

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1343 (2023)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Infrastructure Strategies  
2 Committee

3 Representative Tuck offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (r) of subsection (1) of section  
8 125.01, Florida Statutes, is amended to read:

9 125.01 Powers and duties.—

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

14 (r) Levy and collect taxes, both for county purposes and  
15 for the providing of municipal services within any municipal  
16 service taxing unit, and special assessments; borrow and expend

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17 money; and issue bonds, revenue certificates, and other  
18 obligations of indebtedness, which power shall be exercised in  
19 such manner, and subject to such limitations, as may be provided  
20 by general law. There shall be no referendum required for the  
21 levy by a county of ad valorem taxes, both for county purposes  
22 and for the providing of municipal services within any municipal  
23 service taxing unit.

24 1. Notwithstanding any other provision of law, a county  
25 may not levy special assessments for the provision of fire  
26 protection services on lands classified as agricultural lands  
27 under s. 193.461, including nonresidential agricultural  
28 structures, unless the revenue from such special assessments has  
29 been pledged for debt service and is necessary to meet  
30 obligations of bonds or certificates issued by the county.

31 2. The provisions of subparagraph 1. do not apply to  
32 nonagricultural structures, including both residential and  
33 nonresidential structures, and their curtilage land contains a  
34 residential dwelling or nonresidential farm building, with the  
35 exception of an agricultural pole barn, provided the  
36 nonresidential farm building exceeds a just value of \$10,000.  
37 Such special assessments must be based solely on the special  
38 benefit accruing to that portion of the land consisting of the  
39 residential dwelling and curtilage, and qualifying  
40 nonresidential farm buildings. As used in this paragraph, the  
41 term "agricultural pole barn" means a nonresidential farm

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42 ~~building in which 70 percent or more of the perimeter walls are~~  
43 ~~permanently open and allow free ingress and egress.~~

44 Section 2. Present paragraphs (a) through (d) of  
45 subsection (2) of section 163.3162, Florida Statutes, are  
46 redesignated as paragraphs (b) through (e), respectively, a new  
47 paragraph (a) is added to that subsection, and subsection (5) is  
48 added to that section, to read:

49 163.3162 Agricultural Lands and Practices.—

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

51 (a) "Agricultural employee" means a person who produces a  
52 farm product as defined in s. 823.14(3); is seasonally or  
53 annually employed in agricultural production; is lawfully  
54 present in the United States; is allowed to work at the time of  
55 employment and remains so throughout the duration of that  
56 employment; and has been verified through the process provided  
57 in s. 448.095.

58 (5) AGRICULTURAL EMPLOYEE HOUSING.—

59 (a) The construction or installation of housing for  
60 agricultural employees as defined in this section is authorized  
61 on land zoned for agricultural use which is operated as a bona  
62 fide farm.

63 (b) Construction or installation of housing under this  
64 subsection:

65 1. Must be located on a parcel of land no less than 10  
66 acres in size;

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- 67        2. May not be located within 500 feet of the property  
68 line;  
69        3. May not exceed 7,500 square feet per parcel of land;  
70        4. Must meet all local and state building standards for  
71 securing a residential certificate of occupancy; and  
72        5. Does not require approval by ordinance or resolution of  
73 the governmental entity where the land is located.

74        (c) If agricultural operations are discontinued on the  
75 property for a minimum of 3 years and the agricultural land  
76 classification of the property is no longer valid, the  
77 agricultural employee housing is no longer eligible for the  
78 residential uses as provided for in this section unless and  
79 until approved by the local jurisdiction under its zoning and  
80 land use regulations for the intended nonagricultural use.

81        Section 3. Paragraph (b) of subsection (3) of section  
82 193.461, Florida Statutes, is amended to read:

83        193.461 Agricultural lands; classification and assessment;  
84 mandated eradication or quarantine program; natural disasters.-

85        (3)

86        (b) Subject to the restrictions specified in this section,  
87 only lands that are used primarily for bona fide agricultural  
88 purposes shall be classified as agricultural. The term "bona  
89 fide agricultural purposes" means good faith commercial  
90 agricultural use of the land.

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

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

95 b. Whether the use has been continuous.

96 c. The purchase price paid.

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

99 e. Whether an indicated effort has been made to care  
100 sufficiently and adequately for the land in accordance with  
101 accepted commercial agricultural practices, including, without  
102 limitation, fertilizing, liming, tilling, mowing, reforestation,  
103 and other accepted agricultural practices.

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

106 g. Such other factors as may become applicable.

107 2. Offering property for sale does not constitute a  
108 primary use of land and may not be the basis for denying an  
109 agricultural classification if the land continues to be used  
110 primarily for bona fide agricultural purposes while it is being  
111 offered for sale.

112 3. A county or municipality may not require the removal or  
113 relinquishment of an agricultural classification for land that  
114 is subject to a contract for sale that requires a development  
115 permit as defined in s. 163.3164(16) as a condition precedent of

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116 sale if the landowner notifies the county or municipality in  
117 writing at the time of application for the development permit  
118 that the reclassification is requested as a condition precedent  
119 for a pending sale of the land. The agricultural classification  
120 for the land may not be removed or relinquished solely based on  
121 the issuance of the development permit until the landowner  
122 provides written notice to the county or municipality that the  
123 contract has closed and the property has been conveyed to the  
124 contract purchaser.

125 Section 4. This act shall take effect July 1, 2023.

126

127 -----

128 **T I T L E A M E N D M E N T**

129 Remove everything before the enacting clause and insert:  
130 An act relating to agricultural lands; amending s. 125.01,  
131 F.S.; prohibiting counties from levying specified special  
132 assessments on lands classified as agricultural; providing  
133 an exception; providing applicability; amending s.  
134 163.3162, F.S.; defining a term; authorizing construction  
135 or installation of housing for agricultural employees on  
136 certain lands; providing requirements for such housing;  
137 exempting such housing from certain local government  
138 approval; amending s. 193.461, F.S.; prohibiting a county  
139 or municipality from requiring the removal or  
140 relinquishment of an agricultural land classification for

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141 | certain lands; requiring landowners to provide a county or  
142 | municipality with certain written notice regarding such  
143 | lands; providing an effective date.