

By the Committee on Community Affairs; and Senator Simpson

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1                   A bill to be entitled  
2       An act relating to sector plans; amending s. 163.3245,  
3       F.S.; providing that other requirements of this  
4       chapter inconsistent with or superseded by certain  
5       planning standards relating to a long-term master plan  
6       do not apply; providing that other requirements of  
7       this chapter inconsistent with or superseded by  
8       certain planning standards relating to detailed  
9       specific area plans do not apply; providing that  
10      conservation easements may be based on rectified  
11      aerial photographs without the need for a survey and  
12      may include a right of adjustment subject to certain  
13      requirements; providing that substitution is  
14      accomplished by recording an amendment to a  
15      conservation easement as accepted by the grantee;  
16      requiring the applicant for a detailed specific area  
17      plan to transmit copies of the application to  
18      specified reviewing agencies for review and comment;  
19      requiring such agency comments to be submitted to the  
20      local government having jurisdiction and to the state  
21      land planning agency, subject to certain requirements;  
22      authorizing the Department of Environmental  
23      Protection, the Fish and Wildlife Conservation  
24      Commission, or the water management district to accept  
25      compensatory mitigation under certain circumstances,  
26      pursuant to a specified section or chapter; providing  
27      that the adoption of a long-term master plan or a  
28      detailed specific area plan pursuant to this section  
29      does not limit the right to establish new agricultural

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30 or silvicultural uses under certain circumstances;  
31 allowing an applicant with an approved master  
32 development order to request that the applicable water  
33 management district issue a specified consumptive use  
34 permit for the same period of time as the approved  
35 master development order; providing applicability;  
36 providing that a local government is not precluded  
37 from requiring data and analysis beyond the minimum  
38 criteria established in this section; amending s.  
39 373.236, F.S.; authorizing a water management district  
40 to issue a permit to an applicant for the same period  
41 of time as the applicant's approved master development  
42 order, subject to certain requirements and  
43 restrictions; providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Present subsection (13) of section 163.3245,  
48 Florida Statutes, is redesignated as subsection (14),  
49 subsections (3) and (9) of that section are amended, and new  
50 subsections (13) and (15) are added to that section, to read:

51 163.3245 Sector plans.—

52 (3) Sector planning encompasses two levels: adoption  
53 pursuant to s. 163.3184 of a long-term master plan for the  
54 entire planning area as part of the comprehensive plan, and  
55 adoption by local development order of two or more detailed  
56 specific area plans that implement the long-term master plan and  
57 within which s. 380.06 is waived.

58 (a) In addition to the other requirements of this chapter,

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59 except for those that are inconsistent with or superseded by the  
60 planning standards of this paragraph, a long-term master plan  
61 pursuant to this section must include maps, illustrations, and  
62 text supported by data and analysis to address the following:

63 1. A framework map that, at a minimum, generally depicts  
64 areas of urban, agricultural, rural, and conservation land use;  
65 identifies allowed uses in various parts of the planning area;  
66 specifies maximum and minimum densities and intensities of use;  
67 and provides the general framework for the development pattern  
68 in developed areas with graphic illustrations based on a  
69 hierarchy of places and functional place-making components.

70 2. A general identification of the water supplies needed  
71 and available sources of water, including water resource  
72 development and water supply development projects, and water  
73 conservation measures needed to meet the projected demand of the  
74 future land uses in the long-term master plan.

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

79 4. A general identification of other regionally significant  
80 public facilities necessary to support the future land uses,  
81 which may include central utilities provided onsite within the  
82 planning area, and policies setting forth the procedures to be  
83 used to mitigate the impacts of future land uses on public  
84 facilities.

85 5. A general identification of regionally significant  
86 natural resources within the planning area based on the best  
87 available data and policies setting forth the procedures for

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88 protection or conservation of specific resources consistent with  
89 the overall conservation and development strategy for the  
90 planning area.

91 6. General principles and guidelines addressing the urban  
92 form and the interrelationships of future land uses; the  
93 protection and, as appropriate, restoration and management of  
94 lands identified for permanent preservation through recordation  
95 of conservation easements consistent with s. 704.06, which shall  
96 be phased or staged in coordination with detailed specific area  
97 plans to reflect phased or staged development within the  
98 planning area; achieving a more clean, healthy environment;  
99 limiting urban sprawl; providing a range of housing types;  
100 protecting wildlife and natural areas; advancing the efficient  
101 use of land and other resources; creating quality communities of  
102 a design that promotes travel by multiple transportation modes;  
103 and enhancing the prospects for the creation of jobs.

104 7. Identification of general procedures and policies to  
105 facilitate intergovernmental coordination to address  
106 extrajurisdictional impacts from the future land uses.

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108 A long-term master plan adopted pursuant to this section may be  
109 based upon a planning period longer than the generally  
110 applicable planning period of the local comprehensive plan,  
111 shall specify the projected population within the planning area  
112 during the chosen planning period, and may include a phasing or  
113 staging schedule that allocates a portion of the local  
114 government's future growth to the planning area through the  
115 planning period. A long-term master plan adopted pursuant to  
116 this section is not required to demonstrate need based upon

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117 projected population growth or on any other basis.

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

123 1. Development or conservation of an area of at least 1,000  
124 acres consistent with the long-term master plan. The local  
125 government may approve detailed specific area plans of less than  
126 1,000 acres based on local circumstances if it is determined  
127 that the detailed specific area plan furthers the purposes of  
128 this part and part I of chapter 380.

129 2. Detailed identification and analysis of the maximum and  
130 minimum densities and intensities of use and the distribution,  
131 extent, and location of future land uses.

132 3. Detailed identification of water resource development  
133 and water supply development projects and related infrastructure  
134 and water conservation measures to address water needs of  
135 development in the detailed specific area plan.

136 4. Detailed identification of the transportation facilities  
137 to serve the future land uses in the detailed specific area  
138 plan.

139 5. Detailed identification of other regionally significant  
140 public facilities, including public facilities outside the  
141 jurisdiction of the host local government, impacts of future  
142 land uses on those facilities, and required improvements  
143 consistent with the long-term master plan.

144 6. Public facilities necessary to serve development in the  
145 detailed specific area plan, including developer contributions

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146 in a 5-year capital improvement schedule of the affected local  
147 government.

148 7. Detailed analysis and identification of specific  
149 measures to ensure the protection and, as appropriate,  
150 restoration and management of lands within the boundary of the  
151 detailed specific area plan identified for permanent  
152 preservation through recordation of conservation easements  
153 consistent with s. 704.06, which easements shall be effective  
154 before or concurrent with the effective date of the detailed  
155 specific area plan and other important resources both within and  
156 outside the host jurisdiction. Any such conservation easement  
157 may be based on rectified aerial photographs without the need  
158 for a survey and may include a right of adjustment authorizing  
159 the grantor to modify portions of the area protected by a  
160 conservation easement and substitute other lands in their place  
161 if the lands to be substituted contain no less gross acreage  
162 than the lands to be removed; have equivalent values in the  
163 proportion and quality of wetlands, uplands, and wildlife  
164 habitat; and are contiguous to other lands protected by the  
165 conservation easement. Substitution is accomplished by recording  
166 an amendment to the conservation easement as accepted by the  
167 grantee.

168 8. Detailed principles and guidelines addressing the urban  
169 form and the interrelationships of future land uses; achieving a  
170 more clean, healthy environment; limiting urban sprawl;  
171 providing a range of housing types; protecting wildlife and  
172 natural areas; advancing the efficient use of land and other  
173 resources; creating quality communities of a design that  
174 promotes travel by multiple transportation modes; and enhancing

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175 the prospects for the creation of jobs.

176 9. Identification of specific procedures to facilitate  
177 intergovernmental coordination to address extrajurisdictional  
178 impacts from the detailed specific area plan.

179  
180 A detailed specific area plan adopted by local development order  
181 pursuant to this section may be based upon a planning period  
182 longer than the generally applicable planning period of the  
183 local comprehensive plan and shall specify the projected  
184 population within the specific planning area during the chosen  
185 planning period. A detailed specific area plan adopted pursuant  
186 to this section is not required to demonstrate need based upon  
187 projected population growth or on any other basis. All lands  
188 identified in the long-term master plan for permanent  
189 preservation shall be subject to a recorded conservation  
190 easement consistent with s. 704.06 before or concurrent with the  
191 effective date of the final detailed specific area plan to be  
192 approved within the planning area. Any such conservation  
193 easement may be based on rectified aerial photographs without  
194 the need for a survey and may include a right of adjustment  
195 authorizing the grantor to modify portions of the area protected  
196 by a conservation easement and substitute other lands in their  
197 place if the lands to be substituted contain no less gross  
198 acreage than the lands to be removed; have equivalent values in  
199 the proportion and quality of wetlands, uplands, and wildlife  
200 habitat; and are contiguous to other lands protected by the  
201 conservation easement. Substitution is accomplished by recording  
202 an amendment to the conservation easement as accepted by the  
203 grantee.

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

213 (d) In its review of a long-term master plan, the state  
214 land planning agency shall consult with the Department of  
215 Transportation, the applicable metropolitan planning  
216 organization, and any urban transit agency regarding the  
217 location, capacity, design, and phasing or staging of major  
218 transportation facilities in the planning area.

219 (e) Whenever a local government issues a development order  
220 approving a detailed specific area plan, a copy of such order  
221 shall be rendered to the state land planning agency and the  
222 owner or developer of the property affected by such order, as  
223 prescribed by rules of the state land planning agency for a  
224 development order for a development of regional impact. Within  
225 45 days after the order is rendered, the owner, the developer,  
226 or the state land planning agency may appeal the order to the  
227 Florida Land and Water Adjudicatory Commission by filing a  
228 petition alleging that the detailed specific area plan is not  
229 consistent with the comprehensive plan or with the long-term  
230 master plan adopted pursuant to this section. The appellant  
231 shall furnish a copy of the petition to the opposing party, as  
232 the case may be, and to the local government that issued the

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233 order. The filing of the petition stays the effectiveness of the  
234 order until after completion of the appeal process. However, if  
235 a development order approving a detailed specific area plan has  
236 been challenged by an aggrieved or adversely affected party in a  
237 judicial proceeding pursuant to s. 163.3215, and a party to such  
238 proceeding serves notice to the state land planning agency, the  
239 state land planning agency shall dismiss its appeal to the  
240 commission and shall have the right to intervene in the pending  
241 judicial proceeding pursuant to s. 163.3215. Proceedings for  
242 administrative review of an order approving a detailed specific  
243 area plan shall be conducted consistent with s. 380.07(6). The  
244 commission shall issue a decision granting or denying permission  
245 to develop pursuant to the long-term master plan and the  
246 standards of this part and may attach conditions or restrictions  
247 to its decisions.

248 (f) The applicant for a detailed specific area plan shall  
249 transmit copies of the application to the reviewing agencies  
250 specified in s. 163.3184(1)(c), or their successor agencies, for  
251 review and comment as to whether the detailed specific area plan  
252 is consistent with the comprehensive plan and the long-term  
253 master plan. Any comments from the reviewing agencies shall be  
254 submitted in writing to the local government with jurisdiction  
255 and to the state land planning agency within 30 days after the  
256 applicant's transmittal of the application.

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

260 (h) If an applicant seeks to use wetland or upland  
261 preservation achieved by granting conservation easements as

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262 compensatory mitigation for permitting purposes under chapter  
263 373 or chapter 379, the Department of Environmental Protection,  
264 the Fish and Wildlife Conservation Commission, or the water  
265 management district may accept such mitigation under the  
266 criteria established in the uniform assessment method required  
267 by s. 373.414, or pursuant to chapter 379, as applicable,  
268 without considering the fact that a conservation easement  
269 encumbering the same real property was previously recorded  
270 pursuant to paragraph (b).

271 (9) The adoption of a long-term master plan or a detailed  
272 specific area plan pursuant to this section does not limit the  
273 right to continue existing agricultural or silvicultural uses or  
274 other natural resource-based operations or to establish similar  
275 new agricultural or silvicultural uses that are consistent with  
276 the plans approved pursuant to this section.

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

281 (15) The more specific provisions of this section shall  
282 supersede the generally applicable provisions of this chapter  
283 which otherwise would apply. This section does not preclude a  
284 local government from requiring data and analysis beyond the  
285 minimum criteria established in this section.

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

288 373.236 Duration of permits; compliance reports.—

289 (8) A water management district may issue a permit to an  
290 applicant, as set forth in s. 163.3245(13), for the same period

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291 of time as the applicant's approved master development order if  
292 the master development order was issued under s. 380.06(21) by a  
293 county which, at the time the order issued, was designated as a  
294 rural area of opportunity under s. 288.0656, was not located in  
295 an area encompassed by a regional water supply plan as set forth  
296 in s. 373.709(1), and was not located within the basin area  
297 management plan of a first-order magnitude spring. In reviewing  
298 the permit application, the water management district shall  
299 apply the permitting criteria in s. 373.223 based on the  
300 projected population and approved densities and intensities of  
301 use and their distribution in the master development order.  
302 However, the district may phase in the water allocation over the  
303 duration of the permit to correspond to actual projected needs.  
304 This subsection does not supersede the public interest test  
305 established in s. 373.223.

306 Section 3. This act shall take effect July 1, 2015.  
307