

1 A bill to be entitled
2 An act relating to sector plans; amending s. 163.3184,
3 F.S.; requiring amendments to adopted sector plans to
4 follow the state coordinated review process; amending
5 s. 163.3245, F.S.; revising legislative intent to
6 include long-term visioning as a benefit for certain
7 sector plans; requiring appropriate agencies to
8 prepare and hold meetings regarding the long-term
9 master plan; specifying the requirements that apply to
10 the contents of a long-term master plan; specifying
11 items not needed to be included in a long-term master
12 plan; revising information required in a detailed
13 specific area plan; revising the date certain
14 preservation lands identified in a long-term master
15 plan must be recorded by a conservation easement;
16 providing procedures for filing an application for
17 approval of a detailed specific area plan; providing
18 procedures to be followed by the local government
19 following a conference to discuss a detailed specific
20 area plan; providing procedures for reviewing agencies
21 to comment on portions of the detailed specific area
22 plan; requiring certain petitions to the Florida Land
23 and Water Adjudicatory Commission to be filed with
24 particularity; specifying that certain natural
25 resources identified in the long-term master plan must
26 be considered regionally significant for certain

27 | permitting purposes; authorizing issuance of a
 28 | consumptive use permit for a duration commensurate
 29 | with a master plan development order if specified
 30 | criteria are met; specifying how consumptive use
 31 | permitting criteria are to be applied; specifying that
 32 | the public interest test related to consumptive use
 33 | permits is not superseded; providing construction;
 34 | providing an effective date.

35 |

36 | Be It Enacted by the Legislature of the State of Florida:

37 |

38 | Section 1. Paragraph (c) of subsection (2) of section
 39 | 163.3184, Florida Statutes, is amended to read:

40 | 163.3184 Process for adoption of comprehensive plan or
 41 | plan amendment.—

42 | (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

43 | (c) Plan amendments that are in an area of critical state
 44 | concern designated pursuant to s. 380.05; propose a rural land
 45 | stewardship area pursuant to s. 163.3248; propose a sector plan
 46 | pursuant to s. 163.3245 or an amendment to an adopted sector
 47 | plan; update a comprehensive plan based on an evaluation and
 48 | appraisal pursuant to s. 163.3191; propose a development
 49 | pursuant to s. 380.06(24) (x); or are new plans for newly
 50 | incorporated municipalities adopted pursuant to s. 163.3167
 51 | shall follow the state coordinated review process in subsection
 52 | (4).

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53 Section 2. Subsections (1) through (4) and (9) of section
 54 163.3245, Florida Statutes, are amended, subsection (13) of that
 55 section is renumbered as subsection (14) and amended, and new
 56 subsections (13) and (15) are added to that section, to read:

57 163.3245 Sector plans; long-term master plans; specific
 58 area plans;.-

59 (1) In recognition of the benefits of creating
 60 aspirational visions and long-range plans ~~planning~~ for specific
 61 areas, local governments or combinations of local governments
 62 may adopt into their comprehensive plans a sector plan in
 63 accordance with this section. This section is intended to
 64 promote and encourage long-term visioning and planning for
 65 conservation, development, and agriculture on a landscape scale;
 66 to further support innovative and flexible planning and
 67 development strategies, and the purposes of this part and part I
 68 of chapter 380; to facilitate protection of regionally
 69 significant resources, including, but not limited to, regionally
 70 significant water courses and wildlife corridors; and to avoid
 71 duplication of effort in terms of the level of data and analysis
 72 required for a development of regional impact, while ensuring
 73 the adequate mitigation of impacts to applicable regional
 74 resources and facilities, including those within the
 75 jurisdiction of other local governments, as would otherwise be
 76 provided. Sector plans are intended for substantial geographic
 77 areas that include at least 15,000 acres of one or more local
 78 governmental jurisdictions and are to emphasize urban form and

79 protection of regionally significant resources and public
80 facilities. A sector plan may not be adopted in an area of
81 critical state concern.

82 (2) Upon the request of a local government having
83 jurisdiction, the applicable regional planning council shall
84 conduct a scoping meeting with affected local governments and
85 those agencies identified in s. 163.3184(1)(c) before preparing
86 ~~preparation of~~ the sector plan. The purpose of this meeting is
87 to assist the state land planning agency and the local
88 government in identifying ~~the identification of~~ the relevant
89 planning issues to be addressed and the data and resources
90 available to assist in preparing ~~the preparation of~~ the long-
91 term master ~~sector~~ plan. If a scoping meeting is conducted, the
92 regional planning council shall make written recommendations to
93 the state land planning agency and affected local governments on
94 the issues requested by the local government. The scoping
95 meeting shall be noticed and open to the public. If the entire
96 planning area proposed for the long-term master ~~sector~~ plan is
97 within the jurisdiction of two or more local governments, some
98 or all of them may enter into a joint planning agreement
99 pursuant to s. 163.3171 with respect to the geographic area to
100 be subject to the long-term master ~~sector~~ plan, the planning
101 issues that will be emphasized, procedures for intergovernmental
102 coordination to address extrajurisdictional impacts, supporting
103 application materials including data and analysis, procedures
104 for public participation, or other issues.

105 (3) Sector planning encompasses two levels: adoption
106 pursuant to s. 163.3184 of a long-term master plan for the
107 entire planning area as part of the comprehensive plan, and
108 adoption by local development order of two or more detailed
109 specific area plans that implement the long-term master plan and
110 within which s. 380.06 is waived.

111 (a) In addition to the other requirements of this chapter,
112 except those requirements that are inconsistent with or are
113 superseded by the planning standards of this paragraph, a long-
114 term master plan pursuant to this section must include maps,
115 illustrations, and text supported by data and analysis to
116 address the following:

117 1. A framework map that, at a minimum, generally depicts
118 areas of urban, agricultural, rural, and conservation land use;
119 identifies allowed uses in various parts of the planning area;
120 specifies maximum and minimum densities and intensities of use;
121 and provides the general framework for the development pattern
122 in developed areas with graphic illustrations based on a
123 hierarchy of places and functional place-making components.

124 2. A general identification of the water supplies needed
125 and available sources of water, including water resource
126 development and water supply development projects, if any, and
127 water conservation measures needed to meet the projected demand
128 of the future land uses in the long-term master plan.

129 3. A general identification of the transportation
130 facilities to serve the future land uses in the long-term master

131 plan, including guidelines to be used to establish each modal
132 component intended to optimize mobility.

133 4. A general identification of other regionally
134 significant public facilities necessary to support the future
135 land uses, which may include central utilities provided onsite
136 within the planning area, and policies setting forth the
137 procedures to be used to mitigate the impacts of future land
138 uses on public facilities.

139 5. A general identification of regionally significant
140 natural resources within the planning area based on the best
141 available data and policies setting forth the procedures for
142 protection or conservation of specific resources consistent with
143 the overall conservation and development strategy for the
144 planning area.

145 6. General principles and guidelines addressing the urban
146 form and the interrelationships of future land uses; the
147 protection and, as appropriate, restoration and management of
148 lands identified for permanent preservation through recordation
149 of conservation easements consistent with s. 704.06, which shall
150 be phased or staged in coordination with detailed specific area
151 plans to reflect phased or staged development within the
152 planning area; achieving a more clean, healthy environment;
153 limiting urban sprawl; providing a range of housing types;
154 protecting wildlife and natural areas; advancing the efficient
155 use of land and other resources; creating quality communities of
156 a design that promotes travel by multiple transportation modes;

157 and enhancing the prospects for the creation of jobs.

158 7. Identification of general procedures and policies to
159 facilitate intergovernmental coordination to address
160 extrajurisdictional impacts from the future land uses if not
161 addressed in other plan elements.

162
163 A long-term master plan adopted pursuant to this section may be
164 based upon a planning period longer than the generally
165 applicable planning period of the local comprehensive plan,
166 shall specify the projected population within the planning area
167 during the chosen planning period, and may include a phasing or
168 staging schedule that allocates a portion of the local
169 government's future growth to the planning area through the
170 planning period. A long-term master plan adopted pursuant to
171 this section is not required to demonstrate need based upon
172 projected population growth or on any other basis; project the
173 costs, locations, phasing or staging, or means of financing
174 either transportation facilities or other public facilities that
175 may be needed to support the future land uses within the
176 planning area; or prescribe application or review procedures for
177 a detailed specific area plan that differ from the local
178 government's generally applicable requirements for local
179 development orders, except as required by this section.

180 (b) In addition to the other requirements of this chapter,
181 except those requirements that are inconsistent with or are
182 superseded by the planning standards of this paragraph, the

183 detailed specific area plans shall be consistent with the long-
184 term master plan and must include conditions and commitments
185 that provide for:

186 1. Development or conservation of an area of at least
187 1,000 acres consistent with the long-term master plan. The local
188 government may approve detailed specific area plans of less than
189 1,000 acres based on local circumstances if it is determined
190 that the detailed specific area plan furthers the purposes of
191 this part and part I of chapter 380.

192 2. Detailed identification and analysis of the maximum and
193 minimum densities and intensities of use and the distribution,
194 extent, and location of future land uses.

195 3. Detailed identification of water resource development
196 and water supply development projects, if any, and related
197 infrastructure and water conservation measures to address water
198 needs of development in the detailed specific area plan.

199 4. Detailed identification of the transportation
200 facilities to serve the future land uses in the detailed
201 specific area plan, including the costs, locations, phasing or
202 staging, and means of financing such facilities, in a 5-year
203 capital improvement schedule of the affected local government.

204 5. Detailed identification of other regionally significant
205 public facilities, including public facilities outside the
206 jurisdiction of the host local government, impacts of future
207 land uses on those facilities, and required improvements
208 consistent with the long-term master plan.

209 6. Public facilities necessary to serve development in the
210 detailed specific area plan, including the costs, locations,
211 phasing or staging, and means of financing such facilities, and
212 developer contributions in a 5-year capital improvement schedule
213 of the affected local government.

214 7. Detailed analysis and identification of specific
215 measures to ensure the protection and, as appropriate,
216 restoration and management of lands within the boundary of the
217 detailed specific area plan identified for permanent
218 preservation through recordation of conservation easements
219 consistent with s. 704.06, which easements shall be effective
220 before or concurrent with the later of the effective date of the
221 detailed specific area plan or the environmental permits
222 necessary to develop lands within the detailed specific area
223 plan, and other important resources both within and outside the
224 host jurisdiction.

225 8. Detailed principles and guidelines addressing the urban
226 form and the interrelationships of future land uses; achieving a
227 more clean, healthy environment; limiting urban sprawl;
228 providing a range of housing types; protecting wildlife and
229 natural areas; advancing the efficient use of land and other
230 resources; creating quality communities of a design that
231 promotes travel by multiple transportation modes; and enhancing
232 the prospects for the creation of jobs.

233 9. Identification of specific procedures to facilitate
234 intergovernmental coordination to address extrajurisdictional

235 impacts from the detailed specific area plan if not addressed in
 236 other plan elements.

237
 238 A detailed specific area plan adopted by local development order
 239 pursuant to this section may be based upon a planning period
 240 longer than the generally applicable planning period of the
 241 local comprehensive plan and shall specify the projected
 242 population within the specific planning area during the chosen
 243 planning period. A detailed specific area plan adopted pursuant
 244 to this section is not required to demonstrate need based upon
 245 projected population growth or on any other basis. All lands
 246 identified in the long-term master plan for permanent
 247 preservation shall be subject to a recorded conservation
 248 easement consistent with s. 704.06 before or concurrent with the
 249 later of the effective date of the final detailed specific area
 250 plan to be approved within the planning area or the
 251 environmental permits necessary to develop the final detailed
 252 specific area plan.

253 (c) In its review of a long-term master plan, the state
 254 land planning agency shall consult with the Department of
 255 Agriculture and Consumer Services, the Department of
 256 Environmental Protection, the Fish and Wildlife Conservation
 257 Commission, and the applicable water management district
 258 regarding the design of areas for protection and conservation of
 259 regionally significant natural resources and for the protection
 260 and, as appropriate, restoration and management of lands

261 identified for permanent preservation.

262 (d) In its review of a long-term master plan, the state
263 land planning agency shall consult with the Department of
264 Transportation, the applicable metropolitan planning
265 organization, and any urban transit agency regarding the
266 location, capacity, design, and phasing or staging of major
267 transportation facilities in the planning area.

268 (e) Before filing an application for approval of a
269 detailed specific area plan, the applicant may contact the local
270 government having jurisdiction over the proposed development to
271 request a preapplication conference. Before the conference, the
272 applicant shall provide preliminary information regarding the
273 proposed detailed specific area plan, including the project
274 location, the type and magnitude of land uses, preliminary site
275 and environmental information, preliminary phasing and buildout
276 dates, and specific methodology proposals. At the request of the
277 applicant or the local government, other regional and state
278 agencies must participate in this conference and must identify
279 the level of information required for purposes of review, the
280 types of permits issued by the agencies, and the permit issuance
281 procedures as applied to the proposed development. The level-of-
282 service standards, standards for determining significant
283 impacts, and mitigation standards and procedures required in the
284 transportation methodology shall be the same as used to evaluate
285 all other developments in the jurisdiction. Within 14 days after
286 the conference, the local government shall document the findings

287 and agreements made by the participants, including a summary of
288 all assumptions and methodologies agreed upon at the conference.
289 The documentation shall be provided to all participants, who
290 shall have 14 days to comment on, agree with, or disagree with
291 the summary in writing. The local government and reviewing
292 agencies may not subsequently object to any assumptions or
293 methodologies agreed upon by participants unless subsequent
294 changes to the project or information obtained during the review
295 makes those assumptions and methodologies inappropriate.

296 (f) The applicant for a detailed specific area plan shall
297 transmit copies of the application to the reviewing agencies
298 specified in s. 163.3184(1)(c), or their successors, for review
299 and comment as to whether the detailed specific area plan is
300 consistent with the comprehensive plan and the long-term master
301 plan. Any comments from the reviewing agencies shall be
302 submitted in writing, within 30 days after the applicant's
303 transmittal of the application, to the local government with
304 jurisdiction and to the state land planning agency.

305 (g)(e) When ~~Whenever~~ a local government issues a
306 development order approving a detailed specific area plan, a
307 copy of such order shall be rendered to the state land planning
308 agency and the owner or developer of the property affected by
309 such order, as prescribed by rules of the state land planning
310 agency for a development order for a development of regional
311 impact. Within 45 days after the order is rendered, the owner,
312 the developer, or the state land planning agency may appeal the

313 order to the Florida Land and Water Adjudicatory Commission by
314 filing a petition alleging with particularity the reasons that
315 the detailed specific area plan is not consistent with the
316 comprehensive plan or with the long-term master plan adopted
317 pursuant to this section. The appellant shall furnish a copy of
318 the petition to the opposing party, as the case may be, and to
319 the local government that issued the order. The filing of the
320 petition stays the effectiveness of the order until after
321 completion of the appeal process. However, if a development
322 order approving a detailed specific area plan has been
323 challenged by an aggrieved or adversely affected party in a
324 judicial proceeding pursuant to s. 163.3215, and a party to such
325 proceeding serves notice to the state land planning agency, the
326 state land planning agency shall dismiss its appeal to the
327 commission and shall have the right to intervene in the pending
328 judicial proceeding pursuant to s. 163.3215. Proceedings for
329 administrative review of an order approving a detailed specific
330 area plan shall be conducted consistent with s. 380.07(6). The
331 commission shall issue a decision granting or denying permission
332 to develop pursuant to the long-term master plan and the
333 standards of this part and may attach conditions or restrictions
334 to its decisions.

335 (h) ~~(f)~~ This subsection does not prevent preparation and
336 approval of the sector plan and detailed specific area plan
337 concurrently or in the same submission.

338 (4) Upon the long-term master plan becoming legally

339 effective:

340 (a) Any long-range transportation plan developed by a
341 metropolitan planning organization pursuant to s. 339.175(7)
342 must be consistent, to the maximum extent feasible, with the
343 long-term master plan, including, but not limited to, the
344 projected population and the approved uses and densities and
345 intensities of use and their distribution within the planning
346 area. The transportation facilities identified in adopted plans
347 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
348 in coordination with the adopted M.P.O. long-range
349 transportation plan.

350 (b) The water needs, sources and water resource
351 development, and water supply development projects identified in
352 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall
353 be incorporated into the applicable district and regional water
354 supply plans adopted in accordance with ss. 373.036 and 373.709.
355 Accordingly, and notwithstanding the permit durations stated in
356 s. 373.236, an applicant may request and the applicable district
357 may issue consumptive use permits for durations commensurate
358 with the long-term master plan or detailed specific area plan,
359 considering the ability of the master plan area to contribute to
360 regional water supply availability and the need to maximize
361 reasonable-beneficial use of the water resource. The permitting
362 criteria in s. 373.223 shall be applied based upon the projected
363 population and the approved densities and intensities of use and
364 their distribution in the long-term master plan; however, the

365 allocation of the water may be phased over the permit duration
366 to correspond to actual projected needs. This paragraph does not
367 supersede the public interest test set forth in s. 373.223.

368 (c) All natural resources in the planning area that are
369 identified in the long-term master plan as regionally
370 significant natural resources for preservation or conservation
371 shall be considered regionally significant natural resources for
372 purposes of permitting pursuant to chapter 373.

373 (9) The adoption of a long-term master plan or a detailed
374 specific area plan pursuant to this section does not limit the
375 right to continue existing agricultural or silvicultural uses or
376 other natural resource-based operations or to establish similar
377 new agricultural or silvicultural uses that are consistent with
378 the plans approved pursuant to this section.

379 (13) A water management district may issue to an
380 applicant, upon request, a consumptive use permit for a duration
381 commensurate with an approved master plan development order if
382 the master plan development order was issued under s. 380.06(21)
383 by a county designated as a rural area of opportunity under s.
384 288.0656 and if the development is not located in an area
385 encompassed by a regional water supply plan as set forth in s.
386 373.709(1). The water management district shall apply the
387 permitting criteria in s. 373.223 based on the projected
388 population and approved densities and intensities of use and
389 their distribution in the master plan development order.
390 However, the water management district may phase the water

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391 allocation over the permit duration to correspond to actual
392 projected needs. This subsection does not supersede the public
393 interest test set forth in s. 373.223.

394 (14)~~(13)~~ This section does ~~may not be construed to~~
395 abrogate the rights of any person under this chapter.

396 (15) The more specific provisions of this section
397 supersede the general provisions of this chapter which otherwise
398 might apply, notwithstanding the date of enactment of any of the
399 provisions of this section.

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