

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Environment, Agriculture & Flooding Subcommittee

Representative Rayner offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 604.40, Florida Statutes, is amended to read:

604.40 Farm equipment.—

(1) Notwithstanding any other law, ordinance, rule, or policy to the contrary, all power-drawn, power-driven, or self-propelled equipment used on a farm or used to transport farm products may be stored, maintained, or repaired by the owner within the boundaries of the owner's farm and at least 50 feet away from any public road without limitation.

(2) This section does not apply to farm equipment that is

Amendment No.

17 used in urban agriculture, as defined in s. 604.73.

18 Section 2. Subsection (1) of section 604.50, Florida
19 Statutes, is amended, and paragraph (e) is added to subsection
20 (2) of that section, to read:

21 604.50 Nonresidential farm buildings; farm fences; farm
22 signs.—

23 (1) Notwithstanding any provision of law to the contrary,
24 any nonresidential farm building, farm fence, or farm sign that
25 is located on lands used for bona fide agricultural purposes,
26 not including those lands used for urban agriculture, is exempt
27 from the Florida Building Code and any county or municipal code
28 or fee, except for code provisions implementing local, state, or
29 federal floodplain management regulations. A farm sign located
30 on a public road may not be erected, used, operated, or
31 maintained in a manner that violates any of the standards
32 provided in s. 479.11(4), (5)(a), and (6)-(8).

33 (2) As used in this section, the term:

34 (e) "Urban agriculture" has the same meaning as in s.
35 604.73.

36 Section 3. Section 604.73, Florida Statutes, is created to
37 read:

38 604.73 Urban agriculture pilot programs; local regulation
39 of urban agriculture.—

40 (1) SHORT TITLE.—This section shall be known and may be
41 cited as the "Urban Agriculture Pilot Program Act."

Amendment No.

42 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
43 that, due to the application of laws relating to agricultural
44 activities, it is necessary to distinguish between farms on
45 traditional rural farm land and the emerging trends towards
46 urban agriculture. The Legislature acknowledges that the "coming
47 to the nuisance" defense is reversed when residents bring
48 agricultural uses to already-established, dense urbanized areas,
49 and that municipalities should retain the right to reasonably
50 regulate urban agriculture to protect existing urban land uses.
51 The Legislature recognizes the ability of urban agriculture to
52 spur economic development by providing for fresh foods in city
53 centers, community revitalization, and the adaptive reuse of
54 vacant lands. It is the intent of the Legislature that local
55 governments retain authority and be authorized to create urban
56 agriculture pilot programs to regulate urban agriculture under
57 certain conditions to determine the effectiveness and impact of
58 new farms and agricultural uses within dense urbanized land
59 areas of the state.

60 (3) DEFINITION.—As used in this section, the term "urban
61 agriculture" means any new or existing food cultivation on any
62 portion of land within a dense urban land area, as described in
63 s. 380.0651(3)(a), that has been approved under this section for
64 recreational, residential, community, commercial, or not-for-
65 profit gardening or farming purposes. The term applies to urban
66 land that is not designated or zoned for agriculture as a

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Amendment No.

67 principal use. The term does not include vegetable gardens, as
68 defined in s. 604.71(4), for personal consumption on residential
69 properties.

70 (4) URBAN AGRICULTURAL PILOT PROGRAMS.-The Department of
71 Agriculture and Consumer Services may approve urban agricultural
72 pilot project programs in municipalities throughout the state.
73 For an initial 3-year period, the department may approve pilot
74 programs in five municipalities. After the initial 3-year
75 period, the department may approve pilot programs in ten
76 municipalities.

77 (a) A municipality with a population of 250,000 or more is
78 eligible to apply for approval of a pilot program. As part of
79 the application, a municipality must submit to the department a
80 program proposal that includes the program location,
81 agricultural products cultivated, community involvement,
82 anticipated outcomes, nutrition and water use, fertilization
83 management, and any other requirements specified by the
84 department.

85 (b) A program shall be approved for an initial 3-year
86 period and may be renewed for additional 3-year periods by
87 mutual agreement between the department and municipality.

88 (c) Beginning June 1, 2022, and each June 1 thereafter,
89 the department shall submit a report on the outcomes and impacts
90 of the pilot programs to the President of the Senate and Speaker
91 of the House of Representatives.

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Amendment No.

92 (d) The department shall adopt rules to administer and
93 implement this section.

94 (5) LOCAL REGULATION.—Notwithstanding s. 823.14 or any
95 other law to the contrary, urban agriculture is subject to the
96 land use, building, and other regulations of a county,
97 municipality, or other political subdivision of the state,
98 regardless of the property's agricultural classification
99 pursuant to s. 193.461, where:

100 (a) There is a land use or zoning regulation duly enacted
101 to allow for urban agriculture.

102 (b) The regulation designates existing farm operations, as
103 defined in s. 823.14(3)(b), as legally nonconforming before the
104 regulation's adoption.

105 Section 4. This act shall take effect July 1, 2021.

107 -----
108 **T I T L E A M E N D M E N T**

109 Remove everything before the enacting clause and insert:

110 A bill to be entitled

111 An act relating to urban agriculture; amending s.
112 604.40, F.S.; exempting farm equipment used in urban
113 agriculture from certain provisions requiring farm
114 equipment to be located a specified distance from a
115 public road; amending s. 604.50, F.S.; providing that
116 nonresidential farm buildings, fences, or signs

979559 - h1013-strike.docx

Published On: 3/29/2021 12:08:32 PM

Amendment No.

117 | located on lands used for urban agriculture are not
118 | exempt from the Florida Building Code or local
119 | governmental regulations; defining the term "urban
120 | agriculture"; creating s. 604.73, F.S.; providing a
121 | short title; providing legislative findings and
122 | intent; defining the term "urban agriculture";
123 | authorizing the Department of Agriculture and Consumer
124 | Services to approve urban agricultural pilot programs
125 | in municipalities throughout the state; providing
126 | eligibility and application requirements; providing
127 | for the number, duration, and renewal of pilot
128 | programs; requiring the department to submit an annual
129 | report to the Legislature; requiring the department to
130 | adopt rules; expressly preserving local governmental
131 | authority to regulate certain urban agriculture;
132 | providing an effective date.