



Florida Department of Agriculture and Consumer Services  
CHARLES H. BRONSON, Commissioner  
The Capitol • Tallahassee, FL 32399-0800  
www.doacs.state.fl.us

Please Respond to:  
John W. Costigan, Assistant General Counsel  
Office of the General Counsel  
Mayo Building, Suite 520  
407 South Calhoun Street  
Tallahassee, FL 32399-0800  
Telephone: (850) 245-1000  
Facsimile: (850) 245-1001  
costigi@doacs.state.fl.us

April 21, 2010

Ms. Sue Beaulieu, Legislative VP  
The Organization of Professional Aviculturists  
235 Windward Drive  
Newton, KS 67114

Dear Ms. Beaulieu:

Charles Bronson, Commissioner of Agriculture, has asked me to respond to your letter of March 30, 2010 seeking confirmation that the production of birds for the pet trade is a bona fide agricultural pursuit and protected by the Florida "Right to Farm Act." You enclosed a copy of a January 18, 1995 letter from former Commissioner of Agriculture Bob Crawford to Ms. Patricia Chauvin of the Florida Alternative Livestock Association, Inc. that is in agreement with your position.

Section 570.02, Florida Statutes remains unchanged since 1995 and subsection (1) still defines "Agriculture" as "...the science and art of production of plants and animals useful to humans..." Furthermore, the "Right to Farm Act" itself, embodied in section 823.14, Florida Statutes, defines "Farm" in subsection (3)(a) to mean "...the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products" (emphasis added), and "Farm Product" is defined in subsection (3)(c) to mean "...any plant, as defined in s. 581.011, or animal useful to humans and includes, but is not limited to, any product derived there from" (emphasis added). The legislature has accordingly made it very clear that the commercial production of birds for the pet trade is a bona fide agricultural activity afforded the protections of the "Florida Right to Farm Act" and all other Florida agricultural laws such as the agricultural property classification in s. 193.461, Florida Statutes and the non-residential building exemption in s. 604.50, Florida Statutes, to name just a few.

I trust this answers your inquiry but if you have questions or need additional information please contact me at the number above.

Sincerely,

John W. Costigan  
Assistant General Counsel



---

**Florida Agriculture and Forest Products**  
Over \$100 Billion for Florida's Economy