



780092

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2024	.	
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The Committee on Rules (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraphs (a) through (d) of subsection
(2) of section 163.3162, Florida Statutes, are redesignated as
paragraphs (b) through (e), respectively, new paragraphs (a) and
(f) 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:



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12 (a) "Legally verified agricultural worker" means a person
13 who:

- 14 1. Is lawfully present in the United States;
15 2. Has been verified through the process provided in s.
16 448.095 and is authorized to work at the time of employment;
17 3. Is seasonally or annually employed in bona fide
18 agricultural production; and
19 4. Remains lawfully present and authorized to work
20 throughout the duration of that employment.

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

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

27 (a) A governmental entity may not adopt or enforce any
28 legislation to inhibit the construction or installation of
29 housing for legally verified agricultural workers on land
30 classified as agricultural land pursuant to s. 193.461 which is
31 operated as a bona fide farm except as provided in this
32 subsection.

33 (b) Construction or installation of housing units for
34 legally verified agricultural workers on parcels of land
35 classified as agricultural land under s. 193.461 must satisfy
36 all of the following criteria:

- 37 1. The dwelling units must meet federal, state, and local
38 building standards, including standards of the Department of
39 Health adopted pursuant to ss. 381.008-381.00897 and federal
40 standards for H-2A visa housing. If written notice of intent is



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41 required to be submitted to the Department of Health pursuant to
42 s. 381.0083, the appropriate governmental entity with
43 jurisdiction over the agricultural lands may also require
44 submittal of a copy of the written notice.

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

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

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

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

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

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

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

69 c. A solid wood or PVC fence at least 6 feet in height with



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70 the finished side of the fence facing out;

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

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

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

81 (c) Any local ordinance adopted pursuant to this subsection
82 must comply with all state and federal regulations for migrant
83 farmworker housing, as applicable, including rules adopted by
84 the Department of Health pursuant to ss. 381.008-381.00897 and
85 federal regulations under the Migrant and Seasonal Agricultural
86 Worker Protection Act or the H-2A visa program. A governmental
87 entity may adopt local government land use regulations that are
88 less restrictive than the this subsection, but which still meet
89 regulations established by the Department of Health pursuant to
90 ss. 381.008-381.00897 and federal regulations under the Migrant
91 and Seasonal Agricultural Worker Protection Act or the H-2A visa
92 program.

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



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99 by a governmental entity.

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

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

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

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

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

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



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

137 Section 2. This act shall take effect July 1, 2024.

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

139 And the title is amended as follows:

140 Delete everything before the enacting clause
141 and insert:

142 A bill to be entitled
143 An act relating to housing for legally verified
144 agricultural workers; amending s. 163.3162, F.S.;
145 defining the terms "legally verified agricultural
146 worker" and "housing site"; prohibiting a governmental
147 entity from adopting or enforcing any legislation to
148 inhibit the construction of housing for legally
149 verified agricultural workers on agricultural land
150 operated as a bona fide farm; requiring that the
151 construction or installation of such housing units on
152 agricultural lands satisfy certain criteria; requiring
153 that local ordinances comply with certain regulations;
154 authorizing governmental entities to adopt local land
155 use regulations that are less restrictive; requiring
156 property owners to maintain certain records for a



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157 specified timeframe; requiring the suspension of use
158 of certain housing units and authorizing their removal
159 under certain circumstances; specifying applicability
160 of permit allocation systems in certain areas of
161 critical state concern; authorizing the continued use
162 of housing sites constructed before the effective date
163 of the act if certain conditions are met; providing an
164 effective date.