
*Farms, ranches, and vineyards across Florida are opening their gates, barn doors and fences, issuing a heartfelt invitation to sample the abundant bounty and natural beauty found in the state's growing adventure – **agritourism**.*

In this Toolkit, you will find information about agritourism and the following:



The link between agriculture and tourism



What is classified as agritourism in Florida and what is the potential market



Types of agritourism



What to consider before opening your agritourism venue or event



Questions for agritourism operators



Current resource assessment



Potential collaborators and partners



Development of business, marketing, operations and financial plans



Customer service advice

DISCLAIMER

The information provided in this Toolkit is intended for informational purposes only and shall not be construed as legal advice or a legal opinion by the Florida Agritourism Association. Please note that laws and regulations discussed in this Toolkit are subject to change and may not be current. You should consult an attorney if you have questions about any particular law and how it may affect you, your business, farm, or property.



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Agritourism

THE MARRIAGE OF AGRICULTURE AND TOURISM

“As the Sunshine State’s number one industry, tourism was responsible for welcoming 137.6 million visitors in 2022 and employing more than 1.6 million Floridians.”

– VISIT FLORIDA

Research published by the University of Florida shows that Florida agriculture, natural resources and related industries provide 2 million jobs and \$76.5 billion in value added impacts annually, making agriculture critical to Florida’s economy. When it comes to green acres, the state of Florida has nearly 24 million acres of forests, croplands, and ranches – two thirds of Florida’s total land area.

Agritourism is the marriage of Florida’s top two industries, and the trend is quickly proving to be successful for farmers and farm visitors.

Agritourism offers unique alternatives to Florida’s vacation destinations like our fantastic theme parks and beaches.

Visitors are planning stops at farms during their stays and are creating memories that will last a lifetime. Lena Juárez, Executive Director of the Florida Agritourism Association, has said “Agritourism, one of the state’s fast-growing new business ventures, allows small farms to survive and thrive. Florida agritourism is the ultimate field trip where Floridians and visitors to our state want to return to their rural roots and experience the joys and benefits of farm life.”

Agritourism offers unique alternatives to Florida's vacation destinations like our fantastic theme parks and beaches.

Jane Eckert, noted agritourism expert, outlined travel trends on her website that support the growth of agritourism based on information from the Travel Industry Association of America.



Tourists are increasingly traveling by cars



Tourists are taking shorter trips and planning at the last minute



Travelers are looking for experiences as a part of their trips



Families want to strengthen their relationships by being together

This information is encouraging for agritourism operators because it shows that the alternatives people are seeking are attainable opportunities for farmers. It is also important to note that the agritourism market is now considered a new cash crop for farmers throughout the United States.





Law

THE FLORIDA AGRITOURISM LAW

Throughout the history of the Florida agritourism law, the Florida Agritourism Association has been integral in working with legislative and industry leaders to create opportunities for farmers to continue farming while adding agritourism activities to their businesses.

Currently, the Florida Statutes prevent a local government from prohibiting, restricting, regulating, or otherwise limiting an agritourism activity on land that has been classified as agricultural by a property appraiser. Agritourism may include civic, ceremonial, and training and exhibition activities. Most importantly, the law has established a limitation on legal liability from the inherent risks for the landowner, agritourism operator, and employees if a notice of risk is posted on the land. This limitation must be posted and maintained on signs located at the entrance to the agritourism location and at the site of the agritourism activity.

An agritourism activity must be consistent with a bona fide farm 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, or harvest-your-own activities and attractions.

Please read this next section carefully as it is very important for you, as an agritourism operator, to know and understand the laws.

Agritourism Statutes

Since 2007, the Florida Legislature has recognized the importance of and the need for changes to the law that would encourage farmers to open up their farms to visitors.

In the past, concerns about liability exposure prevented farmers from diversifying into the agritourism sector. With statutory revisions over the

past years, state leaders have shown their commitment to making Florida a friendly environment for agritourism operators. The statutes also define what agritourism is in Florida, which covers a broad spectrum of activities.

The Florida Agritourism Association has compiled the following Florida Statutes that may impact agritourism operators. We strongly encourage you to consult an attorney to seek legal advice as to how these laws may apply to your particular circumstances and agritourism activities.

Agritourism Operation Authorization

In 2013, the Florida Legislature passed legislation defining agritourism activities; provided guidelines for liability protections; addressed the posting of liability signage (with required language and sign specifications); and prevented local governments from prohibiting, restricting or limiting agritourism activities on land that has been classified as agricultural by a property appraiser. Here is the statute authorizing agritourism operations as of 2023.

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 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 law, a local government may not adopt or enforce a local 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.

(2) The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: Florida Tourism Industry Marketing Corporation, convention and visitor bureaus, tourist development councils, economic development organizations, and local governments. In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

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.

(2) “Agritourism operator” means a person who is engaged in the business of providing one or more agritourism activities, whether for compensation or not for compensation.

(3) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products, including land used to display plants, animals, farm products, or farm equipment to the public.

(4) “Farm operation” has the same meaning as in s. 823.14.

(5) “Inherent risks of agritourism activity” means those dangers or conditions that are an integral part of an agritourism activity including certain hazards, such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and the ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. The term also includes the potential of a participant to act in a negligent manner that may contribute to the injury of the participant or others, including failing to follow the instructions given by the agritourism operator or failing to exercise reasonable caution while engaging in the agritourism activity.

570.87 Agritourism participation impact on land classification.—

(1) In order to promote and perpetuate agriculture throughout this state, farm operations are encouraged to engage in agritourism. An agricultural classification pursuant to s. 193.461 may not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities.

So long as the building, structure, or facility is an integral part of the agricultural operation, the land it occupies shall be considered agricultural in nature. However, such buildings, structures, and facilities, and other improvements on the land, must be assessed under s. 193.011 at their just value and added to the agriculturally assessed value of the land.

(2) Local governments and agricultural representatives shall meet for the purpose of discussing the benefits of agritourism to local economies

and opportunities for cooperation, conflict resolution, regulatory streamlining, and incentives.

570.88 Liability.—

- (1) Except as provided in subsection (2), an agritourism operator, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs is not liable for injury or death of, or damage or loss to, a participant resulting from the inherent risks of agritourism activities if the notice of risk required under s. 570.89 is posted as required. Except as provided in subsection (2), a participant, or a participant's representative, may not maintain an action against or recover from an agritourism operator, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs for the injury or death of, or damage or loss to, an agritourism participant resulting exclusively from any of the inherent risks of agritourism activities.
- (2) In the event of the injury or death of, or damage or loss to, an agritourism participant, subsection (1) does not prevent or limit the liability of an agritourism operator or his or her employer or employee or the owner of the underlying land on which the agritourism occurs if he or she:
 - (a) Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant; or
 - (b) Intentionally injures the participant.
- (3) The limitation on legal liability afforded by this section to an agritourism operator or his or her employer or employee or the owner of the underlying land on which the agritourism occurs is in addition to any limitations of legal liability otherwise provided by law.

570.89 Posting and notification.—

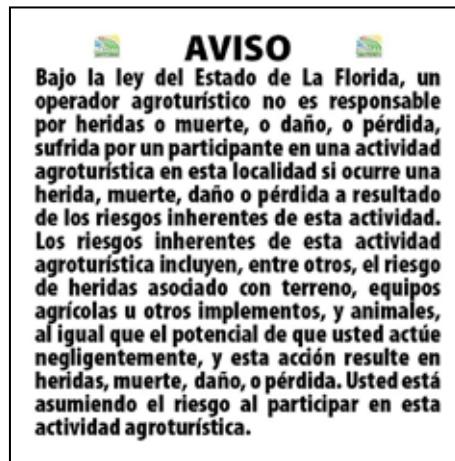
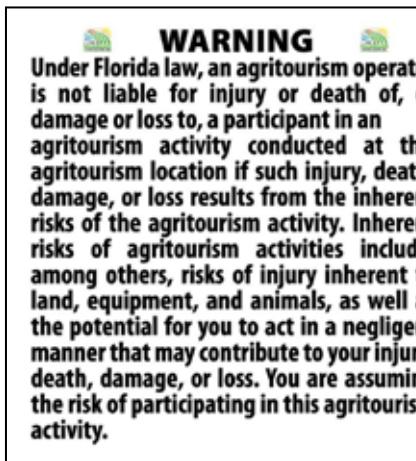
- (1)(a) Each agritourism operator shall post and maintain signs that contain the notice of inherent risk specified in subsection (2). A sign shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice of inherent risk must consist of a sign in black letters, with each letter a minimum of 1 inch in height, with sufficient color contrast to be clearly visible.
- (b) Each written contract entered into by an agritourism operator for the provision of professional services, instruction, or the rental of equipment to a participant, regardless of whether the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the notice of inherent risk specified in subsection (2).

(2) The sign and contract required under subsection (1) must contain the following notice of inherent risk:

WARNING

Under Florida law, an agritourism operator is not liable for injury or death of, or damage or loss to, a participant in an agritourism activity conducted at this agritourism location if such injury, death, damage, or loss results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury, death, damage, or loss. You are assuming the risk of participating in this agritourism activity.

(3) Failure to comply with this section prevents an agritourism operator, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs from invoking the privileges of immunity provided by this section.



Agritourism operators may purchase signage that conforms to the statutory formatting requirement from the Florida Agritourism Association's website at www.visitfloridafarms.org.

Further Clarification

In 2016, the Florida Legislature passed a bill that further defined agritourism activities. Civic, ceremonial, and training and exhibition activities are considered agritourism activities.

Additionally, the bill prohibited local governments from enforcing any ordinance, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agriculture land under Florida law.

What qualifies as an Agriculturally Classified Property (also known as Greenbelt)?

Your land must be classified by the county property appraiser as agricultural under Chapter 193, Florida Statutes, in order receive the benefits and protections of Florida's agritourism laws under Chapter 570, Florida Statutes. Here is the exact statute outlining agricultural classification.

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

- (1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.
- (2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The property appraiser shall have available at his or her office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.
- (3)(a) Lands may not be classified as agricultural lands unless a return is filed on or before March 1 of each year. Before classifying such lands as agricultural lands, the property appraiser may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 constitutes a waiver for 1 year of the privilege granted in this section for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 must file an application for the classification with the property appraiser on or before the 25th day after the mailing by the property appraiser of the notice required under s. 194.011(1). Upon receipt of sufficient evidence, as determined by the property appraiser, that demonstrates that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant the granting of the classification, the property appraiser may grant the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant may file, pursuant to s.

194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the classification, the value adjustment board may grant the classification for the current year. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:
 - a. The length of time the land has been so used.
 - b. Whether the use has been continuous.
 - c. The purchase price paid.
 - d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
 - e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.
 - f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.

- g. Such other factors as may become applicable.
- 2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.
 - (c) The maintenance of a dwelling on part of the lands used for agricultural purposes shall not in itself preclude an agricultural classification.
 - (d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).
 - (e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the value adjustment board or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this paragraph. If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body. This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.
- (4) The property appraiser shall reclassify the following lands as nonagricultural:
 - (a) Land diverted from an agricultural to a nonagricultural use.
 - (b) Land no longer being utilized for agricultural purposes.

(5) For the purpose of this section, the term "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

1. The quantity and size of the property;
2. The condition of the property;
3. The present market value of the property as agricultural land;
4. The income produced by the property;
5. The productivity of land in its present use;
6. The economic merchantability of the agricultural product; and
7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c)1. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

3. Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7)(a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 5 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services or a federal agency, as applicable, pursuant to such program or successor programs. Lands under these programs which are converted to fallow or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre on a single-year assessment methodology while fallow or otherwise used for nonincome-producing purposes. Lands under these programs which are replanted in citrus pursuant to the requirements of the compliance agreement shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre, on a single-year assessment methodology, during the 5-year term of agreement. However, lands converted to other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(b) Lands classified for assessment purposes as agricultural lands that participate in a dispersed water storage program pursuant to a contract



with the Department of Environmental Protection or a water management district which requires flooding of land shall continue to be classified as agricultural lands for the duration of the inclusion of the lands in such program or successor programs and shall be assessed as nonproductive agricultural lands. Land that participates in a dispersed water storage program that is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

What about barns and farm buildings?

Many agritourism operators use their non-residential farm buildings for their agritourism events and activities. The Florida Legislature passed a bill in 2022 that further clarified the original statute related to land classification. Specifically, Florida property appraisers cannot tax land differently where non-residential farm buildings are located at a separate rate than the remaining property when determining whether the agricultural classification applies to the land. Here is the statute addressing the building code as related to farm buildings.

Farm Buildings, Including Barns

604.50 Nonresidential farm buildings; farm fences; farm signs.—

- (1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4), (5)(a), and (6)-(8).
- (2) As used in this section, the term:
 - (a) “Bona fide agricultural purposes” has the same meaning as provided in s. 193.461(3)(b).
 - (b) “Farm” has the same meaning as provided in s. 823.14.
 - (c) “Farm sign” means a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.
 - (d) “Nonresidential farm building” means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is

classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Here is the statute related to buildings on agriculturally classified land.

570.87 (1) 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. Agricultural classification pursuant to s. 193.461 shall not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a non-residential farm building, structure, or facility on a bona fide farm used to conduct agritourism activities. So long as the building, structure, or facility is an integral part of the agricultural operation, the land it occupies shall be considered agricultural in nature. However, such structures, facilities and other improvements on the land shall be assessed under s. 193.011 at their just value and added to the agriculturally assessed value of the land.

Agriculturally Classified Land Exemption - Building and Local Government Land Development Codes

The following is an excerpt from 553.73, F.S. exempting nonresidential farm buildings from the Florida Building Code. Floodplain management regulations still apply to nonresidential farm buildings.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

- (a) Buildings and structures specifically regulated and preempted by the Federal Government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.
- (f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;
2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
3. Is not connected to an offsite electric power or water supply.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building

requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Here is the statute governing nonresidential farm buildings.

604.50 Nonresidential farm buildings; farm fences; farm signs.—

- (1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes, not including those lands used for urban agriculture, is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4), (5)(a), and (6)-(8).
- (2) As used in this section, the term:
 - (a) “Bona fide agricultural purposes” has the same meaning as provided in s. 193.461(3)(b).
 - (b) “Farm” has the same meaning as provided in s. 823.14.
 - (c) “Farm sign” means a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.
 - (d) “Nonresidential farm building” means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.
 - (e) “Urban agriculture” has the same meaning as in s. 604.73(3).



Are You UP For This?

QUESTIONS TO ASK BEFORE STARTING

Becoming an agritourism operator means you will take on new and additional tasks as well as additional regulatory compliance. There are many organizations out there to assist you in researching, prepping, getting started, and opening and maintaining your business, but ultimately it is your responsibility to provide a positive and safe experience to your guests.

Questions to Ask Before Starting



Are you willing to devote the hours it takes to operate this type of business on top of your current responsibilities and commitments? Most of your guests will want to come to your business outside of those classic 9:00 am to 5:00 pm hours. Family time is in the late afternoon, evenings, weekends, and holidays. Are you willing to be open to the public during those times?



Do you have business partners? Do you have employees who you will trust with your guests? Are your family or friends interested in helping with the business? Who will issue tickets, take money, help in the shop or on the farm? Who will guide the visitors throughout the operation?



Can you work with the public? Do you enjoy working with people? Do you have the patience to work with all kinds of individuals? Will your family members and employees enjoy working with the public? Will you mind inviting visitors onto your property, and in some cases, into your home? Is privacy a concern for you?



Do you love your agritainment option? Sharing your love of what you do with your visitors will shine through and offer up a great and memorable experience.



When you invite the public to your operation, it will involve the assistance of more than one or two folks. Make sure you are prepared to be staffed with capable and knowledgeable employees or family members. What do you think your customers will want to participate in, observe, or learn about at your operation? Again, starting with one unique and special experience will allow you to be successful and get to know your customers. Ask them what they are interested in. It is critical to offer an experience that is quality, fun, entertaining, educational, and safe.

Research your options carefully. There are many ways to determine what might work for you. You can contact your cooperative extension office for your county; you can talk with your county's convention and visitors' bureau; you can look to what other states and businesses in those states are doing via the Internet. Some states have very successful agritourism programs, and taking some time to browse their information, success stories and look for ideas will be well worth it.

Agritourism continues to experience growth throughout the country. Many states, such as Colorado, Georgia, Michigan, Missouri, Ohio, Oregon, Pennsylvania, Tennessee, Virginia, Oklahoma, North Carolina, and Iowa have excellent programs. In addition, you can ask established agritourism operators – your peers – in your region about their thoughts and experiences.

In order to know what is successful, what the current trends are, how tourism in your area is working, and other information pertinent to your agritourism operation, you will need to get involved with those in the “know.”

Become a member of your business community. Join organizations that advocate for your business such as the Florida Agritourism Association (www.visitfloridafarms.org) and your local chamber of commerce. There will be opportunities such as networking sessions, educational, finances, and discussions about your community's business climate from which you will directly benefit. Through these organizations and activities, you will be able to maintain your expertise, form partnerships for support, and learn from others.

Get A Plan

Develop a business plan that creates your plan of action for your operation that sets measurable goals and objectives. It should be realistic and effective. Write a marketing plan that helps you tell your business's story.

Ask yourself these questions. Knowing yourself, your family, and employees when it comes to working with the public is an important aspect of an agritourism business. Visitors are customers. Is your agritourism operation

safe for guests? Does your agritourism operation look welcoming to guests? Are you motivated to keep your premises clean and organized at all times? Do you understand the importance of maintaining your operation for both appearance and safety reasons? If you answered “yes” to these questions, then you are up for this!

Things to Consider

-  Florida's mild climate provides opportunities for year-round agritourism options
-  Florida is a destination for international visitors
-  Florida agriculture is big, with more than nine million acres utilized for agriculture, according to the Florida Agricultural Statistics Service
-  Agritourism activities are affordable
-  Many people are removed from the rural experience, so agritourism provides an opportunity to participate in farm activities and outdoor experiences
-  There is an increased interest in the local food movement





Resources

ASSESSING YOUR RESOURCES

What do you have? What can you offer? Who can help?

It is up to you to decide just what type of agritourism that you can offer to visitors. You should assess your resources to determine what you have to offer that is unique, fun, and educational. Your land is a great place to start – knowing your land and its capabilities are important aspects of assessing your resources.



Your land must be classified as agricultural as stated in Chapter 193, Florida Statutes.



Is adequate land available for your agritourism business? Consider requirements such as parking and emergency access.



What types of land features are present? Are there springs or caves? Does your land have a lake, ponds, streams, or other water features? Do you have swampland or marshes? Is the topography comprised of rolling hills or flat land? Would it be considered scenic?



Do you plan to utilize agricultural land that is in use portions of the year? If so, is the land easily used?



Is the soil of the type that is appropriate to use during the time when you plan to host your agritourism operation?



What do you visualize for the use of this land?



Is the location of your proposed business easily accessible?



How are your access roads?



Are you located close to other attractions or nearby towns/cities?



Are there buildings available on the land that could be used for your business? Are they modern, historic, ramshackle?

The Florida climate is another important resource that you should think about.



Will it be too hot? Too windy? Too wet? What about hurricane season? You have a fairly good idea of Florida's weather patterns and how they will impact your agritourism business. When opening your farm to visitors, remember that there are potentially dangerous wildlife risks such as snakes, alligators, and insects that need to be managed.



Can the wildlife found on your land be hunted or fished?



Does wildlife on the land pose a threat to visitors? If so, what can you do to prevent dangerous encounters?



Would you consider wildlife to be of interest to birdwatchers or wildlife watchers?



Are there other tourism resources nearby that could be an additional attraction to your agritourism operation?



Restaurants



Lodging establishments



Gas stations



Other attractions like Florida springs or rivers, parks, theme parks, shopping areas, zoos, museums, and beach venues

Take an inventory of your current infrastructure. For example, do you have existing farm buildings that can be utilized or updated for agritourism activities? Keep in mind that Florida Statute 570.86 states “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.”



Parking



Restrooms and other plumbed facilities



Are you ADA (Americans with Disabilities Act) compliant? Is it necessary for your operation to be in compliance?



Shelter



Picnic area

With all of this in mind, what can you offer that complements your assessed resources and plays into your local community? What will attract visitors and help you build your agritourism business?

What is available within your community to help you get your agritourism business up, running and successful? There are many resources in place to help. (See the Important Agritourism Industry Resources section for more information).

Grow Your Chances

**FOR AGRITOURISM SUCCESS WITH
A STRONG BUSINESS PLAN**

By Gary Matteson

Senior Vice President

Beginning Farmer Programs and Outreach at The Farm Credit Council

Agritourism is booming, and you may be considering giving it a try on your own farm. Before you do, prepare yourself to be profitable by taking the time to write a detailed business plan that considers how you will lay the groundwork for and then achieve success.

Selling the Farm Experience

Part education, part entertainment, agritourism farms account for nearly \$950 million in annual agricultural sales in the United States (*USDA Census of Agriculture*, 2017). The general public, maybe now more than ever, is curious about what happens on a farm, and agritourism operations give them a taste with farm tours, farm stays, animal petting zoos, harvest festivals, corn mazes, and other fun experiences.

Don't feel like you need to start from scratch with an agritourism operation—in fact, it's better not to. Using the farm resources you already have will increase your chances of profitability and diversify your risk. These resources aren't just crops and space. Also consider labor, equipment, and the sale of your own farm products to visitors as potential resources available to your agritourism activities.

Planning for Success

Agritourism is a very, very different way to earn money on your farm if you're used to traditional methods. Selling an entertainment experience requires you to have a customer-focused attitude and a talent for marketing. Just how different operating an agritourism enterprise can be should give you pause as a producer - at least a pause that lasts long enough to create a detailed business plan.

Writing a business plan requires you to envision and establish clear goals. Goals are not the same as potential opportunities or grand ideas.

*Concentrate on **SMART** goals:*

***S**pecific, **M**easurable, **A**ttainable, **RT**imed*

Before you stick your toe in the water to try out agritourism, take some time to think about not only short-term operational planning, but also long-term strategic planning that lays out where your agritourism business will go, how it will get there, and what resources will be required. An ideal business plan will be detailed enough that other people can read it and understand what you intend to do, how financial results will be achieved (and what those results are), and the steps you will take to help your enterprise grow and prosper.

Writing a business plan requires you to envision and establish clear goals. Goals are not the same as potential opportunities or grand ideas. Concentrate on SMART goals: Specific, Measurable, Attainable, Rewarding, and Timed. Also address what can go wrong and how to avoid, correct, or mitigate problems that can be anticipated.

It's also important that a business plan for diversification into agritourism is still a farm business plan, meaning that the agritourism components of your plan have to harmonize and not interfere with your existing operation. For example, if spring planting is the busiest time of the year, then it would be best to make sure the labor, equipment, and cash flow resources needed for that are not also scheduled for an agritourism event.

Using Words and Numbers

A business plan must use descriptive language to tell the story of what the agritourism enterprise will do, and it must also tell the same story in numbers. The story in numbers means budgets, forecasts, key financial performance indicators that will be tracked, and spreadsheets showing “what if” analyses (such as what if the weather is bad on festival day, what if labor costs rise due to bigger crowds, what if advertising expense is doubled). Using both words and numbers to describe the business means that your plan can be understood by more people. When your partners, spouse, advisors, investors, or lenders can clearly read your plan, they can

better understand how deeply your plan addresses business performance in a variety of situations.

Although you can hire a professional consultant to write a business plan, you as the business owner must take the ultimate responsibility to develop and implement the plan. The Small Business Administration or regional business development centers may be helpful in assuring that you've covered plenty of realistic scenarios. Advisors such as cooperative extension staff and agricultural lenders such as Farm Credit loan officers are familiar with the unique characteristics of farm businesses and can also provide valuable input. (**See the Important Agritourism Industry Resources section for more information.**)

Considering a Loan

A part of making a business plan may be securing a loan for your agritourism venture. Once you have a good idea of the scope and scale of the agritourism business you are considering, you can decide if you need to find a financial partner for a loan. That decision should be evident from the budgets and cash flow projections in your business plan. For example, if you are going to operate a corn maze in the fall, you will need to know



how much it costs to plant the corn, map the maze, install fencing, set up parking, designate admissions areas, and if you're going to have farm fresh foods on hand to sell to the crowds. If the cost of all those preparations takes more money than you have, you should consider financing options. You can learn more about financing your operation by contacting your local Farm Credit officer.

Borrowing money should be considered only if you have a plan in advance that shows how you will be able to pay the money back. Getting a lender to invest in your agritourism idea will require you to show how much you will achieve in sales, minus your costs, equaling a net profit from which you can repay the loan.

Forecasting Costs and Profits

It's important to know your start-up cost and break-even point when starting any agritourism business, but these numbers become even more crucial when you're asking for a loan. A start-up cost is the amount of money invested in the project before it begins to show any income from sales. A monthly cash flow spreadsheet will show the total start-up costs, when those costs will be incurred, when income from sales will begin, and when a loan can be paid back. You can also use a monthly cash flow projection to schedule project milestones, such as a task list for when corn should be planted, or advertising should be purchased.

Knowing your break-even point means you've projected what you'll have to achieve to ensure you don't lose money. To find your break-even point for the corn maze, for example, you'll need to be able to forecast what it will cost to provide the corn maze experience, how many paying customers you can attract to your maze, and how much they will each pay you. If it costs you \$10,000 to create, grow, advertise and obtain liability insurance for the corn maze and have enough staff to sell tickets for \$10 each, then to meet your break-even point you would need 1,000 customers ($\$10 \text{ per ticket} \times 1,000 \text{ tickets} = \$10,000$). Potential lenders will want to know these figures to grant you financing, and you'll want to know them to determine at what point you can begin to make a profit.

Agritourism can be a fun and interesting way for almost any size farm to earn more profits, but that success starts with careful planning. Gather and analyze the specifics of your business and create a strong business plan that explains those in detail. Laying this kind of groundwork right away will help you as you start into agritourism, and also as you grow your operation in the future.



Benefits

HOW DO YOU BENEFIT FROM AGRITOURISM?

There are many ways agricultural landowners benefit from adding an agritourism operation to their existing business and becoming a public advocate for the importance of farming and agriculture.

-  Additional income
-  Increase revenue without increasing acreage
-  Supplemental income can be used for present and future needs
-  Sole income is not reliant on farming operations; it is varied and can become more predictable income for the operation
-  Agritourism provides opportunities for more of the family to become involved in the operation
-  Agritourism offers additional marketing and sales channels for products
-  Grow the agricultural side of your business while offering your products to the public through emerging trends like the farm-to-table movement



By opening your farm up to the public, you are providing an invaluable educational experience! Farm visitors can reap the benefits of the business that you sow. Some of the information your visitors will take away from the farm:

-  Wholesome family-friendly entertainment
-  Learn where food comes from
-  Become aware of the farm-to-table movement
-  Learn about healthful and nutritious food options
-  Understand that agricultural resources need to be managed or food will become scarce
-  Gain an understanding of farming and agricultural life
-  Learn about Florida's history through agriculture
-  Participate in a new experience – an out-of-doors agricultural adventure

What Can You Offer?

WHAT KIND OF AGRITOURISM ACTIVITY CAN YOU OFFER?

There are so many different types of agritourism operations in which you can become involved. You can provide several different activities at one venue.

These experiences should be awesome for the guest. It is important for you to remember that in keeping with the reputation of the visitor experience to the Sunshine State, your operation should be a first-class adventure that is safe, fun, educational, and exciting.

From recreational activities and tours to retail sales, meeting services and educational activities, the only limit to your agritourism adventure is your imagination, and what is prevented by state law. Here are some ideas for your agritourism activity.

Recreational Activities or Tours

- Pick your own citrus, melons, berries, beans, flowers, Christmas tree, etc.
- Citrus grove tours
- Barn tours
- Wagon/hayrides
- Crop mazes
- Pumpkin patches
- Horseback riding
- Vineyards/wineries
- Farm/plantation tours
- Beekeeping
- Cattle-related activities such as drives, roping, etc.
- Farm equipment demonstrations
- Wildlife watching/bird watching
- Butterfly farms
- On-site farm photography sessions
- Rural/historical tours

- Dude ranch/ranch fun
- Archery
- Hiking/walking
- Stargazing
- Alligator farming
- Fishing/fishing leases
- Hunting/hunting leases
- Shooting sports, including skeet shooting, trap and sporting clay
- Holiday events like Christmas with Santa on the farm, Easter egg hunts, Valentine's Day specials, haunted hayrides/haunted maze tours, etc.
- Spring planting events
- Runs and other sporting events
- Farm festivals and cultural events
- Seasonal harvest-time activities

Meeting planning/other hospitality services

- Picnics
- Bonfires
- Weddings
- Receptions
- Company retreats
- Family reunions
- Faith-based groups and gatherings
- Mystery dining

Educational Activities

- Organized tours for schools, churches, seniors, families
- Agricultural programs that teach attendees how to grow produce and herbs, care for livestock, beekeeping, create butterfly gardens, caring for poultry
- Nature education programs showcasing wildlife, flora, and fauna
- Agricultural demonstrations such as horseshoeing, juice production, milk production
- Workshops such as horse training, arts and crafts and flower arranging

Be certain that whatever you decide to do, make it the best possible, make it something you can be proud of, and make it an activity that folks will want to return to year after year. Listen to your guests. If they are asking for something in addition to what you are offering, consider whether it is a "good fit." If so, add that too!

The Ultimate Field Trip

WHO IS MY TARGET AUDIENCE/MARKET?

Multiple types of consumers are attracted to agritourism. Each target audience may be looking for something different at an agritourism enterprise.

One may be looking for an educational program while another may be looking for a relaxing or romantic getaway. Still other target audiences may be looking for recreational activities, entertainment, an event location (for business or organizational meetings, family reunions, birthday parties, weddings, receptions, or other events), an authentic farm experience or a source of direct-from-the-farm products.

In Florida, we may have additional target markets comprised of seniors' groups, "lunch and learn" programs, university-driven adult learning groups and even entrepreneurial seminars sponsored by educational officials.

- Teachers and schools/ educational organizations
- Home schooling groups
- Youth civic and faith-based groups
- Adult civic and faith-based groups
- Garden clubs
- Business leaders
- Birthday/party planners
- Brides and grooms-to-be
- Married couples
- Local families with children
- Families on vacation
- Business travelers
- Fair and festival goers
- Teenagers
- History buffs
- Wine connoisseurs
- Hunters
- Wildlife watchers
- Landscape and wildlife photographers
- Outdoor enthusiasts (hikers, bikers, boaters, rafters, etc.)
- Equine enthusiasts
- Travel/tour firms





Success

WHAT MAKES A SUCCESSFUL AGRITOURISM OPERATION?

Hugh McPherson of Maize Quest Fun Park in Pennsylvania shared his observations about what makes a successful agritourism operation at the 2013 Great Lakes EXPO.

His remarks on his “Five Core Pillars for Success” make sense for every agritourism operator who wants to provide high-quality agritainment.



A “fun park” component that offers games and activities for a broad range of ages and incomes, with at least one new offering each year



A market for selling items related to the business for all incomes



Food for the visitors to eat while visiting



A courtyard for people to rest while visiting to extend their stay



A seasonal focus that leads to an easy marketing and giveaway campaign

He suggests that operators plan or revise their businesses around these concepts and that agritourism businesses conduct an inventory of all attractions. After the inventory is complete, he suggests asking the following questions:



For what age group is each attraction designed?



What age group might be underserved at your business?



What is the budget per attraction?

The exercise of asking these questions will give the business owner perspective on what should be added or retooled. Diane L. Smith of the Michigan State University Extension compiled this information, and she summarized McPherson's exercise. "McPherson emphasized that this approach is found to be more successful and less time-consuming than trying to offer something every season to make your place a year-round destination. By working smarter through implementing the five core pillars of an agritourism operation, he believes businesses will find that they have a greater financial gain at the end of the year."

This is certainly something to consider as you plan your agritourism business, making sure to carefully plan out your expansion of options and changes to different aspects of your agritourism operation. Additionally, be certain that you are successful with every component before you add another.

Welcoming hospitality and superior customer service are the foundation for any great tourism experience.





When operating an agritourism business, you must provide a quality experience for your visitors.

As the Sunshine State, Florida is known for its warm hospitality and exceptional customer service. The operation of a tourism venture is about attracting first-time visitors to your destination. It is also about providing an experience that will have them returning year after year, bringing their friends and family when they return. Hospitality and customer service are a big part of your agritourism attraction. This begins from the first telephone call and continues until a visitor pulls out of the driveway. In some cases, it may not even end there; with social media accessibility, customers may also experience hospitality after they leave your business. It is critical that all individuals involved in contact with the public are pleasant, knowledgeable, and professional.

The first time a potential visitor has contact with your business may be when they call to find out more about the operation. While many folks will browse a web page, those folks and others will seek more information. The person designated to answer the phone should announce the business name and his or her name immediately. Information should be given to callers clearly and professionally. If it is necessary to place a caller on hold or transfer the call to someone else who is more knowledgeable, advise the caller of your upcoming action and perform it carefully and correctly. If messages are left on the operation's voice mail, return them quickly and remember to check voice mail throughout the day.

Your website is a critical component of your overall operation. By addressing points not to miss when heading out to your agritourism business, you are already providing excellent customer service. Be sure to include your exact address and provide directions. Make a note if GPS directions are confusing

or inaccurate. If you have several farm entrances, make sure that you clarify which one is for agritourists as opposed to which one is used for vendors and employees. Your phone number must be a part of the website information, too.

Before your guests come to your property, make sure that they understand what steps they can take to optimize their farm experience. Prepare visitors for their adventure by providing information about appropriate attire and accessories that might be useful. Some examples may be closed-toed shoes, hats, or sunscreen. If additional accessories are needed in order to enjoy the adventure, perhaps consider providing them to guests such as umbrellas or rain ponchos. Prior to enjoying the adventure, be sure to talk about safety, rules, and regulations. Make sure that you can deliver on any promises that you or your employees make about the farm visit experience.

What will you or your employees say to visitors upon arrival at your agritourism adventure? How will they be greeted? It is a great idea to provide all employees with a short script of the points not to miss when greeting folks who have just arrived at your business. Be certain to include the name of your operation and other pertinent information in a concise and welcoming manner. Remember, body language does matter. Employees should greet visitors with a smile and a welcoming stance. Remember, we live and work in the Sunshine State!

Employees should be easily recognizable by anyone visiting your business. Uniforms and name tags can really help with this effort. Employees should be prepared to take the initiative to ensure that all guests are enjoying their agritourism adventure. By formally recognizing an employee's excellent customer service, the employee will feel empowered to make every guest experience as enjoyable as possible.



Be mindful of the culture and traditions of visitors from other countries when possible. If you become aware that a large group from another country that speaks a different language is planning to visit your agritourism operation, you may want to consider offering a translator to assist in giving information and instructions to guests. Once your guests are on the property, it is helpful to provide a local directory of services, food and lodging, attractions, emergency contact information, churches and other places of worship, and similar information. You may want to offer materials from your local convention and visitors' bureau that includes the information noted above, as well as a map.

Providing a take-away gift from the agritourism experience is a nice touch. These days, it is so easy to take a photo of guests enjoying the adventure. You can print it and give it to visitors before leaving. Also, be certain that you have contact information such as business cards and brochures available to guests before departing, so that they can easily share their experience with friends!

Signage is important to the customer service experience. Drive-by signage offers a short description of the business. Directional signage on the property is also vital. Be certain to point out restroom facilities, picnic areas, the gift shop location, the ticket office, and other landmarks at your business. Agritourism liability signage must be posted in compliance with the law as well if you want to maintain your exemption from liability.

As your guests leave your operation, think about how their adventure went. Was it fun? Was it educational? Was it memorable? If the answer is yes, then congratulations!



Make sure that your website and social media accounts are kept current and provide information about seasonal or unexpected changes in real time.



Utilize social media in following up with visitors who make comments or critiques about your business. It may not be possible to satisfy every customer, but by responding to issues quickly and professionally, you will have done your best to correct the situation.



Remember that from the initial phone call or website view to post-visit follow up, there are opportunities to shine and promote your business to visitors and potential visitors.



Empower your employees to make decisions that provide great customer service.



Developing

A BUSINESS PLAN FOR YOUR AGRITOURISM ADVENTURE

A business plan is a tool to help you manage your business. It is constantly evolving and should be referenced frequently. It identifies your strengths and weaknesses and allows you to constantly improve the plan for success.

It also incorporates all of the hopes, dreams and realities of operating a business into one place. The business plan will house the goals and objectives for your business and will help you keep track of your successes and those ventures that were not as successful.

Typically, a business plan is comprised of an executive summary, a description of your business, a market and competition analysis, an operational and management plan, a marketing plan, a financial plan, goals and objectives, and a risk management plan with a description of potential issues. A business plan is almost always a necessary and key component in expressing to lenders of capital what they may be lending money for or investing in.

An executive summary is best written after completion of the body of the business plan. It will summarize your business plan without going into specific detail about each activity or plan. It is an overview of your proposed agritourism business. While it shouldn't be lengthy, it should express general information about the business.

Your business description will provide additional information about your planned business. It will briefly describe the activities and offerings, the market, the competition, the goals and objectives/milestones, and the mission of the business. Include why the proposed business is unique and why you believe it could be successful. The structure of the business (i.e. how it is described legally) can be incorporated at this point. If you have an existing business, also include a description in this section.

The marketing plan will assist you in determining the methods that you will use to reach out to potential visitors. You should be able to easily describe your product to target guests, and why it should not be missed. There are several questions to ask in this process.



Is the location an attraction in itself? Is it rural or located near other attractions and amenities? Will people want to visit your agritourism operation because of the location?



What is the price of your agritourism adventure or your pricing strategy? Is your pricing easily affordable, or is it a lifestyle adventure that is not accessible to the general public? Is the price in line with similar activities offered within the industry in your region? Is your pricing justifiable by both the adventure experienced and the cost of doing business?



How will you be paid for the agritourism adventure? Will you accept credit and/or debit cards? Can you pre-purchase the experience online? If you offer retail sales at your operation, will someone be available to manage that aspect of the business?

There are many options that you can access to promote your agritourism business. Currently, the most important marketing tool that you can develop to promote your business is building a useful, descriptive, and updated website.

Additional promotional tools available to business owners include:



Traditional free advertising or publicity



Traditional paid advertising or publicity



Partnership/promotion with local convention and visitors' bureau



Social media

- Social networking – Facebook, LinkedIn
- Photo sharing – Instagram
- Social bookmarking – Pinterest
- Video sharing – YouTube, TikTok, Vimeo, Snapchat, Vine
- Blogging/Micro-blogging – WordPress, Tumblr, Twitter

-  Partner with the Florida Agritourism Association, your advocate and marketing resource www.visitfloridafarms.org
-  Partner with promotional governmental agencies like VISIT FLORIDA
-  Promotion with natural partners such as the Florida Department of Agriculture and Consumer Services
-  Holiday promotions
-  Newsletters/magazines/trade journals
-  Gift certificates
-  Email programs
-  Word-of-mouth
-  Trade shows
-  Local sports clubs, etc.
-  Promotional materials and opportunities
 - Website
 - Brochures
 - Business Cards
 - Fliers
 - Billboards
 - Road, entry, and directional signage
 - Press kit

It is ideal to utilize promotional techniques that will engage your potential customers to grow your client and friend base. Marketing your agritourism business can be demanding, but it can also be a lot of fun. Be creative. Collaborate. Get to know your peers and work together to bring the business to your area.

Directional Signage Opportunities for Agritourism Marketing

By Lena Juárez
Executive Director, FATA

In 2014, the Florida Agritourism Association (FATA), acting as advocate for the agritourism industry, was instrumental in assisting agritourism operators in gaining directional signage clarification. One of the most frequent requests we encounter is a desire to have an increased opportunity for signage.

We know many of you are located in rural areas and sometimes have a challenging time with state and local regulations that don't permit you to obtain adequate directional signage to your location.

FATA worked closely with the Florida Department of Transportation to better understand current signage opportunities as well as to create new opportunities through statutory change.

Here is a synopsis of signage opportunities that are potentially available to your operation:

Tourist Oriented Directional Signage (TODS)

Tourist Oriented Directional Signage (TODS) – TODS are standard-design white on blue service guide signs for use on rural roads. Signs have one or more panels that provide the business name and directional information. This sign program, created in 2007 and amended in 2014, includes rural areas in all Florida counties. (288.0656, Florida Statutes)

The program applies to intersections on rural and conventional state, county, or municipal roads. This is a very exciting signage opportunity for many agritourism businesses. However, your local county must decide to implement the program, as it is voluntary by counties and not mandatory. A county or local government that issues permits for a TODS program is responsible for sign construction, maintenance, and program operation for roads on the state highway system and may establish permit fees sufficient to offset associated costs.

TOD signs may not be placed within the right-of-way of limited access facilities; within the right-of-way of a limited access facility interchange, regardless of jurisdiction or local road classification; on conventional roads in urban areas; or at interchanges on freeways or expressways.

FATA wants to work with you and your local county officials to get the TODS program established in every Florida county. Contact us if you want to help spearhead efforts in your county to have the TODS program implemented.

Temporary Harvest Season Signs – Seasonal signage is permitted. Signs can measure up to 32 square feet but may only list the name, distance and/

or direction of a farm operation. Signs must be erected at a road junction within the state highway system. Such signs may be erected during harvest season, not to exceed four months. Harvest signs may not be located in the right-of-way. The farm must either own the property where the sign is placed or have permission from the property owner. This type of signage is ideal for seasonal u-pick operations, festivals, and crop mazes.

Signage on Farm Property

The following types of signage are exempt from state statute signage regulations and are permitted at agritourism operation locations.

Signs erected on the premises of an establishment, which consist primarily of the name of the establishment, or which identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment. (If a sign located on the premises of an establishment consists principally of brand name or trade name advertising and the merchandise or service is only incidental to the principal activity, or if the owner of the establishment receives rental income from the sign, then the sign is not exempt.)

Signs erected, used, or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on the farm.

Florida Interstate Logo Signs

Did you know that your business may already be eligible to participate in the Florida Interstate Logo Program? Your agritourism operation may qualify as an attraction under Florida law. To participate in this program, your operation:

-  Must be open at least five days per week, 52 weeks per year
-  Must be located within 15 miles of the interchange
-  Have family-oriented entertainment, or cultural, recreational, scientific or historical activities
-  Must be recognized as a bona fide attraction

Ideally, you would offer some type of ongoing activity, such as a tour or other active participation by the public, that is specifically designed to entertain or educate. Fees for signage are based on the average annual daily traffic count and the urban area population for each individual exit. There may be some

limitations on availability of spaces at some exits throughout the state. You can learn more about the signage opportunities specifically for Interstate Logos at www.fdot.gov/rightofway/LogoSignProgram.shtm or <https://florida.interstatelogo.com>, or by calling toll free at 1-888-608-0833.

Outdoor advertising and billboards are great ways to advertise your business. If you own property along a state or county road, you may be eligible to place a billboard on your property. The billboard could be utilized to advertise your agritourism operation. The rules for placing a billboard on your property are complex and best understood by working directly with the Florida Department of Transportation's Office of Outdoor Advertising and Logo Office of Right of Way.

For more information about these signage opportunities for your operation, contact the Florida Department of Transportation's Outdoor Advertising Office at 850-414-4600. Additional information and links with the specific rules established by the agency pursuant to Chapter 479, Florida Statutes, may be found in the Important Agritourism Industry Resources section.

Market Analysis

Market analysis of your competition will provide insight as you research the market and competition of your business. It will evaluate the market and background of the business/industry climate; review supporting data; review competitors, both for threats and successes; examine the demographics of residents and visitors; and will assist in identifying target markets. This analysis will also describe local and state regulations that apply to the creation and operation of the business.

Many resources and organizations share the same interests. Local chambers of commerce, VISIT FLORIDA, convention and visitors' bureaus, and trade associations (FATA, the Florida Restaurant & Lodging Association, and Florida Attractions Association) can provide information about your target market.

The market and competition analysis you conduct will help in understanding the market, the niche where your business fits, and the resources available to promote your agritourism venture.

The operational and management plan will incorporate the day-to-day details of managing the business. It will identify the tasks needed to operate the business and how to complete them successfully. This plan should provide position descriptions and a general task analysis for each employee and information about critical personnel. It should include an employee handbook, hiring, firing and other pertinent personnel management issues, and security, licensing and/or permitting can be detailed in this plan as well.

The following is a detailed listing of additional topics that may be covered in an operational and management plan.

-  Renovations, if needed
-  Location - zoning, accessibility, etc.
-  Supplies needed to operate the business
-  Technology needed to operate the business
-  Food safety, if applicable
-  Animal health issues, if applicable
-  Petting zoo sanitization; if applicable
-  On-the-job safety/OSHA information
-  Risks for visitors/release of liability forms
-  Posted rules and regulations
-  CPR/Heimlich maneuver
-  Injury/incident reporting
-  Employee training

Financial Plan

The financial plan for your agritourism business is the keystone to your success. It should outline what your business can afford to do, how and why this is possible, and if the business is feasible. Your financial plan will help you determine if it is worth your while to operate your business. A financial plan is a must if you plan to borrow money to establish the business.

Typically, a financial plan is comprised of statements that note the status of the accounts, cash flow, and the income of the business. It is recommended that a professional assist you in preparing this information. You may not need a loan to get your business up and running, but

developing a financial statement is still a very important component in understanding your proposed and/or established business.

The financial plan will assist you in assessing your start-up costs for your agritourism operation. From determining the price of operational expenses, personnel costs and one-time investments, to projected revenue, the financial plan can be a tool to help you break down the cost of doing business. It can assist you in establishing forecasts and milestones. This goes hand-in-hand with your goals and objectives.

The goals and objectives for your proposed agritourism business are the stepping stones you need to determine the success of your business. Your goals are broad statements describing where you want to go with your business. The objectives are the details of getting to your goal. There may be several objectives related to each goal. Objectives are precise and number generated.

For example, if your goal is to generate revenue with land laying fallow, your objectives could be:



Hold two festivals per year that offer an agricultural/rural “flea market” environment



Grow vendor numbers for each event year over year by five percent



Grow general public attendance at each event year over year by 10 percent



Provide offerings from agritourism business to support goal

In another example, if your goal is to increase revenue from beekeeping, your objectives may include:



Host 15 educational opportunities on premise with at least 100 attendees in total



Sell at least \$100 worth of honey at each event



Write a monthly blog about the ins and outs of beekeeping, with a goal of reaching 1,000 people per year.

To sum it up, the goals and objectives that you establish are the roadmap that you will use to establish and promote your agritourism operation. Goals and objectives should be a serious undertaking; they will determine what you are doing to achieve business success.

Compliance and Risk Management

There are risks associated with any business. It is necessary for you to develop a risk management plan to assist you when and if your business faces a hardship.

Conducting an objective risk management assessment for activities at your business is a great starting place for your plan. Evaluate what you do - or what you will do - and the risks involved. Note those risks and be certain to describe them when talking with your insurance company so that all aspects of the operation are covered. Correct and appropriate insurance coverage should be a big component of your risk management plan.

Florida's agritourism law provides for limitation on legal liability from the inherent risks for the landowner, agritourism operator, and employees if a notice of risk is posted on the land. This limitation must be posted and maintained in signs located at the entrance to the agritourism location and at the site of the agritourism activity. The sign must be comprised of the following language in black ink with letters at least one-inch high:

WARNING	AVISO
<p> Under Florida law, an agritourism operator is not liable for injury or death of, or damage or loss to, a participant in an agritourism activity conducted at this agritourism location if such injury, death, damage, or loss results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury, death, damage, or loss. You are assuming the risk of participating in this agritourism activity.</p> 	<p> Bajo la ley del Estado de La Florida, un operador agroturístico no es responsable por heridas o muerte, o daño, o pérdida, sufrida por un participante en una actividad agroturística en esta localidad si ocurre una herida, muerte, daño o pérdida a resultado de los riesgos inherentes de esta actividad. Los riesgos inherentes de esta actividad agroturística incluyen, entre otros, el riesgo de heridas asociado con terreno, equipos agrícolas u otros implementos, y animales, al igual que el potencial de que usted actúe negligentemente, y esta acción resulte en heridas, muerte, daño, o pérdida. Usted está asumiendo el riesgo al participar en esta actividad agroturística.</p> 

Warning: Under Florida law, an agritourism operator is not liable for injury or death of, or damage or loss to, a participant in an agritourism activity conducted at this agritourism location if such injury, death, damage, or loss results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury, death, damage or loss. You are assuming the risk of participating in this agritourism activity.

Agritourism activity operators may purchase a liability sign from the Florida Agritourism Association at the FATA website, www.visitfloridafarms.org.

Reading the rules, regulations, and safety precautions to visitors when they arrive at your agritourism destination is not just a customer service concern; it is also important for all visitors to hear or read this information as part of your risk management plan. Be certain that every visitor to your operation is aware of this information. It might be a good practice to read this to visitors, and then have them sign a statement acknowledging the rules, regulations, and safety precautions. When entertaining guests at your business, be certain to uphold rules, regulations, and safety precautions at all times.

While you are protected from liability if your agritourism signage is posted, it is not a bad idea to have guests sign a participant release and an assumption of risk form when coming onto your premise. This document is best written by legal counsel. This is just one more bit of “insurance” to protect you and your business from any trouble should the worst occur.

Part of any risk management plan is a safety plan. This is a strategy that should be followed if there is an emergency at your farm. It should be comprised of established guidelines, contact information, and a site map. All employees should have access to the safety plan and should be trained in the use of the safety plan prior to opening the business and as often as needed thereafter to ensure proficiency.

Depending on the size of your operation, you may want to consider hosting an event for emergency management officials at your farm. This will allow them the opportunity to see the activities you provide, where they need to enter your farm, how to navigate on property to reach visitors and employees in emergency situations, and will give them a chance to assess potential risk factors before an emergency occurs.

Incident reporting is part of a risk management plan. You should have a form available to document any incidents that occur at your farm. Maintaining the incident reporting form with the safety plan is a good policy. The incident reporting form should describe the incident itself, who was involved, contact information for those involved, and actions taken to correct the incident. All incidents should be addressed by management and steps should be taken to ensure an incident of the same type does not occur again.

An animal health strategy should be part of a risk management plan if applicable. Animals should be in good health and current on all required examinations, tests and vaccinations as required by law. In addition, contact information should be available to all employees should something appear to be wrong with the animals.



If you are serving alcohol, you must be in compliance with all applicable state statutes and local ordinances.

Responsible vendor training can be an important part of protecting your business, and there are resources to assist in providing this for owners and employers. The Florida Department of Business and Professional Regulation (DBPR) provides information at www.myfloridalicense.com/DBPR/. Additionally, the Florida Restaurant & Lodging Association (FRLA) has an online alcohol compliance training program; more information can be found at <https://frla.org> .

A sound risk management plan can be a great mitigating factor should trouble arise. Build a solid plan and adhere to it.

Need Some Help Writing That Business Plan or Starting Your Agritourism Business?

There are many excellent sources available to assist you in writing your business plan to get your business up and running.

Florida Department of State Division of Corporations assists and registers businesses. <https://dos.myflorida.com/sunbiz/>

The SCORE Foundation is a free service offering business advice, information about how to write a simple and useful business plan, and offers mentoring opportunities. <https://www.score.org/> 1-800-634-0245.

The Small Business Administration can assist in business development. There are offices located throughout the state. www.sba.gov

The Florida Small Business Development Center assists small businesses. <http://floridasbdc.org>

The Florida Department of Commerce, formerly known as the Florida Department of Economic Opportunity, administers programs to foster economic development. <https://floridajobs.org>



Retail Sales

AT YOUR AGRITOURISM OPERATION

There is no doubt that retail sales of products at your agritourism business will boost your revenue.

There are many options to consider when determining whether to offer retail sales. Do you want to offer snack food and drinks to guests? If so, would you utilize prepackaged products and refreshments, or would you be interested in food packaged or prepared on-site and a fountain drink machine? What about vending machines?

Retail Sales of local produce or farm products sold on the farm

- Fresh uncut produce
- Fresh cut produce*
- Baked goods/breads
- Dairy products*
- Plants/flowers/trees
- Jellies/jams/honey
- Boiled peanuts
- Nuts or nut products
- Meats*
- Wine*
- Salsas*
- Juices*
- Pick your own fruit or vegetables
- Rent-a-tree, bush or garden
- Rent-a-hen
- Cheese*
- Other value-added products

**Some food products cannot be sold to the public unless properly licensed as a processing facility. Licensure of this nature demands more regulatory oversight. See the Licensing and Business Resources section for more information.*

Food and Refreshment Sales

Choosing how you plan to offer snack foods and refreshments to customers will determine if there are additional mandatory licensing and training requirements. If you provide food that is prepared at your agritourism operation agritourism operation other than cottage foods as defined further in this section, you will be required to have a food manager on duty during times of food preparation, and your employees working with food must be trained in food handling practices. It might be easier for you to serve prepackaged snacks and prepackaged refreshments.

Both the Florida Department of Agriculture and Consumer Services and the Florida Department of Business and Professional Regulation (DBPR) oversee different types of food service operations. There are exemptions from licensure depending on the types of foods/beverages provided and service parameters. Examples include:



Commercially prepackaged food, not potentially hazardous, not time- or temperature-controlled, shelf space does not exceed 12 linear feet, and no other food is sold



Food service is limited to ice, beverages, popcorn, or prepackaged items that need no other preparation or additions

Always make sure that if you need to secure licenses and permits that you do so before providing food items to customers. For more information and further clarification, visit www.FDACS.gov/Divisions-Offices/Food-Safety and www.myfloridalicense.com/dbpr.

The Florida DBPR also regulates vending machines, public food service establishments (restaurants), and catering services. Here's a link with more information. www.myfloridalicense.com/DBPR/hotels-restaurants/licensing/mobilefood-guide/

If you opt to provide prepackaged convenience snack food and refreshments in vending machines, make sure that you contact your county and city government to determine if they require licensure. For foods that must be maintained under refrigeration or kept frozen, it is likely that the machine will require a state food service license from DBPR.

Homemade foods are known as cottage foods that can be prepared in an unlicensed home kitchen and sold to the general public.

Check Online Sunshine at www.leg.state.fl.us to view information about home-based businesses.

The laws related to cottage foods were changed in 2021, allowing up to \$250,000 in gross sales in a calendar year. Cottage foods can be sold to consumers from the operator's primary residence, farmers' markets, flea markets and roadside stands. They can also be sold via a website or mail order. Cottage food products may be sold and delivered directly to the consumer, to the consumer's private event venue such as a wedding or birthday party, or by mail. Sales of cottage food products are prohibited for wholesale.

Cottage foods must be labeled in accordance with Chapter 500.83, Florida Statutes, and the US Code of Federal Regulations Title 21, Part 101. There is also some more guidance on the Florida Department of Agriculture and Consumer Services' Division of Food Safety at www.fdacs.gov.

Here is the cottage food statute:

500.80 - Cottage food operations

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed \$250,000.

(b) For purposes of this subsection, a cottage food operation's annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation's annual gross sales.

(2) A cottage food operation may sell, offer for sale, and accept payment for cottage food products over the Internet or by mail order. Such products may be delivered in person directly to the consumer, to a specific event venue, or by United States Postal Service or commercial mail delivery service. A cottage food operation may not sell, offer for sale, or deliver cottage food products at wholesale.

(3) A cottage food operation may only sell cottage food products which are prepackaged with a label affixed that contains the following information:

(a) The name and address of the cottage food operation.

(b) The name of the cottage food product.

(c) The ingredients of the cottage food product, in descending order of predominance by weight.

(d) The net weight or net volume of the cottage food product.

- (e) Allergen information as specified by federal labeling requirements.
- (f) If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.
- (g) The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: "Made in a cottage food operation that is not subject to Florida's food safety regulations."

(4) A cottage food operation may only sell cottage food products that it stores on the premises of the cottage food operation.

(5) This section does not exempt a cottage food operation from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

(6) The regulation of cottage food operations is preempted to the state. A local law, ordinance, or regulation may not prohibit a cottage food operation or regulate the preparation, processing, storage, or sale of cottage food products by a cottage food operation; however, a cottage food operation must comply with the conditions for the operation of a home-based business under s. 559.955.

(7)(a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.

(b) Only upon receipt of a complaint, the department's authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules, as applicable. A cottage food operation's refusal to permit the department's authorized officer or employee entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to s. 500.121.

(8) This section does not apply to a person operating under a food permit issued pursuant to s. 500.12.

Approved Cottage Food Products:

- Loaf breads, rolls, biscuits
- Cakes, pastries, and cookies
- Candies and confections
- Honey
- Jams, jellies, and preserves
- Fruit pies and dried fruits
- Dry herbs, seasonings, and mixtures
- Homemade pasta
- Cereals, trail mixes, and granola
- Coated or uncoated nuts
- Vinegar and flavored vinegars
- Popcorn and popcorn balls

Foods that do not fall under this law and therefore cannot be sold as cottage foods are:

- Any Potentially Hazardous Food or TCS food*
- Fresh or dried meat or meat products, including jerky
- Canned fruits, vegetables, salsas, etc.
- Fish or shellfish products
- Canned, pickled products such as corn relish, pickles, sauerkraut
- Beverages
- Raw seed sprouts
- Baked goods that require temperature control
- Milk and dairy products including all cheeses and yogurt
- Cut fresh fruits and/or vegetables or juices made from fresh fruits or vegetables
- Ice and/or ice products
- Barbeque sauces, ketchups, and/or mustards
- Focaccia-style breads with vegetables and/or cheeses
- Pet foods/treats (For information about these, contact the FDACS Feed Inspection Program)

**Potentially Hazardous Food is a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation; an animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.*

The following are locations that are not acceptable for processing cottage foods: **permitted facilities (licensed by FDACS, DBPR or the Department of Health), garages, sheds, barns, or other outbuildings.**

Cottage foods can only be sold to the consumer from:

- The cottage food operation (primary residence)
- Farmers' markets
- Flea markets
- Roadside stands
- Mail order and Internet

Cottage foods cannot be sold via:

- Wholesale (no restaurants or grocery stores)
- Consignment

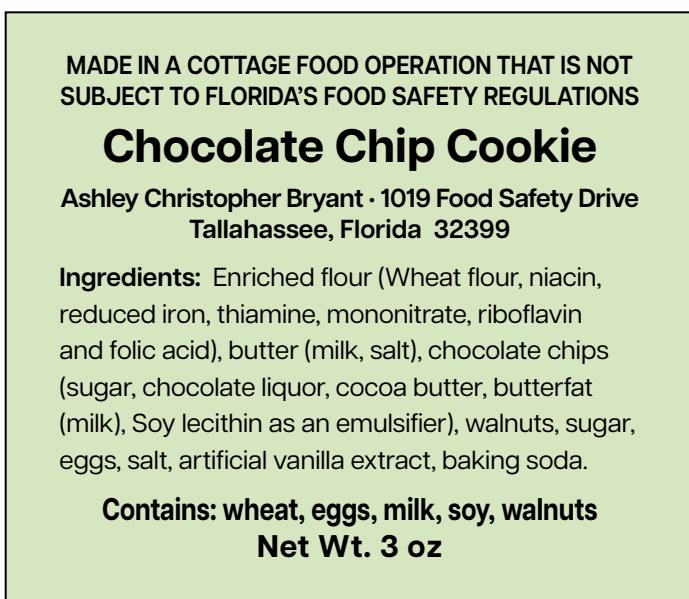
Cottage foods are required to be labeled in accordance with the law. Labeling must be printed in English and include:

- Name and physical address of the cottage food operation. (A post office box is unacceptable)
- Name of the cottage food product (All capital letters or upper/lower case are both acceptable)
- The ingredients of the cottage food product, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub-ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt) would be acceptable.
- The net weight or net volume of the cottage food product
- Allergen information as specified in federal labeling requirements

Cottage foods must also include the following statement on the label, printed with 10-point type minimum:

MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO
FLORIDA'S FOOD SAFETY REGULATIONS

This is an example of a Cottage Food Label:



Allergen labeling for cottage foods is specific. All cottage food products must be labeled in accordance with the United States Code of Federal Regulations Title 21, Part 101. As a cottage food operator, you must identify if any of your ingredients are made from one of the following food groups: eggs, milk, wheat, peanuts, soybeans, fish, and tree nuts. In the sample label provided above, possible allergens are identified as “Contains: wheat, eggs, milk, soy and, walnuts.” This labeling allows consumers to avoid food which may be harmful to them.

To obtain additional information on labeling, visit www.fda.gov

Finally, FDACS may investigate any complaint received for a cottage food operation. If your operation is the subject of a complaint, you must allow a FDACS employee or officer in your cottage food operation to conduct an inspection. The employee or officer determines compliance with applicable laws, rules, and regulations. If you refuse to allow a FDACS employee or officer to inspect your cottage food operation, FDACS may take disciplinary action which may include a fine of up to \$5,000.

Sale of Alcoholic Beverages

The sale of alcoholic beverages in Florida is regulated by the state. If you are interested in potentially offering this type of beverage service to guests, then you must contact the DBPR Division of Alcoholic Beverages and Tobacco (ABT). Some of the division's most frequently asked questions are listed below.

Question: What kind of license do I need to sell alcoholic beverages?

Answer: If you wish to sell beer or wine, you can purchase a consumption on premises license or a package license. There are no restrictions on the number of licenses issued to sell beer and wine. If you wish to sell liquor, a quota license must be obtained. These are limited in number throughout the state, based on county population. To view the various types of alcoholic beverage and tobacco licenses available, as well as applicable fees, visit www.myfloridalicense.com/dbpr/abt/rules_statutes/license_types.pdf and www.myfloridalicense.com/dbpr/abt/documents/fee_chart.pdf.

Question: How can I obtain a license to sell alcoholic beverages?

Answer: There are several methods to obtain a license to sell alcoholic beverages. Each method includes the completion of a license application form, which may be obtained from the division. Application forms, and additional information on completing an application form, may be requested from any ABT licensing office. The application form may be picked up at one

of the offices, mailed directly to you, or found on the Internet at <http://www.myfloridalicense.com/DBPR/alcoholic-beverages-and-tobacco/>. This will take you to a page where you can select the general license category and see a checklist of requirements, which will include access to the application form. Once completed, the application may be mailed to your local ABT licensing office, hand-delivered to your local ABT licensing office, sent by either regular or overnight mail to the Tallahassee central licensing office, or you can make an appointment with one of the division licensing staff.

Question: How long does it take to obtain an alcoholic beverage license?

Answer: Processing time for a license can vary depending upon the complexity of the type of license being purchased. Filing a complete and accurate application can decrease the processing time. The division is required to process a completed application within 90 days of receipt and acceptance.

Question: Where do I go to apply for a license?

Answer: There are several ways to file an application to obtain an alcoholic beverage or tobacco license. The application may be mailed to the local division office, hand-delivered to the local division office, sent by regular or overnight mail to the central licensing office, or by making an appointment with ABT licensing personnel.

A list of district office locations and phone numbers may be found at www.myfloridalicense.com/DBPR/alcoholic-beverages-and-tobacco/



If you are planning to provide alcoholic beverages to guests, then a recommended program as part of this type of beverage service is a responsible vendor training program, also known as alcohol compliance training. The program is voluntary, but it provides some mitigation should an incident occur involving individuals who've been served alcohol by your operation. The Florida Restaurant & Lodging Association offers training; more information can be found at www.regcomplianceusa.com/.

Taxable Items

There are a number of items that are taxable under the Florida Department of Revenue tax code. https://floridarevenue.com/forms_library/current/dr46nt.pdf Be sure you are remitting your tax receipts for your agritourism activities when applicable. We highly recommend consulting a certified public accountant, tax consultant, and/or attorney regarding your particular tax situation and circumstance. Here are some examples of taxable and non-taxable items as of the publishing of this toolkit. If you are unsure, please consult the Florida Department of Revenue for current information.

Taxable	Non-Taxable
Admissions (e.g., farm gate admissions)	Rental of facility/barn (weddings, etc.)
Alcoholic beverages (e.g., beer, wine, spirits)	Activity fee (dunking booth, hayride)
Equipment rental (tables, chairs)	Cottage foods
Event tickets (e.g., concerts, festivals, farm-to-table dinners)	Farm products direct from the farm (eggs, honey, fruits and vegetables)
Educational event supplies and materials	Educational events (e.g., workshops)
Value-added products (e.g., soaps, decorative gourds)	Vegetable and herb plants
Decorative plants and/or cut flowers	Processed agricultural products (e.g., salsas, jams, olive oil)
Fees (e.g., to host a barn wedding, crafting classes)	
Food products sold ready for immediate consumption	



Lodging

AT YOUR AGRITOURISM BUSINESS

Statutes Related To Lodging

Some agritourism operators may be interested in offering temporary guest lodging or home-stays on their property. As of 2023, the agritourism statute does NOT address this activity directly. Most types of lodging are governed by another section of Florida Statutes and the activity is regulated by the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants. This is the licensing and inspecting agency for lodging and home-stays. More information can be found at www.myfloridalicense.com. Here are the statutes defining a public lodging establishment.

Section 509.013, Florida Statutes:

(4)(a) “Public lodging establishment” includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. “Transient public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

2. “Nontransient public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.



License classifications of public lodging establishments, and the definitions therefore, are set out in s.509.242. For purpose of licensure, the term does not include condominium common elements as defined in s.718.103.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s.381.0072.
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss.381.008-381-00895.
6. Any establishment inspected by the Department of Health and regulated by chapter 513.
7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s.509.242.

Transient / Nontransient Definitions

(12) "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

(13) "Transient" means a guest in transient occupancy.

(14) "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guests.

(15) "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

(16) "Nontransient" means a guest in nontransient occupancy.

For more information about lodging licensing requirements or opening a bed and breakfast or other type of lodging establishment, visit:

www.myfloridalicense.com



Industry Resources

IMPORTANT AGRITOURISM INDUSTRY RESOURCES

Florida Agritourism Association - www.visitfloridafarms.org

Florida Department of Agriculture and Consumer Services:
www.FDACS.gov

FDACS Community Farmers Markets:
www.fdacs.gov/Consumer-Resources/Buy-Fresh-From-Florida/Community-Farmers-MarketsBusiness-Development-Resources/Community-Farmers-Markets

FDACS Division of Marketing and Development:
www.fdacs.gov/Divisions-Offices/Marketing-and-Development

“Fresh From Florida” - www.freshfromflorida.com

- Agritourism Directory www.freshfromflorida.com/agritourism

Florida Agricultural Statistics Service:
www.fdacs.gov/Agriculture-Industry/Florida-Agricultural-Statistics-Service

FDACS State Forests:
www.fdacs.gov/Forest-Wildfire/Our-Forests/State-Forests

VISIT FLORIDA - www.visitflorida.org

Online Sunshine - www.leg.state.fl.us

Florida Agritourism Law:

Section 570.85 – Agritourism

- <https://www.flsenate.gov/laws/statutes/2022/570.85>

Section 570.86 – Definitions

- <https://www.flsenate.gov/laws/statutes/2022/570.86>

Section 570.87 – Agritourism participation impact on land classification

- <https://www.flsenate.gov/laws/statutes/2022/570.87>

Section 570.88 – Liability

- <https://www.flsenate.gov/laws/statutes/2022/570.88>

Section 570.89 – Posting and notification

- <https://www.flsenate.gov/laws/statutes/2022/570.89>

Agricultural Marketing Resource Center:

www.agmrc.org/commodities-products/agritourism

Agritourism World - <https://agritourismworld.com/directory/florida>

Americans with Disabilities Act - www.ada.gov

Farm Credit - www.farmcreditflorida.com

Florida Agricultural and Mechanical University - www.famu.edu

Florida Department of Business and Professional Regulation:

www.myfloridalicense.com/dbpr

- Local Zoning Information: <http://www.myfloridalicense.com/dbpr/abt/documents/localzoningcontactinfo.pdf>

Florida Department of Commerce - www.floridajobs.org

Florida Department of Environmental Protection · State Parks:

www.dep.state.fl.us/parks

Florida Department of Revenue - <https://floridarevenue.com>

Florida Department of State - <https://dos.myflorida.com/>

- Starting a Business in Florida <https://dos.myflorida.com/sunbiz/start-business>

Florida Department of Transportation - <http://fdot.gov>

- Outdoor Advertising www.fdot.gov/rightofway/OutdoorAdvertising.shtm
- Logo Sign Program www.fdot.gov/rightofway/LogoSignProgram.shtm
- Sign Regulation www.flrules.org/gateway/ChapterHome.asp?Chapter=14-10

Florida Directory of Convention and Visitors Bureaus:

- www.visitflorida.com/meeting-planners/convention-and-visitors-bureaus/
- www.visitflorida.com/travel-professionals/florida-convention-and-visitors-bureaus/

Florida Farm Bureau - www.floridafarmbureau.org

Florida Film Commission - www.filminflorida.com/

Florida Motorcoach Association - www.fmabus.org

Florida Restaurant & Lodging Association - www.frla.org

Florida Sports Foundation:

<http://www.flasports.com/> <https://playinflorida.com>

Florida State Golf Association - www.fsga.org

Florida State University - www.fsu.edu

Florida Tax Watch - www.floridataxwatch.org

Internal Revenue Service - www.irs.gov

National Agricultural Law Center - <http://nationalaglawcenter.org>

National Children's Center for Rural and Agricultural Health and Safety:
www.marshfieldresearch.org/nccrahs

- Agritourism Safety <http://safeagritourism.org>
- Safety Checklists <http://safeagritourism.org/checklists>

Natural North Florida - www.naturalnorthflorida.com

Ohio State University - Agritourism Emergency Preparedness:
<https://u.osu.edu/agritourismready>

Small Business Administration - www.sba.gov

U.S. Department of Agriculture - www.usda.gov

- USDA Rural Development www.rd.usda.gov/fl-vi
- Sustainable Agriculture Research and Education www.sare.org

University of Central Florida Rosen College of Hospitality Management:
<http://hospitality.ucf.edu>

University of Florida - www.ufl.edu

- Institute of Food and Agricultural Sciences (IFAS) - <http://ifas.ufl.edu>
- Cooperative Extension - <https://sfyl.ifas.ufl.edu/who-we-are/>
- Small Farms and Alternative Enterprises Program:
<https://smallfarm.ifas.ufl.edu>



Florida DBPR

LICENSING AND BUSINESS RESOURCES

The following is from the Florida Department of Business and Professional Regulation website. Please review the DBPR website to ensure that you have taken all necessary steps to be in compliance before operating your business.

Division of Hotels & Restaurants – Who needs a license?

- www.myfloridalicense.com/DBPR/hotels-restaurants/

Licensing Jurisdiction

- www.myfloridalicense.com/DBPR/hotels-restaurants/licensing/jurisdiction/

The state of Florida has three primary food regulatory agencies:

The Department of Business and Professional Regulation (DBPR)

The Department of Agriculture and Consumer Services (FDACS)

The Department of Health (DOH)

Each agency regulates a different part of the retail food service industry.

DBPR licenses:

- Lodging (hotels, motels, apartments, bed and breakfast inns, timeshare projects, and vacation rentals-condominiums and dwellings)

- Free-standing restaurants
- Fast food services (takeout and delivery)
- Food service establishments
- Mobile units that serve hot dogs and/or full food service
- Bars that serve food

FDACS licenses:

- Bakeries
- Grocery stores
- Convenience stores
- Food processing facilities

DOH licenses:

- Bars that do not serve food
- Civic and fraternal organizations
- Institutions such as schools and detention facilities
- Camping

Licensing

If your food service operation expands beyond the authority of your current licensing agency, you have a couple of options.

You may stop the activity that requires licensing by another regulatory agency. Example – a bar that previously served no food begins to prepare hot dogs. If the operator wants to continue to prepare hot dogs, then DBPR would become the licensing agency. If hot dog preparation is stopped, then DOH would continue to license the bar.

If you choose to continue the activity that requires a license from another agency, you must contact that agency and comply with their licensing requirements. This may require major equipment or physical plant changes.

Division of Hotels & Restaurants Guide to Bed and Breakfast Inns

The Division of Hotels & Restaurants provides the following information as a general guide for bed and breakfast inn licensing in Florida and does not represent this to be all requirements for maintaining a license. For complete information, please refer to applicable laws and rules on the DBPR licensing website.

Generally, bed and breakfast establishments obtain two DBPR licenses, one for lodging and one for food service.

Bed and Breakfasts

Florida law defines a bed and breakfast as a family home structure with no more than 15 sleeping rooms that provides accommodation and meal services generally offered by a bed and breakfast. The community or hospitality industry must recognize the establishment as a bed and breakfast.

Generally, bed and breakfast establishments obtain two DBPR licenses, one for lodging and one for food service. If your bed and breakfast plans to offer guests meals beyond the scope of prepackaged food products, fresh whole fruits, cereal in individual packages, or bulk milk, juice or coffee, the establishment must also meet the minimum requirements for a public food service and be separately licensed for this activity.

Requirements: Everything from Facility through Food Service Plumbing is a requirement.

Facility

- Provide soap to guests either in individually wrapped bars or as liquid soap in a dispenser.
- Provide a minimum of two towels for each guest. Towels must be cleaned and changed between each guest or daily, whichever occurs first.
- Size mattress pads, bed sheets and blankets appropriately to the mattress or bed so that the entire sleeping area of the mattress is covered.
- Sheets and pillowcases must be in good condition, and cleaned and changed between each guest or once a week, whichever comes first.
- Bedding items, such as mattresses, comforters and pillows must be thoroughly aired, disinfected and kept clean.

- Baby cribs provided to guests must meet safety standards established by the Consumer Products Safety Commission.
- Keep the establishment free of vermin.
- Properly ventilate the establishment. Maintain a minimum temperature of 68°F in all areas.
- Provide adequate lighting in halls, entrances, and stairways. Bathrooms should have lighting brightness of at least 20 foot-candles.
- File a Certificate of Balcony Inspection, form DBPR HR-7020, for any building three or more stories or 17 feet in height from the lowest grade level.
- Telephone surcharges, if any, must be posted near each phone on a card 3 X 5 inches or larger.
- Install secondary locking devices that cannot be opened by the guest's key on all guest room doors that open to the outside, to an adjoining room or to a hallway. Locking devices must meet standards approved by appropriate life safety agencies.
- Maintain a guest register showing the signature of each guest, the dates of the guest's stay and the rate charged for the rental unit. Maintain this information in chronological order for two years and make available for inspection upon request.

Plumbing

Provide hot and cold potable water from an approved source to all fixtures. Sewage and wastewater must be disposed of in an approved manner. Provide a utility/custodial service type sink or a handwash sink with hot and cold water. It must connect to a sanitary sewer. Provide splash protection if the sink is located where splashes can contaminate nearby sanitary surfaces.

Fire Safety

The division records readily observable fire safety items during inspections. The division reports any item that may violate fire safety requirements to the State Fire Marshal and local fire safety authorities. Please contact them to ensure your establishment meets fire safety requirements. General guidelines are:

- Install portable fire extinguishers in accordance with National Fire Protection Association (NFPA) 10.



- Provide a fire alarm system in accordance with NFPA 72.
- Install an automatic fire sprinkler system in accordance with NFPA 25.
Exception: If all rooms open directly to the outside at ground level or lead to an exterior stairway.
- One smoke alarm for the hearing impaired must be available.
- Install hard-wired smoke alarms in each sleeping area.
- Smoke alarms must be located no closer to the ceiling/wall juncture than four inches and no further from the ceiling/wall juncture than 12 inches.
- The local authority having jurisdiction determines the installation of emergency lights and exit signs.
- Establishments that exceed 16 occupants must meet the same fire safety requirements as hotels.
- Transoms are prohibited.
- Automatic fire suppression systems are required over cooking equipment when grease-laden vapors or smoke are produced.

Food Service

Most bed & breakfast establishments operate as a food service and require a food service license. Once licensed, operators must meet and maintain all applicable standards of a public food service establishment as provided in

rule, code, and statute. If the food service operation is new, reopening after being closed over one year or being remodeled, a plan review is necessary. See the division's plan review page for more information.

- Family style service of food is not permitted.
- Refrigeration equipment must hold potentially hazardous food products at or below 41°F.
- Food manager certification is required within 30 days after employment and all food service employees must complete approved food safety training.

Food Service Plumbing

For bed & breakfast inns, a three-compartment sink with drainboards at each end (or the equivalent) is recommended (but not required) to wash, rinse, and sanitize equipment and utensils. A household dishwasher may also be permitted to be used. Plan Review will address what the establishment will need for dish washing during the plan review process.

A separate sink used only for hand washing must be located in each food preparation, ware washing, and food dispensing area. Handwash sinks must have hot and cold running water under pressure and be equipped with soap and sanitary hand drying devices.

Human Trafficking Awareness

In 2019, section 509.096 was added to Chapter 509, Florida Statutes. This section requires all public lodging establishments to provide annual training on human trafficking awareness to employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests check in or check out. The training must be provided for new employees within 60 days after they begin employment in a housekeeping or reception area role, or by January 1, 2021, whichever occurs later. For more information, please visit the DBPR Human Trafficking Awareness page. <https://frla.org/human-trafficking/>

Inspections

All new licensees are required to pass a sanitation and safety inspection prior to opening. After meeting all requirements and submitting your license application and fees contact the department at 850-487-1395 to schedule an opening inspection. For more information about inspections view the DBPR inspections page. www.myfloridalicense.com/wl11.asp?mode=0&SID=&brd=H

Once licensed, operators must meet and maintain all applicable standards of a public food service establishment as provided in rule, code, and

statute, and conduct all food storage and food preparation operations in an approved, licensed food service establishment. You may not conduct food operations in a private residence.

Division personnel inspect as often as necessary for enforcement of the provisions of law and rule, and the protection of the public's health, safety, and welfare. Non-Seating food service license operators must permit division personnel right of entry at any reasonable time to observe food preparation and service. If necessary, division personnel may examine records of the unit to obtain pertinent information regarding food and supplies purchased, received, or used.

Requirements of Other Governmental Entities

In addition to obtaining a food or lodging license, applicants need to make sure they comply with all other federal, state, and local requirements like those listed below.

County and Municipality Requirements

Regulations vary among counties and municipalities, and requirements from both may apply to your business. Before making any significant financial commitment such as signing a lease or construction contract, contact the separate occupational license, zoning, and building authorities for your desired location. Ask each for detailed requirements on opening or transferring ownership of a food or lodging business. Contact information for these departments is in the government section of your local telephone book or available on the Internet.

Sales Tax Registration Number

Contact the Florida Department of Revenue at 1-800-352-3671 to obtain a Florida sales tax number or proof of exemption.

Federal Employer Identification Number

Contact the U.S. Internal Revenue Service at 1-800-829-4933 to obtain a federal employer identification number (FEIN) application.

Alcoholic Beverage Application

If you intend to sell alcoholic beverages, contact your local DBPR Division of Alcoholic Beverages and Tobacco (ABT) district office for an application. If approved, a Division of Hotels and Restaurants (DHR) inspector will also perform a beverage inspection in conjunction with the opening inspection. Beverage licenses will not be issued to public food service establishments without a past inspection and a license number assigned by the DHR. Send your completed application for a beverage license and a copy of your passed DBPR inspection form to the ABT district office in your area. Once you have received your beverage license, please provide the number and type of license to your DHR district office as soon as possible.



About Us

ABOUT THE FLORIDA AGRITOURISM ASSOCIATION

The Florida Agritourism Association (FATA) was founded in 2013 by a group of dedicated volunteers who are passionate about creating awareness of and opportunities for Florida agritourism operators.

As the statewide association that supports the growing agritourism market in Florida, it is our vision to create a robust organization that will both promote our members' agritourism operations while protecting and expanding the ability for your business to prosper, helping farmers add value to every acre.

Agritourism operations such as working farms and ranches, u-pick fruit and vegetable operations, vineyards and wineries, farms with specialty crops and products, and many other types of farms that give visitors a place to play and learn about Florida's rich agricultural heritage can benefit from membership in FATA. If you would like to become a member or if you wish to speak with us, please feel free to contact us at any time. We are here to educate you about agritourism and answer any questions that you may have. To become a member of FATA, visit us at <https://visitfloridafarms.org/operators/join/#account/join>

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Acknowledgements

Eckert Agrimarketing

“Fresh From Florida” – Florida Department of Agriculture and Consumer Services

University of Florida IFAS Extension EDIS

Florida Division of Alcoholic Beverages and Tobacco

Rob Holland and Kent Wolfe

Michigan State University Extension

State of Oklahoma

Oklahoma Agritourism

U.S. Small Business Administration

University of Tennessee

Thank You

Florida Farm Credit / Former Hopping Green & Sams law firm

Photo Credits and Thanks

Florida Department of Agriculture and Consumer Services

VISIT FLORIDA

Florida Restaurant & Lodging Association

Mollydempsey.com/Trulyflorida.Com/@Trulyflorida on Instagram

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