

CHAMBER ACTION

1 The Committee on Agriculture recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to agricultural economic development;
7 creating s. 70.005, F.S.; providing a cause of action for
8 landowners aggrieved by certain changes to agricultural
9 land use; amending s. 163.2514, F.S.; defining the term
10 "agricultural enclave"; amending s. 163.2517, F.S.;
11 providing for an amendment to a local government
12 comprehensive plan for an agricultural enclave; creating
13 s. 259.047, F.S.; providing requirements relating to
14 acquisition of lands where an agricultural lease exists;
15 amending s. 373.0361, F.S.; providing for use of best
16 available data on population projections for determining
17 regional water supply needs; providing for a list of water
18 source options in regional water supply plans; providing
19 for recognition that alternative water source options for
20 agricultural self-suppliers are limited; amending s.
21 373.236, F.S.; requiring water management districts to
22 inform landowners of the option for a consumptive use
23 permit; creating s. 373.407, F.S.; providing for memoranda

HB 1161 CS

2004
CS

24 | of agreement regarding qualification for agricultural-
25 | related exemptions; providing an effective date.

26 |
27 | WHEREAS, agricultural production is a major contributor to
28 | the economy of the state, and

29 | WHEREAS, agricultural lands constitute unique and
30 | irreplaceable resources of statewide importance, and

31 | WHEREAS, the continuation of agricultural activities
32 | preserves the landscape and environmental resources of the
33 | state, contributes to the increase of tourism, and furthers the
34 | economic self-sufficiency of the people of the state, and

35 | WHEREAS, the development, improvement, and encouragement of
36 | the agricultural industry will result in a general benefit to
37 | the health, safety, and welfare of the people of the state, NOW,
38 | THEREFORE,

39 |
40 | Be It Enacted by the Legislature of the State of Florida:

41 |
42 | Section 1. Section 70.005, Florida Statutes, is created to
43 | read:

44 | 70.005 Cause of action.--The landowner aggrieved by the
45 | changing of an existing agricultural land use classification or
46 | agricultural zoning or the lowering of the current residential
47 | density designation by a county which creates an inordinate
48 | burden on property classified as agricultural land pursuant to
49 | s. 193.461 shall have an immediate cause of action in accordance
50 | with the procedures provided in s. 70.001, except that the 180-
51 | day notice period shall be reduced to a 60-day notice period.

HB 1161 CS

2004
CS

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

56 163.2514 Growth Policy Act; definitions.--As used in ss.
57 163.2511-163.2526:

58 (1) "Agricultural enclave" means any unincorporated,
59 undeveloped area utilized for bona fide agricultural purposes
60 continuously for a period of 5 years, as defined by s. 193.461,
61 and surrounded on at least 80 percent of its perimeter by
62 industrial, commercial, or residential development that exists
63 or has been approved by the local government, and where public
64 services, including water, wastewater, transportation, schools,
65 and recreational facilities, are available or are scheduled to
66 be provided as part of an adopted 5-year schedule of capital
67 improvements by the local government or by an alternative public
68 infrastructure provider, including, but not limited to, any
69 improvement district, neighborhood improvement district,
70 community redevelopment district, or community development
71 district.

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

74 163.2517 Designation of urban infill and redevelopment
75 area; agricultural enclave.--

76 (7) In order to prevent urban sprawl and provide more
77 efficient delivery of municipal services and facilities, the
78 owner or owners of land defined as an agricultural enclave
79 pursuant to s. 163.2514(1) may apply for an amendment to the

HB 1161 CS

2004
CS

80 local government comprehensive plan pursuant to s. 163.3187.
 81 Such amendment may include land uses and intensities of use
 82 consistent with the uses and intensities of use of surrounding
 83 industrial, commercial, or residential areas. If such amendment
 84 is otherwise consistent with applicable provisions of ss.
 85 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, the state
 86 comprehensive plan, the appropriate regional policy plan, and
 87 chapter 9J-5, Florida Administrative Code, the amendment shall
 88 be deemed to prevent urban sprawl and be in compliance as
 89 defined in s. 163.3184.

90 Section 4. Section 259.047, Florida Statutes, is created
 91 to read:

92 259.047 Acquisition of lands where an agricultural lease
 93 exists.--

94 (1) When land with an existing agricultural lease is
 95 acquired in fee simple pursuant to this chapter or chapter 375,
 96 the existing agricultural lease may continue in force for the
 97 actual time remaining on the lease agreement. Any entity
 98 managing lands acquired under this section must consider
 99 existing agricultural leases in the development of a land
 100 management plan required under the provisions of s. 253.034.

101 (2) Where consistent with the purposes for which the
 102 property was acquired, the state or acquiring entity shall make
 103 reasonable efforts to keep lands in agricultural production
 104 which are in agricultural production at the time of acquisition.

105 Section 5. Paragraph (a) of subsection (2) of section
 106 373.0361, Florida Statutes, is amended to read:

107 373.0361 Regional water supply planning.--

108 (2) Each regional water supply plan shall be based on at
 109 least a 20-year planning period and shall include, but not be
 110 limited to:

111 (a) A water supply development component that includes:

112 1. A quantification of the water supply needs for all
 113 existing and reasonably projected future uses within the
 114 planning horizon. The level-of-certainty planning goal
 115 associated with identifying the water supply needs of existing
 116 and future reasonable-beneficial uses shall be based upon
 117 meeting those needs for a 1-in-10-year drought event. Population
 118 projections used for determining public water supply needs must
 119 be based upon the best available data. In determining the best
 120 available data, the district shall consider the University of
 121 Florida's Bureau of Economic and Business Research (BEBR) medium
 122 population projections and any population projection data and
 123 analysis submitted by a local government pursuant to the public
 124 process described in subsection (1) if the data and analysis
 125 support the local government's comprehensive plan. Any
 126 adjustment of or deviation from the BEBR projections must be
 127 fully described, and the original BEBR data must be presented
 128 along with the adjusted data.

129 2. A list of water source options ~~for water supply~~
 130 ~~development~~, including traditional and alternative source
 131 options ~~sources~~, from which local government, government-owned
 132 and privately owned utilities, self-suppliers, and others may
 133 choose, for water supply development, the total capacity of
 134 which will, in conjunction with water conservation and other
 135 demand management measures, exceed the needs identified in

HB 1161 CS

2004
CS

136 | subparagraph 1. The list of water source options for water
 137 | supply development must contain provisions that recognize that
 138 | alternative water source options for agricultural self-suppliers
 139 | are limited.

140 | 3. For each option listed in subparagraph 2., the
 141 | estimated amount of water available for use and the estimated
 142 | costs of and potential sources of funding for water supply
 143 | development.

144 | 4. A list of water supply development projects that meet
 145 | the criteria in s. 373.0831(4).

146 | Section 6. Subsections (2) and (3) of section 373.236,
 147 | Florida Statutes, are renumbered as subsections (3) and (4),
 148 | respectively, and a new subsection (2) is added to said section
 149 | to read:

150 | 373.236 Duration of permits; compliance reports.--

151 | (2) The Legislature finds that some agricultural
 152 | landowners remain unaware of their ability to request a 20-year
 153 | consumptive use permit under subsection (1) for initial permits
 154 | or for renewals. Therefore, the water management districts shall
 155 | inform agricultural applicants of this option in the application
 156 | form.

157 | Section 7. Section 373.407, Florida Statutes, is created
 158 | to read:

159 | 373.407 Memorandum of agreement for an agricultural-
 160 | related exemption.--No later than July 1, 2005, the Department
 161 | of Agriculture and Consumer Services and each water management
 162 | district shall enter into a memorandum of agreement under which
 163 | the Department of Agriculture and Consumer Services shall assist

HB 1161 CS

2004
CS

164 | in a determination by a water management district as to whether
165 | an existing or proposed activity qualifies for the exemption set
166 | forth in s. 373.406(2). The memorandum of agreement shall
167 | provide a process where, upon the request of a water management
168 | district, the Department of Agriculture and Consumer Services
169 | shall conduct a nonbinding review as to whether an existing or
170 | proposed activity qualifies for an agricultural-related
171 | exemption set forth in s. 373.406(2). The memorandum of
172 | agreement shall provide processes and procedures by which the
173 | Department of Agriculture and Consumer Services shall undertake
174 | this review effectively and efficiently and issue a
175 | recommendation.

176 | Section 8. This act shall take effect July 1, 2004.