

STATE OF FLORIDA
DEPARTMENT OF HEALTH
CHAPTER 64E-14, FLORIDA ADMINISTRATIVE CODE
MIGRANT LABOR CAMPS

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64E-14.001 Migrant Farmworker Housing - General

It is the intent of this chapter to prescribe minimum sanitation requirements to protect the health and safety of the persons residing in migrant labor housing and to reduce the number of migrant farmworkers exposed to unsanitary conditions both in migrant labor housing and in the workplace. These rules provide minimum sanitation and health standards relating to construction, operation, and maintenance of migrant labor camps and residential migrant housing. This rule is applicable to mobile homes, private residential rentals, rooming houses, barracks, and housing authority projects for farmworkers when these facilities constitute a migrant labor camp or residential migrant housing.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0081 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.51, Amended 8-6-92, 11-17-94, Formerly 10D-25.051.

64E-14.002 Definitions

As used in this chapter, the following meanings shall apply:

- (1) "Barracks" – A large building used for temporary occupancy and synonymous with the term dormitory.
- (2) "Common areas" – That portion of a migrant labor camp or residential migrant housing not included within private living quarters and where migrant labor camp or residential migrant housing residents generally congregate.
- (3) "Department" – For the purpose of this rule, the term "Department" has the same meaning as the definition that appears in Section 381.008(2), F.S.
- (4) "Family" – Includes spouse, children, stepchildren, foster children, parents, stepparents, fosterparents, brothers and sisters.
- (5) "Field" – A cultivated expanse of land, especially one devoted to a particular crop. For example, a farm producing, wheat, rice, corn, soybeans, barley, beans, rye, sorghum, cotton, tobacco, potatoes, sugar crops, hay, peanuts, mint, hops, tomatoes, strawberries, and other such crops.
- (6) "Garbage disposal" – For the purpose of this rule, the term "Garbage disposal" has the same meaning as the definition that appears in Section 381.008(12), F.S.
- (7) "Group toilets" – A room providing a suite of water closets or toilets and lavatories.
- (8) "Hand-labor operations" – Agricultural activities or agricultural operations performed by hand or with hand tools. Hand labor operations also include activities or operations performed in conjunction with hand labor in the field. Examples of "hand labor operations" are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings, or other crops, including mushrooms, plant (nursery) farms, sod farms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. "Hand-labor" does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses), or the operation of a machine, such as a picker or tractor.
- (9) "Hand tools" – any hand-held implement used in agriculture by manual laborers to prepare and plant field crops for harvest.
- (10) "Incident of employment" – Something that is contingent upon or related to being employed. For the purpose of this rule, this term shall also mean the same as condition of employment. Examples include housing provided by farm labor contractors or growers for the migrant and seasonal farmworkers they employ or that are employed by any other farm labor contractors.
- (11) "Lighting" – For the purpose of this rule, the term "Lighting" has the same meaning as the definition that appears in Section 381.008(10), F.S.
- (12) "Major Deficiency" – Non compliance of a standard or numerous violations of the standards of this chapter which solely or collectively cause an imminent threat to public health or cause a high risk of injury. Examples of major deficiencies are untreated sewage on the ground, unsafe or deteriorated housing, contaminated water supply, holes in floors extending completely through the original designed exterior, unsafe stairs and flooring posing a risk of persons falling, unsafe ceiling with risk of imminent collapse, ceiling or roof leaks, gas leaks, exposed or cross connection of electrical wires, boarded windows where the 10 percent window area requirement is not met, boarded doorways providing egress or ingress.
- (13) "Migrant farmworker" – A person who is or has been employed in hand-labor operations in planting, cultivating, or harvesting agriculture crops within the last 12 months and who has changed residence for purposes of employment in agriculture within the last 12 months.
- (14) "Migrant labor camp" – For the purpose of this rule, the term "Migrant labor camp" has the same meaning as the definition that appears in Section 381.008(5), F.S.

(15) “Personal hygiene facilities” – For the purpose of this rule, the term “Personal hygiene facilities” has the same meaning as the definition that appears in Section 381.008(9), F.S.

(16) “Potable water” – Water which is satisfactory for drinking, food preparation, bathing, and meets drinking water standards of Rule 62-550, 62-555, 62-560, or 64E-8, F.A.C.

(17) “Private living quarters” – A building or portion of a building, dormitory or barracks, including its bathroom facilities, or a similar type of sleeping and bathroom area, which is a home, residence, or a sleeping place for a resident of a migrant labor camp or residential migrant housing.

(18) “Residential migrant housing” – For the purpose of this rule, the term “Residential migrant housing” has the same meaning as the definition that appears in Section 381.008(8), F.S.

(19) “Seasonal farmworker” – A person who, within the last 12 months, is or has been employed where a minimum of 50 percent of their time in that position involves hand-labor operations and who has not changed residence for the purpose of employment in agriculture. This term includes seasonal workers employed in alternative positions not related to hand-labor operations once the harvesting season has ended. For example, the term seasonal worker includes persons employed operating a machine, such as a picker or tractor, during periods when the hand-labor operations have ended for the season.

(20) “Sewage disposal” – For the purpose of this rule, the term “Sewage disposal” has the same meaning as the definition that appears in Section 381.008(11), F.S. The standards by which a facility is “approved” for “satisfactory treatment and disposal of human excreta and liquid waste” are found in Chapter 64E-6 or Chapter 62-600, F.A.C. All facilities shall be constructed and maintained in compliance with the requirements established in these chapters, as appropriate, before receiving a permit.

(21) “Single Family Residence” – A structure that is designed and built to house only one family rather than several unrelated persons (such as barracks) or multiple families (such as rooming houses).

(22) “Structure” – For the purpose of this chapter, the term shall mean any building or municipality approved housing which offers protection from the elements for migrant and seasonal farmworkers and includes family residential units, multi-family units, barracks, and rooming houses.

(23) “Substantially renovated” – Migrant farmworker housing which has been remodeled or enlarged to comply with current local building, plumbing, electrical, or fire safety codes and the water supply and sewage disposal sections of this chapter. This does not apply to cosmetic repairs or routine maintenance.

(24) “Vermin” – Any of various small animals or insects that are destructive, or injurious to health, such as cockroaches or rats.

(25) “Water closet” – A room or booth containing a toilet and often a washbowl or basin.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.008 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.52, Amended 8-6-92, 11-17-94, Formerly 10D-25.052, Amended 4-25-99, 9-12-99, 9-30-08.

64E-14.003 Construction Procedures, Variances

(1) Notice of Construction. Any and each person who is planning to construct, enlarge, remodel and occupy, or use a migrant labor camp or residential migrant housing or to convert a property for use or occupancy as a migrant labor camp or residential migrant housing shall give notice in writing of intent to do so to the department at least 45 days before the date of beginning such construction, enlargement or renovation. The notice shall give the location of the property within that county, a proposed construction plan, enlargement or renovation drawn to scale for the department to determine compliance with all rules and the name and mailing address of the person giving the notice. The plan shall include the location and description of the type of water supply and sewage disposal systems if the facility is not planned for connection to municipal systems.

(2) Variances. A person may apply for a permanent, structural variance from specific standard(s) by filing an application for such a variance with the Department of Health. The variance request shall be in writing and it must:

(a) Clearly specify the standard(s) from which the variance is desired;

(b) Provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility, and to prevent a practical difficulty or unnecessary hardship; and

(c) Clearly set forth the specific alternative measures that the owner or operator has taken to protect the health and safety of occupants and adequately show that such alternative measures have achieved the same result as the standard from which the variance is sought.

(3) Each request for a variance shall be accompanied with a check for \$100, made payable to the Bureau of Community Environmental Health, and it shall be sent to the local County Health Department for the county in which the variance is requested.

(4) Within 30 days after receipt of the variance application, the department shall review the application and request from the applicant submission of all additional information necessary for the department to make a determination on the variance request. The department shall, in writing, grant or deny the variance within (90) days of receipt of the variance application, or within 90 days of receipt of all additional information necessary to complete the application when a request for additional information has been made by the department in accordance with this section. Failure of the department to grant or deny the variance within 90 days, shall constitute harmless error, and shall not provide the basis for an argument that the variance was, in fact, granted.

(5) For the purpose of the rule, this subsection has the same meaning as Section 381.0086(6), F.S.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0083, 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.53, Amended 8-6-92, 11-17-94, Formerly 10D-25.053, Amended 9-12-99, 9-30-08.

64E-14.004 Standards, Permits, Inspections, Violations, Complaints and Retaliation

(1) Standards. Before any person establishes, operates, or allows occupancy of a migrant labor camp or residential migrant housing, the operator shall ensure that the camp or housing complies with the minimum standards of construction, sanitation, and equipment established in Sections 381.008 through 381.00897, F.S. the rules of this chapter, and the Occupational Safety and Health Act of 1970, 29 U.S.C. s. 655, or the Housing and Urban Development (HUD) Chapter 10 Housing Quality Standards as referenced in the Housing Choice Voucher Program Guidebook 7420.10G effective as of April 2001. The Occupational Safety and Health Administration's (OSHA) standards for Temporary Labor Camps in 29 U.S.C. s. 655, and HUD's Chapter 10 Housing Quality Standards in the Housing Choice Voucher Program Guidebook 7420.10G, are herein adopted and incorporated by reference. A copy of the OSHA Standards can be obtained at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9791 or U.S. Government Printing Office, 732 N. Capital Street, Washington, DC 20401. A copy of the Chapter 10 HUD Housing Quality Standards referenced in the Housing Choice Voucher Program Guidebook can be obtained at the U.S. Department of Housing and Urban Development Office located at Brickell Plaza 909 S. E. 1st Ave., Room #500, Miami, Florida 33313 or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Any housing that is furnished as a condition of employment so as to subject it to the requirements of OSHA shall only be inspected under the OSHA standards. This applies to migrant labor camps as that term is defined in subsection 64E-14.002(14), F.A.C. The HUD standards are applicable only to housing authority projects funded to house migrant and seasonal farmworkers. Mobile Home Parks that have 5 or more seasonal or migrant farmworkers as occupants of the park will be issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit.

(2) Application for Permits.

(a) All applications for a permit to operate a migrant labor camp or residential migrant housing shall be filed with the department at least 30 days prior to the date of operation on DH Form 4082, Application For A Migrant Labor Camp Permit, Sept. 98, incorporated herein by reference. DH Form 4082 is available at county health departments located in each county or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Completed applications required in this subsection shall be submitted to the county health department where the farmworker housing is located and shall be accompanied by the fee specified in Rule 64E-14.005, F.A.C.

(b) In the event of a change of ownership of a migrant labor camp or residential migrant housing, the new owner shall file DH Form 4082 with the department at least 15 days before the change of ownership occurs and pay the application fee amount designated in Rules 64E-14.005(1)-(3), F.A.C.

(3) Permit. Prior to the issuance of a permit, the department shall perform an initial inspection to determine whether the proposed migrant labor camp or residential migrant housing operation conforms to the minimum standards established in (1) of this rule. The department shall issue a permit for operation of the migrant labor camp or residential migrant housing upon all violations being successfully corrected after the initial inspection. The department will accept a recent (within three months) satisfactory federal sanitation inspection report, form HUD 9822, as a substitute for a pre-occupancy inspection of housing authority projects. A permit shall be required and must be obtained annually for each such migrant labor camp or residential migrant housing. Permits shall expire on September 30 next after the date of issuance and shall not be transferable.

(4) Inspections.

(a) Migrant labor camps and residential migrant housing occupied 6 weeks or more during a quarter shall be inspected at least twice quarterly during periods of occupancy. Migrant labor camps and residential migrant housing occupied less than 6 weeks during the quarter shall be inspected at least once during the quarter within that 6 week period. Proper documentation must be provided from the owner, operator or person in charge, clearly indicating the period of occupancy. Such documentation may include

letters, memos, applications, or inspection forms.

(b) HUD Housing Authorities shall only be inspected twice annually.

(c) Migrant farmworker occupied mobile homes in a mobile home park meeting the 5 or more seasonal or migrant farmworker requirement, will be inspected and required to meet the migrant program standards when issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit. Inspections shall be conducted using inspection form DOH 4060, effective 01/05, Migrant Labor Camp or Residential Migrant Housing Inspection Report, herein incorporated by reference, in accordance with this paragraph. The form may be obtained at the county health departments located in each county or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Department personnel shall conduct inspections at reasonable hours and in accordance with Section 381.0088, F.S.

(d) Field sanitation facilities inspections as defined in Rule 64E-14.016, F.A.C., shall be made at random in the normal course of staff activities.

(5) Violations.

(a) When a major deficiency as defined in subsection 64E-14.002(12), F.A.C., is reported to housing permittees or supervisors, a maximum of 48 hours shall be given to make corrections or provision for corrections that meet the requirements of this chapter. The permittees or supervisors must submit proof (i.e., receipt, estimates or cost analysis sheet, etc.) to the department's staff at the time of the reinspection to show that the major deficiency has been corrected or is in the process of being corrected within the 48 hours timeframe allotted by this rule. The documents presented to the department's staff must come from companies or persons licensed to provide the required services (i.e., licensed septic tank contractors, licensed plumbers, contractors licensed in building trades and other professions). If the department grants the permittee a time extension to correct the violation, the permittee must provide documentation showing that provisions have been made to correct the major deficiency within 48 hours from the issuance of the extension issued by the county health department staff. The documentation must include a start and completion date by which the major deficiency will be corrected. The major violation must be corrected on or by the date indicated in the documentation, otherwise, the department will issue a citation with a fine. Three or more violations which constitute major deficiencies as defined in subsection 64E-14.002(12), F.A.C., cited during an inspection shall be cause for the department to seek legal remedy in accordance with Rule 64E-14.023, F.A.C.

(b) Continual or repeat violations of the same inspection items related to migrant farmworker housing are cause for the issuance of a citation imposing a fine. A continual or repeat violation is a violation that occurs 3 or more times during a permit year.

(6) Complaints. Any person may file a complaint when they believe that any occupied migrant labor camp or residential migrant housing is in violation of any housing standard contained herein. Such complaint may be made to a county health department or to the Bureau of Community Environmental Health. Upon receipt of the complaint, county health department staff shall inspect the housing identified to determine if a violation does exist. Should the complaint allege a major deficiency at the migrant labor camp or residential migrant housing, the inspection shall be made as soon as practicable. All other complaints will result in a notification to the owner and operator advising them of the complaint and that the alleged violation must be remedied within 3 business days. The department shall conduct an inspection as soon as practicable following such three day period to confirm that the violations have been corrected. When the alleged violations have been corrected, the complainant and the owner and operator shall be notified in writing within 15 working days of the outcome of the complaint and the closure of the complaint process. Upon request of the complainant, the department shall conduct the inspection so as to protect the confidentiality of the complainant.

(7) Retaliation Prohibited. Migrant labor camp and residential migrant housing residents and occupants who make complaints in good faith about housing and sanitary conditions shall not be retaliated against by the owner or operator. Examples of conduct for which an owner or operator may not retaliate are stated in 381.00895, Florida Statutes.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0081, 381.0082, 381.0083, 381.00893 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.54, Amended 8-6-92, 11-17-94, Formerly 10D-25.054, Amended 6-23-98, 9-12-99, 9-30-08.

64E-14.005 Application and Variance Fees

The following application fees for migrant labor camp and residential migrant housing operations shall be assessed annually, with the exception of those facilities meeting the criteria in subsection (4) of this section:

- (1) Camps or housing with facilities for 5 to 50 occupants: \$125.
- (2) Camps or housing with facilities for 51 to 100 occupants: \$225.
- (3) Camps or housing with facilities for 101 or more occupants: \$500.

(4) Migrant labor camps and residential migrant housing, which have been newly constructed and those which have been substantially renovated are exempt from the annual application fee required in this rule for the next annual permit after the renovation or construction occurred. The owner or operator of a mobile home/RV park as defined in Chapter 513, F.S., that is also regulated as migrant farmworker housing, shall only be required to pay a single park fee, unless there have been major deficiencies or uncorrected deficiencies cited by the department, or administrative action taken within the past year regarding the requirements for migrant labor camps and residential migrant housing set forth in Chapter 381, F.S., in which case the applicant shall pay the fee required in Section 381.0084, F.S.

(5) Permitted migrant labor camps and residential migrant housing are exempt from the application fee when the following three conditions have been met during the inspection year:

(a) Had no uncorrected violations after reinspection by the department:

(b) Had no pending administrative complaint or citation final orders;

(c) Had no major deficiencies cited by the department.

(6) Each \$100 fee collected for requests for variances shall be deposited to a unique revenue code and shall be used solely for the enhancement of the Migrant Labor Camp and Residential Migrant Housing Program.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0084 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.55, Amended 8-6-92, 11-17-94, Formerly 10D-25.055, Amended 6-23-98, 9-12-99, 9-30-08.

64E-14.006 Sites

(1) All sites shall be well drained, free from standing water, and maintained to inhibit the breeding of mosquitoes. Natural sinkholes, swamps, pools, or other surface collections of water are not allowed within 200 feet of the periphery of the outermost building, unless such quiescent water surfaces can and will be subjected to mosquito control measures. A government created surface water diversion pool built within 200 feet of the outermost shelter after the origination of the housing shall not disqualify the housing from meeting this location standard.

(2) Structures in which food is prepared or served and where sleeping quarters are located shall be more than 500 feet from any area where livestock is kept.

(3) All shelter sites shall be adequate in size to permit locating of buildings so as to minimize the hazards of fire.

(4) Roads – Roads shall be designed and maintained to accommodate in a safe manner the vehicles accessing the facilities.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.57, Amended 8-6-92, 11-17-94, Formerly 10D-25.057, Amended 9-30-08.

64E-14.007 Buildings and Structures

(1) Buildings and structures of migrant labor camps and residential migrant housing shall be weather-tight and shall provide protection from the elements. Steps, porches, hallways and other means of egress shall be sturdy and safe. At least one-half of the floor area of private living quarters shall have a minimum ceiling height of seven feet, except for manufactured trailers which must have a minimum ceiling height of six and one-half feet. All private living quarters of migrant labor camps and residential migrant housing constructed, enlarged, or renovated after September 1, 1992 shall have ceiling heights of seven feet or more. Floors used in private living quarters shall be constructed of wood, concrete or other comparable material. Wooden floors shall be of tight durable construction with a cleanable finish. Floor coverings shall be easily cleanable and maintained in good condition, free from obvious soiling.

(2) Buildings and structures in all migrant labor camps and residential migrant housing shall have the corresponding utility connections for equipment required by this rule during occupancy. The owner or operator responsible for the building or structure shall ensure that all required heating, cooking, and water heating equipment is provided. The owner or operator is responsible for ensuring that the equipment is installed in accordance with state and local ordinances, codes, and regulations governing such installations.

(3) Every room used for sleeping purposes in private living quarters shall provide a minimum of 50 square feet of floor space for each occupant. In a room where workers cook, live, and sleep, a minimum of 100 square feet of floor space per person shall be provided.

(4) The floors, roofs, and exterior walls, and ceilings of all buildings and structures shall be sound and in good repair. Wooden exteriors of shelters shall either be constructed of decay resistant wood, painted with a lead-free paint, or covered with another type of protective coating.

(5) Rooms used for sleeping purposes and common areas in private living quarters shall have at least one window opening directly to the outside. The minimum total window area of a migrant labor camp or residential migrant housing shall equal ten per cent of the floor area of each room. In addition, at least one-half of each window shall be constructed so that it can be easily opened for ventilating the room except where department approved mechanical ventilation is provided. In computing total window area and openable window area, jalousie doors may be counted.

(6) Facilities established as migrant labor camps prior to 1980 which were in compliance with the U.S. Department of Labor, Employment Training Administration's standards of 20 C.F.R., Section 620, shall be deemed in compliance with the space requirement.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.58, Amended 8-6-92, 11-17-94, Formerly 10D-25.058, Amended 9-30-08.

64E-14.008 Water Supply.

(1) An approved or permitted supply of potable water under pressure that conforms with the requirements of Chapter 62-550, 62-555, and 62-560, F.A.C., or Chapter 64E-8, F.A.C., shall be available at all times during occupancy in each migrant labor camp and residential migrant housing for drinking, culinary, bathing, dishwashing, and laundry purposes.

(2) The water supply shall be capable of providing at least 50 gallons per person per day.

(3) Adequate facilities for providing hot water at a minimum 110 degrees Fahrenheit for bathing and dishwashing purposes shall be available at all times during periods of occupancy.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.59, Amended 8-6-92, 11-17-94, Formerly 10D-25.059.

64E-14.009 Garbage and Refuse Disposal

(1) Garbage shall be retained in cleanable, watertight receptacles of impervious material which are provided with tight fitting covers suitable to protect the contents from flies, insects, rodents and other animals. Receptacles shall be provided in sufficient quantity to store garbage from all buildings and housing units.

(2) Garbage containers shall be kept clean and shall be emptied on a regular basis, but not less than twice weekly.

(3) Provisions shall be made for disposing of the garbage, kitchen wastes and other refuse in accordance with Chapter 62-701, F.A.C., and local codes, as applicable.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.60, Amended 8-6-92, 11-17-94, Formerly 10D-25.060, Amended 9-30-08.

64E-14.0095 Pesticide Use, Storage and Disposal

(1) All empty pesticide containers shall be securely placed in a plastic bag and properly disposed into a garbage receptacle or in accordance with EPA pesticide disposal guidelines found at: <http://www.epa.gov/pesticides/regulating/disposal.htm>, or disposed of according to the label on the product. Empty pesticide containers must not be reused to store any other substance other than the same kind of pesticide that originally came in the container.

(2) All common household pesticides, such as roach spray, chlorine bleach, kitchen and bathroom disinfectants, rat poison, insect and wasp sprays, repellents, baits, flea and tick shampoos, dips for pets and any other pesticide products applied in the migrant housing unit must be used according to the distributor or manufacturer's label on the product. All pesticide containers shall contain their original product and the containers shall be properly labeled. Pesticide containers found with products other than the original contents shall be discarded immediately.

(3) Containers containing common household pesticides used within migrant and seasonal farmworker housing units must be properly stored in a safe place, such as in a closet or cabinet away from food and other consumable items. In housing units where children reside, the common household pesticides must be stored out of the reach of children in a locked cabinet or closet away from children. Toxic chemicals must be stored out of the reach of children and in a locked area if children are residing in the home.

(4) Farming tools shall not be stored in the migrant and seasonal farmworker housing units.

Specific Authority 381.006, 381.0086(1) FS. Law Implemented 381.0086(1) FS. History—New 9-30-08.

64E-14.010 Vermin Control

Effective measures shall be taken to prevent infestation by and harborage of vermin. All migrant and seasonal farmworker housing units shall be free of all vermin and maintained in a vermin free and vermin proof condition. All outside openings shall be effectively sealed or screened with a 16 mesh screen or equivalent in order to prevent entry of insects, rodents, or other vermin. If evidence shows that an infestation of vermin is found in the housing units, the owner or operator of the housing unit will be required to hire a licensed or certified exterminator to exterminate the vermin found in the housing unit. The owner or operator shall inform the migrant or seasonal farmworkers by posting a notice in the camp or housing unit to which it applies of any indoor application of pesticides prior to the application. When a licensed or certified exterminator applies pesticides in the home unit, the owner or operator shall obtain from the licensed or certified exterminator information about the potential risks and safety precautions that must be taken. The owner or operator shall share the information with the farmworkers and other household occupants. The owner or operator shall provide proof to the county health department official at the next inspection that the housing unit was exterminated by a certified exterminator, with a receipt for the extermination service rendered. Failure by the owner or operator to provide proof to the department that measures taken to control vermin in the housing unit are department approved, shall constitute a violation of this chapter.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.61, Amended 8-6-92, 11-17-94, Formerly 10D-25.061, Amended 9-30-08.

64E-14.011 Heating

(1) All private living quarters, and bathrooms of migrant labor camps and residential migrant housing shall be equipped with heat producing devices to maintain a room temperature of 68 degrees Fahrenheit.

(2) Heating appliances, other than electrical, shall be provided with a flue pipe or vent connected to the appliance and discharging to the outside air. Cooking facilities shall not be considered heating equipment.

(3) Automatically operated heat producing equipment shall be provided with controls to cut off the fuel supply upon the failure or interruption of flame or ignition or whenever a predetermined safe temperature or pressure is exceeded. All steam and hot water systems shall be provided with safety devices designed to prevent hazardous pressures and excessive temperatures.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.62, Amended 8-6-92, 11-17-94, Formerly 10D-25.062.

64E-14.012 Lighting

Each private living quarter in a migrant labor camp or residential migrant housing shall be provided with at least one ceiling or wall type light fixture capable of providing 30 foot candles of light at a point 30 inches from the floor and at least one separate double electric wall outlet. Interior areas in which people congregate, laundry rooms, shower rooms and toilet rooms shall be provided with a minimum of one ceiling or wall type fixture capable of providing at least 20 foot candles of light at a point 30 inches from the floor. Electric wiring shall be installed in accordance with the provisions of city or county electrical codes. Light bulbs shall be furnished in all facilities.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.63, Amended 8-6-92, 11-17-94, Formerly 10D-25.063.

64E-14.013 Sewage and Liquid Waste Disposal

(1) Approved facilities shall be provided and maintained in all migrant labor camps and residential migrant housing for the satisfactory disposal and treatment of excreta and liquid waste.

(2) Such facilities shall be constructed and maintained in compliance with Chapter 64E-6 or Chapter 62-600, F.A.C.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.64, Amended 8-6-92, Repromulgated 11-17-94, Formerly 10D-25.064, Amended 9-30-08.

64E-14.014 Plumbing.

All plumbing in migrant labor camps and residential migrant housing shall be in compliance with provisions of local plumbing codes.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.65,

64E-14.015 Personal Hygiene Facilities

(1) Personal Hygiene Facilities Requirements for Migrant Labor Camps and Residential Migration Housing

	Ratio Chart of Number of Facilities to Number of People			
	Constructed Prior		Constructed/Renovated (or facilities permitted for the first time)	
	September 1, 1992		After September 1, 1992	
Toilets	Male	Female	Male	Female
	1:15	1:20	1:12	1:8
			Up to 84	Up to 64
			Above 84	Above 64
			1:15	1:12
Urinals	1:25		1:20	
			Up to 160	
			Above 160	
			1:40	
Showers or Baths	1:20	1:20	1:15	1:15
Handwash	1:20	1:20	1:6	1:6
Drinking Fountain		None		1:50
Laundry		1:25 Families		1:30
				Farmworkers

(Note: Drinking water fountain ratio pertains to dormitories and barracks only)

(2) A toilet, hand washing, and bathing facility shall be located within 200 feet of each sleeping area of a migrant labor camp.

(3) Where toilet rooms are shared, such as in multi-family housing units and barracks, toilet facilities shall be provided for each sex. These rooms shall be distinctly marked "Men" and "Women" by signs printed in English and in the native language of the persons occupying the camp. If the facilities for each sex are in the same building, they shall be separated by a solid wall or partition extending from the floor to the roof or ceiling. All group toilet rooms in migrant labor camps and residential migrant housing shall be constructed with privacy partitions between each water closet to block the occupants from view. All privacy partitions for toilets shall have doors. All toilet facilities shall be equipped with a self closing entrance door and maintained in good repair, cleaned with a disinfectant and provided with toilet paper and a garbage receptacle.

(4) Each individual family unit shall contain at least one flush toilet, bathing facility and hand washing unit. If there are minor children in the family, there must be private bathing and toilet facilities provided within the individual living quarters of the family.

(5) Toilet rooms in individual family units shall be so located that no individual is required to pass through a sleeping area, other than their own, in order to use toilet facilities. Adequate lighting shall be provided in all toilet rooms. Toilet rooms shall be ventilated to the outside when there is no window. No flush toilet fixture or urinal shall be located in a sleeping room.

(6) The floors of hand washing, bathing and laundry facilities in migrant labor camps and residential migrant housing shall be of smooth but non-skid finish, impervious to moisture, and sloped to drain.

(7) A laundry facility shall consist of a two compartment stationary tub or an electric washer and dryer. Except as provided elsewhere in this rule, there must be at least one laundry facility provided at each migrant labor camp and residential migrant housing establishment. In the event the laundry facility is not located on the premises of residential migrant housing establishments, the owner or operator of the residential migrant housing must either install a laundry facility on the premises or provide transportation to the laundry facility for the migrant or seasonal farmworkers occupying the permitted residential migrant housing. The owner or operator must provide transportation to the laundry facility at least twice a week for the migrant or seasonal farmworkers.

(8) A separate laundry basket shall be provided by the owner or operator for farmworkers to separate the workers' soiled clothing worn in the fields from other clothing worn in the home. The laundry basket must be labeled in the native language of the majority of the farmworkers and in English (for example, Spanish and English, Haitian Creole and English, Vietnamese and English) as: "Dirty Field Clothing, Wash Separately". The owners and operators shall obtain a copy of the United States

Environmental Protection Agency’s mini booklet entitled “Steps to Protect Yourself from Pesticides” at <http://www.cdc.gov/nasd/docs/d000701-d000800/d000732/d000732.html> or from the county health department to distribute to the migrant and seasonal farmworkers. The booklet contains educational material in Spanish, English and Haitian Creole, explaining the precautionary measures that must be taken to prevent pesticide poisoning in the home as well as explaining the importance of separating soiled field clothing from other clothing worn in the home. The booklets provided must be in the native language of the migrant and seasonal farmworkers. The owners or operators shall obtain a list of contact information for the migrant and seasonal farmworkers directing them where to seek medical attention and where to report a poisoning incident. The list shall be displayed in a conspicuous place in a common area in the migrant labor camp or residential migrant housing units for the health official to view during the inspections.

(9) Floor drains properly trapped shall be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning. The walls and partitions of shower rooms shall be smooth and impervious to moisture. A hose bib equipped to prevent backflow is required in each communal shower area. Soap and single service hand drying facilities shall be provided at communal personal hygiene facilities.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.66, Amended 8-6-92, 11-17-94, Formerly 10D-25.066, Amended 9-30-08.

64E-14.016 Field Sanitation Facilities

Field Sanitation Facilities Requirements

Number of persons	Toilets	Hand Washing Units	Drinking Water
5-10	1	1	Yes

(1) Where 5 to 10 hand-laboring farmworkers are employed in one location at one time, a field sanitation facility, consisting of 1 toilet facility and 1 hand washing unit shall be provided. The toilet and hand washing unit shall be located adjacent to each other. The facility shall be located within a one-quarter-mile walk of any hand-laborer's place of work in the field. Where it is not feasible to locate facilities as required above due to terrain, the facilities shall be located at the point of closest vehicular access.

(2) Field toilet facilities shall be constructed and maintained in accordance with provisions of Rule 64E-6.0101, F.A.C., emptied at least weekly, and provide a minimum storage capacity of 50 gallons per unit. Waste from all field toilet facilities shall be disposed by a method approved by the county health department. The department shall approve portable water flushed units when determined appropriate for a particular situation. Toilet facilities shall have a screened ventilation opening and self-closing doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

(3) Field hand washing units shall be convenient and supplied with potable water in portable containers and shall be provided with soap or other cleanser and single use hand-drying towels. A waste container shall be provided for the used towels, and the wastewater from the hand washing unit shall not cause a sanitary nuisance.

(4) Drinking water shall be potable and provided in containers constructed of smooth, impervious, corrosion resistant material Hydrocoolers or water coolers constructed as such are acceptable for use. Potable water containers shall be maintained by sanitary methods. The interiors of potable water containers shall be cleaned and sanitized at least daily. The containers shall be marked with the words “Drinking Water”, in English and in the native language of the majority of the workers. Single service cups shall be provided unless bottled water is provided or water is dispensed from a fountain equipped with an angled, protected jet outlet. Ice used for cooling drinking water shall be made from potable water. The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees. County health department staff, during the normal course of their work, shall take water samples at random to ensure the potability of the drinking water.

(5) The owners, operators, crewleaders, or primary persons in charge shall ensure that sanitary facilities are available (handwashing receptacles, soap, water, etc.) to allow for washing of hands after working in the fields and before drinking, eating or smoking tobacco. Farmworkers shall be reminded not to eat unwashed produce from the field or use pesticide containers or other items from the field for food or drinking containers to prevent accidental ingestion of pesticide residues.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.67, Amended 8-6-92, 11-17-94, Formerly 10D-25.067, Amended 9-12-99, 9-30-08.

64E-14.017 Food Service Facilities

(1) In each individual family unit, there shall be provided a range, a sink supplied with hot and cold water under pressure, and a

refrigerator-freezer capable of maintaining temperatures at or below 41 degrees Fahrenheit for the refrigerator and at or below 0 degrees Fahrenheit for the freezer.

(2) In structures without a central mess, cooking facilities shall be provided for use by all occupants. Ranges, refrigerator-freezers, and sinks supplied with hot and cold water under pressure shall be provided in a ratio of one to 10 persons or fraction thereof. Provision shall be made for safe storage and refrigeration of food. Commissaries operated for the use of the occupants of the housing and not permitted by the Department of Business and Professional Regulation shall be inspected by department staff.

(3) In facilities where there is a central mess servicing a dining room or mess hall, the central mess shall be operated and equipped in compliance with Chapter 64E-11, F.A.C. A separate permit for operation of the central mess in the migrant labor camp shall be required.

(4) Field kitchens shall be inspected and shall comply with Chapter 64E-11, F.A.C.

(5) Field kitchens, dining rooms, mess halls for migrant labor camps and other areas where food is prepared or served shall be protected with screening of not less than 16 mesh. All screen doors shall be self closing and open outward.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.68, Amended 8-6-92, 11-17-94, Formerly 10D-25.068, Amended 9-30-08.

64E-14.018 Sleeping Facilities, Beds and Bedding

(1) Sleeping facilities shall be available to each migrant labor camp and residential migrant housing occupant. Barracks type facilities which are designed or operated for both sexes shall contain separate sleeping facilities for each sex. Sleeping facilities shall consist of beds, or, cots or bunks complete with mattresses. The operator shall monitor the sleeping facilities to ensure the areas are clean and that bedding is clean and free from rips and holes. All mattresses must either be replaced or cleaned when soiled or include a clean protective mattress covering made of a material, such as cloth. The covering shall also be smooth and easily cleanable. The covering must be designed to remain intact and protect the mattress from getting soiled. Bed coverings shall be kept clean and in good repair. The owners and operators of the migrant labor camps or residential migrant housing will be responsible for ensuring the protective mattress covers remain intact over the mattresses in use during the periods of occupancy.

(2) Weekly inspection of beds and bedding by the operator shall be made to ensure control of vermin. When vermin are found or reported, effective extermination measures shall be undertaken immediately.

(3) Every bed, cot or bunk in migrant labor camps and residential migrant housing covered by this chapter shall be elevated from the floor. There shall be a clear ceiling height of not less than 36 inches above any mattress and there shall be a clear space of not less than 27 inches between the top of the lower mattress and the bottom of the upper bunk of a double deck bed in facilities regulated under this chapter. Triple deck facilities shall be prohibited. Single beds or bunks shall be provided for each of the occupants in barracks facilities.

(4) Single beds, cots or bunks shall be spaced not less than 36 inches laterally or end to end and double-deck facilities shall be spaced not less than 36 inches laterally or end to end. A minimum of four feet of clear aisle space shall be provided in all barracks type facilities.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.69, Amended 8-6-92, 11-17-94, Formerly 10D-25.069, Amended 9-30-08.

64E-14.019 Fire Protection

County health department staff shall provide the local fire jurisdiction a copy of the annual listing and location of permitted migrant farmworker housing facilities for proper inspection by the local fire jurisdiction.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.70, Amended 8-6-92, 11-17-94, Formerly 10D-25.070, Amended 9-12-99.

64E-14.020 Citations, Fines

(1) Citations shall describe the particular nature of the violation, including a specific reference to the provisions of statute or rule allegedly violated. Each day the violation exists without being corrected constitutes a separate violation for which a citation may be issued. The citation shall be issued to the owner, supervisor, or operator of the migrant farmworker housing or to the responsible person for remedying the field sanitation facilities' violation including the crew leader, the harvesting company, or the property owner and when a responsible person cannot be identified, any of the above may be cited. The fines imposed by a citation issued by

the department may not exceed \$500 for each violation.

(2) Field Sanitation Citation Fines.

(a) No soap, hand drying towels, or waste container for towel disposal. \$50.00

(b) Toilet facilities are not screened or self-closing and do not ensure privacy. \$75.00

(c) Hand washing facilities not available or not located adjacent to the toilet. Facilities not located within a quarter mile walking distance from farmworkers. \$100.00

(d) Water containers improperly constructed or not marked in English and the native language of the majority of the workers. Single service cups not provided and ice not from an approved source. \$100.00

(e) Waste water from hand washing facility causes a sanitary nuisance. The amount of drinking water available is not sufficient to prevent dehydration or disease. Toilet facilities do not provide a minimum 50 gallon storage capacity. \$250.00

(f) Sewage from toilet facilities is not properly disposed or toilet and drinking water facilities are not provided. First Offense \$250.00 Additional Offenses \$500.00.

(3) To have the amount of the imposed fine reduced up to one-half, the citation recipient must submit physical proof to the department's county health department director, administrator, or other authorized staff that the violation was corrected within 48 hours from the time of the citation. In determining whether to reduce or waive the fine, the department shall give due consideration to such factors as the gravity of the violation, the good faith in correcting the violation demonstrated by the person who has allegedly committed the violation, and the person's history of previous violations, including violations for which enforcement actions were taken under this section or other provisions of state law.

(4) The citation recipient may request an administrative hearing within 21 days of the date of receipt of the citation by following procedures listed on the citation DOH Form 4084.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.71, Amended 8-6-92, 11-17-94, Formerly 10D-25.071, Amended 9-12-99, 9-30-08.

64E-14.021 Responsibility of Operator and Owners

(1) The operator and owner shall be responsible for complying with all statutory requirements and rules issued thereunder relating to migrant labor camps and residential migrant housing. Migrant housing owners or operators who have established rules for access and visitation shall provide a copy of those rules to the county health department. The county health department shall maintain on file a copy of the access and visitation rules provided by the housing management.

(2) The entire premises of a migrant labor camp and residential migrant housing shall be free from rubbish, waste paper, garbage and other litter. When migrant farmworker housing is closed for the season, all garbage, litter and debris shall be removed from the site.

(3) The owner, operator or his agent shall inspect daily or provide a competent individual to inspect daily the grounds and common-use areas including toilets, showers, laundries, mess halls, dormitories, kitchens or any facilities relating to the operation of the facility and ensure that each is maintained in a clean, satisfactory operating condition and kept in good repair.

Specific Authority 381.006, 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.72, Amended 8-6-92, 11-17-94, Formerly 10D-25.072, Amended 9-12-99, 9-30-08.

64E-14.022 Supervision

Facilities occupied by 50 or more persons shall be supervised by a resident supervisor who may be the operator or the operator's agent or employee. All persons designated as camp supervisors shall be jointly responsible with the camp operator for the maintenance of the facility. The name, telephone number, address or instructions on how to locate the operator and supervisor shall be kept posted in a prominent and conspicuous location in the camp at all times. A telephone easily accessible to all occupants of the facility shall be maintained during periods of operation. Operable pay phones will meet this requirement.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.73, Amended 8-6-92, 11-17-94, Formerly 10D-25.073.

64E-14.023 Enforcement

(1) Civil and Criminal Remedies. Any person who constructs, maintains, or operates a migrant labor camp or residential migrant housing without first obtaining a permit or who maintains or operates a facility after revocation of the permit is subject to the

remedies and penalties described in Sections 381.0012, 775.082, 775.083(1), (2), 381.0061, 381.0081(1)-(5) or 381.0087, F.S. This includes a third degree felony offense for operating migrant housing without a permit and in violation of the provisions of Personal Hygiene Facilities, Lighting, Sewage Disposal, or Garbage Disposal sections of this chapter. Migrant farmworker housing properties owned or operated by persons convicted of a third degree felony for non-compliance with the provisions listed in the previous sentence are subject to seizure by the department. Operators of migrant labor camps and residential migrant housing convicted of a misdemeanor for violation of this chapter or issued cease and desist orders through civil injunctive processes for violations of this chapter may have the permits revoked by the department. The department shall notify the operator in writing when such action is taken. Cease and desist complaints shall be filed simultaneously when a county public health unit director or administrator declares that a violation of this rule constitutes an immediate threat to the occupant's or public's health.

(2) Any person who interferes with, hinders, or opposes any employee of the department in the discharge of his or her duties pursuant to the provisions of Chapter 381, 386, 513, or 514, F.S., or who impersonates an employee of the department, is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S.

Specific Authority 381.008-381.0086 FS. Law Implemented 381.0012, 381.0025, 381.0061, 381.0087 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.74, Amended 8-6-92, 11-17-94, Formerly 10D-25.074, Amended 9-30-08.

64E-14.024 Animal Health and Safety

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of a current vaccination certificate shall be kept by the owner/operator of migrant labor camps or residential migrant housing and shall be made available to the department upon department request.

(2) All animals must be kept free from disease and in good health or under treatment by a licensed veterinarian.

(3) Aggressive, venomous, or potentially dangerous animals are not allowed in migrant labor camps or residential migrant housing units.

Specific Authority 381.006, 381.0086(1) FS. Law Implemented 381.0086(1) FS. History--New 9-30-08.