

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 487 — Growth Management

by Reps. Duggan and Hardy (CS/CS/SB 1274 by Rules Committee; Community Affairs Committee; and Senator Perry)

The Community Planning Act provides counties and municipalities the power to plan for future development by the adoption of comprehensive plans. Each county and municipality must maintain a comprehensive plan. Comprehensive plans are intended to provide for orderly and balanced future economic, social, physical, environmental, and fiscal development in a county or municipality. Municipalities must prepare and adopt a comprehensive plan within three years after the date of its incorporation.

One of the three types of comprehensive plan amendments is the small-scale development amendment. A comprehensive plan amendment may be classified as a small-scale amendment if the amendment involves less than 10 acres of land (or less than 20 acres in a rural area of opportunity), does not impact land located in an area of critical state concern, preserves the internal consistency of the overall local comprehensive plan, and does not require substantive changes to the text of the plan. Small-scale amendments may be approved with a single hearing before the local government's governing body and do not require review by the Department of Economic Opportunity.

The bill increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres and increases the maximum acreage for a small-scale comprehensive plan amendment within a rural area of opportunity from 20 acres to 100 acres.

The bill also provides that any landowner with a development order existing before the incorporation of a municipality may elect to abandon the development order and develop the vested density and intensity contained therein pursuant to the municipality's comprehensive plan and land development regulations so long as the vested uses, density, and intensity are consistent with the municipality's comprehensive plan, and all existing concurrency obligations in the development order remain valid.

Finally, the bill amends the Florida Interlocal Cooperation Act of 1969 to allow an entity established pursuant to an interlocal agreement to acquire title to any water or wastewater plant utility facilities, other facilities, or property acquired by the use of eminent domain if 10 or more years have passed since the date of acquisition by eminent domain.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 106-10