

1 A bill to be entitled
 2 An act relating to agricultural property; creating s.
 3 163.3203, F.S.; providing legislative intent; defining
 4 the term "agricultural-related facility"; authorizing
 5 certain facilities to be permitted specified land use
 6 categories and zoning districts; requires such
 7 facilities comply with certain criteria; authorizing
 8 an affirmative defense; amending s. 163.3248, F.S.;
 9 providing that certain businesses and facilities are
 10 traditional rural land uses; amending s. 193.461,
 11 F.S.; authorizing property to be classified as
 12 agricultural at the time of purchase if certain
 13 conditions are met; requiring such property to obtain
 14 certain classification within a specified time period;
 15 authorizing retroactive reclassification in certain
 16 circumstances; authorizing the property appraiser to
 17 extend the time period; requiring the local government
 18 to make certain notifications to purchasers; revising
 19 the definition of "agricultural purposes"; amending s.
 20 193.4613, F.S.; correcting a cross-reference;
 21 providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 163.3203, Florida Statutes, is created

26 | to read:

27 | 163.3203 Agricultural-related facilities.-

28 | (1) It is the intent of the Legislature to encourage the
 29 | sale of agricultural products to residents and businesses in the
 30 | state. In order to preserve open space and encourage
 31 | sustainability and diverse income within the state's
 32 | agricultural industry, it is essential that agricultural-related
 33 | facilities and associated infrastructure be constructed and
 34 | maintained in close proximity to, or collocated with,
 35 | agricultural businesses, where appropriate, throughout the state
 36 | in order to ensure access to and the availability of Florida-
 37 | grown and produced agricultural products, which are critical to
 38 | the state's economic future.

39 | (2) As used in this section, the term "agricultural-
 40 | related facility" means a facility constructed and maintained
 41 | for the purposes of selling farm products that:

42 | (a) Primarily uses farm products grown on site or within a
 43 | 50-mile radius of the facility.

44 | (b) Consists principally of farm products and the
 45 | equipment necessary to distribute, transport, care, maintain
 46 | and, as applicable, install the farm products.

47 | (c) May include accessory equipment, farm tractors as
 48 | defined in s. 322.01, or motor vehicles necessary to transport
 49 | farm products.

50 | (3) A agricultural-related facility:

51 (a) Shall be a permitted use in all agricultural land use
52 categories in a local government comprehensive plan and all
53 agricultural zoning districts within an unincorporated area.

54 (b) Must comply with the setback and landscaped buffer
55 area criteria for other similar uses in the agricultural
56 district.

57 (4) This section may be used as an affirmative defense in
58 existing or future actions by local government.

59 Section 2. Subsection (1) of section 163.3248, Florida
60 Statutes, is amended to read:

61 163.3248 Rural land stewardship areas.—

62 (1) Rural land stewardship areas are designed to establish
63 a long-term incentive-based strategy to balance and guide the
64 allocation of land so as to accommodate future land uses in a
65 manner that protects the natural environment, stimulate economic
66 growth and diversification, and encourage the retention of land
67 for agriculture and other traditional rural land uses,
68 including, but not limited to, landscape service businesses,
69 equestrian facilities, and other businesses that are integral to
70 support agriculture.

71 Section 3. Subsections (4), (5), (6), (7), and (8) of
72 section 193.461, Florida Statutes, are renumbered as subsections
73 (5), (6), (7), (8), and (9), respectively, paragraphs (a) and
74 (e) of subsection (3) and present subsection (5) are amended,
75 and a new subsection (4) is added to that section, to read:

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

78 (3)(a) Except as provided in subsection (4), lands may not
79 be classified as agricultural lands unless a return is filed on
80 or before March 1 of each year. Before classifying such lands as
81 agricultural lands, the property appraiser may require the
82 taxpayer or the taxpayer's representative to furnish the
83 property appraiser such information as may reasonably be
84 required to establish that such lands were actually used for a
85 bona fide agricultural purpose. Failure to make timely
86 application by March 1 constitutes a waiver for 1 year of the
87 privilege granted in this section for agricultural assessment.
88 However, an applicant who is qualified to receive an
89 agricultural classification who fails to file an application by
90 March 1 must file an application for the classification with the
91 property appraiser on or before the 25th day after the mailing
92 by the property appraiser of the notice required under s.
93 194.011(1). Upon receipt of sufficient evidence, as determined
94 by the property appraiser, that demonstrates that the applicant
95 was unable to apply for the classification in a timely manner or
96 that otherwise demonstrates extenuating circumstances that
97 warrant the granting of the classification, the property
98 appraiser may grant the classification. If the applicant files
99 an application for the classification and fails to provide
100 sufficient evidence to the property appraiser as required, the

101 applicant may file, pursuant to s. 194.011(3), a petition with
102 the value adjustment board requesting that the classification be
103 granted. The petition may be filed at any time during the
104 taxable year on or before the 25th day following the mailing of
105 the notice by the property appraiser as provided in s.
106 194.011(1). Notwithstanding s. 194.013, the applicant must pay a
107 nonrefundable fee of \$15 upon filing the petition. Upon
108 reviewing the petition, if the person is qualified to receive
109 the classification and demonstrates particular extenuating
110 circumstances judged by the value adjustment board to warrant
111 granting the classification, the value adjustment board may
112 grant the classification for the current year. The owner of land
113 that was classified agricultural in the previous year and whose
114 ownership or use has not changed may reapply on a short form as
115 provided by the department. The lessee of property may make
116 original application or reapply using the short form if the
117 lease, or an affidavit executed by the owner, provides that the
118 lessee is empowered to make application for the agricultural
119 classification on behalf of the owner and a copy of the lease or
120 affidavit accompanies the application. A county may, at the
121 request of the property appraiser and by a majority vote of its
122 governing body, waive the requirement that an annual application
123 or statement be made for classification of property within the
124 county after an initial application is made and the
125 classification granted by the property appraiser. Such waiver

126 | may be revoked by a majority vote of the governing body of the
 127 | county.

128 | (e) Notwithstanding the provisions of paragraph (a), land
 129 | that has received an agricultural classification from the value
 130 | adjustment board or a court of competent jurisdiction pursuant
 131 | to this section is entitled to receive such classification in
 132 | any subsequent year until such agricultural use of the land is
 133 | abandoned or discontinued, the land is diverted to a
 134 | nonagricultural use, or the land is reclassified as
 135 | nonagricultural pursuant to subsection (5) ~~(4)~~. The property
 136 | appraiser must, no later than January 31 of each year, provide
 137 | notice to the owner of land that was classified agricultural in
 138 | the previous year informing the owner of the requirements of
 139 | this paragraph and requiring the owner to certify that neither
 140 | the ownership nor the use of the land has changed. The
 141 | department shall, by administrative rule, prescribe the form of
 142 | the notice to be used by the property appraiser under this
 143 | paragraph. If a county has waived the requirement that an annual
 144 | application or statement be made for classification of property
 145 | pursuant to paragraph (a), the county may, by a majority vote of
 146 | its governing body, waive the notice and certification
 147 | requirements of this paragraph and shall provide the property
 148 | owner with the same notification provided to owners of land
 149 | granted an agricultural classification by the property
 150 | appraiser. Such waiver may be revoked by a majority vote of the

151 county's governing body. This paragraph does not apply to any
152 property if the agricultural classification of that property is
153 the subject of current litigation.

154 (4) (a) Property may be classified as agricultural at the
155 time of purchase if the following conditions are met:

156 1. The purchaser owns an agriculture business in this
157 state, the business has been in operation for at least 5 years,
158 and the business is located on land classified as agricultural
159 pursuant to this section.

160 2. The Department of Agriculture and Consumer Services
161 certifies that the purchaser is enrolled in the appropriate
162 interim measures or best management practices.

163 3. The purchaser completes the application for
164 agricultural classification.

165 (b) Property classified as agricultural under this
166 subsection must obtain agricultural classification under
167 subsection (3). The purchaser shall have 5 years after the date
168 the agricultural classification is received to commence bona
169 fide agricultural activities or the property appraiser may
170 retroactively reclassify the land as nonagricultural from the
171 date of purchase. The property appraiser may extend the 5-year
172 period upon written request.

173 (c) When an agricultural classification is granted under
174 this section, the local government must notify the purchaser of
175 his or her rights under s. 823.14, and how to comply with any

176 | flood plain management ordinance.

177 | ~~(6)~~~~(5)~~ For the purpose of this section, the term
 178 | "agricultural purposes" includes, but is not limited to,
 179 | horticulture; floriculture; viticulture; forestry; dairy;
 180 | livestock; poultry; bee; pisciculture, if the land is used
 181 | principally for the production of tropical fish; aquaculture as
 182 | defined in s. 597.0015; algaculture; sod farming; and all forms
 183 | of farm products as defined in s. 823.14(3) and farm production,
 184 | which includes, but is not limited to, equipment, machinery, and
 185 | other appurtenances which are integral to the operation and are
 186 | necessary to plant, grow, propagate, harvest, market, sell,
 187 | handle, distribute, or move farm products.

188 | Section 4. Paragraph (a) of subsection (2) of section
 189 | 193.4613, Florida Statutes, is amended to read:

190 | 193.4613 Agricultural lands used in production of
 191 | aquaculture; assessment.—

192 | (2)(a) When proper application for agricultural assessment
 193 | has been made and granted pursuant to s. 193.461, and the
 194 | property owner requests assessment pursuant to this section, the
 195 | assessment of land used in the production of aquaculture
 196 | products shall be based solely on its agricultural use,
 197 | consistent with the use factors specified in s. 193.461(7)(a) ~~s.~~
 198 | ~~193.461(6)(a)~~, and assessed pursuant to paragraph (c).

199 | Section 5. This act shall take effect July 1, 2023.