

By the Committees on Appropriations; Agriculture; and Senators Argenziano, Jones, Smith, Miller, Dockery, Alexander, Peadar and Campbell

309-2548-04

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 providing for a public workshop on the
15 development of regional water supply plans that
16 include the consideration of population
17 projections; providing for a list of water
18 source options in regional water supply plans;
19 providing for recognition that alternative
20 water source options for agricultural
21 self-suppliers are limited; amending s.
22 373.236, F.S.; requiring water management
23 districts to inform landowners of the option
24 for a consumptive use permit; creating s.
25 373.407, F.S.; providing for memoranda of
26 agreement regarding qualification for
27 agricultural related exemptions; providing an
28 effective date.

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30 WHEREAS, agricultural production is a major contributor
31 to the economy of the state, and

1 WHEREAS, agricultural lands constitute unique and
2 irreplaceable resources of statewide importance, and

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

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

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

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

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

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

29 163.2514 Growth Policy Act; definitions.--As used in
30 ss. 163.2511-163.2526:

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1 (1) "Agricultural enclave" means any unincorporated,
2 undeveloped area used for bonafide agricultural purposes
3 continuously for a period of 5 years as defined by s. 193.461
4 and surrounded on at least 80 percent of its perimeter by
5 industrial, commercial, or residential development that exists
6 or has been approved by the local government, and where public
7 services, including water, wastewater, transportation,
8 schools, and recreational facilities, are available or are
9 scheduled to be provided as part of an adopted 5-year schedule
10 of capital improvements by the local government or by an
11 alternative public infrastructure provider, including, but not
12 limited to, any improvement district, neighborhood improvement
13 district, community redevelopment district, or community
14 development district.

15 Section 3. Subsection (7) is added to section
16 163.2517, Florida Statutes, to read:

17 163.2517 Designation of urban infill and redevelopment
18 area; agricultural enclave.--

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

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1 amendment shall be deemed to prevent urban sprawl and be in
2 compliance as defined in s. 163.3184.

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

5 259.047 Acquisition of lands where an agricultural
6 lease exists.--

7 (1) When land with an existing agricultural lease is
8 acquired in fee simple pursuant to this chapter or chapter
9 375, the existing agricultural lease may continue in force for
10 the actual time remaining on the lease agreement. Any entity
11 managing lands acquired under this section must consider
12 existing agricultural leases in the development of a land
13 management plan required under the provisions of s. 253.034.

14 (2) Where consistent with the purposes for which the
15 property was acquired, the state or acquiring entity shall
16 make reasonable efforts to keep lands in agricultural
17 production which are in agricultural production at the time of
18 acquisition.

19 Section 5. Paragraph (a) of subsection (2) of section
20 373.0361, Florida Statutes, is amended to read:

21 373.0361 Regional water supply planning.--

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

25 (a) A water supply development component that
26 includes:

27 1. A quantification of the water supply needs for all
28 existing and reasonably projected future uses within the
29 planning horizon. The level-of-certainty planning goal
30 associated with identifying the water supply needs of existing
31 and future reasonable-beneficial uses shall be based upon

1 meeting those needs for a 1-in-10-year drought event.
2 Population projections used for determining public water
3 supply needs must be based upon the best available data. In
4 determining the best available data, the district shall
5 consider the medium population projections of the University
6 of Florida's Bureau of Economic and Business Research and any
7 population projection data and analysis submitted by a local
8 government pursuant to the public workshop described in
9 subsection (1) if the data and analysis support the local
10 government's comprehensive plan. Any adjustment of or
11 deviation from the bureau's projections must be fully
12 described, and the original data of the Bureau of Economic and
13 Business Research must be presented along with the adjusted
14 data.

15 2. A list of water source options ~~for water supply~~
16 ~~development~~, including traditional and alternative source
17 options ~~sources~~, from which local government, government-owned
18 and privately owned utilities, self-suppliers, and others may
19 choose for water supply development, the total capacity of,
20 which will, in conjunction with water conservation and other
21 demand-management measures, exceed the needs identified in
22 subparagraph 1. The list of water source options for water
23 supply development must contain provisions that recognize that
24 alternative water source options for agricultural
25 self-suppliers are limited.

26 3. For each option listed in subparagraph 2., the
27 estimated amount of water available for use and the estimated
28 costs of and potential sources of funding for water supply
29 development.

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

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

5 373.236 Duration of permits; compliance reports.--

6 (2) The Legislature finds that some agricultural
7 landowners remain unaware of their ability to request a
8 20-year consumptive use permit under subsection (1) for
9 initial permits or for renewals. Therefore, the water
10 management districts shall inform agricultural applicants of
11 this option in the application form.

12 Section 7. Section 373.407, Florida Statutes, is
13 created to read:

14 373.407 Memorandum of agreement for an agricultural
15 related exemption.--No later than July 1, 2005, the Department
16 of Agriculture and Consumer Services and each water management
17 district shall enter into a memorandum of agreement under
18 which the Department of Agriculture and Consumer Services
19 shall assist in a determination by a water management district
20 as to whether an existing or proposed activity qualifies for
21 the exemption set forth in s. 373.406(2). The memorandum of
22 agreement shall provide a process where, upon the request of a
23 water management district, the Department of Agriculture and
24 Consumer Services shall conduct a nonbinding review as to
25 whether an existing or proposed activity qualifies for an
26 agricultural-related exemption set forth in s. 373.406(2). The
27 memorandum of agreement shall provide processes and procedures
28 by which the Department of Agriculture and Consumer Services
29 shall undertake this review effectively and efficiently and
30 issue a recommendation.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 1712

The committee substitute:

- (1) Redefines agricultural enclave to mean any unincorporated, undeveloped area utilized for agricultural purposes continuously for a period of 5 years.
- (2) Clarifies that agricultural enclave amendments must comply with provisions governing amendments to local comprehensive plans.
- (3) Clarifies that agricultural leases on lands being purchased by the state or another entity under the Florida Forever Program can continue until the end of the lease term.
- (4) Provides that population projects used to determine public water supply needs must be based on the best available data using the University of Florida's Bureau of Economic and Business Research medium population projections.