

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Pickens, Allen, Bowen, Cannon, Grimsley,
2 Poppell, Proctor, Sansom, Stansel, and Troutman offered the
3 following:

Amendment (with title amendment)

On page 4, between lines 25 and 26, insert:

Section 5. Subsection (4), paragraph (a) of subsection
(5), and paragraph (c) of subsection (6) of section 70.001,
Florida Statutes, are amended to read:

70.001 Private property rights protection.--

(4)(a) Not less than 180 days prior to filing an action
under this section against a governmental entity, a property
owner who seeks compensation under this section must present the
claim in writing to the head of the governmental entity. The
property owner must submit, along with the claim, a bona fide,

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16 valid appraisal that supports the claim and demonstrates the
17 loss in fair market value to the real property. If the action of
18 government is the culmination of a process that involves more
19 than one governmental entity, or if a complete resolution of all
20 relevant issues, in the view of the property owner or in the
21 view of a governmental entity to whom a claim is presented,
22 requires the active participation of more than one governmental
23 entity, the property owner shall present the claim as provided
24 in this section to each of the governmental entities.

25 (b) A landowner aggrieved by the changing of an existing
26 agricultural land use classification or agricultural zoning or
27 the lowering of the current density designation which creates an
28 inordinate burden on property classified as agricultural land
29 pursuant to s. 193.461 shall have a cause of action in
30 accordance with the procedures provided in this section, except
31 that the 180-day-notice period shall be reduced to a 90-day-
32 notice period.

33 (c)(b) The governmental entity shall provide written
34 notice of the claim to all parties to any administrative action
35 that gave rise to the claim, and to owners of real property
36 contiguous to the owner's property at the addresses listed on
37 the most recent county tax rolls. Within 15 days after the claim
38 being presented, the governmental entity shall report the claim
39 in writing to the Department of Legal Affairs, and shall provide
40 the department with the name, address, and telephone number of
41 the employee of the governmental entity from whom additional

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42 information may be obtained about the claim during the pendency
43 of the claim and any subsequent judicial action.

44 ~~(d)(e)~~ During the 180-day-notice period or the 90-day-
45 notice period, unless extended by agreement of the parties, the
46 governmental entity shall make a written settlement offer to
47 effectuate:

48 1. An adjustment of land development or permit standards
49 or other provisions controlling the development or use of land.

50 2. Increases or modifications in the density, intensity,
51 or use of areas of development.

52 3. The transfer of developmental rights.

53 4. Land swaps or exchanges.

54 5. Mitigation, including payments in lieu of onsite
55 mitigation.

56 6. Location on the least sensitive portion of the
57 property.

58 7. Conditioning the amount of development or use
59 permitted.

60 8. A requirement that issues be addressed on a more
61 comprehensive basis than a single proposed use or development.

62 9. Issuance of the development order, a variance, special
63 exception, or other extraordinary relief.

64 10. Purchase of the real property, or an interest therein,
65 by an appropriate governmental entity.

66 11. No changes to the action of the governmental entity.
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68 If the property owner accepts the settlement offer, the
69 governmental entity may implement the settlement offer by
70 appropriate development agreement; by issuing a variance,
71 special exception, or other extraordinary relief; or by other
72 appropriate method, subject to paragraph (e)~~(d)~~.

73 (e)~~(d)~~1. Whenever a governmental entity enters into a
74 settlement agreement under this section which would have the
75 effect of a modification, variance, or a special exception to
76 the application of a rule, regulation, or ordinance as it would
77 otherwise apply to the subject real property, the relief granted
78 shall protect the public interest served by the regulations at
79 issue and be the appropriate relief necessary to prevent the
80 governmental regulatory effort from inordinately burdening the
81 real property.

82 2. Whenever a governmental entity enters into a settlement
83 agreement under this section which would have the effect of
84 contravening the application of a statute as it would otherwise
85 apply to the subject real property, the governmental entity and
86 the property owner shall jointly file an action in the circuit
87 court where the real property is located for approval of the
88 settlement agreement by the court to ensure that the relief
89 granted protects the public interest served by the statute at
90 issue and is the appropriate relief necessary to prevent the
91 governmental regulatory effort from inordinately burdening the
92 real property.

93 (5)(a) During the 180-day-notice period or the 90-day-
94 notice period, unless a settlement offer is accepted by the

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95 property owner, each of the governmental entities provided
96 notice pursuant to paragraph (4)(a) shall issue a written
97 ripeness decision identifying the allowable uses to which the
98 subject property may be put. The failure of the governmental
99 entity to issue a written ripeness decision during the 180-day-
100 notice period or the 90-day-notice period shall be deemed to
101 ripen the prior action of the governmental entity, and shall
102 operate as a ripeness decision that has been rejected by the
103 property owner. The ripeness decision, as a matter of law,
104 constitutes the last prerequisite to judicial review, and the
105 matter shall be deemed ripe or final for the purposes of the
106 judicial proceeding created by this section, notwithstanding the
107 availability of other administrative remedies.

108 (6)

109 (c)1. In any action filed pursuant to this section, the
110 property owner is entitled to recover reasonable costs and
111 attorney fees incurred by the property owner, from the
112 governmental entity or entities, according to their
113 proportionate share as determined by the court, from the date of
114 the filing of the circuit court action, if the property owner
115 prevails in the action and the court determines that the
116 settlement offer, including the ripeness decision, of the
117 governmental entity or entities did not constitute a bona fide
118 offer to the property owner which reasonably would have resolved
119 the claim, based upon the knowledge available to the
120 governmental entity or entities and the property owner during
121 the 180-day-notice period or the 90-day-notice period.

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122 2. In any action filed pursuant to this section, the
123 governmental entity or entities are entitled to recover
124 reasonable costs and attorney fees incurred by the governmental
125 entity or entities from the date of the filing of the circuit
126 court action, if the governmental entity or entities prevail in
127 the action and the court determines that the property owner did
128 not accept a bona fide settlement offer, including the ripeness
129 decision, which reasonably would have resolved the claim fairly
130 to the property owner if the settlement offer had been accepted
131 by the property owner, based upon the knowledge available to the
132 governmental entity or entities and the property owner during
133 the 180-day-notice period or the 90-day-notice period.

134 3. The determination of total reasonable costs and
135 attorney fees pursuant to this paragraph shall be made by the
136 court and not by the jury. Any proposed settlement offer or any
137 proposed ripeness decision, except for the final written
138 settlement offer or the final written ripeness decision, and any
139 negotiations or rejections in regard to the formulation either
140 of the settlement offer or the ripeness decision, are
141 inadmissible in the subsequent proceeding established by this
142 section except for the purposes of the determination pursuant to
143 this paragraph.

144 Section 6. Subsections (1) and (2) of section 163.2514,
145 Florida Statutes, are renumbered as subsections (3) and (4),
146 respectively, and new subsections (1) and (2) are added to said
147 section to read:

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148 163.2514 Growth Policy Act; definitions.--As used in ss.
149 163.2511-163.2526:

150 (1) "Agricultural enclave" means any unincorporated,
151 undeveloped parcel owned by a single person or entity that
152 satisfies all of the following criteria:

153 (a) The size of an enclave shall not exceed 2,560 acres,
154 provided that when an enclave parcel is active production
155 agriculture and a damaging pest, disease, or natural disaster
156 had or has been identified within 5 miles of the agricultural
157 property, the size shall not exceed 5,120 acres.

158 (b) The parcel has been in continuous use for bona fide
159 agricultural purposes, as defined in s. 193.461, for a period of
160 5 years prior to the date of any comprehensive plan amendment
161 application.

162 (c) The parcel is surrounded on at least 75 percent of its
163 perimeter by existing industrial, commercial, or residential
164 development or property that the local government has designated
165 as land to be developed for industrial, commercial, or
166 residential purposes and only requires building and related
167 permits for that use without further amendment of a local
168 government comprehensive plan.

169 (d) Public services, including water, wastewater,
170 transportation, schools, and recreation facilities, are
171 available or are scheduled to be provided as part of an adopted
172 5-year schedule of capital improvements by the local government
173 or by an alternative local government public infrastructure
174 provider.

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175 (2) "Family farm agricultural enclave" means an
176 unincorporated undeveloped parcel of land not exceeding 500
177 acres that meets the criteria for an agricultural enclave.

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

180 163.2517 Designation of urban infill and redevelopment
181 area; agricultural enclaves.--

182 (7)(a) In order to preserve commercial agricultural
183 activity, encourage mixed-use infill development, prevent urban
184 sprawl, and provide more efficient delivery of municipal
185 services and facilities, the owner of land defined as an
186 agricultural enclave pursuant to s. 163.2514(1) may apply for an
187 amendment to the local government comprehensive plan pursuant to
188 s. 163.3187 and development of regional impact approval, if
189 applicable. Such amendment and development of regional impact
190 approval, if applicable, may include land uses and intensities
191 of use consistent with the uses and intensities of use of
192 surrounding industrial, commercial, or residential areas. Any
193 application for a comprehensive plan amendment and development
194 of regional impact approval, if applicable, shall include
195 appropriate "new urbanism" concepts such as clustering, mixed-
196 use development, the creation of rural village and city centers,
197 and the transfer of development rights in order to discourage
198 urban sprawl while protecting landowner rights. If such
199 amendment and application for development of regional impact
200 approval is otherwise consistent with applicable provisions of
201 ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, the

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202 state comprehensive plan, the appropriate regional policy plan,
203 and chapter 9J-5, Florida Administrative Code, the amendment
204 shall be deemed to prevent urban sprawl and be in compliance as
205 defined in s. 163.3184, and the application for development of
206 regional impact shall be approved.

207 (b) The owner of land defined as a family farm
208 agricultural enclave pursuant to s. 163.2514(2) may apply for an
209 amendment to the local government comprehensive plan pursuant to
210 s. 163.3187. Such amendment may include land uses and
211 intensities of use consistent with the uses and intensities of
212 use of surrounding industrial, commercial, or residential areas.
213 If such amendment is otherwise consistent with applicable
214 provisions of ss. 163.3177, 163.3178, 163.3180, 163.3191, and
215 163.3245, the state comprehensive plan, the appropriate regional
216 policy plan, and chapter 9J-5, Florida Administrative Code, the
217 amendment shall be deemed to prevent urban sprawl and be in
218 compliance as defined in s. 163.3184.

219 (c) If the local government has failed to act within 180
220 days on the comprehensive plan amendment or application for
221 development of regional impact approval, the agricultural
222 enclaves as defined in s. 163.2514(1) and (2) shall be granted
223 the comprehensive plan amendment and development of regional
224 impact approval requested.

225 Section 8. Paragraph (a) of subsection (6) and paragraph
226 (d) of subsection (11) of section 163.3177, Florida Statutes,
227 are amended to read:

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228 163.3177 Required and optional elements of comprehensive
229 plan; studies and surveys.--

230 (6) In addition to the requirements of subsections (1)-
231 (5), the comprehensive plan shall include the following
232 elements:

233 (a) A future land use plan element designating proposed
234 future general distribution, location, and extent of the uses of
235 land for residential uses, commercial uses, industry,
236 agriculture, recreation, conservation, education, public
237 buildings and grounds, other public facilities, and other
238 categories of the public and private uses of land. Counties are
239 encouraged to designate rural land stewardship areas, pursuant
240 to the provisions of paragraph (11)(d), as overlays on the
241 future land use map. The proposed distribution, location, and
242 extent of the various categories of land use shall be shown on a
243 land use map or map series which shall be supplemented by goals,
244 policies, and measurable objectives.

245 1. Each future land use category must be defined in terms
246 of uses included, and must include standards to be followed in
247 the control and distribution of population densities and
248 building and structure intensities. ~~The proposed distribution,~~
249 ~~location, and extent of the various categories of land use shall~~
250 ~~be shown on a land use map or map series which shall be~~
251 ~~supplemented by goals, policies, and measurable objectives.~~

252 2. The future land use plan shall be based upon surveys,
253 studies, and data regarding the area, including the amount of
254 land required to accommodate anticipated growth; the projected

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255 population of the area; the character of undeveloped land; the
256 availability of public services; the need for redevelopment,
257 including the renewal of blighted areas and the elimination of
258 nonconforming uses which are inconsistent with the character of
259 the community; the compatibility of uses on lands adjacent to or
260 closely proximate to military installations; and, in rural
261 communities, the need for job creation, capital investment, and
262 economic development that will strengthen and diversify the
263 community's economy.

264 3. The future land use plan may designate areas for future
265 planned development use involving combinations of types of uses
266 for which special regulations may be necessary to ensure
267 development in accord with the principles and standards of the
268 comprehensive plan and this act.

269 4. The future land use plan element shall include criteria
270 to be used to achieve the compatibility of adjacent or closely
271 proximate lands with military installations.

272 5. ~~In addition,~~ For rural communities, the amount of land
273 designated for future planned industrial use shall be based upon
274 surveys and studies that reflect the need for job creation,
275 capital investment, and the necessity to strengthen and
276 diversify the local economies, and shall not be limited solely
277 by the projected population of the rural community.

278 6. The future land use plan shall delineate agricultural
279 enclaves, as defined in s. 163.2514(1) and (2), and establish
280 appropriate uses of land in these enclaves that are consistent

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281 with the intensities of use of surrounding industrial,
282 commercial, or residential areas.

283 7. The future land use plan of a county may also designate
284 areas for possible future municipal incorporation.

285 8. The land use maps or map series shall generally
286 identify and depict historic district boundaries and shall
287 designate historically significant properties meriting
288 protection.

289 9. The future land use element must clearly identify the
290 land use categories in which public schools are an allowable
291 use. When delineating the land use categories in which public
292 schools are an allowable use, a local government shall include
293 in the categories sufficient land proximate to residential
294 development to meet the projected needs for schools in
295 coordination with public school boards and may establish
296 differing criteria for schools of different type or size. Each
297 local government shall include lands contiguous to existing
298 school sites, to the maximum extent possible, within the land
299 use categories in which public schools are an allowable use. All
300 comprehensive plans must comply with the school siting
301 requirements of this paragraph no later than October 1, 1999.
302 The failure by a local government to comply with these school
303 siting requirements by October 1, 1999, will result in the
304 prohibition of the local government's ability to amend the local
305 comprehensive plan, except for plan amendments described in s.
306 163.3187(1)(b), until the school siting requirements are met.
307 Amendments proposed by a local government for purposes of

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308 identifying the land use categories in which public schools are
309 an allowable use or for adopting or amending the school-siting
310 maps pursuant to s. 163.31776(3) are exempt from the limitation
311 on the frequency of plan amendments contained in s. 163.3187.
312 The future land use element shall include criteria that
313 encourage the location of schools proximate to urban residential
314 areas to the extent possible and shall require that the local
315 government seek to collocate public facilities, such as parks,
316 libraries, and community centers, with schools to the extent
317 possible and to encourage the use of elementary schools as focal
318 points for neighborhoods. For schools serving predominantly
319 rural counties, defined as a county with a population of 100,000
320 or fewer, an agricultural land use category shall be eligible
321 for the location of public school facilities if the local
322 comprehensive plan contains school siting criteria and the
323 location is consistent with such criteria. Local governments
324 required to update or amend their comprehensive plan to include
325 criteria and address compatibility of adjacent or closely
326 proximate lands with existing military installations in their
327 future land use plan element shall transmit the update or
328 amendment to the department by June 30, 2006.

329 (11)

330 (d)1. The department, in cooperation with the Department
331 of Agriculture and Consumer Services, the Department of
332 Environmental Protection, water management districts, and
333 regional planning councils, shall provide assistance to local
334 governments in the implementation of this paragraph and rule 9J-

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335 5.006(5)(1), Florida Administrative Code. Implementation of
336 those provisions shall include a process by which the department
337 may authorize local governments and landowners to designate all
338 or portions of lands classified in the future land use element
339 as predominantly agricultural, rural, open, open-rural, or a
340 substantively equivalent land use, as a rural land stewardship
341 area within which planning and economic incentives are applied
342 to encourage the implementation of innovative and flexible
343 planning and development strategies and creative land use
344 planning techniques, including those contained herein and in
345 rule 9J-5.006(5)(1), Florida Administrative Code. Assistance may
346 include, but is not limited to:

347 a. Assistance from the Department of Environmental
348 Protection and water management districts in creating the
349 geographic information systems land cover database and aerial
350 photogrammetry needed to prepare for a rural land stewardship
351 area;

352 b. Support for local government implementation of rural
353 land stewardship concepts by providing information and
354 assistance to local governments regarding land acquisition
355 programs that may be used by the local government or landowners
356 to leverage the protection of greater acreage and maximize the
357 effectiveness of rural land stewardship areas; and

358 c. Expansion of the role of the Department of Community
359 Affairs as a resource agency to facilitate establishment of
360 rural land stewardship areas in smaller rural counties that do

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361 not have the staff or planning budgets to create a rural land
362 stewardship area.

363 2. The department shall encourage participation by local
364 governments of different sizes and rural characteristics in
365 establishing and implementing rural land stewardship areas. It
366 is the intent of the Legislature that rural land stewardship
367 areas be used to further the following broad principles of rural
368 sustainability: restoration and maintenance of the economic
369 value of rural land; control of urban sprawl; identification and
370 protection of ecosystems, habitats, and natural resources;
371 promotion of rural economic activity; maintenance of the
372 viability of Florida's agricultural economy; and protection of
373 the character of rural areas of Florida. Rural land stewardship
374 areas may be multicounty in order to encourage coordinated
375 regional stewardship planning.

376 3. A local government, in conjunction with a regional
377 planning council, a stakeholder organization of private land
378 owners, or another local government, or any landowner or
379 landowners with 2,500 acres or more of contiguous agricultural
380 land as defined by s. 193.461 shall notify the department in
381 writing of its intent to designate a rural land stewardship
382 area. The written notification shall describe the basis for the
383 designation, including the extent to which the rural land
384 stewardship area enhances rural land values, controls urban
385 sprawl, provides necessary open space for agriculture and
386 protection of the natural environment, promotes rural economic

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387 activity, and maintains rural character and the economic
388 viability of agriculture.

389 4. A rural land stewardship area shall be not less than
390 2,500 ~~10,000~~ acres and shall be located outside of
391 municipalities and established urban growth boundaries, and
392 shall be designated by plan amendment. The plan amendment
393 designating a rural land stewardship area shall be subject to
394 review by the Department of Community Affairs pursuant to s.
395 163.3184 and shall provide for the following:

396 a. Criteria for the designation of receiving areas within
397 rural land stewardship areas in which innovative planning and
398 development strategies may be applied. Criteria shall at a
399 minimum provide for the following: adequacy of suitable land to
400 accommodate development so as to avoid conflict with
401 environmentally sensitive areas, resources, and habitats;
402 compatibility between and transition from higher density uses to
403 lower intensity rural uses; the establishment of receiving area
404 service boundaries which provide for a separation between
405 receiving areas and other land uses within the rural land
406 stewardship area through limitations on the extension of
407 services; and connection of receiving areas with the rest of the
408 rural land stewardship area using rural design and rural road
409 corridors.

410 b. Goals, objectives, and policies setting forth the
411 innovative planning and development strategies to be applied
412 within rural land stewardship areas pursuant to the provisions
413 of this section.

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414 c. A process for the implementation of innovative planning
415 and development strategies within the rural land stewardship
416 area, including those described in this subsection and rule 9J-
417 5.006(5)(1), Florida Administrative Code, which provide for a
418 functional mix of land uses and which are applied through the
419 adoption by the local government of zoning and land development
420 regulations applicable to the rural land stewardship area.

421 d. A process which encourages visioning pursuant to s.
422 163.3167(11) to ensure that innovative planning and development
423 strategies comply with the provisions of this section.

424 e. The control of sprawl through the use of innovative
425 strategies and creative land use techniques consistent with the
426 provisions of this subsection and rule 9J-5.006(5)(1), Florida
427 Administrative Code.

428 5. In selecting a landowner or landowners, the department
429 shall by written agreement:

430 a. Ensure that the landowner has expressed his or her
431 intent to designate a rural land stewardship area pursuant to
432 the provisions of this subsection and clarify that the rural
433 land stewardship area is intended.

434 b. Ensure that the landowner has the financial and
435 administrative capabilities to implement a rural land
436 stewardship area.

437 ~~6.5.~~ A receiving area shall be designated by the adoption
438 of a land development regulation. Prior to the designation of a
439 receiving area, the local government shall provide the
440 Department of Community Affairs a period of 30 days in which to

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441 review a proposed receiving area for consistency with the rural
442 land stewardship area plan amendment and to provide comments to
443 the local government.

444 ~~7.6.~~ Upon the adoption of a plan amendment creating a
445 rural land stewardship area, the local government shall, by
446 ordinance, assign to the area a certain number of credits, to be
447 known as "transferable rural land use credits," which shall not
448 constitute a right to develop land, nor increase density of
449 land, except as provided by this section. The total amount of
450 transferable rural land use credits assigned to the rural land
451 stewardship area must correspond to the 25-year or greater
452 projected population of the rural land stewardship area.
453 Transferable rural land use credits are subject to the following
454 limitations:

455 a. Transferable rural land use credits may only exist
456 within a rural land stewardship area.

457 b. Transferable rural land use credits may only be used on
458 lands designated as receiving areas and then solely for the
459 purpose of implementing innovative planning and development
460 strategies and creative land use planning techniques adopted by
461 the local government pursuant to this section.

462 c. Transferable rural land use credits assigned to a
463 parcel of land within a rural land stewardship area shall cease
464 to exist if the parcel of land is removed from the rural land
465 stewardship area by plan amendment.

466 d. Neither the creation of the rural land stewardship area
467 by plan amendment nor the assignment of transferable rural land

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468 use credits by the local government shall operate to displace
469 the underlying density of land uses assigned to a parcel of land
470 within the rural land stewardship area; however, if transferable
471 rural land use credits are transferred from a parcel for use
472 within a designated receiving area, the underlying density
473 assigned to the parcel of land shall cease to exist.

474 e. The underlying density on each parcel of land located
475 within a rural land stewardship area shall not be increased or
476 decreased by the local government, except as a result of the
477 conveyance or use of transferable rural land use credits, as
478 long as the parcel remains within the rural land stewardship
479 area.

480 f. Transferable rural land use credits shall cease to
481 exist on a parcel of land where the underlying density assigned
482 to the parcel of land is utilized.

483 g. An increase in the density of use on a parcel of land
484 located within a designated receiving area may occur only
485 through the assignment or use of transferable rural land use
486 credits and shall not require a plan amendment.

487 h. A change in the density of land use on parcels located
488 within receiving areas shall be specified in a development order
489 which reflects the total number of transferable rural land use
490 credits assigned to the parcel of land and the infrastructure
491 and support services necessary to provide for a functional mix
492 of land uses corresponding to the plan of development.

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493 i. Land within a rural land stewardship area may be
494 removed from the rural land stewardship area through a plan
495 amendment.

496 j. Transferable rural land use credits may be assigned at
497 different ratios of credits per acre according to the natural
498 resource or other beneficial use characteristics of the land and
499 according to the land use remaining following the transfer of
500 credits, with the highest number of credits per acre assigned to
501 the most environmentally valuable land and a lesser number of
502 credits to be assigned to open space and agricultural land.

503 k. The use or conveyance of transferable rural land use
504 credits must be recorded in the public records of the county in
505 which the property is located as a covenant or restrictive
506 easement running with the land in favor of the county and either
507 the Department of Environmental Protection, Department of
508 Agriculture and Consumer Services, a water management district,
509 or a recognized statewide land trust.

510 8.7. Owners of land within rural land stewardship areas
511 should be provided incentives to enter into rural land
512 stewardship agreements, pursuant to existing law and rules
513 adopted thereto, with state agencies, water management
514 districts, and local governments to achieve mutually agreed upon
515 conservation objectives. Such incentives may include, but not be
516 limited to, the following:

517 a. Opportunity to accumulate transferable mitigation
518 credits.

519 b. Extended permit agreements.

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520 c. Opportunities for recreational leases and ecotourism.

521 d. Payment for specified land management services on
522 publicly owned land, or property under covenant or restricted
523 easement in favor of a public entity.

524 e. Option agreements for sale to public entities or
525 private land conservation entities, in either fee or easement,
526 upon achievement of conservation objectives.

527 ~~9.8.~~ The department shall report to the Legislature on an
528 annual basis on the results of implementation of rural land
529 stewardship areas authorized by the department, including
530 successes and failures in achieving the intent of the
531 Legislature as expressed in this paragraph.

532 Section 9. Paragraph (d) of subsection (1) of section
533 163.3187, Florida Statutes, is amended to read:

534 163.3187 Amendment of adopted comprehensive plan.--

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

538 (d) Any comprehensive plan amendment required by a
539 compliance agreement under ~~pursuant to~~ s. 163.3184(16), an
540 agricultural enclave comprehensive plan amendment pursuant to s.
541 163.2517(7), or any large-scale comprehensive plan amendment
542 adopted as a result of informal mediation in accordance with s.
543 163.3181(4) may be approved without regard to statutory limits
544 on the frequency of adoption of amendments to the comprehensive
545 plan.

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546 Section 10. Section 259.047, Florida Statutes, is created
547 to read:

548 259.047 Acquisition of land on which an agricultural lease
549 exists.--

550 (1) When land with an existing agricultural lease is
551 acquired in fee simple pursuant to this chapter or chapter 375,
552 the existing agricultural lease may continue in force for the
553 actual time remaining on the lease agreement. Any entity
554 managing lands acquired under this section must consider
555 existing agricultural leases in the development of a land
556 management plan required under the provisions of s. 253.034.

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

561 Section 11. Paragraph (a) of subsection (2) of section
562 373.0361, Florida Statutes, is amended to read:

563 373.0361 Regional water supply planning.--

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

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

568 1. A quantification of the water supply needs for all
569 existing and reasonably projected future uses within the
570 planning horizon. The level-of-certainty planning goal
571 associated with identifying the water supply needs of existing
572 and future reasonable-beneficial uses shall be based upon

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573 meeting those needs for a 1-in-10-year drought event. Population
574 projections used for determining public water supply needs must
575 be based upon the best available data. In determining the best
576 available data, the district shall consider the University of
577 Florida's Bureau of Economic and Business Research (BEBR) medium
578 population projections and any population projection data and
579 analysis submitted by a local government pursuant to the public
580 workshop described in subsection (1) if the data and analysis
581 support the local government's comprehensive plan. Any
582 adjustment of or deviation from the BEBR projections must be
583 fully described, and the original BEBR data must be presented
584 along with the adjusted data.

585 2. A list of water source options, including traditional
586 and alternative source options, from which local government,
587 government-owned and privately owned utilities, self-suppliers,
588 and others may choose, for water supply development, the total
589 capacity of which will, in conjunction with water conservation
590 and other demand management measures, exceed the needs
591 identified in subparagraph 1. The list of water source options
592 for water supply development must contain provisions that
593 recognize that alternative water source options for agricultural
594 self-suppliers are limited.

595 3. For each option listed in subparagraph 2., the
596 estimated amount of water available for use and the estimated
597 costs of and potential sources of funding for water supply
598 development.

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

601
602 The water supply development component of a regional water
603 supply plan which deals with or affects public utilities and
604 public water supply for those areas served by a regional water
605 supply authority and its member governments within the
606 boundaries of the Southwest Florida Water Management District
607 shall be developed jointly by the authority and the district.

608 Section 12. Subsections (2) and (3) of section 373.236,
609 Florida Statutes, are renumbered as subsections (3) and (4),
610 respectively, and a new subsection (2) is added to said section
611 to read:

612 373.236 Duration of permits; compliance reports.--

613 (2) The Legislature finds that some agricultural
614 landowners remain unaware of their ability to request a 20-year
615 consumptive use permit under subsection (1) for initial permits
616 or for renewals. Therefore, the water management districts shall
617 inform agricultural applicants of this option in the application
618 form.

619 Section 13. Section 373.407, Florida Statutes, is created
620 to read:

621 373.407 Memorandum of agreement for an agricultural-
622 related exemption.--No later than July 1, 2006, the Department
623 of Agriculture and Consumer Services and each water management
624 district shall enter into a memorandum of agreement under which
625 the Department of Agriculture and Consumer Services shall assist

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626 in a determination by a water management district as to whether
627 an existing or proposed activity qualifies for the exemption set
628 forth in s. 373.406(2). The memorandum of agreement shall
629 provide a process by which, upon the request of a water
630 management district, the Department of Agriculture and Consumer
631 Services shall conduct a nonbinding review as to whether an
632 existing or proposed activity qualifies for an agricultural-
633 related exemption set forth in s. 373.406(2). The memorandum of
634 agreement shall provide processes and procedures by which the
635 Department of Agriculture and Consumer Services shall undertake
636 this review effectively and efficiently and issue a
637 recommendation.

638
639 ===== T I T L E A M E N D M E N T =====

640 On page 1, remove lines 2 through 23 and insert:
641 An act relating to agriculture; requiring each water
642 management district to review rule criteria for
643 environmental resource permits, existing permit
644 exemptions, and alternatives to standard permitting
645 programs and recommend regulatory alternatives that will
646 encourage agricultural water conservation; requiring a
647 report by the Department of Agriculture and Consumer
648 Services and the Department of Environmental Protection to
649 the appropriate legislative committees; amending s.
650 373.236, F.S.; authorizing the issuance of permits for
651 agricultural production for a specified period for uses
652 that replace a water supply source that has been impacted

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653 by water-use withdrawals; amending s. 373.406, F.S.;

654 providing that an exemption provided for activities having

655 minimal adverse impact does not apply to any activities

656 that are conducted as mitigation for wetland or other

657 surface water impacts; amending s. 373.2234, F.S.;

658 conforming a cross-reference; amending s. 70.001, F.S.;

659 providing a cause of action for landowners aggrieved by

660 certain changes to agricultural land use; providing a

661 notice period; amending s. 163.2514, F.S.; defining the

662 terms "agricultural enclave" and "family farm agricultural

663 enclave" for purposes of growth policy; amending s.

664 163.2517, F.S.; authorizing the owner of land defined as

665 an agricultural enclave or a family farm agricultural

666 enclave to apply for an amendment to the local government

667 comprehensive plan and development of regional impact

668 approval, if applicable; providing requirements relating

669 to application; providing that an amendment or approval

670 shall be granted upon failure to act in a timely fashion;

671 amending s. 163.3177, F.S.; requiring land use plans to

672 establish appropriate uses of lands in agricultural

673 enclaves; amending acreage limits for rural land

674 stewardship areas; requiring the Department of Community

675 Affairs to obtain written agreements from landowners

676 designating rural land stewardship areas; amending s.

677 163.3187, F.S.; providing that an agricultural enclave

678 comprehensive plan amendment or a large-scale

679 comprehensive plan amendment adopted as a result of

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680 | informal mediation may be approved without regard to
681 | statutory frequency limits; creating s. 259.047, F.S.;
682 | providing requirements relating to purchase of land on
683 | which an agricultural lease exists; amending s. 373.0361,
684 | F.S.; providing for recognition that alternative water
685 | source options for agricultural self-suppliers are
686 | limited; amending s. 373.236, F.S.; requiring water
687 | management districts to inform landowners of the option to
688 | obtain certain consumptive use permits; creating s.
689 | 373.407, F.S.; providing for memoranda of agreement
690 | regarding qualification for agricultural-related
691 | exemptions; providing an

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