

## CHAPTER 2016-14

### Committee Substitute for Committee Substitute for House Bill No. 59

An act relating to agritourism; amending s. 570.85, F.S.; providing legislative intent; prohibiting a local government from enforcing a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land; specifying that the prohibition does not apply to local regulation of substantial offsite impacts relating to such activities; amending s. 570.86, F.S.; revising the term “agritourism activity”; amending s. 570.87, F.S.; providing conditions under which agritourism activities on farms or on lands classified as agricultural lands do not limit, restrict, or divest the land of such classification; providing an effective date.

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

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

570.85 Agritourism.—

(1) It is the intent of the Legislature to promote agritourism as a way to support bona fide agricultural production by providing a secondary stream of revenue and by educating the general public about the agricultural industry. It is also the intent of the Legislature to eliminate duplication of regulatory authority over agritourism as expressed in this section. Except as otherwise provided for in this section, and notwithstanding any other provision of law, a local government may not adopt or enforce a local ~~an~~ ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. This subsection does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in chapter 252.

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

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

(1) “Agritourism activity” means any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise

accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.

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

570.87 Agritourism participation impact on land classification.—

(1) In order to promote and perpetuate agriculture throughout the state, farm operations are encouraged to engage in agritourism. The conduct of agritourism activity on a bona fide farm or on agricultural lands classified as such pursuant to s. 193.461 ~~does shall~~ not limit, restrict, or divest the land of that classification as long as such lands classified as agricultural remain used primarily for bona fide agricultural purposes.

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

Approved by the Governor March 8, 2016.

Filed in Office Secretary of State March 8, 2016.