

Tab 1	SB 1364 by Calatayud; (Similar to H 00723) Everglades Protection Area						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Collins, Chair
Senator Boyd, Vice Chair

MEETING DATE: Tuesday, February 6, 2024
TIME: 11:30 a.m.—2:00 p.m.
PLACE: 301 Senate Building

MEMBERS: Senator Collins, Chair; Senator Boyd, Vice Chair; Senators Baxley, Berman, Rouson, and Simon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1364 Calatayud (Similar H 723)	Everglades Protection Area; Requiring that proposed plans and plan amendments that apply to certain lands within or near the Everglades Protection Area follow the state coordinated review process; authorizing local governments to consider an application for a development permit or development order contingent upon adoption of such plans and amendments; providing duties of the Department of Environmental Protection relating to such plans and plan amendments; prohibiting the adoption of small-scale development amendments for properties located within or near the Everglades Protection Area, etc. CA 01/16/2024 Favorable AG 02/06/2024 Fav/CS RC	Fav/CS Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 1364

INTRODUCER: Agriculture Committee and Senator Calatayud

SUBJECT: Everglades Protection Area

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 1364 requires any proposed comprehensive plan or plan amendment by a county as defined in s. 125.011(1), F.S., or any municipality located therein, applying to land within, or within 2 miles of, the Everglades Protection Area to be reviewed pursuant to the State Coordinated Review Process.

The Department of Environmental Protection (DEP) is tasked with determining whether the plan or plan amendment will adversely impact the Everglades Protection Area or the Everglades restoration and protection objectives in state law. It has 30 days after receipt of the plan or plan amendment to issue a written determination identifying any adverse impacts.

Before adoption, DEP must coordinate with the Department of Commerce, the local government, to identify any planning strategies or measures that the local government could include in the proposed plan or plan amendment to eliminate or mitigate any adverse impacts. If any portion of the proposed plan or plan amendment will result in adverse impacts, then the local government must either include planning strategies or measures to eliminate or mitigate the adverse impacts, or not adopt that portion of the proposed plan or plan amendment.

The bill provides that the act may not be construed to limit the Right to Farm Act.

The bill takes effect July 1, 2024.

II. Present Situation:

The Everglades/Florida Bay Ecosystem

The Everglades/Florida Bay system covers approximately two million acres in South Florida and contains the largest subtropical wetland in the United States.¹ The area is generally described as a vast sawgrass marsh dotted with tree islands and interspersed with wet prairies and aquatic sloughs.²

Historically, the Everglades covered over seven million acres of South Florida, and water flowed down the Kissimmee River into Lake Okeechobee, then south through the vast Everglades to Florida Bay.³ The present Everglades system has been subdivided by the construction of canals, levees, roads, and other facilities as part of efforts to drain the system for agriculture, development, and flood control. As a result, the Everglades is less than half the size it was a century ago, and connections between the central Everglades and adjacent transitional wetlands have been lost. This separation and isolation can impair the Everglades' wildlife communities and the sustainability of the ecosystem.⁴ Over time, the construction of canals and water control structures along with urban and agricultural expansion contributed to unintended consequences.⁵

In 1994, to address these issues, the Legislature passed the Everglades Forever Act (Act).⁶ The Act established numerous long-term goals and environmental standards to restore and protect the Everglades ecosystem, addressing issues including water quantity, water quality, and excessive levels of phosphorus. The Act contains measures for constructing stormwater treatment areas for water entering the Everglades, sets standards for best management practices to address phosphorous pollution loading, and establishes numeric criteria for water quality in the Everglades.⁷ Generally, the Act outlines Florida's commitment to restoring the Everglades ecosystem, and it authorizes programs for achieving this restoration.⁸ These programs work in cooperation with the multi-billion-dollar, multi-decade Comprehensive Everglades Restoration Plan that is a 50-50 partnership between the state and federal government.⁹

¹ South Florida Water Management District (SFWMD), *Everglades*, <https://www.sfwmd.gov/our-work/everglades> (last visited Feb. 5, 2024).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ SFWMD, *Everglades Restoration Progress*, 1 (2017), available at https://www.sfwmd.gov/sites/default/files/documents/spl_everglades_progress.pdf (last visited Feb. 5, 2024).

⁶ Chapter 94-115, ss. 1-2, Laws of Fla.; Section 373.4592, F.S.

⁷ Section 373.4592, F.S.; University of Florida, Institute of Food and Agricultural Sciences (UF-IFAS), Michael T. Olexa et. al., *2021 Handbook of Florida Water Regulation: Florida Everglades Forever Act*, 1-2 (2021), available at <https://edis.ifas.ufl.edu/pdffiles/FE/FE60900.pdf> (last visited Feb. 5, 2024).

⁸ See SFWMD, *Long-Term Plan for Achieving Water Quality Goals*, <https://www.sfwmd.gov/our-work/wq-stas/long-term-plan> (last visited Mar. 1, 2023); see SFWMD, *Restoration Strategies for Clean Water for the Everglades*, <https://www.sfwmd.gov/our-work/restoration-strategies> (last visited Feb. 5, 2024).

⁹ (UF-IFAS), Michael T. Olexa et. al., *2021 Handbook of Florida Water Regulation: Florida Everglades Forever Act*, 1 (2021), available at <https://edis.ifas.ufl.edu/pdffiles/FE/FE60900.pdf> (last visited Feb. 5, 2024); The Water Resources Development Act of 2000 (P.L. 106-541, Dec. 11, 2000); SFWMD, *CERP Project Planning*, <https://www.sfwmd.gov/our-work/cerp-project-planning> (last visited Feb. 5, 2024); DEP, *Comprehensive Everglades Restoration Plan (CERP)*, <https://floridadep.gov/eco-pro/eco-pro/content/comprehensive-everglades-restoration-plan-cerp> (last visited Feb. 5, 2024).



The Act establishes monitoring and protection for the “Everglades Protection Area,” defined as “Water Conservation Areas (WCAs) 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and the Everglades National Park.”¹⁰ WCA 1 is the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and it is managed by the U.S. Fish and Wildlife Service.¹¹ Water Conservation Areas 2 and 3 are managed by the Florida Fish and Wildlife Conservation Commission.¹² Everglades National Park is managed by the National Park Service.¹³

The WCAs are mainly large expanses of Everglades marsh habitat, which are closed off with control levees and canals.¹⁴ As part of the Central & Southern Florida Project first authorized by Congress in 1948, central portions of the Everglades were diked to create the WCAs.¹⁵ The WCAs have provided numerous benefits for the Everglades and south Florida, including: providing a detention reservoir for excess water from

the agricultural area and parts of the lower east coast region, and for flood discharge from Lake Okeechobee; providing levees to prevent Everglades floodwaters from inundating the lower east coast and provide water for agriculture and Everglades National Park; recharging the Biscayne

¹⁰ Section 373.4592(2)(i), F.S.; *see also* FLA. CON. art. II, s. 7(b). Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area are primarily responsible for the abatement costs. *Id.*

¹¹ SFWMD, *Water Conservation Area 1 (Arthur R. Marshall Loxahatchee National Wildlife Refuge)*, <https://www.sfwmd.gov/recreation-site/water-conservation-area-1-arthur-r-marshall-loxahatchee-national-wildlife-refuge> (last visited Feb. 5, 2024).

¹² Florida Fish and Wildlife Conservation Commission, *Everglades Water Conservation Areas*, <https://myfwc.com/fishing/freshwater/sites-forecasts/s/everglades-water-conservation-areas/> (last visited Feb. 5, 2024).

¹³ National Park Service, *Everglades National Park*, <https://www.nps.gov/ever/index.htm> (last visited Feb. 5, 2024); SFWMD, *2016 South Florida Environmental Report*, 3 (2016), available at https://issuu.com/southfloridawatermanagement/docs/2016_sfer_highlights_final?e=4207603/33817547 (last visited Feb. 5, 2024). This document contains the map found on this page.

¹⁴ SFWMD, *Water Conservation Areas 2 and 3 (Everglades & Francis S. Taylor Wildlife Management Area)*, <https://www.sfwmd.gov/recreation-site/water-conservation-areas-2-and-3-everglades-francis-s-taylor-wildlife-management-0> (last visited Feb. 5, 2024).

¹⁵ United States Army Corps of Engineers and SFWMD, *Central and Southern Florida Project Comprehensive Review Study, Final Feasibility Report and Programmatic Environmental Impact Statement*, 1-1 (Apr. 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf (last visited Feb. 5, 2024).

Aquifer for east coast communities; retarding salt water intrusion in coastal well fields; and benefitting fish and wildlife in the Everglades.¹⁶

The long-term water quality objective for the Everglades is to implement the optimal combination of source controls, stormwater treatment areas, advanced treatment technologies, and regulatory programs to ensure that all waters discharged to the Everglades Protection Area achieve water quality standards consistent with the Act.¹⁷ DEP implements a range of responsibilities under the Act, including coordinating programs on research, monitoring, and permitting activities.¹⁸ The Act requires the state of Florida to pursue certain objectives, including all of the following:

- Restore and protect the Everglades ecological system.
- Authorize the South Florida Water Management District to proceed expeditiously with implementation of the Everglades program.¹⁹
- Reduce excessive levels of phosphorus.
- Pursue comprehensive and innovative solutions to the issues of water quality, water quantity, hydroperiod, and invasions of non-native species that affect the Everglades ecosystem.
- Expedite plans and programs for improving water quantity reaching the Everglades.
- Pursue the Everglades Construction Project, while maximizing its benefits and using superior technology when available.
- Achieve the water quality goals of the Everglades program through implementation of stormwater treatment areas and best management practices.²⁰

Comprehensive Plans and Plan Amendments

In 1985, the Legislature passed the Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development.²¹ A local government's comprehensive plan outlines the needs and locations for future public facilities, including roads, water and wastewater infrastructure, residential neighborhoods, parks, schools, and commercial and industrial developments.²²

All development, both public and private, and all development orders²³ approved by local governments must be consistent with the local government's comprehensive plan.²⁴ Among the many components of a comprehensive plan is a land use element designating proposed future

¹⁶ *Id.* at 1-15.

¹⁷ DEP, *Everglades Forever Act (EFA)*, <https://floridadep.gov/eco-pro/eco-pro/content/everglades-forever-act-efa> (last visited Feb. 5, 2024).

¹⁸ *Id.*

¹⁹ Section 373.4592(2)(h), F.S. The “Everglades Program” is defined as the program of projects, regulations, and research provided by the Act. *Id.*

²⁰ *Id.*

²¹ Chapter 85-55, Laws of Fla.

²² Section 163.3177, F.S.

²³ “Development order” means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. “Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

²⁴ Section 163.3194(3), F.S.

general distribution, location, and extent of the uses of land.²⁵ Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.²⁶

In 2011, the Legislature bifurcated the process for approving comprehensive plan amendments.²⁷ Plan amendments are now placed into either the “Expedited State Review Process” or the “State Coordinated Review Process.”²⁸ The two processes operate in much the same way; however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the Department of Commerce (Commerce), rather than communicated directly to the permitting local government by each individual reviewing agency. Most plan amendments are required to follow the expedited process. Plan amendments in any of the following categories are required to follow the state coordinated process:

- Located in an area of critical state concern, which contains or has a significant impact on certain resources of regional or statewide importance;²⁹
- Propose a rural land stewardship area, which is designed to establish a long-term incentive-based strategy to balance and guide the allocation of land to accommodate future uses for environmental and economic purposes;³⁰
- Propose a sector plan or an amendment to an adopted sector plan, which emphasizes urban form and protection of regionally significant resources and public facilities;³¹
- Updates to comprehensive plans based on periodic evaluations of compliance with current state requirements;³²
- Propose a development of regional impact, which would have a substantial effect upon the health, safety, or welfare of citizens of more than one county;³³ or
- New plans for newly incorporated municipalities.³⁴

Under both processes, a proposed comprehensive plan or plan amendment must receive a public hearing by the local governing body before it may be transmitted to the state for review. First, the local planning board must hold a public hearing at which it makes a recommendation to the local governing body on adoption of the plan or plan amendment.³⁵ Then, the local governing body must hold a public hearing to consider transmittal of the proposed plan or plan amendment.³⁶ If a majority of the local governing body members present at the hearing approve such transmittal, the plan or amendment must be transmitted within 10 working days to the following state and local governmental entities, known as “reviewing agencies”:

- The Department of Commerce, designated as the “state land planning agency”;³⁷
- The appropriate regional planning council;

²⁵ Section 163.3177(6)(a), F.S.

²⁶ *Id.*

²⁷ Chapter 2011-139, s. 17, Laws of Fla.

²⁸ Section 163.3184(3) and (4), F.S.

²⁹ *See* s. 380.05, F.S.

³⁰ *See* s. 163.3248, F.S.

³¹ *See* s. 163.3245, F.S.

³² *See* s. 163.3191, F.S.

³³ *See* s. 380.06, F.S.

³⁴ Section 163.3184(2)(c), F.S.; *see* s. 163.3167, F.S.

³⁵ Sections 163.3174(4)(a), F.S.

³⁶ Sections 163.3184(11), F.S.

³⁷ Section 163.3164(44), F.S.

- The appropriate water management district;
- DEP;
- The Department of State;
- The Department of Transportation;
- The Department of Education, if plan amendments relate to public schools;
- The commanding officer of an affected military installation;
- The Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, in the case of county plans and plan amendments; and
- The county in which the municipality is located, in the case of municipal plans and plan amendments.³⁸

The reviewing agencies and certain other government entities may provide comments to the local government regarding a plan or plan amendment. State agencies may only comment on important state resources and facilities that will be adversely impacted by a plan amendment, if adopted.³⁹ Comments provided by state agencies must state with specificity how a plan amendment will adversely impact an important state resource or facility and must identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts.⁴⁰ Under the expedited process, these comments must be provided directly to the local government not later than 30 days after receipt of the plan amendment.⁴¹ Alternatively, the State Coordinated Review requires agencies to provide comments to the Department of Commerce.⁴² Commerce then has a total of 60 days from receipt to provide the local government with a report containing the state's objections, recommendations, and comments.⁴³

In both processes, comments from each governmental entity must be limited to their statutory purview.⁴⁴ For example, DEP must limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.⁴⁵

After the local government receives the comments made by the reviewing agencies, whether directly from the agencies or through the report issued by the Department of Commerce, the local governing body must hold a second public hearing to approve or deny the plan or plan amendment.⁴⁶ The second public hearing must be conducted within 180 days after the agency

³⁸ Section 163.3184(1)(c) and (3)(b)1., F.S.

³⁹ Section 163.3184(3)(b)2. and (4)(c), F.S. Department of Commerce has special requirements for providing comments on plans or plan amendments following the State Coordinated Review Process.

⁴⁰ *Id.*

⁴¹ Section 163.3184(3)(b)2.

⁴² Section 163.3184(4)(c)-(d), F.S.

⁴³ Section 163.3184(4)(d), F.S.; see Department of Commerce, *State Coordinated Review Amendment Process*, http://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/comp-plan/statecoordinatedreviewprocessflowchart.pdf?sfvrsn=d6a766b0_2 (last visited Feb. 5, 2024).

⁴⁴ Section 163.3184(3)(b)3-4 and (4)(c), F.S.

⁴⁵ Section 163.3184(3)(b)4.a., F.S.

⁴⁶ Section 163.3184(11), F.S.

comments are received. Generally, if a local government fails to hold the second public hearing within 180 days after receipt of agency comments, the plan amendment is deemed withdrawn.⁴⁷

Following adoption, the local government must transmit the plan or plan amendment to the Department of Commerce within 10 days of the second public hearing, and Commerce must notify the local government of any deficiencies with the plan amendment within five working days.⁴⁸ Commerce must determine that a plan or plan amendment is complete before it can go into effect. A plan or plan amendment must be deemed complete if it contains:

- A full, executed copy of the adoption ordinance or ordinances;
- In the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined and words deleted stricken with hyphens;
- In the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and
- A copy of any data and analyses the local government deems appropriate.⁴⁹

Under the State Coordinated Review Process, following the determination of completeness, the Department of Commerce has 45 days to determine whether the plan or plan amendment is in compliance with applicable law.⁵⁰ Commerce must issue a notice of intent to find that the plan or plan amendment is either in compliance or not in compliance, and the notice must be published on Commerce’s website. A plan or plan amendment adopted under the State Coordinated Review Process goes into effect pursuant to Commerce’s notice of intent.⁵¹ Under the Expedited State Review Process, a plan amendment goes into effect 31 days after Commerce notifies the local government that the plan amendment package is complete.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 163.3184, F.S., to require any proposed plan or plan amendment by a county as defined in s. 125.011(1), F.S., (i.e., Miami-Dade County)⁵² or any municipality located therein, applying to land within, or within 2 miles of, the Everglades Protection Area to be reviewed pursuant to the State Coordinated Review Process.

Under the bill, DEP must determine whether the proposed plan or plan amendment, or any portion thereof, will adversely impact the Everglades Protection Area or the Everglades restoration and protection objectives identified in s. 373.4592, F.S. DEP must issue a written determination to the Department of Commerce, and the local government, within 30 days after

⁴⁷ Section 163.3184(3)(c)1. and (4)(e)1., F.S. This 180-day timeframe may be extended by agreement as long as notice is provided to Department of Commerce and any affected person that provided comments on the plan amendment. Also, an exception exists for developments of regional impact.

⁴⁸ Section 163.3184(3)(c) and (4)(e), F.S.

⁴⁹ *Id.*

⁵⁰ Section 163.3184(4)(e)4., F.S.

⁵¹ Section 163.3184(4)(e)4.-5., F.S.

⁵² Section 125.011(1), F.S., defines county as “any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VII of the Constitution of 1885, as preserved by Art. VIII, s. (6)(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred.” Counties authorized to operate under a home rule charter pursuant to the constitutional provisions are Monroe County, Miami-Dade and Hillsborough Counties. Of these, only Miami-Dade County currently operates under a home-rule charter and meets the definition of “county” in s. 125.011(1), F.S.

receipt of the proposed plan or plan amendment. The determination must identify any adverse impacts and may be provided as part of DEP's reviewing comments.

Additionally, before adoption of the proposed plan or plan amendment, DEP must coordinate with the Department of Commerce and the local government to identify any planning strategies or measures that the local government could include in the proposed plan or plan amendment to eliminate or mitigate any adverse impacts to the Everglades Protection Area or the Everglades restoration and protection objectives identified in s. 373.4592, F.S.

If DEP determines that any portion of the proposed plan or plan amendment will adversely impact the Everglades Protection Area or the Everglades restoration and protection objectives identified in s. 373.4592, F.S., the local government must modify that portion of the proposed plan or plan amendment to include planning strategies or measures to eliminate or mitigate such adverse impacts before adopting the proposed plan or plan amendment, or that portion of the proposed plan or plan amendment may not be adopted.

The bill provides that comprehensive plan amendments that apply to any land within, or within 2 miles of, the Everglades Protection Area must be transmitted within 10 working days after the second public hearing to DEP.

The section provides that the act may not be construed to limit the Right to Farm Act.⁵³

Section 2 of the bill amends s. 163.3187, F.S., to:

- Clarify that site-specific text changes relating directly to, and adopted simultaneously with, a small scale future land use map amendment are permissible under that section.
- Provides that a small scale comprehensive plan amendment is not permitted for property that is located in Miami-Dade, Broward, or Monroe County which is the subject of a proposed amendment by a county as defined in s. 125.011(1), F.S., (i.e., Miami-Dade County) or any municipality within, or within 2 miles of, the Everglades Protection Area as defined under state law.
- Provide that within 10 days after the adoption of a small scale development amendment, a county whose boundaries include any portion of the Everglades Protection Area as defined under state law, and the municipalities within the county, must transmit a copy of the amendment to the Department of Commerce for recordkeeping purposes.
- The section provides that the act may not be construed to limit the Right to Farm Act.

Section 3 of the bill amends s. 420.615(5), F.S., to implement a conforming change.

Section 4 of the bill provides an effective date of July 1, 2024.

⁵³ The Florida Right to Farm Act was enacted in 1979 to protect agricultural production against some nuisance lawsuits. The laws do not grant absolute immunity but generally provide protections for defendants based upon a "coming to the nuisance" defense theory. These laws provide a liability shield for pre-existing agricultural operations when changes are made to the use of nearby parcels. See Section 823.14 F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Landowners and private interests seeking to develop land within two miles of the Everglades Protection Area may see an increase in the time to approve such developments.

C. Government Sector Impact:

The Department of Environmental Protection and to a lesser degree local governments, reviewing agencies, and the Department of Commerce may incur an indeterminate increase in costs associated with reviewing plans and plan amendments for potential impacts to the Everglades Protection Area.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3184, 163.3187, and 420.615

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on February 6, 2024:

The committee substitute limits proposed plans and plan amendments that must follow the state coordinated review process if land is within two miles of the Everglades Protection Area to a county as defined in s. 125.011(1), F.S., or any municipality located therein.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Agriculture (Calatayud) recommended the following:

Senate Amendment

Delete lines 49 - 193

and insert:

Protection Area as defined in s. 373.4592(2) must follow the state coordinated review process as provided in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(a) The process for amending a comprehensive plan described in this subsection applies ~~shall apply~~ to all amendments except



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11 as provided in paragraphs (2) (b), ~~and (c), and (d)~~ and is shall
12 ~~be~~ applicable statewide.

13 (4) STATE COORDINATED REVIEW PROCESS.—

14 (a) *Coordination.*—The state land planning agency shall only
15 use the state coordinated review process described in this
16 subsection for review of comprehensive plans and plan amendments
17 described in paragraphs (2) (c) and (d) ~~paragraph (2) (e)~~. Each
18 comprehensive plan or plan amendment proposed to be adopted
19 pursuant to this subsection must shall be transmitted, adopted,
20 and reviewed in the manner prescribed in this subsection. The
21 state land planning agency shall have responsibility for plan
22 review, coordination, and the preparation and transmission of
23 comments, pursuant to this subsection, to the local governing
24 body responsible for the comprehensive plan or plan amendment.

25 (b) *Local government transmittal of proposed plan or*
26 *amendment.*—Each local governing body proposing a plan or plan
27 amendment specified in paragraph (2) (c) or paragraph (2) (d)
28 shall transmit the complete proposed comprehensive plan or plan
29 amendment to the reviewing agencies within 10 working days after
30 the first public hearing pursuant to subsection (11). The
31 transmitted document must shall clearly indicate on the cover
32 sheet that this plan amendment is subject to the state
33 coordinated review process of this subsection. The local
34 governing body shall also transmit a copy of the complete
35 proposed comprehensive plan or plan amendment to any other unit
36 of local government or government agency in the state that has
37 filed a written request with the governing body for the plan or
38 plan amendment.

39 (c) *Reviewing agency comments.*—The agencies specified in



40 paragraph (b) may provide comments regarding the plan or plan
41 amendments in accordance with subparagraphs (3)(b)2.-4. However,
42 comments on plans or plan amendments required to be reviewed
43 under the state coordinated review process must ~~shall~~ be sent to
44 the state land planning agency within 30 days after receipt by
45 the state land planning agency of the complete proposed plan or
46 plan amendment from the local government. If the state land
47 planning agency comments on a plan or plan amendment adopted
48 under the state coordinated review process, it must ~~shall~~
49 provide comments according to paragraph (e) ~~(d)~~. Any other unit
50 of local government or government agency specified in paragraph
51 (b) may provide comments to the state land planning agency in
52 accordance with subparagraphs (3)(b)2.-4. within 30 days after
53 receipt by the state land planning agency of the complete
54 proposed plan or plan amendment. Written comments submitted by
55 the public must ~~shall~~ be sent directly to the local government.

56 (d) Everglades Protection Area determinations.—A proposed
57 plan or plan amendment by a county as defined in s. 125.011(1)
58 or any municipality located therein which applies to any land
59 within, or within 2 miles of, the Everglades Protection Area as
60 defined in s. 373.4592(2) must be reviewed pursuant to this
61 paragraph by the Department of Environmental Protection. The
62 department shall determine whether the proposed plan or plan
63 amendment, or any portion thereof, adversely impacts the
64 Everglades Protection Area or the Everglades restoration and
65 protection objectives identified in s. 373.4592. The department
66 shall issue a written determination to the state land planning
67 agency and the local government within 30 days after receipt of
68 the proposed plan or plan amendment. The determination must



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69 identify any adverse impacts and may be provided as part of the
70 agency's comments pursuant to paragraph (c). Before the adoption
71 of the proposed plan or plan amendment, the department shall
72 work in coordination with the state land planning agency and the
73 local government to identify any planning strategies or measures
74 that the local government could include in the proposed plan or
75 plan amendment to eliminate or mitigate any adverse impacts to
76 the Everglades Protection Area or the Everglades restoration and
77 protection objectives identified in s. 373.4592. If the
78 department determines that any portion of the proposed plan or
79 plan amendment will adversely impact the Everglades Protection
80 Area or the Everglades restoration and protection objectives
81 identified in s. 373.4592, the local government must modify that
82 portion of the proposed plan or plan amendment to include
83 planning strategies or measures to eliminate or mitigate such
84 adverse impacts before adopting the proposed plan or plan
85 amendment or that portion of the proposed plan or plan amendment
86 may not be adopted.

87 (e) State land planning agency review.-

88 1. If the state land planning agency elects to review a
89 plan or plan amendment specified in paragraph (2)(c), the agency
90 shall issue a report giving its objections, recommendations, and
91 comments regarding the proposed plan or plan amendment within 60
92 days after receipt of the proposed plan or plan amendment.

93 Notwithstanding the limitation on comments in sub-subparagraph
94 (3)(b)4.g., the state land planning agency may make objections,
95 recommendations, and comments in its report regarding whether
96 the plan or plan amendment is in compliance and whether the plan
97 or plan amendment will adversely impact important state



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98 resources and facilities. Any objection regarding an important
99 state resource or facility that will be adversely impacted by
100 the adopted plan or plan amendment shall also state with
101 specificity how the plan or plan amendment will adversely impact
102 the important state resource or facility and shall identify
103 measures the local government may take to eliminate, reduce, or
104 mitigate the adverse impacts. When a federal, state, or regional
105 agency has implemented a permitting program, a local government
106 is not required to duplicate or exceed that permitting program
107 in its comprehensive plan or to implement such a permitting
108 program in its land development regulations. This subparagraph
109 does not prohibit the state land planning agency in conducting
110 its review of local plans or plan amendments from making
111 objections, recommendations, and comments regarding densities
112 and intensities consistent with this part. In preparing its
113 comments, the state land planning agency shall only base its
114 considerations on written, and not oral, comments.

115 2. The state land planning agency review shall identify all
116 written communications with the agency regarding the proposed
117 plan amendment. The written identification must include a list
118 of all documents received or generated by the agency, which list
119 must be of sufficient specificity to enable the documents to be
120 identified and copies requested, if desired, and the name of the
121 person to be contacted to request copies of any identified
122 document.

123 ~~(f)(e)~~ *Local government review of comments; adoption of*
124 *plan or amendments and transmittal.*—

125 1. The local government shall review the report submitted
126 to it by the state land planning agency, if any, and written



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127 comments submitted to it by any other person, agency, or
128 government. The local government, upon receipt of the report
129 from the state land planning agency, shall hold a ~~its~~ second
130 public hearing, ~~which shall be a hearing~~ to determine whether to
131 adopt the comprehensive plan or one or more comprehensive plan
132 amendments pursuant to subsection (11). If the local government
133 fails to hold the second hearing within 180 days after receipt
134 of the state land planning agency's report, the amendments are
135 ~~shall be~~ deemed withdrawn unless extended by agreement with
136 notice to the state land planning agency and any affected person
137 who ~~that~~ provided comments on the amendment. The 180-day
138 limitation does not apply to amendments processed pursuant to s.
139 380.06.

140 2. All comprehensive plan amendments adopted by the
141 governing body, along with the supporting data and analysis,
142 must ~~shall~~ be transmitted within 10 working days after the
143 second public hearing to the state land planning agency and any
144 other agency or local government that provided timely comments
145 under paragraph (c). Comprehensive plan amendments by a county
146 as defined in s. 125.011(1) or any municipality located therein
147 which apply to land within, or within 2 miles of, the Everglades
148 Protection Area as defined in s. 373.4592(2) must also be

By Senator Calatayud

38-01172A-24

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1 A bill to be entitled
 2 An act relating to the Everglades Protection Area;
 3 amending s. 163.3184, F.S.; requiring that proposed
 4 plans and plan amendments that apply to certain lands
 5 within or near the Everglades Protection Area follow
 6 the state coordinated review process; conforming
 7 provisions to changes made by the act; authorizing
 8 local governments to consider an application for a
 9 development permit or development order contingent
 10 upon adoption of such plans and amendments; providing
 11 duties of the Department of Environmental Protection
 12 relating to such plans and plan amendments; providing
 13 a condition for the adoption of such plans and plan
 14 amendments upon a certain determination by the
 15 department; specifying a requirement for the
 16 transmittal of certain comprehensive plan amendments
 17 to the department; making technical changes; providing
 18 construction; amending s. 163.3187, F.S.; authorizing
 19 site-specific text changes for small-scale future land
 20 use map amendments; prohibiting the adoption of small-
 21 scale development amendments for properties located
 22 within or near the Everglades Protection Area;
 23 requiring local governments whose boundaries include
 24 any portion of the Everglades Protection Area to
 25 transmit copies of adopted small-scale development
 26 amendments to the state land planning agency within a
 27 specified timeframe; making technical changes;
 28 providing construction; amending s. 420.615, F.S.;
 29 conforming a cross-reference; providing an effective

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30 date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Paragraph (a) of subsection (2), paragraph (a)
 35 of subsection (3), subsection (4), paragraph (b) of subsection
 36 (5), and paragraph (a) of subsection (11) of section 163.3184,
 37 Florida Statutes, are amended, and paragraph (d) is added to
 38 subsection (2) and subsection (14) is added to that section, to
 39 read:
 40 163.3184 Process for adoption of comprehensive plan or plan
 41 amendment.—
 42 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
 43 (a) Plan amendments adopted by local governments must ~~shall~~
 44 follow the expedited state review process in subsection (3),
 45 except as set forth in paragraphs (b), ~~and~~ (c), and (d).
 46 (d) Proposed plans and plan amendments by a county as
 47 defined in s. 125.011(1) or any municipality located therein
 48 which apply to land within, or within 2 miles of, the Everglades
 49 Protection Area as defined in s. 373.4592(2), such as lands
 50 within Miami-Dade, Broward, or Monroe County, must follow the
 51 state coordinated review process as provided in subsection (4).
 52 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
 53 COMPREHENSIVE PLAN AMENDMENTS.—
 54 (a) The process for amending a comprehensive plan described
 55 in this subsection applies ~~shall apply~~ to all amendments except
 56 as provided in paragraphs (2)(b), ~~and~~ (c), and (d) and is ~~shall~~
 57 ~~be~~ applicable statewide.
 58 (4) STATE COORDINATED REVIEW PROCESS.—

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59 (a) *Coordination.*—The state land planning agency shall only
 60 use the state coordinated review process described in this
 61 subsection for review of comprehensive plans and plan amendments
 62 described in paragraphs (2) (c) and (d) ~~paragraph (2) (e)~~. Each
 63 comprehensive plan or plan amendment proposed to be adopted
 64 pursuant to this subsection ~~must shall~~ be transmitted, adopted,
 65 and reviewed in the manner prescribed in this subsection. The
 66 state land planning agency shall have responsibility for plan
 67 review, coordination, and the preparation and transmission of
 68 comments, pursuant to this subsection, to the local governing
 69 body responsible for the comprehensive plan or plan amendment.

70 (b) *Local government transmittal of proposed plan or*
 71 *amendment.*—Each local governing body proposing a plan or plan
 72 amendment specified in paragraph (2) (c) or paragraph (2) (d)
 73 shall transmit the complete proposed comprehensive plan or plan
 74 amendment to the reviewing agencies within 10 working days after
 75 the first public hearing pursuant to subsection (11). The
 76 transmitted document ~~must shall~~ clearly indicate on the cover
 77 sheet that this plan amendment is subject to the state
 78 coordinated review process of this subsection. The local
 79 governing body shall also transmit a copy of the complete
 80 proposed comprehensive plan or plan amendment to any other unit
 81 of local government or government agency in the state that has
 82 filed a written request with the governing body for the plan or
 83 plan amendment.

84 (c) *Reviewing agency comments.*—The agencies specified in
 85 paragraph (b) may provide comments regarding the plan or plan
 86 amendments in accordance with subparagraphs (3) (b) 2.-4. However,
 87 comments on plans or plan amendments required to be reviewed

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88 under the state coordinated review process ~~must shall~~ be sent to
 89 the state land planning agency within 30 days after receipt by
 90 the state land planning agency of the complete proposed plan or
 91 plan amendment from the local government. If the state land
 92 planning agency comments on a plan or plan amendment adopted
 93 under the state coordinated review process, it ~~must shall~~
 94 provide comments according to paragraph (e) ~~(d)~~. Any other unit
 95 of local government or government agency specified in paragraph
 96 (b) may provide comments to the state land planning agency in
 97 accordance with subparagraphs (3) (b) 2.-4. within 30 days after
 98 receipt by the state land planning agency of the complete
 99 proposed plan or plan amendment. Written comments submitted by
 100 the public ~~must shall~~ be sent directly to the local government.

101 (d) Everglades Protection Area determinations.—A proposed
 102 plan or plan amendment that applies to any land within, or
 103 within 2 miles of, the Everglades Protection Area as defined in
 104 s. 373.4592(2) must be reviewed pursuant to this paragraph by
 105 the Department of Environmental Protection. The department shall
 106 determine whether the proposed plan or plan amendment, or any
 107 portion thereof, adversely impacts the Everglades Protection
 108 Area or the Everglades restoration and protection objectives
 109 identified in s. 373.4592. The department shall issue a written
 110 determination to the state land planning agency and the local
 111 government within 30 days after receipt of the proposed plan or
 112 plan amendment. The determination must identify any adverse
 113 impacts and may be provided as part of the agency's comments
 114 pursuant to paragraph (c). Before the adoption of the proposed
 115 plan or plan amendment, the department shall work in
 116 coordination with the state land planning agency and the local

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117 government to identify any planning strategies or measures that
 118 the local government could include in the proposed plan or plan
 119 amendment to eliminate or mitigate any adverse impacts to the
 120 Everglades Protection Area or the Everglades restoration and
 121 protection objectives identified in s. 373.4592. If the
 122 department determines that any portion of the proposed plan or
 123 plan amendment will adversely impact the Everglades Protection
 124 Area or the Everglades restoration and protection objectives
 125 identified in s. 373.4592, the local government must modify that
 126 portion of the proposed plan or plan amendment to include
 127 planning strategies or measures to eliminate or mitigate such
 128 adverse impacts before adopting the proposed plan or plan
 129 amendment or that portion of the proposed plan or plan amendment
 130 may not be adopted.

131 (e) State land planning agency review.-

132 1. If the state land planning agency elects to review a
 133 plan or plan amendment specified in paragraph (2)(c), the agency
 134 shall issue a report giving its objections, recommendations, and
 135 comments regarding the proposed plan or plan amendment within 60
 136 days after receipt of the proposed plan or plan amendment.
 137 Notwithstanding the limitation on comments in sub-subparagraph
 138 (3)(b)4.g., the state land planning agency may make objections,
 139 recommendations, and comments in its report regarding whether
 140 the plan or plan amendment is in compliance and whether the plan
 141 or plan amendment will adversely impact important state
 142 resources and facilities. Any objection regarding an important
 143 state resource or facility that will be adversely impacted by
 144 the adopted plan or plan amendment shall also state with
 145 specificity how the plan or plan amendment will adversely impact

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146 the important state resource or facility and shall identify
 147 measures the local government may take to eliminate, reduce, or
 148 mitigate the adverse impacts. When a federal, state, or regional
 149 agency has implemented a permitting program, a local government
 150 is not required to duplicate or exceed that permitting program
 151 in its comprehensive plan or to implement such a permitting
 152 program in its land development regulations. This subparagraph
 153 does not prohibit the state land planning agency in conducting
 154 its review of local plans or plan amendments from making
 155 objections, recommendations, and comments regarding densities
 156 and intensities consistent with this part. In preparing its
 157 comments, the state land planning agency shall only base its
 158 considerations on written, and not oral, comments.

159 2. The state land planning agency review shall identify all
 160 written communications with the agency regarding the proposed
 161 plan amendment. The written identification must include a list
 162 of all documents received or generated by the agency, which list
 163 must be of sufficient specificity to enable the documents to be
 164 identified and copies requested, if desired, and the name of the
 165 person to be contacted to request copies of any identified
 166 document.

167 (f)-(e) Local government review of comments; adoption of
 168 plan or amendments and transmittal.-

169 1. The local government shall review the report submitted
 170 to it by the state land planning agency, if any, and written
 171 comments submitted to it by any other person, agency, or
 172 government. The local government, upon receipt of the report
 173 from the state land planning agency, shall hold a ~~its~~ second
 174 public hearing, ~~which shall be a hearing~~ to determine whether to

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175 adopt the comprehensive plan or one or more comprehensive plan
 176 amendments pursuant to subsection (11). If the local government
 177 fails to hold the second hearing within 180 days after receipt
 178 of the state land planning agency's report, the amendments are
 179 ~~shall be~~ deemed withdrawn unless extended by agreement with
 180 notice to the state land planning agency and any affected person
 181 who that provided comments on the amendment. The 180-day
 182 limitation does not apply to amendments processed pursuant to s.
 183 380.06.

184 2. All comprehensive plan amendments adopted by the
 185 governing body, along with the supporting data and analysis,
 186 must shall be transmitted within 10 working days after the
 187 second public hearing to the state land planning agency and any
 188 other agency or local government that provided timely comments
 189 under paragraph (c). Comprehensive plan amendments by a county
 190 as defined in s. 125.011(1) or any municipality located therein
 191 which apply to land within, or within 2 miles of, the Everglades
 192 Protection Area as defined in s. 373.4592(2), such as lands
 193 within Miami-Dade, Broward, or Monroe County, must also be
 194 transmitted within 10 working days after the second public
 195 hearing to the Department of Environmental Protection.

196 3. The state land planning agency shall notify the local
 197 government of any deficiencies within 5 working days after
 198 receipt of a plan or plan amendment package. For purposes of
 199 completeness, a plan or plan amendment is shall be deemed
 200 complete if it contains a full, executed copy of the adoption
 201 ordinance or ordinances; in the case of a text amendment, a full
 202 copy of the amended language in legislative format with new
 203 words inserted in the text underlined, and words deleted

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204 stricken with hyphens; in the case of a future land use map
 205 amendment, a copy of the future land use map clearly depicting
 206 the parcel, its existing future land use designation, and its
 207 adopted designation; and a copy of any data and analyses the
 208 local government deems appropriate.

209 4. After the state land planning agency makes a
 210 determination of completeness regarding the adopted plan or plan
 211 amendment, the state land planning agency has shall have 45 days
 212 to determine if the plan or plan amendment is in compliance with
 213 this act. Unless the plan or plan amendment is substantially
 214 changed from the one commented on, the state land planning
 215 agency's compliance determination is shall be limited to
 216 objections raised in the objections, recommendations, and
 217 comments report. During the period provided for in this
 218 subparagraph, the state land planning agency shall issue,
 219 through a senior administrator or the secretary, a notice of
 220 intent to find that the plan or plan amendment is in compliance
 221 or not in compliance. The state land planning agency shall post
 222 a copy of the notice of intent on the agency's ~~Internet~~ website.
 223 Publication by the state land planning agency of the notice of
 224 intent on the state land planning agency's website is Internet
 225 ~~site shall be~~ prima facie evidence of compliance with the
 226 publication requirements of this subparagraph.

227 5. A plan or plan amendment adopted under the state
 228 coordinated review process must shall go into effect pursuant to
 229 the state land planning agency's notice of intent. If timely
 230 challenged, an amendment does not become effective until the
 231 state land planning agency or the Administration Commission
 232 enters a final order determining the adopted amendment to be in

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233 compliance.

234 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
235 AMENDMENTS.—

236 (b) The state land planning agency may file a petition with
237 the Division of Administrative Hearings pursuant to ss. 120.569
238 and 120.57, with a copy served on the affected local government,
239 to request a formal hearing to challenge whether the plan or
240 plan amendment is in compliance as defined in paragraph (1)(b).
241 The state land planning agency's petition must clearly state the
242 reasons for the challenge. Under the expedited state review
243 process, this petition must be filed with the division within 30
244 days after the state land planning agency notifies the local
245 government that the plan amendment package is complete according
246 to subparagraph (3)(c)3. Under the state coordinated review
247 process, this petition must be filed with the division within 45
248 days after the state land planning agency notifies the local
249 government that the plan amendment package is complete according
250 to subparagraph (4)(f)3. ~~(4)(e)3.~~

251 1. The state land planning agency's challenge to plan
252 amendments adopted under the expedited state review process is
253 ~~shall be~~ limited to the comments provided by the reviewing
254 agencies pursuant to subparagraphs (3)(b)2.-4., upon a
255 determination by the state land planning agency that an
256 important state resource or facility will be adversely impacted
257 by the adopted plan amendment. The state land planning agency's
258 petition must ~~shall~~ state with specificity how the plan
259 amendment will adversely impact the important state resource or
260 facility. The state land planning agency may challenge a plan
261 amendment that has substantially changed from the version on

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262 which the agencies provided comments but only upon a
263 determination by the state land planning agency that an
264 important state resource or facility will be adversely impacted.

265 2. If the state land planning agency issues a notice of
266 intent to find the comprehensive plan or plan amendment not in
267 compliance with this act, the notice of intent must ~~shall~~ be
268 forwarded to the Division of Administrative Hearings of the
269 Department of Management Services, which shall conduct a
270 proceeding under ss. 120.569 and 120.57 in the county of and
271 convenient to the affected local jurisdiction. The parties to
272 the proceeding must ~~shall~~ be the state land planning agency, the
273 affected local government, and any affected person who
274 intervenes. A ~~No~~ new issue may not be alleged as a reason to
275 find a plan or plan amendment not in compliance in an
276 administrative pleading filed more than 21 days after
277 publication of notice unless the party seeking that issue
278 establishes good cause for not alleging the issue within that
279 time period. Good cause does not include excusable neglect.

280 (11) PUBLIC HEARINGS.—

281 (a) The procedure for transmittal of a complete proposed
282 comprehensive plan or plan amendment pursuant to subparagraph
283 (3)(b)1. and paragraph (4)(b) and for adoption of a
284 comprehensive plan or plan amendment pursuant to subparagraphs
285 (3)(c)1. and (4)(e)1. is ~~shall be~~ by affirmative vote of not
286 less than a majority of the members of the governing body
287 present at the hearing. The adoption of a comprehensive plan or
288 plan amendment is ~~shall be~~ by ordinance. For the purposes of
289 transmitting or adopting a comprehensive plan or plan amendment,
290 the notice requirements in chapters 125 and 166 are superseded

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291 by this subsection, except as provided in this part.

292 (14) This act may not be construed to limit the rights and
 293 protections granted by s. 823.14.

294 Section 2. Subsections (1), (2), (3), and (5) of section
 295 163.3187, Florida Statutes, are amended, and subsection (6) is
 296 added to that section, to read:

297 163.3187 Process for adoption of small-scale ~~small-scale~~
 298 comprehensive plan amendment.-

299 (1) A small-scale ~~small-scale~~ development amendment may be
 300 adopted if all of ~~under~~ the following conditions are met:

301 (a) The proposed amendment involves a use of 50 acres or
 302 fewer, ~~and~~

303 (b) The proposed amendment does not involve a text change
 304 to the goals, policies, and objectives of the local government's
 305 comprehensive plan, but only proposes a land use change to the
 306 future land use map for a site-specific small-scale ~~small-scale~~
 307 development activity. However, site-specific text changes that
 308 relate directly to, and are adopted simultaneously with, the
 309 small-scale ~~small-scale~~ future land use map amendment are shall
 310 ~~be~~ permissible under this section.

311 (c) The property that is the subject of the proposed
 312 amendment is not located within an area of critical state
 313 concern, unless the project subject to the proposed amendment
 314 involves the construction of affordable housing units meeting
 315 the criteria of s. 420.0004(3), and is located within an area of
 316 critical state concern designated by s. 380.0552 or by the
 317 Administration Commission pursuant to s. 380.05(1).

318 (d) The property located in Miami-Dade, Broward, or Monroe
 319 County which is the subject of the proposed amendment by a

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320 county as defined in s. 125.011(1) or any municipality located
 321 therein is not located in whole or in part within, or within 2
 322 miles of, the Everglades Protection Area as defined in s.
 323 373.4592(2).

324 (2) Small-scale ~~Small-scale~~ development amendments adopted
 325 pursuant to this section require only one public hearing before
 326 the governing board, which must ~~shall~~ be an adoption hearing as
 327 described in s. 163.3184(11). Within 10 days after the adoption
 328 of a small-scale development amendment by a county whose
 329 boundaries include any portion of the Everglades Protection Area
 330 as defined in s. 373.4592(2), a county and the municipalities
 331 within that county shall transmit a copy of the amendment to the
 332 state land planning agency for recordkeeping purposes.

333 (3) If the small-scale ~~small-scale~~ development amendment
 334 involves a site within a rural area of opportunity as defined
 335 under s. 288.0656(2)(d) for the duration of such designation,
 336 the acreage limit listed in subsection (1) shall be increased by
 337 100 percent. The local government approving the small-scale
 338 ~~small-scale~~ plan amendment shall certify to the state land
 339 planning agency that the plan amendment furthers the economic
 340 objectives set forth in the executive order issued under s.
 341 288.0656(7), and the property subject to the plan amendment
 342 shall undergo public review to ensure that all concurrency
 343 requirements and federal, state, and local environmental permit
 344 requirements are met.

345 (5) (a) Any affected person may file a petition with the
 346 Division of Administrative Hearings pursuant to ss. 120.569 and
 347 120.57 to request a hearing to challenge the compliance of a
 348 small-scale ~~small-scale~~ development amendment with this act

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349 within 30 days following the local government's adoption of the
 350 amendment and shall serve a copy of the petition on the local
 351 government. An administrative law judge shall hold a hearing in
 352 the affected jurisdiction not less than 30 days nor more than 60
 353 days following the filing of a petition and the assignment of an
 354 administrative law judge. The parties to a hearing held pursuant
 355 to this subsection shall be the petitioner, the local
 356 government, and any intervenor. In the proceeding, the plan
 357 amendment shall be determined to be in compliance if the local
 358 government's determination that the small-scale ~~small-scale~~
 359 development amendment is in compliance is fairly debatable. The
 360 state land planning agency may not intervene in any proceeding
 361 initiated pursuant to this section. The prevailing party in a
 362 challenge filed under this paragraph is entitled to recover
 363 attorney fees and costs in challenging or defending the order,
 364 including reasonable appellate attorney fees and costs.

365 (b)1. If the administrative law judge recommends that the
 366 small-scale ~~small-scale~~ development amendment be found not in
 367 compliance, the administrative law judge shall submit the
 368 recommended order to the Administration Commission for final
 369 agency action. If the administrative law judge recommends that
 370 the small-scale ~~small-scale~~ development amendment be found in
 371 compliance, the administrative law judge shall submit the
 372 recommended order to the state land planning agency.

373 2. If the state land planning agency determines that the
 374 plan amendment is not in compliance, the agency shall submit,
 375 within 30 days following its receipt, the recommended order to
 376 the Administration Commission for final agency action. If the
 377 state land planning agency determines that the plan amendment is

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378 in compliance, the agency shall enter a final order within 30
 379 days following its receipt of the recommended order.

380 (c) Small-scale ~~small-scale~~ development amendments may not
 381 become effective until 31 days after adoption. If challenged
 382 within 30 days after adoption, small-scale ~~small-scale~~
 383 development amendments may not become effective until the state
 384 land planning agency or the Administration Commission,
 385 respectively, issues a final order determining that the adopted
 386 small-scale ~~small-scale~~ development amendment is in compliance.

387 (d) In all challenges under this subsection, when a
 388 determination of compliance as defined in s. 163.3184(1)(b) is
 389 made, consideration shall be given to the plan amendment as a
 390 whole and whether the plan amendment furthers the intent of this
 391 part.

392 (6) This section may not be construed to limit the rights
 393 and protections granted by s. 823.14.

394 Section 3. Subsection (5) of section 420.615, Florida
 395 Statutes, is amended to read:

396 420.615 Affordable housing land donation density bonus
 397 incentives.—

398 (5) The local government, as part of the approval process,
 399 shall adopt a comprehensive plan amendment, pursuant to part II
 400 of chapter 163, for the receiving land that incorporates the
 401 density bonus. Such amendment shall be adopted in the manner as
 402 required for small-scale amendments pursuant to s. 163.3187 and
 403 is not subject to the requirements of s. 163.3184(4)(b), (c), or
 404 (e) s. 163.3184(4)(b)–(d).

405 Section 4. This act shall take effect July 1, 2024.

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 1364

Bill Number or Topic

2/6/24

Meeting Date

Agriculture (Sen)

Committee

Amendment Barcode (if applicable)

Name Suzanne Priny

Phone (850) 339-7847

Address 1977 Charlais St

Street

Email print/sg@gmail.com

Tallahassee FL 32317

City

State

Zip

Reset Form

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/16/24

Meeting Date

SB 1364

Bill Number or Topic

Agriculture

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Anna Upton, Everglades Trust Phone 850-228-6360

Address 960 Live Oak Plantation Road Email anna@evergladestrust.org

Tallahassee FL 32312

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Everglades Trust

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/2024

1364

Meeting Date

Bill Number or Topic

Agriculture

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Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Elizabeth Alvi (Audubon Florida)**

Phone **850-222-1098**

Address **308 N. Monroe**

Email **Beth.Alvi@audubon.org**

Street

Tallahassee

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Audubon Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB 1364

Bill Number or Topic

Agreement

Committee

Amendment Barcode (if applicable)

Name

Laura Reynolds

Phone

786-543-1926

Address

6820 SW 64th Ct.

Email

lreynolds@conceptshk.com

Street

South Miami FL

33143

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, Chair
Appropriations Committee on Education
Education Pre-K 12
Fiscal Policy
Health Policy
Select Committee on Resiliency

SENATOR Alexis Calatayud

38th District

January 18, 2024

Honorable Senator Jay Collins
Chair - Committee on Agriculture
Honorable Chair Collins,

I respectfully request that **SB- 1364 Everglades Protection Area** be placed on the next committee agenda.

This bill requires that proposed plans and plan amendments that apply to certain lands within or near the Everglades Protection Area follow the state coordinated review process; authorizing local governments to consider an application for a development permit or development order contingent upon adoption of such plans and amendments; providing duties of the Department of Environmental Protection relating to such plans and plan amendments; prohibiting the adoption of small-scale development amendments for properties located within or near the Everglades Protection Area.

Sincerely,

Alexis M. Calatayud

Senator Alexis M. Calatayud
Florida Senate, District 38

CC: Katherine Becker, Staff Director
Evan Denny, Committee Administrative Assistant

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Committee on Agriculture

Judge:

Started: 2/6/2024 11:30:12 AM

Ends: 2/6/2024 11:38:08 AM

Length: 00:07:57

11:30:15 AM Chair Collins makes opening remarks
11:30:41 AM Senator Boyd makes opening remarks
11:31:11 AM Senator Simon makes opening remarks
11:32:31 AM Chair Collins
11:32:37 AM Chair Collins calls meeting to order
11:32:45 AM Roll call
11:33:07 AM Quorum is present
11:33:09 AM Pledge of Allegiance
11:33:19 AM Tab 1, SB 1364 on Everglades Protection Area by Calatayud
11:33:22 AM Senator Calatayud explains the bill
11:34:26 AM Amendment #836216 by Calatayud
11:34:41 AM Senator Calatayud explains the amendment
11:35:04 AM Chair Collins reports the amendment
11:35:12 AM Chair Collins recognizes public appearance
11:36:33 AM Laura Reynolds
11:36:44 AM Senator Calatayud closes on the bill
11:37:08 AM Roll call
11:37:31 AM Senator Berman moves to adjourn
11:37:39 AM Meeting adjourned