

Bill No. CS for CS for SB 1316

Barcode 914126

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 7, line 23 through page 8, line 14, delete those lines

and insert:

Section 3. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended, and paragraph (o) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.--

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

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres

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1 or fewer and:

2 a. The cumulative annual effect of the acreage for all  
3 small scale development amendments adopted by the local  
4 government shall not exceed:

5 (I) A maximum of 120 acres in a local government that  
6 contains areas specifically designated in the local  
7 comprehensive plan for urban infill, urban redevelopment, or  
8 downtown revitalization as defined in s. 163.3164, urban  
9 infill and redevelopment areas designated under s. 163.2517,  
10 areas designated by the Governor as rural areas of critical  
11 economic concern under s. 288.0656(7), transportation  
12 concurrency exception areas approved pursuant to s.  
13 163.3180(5), or regional activity centers and urban central  
14 business districts approved pursuant to s. 380.06(2)(e);  
15 however, amendments under this paragraph may be applied to no  
16 more than 60 acres annually of property outside the designated  
17 areas listed in this sub-sub-subparagraph. Amendments adopted  
18 pursuant to paragraph (k) shall not be counted toward the  
19 acreage limitations for small scale amendments under this  
20 paragraph.

21 (II) A maximum of 80 acres in a local government that  
22 does not contain any of the designated areas set forth in  
23 sub-sub-subparagraph (I).

24 (III) A maximum of 120 acres in a county established  
25 pursuant to s. 9, Art. VIII of the State Constitution.

26 b. The proposed amendment does not involve the same  
27 property granted a change within the prior 12 months.

28 c. The proposed amendment does not involve the same  
29 owner's property within 200 feet of property granted a change  
30 within the prior 12 months.

31 d. The proposed amendment does not involve a text

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1 change to the goals, policies, and objectives of the local  
2 government's comprehensive plan, but only proposes a land use  
3 change to the future land use map for a site-specific small  
4 scale development activity.

5 e. The property that is the subject of the proposed  
6 amendment is not located within an area of critical state  
7 concern, unless the project subject to the proposed amendment  
8 involves the construction of affordable housing units meeting  
9 the criteria of s. 420.0004(3), and is located within an area  
10 of critical state concern designated by s. 380.0552 or by the  
11 Administration Commission pursuant to s. 380.05(1). Such  
12 amendment is not subject to the density limitations of  
13 sub-subparagraph f., and shall be reviewed by the state land  
14 planning agency for consistency with the principles for  
15 guiding development applicable to the area of critical state  
16 concern where the amendment is located and shall not become  
17 effective until a final order is issued under s. 380.05(6).

18 f. If the proposed amendment involves a residential  
19 land use, the residential land use has a density of 10 units  
20 or less per acre, or the proposed future land use category  
21 allows a maximum residential density of the same or less than  
22 the maximum residential density allowable under the existing  
23 future land use category, except that this limitation does not  
24 apply to small scale amendments described in  
25 sub-sub-subparagraph a.(I) that are designated in the local  
26 comprehensive plan for urban infill, urban redevelopment, or  
27 downtown revitalization as defined in s. 163.3164, urban  
28 infill and redevelopment areas designated under s. 163.2517,  
29 transportation concurrency exception areas approved pursuant  
30 to s. 163.3180(5), or regional activity centers and urban  
31 central business districts approved pursuant to s.

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1 380.06(2)(e).

2           2.a. A local government that proposes to consider a  
3 plan amendment pursuant to this paragraph is not required to  
4 comply with the procedures and public notice requirements of  
5 s. 163.3184(15)(c) for such plan amendments if the local  
6 government complies with the provisions in s. 125.66(4)(a) for  
7 a county or in s. 166.041(3)(c) for a municipality. If a  
8 request for a plan amendment under this paragraph is initiated  
9 by other than the local government, public notice is required.

10           b. The local government shall send copies of the  
11 notice and amendment to the state land planning agency, the  
12 regional planning council, and any other person or entity  
13 requesting a copy. This information shall also include a  
14 statement identifying any property subject to the amendment  
15 that is located within a coastal high hazard area as  
16 identified in the local comprehensive plan.

17           3. Small scale development amendments adopted pursuant  
18 to this paragraph require only one public hearing before the  
19 governing board, which shall be an adoption hearing as  
20 described in s. 163.3184(7), and are not subject to the  
21 requirements of s. 163.3184(3)-(6) unless the local government  
22 elects to have them subject to those requirements.

23           4. If the small scale development amendment involves a  
24 site within an area that is designated by the Governor as a  
25 rural area of critical economic concern under s. 288.0656(7),  
26 for the duration of such designation, sub-subparagraph 1.c.  
27 shall not apply and the 10-acre limit listed in subparagraph  
28 1. shall be increased by 100 percent to 20 acres. The local  
29 government approving the small scale plan amendment shall  
30 certify to the Office of Tourism, Trade, and Economic  
31 Development that the plan amendment furthers the economic

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1 objectives set forth in the executive order issued under s.  
 2 288.0656(7), and the property subject to the plan amendment  
 3 shall undergo public review to ensure that all concurrency  
 4 requirements and federal, state, and local environmental  
 5 permit requirements are met.

6 (o) A comprehensive plan amendment that is submitted  
 7 by an area designated by the Governor as a rural area of  
 8 critical economic concern under s. 288.0656(7) and that meets  
 9 the economic development objectives may be approved without  
 10 regard to the statutory limits on the frequency of adoption of  
 11 amendments to the comprehensive plan.

12 Section 4. Subsections (10), (11), and (12) of section  
 13 163.3246, Florida Statutes, are renumbered as subsections  
 14 (12), (13), and (14), respectively, and new subsections (10)  
 15 and (11) are added to said section to read:

16 163.3246 Local government comprehensive planning  
 17 certification program.--

18 (10) Notwithstanding subsections (2), (4), (5), (6),  
 19 and (7), any municipality designated as a rural area of  
 20 critical economic concern pursuant to s. 288.0656 that is  
 21 located within a county eligible to levy the Small County  
 22 Surtax under s. 212.055(3) shall be considered certified  
 23 during the effectiveness of the designation of rural area of  
 24 critical economic concern. The state land planning agency  
 25 shall provide a written notice of certification to the local  
 26 government of the certified area, which shall be considered  
 27 final agency action subject to challenge under s. 120.569. The  
 28 notice of certification shall include the following  
 29 components:

30 (a) The boundary of the certification area.

31 (b) A requirement that the local government submit

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1 either an annual or biennial monitoring report to the state  
 2 land planning agency according to the schedule provided in the  
 3 written notice. The monitoring report shall, at a minimum,  
 4 include the number of amendments to the comprehensive plan  
 5 adopted by the local government, the number of plan amendments  
 6 challenged by an affected person, and the disposition of those  
 7 challenges.

8 (11) If the local government of an area described in  
 9 subsection (10) does not request that the state land planning  
 10 agency review the developments of regional impact that are  
 11 proposed within the certified area, an application for  
 12 approval of a development order within the certified area  
 13 shall be exempt from review under s. 380.06, subject to the  
 14 following:

15 (a) Concurrent with filing an application for  
 16 development approval with the local government, a developer  
 17 proposing a project that would have been subject to review  
 18 pursuant to s. 380.06 shall notify in writing the regional  
 19 planning council with jurisdiction.

20 (b) The regional planning council shall coordinate  
 21 with the developer and the local government to ensure all  
 22 concurrency requirements as well as federal, state, and local  
 23 environmental permit requirements are met.

24  
 25 (Redesignate subsequent sections.)

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

29 And the title is amended as follows:

30 On page 1, lines 15 through 17, delete those lines

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1 and insert:

2 s. 163.3187, F.S.; including areas designated  
3 as rural areas of critical economic concern in  
4 an exemption for certain small scale amendments  
5 from a limit on the frequency of amendments to  
6 the comprehensive plan of a county or a  
7 municipality; increasing various acreage  
8 limitations governing eligibility for such  
9 exemption for a small scale amendment within  
10 such an area; requiring certification of the  
11 amendment to the Office of Tourism, Trade, and  
12 Economic Development; requiring public review  
13 of certain property; amending s. 163.3246,  
14 F.S.; revising provisions for the local  
15 government comprehensive planning certification  
16 program; providing for certain municipalities  
17 to be considered certified; requiring the state  
18 land planning agency to provide a written  
19 notice of certification; specifying components  
20 of such notice; requiring local governments to  
21 submit monitoring reports to the state land  
22 planning agency; providing exemptions from  
23 certain development-of-regional-impact reviews;  
24 amending

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