

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/CS/SB 2754

INTRODUCER: Community Affairs Committee; Agriculture Committee and Senator Haridopolos

SUBJECT: Agriculture

DATE: April 18, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Poole	AG	Fav/CS
2.	Herrin	Yeatman	CA	Fav/CS
3.			GA	
4.				
5.				
6.				

I. Summary:

This committee substitute for committee substitute (CS) provides individuals and businesses operating in the agricultural sector access to a revenue generating enterprise known as agritourism. It allows the Department of Agriculture and Consumer Services (DACS or department) to assist the various tourism related entities of Florida in the improvement of agritourism promotion in the state through the provision of marketing advice, technical expertise, promotional support, and product development related to agritourism. The efforts of improving agritourism will focus on both urban and rural communities.

The terms agritourism activity, agritourism professional, farm, and farm operation are defined for the purposes of the sections of law created in this CS. The CS does not limit, restrict, or divest lands classified as “agricultural lands” under s. 193.461, F.S., from that designation if agritourism activities occur on those lands. The CS requires local governments and agricultural representatives to meet for the purposes of discussing specific issues related to agritourism.

This CS requires the DACS to examine the conditions surrounding the sale and purchase of horses and shall adopt rules to prevent unfair or deceptive trade practices.

This CS creates sections 570.96, 570.961, and 570.962 of the Florida Statutes.

II. Present Situation:

Due to rising costs and diminishing revenues, many agricultural operations have found solvency increasingly difficult to achieve. Gaining additional revenue from alternative sources such as agritourism could help alleviate some of these financial burdens. Agritourism seeks to allow the

access of agricultural lands, including the intrinsic agricultural practices and culture of these lands, to a segment of the population previously unaccustomed to such experiences. This type of tourism can include farm tours, festivals, rural businesses, historical recreations, workshops/educational activities, and harvest-your-own activities. The use of these resources can have a positive effect on both the agricultural enterprise and the surrounding community. Not only does this tourism have the potential to add value to the operations themselves, but it can also create awareness to the public about the importance of agriculture.

The practice of agritourism has met with success in other states such as California, Vermont, and Hawaii. Florida does not have an official policy regarding agritourism in place regarding any form of agricultural operation except for viticulture. Currently, Florida wineries must register with, and be certified by, the Department of Agriculture and Consumer Services in order to be qualified as a tourist attraction.

Sale of Horses

Chapter 535, governs the horse sales, shows, and exhibitions. Horses may not be entered in any sale if the horse has received medication containing a forbidden substance under s. 535.11, F.S. Section 535.12, F.S., provides criminal and administrative penalties for violating certain provisions in s. 535.11, F.S., including offering a horse for sale that received a forbidden substance. The sale of thoroughbred horses at a public sale requires a license under s. 535.01, F.S. Persons holding, sponsoring, or conducting a public sale at which thoroughbred horses are offered for sale shall obtain a license from the Department of Agriculture and Consumer Services. Persons shall apply to the department for a license no less than 2 months prior to the date of sale. In addition to these provisions, s. 823.04, F.S., makes it unlawful for any person to bring into this state to offer for sale, any horses, mules, cattle, hogs, or other domestic animals that the person knows are suffering from a contagious or infectious disease declared by rule of DACS.

III. Effect of Proposed Changes:

The CS creates ss. 570.96-570.962, F.S., to allow DACS to assist the various tourism related entities of Florida, including the Florida Commission on Tourism, convention and visitor bureaus, tourist development councils, economic development organizations, and local governments, in the improvement of agritourism promotion in the state through the provision of marketing advice, technical expertise, promotional support, and product development related to agritourism. It will require the department to focus its efforts on fostering agritourism in rural and urban communities.

Several terms are defined for the purposes of this section, including “agritourism activity,” “agritourism professional,” “farm,” and “farm operation.” The CS specifies that the conduct of agritourism activities on lands used primarily for bona fide agricultural purposes will not limit, restrict, or divest the agricultural land classification pursuant to s. 193.461, F.S. The CS requires local governments and agricultural representatives to meet for the purposes of discussing specific issues related to agritourism.

This CS requires the DACS to examine the conditions surrounding the sale and purchase of horses and shall adopt rules to prevent unfair or deceptive trade practices.

The CS takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
