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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:  
28

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; and

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 municipalities in which  
99 urban agricultural pilot projects that meet the requirements of  
100 this section and requirements adopted by department rule may be  
101 established. The rules adopted by the department must require,  
102 at a minimum, that a municipal 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) A municipality shall submit a report providing a  
114 narrative explanation of the outcomes and impact of the pilot  
115 project to the department by January 1 for each year of the  
116 pilot project. The department shall submit a report on the

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117 outcomes and impacts of the pilot projects to the President of  
118 the Senate and Speaker of the House of Representatives.

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

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

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

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

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