

Battleground: Florida (Where the H-2A War Goes On)

Perhaps the most significant advances in the application and use of the H-2A federal program for legal agricultural workers with visas are being made in the state of Florida. For nowhere else are comparable strides for finding housing and other accommodations being advanced by indigenous citrus companies and farmers than in that state.

At *TheLedger.com* out of Lakeland, Florida, the general view of the H-2A dilemma is summarized this way:

“Florida citrus growers don't like it because of the red tape. Immigrant workers from Mexico and Central America object that it offers them no pathway to U.S. citizenship.

“And Florida residents object to housing large numbers of immigrant laborers in local apartment complexes, labor camps and other multiple-unit housing facilities.

“Still the U.S. Department of Labor's "guest worker" program for agriculture, known commonly by the initials H-2A, looks to represent the future.”¹

That is because the immigration problem has now reached a critical mass and is threatening to explode across the country. Enforcement is met with challenges, arrests are met with sanctuary cities, lawsuits are flying and agricultural interests do not know where to turn for answers.

Only, they do know one thing—H-2A represents the only legal and stable way to keep harvesting workers for citrus and other crops in the Sunshine State. For that reason, growers and agricultural employers are pushing ahead for innovation and growing usage of the program, despite its bureaucratic problems.

“Marty McKenna, a Lake Wales-based grower who manages more than 5,000 acres (says)... “Our thinking was, regardless of what the federal government does about immigration reform, we wanted to be sure we had a reliable work force. H-2A is the only way we knew to do that...”²

And, as the numbers swell in national countings, the tally of harvesters in Florida are sure to grow as well, due to a great amount on the illegal immigration problem and more enforcement and disincentives toward businesses hiring them. For instance, “Begun in 1943 at the request of Florida sugar farmers, the federal guest-worker program has risen in popularity in the past few years as illegal immigration has moved to the forefront of the national political debate.”³

To put it another way, ““I think it's the future of any industry in the United States that needs a significant amount of hand labor," McKenna said.”⁴

Nevertheless, there are still obstacles to its full enthusiastic participation by many farmers. First, there is the argument over housing—this time between citrus companies and the general public (as I brought out in a previous article this month.) After all, the biggest expense under the program is housing for the migrant workers and meeting minimum standards for federal, state, county and in some cases, municipal housing codes.

And even when they are met, the public must be assured of the benevolent intentions of citrus companies to house their migrant workers. For instance, just such a line was drawn in the sand recently over such a housing proposal for H-2A workers. A sample of the problem in one locality was:

...”when Bentley Brothers sought to build an \$800,000 dormitory facility for up to 132 H-2A workers on Lake Buffum east of Fort Meade.

“Bentley said he thought the labor camp was a long-term housing solution.

...”The Lake Buffum camp aroused a storm of opposition from local residents, who complained the camp was not "compatible" with their rural, residential area. The Polk County Planning Commission on Sept. 11 rejected Bentley's application, and the county commission unanimously upheld that decision Jan. 9.

“Commissioner Jean Reed and local agricultural officials, including members of the Polk County Farm Bureau, have said they are working on changes in county ordinances that would allow for guest worker housing facilities.”⁵

Another fight over migrant housing broke out in Southwest Florida, in south Hardee County. There, the same public outcry came over fears that migrant housing resembling former slum areas might appear near resident homes. According to the Charlotte Harbor, Florida *Sun-Herald*:

“More than 300 residents from the secluded, close-knit Sweetwater and Crewsville communities protested a proposal Thursday by pre-eminent Hardee business mogul Joe Davis Jr. to build farmworker housing for 150 Mexican nationals — known as "guestworkers" — amid their homes, children and heretofore peaceful country lives.

“Davis' detractors didn't call the proposed plan "farmworker housing;" they called it a labor camp, a sentiment made plain on hundreds

of T-shirts in the audience proclaiming "NO LABOR CAMP" in bright red letters.

"We are trying to get the very best people, who will be completely law-abiding," Davis said. The H2-A program gives Mexican workers the chance to receive two or three times as much money as they would in Mexico, "this gives them tremendous incentive to do the right thing," he said."⁶

And the mechanics of the meeting unfolded with the public on one side, Davis on the other and the board members in the middle. Here is how the m el ee finished:

"Sweetwater denizen Nancy Craft said the board "doesn't have the information to make a decision on something this important. You're making a decision that's going to affect everyone in Hardee County."

"Regardless of the dozens who pleaded with the board to throw out the proposal, board members eventually motioned for the labor camp's approval after nearly four hours of debate on the advice of its attorney; the proposal did not violate any county regulations. Davis has every right to build it; state law and the county's comprehensive plan are on his side, and he consented to each of the county's 12 rigorous conditions.

"When the roll call vote was finished, the count was 4-4; the board's ninth member, Don Chancey, abstained from voting. The motion to approve failed and, due to the apparent stalemate, none other was made; all parties involved reached the conclusion the proposal was denied. Subsequently, Board Chairman Roger Conley cited compatibility and appropriate use of the site, as it relates to suitability, as the primary reasons for denial.

"I'm disappointed, and I don't think the board acted in accordance with the law," Davis said after the vote. "The board made a mistake and it did not act in accordance with its own code."

"Davis said he would be appealing the board's action to the Hardee County Commission.

"Hardee County has no formal appeal process. County Planner Nick Staszko said Davis must simply submit his appeal in writing to County Administrator Lex Albritton. The appeal is tentatively scheduled to be heard at 1 p.m. March 6."⁷

Now, for a breath of fresh air—here are a few comments from two migrant workers in the state of Florida who are there legally and who are recipients of H-2A visas. I found their comments among the most sensible and their voices among the most calm in this whole debate. First, here are some words from the mouth of Andres Mendoza-Samora, 51, who has been picking citrus since he was a teenager—courtesy of *TheLedger.com*, another Floridian newspaper and from their article, “*I’ve Lived My Life on Top of Orange Trees.*” I hope his story and his words sink in for you as they did for me:

"I've lived my life on top of the orange trees," Samora, a native of Veracruz, Mexico, said during a break picking citrus Feb. 7 at a Lake Alfred grove.

“Three years ago he heard how he could make more money in the United States and be here legally.

"Amongst friends, we interview each other and pass the information along," he said.

“This is Samora's second season picking citrus for Overlook Harvesting Inc., a subsidiary of Winter Haven grower BentleyBrothers. He's working through a federal guest-worker program known as H-2A. ... "I think it's wrong to be here illegally. If it's not my country there's no reason why I should be jumping over," Samora said. "But with permission I will continue to come."

... “Samora has three boys ages 20, 11 and 8. The money helps pay for the oldest son's room, board and tuition at a university in Mexico City, where he is studying computer technology.

"I am very proud of him," Samora said. "I hope the younger ones follow in his footsteps."⁸

Another migrant worker here under the auspices of the H-2A program is, “Gumaro Vargas-Ramos, 37, (he) has a wife and five children, ages 2 to 18, at home in Nuevo Leon. He also supports both parents.”⁹

He states:

"Agriculture over there is very dependent on weather conditions, and the groves are not as organized as here," Ramos said. "It has been very hard to earn enough money to meet all the needs of my family in Mexico."

... "It took about 15 days for me to get a work permit to come here," said Jose Luis Esteban-Garcia, 38, of Veracruz, who is in his first year with the program.

... "I wouldn't like to stay here permanently," Ramos said. "It is difficult enough to be so far away from my family during the picking season."¹⁰

¹ Kevin Bouffard, "*Citrus Industry Recruits Guest Workers Under Federal Rules*," February 17, 2008, TheLedger.com website at: <http://www.theledger.com/article/20080217/NEWS/802170430/0/FRONTPAGE>. (accessed 2-22-08)

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Jon F. Sica, "*The people have spoken: Hardee residents defeat proposal for farmworker housing development*," February 9, 2008, on Sun-Herald.com at: <http://www.sun-herald.com/breakingnews.cfm?id=4710>. (accessed 2-22-08)

⁷ Ibid.

⁸ Kevin Bouffard & Yesenia Mojarro, '*I've Lived My Life on Top of Orange Trees*,' February 17, 2008, on TheLedger.com website at: <http://www.theledger.com/article/20080217/NEWS/802170456/1039>. (accessed 2-22-08)

⁹ Ibid.

¹⁰ Ibid.