

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Agriculture Committee

BILL: SB 1496

INTRODUCER: Senator Evers

SUBJECT: Agritourism

DATE: January 23, 2012

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Akhavein	Buford	AG	Favorable
2. _____	_____	CA	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

This bill states that it is the intent of the Legislature to eliminate duplication of regulatory authority over agritourism. It prohibits a local government to adopt ordinances, regulations, rules or policies that prohibit, restrict, regulate or otherwise limit an activity of a *bona fide* agritourism operation on land that has been classified as agricultural by a property appraiser.

This bill creates an as yet undesignated section of the Florida Statutes.

II. Present Situation:

Agritourism is the practice of attracting visitors and travelers to agricultural areas, generally for educational and recreational purposes. For many farmers, the only way to continue farming is to find ways to diversify and expand their incomes, either through new enterprises on the farm or off-farm employment. One diversification strategy some U.S. farmers are beginning to explore is the “cultivation” of tourists in addition to growing crops. Referred to as “agriturismo” in Italy, “sleeping in the straw” in Switzerland, “farmstays” in New Zealand, and “farm holidays” in England, agritourism is well established throughout Europe and in many other countries.¹

Agritourism allows people who have little knowledge of agricultural lands to experience intrinsic agricultural practices and the culture of those lands. Agritourism can help people reconnect with agricultural practices that have changed with the rise of heavily-industrialized farming methods and can build relationships between the producer and consumer. This type of tourism could include farm tours or farm stays, fishing, hunting, festivals, historical recreations,

¹ Curtis E. Beus, “Agritourism: Cultivating Tourists on the Farm,” (July 2008): 5.

workshops/educational activities, wildlife study, horseback riding, cannery tours, cooking classes, wine tastings, barn dances, 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 also creates an awareness in people about the importance of agriculture.²

Under Florida's Greenbelt Law, properties that are *bona fide* agricultural operations are taxed according to the "use" value of those operations, rather than the development value. The property appraiser of each county in Florida must classify every piece of land in their county as agricultural or non-agricultural in order to get the *bona fide* status. This is known as the land's "Greenbelt" assessment.³ 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.

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. 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.

The 2007 Legislature passed House Bill 1427 which authorized the Department of Agriculture and Consumer Services to assist agritourism operators with marketing and permitted the conducting of agritourism activity on a *bona fide* farm or on agricultural lands classified as such pursuant to s. 193.461, F.S. It also specified that the practice of agritourism shall not limit, restrict, or divest the land of that classification.⁴

III. Effect of Proposed Changes:

Section 1 prohibits a local government to adopt ordinances, regulations, rules or policies that prohibit, restrict, regulate or otherwise limit an activity of a *bona fide* agritourism operation on land classified as agricultural land. It provides that this section does not limit a local government to address an emergency under the State Emergency Management Act.

Section 2 provides that this act shall take effect July 1, 2012.

Other Potential Implications:

None.

² Analysis of SB 2754, (2007)

³ Section 193.461, F.S.

⁴ Section 570.962, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This bill provides relief to farmers who incorporate tourism into their operations by limiting duplicative regulations.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.