

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends  
2 the following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

20  
21 WHEREAS, agricultural production is a major contributor to  
22 the economy of the state, and

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23 WHEREAS, agricultural lands constitute unique and  
24 irreplaceable resources of statewide importance, and

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

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

33

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

35

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

40 163.2514 Growth Policy Act; definitions.--As used in ss.  
41 163.2511-163.2526:

42 (1) "Agricultural enclave" means any undeveloped area  
43 utilized for agricultural purposes and surrounded on at least 80  
44 percent of its perimeter by industrial, commercial, or  
45 residential development that exists or has been approved by the  
46 local government, and where public services, including water,  
47 wastewater, transportation, schools, and recreational  
48 facilities, are available or are scheduled to be provided as  
49 part of an adopted 5-year schedule of capital improvements by  
50 the local government or by an alternative public infrastructure

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51 provider, including, but not limited to, any improvement  
 52 district, neighborhood improvement district, community  
 53 redevelopment district, or community development district.

54 Section 2. Subsection (7) is added to section 163.2517,  
 55 Florida Statutes, to read:

56 163.2517 Designation of urban infill and redevelopment  
 57 area; agricultural enclave.--

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

72 Section 3. Section 259.047, Florida Statutes, is created  
 73 to read:

74 259.047 Purchase of lands where an agricultural lease  
 75 exists.--When lands are purchased pursuant to this chapter or  
 76 chapter 375 where an agricultural lease exists, the state shall  
 77 allow the lease to remain in force for the remainder of the  
 78 lease term up to 1 year from the purchase date prior to

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79 canceling or bidding. The purchasing entity shall make every  
 80 effort to keep lands in agricultural production that are in  
 81 agricultural production at the time of purchase or have been in  
 82 agricultural production prior to purchase when removal of  
 83 agricultural production may cause a negative economic impact.

84 Section 4. Subsections (2) and (3) of section 373.236,  
 85 Florida Statutes, are renumbered as subsections (3) and (4),  
 86 respectively, and a new subsection (2) is added to said section  
 87 to read:

88 373.236 Duration of permits; compliance reports.--

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

98 Section 5. Section 373.407, Florida Statutes, is created  
 99 to read:

100 373.407 Memorandum of agreement for an agricultural-  
 101 related exemption.--No later than July 1, 2005, the Department  
 102 of Agriculture and Consumer Services and each water management  
 103 district shall enter into a memorandum of agreement under which  
 104 the Department of Agriculture and Consumer Services shall issue  
 105 final determination as to whether an existing or proposed  
 106 activity qualifies for an agricultural-related exemption set

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107 | forth in s. 373.406(2). A memorandum of agreement shall provide  
 108 | processes and procedures by which the Department of Agriculture  
 109 | and Consumer Services shall undertake this review effectively  
 110 | and efficiently and issue a determination. A memorandum of  
 111 | agreement shall integrate the review and determination of the  
 112 | Department of Agriculture and Consumer Services into the  
 113 | regulatory program administered by a water management district  
 114 | under this part. A memorandum of agreement shall be developed in  
 115 | a public process and adopted by rule by each affected agency.  
 116 | Except as provided in this section, nothing shall be construed  
 117 | to diminish the authority of a water management district or the  
 118 | Department of Environmental Protection under this part.

119 | Section 6. This act shall take effect July 1, 2004.