



LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

Senator Dean moved the following:

Senate Amendment (with title amendment)

Between lines 28 and 29
insert:

Section 1. Subsection (5) of section 163.3162, Florida
Statutes, is amended 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 presumed to be consistent with rule 9J-5.006(5),
Florida Administrative Code, and may include land uses and



357518

14 intensities of use that are consistent with the uses and
15 intensities of use existing or authorized for ~~of~~ the industrial,
16 commercial, or residential areas that surround the parcel. This
17 presumption may be rebutted only by clear and convincing
18 evidence. Each application for a comprehensive plan amendment
19 under this subsection for a parcel larger than 640 acres must
20 include appropriate new urbanism concepts such as clustering,
21 mixed-use development, the creation of rural village and city
22 centers, and the transfer of development rights in order to
23 discourage urban sprawl while protecting landowner rights.

24 (a) Unless the parcel of land that is the subject of an
25 application for an amendment is abutted by only one land use
26 designation, the local government and the land owner ~~of a parcel~~
27 ~~of land that is the subject of an application for an amendment~~
28 shall have 180 days following the date that the local government
29 receives a complete application to negotiate in good faith to
30 reach consensus on the land uses and intensities of use that are
31 consistent with the uses and intensities of use of the
32 industrial, commercial, or residential areas that surround the
33 parcel. Within 30 days after the local government's receipt of
34 such an application, the local government and owner must agree
35 in writing to a schedule for information submittal, public
36 hearings, negotiations, and final action on the amendment, which
37 schedule may thereafter be altered only with the written consent
38 of the local government and the owner. Compliance with the
39 schedule in the written agreement constitutes good faith
40 negotiations for purposes of paragraph (c). If the parcel is
41 abutted by only one land use designation, it shall be presumed
42 that the same land use designation is appropriate for the parcel



357518

43 and no negotiation is required.

44 (b) Upon conclusion of good faith negotiations under
45 paragraph (a), if such negotiations are required, and regardless
46 of whether the local government and owner reach consensus on the
47 land uses and intensities of use that are consistent with the
48 uses and intensities of use of the industrial, commercial, or
49 residential areas that surround the parcel, the amendment must
50 be transmitted to the state land planning agency for review
51 pursuant to s. 163.3184. If the local government fails to
52 transmit the amendment within 180 days after receipt of a
53 complete application, the amendment must be immediately
54 transferred to the state land planning agency for such review at
55 the first available transmittal cycle. A plan amendment
56 transmitted to the state land planning agency submitted under
57 this subsection is presumed to be consistent with rule 9J-
58 5.006(5), Florida Administrative Code. This presumption may be
59 rebutted only by clear and convincing evidence.

60 (c) If the owner fails to negotiate in good faith, a plan
61 amendment submitted under this subsection is not entitled to the
62 rebuttable presumption under this subsection in the negotiation
63 and amendment process.

64 (d) Nothing within this subsection relating to agricultural
65 enclaves shall preempt or replace any protection currently
66 existing for any property located within the boundaries of the
67 following areas:

- 68 1. The Wekiva Study Area, as described in s. 369.316; or
- 69 2. The Everglades Protection Area, as defined in s.
70 373.4592(2).

71 Section 2. Paragraphs (c) and (e) of subsection (33) of



357518

72 section 163.3164, Florida Statutes, are amended to read:

73 163.3164 Local Government Comprehensive Planning and Land
74 Development Regulation Act; definitions.—As used in this act:

75 (33) "Agricultural enclave" means an unincorporated,
76 undeveloped parcel that:

77 (c)1. Is surrounded on at least 75 percent of its perimeter
78 by:

79 ~~a.1.~~ Property that has existing industrial, commercial, or
80 residential development; or

81 ~~b.2.~~ Property that the local government has designated, in
82 the local government's comprehensive plan, zoning map, and
83 future land use map, as land that is to be developed for
84 industrial, commercial, or residential purposes, and at least 75
85 percent of such property is existing industrial, commercial, or
86 residential development;

87 2. Is surrounded on at least 90 percent of its perimeter by
88 property that the local government has designated in the local
89 government's comprehensive plan and future land use map as land
90 that is to be developed for industrial, commercial, or
91 residential purposes; or

92 3. Is surrounded by existing or authorized residential
93 development that will result in a density at buildout of at
94 least 1,000 residents per square mile.

95 (e) Does not exceed 1,280 acres; however, if the property
96 meets the criteria in subparagraph (c)3. is surrounded by
97 ~~existing or authorized residential development that will result~~
98 ~~in a density at buildout of at least 1,000 residents per square~~
99 ~~mile, then~~ the area shall be determined to be urban and the
100 parcel may not exceed 4,480 acres.



357518

101
102
103
104
105
106
107
108
109
110

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

And the title is amended as follows:

Between lines 2 and 3

insert:

163.3162, F.S.; providing conditions for consensus negotiations on land uses and intensities of uses between the local government and the land owner; amending s. 163.3164, F.S.; revising the definition of the term "agricultural enclave"; amending s.