

Bill No. SB 716

Barcode 175428

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
. .  
. .  
. .  
. .  
. .

---

The Committee on Community Affairs (Villalobos) recommended  
the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (4) and (5) of section 70.001,  
Florida Statutes, are amended to read:

70.001 Private property rights protection.--

(4)(a) Not less than 180 days prior to filing an  
action under this section against a governmental entity, a  
property owner who seeks compensation under this section must  
present the claim in writing to the head of the governmental  
entity. The property owner must submit, along with the claim,  
a bona fide, valid appraisal that supports the claim and  
demonstrates the loss in fair market value to the real  
property. If the action of government is the culmination of a  
process that involves more than one governmental entity, or if  
a complete resolution of all relevant issues, in the view of  
the property owner or in the view of a governmental entity to

Bill No. SB 716

Barcode 175428

1 whom a claim is presented, requires the active participation  
2 of more than one governmental entity, the property owner shall  
3 present the claim as provided in this section to each of the  
4 governmental entities.

5 (b) A landowner aggrieved by the changing of an  
6 existing agricultural land use classification or agricultural  
7 zoning or the lowering of the current density designation  
8 which creates an inordinate burden on property classified as  
9 agricultural land pursuant to s. 193.461 shall have a cause of  
10 action in accordance with the procedures provided in this  
11 section, except that the 180-day notice period shall be  
12 reduced to a 90-day notice period.

13 (c)(b) The governmental entity shall provide written  
14 notice of the claim to all parties to any administrative  
15 action that gave rise to the claim, and to owners of real  
16 property contiguous to the owner's property at the addresses  
17 listed on the most recent county tax rolls. Within 15 days  
18 after the claim being presented, the governmental entity shall  
19 report the claim in writing to the Department of Legal  
20 Affairs, and shall provide the department with the name,  
21 address, and telephone number of the employee of the  
22 governmental entity from whom additional information may be  
23 obtained about the claim during the pendency of the claim and  
24 any subsequent judicial action.

25 (d)(c) During the 90-day-notice or the 180-day-notice  
26 period, unless extended by agreement of the parties, the  
27 governmental entity shall make a written settlement offer to  
28 effectuate:

29 1. An adjustment of land development or permit  
30 standards or other provisions controlling the development or  
31 use of land.

Bill No. SB 716

Barcode 175428

- 1           2. Increases or modifications in the density,
- 2 intensity, or use of areas of development.
- 3           3. The transfer of developmental rights.
- 4           4. Land swaps or exchanges.
- 5           5. Mitigation, including payments in lieu of onsite
- 6 mitigation.
- 7           6. Location on the least sensitive portion of the
- 8 property.
- 9           7. Conditioning the amount of development or use
- 10 permitted.
- 11           8. A requirement that issues be addressed on a more
- 12 comprehensive basis than a single proposed use or development.
- 13           9. Issuance of the development order, a variance,
- 14 special exception, or other extraordinary relief.
- 15           10. Purchase of the real property, or an interest
- 16 therein, by an appropriate governmental entity.
- 17           11. No changes to the action of the governmental
- 18 entity.

19

20 If the property owner accepts the settlement offer, the

21 governmental entity may implement the settlement offer by

22 appropriate development agreement; by issuing a variance,

23 special exception, or other extraordinary relief; or by other

24 appropriate method, subject to paragraph (d).

25       ~~(d)~~<sup>(e)</sup>1. Whenever a governmental entity enters into a

26 settlement agreement under this section which would have the

27 effect of a modification, variance, or a special exception to

28 the application of a rule, regulation, or ordinance as it

29 would otherwise apply to the subject real property, the relief

30 granted shall protect the public interest served by the

31 regulations at issue and be the appropriate relief necessary

Bill No. SB 716

Barcode 175428

1 to prevent the governmental regulatory effort from  
2 inordinately burdening the real property.

3           2. Whenever a governmental entity enters into a  
4 settlement agreement under this section which would have the  
5 effect of contravening the application of a statute as it  
6 would otherwise apply to the subject real property, the  
7 governmental entity and the property owner shall jointly file  
8 an action in the circuit court where the real property is  
9 located for approval of the settlement agreement by the court  
10 to ensure that the relief granted protects the public interest  
11 served by the statute at issue and is the appropriate relief  
12 necessary to prevent the governmental regulatory effort from  
13 inordinately burdening the real property.

14           (5)(a) During the 90-day-notice or the 180-day-notice  
15 period, unless a settlement offer is accepted by the property  
16 owner, each of the governmental entities provided notice  
17 pursuant to paragraph (4)(a) shall issue a written ripeness  
18 decision identifying the allowable uses to which the subject  
19 property may be put. The failure of the governmental entity  
20 to issue a written ripeness decision during the 90-day-notice  
21 or the 180-day-notice period shall be deemed to ripen the  
22 prior action of the governmental entity, and shall operate as  
23 a ripeness decision that has been rejected by the property  
24 owner. The ripeness decision, as a matter of law, constitutes  
25 the last prerequisite to judicial review, and the matter shall  
26 be deemed ripe or final for the purposes of the judicial  
27 proceeding created by this section, notwithstanding the  
28 availability of other administrative remedies.

29           (b) If the property owner rejects the settlement offer  
30 and the ripeness decision of the governmental entity or  
31 entities, the property owner may file a claim for compensation

Bill No. SB 716

Barcode 175428

1 in the circuit court, a copy of which shall be served  
 2 contemporaneously on the head of each of the governmental  
 3 entities that made a settlement offer and a ripeness decision  
 4 that was rejected by the property owner. Actions under this  
 5 section shall be brought only in the county where the real  
 6 property is located.

7 Section 2. Present subsections (1) and (2) of section  
 8 163.2514, Florida Statutes, are redesignated as subsections  
 9 (3) and (4), respectively, and new subsections (1) and (2) are  
 10 added to that section, to read:

11 163.2514 Growth Policy Act; definitions.--As used in  
 12 ss. 163.2511-163.2526:

13 (1) "Agricultural enclave" means any unincorporated,  
 14 undeveloped parcel owned by a single person or entity which  
 15 satisfies all of the following criteria:

16 (a) The size of an enclave does not exceed the acreage  
 17 of four sections or 2,560 acres. However, when the enclave  
 18 parcel is inactive agricultural production and a damaging  
 19 pest, disease, or natural disaster is or has been identified  
 20 within 5 miles of the agricultural property, the size may not  
 21 exceed eight sections of land or 5,120 acres.

22 (b) The parcel has been in continuous use for bona  
 23 fide agricultural purposes, as defined by s. 193.461, for 5  
 24 years prior to the date of any comprehensive plan amendment  
 25 application.

26 (c) The parcel is surrounded on at least 75 percent of  
 27 its perimeter by existing industrial, commercial, or  
 28 residential development or property that the local government  
 29 has designated as land that is to be developed for industrial,  
 30 commercial, or residential purposes and only requires building  
 31 and related permits for that use without further amendment of

Bill No. SB 716

Barcode 175428

1 a local government comprehensive plan.

2 (d) Public services, including water, wastewater,  
3 transportation, schools, and recreation facilities are  
4 available or are scheduled to be provided as part of an  
5 adopted 5-year schedule of capital improvements by the local  
6 government or by an alternative local government, public  
7 infrastructure provider.

8 (2) "Family farm agricultural enclave" means an  
9 undeveloped parcel of land not exceeding 500 acres which meets  
10 the criteria for an agricultural enclave.

11 Section 3. Subsection (7) is added to section  
12 163.2517, Florida Statutes, to read:

13 163.2517 Designation of urban infill and redevelopment  
14 area.--

15 (7)(a) In order to preserve commercial agricultural  
16 activity, encourage mixed-use infill development, prevent  
17 urban sprawl, and provide more efficient delivery of municipal  
18 services and facilities, the owner of land defined as an  
19 agricultural enclave pursuant to s. 163.2514(1) may apply for  
20 an amendment to the local government comprehensive plan  
21 pursuant to s. 163.3187 and development-of-regional-impact  
22 approval, if applicable. Such amendment and  
23 development-of-regional-impact approval, if applicable, may  
24 include land uses and intensities of use consistent with the  
25 uses and intensities of use of surrounding industrial,  
26 commercial, or residential areas. Any application for a  
27 comprehensive plan amendment and  
28 development-of-regional-impact approval, if applicable, shall  
29 include appropriate new urbanism concepts such as clustering,  
30 mixed-use development, the creation of rural village and city  
31 centers, and the transfer of development rights in order to

Bill No. SB 716

Barcode 175428

1 discourage urban sprawl while protecting landowner rights. If  
 2 such amendment and application for  
 3 development-of-regional-impact approval is otherwise  
 4 consistent with applicable provisions of ss. 163.3177,  
 5 163.3178, 163.3180, 163.3191. and 163.3245, the state  
 6 comprehensive plan, the appropriate regional policy plan, and  
 7 chapter 9J-5, Florida Administrative Code, the amendment shall  
 8 be deemed to prevent urban sprawl and be in compliance as  
 9 defined in s. 163.3184, and the application for development of  
 10 regional impact shall be approved.

11       (b) For family farm agricultural enclaves, the owner  
 12 of land defined as an agricultural enclave pursuant to s.  
 13 163.2514(2) may apply for an amendment to the local government  
 14 comprehensive plan pursuant to s. 163.3187. Such amendment may  
 15 include land uses and intensities of use consistent with the  
 16 uses and intensities of use of surrounding industrial,  
 17 commercial, or residential areas. If such amendment is  
 18 otherwise consistent with applicable provisions of ss.  
 19 163.3177, 163.3178, 163.3180. 163.3191, and 163.3245, the  
 20 state comprehensive plan, the appropriate regional policy  
 21 plan, and chapter 9J-5, Florida Administrative Code, the  
 22 amendment shall be deemed to prevent urban sprawl and be in  
 23 compliance as defined in s. 163.3184.

24       (c) If the local government has failed to act within  
 25 180 days on the comprehensive plan amendment or application  
 26 for development-of-regional-impact approval, the agricultural  
 27 enclave as defined in s. 163.2514(1) and (2) shall be granted  
 28 the comprehensive plan amendment and  
 29 development-of-regional-impact approval requested.

30       Section 4. Paragraph (a) of subsection (6) and  
 31 paragraph (d) of subsection (11) of section 163.3177, Florida

Bill No. SB 716

Barcode 175428

1 Statutes, are amended to read:

2           163.3177 Required and optional elements of  
3 comprehensive plan; studies and surveys.--

4           (6) In addition to the requirements of subsections  
5 (1)-(5), the comprehensive plan shall include the following  
6 elements:

7           (a) A future land use plan element designating  
8 proposed future general distribution, location, and extent of  
9 the uses of land for residential uses, commercial uses,  
10 industry, agriculture, recreation, conservation, education,  
11 public buildings and grounds, other public facilities, and  
12 other categories of the public and private uses of land.

13 Counties are encouraged to designate rural land stewardship  
14 areas, pursuant to the provisions of paragraph (11)(d), as  
15 overlays on the future land use map. The proposed  
16 distribution, location, and extent of the various categories  
17 of land use shall be shown on a land use map or map series  
18 that shall be supplemented by goals, policies, and measurable  
19 objectives.

20           1. Each future land use category must be defined in  
21 terms of uses included, and must include standards to be  
22 followed in the control and distribution of population  
23 densities and building and structure intensities. ~~The proposed~~  
24 ~~distribution, location, and extent of the various categories~~  
25 ~~of land use shall be shown on a land use map or map series~~  
26 ~~which shall be supplemented by goals, policies, and measurable~~  
27 ~~objectives.~~

28           2. The future land use plan shall be based upon  
29 surveys, studies, and data regarding the area, including the  
30 amount of land required to accommodate anticipated growth; the  
31 projected population of the area; the character of undeveloped

Bill No. SB 716

Barcode 175428

1 land; the availability of public services; the need for  
 2 redevelopment, including the renewal of blighted areas and the  
 3 elimination of nonconforming uses which are inconsistent with  
 4 the character of the community; the compatibility of uses on  
 5 lands adjacent to or closely proximate to military  
 6 installations; and, in rural communities, the need for job  
 7 creation, capital investment, and economic development that  
 8 will strengthen and diversify the community's economy.

9       3. The future land use plan may designate areas for  
 10 future planned development use involving combinations of types  
 11 of uses for which special regulations may be necessary to  
 12 ensure development in accord with the principles and standards  
 13 of the comprehensive plan and this act.

14       4. The future land use plan element shall include  
 15 criteria to be used to achieve the compatibility of adjacent  
 16 or closely proximate lands with military installations.

17       5. ~~In addition,~~ For rural communities, the amount of  
 18 land designated for future planned industrial use shall be  
 19 based upon surveys and studies that reflect the need for job  
 20 creation, capital investment, and the necessity to strengthen  
 21 and diversify the local economies, and shall not be limited  
 22 solely by the projected population of the rural community.

23       6. The future land use plan shall delineate  
 24 agricultural enclaves, as defined in s. 163.2514(1) and (2),  
 25 and establish appropriate uses of land in these enclaves which  
 26 are consistent with the intensities of use of surrounding  
 27 industrial, commercial, or residential areas.

28       7. The future land use plan of a county may also  
 29 designate areas for possible future municipal incorporation.

30       8. The land use maps or map series shall generally  
 31 identify and depict historic district boundaries and shall

Bill No. SB 716

Barcode 175428

1 designate historically significant properties meriting  
2 protection.

3       9. The future land use element must clearly identify  
4 the land use categories in which public schools are an  
5 allowable use. When delineating the land use categories in  
6 which public schools are an allowable use, a local government  
7 shall include in the categories sufficient land proximate to  
8 residential development to meet the projected needs for  
9 schools in coordination with public school boards and may  
10 establish differing criteria for schools of different type or  
11 size. Each local government shall include lands contiguous to  
12 existing school sites, to the maximum extent possible, within  
13 the land use categories in which public schools are an  
14 allowable use. All comprehensive plans must comply with the  
15 school siting requirements of this paragraph no later than  
16 October 1, 1999. The failure by a local government to comply  
17 with these school siting requirements by October 1, 1999, will  
18 result in the prohibition of the local government's ability to  
19 amend the local comprehensive plan, except for plan amendments  
20 described in s. 163.3187(1)(b), until the school siting  
21 requirements are met. Amendments proposed by a local  
22 government for purposes of identifying the land use categories  
23 in which public schools are an allowable use or for adopting  
24 or amending the school-siting maps pursuant to s. 163.31776(3)  
25 are exempt from the limitation on the frequency of plan  
26 amendments contained in s. 163.3187. The future land use  
27 element shall include criteria that encourage the location of  
28 schools proximate to urban residential areas to the extent  
29 possible and shall require that the local government seek to  
30 collocate public facilities, such as parks, libraries, and  
31 community centers, with schools to the extent possible and to

Bill No. SB 716

Barcode 175428

1 encourage the use of elementary schools as focal points for  
2 neighborhoods. For schools serving predominantly rural  
3 counties, defined as a county with a population of 100,000 or  
4 fewer, an agricultural land use category shall be eligible for  
5 the location of public school facilities if the local  
6 comprehensive plan contains school siting criteria and the  
7 location is consistent with such criteria. Local governments  
8 required to update or amend their comprehensive plan to  
9 include criteria and address compatibility of adjacent or  
10 closely proximate lands with existing military installations  
11 in their future land use plan element shall transmit the  
12 update or amendment to the department by June 30, 2006.

13 (11)

14 (d)1. The department, in cooperation with the  
15 Department of Agriculture and Consumer Services, the  
16 Department of Environmental Protection, water management  
17 districts, and regional planning councils, shall provide  
18 assistance to local governments in the implementation of this  
19 paragraph and rule 9J-5.006(5)(1), Florida Administrative  
20 Code. Implementation of those provisions shall include a  
21 process by which the department may authorize local  
22 governments and landowners to designate all or portions of  
23 lands classified in the future land use element as  
24 predominantly agricultural, rural, open, open-rural, or a  
25 substantively equivalent land use, as a rural land stewardship  
26 area within which planning and economic incentives are applied  
27 to encourage the implementation of innovative and flexible  
28 planning and development strategies and creative land use  
29 planning techniques, including those contained herein and in  
30 rule 9J-5.006(5)(1), Florida Administrative Code. Assistance  
31 may include, but is not limited to:

Bill No. SB 716

Barcode 175428

1           a. Assistance from the Department of Environmental  
 2 Protection and water management districts in creating the  
 3 geographic information systems land cover database and aerial  
 4 photogrammetry needed to prepare for a rural land stewardship  
 5 area;

6           b. Support for local government implementation of  
 7 rural land stewardship concepts by providing information and  
 8 assistance to local governments regarding land acquisition  
 9 programs that may be used by the local government or  
 10 landowners to leverage the protection of greater acreage and  
 11 maximize the effectiveness of rural land stewardship areas;  
 12 and

13           c. Expansion of the role of the Department of  
 14 Community Affairs as a resource agency to facilitate  
 15 establishment of rural land stewardship areas in smaller rural  
 16 counties that do not have the staff or planning budgets to  
 17 create a rural land stewardship area.

18           2. The department shall encourage participation by  
 19 local governments of different sizes and rural characteristics  
 20 in establishing and implementing rural land stewardship areas.  
 21 It is the intent of the Legislature that rural land  
 22 stewardship areas be used to further the following broad  
 23 principles of rural sustainability; restoration and  
 24 maintenance of the economic value of rural land; control of  
 25 urban sprawl; identification and protection of ecosystems,  
 26 habitats, and natural resources; promotion of rural economic  
 27 activity; maintenance of the viability of Florida's  
 28 agricultural economy; and protection of the character of rural  
 29 areas of Florida. Rural land stewardship areas may be  
 30 multicounty in order to encourage coordinated regional  
 31 stewardship planning.

Bill No. SB 716

Barcode 175428

1           3. A local government, in conjunction with a regional  
2 planning council, a stakeholder organization of private land  
3 owners, ~~or~~ another local government, or any landowner with  
4 2,500 acres or more of contiguous agricultural land as defined  
5 in s. 193.461 shall notify the department in writing of its  
6 intent to designate a rural land stewardship area. The written  
7 notification shall describe the basis for the designation,  
8 including the extent to which the rural land stewardship area  
9 enhances rural land values, controls urban sprawl, provides  
10 necessary open space for agriculture and protection of the  
11 natural environment, promotes rural economic activity, and  
12 maintains rural character and the economic viability of  
13 agriculture.

14           4. A rural land stewardship area shall be not less  
15 than 2,500 ~~10,000~~ acres and shall be located outside of  
16 municipalities and established urban growth boundaries, and  
17 shall be designated by plan amendment. The plan amendment  
18 designating a rural land stewardship area shall be subject to  
19 review by the Department of Community Affairs pursuant to s.  
20 163.3184 and shall provide for the following:

21           a. Criteria for the designation of receiving areas  
22 within rural land stewardship areas in which innovative  
23 planning and development strategies may be applied. Criteria  
24 shall at a minimum provide for the following: adequacy of  
25 suitable land to accommodate development so as to avoid  
26 conflict with environmentally sensitive areas, resources, and  
27 habitats; compatibility between and transition from higher  
28 density uses to lower intensity rural uses; the establishment  
29 of receiving area service boundaries which provide for a  
30 separation between receiving areas and other land uses within  
31 the rural land stewardship area through limitations on the

Bill No. SB 716

Barcode 175428

1 extension of services; and connection of receiving areas with  
2 the rest of the rural land stewardship area using rural design  
3 and rural road corridors.

4       b. Goals, objectives, and policies setting forth the  
5 innovative planning and development strategies to be applied  
6 within rural land stewardship areas pursuant to the provisions  
7 of this section.

8       c. A process for the implementation of innovative  
9 planning and development strategies within the rural land  
10 stewardship area, including those described in this subsection  
11 and rule 9J-5.006(5)(1), Florida Administrative Code, which  
12 provide for a functional mix of land uses and which are  
13 applied through the adoption by the local government of zoning  
14 and land development regulations applicable to the rural land  
15 stewardship area.

16       d. A process which encourages visioning pursuant to s.  
17 163.3167(11) to ensure that innovative planning and  
18 development strategies comply with the provisions of this  
19 section.

20       e. The control of sprawl through the use of innovative  
21 strategies and creative land use techniques consistent with  
22 the provisions of this subsection and rule 9J-5.006(5)(1),  
23 Florida Administrative Code.

24       5. In selecting a landowner, the department shall by  
25 written agreement:

26       a. Ensure that the landowner has expressed its intent  
27 to designate a rural land stewardship area pursuant to this  
28 subsection and clarify that the rural land stewardship area is  
29 intended.

30       b. Ensure that the landowner has the financial and  
31 administrative capabilities to implement a rural land

Bill No. SB 716

Barcode 175428

1 stewardship area.

2       ~~6.5.~~ A receiving area shall be designated by the  
3 adoption of a land development regulation. Prior to the  
4 designation of a receiving area, the local government shall  
5 provide the Department of Community Affairs a period of 30  
6 days in which to review a proposed receiving area for  
7 consistency with the rural land stewardship area plan  
8 amendment and to provide comments to the local government.

9       ~~7.6.~~ Upon the adoption of a plan amendment creating a  
10 rural land stewardship area, the local government shall, by  
11 ordinance, assign to the area a certain number of credits, to  
12 be known as "transferable rural land use credits," which shall  
13 not constitute a right to develop land, nor increase density  
14 of land, except as provided by this section. The total amount  
15 of transferable rural land use credits assigned to the rural  
16 land stewardship area must correspond to the 25-year or  
17 greater projected population of the rural land stewardship  
18 area. Transferable rural land use credits are subject to the  
19 following limitations:

20           a. Transferable rural land use credits may only exist  
21 within a rural land stewardship area.

22           b. Transferable rural land use credits may only be  
23 used on lands designated as receiving areas and then solely  
24 for the purpose of implementing innovative planning and  
25 development strategies and creative land use planning  
26 techniques adopted by the local government pursuant to this  
27 section.

28           c. Transferable rural land use credits assigned to a  
29 parcel of land within a rural land stewardship area shall  
30 cease to exist if the parcel of land is removed from the rural  
31 land stewardship area by plan amendment.

Bill No. SB 716

Barcode 175428

1           d. Neither the creation of the rural land stewardship  
2 area by plan amendment nor the assignment of transferable  
3 rural land use credits by the local government shall operate  
4 to displace the underlying density of land uses assigned to a  
5 parcel of land within the rural land stewardship area;  
6 however, if transferable rural land use credits are  
7 transferred from a parcel for use within a designated  
8 receiving area, the underlying density assigned to the parcel  
9 of land shall cease to exist.

10           e. The underlying density on each parcel of land  
11 located within a rural land stewardship area shall not be  
12 increased or decreased by the local government, except as a  
13 result of the conveyance or use of transferable rural land use  
14 credits, as long as the parcel remains within the rural land  
15 stewardship area.

16           f. Transferable rural land use credits shall cease to  
17 exist on a parcel of land where the underlying density  
18 assigned to the parcel of land is utilized.

19           g. An increase in the density of use on a parcel of  
20 land located within a designated receiving area may occur only  
21 through the assignment or use of transferable rural land use  
22 credits and shall not require a plan amendment.

23           h. A change in the density of land use on parcels  
24 located within receiving areas shall be specified in a  
25 development order which reflects the total number of  
26 transferable rural land use credits assigned to the parcel of  
27 land and the infrastructure and support services necessary to  
28 provide for a functional mix of land uses corresponding to the  
29 plan of development.

30           i. Land within a rural land stewardship area may be  
31 removed from the rural land stewardship area through a plan

Bill No. SB 716

Barcode 175428

1 amendment.

2           j. Transferable rural land use credits may be assigned  
3 at different ratios of credits per acre according to the  
4 natural resource or other beneficial use characteristics of  
5 the land and according to the land use remaining following the  
6 transfer of credits, with the highest number of credits per  
7 acre assigned to the most environmentally valuable land and a  
8 lesser number of credits to be assigned to open space and  
9 agricultural land.

10           k. The use or conveyance of transferable rural land  
11 use credits must be recorded in the public records of the  
12 county in which the property is located as a covenant or  
13 restrictive easement running with the land in favor of the  
14 county and either the Department of Environmental Protection,  
15 Department of Agriculture and Consumer Services, a water  
16 management district, or a recognized statewide land trust.

17           ~~8.7.~~ Owners of land within rural land stewardship  
18 areas should be provided incentives to enter into rural land  
19 stewardship agreements, pursuant to existing law and rules  
20 adopted thereto, with state agencies, water management  
21 districts, and local governments to achieve mutually agreed  
22 upon conservation objectives. Such incentives may include,  
23 but not be limited to, the following:

24           a. Opportunity to accumulate transferable mitigation  
25 credits.

26           b. Extended permit agreements.

27           c. Opportunities for recreational leases and  
28 ecotourism.

29           d. Payment for specified land management services on  
30 publicly owned land, or property under covenant or restricted  
31 easement in favor of a public entity.

Bill No. SB 716

Barcode 175428

1 e. Option agreements for sale to public entities or  
 2 private land conservation entities, in either fee or easement,  
 3 upon achievement of conservation objectives.

4 ~~9.8.~~ The department shall report to the Legislature on  
 5 an annual basis on the results of implementation of rural land  
 6 stewardship areas authorized by the department, including  
 7 successes and failures in achieving the intent of the  
 8 Legislature as expressed in this paragraph.

9 Section 5. Paragraph (d) of subsection (1) of section  
 10 163.3187, Florida Statutes, is amended to read:

11 163.3187 Amendment of adopted comprehensive plan.--

12 (1) Amendments to comprehensive plans adopted pursuant  
 13 to this part may be made not more than two times during any  
 14 calendar year, except:

15 (d) Any comprehensive plan amendment required by a  
 16 compliance agreement under ~~pursuant to~~ s. 163.3184(16), an  
 17 amendment to an agricultural enclave comprehensive plan  
 18 pursuant to s. 163.2517(7), or any amendment to a large-scale  
 19 comprehensive plan adopted as a result of informal mediation  
 20 in accordance with s. 163.3181(4) may be approved without  
 21 regard to statutory limits on the frequency of adoption of  
 22 amendments to the comprehensive plan.

23 Section 6. Section 259.047, Florida Statutes, is  
 24 created to read:

25 259.047 Acquisition of land on which an agricultural  
 26 lease exists.--

27 (1) When land with an existing agricultural lease is  
 28 acquired in fee simple pursuant to this chapter or chapter  
 29 375, the existing agricultural lease may continue in force for  
 30 the actual time remaining on the lease agreement. Any entity  
 31 managing lands acquired under this section must consider

Bill No. SB 716

Barcode 175428

1 existing agricultural leases in the development of a land  
2 management plan required under s. 253.034.

3 (2) Where consistent with the purposes for which the  
4 property was acquired, the state or acquiring entity shall  
5 make reasonable efforts to keep lands in agricultural  
6 production which are in agricultural production at the time of  
7 acquisition.

8 Section 7. Paragraph (a) of subsection (2) of section  
9 373.0361, Florida Statutes, is amended to read:

10 373.0361 Regional water supply planning.--

11 (2) Each regional water supply plan shall be based on  
12 at least a 20-year planning period and shall include, but not  
13 be limited to:

14 (a) A water supply development component that  
15 includes:

16 1. A quantification of the water supply needs for all  
17 existing and reasonably projected future uses within the  
18 planning horizon. The level-of-certainty planning goal  
19 associated with identifying the water supply needs of existing  
20 and future reasonable-beneficial uses shall be based upon  
21 meeting those needs for a 1-in-10-year drought event.

22 Population projections used for determining public water  
23 supply needs must be based upon the best available data. In  
24 determining the best available data, the district shall  
25 consider the University of Florida's Bureau of Economic and  
26 Business Research (BEBR) medium population projections and any  
27 population projection data and analysis submitted by a local  
28 government pursuant to the public workshop described in  
29 subsection (1) if the data and analysis support the local  
30 government's comprehensive plan. Any adjustment of or  
31 deviation from the BEBR projections must be fully described,

Bill No. SB 716

Barcode 175428

1 and the original BEBR data must be presented along with the  
2 adjusted data.

3           2. A list of water source options, including  
4 traditional and alternative source options, from which local  
5 government, government-owned and privately owned utilities,  
6 self-suppliers, and others may choose, for water supply  
7 development, the total capacity of which will, in conjunction  
8 with water conservation and other demand management measures,  
9 exceed the needs identified in subparagraph 1. The list of  
10 water-source options for water supply development must contain  
11 provisions that recognize that alternative water-source  
12 options for agricultural self-suppliers are limited.

13           3. For each option listed in subparagraph 2., the  
14 estimated amount of water available for use and the estimated  
15 costs of and potential sources of funding for water supply  
16 development.

17           4. A list of water supply development projects that  
18 meet the criteria in s. 373.0831(4).

19  
20 The water supply development component of a regional water  
21 supply plan which deals with or affects public utilities and  
22 public water supply for those areas served by a regional water  
23 supply authority and its member governments within the  
24 boundaries of the Southwest Florida Water Management District  
25 shall be developed jointly by the authority and the district.

26           Section 8. Section 373.2234, Florida Statutes, is  
27 amended to read:

28           373.2234 Preferred water supply sources.--The  
29 governing board of a water management district is authorized  
30 to adopt rules that identify preferred water supply sources  
31 for consumptive uses for which there is sufficient data to

Bill No. SB 716

Barcode 175428

1 establish that a preferred source will provide a substantial  
2 new water supply to meet the existing and projected  
3 reasonable-beneficial uses of a water supply planning region  
4 identified pursuant to s. 373.0361(1), while sustaining  
5 existing water resources and natural systems. At a minimum,  
6 such rules must contain a description of the preferred water  
7 supply source and an assessment of the water the preferred  
8 source is projected to produce. If an applicant proposes to  
9 use a preferred water supply source, that applicant's proposed  
10 water use is subject to s. 373.223(1), except that the  
11 proposed use of a preferred water supply source must be  
12 considered by a water management district when determining  
13 whether a permit applicant's proposed use of water is  
14 consistent with the public interest pursuant to s.  
15 373.223(1)(c). A consumptive use permit issued for the use of  
16 a preferred water supply source must be granted, when  
17 requested by the applicant, for at least a 20-year period and  
18 may be subject to the compliance reporting provisions of s.  
19 373.236(4)~~(3)~~. Nothing in this section shall be construed to  
20 exempt the use of preferred water supply sources from the  
21 provisions of ss. 373.016(4) and 373.223(2) and (3), or be  
22 construed to provide that permits issued for the use of a  
23 nonpreferred water supply source must be issued for a duration  
24 of less than 20 years or that the use of a nonpreferred water  
25 supply source is not consistent with the public interest.  
26 Additionally, nothing in this section shall be interpreted to  
27 require the use of a preferred water supply source or to  
28 restrict or prohibit the use of a nonpreferred water supply  
29 source. Rules adopted by the governing board of a water  
30 management district to implement this section shall specify  
31 that the use of a preferred water supply source is not

Bill No. SB 716

Barcode 175428

1 required and that the use of a nonpreferred water supply  
2 source is not restricted or prohibited.

3 Section 9. Subsections (2) and (3) of section 373.236,  
4 Florida Statutes, are renumbered as subsections (3) and (4),  
5 respectively, and a new subsection (2) is added to that  
6 section, to read:

7 373.236 Duration of permits; compliance reports.--

8 (2) The Legislature finds that some agricultural  
9 landowners remain unaware of their ability to request a  
10 20-year consumptive use permit under subsection (1) for  
11 initial permits or for renewals. Therefore, the water  
12 management districts shall inform agricultural applicants of  
13 this option in the application form.

14 Section 10. Section 373.407, Florida Statutes, is  
15 created to read:

16 373.407 Memorandum of agreement for an

17 agricultural-related exemption.--No later than July 1, 2006,  
18 the Department of Agriculture and Consumer Services and each  
19 water management district shall enter into a memorandum of  
20 agreement under which the Department of Agricultural and  
21 Consumer Services shall assist in a determination by a water  
22 management district as to whether an existing or proposed  
23 activity qualifies for the exemption in s. 373.406(2). The  
24 memorandum of agreement shall provide a process by which, upon  
25 the request of a water management district, the Department of  
26 Agriculture and Consumer Services shall conduct a nonbinding  
27 review as to whether an existing or proposed activity  
28 qualifies for an agricultural-related exemption in s.  
29 373.406(2). The memorandum of agreement shall provide  
30 processes and procedures by which the Department of  
31 Agriculture and Consumer Services shall undertake this review

Bill No. SB 716

Barcode 175428

1 effectively and efficiently and issue a recommendation.

2 Section 11. This act shall take effect upon becoming a  
3 law.

4  
5

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled  
12 An act relating to agricultural economic  
13 development; amending s. 70.001, F.S.;  
14 providing a cause of action for landowners  
15 aggrieved by certain changes to agricultural  
16 land use; amending s. 163.2514, F.S.; defining  
17 the terms "agricultural enclave" and "family  
18 farm agricultural enclave" for purposes of  
19 growth policy; amending s. 163.2517, F.S.;  
20 authorizing the owner of land defined as an  
21 agricultural enclave or a family farm  
22 agricultural enclave to apply for an amendment  
23 to the local government comprehensive plan;  
24 providing requirements relating to application  
25 for a comprehensive plan amendment; providing  
26 for the granting of amendment upon the failure  
27 to act in a timely fashion; amending s.  
28 163.3177, F.S.; requiring land use plans to  
29 establish appropriate uses of lands in  
30 agricultural enclaves; amending acreage limits  
31 for rural land stewardship areas; requiring the

Bill No. SB 716

Barcode 175428

1 department to obtain written agreements from  
2 landowners; amending s. 163.3187, F.S.;  
3 providing that an amendment to an agricultural  
4 enclave comprehensive plan or an amendment to a  
5 large scale comprehensive plan adopted as a  
6 result of informal mediation may be approved  
7 without regard to statutory frequency limits;  
8 creating s. 259.047, F.S.; providing  
9 requirements relating to the purchase of land  
10 on which an agricultural lease exists; amending  
11 s. 373.0361, F.S.; providing for recognition  
12 that alternative water-source options for  
13 agricultural self-suppliers are limited;  
14 amending s. 373.2234, F.S.; conforming a  
15 cross-reference; amending s. 373.236, F.S.;  
16 requiring water management districts to inform  
17 landowners of the option to obtain certain  
18 consumptive use permits; creating s. 373.407,  
19 F.S.; providing for memoranda of agreement  
20 regarding qualification for  
21 agricultural-related exemptions; providing an  
22 effective date.

23  
24  
25  
26  
27  
28  
29  
30  
31