

1                                   A bill to be entitled  
 2       An act relating to agriculture; creating ss. 570.96-  
 3       570.962, F.S., relating to agritourism; authorizing the  
 4       Department of Agriculture and Consumer Services to assist  
 5       specified entities in agritourism promotion and marketing  
 6       initiatives; providing definitions; specifying the impact  
 7       of agritourism participation on certain land  
 8       classifications; requiring local governments and  
 9       agricultural representatives to meet to discuss  
 10      agritourism; prescribing duties of the Department of  
 11      Agriculture and Consumer Services with respect to purchase  
 12      and sale of horses; requiring rules; providing that  
 13      provision does not apply to certain sales; creating s.  
 14      810.125, F.S.; limiting liability for injury to certain  
 15      trespassers on agricultural property; amending s. 810.011,  
 16      F.S.; revising the definition of "posted land" to provide  
 17      an alternative method of posting; amending s. 810.10,  
 18      F.S.; increasing criminal penalties for certain offenses  
 19      relating to notices on posted land; amending s. 810.115,  
 20      F.S.; increasing criminal penalties for certain offenses  
 21      relating to breaking or injuring fences; providing an  
 22      effective date.

23  
 24   Be It Enacted by the Legislature of the State of Florida:

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 26           Section 1. Sections 570.96, 570.961, and 570.962, Florida  
 27   Statutes, are created to read:  
 28           570.96 Agritourism.--The Department of Agriculture and

29 Consumer Services may provide marketing advice, technical  
30 expertise, promotional support, and product development related  
31 to agritourism to assist the following in their agritourism  
32 initiatives: the Florida Commission on Tourism; convention and  
33 visitor bureaus; tourist development councils; economic  
34 development organizations; and local governments. In carrying  
35 out this responsibility, the department shall focus its  
36 agritourism efforts on rural and urban communities.

37 570.961 Definitions.--As used in ss. 570.96-570.962, the  
38 term:

39 (1) "Agritourism activity" means any activity carried out  
40 on a farm or ranch or in a forest that allows members of the  
41 general public, for recreational, entertainment, or educational  
42 purposes, to view or enjoy rural activities, including farming,  
43 ranching, historical, cultural, harvest-your-own, or nature-  
44 based activities and attractions. An activity is an agritourism  
45 activity whether or not the participant paid to participate in  
46 the activity.

47 (2) "Agritourism professional" means any person who is  
48 engaged in the business of providing one or more agritourism  
49 activities, whether or not for compensation.

50 (3) "Farm" means the land, buildings, support facilities,  
51 machinery, and other appurtenances used in the production of  
52 farm or aquaculture products, including land used to display  
53 plants, animals, farm products, or farm equipment to the public.

54 (4) "Farm operation" has the same meaning as defined in s.  
55 823.14.

56 570.962 Agritourism participation impact on land

57 classification.--

58 (1) In order to promote and perpetuate agriculture  
59 throughout the state, farm operations are encouraged to engage  
60 in agritourism. The conduct of agritourism activity on a bona  
61 fide farm or on agricultural lands classified as such pursuant  
62 to s. 193.461 shall not limit, restrict, or divest the land of  
63 that classification.

64 (2) Local governments and agricultural representatives  
65 shall meet for the purpose of discussing the benefits of  
66 agritourism to local economies and opportunities for  
67 cooperation, conflict resolution, regulatory streamlining, and  
68 incentives.

69 Section 2. (1) The Department of Agriculture and Consumer  
70 Services shall examine the conditions surrounding the sale and  
71 purchase of horses and shall adopt rules pursuant to ss.  
72 120.536(1) and 120.54, Florida Statutes, to prevent unfair or  
73 deceptive trade practices. Vertical integration of services and  
74 employees, in and of itself, shall not be considered an unfair  
75 or deceptive practice. The department's examination shall  
76 include the following: the disclosure of the legal owner and  
77 buyer of the horse and any dual agency to the buyer and seller;  
78 the disclosure of relevant medical conditions, defects, and  
79 surgeries; the conduct or alterations that could affect the  
80 performance of a horse; and the need for a written bill of sale  
81 or similar documentation.

82 (2) This provision shall not apply to sales resulting from  
83 claiming races at licensed pari-mutuel facilities.

84 Section 3. Section 810.125, Florida Statutes, is created

85 to read:

86 810.125 Injury to certain trespassers on agricultural  
 87 land; recovery limited.--A person or organization owning,  
 88 controlling, or possessing an interest in agricultural real  
 89 property, or an agent of such person or organization, shall not  
 90 be held liable for negligence related to such property that  
 91 results in the death of, injury to, or damage to a person who  
 92 has engaged or is engaging in conduct on the property that is  
 93 unlawful under either s. 810.10 or s. 810.115 or unlawful  
 94 trespassing by such person incident to such conduct on the  
 95 property.

96 Section 4. Subsection (5) of section 810.011, Florida  
 97 Statutes, is amended to read:

98 810.011 Definitions.--As used in this chapter:

99 (5) (a) "Posted land" is that land upon which:

100 1. Signs are placed not more than 500 feet apart along,  
 101 and at each corner of, the boundaries of the land, upon which  
 102 signs there appears prominently, in letters of not less than 2  
 103 inches in height, the words "no trespassing" and in addition  
 104 thereto the name of the owner, lessee, or occupant of said land.  
 105 Said signs shall be placed along the boundary line of posted  
 106 land in a manner and in such position as to be clearly  
 107 noticeable from outside the boundary line; ~~or-~~

108 2.a. Conspicuous no trespassing notice is painted on trees  
 109 or posts on the property, provided that the notice is:

110 (I) Painted in an international orange color and  
 111 displaying the stenciled words "No Trespassing" in letters no  
 112 less than 2 inches high and 1 inch wide either vertically or

113 horizontally;

114 (II) Placed so that the bottom of the painted notice is  
 115 not less than 3 feet from the ground or more than 5 feet from  
 116 the ground; and

117 (III) Placed at locations that are readily visible to any  
 118 person approaching the property and no more than 500 feet apart  
 119 on agricultural land.

120 b. Beginning October 1, 2007, when a landowner uses the  
 121 painted no trespassing posting to identify a "no trespassing"  
 122 area, those painted notices shall be accompanied by signs  
 123 complying with subparagraph 1. and placed conspicuously at all  
 124 places where entry to the property is normally expected or known  
 125 to occur.

126 (b) It shall not be necessary to give notice by posting on  
 127 any enclosed land or place not exceeding 5 acres in area on  
 128 which there is a dwelling house in order to obtain the benefits  
 129 of ss. 810.09 and 810.12 pertaining to trespass on enclosed  
 130 lands.

131 Section 5. Section 810.10, Florida Statutes, is amended to  
 132 read:

133 810.10 Posted land; removing notices unlawful; penalty.--

134 (1) It is unlawful for any person to willfully remove,  
 135 destroy, mutilate, or commit any act designed to remove,  
 136 mutilate, or reduce the legibility or effectiveness of any  
 137 posted notice placed by the owner, tenant, lessee, or occupant  
 138 of legally enclosed or legally posted land pursuant to any law  
 139 of this state for the purpose of legally enclosing the same.

140 (2) Any person violating the provisions of this section

141 commits ~~shall be guilty of~~ a misdemeanor of the first ~~second~~  
 142 degree, punishable as provided in s. 775.082 or s. 775.083.

143 Section 6. Subsection (1) of section 810.115, Florida  
 144 Statutes, is amended to read:

145 810.115 Breaking or injuring fences.--

146 (1) Whoever willfully and maliciously breaks down, mars,  
 147 injures, defaces, cuts, or otherwise creates or causes to be  
 148 created an opening, gap, interruption, or break in any fence, or  
 149 any part thereof, belonging to or enclosing land not his or her  
 150 own, or whoever causes to be broken down, marred, injured,  
 151 defaced, or cut any fence belonging to or enclosing land not his  
 152 or her own, commits a misdemeanor of the first degree,  
 153 punishable as provided in s. 775.082 or s. 775.083. A person who  
 154 commits a second or subsequent offense under this subsection  
 155 commits a felony of the third degree, punishable as provided in  
 156 s. 775.082, s. 775.083, or s. 775.084.

157 Section 7. This act shall take effect upon becoming a law.