

By Senator Alexander

17-1121A-07

See HB 255

1                                   A bill to be entitled

2           An act relating to migrant labor housing;

3           amending s. 381.0083, F.S.; adding required

4           information to be provided in written notice of

5           the intent to construct, enlarge, remodel, use,

6           or occupy a migrant labor camp or residential

7           migrant housing or convert property for use as

8           a migrant labor camp or residential migrant

9           housing; providing that a local government may

10          deny initial siting of a migrant labor camp or

11          residential migrant housing under specified

12          conditions; providing an effective date.

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

16           Section 1. Section 381.0083, Florida Statutes, is  
17 amended to read:

18           381.0083 Permit for migrant labor camp or residential  
19 migrant housing; ~~denial of siting by local government.--~~

20           (1) Any person who is planning to construct, enlarge,

21 remodel, use, or occupy a migrant labor camp or residential

22 migrant housing or convert property for use as a migrant labor

23 camp or residential migrant housing must give written notice

24 to the department of the intent to do so at least 45 days

25 before beginning such construction, enlargement, or

26 renovation. As part of the written notice, any person who is

27 planning to construct or convert property for use as a migrant

28 labor camp or residential migrant housing shall provide the

29 department with documentation from the local government in

30 which the migrant labor camp or residential migrant housing is

31 to be located that the site of the camp or residential migrant

1 housing has not been denied as provided in subsection (2). If  
2 the local government documentation has been provided as part  
3 of the written notification and if the department is  
4 satisfied, after causing an inspection to be made, that the  
5 camp or the residential migrant housing meets the minimum  
6 standards of construction, sanitation, equipment, and  
7 operation required by rules issued under s. 381.0086 and that  
8 the applicant has paid the application fees required by s.  
9 381.0084, it shall issue in the name of the department the  
10 necessary permit in writing on a form to be prescribed by the  
11 department. The permit, unless sooner revoked, shall expire on  
12 September 30 next after the date of issuance, and it shall not  
13 be transferable. An application for a permit shall be filed  
14 with the department 30 days prior to operation. When there is  
15 a change in ownership of a currently permitted migrant labor  
16 camp or residential migrant housing, the new owner must file  
17 an application with the department at least 15 days before the  
18 change. In the case of a facility owned or operated by a  
19 public housing authority, an annual satisfactory sanitation  
20 inspection of the living units by the Farmers Home  
21 Administration or the Department of Housing and Urban  
22 Development shall substitute for the pre-permitting inspection  
23 required by the department.

24 (2) Notwithstanding the provisions of ss. 381.0014 and  
25 381.0016, a local government may deny the initial siting of a  
26 migrant labor camp or residential migrant housing, whether by  
27 construction or conversion of property for that use, when the  
28 local government determines that the selected site meets any  
29 of the following conditions:  
30  
31

1           (a) Does not conform to existing zoning regulations  
2 applicable to other multifamily uses or similar uses in the  
3 area.

4           (b) Does not meet licensing criteria for a migrant  
5 labor camp or residential migrant housing in this chapter or  
6 applicable rules of the department, including requirements  
7 that the safety and welfare of all persons residing in a  
8 migrant labor camp or residential migrant housing be assured  
9 by the migrant labor camp or residential migrant housing.

10           (c) Will result in the substantial alteration of the  
11 nature and character of the area. For the purpose of this  
12 paragraph, "substantially alter the nature and character of  
13 the area" means the location of a migrant labor camp or  
14 residential migrant housing within a radius of 1,200 feet of  
15 any other migrant labor camp or residential migrant housing in  
16 a multifamily zone or within a radius of 500 feet of an area  
17 zoned as single-family. The distance requirements in this  
18 paragraph shall be measured from the nearest point of the  
19 existing migrant labor camp or residential migrant housing, or  
20 from the nearest area of single-family zoning, to the nearest  
21 point of the proposed migrant labor camp or residential  
22 migrant housing.

23           Section 2. This act shall take effect October 1, 2007.