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1
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.