

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative Tuck offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (a) through (d) of subsection (2) of
 8 section 163.3162, Florida Statutes, are redesignated as
 9 paragraphs (b) through (e), respectively, new paragraphs (a) and
 10 (f) are added to that subsection, and subsection (5) is added to
 11 that section, to read:

12 163.3162 Agricultural Lands and Practices.—

13 (2) DEFINITIONS.—As used in this section, the term:

14 (a) "Legally verified agricultural worker" means a person

15 who:

16 1. Is lawfully present in the United States;

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17 2. Has been verified through the process provided in s.
18 448.095 and is authorized to work at the time of employment;

19 3. Is seasonally or annually employed in bona fide
20 agricultural production; and

21 4. Remains lawfully present and authorized to work
22 throughout the duration of that employment.

23
24 The term includes a migrant farmworker as defined in s. 381.008
25 and a temporary worker with a valid H-2A visa issued pursuant to
26 8 U.S.C. s. 1188.

27 (f) "Housing site" means the totality of development
28 supporting authorized housing, including buildings, mobile
29 homes, barracks, dormitories used as living quarters, parking
30 areas, common areas such as athletic fields or playgrounds,
31 storage structures, and other related structures.

32 (5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

33 (a) A governmental entity may not adopt or enforce any
34 legislation to inhibit the construction or installation of
35 housing for legal agricultural workers on land classified as
36 agricultural land pursuant to s. 193.461 which is operated as a
37 bona fide farm except as provided in this subsection. However, a
38 local government may adopt land use regulations that are less
39 restrictive.

40 (b) Construction or installation of housing units for
41 legal agricultural workers on parcels of land classified as

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42 agricultural land under s. 193.461 must satisfy all of the
43 following criteria:

44 1. The dwelling units must meet federal, state, and local
45 building standards, including standards of the Department of
46 Health adopted pursuant to ss. 381.008-381.00897 and federal
47 standards for H-2A visa housing. If written notice of intent is
48 required to be submitted to the Department of Health pursuant to
49 s. 381.0083, the appropriate governmental entity with
50 jurisdiction over the agricultural lands may also require
51 submittal of a copy of the written notice.

52 2. The housing site must be maintained in a neat, orderly,
53 and safe manner.

54 3. All structures containing dwelling units must be
55 located a minimum of 10 feet apart.

56 4. The square footage of the housing site's climate-
57 controlled facilities may not exceed 1.5 percent of the
58 property's area or 35,000 square feet, whichever is less.

59 5. A housing site must provide front, side, and rear yard
60 setbacks of at least 50 feet. However, an internal project
61 driveway may be located in the required yard space if the yard
62 is adjacent to a public roadway or to property that is under
63 common ownership with the housing site.

64 6. A housing site may not be located less than 250 feet
65 from a property line adjacent to property zoned for residential
66 use. If the housing site is located less than 500 feet from any

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67 property line, screening must be provided between the housing
68 site and any residentially developed adjacent parcels that are
69 under different ownership. The screening may be designed in any
70 of the following ways:

71 a. Evergreen plants that, at the time of planting, are at
72 least 6 feet in height and provide an overall screening opacity
73 of 75 percent;

74 b. A masonry wall at least 6 feet in height and finished
75 on all sides with brick, stone, or painted or pigmented stucco;

76 c. A solid wood or PVC fence at least 6 feet in height
77 with the finished side of the fence facing out;

78 d. A row of evergreen shade trees that, at the time of
79 planting, are at least 10 feet in height, a minimum of 2-inch
80 caliper, and spaced no more than 20 feet apart; or

81 e. A berm made with a combination of the materials listed
82 in sub-subparagraphs a.-d., which is at least 6 feet in height
83 and provides an overall screening opacity of 75 percent at the
84 time of installation.

85 7. All access drives that serve the housing site must be
86 made of packed shell, gravel, or a similar material that will
87 provide a relatively dust-free surface.

88 (c) Any local ordinance adopted pursuant to this
89 subsection must comply with all state and federal regulations
90 for migrant farmworker housing, as applicable, including rules
91 adopted by the Department of Health pursuant to ss. 381.008-

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Published On: 2/21/2024 1:12:43 PM

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92 381.00897 and federal regulations under the Migrant and Seasonal
93 Agricultural Worker Protection Act or the H-2A visa program.

94 (d) Beginning July 1, 2024, a property owner must maintain
95 records of all approved permits, including successor permits,
96 for migrant labor camps or residential migrant housing as
97 required under s. 381.0081. A property owner must maintain such
98 records for at least 3 years and make the records available for
99 inspection within 14 days after receipt of a request for records
100 by a governmental entity.

101 (e) A housing site may not continue to be used and may be
102 required to be removed under the following circumstances:

103 1. If, for any reason, a housing site is not being used
104 for legal agricultural workers for longer than 365 days, any
105 structures used as living quarters must be removed from the
106 housing site within 180 days after receipt of written
107 notification from the county unless the property owner can
108 demonstrate that use of the site for housing legal agricultural
109 workers will occur within 90 days after the written
110 notification.

111 2. If the property on which the housing site is located
112 ceases to be classified as agricultural land, housing authorized
113 under this section ceases to be eligible for residential uses
114 unless and until it is approved under the zoning and land use
115 regulations of the governmental entity.

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116 3. If the permit authorized by the Department of Health
117 for the housing site is revoked, any structures must be removed
118 from the housing site within 180 days after receipt of written
119 notification from the county unless the permit is reinstated by
120 the Department of Health.

121 (f) Notwithstanding this subsection, the construction or
122 installation of housing for legal agricultural workers in the
123 Florida Keys Area of Critical State Concern or the City of Key
124 West Area of Critical State Concern is subject to the permit
125 allocation systems of the Florida Keys Area of Critical State
126 Concern or the City of Key West Area of Critical State Concern,
127 respectively.

128 (g) A housing site that was constructed and in use before
129 July 1, 2024, may continue to be used, and the property owner
130 may not be required by a governmental entity to make changes to
131 meet the requirements of this subsection, unless the housing
132 site will be enlarged, remodeled, renovated, or rehabilitated.
133 The property owner of a housing site that is authorized under
134 this paragraph must provide regular maintenance and repair,
135 including compliance with health and safety regulations and
136 maintenance standards, for such housing site to ensure the
137 health, safety, and habitability of the housing site.

138 Section 2. This act shall take effect July 1, 2024.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to housing for agricultural workers;
amending s. 163.3162, F.S.; defining the terms "legally
verified agricultural worker" and "housing site";
prohibiting a governmental entity from adopting or
enforcing any legislation to inhibit the construction of
housing for legally verified agricultural workers on
agricultural land operated as a bona fide farm; authorizing
governmental entities to adopt local land use regulations
that are less restrictive; requiring that the construction
or installation of such housing units on agricultural lands
satisfy certain criteria; requiring that local ordinances
comply with certain regulations; requiring property owners
to maintain certain records for a specified timeframe;
requiring the suspension of use of certain housing units
and authorizing their removal under certain circumstances;
specifying applicability of permit allocation systems in
certain areas of critical state concern; authorizing the
continued use of housing sites constructed before the
effective date of the act if certain conditions are met;
providing an effective date.