Agritourism Activity

Number: AGO 2026-05

Honorable Mike Rahn
Manatee County Board of County Commissioners
1112 Manatee Avenue West
Bradenton Florida, 34205

Dear Commissioner Rahn:

This office received your letter, dated February 17, 2026, requesting a legal opinion on a question of Florida law.[1] You ask essentially whether TerraNova Equestrian Farm's ("TerraNova") temporary on-site participant accommodations for participants in equestrian training and exhibitions constitute "agritourism activity" and therefore prohibit Manatee County ("the County") from requiring TerraNova to obtain any temporary or permanent building p[2]ermits or site plan approvals.

In short, my answer to your question is yes. Because TerraNova's temporary on-site participant accommodations constitute "agritourism activity," section 570.85(1), Florida Statutes, prohibits the County from adopting or enforcing any local ordinance, regulation, rule, or policy, including temporary and permanent building permit requirements or site plan requirements, that prohibits, restricts, regulates, or otherwise limits TerraNova's equestrian competitions and temporary on-site participant accommodations.

Background[3]

TerraNova owns and operates a farm on a property located in the County. Since 2018, the County has recognized that TerraNova's property is a "bona fide farm operation" under section 193.461, Florida Statutes.[4] As part of its bona fide farm operation, TerraNova hosts equestrian competitions that are open to the general public for entertainment purposes to view training and exhibitions.

During the competitions, competitors and their staff need temporary on-site accommodations while they compete and participate. Allowing competitors and their staff to stay on the property would allow them to care for their horses overnight, prepare for upcoming competitions, and complete other activities necessary for the competitions. In response to this need, TerraNova plans to provide competitors and their staff with temporary on-site accommodations.

To accommodate competitors and their staff, TerraNova has purchased 40 participant accommodation units ("Units") and installed temporary water and electric connections for each Unit. The Units will remain on wheels and will not be permanently affixed to a foundation. TerraNova also plans to build a driveway so that competitors and their staff can access the Units. The Units will only be used during the competitions and will only be available to competitors and their staff. The Units are not available to the members of the general public who attend competitions. The County is attempting, however, to require TerraNova to obtain a temporary building permit pursuant to a site plan and other permanent building permits.

Analysis

Section 570.85 governs the promotion and protection of "Agritourism." Section 570.85(1) preempts 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 s[ection] 193.461." [5] Under section 193.461, land is classified as "agricultural land," for tax purposes, if it is used primarily for a "bona fide agricultural purpose."[6]

Section 570.86(1) defines "agritourism activity" broadly as "any agricultural related activity consistent with a *bona fide farm* … 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."[7] Importantly, section 570.86(1) excludes from the definition of agritourism activity "the construction of new or additional structures or facilities *intended primarily to house*, shelter, transport, *or otherwise accommodate members of the general public*."[8]

Here, TerraNova's temporary on-site accommodations fall within the definition of "agritourism activity." The County has already recognized that TerraNova's farm is a bona fide farm operation. The equestrian competitions allow members of the general public for entertainment purposes to view or enjoy activities, including equestrian training and exhibition.[9] Thus, TerraNova's competitions fall directly within the definition of agritourism activity and are protected from a local government adopting or enforcing "a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity."[10] Additionally, the temporary on-site accommodations are merely ancillary aspects of the competitions and are a needed part of an agritourism activity.

Furthermore, section 570.86(1)'s exclusion does not apply to TerraNova's temporary on-site accommodations because the accommodations are not primarily intended to house or otherwise accommodate members of the general public. The accommodations are only available during the equestrian competitions. And the accommodations will only be available to competitors and their staff and not members of the general public who attend the events.

Conclusion

TerraNova's temporary on-site participant accommodations, along with its equestrian competitions, constitute "agritourism activity" under section 570.86. Consequently, section 570.85(1) prohibits the County from adopting or enforcing any local ordinance, regulation, rule, or policy, including any temporary and permanent building permit requirements or site plan requirements, that prohibits, restricts, regulates, or otherwise limits TerraNova's equestrian competitions and temporary on-site participant accommodations.

Sincerely,

James Uthmeier

Attorney General

[1] *See* Letter from Mike Rahn, Manatee Cnty. Comm'r, to James Uthmeier, Att'y Gen. of Fla., (Feb. 17, 2026) (on file with the Office of the Florida Attorney General).

[2]

[3] As provided in the Commissioner's Request.

[4] *See also Markham v. PPI, Inc.*, 843 So. 2d 922, 923 (Fla. 4th DCA 2003) (holding that "the boarding and training of horses constitutes a 'bona fide agricultural purpose' within the meaning of section 193.461"); *Robbins v. Racetrack Training Ctr., Inc.*, 833 So. 2d 306, 310 (Fla. 3dDCA 2003) (holding that a "[p]roperty was for the bona fide agricultural purpose of boarding and training thoroughbred racing horses").

[5] § 570.85(1), Fla. Stat. (emphasis added). The term "local government" includes the County. *See* § 163.3221(10), Fla. Stat.

[6] § 193.461(3), Fla. Stat.

[7] § 570.86(1), Fla. Stat. (emphasis added).

[8] *Id.* (emphasis added).

[9] *See id.*

[10] § 570.85(1), Fla. Stat.