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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (13) of section 163.3245,
Florida Statutes, is redesignated as subsection (14),
subsections (3) and (9) of that section are amended, and new
subsections (13) and (15) are added to that section, to read:

163.3245 Sector plans.—

(3) Sector planning encompasses two levels: adoption



772204

11 pursuant to s. 163.3184 of a long-term master plan for the
12 entire planning area as part of the comprehensive plan, and
13 adoption by local development order of two or more detailed
14 specific area plans that implement the long-term master plan and
15 within which s. 380.06 is waived.

16 (a) In addition to the other requirements of this chapter,
17 except for those that are inconsistent with or superseded by the
18 planning standards of this paragraph, a long-term master plan
19 pursuant to this section must include maps, illustrations, and
20 text supported by data and analysis to address the following:

21 1. A framework map that, at a minimum, generally depicts
22 areas of urban, agricultural, rural, and conservation land use;
23 identifies allowed uses in various parts of the planning area;
24 specifies maximum and minimum densities and intensities of use;
25 and provides the general framework for the development pattern
26 in developed areas with graphic illustrations based on a
27 hierarchy of places and functional place-making components.

28 2. A general identification of the water supplies needed
29 and available sources of water, including water resource
30 development and water supply development projects, and water
31 conservation measures needed to meet the projected demand of the
32 future land uses in the long-term master plan.

33 3. A general identification of the transportation
34 facilities to serve the future land uses in the long-term master
35 plan, including guidelines to be used to establish each modal
36 component intended to optimize mobility.

37 4. A general identification of other regionally significant
38 public facilities necessary to support the future land uses,
39 which may include central utilities provided onsite within the



772204

40 planning area, and policies setting forth the procedures to be
41 used to mitigate the impacts of future land uses on public
42 facilities.

43 5. A general identification of regionally significant
44 natural resources within the planning area based on the best
45 available data and policies setting forth the procedures for
46 protection or conservation of specific resources consistent with
47 the overall conservation and development strategy for the
48 planning area.

49 6. General principles and guidelines addressing the urban
50 form and the interrelationships of future land uses; the
51 protection and, as appropriate, restoration and management of
52 lands identified for permanent preservation through recordation
53 of conservation easements consistent with s. 704.06, which shall
54 be phased or staged in coordination with detailed specific area
55 plans to reflect phased or staged development within the
56 planning area; achieving a more clean, healthy environment;
57 limiting urban sprawl; providing a range of housing types;
58 protecting wildlife and natural areas; advancing the efficient
59 use of land and other resources; creating quality communities of
60 a design that promotes travel by multiple transportation modes;
61 and enhancing the prospects for the creation of jobs.

62 7. Identification of general procedures and policies to
63 facilitate intergovernmental coordination to address
64 extrajurisdictional impacts from the future land uses.

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66 A long-term master plan adopted pursuant to this section may be
67 based upon a planning period longer than the generally
68 applicable planning period of the local comprehensive plan,



772204

69 shall specify the projected population within the planning area
70 during the chosen planning period, and may include a phasing or
71 staging schedule that allocates a portion of the local
72 government's future growth to the planning area through the
73 planning period. A long-term master plan adopted pursuant to
74 this section is not required to demonstrate need based upon
75 projected population growth or on any other basis.

76 (b) In addition to the other requirements of this chapter,
77 except for those that are inconsistent with or superseded by the
78 planning standards of this paragraph, the detailed specific area
79 plans shall be consistent with the long-term master plan and
80 must include conditions and commitments that provide for:

81 1. Development or conservation of an area of at least 1,000
82 acres consistent with the long-term master plan. The local
83 government may approve detailed specific area plans of less than
84 1,000 acres based on local circumstances if it is determined
85 that the detailed specific area plan furthers the purposes of
86 this part and part I of chapter 380.

87 2. Detailed identification and analysis of the maximum and
88 minimum densities and intensities of use and the distribution,
89 extent, and location of future land uses.

90 3. Detailed identification of water resource development
91 and water supply development projects and related infrastructure
92 and water conservation measures to address water needs of
93 development in the detailed specific area plan.

94 4. Detailed identification of the transportation facilities
95 to serve the future land uses in the detailed specific area
96 plan.

97 5. Detailed identification of other regionally significant



772204

98 public facilities, including public facilities outside the
99 jurisdiction of the host local government, impacts of future
100 land uses on those facilities, and required improvements
101 consistent with the long-term master plan.

102 6. Public facilities necessary to serve development in the
103 detailed specific area plan, including developer contributions
104 in a 5-year capital improvement schedule of the affected local
105 government.

106 7. Detailed analysis and identification of specific
107 measures to ensure the protection and, as appropriate,
108 restoration and management of lands within the boundary of the
109 detailed specific area plan identified for permanent
110 preservation through recordation of conservation easements
111 consistent with s. 704.06, which easements shall be effective
112 before or concurrent with the effective date of the detailed
113 specific area plan and other important resources both within and
114 outside the host jurisdiction. Any such conservation easement
115 may be based on rectified aerial photographs without the need
116 for a survey and may include a right of adjustment authorizing
117 the grantor to modify portions of the area protected by a
118 conservation easement and substitute other lands in their place
119 if the lands to be substituted contain no less gross acreage
120 than the lands to be removed; have equivalent values in the
121 proportion and quality of wetlands, uplands, and wildlife
122 habitat; and are contiguous to other lands protected by the
123 conservation easement. Substitution is accomplished by recording
124 an amendment to the conservation easement as accepted by the
125 grantee.

126 8. Detailed principles and guidelines addressing the urban



772204

127 form and the interrelationships of future land uses; achieving a
128 more clean, healthy environment; limiting urban sprawl;
129 providing a range of housing types; protecting wildlife and
130 natural areas; advancing the efficient use of land and other
131 resources; creating quality communities of a design that
132 promotes travel by multiple transportation modes; and enhancing
133 the prospects for the creation of jobs.

134 9. Identification of specific procedures to facilitate
135 intergovernmental coordination to address extrajurisdictional
136 impacts from the detailed specific area plan.

137
138 A detailed specific area plan adopted by local development order
139 pursuant to this section may be based upon a planning period
140 longer than the generally applicable planning period of the
141 local comprehensive plan and shall specify the projected
142 population within the specific planning area during the chosen
143 planning period. A detailed specific area plan adopted pursuant
144 to this section is not required to demonstrate need based upon
145 projected population growth or on any other basis. All lands
146 identified in the long-term master plan for permanent
147 preservation shall be subject to a recorded conservation
148 easement consistent with s. 704.06 before or concurrent with the
149 effective date of the final detailed specific area plan to be
150 approved within the planning area. Any such conservation
151 easement may be based on rectified aerial photographs without
152 the need for a survey and may include a right of adjustment
153 authorizing the grantor to modify portions of the area protected
154 by a conservation easement and substitute other lands in their
155 place if the lands to be substituted contain no less gross



156 acreage than the lands to be removed; have equivalent values in
157 the proportion and quality of wetlands, uplands, and wildlife
158 habitat; and are contiguous to other lands protected by the
159 conservation easement. Substitution is accomplished by recording
160 an amendment to the conservation easement as accepted by the
161 grantee.

162 (c) In its review of a long-term master plan, the state
163 land planning agency shall consult with the Department of
164 Agriculture and Consumer Services, the Department of
165 Environmental Protection, the Fish and Wildlife Conservation
166 Commission, and the applicable water management district
167 regarding the design of areas for protection and conservation of
168 regionally significant natural resources and for the protection
169 and, as appropriate, restoration and management of lands
170 identified for permanent preservation.

171 (d) In its review of a long-term master plan, the state
172 land planning agency shall consult with the Department of
173 Transportation, the applicable metropolitan planning
174 organization, and any urban transit agency regarding the
175 location, capacity, design, and phasing or staging of major
176 transportation facilities in the planning area.

177 (e) Whenever a local government issues a development order
178 approving a detailed specific area plan, a copy of such order
179 shall be rendered to the state land planning agency and the
180 owner or developer of the property affected by such order, as
181 prescribed by rules of the state land planning agency for a
182 development order for a development of regional impact. Within
183 45 days after the order is rendered, the owner, the developer,
184 or the state land planning agency may appeal the order to the



772204

185 Florida Land and Water Adjudicatory Commission by filing a
186 petition alleging that the detailed specific area plan is not
187 consistent with the comprehensive plan or with the long-term
188 master plan adopted pursuant to this section. The appellant
189 shall furnish a copy of the petition to the opposing party, as
190 the case may be, and to the local government that issued the
191 order. The filing of the petition stays the effectiveness of the
192 order until after completion of the appeal process. However, if
193 a development order approving a detailed specific area plan has
194 been challenged by an aggrieved or adversely affected party in a
195 judicial proceeding pursuant to s. 163.3215, and a party to such
196 proceeding serves notice to the state land planning agency, the
197 state land planning agency shall dismiss its appeal to the
198 commission and shall have the right to intervene in the pending
199 judicial proceeding pursuant to s. 163.3215. Proceedings for
200 administrative review of an order approving a detailed specific
201 area plan shall be conducted consistent with s. 380.07(6). The
202 commission shall issue a decision granting or denying permission
203 to develop pursuant to the long-term master plan and the
204 standards of this part and may attach conditions or restrictions
205 to its decisions.

206 (f) The applicant for a detailed specific area plan shall
207 transmit copies of the application to the reviewing agencies
208 specified in s. 163.3184(1)(c), or their successor agencies, for
209 review and comment as to whether the detailed specific area plan
210 is consistent with the comprehensive plan and the long-term
211 master plan. Any comments from the reviewing agencies shall be
212 submitted in writing to the local government with jurisdiction
213 and to the state land planning agency within 30 days after the



772204

214 applicant's transmittal of the application.

215 (g) ~~(f)~~ This subsection does not prevent preparation and
216 approval of the sector plan and detailed specific area plan
217 concurrently or in the same submission.

218 (h) If an applicant seeks to use wetland or upland
219 preservation achieved by granting conservation easements as
220 compensatory mitigation for permitting purposes under chapter
221 373 or chapter 379, the Department of Environmental Protection,
222 the Fish and Wildlife Conservation Commission, or the water
223 management district may accept such mitigation under the
224 criteria established in the uniform assessment method required
225 by s. 373.414, or pursuant to chapter 379, as applicable,
226 without considering the fact that a conservation easement
227 encumbering the same real property was previously recorded
228 pursuant to paragraph (b).

229 (9) The adoption of a long-term master plan or a detailed
230 specific area plan pursuant to this section does not limit the
231 right to continue existing agricultural or silvicultural uses or
232 other natural resource-based operations or to establish similar
233 new agricultural or silvicultural uses that are consistent with
234 the plans approved pursuant to this section.

235 (13) An applicant with an approved master development order
236 may request that the applicable water management district issue
237 a consumptive use permit as set forth in s. 373.236(8) for the
238 same period of time as the approved master development order.

239 (15) The more specific provisions of this section shall
240 supersede the generally applicable provisions of this chapter
241 which otherwise would apply. This section does not preclude a
242 local government from requiring data and analysis beyond the



772204

243 minimum criteria established in this section.

244 Section 2. Subsection (8) is added to section 373.236,
245 Florida Statutes, to read:

246 373.236 Duration of permits; compliance reports.-

247 (8) A water management district may issue a permit to an
248 applicant, as set forth in s. 163.3245(13), for the same period
249 of time as the applicant's approved master development order if
250 the master development order was issued under s. 380.06(21) by a
251 county which, at the time the order issued, was designated as a
252 rural area of opportunity under s. 288.0656, was not located in
253 an area encompassed by a regional water supply plan as set forth
254 in s. 373.709(1), and was not located within the basin area
255 management plan of a first-order magnitude spring. In reviewing
256 the permit application, the water management district shall
257 apply the permitting criteria in s. 373.223 based on the
258 projected population and approved densities and intensities of
259 use and their distribution in the master development order.
260 However, the district may phase in the water allocation over the
261 duration of the permit to correspond to actual projected needs.
262 This subsection does not supersede the public interest test
263 established in s. 373.223.

264 Section 3. This act shall take effect July 1, 2015.

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

268 And the title is amended as follows:

269 Delete everything before the enacting clause
270 and insert:

271 A bill to be entitled



272 An act relating to sector plans; amending s. 163.3245,
273 F.S.; providing that other requirements of this
274 chapter inconsistent with or superseded by certain
275 planning standards relating to a long-term master plan
276 do not apply; providing that other requirements of
277 this chapter inconsistent with or superseded by
278 certain planning standards relating to detailed
279 specific area plans do not apply; providing that
280 conservation easements may be based on rectified
281 aerial photographs without the need for a survey and
282 may include a right of adjustment subject to certain
283 requirements; providing that substitution is
284 accomplished by recording an amendment to a
285 conservation easement as accepted by the grantee;
286 requiring the applicant for a detailed specific area
287 plan to transmit copies of the application to
288 specified reviewing agencies for review and comment;
289 requiring such agency comments to be submitted to the
290 local government having jurisdiction and to the state
291 land planning agency, subject to certain requirements;
292 authorizing the Department of Environmental
293 Protection, the Fish and Wildlife Conservation
294 Commission, or the water management district to accept
295 compensatory mitigation under certain circumstances,
296 pursuant to a specified section or chapter; providing
297 that the adoption of a long-term master plan or a
298 detailed specific area plan pursuant to this section
299 does not limit the right to establish new agricultural
300 or silvicultural uses under certain circumstances;



772204

301 allowing an applicant with an approved master
302 development order to request that the applicable water
303 management district issue a specified consumptive use
304 permit for the same period of time as the approved
305 master development order; providing applicability;
306 providing that a local government is not precluded
307 from requiring data and analysis beyond the minimum
308 criteria established in this section; amending s.
309 373.236, F.S.; authorizing a water management district
310 to issue a permit to an applicant for the same period
311 of time as the applicant's approved master development
312 order, subject to certain requirements and
313 restrictions; providing an effective date.
314