

Bill No. CS for SB 1880

Barcode 452570

CHAMBER ACTION

Senate

House

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Comm: RCS
04/19/2006 11:16 AM

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The Committee on Community Affairs (Clary) recommended the following amendment:

Senate Amendment (with title amendment)

On page 5, line 21, through
page 8, line 16, delete those lines

and insert:

Section 2. Subsection (5) is added to section 163.3162, Florida Statutes, to read:

163.3162 Agricultural Lands and Practices Act.--

(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE

PLAN.--The owner of a parcel of land defined as an agricultural enclave under s. 163.3164(33) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3187. Such amendment is not subject to rule 9J-5.006(5), Florida Administrative Code, and may include land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Each application for a comprehensive plan amendment under this subsection for a

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1 parcel larger than 640 acres must include appropriate new
 2 urbanism concepts such as clustering, mixed-use development,
 3 the creation of rural village and city centers, and the
 4 transfer of development rights in order to discourage urban
 5 sprawl while protecting landowner rights.

6 (a) The local government and the owner of a parcel of
 7 land that is the subject of an application for an amendment
 8 shall have 180 days following the date that the local
 9 government receives a complete application to negotiate in
 10 good faith to reach consensus on the land uses and intensities
 11 of use that are consistent with the uses and intensities of
 12 use of the industrial, commercial, or residential areas that
 13 surround the parcel. Within 30 days after the local
 14 government's receipt of such an application, the local
 15 government and owner must agree in writing to a schedule for
 16 information submittal, public hearings, negotiations, and
 17 final action on the amendment, which schedule may thereafter
 18 be altered only with the written consent of the local
 19 government and the owner. Compliance with the schedule in the
 20 written agreement constitutes good-faith negotiations for
 21 purposes of paragraph (c).

22 (b) Upon conclusion of good-faith negotiations under
 23 paragraph (a), regardless of whether the local government and
 24 owner reach consensus on the land uses and intensities of use
 25 that are consistent with the uses and intensities of use of
 26 the industrial, commercial, or residential areas that surround
 27 the parcel, the amendment must be transmitted to the state
 28 land planning agency for review pursuant to s. 163.3184. If
 29 the local government fails to transmit the amendment within
 30 180 days after receipt of a complete application, the
 31 amendment must be immediately transferred to the state land

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1 planning agency for such review at the first available
2 transmittal cycle. The state land planning agency may not use
3 any provision of rule 9J-5.006(5), Florida Administrative
4 Code, as a factor in determining compliance of an amendment.

5 (c) If the owner fails to negotiate in good faith,
6 rule 9J-5.006(5), Florida Administrative Code, shall apply
7 throughout the negotiation and amendment process.

8 (d) Nothing within this subsection relating to
9 agricultural enclaves shall preempt or replace any protection
10 currently existing for any property located within the
11 boundaries of the following areas:

12 1. The Wekiva Study Area, as described in s. 369.316;

13 or

14 2. The Everglades Protection Area, as defined in s.
15 373.4592(2).

16 Section 3. Subsection (33) is added to section
17 163.3164, Florida Statutes, to read:

18 163.3164 Local Government Comprehensive Planning and
19 Land Development Regulation Act; definitions.--As used in this
20 act:

21 (33) "Agricultural enclave" means an unincorporated,
22 undeveloped parcel that:

23 (a) Is owned by a single person or entity;

24 (b) Has been in continuous use for bona fide
25 agricultural purposes, as defined by s. 193.461, for a period
26 of 5 years prior to the date of any comprehensive plan
27 amendment application;

28 (c) Is surrounded on at least 75 percent of its
29 perimeter by:

30 1. Property that has existing industrial, commercial,
31 or residential development; or

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1 2. Property that the local government has designated,
2 in the local government's comprehensive plan, zoning map, and
3 future land use map, as land that is to be developed for
4 industrial, commercial, or residential purposes, and at least
5 75 percent of such property is existing industrial,
6 commercial, or residential development;

7 (d) Has public services, including water, wastewater,
8 transportation, schools, and recreation facilities, available
9 or such public services are scheduled in the capital
10 improvement element to be provided by the local government or
11 can be provided by an alternative provider of local government
12 infrastructure in order to ensure consistency with applicable
13 concurrency provisions of s. 163.3180; and

14 (e) Does not exceed 2,560 acres; however, if the
15 property is surrounded by existing or authorized residential
16 development that will result in a density at buildout of at
17 least 1,000 residents per square mile, then the area shall be
18 determined to be urban and the parcel may not exceed 5,120
19 acres.

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, lines 8 through 19, delete those lines

26 and insert:

27 163.3162, F.S.; providing for application for
28 an amendment to the local government
29 comprehensive plan by the owner of land that
30 meets certain provisions of the definition of
31 an agricultural enclave; providing requirements

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1 relating to such applications; exempting
2 certain amendments from specified rules of the
3 Department of Community Affairs under certain
4 circumstances; amending s. 163.3164, F.S.;
5 defining the term "agricultural enclave" for
6 purposes of the Local Government Comprehensive
7 Planning and Land Development Regulation Act;

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