

Bill No. SB 1066

Barcode 115940

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Hill) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 288.1075, Florida Statutes, is created to read:

288.1075 Development orders; public notice.--

(1) For purposes of this section, the term

"development order" means any order granting, denying, or granting with conditions an application for a building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of a county having the effect of permitting the development of land.

(2) In addition to any existing provision requiring public notice or publication, an applicant for a development order to locate a business that may pose a significant health risk to residents of the county or municipality shall provide

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1 notice of the potential significant health risk.

2 (3) The notice shall include posting a sign in a
3 conspicuous place upon the proposed development site that
4 shall be no smaller than 30 inches by 48 inches and shall be
5 legible from the nearest road as defined in s. 320.01. The
6 applicant shall provide and erect the sign at his or her
7 expense no later than 30 calendar days after submittal of an
8 application to the county or municipality for a development
9 order. The sign shall remain posted on the proposed
10 development site for no less than 30 calendar days after its
11 posting and shall be removed by the applicant no later than 30
12 calendar days after issuance of the development order. The
13 posted sign shall include the following:

14 (a) The location of the proposed development site.

15 (b) The type of development order requested.

16 (c) Instructions for the means by which the public can
17 obtain additional information from the regulatory body
18 regarding the proposed development.

19 (4) For those proposed developments that, because of
20 their size, potential negative impact on the public health,
21 controversial nature, or location, are reasonably expected by
22 the regulatory body to result in a heightened public concern
23 or the likelihood of a request for an appeal of the county's
24 or municipality's decision to allow the proposed development:

25 (a) The applicant shall provide written notice at his
26 or her expense to the adjoining property owners and written
27 notice to all neighborhood associations or homeowners'
28 associations whose boundaries lie within 1 contiguous mile of
29 the proposed development site. The applicant shall retain
30 proof of transmittals of all of the written notices.

31 (b) The applicant shall include in the notice the

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1 location of the proposed development site, a description of
2 the proposed development order, and the means by which the
3 public can obtain additional information from the county or
4 municipality regarding the proposed development.

5 (c) The applicant shall post a sign on the proposed
6 development site that shall be no smaller than 30 inches by 48
7 inches and that is legible from the nearest road, as defined
8 in s. 320.01. The applicant at his or her expense shall
9 provide and erect the sign no later than 20 calendar days
10 after the county or municipality provides written notice to
11 the applicant that the potential exists for heightened concern
12 or appeal. The sign shall remain posted on the proposed
13 development site for no less than 30 calendar days after
14 issuance of the development order.

15 (d) The county or municipality may conduct a public
16 workshop upon request by a member of the public before the
17 issuance of a development order under this subsection. The
18 public workshop shall be held no less than 10 calendar days
19 before issuance of a development order. The applicant at his
20 or her expense shall provide for the date, time, and location
21 of the public workshop to be published in a newspaper of
22 general circulation within the affected area no less than 14
23 calendar days prior to the date of the public workshop. The
24 notice must include information on how adversely affected
25 parties may file an appeal or request a hearing by the county
26 or municipality.

27 Section 2. This act shall take effect July 1, 2006.

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

31 And the title is amended as follows:

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1 Delete everything before the enacting clause

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3 and insert:

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A bill to be entitled

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An act relating to development orders; creating

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s. 288.1075, F.S.; defining the term

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"development order"; providing for certain

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public notice by the applicant for a

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development order that could pose a significant

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health risk to the public; providing for

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certain public notice and authorizing public

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workshops when the proposed development could

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cause heightened public concern or the

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regulatory body expects its approval of the

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development order to result in an appeal;

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providing an effective date.

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