



174210

LEGISLATIVE ACTION

Senate

House

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The Committee on Judiciary (McClain) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete lines 88 - 144

4 and insert:

5 quasi-judicial process or public hearing.

6 (h) Notwithstanding paragraph (e), a certified agricultural
7 enclave as defined in s. 163.3164(4)(c)1.c. which is adjacent to
8 an interstate highway may be developed for commercial,
9 industrial, or single-family residential purposes if one or more
10 adjacent parcels or an adjacent development permits the same
11 density or intensity as the proposed development ~~AMENDMENT TO~~



174210

12 ~~LOCAL GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of~~
13 ~~land defined as an agricultural enclave under s. 163.3164 may~~
14 ~~apply for an amendment to the local government comprehensive~~
15 ~~plan pursuant to s. 163.3184. Such amendment is presumed not to~~
16 ~~be urban sprawl as defined in s. 163.3164 if it includes land~~
17 ~~uses and intensities of use that are consistent with the uses~~
18 ~~and intensities of use of the industrial, commercial, or~~
19 ~~residential areas that surround the parcel. This presumption may~~
20 ~~be rebutted by clear and convincing evidence. Each application~~
21 ~~for a comprehensive plan amendment under this subsection for a~~
22 ~~parcel larger than 640 acres must include appropriate new~~
23 ~~urbanism concepts such as clustering, mixed-use development, the~~
24 ~~creation of rural village and city centers, and the transfer of~~
25 ~~development rights in order to discourage urban sprawl while~~
26 ~~protecting landowner rights.~~

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



41 negotiations for purposes of paragraph (c).

42 (b) Upon conclusion of good faith negotiations under
43 paragraph (a), regardless of whether the local government and
44 owner reach consensus on the land uses and intensities of use
45 that are consistent with the uses and intensities of use of the
46 industrial, commercial, or residential areas that surround the
47 parcel, the amendment must be transmitted to the state land
48 planning agency for review pursuant to s. 163.3184. If the local
49 government fails to transmit the amendment within 180 days after
50 receipt of a complete application, the amendment must be
51 immediately transferred to the state land planning agency for
52 such review. A plan amendment transmitted to the state land
53 planning agency submitted under this subsection is presumed not
54 to be urban sprawl as defined in s. 163.3164. This presumption
55 may be rebutted by clear and convincing evidence.

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

60 (i) Nothing within this subsection relating to
61 agricultural enclaves shall preempt or replace any protection
62 currently existing for any property located within the
63 boundaries of any of the following areas:

- 64 1. The Wekiva Study Area, as described in s. 369.316.~~;~~ or
- 65 2. The Everglades Protection Area, as defined in s.
- 66 373.4592(2).

67 3. Any area of critical state concern, as designated in s.
68 s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s.
69 380.0555.



70 4. The Florida wildlife corridor, as defined in s.
71 259.1055(4).

72 5. A military installation or range identified in s.

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

75 And the title is amended as follows:

76 Delete line 25

77 and insert:

78 to enter a certain written agreement; authorizing the
79 development of certain certified agricultural enclaves
80 for commercial, industrial, or single-family
81 residential purposes under certain circumstances;
82 deleting