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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/20/2024	.	
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The Committee on Rules (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 29 - 146  
and insert:  
paragraphs (b) through (e), respectively, new paragraphs (a),  
(f), and (g) are added to that subsection, and subsection (5) is  
added to that section, to read:

163.3162 Agricultural Lands and Practices.-

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

(a) "Agricultural worker" means a person who is seasonally  
or annually employed in bona fide agricultural production; is



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12 lawfully present in the United States; is authorized to work at  
13 the time of employment and remains so throughout the duration of  
14 that employment; and has been verified through the process  
15 provided in s. 448.095. The term includes a migrant farmworker  
16 as defined in s. 381.008 and a worker with an H-2A visa.

17 (f) "Housing site" means the totality of development  
18 supporting authorized housing, including buildings, mobile  
19 homes, barracks, dormitories used as living quarters, parking  
20 areas, common areas such as athletic fields or playgrounds,  
21 storage structures, and other related structures.

22 (g) "Nonimmigrant agricultural employee" means a person who  
23 is working in this state pursuant to 8 U.S.C. s. 1188.

24 (5) HOUSING FOR NONIMMIGRANT AGRICULTURAL EMPLOYEES WITH AN  
25 H-2A VISA.—

26 (a) A governmental entity may not adopt or enforce any  
27 legislation to inhibit the construction or installation of  
28 housing for nonimmigrant agricultural employees with an H-2A  
29 visa on land classified as agricultural land pursuant to s.  
30 193.461 which is operated as a bona fide farm except as provided  
31 in this subsection. However, a local government may adopt land  
32 use regulations relating to the construction or installation of  
33 housing for agricultural workers on lands classified as  
34 agricultural if such regulations are less restrictive than those  
35 provided in this section.

36 (b) Construction or installation of housing units for  
37 nonimmigrant agricultural employees with an H-2A visa on parcels  
38 of land classified as agricultural land under s. 193.461 must  
39 satisfy all of the following criteria:

40 1. The dwelling units must meet federal, state, and local



41 building standards, including H-2A farmworker housing standards  
42 regulated by the Department of Health and federal standards for  
43 H-2A visa housing. If written notice of intent is required to be  
44 submitted to the Department of Health pursuant to s. 381.0083,  
45 the appropriate governmental entity with jurisdiction over the  
46 agricultural lands may also require submittal of a copy of the  
47 written notice.

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

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

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

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

60 6. A housing site may not be located less than 250 feet  
61 from a property line adjacent to property zoned for residential  
62 use. If the housing site is located less than 500 feet from any  
63 property line, screening must be provided between the housing  
64 site and any residentially developed adjacent parcels that are  
65 under different ownership. The screening may be designed in any  
66 of the following ways:

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



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

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

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

77 e. A berm made with a combination of the materials listed  
78 in sub-subparagraphs a.-d., which is at least 6 feet in height  
79 and provides an overall screening capacity of 75 percent at the  
80 time of installation.

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

84 (c) Any local ordinance adopted pursuant to this subsection  
85 must comply with all state and federal regulations for migrant  
86 farmworker housing, as applicable, including rules adopted by  
87 the Department of Health pursuant to ss. 381.008-381.00897 and  
88 federal regulations under the Migrant and Seasonal Agricultural  
89 Worker Protection Act or the H-2A visa program.

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

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



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99           1. If, for any reason, a housing site is not being used for  
100 nonimmigrant agricultural employees with an H-2A visa for longer  
101 than 365 days, any structures used as living quarters must be  
102 removed from the housing site within 180 days after receipt of  
103 written notification from the county unless the property owner  
104 can demonstrate that use of the site for housing nonimmigrant  
105 agricultural employees with an H-2A visa will occur within 90  
106 days

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

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

117           (f) Notwithstanding this subsection, the construction or  
118 installation of housing for seasonal agricultural employees in  
119 the Florida Keys Area of Critical State Concern and the City of  
120 Key West Area of Critical State Concern is subject to the permit  
121 allocation systems of the Florida Keys Area of Critical State  
122 Concern and City of Key West Area of Critical State Concern,  
123 respectively.

124           (g) A housing site that was constructed and in use before  
125

126 ===== T I T L E   A M E N D M E N T =====

127 And the title is amended as follows:



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128           Delete lines 2 - 14  
129 and insert:  
130           An act relating to housing for nonimmigrant  
131           agricultural employees; amending s. 163.3162, F.S.;  
132           defining terms; prohibiting a governmental entity from  
133           adopting or enforcing any legislation to inhibit the  
134           construction of housing for nonimmigrant agricultural  
135           employees with an H-2A visa on agricultural land  
136           operated as a bona fide farm; requiring that the  
137           construction or installation of such housing units on  
138           agricultural lands satisfy certain criteria; requiring  
139           that local ordinances comply with certain regulations;  
140           requiring property