

1 A bill to be entitled

2 An act relating to agricultural economic development;
3 amending s. 70.001, F.S.; providing a cause of action for
4 landowners aggrieved by certain changes to agricultural
5 land use; providing a notice period; amending s. 163.2514,
6 F.S.; defining the terms "agricultural enclave" and
7 "family farm agricultural enclave" for purposes of growth
8 policy; amending s. 163.2517, F.S.; authorizing the owner
9 of land defined as an agricultural enclave or a family
10 farm agricultural enclave to apply for an amendment to the
11 local government comprehensive plan and development of
12 regional impact approval, if applicable; providing
13 requirements relating to application; providing that an
14 amendment or approval shall be granted upon failure to act
15 in a timely fashion; amending s. 163.3177, F.S.; requiring
16 land use plans to establish appropriate uses of lands in
17 agricultural enclaves; amending acreage limits for rural
18 land stewardship areas; requiring the Department of
19 Community Affairs to obtain written agreements from
20 landowners designating rural land stewardship areas;
21 amending s. 163.3187, F.S.; providing that an agricultural
22 enclave comprehensive plan amendment or a large-scale
23 comprehensive plan amendment adopted as a result of
24 informal mediation may be approved without regard to
25 statutory frequency limits; creating s. 259.047, F.S.;
26 providing requirements relating to purchase of land on
27 which an agricultural lease exists; amending s. 373.0361,
28 F.S.; providing for recognition that alternative water

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29 source options for agricultural self-suppliers are
30 limited; amending s. 373.2234, F.S.; correcting a cross
31 reference; amending s. 373.236, F.S.; requiring water
32 management districts to inform landowners of the option to
33 obtain certain consumptive use permits; creating s.
34 373.407, F.S.; providing for memoranda of agreement
35 regarding qualification for agricultural-related
36 exemptions; providing an effective date.

37
38 WHEREAS, agricultural production is a major contributor to
39 the economy of the state, and

40 WHEREAS, agricultural lands constitute unique and
41 irreplaceable resources of statewide importance, and

42 WHEREAS, the continuation of agricultural activities
43 preserves the landscape and environmental resources of the
44 state, contributes to the increase of tourism, and furthers the
45 economic self-sufficiency of the people of the state, and

46 WHEREAS, the development, improvement, and encouragement
47 of the agricultural industry will result in a general benefit
48 to the health, safety, and welfare of the people of the state,
49 NOW, THEREFORE,

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsection (4), paragraph (a) of subsection
54 (5), and paragraph (c) of subsection (6) of section 70.001,
55 Florida Statutes, are amended to read:

56 70.001 Private property rights protection.--

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

71 (b) A landowner aggrieved by the changing of an existing
72 agricultural land use classification or agricultural zoning or
73 the lowering of the current density designation which creates an
74 inordinate burden on property classified as agricultural land
75 pursuant to s. 193.461 shall have a cause of action in
76 accordance with the procedures provided in this section, except
77 that the 180-day-notice period shall be reduced to a 90-day-
78 notice period.

79 (c) ~~(b)~~ The governmental entity shall provide written
80 notice of the claim to all parties to any administrative action
81 that gave rise to the claim, and to owners of real property
82 contiguous to the owner's property at the addresses listed on
83 the most recent county tax rolls. Within 15 days after the claim
84 being presented, the governmental entity shall report the claim

85 | in writing to the Department of Legal Affairs, and shall provide
86 | the department with the name, address, and telephone number of
87 | the employee of the governmental entity from whom additional
88 | information may be obtained about the claim during the pendency
89 | of the claim and any subsequent judicial action.

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

94 | 1. An adjustment of land development or permit standards
95 | or other provisions controlling the development or use of land.

96 | 2. Increases or modifications in the density, intensity,
97 | or use of areas of development.

98 | 3. The transfer of developmental rights.

99 | 4. Land swaps or exchanges.

100 | 5. Mitigation, including payments in lieu of onsite
101 | mitigation.

102 | 6. Location on the least sensitive portion of the
103 | property.

104 | 7. Conditioning the amount of development or use
105 | permitted.

106 | 8. A requirement that issues be addressed on a more
107 | comprehensive basis than a single proposed use or development.

108 | 9. Issuance of the development order, a variance, special
109 | exception, or other extraordinary relief.

110 | 10. Purchase of the real property, or an interest therein,
111 | by an appropriate governmental entity.

112 | 11. No changes to the action of the governmental entity.

113
114 If the property owner accepts the settlement offer, the
115 governmental entity may implement the settlement offer by
116 appropriate development agreement; by issuing a variance,
117 special exception, or other extraordinary relief; or by other
118 appropriate method, subject to paragraph (e)~~(d)~~.

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

128 2. Whenever a governmental entity enters into a settlement
129 agreement under this section which would have the effect of
130 contravening the application of a statute as it would otherwise
131 apply to the subject real property, the governmental entity and
132 the property owner shall jointly file an action in the circuit
133 court where the real property is located for approval of the
134 settlement agreement by the court to ensure that the relief
135 granted protects the public interest served by the statute at
136 issue and is the appropriate relief necessary to prevent the
137 governmental regulatory effort from inordinately burdening the
138 real property.

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

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

154 | (6)

155 | (c)1. In any action filed pursuant to this section, the
156 | property owner is entitled to recover reasonable costs and
157 | attorney fees incurred by the property owner, from the
158 | governmental entity or entities, according to their
159 | proportionate share as determined by the court, from the date of
160 | the filing of the circuit court action, if the property owner
161 | prevails in the action and the court determines that the
162 | settlement offer, including the ripeness decision, of the
163 | governmental entity or entities did not constitute a bona fide
164 | offer to the property owner which reasonably would have resolved
165 | the claim, based upon the knowledge available to the
166 | governmental entity or entities and the property owner during
167 | the 180-day-notice period or the 90-day-notice period.

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

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

190 Section 2. Subsections (1) and (2) of section 163.2514,
 191 Florida Statutes, are renumbered as subsections (3) and (4),
 192 respectively, and new subsections (1) and (2) are added to said
 193 section to read:

194 163.2514 Growth Policy Act; definitions.--As used in ss.
 195 163.2511-163.2526:

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

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

204 (b) The parcel has been in continuous use for bona fide
 205 agricultural purposes, as defined in s. 193.461, for a period of
 206 5 years prior to the date of any comprehensive plan amendment
 207 application.

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

215 (d) Public services, including water, wastewater,
 216 transportation, schools, and recreation facilities, are
 217 available or are scheduled to be provided as part of an adopted
 218 5-year schedule of capital improvements by the local government
 219 or by an alternative local government public infrastructure
 220 provider.

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

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

226 163.2517 Designation of urban infill and redevelopment
227 area; agricultural enclaves.--

228 (7) (a) In order to preserve commercial agricultural
229 activity, encourage mixed-use infill development, prevent urban
230 sprawl, and provide more efficient delivery of municipal
231 services and facilities, the owner of land defined as an
232 agricultural enclave pursuant to s. 163.2514(1) may apply for an
233 amendment to the local government comprehensive plan pursuant to
234 s. 163.3187 and development of regional impact approval, if
235 applicable. Such amendment and development of regional impact
236 approval, if applicable, may include land uses and intensities
237 of use consistent with the uses and intensities of use of
238 surrounding industrial, commercial, or residential areas. Any
239 application for a comprehensive plan amendment and development
240 of regional impact approval, if applicable, shall include
241 appropriate "new urbanism" concepts such as clustering, mixed-
242 use development, the creation of rural village and city centers,
243 and the transfer of development rights in order to discourage
244 urban sprawl while protecting landowner rights. If such
245 amendment and application for development of regional impact
246 approval is otherwise consistent with applicable provisions of
247 ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, the
248 state comprehensive plan, the appropriate regional policy plan,
249 and chapter 9J-5, Florida Administrative Code, the amendment
250 shall be deemed to prevent urban sprawl and be in compliance as

251 defined in s. 163.3184, and the application for development of
 252 regional impact shall be approved.

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

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

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

274 163.3177 Required and optional elements of comprehensive
 275 plan; studies and surveys.--

276 (6) In addition to the requirements of subsections (1)-
 277 (5), the comprehensive plan shall include the following
 278 elements:

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

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

298 2. The future land use plan shall be based upon surveys,
 299 studies, and data regarding the area, including the amount of
 300 land required to accommodate anticipated growth; the projected
 301 population of the area; the character of undeveloped land; the
 302 availability of public services; the need for redevelopment,
 303 including the renewal of blighted areas and the elimination of
 304 nonconforming uses which are inconsistent with the character of
 305 the community; the compatibility of uses on lands adjacent to or
 306 closely proximate to military installations; and, in rural

307 communities, the need for job creation, capital investment, and
308 economic development that will strengthen and diversify the
309 community's economy.

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

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

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

324 6. The future land use plan shall delineate agricultural
325 enclaves, as defined in s. 163.2514(1) and (2), and establish
326 appropriate uses of land in these enclaves that are consistent
327 with the intensities of use of surrounding industrial,
328 commercial, or residential areas.

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

331 8. The land use maps or map series shall generally
332 identify and depict historic district boundaries and shall
333 designate historically significant properties meriting
334 protection.

335 9. The future land use element must clearly identify the
336 land use categories in which public schools are an allowable
337 use. When delineating the land use categories in which public
338 schools are an allowable use, a local government shall include
339 in the categories sufficient land proximate to residential
340 development to meet the projected needs for schools in
341 coordination with public school boards and may establish
342 differing criteria for schools of different type or size. Each
343 local government shall include lands contiguous to existing
344 school sites, to the maximum extent possible, within the land
345 use categories in which public schools are an allowable use. All
346 comprehensive plans must comply with the school siting
347 requirements of this paragraph no later than October 1, 1999.
348 The failure by a local government to comply with these school
349 siting requirements by October 1, 1999, will result in the
350 prohibition of the local government's ability to amend the local
351 comprehensive plan, except for plan amendments described in s.
352 163.3187(1)(b), until the school siting requirements are met.
353 Amendments proposed by a local government for purposes of
354 identifying the land use categories in which public schools are
355 an allowable use or for adopting or amending the school-siting
356 maps pursuant to s. 163.31776(3) are exempt from the limitation
357 on the frequency of plan amendments contained in s. 163.3187.
358 The future land use element shall include criteria that
359 encourage the location of schools proximate to urban residential
360 areas to the extent possible and shall require that the local
361 government seek to collocate public facilities, such as parks,
362 libraries, and community centers, with schools to the extent

363 possible and to encourage the use of elementary schools as focal
364 points for neighborhoods. For schools serving predominantly
365 rural counties, defined as a county with a population of 100,000
366 or fewer, an agricultural land use category shall be eligible
367 for the location of public school facilities if the local
368 comprehensive plan contains school siting criteria and the
369 location is consistent with such criteria. Local governments
370 required to update or amend their comprehensive plan to include
371 criteria and address compatibility of adjacent or closely
372 proximate lands with existing military installations in their
373 future land use plan element shall transmit the update or
374 amendment to the department by June 30, 2006.

375 (11)

376 (d)1. The department, in cooperation with the Department
377 of Agriculture and Consumer Services, the Department of
378 Environmental Protection, water management districts, and
379 regional planning councils, shall provide assistance to local
380 governments in the implementation of this paragraph and rule 9J-
381 5.006(5)(1), Florida Administrative Code. Implementation of
382 those provisions shall include a process by which the department
383 may authorize local governments and landowners to designate all
384 or portions of lands classified in the future land use element
385 as predominantly agricultural, rural, open, open-rural, or a
386 substantively equivalent land use, as a rural land stewardship
387 area within which planning and economic incentives are applied
388 to encourage the implementation of innovative and flexible
389 planning and development strategies and creative land use
390 planning techniques, including those contained herein and in

391 rule 9J-5.006(5)(1), Florida Administrative Code. Assistance may
392 include, but is not limited to:

393 a. Assistance from the Department of Environmental
394 Protection and water management districts in creating the
395 geographic information systems land cover database and aerial
396 photogrammetry needed to prepare for a rural land stewardship
397 area;

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

404 c. Expansion of the role of the Department of Community
405 Affairs as a resource agency to facilitate establishment of
406 rural land stewardship areas in smaller rural counties that do
407 not have the staff or planning budgets to create a rural land
408 stewardship area.

409 2. The department shall encourage participation by local
410 governments of different sizes and rural characteristics in
411 establishing and implementing rural land stewardship areas. It
412 is the intent of the Legislature that rural land stewardship
413 areas be used to further the following broad principles of rural
414 sustainability: restoration and maintenance of the economic
415 value of rural land; control of urban sprawl; identification and
416 protection of ecosystems, habitats, and natural resources;
417 promotion of rural economic activity; maintenance of the
418 viability of Florida's agricultural economy; and protection of

419 the character of rural areas of Florida. Rural land stewardship
420 areas may be multicounty in order to encourage coordinated
421 regional stewardship planning.

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

435 4. A rural land stewardship area shall be not less than
436 2,500 ~~10,000~~ acres and shall be located outside of
437 municipalities and established urban growth boundaries, and
438 shall be designated by plan amendment. The plan amendment
439 designating a rural land stewardship area shall be subject to
440 review by the Department of Community Affairs pursuant to s.
441 163.3184 and shall provide for the following:

442 a. Criteria for the designation of receiving areas within
443 rural land stewardship areas in which innovative planning and
444 development strategies may be applied. Criteria shall at a
445 minimum provide for the following: adequacy of suitable land to
446 accommodate development so as to avoid conflict with

447 environmentally sensitive areas, resources, and habitats;
448 compatibility between and transition from higher density uses to
449 lower intensity rural uses; the establishment of receiving area
450 service boundaries which provide for a separation between
451 receiving areas and other land uses within the rural land
452 stewardship area through limitations on the extension of
453 services; and connection of receiving areas with the rest of the
454 rural land stewardship area using rural design and rural road
455 corridors.

456 b. Goals, objectives, and policies setting forth the
457 innovative planning and development strategies to be applied
458 within rural land stewardship areas pursuant to the provisions
459 of this section.

460 c. A process for the implementation of innovative planning
461 and development strategies within the rural land stewardship
462 area, including those described in this subsection and rule 9J-
463 5.006(5)(1), Florida Administrative Code, which provide for a
464 functional mix of land uses and which are applied through the
465 adoption by the local government of zoning and land development
466 regulations applicable to the rural land stewardship area.

467 d. A process which encourages visioning pursuant to s.
468 163.3167(11) to ensure that innovative planning and development
469 strategies comply with the provisions of this section.

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

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

476 a. Ensure that the landowner has expressed his or her
 477 intent to designate a rural land stewardship area pursuant to
 478 the provisions of this subsection and clarify that the rural
 479 land stewardship area is intended.

480 b. Ensure that the landowner has the financial and
 481 administrative capabilities to implement a rural land
 482 stewardship area.

483 ~~6.5-~~ A receiving area shall be designated by the adoption
 484 of a land development regulation. Prior to the designation of a
 485 receiving area, the local government shall provide the
 486 Department of Community Affairs a period of 30 days in which to
 487 review a proposed receiving area for consistency with the rural
 488 land stewardship area plan amendment and to provide comments to
 489 the local government.

490 ~~7.6-~~ Upon the adoption of a plan amendment creating a
 491 rural land stewardship area, the local government shall, by
 492 ordinance, assign to the area a certain number of credits, to be
 493 known as "transferable rural land use credits," which shall not
 494 constitute a right to develop land, nor increase density of
 495 land, except as provided by this section. The total amount of
 496 transferable rural land use credits assigned to the rural land
 497 stewardship area must correspond to the 25-year or greater
 498 projected population of the rural land stewardship area.
 499 Transferable rural land use credits are subject to the following
 500 limitations:

501 a. Transferable rural land use credits may only exist
502 within a rural land stewardship area.

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

508 c. Transferable rural land use credits assigned to a
509 parcel of land within a rural land stewardship area shall cease
510 to exist if the parcel of land is removed from the rural land
511 stewardship area by plan amendment.

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

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

526 f. Transferable rural land use credits shall cease to
527 exist on a parcel of land where the underlying density assigned
528 to the parcel of land is utilized.

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

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

539 i. Land within a rural land stewardship area may be
540 removed from the rural land stewardship area through a plan
541 amendment.

542 j. Transferable rural land use credits may be assigned at
543 different ratios of credits per acre according to the natural
544 resource or other beneficial use characteristics of the land and
545 according to the land use remaining following the transfer of
546 credits, with the highest number of credits per acre assigned to
547 the most environmentally valuable land and a lesser number of
548 credits to be assigned to open space and agricultural land.

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

556 ~~8.7-~~ Owners of land within rural land stewardship areas
 557 should be provided incentives to enter into rural land
 558 stewardship agreements, pursuant to existing law and rules
 559 adopted thereto, with state agencies, water management
 560 districts, and local governments to achieve mutually agreed upon
 561 conservation objectives. Such incentives may include, but not be
 562 limited to, the following:

- 563 a. Opportunity to accumulate transferable mitigation
- 564 credits.
- 565 b. Extended permit agreements.
- 566 c. Opportunities for recreational leases and ecotourism.
- 567 d. Payment for specified land management services on
- 568 publicly owned land, or property under covenant or restricted
- 569 easement in favor of a public entity.
- 570 e. Option agreements for sale to public entities or
- 571 private land conservation entities, in either fee or easement,
- 572 upon achievement of conservation objectives.

573 ~~9.8-~~ The department shall report to the Legislature on an
 574 annual basis on the results of implementation of rural land
 575 stewardship areas authorized by the department, including
 576 successes and failures in achieving the intent of the
 577 Legislature as expressed in this paragraph.

578 Section 5. Paragraph (d) of subsection (1) of section
 579 163.3187, Florida Statutes, is amended to read:

580 163.3187 Amendment of adopted comprehensive plan.--

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

584 (d) Any comprehensive plan amendment required by a
 585 compliance agreement under ~~pursuant to~~ s. 163.3184(16), an
 586 agricultural enclave comprehensive plan amendment pursuant to s.
 587 163.2517(7), or any large-scale comprehensive plan amendment
 588 adopted as a result of informal mediation in accordance with s.
 589 163.3181(4) may be approved without regard to statutory limits
 590 on the frequency of adoption of amendments to the comprehensive
 591 plan.

592 Section 6. Section 259.047, Florida Statutes, is created
 593 to read:

594 259.047 Acquisition of land on which an agricultural lease
 595 exists.--

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

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

607 Section 7. Paragraph (a) of subsection (2) of section
 608 373.0361, Florida Statutes, is amended to read:

609 373.0361 Regional water supply planning.--

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

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

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

631 2. A list of water source options, including traditional
632 and alternative source options, from which local government,
633 government-owned and privately owned utilities, self-suppliers,
634 and others may choose, for water supply development, the total
635 capacity of which will, in conjunction with water conservation
636 and other demand management measures, exceed the needs
637 identified in subparagraph 1. The list of water source options

638 for water supply development must contain provisions that
639 recognize that alternative water source options for agricultural
640 self-suppliers are limited.

641 3. For each option listed in subparagraph 2., the
642 estimated amount of water available for use and the estimated
643 costs of and potential sources of funding for water supply
644 development.

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

647
648 The water supply development component of a regional water
649 supply plan which deals with or affects public utilities and
650 public water supply for those areas served by a regional water
651 supply authority and its member governments within the
652 boundaries of the Southwest Florida Water Management District
653 shall be developed jointly by the authority and the district.

654 Section 8. Section 373.2234, Florida Statutes, is amended
655 to read:

656 373.2234 Preferred water supply sources.--The governing
657 board of a water management district is authorized to adopt
658 rules that identify preferred water supply sources for
659 consumptive uses for which there is sufficient data to establish
660 that a preferred source will provide a substantial new water
661 supply to meet the existing and projected reasonable-beneficial
662 uses of a water supply planning region identified pursuant to s.
663 373.0361(1), while sustaining existing water resources and
664 natural systems. At a minimum, such rules must contain a
665 description of the preferred water supply source and an

666 assessment of the water the preferred source is projected to
667 produce. If an applicant proposes to use a preferred water
668 supply source, that applicant's proposed water use is subject to
669 s. 373.223(1), except that the proposed use of a preferred water
670 supply source must be considered by a water management district
671 when determining whether a permit applicant's proposed use of
672 water is consistent with the public interest pursuant to s.
673 373.223(1)(c). A consumptive use permit issued for the use of a
674 preferred water supply source must be granted, when requested by
675 the applicant, for at least a 20-year period and may be subject
676 to the compliance reporting provisions of s. 373.236(4)~~(3)~~.
677 Nothing in this section shall be construed to exempt the use of
678 preferred water supply sources from the provisions of ss.
679 373.016(4) and 373.223(2) and (3), or be construed to provide
680 that permits issued for the use of a nonpreferred water supply
681 source must be issued for a duration of less than 20 years or
682 that the use of a nonpreferred water supply source is not
683 consistent with the public interest. Additionally, nothing in
684 this section shall be interpreted to require the use of a
685 preferred water supply source or to restrict or prohibit the use
686 of a nonpreferred water supply source. Rules adopted by the
687 governing board of a water management district to implement this
688 section shall specify that the use of a preferred water supply
689 source is not required and that the use of a nonpreferred water
690 supply source is not restricted or prohibited.

691 Section 9. Subsections (2) and (3) of section 373.236,
692 Florida Statutes, are renumbered as subsections (3) and (4),

693 | respectively, and a new subsection (2) is added to said section
 694 | to read:

695 | 373.236 Duration of permits; compliance reports.--

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

702 | Section 10. Section 373.407, Florida Statutes, is created
 703 | to read:

704 | 373.407 Memorandum of agreement for an agricultural-
 705 | related exemption.--No later than July 1, 2006, the Department
 706 | of Agriculture and Consumer Services and each water management
 707 | district shall enter into a memorandum of agreement under which
 708 | the Department of Agriculture and Consumer Services shall assist
 709 | in a determination by a water management district as to whether
 710 | an existing or proposed activity qualifies for the exemption set
 711 | forth in s. 373.406(2). The memorandum of agreement shall
 712 | provide a process by which, upon the request of a water
 713 | management district, the Department of Agriculture and Consumer
 714 | Services shall conduct a nonbinding review as to whether an
 715 | existing or proposed activity qualifies for an agricultural-
 716 | related exemption set forth in s. 373.406(2). The memorandum of
 717 | agreement shall provide processes and procedures by which the
 718 | Department of Agriculture and Consumer Services shall undertake
 719 | this review effectively and efficiently and issue a
 720 | recommendation.

721 | Section 11. This act shall take effect upon becoming a
722 | law.