



128198

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
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The Committee on Community Affairs (Collins) recommended the following:

Senate Amendment (with title amendment)

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3
4 Delete lines 65 - 144
5 and insert:
6 of housing for legal migrant farmworkers as defined in s.
7 381.008(4) is authorized on land zoned for agricultural use
8 which is operated as a bona fide farm.
9 (b) Construction or installation of housing under this



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10 subsection:

11 1. May not exceed 7,500 square feet per parcel of land;

12 2. Must meet all local and state building standards for
13 securing a residential certificate of occupancy; and

14 3. Does not require approval by ordinance or resolution of
15 the governmental entity where the land is located.

16 (c) If agricultural operations are discontinued on the
17 property for a minimum of 3 years and the agricultural land
18 classification of the property is no longer valid, the legal
19 migrant farmworker housing is no longer eligible for the
20 residential uses as provided for in this section unless and
21 until approved by the local jurisdiction under its zoning and
22 land use regulations for the intended nonagricultural use.

23 Section 3. Paragraph (b) of subsection (3) of section
24 193.461, Florida Statutes, is amended to read:

25 193.461 Agricultural lands; classification and assessment;
26 mandated eradication or quarantine program; natural disasters.-

27 (3)

28 (b) Subject to the restrictions specified in this section,
29 only lands that are used primarily for bona fide agricultural
30 purposes shall be classified as agricultural. The term "bona
31 fide agricultural purposes" means good faith commercial
32 agricultural use of the land.

33 1. In determining whether the use of the land for
34 agricultural purposes is bona fide, the following factors may be
35 taken into consideration:

36 a. The length of time the land has been so used.

37 b. Whether the use has been continuous.

38 c. The purchase price paid.



39 d. Size, as it relates to specific agricultural use, but a
40 minimum acreage may not be required for agricultural assessment.

41 e. Whether an indicated effort has been made to care
42 sufficiently and adequately for the land in accordance with
43 accepted commercial agricultural practices, including, without
44 limitation, fertilizing, liming, tilling, mowing, reforesting,
45 and other accepted agricultural practices.

46 f. Whether the land is under lease and, if so, the
47 effective length, terms, and conditions of the lease.

48 g. Such other factors as may become applicable.

49 2. Offering property for sale does not constitute a primary
50 use of land and may not be the basis for denying an agricultural
51 classification if the land continues to be used primarily for
52 bona fide agricultural purposes while it is being offered for
53 sale.

54 3. A local government may not adopt a land use or zoning
55 restriction, condition, or regulation that requires the
56 termination of an agricultural classification for any property
57 or the surrender of an agricultural classification for any
58 property by the property owner if the property is used for bona
59 fide agricultural purposes as defined in this section. Such
60 restrictions, conditions, or regulations adopted before July 1,
61 2023, are invalid and unenforceable.

62 Section 4. Present subsections (4) through (12) of section
63 212.096, Florida Statutes, are redesignated as subsections (5)
64 through (13), respectively, a new subsection (4) is added to
65 that section, and present subsection (12) of that section is
66 amended, to read:

67 212.096 Sales, rental, storage, use tax; enterprise zone



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68 jobs credit against sales tax.-

69 (4) (a) Upon an affirmative showing by an eligible business
70 to the satisfaction of the department that the requirements of
71 this section have been met, the business is allowed a credit
72 against the tax remitted under this chapter.

73 (b) The credit must be computed as 100 percent of all state
74 sales tax that would be due on the:

75 1. Rental of housing, including a building, manufactured
76 home, mobile home, dormitory, barracks, motel, or hotel for
77 housing two or more legal migrant farmworkers as defined in s.
78 381.008(4);

79 2. Purchase of a mobile home as defined in s. 320.01(2)(a)
80 for housing two or more legal migrant farmworkers as defined in
81 s. 381.008(4); or

82 3. Purchase of a manufactured home as defined in s.
83 320.01(2)(b) for housing two or more legal migrant farmworkers
84 as defined in s. 381.008(4).

85 (c) To claim this credit, an eligible employer must, under
86 oath with the governing body where the property is located, file
87 a statement that includes all of the following:

88 1. For each legal migrant farmworker for whom this credit
89 is claimed, the farmworker's name and place of permanent
90 residence, and documentation that the farmworker is legally
91 eligible for participation in the workforce.

92 2. The name and address of the eligible business.

93 3. The hourly wages paid to the legal migrant farmworker.

94

95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:



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97 Delete lines 6 - 17
98 and insert:
99 construction or installation of housing for legal
100 migrant farmworkers on certain lands; providing
101 requirements for such housing; exempting such housing
102 from certain local government approval; providing
103 limitations on eligibility for residential uses of
104 certain property; amending s. 193.461, F.S.;
105 prohibiting local governments from adopting land use
106 or zoning restrictions, conditions, or regulations
107 that require termination or surrender of agricultural
108 classifications for certain property; providing that
109 such restrictions, conditions, or regulations adopted
110 before a specified date are invalid and unenforceable;
111 amending s. 212.096, F.S.; providing tax credits for
112 the rental or purchase of specified housing for legal