

By the Committee on Agriculture; and Senators Argenziano, Jones, Smith, Miller, Dockery and Alexander

303-2076-04

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. 373.0361, F.S.;
 14 specifying that water source options be
 15 considered for self-suppliers; amending s.
 16 373.236, F.S.; requiring water management
 17 districts to inform landowners of the option
 18 for a consumptive use permit; creating s.
 19 373.407, F.S.; providing for memoranda of
 20 agreement regarding qualification for
 21 agricultural related exemptions; providing an
 22 effective date.
 23
 24 WHEREAS, agricultural production is a major contributor
 25 to the economy of the state, and
 26 WHEREAS, agricultural lands constitute unique and
 27 irreplaceable resources of statewide importance, and
 28 WHEREAS, the continuation of agricultural activities
 29 preserves the landscape and environmental resources of the
 30 state, contributes to the increase of tourism, and furthers
 31 the economic self-sufficiency of the people of the state, and

1 WHEREAS, the development, improvement, and
2 encouragement of the agricultural industry will result in a
3 general benefit to the health, safety, and welfare of the
4 people of the state, NOW, THEREFORE,

5
6 Be It Enacted by the Legislature of the State of Florida:

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

10 70.005 Cause of action.--The landowner aggrieved by
11 the changing of an existing agricultural land use
12 classification or agricultural zoning or the lowering of the
13 current residential density designation by a county which
14 creates an inordinate burden on property classified as
15 agricultural land pursuant to s. 193.461 shall have an
16 immediate cause of action in accordance with the procedures
17 provided in s. 70.001, except that the 180-day notice period
18 shall be reduced to a 60-day notice period.

19 Section 2. Present subsections (1) and (2) of section
20 163.2514, Florida Statutes, are renumbered as subsections (2)
21 and (3), respectively, and a new subsection (1) is added to
22 that section, to read:

23 163.2514 Growth Policy Act; definitions.--As used in
24 ss. 163.2511-163.2526:

25 (1) "Agricultural enclave" means any undeveloped area
26 utilized for agricultural purposes and surrounded on at least
27 80 percent of its perimeter by industrial, commercial, or
28 residential development that exists or has been approved by
29 the local government, and where public services, including
30 water, wastewater, transportation, schools, and recreational
31 facilities, are available or are scheduled to be provided as

1 part of an adopted 5-year schedule of capital improvements by
2 the local government or by an alternative public
3 infrastructure provider, including, but not limited to, any
4 improvement district, neighborhood improvement district,
5 community redevelopment district, or community development
6 district.

7 Section 3. Subsection (7) is added to section
8 163.2517, Florida Statutes, to read:

9 163.2517 Designation of urban infill and redevelopment
10 area; agricultural enclave.--

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

25 Section 4. Section 259.047, Florida Statutes, is
26 created to read:

27 259.047 Purchase of lands where an agricultural lease
28 exists.--When lands are purchased pursuant to this chapter or
29 chapter 375 where an agricultural lease exists, the state
30 shall allow the lease to remain in force for the remainder of
31 the lease term up to 1 year from the purchase date prior to

1 canceling or bidding. Where consistent with the purposes for
2 which the lands were purchased, the purchasing entity shall
3 make reasonable efforts to keep lands in agricultural
4 production which are in agricultural production at the time of
5 purchase. Existing agriculture leases shall be considered in
6 the development of the management plan of the relevant agency.

7 Section 5. Paragraph (a) of subsection (2) of section
8 373.0361, Florida Statutes, is amended to read:

9 373.0361 Regional water supply planning.--

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

13 (a) A water supply development component that
14 includes:

15 1. A quantification of the water supply needs for all
16 existing and reasonably projected future uses within the
17 planning horizon. The level-of-certainty planning goal
18 associated with identifying the water supply needs of existing
19 and future reasonable-beneficial uses shall be based upon
20 meeting those needs for a 1-in-10-year drought event.

21 2. A list of water source options for water supply
22 development, including traditional and alternative sources,
23 from which local government, government-owned and privately
24 owned utilities, self-suppliers, and others may choose, which
25 will exceed the needs identified in subparagraph 1. Water
26 source options for self-suppliers should recognize the
27 limitations these users have in developing alternative water
28 supplies.

29 3. For each option listed in subparagraph 2., the
30 estimated amount of water available for use and the estimated
31

1 costs of and potential sources of funding for water supply
2 development.

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

5 Section 6. Present subsections (2) and (3) of section
6 373.236, Florida Statutes, are renumbered as subsections (3)
7 and (4), respectively, and a new subsection (2) is added to
8 that section, to read:

9 373.236 Duration of permits; compliance reports.--
10 (2) The Legislature finds that some agricultural
11 landowners remain unaware of their ability to request a
12 20-year consumptive use permit under subsection (1) for
13 initial permits or for renewals. Therefore, the water
14 management districts shall inform agricultural applicants of
15 this option in the application form.

16 Section 7. Section 373.407, Florida Statutes, is
17 created to read:

18 373.407 Memorandum of agreement for an agricultural
19 related exemption.--No later than July 1, 2005, the Department
20 of Agriculture and Consumer Services and each water management
21 district shall enter into a memorandum of agreement under
22 which the Department of Agriculture and Consumer Services
23 shall assist in a determination by a water management district
24 as to whether an existing or proposed activity qualifies for
25 the exemption set forth in s. 373.406(2). The memorandum of
26 agreement shall provide a process where, upon the request of a
27 water management district, the Department of Agriculture and
28 Consumer Services shall conduct a nonbinding review as to
29 whether an existing or proposed activity qualifies for an
30 agricultural-related exemption set forth in s. 373.406(2). The
31 memorandum of agreement shall provide processes and procedures

1 by which the Department of Agriculture and Consumer Services
2 shall undertake this review effectively and efficiently and
3 issue a recommendation.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 1712

9 Clarifies that the cause of action created for agricultural
10 landowners is available only to the specific landowner whose
11 property has been subjected to rezoning or to a change in
12 density designation.

13 The requirement that agricultural leases must be continued if
14 acquired for conservation or recreation purposes for one year
15 is modified to provide that this time period need not exceed
16 the termination period of the lease if that is a shorter
17 period. An acquiring agency is required to use reasonable
18 efforts, rather than every effort, to keep lands in
19 agricultural production and must consider any agricultural
20 lease in developing its management plan.

21 Adds a provision that limitations on alternative water sources
22 for self-suppliers must be considered in regional water supply
23 plans.

24 Requires water management districts to inform applicants of
25 the availability of 20-year permits.

26 The requirement that the Department of Agriculture and
27 Consumer Services (DACS) reach an agreement with a water
28 management district regarding an agricultural related
29 exemption is modified to provide that DACS will conduct a
30 nonbinding review if requested.

31 Removes provisions that would allow horserace permit holders
who invest a minimum \$100 million and meet certain criteria to
conduct pari-mutuel and gambling activity at any time.