

Tab 1	CS/SB 1904 by CA, Altman; (Compare to H 0987) Growth Management						
855490	A	S	RCS	EP, Latvala	Delete L.390 - 394:	04/14 01:06 PM	
930698	A	S		EP, Latvala	Delete L.497 - 503:	04/05 04:11 PM	
562530	A	S	RCS	EP, Latvala	Delete L.497 - 510:	04/14 01:06 PM	
521844	A	S	RCS	EP, Latvala	Delete L.518:	04/14 01:06 PM	
Tab 2	SB 726 by Bullard (CO-INTRODUCERS) Haridopoulos, Alexander, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Garcia, Gardiner, Hays, Hill, Jones, Joyner, Latvala, Lynn, Margolis, Montford, Negron, Norman, Oelrich, Rich, Richter, Ring, Sachs, Simmons, Siplin, Smith, Sobel, Storms, Thrasher, Wise; (Identical to H 0681) State Symbols/Official State Flagship						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Oelrich, Vice Chair

MEETING DATE: Tuesday, April 5, 2011
TIME: 1:15 —3:15 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Dean, Chair; Senator Oelrich, Vice Chair; Senators Detert, Jones, Latvala, Rich, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1904 Community Affairs / Altman (Compare H 987, H 7129, CS/S 1122, S 2156)	Growth Management; Increases the minimum size of geographic areas that qualify for the use of sector plans. Revises terminology relating to such plans. Revises the content required to be included in long-term master plans and detailed specified area plans. Requires identification of water development projects and transportation facilities to serve future development needs. Authorizes certain development agreements between the developer and the local government, etc. CA 03/28/2011 Fav/CS EP 04/05/2011 Temporarily Postponed TR BC	Temporarily Postponed
2	SB 726 Bullard (Identical H 681)	State Symbols/Official State Flagship; Designates the schooner Western Union as the official state flagship. GO 03/30/2011 Favorable EP 04/05/2011 Favorable RC	Favorable Yeas 6 Nays 0

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/CS/SB 1904

INTRODUCER: Environmental Preservation and Conservation Committee, Community Affairs Committee and Senator Altman

SUBJECT: Growth Management

DATE: April 14, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	Fav/CS
2.	Uchino	Yeatman	EP	Fav/CS
3.			TR	
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This Committee Substitute for Committee Substitute (CS) modifies the optional sector planning process to:

- make the program permanent by removing its status as a pilot program;
- rename optional sector plans as “sector plans”;
- substantially remove the role of the Department of Community Affairs (DCA);
- revise the role that population projections (“needs assessment”) play in the sector planning process;
- provide additional guidelines for implementation of the process;
- require the metropolitan planning organizations (MPO) and water management districts (WMDs) to substantially include provisions in the long term master plan in the MPO and long range water supply plans;
- allow developments of regional impact (DRIs) to operate under either the sector planning process or the DRI process;
- prevent the downzoning of sector planning areas until the date set by the detailed specific area;

- provide for a quasi-grandfather clause process for local governments who adopted large-area comprehensive plan amendments on or before July 1, 2011; and
- exempt this process from having to conform with s. 380.06, F.S., the DRI process.

This CS substantially amends section 163.3245 of the Florida Statutes. Conforming amendments are made to ss. 163.3164, 163.3177, 163.3180, 380.06(24), and 380.115(3) of the Florida Statutes.

II. Present Situation:

Growth Management

The Local Government Comprehensive Planning and Land Development Regulation Act (the Act),¹ also known as Florida's Growth Management Act, was adopted by the 1985 Legislature. Significant changes have been made to the Act since 1985 including major growth management bills in 2005 and 2009. The Act requires all of Florida's 67 counties and 413 municipalities to adopt local government comprehensive plans that guide future growth and development. "Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period."² Comprehensive plans contain chapters or "elements" that address future land use, housing, transportation, water supply, drainage, potable water, natural groundwater recharge, coastal management, conservation, recreation and open space, intergovernmental coordination, capital improvements, and public schools. A key component of the Act is its "concurrency" provision that requires facilities and services to be available concurrent with the impacts of development. The state land planning agency that administers these provisions is the DCA.

Optional Sector Planning

The optional sector plan process was established as an alternative to the development of regional impact process (see below). Optional sector plans may be initiated by the local government upon written agreement with the DCA. An optional sector plan includes two levels of planning: a conceptual, long-term build-out overlay; and one or more detailed specific area plans. An annual monitoring report will be submitted to the DCA and the affected regional planning council. Additionally, optional sector plans combine the purposes of chapters 380 and 163, Florida Statutes; require public participation throughout the process; emphasize urban form and the protection of regional resources and facilities; and apply to areas greater than 5,000 acres. There are currently four optional sector plans in effect. They are located in Bay County, Orange County, the City of Bartow, and Escambia County.³

The Development of Regional Impact (DRI) Process

Section 380.06, F.S., provides for state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a

¹ See Chapter 163, Part II, F.S.

² Section 163.3177(5), F.S.

³ Dep't of Community Affairs, Division of Community Planning, *Optional Sector Plans*, <http://www.dca.state.fl.us/fdcp/DCP/optionalsectorplans/index.cfm> (last visited Apr. 4, 2011).

substantial effect on the health, safety, or welfare of the citizens of more than one local government.⁴ Regional planning councils assist the developer by coordinating multi-agency DRI review. The council's job is to assess the DRI project, incorporate input from various agencies, gather additional information, and make recommendations on how the project should proceed. The DCA reviews developments of regional impact for compliance with state law and to identify the regional and state impacts of large-scale developments. The DCA makes recommendations to local governments for approving mitigating conditions, or not approving proposed developments. There are numerous exemptions from the DRI process specified in statute.

Population Projections – Needs Assessment

The needs assessment is a part of the land use planning process that provides a mechanism for local governments to determine the appropriate supply of land uses necessary to accommodate anticipated demand. The "need" issue is one of the factors to be considered in any urban sprawl analysis.⁵ To determine need, the reviewer analyzes: the categories of land use and their densities or intensities of use, the estimated gross acreage needed by category, and a description of the methodology used.⁶ This methodology is then submitted to DCA for review with the proposed comprehensive plan amendment. When reviewing this methodology, DCA reviews both the numerical population and policy factors.

Metropolitan Planning Organizations

Metropolitan Planning Organizations⁷ provide a forum for elected officials of various local governments within an urban area to meet on a regular basis, in order to work toward a coordinated and comprehensive transportation planning process. This process is critical to providing a safe, effective, and cost-efficient transportation system. Under federal and state laws, urban areas with at least 50,000 residents must form Metropolitan Planning Organizations to be eligible for federal Highway Trust Fund dollars for surface transportation projects. Florida has 26 Metropolitan Planning Organizations (sometimes called Transportation Planning Organizations).

As part of their mission to conduct cooperative and comprehensive transportation planning, the Metropolitan Planning Organizations study ways to move both people and goods by various modes of travel, including highways, public transportation, bicycles, and foot. They also plan for the connections that link these modes together, such as airports, seaports, or bus, railroad, and pipeline terminals. To assist with the many complex issues before it, each Metropolitan Planning Organization typically has a Technical Advisory Committee, a Citizens Advisory Committee, and a Bicycle/Pedestrian/Greenways Advisory Committee.

Each Metropolitan Planning Organization sets priorities for the use of state or federal funding for surface transportation improvement projects within its area. To qualify for federal funds, the Metropolitan Planning Organization must endorse a Transportation Improvement Program

⁴ Section 380.06(1), F.S.

⁵ Rule 9J-5.006(5)(g)1., F.A.C.

⁶ Rule 9J-5.006(2)(c), F.A.C. For an example of how the methodology is analyzed, see page 5.

⁷ For more information, see the Florida Metropolitan Planning Organization Advisory Council website available at <http://www.mpoac.org/index.shtml> (last visited Apr. 4, 2011).

identifying projects to be done in the next several years.⁸ Metropolitan Planning Organizations also adopt long-range transportation plans that identify both funded and unfunded projects for as much as 20 years.⁹

The plan includes both long-range and short-range strategies and must comply with all other state and federal requirements. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the MPO. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

- Identify transportation facilities that will function as an integrated metropolitan transportation system.
- Include a financial plan and cooperatively develop estimates of funds that will be available to support implementation of the long-range transportation plan.
- Assess capital investment and other measures.
- Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.
- In metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the MPO must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each MPO must provide the public, affected public agencies, and transportation entities with a reasonable opportunity to comment on the long-range transportation plan.¹⁰

Water Supply Planning

The Legislature has established a process for water supply planning through Florida's Growth Management Act¹¹ and the Water Protection and Sustainability Program.¹² Under this system, the state's five water management districts must periodically evaluate whether adequate water supplies exist to meet the needs of their areas. If a district finds that the water supply will not be adequate, it must prepare regional water supply plans for those areas, identifying how water supply needs can be met for the next 20 years. Local governments that fall within the area of a regional water supply plan are required to ensure that adequate water supplies will be available to meet future demand, by developing 10-year water supply facilities work plans. These work plans include alternative water supplies, water reuse and conservation programs, and they are

⁸ Dep't of Community Affairs, Division of Community Planning, *Transportation Planning*, <http://www.dca.state.fl.us/fdcp/dcp/transportation/OtherAgencies.cfm#MTPO> (last visited Apr. 4, 2011).

⁹ Section 339.175(7), F.S.

¹⁰ *Id.*

¹¹ Chapter 163, Part II, F.S.

¹² Chapter 373, F.S.

incorporated into the local governments' comprehensive plans. In addition, all local governments - regardless of whether they are in one of these planning areas - must address water supply in their concurrency management programs.¹³

Permitting of Consumptive Uses of Water

The WMDs administer the consumptive use permit (CUP) program pursuant to Part II, ch. 373, F.S. The program includes permitting, compliance and enforcement. Any entity or person who wants to use water for certain types of activities, except those exempted by statute or rule, is required to obtain a CUP. These permits are issued for finite durations and, upon expiration, must be renewed. No entity or type of use is given priority over another. However, when two or more applications are pending for a quantity of water that is not available to satisfy both permits, the DEP or governing board grants the permit to the applicant whose activities best serve the public interest. In this instance, preference is also given to applications for renewal over initial applications.¹⁴

Currently, the DEP and the WMDs may issue a CUP for a period of 20 years if requested, provided there is sufficient data that provides reasonable assurance that the conditions of the permit will be met during the duration of the permit. A CUP may be issued for period of up to 50 years if the related construction bonds for waterworks and waste disposal facilities require a longer period. In addition, the DEP and a WMD may require compliance reporting every 10 years as a condition of the permit.¹⁵ CUPs for the development of alternative water supplies must be granted for periods of at least 20 years and require compliance reporting.

Section 373.219, F.S., gives the WMDs the authority to define the requirements for issuance of these permits. Such requirements, however, must follow a set of conditions enumerated in s. 373.223(1), F.S. These conditions provide a three-prong test applicants must meet for the water use to be accepted:

- Is the use a reasonable-beneficial use as defined in statute;
- Will the use interfere with any presently existing legal use of water; and
- Is the use consistent with the public interest?

Pursuant to their rulemaking authority, each WMD has adopted rules that detail when and what type of permit, individual or general, an applicant may need.¹⁶

III. Effect of Proposed Changes:

The CS amends s. 163.3245, F.S., to make substantial changes to the optional sector plan process. The primary thrust of the CS is to develop a two-part planning process for large-scale, long-term planning. It consists of a long-term master plan adopted as part of the comprehensive

¹³ Dep't of Community Affairs, Division of Community Planning, *Water Supply Planning*, <http://www.dca.state.fl.us/fdcp/DCP/WaterSupplyPlanning/index.cfm> (last visited Apr. 4, 2011).

¹⁴ See s. 373.223, F.S.

¹⁵ Chapter 2010-205, s. 55, Laws of Fla.

¹⁶ See the following Florida Administrative Code rules for each district's criteria: 40A-2 (Northwest Florida); 40B-2 (Suwannee River); 40C-2 (St. Johns River); 40D-2 (Southwest Florida); and 40E-2 (South Florida).

plan and two or more detailed specific area plans adopted by development order. Other sections of law are amended to make conforming changes.

The CS:

- Renames optional sector plans as “sector plans.”
- Makes the sector plan program permanent by removing its pilot status.
- Removes the limitation on the number of sector plans that can be in existence.
- Increases the acreage required to have a sector plan from 5,000 to 15,000 acres.
- Removes the requirement that DCA review and approve sector plans, including the requirement that the DCA enter into agreements based on the specific criteria of the local government.
- Removes the requirement that the local government hold a public workshop to review and explain to the public the sector planning process.
- Removes the requirement that the host local government(s) submit a monitoring report to DCA.
- Removes the requirement that DCA report to the Legislature annually on the sector planning process.

The CS contains language of legislative intent that the new sector planning process is designed to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale as well as facilitate protection of regionally significant resources, including but not limited to regionally significant water courses and wildlife corridors. If a scoping meeting is conducted it will be noticed and open to the public. If multiple local governments will be included in the sector plan, the CS gives them the option of entering into a joint planning agreement but it does not need to include the more prescriptive requirements in existing law for an agreement between the DCA and the local government(s).

The CS elaborates on the requirements that must be addressed in the long-term overlay plan. Each long-term overlay plan must include maps and text and be supported by data and analyses that address:

- The allowed uses in various parts of the planning area and the maximum and minimum densities and intensities of use and provides the framework for the development pattern.
- Identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, which are needed to meet the projected demand of the future land uses in the long-term conceptual overlay plan.
- Identification of the transportation facilities to serve the future land uses in the long-term master plan.
- Policies setting forth the procedures to be used to mitigate impacts on other regionally significant public facilities including utilities.
- Identification of regionally significant natural resources within the planning area and policies setting forth the procedures for protection and conservation of significant natural resources within the planning area.
- The protection and, as appropriate, restoration and management of lands identified for permanent preservation (however the CS deletes language suggesting that the plan address restoring key ecosystems) achieving a more clean, healthy environment, discouraging the proliferation of limiting urban sprawl, providing a range of housing types, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating

quality communities with a design to promote travel by multiple transportation modes, and enhancing the creation of jobs.

- Identification of general procedures and policies to facilitate intergovernmental coordination to address extrajurisdictional impacts from future land uses.

The long-term conceptual overlay plan shall be based on a planning period longer than the generally applicable planning period of the local comprehensive plan and does not have to demonstrate need based on population growth or any other basis.

The detailed specific area plan must contain similar criteria but with more detail.

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

The state land planning agency shall also consult with the Department of Transportation, the applicable metropolitan planning organization, and any urban transit agency regarding the location, capacity, design, and phasing or staging of major transportation facilities in the planning area.

The state land planning agency may initiate a civil action pursuant to s. 163.3215, F.S., with respect to a detailed specific area plan which is not consistent with a long-term master plan adopted pursuant to this section. Judicial review of a detailed specific area plan initiated by the state land planning agency shall be de novo and not by petition for writ of certiorari. Any other aggrieved or adversely affected party shall be subject to s. 163.3215, F.S., (relating to enforcement of local comprehensive plans through development orders) when initiating a consistency challenge to a detailed specific area plan.

Once the overlay plan becomes effective, the metropolitan planning organization must be consistent to the maximum extent feasible with the long-term master plan. The water management district must include the water resource development planned in the long-term master plan in the water management water supply plan. An applicant under a sector plan may receive CUPs for greater than 20 years. The permitting criteria will be applied based on the projected population and the approved densities and intensities of use and their distribution in the long-term conceptual overlay plan. Allocation of the water may be phased in over the permit duration to correspond to actual projected needs. This provision does not supersede the public interest test set forth in s. 373.223, F.S.

The detailed specific area plan shall establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction. The local government may downzone if the local government can demonstrate that:

- implementation of the plan is not continuing in good faith,
- substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred,

- the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or
- the change is clearly established to be essential to the public health, safety, or welfare.

Although originally the sector planning process was a substitute for the DRI process, the CS would allow DRIs to develop concurrent with or subsequent to adoption of a long-term master plan to establish a buildout date. However, an increment of development in an approved master development plan shall be approved as a detailed specific area plan and is exempt from DRI review. Approved DRIs may function under the detailed specific area plan instead of s. 380.06, F.S.

Development agreements between the developer and the local government may exceed the 20-year limitation specified in s. 163.3229, F.S.

Any owner of property within the defined planning area may withdraw his consent to the long-term master plan at any time before the local government adoption, and the local government shall exclude such parcel from the adopted overlay plan. Thereafter, the overlay plan, any detailed specific area plan, and the exemption from DRI review under this section do not apply to the subject parcel. After adoption of the overlay plan, a landowner may withdraw his property from the overlay plan only with the approval of the local government by plan amendment.

The adoption of a long-term conceptual overlay plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the sector plan.

The CS adds a provision providing a quasi-grandfather clause. It allows the state land planning agency to enter into an agreement with a local government which, on or before July 1, 2011, adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres that meets the requirements for a long-term master plan. After notice and public hearing by the local government, the large-area plan shall be implemented through detailed specific area plans. The requirements of this process do not have to conform with s. 380.06, F.S., the DRI process.

A detailed specific area plan to implement a conceptual long-term buildout overlay of less than 15,000 acres, adopted by a local government and found in compliance before the effective date of the act will be governed by this act.

The CS provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The CS may make the sector planning process more amenable to large-scale land owners by giving them multiple avenues to pursue long-range development. Conversely, small-scale land owners may be disadvantaged by not having their parcels included in long-range planning activities of MPOs and WMDs.

C. Government Sector Impact:

The land planning agency should have reduced oversight and review expenses for sector planning activities. However, the costs savings are indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The water needs, sources and various development projects identified in adopted sector plans must be incorporated into the applicable WMD and regional water supply plans. This requirement may cause conflicts within the regional water supply plan if different sector plans identify the same water source and that water source is not sufficient to satisfy the needs of both sector plans.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on April 14, 2011:

The CS address phasing of consumptive use permits commensurate with the long-term master plan. It also provides for a quasi-grandfather clause for the land planning agency to enter into agreements with local governments who adopted large-area comprehensive plan amendments that meet the requirements for a long-term master plan on or before July 1, 2011. This process does not have to conform to s. 380.06, F.S., the DRI process.

CS by Community Affairs on March 28, 2011:

Changes terminology, revises language allowing certain DRIs to operate under a detailed specific area plan rather than s. 380.06, F.S., and allows the DOT to comment.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



855490

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2011	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation (Latvala) recommended the following:

Senate Amendment

Delete lines 390 - 394
and insert:
may issue consumptive use permits for durations commensurate with the long-term master plan or detailed specific area plan, considering the ability of the master-plan area to contribute to regional water supply availability and the need to maximize reasonable beneficial use of the water resource. The permitting criteria in s. 373.223 shall be applied based upon the projected population and the approved densities and intensities of use and their distribution in the long-term master plan. However, the



855490

13 allocation of the water may be phased over the permit duration
14 to correspond to actual projected needs. This paragraph does not
15 supersede the public interest test set forth in s. 373.223. The
16 ~~host local~~



930698

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Environmental Preservation and Conservation
(Latvala) recommended the following:

Senate Amendment

Delete lines 497 - 503
and insert:

(10) The state land planning agency may enter into an agreement with a local government that adopted on or before July 1, 2011, a large-area comprehensive plan amendment consisting of at least 15,000 acres which meets the requirements for a long-term master plan in paragraph (3) (a), after notice and public hearing by the local government. Notwithstanding any provision of s. 380.06, this part, or any planning agreement or plan policy, the large-area plan shall be implemented through



930698

13 detailed specific area plans that meet the requirements of
14 paragraph (3)(b) and is subject to the provisions of this
15 section.



562530

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2011	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 497 - 510
and insert:

(10) The state land planning agency may enter into an agreement with a local government that, on or before July 1, 2011, adopted a large-area comprehensive plan amendment that consisted of at least 15,000 acres and meets the requirements for a long-term master plan in paragraph (3) (a), after notice and public hearing by the local government, and thereafter, notwithstanding any provision of s. 380.06, this part, or any



562530

13 planning agreement or plan policy, that large-area plan shall be
14 implemented through detailed specific area plans that meet the
15 requirements of paragraph (3) (b) and shall otherwise be subject
16 to the provisions of this section.

17 (11) Notwithstanding any provision to the contrary of s.
18 380.06 or part II of chapter 163 or any planning agreement or
19 plan policy, a landowner or developer who has received approval
20 of a master development of regional impact development order
21 pursuant to s. 380.06(21) may apply to implement this order by
22 filing one or more applications to approve detailed specific
23 area plan pursuant to paragraph (3) (b).

24 (12) Notwithstanding the provisions of this section, a
25 detailed specific area plan to implement a conceptual long-term
26 buildout overlay adopted by a local government and found in
27 compliance prior to July 1, 2011, shall be governed by the
28 provisions of this section.

29 (13)-(7) This section may not be construed to abrogate the
30 rights of any person under this chapter.

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Between lines 24 and 25

35 insert:

36 authorizing the state land planning agency to enter
37 into an agreement with a specific local government;



521844

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2011	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Latvala) recommended the following:

Senate Amendment

Delete line 518
and insert:
pursuant to s. 163.3177(11)(d); propose a ~~an optional~~ sector
plan

By the Committee on Community Affairs; and Senator Altman

578-03177-11

20111904c1

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3164, F.S.; making conforming amendments; amending
4 s. 163.3177, F.S.; making conforming amendments;
5 amending s. 163.3180, F.S.; making conforming
6 amendments; amending s. 163.3245, F.S.; renaming
7 optional sector plans as "sector plans"; increasing
8 the minimum size of geographic areas that qualify for
9 the use of sector plans; revising terminology relating
10 to such plans; deleting obsolete provisions; renaming
11 long-term conceptual buildout overlays as "long-term
12 master plans"; revising the content required to be
13 included in long-term master plans and detailed
14 specified area plans; requiring identification of
15 water development projects and transportation
16 facilities to serve future development needs;
17 exempting certain developments from the requirement to
18 develop a detailed specific area plan; providing that
19 detailed specific area plans shall be adopted by local
20 development orders; requiring that detailed specific
21 area plans include a buildout date and precluding
22 certain changes in the development until after that
23 date; authorizing certain development agreements
24 between the developer and the local government;
25 providing for continuation of certain existing land
26 uses; amending ss. 163.3246, 380.06, and 380.115,
27 F.S.; making conforming amendments; providing an
28 effective date.
29

578-03177-11

20111904c1

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

31
32 Section 1. Subsection (31) of section 163.3164, Florida
33 Statutes, is amended to read

34 163.3164 Local Government Comprehensive Planning and Land
35 Development Regulation Act; definitions.—As used in this act:

36 (31) ~~“Optional Sector plan”~~ means the an optional process
37 authorized by s. 163.3245 in which one or more local governments
38 engage in long-term planning for a large area and by agreement
39 ~~with the state land planning agency are allowed to~~ address
40 regional development of regional impact issues within certain
41 ~~designated geographic areas identified in the local~~
42 ~~comprehensive plan~~ as a means of fostering innovative planning
43 and development strategies in s. 163.3177(11) (a) and (b),
44 furthering the purposes of this part and part I of chapter 380,
45 reducing overlapping data and analysis requirements, protecting
46 regionally significant resources and facilities, and addressing
47 extrajurisdictional impacts. “Sector plan” includes an optional
48 sector plan that was adopted pursuant to the Optional Sector
49 Plan Pilot Program.

50 Section 2. Paragraph (d) of subsection (15) of section
51 163.3177, Florida Statutes, is amended to read:

52 163.3177 Required and optional elements of comprehensive
53 plan; studies and surveys.—

54 (15)

55 (d) This subsection does not apply to a an optional sector
56 plan adopted pursuant to s. 163.3245, a rural land stewardship
57 area designated pursuant to subsection (11), or any
58 comprehensive plan amendment that includes an inland port

578-03177-11

20111904c1

59 terminal or affiliated port development.

60 Section 3. Paragraph (a) of subsection (12) of section
61 163.3180, Florida Statutes, is amended to read:

62 163.3180 Concurrency.—

63 (12) (a) A development of regional impact may satisfy the
64 transportation concurrency requirements of the local
65 comprehensive plan, the local government's concurrency
66 management system, and s. 380.06 by payment of a proportionate-
67 share contribution for local and regionally significant traffic
68 impacts, if:

69 1. The development of regional impact which, based on its
70 location or mix of land uses, is designed to encourage
71 pedestrian or other nonautomotive modes of transportation;

72 2. The proportionate-share contribution for local and
73 regionally significant traffic impacts is sufficient to pay for
74 one or more required mobility improvements that will benefit a
75 regionally significant transportation facility;

76 3. The owner and developer of the development of regional
77 impact pays or assures payment of the proportionate-share
78 contribution; and

79 4. If the regionally significant transportation facility to
80 be constructed or improved is under the maintenance authority of
81 a governmental entity, as defined by s. 334.03(12), other than
82 the local government with jurisdiction over the development of
83 regional impact, the developer is required to enter into a
84 binding and legally enforceable commitment to transfer funds to
85 the governmental entity having maintenance authority or to
86 otherwise assure construction or improvement of the facility.

87

578-03177-11

20111904c1

88 The proportionate-share contribution may be applied to any
89 transportation facility to satisfy the provisions of this
90 subsection and the local comprehensive plan, but, for the
91 purposes of this subsection, the amount of the proportionate-
92 share contribution shall be calculated based upon the cumulative
93 number of trips from the proposed development expected to reach
94 roadways during the peak hour from the complete buildout of a
95 stage or phase being approved, divided by the change in the peak
96 hour maximum service volume of roadways resulting from
97 construction of an improvement necessary to maintain the adopted
98 level of service, multiplied by the construction cost, at the
99 time of developer payment, of the improvement necessary to
100 maintain the adopted level of service. For purposes of this
101 subsection, "construction cost" includes all associated costs of
102 the improvement. Proportionate-share mitigation shall be limited
103 to ensure that a development of regional impact meeting the
104 requirements of this subsection mitigates its impact on the
105 transportation system but is not responsible for the additional
106 cost of reducing or eliminating backlogs. This subsection also
107 applies to Florida Quality Developments pursuant to s. 380.061
108 and to detailed specific area plans implementing ~~optional~~ sector
109 plans pursuant to s. 163.3245.

110 Section 4. Section 163.3245, Florida Statutes, is amended
111 to read:

112 163.3245 ~~Optional~~ Sector plans.—

113 (1) In recognition of the benefits of ~~conceptual~~ long-range
114 planning for ~~the buildout of an area, and detailed planning for~~
115 specific areas, ~~as a demonstration project, the requirements of~~
116 ~~s. 380.06 may be addressed as identified by this section for up~~

578-03177-11

20111904c1

117 ~~to five~~ local governments or combinations of local governments
118 ~~may which~~ adopt into their ~~the~~ comprehensive plans ~~a plan~~ ~~an~~
119 ~~optional~~ sector plan in accordance with this section. This
120 section is intended to promote and encourage long-term planning
121 for conservation, development, and agriculture on a landscape
122 scale; ~~to~~ further the intent of s. 163.3177(11), which supports
123 innovative and flexible planning and development strategies, and
124 the purposes of this part, ~~and part I of chapter 380;~~ to
125 facilitate protection of regionally significant resources,
126 including, but not limited to, regionally significant water
127 courses and wildlife corridors; ~~and to~~ avoid duplication of
128 effort in terms of the level of data and analysis required for a
129 development of regional impact, while ensuring the adequate
130 mitigation of impacts to applicable regional resources and
131 facilities, including those within the jurisdiction of other
132 local governments, as would otherwise be provided. ~~Optional~~
133 Sector plans are intended for substantial geographic areas that
134 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
135 local governmental jurisdictions and are to emphasize urban form
136 and protection of regionally significant resources and public
137 facilities. ~~The state land planning agency may approve optional~~
138 ~~sector plans of less than 5,000 acres based on local~~
139 ~~circumstances if it is determined that the plan would further~~
140 ~~the purposes of this part and part I of chapter 380. Preparation~~
141 ~~of an optional sector plan is authorized by agreement between~~
142 ~~the state land planning agency and the applicable local~~
143 ~~governments under s. 163.3171(4). A~~ An optional sector plan may
144 be adopted through one or more comprehensive plan amendments
145 under s. 163.3184. However, an optional sector plan may not be

578-03177-11

20111904c1

146 ~~adopted~~ authorized in an area of critical state concern.

147 (2) Upon the request of a local government having
148 jurisdiction, The state land planning agency may enter into an
149 agreement to authorize preparation of an optional sector plan
150 upon the request of one or more local governments based on
151 consideration of problems and opportunities presented by
152 existing development trends; the effectiveness of current
153 comprehensive plan provisions; the potential to further the
154 state comprehensive plan, applicable strategic regional policy
155 plans, this part, and part I of chapter 380; and those factors
156 identified by s. 163.3177(10)(i). the applicable regional
157 planning council shall conduct a scoping meeting with affected
158 local governments and those agencies identified in s.
159 163.3184(4) before preparation of the sector plan ~~execution of~~
160 ~~the agreement authorized by this section.~~ The purpose of this
161 meeting is to assist the state land planning agency and the
162 local government in the identification of the relevant planning
163 issues to be addressed and the data and resources available to
164 assist in the preparation of the sector plan. In the event that
165 a scoping meeting is conducted, subsequent plan amendments, the
166 regional planning council shall make written recommendations to
167 the state land planning agency and affected local governments on
168 the issues requested by the local government. The scoping
169 meeting shall be noticed and open to the public. In the event
170 that the entire planning area proposed for the sector plan is
171 within the jurisdiction of two or more local governments, some
172 or all of them may enter into a joint planning agreement
173 pursuant to s. 163.3171 with respect to, ~~including whether a~~
174 ~~sustainable sector plan would be appropriate.~~ The agreement must

578-03177-11

20111904c1

175 ~~define~~ the geographic area to be subject to the sector plan, the
176 planning issues that will be emphasized, procedures ~~requirements~~
177 for intergovernmental coordination to address
178 extrajurisdictional impacts, supporting application materials
179 including data and analysis, ~~and~~ procedures for public
180 participation, or other issues. ~~An agreement may address~~
181 ~~previously adopted sector plans that are consistent with the~~
182 ~~standards in this section. Before executing an agreement under~~
183 ~~this subsection, the local government shall hold a duly noticed~~
184 ~~public workshop to review and explain to the public the optional~~
185 ~~sector planning process and the terms and conditions of the~~
186 ~~proposed agreement. The local government shall hold a duly~~
187 ~~noticed public hearing to execute the agreement. All meetings~~
188 ~~between the department and the local government must be open to~~
189 ~~the public.~~

190 (3) ~~Optional~~ Sector planning encompasses two levels:
191 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
192 master plan for the entire planning area as part of the
193 comprehensive plan, and adoption by local development order of
194 two or more buildout overlay to the comprehensive plan, having
195 ~~no immediate effect on the issuance of development orders or the~~
196 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
197 detailed specific area plans that implement the ~~conceptual~~ long-
198 term master plan buildout overlay and authorize issuance of
199 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~
200 ~~such time as a detailed specific area plan is adopted, the~~
201 ~~underlying future land use designations apply.~~

202 (a) In addition to the other requirements of this chapter,
203 a long-term master plan pursuant to this section ~~conceptual~~

578-03177-11

20111904c1

204 ~~long-term buildout overlay~~ must include maps, illustrations, and
205 text supported by data and analysis to address the following:

206 1. A ~~long-range conceptual~~ framework map that, at a
207 minimum, generally depicts ~~identifies anticipated~~ areas of
208 urban, agricultural, rural, and conservation land use,
209 identifies allowed uses in various parts of the planning area,
210 specifies maximum and minimum densities and intensities of use,
211 and provides the general framework for the development pattern
212 in developed areas with graphic illustrations based on a
213 hierarchy of places and functional place-making components.

214 2. A general identification of the water supplies needed
215 and available sources of water, including water resource
216 development and water supply development projects and water
217 conservation measures needed to meet the projected demand of the
218 future land uses in the long-term master plan.

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

223 4. A general identification of other regionally significant
224 public facilities ~~consistent with chapter 9J-2, Florida~~
225 ~~Administrative Code, irrespective of local governmental~~
226 ~~jurisdiction necessary to support buildout of the anticipated~~
227 future land uses, which may include central utilities provided
228 on site within the planning area, and policies setting forth the
229 procedures to be used to mitigate the impacts of future land
230 uses on public facilities.

231 ~~5.3.~~ A general identification of regionally significant
232 natural resources within the planning area based on the best

578-03177-11

20111904c1

233 available data and policies setting forth the procedures for
234 protection or conservation of specific resources consistent with
235 the overall conservation and development strategy for the
236 planning area ~~consistent with chapter 9J-2, Florida~~
237 ~~Administrative Code.~~

238 ~~6.4.~~ General principles and guidelines addressing that
239 ~~address~~ the urban form and the interrelationships of anticipated
240 future land uses; the protection and, as appropriate,
241 restoration and management of lands identified for permanent
242 preservation through recordation of conservation easements
243 consistent with s. 704.06, which shall be phased or staged in
244 coordination with detailed specific area plans to reflect phased
245 or staged development within the planning area; and a
246 ~~discussion, at the applicant's option, of the extent, if any, to~~
247 ~~which the plan will address restoring key ecosystems,~~ achieving
248 a more clean, healthy environment; ~~;~~ limiting urban sprawl;
249 providing a range of housing types; ~~;~~ protecting wildlife and
250 natural areas; ~~;~~ advancing the efficient use of land and other
251 resources; ~~;~~ ~~and~~ creating quality communities of a design that
252 promotes travel by multiple transportation modes; and enhancing
253 the prospects for the creation of jobs.

254 ~~7.5.~~ Identification of general procedures and policies to
255 facilitate ~~ensure~~ intergovernmental coordination to address
256 extrajurisdictional impacts from the future land uses ~~long-range~~
257 ~~conceptual framework map.~~

258
259 A long-term master plan adopted pursuant to this section shall
260 be based upon a planning period longer than the generally
261 applicable planning period of the local comprehensive plan,

578-03177-11

20111904c1

262 shall specify the projected population within the planning area
263 during the chosen planning period, and may include a phasing or
264 staging schedule that allocates a portion of the local
265 government's future growth to the planning area through the
266 planning period. It shall not be a requirement for a long-term
267 master plan adopted pursuant to this section to demonstrate need
268 based upon projected population growth or on any other basis.

269 (b) In addition to the other requirements of this chapter,
270 ~~including those in paragraph (a),~~ the detailed specific area
271 plans shall be consistent with the long-term master plan and
272 must include conditions and commitments that provide for:

273 1. Development or conservation of an area of adequate size
274 ~~to accommodate a level of development which achieves a~~
275 ~~functional relationship between a full range of land uses within~~
276 ~~the area and to encompass~~ at least 1,000 acres consistent with
277 the long-term master plan. The local government ~~state land~~
278 ~~planning agency~~ may approve detailed specific area plans of less
279 than 1,000 acres based on local circumstances if it is
280 determined that the detailed specific area plan furthers the
281 purposes of this part and part I of chapter 380.

282 2. Detailed identification and analysis of the maximum and
283 minimum densities and intensities of use, and the distribution,
284 extent, and location of future land uses.

285 3. Detailed identification of water resource development
286 and water supply development projects and related
287 infrastructure, and water conservation measures to address water
288 needs of development in the detailed specific area plan.

289 4. Detailed identification of the transportation facilities
290 to serve the future land uses in the detailed specific area

578-03177-11

20111904c1

291 plan.

292 ~~5.3.~~ Detailed identification of other regionally
293 significant public facilities, including public facilities
294 outside the jurisdiction of the host local government,
295 ~~anticipated~~ impacts of future land uses on those facilities, and
296 required improvements consistent with the long-term master plan
297 ~~chapter 9J-2, Florida Administrative Code.~~

298 ~~6.4.~~ Public facilities necessary to serve development in
299 the detailed specific area plan for the short term, including
300 developer contributions in a ~~financially feasible~~ 5-year capital
301 improvement schedule of the affected local government.

302 ~~7.5.~~ Detailed analysis and identification of specific
303 measures to assure the protection or conservation of lands
304 identified in the long-term master plan to be permanently
305 preserved within the planning area through recordation of a
306 conservation easement consistent with s. 704.06 and, as
307 appropriate, restored or managed, of regionally significant
308 ~~natural resources~~ and other important resources both within and
309 outside the host jurisdiction, ~~including those regionally~~
310 ~~significant resources identified in chapter 9J-2, Florida~~
311 ~~Administrative Code.~~

312 ~~8.6.~~ Detailed principles and guidelines addressing that
313 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
314 future land uses; ~~and a discussion, at the applicant's option,~~
315 ~~of the extent, if any, to which the plan will address restoring~~
316 ~~key ecosystems,~~ achieving a more clean, healthy environment; ~~;~~
317 limiting urban sprawl; providing a range of housing types; ;
318 protecting wildlife and natural areas; ; advancing the efficient
319 use of land and other resources; ~~;~~ and creating quality

578-03177-11

20111904c1

320 communities of a design that promotes travel by multiple
321 transportation modes; and enhancing the prospects for the
322 creation of jobs.

323 9.7. Identification of specific procedures to facilitate
324 ensure intergovernmental coordination to address
325 extrajurisdictional impacts from ~~of~~ the detailed specific area
326 plan.

327

328 A detailed specific area plan adopted by local development order
329 pursuant to this section may be based upon a planning period
330 longer than the generally applicable planning period of the
331 local comprehensive plan and shall specify the projected
332 population within the specific planning area during the chosen
333 planning period. It shall not be a requirement for a detailed
334 specific area plan adopted pursuant to this section to
335 demonstrate need based upon projected population growth or on
336 any other basis.

337 (c) In its review of a long-term master plan, the state
338 land planning agency shall consult with the Department of
339 Agriculture and Consumer Services, the Department of
340 Environmental Protection, the Fish and Wildlife Conservation
341 Commission, and the applicable water management district
342 regarding the design of areas for protection and conservation of
343 regionally significant natural resources and for the protection
344 and, as appropriate, restoration and management of lands
345 identified for permanent preservation.

346 (d) In its review of a long-term master plan, the state
347 land planning agency shall consult with the Department of
348 Transportation, the applicable metropolitan planning

578-03177-11

20111904c1

349 organization, and any urban transit agency regarding the
350 location, capacity, design, and phasing or staging of major
351 transportation facilities in the planning area.

352 (e) The state land planning agency may initiate a civil
353 action pursuant to s. 163.3215 with respect to a detailed
354 specific area plan which is not consistent with a long-term
355 master plan adopted pursuant to this section. For purposes of
356 such a proceeding, the state land planning agency shall be
357 deemed an aggrieved and adversely affected party. Regardless of
358 whether the local government has adopted an ordinance that
359 establishes a local process which meets the requirements of s.
360 163.3215(4), judicial review of a detailed specific area plan
361 initiated by the state land planning agency shall be de novo
362 pursuant to s. 163.3215(3) and not by petition for writ of
363 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
364 adversely affected party shall be subject to s. 163.3215 in all
365 respects when initiating a consistency challenge to a detailed
366 specific area plan.

367 (f)~~(e)~~ This subsection does may not be construed to prevent
368 preparation and approval of the ~~optional~~ sector plan and
369 detailed specific area plan concurrently or in the same
370 submission.

371 (4) Upon the long-term master plan becoming legally
372 effective:

373 (a) Any long-range transportation plan developed by a
374 metropolitan planning organization pursuant to s. 339.175(7)
375 must be consistent, to the maximum extent feasible, with the
376 long-term master plan, including, but not limited to, the
377 projected population, the approved uses, and densities and

578-03177-11

20111904c1

378 intensities of use and their distribution within the planning
379 area. The transportation facilities identified in adopted plans
380 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be
381 developed in coordination with the adopted M.P.O. long-range
382 transportation plan.

383 (b) The water needs, sources and water resource development
384 and water supply development projects identified in adopted
385 plans pursuant to sub-subparagraphs (3)(a)2. and (3)(b)3. shall
386 be incorporated into the applicable district and regional water
387 supply plans adopted in accordance with ss. 373.036 and 373.709.
388 Accordingly, and notwithstanding the permit durations stated in
389 s. 373.236, an applicant may request and the applicable district
390 may issue consumptive use permits for durations commensurate
391 with the long-term master plan. The permitting criteria in s.
392 373.223 shall be applied based upon the projected population and
393 the approved densities and intensities of use and their
394 distribution in the long-term master plan. ~~The host local~~
395 government shall submit a monitoring report to the state land
396 planning agency and applicable regional planning council on an
397 annual basis after adoption of a detailed specific area plan.
398 The annual monitoring report must provide summarized information
399 on development orders issued, development that has occurred,
400 public facility improvements made, and public facility
401 improvements anticipated over the upcoming 5 years.

402 (5) When a ~~plan amendment adopting~~ a detailed specific area
403 plan has become effective for a portion of the planning area
404 governed by a long-term master plan adopted pursuant to this
405 section under ~~ss. 163.3184 and 163.3189(2)~~, the provisions of s.
406 380.06 do not apply to development within the geographic area of

578-03177-11

20111904c1

407 the detailed specific area plan. However, any development-of-
408 regional-impact development order that is vested from the
409 detailed specific area plan may be enforced pursuant to ~~under~~ s.
410 380.11.

411 (a) The local government adopting the detailed specific
412 area plan is primarily responsible for monitoring and enforcing
413 the detailed specific area plan. Local governments shall not
414 issue any permits or approvals or provide any extensions of
415 services to development that are not consistent with the
416 detailed specific ~~sector~~ area plan.

417 (b) If the state land planning agency has reason to believe
418 that a violation of any detailed specific area plan, ~~or of any~~
419 ~~agreement entered into under this section,~~ has occurred or is
420 about to occur, it may institute an administrative or judicial
421 proceeding to prevent, abate, or control the conditions or
422 activity creating the violation, using the procedures in s.
423 380.11.

424 (c) In instituting an administrative or judicial proceeding
425 involving an ~~optional~~ sector plan or detailed specific area
426 plan, including a proceeding pursuant to paragraph (b), the
427 complaining party shall comply with the requirements of s.
428 163.3215(4), (5), (6), and (7), except as provided by paragraph
429 (3) (d).

430 (d) The detailed specific area plan shall establish a
431 buildout date until which the approved development shall not be
432 subject to downzoning, unit density reduction, or intensity
433 reduction, unless the local government can demonstrate that
434 implementation of the plan is not continuing in good faith based
435 on standards established by plan policy, or that substantial

578-03177-11

20111904c1

436 changes in the conditions underlying the approval of the
437 detailed specific area plan have occurred, or that the detailed
438 specific area plan was based on substantially inaccurate
439 information provided by the applicant, or that the change is
440 clearly established to be essential to the public health,
441 safety, or welfare.

442 (6) Concurrent with or subsequent to review and adoption of
443 a long-term master plan pursuant to paragraph (3) (a), an
444 applicant may apply for master development approval pursuant to
445 s. 380.06(21) for the entire planning area in order to establish
446 a buildout date until which the approved uses and densities and
447 intensities of use of the master plan shall not be subject to
448 downzoning, unit density reduction, or intensity reduction,
449 unless the local government can demonstrate that implementation
450 of the master plan is not continuing in good faith based on
451 standards established by plan policy, or that substantial
452 changes in the conditions underlying the approval of the master
453 plan have occurred, or that the master plan was based on
454 substantially inaccurate information provided by the applicant,
455 or that change is clearly established to be essential to the
456 public health, safety, or welfare. Review of the application for
457 master development approval shall be at a level of detail
458 appropriate for the long-term and conceptual nature of the long-
459 term master plan and, to the maximum extent possible, shall only
460 consider information provided in the application for a long-term
461 master plan. Notwithstanding any provision of s. 380.06 to the
462 contrary, an increment of development in such an approved master
463 development plan shall be approved by a detailed specific area
464 plan pursuant to paragraph (3) (b) and shall be exempt from

578-03177-11

20111904c1

465 ~~review pursuant to s 380.06. Beginning December 1, 1999, and~~
466 ~~each year thereafter, the department shall provide a status~~
467 ~~report to the Legislative Committee on Intergovernmental~~
468 ~~Relations regarding each optional sector plan authorized under~~
469 ~~this section.~~

470 (7) A developer within an area subject to a long-term
471 master plan that meets the requirements of paragraph (3) (a) and
472 subsection (6) or a detailed specific area plan that meets the
473 requirements of paragraph (3) (b) may enter into a development
474 agreement with a local government pursuant to ss. 163.3220-
475 163.3243. The duration of such a development agreement may be
476 through the planning period of the long-term master plan or the
477 detailed specific area plan, as the case may be, notwithstanding
478 the limit on the duration of a development agreement pursuant to
479 s. 163.3229.

480 (8) Any owner of property within the planning area of a
481 proposed long-term master plan may withdraw his or her consent
482 to the master plan at any time prior to local government
483 adoption, and the local government shall exclude such parcels
484 from the adopted master plan. Thereafter, the long-term master
485 plan, any detailed specific area plan, and the exemption from
486 development-of-regional-impact review under this section shall
487 not apply to the subject parcels. After adoption of a long-term
488 master plan, an owner may withdraw his or her property from the
489 master plan only with the approval of the local government by
490 plan amendment adopted and reviewed pursuant to s. 163.3184.

491 (9) The adoption of a long-term master plan or a detailed
492 specific area plan pursuant to this section shall not limit the
493 right to continue existing agricultural or silvicultural uses or

578-03177-11

20111904c1

494 other natural resource-based operations or to establish similar
495 new uses that are consistent with the plans approved pursuant to
496 this section.

497 (10) Notwithstanding any provision to the contrary of s.
498 380.06 or part II of chapter 163 or any planning agreement or
499 plan policy, a landowner or developer who has received approval
500 of a master development of regional impact development order
501 pursuant to s. 380.06(21) may apply to implement this order by
502 filing one or more applications to approve detailed specific
503 area plan pursuant to paragraph (3) (b).

504 (11) Notwithstanding the provisions of this section, a
505 detailed specific area plan to implement a conceptual long-term
506 buildout overlay adopted by a local government and found in
507 compliance prior to July 1, 2011, shall be governed by the
508 provisions of this section.

509 (12)~~(7)~~ This section may not be construed to abrogate the
510 rights of any person under this chapter.

511 Section 5. Paragraph (b) of subsection (9) of section
512 163.3246, Florida Statutes, is amended to read:

513 163.3246 Local government comprehensive planning
514 certification program.—

515 (9)

516 (b) Plan amendments that change the boundaries of the
517 certification area; propose a rural land stewardship area
518 pursuant to s. 163.3177(11) (d); propose ~~an optional sector~~ plan
519 pursuant to s. 163.3245; propose a school facilities element;
520 update a comprehensive plan based on an evaluation and appraisal
521 report; impact lands outside the certification boundary;
522 implement new statutory requirements that require specific

578-03177-11

20111904c1

523 comprehensive plan amendments; or increase hurricane evacuation
524 times or the need for shelter capacity on lands within the
525 coastal high-hazard area shall be reviewed pursuant to ss.
526 163.3184 and 163.3187.

527 Section 6. Paragraph (s) of subsection (24) of section
528 380.06, Florida Statutes, is amended to read:

529 380.06 Developments of regional impact.—

530 (24) STATUTORY EXEMPTIONS.—

531 (s) Any development in a detailed specific area plan which
532 is prepared pursuant to s. 163.3245 ~~and adopted into the~~
533 ~~comprehensive plan~~ is exempt from this section.

534

535 If a use is exempt from review as a development of regional
536 impact under paragraphs (a)-(s), but will be part of a larger
537 project that is subject to review as a development of regional
538 impact, the impact of the exempt use must be included in the
539 review of the larger project, unless such exempt use involves a
540 development of regional impact that includes a landowner,
541 tenant, or user that has entered into a funding agreement with
542 the Office of Tourism, Trade, and Economic Development under the
543 Innovation Incentive Program and the agreement contemplates a
544 state award of at least \$50 million.

545 Section 7. Subsection (3) of section 380.115, Florida
546 Statutes, is amended to read:

547 380.115 Vested rights and duties; effect of size reduction,
548 changes in guidelines and standards.—

549 (3) A landowner that has filed an application for a
550 development-of-regional-impact review prior to the adoption of a
551 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to

578-03177-11

20111904c1

552 have the application reviewed pursuant to s. 380.06,
553 comprehensive plan provisions in force prior to adoption of the
554 sector plan, and any requested comprehensive plan amendments
555 that accompany the application.

556 Section 8. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: SB 726

INTRODUCER: Senator Bullard

SUBJECT: State Symbols/Official State Flagship

DATE: April 01, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mason	Roberts	GO	Favorable
2.	Wiggins	Yeatman	EP	Favorable
3.			RC	
4.				
5.				
6.				

I. Summary:

This bill designates the Schooner Western Union the official state flagship.

This bill creates section 15.0465 of the Florida Statutes.

II. Present Situation:

Currently, no ship is designated as the official state flagship.

Chapter 15, F.S. designates official state emblems. To date there are designations for a state tree, fruit, beverage, anthem, song, shell, stone, gem, wildflower, play, animal, freshwater fish, saltwater fish, marine mammal, saltwater mammal, butterfly, reptile, saltwater reptile, tortoise, air fair, rodeo, festival, moving image center and archive, litter control symbol, pageant, opera, renaissance festival, railroad museums, transportation museum, soil, fiddle contest, band, sports hall of fame, pie, maritime museum, and horse.

The Schooner Western Union is a 130-foot historic sailing vessel of the tall ship class. Construction of the ship began in Grand Cayman, but it was completed in Key West and first launched on April 7, 1939.¹ The Schooner is made of yellow pine and mahogany. For thirty-five years the Schooner served as a cable vessel for the Western Union Telegraph Company, repairing underwater cables throughout the Keys, Cuba, and the Caribbean. Since retiring, the Schooner was used as a charter boat in various events and is now an open maritime museum.

¹ Schooner Western Union Maritime Museum—Boat History, <http://www.schoonerwesternunion.org/key-west/boat-history.htm> (last visited March 25, 2011).

III. Effect of Proposed Changes:

Section 1 creates section 15.0465, F.S., to designate the Schooner Western Union as the official state flagship.

Section 2 provides that this act shall take effect July 1, 2011.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State maintains a list on its website of all official state symbols.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bullard

39-00897-11

2011726__

1 A bill to be entitled
2 An act relating to state symbols; creating s. 15.0465,
3 F.S.; designating the schooner Western Union as the
4 official state flagship; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Section 15.0465, Florida Statutes, is created to
9 read:

10 15.0465 Official state flagship.—The schooner Western
11 Union, a 130-foot historic sailing vessel of the tall ship
12 class, built in Key West and first launched in 1939, is
13 designated the official state flagship.

14 Section 2. This act shall take effect July 1, 2011.