

By the Committee on Rules; and Senator Rouson

595-03820-21

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1 A bill to be entitled
2 An act relating to urban agriculture; amending s.
3 604.40, F.S.; authorizing farm equipment used to
4 transport farm products to be stored, maintained, or
5 repaired within specified boundaries; exempting farm
6 equipment used in urban agriculture from provisions
7 requiring farm equipment to be located within
8 specified boundaries; amending s. 604.50, F.S.;
9 providing that nonresidential farm buildings, fences,
10 or signs located on lands used for urban agriculture
11 are not exempt from the Florida Building Code or local
12 governmental regulations; defining the term "urban
13 agriculture"; creating s. 604.73, F.S.; providing a
14 short title; providing legislative findings and
15 intent; defining terms; authorizing the Department of
16 Agriculture and Consumer Services to approve municipal
17 urban agricultural pilot projects; providing
18 application requirements; providing for the number,
19 duration, and renewal of pilot projects; requiring
20 municipalities to submit annual reports to the
21 department; requiring the department to submit an
22 annual report to the Legislature; providing that urban
23 agriculture is subject to specified municipal
24 regulation under certain circumstances; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 604.40, Florida Statutes, is amended to

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30 read:

31 604.40 Farm equipment.—

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

38 (2) This section does not apply to farm equipment that is
39 used in urban agriculture, as defined in s. 604.73(3).

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

43 604.50 Nonresidential farm buildings; farm fences; farm
44 signs.—

45 (1) Notwithstanding any provision of law to the contrary,
46 any nonresidential farm building, farm fence, or farm sign that
47 is located on lands used for bona fide agricultural purposes,
48 not including those lands used for urban agriculture, is exempt
49 from the Florida Building Code and any county or municipal code
50 or fee, except for code provisions implementing local, state, or
51 federal floodplain management regulations. A farm sign located
52 on a public road may not be erected, used, operated, or
53 maintained in a manner that violates any of the standards
54 provided in s. 479.11(4), (5) (a), and (6)-(8).

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

56 (e) "Urban agriculture" has the same meaning as in s.
57 604.73(3).

58 Section 3. Section 604.73, Florida Statutes, is created to

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59 read:

60 604.73 Urban agriculture pilot projects; local regulation
61 of urban agriculture.-

62 (1) SHORT TITLE.-This section shall be known and may be
63 cited as the "Urban Agriculture Pilot Project Act."

64 (2) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
65 that, due to the application of laws relating to agricultural
66 activities, it is necessary to distinguish between farms on
67 traditional rural farm land and the emerging trends towards
68 urban agriculture. The Legislature acknowledges that the "coming
69 to the nuisance" defense is reversed when residents bring
70 agricultural uses to already-established, dense urbanized areas,
71 and that municipalities should retain the right to reasonably
72 regulate urban agriculture to protect existing urban land uses.
73 The Legislature recognizes the ability of urban agriculture to
74 spur economic development by providing for fresh foods in city
75 centers, community revitalization, and the adaptive reuse of
76 vacant lands. It is the intent of the Legislature that local
77 governments be authorized to create urban agriculture pilot
78 projects to regulate urban agriculture under certain conditions
79 and to determine the effectiveness and impact of the pilot
80 projects on the farming operations in the selected dense
81 urbanized land areas of the state.

82 (3) DEFINITIONS.-As used in this section, the term:

83 (a) "Department" means the Department of Agriculture and
84 Consumer Services.

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

87 1. Within a dense urban land area, as described in s.

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88 380.0651(3)(a).

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

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

91 4. Designated by a municipality for inclusion in an urban
92 agricultural pilot project that has been approved by the
93 department.

94
95 The term does not include vegetable gardens, as defined in s.
96 604.71(4), for personal consumption on residential properties.

97 (4) URBAN AGRICULTURAL PILOT PROJECTS.—

98 (a) The department may approve five urban agricultural
99 pilot projects that meet the requirements of this section and
100 requirements adopted by department rule. The rules adopted by
101 the department must require, at a minimum, that a municipal
102 applicant:

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

104 2. Submits to the department a proposal that includes a
105 narrative description of the proposed pilot project, including
106 the project location, farm products to be cultivated, community
107 involvement, anticipated outcomes, nutrition and water use,
108 fertilization management, and any other requirements specified
109 by department rules.

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

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

115 (d) A municipality shall submit a report providing a
116 narrative explanation of the outcomes and impact of the pilot

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117 project to the department by January 1 for each year of the
118 pilot project. The department shall submit a report on the
119 outcomes and impacts of the pilot projects to the President of
120 the Senate and Speaker of the House of Representatives.

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

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

127 (b) The municipality duly enacts local regulations
128 applicable to urban agriculture.

129 (c) Before the reenactment of the regulations under
130 paragraph (b), the municipality designates existing farm
131 operations, as defined in s. 823.14(3)(b), within its
132 jurisdiction as legally nonconforming.

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