

1 A bill to be entitled
 2 An act relating to development orders; creating s.
 3 288.1075, F.S.; defining the term "development order";
 4 providing for certain public notice by the applicant for a
 5 development order that could pose a significant health
 6 risk to the public; providing for certain public notice
 7 and authorizing public workshops when the proposed
 8 development could cause heightened public concern or the
 9 regulatory body expects its approval of the development
 10 order to result in an appeal; providing an effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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

16 288.1075 Development orders; public notice.--

17 (1) For purposes of this section, the term "development
 18 order" means any order granting, denying, or granting with
 19 conditions an application for a building permit, zoning permit,
 20 subdivision approval, rezoning, certification, special
 21 exception, variance, or any other official action of a county
 22 having the effect of permitting the development of land.

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

28 (3) The notice shall include posting a sign in a
29 conspicuous place upon the proposed development site that shall
30 be no smaller than 30 inches by 48 inches and shall be legible
31 from the nearest road as defined in s. 320.01. The applicant
32 shall provide and erect the sign at his or her expense no later
33 than 30 calendar days after submittal of an application to the
34 county or municipality for a development order. The sign shall
35 remain posted on the proposed development site for no less than
36 30 calendar days after its posting and shall be removed by the
37 applicant no later than 30 calendar days after issuance of the
38 development order. The posted sign shall include the following:

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

40 (b) The type of development order requested.

41 (c) Instructions for the means by which the public can
42 obtain additional information from the regulatory body regarding
43 the proposed development.

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

50 (a) The applicant shall provide written notice at his or
51 her expense to the adjoining property owners and written notice
52 to all neighborhood associations or homeowners' associations
53 whose boundaries lie within 1 contiguous mile of the proposed
54 development site. The applicant shall retain proof of
55 transmittals of all of the written notices.

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56 (b) The applicant shall include in the notice the location
57 of the proposed development site, a description of the proposed
58 development order, and the means by which the public can obtain
59 additional information from the county or municipality regarding
60 the proposed development.

61 (c) The applicant shall post a sign on the proposed
62 development site that shall be no smaller than 30 inches by 48
63 inches and that is legible from the nearest road, as defined in
64 s. 320.01. The applicant at his or her expense shall provide and
65 erect the sign no later than 20 calendar days after the county
66 or municipality provides written notice to the applicant that
67 the potential exists for heightened concern or appeal. The sign
68 shall remain posted on the proposed development site for no less
69 than 30 calendar days after issuance of the development order.

70 (d) The county or municipality may conduct a public
71 workshop upon request by a member of the public prior to the
72 issuance of a development order under this subsection. The
73 public workshop shall be held no less than 10 calendar days
74 prior to issuance of a development order. The applicant at his
75 or her expense shall provide for the date, time, and location of
76 the public workshop to be published in a newspaper of general
77 circulation within the affected area no less than 14 calendar
78 days prior to the date of the public workshop. The notice must
79 include information on how adversely affected parties may file
80 an appeal or request a hearing by the county or municipality.

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