

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to agricultural economic development;
7 amending s. 70.001, F.S.; providing a cause of action for
8 landowners aggrieved by certain changes to agricultural
9 land use; providing a notice period; amending s. 163.2514,
10 F.S.; defining the terms "agricultural enclave" and
11 "family farm agricultural enclave" for purposes of growth
12 policy; amending s. 163.2517, F.S.; authorizing the owner
13 of land defined as an agricultural enclave or a family
14 farm agricultural enclave to apply for an amendment to the
15 local government comprehensive plan and development of
16 regional impact approval, if applicable; providing
17 requirements relating to application; providing that an
18 amendment or approval shall be granted upon failure to act
19 in a timely fashion; amending s. 163.3177, F.S.; requiring
20 land use plans to establish appropriate uses of lands in
21 agricultural enclaves; amending acreage limits for rural
22 land stewardship areas; requiring the Department of
23 Community Affairs to obtain written agreements from

24 | landowners designating rural land stewardship areas;
 25 | amending s. 163.3187, F.S.; providing that an agricultural
 26 | enclave comprehensive plan amendment or a large-scale
 27 | comprehensive plan amendment adopted as a result of
 28 | informal mediation may be approved without regard to
 29 | statutory frequency limits; creating s. 259.047, F.S.;
 30 | providing requirements relating to purchase of land on
 31 | which an agricultural lease exists; amending s. 373.0361,
 32 | F.S.; providing for recognition that alternative water
 33 | source options for agricultural self-suppliers are
 34 | limited; amending s. 373.2234, F.S.; correcting a cross
 35 | reference; amending s. 373.236, F.S.; requiring water
 36 | management districts to inform landowners of the option to
 37 | obtain certain consumptive use permits; creating s.
 38 | 373.407, F.S.; providing for memoranda of agreement
 39 | regarding qualification for agricultural-related
 40 | exemptions; providing an effective date.

41 |
 42 | WHEREAS, agricultural production is a major contributor to
 43 | the economy of the state, and

44 | WHEREAS, agricultural lands constitute unique and
 45 | irreplaceable resources of statewide importance, and

46 | WHEREAS, the continuation of agricultural activities
 47 | preserves the landscape and environmental resources of the
 48 | state, contributes to the increase of tourism, and furthers the
 49 | economic self-sufficiency of the people of the state, and

50 | WHEREAS, the development, improvement, and encouragement
 51 | of the agricultural industry will result in a general benefit

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52 | to the health, safety, and welfare of the people of the state,
53 | NOW, THEREFORE,

54 |

55 | Be It Enacted by the Legislature of the State of Florida:

56 |

57 | Section 1. Subsection (4), paragraph (a) of subsection
58 | (5), and paragraph (c) of subsection (6) of section 70.001,
59 | Florida Statutes, are amended to read:

60 | 70.001 Private property rights protection.--

61 | (4)(a) Not less than 180 days prior to filing an action
62 | under this section against a governmental entity, a property
63 | owner who seeks compensation under this section must present the
64 | claim in writing to the head of the governmental entity. The
65 | property owner must submit, along with the claim, a bona fide,
66 | valid appraisal that supports the claim and demonstrates the
67 | loss in fair market value to the real property. If the action of
68 | government is the culmination of a process that involves more
69 | than one governmental entity, or if a complete resolution of all
70 | relevant issues, in the view of the property owner or in the
71 | view of a governmental entity to whom a claim is presented,
72 | requires the active participation of more than one governmental
73 | entity, the property owner shall present the claim as provided
74 | in this section to each of the governmental entities.

75 | (b) A landowner aggrieved by the changing of an existing
76 | agricultural land use classification or agricultural zoning or
77 | the lowering of the current density designation which creates an
78 | inordinate burden on property classified as agricultural land
79 | pursuant to s. 193.461 shall have a cause of action in

80 accordance with the procedures provided in this section, except
 81 that the 180-day-notice period shall be reduced to a 90-day-
 82 notice period.

83 ~~(c)(b)~~ The governmental entity shall provide written
 84 notice of the claim to all parties to any administrative action
 85 that gave rise to the claim, and to owners of real property
 86 contiguous to the owner's property at the addresses listed on
 87 the most recent county tax rolls. Within 15 days after the claim
 88 being presented, the governmental entity shall report the claim
 89 in writing to the Department of Legal Affairs, and shall provide
 90 the department with the name, address, and telephone number of
 91 the employee of the governmental entity from whom additional
 92 information may be obtained about the claim during the pendency
 93 of the claim and any subsequent judicial action.

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

- 98 1. An adjustment of land development or permit standards
- 99 or other provisions controlling the development or use of land.
- 100 2. Increases or modifications in the density, intensity,
- 101 or use of areas of development.
- 102 3. The transfer of developmental rights.
- 103 4. Land swaps or exchanges.
- 104 5. Mitigation, including payments in lieu of onsite
- 105 mitigation.
- 106 6. Location on the least sensitive portion of the
- 107 property.

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108 7. Conditioning the amount of development or use
109 permitted.

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

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

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

116 11. No changes to the action of the governmental entity.

117
118 If the property owner accepts the settlement offer, the
119 governmental entity may implement the settlement offer by
120 appropriate development agreement; by issuing a variance,
121 special exception, or other extraordinary relief; or by other
122 appropriate method, subject to paragraph (e)~~(d)~~.

123 (e)~~(d)~~1. Whenever a governmental entity enters into a
124 settlement agreement under this section which would have the
125 effect of a modification, variance, or a special exception to
126 the application of a rule, regulation, or ordinance as it would
127 otherwise apply to the subject real property, the relief granted
128 shall protect the public interest served by the regulations at
129 issue and be the appropriate relief necessary to prevent the
130 governmental regulatory effort from inordinately burdening the
131 real property.

132 2. Whenever a governmental entity enters into a settlement
133 agreement under this section which would have the effect of
134 contravening the application of a statute as it would otherwise
135 apply to the subject real property, the governmental entity and

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136 | the property owner shall jointly file an action in the circuit
 137 | court where the real property is located for approval of the
 138 | settlement agreement by the court to ensure that the relief
 139 | granted protects the public interest served by the statute at
 140 | issue and is the appropriate relief necessary to prevent the
 141 | governmental regulatory effort from inordinately burdening the
 142 | real property.

143 | (5)(a) During the 180-day-notice period or the 90-day-
 144 | notice period, unless a settlement offer is accepted by the
 145 | property owner, each of the governmental entities provided
 146 | notice pursuant to paragraph (4)(a) shall issue a written
 147 | ripeness decision identifying the allowable uses to which the
 148 | subject property may be put. The failure of the governmental
 149 | entity to issue a written ripeness decision during the 180-day-
 150 | notice period or the 90-day-notice period shall be deemed to
 151 | ripen the prior action of the governmental entity, and shall
 152 | operate as a ripeness decision that has been rejected by the
 153 | property owner. The ripeness decision, as a matter of law,
 154 | constitutes the last prerequisite to judicial review, and the
 155 | matter shall be deemed ripe or final for the purposes of the
 156 | judicial proceeding created by this section, notwithstanding the
 157 | availability of other administrative remedies.

158 | (6)

159 | (c)1. In any action filed pursuant to this section, the
 160 | property owner is entitled to recover reasonable costs and
 161 | attorney fees incurred by the property owner, from the
 162 | governmental entity or entities, according to their
 163 | proportionate share as determined by the court, from the date of

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164 the filing of the circuit court action, if the property owner
165 prevails in the action and the court determines that the
166 settlement offer, including the ripeness decision, of the
167 governmental entity or entities did not constitute a bona fide
168 offer to the property owner which reasonably would have resolved
169 the claim, based upon the knowledge available to the
170 governmental entity or entities and the property owner during
171 the 180-day-notice period or the 90-day-notice period.

172 2. In any action filed pursuant to this section, the
173 governmental entity or entities are entitled to recover
174 reasonable costs and attorney fees incurred by the governmental
175 entity or entities from the date of the filing of the circuit
176 court action, if the governmental entity or entities prevail in
177 the action and the court determines that the property owner did
178 not accept a bona fide settlement offer, including the ripeness
179 decision, which reasonably would have resolved the claim fairly
180 to the property owner if the settlement offer had been accepted
181 by the property owner, based upon the knowledge available to the
182 governmental entity or entities and the property owner during
183 the 180-day-notice period or the 90-day-notice period.

184 3. The determination of total reasonable costs and
185 attorney fees pursuant to this paragraph shall be made by the
186 court and not by the jury. Any proposed settlement offer or any
187 proposed ripeness decision, except for the final written
188 settlement offer or the final written ripeness decision, and any
189 negotiations or rejections in regard to the formulation either
190 of the settlement offer or the ripeness decision, are
191 inadmissible in the subsequent proceeding established by this

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192 section except for the purposes of the determination pursuant to
193 this paragraph.

194 Section 2. Subsections (1) and (2) of section 163.2514,
195 Florida Statutes, are renumbered as subsections (3) and (4),
196 respectively, and new subsections (1) and (2) are added to said
197 section to read:

198 163.2514 Growth Policy Act; definitions.--As used in ss.
199 163.2511-163.2526:

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

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

208 (b) The parcel has been in continuous use for bona fide
209 agricultural purposes, as defined in s. 193.461, for a period of
210 5 years prior to the date of any comprehensive plan amendment
211 application.

212 (c) The parcel is surrounded on at least 75 percent of its
213 perimeter by existing industrial, commercial, or residential
214 development or property that the local government has designated
215 as land to be developed for industrial, commercial, or
216 residential purposes and only requires building and related
217 permits for that use without further amendment of a local
218 government comprehensive plan.

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219 (d) Public services, including water, wastewater,
 220 transportation, schools, and recreation facilities, are
 221 available or are scheduled to be provided as part of an adopted
 222 5-year schedule of capital improvements by the local government
 223 or by an alternative local government public infrastructure
 224 provider.

225 (2) "Family farm agricultural enclave" means an
 226 undeveloped parcel of land not exceeding 500 acres that meets
 227 the criteria for an agricultural enclave.

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

230 163.2517 Designation of urban infill and redevelopment
 231 area; agricultural enclaves.--

232 (7)(a) In order to preserve commercial agricultural
 233 activity, encourage mixed-use infill development, prevent urban
 234 sprawl, and provide more efficient delivery of municipal
 235 services and facilities, the owner of land defined as an
 236 agricultural enclave pursuant to s. 163.2514(1) may apply for an
 237 amendment to the local government comprehensive plan pursuant to
 238 s. 163.3187 and development of regional impact approval, if
 239 applicable. Such amendment and development of regional impact
 240 approval, if applicable, may include land uses and intensities
 241 of use consistent with the uses and intensities of use of
 242 surrounding industrial, commercial, or residential areas. Any
 243 application for a comprehensive plan amendment and development
 244 of regional impact approval, if applicable, shall include
 245 appropriate "new urbanism" concepts such as clustering, mixed-
 246 use development, the creation of rural village and city centers,

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247 and the transfer of development rights in order to discourage
 248 urban sprawl while protecting landowner rights. If such
 249 amendment and application for development of regional impact
 250 approval is otherwise consistent with applicable provisions of
 251 ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, the
 252 state comprehensive plan, the appropriate regional policy plan,
 253 and chapter 9J-5, Florida Administrative Code, the amendment
 254 shall be deemed to prevent urban sprawl and be in compliance as
 255 defined in s. 163.3184, and the application for development of
 256 regional impact shall be approved.

257 (b) The owner of land defined as a family farm
 258 agricultural enclave pursuant to s. 163.2514(2) may apply for an
 259 amendment to the local government comprehensive plan pursuant to
 260 s. 163.3187. Such amendment may include land uses and
 261 intensities of use consistent with the uses and intensities of
 262 use of surrounding industrial, commercial, or residential areas.
 263 If such amendment is otherwise consistent with applicable
 264 provisions of ss. 163.3177, 163.3178, 163.3180, 163.3191, and
 265 163.3245, the state comprehensive plan, the appropriate regional
 266 policy plan, and chapter 9J-5, Florida Administrative Code, the
 267 amendment shall be deemed to prevent urban sprawl and be in
 268 compliance as defined in s. 163.3184.

269 (c) If the local government has failed to act within 180
 270 days on the comprehensive plan amendment or application for
 271 development of regional impact approval, the agricultural
 272 enclaves as defined in s. 163.2514(1) and (2) shall be granted
 273 the comprehensive plan amendment and development of regional
 274 impact approval requested.

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275 Section 4. Paragraph (a) of subsection (6) and paragraph
276 (d) of subsection (11) of section 163.3177, Florida Statutes,
277 are amended to read:

278 163.3177 Required and optional elements of comprehensive
279 plan; studies and surveys.--

280 (6) In addition to the requirements of subsections (1)-
281 (5), the comprehensive plan shall include the following
282 elements:

283 (a) A future land use plan element designating proposed
284 future general distribution, location, and extent of the uses of
285 land for residential uses, commercial uses, industry,
286 agriculture, recreation, conservation, education, public
287 buildings and grounds, other public facilities, and other
288 categories of the public and private uses of land. Counties are
289 encouraged to designate rural land stewardship areas, pursuant
290 to the provisions of paragraph (11)(d), as overlays on the
291 future land use map. The proposed distribution, location, and
292 extent of the various categories of land use shall be shown on a
293 land use map or map series which shall be supplemented by goals,
294 policies, and measurable objectives.

295 1. Each future land use category must be defined in terms
296 of uses included, and must include standards to be followed in
297 the control and distribution of population densities and
298 building and structure intensities. ~~The proposed distribution,~~
299 ~~location, and extent of the various categories of land use shall~~
300 ~~be shown on a land use map or map series which shall be~~
301 ~~supplemented by goals, policies, and measurable objectives.~~

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302 2. The future land use plan shall be based upon surveys,
 303 studies, and data regarding the area, including the amount of
 304 land required to accommodate anticipated growth; the projected
 305 population of the area; the character of undeveloped land; the
 306 availability of public services; the need for redevelopment,
 307 including the renewal of blighted areas and the elimination of
 308 nonconforming uses which are inconsistent with the character of
 309 the community; the compatibility of uses on lands adjacent to or
 310 closely proximate to military installations; and, in rural
 311 communities, the need for job creation, capital investment, and
 312 economic development that will strengthen and diversify the
 313 community's economy.

314 3. The future land use plan may designate areas for future
 315 planned development use involving combinations of types of uses
 316 for which special regulations may be necessary to ensure
 317 development in accord with the principles and standards of the
 318 comprehensive plan and this act.

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

322 5. ~~In addition,~~ For rural communities, the amount of land
 323 designated for future planned industrial use shall be based upon
 324 surveys and studies that reflect the need for job creation,
 325 capital investment, and the necessity to strengthen and
 326 diversify the local economies, and shall not be limited solely
 327 by the projected population of the rural community.

328 6. The future land use plan shall delineate agricultural
 329 enclaves, as defined in s. 163.2514(1) and (2), and establish

330 appropriate uses of land in these enclaves that are consistent
 331 with the intensities of use of surrounding industrial,
 332 commercial, or residential areas.

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

335 8. The land use maps or map series shall generally
 336 identify and depict historic district boundaries and shall
 337 designate historically significant properties meriting
 338 protection.

339 9. The future land use element must clearly identify the
 340 land use categories in which public schools are an allowable
 341 use. When delineating the land use categories in which public
 342 schools are an allowable use, a local government shall include
 343 in the categories sufficient land proximate to residential
 344 development to meet the projected needs for schools in
 345 coordination with public school boards and may establish
 346 differing criteria for schools of different type or size. Each
 347 local government shall include lands contiguous to existing
 348 school sites, to the maximum extent possible, within the land
 349 use categories in which public schools are an allowable use. All
 350 comprehensive plans must comply with the school siting
 351 requirements of this paragraph no later than October 1, 1999.
 352 The failure by a local government to comply with these school
 353 siting requirements by October 1, 1999, will result in the
 354 prohibition of the local government's ability to amend the local
 355 comprehensive plan, except for plan amendments described in s.
 356 163.3187(1)(b), until the school siting requirements are met.
 357 Amendments proposed by a local government for purposes of

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358 identifying the land use categories in which public schools are
 359 an allowable use or for adopting or amending the school-siting
 360 maps pursuant to s. 163.31776(3) are exempt from the limitation
 361 on the frequency of plan amendments contained in s. 163.3187.
 362 The future land use element shall include criteria that
 363 encourage the location of schools proximate to urban residential
 364 areas to the extent possible and shall require that the local
 365 government seek to collocate public facilities, such as parks,
 366 libraries, and community centers, with schools to the extent
 367 possible and to encourage the use of elementary schools as focal
 368 points for neighborhoods. For schools serving predominantly
 369 rural counties, defined as a county with a population of 100,000
 370 or fewer, an agricultural land use category shall be eligible
 371 for the location of public school facilities if the local
 372 comprehensive plan contains school siting criteria and the
 373 location is consistent with such criteria. Local governments
 374 required to update or amend their comprehensive plan to include
 375 criteria and address compatibility of adjacent or closely
 376 proximate lands with existing military installations in their
 377 future land use plan element shall transmit the update or
 378 amendment to the department by June 30, 2006.

379 (11)

380 (d)1. The department, in cooperation with the Department
 381 of Agriculture and Consumer Services, the Department of
 382 Environmental Protection, water management districts, and
 383 regional planning councils, shall provide assistance to local
 384 governments in the implementation of this paragraph and rule 9J-
 385 5.006(5)(1), Florida Administrative Code. Implementation of

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386 | those provisions shall include a process by which the department
 387 | may authorize local governments and landowners to designate all
 388 | or portions of lands classified in the future land use element
 389 | as predominantly agricultural, rural, open, open-rural, or a
 390 | substantively equivalent land use, as a rural land stewardship
 391 | area within which planning and economic incentives are applied
 392 | to encourage the implementation of innovative and flexible
 393 | planning and development strategies and creative land use
 394 | planning techniques, including those contained herein and in
 395 | rule 9J-5.006(5)(1), Florida Administrative Code. Assistance may
 396 | include, but is not limited to:

397 | a. Assistance from the Department of Environmental
 398 | Protection and water management districts in creating the
 399 | geographic information systems land cover database and aerial
 400 | photogrammetry needed to prepare for a rural land stewardship
 401 | area;

402 | b. Support for local government implementation of rural
 403 | land stewardship concepts by providing information and
 404 | assistance to local governments regarding land acquisition
 405 | programs that may be used by the local government or landowners
 406 | to leverage the protection of greater acreage and maximize the
 407 | effectiveness of rural land stewardship areas; and

408 | c. Expansion of the role of the Department of Community
 409 | Affairs as a resource agency to facilitate establishment of
 410 | rural land stewardship areas in smaller rural counties that do
 411 | not have the staff or planning budgets to create a rural land
 412 | stewardship area.

413 2. The department shall encourage participation by local
 414 governments of different sizes and rural characteristics in
 415 establishing and implementing rural land stewardship areas. It
 416 is the intent of the Legislature that rural land stewardship
 417 areas be used to further the following broad principles of rural
 418 sustainability: restoration and maintenance of the economic
 419 value of rural land; control of urban sprawl; identification and
 420 protection of ecosystems, habitats, and natural resources;
 421 promotion of rural economic activity; maintenance of the
 422 viability of Florida's agricultural economy; and protection of
 423 the character of rural areas of Florida. Rural land stewardship
 424 areas may be multicounty in order to encourage coordinated
 425 regional stewardship planning.

426 3. A local government, in conjunction with a regional
 427 planning council, a stakeholder organization of private land
 428 owners, or another local government, or any landowner or
 429 landowners with 2,500 acres or more of contiguous agricultural
 430 land as defined by s. 193.461 shall notify the department in
 431 writing of its intent to designate a rural land stewardship
 432 area. The written notification shall describe the basis for the
 433 designation, including the extent to which the rural land
 434 stewardship area enhances rural land values, controls urban
 435 sprawl, provides necessary open space for agriculture and
 436 protection of the natural environment, promotes rural economic
 437 activity, and maintains rural character and the economic
 438 viability of agriculture.

439 4. A rural land stewardship area shall be not less than
 440 2,500 ~~10,000~~ acres and shall be located outside of

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441 municipalities and established urban growth boundaries, and
 442 shall be designated by plan amendment. The plan amendment
 443 designating a rural land stewardship area shall be subject to
 444 review by the Department of Community Affairs pursuant to s.
 445 163.3184 and shall provide for the following:

446 a. Criteria for the designation of receiving areas within
 447 rural land stewardship areas in which innovative planning and
 448 development strategies may be applied. Criteria shall at a
 449 minimum provide for the following: adequacy of suitable land to
 450 accommodate development so as to avoid conflict with
 451 environmentally sensitive areas, resources, and habitats;
 452 compatibility between and transition from higher density uses to
 453 lower intensity rural uses; the establishment of receiving area
 454 service boundaries which provide for a separation between
 455 receiving areas and other land uses within the rural land
 456 stewardship area through limitations on the extension of
 457 services; and connection of receiving areas with the rest of the
 458 rural land stewardship area using rural design and rural road
 459 corridors.

460 b. Goals, objectives, and policies setting forth the
 461 innovative planning and development strategies to be applied
 462 within rural land stewardship areas pursuant to the provisions
 463 of this section.

464 c. A process for the implementation of innovative planning
 465 and development strategies within the rural land stewardship
 466 area, including those described in this subsection and rule 9J-
 467 5.006(5)(1), Florida Administrative Code, which provide for a
 468 functional mix of land uses and which are applied through the

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469 adoption by the local government of zoning and land development
470 regulations applicable to the rural land stewardship area.

471 d. A process which encourages visioning pursuant to s.
472 163.3167(11) to ensure that innovative planning and development
473 strategies comply with the provisions of this section.

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

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

480 a. Ensure that the landowner has expressed his or her
481 intent to designate a rural land stewardship area pursuant to
482 the provisions of this subsection and clarify that the rural
483 land stewardship area is intended.

484 b. Ensure that the landowner has the financial and
485 administrative capabilities to implement a rural land
486 stewardship area.

487 ~~6.5.~~ A receiving area shall be designated by the adoption
488 of a land development regulation. Prior to the designation of a
489 receiving area, the local government shall provide the
490 Department of Community Affairs a period of 30 days in which to
491 review a proposed receiving area for consistency with the rural
492 land stewardship area plan amendment and to provide comments to
493 the local government.

494 ~~7.6.~~ Upon the adoption of a plan amendment creating a
495 rural land stewardship area, the local government shall, by
496 ordinance, assign to the area a certain number of credits, to be

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497 known as "transferable rural land use credits," which shall not
498 constitute a right to develop land, nor increase density of
499 land, except as provided by this section. The total amount of
500 transferable rural land use credits assigned to the rural land
501 stewardship area must correspond to the 25-year or greater
502 projected population of the rural land stewardship area.
503 Transferable rural land use credits are subject to the following
504 limitations:

505 a. Transferable rural land use credits may only exist
506 within a rural land stewardship area.

507 b. Transferable rural land use credits may only be used on
508 lands designated as receiving areas and then solely for the
509 purpose of implementing innovative planning and development
510 strategies and creative land use planning techniques adopted by
511 the local government pursuant to this section.

512 c. Transferable rural land use credits assigned to a
513 parcel of land within a rural land stewardship area shall cease
514 to exist if the parcel of land is removed from the rural land
515 stewardship area by plan amendment.

516 d. Neither the creation of the rural land stewardship area
517 by plan amendment nor the assignment of transferable rural land
518 use credits by the local government shall operate to displace
519 the underlying density of land uses assigned to a parcel of land
520 within the rural land stewardship area; however, if transferable
521 rural land use credits are transferred from a parcel for use
522 within a designated receiving area, the underlying density
523 assigned to the parcel of land shall cease to exist.

524 e. The underlying density on each parcel of land located
 525 within a rural land stewardship area shall not be increased or
 526 decreased by the local government, except as a result of the
 527 conveyance or use of transferable rural land use credits, as
 528 long as the parcel remains within the rural land stewardship
 529 area.

530 f. Transferable rural land use credits shall cease to
 531 exist on a parcel of land where the underlying density assigned
 532 to the parcel of land is utilized.

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

537 h. A change in the density of land use on parcels located
 538 within receiving areas shall be specified in a development order
 539 which reflects the total number of transferable rural land use
 540 credits assigned to the parcel of land and the infrastructure
 541 and support services necessary to provide for a functional mix
 542 of land uses corresponding to the plan of development.

543 i. Land within a rural land stewardship area may be
 544 removed from the rural land stewardship area through a plan
 545 amendment.

546 j. Transferable rural land use credits may be assigned at
 547 different ratios of credits per acre according to the natural
 548 resource or other beneficial use characteristics of the land and
 549 according to the land use remaining following the transfer of
 550 credits, with the highest number of credits per acre assigned to

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551 | the most environmentally valuable land and a lesser number of
552 | credits to be assigned to open space and agricultural land.

553 | k. The use or conveyance of transferable rural land use
554 | credits must be recorded in the public records of the county in
555 | which the property is located as a covenant or restrictive
556 | easement running with the land in favor of the county and either
557 | the Department of Environmental Protection, Department of
558 | Agriculture and Consumer Services, a water management district,
559 | or a recognized statewide land trust.

560 | ~~8.7.~~ Owners of land within rural land stewardship areas
561 | should be provided incentives to enter into rural land
562 | stewardship agreements, pursuant to existing law and rules
563 | adopted thereto, with state agencies, water management
564 | districts, and local governments to achieve mutually agreed upon
565 | conservation objectives. Such incentives may include, but not be
566 | limited to, the following:

567 | a. Opportunity to accumulate transferable mitigation
568 | credits.

569 | b. Extended permit agreements.

570 | c. Opportunities for recreational leases and ecotourism.

571 | d. Payment for specified land management services on
572 | publicly owned land, or property under covenant or restricted
573 | easement in favor of a public entity.

574 | e. Option agreements for sale to public entities or
575 | private land conservation entities, in either fee or easement,
576 | upon achievement of conservation objectives.

577 | ~~9.8.~~ The department shall report to the Legislature on an
578 | annual basis on the results of implementation of rural land

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579 | stewardship areas authorized by the department, including
580 | successes and failures in achieving the intent of the
581 | Legislature as expressed in this paragraph.

582 | Section 5. Paragraph (d) of subsection (1) of section
583 | 163.3187, Florida Statutes, is amended to read:

584 | 163.3187 Amendment of adopted comprehensive plan.--

585 | (1) Amendments to comprehensive plans adopted pursuant to
586 | this part may be made not more than two times during any
587 | calendar year, except:

588 | (d) Any comprehensive plan amendment required by a
589 | compliance agreement under pursuant to s. 163.3184(16), an
590 | agricultural enclave comprehensive plan amendment pursuant to s.
591 | 163.2517(7), or any large-scale comprehensive plan amendment
592 | adopted as a result of informal mediation in accordance with s.
593 | 163.3181(4) may be approved without regard to statutory limits
594 | on the frequency of adoption of amendments to the comprehensive
595 | plan.

596 | Section 6. Section 259.047, Florida Statutes, is created
597 | to read:

598 | 259.047 Acquisition of land on which an agricultural lease
599 | exists.--

600 | (1) When land with an existing agricultural lease is
601 | acquired in fee simple pursuant to this chapter or chapter 375,
602 | the existing agricultural lease may continue in force for the
603 | actual time remaining on the lease agreement. Any entity
604 | managing lands acquired under this section must consider
605 | existing agricultural leases in the development of a land
606 | management plan required under the provisions of s. 253.034.

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

611 Section 7. Paragraph (a) of subsection (2) of section
612 373.0361, Florida Statutes, is amended to read:

613 373.0361 Regional water supply planning.--

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

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

618 1. A quantification of the water supply needs for all
619 existing and reasonably projected future uses within the
620 planning horizon. The level-of-certainty planning goal
621 associated with identifying the water supply needs of existing
622 and future reasonable-beneficial uses shall be based upon
623 meeting those needs for a 1-in-10-year drought event. Population
624 projections used for determining public water supply needs must
625 be based upon the best available data. In determining the best
626 available data, the district shall consider the University of
627 Florida's Bureau of Economic and Business Research (BEBR) medium
628 population projections and any population projection data and
629 analysis submitted by a local government pursuant to the public
630 workshop described in subsection (1) if the data and analysis
631 support the local government's comprehensive plan. Any
632 adjustment of or deviation from the BEBR projections must be
633 fully described, and the original BEBR data must be presented
634 along with the adjusted data.

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635 2. A list of water source options, including traditional
636 and alternative source options, from which local government,
637 government-owned and privately owned utilities, self-suppliers,
638 and others may choose, for water supply development, the total
639 capacity of which will, in conjunction with water conservation
640 and other demand management measures, exceed the needs
641 identified in subparagraph 1. The list of water source options
642 for water supply development must contain provisions that
643 recognize that alternative water source options for agricultural
644 self-suppliers are limited.

645 3. For each option listed in subparagraph 2., the
646 estimated amount of water available for use and the estimated
647 costs of and potential sources of funding for water supply
648 development.

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

651
652 The water supply development component of a regional water
653 supply plan which deals with or affects public utilities and
654 public water supply for those areas served by a regional water
655 supply authority and its member governments within the
656 boundaries of the Southwest Florida Water Management District
657 shall be developed jointly by the authority and the district.

658 Section 8. Section 373.2234, Florida Statutes, is amended
659 to read:

660 373.2234 Preferred water supply sources.--The governing
661 board of a water management district is authorized to adopt
662 rules that identify preferred water supply sources for

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663 consumptive uses for which there is sufficient data to establish
664 that a preferred source will provide a substantial new water
665 supply to meet the existing and projected reasonable-beneficial
666 uses of a water supply planning region identified pursuant to s.
667 373.0361(1), while sustaining existing water resources and
668 natural systems. At a minimum, such rules must contain a
669 description of the preferred water supply source and an
670 assessment of the water the preferred source is projected to
671 produce. If an applicant proposes to use a preferred water
672 supply source, that applicant's proposed water use is subject to
673 s. 373.223(1), except that the proposed use of a preferred water
674 supply source must be considered by a water management district
675 when determining whether a permit applicant's proposed use of
676 water is consistent with the public interest pursuant to s.
677 373.223(1)(c). A consumptive use permit issued for the use of a
678 preferred water supply source must be granted, when requested by
679 the applicant, for at least a 20-year period and may be subject
680 to the compliance reporting provisions of s. 373.236(4)~~(3)~~.
681 Nothing in this section shall be construed to exempt the use of
682 preferred water supply sources from the provisions of ss.
683 373.016(4) and 373.223(2) and (3), or be construed to provide
684 that permits issued for the use of a nonpreferred water supply
685 source must be issued for a duration of less than 20 years or
686 that the use of a nonpreferred water supply source is not
687 consistent with the public interest. Additionally, nothing in
688 this section shall be interpreted to require the use of a
689 preferred water supply source or to restrict or prohibit the use
690 of a nonpreferred water supply source. Rules adopted by the

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691 governing board of a water management district to implement this
 692 section shall specify that the use of a preferred water supply
 693 source is not required and that the use of a nonpreferred water
 694 supply source is not restricted or prohibited.

695 Section 9. Subsections (2) and (3) of section 373.236,
 696 Florida Statutes, are renumbered as subsections (3) and (4),
 697 respectively, and a new subsection (2) is added to said section
 698 to read:

699 373.236 Duration of permits; compliance reports.--

700 (2) The Legislature finds that some agricultural
 701 landowners remain unaware of their ability to request a 20-year
 702 consumptive use permit under subsection (1) for initial permits
 703 or for renewals. Therefore, the water management districts shall
 704 inform agricultural applicants of this option in the application
 705 form.

706 Section 10. Section 373.407, Florida Statutes, is created
 707 to read:

708 373.407 Memorandum of agreement for an agricultural-
 709 related exemption.--No later than July 1, 2006, the Department
 710 of Agriculture and Consumer Services and each water management
 711 district shall enter into a memorandum of agreement under which
 712 the Department of Agriculture and Consumer Services shall assist
 713 in a determination by a water management district as to whether
 714 an existing or proposed activity qualifies for the exemption set
 715 forth in s. 373.406(2). The memorandum of agreement shall
 716 provide a process by which, upon the request of a water
 717 management district, the Department of Agriculture and Consumer
 718 Services shall conduct a nonbinding review as to whether an

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719 existing or proposed activity qualifies for an agricultural-
720 related exemption set forth in s. 373.406(2). The memorandum of
721 agreement shall provide processes and procedures by which the
722 Department of Agriculture and Consumer Services shall undertake
723 this review effectively and efficiently and issue a
724 recommendation.

725 Section 11. This act shall take effect upon becoming a
726 law.