



247198

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2023	.	
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	.	

The Committee on Finance and Tax (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 169
and insert:
a county may not levy special assessments ~~for the provision of~~
~~fire protection services~~ on lands classified as agricultural
lands under s. 193.461 ~~unless the land contains a residential~~
~~dwelling or nonresidential farm building, with the exception of~~
~~an agricultural pole barn, provided the nonresidential farm~~
~~building exceeds a just value of \$10,000. Such special~~



247198

11 ~~assessments must be based solely on the special benefit accruing~~
12 ~~to that portion of the land consisting of the residential~~
13 ~~dwelling and curtilage, and qualifying nonresidential farm~~
14 ~~buildings. As used in this paragraph, the term "agricultural~~
15 ~~pole barn" means a nonresidential farm building in which 70~~
16 ~~percent or more of the perimeter walls are permanently open and~~
17 ~~allow free ingress and egress.~~

18 Section 2. Present paragraphs (a) through (d) of subsection
19 (2) of section 163.3162, Florida Statutes, are redesignated as
20 paragraphs (b) through (e), respectively, a new paragraph (a) is
21 added to that subsection, and subsection (5) is added to that
22 section, to read:

23 163.3162 Agricultural Lands and Practices.—

24 (2) DEFINITIONS.—As used in this section, the term:

25 (a) "Agricultural employee" means a person who produces a
26 farm product as defined in s. 823.14(3); is seasonally or
27 annually employed in agricultural production; is lawfully
28 present in the United States; is allowed to work at the time of
29 employment and remains so throughout the duration of that
30 employment; and has been verified through the process provided
31 in s. 448.095.

32 (5) AGRICULTURAL EMPLOYEE HOUSING.—

33 (a) The construction or installation of housing for
34 agricultural employees as defined in this section is authorized
35 on land zoned for agricultural use which is operated as a bona
36 fide farm.

37 (b) Construction or installation of housing under this
38 subsection:

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



247198

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

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

44 (c) If agricultural operations are discontinued on the
45 property for a minimum of 3 years and the agricultural land
46 classification of the property is no longer valid, the
47 agricultural employee housing is no longer eligible for the
48 residential uses as provided for in this section unless and
49 until approved by the local jurisdiction under its zoning and
50 land use regulations for the intended nonagricultural use.

51 Section 3. Paragraph (b) of subsection (3) of section
52 193.461, Florida Statutes, is amended to read:

53 193.461 Agricultural lands; classification and assessment;
54 mandated eradication or quarantine program; natural disasters.—

55 (3)

56 (b) Subject to the restrictions specified in this section,
57 only lands that are used primarily for bona fide agricultural
58 purposes shall be classified as agricultural. The term “bona
59 fide agricultural purposes” means good faith commercial
60 agricultural use of the land.

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

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

65 b. Whether the use has been continuous.

66 c. The purchase price paid.

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



247198

69 e. Whether an indicated effort has been made to care
70 sufficiently and adequately for the land in accordance with
71 accepted commercial agricultural practices, including, without
72 limitation, fertilizing, liming, tilling, mowing, reforesting,
73 and other accepted agricultural practices.

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

76 g. Such other factors as may become applicable.

77 2. Offering property for sale does not constitute a primary
78 use of land and may not be the basis for denying an agricultural
79 classification if the land continues to be used primarily for
80 bona fide agricultural purposes while it is being offered for
81 sale.

82 3. A local government may not adopt a land use or zoning
83 restriction, condition, or regulation that requires the
84 termination of an agricultural classification for any property
85 or the surrender of an agricultural classification for any
86 property by the property owner if the property is used for bona
87 fide agricultural purposes as defined in this section. Such
88 restrictions, conditions, or regulations adopted before July 1,
89 2023, are invalid and unenforceable.

90
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete lines 3 - 25

94 and insert:

95 125.01, F.S.; prohibiting a county from levying
96 special assessments on certain lands; deleting
97 exceptions; deleting the definition of the term



247198

98 "agricultural pole barn"; amending s. 163.3162, F.S.;
99 defining the term "agricultural employee"; authorizing
100 construction or installation of housing for
101 agricultural employees on certain lands; providing
102 requirements for such housing; exempting such housing
103 from certain local government approval; providing
104 limitations on eligibility for residential uses of
105 certain property; amending s. 193.461, F.S.;
106 prohibiting local governments from adopting land use
107 or zoning restrictions, conditions, or regulations
108 that require termination or surrender of agricultural
109 classifications for certain property; providing that
110 such restrictions, conditions, or regulations adopted
111 before a specified date are invalid and unenforceable;
112 amending s.