

Bill No. SB 1880

Barcode 634524

CHAMBER ACTION

Senate

House

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The Committee on Agriculture (Argenziano) recommended the following amendment:

Senate Amendment

On page 5, line 24, through
page 7, line 26 delete those lines

and insert:

(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.

(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment under this subsection shall have 180 days following the date that the local government receives an application to negotiate

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1 in good faith to reach consensus on the land uses and
 2 intensities of use that are consistent with the uses and
 3 intensities of use of the industrial, commercial, or
 4 residential areas that surround the parcel. Within 30 days
 5 after the local government's receipt of the application, the
 6 local government and owner must agree in writing to a schedule
 7 for information submittal, public hearings, negotiations, and
 8 final action on the amendment, which schedule may thereafter
 9 be altered only with the written consent of the local
 10 government and the owner. Compliance with the schedule in the
 11 written agreement constitutes good-faith negotiations for
 12 purposes of paragraph (c).

13 (b) Upon conclusion of good-faith negotiations under
 14 paragraph (a), regardless of whether the local government and
 15 owner reach consensus on the land uses and intensities of use
 16 that are consistent with the uses and intensities of use of
 17 the industrial, commercial, or residential areas that surround
 18 the parcel, the amendment must be transmitted to the state
 19 land planning agency for review pursuant to s. 163.3184. If
 20 the local government fails to transmit the amendment within
 21 180 days after receipt of an application, the amendment must
 22 be immediately transferred to the state land planning agency
 23 for such review at the first available transmittal cycle. The
 24 state land planning agency may not use any provision of rule
 25 9J-5.006(5), Florida Administrative Code, as a factor in
 26 determining compliance of an amendment under this paragraph.

27 (c) If the owner fails to negotiate in good faith,
 28 rule 9J-5.006(5), Florida Administrative Code, shall apply
 29 throughout the negotiation and amendment process under this
 30 paragraph.

31 (d) Nothing within this subsection relating to