

HB 1051

2024

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
6 legislation that inhibits the construction of housing
7 for agricultural workers on agricultural land operated
8 as a bona fide farm; requiring that the construction
9 or 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.

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

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 27 Section 1. Paragraphs (a) through (d) of subsection (2) of
 28 section 163.3162, Florida Statutes, are redesignated as
 29 paragraphs (b) through (e), respectively, new paragraphs (a) and
 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(2). The term includes a migrant
 40 farmworker as defined in s. 381.008(4) and a worker with an H-2A
 41 visa.

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

47 (5) HOUSING FOR AGRICULTURAL WORKERS.—

48 (a) A governmental entity may not adopt or enforce
 49 legislation that inhibits the construction or installation of
 50 housing for agricultural workers on land classified as

51 agricultural land pursuant to s. 193.461 which is operated as a
52 bona fide farm except as provided in this subsection.

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

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

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

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

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

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

76 common ownership with the housing site.

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

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

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

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

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

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

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

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

114 (d) Beginning July 1, 2024, a property owner must maintain
115 records of all approved permits, including successor permits,
116 for migrant labor camps or residential migrant housing as
117 required under s. 381.0081. A property owner must maintain such
118 records for at least 3 years and make the records available for
119 inspection within 14 days after receipt of a request for records
120 by a governmental entity.

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

123 1. If, for any reason, a housing site is not being used
124 for agricultural workers for longer than 365 days, any
125 structures used as dwelling units must be removed from the

126 housing site within 180 days after receipt of a written
127 notification from the local government unless the property owner
128 can demonstrate that use of the site for housing agricultural
129 workers will occur within 90 days after receipt of such written
130 notification.

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

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

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

148 (g) A housing site that was constructed and in use before
149 July 1, 2024, may continue to be used, and a governmental entity
150 may not require the property owner to make changes to meet the

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151 requirements of this subsection, unless the housing site will be
152 enlarged, remodeled, renovated, or rehabilitated. The property
153 owner of a housing site that is permitted under this paragraph
154 must provide regular maintenance and repair, including
155 compliance with health and safety regulations and maintenance
156 standards, for such housing site to ensure the health, safety,
157 and habitability of the housing site.

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