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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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05/03/2023 02:45 PM

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Senator Collins moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

163.3162 Agricultural Lands and Practices.—

(5) AGRICULTURAL EMPLOYEE HOUSING.—

(a) The construction or installation of housing for
nonimmigrant agricultural employees working in this state
pursuant to 8 U.S.C. s. 1188 is authorized on land zoned for



312976

12 agricultural use which is operated as a bona fide farm.
13 (b) Except as authorized by a less restrictive local
14 government ordinance, construction or installation of housing
15 under this subsection:
16 1. Must be located on a parcel of land no less than 10
17 acres in size;
18 2. Must meet, at a minimum, the criteria set forth in 29
19 C.F.R. 1910.142 and 64E-14, Florida Administrative Code;
20 3. May not be located within 150 feet of the property line,
21 or within 750 feet of a property line adjacent to property zoned
22 for residential use;
23 4. May not exceed three structures per parcel or a maximum
24 of 2,500 square feet per structure which is heated and cooled;
25 and
26 5. Must meet all local and state building standards for
27 securing a residential certificate of occupancy.
28 (c) Construction or installation of housing authorized
29 under this subsection does not require approval by ordinance or
30 resolution of the governmental entity where the land is located.
31 (d) If agricultural operations are discontinued on the
32 property for a minimum of 3 years and the agricultural land
33 classification of the property is no longer valid, housing
34 authorized under this subsection is no longer eligible for the
35 residential uses provided in this subsection unless and until
36 approved by the local jurisdiction under its zoning and land use
37 regulations for the intended nonagricultural use.
38 (e) Notwithstanding this subsection, the construction or
39 installation of housing for seasonal agricultural employees in
40 the Florida Keys Area of Critical State Concern and the City of



312976

41 Key West Area of Critical State Concern is subject to the permit
42 allocation systems of the Florida Keys Area of Critical State
43 Concern and City of Key West Area of Critical State Concern,
44 respectively.

45 Section 2. Paragraph (b) of subsection (3) of section
46 193.461, Florida Statutes, is amended to read:

47 193.461 Agricultural lands; classification and assessment;
48 mandated eradication or quarantine program; natural disasters.-

49 (3)

50 (b) Subject to the restrictions specified in this section,
51 only lands that are used primarily for bona fide agricultural
52 purposes shall be classified as agricultural. The term "bona
53 fide agricultural purposes" means good faith commercial
54 agricultural use of the land.

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

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

59 b. Whether the use has been continuous.

60 c. The purchase price paid.

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

63 e. Whether an indicated effort has been made to care
64 sufficiently and adequately for the land in accordance with
65 accepted commercial agricultural practices, including, without
66 limitation, fertilizing, liming, tilling, mowing, reforesting,
67 and other accepted agricultural practices.

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



312976

70 g. Such other factors as may become applicable.
71 2. Offering property for sale does not constitute a primary
72 use of land and may not be the basis for denying an agricultural
73 classification if the land continues to be used primarily for
74 bona fide agricultural purposes while it is being offered for
75 sale.
76 3. A local government may not adopt a land use or zoning
77 restriction, condition, or regulation that requires the
78 termination of an agricultural classification for any property
79 or the surrender of an agricultural classification for any
80 property by the property owner if the property is used for bona
81 fide agricultural purposes as defined in this section. Such
82 restrictions, conditions, or regulations adopted before July 1,
83 2023, are invalid and unenforceable.

84 Section 3. This act shall take effect July 1, 2023.

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

87 And the title is amended as follows:

88 Delete everything before the enacting clause
89 and insert:

90 A bill to be entitled
91 An act relating to agricultural lands; amending s.
92 163.3162, F.S.; authorizing construction or
93 installation of housing for nonimmigrant agricultural
94 employees on certain lands; providing requirements for
95 such housing; exempting such housing from certain
96 local government approval; providing conditions under
97 which such housing is subject to specified land use
98 restrictions; providing that such housing in certain



312976

99 areas is subject to certain permit allocation systems;
100 amending s. 193.461, F.S.; prohibiting local
101 governments from adopting land use or zoning
102 restrictions, conditions, or regulations that require
103 termination or surrender of agricultural
104 classifications for certain property; providing that
105 such restrictions, conditions, or regulations adopted
106 before a specified date are invalid and unenforceable;
107 providing an effective date.