

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Tuck offered the following:

2

3 **Amendment to Amendment (645914) (with title amendment)**

4 Remove lines 5-81 of the amendment and insert:

5 Section 1. Subsection (5) is added to section 163.3162,
6 Florida Statutes, to read:

7 163.3162 Agricultural Lands and Practices.—

8 (5) HOUSING FOR SEASONAL AGRICULTURAL EMPLOYEES.—

9 (a) The construction or installation of housing for
10 seasonal agricultural employees working in this State pursuant
11 to 8 U.S.C. s. 1188 is authorized on lands zoned for
12 agricultural use that is operated as a bona fide farm.

13 (b) Construction or installation of housing under this

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14 subsection must meet the following minimum criteria unless the
15 local government has a less restrictive ordinance that is not in
16 conflict with any federal law or requirements in which case the
17 local ordinance applies:

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

20 2. Must meet, at a minimum, the criteria set forth in 29
21 C.F.R. 1910.142 and 64E-14, Florida Administrative Code;

22 3. May not be located within 150 feet of the property
23 line. If the adjoining parcel is zoned for residential use, the
24 minimum distance for housing under this section from the
25 property line adjacent to residential zoning is 750 feet or,
26 alternatively, requires installation of a buffer not less than
27 25 feet in width, consisting of a wall, a berm, or a wall and
28 berm combination of not less than 6 feet in height from finished
29 grade together with landscaping on the residential side of the
30 wall consisting of at least 5 trees and 30 shrubs per linear
31 foot;

32 4. May not exceed 2,500 heated and cooled square feet per
33 building on an eligible parcel of land;

34 5. May not be more than 3 structures per 10 acre parcel of
35 land; and

36 6. Must meet all local and state building standards for
37 securing a residential certificate of occupancy.

38 (c) The improvements authorized under this subsection do

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39 not require approval by ordinance or resolution of the
40 governmental entity where the land is located.

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43 classification of the property is no longer valid, the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

48 (e) Notwithstanding this subsection, the construction or
49 installation of housing for seasonal agricultural employees in
50 the Florida Keys Area of Critical State Concern and the City of
51 Key West Area of Critical State Concern is subject to the permit
52 allocation systems of the Florida Keys Area of Critical State
53 Concern and City of Key West Area of Critical State Concern.

54 Section 2. Paragraph (b) of subsection (3) of section
55 193.461, Florida Statutes, is amended to read:

56 193.461 Agricultural lands; classification and assessment;
57 mandated eradication or quarantine program; natural disasters.-

58 (3)

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

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

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

68 b. Whether the use has been continuous.

69 c. The purchase price paid.

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

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

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

79 g. Such other factors as may become applicable.

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

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

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89 sale if the landowner notifies the county or municipality in
 90 writing at the time of application for the development permit
 91 that the reclassification is requested as a condition precedent
 92 for a pending sale of the land. The agricultural classification
 93 for the land may not be removed or relinquished based solely on
 94 the issuance of the development permit until the landowner
 95 provides written notice to the county or municipality that the
 96 contract has closed and the property has been conveyed to the
 97 contract purchaser.

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

100 Remove lines 91-104 of the amendment and insert:
 101 installation of housing for seasonal agricultural
 102 employees on certain lands; providing requirements for
 103 such housing; exempting such housing from certain
 104 local government approval; providing conditions under
 105 which such housing is subject to specified land use
 106 restrictions; providing that such housing in certain
 107 areas is subject to certain permit allocation systems;
 108 amending s. 193.461, F.S.; prohibiting local
 109 governments from requiring the removal or
 110 relinquishment of an agricultural land classification
 111 for certain lands; requiring landowners to provide a
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113 | county or municipality with certain written notice
114 | regarding such lands;

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