

By Senator Collins

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1                   A bill to be entitled  
2       An act relating to housing for agricultural workers;  
3       amending s. 163.3162, F.S.; defining the terms  
4       "agricultural worker" and "housing site"; prohibiting  
5       a governmental entity from adopting or enforcing any  
6       legislation to inhibit the construction of housing for  
7       agricultural workers on agricultural land operated as  
8       a bona fide farm; requiring that the construction or  
9       installation of such housing units on agricultural  
10      lands satisfy certain criteria; requiring that local  
11      ordinances comply with certain regulations;  
12      authorizing governmental entities to adopt local land  
13      use regulations that are less restrictive than certain  
14      state and federal regulations; requiring property  
15      owners to maintain certain records for a specified  
16      timeframe; requiring the suspension of use of certain  
17      housing units and authorizing their removal under  
18      certain circumstances; specifying applicability of  
19      permit allocation systems in certain areas of critical  
20      state concern; authorizing the continued use of  
21      housing sites constructed before the effective date of  
22      the act if certain conditions are met; providing an  
23      effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Present paragraphs (a) through (d) of subsection  
28       (2) of section 163.3162, Florida Statutes, are redesignated as  
29       paragraphs (b) through (e), respectively, new paragraphs (a) and

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30 (f) are added to that subsection, and subsection (5) is added to  
31 that section, to read:

32 163.3162 Agricultural Lands and Practices.—

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

34 (a) "Agricultural worker" means a person who is seasonally  
35 or annually employed in bona fide agricultural production; is  
36 lawfully present in the United States; is authorized to work at  
37 the time of employment and remains so throughout the duration of  
38 that employment; and has been verified through the process  
39 provided in s. 448.095. The term includes a migrant farmworker  
40 as defined in s. 381.008 and a worker with an H-2A visa.

41 (f) "Housing site" means the totality of development  
42 supporting authorized housing, including buildings, mobile  
43 homes, barracks, dormitories used as living quarters, parking  
44 areas, common areas such as athletic fields or playgrounds,  
45 storage structures, and other related structures.

46 (5) HOUSING FOR AGRICULTURAL WORKERS.—

47 (a) A governmental entity may not adopt or enforce any  
48 legislation to inhibit the construction or installation of  
49 housing for agricultural workers on land classified as  
50 agricultural land pursuant to s. 193.461 which is operated as a  
51 bona fide farm except as provided in this subsection.

52 1. Construction or installation of housing units for  
53 agricultural workers on parcels of land classified as  
54 agricultural land under s. 193.461 must satisfy all of the  
55 following criteria:

56 a. The dwelling units must meet federal, state, and local  
57 building standards, including migrant farmworker housing  
58 standards regulated by the Department of Health and federal

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59 standards for H-2A visa housing. If written notice of intent is  
60 required to be submitted to the Department of Health pursuant to  
61 s. 381.0083, the appropriate governmental entity with  
62 jurisdiction over the agricultural lands may also require  
63 submittal of a copy of the written notice.

64 b. The housing site must be maintained in a neat, orderly,  
65 and safe manner.

66 c. All structures containing dwelling units must be located  
67 a minimum of 10 feet apart.

68 d. The square footage of the housing site's climate-  
69 controlled facilities may not exceed 1.5 percent of the  
70 property's area or 35,000 square feet, whichever is less.

71 e. A housing site must provide front, side, and rear yard  
72 setbacks of at least 50 feet. However, an internal project  
73 driveway may be located in the required yard space if the yard  
74 is adjacent to a public roadway or to property that is under  
75 common ownership with the housing site.

76 f. A housing site may not be located less than 250 feet  
77 from a property line adjacent to property zoned for residential  
78 use. If the housing site is located less than 500 feet from any  
79 property line, screening must be provided between the housing  
80 site and any residentially developed adjacent parcels that are  
81 under different ownership. The screening may be designed in any  
82 of the following ways:

83 (I) Evergreen plants that, at the time of planting, are at  
84 least 6 feet in height and provide an overall screening opacity  
85 of 75 percent;

86 (II) A masonry wall at least 6 feet in height and finished  
87 on all sides with brick, stone, or painted or pigmented stucco;

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88 (III) A solid wood or PVC fence at least 6 feet in height  
89 with the finished side of the fence facing out;

90 (IV) A row of evergreen shade trees that, at the time of  
91 planting, are at least 10 feet in height, a minimum of 2-inch  
92 caliper, and spaced no more than 20 feet apart; or

93 (V) A berm made with a combination of the materials listed  
94 in sub-sub-subparagraphs (I)-(IV), which is at least 6 feet in  
95 height and provides an overall screening capacity of 75 percent  
96 at the time of installation.

97 g. All access drives that serve the housing site must be  
98 made of packed shell, gravel, or a similar material that will  
99 provide a relatively dust-free surface.

100 (b) Any local ordinance adopted pursuant to this subsection  
101 must comply with all state and federal regulations for migrant  
102 farmworker housing, as applicable, including rules adopted by  
103 the Department of Health pursuant to ss. 381.008-381.00897 and  
104 federal regulations under the Migrant and Seasonal Agricultural  
105 Worker Protection Act or the H-2A visa program. A governmental  
106 entity may adopt local government land use regulations that are  
107 less restrictive than the regulations established by the  
108 Department of Health pursuant to ss. 381.008-381.00897 and  
109 federal regulations under the Migrant and Seasonal Agricultural  
110 Worker Protection Act or the H-2A visa program for the  
111 construction or installation of housing for temporary migrant  
112 farmworkers.

113 (c) Beginning July 1, 2024, a property owner must maintain  
114 records of all approved permits, including successor permits,  
115 for migrant labor camps or residential migrant housing as  
116 required under s. 381.0081. A property owner must maintain such

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117 records for at least 3 years and make the records available for  
118 inspection within 14 days after receipt of a request for records  
119 by a governmental entity.

120 (d) A housing site may not continue to be used and may be  
121 required to be removed under the following circumstances:

122 1. If, for any reason, a housing site is not being used for  
123 agricultural workers for longer than 365 days, any structures,  
124 used as living quarters must be removed from the housing site  
125 within 180 days after receipt of written notification from the  
126 county unless the property owner can demonstrate that use of the  
127 site for housing agricultural workers will occur within 90 days  
128 after the written notification.

129 2. If the property on which the housing site is located  
130 ceases to be classified as agricultural land, housing authorized  
131 under this section ceases to be eligible for residential uses  
132 unless and until it is approved under the zoning and land use  
133 regulations of the governmental entity.

134 3. If the permit authorized by the Department of Health for  
135 the housing site is revoked, any structures must be removed from  
136 the housing site within 180 days after receipt of written  
137 notification from the county unless the permit is reinstated by  
138 the Department of Health.

139 (e) Notwithstanding this subsection, the construction or  
140 installation of housing for seasonal agricultural employees in  
141 the Florida Keys Area of Critical State Concern and the City of  
142 Key West Area of Critical State Concern is subject to the permit  
143 allocation systems of the Florida Keys Area of Critical State  
144 Concern and City of Key West Area of Critical State Concern,  
145 respectively.

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146       (f) A housing site that was constructed and in use before  
147 July 1, 2024, may continue to be used, and the property owner  
148 may not be required by a governmental entity to make changes to  
149 meet the requirements of this subsection, unless the housing  
150 site will be enlarged, remodeled, renovated, or rehabilitated.  
151 The property owner of a housing site that is permitted under  
152 this paragraph must provide regular maintenance and repair,  
153 including compliance with health and safety regulations and  
154 maintenance standards, for such housing site to ensure the  
155 health, safety, and habitability of the housing site.

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