

By the Committees on Fiscal Policy; and Community Affairs; and
Senator Stargel

594-02138-16

2016304c2

1 A bill to be entitled

2 An act relating to agritourism; amending s. 570.85,
3 F.S.; providing additional legislative intent;
4 prohibiting a local government from enforcing a local
5 ordinance, regulation, rule, or policy that prohibits,
6 restricts, regulates, or otherwise limits an
7 agritourism activity on lands classified as
8 agricultural; specifying that certain local authority
9 may not be limited under certain circumstances;
10 amending s. 570.86, F.S.; revising the definition of
11 the term "agritourism activity" to include civic and
12 ceremonial activities; amending s. 570.87, F.S.;
13 specifying that the conduct of agritourism activity on
14 a bona fide farm or on agricultural lands may not
15 limit, restrict, or divest the land of that
16 classification, provided that such lands remain used
17 primarily for bona fide agricultural purposes;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (1) of section 570.85, Florida
23 Statutes, is amended to read:

24 570.85 Agritourism.—

25 (1) It is the intent of the Legislature to promote
26 agritourism as a way to support bona fide agricultural
27 production by providing a secondary stream of revenue for and by
28 educating the general public about the agricultural industry. It
29 is also the intent of the Legislature to eliminate duplication
30 of regulatory authority over agritourism as expressed in this
31 section. Except as otherwise provided for in this section, and

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32 notwithstanding any other provision of law, a local government
33 may not adopt or enforce a local ~~an~~ ordinance, regulation, rule,
34 or policy that prohibits, restricts, regulates, or otherwise
35 limits an agritourism activity on land classified as
36 agricultural land under s. 193.461. This subsection does not
37 limit the powers and duties of a local government to address
38 substantial off-site impacts of agritourism activities or an
39 emergency as provided in chapter 252.

40 Section 2. Subsection (1) of section 570.86, Florida
41 Statutes, is amended to read:

42 570.86 Definitions.—As used in ss. 570.85–570.89, the term:

43 (1) "Agritourism activity" means any agricultural related
44 activity consistent with a bona fide farm or ranch or in a
45 working forest which allows members of the general public, for
46 recreational, entertainment, or educational purposes, to view or
47 enjoy activities, including farming, ranching, historical,
48 cultural, civic, ceremonial, or harvest-your-own activities and
49 attractions. An agritourism activity does not include the
50 construction of new or additional structures or facilities
51 intended primarily to house, shelter, transport, or otherwise
52 accommodate members of the general public. An activity is an
53 agritourism activity regardless of whether the participant paid
54 to participate in the activity.

55 Section 3. Subsection (1) of section 570.87, Florida
56 Statutes, is amended to read:

57 570.87 Agritourism participation impact on land
58 classification.—

59 (1) In order to promote and perpetuate agriculture
60 throughout the state, farm operations are encouraged to engage

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61 in agritourism. The conduct of agritourism activity on a bona
62 fide farm or on agricultural lands classified as such pursuant
63 to s. 193.461 may ~~shall~~ not limit, restrict, or divest the land
64 of that classification as long as such lands classified as
65 agricultural remain used primarily for bona fide agricultural
66 purposes.

67 Section 4. This act shall take effect July 1, 2016.