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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2018	.	
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Appropriations Subcommittee on Finance and Tax (Perry)
recommended the following:

Senate Amendment (with title amendment)

Between lines 76 and 77

insert:

Section 2. Paragraph (b) of subsection (3) and subsection
(4) of section 163.3245, Florida Statutes, are amended to read:

163.3245 Sector plans.—

(3) Sector planning encompasses two levels: adoption
pursuant to s. 163.3184 of a long-term master plan for the
entire planning area as part of the comprehensive plan, and



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11 adoption by local development order of two or more detailed
12 specific area plans that implement the long-term master plan and
13 within which s. 380.06 is waived.

14 (b)1. In addition to the other requirements of this
15 chapter, except for those that are inconsistent with or
16 superseded by the planning standards of this paragraph, the
17 detailed specific area plans must ~~shall~~ be consistent with the
18 long-term master plan and ~~must~~ include conditions and
19 commitments that provide for:

20 a.1. Development or conservation of an area of at least
21 1,000 acres consistent with the long-term master plan. The local
22 government may approve detailed specific area plans of less than
23 1,000 acres based on local circumstances if it is determined
24 that the detailed specific area plan furthers the purposes of
25 this part and part I of chapter 380.

26 b.2. Detailed identification and analysis of the maximum
27 and minimum densities and intensities of use and the
28 distribution, extent, and location of future land uses.

29 c.3. Detailed identification of water resource development
30 and water supply development projects and related infrastructure
31 and water conservation measures to address water needs of
32 development in the detailed specific area plan.

33 d.4. Detailed identification of the transportation
34 facilities to serve the future land uses in the detailed
35 specific area plan.

36 e.5. Detailed identification of other regionally
37 significant public facilities, including public facilities
38 outside the jurisdiction of the host local government, impacts
39 of future land uses on those facilities, and required



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40 improvements consistent with the long-term master plan.

41 ~~f.6.~~ Public facilities necessary to serve development in
42 the detailed specific area plan, including developer
43 contributions in a 5-year capital improvement schedule of the
44 affected local government.

45 ~~g.7.~~ Detailed analysis and identification of specific
46 measures to ensure the protection and, as appropriate,
47 restoration and management of lands within the boundary of the
48 detailed specific area plan identified for permanent
49 preservation through recordation of conservation easements
50 consistent with s. 704.06, which easements shall be effective
51 before or concurrent with the effective date of the detailed
52 specific area plan and other important resources both within and
53 outside the host jurisdiction. Any such conservation easement
54 may be based on digital orthophotography prepared by a surveyor
55 and mapper licensed under chapter 472 and may include a right of
56 adjustment authorizing the grantor to modify portions of the
57 area protected by a conservation easement and substitute other
58 lands in their place if the lands to be substituted contain no
59 less gross acreage than the lands to be removed; have equivalent
60 values in the proportion and quality of wetlands, uplands, and
61 wildlife habitat; and are contiguous to other lands protected by
62 the conservation easement. Substitution is accomplished by
63 recording an amendment to the conservation easement as accepted
64 by and with the consent of the grantee, and which consent may
65 not be unreasonably withheld.

66 ~~h.8.~~ Detailed principles and guidelines addressing the
67 urban form and the interrelationships of future land uses;
68 achieving a more clean, healthy environment; limiting urban



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69 sprawl; providing a range of housing types; protecting wildlife
70 and natural areas; advancing the efficient use of land and other
71 resources; creating quality communities of a design that
72 promotes travel by multiple transportation modes; and enhancing
73 the prospects for the creation of jobs.

74 i.9. Identification of specific procedures to facilitate
75 intergovernmental coordination to address extrajurisdictional
76 impacts from the detailed specific area plan.

77 2. A detailed specific area plan adopted by local
78 development order pursuant to this section may be based upon a
79 planning period longer than the generally applicable planning
80 period of the local comprehensive plan and shall specify the
81 projected population within the specific planning area during
82 the chosen planning period. A detailed specific area plan
83 adopted pursuant to this section is not required to demonstrate
84 need based upon projected population growth or on any other
85 basis. All lands identified in the long-term master plan for
86 permanent preservation shall be subject to a recorded
87 conservation easement consistent with s. 704.06 before or
88 concurrent with the effective date of the final detailed
89 specific area plan to be approved within the planning area. Any
90 such conservation easement may be based on digital
91 orthophotography prepared by a surveyor and mapper licensed
92 under chapter 472 and may include a right of adjustment
93 authorizing the grantor to modify portions of the area protected
94 by a conservation easement and substitute other lands in their
95 place if the lands to be substituted contain no less gross
96 acreage than the lands to be removed; have equivalent values in
97 the proportion and quality of wetlands, uplands, and wildlife



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98 habitat; and are contiguous to other lands protected by the
99 conservation easement. Substitution is accomplished by recording
100 an amendment to the conservation easement as accepted by and
101 with the consent of the grantee, and which consent may not be
102 unreasonably withheld.

103 3. In adopting a detailed specific area plan or related
104 development order, a local government may not include or impose
105 as a development order condition a requirement that a developer
106 contribute or pay for land acquisition or construction or
107 expansion of public facilities, or portions thereof, unless the
108 local government has enacted a local ordinance that requires
109 developers of other developments not within a sector planning
110 area to contribute a proportionate share of the funds, land, or
111 public facilities necessary to accommodate any impacts having a
112 rational nexus to the proposed development. When allowed under
113 this section, the obligation to fund or construct new facilities
114 or add to the present system of public facilities must have an
115 essential nexus and be roughly proportionate to the proposed
116 development.

117 4. Within 30 days of receipt of an application for approval
118 of a detailed specific area plan or related development order, a
119 local government must review the application for completeness
120 and issue a letter either indicating that all required
121 information has been submitted or specifying, with
122 particularity, any areas that are deficient. If the application
123 is found to be deficient, the applicant must address the
124 deficiencies within 30 days after receiving notice of the
125 deficiencies by submitting the required additional information.
126 The local government must approve, approve with conditions, or



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127 deny the application for the detailed specific area plan within
128 90 days after receipt of the initial or supplemental submission,
129 whichever is later, unless the deadline is waived in writing by
130 the applicant. An approval or denial of the application for
131 approval of a detailed specific area plan or related development
132 order must include written findings supporting the local
133 government decision.

134 (4) Upon the long-term master plan becoming legally
135 effective:

136 (a) Any long-range transportation plan developed by a
137 metropolitan planning organization pursuant to s. 339.175(7)
138 must be consistent, to the maximum extent feasible, with the
139 long-term master plan, including, but not limited to, the
140 projected population and the approved uses and densities and
141 intensities of use and their distribution within the planning
142 area. The transportation facilities identified in adopted plans
143 pursuant to subparagraph (3)(a)3. and sub-subparagraph
144 (3)(b)1.d. subparagraphs (3)(a)3. and (b)4. must be developed in
145 coordination with the adopted M.P.O. long-range transportation
146 plan.

147 (b) The water needs, sources and water resource
148 development, and water supply development projects identified in
149 adopted plans pursuant to subparagraph (3)(a)2. and sub-
150 subparagraph (3)(b)1.d. must ~~subparagraphs (3)(a)2. and (b)3.~~
151 ~~shall~~ be incorporated into the applicable district and regional
152 water supply plans adopted in accordance with ss. 373.036 and
153 373.709. Accordingly, and notwithstanding the permit durations
154 stated in s. 373.236, an applicant may request and the
155 applicable district may issue consumptive use permits for



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156 durations commensurate with the long-term master plan or
157 detailed specific area plan, considering the ability of the
158 master plan area to contribute to regional water supply
159 availability and the need to maximize reasonable-beneficial use
160 of the water resource. The permitting criteria in s. 373.223
161 shall be applied based upon the projected population and the
162 approved densities and intensities of use and their distribution
163 in the long-term master plan; however, the allocation of the
164 water may be phased over the permit duration to correspond to
165 actual projected needs. This paragraph does not supersede the
166 public interest test set forth in s. 373.223.

167

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

169 And the title is amended as follows:

170 Delete line 4

171 and insert:

172 fees; amending s. 163.3245, F.S.; prohibiting local
173 governments from requiring certain conditions in
174 development orders, except under certain conditions;
175 specifying the process for the local government review
176 and approval of detailed specific area plans or
177 related development orders; providing an effective
178 date.