

By Representative Livingston

1 A bill to be entitled
2 An act relating to comprehensive planning and
3 land management; amending s. 163.3187, F.S.;
4 providing that the limitation on frequency of
5 amendments to a local government's adopted
6 comprehensive plan does not apply to amendments
7 to, or related to, the schedule of capital
8 improvements of the capital improvements
9 element; providing that such amendments require
10 only one public hearing; directing the
11 Department of Community Affairs to evaluate
12 statutory requirements for evaluation and
13 appraisal of comprehensive plans, in
14 consultation with a technical committee;
15 requiring a report; amending s. 380.051, F.S.;
16 removing the requirement that the state land
17 planning agency, the Department of
18 Environmental Protection, the Department of
19 Health, and other state and regional agencies
20 establish by rule procedures for coordinated
21 agency review for projects in the Florida Keys
22 area of critical state concern and requiring
23 interagency agreements with respect thereto;
24 amending s. 380.06, F.S.; removing the
25 requirement that the state land planning agency
26 establish by rule procedures and criteria for a
27 developer to petition for authorization to
28 submit a proposed areawide development of
29 regional impact for a defined planning area;
30 providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Paragraph (f) is added to subsection (1) of
4 section 163.3187, Florida Statutes, 1996 Supplement, to read:

5 163.3187 Amendment of adopted comprehensive plan.--

6 (1) Amendments to comprehensive plans adopted pursuant
7 to this part may be made not more than two times during any
8 calendar year, except:

9 (f) A local government comprehensive plan amendment to
10 the schedule of capital improvements of the capital
11 improvements element, and any amendments directly related to
12 the schedule of capital improvements. Such amendments may be
13 processed in accordance with the annual budgeting and capital
14 improvements programming process of the local government. Any
15 plan amendment adopted pursuant to this paragraph requires
16 only one public hearing before the governing body of the local
17 government.

18 Section 2. The Department of Community Affairs shall
19 evaluate statutory provisions relating to the evaluation and
20 appraisal of comprehensive plans required pursuant to s.
21 163.3191, Florida Statutes, and shall consider changes to
22 these statutes, in consultation with a technical committee of
23 at least 15 members, appointed by the Secretary of Community
24 Affairs. The membership of the committee shall be
25 representative of local governments, regional planning
26 councils, the private sector, and environmental organizations.
27 On or before December 15, 1997, the state land planning agency
28 shall report to the Governor, the President of the Senate, and
29 the Speaker of the House of Representatives on its
30 recommendations for appropriate changes to the requirements
31 for evaluation and appraisal of comprehensive plans in chapter

1 163, Florida Statutes, on funding for local governments with
2 respect thereto, and on the roles of state agencies in
3 assisting local governments with such requirements.

4 Section 3. Section 380.051, Florida Statutes, is
5 amended to read:

6 380.051 Coordinated agency review; Florida Keys
7 area.--

8 (1)(a) In order to facilitate the planning and
9 preparation of permit applications for projects in the Florida
10 Keys area of critical state concern, and in order to
11 coordinate the information required to issue such permits, a
12 developer may elect to request coordinated agency review under
13 this section at the time of application for a development
14 permit subject to s. 380.05.

15 (b) "Coordinated agency review" means review of the
16 proposed location, densities, intensity of use, character,
17 major design features, and environmental impacts of a proposed
18 development in the Florida Keys area of critical state concern
19 required to undergo review under s. 380.05 for the purposes of
20 considering whether these aspects of the proposed development
21 comply with the certifying agency's statutes and rules.

22 ~~(2)(a) The state land planning agency shall, in~~
23 ~~cooperation with state and regional agencies, develop by rule~~
24 ~~a coordinated agency review procedure in the Florida Keys area~~
25 ~~of critical state concern by January 1, 1987.~~ If a developer
26 chooses to seek review under this section, the developer shall
27 complete a coordinated review application and the state land
28 planning agency shall distribute copies of the application to
29 participating agencies. Each state and regional agency with
30 jurisdiction over the project shall certify, within 60 days of
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1 receipt of such application, whether the project is consistent
2 with agency statutes and rules.

3 (b) The Department of Environmental Protection, the
4 Department of Health ~~and Rehabilitative Services~~, and other
5 state and regional agencies that require permits in the
6 Florida Keys area of critical state concern shall, within 180
7 days after the effective date of this act, enter into
8 interagency agreements with the state land planning agency
9 which establish, ~~by rule,~~ a set of procedures necessary for
10 coordinated agency review created pursuant to this section.
11 Such procedures shall be consistent with ~~the procedures~~
12 ~~developed pursuant to~~ paragraph (a).

13 (c) State and regional agencies shall enter into
14 intergovernmental agreements with local governments in the
15 Florida Keys area of critical state concern to coordinate
16 their permit review, including delegation of review authority
17 to local governments, where applicable, to ensure that state
18 and regional agency decisions are reached in coordination with
19 the local government decision on the local government order.

20 (3) State and regional agencies shall coordinate with
21 local governments and, when possible, federal permitting
22 agencies to standardize, to the extent possible, review
23 procedures, data requirements, and data collection
24 methodologies among all participating agencies operating in
25 the Florida Keys area of critical state concern consistent
26 with the requirements of the statutes for permitting programs
27 for each agency. ~~The state land planning agency shall, by~~
28 ~~rule, establish minimum procedures for this subsection.~~

29 Section 4. Paragraphs (a), (b), (d), and (f) of
30 subsection (25) of section 380.06, Florida Statutes, 1996
31 Supplement, are amended to read:

1 380.06 Developments of regional impact.--
2 (25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.--
3 (a) An authorized developer may submit an areawide
4 development of regional impact to be reviewed pursuant to the
5 procedures and standards set forth in this section. The
6 areawide development-of-regional-impact review shall include
7 an areawide development plan in addition to any other
8 information required under ~~by rule pursuant to~~ this section.
9 After review and approval of an areawide development of
10 regional impact under this section, all development within the
11 defined planning area shall conform to the approved areawide
12 development plan and development order. Individual
13 developments that conform to the approved areawide development
14 plan shall not be required to undergo further
15 development-of-regional-impact review, unless otherwise
16 provided in the development order. As used in this
17 subsection, the term:
18 1. "Areawide development plan" means a plan of
19 development that, at a minimum:
20 a. Encompasses a defined planning area approved
21 pursuant to this subsection that will include at least two or
22 more developments;
23 b. Maps and defines the land uses proposed, including
24 the amount of development by use and development phasing;
25 c. Integrates a capital improvements program for
26 transportation and other public facilities to ensure
27 development staging contingent on availability of facilities
28 and services;
29 d. Incorporates land development regulation,
30 covenants, and other restrictions adequate to protect
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1 resources and facilities of regional and state significance;
2 and

3 e. Specifies responsibilities and identifies the
4 mechanisms for carrying out all commitments in the areawide
5 development plan and for compliance with all conditions of any
6 areawide development order.

7 2. "Developer" means any person or association of
8 persons, including a governmental agency as defined in s.
9 380.031(6), that petitions for authorization to file an
10 application for development approval for an areawide
11 development plan.

12 (b) ~~The state land planning agency shall establish by~~
13 ~~rule procedures and criteria for~~ A developer may to petition
14 for authorization to submit a proposed areawide development of
15 regional impact for a defined planning area in accordance with
16 the following requirements. ~~At a minimum, the rules shall~~
17 ~~provide for:~~

18 1. A petition ~~that~~ shall be submitted to the local
19 government, the regional planning agency, and the state land
20 planning agency.

21 2. A public hearing or joint public hearing shall be
22 held if required by paragraph (e), with appropriate notice,
23 before the affected local government.

24 3. The state land planning agency shall apply the
25 following criteria for evaluating a petition, ~~including, but~~
26 ~~not limited to:~~

27 a. Whether the developer is financially capable of
28 processing the application for development approval through
29 final approval pursuant to this section.

30 b. Whether the defined planning area and anticipated
31 development therein appear to be of a character, magnitude,

1 and location that a proposed areawide development plan would
2 be in the public interest. ~~The rules shall specify that~~ Any
3 public interest determination under this criterion is
4 preliminary and not binding on the state land planning agency,
5 regional planning agency, or local government.

6 4. The state land planning agency shall develop and
7 make available standard forms for petitions and applications
8 for development approval for use under this subsection.

9 (d) A general purpose local government with
10 jurisdiction over an area to be considered in an areawide
11 development of regional impact shall not have to petition
12 itself for authorization to prepare and consider an
13 application for development approval for an areawide
14 development plan. However, such a local government shall
15 initiate the preparation of an application only:

16 1. After scheduling and conducting a public hearing as
17 specified in paragraph (e); and

18 2. After conducting such hearing, finding that the
19 planning area meets the standards and criteria ~~established by~~
20 ~~the state land planning agency~~ pursuant to subparagraph (b)3.
21 for determining that an areawide development plan will be in
22 the public interest.

23 (f) Following the public hearing, the local government
24 shall issue a written order, appealable under s. 380.07, which
25 approves, approves with conditions, or denies the petition.
26 It shall approve the petitioner as the developer if it finds
27 that the petitioner and defined planning area meet the
28 standards and criteria, consistent with applicable law,
29 pursuant to subparagraph (b)3.~~established by the state land~~
30 ~~planning agency.~~

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