

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; providing  
 6           applicability; amending s. 163.3162, F.S.; authorizing  
 7           construction or installation of housing for seasonal  
 8           agricultural employees on certain lands; providing  
 9           requirements for such housing; exempting such housing  
 10          from certain local government approval; providing  
 11          conditions under which such housing is subject to  
 12          specified zoning, land use, and permit provisions;  
 13          amending s. 193.461, F.S.; prohibiting a county or  
 14          municipality from requiring the removal or  
 15          relinquishment of an agricultural land classification  
 16          for certain lands; requiring landowners to provide a  
 17          county or municipality with certain written notice  
 18          regarding such lands; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Paragraph (r) of subsection (1) of section  
 23           125.01, Florida Statutes, is amended to read:

24           125.01 Powers and duties.—

25           (1) The legislative and governing body of a county shall

26 | have the power to carry on county government. To the extent not  
27 | inconsistent with general or special law, this power includes,  
28 | but is not restricted to, the power to:

29 |       (r) Levy and collect taxes, both for county purposes and  
30 | for the providing of municipal services within any municipal  
31 | service taxing unit, and special assessments; borrow and expend  
32 | money; and issue bonds, revenue certificates, and other  
33 | obligations of indebtedness, which power shall be exercised in  
34 | such manner, and subject to such limitations, as may be provided  
35 | by general law. There shall be no referendum required for the  
36 | levy by a county of ad valorem taxes, both for county purposes  
37 | and for the providing of municipal services within any municipal  
38 | service taxing unit.

39 |       1. Notwithstanding any other provision of law, a county may  
40 | not levy special assessments ~~for the provision of fire~~  
41 | ~~protection services~~ on lands classified as agricultural lands  
42 | under s. 193.461, including nonresidential agricultural  
43 | structures, unless the revenue from such special assessments has  
44 | been pledged for debt service and is necessary to meet  
45 | obligations of bonds or certificates issued by the county which  
46 | remain outstanding on July 1, 2023, including refundings thereof  
47 | for debt service savings where the maturity of the debt is not  
48 | extended. For bonds or certificates issued after July 1, 2023,  
49 | special assessments securing such bonds may not be levied on  
50 | lands classified as agricultural under s. 193.461.

51        2. The provisions of subparagraph 1. do not apply to  
 52 nonagricultural structures, including residential and  
 53 nonresidential structures and their curtilage ~~land contains a~~  
 54 ~~residential dwelling or nonresidential farm building, with the~~  
 55 ~~exception of an agricultural pole barn, provided the~~  
 56 ~~nonresidential farm building exceeds a just value of \$10,000.~~  
 57 ~~Such special assessments must be based solely on the special~~  
 58 ~~benefit accruing to that portion of the land consisting of the~~  
 59 ~~residential dwelling and curtilage, and qualifying~~  
 60 ~~nonresidential farm buildings. As used in this paragraph, the~~  
 61 ~~term "agricultural pole barn" means a nonresidential farm~~  
 62 ~~building in which 70 percent or more of the perimeter walls are~~  
 63 ~~permanently open and allow free ingress and egress.~~

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

66        163.3162 Agricultural Lands and Practices.—

67        (5) HOUSING FOR SEASONAL AGRICULTURAL EMPLOYEES.—

68        (a) The construction or installation of housing for  
 69 seasonal agricultural employees working in this State pursuant  
 70 to 8 U.S.C. s. 1188 is authorized on lands zoned for  
 71 agricultural use that is operated as a bona fide farm.

72        (b) Construction or installation of housing under this  
 73 subsection must meet the following minimum criteria unless the  
 74 local government has a less restrictive ordinance that is not in  
 75 conflict with any federal law or requirements in which case the

76 local ordinance applies:

77 1. Must be located on a parcel of land no less than 10  
 78 acres in size;

79 2. Must meet, at a minimum, the criteria set forth in 29  
 80 C.F.R. 1910.142 and 64E-14, Florida Administrative Code;

81 3. May not be located within 150 feet of the property  
 82 line. If the adjoining parcel is zoned for residential use, the  
 83 minimum distance for housing under this section from the  
 84 property line adjacent to residential zoning is 750 feet or,  
 85 alternatively, requires installation of a buffer not less than  
 86 25 feet in width, consisting of a wall, a berm, or a wall and  
 87 berm combination of not less than 6 feet in height from finished  
 88 grade together with landscaping on the residential side of the  
 89 wall consisting of at least 5 trees and 30 shrubs per linear  
 90 foot;

91 4. May not exceed 2,500 heated and cooled square feet per  
 92 building on an eligible parcel of land;

93 5. May not be more than 3 structures per 10 acre parcel of  
 94 land; and

95 6. Must meet all local and state building standards for  
 96 securing a residential certificate of occupancy.

97 (c) The improvements authorized under this subsection do  
 98 not require approval by ordinance or resolution of the  
 99 governmental entity where the land is located.

100 (d) If agricultural operations are discontinued on the

101 property for a minimum of 3 years and the agricultural land  
 102 classification of the property is no longer valid, the  
 103 agricultural employee housing is no longer eligible for the  
 104 residential uses as provided in this section unless and until  
 105 approved by the local jurisdiction under its zoning and land use  
 106 regulations for the intended nonagricultural use.

107 (e) Notwithstanding this subsection, the construction or  
 108 installation of housing for seasonal agricultural employees in  
 109 the Florida Keys Area of Critical State Concern and the City of  
 110 Key West Area of Critical State Concern is subject to the permit  
 111 allocation systems of the Florida Keys Area of Critical State  
 112 Concern and City of Key West Area of Critical State Concern.

113 Section 3. Paragraph (b) of subsection (3) of section  
 114 193.461, Florida Statutes, is amended to read:

115 193.461 Agricultural lands; classification and assessment;  
 116 mandated eradication or quarantine program; natural disasters.-

117 (3)

118 (b) Subject to the restrictions specified in this section,  
 119 only lands that are used primarily for bona fide agricultural  
 120 purposes shall be classified as agricultural. The term "bona  
 121 fide agricultural purposes" means good faith commercial  
 122 agricultural use of the land.

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

- 126 a. The length of time the land has been so used.
- 127 b. Whether the use has been continuous.
- 128 c. The purchase price paid.
- 129 d. Size, as it relates to specific agricultural use, but a
- 130 minimum acreage may not be required for agricultural assessment.
- 131 e. Whether an indicated effort has been made to care
- 132 sufficiently and adequately for the land in accordance with
- 133 accepted commercial agricultural practices, including, without
- 134 limitation, fertilizing, liming, tilling, mowing, reforesting,
- 135 and other accepted agricultural practices.
- 136 f. Whether the land is under lease and, if so, the
- 137 effective length, terms, and conditions of the lease.
- 138 g. Such other factors as may become applicable.
- 139 2. Offering property for sale does not constitute a
- 140 primary use of land and may not be the basis for denying an
- 141 agricultural classification if the land continues to be used
- 142 primarily for bona fide agricultural purposes while it is being
- 143 offered for sale.
- 144 3. A county or municipality may not require the removal or
- 145 relinquishment of an agricultural classification for land that
- 146 is subject to a contract for sale that requires a development
- 147 permit as defined in s. 163.3164(16) as a condition precedent of
- 148 sale if the landowner notifies the county or municipality in
- 149 writing at the time of application for the development permit
- 150 that the reclassification is requested as a condition precedent

151 for a pending sale of the land. The agricultural classification  
152 for the land may not be removed or relinquished based solely on  
153 the issuance of the development permit until the landowner  
154 provides written notice to the county or municipality that the  
155 contract has closed and the property has been conveyed to the  
156 contract purchaser.

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