Amendment No.

CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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1 Representative Mayfield offered the following:

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3   **Substitute Amendment for Amendment (032977) (with title**

4 **amendment)**

5   Remove lines 51-97 and insert:

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7 70.001 after presenting a claim to the local government as set

8 forth in s. 70.001(4)(a). The imposition of such conditions is

9 presumed to impose an inordinate burden. This presumption may be

10 rebutted by clear and convincing evidence. This subsection shall

11 not apply to comprehensive plan provisions, development

12 conditions, or land development regulations enacted by a local

13 government to address compatibility of land uses with military

14 operations or installations.

15   (a) The local government and the owner of a parcel of land

16 that is the subject of an application for an amendment shall

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17 | have 180 days following the date that the local government
18 | receives a complete application to negotiate in good faith to
19 | reach consensus on the land uses, densities, and intensities of
20 | use that are consistent with the uses, densities, and
21 | intensities of use of the industrial, commercial, or residential
22 | areas that surround the parcel. Within 30 days after the local
23 | government's receipt of such an application, the local
24 | government and owner must agree in writing to a schedule for
25 | information submittal, public hearings, negotiations, and final
26 | action on the amendment, which schedule may thereafter be
27 | altered only with the written consent of the local government
28 | and the owner. Compliance with the schedule in the written
29 | agreement constitutes good faith negotiations for purposes of
30 | paragraph (d) (c).

31 | (b) Upon conclusion of good faith negotiations under
32 | paragraph (a), regardless of whether the local government and
33 | owner reach consensus on the land uses, densities, and
34 | intensities of use that are consistent with the uses, densities,
35 | and intensities of use of the industrial, commercial, or
36 | residential areas that surround the parcel, the amendment must
37 | be transmitted to the state land planning agency for review
38 | pursuant to s. 163.3184. If the local government fails to
39 | transmit the amendment within 180 days after receipt of a
40 | complete application, the amendment must be immediately
41 | transferred to the state land planning agency for such review at
42 | the first available transmittal cycle. A plan amendment
43 | transmitted to the state land planning agency submitted under
44 | this subsection is presumed to be consistent with rule 9J-

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45 5.006(5), Florida Administrative Code. This presumption may be

46 rebutted by clear and convincing evidence.

47   (c) Notwithstanding the provisions of a comprehensive

48 plan, after review by the state land planning agency, the owner

49 shall respond to any objections, recommendations, or comments

50 issued by the agency pursuant to s. 163.3184(6) and address each

51 compliance issue raised by the state land planning agency

52 related to the owner's property. If the department has issued no

53 objections, recommendations, or comments, or if the owner has

54 responded to any objections, recommendations, or comments and

55 the local government denies or fails to approve the amendment

56 within the time period specified in s. 163.3184(7), such denial

57 or failure to approve the amendment is presumed to impose an

58 inordinate burden, and the owner may apply to the circuit court

59 for appropriate relief pursuant to s. 70.001 after presenting a

60 claim to the local government as set forth in s. 70.001(4)(a). A

61 plan amendment reviewed by the land

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65   **T I T L E   A M E N D M E N T**

66   Remove line 6 and insert:

67 conditions relating to agricultural enclaves; providing for

68 exceptions; providing a

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