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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/WD/3R

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04/28/2025 01:35 PM

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Senator McClain moved the following:

Senate Amendment (with title amendment)

Delete lines 266 - 315

and insert:

quasi-judicial process or public hearing.

(h) For purposes of determining adjacency under this subsection:

1. A parcel is adjacent to another parcel if it shares a continuous boundary of at least 100 feet, including where such parcels are separated by a public street or other public right-of-way.



970542

2. A retention pond, stormwater area, park, or other designated common area of a community counts toward the 100-foot boundary requirement provided in subparagraph 1. if the parcel has the same or substantially similar zoning classification as the parcel being used by the agricultural enclave for density purposes. This applies to a parcel, regardless of whether such parcel contains residential lots, provided the parcel has the same or similar zoning as the parcels containing residential lots and was part of the development review of the adjoining subdivision.

3. Multiple parcels aggregated within a single unified application concerning an enclave parcel or development site satisfy the adjacency requirements of this subsection if, in the aggregate, the combined parcels meet the 100-foot boundary requirement provided in subparagraph 1 ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while~~



970542

~~protecting landowner rights.~~

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption~~



970542

~~may be rebutted by clear and convincing evidence.~~

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

(i) ~~(d)~~ Nothing within this subsection relating to

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

And the title is amended as follows:

Delete line 35

and insert:

government's comprehensive plan; providing
circumstances under which parcels are adjacent;
revising