

By the Committee on Community Affairs; and Senator Simpson

578-03182-15

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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4 chapter inconsistent with or superseded by certain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7 this chapter inconsistent with or superseded by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

578-03182-15

2015832c1

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.

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

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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,

578-03182-15

2015832c1

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

578-03182-15

2015832c1

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

578-03182-15

2015832c1

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

578-03182-15

2015832c1

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

578-03182-15

2015832c1

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.

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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.

578-03182-15

2015832c1

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

578-03182-15

2015832c1

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

578-03182-15

2015832c1

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

578-03182-15

2015832c1

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.
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