



LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: SEN1/C
03/08/2012 03:15 PM	.	03/08/2012 05:23 PM
	.	

Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 329 and 330
insert:

Section 4. (1) Notwithstanding ss. 163.3162 and 163.3164, Florida Statutes, the owner of a parcel of land located in an unincorporated area of a county that qualifies as an agricultural enclave under subsection (2) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184, Florida Statutes. The subject of the amendment is presumed not to be urban sprawl, as defined in s. 163.3164, Florida Statutes, if it proposes land uses and intensities of use that are consistent with the existing uses and intensities



543740

14 of use of, or consistent with the uses and intensities of use
15 authorized for, the industrial, commercial, or residential areas
16 that surround the parcel. If the parcel of land that is the
17 subject of an amendment under this section is abutted on all
18 sides by land having only one land use designation, the same
19 land use designation must be presumed by the county to be
20 appropriate for the parcel. The county shall, after considering
21 the proposed density and intensity, grant the parcel the same
22 land use designation as the surrounding parcels that abut the
23 parcel unless the county finds by clear and convincing evidence
24 that the grant would be detrimental to the health, safety, and
25 welfare of its residents.

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

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

29 (b) Has been in continuous use for bona fide agricultural
30 purposes, as defined by s. 193.461, Florida Statutes, for at
31 least 5 years before the date of any comprehensive plan
32 amendment application;

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

37 (d) Does not exceed 640 acres but is not smaller than 500
38 acres.

39 (3) This section does not preempt or replace the protection
40 currently existing for property located within the boundaries
41 of:

42 1. The Wekiva Study Area, as described in s. 369.316,



543740

43 Florida Statutes; or

44 2. The Everglades Protection Area, as defined in s.
45 373.4592(2), Florida Statutes.

46
47 In order to qualify under this section as an enclave, the owner
48 of a parcel of land meeting the requirements of subsection (2)
49 must submit a written application to the county by January 1,
50 2013.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete line 24

55 and insert:

56 regional-impact development order; providing a
57 presumption that certain agricultural enclaves do not
58 constitute urban sprawl; establishing qualifications
59 for designation as an agricultural enclave for such
60 purpose and establishing exceptions from the
61 definition for designated protected areas; providing
62 an