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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Rules (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 162
and insert:

(1) "Agritourism activity" means any agricultural related activity consistent with a bona fide ~~carried out on a farm, or ranch, or equine operation~~ or in a working forest which ~~that~~ allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy ~~rural~~ activities, including farming, ranching, historical, cultural, or harvest-your-own, or nature-based activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to



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14 house, shelter, transport, or otherwise accommodate members of
15 the general public. An activity is an agritourism activity
16 whether or not the participant paid to participate in the
17 activity.

18 (2) "Agritourism operator ~~professional~~" means any person
19 who is engaged in the business of providing one or more
20 agritourism activities, whether or not for compensation.

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

25 (4) "Farm operation" has the same meaning as defined in s.
26 823.14.

27 (5) "Inherent risks of agritourism activity" means those
28 dangers or conditions that are an integral part of an
29 agritourism activity including certain hazards, such as surface
30 and subsurface conditions, natural conditions of land,
31 vegetation, and waters; the behavior of wild or domestic
32 animals; and the ordinary dangers of structures or equipment
33 ordinarily used in farming and ranching operations. The term
34 also includes the potential of a participant to act in a
35 negligent manner that may contribute to the injury of the
36 participant or others, including failing to follow the
37 instructions given by the agritourism operator or failing to
38 exercise reasonable caution while engaging in the agritourism
39 activity.

40 Section 3. Section 570.963, Florida Statutes, is created to
41 read:

42 570.963 Liability.-



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43 (1) Except as provided in subsection (2), an agritourism
44 operator, his or her employer or employee, or the owner of the
45 underlying land on which the agritourism occurs are not liable
46 for injury or death of, or damage or loss to, a participant
47 resulting from the inherent risks of agritourism activities if
48 the notice of risk required under s. 570.964 is posted as
49 required. Except as provided in subsection (2), a participant,
50 or a participant's representative, may not maintain an action
51 against or recover from an agritourism operator, his or her
52 employer or employee, or the owner of the underlying land on
53 which the agritourism occurs for the injury or death of, or
54 damage or loss to, an agritourism participant resulting
55 exclusively from any of the inherent risks of agritourism
56 activities.

57 (2) In the event of the injury or death of, or damage or
58 loss to, an agritourism participant, subsection (1) does not
59 prevent or limit the liability of an agritourism operator or his
60 or her employer or employee or the owner of the underlying land
61 on which the agritourism occurs if he or she:

62 (a) Commits an act or omission that constitutes gross
63 negligence or willful or wanton disregard for the safety of the
64 participant, and that act or omission proximately causes injury,
65 damage, or death to the participant; or

66 (b) Intentionally injures the participant.

67 (3) The limitation on legal liability afforded by this
68 section to an agritourism operator or his or her employer or
69 employee or the owner of the underlying land on which the
70 agritourism occurs is in addition to any limitations of legal
71 liability otherwise provided by law.



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72 Section 4. Section 570.964, Florida Statutes, is created to
73 read:

74 570.964 Posting and notification.—

75 (1) (a) Each agritourism operator shall post and maintain
76 signs that contain the notice of inherent risk specified in
77 subsection (2). A sign shall be placed in a clearly visible
78 location at the entrance to the agritourism location and at the
79 site of the agritourism activity. The notice of inherent risk
80 must consist of a sign in black letters, with each letter a
81 minimum of 1 inch in height, with sufficient color contrast to
82 be clearly visible.

83 (b) Each written contract entered into by an agritourism
84 operator for the provision of professional services,
85 instruction, or the rental of equipment to a participant,
86 regardless of whether the contract involves agritourism
87 activities on or off the location or at the site of the
88 agritourism activity, must contain in clearly readable print the
89 notice of inherent risk specified in subsection (2).

90 (2) The sign and contract required under subsection (1)
91 must contain the following notice of inherent risk:

92
93 WARNING

94
95 Under Florida law, an agritourism operator is not
96 liable for injury or death of, or damage or loss to, a
97 participant in an agritourism activity conducted at
98 this agritourism location if such injury, death,
99 damage, or loss results from the inherent risks of the
100 agritourism activity. Inherent risks of agritourism



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101 activities include, among others, risks of injury
102 inherent to land, equipment, and animals, as well as
103 the potential for you to act in a negligent manner
104 that may contribute to your injury, death, damage, or
105 loss. You are assuming the risk of participating in
106 this agritourism activity.

107
108 (3) Failure to comply with the requirements of this
109 subsection prevents an agritourism operator, his or her
110

111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete lines 7 - 16

114 and insert:

115 activity," changing the term "agritourism
116 professional" to "agritourism operator," and adding a
117 definition of the term "inherent risks of agritourism
118 activity"; creating s. 570.963, F.S.; limiting the
119 liability of an agritourism operator, his or her
120 employer or employee, or the owner of the underlying
121 land on which the agritourism activity occurs if
122 certain conditions are met; creating s. 570.964, F.S.;
123 requiring that signs and contracts notify participants
124 of certain inherent risks and the assumption of that
125 risk; preventing an agritourism operator, his or her