

HB 339

2024

1 A bill to be entitled
2 An act relating to agritourism; amending s. 570.85,
3 F.S.; prohibiting local governments from adopting
4 ordinances, regulations, rules, or policies that
5 require certificates of use for certain agricultural
6 lands, facilities, and venues or limit certain
7 activities associated with agritourism; amending s.
8 570.86, F.S.; providing definitions; providing for the
9 termination, expiration, extension, and renewal of
10 specified local government ordinances, rules, and
11 measures; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 570.85, Florida Statutes, is amended to
16 read:

17 570.85 Agritourism.—

18 (1) It is the intent of the Legislature to promote
19 agritourism as a way to support bona fide agricultural
20 production by providing a stream of revenue and by educating the
21 general public about the agricultural industry. It is also the
22 intent of the Legislature to eliminate duplication of regulatory
23 authority over agritourism as expressed in this section.

24 (2) Except as otherwise provided for in this section, and
25 notwithstanding any other law, a local government may not adopt

26 | or enforce a local ordinance, regulation, rule, or policy that
 27 | does any of the following:

28 | (a) Prohibits, restricts, regulates, or otherwise limits
 29 | an agritourism activity on land classified as agricultural land
 30 | under s. 193.461.

31 | (b) Requires a certificate of use for any agricultural use
 32 | land, agricultural-related facility, or agritourism venue unless
 33 | specifically provided by general law.

34 | (c) Limits any state-regulated activity associated with
 35 | agritourism, including a farm stand, farmers market, brewery,
 36 | winery, distillery, food processing and preparation activity,
 37 | food truck, or mobile food service operation associated with
 38 | agritourism agricultural products.

39 | (3) This section ~~subsection~~ does not limit the powers and
 40 | duties of a local government to address substantial offsite
 41 | impacts of agritourism activities or an emergency as provided in
 42 | chapter 252.

43 | (4)-(2) The Department of Agriculture and Consumer Services
 44 | may provide marketing advice, technical expertise, promotional
 45 | support, and product development related to agritourism to
 46 | assist the following in their agritourism initiatives: Florida
 47 | Tourism Industry Marketing Corporation, convention and visitor
 48 | bureaus, tourist development councils, economic development
 49 | organizations, and local governments. In carrying out this
 50 | responsibility, the department shall focus its agritourism

51 efforts on rural and urban communities.

52 Section 2. Subsections (3), (4), and (5) of section
53 570.86, Florida Statutes, are renumbered as subsections (6),
54 (7), and (10), respectively, and new subsections (3), (4), (5),
55 (8), (9), (11), and (12) are added to that section, to read:

56 570.86 Definitions.—As used in ss. 570.85-570.89, the
57 term:

58 (3) "Ancillary use" means a use that is subordinate or
59 subsidiary to the primary use on the same lot or parcel.

60 (4) "Brewery" means an establishment that is located
61 wholly on a parcel with an ongoing and lawfully established
62 agricultural use and is designed and used for the manufacture of
63 malt liquors, such as beer and ale. The facility may have
64 ancillary uses, including uses that permit the sale and
65 consumption of products manufactured on site, as authorized
66 under applicable licenses issued by the state.

67 (5) "Distillery" means a facility that is located wholly
68 on a parcel with an ongoing and lawfully established
69 agricultural use and that is designed and used for the
70 distillation of agricultural products including grains, fruits,
71 or vegetables into liquor or spirits. The facility may have
72 ancillary uses, including the sale and consumption of products
73 manufactured on site, as authorized under applicable licenses
74 issued by the state.

75 (8) "Farm stand" means a permanent or portable structure

76 | or vehicle that is located on a parcel with an ongoing and
 77 | lawfully established agricultural use and used for the retail
 78 | sale of agricultural products, including, but not limited to:
 79 | (a) Fish pool, nursery, winery, brewery, and distillery
 80 | products;
 81 | (b) Products that are lawfully grown or cultivated on a
 82 | property in an agricultural zoned district; or
 83 | (c) Products that are packed, processed, or sold at a
 84 | lawfully established packing house in an agricultural zoned
 85 | district.
 86 | (9) "Fruit and vegetable stand" means any portable
 87 | establishment for the retail sale of locally grown fresh fruit
 88 | and vegetables and food products derived from such fruit and
 89 | vegetables.
 90 | (11) "Mobile food service operation" means the
 91 | preparation, cooking, serving, and sale of food, or combination
 92 | thereof, conducted from a portable stand, vehicle, or trailer.
 93 | Each such stand, vehicle, or trailer shall be considered a
 94 | mobile food service operation. The term does not include a farm
 95 | stand.
 96 | (12) "Winery" means an agricultural processing facility
 97 | that is located wholly on a parcel with an ongoing and lawfully
 98 | established agricultural use and designed and used for
 99 | fermenting and processing fruit into wine or derivative
 100 | products. The facility may have ancillary uses, including the

101 sale and consumption of products manufactured on site, as
102 authorized under applicable licenses issued by the state.

103 Section 3. Any ordinance, rule, or other measure adopted
104 or enforced by a local government that requires a certificate of
105 use for any agricultural use land, agricultural-related
106 facility, or agritourism venue shall terminate and expire within
107 1 year after the effective date of this act and may not be
108 extended or renewed except by the adoption or maintenance in
109 effect of a new ordinance, rule, or other measure that meets all
110 the requirements of this act.

111 Section 4. This act shall take effect upon becoming a law.