March 10, 2025

Commissioner Kathy Bryant, Chairman
Marion County Board of County Commissioners

Chairman Bryant,

On behalf of the Board of Directors of Horse Farms Forever, Inc., I bring to your attention Senate Bill 1118 related to land use and development regulation filed by Senator Stan McClain. If you have not read it yet, then I suggest you block several hours as the PDF version of the bill is 33 pages long, and it amends over a dozen Florida Statutes and creates one new Florida Statute. You might also want to invite a Philadelphia lawyer to join you.

The legislative summary, which is attached in outline format to help visualize the significance of the bill, has over 30 points that begin with action words like revising, deleting, authorizing, requiring, prohibiting, conforming, amending, defining, limiting and specifying.

According to the amended statement of legislative purpose, this is all being done, "to protect the property rights of agricultural land owners." While that sounds noble enough, it only takes a cursory read of the proposed language to see that the real effect of the bill will be to fast-track newly qualified agricultural parcels into industrial, commercial and residential development without any oversight from local government.

The bill proposes to accomplish this by revising the definition of "agricultural enclaves" and "compatibility" and defining new terms "infill residential development" and "contiguous" to make agricultural parcels that align with the new definitions not only eligible for development, but the proposed bill **requires** administrative approval of these developments regardless of future land use designations or comprehensive plan conflicts and further deletes any presumption of urban sprawl, thus requiring that a development be treated as a conforming use. The bill goes so far as to prohibit local government from enforcing their own regulations and laws regarding development of these newly defined parcels. I have attached the definitions as contained in the bill for ease in reading.

This bill significantly preempts the rights of local government. For example, with respect to residential development, the bill upends residential **compatibility** by stating; "All residential land use categories, residential zoning categories, and housing types are compatible with each other." Try and explain that to a legacy single-family homeowner when an apartment building is built on the new, administratively approved, infill residential parcel next door.

And here is what it says about **lot sizes** and **density**.

> "By January 1, 2026, establish minimum lot sizes within single-family, two-family, and fee simple, single-family townhouse zoning districts, including planned unit

development and site plan controlled zoning districts allowing these uses, to accommodate and achieve the maximum density authorized in the comprehensive plan, net of the land area required to be set aside for subdivision roads, sidewalks, stormwater ponds, open space, and landscape buffers and any other land area required to be set aside pursuant to mandatory land development regulations which could otherwise be used for the development of single-family homes, two-family homes, and fee simple, single-family townhouses."

You may want to read this language twice. It **requires** the County to set minimum lot sizes to achieve maximum density **net** of roads, stormwater areas, open space and buffers.

One more example of preemption of local control is the bill takes charge of the urban growth boundary with the following language, "A local government must treat an agricultural enclave that is adjacent to an urban service district as if it were within the urban service district." Plus, if a parcel is approved as an agricultural enclave, then the next parcel could piggy-back that approval to qualify for the same development with only administrative approval required.

If this bill passes as written, what does it mean in Marion County? One example would be any parcel that qualifies as an "agricultural enclave" or "infill residential development" as defined by the bill would be exempt from the protections of the Farmland Preservation Area, the Comprehensive Plan and the Land Development Code, and administratively approved for development without any public hearing. Another example would be rampant development of scattered "sardine can" residential projects with tiny lots and maximum density.

I can't think of any way to upset more people faster!

Given the potential significant impact of this bill to fast-track development of newly defined and qualified agricultural lands, did anyone research the potential implications of the bill on Marion County? At a minimum, I would hope someone consulted with our Board of County Commissioners and the professionals at Growth Services to answer the most basic questions:

- Does this bill benefit the equestrian industry which accounts for 20% of our economy, our employment and our land use?
- Does this bill further preserve and protect the Farmland Preservation Area?
- How many parcels in Marion County would potentially qualify as agricultural enclaves?
- How many parcels in Marion County would qualify as infill residential development?

If not, then it makes one wonder who this bill was really written to benefit?

The amended legislative purpose of the bill is to: "protect the property rights of agricultural land owners." After reading the bill, it would appear a more accurate purpose of the bill is to fast-track the ability of developers to buy and develop newly defined and qualified agricultural land without the burden or oversight of local government.

You need look no further than the amended language of the bill for proof of who it benefits.

The adoption of a comprehensive plan or plan amendment shall be by ordinance "approved by affirmative vote of a majority of the members of the governing body present at the hearing, except that the adoption of a comprehensive plan or plan amendment that contains more restrictive or burdensome procedures concerning

development, including, but not limited to, the review, approval, or issuance of a site plan, development permit, or development order, must be by affirmative vote of a supermajority of the members of the governing body."

That's correct, under this bill it would require a **supermajority** vote of the Board of County Commissioners to do anything that would further restrict or burden a developer.

When Horse Farms Forever and its partners surveyed the community for the most important issues facing Marion County, the top answer was preservation of land and natural resources. When asked if protecting farmland for agricultural use was important, 70% said yes and it was the highest scoring question, higher than traffic and schools. Over 90% of the community said protecting the Farmland Preservation Area for future generations was crucial.

As the current issues of growth, development and traffic are top of mind with the county's citizens, what will you tell a land owner impacted by this fast-track development of agricultural properties when they come before the commission and ask for help? If your only recourse is to explain you are helpless, the blame will nevertheless still fall on the commissioners' shoulders.

We believe that the County should be extremely concerned by any bill that would allow developers to completely circumvent the long-established authority of local government to follow their mandated comprehensive plan, land development code and public hearing requirements before any development is allowed. In the case of Senate Bill 1118, any parcels deemed agricultural enclaves or infill residential developments are exempt from all these guide rails intended to solidify local rule and protect the public.

Local governments are organized closest to where people live to best understand and meet community needs, solve local problems, and deliver the quality-of-life amenity services.

I would ask that the County review this proposed legislation carefully and act as appropriate to protect the citizens and land owners of Marion County from this special interest legislation.

Sincerely,

Bernie Little
President

Cc: Commissioner Carl Zalak, Vice Chairman
Commissioner Craig Curry
Commissioner Matt McClain
Commissioner Michelle Stone
County Attorney Matthew Minter

Senate Bill 1118 Legislative Summary as Amended

An act relating to land use and development regulations;

1. Amending s. 163.3162, F.S.;
   - revising a statement of legislative purpose;
   - deleting language authorizing the owner of an agricultural enclave to apply for a comprehensive plan amendment;
   - authorizing such owner to instead apply for administrative approval of a development regardless of future land use designations or comprehensive plan conflicts under certain circumstances; deleting a certain presumption of urban sprawl;
   - requiring that an authorized development be treated as a conforming use;
   - prohibiting a local government from enacting or enforcing certain regulations or laws;
   - requiring administrative approval of such development if it complies with certain requirements;
   - conforming provisions to changes made by the act;
2. Amending s.163.3164, F.S.;
   - revising the definition of the terms “agricultural enclave” and “compatibility”; defining the terms “infill residential development” and “contiguous”;
   - amending s. 163.3177, F.S.;
   - prohibiting a comprehensive plan from making a certain mandate;
   - prohibiting optional elements of a local comprehensive plan from containing certain policies;
   - requiring the use of certain consistent data, where relevant, unless an applicant can make a certain justification;
3. Amending s. 163.31801, F.S.;
   - defining the term “extraordinary circumstance”;
4. Amending s. 163.3184, F.S.;
   - requiring a supermajority vote for the adoption of certain comprehensive plans and plan amendments;
   - authorizing owners of property subject to a comprehensive plan amendment and persons applying for comprehensive plan amendments to file civil actions for relief in certain circumstances;
   - providing requirements for such actions;
   - authorizing such owners and applicants to use certain dispute resolution procedures;
5. Amending s. 163.3202, F.S.;
   - requiring that local land development regulations establish by a specified date minimum lot sizes within certain zoning districts to accommodate the authorized maximum density;
   - requiring the approval of infill residential development applications in certain circumstances;
   - requiring the treatment of certain developments as a conforming use;
6. Amending s. 720.301, F.S.;
   - revising and providing definitions;
7. Amending s. 720.302, F.S.;

- revising applicability of the Homeowners' Association Act;

8. Amending s. 720.3086, F.S.;
    - revising the persons to whom and the method by which a certain financial report must be made available;
9. Creating s. 720.319, F.S.;
    - specifying that certain parcels may be subject to a recreational covenant and that certain recreational facilities and amenities are not a part of a common area; prohibiting the imposition or collection of amenity dues except as provided in a recreational covenant;
    - providing requirements for certain recreational covenants recorded on or after a certain date;
    - requiring that a recreational covenant recorded before a certain date comply with specified requirements to remain valid and effective;
    - limiting the annual increases in amenity fees and amenity expenses in certain circumstances;
    - providing construction; prohibiting a recreational covenant from requiring an association to collect amenity dues;
    - requiring a specified disclosure summary for contracts for the sale of certain parcels;
    - providing construction and retroactive application;
10. Amending ss.212.055, 336.125, 479.01, 558.002, 617.0725, 718.116, and 720.3085, F.S.;
    - conforming cross-references;
    - providing an effective date.

Senate Bill 1118 Definitions as Amended

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that:

(a) Are owned by a single person or entity;

(b) Have been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before the date of any comprehensive plan amendment application;

(c) 1. Are surrounded on at least 75 percent of their its perimeter by:

a. A parcel or parcels that have existing industrial, commercial, or residential development; or

b. A parcel or parcels that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels are existing industrial, commercial, or residential development; or

2. Do not exceed 640 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated in the local government's comprehensive plan and future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line;

(d) Have public services, including water, wastewater, transportation, schools, and recreation facilities, available such public services are scheduled in the capital improvement

element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Do not exceed 1,280 acres; however, if the parcel or parcels are surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel or parcels may not exceed 4,480 acres.

Where a right-of-way or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the parcel or parcels across the right-of-way or canal.

(9) “Compatibility” means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. All residential land use categories, residential zoning categories, and housing types are compatible with each other.

(22) “Infill residential development” means the development of one or more parcels that are no more than 100 acres in size within a future land use category that allows a residential use and any zoning district that allows a residential use and which parcels are contiguous with residential development on at least 50 percent of the parcels’ boundaries.

For purposes of this subsection, the term “contiguous” means touching, bordering, or adjoining along a boundary and includes properties that would be contiguous if not separated by a roadway, railroad, canal, or other public easement.

(3) For purposes of this section, the term:
(a) “Extraordinary circumstance” means an event that is outside of the control of a local government, school district, or special district and that prevents the local government, school district, or special district from fulfilling the objectives intended to be funded by an impact fee. The term includes, but is not limited to, a natural disaster or other major disruption to the security or health of the community or geographic area served by the local government, school district, or special district or a significant economic deterioration in the community or geographic area served by the local government, school district, or special district which directly and adversely affects the local government, school district, or special district. A funding deficiency that is not caused by such an event is not an extraordinary circumstance.