

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; providing a definition;
13 creating s. 604.73, F.S.; providing a short title;
14 providing legislative findings and intent; providing
15 definitions; authorizing the Department of Agriculture
16 and Consumer Services to approve municipal urban
17 agricultural pilot projects; providing application
18 requirements; providing for the number, duration, and
19 renewal of pilot projects; requiring municipalities to
20 submit annual reports to the department; requiring the
21 department to submit an annual report to the
22 Legislature; providing that urban agriculture is
23 subject to specified municipal regulation; providing
24 an effective date.
25

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

27 |
 28 | Section 1. Section 604.40, Florida Statutes, is amended to
 29 | read:

30 | 604.40 Farm equipment.—

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

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

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

42 | 604.50 Nonresidential farm buildings; farm fences; farm
 43 | signs.—

44 | (1) Notwithstanding any provision of law to the contrary,
 45 | any nonresidential farm building, farm fence, or farm sign that
 46 | is located on lands used for bona fide agricultural purposes,
 47 | not including those lands used for urban agriculture, is exempt
 48 | from the Florida Building Code and any county or municipal code
 49 | or fee, except for code provisions implementing local, state, or
 50 | federal floodplain management regulations. A farm sign located

51 on a public road may not be erected, used, operated, or
 52 maintained in a manner that violates any of the standards
 53 provided in s. 479.11(4), (5)(a), and (6)-(8).

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

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

57 Section 3. Section 604.73, Florida Statutes, is created to
 58 read:

59 604.73 Urban agriculture pilot projects; local regulation
 60 of urban agriculture.-

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

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

76 governments be authorized to create urban agriculture pilot
 77 projects to regulate urban agriculture under certain conditions
 78 and to determine the effectiveness and impact of the pilot
 79 projects on the farming operations in the selected dense
 80 urbanized land areas of the state.

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

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

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

86 1. Within a dense urban land area, as described in s.
 87 380.0651(3) (a).

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

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

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

93
 94 The term does not include vegetable gardens, as defined in s.
 95 604.71(4), for personal consumption on residential properties.

96 (4) URBAN AGRICULTURAL PILOT PROJECTS.—

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

101 applicant:

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

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

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

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

114 (d) A municipality shall submit a report providing a
115 narrative explanation of the outcomes and impact of the pilot
116 project to the department by January 1 for each year of the
117 pilot project. The department shall submit a report on the
118 outcomes and impacts of the pilot projects to the President of
119 the Senate and Speaker of the House of Representatives.

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

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

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

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

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