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LEGISLATIVE ACTION

Senate

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House

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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16 superseded by the planning standards of this paragraph, the  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.