

By Senator Argenziano

3-1013A-04

See HB

1 A bill to be entitled
2 An act relating to agricultural economic
3 development; creating s. 70.005, F.S.;
4 providing a cause of action for landowners
5 aggrieved by certain changes to agricultural
6 land use; amending s. 163.2514, F.S.; defining
7 the term "agricultural enclave"; amending s.
8 163.2517, F.S.; providing for amendment to a
9 local government comprehensive plan for an
10 agricultural enclave; creating s. 259.047,
11 F.S.; providing requirements relating to
12 purchase of lands for which an agricultural
13 lease exists; amending s. 373.236, F.S.;
14 specifying conditions for permit renewal for
15 the consumptive use of water for agricultural
16 purposes; creating s. 373.407, F.S.; providing
17 for memorandums of agreement regarding
18 qualification for agricultural related
19 exemptions; creating s. 570.384, F.S.;
20 authorizing certain horserace permitholders
21 making specified capital expenditures to
22 conduct any pari-mutuel wagering activity
23 authorized by chapter 550, F.S., or any
24 gambling activity authorized by chapter 849,
25 F.S.; providing requirements; authorizing
26 rulemaking; providing an effective date.

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

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

1 WHEREAS, the continuation of agricultural activities
2 preserves the landscape and environmental resources of the
3 state, contributes to the increase of tourism, and furthers
4 the economic self-sufficiency of the people of the state, and

5 WHEREAS, the development, improvement, and
6 encouragement of the agricultural industry will result in a
7 general benefit to the health, safety, and welfare of the
8 people of the state, NOW, THEREFORE,

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 70.005, Florida Statutes, is
13 created to read:

14 70.005 Cause of action.--Any landowner aggrieved by
15 the changing of an existing agricultural land use
16 classification or agricultural zoning or the lowering of the
17 current residential density designation by a county which
18 creates an inordinate burden on property classified as
19 agricultural land pursuant to s. 193.461 shall have an
20 immediate cause of action in accordance with the procedures
21 provided in s. 70.001, except that the 180-day-notice period
22 shall be reduced to a 60-day-notice period.

23 Section 2. Subsections (1) and (2) of section
24 163.2514, Florida Statutes, are renumbered as subsections (2)
25 and (3), respectively, and a new subsection (1) is added to
26 that section to read:

27 163.2514 Growth Policy Act; definitions.--As used in
28 ss. 163.2511-163.2526:

29 (1) "Agricultural enclave" means any undeveloped area
30 utilized for agricultural purposes and surrounded on at least
31 80 percent of its perimeter by industrial, commercial, or

1 residential development that exists or has been approved by
2 the local government, and where public services, including
3 water, wastewater, transportation, schools, and recreational
4 facilities, are available or are scheduled to be provided as
5 part of an adopted 5-year schedule of capital improvements by
6 the local government or by an alternative public
7 infrastructure provider, including, but not limited to, any
8 improvement district, neighborhood improvement district,
9 community redevelopment district, or community development
10 district.

11 Section 3. Subsection (7) is added to section
12 163.2517, Florida Statutes, to read:

13 163.2517 Designation of urban infill and redevelopment
14 area; agricultural enclave.--

15 (7) In order to prevent urban sprawl and provide more
16 efficient delivery of municipal services and facilities, the
17 owner or owners of land defined as an agricultural enclave
18 pursuant to s. 163.2514(1) may apply for an amendment to the
19 local government comprehensive plan pursuant to s. 163.3187.
20 Such amendment may include land uses and intensities of use
21 consistent with the uses and intensities of use of surrounding
22 industrial, commercial, or residential areas. If such
23 amendment is consistent with applicable provisions of ss.
24 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, the
25 state comprehensive plan, the appropriate regional policy
26 plan, and chapter 9J-5, Florida Administrative Code, the
27 amendment shall be deemed to prevent urban sprawl and be in
28 compliance as defined in s. 163.3184.

29 Section 4. Section 259.047, Florida Statutes, is
30 created to read:

31

1 259.047 Purchase of lands for which an agricultural
2 lease exists.--When lands are purchased pursuant to this
3 chapter or chapter 375 for which an agricultural lease exists,
4 the state must allow the lease to remain in force for a
5 minimum of 1 year from the purchase date. The purchasing
6 entity shall make every effort to keep lands in agricultural
7 production that are in agricultural production at the time of
8 purchase or have been in agricultural production prior to
9 purchase when removal of agricultural production may cause a
10 negative economic impact.

11 Section 5. Subsections (2) and (3) of section 373.236,
12 Florida Statutes, are renumbered as subsections (3) and (4),
13 respectively, and a new subsection (2) is added to that
14 section to read:

15 373.236 Duration of permits; compliance reports.--

16 (2) An application for renewal of a permit for
17 agricultural uses shall be deemed to have provided reasonable
18 assurances for a 20-year permit if the applicant has
19 demonstrated that there have been no adverse consequences
20 during the previous permit period, the total average daily
21 usage will not increase during the renewal period, and the
22 permittee intends to use the water supply for agricultural
23 purposes during the renewal period. A governing board or the
24 department shall issue a renewal permit for a minimum duration
25 of 20 years.

26 Section 6. Section 373.407, Florida Statutes, is
27 created to read:

28 373.407 Memorandum of agreement for an agricultural
29 related exemption.--No later than July 1, 2005, the Department
30 of Agriculture and Consumer Services and each water management
31 district shall enter into a memorandum of agreement under

1 which the Department of Agriculture and Consumer Services
2 shall issue a determination as to whether an existing or
3 proposed activity qualifies for an agricultural related
4 exemption set forth in s. 373.406(2). A memorandum of
5 agreement shall provide processes and procedures by which the
6 Department of Agriculture and Consumer Services shall
7 undertake this review effectively and efficiently and issue a
8 determination. A memorandum of agreement shall integrate the
9 review and determination of the Department of Agriculture and
10 Consumer Services into the regulatory program administered by
11 a water management district under this part. A memorandum of
12 agreement shall be developed in a public process and adopted
13 by rule by each affected agency. Except as provided in this
14 section, nothing shall be construed to diminish the authority
15 of a water management district or the Department of
16 Environmental Protection under this part.

17 Section 7. Section 570.384, Florida Statutes, is
18 created to read:

19 570.384 Agricultural economic development incentive.--

20 (1) Notwithstanding any provision of law to the
21 contrary, in order to foster agricultural economic development
22 and enhance the horse breeding industry in this state, any
23 entity that would be required to make payments to the Florida
24 Quarter Horse Breeders and Owners Association or the Florida
25 Quarter Horse Racing Promotion Trust Fund and makes in excess
26 of \$100 million in capital expenditures on its facility on or
27 after January 1, 2005, may conduct, at any time, any activity
28 authorized by chapter 550 or chapter 849. The entity must
29 conduct a full schedule of live races for its class of
30 horserace permit and average during its annual meet at least
31 one race per performance of another breed of horse. Nothing in

1 this section shall require the conduct of more than one class
2 of horserace in any one performance.

3 (2) The Department of Agriculture and Consumer
4 Services shall certify the expenditures related to the capital
5 improvements and inform the Division of Pari-mutuel Wagering
6 as to whether the entity meets the investment threshold set
7 forth in subsection (1). Upon meeting the capital investment
8 threshold, the entity shall inform the division with its
9 annual license application of the activities it will conduct,
10 and the division shall authorize those activities in
11 conjunction with the entity's annual license.

12 (3) The Department of Agriculture and Consumer
13 Services and the Division of Pari-mutuel Wagering may adopt
14 rules pursuant to ss. 120.536(1) and 120.54 to implement the
15 provisions of this section.

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

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31