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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 88 - 144

and insert:

quasi-judicial process or public hearing.

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



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~~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 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~~



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~~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 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 agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316.~~7~~~~or~~
2. The Everglades Protection Area, as defined in s. 373.4592(2).

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



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

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

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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