

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Caldwell offered the following:

Amendment (with title amendment)

5 Remove lines 50-162 and insert:

6 (1) "Agritourism activity" means any agricultural related
 7 activity consistent with a bona fide ~~carried out on a farm, or~~
 8 ranch or in a working forest that allows members of the general
 9 public, for recreational, entertainment, or educational
 10 purposes, to view or enjoy ~~rural~~ activities, including farming,
 11 ranching, historical, cultural, or ~~harvest-your-own, or nature-~~
 12 ~~based~~ activities and attractions. An agritourism activity does
 13 not include the construction of new or additional structures or
 14 facilities intended primarily to house, shelter, transport, or
 15 otherwise accommodate members of the general public. An
 16 activity is an agritourism activity whether or not the
 17 participant paid to participate in the 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.

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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
41 to read:

42 (1) Except as provided in subsection (2), an agritourism
43 operator, his or her employer or employee, or the owner of the
44 underlying land on which the agritourism occurs are not liable
45 for injury or death of, or damage or loss to, a participant
46 resulting from the inherent risks of agritourism activities if
47 the notice of risk required under s. 570.964 is posted as
48 required. Except as provided in subsection (2), a participant,

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49 or a participant's representative, may not maintain an action
50 against or recover from an agritourism operator, his or her
51 employer or employee, and the owner of the underlying land on
52 which the agritourism occurs for the injury or death of, or
53 damage or loss to, an agritourism participant resulting
54 exclusively from any of the inherent risks of agritourism
55 activities. In any action for damages against an agritourism
56 operator, his or her employer or employee, and the owner of the
57 underlying land on which the agritourism occurs for agritourism
58 activity, the agritourism operator, his or her employer or
59 employee, and the owner of the underlying land on which the
60 agritourism occurs must plead the affirmative defense of
61 assumption of the risk of agritourism activity by the
62 participant.

63 (2) In the event of the injury or death of, or damage or
64 loss to, an agritourism participant, subsection (1) does not
65 prevent or limit the liability of an agritourism operator or his
66 or her employer or employee or the owner of the underlying land
67 on which the agritourism occurs if he or she:

68 (a) Commits an act or omission that constitutes negligence
69 or willful or wanton disregard for the safety of the
70 participant, and that act or omission proximately causes injury,
71 damage, or death to the participant;

72 (b) Has actual knowledge of, or reasonably should have
73 known of, a dangerous condition on the land or in the facilities
74 or with the equipment used in the activity or the dangerous
75 propensity of a particular animal used in the activity, and does
76 not make the danger known to the participant and the danger

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77 proximately causes injury, damage, or death to the participant;

78 or

79 (c) Intentionally injures the participant.

80 (3) The limitation on legal liability afforded by this
81 section to an agritourism operator or his or her employer or
82 employee or the owner of the underlying land on which the
83 agritourism occurs is in addition to any limitations of legal
84 liability otherwise provided by law.

85 Section 4. Section 570.964, Florida Statutes, is created
86 to read:

87 570.964 Posting and notification.—

88 (1)(a) Each agritourism operator shall post and maintain
89 signs that contain the notice of inherent risk specified in
90 subsection (2). A sign shall be placed in a clearly visible
91 location at the entrance to the agritourism location and at the
92 site of the agritourism activity. The notice of inherent risk
93 must consist of a sign in black letters, with each letter a
94 minimum of 1 inch in height, with sufficient color contrast to
95 be clearly visible.

96 (b) Each written contract entered into by an agritourism
97 operator for the providing of professional services,
98 instruction, or the rental of equipment to a participant,
99 regardless of whether the contract involves agritourism
100 activities on or off the location or at the site of the
101 agritourism activity, must contain in clearly readable print the
102 notice of inherent risk specified in subsection (2).

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

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Warning

Under Florida law, an agritourism operator is not liable for injury or death of, or damage or loss to, a participant in an agritourism activity conducted at this agritourism location if such injury, death, damage, or loss results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury, death, damage, or loss. You are assuming the risk of participating in this agritourism activity.

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

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

Remove lines 7-16 and insert:

activity," changing the term "agritourism professional" to "agritourism operator," and adding a definition of the term "inherent risks of agritourism activity"; creating s. 570.963, F.S.; limiting the liability of an agritourism operator, his or her employer or employee, or the owner of the underlying land on which the agritourism activity occurs if certain conditions are

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133 met; creating s. 570.964, F.S.; requiring that signs and
134 contracts notify participants of certain inherent risks and the
135 assumption of that risk; preventing an agritourism operator, his
136 or her
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