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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: CA
05/03/2023 03:52 PM	.	05/04/2023 05:13 PM
	.	

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



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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 50
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 750 feet of a property line;
21 4. May not exceed three structures per parcel or a maximum
22 of 2,500 square feet per structure which is heated and cooled;
23 and
24 5. Must meet all local and state building standards for
25 securing a residential certificate of occupancy.
26 (c) Construction or installation of housing authorized
27 under this subsection does not require approval by ordinance or
28 resolution of the governmental entity where the land is located.
29 (d) If agricultural operations are discontinued on the
30 property for a minimum of 3 years and the agricultural land
31 classification of the property is no longer valid, housing
32 authorized under this subsection is no longer eligible for the
33 residential uses provided in this subsection unless and until
34 approved by the local jurisdiction under its zoning and land use
35 regulations for the intended nonagricultural use.
36 (e) Notwithstanding this subsection, the construction or
37 installation of housing for seasonal agricultural employees in
38 the Florida Keys Area of Critical State Concern and the City of
39 Key West Area of Critical State Concern is subject to the permit
40 allocation systems of the Florida Keys Area of Critical State



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41 Concern and City of Key West Area of Critical State Concern,
42 respectively.

43 Section 2. Paragraph (b) of subsection (3) of section
44 193.461, Florida Statutes, is amended to read:

45 193.461 Agricultural lands; classification and assessment;
46 mandated eradication or quarantine program; natural disasters.-

47 (3)

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

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

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

57 b. Whether the use has been continuous.

58 c. The purchase price paid.

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

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

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

68 g. Such other factors as may become applicable.

69 2. Offering property for sale does not constitute a primary



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70 use of land and may not be the basis for denying an agricultural
71 classification if the land continues to be used primarily for
72 bona fide agricultural purposes while it is being offered for
73 sale.

74 3. A local government may not adopt a land use or zoning
75 restriction, condition, or regulation that requires the
76 termination of an agricultural classification for any property
77 or the surrender of an agricultural classification for any
78 property by the property owner if the property is used for bona
79 fide agricultural purposes as defined in this section. Such
80 restrictions, conditions, or regulations adopted before July 1,
81 2023, are invalid and unenforceable.

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

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to agricultural lands; amending s.
90 163.3162, F.S.; authorizing construction or
91 installation of housing for nonimmigrant agricultural
92 employees on certain lands; providing requirements for
93 such housing; exempting such housing from certain
94 local government approval; providing conditions under
95 which such housing is subject to specified land use
96 restrictions; providing that such housing in certain
97 areas is subject to certain permit allocation systems;
98 amending s. 193.461, F.S.; prohibiting local



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99 governments from adopting land use or zoning
100 restrictions, conditions, or regulations that require
101 termination or surrender of agricultural
102 classifications for certain property; providing that
103 such restrictions, conditions, or regulations adopted
104 before a specified date are invalid and unenforceable;
105 providing an effective date.