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MARTIN COUNTY FAQ on Agritourism

What is Agritourism?

Agritourism is a form of tourism that seeks to educate and entertain the public about agriculture in its many forms. It provides a secondary form of income for farmers and ranchers, especially for the small to mid-sized independent operator. Examples of agritourism activities include corn mazes, u-pick'em farms, hayrides, farm tours and wineries. Many states promote agritourism operators and have programs for branding and marketing agritourism venues. For example, Florida has a Florida Farm Wineries Program that certifies wineries as state tourist attractions.

How does the State of Florida define Agritourism?

“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. (Florida Statute 570.86)

Agritourism operators are required by Florida Statute 570.89 to post signs about the agritourism activities in order to qualify for the limited liability protection described below.

What protections are offered by the State of Florida?

To encourage Agritourism, the State of Florida adopted language in Florida Statute 570.85-89 to protect and strengthen agritourism activities. In Florida Statute 570.88, protection is offered for limited liability for agritourism owners, operators and employees against death, injury or damage to participants resulting exclusively from any of the inherent risks of agritourism activities.

What is required of an Agritourism operator wanting to have the state protection regarding liability?

The operator must follow Florida Statute 570.89 regarding agritourism signage and written contracts. Each agritourism operator must post signs visible at the entrance to the site and at the actual site of the agritourism activity. Signs must contain notification of the inherent risk of agritourism activities and the operator's limited liability. Similarly each written contract entered into by agritourism operators for the provision of professional services, instruction or rental equipment must include information regarding limited liability and the risks of agritourism activities. For more information, contact the Florida Department of Agriculture.

To further encourage agritourism, Florida Statute 570.85 prohibits a local government from adopting or enforcing a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under, Florida Statute 193.461. However, 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.

What can an Agritourism operator do?

An agritourism operator may offer recreational, entertainment, or educational activities, that are consistent with the farm, ranch, or forest. The type of activities may include historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.

What are Martin County's rules regarding Agritourism?

Martin County follows the State regarding agritourism facilities. State Statute prohibits a local government from adopting or enforcing new regulations that limit agritourism activities. These types of limitation might include rules regarding hours of operation, number of participants, or parking. However, the state law is clear that the exemption from local government regulation 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. Local governments may also regulate the off-site impacts of such operations, as stated in Florida Statute 570.84(1). Martin County's building and zoning regulations would apply to an operator who wishes to construct new or additional structures intended primarily to accommodate members of the general public.

Any farm related buildings are still exempt from building permits, fees and business tax receipts as is currently provided in other State Statutes.

If a landowner wishes to establish an agritourism operation on their property, so long as no new structures or facilities intended for the public will be constructed, the landowner would not need to request county permission in advance.

What is allowed under Martin County's Zoning Regulations?

Martin County's Zoning Regulations are found in Article 3 of the Martin County Land Development Regulations. Besides the array of agricultural uses, such as dairies, crop farms, ranching, aquaculture, silviculture, nurseries, stables and orchards, agritourism operators may have farmer's markets, bed and breakfasts, hunting and fishing camps, wildlife rehab facilities and agritourism activities.

Since these uses likely will entail new facilities intended for the public, the County’s zoning requirements must be met and the processing of a site plan, or at a minimum, a building permit will be required.

What are the County’s requirements for a bed and breakfast?

When located in an AG or AR district, the inn shall be associated with an agricultural use, such as a commercial stable, and shall offer no more than six guest rooms.

- The owner or manager of the residence must live in and manage the bed and breakfast inn.
- The outside appearance of the inn shall be consistent with its use as a residence.
- Individual guest rooms shall not contain any cooking facilities other than small convenience appliances such as a coffee maker.
- Meals shall be served only to guests taking lodging in the inn.
- Only daily rates shall be offered, a current guest register shall be maintained, and the length of stay for any guest shall not exceed 14 consecutive days.
- Parking: Unless located within an area where on-street parking is allowed, there must be one off-street parking space provided for each guest room plus two spaces for the primary residential unit. Parking areas must be located to the side or rear of the inn and screened by opaque fence or plantings at a minimum height of five feet when parking is within 25 feet of residential property. If located in an area where on-street parking is allowed, the number and location of parking spaces for inn guests and the permanent residents shall be specified in the development order.

What other permits may be required for a bed and breakfast?

The bed and breakfast will be required to be served by well and septic tank. Please contact the local Health Department for septic tank rules.

Would the county require any permits for a farm-to-table dinner, wedding, u-pick operation, outdoor mindfulness-based wellness classes (yoga, meditation, etc.), or a public tour of my farm/ranch?

See Table below

| Type of Activity | Permits Required? | Comments |
|--|-------------------|---------------------------------|
| Farm-to-table dinner | No | May require Health Dept. permit |
| Wedding | No | |
| U-pick operation | No | |
| Outdoor mindfulness-based wellness classes | No | |
| Public tour | No | |

How do I promote my agritourism business?

The Martin County Office of Tourism and Marketing is the official source of travel information and the official tourism marketing agency for the Martin County area. The Office works to increase visitor awareness through tourism promotion, advertising and a strong public relations campaign.

Working closely with various media sources, the Office promotes all areas of Martin County with an effective public relations strategy since its creation in 2015. This strategy includes submitting story ideas to travel writers on a monthly basis, a monthly consumer focused newsletter and a broad reaching social media plan. The website routinely features listings for agritourism operators.

The office also implements a series of marketing promotions with substantial regional advertising and publicity to drive business year-round, especially in the shoulder season.

How can the Office of Tourism help grow agritourism business?

The Office offers free promotional online listing on the www.discovermartin.com website. There is a special offers page where you can list your promotions. There is a calendar of events where you can list all of your upcoming events. The Office also can promote your business through its multiple social media channels. Please send information on your business and your tourism-centric events to info@discovermartin.com

For more information:

Martin County Growth Management Department
2401 SE Monterey Road, Stuart, FL 34996
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2614 SE Dixie, Hwy. Stuart, FL. 34996
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Helpful Publications and websites:

Florida Farm Bureau Federation & UF/IFAS Extension. Agritourism.
<http://www.floridafarmbureau.org/files/resources/AgritourismBookletPrint.pdf>

Francesconi, Wendy and Stein, Taylor. 2014. Expanding Florida's Farming Business to Incorporate Tourism. <http://edis.ifas.ufl.edu/fr242>

McKenzie, Nora and Wysocki, Allen. 2012. Agritainment: A Viable Option for Florida Producers.
<http://edis.ifas.ufl.edu/rm008>

<http://operator.visitfloridafarms.com/>