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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/00/2R

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03/05/2012 10:42 AM

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Senator Dean moved the following:

Senate Amendment (with title amendment)

Between lines 55 and 56

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.

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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.