



372958

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Rules (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 90

and insert:

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 used in urban agriculture, as defined in s. 604.73(3).

Section 2. Subsection (1) of section 604.50, Florida



12 Statutes, is amended, and paragraph (e) is added to subsection
13 (2) of that section, to read:

14 604.50 Nonresidential farm buildings; farm fences; farm
15 signs.—

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

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

27 (e) "Urban agriculture" has the same meaning as in s.
28 604.73(3).

29 Section 3. Section 604.73, Florida Statutes, is created to
30 read:

31 604.73 Urban agriculture pilot projects; local regulation
32 of urban agriculture.—

33 (1) SHORT TITLE.—This section shall be known and may be
34 cited as the "Urban Agriculture Pilot Project Act."

35 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
36 that, due to the application of laws relating to agricultural
37 activities, it is necessary to distinguish between farms on
38 traditional rural farm land and the emerging trends towards
39 urban agriculture. The Legislature acknowledges that the "coming
40 to the nuisance" defense is reversed when residents bring



372958

41 agricultural uses to already-established, dense urbanized areas,
42 and that municipalities should retain the right to reasonably
43 regulate urban agriculture to protect existing urban land uses.
44 The Legislature recognizes the ability of urban agriculture to
45 spur economic development by providing for fresh foods in city
46 centers, community revitalization, and the adaptive reuse of
47 vacant lands. It is the intent of the Legislature that local
48 governments be authorized to create urban agriculture pilot
49 projects to regulate urban agriculture under certain conditions
50 and to determine the effectiveness and impact of the pilot
51 projects on the farming operations in the selected dense
52 urbanized land areas of the state.

53 (3) DEFINITIONS.—As used in this section, the term:

54 (a) "Department" means the Department of Agriculture and
55 Consumer Services.

56 (b) "Urban agriculture" means any new or existing
57 noncommercial agricultural uses on land that is:

58 1. Within a dense urban land area, as described in s.
59 380.0651(3) (a).

60 2. Not classified as agricultural pursuant to s. 193.461.

61 3. Not zoned as agricultural as its principal use.

62 4. Designated by a municipality for inclusion in an urban
63 agricultural pilot project that has been approved by the
64 department.

65
66 The term does not include vegetable gardens, as defined in s.
67 604.71(4), for personal consumption on residential properties.

68 (4) URBAN AGRICULTURAL PILOT PROJECTS.—

69 (a) The department may approve five urban agricultural



70 pilot projects that meet the requirements of this section and
71 requirements adopted by department rule. The rules adopted by
72 the department must require, at a minimum, that a municipal
73 applicant:

74 1. Has a population of 250,000 or more.

75 2. Submits to the department a proposal that includes a
76 narrative description of the proposed pilot project, including
77 the project location, farm products to be cultivated, community
78 involvement, anticipated outcomes, nutrition and water use,
79 fertilization management, and any other requirements specified
80 by department rules.

81 (b) A pilot project shall be approved for an initial 3-year
82 period and may be renewed for additional 3-year periods by
83 mutual agreement between the department and municipality.

84 (c) At the end of the first 3-year period, the department
85 may increase the number of pilot projects to ten.

86 (d) A municipality shall submit a report providing a
87 narrative explanation of the outcomes and impact of the pilot
88 project to the department by January 1 for each year of the
89 pilot project. The department shall submit a report on the
90 outcomes and impacts of the pilot projects to the President of
91 the Senate and Speaker of the House of Representatives.

92 (5) LOCAL REGULATION.—Notwithstanding s. 604.50, s. 823.14,
93 or any other law to the contrary, urban agriculture is subject
94 to applicable municipal regulations if:

95 (a) The urban agriculture activities occur on land included
96 by a municipality in a pilot project approved by the department
97 pursuant to this section.

98 (b) The municipality duly enacts local regulations



99 applicable to urban agriculture.

100 (c) Before the reenactment of the regulations under
101 paragraph (b), the municipality designates existing farm
102 operations, as defined in s. 823.14(3)(b), within its
103 jurisdiction as legally nonconforming.

104
105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Delete lines 3 - 15

108 and insert:

109 604.40, F.S.; authorizing farm equipment used to
110 transport farm products to be stored, maintained, or
111 repaired within specified boundaries; exempting farm
112 equipment used in urban agriculture from provisions
113 requiring farm equipment to be located within
114 specified boundaries; amending s. 604.50, F.S.;
115 providing that nonresidential farm buildings, fences,
116 or signs located on lands used for urban agriculture
117 are not exempt from the Florida Building Code or local
118 governmental regulations; defining the term "urban
119 agriculture"; creating s. 604.73, F.S.; providing a
120 short title; providing legislative findings and
121 intent; defining terms; authorizing the Department of
122 Agriculture and Consumer Services to approve municipal
123 urban agricultural pilot projects; providing
124 application requirements; providing for the number,
125 duration, and renewal of pilot projects; requiring
126 municipalities to submit annual reports to the
127 department; requiring the department to submit an



372958

128 annual report to the Legislature; providing that urban
129 agriculture is subject to specified municipal
130 regulation under certain