

By Senator Rodriguez

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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 that limit certain
7 activities associated with agritourism; amending s.
8 570.86, F.S.; defining terms; providing for the
9 termination, expiration, extension, and renewal of
10 specified local government ordinances, rules, and
11 measures; providing an effective date.

12
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 an
29 agritourism activity on land classified as agricultural land

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

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

58 (3) "Ancillary use" means a use that is subordinate or

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59 subsidiary to the primary use on the same lot or parcel.

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

75 (8) "Farm stand" means a permanent or portable structure or
76 vehicle that is located on a parcel with an ongoing and lawfully
77 established agricultural use and used for the retail sale of
78 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

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88 and vegetables and food products derived from such fruit and
89 vegetables.

90 (11) "Mobile food service operation" means the preparation,
91 cooking, serving, and sale of food, or combination thereof,
92 conducted from a portable stand, vehicle, or trailer. Each such
93 stand, vehicle, or trailer shall be considered a mobile food
94 service operation. The term does not include a farm stand.

95 (12) "Winery" means an agricultural processing facility
96 that is located wholly on a parcel with an ongoing and lawfully
97 established agricultural use and designed and used for
98 fermenting and processing fruit into wine or derivative
99 products. The facility may have ancillary uses, including the
100 sale and consumption of products manufactured on site, as
101 authorized under applicable licenses issued by the state.

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

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