

1 agricultural-related exemptions; providing an
2 effective date.

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

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

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

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

16
17 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

5 (1) "Agricultural enclave" means any unincorporated,
6 undeveloped parcel of 7,500 acres or less, owned by a single
7 person or entity, which satisfies all of the following
8 criteria:

9 (a) The parcel has been in continuous use for bona
10 fide agricultural purposes, as defined by s. 193.461, for a
11 period of 5 years prior to the date of any comprehensive plan
12 amendment application.

13 (b) The parcel is surrounded on at least 75 percent of
14 its perimeter by existing industrial, commercial, or
15 residential development or property that may be developed for
16 industrial, commercial, or residential purposes without
17 further amendment of a local government comprehensive plan.

18 (c) Public services, including water, wastewater,
19 transportation, schools, and recreational facilities, are
20 available or are scheduled to be provided as part of an
21 adopted 5-year schedule of capital improvements by the local
22 government or by an alternative local government public
23 infrastructure provider.

24 Section 3. Subsection (7) is added to section
25 163.2517, Florida Statutes, to read:

26 163.2517 Designation of urban infill and redevelopment
27 area; agricultural enclave.--

28 (1) A local government may designate a geographic area
29 or areas within its jurisdiction as an urban infill and
30 redevelopment area for the purpose of targeting economic
31 development, job creation, housing, transportation, crime

1 prevention, neighborhood revitalization and preservation, and
2 land use incentives to encourage urban infill and
3 redevelopment within the urban core.

4 (2)(a) As part of the preparation and implementation
5 of an urban infill and redevelopment plan, a collaborative and
6 holistic community participation process must be implemented
7 to include each neighborhood within the area targeted for
8 designation as an urban infill and redevelopment area. The
9 objective of the community participation process is to
10 encourage communities within the proposed urban infill and
11 redevelopment area to participate in the design and
12 implementation of the plan, including a "visioning" of the
13 urban core, before redevelopment.

14 (b)1. A neighborhood participation process must be
15 developed to provide for the ongoing involvement of
16 stakeholder groups including, but not limited to,
17 community-based organizations, neighborhood associations,
18 financial institutions, faith organizations, housing
19 authorities, financial institutions, existing businesses,
20 businesses interested in operating in the community, schools,
21 and neighborhood residents, in preparing and implementing the
22 urban infill and redevelopment plan.

23 2. The neighborhood participation process must include
24 a governance structure whereby the local government shares
25 decisionmaking authority for developing and implementing the
26 urban infill and redevelopment plan with communitywide
27 representatives. For example, the local government and
28 community representatives could organize a corporation under
29 s. 501(c)(3) of the Internal Revenue Code to implement
30 specific redevelopment projects.

31

1 (3) A local government seeking to designate a
2 geographic area within its jurisdiction as an urban infill and
3 redevelopment area shall prepare a plan that describes the
4 infill and redevelopment objectives of the local government
5 within the proposed area. In lieu of preparing a new plan, the
6 local government may demonstrate that an existing plan or
7 combination of plans associated with a community redevelopment
8 area, Florida Main Street program, Front Porch Florida
9 Community, sustainable community, enterprise zone, or
10 neighborhood improvement district includes the factors listed
11 in paragraphs (a)-(n), including a collaborative and holistic
12 community participation process, or amend such existing plans
13 to include these factors. The plan shall demonstrate the local
14 government and community's commitment to comprehensively
15 address the urban problems within the urban infill and
16 redevelopment area and identify activities and programs to
17 accomplish locally identified goals such as code enforcement;
18 improved educational opportunities; reduction in crime;
19 neighborhood revitalization and preservation; provision of
20 infrastructure needs, including mass transit and multimodal
21 linkages; and mixed-use planning to promote multifunctional
22 redevelopment to improve both the residential and commercial
23 quality of life in the area. The plan shall also:
24 (a) Contain a map depicting the geographic area or
25 areas to be included within the designation.
26 (b) Confirm that the infill and redevelopment area is
27 within an area designated for urban uses in the local
28 government's comprehensive plan.
29 (c) Identify and map existing enterprise zones,
30 community redevelopment areas, community development
31 corporations, brownfield areas, downtown redevelopment

1 | districts, safe neighborhood improvement districts, historic
2 | preservation districts, and empowerment zones or enterprise
3 | communities located within the area proposed for designation
4 | as an urban infill and redevelopment area and provide a
5 | framework for coordinating infill and redevelopment programs
6 | within the urban core.

7 | (d) Identify a memorandum of understanding between the
8 | district school board and the local government jurisdiction
9 | regarding public school facilities located within the urban
10 | infill and redevelopment area to identify how the school board
11 | will provide priority to enhancing public school facilities
12 | and programs in the designated area, including the reuse of
13 | existing buildings for schools within the area.

14 | (e) Identify each neighborhood within the proposed
15 | area and state community preservation and revitalization goals
16 | and projects identified through a collaborative and holistic
17 | community participation process and how such projects will be
18 | implemented.

19 | (f) Identify how the local government and
20 | community-based organizations intend to implement affordable
21 | housing programs, including, but not limited to, economic and
22 | community development programs administered by federal and
23 | state agencies, within the urban infill and redevelopment
24 | area.

25 | (g) Identify strategies for reducing crime.

26 | (h) If applicable, provide guidelines for the adoption
27 | of land development regulations specific to the urban infill
28 | and redevelopment area which include, for example, setbacks
29 | and parking requirements appropriate to urban development.

30 | (i) Identify and map any existing transportation
31 | concurrency exception areas and any relevant public

1 transportation corridors designated by a metropolitan planning
2 organization in its long-range transportation plans or by the
3 local government in its comprehensive plan for which the local
4 government seeks designation as a transportation concurrency
5 exception area. For those areas, describe how public
6 transportation, pedestrian ways, and bikeways will be
7 implemented as an alternative to increased automobile use.

8 (j) Identify and adopt a package of financial and
9 local government incentives which the local government will
10 offer for new development, expansion of existing development,
11 and redevelopment within the urban infill and redevelopment
12 area. Examples of such incentives include:

- 13 1. Waiver of license and permit fees.
- 14 2. Exemption of sales made in the urban infill and
15 redevelopment area from local option sales surtaxes imposed
16 pursuant to s. 212.055.
- 17 3. Waiver of delinquent local taxes or fees to promote
18 the return of property to productive use.
- 19 4. Expedited permitting.
- 20 5. Lower transportation impact fees for development
21 which encourages more use of public transit, pedestrian, and
22 bicycle modes of transportation.
- 23 6. Prioritization of infrastructure spending within
24 the urban infill and redevelopment area.
- 25 7. Local government absorption of developers'
26 concurrency costs.

27
28 In order to be authorized to recognize the exemption from
29 local option sales surtaxes pursuant to subparagraph 2., the
30 owner, lessee, or lessor of the new development, expanding
31 existing development, or redevelopment within the urban infill

1 and redevelopment area must file an application under oath
2 with the governing body having jurisdiction over the urban
3 infill and redevelopment area where the business is located.
4 The application must include the name and address of the
5 business claiming the exclusion from collecting local option
6 surtaxes; an address and assessment roll parcel number of the
7 urban infill and redevelopment area for which the exemption is
8 being sought; a description of the improvements made to
9 accomplish the new development, expanding development, or
10 redevelopment of the real property; a copy of the building
11 permit application or the building permit issued for the
12 development of the real property; a new application for a
13 certificate of registration with the Department of Revenue
14 with the address of the new development, expanding
15 development, or redevelopment; and the location of the
16 property. The local government must review and approve the
17 application and submit the completed application and
18 documentation along with a copy of the ordinance adopted
19 pursuant to subsection (5) to the Department of Revenue in
20 order for the business to become eligible to make sales exempt
21 from local option sales surtaxes in the urban infill and
22 redevelopment area.

23 (k) Identify how activities and incentives within the
24 urban infill and redevelopment area will be coordinated and
25 what administrative mechanism the local government will use
26 for the coordination.

27 (l) Identify how partnerships with the financial and
28 business community will be developed.

29 (m) Identify the governance structure that the local
30 government will use to involve community representatives in
31 the implementation of the plan.

1 (n) Identify performance measures to evaluate the
2 success of the local government in implementing the urban
3 infill and redevelopment plan.

4 (4) In order for a local government to designate an
5 urban infill and redevelopment area, it must amend its
6 comprehensive land use plan under s. 163.3187 to delineate the
7 boundaries of the urban infill and redevelopment area within
8 the future land use element of its comprehensive plan pursuant
9 to its adopted urban infill and redevelopment plan. The state
10 land planning agency shall review the boundary delineation of
11 the urban infill and redevelopment area in the future land use
12 element under s. 163.3184. However, an urban infill and
13 redevelopment plan adopted by a local government is not
14 subject to review for compliance as defined by s.
15 163.3184(1)(b), and the local government is not required to
16 adopt the plan as a comprehensive plan amendment. An amendment
17 to the local comprehensive plan to designate an urban infill
18 and redevelopment area is exempt from the twice-a-year
19 amendment limitation of s. 163.3187.

20 (5) After the preparation of an urban infill and
21 redevelopment plan or designation of an existing plan, the
22 local government shall adopt the plan by ordinance. Notice for
23 the public hearing on the ordinance must be in the form
24 established in s. 166.041(3)(c)2. for municipalities, and s.
25 125.66(4)(b)2. for counties.

26 (6)(a) In order to continue to be eligible for the
27 economic and regulatory incentives granted with respect to an
28 urban infill and redevelopment area, the local government must
29 demonstrate during the evaluation, assessment, and review of
30 its comprehensive plan required pursuant to s. 163.3191, that
31 within designated urban infill and redevelopment areas, the

1 amount of combined annual residential, commercial, and
2 institutional development has increased by at least 10
3 percent.

4 (b) If the local government fails to implement the
5 urban infill and redevelopment plan in accordance with the
6 deadlines set forth in the plan, the Department of Community
7 Affairs may seek to rescind the economic and regulatory
8 incentives granted to the urban infill and redevelopment area,
9 subject to the provisions of chapter 120. The action to
10 rescind may be initiated 90 days after issuing a written
11 letter of warning to the local government.

12 (7) In order to preserve commercial agricultural
13 activity, encourage mixed-use infill development, prevent
14 urban sprawl, and provide more efficient delivery of municipal
15 services and facilities, the owner of land defined as an
16 agricultural enclave pursuant to s. 163.2514(1) may apply for
17 an amendment to the local government comprehensive plan
18 pursuant to s. 163.3187. Such amendment may include land uses
19 and intensities of use consistent with the uses and
20 intensities of use of surrounding industrial, commercial, or
21 residential areas. Any comprehensive plan amendment
22 application shall include appropriate "new urbanism" concepts
23 such as clustering, mixed-use development, the creation of
24 rural village and city centers, and the transfer of
25 development rights in order to discourage urban sprawl while
26 protecting landowner rights. If such amendment is otherwise
27 consistent with applicable provisions of ss. 163.3177,
28 163.3178, 163.3180, 163.3191, and 163.3245, the state
29 comprehensive plan, the appropriate regional policy plan, and
30 chapter 9J-5, Florida Administrative Code, the amendment shall
31 be deemed to prevent urban sprawl and be in compliance as

1 defined in s. 163.3184. If two or more persons or entities own
2 contiguous agricultural lands which, when consolidated after
3 the effective date of this act, meet the definition of an
4 agricultural enclave, such persons or entities shall not be
5 entitled to apply for a comprehensive plan amendment pursuant
6 to this subsection for a period of 5 years following
7 consolidation.

8 Section 4. Paragraph (d) of subsection (1) of section
9 163.3187, Florida Statutes, is amended to read:

10 163.3187 Amendment of adopted comprehensive plan.--

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

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

20 Section 5. Section 259.047, Florida Statutes, is
21 created to read:

22 259.047 Acquisition of land on which an agricultural
23 lease exists.--

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

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

6 Section 6. Paragraph (a) of subsection (2) of section
7 373.0361, Florida Statutes, is amended to read:

8 373.0361 Regional water supply planning.--

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

12 (a) A water supply development component that
13 includes:

14 1. A quantification of the water supply needs for all
15 existing and reasonably projected future uses within the
16 planning horizon. The level-of-certainty planning goal
17 associated with identifying the water supply needs of existing
18 and future reasonable-beneficial uses shall be based upon
19 meeting those needs for a 1-in-10-year drought event.
20 Population projections used for determining public water
21 supply needs must be based upon the best available data. In
22 determining the best available data, the district shall
23 consider the University of Florida's Bureau of Economic and
24 Business Research (BEBR) medium population projections and any
25 population projection data and analysis submitted by a local
26 government pursuant to the public workshop described in
27 subsection (1) if the data and analysis support the local
28 government's comprehensive plan. Any adjustment of or
29 deviation from the BEBR projections must be fully described,
30 and the original BEBR data must be presented along with the
31 adjusted data.

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

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

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

17
18 The water supply development component of a regional water
19 supply plan which deals with or affects public utilities and
20 public water supply for those areas served by a regional water
21 supply authority and its member governments within the
22 boundaries of the Southwest Florida Water Management District
23 shall be developed jointly by the authority and the district.

24 Section 7. Section 373.2234, Florida Statutes, is
25 amended to read:

26 373.2234 Preferred water supply sources.--The
27 governing board of a water management district is authorized
28 to adopt rules that identify preferred water supply sources
29 for consumptive uses for which there is sufficient data to
30 establish that a preferred source will provide a substantial
31 new water supply to meet the existing and projected

1 reasonable-beneficial uses of a water supply planning region
2 identified pursuant to s. 373.0361(1), while sustaining
3 existing water resources and natural systems. At a minimum,
4 such rules must contain a description of the preferred water
5 supply source and an assessment of the water the preferred
6 source is projected to produce. If an applicant proposes to
7 use a preferred water supply source, that applicant's proposed
8 water use is subject to s. 373.223(1), except that the
9 proposed use of a preferred water supply source must be
10 considered by a water management district when determining
11 whether a permit applicant's proposed use of water is
12 consistent with the public interest pursuant to s.
13 373.223(1)(c). A consumptive use permit issued for the use of
14 a preferred water supply source must be granted, when
15 requested by the applicant, for at least a 20-year period and
16 may be subject to the compliance reporting provisions of s.
17 373.236(4)~~(3)~~. Nothing in this section shall be construed to
18 exempt the use of preferred water supply sources from the
19 provisions of ss. 373.016(4) and 373.223(2) and (3), or be
20 construed to provide that permits issued for the use of a
21 nonpreferred water supply source must be issued for a duration
22 of less than 20 years or that the use of a nonpreferred water
23 supply source is not consistent with the public interest.
24 Additionally, nothing in this section shall be interpreted to
25 require the use of a preferred water supply source or to
26 restrict or prohibit the use of a nonpreferred water supply
27 source. Rules adopted by the governing board of a water
28 management district to implement this section shall specify
29 that the use of a preferred water supply source is not
30 required and that the use of a nonpreferred water supply
31 source is not restricted or prohibited.

1 Section 8. Subsections (2) and (3) of section 373.236,
2 Florida Statutes, are renumbered as subsections (3) and (4),
3 respectively, and a new subsection (2) is added to that
4 section to read:

5 373.236 Duration of permits; compliance reports.--

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

12 Section 9. Section 373.407, Florida Statutes, is
13 created to read:

14 373.407 Memorandum of agreement for an
15 agricultural-related exemption.--No later than July 1, 2006,
16 the Department of Agriculture and Consumer Services and each
17 water management district shall enter into a memorandum of
18 agreement under which the Department of Agriculture and
19 Consumer Services shall assist in a determination by a water
20 management district as to whether an existing or proposed
21 activity qualifies for the exemption set forth in s.
22 373.406(2). The memorandum of agreement shall provide a
23 process by which, upon the request of a water management
24 district, the Department of Agriculture and Consumer Services
25 shall conduct a nonbinding review as to whether an existing or
26 proposed activity qualifies for an agricultural-related
27 exemption set forth in s. 373.406(2). The memorandum of
28 agreement shall provide processes and procedures by which the
29 Department of Agriculture and Consumer Services shall
30 undertake this review effectively and efficiently and issue a
31 recommendation.

1 Section 10. This act shall take effect upon becoming a
2 law.
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