

By the Committees on Finance and Tax; and Community Affairs; and  
Senator Collins

593-03756-23

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1 A bill to be entitled  
2 An act relating to agricultural lands; amending s.  
3 125.01, F.S.; prohibiting a county from levying  
4 special assessments on certain lands; deleting  
5 exceptions; deleting the definition of the term  
6 "agricultural pole barn"; amending s. 163.3162, F.S.;  
7 defining the term "agricultural employee"; authorizing  
8 construction or installation of housing for  
9 agricultural employees on certain lands; providing  
10 requirements for such housing; exempting such housing  
11 from certain local government approval; providing  
12 limitations on eligibility for residential uses of  
13 certain property; amending s. 193.461, F.S.;  
14 prohibiting local governments from adopting land use  
15 or zoning restrictions, conditions, or regulations  
16 that require termination or surrender of agricultural  
17 classifications for certain property; providing that  
18 such restrictions, conditions, or regulations adopted  
19 before a specified date are invalid and unenforceable;  
20 amending s. 381.0065, F.S.; requiring the Department  
21 of Environmental Protection to permit and inspect  
22 toilet facilities placed on lands classified as  
23 agricultural for certain use; providing an effective  
24 date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
27

28 Section 1. Paragraph (r) of subsection (1) of section  
29 125.01, Florida Statutes, is amended to read:

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30 125.01 Powers and duties.—

31 (1) The legislative and governing body of a county shall  
32 have the power to carry on county government. To the extent not  
33 inconsistent with general or special law, this power includes,  
34 but is not restricted to, the power to:

35 (r) Levy and collect taxes, both for county purposes and  
36 for the providing of municipal services within any municipal  
37 service taxing unit, and special assessments; borrow and expend  
38 money; and issue bonds, revenue certificates, and other  
39 obligations of indebtedness, which power shall be exercised in  
40 such manner, and subject to such limitations, as may be provided  
41 by general law. There shall be no referendum required for the  
42 levy by a county of ad valorem taxes, both for county purposes  
43 and for the providing of municipal services within any municipal  
44 service taxing unit. Notwithstanding any other provision of law,  
45 a county may not levy special assessments ~~for the provision of~~  
46 ~~fire protection services~~ on lands classified as agricultural  
47 lands under s. 193.461 ~~unless the land contains a residential~~  
48 ~~dwelling or nonresidential farm building, with the exception of~~  
49 ~~an agricultural pole barn, provided the nonresidential farm~~  
50 ~~building exceeds a just value of \$10,000. Such special~~  
51 ~~assessments must be based solely on the special benefit accruing~~  
52 ~~to that portion of the land consisting of the residential~~  
53 ~~dwelling and curtilage, and qualifying nonresidential farm~~  
54 ~~buildings. As used in this paragraph, the term "agricultural~~  
55 ~~pole barn" means a nonresidential farm building in which 70~~  
56 ~~percent or more of the perimeter walls are permanently open and~~  
57 ~~allow free ingress and egress.~~

58 Section 2. Present paragraphs (a) through (d) of subsection

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59 (2) of section 163.3162, Florida Statutes, are redesignated as  
60 paragraphs (b) through (e), respectively, a new paragraph (a) is  
61 added to that subsection, and subsection (5) is added to that  
62 section, to read:

63 163.3162 Agricultural Lands and Practices.—

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

65 (a) "Agricultural employee" means a person who produces a  
66 farm product as defined in s. 823.14(3); is seasonally or  
67 annually employed in agricultural production; is lawfully  
68 present in the United States; is allowed to work at the time of  
69 employment and remains so throughout the duration of that  
70 employment; and has been verified through the process provided  
71 in s. 448.095.

72 (5) AGRICULTURAL EMPLOYEE HOUSING.—

73 (a) The construction or installation of housing for  
74 agricultural employees as defined in this section is authorized  
75 on land zoned for agricultural use which is operated as a bona  
76 fide farm.

77 (b) Construction or installation of housing under this  
78 subsection:

- 79 1. May not exceed 7,500 square feet per parcel of land;  
80 2. Must meet all local and state building standards for  
81 securing a residential certificate of occupancy; and  
82 3. Does not require approval by ordinance or resolution of  
83 the governmental entity where the land is located.

84 (c) If agricultural operations are discontinued on the  
85 property for a minimum of 3 years and the agricultural land  
86 classification of the property is no longer valid, the  
87 agricultural employee housing is no longer eligible for the

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88 residential uses as provided for in this section unless and  
89 until approved by the local jurisdiction under its zoning and  
90 land use regulations for the intended nonagricultural use.

91 Section 3. Paragraph (b) of subsection (3) of section  
92 193.461, Florida Statutes, is amended to read:

93 193.461 Agricultural lands; classification and assessment;  
94 mandated eradication or quarantine program; natural disasters.-

95 (3)

96 (b) Subject to the restrictions specified in this section,  
97 only lands that are used primarily for bona fide agricultural  
98 purposes shall be classified as agricultural. The term "bona  
99 fide agricultural purposes" means good faith commercial  
100 agricultural use of the land.

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

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

105 b. Whether the use has been continuous.

106 c. The purchase price paid.

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

109 e. Whether an indicated effort has been made to care  
110 sufficiently and adequately for the land in accordance with  
111 accepted commercial agricultural practices, including, without  
112 limitation, fertilizing, liming, tilling, mowing, reforesting,  
113 and other accepted agricultural practices.

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

116 g. Such other factors as may become applicable.

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117           2. Offering property for sale does not constitute a primary  
118 use of land and may not be the basis for denying an agricultural  
119 classification if the land continues to be used primarily for  
120 bona fide agricultural purposes while it is being offered for  
121 sale.

122           3. A local government may not adopt a land use or zoning  
123 restriction, condition, or regulation that requires the  
124 termination of an agricultural classification for any property  
125 or the surrender of an agricultural classification for any  
126 property by the property owner if the property is used for bona  
127 fide agricultural purposes as defined in this section. Such  
128 restrictions, conditions, or regulations adopted before July 1,  
129 2023, are invalid and unenforceable.

130           Section 4. Paragraph (m) of subsection (3) of section  
131 381.0065, Florida Statutes, is amended to read:

132           381.0065 Onsite sewage treatment and disposal systems;  
133 regulation.—

134           (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL  
135 PROTECTION.—The department shall:

136           (m) Permit and inspect portable or temporary toilet  
137 services and holding tanks. The department shall review  
138 applications, perform site evaluations, and issue permits for  
139 the temporary use of holding tanks, privies, portable toilet  
140 services, or any other toilet facility that is intended for use  
141 on a permanent or nonpermanent basis, including facilities  
142 placed on lands classified as agricultural pursuant to s.  
143 193.461 or construction sites when workers are present. The  
144 department may specify standards for the construction,  
145 maintenance, use, and operation of any such facility for

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146 temporary use.

147 Section 5. This act shall take effect July 1, 2023.