

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Diaz offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 29-42 and insert:

5 Section 1. A local government may not adopt or impose any
6 supermajority voting requirement, by charter provision,
7 ordinance, or otherwise, for the transmittal or adoption of
8 amendments to the comprehensive plan.

9 Section 2. (1) Except as provided in subsection (4), and
10 in recognition of 2012 real estate market conditions, any
11 building permit, and any permit issued by the Department of
12 Environmental Protection or by a water management district
13 pursuant to part IV of chapter 373, Florida Statutes, which has
14 an expiration date from January 1, 2011, through January 1,
15 2014, is extended and renewed for a period of 2 years after its
16 previously scheduled date of expiration. This extension includes

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17 any local government-issued development order or building
18 permit, including certificates of levels of service. This
19 section does not prohibit conversion from the construction phase
20 to the operation phase upon completion of construction. This
21 extension is in addition to any existing permit extension.
22 Extensions granted pursuant to this section; section 14 of
23 chapter 2009-96, Laws of Florida, as reauthorized by section 47
24 of chapter 2010-147, Laws of Florida; section 46 of chapter
25 2010-147, Laws of Florida; section 74 of chapter 2011-139, Laws
26 of Florida; or section 79 of chapter 2011-139, Laws of Florida,
27 may not exceed 4 years in total. Further, specific development
28 order extensions granted pursuant to s. 380.06(19)(c)2., Florida
29 Statutes, may not be further extended by this section.

30 (2) The commencement and completion dates for any required
31 mitigation associated with a phased construction project are
32 extended so that mitigation takes place in the same timeframe
33 relative to the phase as originally permitted.

34 (3) The holder of a valid permit or other authorization
35 that is eligible for the 2-year extension must notify the
36 authorizing agency in writing by December 31, 2012, identifying
37 the specific authorization for which the holder intends to use
38 the extension and the anticipated timeframe for acting on the
39 authorization.

40 (4) The extension provided for in subsection (1) does not
41 apply to:

42 (a) A permit or other authorization under any programmatic
43 or regional general permit issued by the Army Corps of
44 Engineers.

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45 (b) A permit or other authorization held by an owner or
46 operator determined to be in significant noncompliance with the
47 conditions of the permit or authorization as established through
48 the issuance of a warning letter or notice of violation, the
49 initiation of formal enforcement, or other equivalent action by
50 the authorizing agency.

51 (c) A permit or other authorization that, if granted an
52 extension, would delay or prevent compliance with a court order.

53 (5) Permits extended under this section shall continue to
54 be governed by the rules in effect at the time the permit was
55 issued, except if it is demonstrated that the rules in effect at
56 the time the permit was issued would create an immediate threat
57 to public safety or health. This provision applies to any
58 modification of the plans, terms, and conditions of the permit
59 which lessens the environmental impact, except that any such
60 modification does not extend the time limit beyond 2 additional
61 years.

62 (6) This section does not impair the authority of a county
63 or municipality to require the owner of a property that has
64 notified the county or municipality of the owner's intent to
65 receive the extension of time granted pursuant to this section
66 to maintain and secure the property in a safe and sanitary
67 condition in compliance with applicable laws and ordinances.

68 Section 3. Section 163.3165, Florida Statutes, is created
69 to read:

70 163.3165 Agricultural lands surrounded by a single land
71 use.-

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72 (1) Notwithstanding any provision of ss. 163.3162 and
73 163.3164 to the contrary, the owner of a parcel of land located
74 in an unincorporated area of a county that qualifies under this
75 section may apply for an amendment to the local government
76 comprehensive plan pursuant to s. 163.3184. The amendment is
77 presumed not to be urban sprawl as defined in s.163.3164 if it
78 proposes land uses and intensities of use which are consistent
79 with the existing uses and intensities of use of, or consistent
80 with the uses and intensities of use authorized for, the
81 industrial, commercial, or residential areas that surround the
82 parcel. If the parcel of land that is the subject of an
83 application for an amendment under this section is abutted on
84 all sides by land having only one land use designation, the same
85 land use designation shall be presumed by the county to be
86 appropriate for the parcel. The county shall, after considering
87 the proposed density and intensity, grant the parcel the same
88 land use designation as the surrounding parcel that abuts the
89 parcel unless the county finds by clear and convincing evidence
90 that such grant would be detrimental to the health, safety, and
91 welfare of its citizens.

92 (2) In order to qualify as an agricultural enclave under
93 this section, the parcel of land must be a parcel that:

94 (a) Is owned by a single person or entity;

95 (b) Has been in continuous use for bona fide agricultural
96 purposes, as defined by s. 193.461, for a period of 5 years
97 before the date of any comprehensive plan amendment application;

98 (c) Is surrounded on at least 95 percent of its perimeter
99 by property that the local government has designated as land

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100 that may be developed for industrial, commercial, or residential
101 purposes; and

102 (d) Does not exceed 650 acres but is not smaller than 500
103 acres.

104
105 In order to qualify for the redesignation as an enclave, the
106 owner of a parcel of land meeting the requirements of paragraphs
107 (a)-(d) must apply for the redesignation by January 1, 2014.

108 Section 4. Paragraph (c) of subsection (2) of section
109 163.3184, Florida Statutes, is amended to read:

110 163.3184 Process for adoption of comprehensive plan or
111 plan amendment.-

112 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.-

113 (c) Plan amendments that are in an area of critical state
114 concern designated pursuant to s. 380.05; propose a rural land
115 stewardship area pursuant to s. 163.3248; propose a sector plan
116 pursuant to s. 163.3245; update a comprehensive plan based on an
117 evaluation and appraisal pursuant to s. 163.3191; propose a
118 development pursuant to s. 380.06(24)(x); or are new plans for
119 newly incorporated municipalities adopted pursuant to s.
120 163.3167 shall follow the state coordinated review process in
121 subsection (4).

122 Section 5. Subsection (2) of section 171.046, Florida
123 Statutes, is amended to read:

124 171.046 Annexation of enclaves.-

125 (2) In order to expedite the annexation of enclaves of 100
126 ~~10~~ acres or less into the most appropriate incorporated

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127 jurisdiction, based upon existing or proposed service provision
128 arrangements, a municipality may:

129 (a) Annex an enclave by interlocal agreement with the
130 county having jurisdiction of the enclave; or

131 (b) Annex an enclave with fewer than 25 registered voters
132 by municipal ordinance when the annexation is approved in a
133 referendum by at least 60 percent of the registered voters who
134 reside in the enclave.

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

140 Remove lines 2-6 and insert:

141 An act relating to growth management; prohibiting a
142 local government from adopting or imposing any
143 supermajority voting requirement for the transmittal
144 or adoption of amendments to the comprehensive plan;
145 creating a 2-year permit extension; creating s.
146 163.3165, F.S.; providing for application and approval
147 of an amendment to the local comprehensive plan by the
148 owner of land that meets certain criteria as an
149 agricultural enclave; amending s. 163.3184, F.S.;
150 requiring that comprehensive plan amendments proposing
151 certain developments follow the state coordinated
152 review process; amending s. 171.046, F.S.; increasing
153 the acreage of enclaves subject to annexation by

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154 municipalities; amending s. 380.06, F.S.; limiting the
155 scope