

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill authorizes the Department of Agriculture and Consumer Services to assist specified entities with agritourism promotion and marketing initiatives.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's top two industries are tourism and agriculture.¹ Agritourism is the combination of these two industries. It uses agricultural activities to entertain and educate visitors as well as to sustain agricultural resources and culture. There are two primary types of agritourism: ecotourism and heritage tourism. Ecotourism focuses on ecological activities including hiking and bird watching. Heritage tourism includes historical sites and other cultural activities. Agritourism includes activities ranging from participating in rural and farm life to classes on crafts or cooking.²

Agritourism provides the agriculture industry with an opportunity to supplement income while also increasing recreational opportunities for the public.³ A study of farms in Dade County suggests that, after the income is adjusted for increasing production costs; net farm income has actually dropped between 1997 and 2002. However, the study also indicates that farms in Vermont that have engaged in agritourism report an average income of \$8,900 from those agritourism programs.⁴

Currently, there is no consolidated effort to promote the agritourism industry within Florida.⁵ However, the Hillsborough County Farm Bureau has instituted a program to promote agritourism. The Hillsborough Farm Bureau states that this program has been met with great interest and success, and there are plans to re-instate it in the future.⁶ Further, the University of Florida Institute of Food and Agricultural Sciences (IFAS) recently held three separate workshops on agritourism between December 2006 and February 2007.⁷ These workshops provided information on opportunities for agritourism and what can be done to initiate and finance an agritourism business.⁸

Greenbelt: When assessing property value, the property appraiser of each county in Florida must classify every piece of land in their county as agricultural or non-agricultural. This is also known as the land's "Greenbelt" assessment.⁹ To be considered agricultural/Greenbelt, a portion of land must show that they are used for a bona fide agricultural purpose. Bona fide agricultural purposes mean a "good faith commercial agricultural use of the land." To make this determination, the appraiser must consider factors such as the length of time the land has been used for its current purpose, whether that use has been continuous, the price paid for the land, the size of the land in relation to its specific agricultural use, the effort made to care sufficiently and adequately for the land, whether the land is leased, and if so, the terms of the lease, and finally, any other factors that may become applicable.

¹ University of Florida, IFAS Extension. http://smallfarms.ifas.ufl.edu/environment_and_recreation/tourism/overview.html.

² Id.

³ Potential Impacts of Agritourism in South Miami-Dade County, University of Florida, IFAS Extension. <http://edis.ifas.ufl.edu/FE637>.

⁴ Id.

⁵ Conversation with Ben Parks of the Florida Farm Bureau Federation, March 16, 2007.

⁶ Conversation with Judy Whitson of the Hillsborough County Farm Bureau, March 16, 2007.

⁷ University of Florida, IFAS Extension, Advertisements for "Tourism Workshops #1-3"

⁸ Id.

⁹ 193.461, F.S.

When a piece of land is classified as agricultural/Greenbelt, it is given a property value based upon its agricultural use rather than the market value of the land.¹⁰ Such a classification provides the property with a lower property tax assessment. The type of agricultural use also impacts the assessment within the Greenbelt classification. This means that land used to grow pine trees may receive a different value than land used to produce fruit, so different types of agriculture receive different property value levels.¹¹

Currently, there is no area of Florida that requires a special license or permit to engage in agritourism.¹² However, some agritourism activities may overlap with other industries or services that are regulated. For example, agritourism businesses that involve restaurant or lodging facilities are regulated for those services in the same way that a normal business would be. Otherwise, activities such as farm tours or fruit picking do not require any type of special license or permit.¹³

There is a special certification program for Florida Farm Wineries.¹⁴ To qualify for the Florida Farm Winery Program, a winery must produce or sell less than 250,000 gallons of wine each year, they maintain at least ten acres of vineyards in Florida, must apply for the program each year, must pay the \$100 registration fee, and must be open to the public for tours, tasting, and sales at least 30 hours a week. Wineries that participate in the Florida Farm Wineries Program then become certified Florida Farm Wineries. This means that the winery is recognized as a state tourist attraction and it may display the Florida Farm Winery logo. Further, the excess fees collected by this program are put into the Viticulture Trust Fund for development of consumer information about Florida wines.¹⁵

Proposed Changes

Council Substitute for House Bill 1427 authorizes the Department of Agriculture and Consumer Services to provide “marketing advice, technical expertise, promotional support, and product development... to assist” the Florida Commission on Tourism, convention and visitor bureaus, tourist development councils, economic development organizations, and local governments with development of agritourism initiatives. The bill also states that the assistance is to focus on rural and urban agritourism.

The bill also provides that the practice of agritourism can not be used to take away a piece of property’s agricultural land assessment, and that no permit, license, approval, or authorization by any governmental entity or jurisdiction is required to engage in agritourism. Finally, this bill also provides that it does not affect the certification required for the Florida Farm Wineries Program.

C. SECTION DIRECTORY:

Section 1: Creates s. 570.96, directing the Department of Agriculture and Consumer Services to assist specified entities in agritourism promotion and marketing initiatives. It creates s. 570.961 to provide definitions for “agritourism activity,” “agritourism professional,” “farm,” and “farm operation.” It also creates s. 570.962, specifying participation requirements and the impact of agritourism participation on certain classifications and certifications.

Section 2: Provides an effective date of upon the bill becoming a law.

¹⁰ Conversation with Ben Parks of the Florida Farm Bureau Federation, March 15, 2007.

¹¹ Id.

¹² Conversation with Linda Landrum of the University of Florida’s IFAS Extension Service, March 26, 2007.

¹³ Id.

¹⁴ 599.004, F.S.

¹⁵ Id.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Unknown

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not have any direct costs for the private sector, but it may help encourage agritourism within Florida.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to affect municipal or county government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill defines the term "Agritourism professional" for ss. 570.96, 570.961, and 570.962, but it does not use this term in any of the applicable sections.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

CS/HB 1427 differs from the original bill by changing the Department of Agriculture and Consumer Services' directive to provide marketing advice, technical expertise, promotional support, and product development related to agritourism so that it is permissive under the department's authority, rather than required. This action removes the fiscal impact to the department and clarifies the language so that only the department's agritourism efforts need to be focused on fostering agritourism in rural and urban communities. In addition, the original bill contained redundant language relating to the Florida Commission on Tourism and its initiatives. The redundant language has been removed.

CS/HB 1427 also provides that no permit, license, approval, or authorization by any governmental entity or jurisdiction is required to engage in agritourism. Finally, the bill also provides that it does not affect the certification required for the Florida Farm Wineries Program.