

By Senator Rouson

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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.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
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

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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

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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

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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.