

1 A bill to be entitled
 2 An act relating to agricultural lands; amending s.
 3 125.01, F.S.; prohibiting counties from levying
 4 specified special assessments on lands classified as
 5 agricultural; amending s. 163.3162, F.S.; authorizing
 6 construction or installation of housing for migrant
 7 farmworkers on certain lands; providing requirements
 8 for such housing; exempting such housing from certain
 9 local government approval; amending s. 193.461, F.S.;
 10 prohibiting a county or municipality from requiring
 11 the removal or relinquishment of an agricultural land
 12 classification for certain lands; requiring landowners
 13 to provide a county or municipality with certain
 14 written notice regarding such lands; providing an
 15 effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Paragraph (r) of subsection (1) of section
 20 125.01, Florida Statutes, is amended to read:

21 125.01 Powers and duties.—

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

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

49 Section 2. Subsection (5) is added to section 163.3162,
 50 Florida Statutes, to read:

51 163.3162 Agricultural Lands and Practices.—
 52 (5) (a) FARMWORKER HOUSING.—The construction or
 53 installation of housing for migrant farmworkers as defined in s.
 54 381.008(4), who are legally eligible for participation in the
 55 workforce, is authorized on land zoned for agricultural use and
 56 operated as a bona fide farm.

57 (b) Construction or installation of housing under this
 58 subsection:

59 1. May not exceed 7,500 square feet per parcel of land.

60 2. Must meet all local and state building standards for
 61 securing a residential certificate of occupancy.

62 3. Does not require approval by ordinance or resolution of
 63 the governmental entity where the land is located.

64 (c) If agricultural operations are discontinued on the
 65 property for a minimum of 3 years and the agricultural land
 66 classification of the property is no longer valid, the
 67 farmworker housing is no longer eligible for the residential
 68 uses provided for in this section unless and until approved by
 69 the local jurisdiction under its zoning and land use regulations
 70 for the intended nonagricultural use.

71 Section 3. Paragraph (b) of subsection (3) of section
 72 193.461, Florida Statutes, is amended to read:

73 193.461 Agricultural lands; classification and assessment;
 74 mandated eradication or quarantine program; natural disasters.—

75 (3)

76 (b) Subject to the restrictions specified in this section,
 77 only lands that are used primarily for bona fide agricultural
 78 purposes shall be classified as agricultural. The term "bona
 79 fide agricultural purposes" means good faith commercial
 80 agricultural use of the land.

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

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

85 b. Whether the use has been continuous.

86 c. The purchase price paid.

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

89 e. Whether an indicated effort has been made to care
 90 sufficiently and adequately for the land in accordance with
 91 accepted commercial agricultural practices, including, without
 92 limitation, fertilizing, liming, tilling, mowing, reforesting,
 93 and other accepted agricultural practices.

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

96 g. Such other factors as may become applicable.

97 2. Offering property for sale does not constitute a
 98 primary use of land and may not be the basis for denying an
 99 agricultural classification if the land continues to be used
 100 primarily for bona fide agricultural purposes while it is being

101 offered for sale.

102 3. A county or municipality may not require the removal or
103 relinquishment of an agricultural classification for land that
104 is subject to a contract for sale that requires a development
105 permit as defined in s. 163.3164(16) as a condition precedent of
106 sale if the landowner notifies the county or municipality in
107 writing at the time of application for the development permit
108 that the reclassification is requested as a condition precedent
109 for a pending sale of the land. The agricultural classification
110 for the land may not be removed or relinquished until the
111 landowner provides written notice to the county or municipality
112 that the contract has closed and the property has been conveyed
113 to the contract purchaser.

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