

By the Committee on Rules; and Senator Collins

595-03598-24

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

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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 paragraph (a) and

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

32 163.3162 Agricultural Lands and Practices.—

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

34 (a) “Legally verified agricultural worker” means a person  
35 who:

36 1. Is lawfully present in the United States;

37 2. Has been verified through the process provided in s.  
38 448.095 and is authorized to work at the time of employment;

39 3. Is seasonally or annually employed in bona fide  
40 agricultural production; and

41 4. Remains lawfully present and authorized to work  
42 throughout the duration of that employment.

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

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

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

55 (b) Construction or installation of housing units for  
56 legally verified agricultural workers on parcels of land  
57 classified as agricultural land under s. 193.461 must satisfy  
58 all of the following criteria:

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59 1. The dwelling units must meet federal, state, and local  
60 building standards, including standards of the Department of  
61 Health adopted pursuant to ss. 381.008-381.00897 and federal  
62 standards for H-2A visa housing. If written notice of intent is  
63 required to be submitted to the Department of Health pursuant to  
64 s. 381.0083, the appropriate governmental entity with  
65 jurisdiction over the agricultural lands may also require  
66 submittal of a copy of the written notice.

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

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

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

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

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

86 a. Evergreen plants that, at the time of planting, are at  
87 least 6 feet in height and provide an overall screening opacity

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88 of 75 percent;

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

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

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

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

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

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

115 (d) Beginning July 1, 2024, a property owner must maintain  
116 records of all approved permits, including successor permits,

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117 for migrant labor camps or residential migrant housing as  
118 required under s. 381.0081. A property owner must maintain such  
119 records for at least 3 years and make the records available for  
120 inspection within 14 days after receipt of a request for records  
121 by a governmental entity.

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

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

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

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

142 (f) Notwithstanding this subsection, the construction or  
143 installation of housing for legally verified agricultural  
144 workers in the Florida Keys Area of Critical State Concern and  
145 the City of Key West Area of Critical State Concern is subject

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146 to the permit allocation systems of the Florida Keys Area of  
147 Critical State Concern and City of Key West Area of Critical  
148 State Concern, respectively.

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

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