

By the Committee on Community Affairs; and Senator Stargel

578-01298-16

2016304c1

1 A bill to be entitled
2 An act relating to agritourism; amending s. 570.85,
3 F.S.; providing additional legislative intent;
4 prohibiting a local government from enforcing a local
5 ordinance, regulation, rule, or policy that prohibits,
6 restricts, regulates, or otherwise limits an
7 agritourism activity on lands classified as
8 agricultural in an unincorporated area; amending s.
9 570.86, F.S.; revising the definition of the term
10 "agritourism activity" to include civic and ceremonial
11 activities; amending s. 570.87, F.S.; specifying that
12 the conduct of agritourism activity on a bona fide
13 farm or on agricultural lands may not limit, restrict,
14 or divest the land of that classification, provided
15 that such lands remain used primarily for bona fide
16 agricultural purposes; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (1) of section 570.85, Florida
21 Statutes, is amended to read:

22 570.85 Agritourism.—

23 (1) It is the intent of the Legislature to promote
24 agritourism as a way to support bona fide agricultural
25 production by providing a secondary stream of revenue for and by
26 educating the general public about the agricultural industry. It
27 is also the intent of the Legislature to eliminate duplication
28 of regulatory authority over agritourism as expressed in this
29 section. Except as otherwise provided for in this section, and

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30 notwithstanding any other provision of law, a local government
31 may not adopt or enforce a local ~~an~~ ordinance, regulation, rule,
32 or policy that prohibits, restricts, regulates, or otherwise
33 limits an agritourism activity on land classified as
34 agricultural land under s. 193.461 in an unincorporated area.
35 This subsection does not limit the powers and duties of a local
36 government to address an emergency as provided in chapter 252.

37 Section 2. Subsection (1) of section 570.86, Florida
38 Statutes, is amended to read:

39 570.86 Definitions.—As used in ss. 570.85-570.89, the term:

40 (1) "Agritourism activity" means any agricultural related
41 activity consistent with a bona fide farm or ranch or in a
42 working forest which allows members of the general public, for
43 recreational, entertainment, or educational purposes, to view or
44 enjoy activities, including farming, ranching, historical,
45 cultural, civic, ceremonial, or harvest-your-own activities and
46 attractions. An agritourism activity does not include the
47 construction of new or additional structures or facilities
48 intended primarily to house, shelter, transport, or otherwise
49 accommodate members of the general public. An activity is an
50 agritourism activity regardless of whether the participant paid
51 to participate in the activity.

52 Section 3. Subsection (1) of section 570.87, Florida
53 Statutes, is amended to read:

54 570.87 Agritourism participation impact on land
55 classification.—

56 (1) In order to promote and perpetuate agriculture
57 throughout the state, farm operations are encouraged to engage
58 in agritourism. The conduct of agritourism activity on a bona

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59 fide farm or on agricultural lands classified as such pursuant
60 to s. 193.461 may ~~shall~~ not limit, restrict, or divest the land
61 of that classification as long as such lands classified as
62 agricultural remain used primarily for bona fide agricultural
63 purposes.

64 Section 4. This act shall take effect July 1, 2016.