

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.

16  
 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.