

By the Committee on Community Affairs

578-1936-05

1 A bill to be entitled
2 An act relating to comprehensive planning and
3 land development; amending s. 163.3164, F.S.;
4 defining the term "antiquated subdivision" for
5 purposes of the Local Government Comprehensive
6 Planning and Land Development Regulation Act;
7 amending s. 163.3177, F.S.; requiring that the
8 future land use plan element of a comprehensive
9 plan identify areas where the local government
10 seeks to consolidate or vacate platted or
11 subdivided lots; providing an exception;
12 requiring that a local government address
13 necessary plan amendments related to antiquated
14 subdivisions by a specified time; providing
15 that the governing body of a local government
16 may not seek to consolidate or vacate all or
17 part of a subdivision under certain
18 circumstances; providing that the definition of
19 an antiquated subdivision does not apply under
20 certain circumstances; providing an effective
21 date.
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23 Be It Enacted by the Legislature of the State of Florida:
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25 Section 1. Subsection (32) is added to section
26 163.3164, Florida Statutes, to read:
27 163.3164 Local Government Comprehensive Planning and
28 Land Development Regulation Act; definitions.--As used in this
29 act:
30 (32) "Antiquated subdivision" means a subdivision, or
31 a large number of lots within a platted subdivision, in which:

1 (a) The plat of the subdivision was recorded as
2 provided by law before 1980 or was otherwise approved pursuant
3 to law before 1980;

4 (b) Less than 20 percent of the total subdivision area
5 has been built in accordance with the subdivision's zoned or
6 land-use purposes; and

7 (c) The continued buildout of the subdivision would
8 cause an imbalance of land uses and would be detrimental to
9 the local and regional economies and environment, hinder
10 current planning practices, and lead to inefficient
11 development patterns.

12 Section 2. Paragraph (a) of subsection (6) of section
13 163.3177, Florida Statutes, is amended to read:

14 163.3177 Required and optional elements of
15 comprehensive plan; studies and surveys.--

16 (6) In addition to the requirements of subsections
17 (1)-(5), the comprehensive plan shall include the following
18 elements:

19 (a) A future land use plan element designating
20 proposed future general distribution, location, and extent of
21 the uses of land for residential uses, commercial uses,
22 industry, agriculture, recreation, conservation, education,
23 public buildings and grounds, other public facilities, and
24 other categories of the public and private uses of land.
25 Counties are encouraged to designate rural land stewardship
26 areas, pursuant to the provisions of paragraph (11)(d), as
27 overlays on the future land use map. Each future land use
28 category must be defined in terms of uses included, and must
29 include standards to be followed in the control and
30 distribution of population densities and building and
31 structure intensities. The proposed distribution, location,

1 and extent of the various categories of land use shall be
2 shown on a land use map or map series which shall be
3 supplemented by goals, policies, and measurable objectives.
4 The future land use plan shall be based upon surveys, studies,
5 and data regarding the area, including the amount of land
6 required to accommodate anticipated growth; the projected
7 population of the area; the character of undeveloped land; the
8 availability of public services; the need for redevelopment,
9 including the renewal of blighted areas and the elimination of
10 nonconforming uses which are inconsistent with the character
11 of the community; the compatibility of uses on lands adjacent
12 to or closely proximate to military installations; and, in
13 rural communities, the need for job creation, capital
14 investment, and economic development that will strengthen and
15 diversify the community's economy. The future land use plan
16 may designate areas for future planned development use
17 involving combinations of types of uses for which special
18 regulations may be necessary to ensure development in accord
19 with the principles and standards of the comprehensive plan
20 and this act. The future land use plan element shall include
21 criteria to be used to achieve the compatibility of adjacent
22 or closely proximate lands with military installations. In
23 addition, for rural communities, the amount of land designated
24 for future planned industrial use shall be based upon surveys
25 and studies that reflect the need for job creation, capital
26 investment, and the necessity to strengthen and diversify the
27 local economies, and shall not be limited solely by the
28 projected population of the rural community. The future land
29 use plan of a county may also designate areas for possible
30 future municipal incorporation. The future land use plan
31 element must identify any antiquated subdivision where the

1 local government seeks to consolidate platted or subdivided
2 lots and the vacation of all or a portion of such lots to
3 allow appropriate development, redevelopment, or reassembly or
4 any other use, provided there is no diminishment of densities
5 already vested without consent of the owner. The land use maps
6 or map series shall generally identify and depict historic
7 district boundaries and shall designate historically
8 significant properties meriting protection. The future land
9 use element must clearly identify the land use categories in
10 which public schools are an allowable use. When delineating
11 the land use categories in which public schools are an
12 allowable use, a local government shall include in the
13 categories sufficient land proximate to residential
14 development to meet the projected needs for schools in
15 coordination with public school boards and may establish
16 differing criteria for schools of different type or size.
17 Each local government shall include lands contiguous to
18 existing school sites, to the maximum extent possible, within
19 the land use categories in which public schools are an
20 allowable use. All comprehensive plans must comply with the
21 school siting requirements of this paragraph no later than
22 October 1, 1999. The failure by a local government to comply
23 with these school siting requirements by October 1, 1999, will
24 result in the prohibition of the local government's ability to
25 amend the local comprehensive plan, except for plan amendments
26 described in s. 163.3187(1)(b), until the school siting
27 requirements are met. Amendments proposed by a local
28 government for purposes of identifying the land use categories
29 in which public schools are an allowable use or for adopting
30 or amending the school-siting maps pursuant to s. 163.31776(3)
31 are exempt from the limitation on the frequency of plan

1 | amendments contained in s. 163.3187. The future land use
2 | element shall include criteria that encourage the location of
3 | schools proximate to urban residential areas to the extent
4 | possible and shall require that the local government seek to
5 | collocate public facilities, such as parks, libraries, and
6 | community centers, with schools to the extent possible and to
7 | encourage the use of elementary schools as focal points for
8 | neighborhoods. For schools serving predominantly rural
9 | counties, defined as a county with a population of 100,000 or
10 | fewer, an agricultural land use category shall be eligible for
11 | the location of public school facilities if the local
12 | comprehensive plan contains school siting criteria and the
13 | location is consistent with such criteria. Local governments
14 | required to update or amend their comprehensive plan to
15 | include criteria and address compatibility of adjacent or
16 | closely proximate lands with existing military installations
17 | in their future land use plan element shall transmit the
18 | update or amendment to the department by June 30, 2006. If a
19 | plan amendment is needed to address requirements related to
20 | the consolidation or vacation of platted or subdivided lands
21 | in antiquated subdivisions, the amendment must be addressed in
22 | the first evaluation and appraisal report that is due to be
23 | submitted after July 1, 2008.

24 | Section 3. The governing body of a local government
25 | may not seek to consolidate or vacate all or part of a
26 | subdivision if 30 percent or more of the lands in the
27 | subdivision are in single ownership and that owner does not
28 | consent to the consolidation or vacation.

29 | Section 4. Notwithstanding section 163.3164(32),
30 | Florida Statutes, the definition of an antiquated subdivision
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1 does not apply to a subdivision that has been approved or
2 recorded again no later than July 1, 2006.

3 Section 5. This act shall take effect July 1, 2005.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 1160

8 The CS provides that there shall be no diminishment of
9 densities already vested without consent of the owner where a
10 local government seeks to consolidate lands in an antiquated
11 subdivision.

12 The CS prohibits a local government from consolidating or
13 vacating all or part of a subdivision if more than 30 percent
14 of the lands are in single ownership and the landowner does
15 not consent. Additionally, it provides a "curing period" to
16 allow for the recording or approval of a subdivision by July
17 1, 2006, so that the subdivision is not included within the
18 definition of "antiquated subdivision."
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