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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; amending s. 163.3187,
11 F.S.; providing that a large scale
12 comprehensive plan amendment adopted as a
13 result of informal mediation may be approved
14 without regard to the statutory frequency
15 limits; creating s. 259.047, F.S.; providing
16 requirements relating to purchase of lands for
17 which an agricultural lease exists; amending s.
18 373.0361, F.S.; providing for a public workshop
19 on the development of regional water supply
20 plans that include the consideration of
21 population projections; providing for a list of
22 water source options in regional water supply
23 plans; providing for recognition that
24 alternative water source options for
25 agricultural self-suppliers are limited;
26 amending s. 373.236, F.S.; requiring water
27 management districts to inform landowners of
28 the option for a consumptive use permit;
29 creating s. 373.407, F.S.; providing for
30 memoranda of agreement regarding qualification
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1 for agricultural related exemptions; providing
2 an effective date.

3
4 WHEREAS, agricultural production is a major contributor
5 to the economy of the state, and

6 WHEREAS, agricultural lands constitute unique and
7 irreplaceable resources of statewide importance, and

8 WHEREAS, the continuation of agricultural activities
9 preserves the landscape and environmental resources of the
10 state, contributes to the increase of tourism, and furthers
11 the economic self-sufficiency of the people of the state, and

12 WHEREAS, the development, improvement, and
13 encouragement of the agricultural industry will result in a
14 general benefit to the health, safety, and welfare of the
15 people of the state, NOW, THEREFORE,

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

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19 Section 1. Section 70.005, Florida Statutes, is
20 created to read:

21 70.005 Cause of action.--The landowner aggrieved by
22 the changing of an existing agricultural land use
23 classification or agricultural zoning or the lowering of the
24 current residential density designation by a county which
25 creates an inordinate burden on property classified as
26 agricultural land pursuant to s. 193.461 shall have an
27 immediate cause of action in accordance with the procedures
28 provided in s. 70.001, except that the 180-day notice period
29 shall be reduced to a 90-day notice period.

30 Section 2. Present subsections (1) and (2) of section
31 163.2514, Florida Statutes, are renumbered as subsections (2)

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1 and (3), respectively, and a new subsection (1) is added to
2 that section, to read:

3 163.2514 Growth Policy Act; definitions.--As used in
4 ss. 163.2511-163.2526:

5 (1) "Agricultural enclave" means any unincorporated,
6 undeveloped area used for bonafide agricultural purposes
7 continuously for a period of 5 years as defined by s. 193.461
8 and surrounded on at least 75 percent of its perimeter by
9 industrial, commercial, or residential development that exists
10 or has been approved by the local government, and where public
11 services, including water, wastewater, transportation,
12 schools, and recreational facilities, are available or are
13 scheduled to be provided as part of an adopted 5-year schedule
14 of capital improvements by the local government or by an
15 alternative public infrastructure provider, including, but not
16 limited to, any improvement district, neighborhood improvement
17 district, community redevelopment district, or community
18 development district.

19 Section 3. Subsection (7) is added to section
20 163.2517, Florida Statutes, to read:

21 163.2517 Designation of urban infill and redevelopment
22 area; agricultural enclave.--

23 (7) In order to prevent urban sprawl and provide more
24 efficient delivery of municipal services and facilities, the
25 owner or owners of land defined as an agricultural enclave
26 pursuant to s. 163.2514(1) may apply for an amendment to the
27 local government comprehensive plan pursuant to s. 163.3187.
28 Such amendment may include land uses and intensities of use
29 consistent with the uses and intensities of use of surrounding
30 industrial, commercial, or residential areas. If such
31 amendment is otherwise consistent with applicable provisions

1 of ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245,
2 the state comprehensive plan, the appropriate regional policy
3 plan, and chapter 9J-5, Florida Administrative Code, the
4 amendment shall be deemed to prevent urban sprawl and be in
5 compliance as defined in s. 163.3184.

6 Section 4. Paragraph (d) of subsection (1) of section
7 163.3187, Florida Statutes, is amended to read:

8 163.3187 Amendment of adopted comprehensive plan.--

9 (1) Amendments to comprehensive plans adopted pursuant
10 to this part may be made not more than two times during any
11 calendar year, except:

12 (d) Any comprehensive plan amendment required by a
13 compliance agreement under ~~pursuant to~~ s. 163.3184(16) or any
14 large scale comprehensive plan amendment adopted as a result
15 of informal mediation in accordance with s. 163.3181(4) may be
16 approved without regard to statutory limits on the frequency
17 of adoption of amendments to the comprehensive plan.

18 Section 5. Section 259.047, Florida Statutes, is
19 created to read:

20 259.047 Acquisition of lands where an agricultural
21 lease exists.--

22 (1) When land with an existing agricultural lease is
23 acquired in fee simple pursuant to this chapter or chapter
24 375, the existing agricultural lease may continue in force for
25 the actual time remaining on the lease agreement. Any entity
26 managing lands acquired under this section must consider
27 existing agricultural leases in the development of a land
28 management plan required under the provisions of s. 253.034.

29 (2) Where consistent with the purposes for which the
30 property was acquired, the state or acquiring entity shall
31 make reasonable efforts to keep lands in agricultural

1 production which are in agricultural production at the time of
2 acquisition.

3 Section 6. Paragraph (a) of subsection (2) of section
4 373.0361, Florida Statutes, is amended to read:

5 373.0361 Regional water supply planning.--

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

9 (a) A water supply development component that
10 includes:

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

17 Population projections used for determining public water
18 supply needs must be based upon the best available data. In
19 determining the best available data, the district shall
20 consider the medium population projections of the University
21 of Florida's Bureau of Economic and Business Research and any
22 population projection data and analysis submitted by a local
23 government pursuant to the public workshop described in
24 subsection (1) if the data and analysis support the local
25 government's comprehensive plan. Any adjustment of or
26 deviation from the bureau's projections must be fully
27 described, and the original data of the Bureau of Economic and
28 Business Research must be presented along with the adjusted
29 data.

30 2. A list of water source options ~~for water supply~~
31 ~~development~~, including traditional and alternative source

1 ~~options sources~~, from which local government, government-owned
2 and privately owned utilities, self-suppliers, and others may
3 choose for water supply development, the total capacity of,
4 which will, in conjunction with water conservation and other
5 demand-management measures, exceed the needs identified in
6 subparagraph 1. The list of water source options for water
7 supply development must contain provisions that recognize that
8 alternative water source options for agricultural
9 self-suppliers are limited.

10 3. For each option listed in subparagraph 2., the
11 estimated amount of water available for use and the estimated
12 costs of and potential sources of funding for water supply
13 development.

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

16 Section 7. Present subsections (2) and (3) of section
17 373.236, Florida Statutes, are renumbered as subsections (3)
18 and (4), respectively, and a new subsection (2) is added to
19 that section, to read:

20 373.236 Duration of permits; compliance reports.--

21 (2) The Legislature finds that some agricultural
22 landowners remain unaware of their ability to request a
23 20-year consumptive use permit under subsection (1) for
24 initial permits or for renewals. Therefore, the water
25 management districts shall inform agricultural applicants of
26 this option in the application form.

27 Section 8. Section 373.407, Florida Statutes, is
28 created to read:

29 373.407 Memorandum of agreement for an agricultural
30 related exemption.--No later than July 1, 2005, the Department
31 of Agriculture and Consumer Services and each water management

1 district shall enter into a memorandum of agreement under
2 which the Department of Agriculture and Consumer Services
3 shall assist in a determination by a water management district
4 as to whether an existing or proposed activity qualifies for
5 the exemption set forth in s. 373.406(2). The memorandum of
6 agreement shall provide a process where, upon the request of a
7 water management district, the Department of Agriculture and
8 Consumer Services shall conduct a nonbinding review as to
9 whether an existing or proposed activity qualifies for an
10 agricultural-related exemption set forth in s. 373.406(2). The
11 memorandum of agreement shall provide processes and procedures
12 by which the Department of Agriculture and Consumer Services
13 shall undertake this review effectively and efficiently and
14 issue a recommendation.

15 Section 9. This act shall take effect July 1, 2004.

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