

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Government Accountability
2 Committee

3 Representative McClain offered the following:

4
5 **Amendment (with title amendment)**

6 Remove line 77 and insert:

7 Section 2. Paragraph (b) of subsection (3) of section
8 163.3245, Florida Statutes, is amended to read:

9 163.3245 Sector plans.—

10 (3) Sector planning encompasses two levels: adoption
11 pursuant to s. 163.3184 of a long-term master plan for the
12 entire planning area as part of the comprehensive plan, and
13 adoption by local development order of two or more detailed
14 specific area plans that implement the long-term master plan and
15 within which s. 380.06 is waived.

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16 (b) In addition to the other requirements of this
17 chapter, except for those that are inconsistent with or
18 superseded by the planning standards of this paragraph, the
19 detailed specific area plans shall be consistent with the long-
20 term master plan and must include conditions and commitments
21 that provide for:

22 1. Development or conservation of an area of at least
23 1,000 acres consistent with the long-term master plan. The local
24 government may approve detailed specific area plans of less than
25 1,000 acres based on local circumstances if it is determined
26 that the detailed specific area plan furthers the purposes of
27 this part and part I of chapter 380.

28 2. Detailed identification and analysis of the maximum
29 and minimum densities and intensities of use and the
30 distribution, extent, and location of future land uses.

31 3. Detailed identification of water resource development
32 and water supply development projects and related infrastructure
33 and water conservation measures to address water needs of
34 development in the detailed specific area plan.

35 4. Detailed identification of the transportation
36 facilities to serve the future land uses in the detailed
37 specific area plan.

38 5. Detailed identification of other regionally
39 significant public facilities, including public facilities
40 outside the jurisdiction of the host local government, impacts

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41 of future land uses on those facilities, and required
42 improvements consistent with the long-term master plan.

43 6. Public facilities necessary to serve development in
44 the detailed specific area plan, including developer
45 contributions in a 5-year capital improvement schedule of the
46 affected local government.

47 7. Detailed analysis and identification of specific
48 measures to ensure the protection and, as appropriate,
49 restoration and management of lands within the boundary of the
50 detailed specific area plan identified for permanent
51 preservation through recordation of conservation easements
52 consistent with s. 704.06, which easements shall be effective
53 before or concurrent with the effective date of the detailed
54 specific area plan and other important resources both within and
55 outside the host jurisdiction. Any such conservation easement
56 may be based on digital orthophotography prepared by a surveyor
57 and mapper licensed under chapter 472 and may include a right of
58 adjustment authorizing the grantor to modify portions of the
59 area protected by a conservation easement and substitute other
60 lands in their place if the lands to be substituted contain no
61 less gross acreage than the lands to be removed; have equivalent
62 values in the proportion and quality of wetlands, uplands, and
63 wildlife habitat; and are contiguous to other lands protected by
64 the conservation easement. Substitution is accomplished by
65 recording an amendment to the conservation easement as accepted

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66 by and with the consent of the grantee, and which consent may
67 not be unreasonably withheld.

68 8. Detailed principles and guidelines addressing the
69 urban form and the interrelationships of future land uses;
70 achieving a more clean, healthy environment; limiting urban
71 sprawl; providing a range of housing types; protecting wildlife
72 and natural areas; advancing the efficient use of land and other
73 resources; creating quality communities of a design that
74 promotes travel by multiple transportation modes; and enhancing
75 the prospects for the creation of jobs.

76 9. Identification of specific procedures to facilitate
77 intergovernmental coordination to address extrajurisdictional
78 impacts from the detailed specific area plan.

79 10. In adopting a detailed specific area plan or related
80 development order, a local government shall not include or
81 impose as a development order condition any requirement that a
82 developer contribute or pay for land acquisition or construction
83 or expansion of public facilities or portions thereof unless the
84 local government has enacted a local ordinance which requires
85 other development not within a sector planning area to
86 contribute its proportionate share of the funds, land, or public
87 facilities necessary to accommodate any impacts having a
88 rational nexus to the proposed development. When allowed under
89 this section, the obligation to fund or construct new facilities
90 or add to the present system of public facilities must have an

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91 essential nexus and be roughly proportionate to the proposed
92 development.

93 11. In reviewing an application for approval of a detailed
94 specific area plan or related development order, within thirty
95 days of receipt a local government must review the application
96 for completeness and issue a letter indicating all required
97 information is submitted or specifying with particularity any
98 areas which are deficient. If deficient the applicant shall have
99 thirty days to address the deficiencies by submitting the
100 required additional information. Within ninety days of the
101 initial submission, if complete, or the supplemental submission,
102 whichever is later, the local government shall approve, approve
103 with conditions or deny the application for the detailed
104 specific area plan. This time period may be waived in writing by
105 the applicant. An approval or denial of the application for a
106 detailed specific area plan or related development order
107 approval must include written findings supporting the local
108 government decision.

109
110 A detailed specific area plan adopted by local development order
111 pursuant to this section may be based upon a planning period
112 longer than the generally applicable planning period of the
113 local comprehensive plan and shall specify the projected
114 population within the specific planning area during the chosen
115 planning period. A detailed specific area plan adopted pursuant

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116 to this section is not required to demonstrate need based upon
117 projected population growth or on any other basis. All lands
118 identified in the long-term master plan for permanent
119 preservation shall be subject to a recorded conservation
120 easement consistent with s. 704.06 before or concurrent with the
121 effective date of the final detailed specific area plan to be
122 approved within the planning area. Any such conservation
123 easement may be based on digital orthophotography prepared by a
124 surveyor and mapper licensed under chapter 472 and may include a
125 right of adjustment authorizing the grantor to modify portions
126 of the area protected by a conservation easement and substitute
127 other lands in their place if the lands to be substituted
128 contain no less gross acreage than the lands to be removed; have
129 equivalent values in the proportion and quality of wetlands,
130 uplands, and wildlife habitat; and are contiguous to other lands
131 protected by the conservation easement. Substitution is
132 accomplished by recording an amendment to the conservation
133 easement as accepted by and with the consent of the grantee, and
134 which consent may not be unreasonably withheld.

135 Section 3. This act shall take effect July 1, 2018.
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139 **T I T L E A M E N D M E N T**

140 Remove line 4 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 697 (2018)

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141 adoption of impact fees; amending s. 163.3245, F.S.; prohibiting
142 local governments from requiring certain conditions in
143 development orders, except under certain conditions; specifying
144 the process for the local government review and approval of
145 detailed specific area plans or related development orders;
146 providing an effective date.