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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

03/02/2012 11:43 AM

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Senator Dean moved the following:

**Senate Amendment (with title amendment)**

Between lines 54 and 55

insert:

Section 5. Section 163.3165, Florida Statutes, is created to read:

163.3165 Agricultural lands surrounded by a single land use.-

(1) Notwithstanding any provision of ss. 163.3162 and 163.3164 to the contrary, the owner of a parcel of land located in an unincorporated area of a county that qualifies under this section may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. The amendment is



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14 presumed not to be urban sprawl as defined in s. 163.3164 if it  
15 proposes land uses and intensities of use that are consistent  
16 with the existing uses and intensities of use of, or consistent  
17 with the uses and intensities of use authorized for, the  
18 industrial, commercial, or residential areas that surround the  
19 parcel. If the parcel of land that is the subject of an  
20 application for an amendment under this section is abutted on  
21 all sides by land having only one land use designation, the same  
22 land use designation shall be presumed by the county to be  
23 appropriate for the parcel. The county shall, after considering  
24 the proposed density and intensity, grant the parcel the same  
25 land use designation as the surrounding parcels that abut the  
26 parcel unless the county finds by clear and convincing evidence  
27 that such grant would be detrimental to the health, safety, and  
28 welfare of the public.

29 (2) In order to qualify as an agricultural enclave under  
30 this section, the parcel of land must be a parcel that:

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

32 (b) Has been in continuous use for bona fide agricultural  
33 purposes, as defined by s. 193.461, for a period of 5 years  
34 before the date of any comprehensive plan amendment application;

35 (c) Is surrounded on at least 95 percent of its perimeter  
36 by property that the local government has designated as land  
37 that may be developed for industrial, commercial, or residential  
38 purposes; and

39 (d) Does not exceed 650 acres but is not smaller than 500  
40 acres.

41  
42 In order to qualify for the redesignation as an enclave, the



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43 owner of a parcel of land meeting the requirements of paragraphs  
44 (a)-(d) must apply for the redesignation by January 1, 2014.

45 Section 6. (1) Except as provided in subsection (4), and in  
46 recognition of 2012 real estate market conditions, any building  
47 permit, and any permit issued by the Department of Environmental  
48 Protection or by a water management district pursuant to part IV  
49 of chapter 373, Florida Statutes, which has an expiration date  
50 from January 1, 2011, through January 1, 2014, is extended and  
51 renewed for a period of 2 years after its previously scheduled  
52 date of expiration. This extension includes any local  
53 government-issued development order or building permit,  
54 including certificates of levels of service. This section does  
55 not prohibit conversion from the construction phase to the  
56 operation phase upon completion of construction. This extension  
57 is in addition to any existing permit extension. Extensions  
58 granted pursuant to this section; section 14 of chapter 2009-96,  
59 Laws of Florida, as reauthorized by section 47 of chapter 2010-  
60 147, Laws of Florida; section 46 of chapter 2010-147, Laws of  
61 Florida; section 74 of chapter 2011-139, Laws of Florida; or  
62 section 79 of chapter 2011-139, Laws of Florida, may not exceed  
63 4 years in total. However, this section does not authorize the  
64 further extension of a specific development order granted  
65 pursuant to s. 380.06(19)(c)2., Florida Statutes.

66 (2) The commencement and completion dates for any required  
67 mitigation associated with a phased construction project shall  
68 be extended so that mitigation takes place in the same timeframe  
69 relative to the phase as originally permitted.

70 (3) The holder of a valid permit or other authorization  
71 that is eligible for the 2-year extension must notify the



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72 authorizing agency in writing by December 31, 2012, identifying  
73 the specific authorization for which the holder intends to use  
74 the extension and the anticipated timeframe for acting on the  
75 authorization.

76 (4) The extension provided for in subsection (1) does not  
77 apply to:

78 (a) A permit or other authorization under any programmatic  
79 or regional general permit issued by the Army Corps of  
80 Engineers.

81 (b) A permit or other authorization held by an owner or  
82 operator determined to be in significant noncompliance with the  
83 conditions of the permit or authorization as established through  
84 the issuance of a warning letter or notice of violation, the  
85 initiation of formal enforcement, or other equivalent action by  
86 the authorizing agency.

87 (c) A permit or other authorization that, if granted an  
88 extension, would delay or prevent compliance with a court order.

89 (5) Permits extended under this section shall continue to  
90 be governed by the rules in effect at the time the permit was  
91 issued, except if it is demonstrated that the rules in effect at  
92 the time the permit was issued would create an immediate threat  
93 to public safety or health. This provision applies to any  
94 modification of the plans, terms, and conditions of the permit  
95 which lessens the environmental impact, except that any such  
96 modification may not extend the time limit beyond 2 additional  
97 years.

98 (6) This section does not impair the authority of a county  
99 or municipality to require the owner of a property that has  
100 notified the county or municipality of the owner's intent to



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101 receive the extension of time granted pursuant to this section  
102 to maintain and secure the property in a safe and sanitary  
103 condition in compliance with applicable laws and ordinances.

104

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

106 And the title is amended as follows:

107       Delete line 7

108 and insert:

109       made by the act; creating s. 163.3165, F.S.; providing  
110       for application and approval of an amendment to the  
111       local comprehensive plan by the owner of land that  
112       meets certain criteria as an agricultural enclave;  
113       creating a 2-year permit extension for certain  
114       building permits and permits issued by the Department  
115       of Environmental Protection or a water management  
116       district; providing an effective date.