Florida Senate - 2006

By the Committee on Community Affairs; and Senator Miller

578-2165-06

1	A bill to be entitled
2	An act relating to development orders; creating
3	s. 288.1075, F.S.; defining the term
4	"development order"; providing for certain
5	public notice by the applicant for a
б	development order that could pose a significant
7	health risk to the public; providing for
8	certain public notice and authorizing public
9	workshops when the proposed development could
10	cause heightened public concern or the
11	regulatory body expects its approval of the
12	development order to result in an appeal;
13	providing an effective date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Section 288.1075, Florida Statutes, is
18	created to read:
19	288.1075 Development orders; public notice
20	(1) For purposes of this section, the term
21	"development order" means any order granting, denying, or
22	granting with conditions an application for a building permit,
23	zoning permit, subdivision approval, rezoning, certification,
24	special exception, variance, or any other official action of a
25	county having the effect of permitting the development of
26	land.
27	(2) In addition to any existing provision requiring
28	public notice or publication, an applicant for a development
29	order to locate a business that may pose a significant health
30	risk to residents of the county or municipality shall provide
31	notice of the potential significant health risk.
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1	(3) The notice shall include posting a sign in a
2	conspicuous place upon the proposed development site that
3	shall be no smaller than 30 inches by 48 inches and shall be
4	legible from the nearest road as defined in s. 320.01. The
5	applicant shall provide and erect the sign at his or her
6	expense no later than 30 calendar days after submittal of an
7	application to the county or municipality for a development
8	order. The sign shall remain posted on the proposed
9	development site for no less than 30 calendar days after its
10	posting and shall be removed by the applicant no later than 30
11	calendar days after issuance of the development order. The
12	posted sign shall include the following:
13	(a) The location of the proposed development site.
14	(b) The type of development order requested.
15	(c) Instructions for the means by which the public can
16	obtain additional information from the regulatory body
17	regarding the proposed development.
18	(4) For those proposed developments that, because of
19	their size, potential negative impact on the public health,
20	controversial nature, or location, are reasonably expected by
21	the regulatory body to result in a heightened public concern
22	or the likelihood of a request for an appeal of the county's
23	or municipality's decision to allow the proposed development:
24	(a) The applicant shall provide written notice at his
25	or her expense to the adjoining property owners and written
26	notice to all neighborhood associations or homeowners'
27	associations whose boundaries lie within 1 contiquous mile of
28	the proposed development site. The applicant shall retain
29	proof of transmittals of all of the written notices.
30	(b) The applicant shall include in the notice the
31	location of the proposed development site, a description of

1	the proposed development order, and the means by which the
2	public can obtain additional information from the county or
3	municipality regarding the proposed development.
4	(c) The applicant shall post a sign on the proposed
5	development site that shall be no smaller than 30 inches by 48
б	inches and that is legible from the nearest road, as defined
7	in s. 320.01. The applicant at his or her expense shall
8	provide and erect the sign no later than 20 calendar days
9	after the county or municipality provides written notice to
10	the applicant that the potential exists for heightened concern
11	or appeal. The sign shall remain posted on the proposed
12	development site for no less than 30 calendar days after
13	issuance of the development order.
14	(d) The county or municipality may conduct a public
15	workshop upon request by a member of the public before the
16	issuance of a development order under this subsection. The
17	public workshop shall be held no less than 10 calendar days
18	before issuance of a development order. The applicant at his
19	or her expense shall provide for the date, time, and location
20	of the public workshop to be published in a newspaper of
21	general circulation within the affected area no less than 14
22	<u>calendar days prior to the date of the public workshop. The</u>
23	notice must include information on how adversely affected
24	parties may file an appeal or request a hearing by the county
25	or municipality.
26	Section 2. This act shall take effect July 1, 2006.
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CS for SB 1066

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2 3	<u>Senate Bill 1066</u>
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5	notice for businesses locating near a residential area that may pose a significant health risk to those residents. It
6	requires an applicant for a development order to locate a business that may pose significant health risks to post a sign
7	of a certain size in a conspicuous place on the proposed development site within a specified time frame.
8	The CS also requires an applicant to comply with additional notice provisions if the local government reasonably expects
9	the proposed development may result in a heightened public concern or appeal of the development order. These additional
10	provisions include providing written notice to adjoining property owners and all neighborhood associations or
11 12	homeowners' associations within one contiguous mile of the proposed development site. If the member of the public request a workshop before the issuance of the development order, the
13	applicant for the development order must pay the cost of the publication of the notice of the workshop.
14	This CS deletes language requiring a local government to hold
15	a public hearing when certain types of commerical, manufacturing, or industrial businesses proposing to locate
16	within 3 miles of a residential area. It also deletes language that requires a local government to send written notice of the
17	public hearing to each local media outlet, property owner, and resident within a 3-mile radius.
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