

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WITHDRAWN	_____	(Y/N)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

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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 projects; 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 Project Act."

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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 be authorized to create urban agriculture pilot
56 projects to regulate urban agriculture under certain conditions
57 and to determine the effectiveness and impact of the pilot
58 projects on the farming operations in the selected dense
59 urbanized land areas of the state.

60 (3) DEFINITION.—As used in this section, the term:

61 (a) "Urban agriculture" means any new or existing
62 noncommercial agricultural uses on land that is:

63 1. Within a dense urban land area, as described in s.
64 380.0651(3) (a).

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

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

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67 4. Designated by a municipality for inclusion in an urban
68 agricultural pilot project that has been approved by the
69 department.

70
71 The term does not include vegetable gardens, as defined in s.
72 604.71(4), for personal consumption on residential properties.

73 (b) "Department" means the Department of Agriculture and
74 Consumer Services.

75 (4) URBAN AGRICULTURAL PILOT PROJECTS.-

76 (a) The department may approve five urban agricultural
77 pilot projects that meet the requirements of this section and
78 requirements adopted by department rule. The rules adopted by
79 the department must require, at a minimum, that a municipal
80 applicant:

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

82 2. Submits to the department a proposal that includes a
83 narrative description of the proposed pilot project, including
84 the project location, farm products to be cultivated, community
85 involvement, anticipated outcomes, nutrition and water use,
86 fertilization management, and any other requirements specified
87 by department rules.

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

91 (c) At the end of the first 3-year period, the department

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92 may increase the number of pilot projects to ten.

93 (d) A municipality shall submit a report providing a
94 narrative explanation of the outcomes and impact of the pilot
95 project to the department by January 1 for each year of the
96 pilot project. The department shall submit a report on the
97 outcomes and impacts of the pilot projects to the President of
98 the Senate and Speaker of the House of Representatives.

99 (5) LOCAL REGULATION.—Notwithstanding s. 604.50, s.
100 823.14, or any other law to the contrary, urban agriculture is
101 subject to applicable municipal regulations if:

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

105 (b) The municipality duly enacts local regulations
106 applicable to urban agriculture.

107 (c) Before the reenactment of the regulations under
108 paragraph (b), the municipality designates existing farm
109 operations, as defined in s. 823.14(3)(b), within its
110 jurisdiction as legally nonconforming.

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

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113
114 **T I T L E A M E N D M E N T**

115 Remove everything before the enacting clause and insert:

116 A bill to be entitled

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117 An act relating to urban agriculture; amending s.
118 604.40, F.S.; exempting farm equipment used in urban
119 agriculture from certain provisions requiring farm
120 equipment to be located a specified distance from a
121 public road; amending s. 604.50, F.S.; providing that
122 nonresidential farm buildings, fences, or signs
123 located on lands used for urban agriculture are not
124 exempt from the Florida Building Code or local
125 governmental regulations; defining the term "urban
126 agriculture"; creating s. 604.73, F.S.; providing a
127 short title; providing legislative findings and
128 intent; providing definitions; authorizing the
129 Department of Agriculture and Consumer Services to
130 approve municipal urban agricultural pilot projects;
131 providing application requirements; providing for the
132 number, duration, and renewal of pilot projects;
133 requiring municipalities to submit annual reports to
134 the department; requiring the department to submit an
135 annual report to the Legislature; providing that urban
136 agriculture is subject to specified municipal
137 regulation; providing an effective date.