

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 1604 — Land Use and Development Regulations

by Rules Committee; Community Affairs Committee; and Senator Ingoglia

The bill (Chapter 2023-31, L.O.F.) makes various changes to current law pertaining to local government comprehensive planning, independent special district development agreements, and local regulation of electrical substation siting.

Comprehensive Planning

The bill revises local comprehensive planning requirements by increasing the two required planning periods to a 10-year and 20-year period, from 5 and 10, and prohibiting local governments that fail to update their comprehensive plans in accordance with the 7-year evaluation and appraisal process from initiating or adopting any publicly-initiated plan amendments. Additionally, the bill prescribes certain procedures for the Department of Economic Opportunity to apply when local governments remain out of compliance with comprehensive planning updates.

The bill also removes local governments' ability to require specified "building design elements" for residential dwellings in planned unit developments, master planned communities, and communities with a design review board or architectural review board created on or after January 1, 2020. "Building design elements" mean the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms.

Development Agreements

Effective upon becoming a law, the bill precludes independent special districts from complying with the terms of any development agreement which is executed within three months preceding a law modifying the manner of selecting members of the governing body of the special district from election to appointment or appointment to election. The newly elected or appointed governing body of the special district must review within four months of taking office any such development agreement and vote on whether to seek readoption of the agreement. These provisions expire on July 1, 2028, unless reviewed and reenacted by the Legislature.

Electrical Substations

"Distribution electrical substation" is defined in current law as an electrical substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

The construction of new “distribution electrical substations” is a permitted use in all future land use categories and zoning districts, with certain exceptions. Local governments may adopt reasonable land development regulations for new substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards.

The bill modifies the term “distribution electrical substation” to include accessory administration or maintenance buildings and related accessory uses and structures. It also removes reference to “distribution” and the kilovolt limitation, applying the local regulation limitations to electric substations of all sizes, i.e., distribution and transmission substations. Additionally, the bill makes the electric substation approval process applicable to existing substations, as well as new ones, and removes the ability for local governments to adopt reasonable land development regulations for solar substations.

These provisions were approved by the Governor and take effect July 1, 2023, except as otherwise provided.

Vote: Senate 27-13; House 75-34