

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 505](#)

**TITLE:** Location of Equipment Owned by Amusement Business Owner

**SPONSOR(S):** Botana

**COMPANION BILL:** [SB 722](#) (Truenow)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Industries & Professional  
Activities](#)  
15 Y, 0 N



[Intergovernmental Affairs](#)



[Commerce](#)

## SUMMARY

### **Effect of the Bill:**

The bill prevents counties or municipalities from charging amusement business owners to use agricultural land with five acres or more for placing, parking, or storing their equipment when certain circumstances exist.

### **Fiscal or Economic Impact:**

The bill does not appear to have a fiscal impact on state government, may have an insignificant indeterminate fiscal impact on local governments, and may have a positive economic impact on the private sector.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### **EFFECT OF THE BILL:**

The bill provides that if a [county or municipality](#) has a policy, [ordinance](#), or other measure that addresses lands classified as [agricultural lands](#) that are five acres or larger, a county or a municipality cannot have a policy, ordinance, or other measure that requires a monetary exaction<sup>1</sup> from any [amusement](#) business owner whose [equipment](#) is placed, parked, or [stored](#) on the agricultural land for 6 months or longer. (Section [1](#))

The bill specifies that the prohibition applies only if:

- The agricultural land is fully fenced along the perimeter, and
- The equipment that is placed, parked, or stored on the agricultural land is at least 100 feet from the perimeter fencing. (Section [1](#))

The bill defines the following terms:

- "Agricultural lands" as those parcels [classified](#) by the property appraiser as agricultural lands under [s.193.461, F.S.](#)
- "Amusement business owner" as a provider of services affiliated with a circus or carnival such as rides, food, beverages, and games who travels around the United States on a seasonal or temporary basis to provide such services to state, district, and county fairs as defined in [s. 616.001, F.S.](#) or who supports events sponsored by not-for-profit organizations for fundraising. (Section [1](#))

<sup>1</sup> The bill does not define money exactions. However, "exactions are payments made by a developer to local governments for the right to proceed with a project. Exactions can include development fees, the dedication of public land, the construction or maintenance of public infrastructure, or the provision of public services." Person, et al., "Who Pays for Development Fees and Exactions?", Public Policy Institute of California (June 22, 2017) [www.ppic.org/publication/who-pays-for-development-fees-and-exactions/#:~:text=Exactions%20are%20payments%20made%20by,the%20provision%20of%20public%20services](http://www.ppic.org/publication/who-pays-for-development-fees-and-exactions/#:~:text=Exactions%20are%20payments%20made%20by,the%20provision%20of%20public%20services) (last visited Jan. 28, 2023). A prohibited exaction is defined in [s. 70.45\(d\), F.S.](#) A money exaction is a broad phrase which may capture fees, taxes, or other conceivable revenue streams for local governments.

**STORAGE NAME:** h0505a.IPA

**DATE:** 3/14/2025

The effective date of the bill is July 1, 2025. (Section [2](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **LOCAL GOVERNMENT:**

Indeterminate. The bill prohibits local governments from charging amusement business owners for storing their equipment on certain agricultural land; however, this may be an insignificant impact due to the amount of agricultural lands that fall into the particular category.

### **PRIVATE SECTOR:**

The bill may benefit amusement business owners that live in areas where local governments charge a fee for such storage of equipment on certain agricultural land.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **[Agricultural Lands](#)**

Florida's Greenbelt Law, also known as [s. 193.461, F.S.](#), authorizes agricultural properties to be taxed based on their use value instead of their market value. This law helps preserve farmland and slow development. Lands [classified](#) as agricultural lands are those used primarily for bona fide agricultural purposes such as horticulture, viticulture, forestry, and farming.<sup>2</sup> This means that in order to be considered agricultural land the land must be used for a good faith commercial agricultural purpose. Florida law requires the owner to file an application each year requesting such classification with the local property appraiser.

Lands classified as agricultural enjoy certain benefits and protections, such as a preemption of local government restrictions of farming on those lands<sup>3</sup> and limits on nuisance complaints related to farming activities.<sup>4</sup>

#### **Comprehensive Plans and Land Use Regulation**

The Growth Management Act requires every [city and county](#) to create and implement a comprehensive plan to guide future development. A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.

The land use element of the plan designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.<sup>5</sup>

Local governments regulate aspects of land development by enacting ordinances that address local zoning, rezoning, subdivision, building construction, landscaping, tree protection, or sign regulations or any other regulations controlling the development of land.<sup>6</sup>

#### **[Storage of Carnival Equipment](#)**

The Florida Department of Agriculture and Consumer Services (DSCS) regulates public fairs and expositions<sup>7</sup> and the safety standards required for [amusement](#) rides.<sup>8</sup> Temporary amusement rides and other carnival equipment

---

<sup>2</sup> S. [193.461, F.S.](#)

<sup>3</sup> S. [163.3162, F.S.](#)

<sup>4</sup> See [s. 823.14, F.S.](#)

<sup>5</sup> S. [163.3177\(6\)\(a\), F.S.](#)

<sup>6</sup> See ss. 163.3164 and [163.3213, F.S.](#) Pursuant to [s. 163.3213, F.S.](#), substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

move from place to place for fairs, carnivals, circuses, festivals, or other events. Florida law defines an amusement ride and temporary amusement ride:

- An amusement ride is defined as “any building, structure, or mechanical device or combination thereof through which a patron moves, walks, or is carried or conveyed on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its patrons amusement, pleasure, thrills, or excitement.”<sup>9</sup>
- A temporary amusement ride is defined as “an amusement ride that is regularly relocated, with or without disassembly.”<sup>10</sup>

Although there are state regulations in place for the operation of such equipment, there are not state regulations regarding the [storage](#).

A couple of Florida cities have created zoning [ordinances](#) regarding the storage of carnival or show business equipment. In Gibsonton, near Tampa in Hillsborough County, there is a special zoning designation, called the Residential Show Business zone, which allows property owners to store “elephants, livestock, circus equipment and trailers in their backyards or front lawns.”<sup>11</sup> In Riverview, near Tampa in Hillsborough County, many amusement business owners lived in a subdivision called Tropical Acres and the residents wanted to legally store their equipment, such as, food trucks, gaming booths, and other carnival equipment, as a nonconforming use.<sup>12</sup> Hillsborough County granted an exception to Tropical Acres residents who have been storing their carnival equipment on their properties since 2011 to continue storing such equipment, but new properties in the area are not permitted to do so.<sup>13</sup>

### Additional Relevant Information

Art. VII, s. 18(b), of the Florida Constitution states that the legislature may not enact any law that would reduce the authority municipalities or counties have to raise revenues in the aggregate, except upon approval of two-thirds of the membership of each house of the legislature.

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Industries &amp; Professional Activities Subcommittee</a>	15 Y, 0 N	3/12/2025	Anstead	Thompson
<a href="#">Intergovernmental Affairs Subcommittee</a>				
<a href="#">Commerce Committee</a>				

<sup>7</sup> “Public fair or exposition” means a project, activity, event, or program, and use by a fair association, including, but not limited to, the annual public fair, which serves the purposes specified in s. 616.08 and benefits and develops the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state. S. [616.001\(12\), F.S.](#)

<sup>8</sup> S. [616.242, F.S.](#)

<sup>9</sup> S. [616.242\(3\)\(a\), F.S.](#)

<sup>10</sup> S. [616.242\(3\)\(t\), F.S.](#)

<sup>11</sup> Stephen Flanagan Jackson, “Gibsonton Residents Want County Action.” *The Observer News* (Feb. 21, 2019), [www.observernews.net/2019/02/21/gibsonton-resident-want-county-action/](http://www.observernews.net/2019/02/21/gibsonton-resident-want-county-action/) (last visited March 7, 2025).

<sup>12</sup> D’Ann White, “Show Business Zoning Proposed for Tropical Acres.” *Patch* (Mar. 1, 2013), <https://patch.com/florida/bloomingdale/show-business-zoning-proposed-for-tropical-acres> (last visited March 7, 2025).

<sup>13</sup> Chris Taylor, “Carnival Equipment OK to Keep at Tropical Acres Homes” *Patch* (May 7, 2013), <https://patch.com/florida/bloomingdale/carnival-equipment-ok-to-keep-at-tropical-acres-homes> (last visited March 7, 2025).

