

HB 1161

2004

1 A bill to be entitled

2 An act relating to agricultural economic development;
3 creating s. 70.005, F.S.; providing a cause of action for
4 landowners aggrieved by certain changes to agricultural
5 land use; amending s. 163.2514, F.S.; defining the term
6 "agricultural enclave"; amending s. 163.2517, F.S.;
7 providing for amendment to a local government
8 comprehensive plan for an agricultural enclave; creating
9 s. 259.047, F.S.; providing requirements relating to
10 purchase of lands where an agricultural lease exists;
11 amending s. 373.236, F.S.; specifying conditions for
12 permit renewal for the consumptive use of water for
13 agricultural purposes; creating s. 373.407, F.S.;
14 providing for memoranda of agreement regarding
15 qualification for agricultural-related exemptions;
16 providing an effective date.

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18 WHEREAS, agricultural production is a major contributor to
19 the economy of the state, and

20 WHEREAS, agricultural lands constitute unique and
21 irreplaceable resources of statewide importance, and

22 WHEREAS, the continuation of agricultural activities
23 preserves the landscape and environmental resources of the
24 state, contributes to the increase of tourism, and furthers the
25 economic self-sufficiency of the people of the state, and

26 WHEREAS, the development, improvement, and encouragement of
27 the agricultural industry will result in a general benefit to
28 the health, safety, and welfare of the people of the state, NOW,
29 THEREFORE,

HB 1161

2004

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

Section 1. Section 70.005, Florida Statutes, is created to read:

70.005 Cause of action.--Any landowner aggrieved by the changing of an existing agricultural land use classification or agricultural zoning or the lowering of the current residential density designation by a county which creates an inordinate burden on property classified as agricultural land pursuant to s. 193.461 shall have an immediate cause of action in accordance with the procedures provided in s. 70.001, except that the 180-day notice period shall be reduced to a 60-day notice period.

Section 2. Subsections (1) and (2) of section 163.2514, Florida Statutes, are renumbered as subsections (2) and (3), respectively, and a new subsection (1) is added to said section to read:

163.2514 Growth Policy Act; definitions.--As used in ss. 163.2511-163.2526:

(1) "Agricultural enclave" means any undeveloped area utilized for agricultural purposes and surrounded on at least 80 percent of its perimeter by industrial, commercial, or residential development that exists or has been approved by the local government, and where public services, including water, wastewater, transportation, schools, and recreational facilities, are available or are scheduled to be provided as part of an adopted 5-year schedule of capital improvements by the local government or by an alternative public infrastructure provider, including, but not limited to, any improvement

HB 1161

2004

59 district, neighborhood improvement district, community
 60 redevelopment district, or community development district.

61 Section 3. Subsection (7) is added to section 163.2517,
 62 Florida Statutes, to read:

63 163.2517 Designation of urban infill and redevelopment
 64 area; agricultural enclave.--

65 (7) In order to prevent urban sprawl and provide more
 66 efficient delivery of municipal services and facilities, the
 67 owner or owners of land defined as an agricultural enclave
 68 pursuant to s. 163.2514(1) may apply for an amendment to the
 69 local government comprehensive plan pursuant to s. 163.3187.
 70 Such amendment may include land uses and intensities of use
 71 consistent with the uses and intensities of use of surrounding
 72 industrial, commercial, or residential areas. If such amendment
 73 is consistent with applicable provisions of ss. 163.3177,
 74 163.3178, 163.3180, 163.3191, and 163.3245, the state
 75 comprehensive plan, the appropriate regional policy plan, and
 76 chapter 9J-5, Florida Administrative Code, the amendment shall
 77 be deemed to prevent urban sprawl and be in compliance as
 78 defined in s. 163.3184.

79 Section 4. Section 259.047, Florida Statutes, is created
 80 to read:

81 259.047 Purchase of lands where an agricultural lease
 82 exists.--When lands are purchased pursuant to this chapter or
 83 chapter 375 where an agricultural lease exists, the state shall
 84 allow the lease to remain in force for the remainder of the
 85 lease term up to 1 year from the purchase date prior to
 86 canceling or bidding. The purchasing entity shall make every
 87 effort to keep lands in agricultural production that are in

HB 1161

2004

88 agricultural production at the time of purchase or have been in
 89 agricultural production prior to purchase when removal of
 90 agricultural production may cause a negative economic impact.

91 Section 5. Subsections (2) and (3) of section 373.236,
 92 Florida Statutes, are renumbered as subsections (3) and (4),
 93 respectively, and a new subsection (2) is added to said section
 94 to read:

95 373.236 Duration of permits; compliance reports.--

96 (2) An application for renewal of a permit for
 97 agricultural uses shall be deemed to have provided reasonable
 98 assurances for a 20-year permit if the applicant has
 99 demonstrated that there have been no adverse consequences during
 100 the previous permit period, the total average daily usage will
 101 not increase during the renewal period, and the permittee
 102 intends to use the water supply for agricultural purposes during
 103 the renewal period. A governing board or the department shall
 104 issue a renewal permit for a minimum duration of 20 years.

105 Section 6. Section 373.407, Florida Statutes, is created
 106 to read:

107 373.407 Memorandum of agreement for an agricultural-
 108 related exemption.--No later than July 1, 2005, the Department
 109 of Agriculture and Consumer Services and each water management
 110 district shall enter into a memorandum of agreement under which
 111 the Department of Agriculture and Consumer Services shall issue
 112 final determination as to whether an existing or proposed
 113 activity qualifies for an agricultural-related exemption set
 114 forth in s. 373.406(2). A memorandum of agreement shall provide
 115 processes and procedures by which the Department of Agriculture
 116 and Consumer Services shall undertake this review effectively

HB 1161

2004

117 and efficiently and issue a determination. A memorandum of
118 agreement shall integrate the review and determination of the
119 Department of Agriculture and Consumer Services into the
120 regulatory program administered by a water management district
121 under this part. A memorandum of agreement shall be developed in
122 a public process and adopted by rule by each affected agency.
123 Except as provided in this section, nothing shall be construed
124 to diminish the authority of a water management district or the
125 Department of Environmental Protection under this part.

126 Section 7. This act shall take effect July 1, 2004.