5 as well as presentations locally at the library in Alachua, a cooking presentation at Hickcock's, and the

upcoming film being shown at the Hippodrome “Queen of the Sun” later this evening and ending with Dadant’s presentation on Saturday for National Honey Bee Awareness Day. Ms. Adams said she was also available to do presentation if anyone was interested.

Mr. Hayes thanked them for sharing with the group.

Mr. Hayes, then advised the group that there were some additional changes to the Agenda as Tony Hogg who was suppose to do the presentation on the Honey Packer/Cottage Industry Exemption was unable to attend this meeting.

Mr. Hayes turned the Agenda over to Chairman, Bill Merritt who welcomed the attendees. Chairman Merritt called the HBTC roll, all were in attendance and a request was made to Florida State Beekeepers Association President, Gary Ranker to join the council members at their table, which he did.

The first order of business was Chairman Merritt asked if there were any errors or omission to the minutes of December 8<sup>th</sup>, 2010 before requesting a motion from the council to approve the minutes. (These minutes were previously sent to the council members.) There were no corrections. A motion was made by Jerry Latner to approve the minutes as mailed, seconded by Nancy Gentry. Motion carried.

#### **Research Review/Extension updates**

Mr. Hayes introduced Dr. Jamie Ellis, Extension Apiculturist from the University of Florida/Institute of Food and Agriculture Sciences who gave a power point presentation updating the HBTC council and audience present on the various research projects that he and his staff are conducting.

Dr. Ellis advised the group that he had given a similar presentation at the Florida Farm Bureau Apiculture Advisory Committee meeting recently. He reminded the group that the number of honey producing colonies is still declining and it has been a long time problem since 2006. Colony Collapse Disorder (CCD) is still causing honey bee losses. There are a majority of culprits and factors responsible for these losses.

- Parasites (*Varroa* & *Tracheal* mites)
- diseases
- management techniques
- Queen genetics

There was information given on agriculture pesticide effects, both internal/externally, on all life stages of the honey bee, genetically modified crops, and a variety of environmental toxins.

Dr. Ellis is excited about the preliminary RNAi results that they are seeing in reducing the Israeli Acute Paralysis Virus in *Apis mellifera* (honey bee). Although Dr. Ellis was time limited, he gave a brief explanation of the RNA, DNA relationship and how RNAi could be used to silence selected genes. He explained using RNAi to find the gene to target *Varroa* mite was complicated but because the honey bee genome had been sequenced and the *Varroa* genome was well understood, he was excited about the potential.

The first part of his research was to see if RNAi could be feed to honey bees and then transferred to *Varroa* mites who in turn, were feeding on the honey bees’ hemolymph (blood).

They have proven this is possible. Dr. Ellis said they had good positive results. Council member David Mendes asked if anyone else was doing this research. Dr. Ellis said researchers in England are conducting preliminary research. Bill Rhodes asked if the RNAi could be fed in sugar syrup, Dr. Ellis said yes with few or no negative honey bee effects.

Dr. Ellis briefly touched two other research projects. RNAi effects on small hive beetles and pesticide effects on early developmental stages of honey bees which they were able to do with HBTC funding. He spoke about EPA toxicity testing shortcomings, which could give misleading information on the effects on bees using only adult honey bees.

Other research projects are trying to determine if pesticides and *Varroa mite* interact synergistically to harm developing larvae and as a result the adult population in a honey bee colony. They were looking at all other stressors and to see what genes are turned off and on.

Council member David Mendes asked if any of these research projects had been published. Dr. Ellis said that the pesticide cell death paper had been published. The pesticide and *Varroa mite* interaction paper is under review. Dr. Ellis said that if there were any other questions, to please see him later, especially any questions on Amitraz®, Imidacloprid®.

He expressed to the group that the University of Florida (UF) is in need of a Toxicologist, in Entomology and Nematology.

Concluding his presentation Dr. Ellis thanked the HBTC, Florida Farm Bureau, National Honey Board, and various others groups that have been donating funds and personnel for these important research projects. He told the group that “You did this”, without their support, these projects would not be happening.

Mr. Hayes thanked Dr. Ellis and said that Dr. Ellis is smart, organized, and has capable personnel able to assist with these research projects. Mr. Hayes said to kill a bug on a bug using no chemicals and toxins is difficult and research is vital to accomplish this.

Mr. Hayes then expressed the need to change the order of the agenda and had an impromptu video that he and Director Richard Gaskalla would like to share with the group. He further advised that we were expecting visitors from Commissioner Putnam’s office in Tallahassee who wanted to be here for the Zoning and Ordinance Restricts portion of the program who would be arriving soon.

Mr. Hayes shared that Director Richard Gaskalla has always been a great supporter of the Florida Beekeeping Industry and how, with Commissioner Adam Putnam showing us the direction for a stronger industry through his leadership, we are most fortunate.

Director Gaskalla said that they would be viewing a video that was positive not only for the Florida Department of Agriculture and Consumer Services (FDACS)/Division of Plant Industry’s Apiary Inspection Section, the Apiary Industry, the University of Florida, but also the Department of Corrections. He spoke about the positive effect between all these agencies teaching beekeeping to a select group of prison inmates. Director Gaskalla said there are always pluses and minuses in new projects, but all in all, this was a Win – Win situation for everyone involved.

Apiary Inspection personnel, Dr. Ellis' employees, and beekeeper David Mendes were allowed entry into the prison system to teach hands on beekeeping to these inmates. Director Gaskalla said that he had an opportunity to speak to several of these inmates who realized they had made mistakes and he and David Mendes expressed that everyone deserves a second chance, to be believed in, and given an opportunity to turn their lives around.

Director Gaskalla said that the feed back had been so resounding positive on this new program that he had already heard from South Carolina and other Gulf States interested in starting the same type of program. If just one inmate can come out of prison and turn their life around by benefitting from this program it will have been worth the effort.

At this time the video was reviewed. Afterward Mr. Hayes shared with the group that David Mendes not only donated equipment for this endeavor but was also the first to offer inmates that if they would learn, come work with him, and could prove they could withstand 100° degree temperatures in a bee suit and would work, that he would give them a job interview.

Council member Mendes stated that after talking with these inmates that the same thing could happen to anyone in their life, these men had done some stupid things but still deserved the opportunity to get work and change their lives. He was willing to be the first to help them try.

Council member Nancy Gentry asked if there were any volunteers that were not state employees. Mr. Hayes said yes, David Mendes. Although right now because of the complications of background checks this is the reason that this group was able to start this program and to try and get it right. Dr. Ellis said that he was involved in a youth ministry and being with this group of inmates, he was amazed with their thirst for knowledge and wanting to learn. Someone asked if the hives were on prison ground. Mr. Hayes said yes, that FDACS donated the hives, and David Mendes donated money and hardware.

Mr. Hayes shared that they already had two other classes lined up and that Jerry Latner would be assisting with donations in the future. Mr. Hayes said that this program was part of the prison's agricultural food production activity and would contribute several hundred pounds of honey to it. Factor in enhanced pollination for increased fruit and vegetable production and honey bees are looked on as a highly favorable agriculture addition at the prison.

Next Director Gaskalla and Mr. Hayes welcomed Grace Lovett, the Legislative Affairs Director in Commissioner Putnam's office. Director Gaskalla advised the group that Ms. Lovett was a great communicator in assisting getting important bills passed, and since Commissioner Putnam was a great supporter of the Department's Apiary Section and the industry she was here to listen and assist if possible.

### **Protection of the Industry from Arbitrary Zoning and Ordinance Restricts**

Mr. Hayes turned the meeting over to Nancy Gentry who was to speak on the Beekeeper Protection Bill (BPB). Ms. Gentry thanked everyone for traveling, some great distances to attend this meeting. She briefly touched on the Anti-Theft Bill that was passed this last legislative session. She also advised the group that this section of the meeting would have three separate presentations: hers, giving an overview; Ben Parks with Florida Farm Bureau; and then Tom Nolan with survey information collected for this meeting. She asked that all questions be held until the end of this presentation.

Ms. Gentry advised that additional cities, counties, and local municipalities were banning or restricting beekeeping. There is a need to improve issues facing beekeepers in residential areas and on agricultural zoned land. There have been two recent incidents of beekeepers being sued and fines imposed on beekeepers. There are also restrictions being imposed on commercial beekeeping operations.

Ms. Gentry informed the group of the history of the Bill of Rights for Beekeepers:

- 2005 November Bill of Rights renamed as the Beekeeper Protection Bill (BPB).
- 2005 December FDACS brought up support of BPB.
- 2009 March Lee County was supportive of BPB.
- 2009 July HBTC endorsed plan to lobby for BPB – motion passed.
- 2009 October Florida State Beekeepers Association endorsed plan to lobby for BPB.
- 2010 March BPB filed – not introduced, decision by HBTC to do survey for jurisdiction.
- 2010 December BPB survey sent to all Florida Registered Beekeepers.
- 2011 February Survey results published – Majority wants FDACS to have jurisdiction.
- 2011 March Decided to wait until 2012 to present BPB for better chance to pass.
- 2011 August HBTC asked beekeepers to lobby for BPB.

Ms. Gentry showed that beekeeping numbers have increased:

- **2010 – 2011 1929 Registered Beekeepers**
- 2009 – 2010 1700 Registered Beekeepers
- 2008 – 2009 1300 Registered Beekeepers
- 2007 – 2008 1000 Registered Beekeepers

Ms. Gentry shared a map showing the distribution of beekeepers throughout the state. This map showed heavy concentration in urban and suburban areas where they are trying to restrict/ban beekeeping. She expressed that 14 municipalities are currently trying to restrict and/or ban beekeeping. She advised the group there are a lot of local elected officials who did not know of the importance of beekeeping and the impact that these arbitrary restrictions may have. She expressed a need to beekeepers to get out and seek support for this bill for 2012 and thanked the audience.

Mr. Hayes then introduced Mr. Ben Parks from Florida Farm Bureau who joined the group via conference call. Mr. Parks gave an overview of the past 20 years regarding the general public and their perception about state government going from culprits, taking away private rights until the 90s when the public felt that the state government was finally under control and helpful.

Mr. Parks spoke about Lee County classifying honey bees as only allowed on property zoned agricultural. Lee County Code Enforcement accessed the Florida Registered Beekeepers and sent letters to those registered beekeepers in residential areas alerting them of zoning nonconformities. This has caused great concern with these registered beekeepers not being allowed to practice beekeeping at their homes. It has also sparked concern among beekeepers

that registration is actually a liability if it is being used to target beekeepers in compliance with state law.

Mr. Parks spoke about farm exemptions statutes that counties were changing, such as fixing fences needing a zoning improvement permit which involves fees. He spoke briefly about the Ag Practices Act which says state/federal/districts cannot duplicate fees. He advised that beekeepers should strongly consider protecting themselves from local government regulating beekeeping.

Mr. Parks said that he and Tom Nolan were communicating and could come up with language for the protection of beekeepers and their beekeeping operations. Mr. Parks felt the legislature would be in line with FDACS having exclusive authority over beekeepers and where their colony placement could be if there was a **dispute** by a local governmental agency.

Chairman Merritt asked if the new beekeeper bill would negate restrictions currently in place on existing rules and regulations. Mr. Parks said no, however giving FDACS authorization in any disputed cases would help.

Director Gaskalla said this could be pre-emptive, as was done on nursery regulation and the noxious weed list, stating after the law takes effect, they cannot add anything new.

Compromise; there are all kinds of options. Mr. Parks advised the group to stay strong, get with their legislators to endorse passage of this bill. He advised that currently there is a “get government out of your business” push and if this bill was going to be passed, it would have to be this upcoming legislative year.

Mr. Hayes introduced Mr. Tom Nolan who shared a Power Point about the Survey of Registered Florida Beekeepers mailed in early January until February 18, 2011. Below are those results:

- 483 Surveys returned – 27% of the 1,766
- 56% were new beekeepers in the last 5 years
- 22% are beekeepers with 20+ years
- 65% keep 10 hives or less
- 6% keep more than 500 hives
- 11% are in rural areas
- 94% are in urban or suburban areas (because of multi answers this is over 100%)
- 62% do not move hives
- 20% have had some level of resistance to beekeeping
- 89% beekeepers shown resistance said complainants had no experience with bees/beekeeping

#### Jurisdiction Results of survey

- 72% wants state legislation with rules enforced by FDACS/DPI Apiary Inspectors
- 8% want development of a model ordinance as a guide for local governments.
- 20% want no changes

There was extensive information on this Power Point presentation which included the rate of beekeepers increasing by 17% within 7 months, 94% of urban/suburban beekeeping is not just an agricultural activity. Concern about the spread of Africanized bees within the state (AHB

are in every county along 1-4 corridor and south). Banning managed colonies of European will facilitate in the spread of aggressive Africanized bees. Creating an environmental niche for them is counter-productive. All environmental niches are filled by something. Ban gentle managed honey bees and the void will be filled by the defensive, aggressive African honey bee (AHB).

Currently cities and counties do not have expertise to deal with beekeeping issues. There are 67 counties and 411 cities, towns and villages in Florida. The morass of rules will overwhelm beekeepers throughout the state.

Mr. Nolan is President of the Nolan Group, and a registered Florida beekeeper.

Mr. Nolan's presentation stressed the importance against banning beekeeping which will cause beekeepers not to register colonies nor have them inspected. Uninspected hives could cause an increase in American foulbrood disease and could have an impact on the beekeeping industry and pollination.

The Power Point presentation concluded with the conclusion that there needs to be one law with one authority responsible for enforcement. The Florida State Beekeepers Association is in support of this bill and would be contacting members of the House and Senate Agriculture Committees requesting their endorsement. A list of legislative members and their districts was shared.

Mr. Nolan's final slides had the Florida State Beekeepers Association requesting the HBTC, as the official advisory Council to the Commissioner of Agriculture and FDACS on issues effecting honey bees and beekeepers, recommend support of this change in legislation. The ending slide stated we have a pro-business Governor and State Legislature. This is the year to act!

Chairman Merritt interjected that we needed to do what's right and not what's easy. That registered beekeepers know these issues and of the 27 affiliated beekeepers associations throughout the state they could also be in contact with their legislative representatives.

Chairman Merritt asked Ben Parks for his assistance in moving forward with this. He offered that the HBTC can help as advisory council for FDACS recommending support in Legislature that FDACS and the Apiary Section be given authority in case of dispute of exclusion of beekeeping.

Chairman Merritt asked if the legislative verbiage had been written yet. Council member Gentry said the group at Florida Farm Bureau will help to write legislation in consultation with FDACS.

The consensus was that this issue should be addressed by the HBTC, FSBA, and Industry and not by those in local governing bodies who do not know about honey bees or agriculture.

Mr. Hayes and Mr. Parks thanked Mr. Nolan for his great overview/survey. Council member Gentry asked where that legislative list could be reviewed. Mr. Nolan stated it is in the Melitto files.

Chairman Merritt said we will work among ourselves to have one bill or an attachment to another bill; however we need to hurry to pass this ordinance before it is killed.

Director Gaskalla informed the group that Mr. Hayes had recently met with Hillsborough county officials concerning beekeeping in that county. They want urban/suburban protection. Tom Nolan said that he had spoken with the Mayor of Bradenton who wanted this issue off his plate; he was concerned about stinging incidents and law suits that might develop and wanted the authority given to another agency.

Chairman Merritt wanted to know if a formal request would institute this bill passage, or if the HBTC request an endorsement to proceed further. Council member Jerry Latner advised that a formal motion would need to be made. Chairman Merritt asked for a motion.

Before the motion was made Director Gaskalla asked if the Council was asking the Department or the Industry to take the lead. It might be better for the industry to take the lead with support from the Department.

A Motion was made by Jerry Latner to:

**Send a letter of recommendation to Commissioner Adam Putnam requesting assistance in the drafting of legislation regarding keeping the placement of honey bee colonies under the Florida Department of Agriculture and Consumer Services/Apiary Inspection Section. Motion was seconded by David Mendes.**

After extensive discussion the **motion carried unanimously.**

Chairman Merritt advised there was now a plan in place with Ben Parks and Tom Nolan drafting language to make a recommendation for the Commissioner to support this request. Council member David Mendes stated this is only on disputes, would this be broad enough? His concern was that the Department checks his bee yards but how many more people (staff) would it take to enforce this bill once it is passed; this would increase the workload of the short staffed Apiary Inspection Section further.

Director Lovett advised that the devil is in the details as to how the bill is worded and important in how it will be received.

Director Gaskalla advised that Mr. Hayes was very diplomatic as representative of DPI/FDACS in conversation with Hillsborough County on their interest in developing a local ordinance. Hillsborough County expressed interest in the development of a cooperative agreement with FDACS' DPI to enhance inspections in their area.

Council member Mendes said his concern was that with the beekeeping schools encouraging beekeepers to put honey bee colonies in their back yards, get so excited then code enforcement comes in and say No! Beekeepers need to know in advance if they can have colonies. There was a discussion about code enforcement being able to remove back yard beekeepers, the need to have support for these beekeepers, and to become private/public partners helping each other.

David Miksa asked about the legality of this occurring. Richard Gaskalla advised that the Department has been asked to assist in some cases within our existing authority. Director



Lovett advised that until there was a change in the law we would not have full authority to preempt local governmental ordinances.

### **Honey Packers/Cottage Industry Exemption**

Since Tony Hogg was not available to speak on this subject, Chairman Merritt advised that he would. HB7209 is for the small scale bottler, cottage foods, including breads, cakes, cookies, jellies and jam with a \$15,000, sales limit or a quantity of 250 gallons specifically. Chairman Merritt stated that honey had been pulled out of this bill but didn't know why.

He advised the group that there was discussion around in support to put honey back under the Cottage rule. He stated that his personal opinion, not as a representative of the HBTC was that honey should not be. He stated that the National Honey Board in the 1980s worked hard to enhance honey's image with strict labeling and this would change that, which he personally felt was unfair. He advised that those under the Cottage Bill these would not police themselves and there would be no auditing, it would throw the door open with no way to enforce labeling or regulate for sanitary operations.

Director Lovett advised the Cottage Bill had already passed and has \$15,000, sales limit per commodity but there is no gallon specifics.

Chairman Merritt said he had not been informed of its passing by FSBA.

At this point, President Gary Ranker of the Florida State Beekeepers Association (FSBA) advised the group the council had been misinformed. The FSBA had worked on the bill for four to five years and that honey is in the bill with the \$15,000 small scale sales. This was to aid beekeepers that have between 1 to 5 hives allowing them to sell their honey to consumers without having to pay \$2,000 to \$50 for inspections.

Chairman Merritt again stressed the importance of not being able to regulate small producers / facilities and that honey not being traceable. President Ranker advised honey is not a product that carries germs or bacteria, Chairman Merritt advised it will if it is thinned. President Ranker said there are no records showing an injury in the State of Florida eating honey. He further stated that Cottage sales are good; the bill should stay like it is since it's already a law and since most states in the United States have such a law and no major issues.

Council Member Gentry advised that this is a product that has to be distributed to ultimate consumers, not at a store; either at a farmer's market or out of your home, not for commercial sales, only for individual consumers.

Beekeeper Reno Plenge was skeptical of this program that had no certification, no inspection, no permit fees, and was to be self policing. Council member, David Mendes said that customer, beekeeper relationship of trust is important on this issue. Dr. Tom Sanford said that this honey cannot be sold via interstate, and there is only \$15,000, of annual sales.

Chairman Merritt asked when this bill had passed. It was understood that is passed as a result of the 2011 Legislative Session and signature by the Governor.

Council member Latner advised the council that honey sold through this bill would be traceable. He told of a case of honey that had been sold to someone who was allergic to Orange Blossom Honey that was traced back to him. There is always a way to trace it.

Chairman Merritt apologized to the Council members about bringing up this subject but was concerned that he had not been notified by the Florida State Beekeepers Association. Chairman Merritt advised he personally still opposed it.

Beekeeper Laurence Cutts said that it is important to be able to buy local foods in local counties and especially honey. He was delighted to hear that a man had purchased local honey for his son's allergies, which was recommended by his doctor. Now that son can get the supply he needs.

All items being discussed and agreed upon the meeting adjourned at 12:08 PM.

Respectfully submitted by Jerry Hayes, Secretary