

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; providing an exception; amending s.
 6 163.3162, F.S.; authorizing construction or
 7 installation of housing for migrant farmworkers on
 8 certain lands; providing requirements for such
 9 housing; exempting such housing from certain local
 10 government approval; amending s. 193.461, F.S.;
 11 prohibiting a county or municipality from requiring
 12 the removal or relinquishment of an agricultural land
 13 classification for certain lands; requiring landowners
 14 to provide a county or municipality with certain
 15 written notice regarding such lands; providing an
 16 effective date.

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

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 20 Section 1. Paragraph (r) of subsection (1) of section
 21 125.01, Florida Statutes, is amended to read:

22 125.01 Powers and duties.—

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

26 | but is not restricted to, the power to:

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

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51 ~~permanently open and allow free ingress and egress.~~

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

54 163.3162 Agricultural Lands and Practices.—

55 (5) (a) FARMWORKER HOUSING.—The construction or
56 installation of housing for migrant farmworkers as defined in s.
57 381.008(4), who are legally eligible for participation in the
58 workforce, is authorized on land zoned for agricultural use and
59 operated as a bona fide farm.

60 (b) Construction or installation of housing under this
61 subsection:

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

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

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

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

74 Section 3. Paragraph (b) of subsection (3) of section
75 193.461, Florida Statutes, is amended to read:

76 193.461 Agricultural lands; classification and assessment;
 77 mandated eradication or quarantine program; natural disasters.-

78 (3)

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

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

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

88 b. Whether the use has been continuous.

89 c. The purchase price paid.

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

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

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

99 g. Such other factors as may become applicable.

100 2. Offering property for sale does not constitute a

101 primary use of land and may not be the basis for denying an
102 agricultural classification if the land continues to be used
103 primarily for bona fide agricultural purposes while it is being
104 offered for sale.

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

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