

1 A bill to be entitled

2 An act relating to urban agriculture; amending s.
3 604.40, F.S.; exempting farm equipment used in urban
4 agriculture from certain provisions requiring farm
5 equipment to be located a specified distance from a
6 public road; amending s. 604.50, F.S.; providing that
7 nonresidential farm buildings, fences, or signs
8 located on lands used for urban agriculture are not
9 exempt from the Florida Building Code or local
10 governmental regulations; defining the term "urban
11 agriculture"; creating s. 604.73, F.S.; providing a
12 short title; providing legislative findings and
13 intent; defining the term "urban agriculture";
14 expressly preserving local governmental authority to
15 regulate urban agriculture under certain
16 circumstances; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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

22 604.40 Farm equipment.—

23 (1) Notwithstanding any other law, ordinance, rule, or
24 policy to the contrary, all power-drawn, power-driven, or self-
25 propelled equipment used on a farm may be stored, maintained, or

26 repaired by the owner within the boundaries of the owner's farm
 27 and at least 50 feet away from any public road without
 28 limitation.

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

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

34 604.50 Nonresidential farm buildings; farm fences; farm
 35 signs.—

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

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

47 (e) "Urban agriculture" has the same meaning as in s.
 48 604.73.

49 Section 3. Section 604.73, Florida Statutes, is created to
 50 read:

51 604.73 Local regulation of urban agriculture.-

52 (1) SHORT TITLE.-This section shall be known and may be
53 cited as the "Florida Urban Agriculture Act."

54 (2) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
55 that, due to the application of laws relating to agricultural
56 activities, it is necessary to distinguish between farms on
57 traditional rural farm land and the emerging trends towards
58 urban agriculture. The Legislature acknowledges that the "coming
59 to the nuisance" defense is reversed when residents bring
60 agricultural uses to already-established, dense urbanized areas,
61 and that municipalities should retain the right to reasonably
62 regulate urban agriculture to protect existing urban land uses.
63 The Legislature recognizes the ability of urban agriculture to
64 spur economic development by providing for fresh foods in city
65 centers, community revitalization, and the adaptive reuse of
66 vacant lands. It is the intent of the Legislature that local
67 governments retain authority to regulate urban agriculture under
68 certain conditions, which will further the growth of farmland
69 and promote the establishment of new farms and agricultural uses
70 within dense urbanized land areas of this state.

71 (3) DEFINITION.-As used in this section, the term "urban
72 agriculture" means any new or existing food cultivation on a
73 piece of land within a dense urban land area, as described in s.
74 380.0651(3)(a), for recreational, residential, community,
75 commercial, or not-for-profit gardening or farming purposes. The

76 term applies to urban land that is not designated or zoned for
77 agriculture as a principal use. The term does not include
78 vegetable gardens, as defined in s. 604.71(4), for personal
79 consumption on residential properties.

80 (4) LOCAL REGULATION.—Notwithstanding s. 823.14 or any
81 other law to the contrary, urban agriculture is subject to the
82 land use, building, and other regulations of a county,
83 municipality, or other political subdivision of the state,
84 regardless of the property's agricultural classification
85 pursuant to s. 193.461, where:

86 (a) There is a land use or zoning regulation duly enacted
87 to allow for urban agriculture; and

88 (b) The regulation designates existing farm operations, as
89 defined in s. 823.14(3)(b), as legally nonconforming before the
90 regulation's adoption.

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