

By Senator Dyer

14-1208-98

1 A bill to be entitled
2 An act relating to the Department of Community
3 Affairs; amending s. 20.18, F.S.; renaming the
4 Division of Resource Planning and Management;
5 amending s. 163.3180, F.S.; modifying de
6 minimis standards for transportation
7 concurrency; amending s. 163.3184, F.S.;
8 requiring the department to maintain specified
9 documents dealing with amendments to local
10 comprehensive plans; amending s. 163.3244,
11 F.S.; revising the number and size of local
12 governments involved in the sustainable
13 communities demonstration project; extending a
14 future repeal date; amending ss. 186.507,
15 186.508, 186.511, F.S.; removing
16 responsibilities of the Executive Office of the
17 Governor relating to strategic regional policy
18 plans; amending s. 288.975, F.S.; redefining
19 the term "regional policy plan"; revising
20 criteria for military base reuse plans;
21 amending s. 288.980, F.S.; providing revised
22 standards for military base retention;
23 providing conditions for the award of grants by
24 the Office of Tourism, Trade, and Economic
25 Development; amending s. 380.05, F.S.; removing
26 the department's mandate to submit specified
27 recommendations about areas of critical state
28 concern; amending s. 380.06, F.S.; deleting
29 reference to the state land development plan;
30 adding day care facilities as an issue in the
31 development-of-regional-impact review process;

1 amending s. 380.23, F.S.; adding an element to
2 federal consistency review; creating the
3 Transportation and Land Use Study Committee;
4 requiring the committee to report to the
5 Governor and the Legislature; repealing s.
6 380.031(17), F.S., which defines the term
7 "state land development plan"; repealing s.
8 380.0555(7), F.S., which provides for a
9 resource planning and management committee for
10 the Apalachicola Bay Area; providing an
11 effective date.

12

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

14

15 Section 1. Paragraph (c) of subsection (2) of section
16 20.18, Florida Statutes, is amended to read:

17 20.18 Department of Community Affairs.--There is
18 created a Department of Community Affairs.

19 (2) The following units of the Department of Community
20 Affairs are established:

21 (c) Division of Community ~~Resource~~ Planning and
22 ~~Management~~.

23 Section 2. Subsection (6) of section 163.3180, Florida
24 Statutes, is amended to read:

25 163.3180 Concurrency.--

26 (6) The Legislature finds that a de minimis impact is
27 consistent with this part. A de minimis impact is an impact
28 that would not affect more than 1 percent of the maximum
29 volume at the adopted level of service of the affected
30 transportation facility as determined by the local government.
31 No impact will be de minimis if the sum of existing roadway

1 volumes and the projected volumes from approved projects on a
2 transportation facility ~~it would exceed 110 percent of the~~
3 maximum volume at the adopted level of service of the affected
4 ~~sum of existing volumes and the projected volumes from~~
5 ~~approved projects on a~~ transportation facility; provided
6 however, that an impact of a single family home on an existing
7 lot will constitute a de minimis impact on all roadways
8 regardless of the level of the deficiency of the roadway.
9 Local governments are encouraged to adopt methodologies to
10 encourage de minimis impacts on transportation facilities
11 within an existing urban service area. Further, no impact will
12 be de minimis if it would exceed the adopted level of service
13 standard of any affected designated hurricane evacuation
14 routes.

15 Section 3. Subsections (2), (4), and (6) of section
16 163.3184, are amended to read:

17 163.3184 Process for adoption of comprehensive plan or
18 plan amendment.--

19 (2) COORDINATION.--Each comprehensive plan or plan
20 amendment proposed to be adopted pursuant to this part shall
21 be transmitted, adopted, and reviewed in the manner prescribed
22 in this section. The state land planning agency shall have
23 responsibility for plan review, coordination, and the
24 preparation and transmission of comments, pursuant to this
25 section, to the local governing body responsible for the
26 comprehensive plan. The state land planning agency shall
27 maintain a single file concerning any proposed or adopted plan
28 amendment submitted by a local government for any review under
29 this section. Copies of all correspondence, papers, notes,
30 memoranda, and other documents received or generated by the
31 state land planning agency must be placed in the appropriate

1 file. Paper copies of all electronic mail correspondence must
2 be placed in the file. The file and its contents must be
3 available for public inspection and copying as provided in
4 chapter 119.

5 (4) INTERGOVERNMENTAL REVIEW.--If review of a proposed
6 comprehensive plan amendment is requested or otherwise
7 initiated pursuant to subsection (6), the state land planning
8 agency within 5 working days of determining that such a review
9 will be conducted shall transmit a copy of the proposed plan
10 amendment to various government agencies, as appropriate, for
11 response or comment, including, but not limited to, the
12 department, the Department of Transportation, the water
13 management district, and the regional planning council, and,
14 in the case of municipal plans, to the county land planning
15 agency. These governmental agencies shall provide comments to
16 the state land planning agency within 30 days after receipt of
17 the proposed plan amendment. The appropriate regional
18 planning council shall also provide its written comments to
19 the state land planning agency within 30 days after receipt of
20 the proposed plan amendment and shall specify any objections,
21 recommendations for modifications, and comments of any other
22 regional agencies to which the regional planning council may
23 have referred the proposed plan amendment. Written comments
24 submitted by the public within 30 days after notice of
25 transmittal by the local government of the proposed plan
26 amendment will be considered as if submitted by governmental
27 agencies. All written agency and public comments must be made
28 part of the file maintained under subsection (2).

29 (6) STATE LAND PLANNING AGENCY REVIEW.--

30 (a) The state land planning agency shall review a
31 proposed plan amendment upon request of a regional planning

1 council, affected person, or local government transmitting the
2 plan amendment if the request is received within 30 days after
3 transmittal of the proposed plan amendment pursuant to
4 subsection (3). The agency shall issue a report of its
5 objections, recommendations, and comments regarding the
6 proposed plan amendment. A regional planning council or
7 affected person requesting a review shall do so by submitting
8 a written request to the agency with a notice of the request
9 to the local government and any other person who has requested
10 notice.

11 (b) The state land planning agency may review any
12 proposed plan amendment regardless of whether a request for
13 review has been made, if the agency gives notice to the local
14 government, and any other person who has requested notice, of
15 its intention to conduct such a review within 30 days of
16 transmittal of the proposed plan amendment pursuant to
17 subsection (3).

18 (c) The state land planning agency, upon receipt of
19 comments from the various government agencies, as well as
20 written public comments, pursuant to subsection (4), shall
21 have 30 days to review comments from the various government
22 agencies along with a local government's comprehensive plan or
23 plan amendment. During that period, the state land planning
24 agency shall transmit in writing its comments to the local
25 government along with any objections and any recommendations
26 for modifications. When a federal, state, or regional agency
27 has implemented a permitting program, the state land planning
28 agency shall not require a local government to duplicate or
29 exceed that permitting program in its comprehensive plan or to
30 implement such a permitting program in its land development
31 regulations. Nothing contained herein shall prohibit the

1 state land planning agency in conducting its review of local
2 plans or plan amendments from making objections,
3 recommendations, and comments or making compliance
4 determinations regarding densities and intensities consistent
5 with the provisions of this part. In preparing its comments,
6 the state land planning agency shall only base its
7 considerations on written, and not oral, comments, from any
8 source.

9 (d) The state land planning agency review shall
10 identify all written communications with the agency regarding
11 the proposed plan amendment. If the state land planning agency
12 does not issue such a review, it shall identify in writing to
13 the local government all written communications received 30
14 days after transmittal. The written identification must
15 include a list of all documents received or generated by the
16 agency, which list must be of sufficient specificity to enable
17 the documents to be identified and copies requested, if
18 desired, and the name of the person to be contacted to request
19 copies of any identified document. The list of documents must
20 be made a part of the public records of the state land
21 planning agency.

22 Section 4. Section 163.3244, Florida Statutes, is
23 amended to read:

24 163.3244 Sustainable communities demonstration
25 project.--

26 (1) The Department of Community Affairs is authorized
27 to undertake a sustainable communities demonstration project.
28 Up to eight ~~five~~ local governments may be designated under
29 this section. At least three of the local governments must
30 ~~shall~~ be located totally or in part within the boundaries of
31 the South Florida Water Management District and at least three

1 of the local governments must be municipalities having a
2 population of 5,000 or less or counties having a population of
3 50,000 or less. In selecting the local governments to
4 participate in this demonstration project, the department
5 shall assure participation by local governments of different
6 sizes and characteristics. It is the intent of the
7 Legislature that this demonstration project shall be used to
8 further six broad principles of sustainability: restoring key
9 ecosystems; achieving a more clean, healthy environment;
10 limiting urban sprawl; protecting wildlife and natural areas;
11 advancing the efficient use of land and other resources; and
12 creating quality communities and jobs.

13 (2) A local government may apply to the department in
14 writing requesting consideration for designation under the
15 demonstration program. The local government shall describe
16 its reasons for applying for this designation and support its
17 application with documents regarding its compliance with
18 criteria set forth in this section. The local government shall
19 also identify programs and projects it would undertake upon
20 designation.

21 (3) In determining whether to designate all or part of
22 a local government as a sustainable community, the department
23 shall:

24 (a) Assure that the local government has set an urban
25 development boundary or functionally equivalent mechanisms, or
26 that the local government has committed in its application to
27 establish a boundary upon designation, based on projected
28 needs and adequate data and analysis, that will:

29 1. Encourage urban infill at appropriate densities and
30 intensities, separate urban and rural uses, and discourage
31 urban sprawl development patterns while preserving public open

1 space and planning for buffer-type land uses and rural
2 development consistent with their respective character along
3 and outside of the urban boundary.
4 2. Assure protection of key natural areas and
5 agricultural lands.
6 3. Ensure the cost-efficient provision of public
7 infrastructure and services.
8 (b) Consider and assess the extent to which the local
9 government has adopted programs in its local comprehensive
10 plan or land development regulations which:
11 1. Promote infill development and redevelopment,
12 including prioritized and timely permitting processes in which
13 applications for local development permits within the urban
14 development boundary are acted upon expeditiously for proposed
15 development which is consistent with the local comprehensive
16 plan.
17 2. Promote the development of housing for low-income
18 and very-low-income households or specialized housing to
19 assist elders and the disabled to remain at home or in
20 independent living arrangements.
21 3. Achieve effective intergovernmental coordination.
22 4. Promote economic diversity and growth while
23 encouraging the retention of rural character, where rural
24 areas exist, and the protection and restoration of the
25 environment.
26 5. Provide and maintain public urban and rural open
27 space and recreational opportunities.
28 6. Manage transportation and land uses to support
29 public transit and promote opportunities for pedestrian and
30 nonmotorized transportation.
31

1 7. Use urban design principles to foster individual
2 community identity, create a sense of place, and promote
3 pedestrian-oriented safe neighborhoods and town centers.

4 8. Redevelop blighted areas.

5 9. Improve disaster preparedness programs and the
6 ability to protect lives and property, especially in coastal
7 high-hazard areas.

8 10. Encourage clustered, mixed-use development which
9 incorporates greenspace and residential development within
10 walking distance of commercial development.

11 11. Demonstrate financial and administrative
12 capabilities to implement the designation.

13 12. Demonstrate a record of effectively adopting,
14 implementing, and enforcing its comprehensive plan.

15 (c) Consider and assess the extent to which the local
16 government has the support of its regional planning council
17 governing board in favor of the designation.

18 (4) The department shall designate all or part of a
19 local government as a sustainable community by written
20 agreement, which shall be considered final agency action. The
21 agreement shall include the basis for the designation, any
22 conditions necessary to comply with the intent of this
23 section, including procedures for mitigation of
24 extrajurisdictional impacts of development in jurisdictions
25 where review of developments of regional impact would be
26 ~~abolished or~~ modified, proposed programs and projects included
27 in its application and criteria for evaluating the success of
28 the designation. Subsequent to executing the agreement, the
29 department may remove the local government's designation if it
30 determines that the local government is not meeting the terms
31 of the designation agreement. If an affected person, as

1 defined by s. 163.3184(1)(a), determines that a local
2 government is not complying with the terms of the designation
3 agreement, he or she may petition for administrative review of
4 local government compliance with the terms of the agreement,
5 using the procedures and timeframes for notice and conditions
6 precedent described in s. 163.3213.

7 (5) Upon designation as a sustainable community, the
8 local government shall receive the following benefits:

9 (a) All comprehensive plan amendments affecting areas
10 within the urban growth boundary or functional equivalent
11 shall be adopted and reviewed in the manner described in ss.
12 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such
13 that state and regional agency review is eliminated. The
14 department shall not issue an objections, recommendations, and
15 comments report on proposed plan amendments or a notice of
16 intent on adopted plan amendments; however, affected persons,
17 as defined by s. 163.3184(1)(a), may file a petition for
18 administrative review pursuant to the requirements of s.
19 163.3187(3)(a) to challenge the compliance of an adopted plan
20 amendment. Plan amendments that would change the adopted
21 urban development boundary, impact lands outside the urban
22 development boundary, or impact lands within the coastal
23 high-hazard area shall be reviewed pursuant to ss. 163.3184
24 and 163.3187.

25 (b) Developments within the urban growth boundary and
26 outside the coastal high-hazard area are exempt from review
27 pursuant to ss. 380.06 and 380.061 to the extent established
28 in the designation agreement.

29 (c) The Executive Office of the Governor shall work
30 with other departments to emphasize programs in designated
31 local governments in the areas of job creation; crime

1 prevention; environmental protection and restoration programs;
2 solid waste recycling; transportation improvements, including
3 highways, transit, and nonmotorized transportation projects;
4 sewage treatment system improvements; expedited and
5 prioritized funding initiatives; and other programs that will
6 assist local governments to create and maintain
7 self-sustaining communities.

8 (6) The secretary of the Department of Environmental
9 Protection, the Secretary of Community Affairs, the Secretary
10 of Transportation, the Commissioner of Agriculture, the
11 executive director of the Game and Fresh Water Fish
12 Commission, and the executive directors of the five water
13 management districts shall have the authority to enter into
14 agreements with landowners, developers, businesses,
15 industries, individuals, and governmental agencies as may be
16 necessary to effectuate the provisions of this section. The
17 designated local government and the Department of Community
18 Affairs must be parties to any of the agreements.

19 (7) Once designated as a sustainable community
20 pursuant to this section, the local government shall provide a
21 progress report to the department and the Advisory Council on
22 Intergovernmental Relations each year on the anniversary date
23 of its designation that identifies plan amendments adopted
24 during the year, updates the future land use map, and advises
25 whether the local government continues to comply with the
26 designation agreement. Beginning December 1, 1997, and each
27 year thereafter, the department shall provide a report to the
28 Speaker of the House of Representatives and the President of
29 the Senate regarding the successes and failures of this
30 demonstration project. The report shall include any
31

1 recommendations for legislative action to modify or repeal the
2 project.

3 (8) The designation of a local government as a
4 sustainable community under this section shall be for a period
5 of 5 years, unless otherwise revoked or renewed by the
6 department. The designation may be renewed if the department
7 determines that the local government is complying with the
8 terms of its agreement, showing continuing progress toward
9 sustainable goals, and the demonstration project is still in
10 effect.

11 (9) This section shall stand repealed on June 30, 2003
12 ~~2001~~, and shall be reviewed by the Legislature prior to that
13 date.

14 (10) If this section is repealed, all designations
15 shall terminate as of the effective date of the repeal.

16 Section 5. Subsection (2) of section 186.507, Florida
17 Statutes, is amended to read:

18 186.507 Strategic regional policy plans.--

19 (2) ~~The Executive Office of the Governor shall adopt~~
20 ~~by rule minimum criteria to be addressed in each strategic~~
21 ~~regional policy plan and a uniform format for each plan. Such~~
22 ~~criteria must emphasize the requirement that~~ Each regional
23 planning council, when preparing and adopting a strategic
24 regional policy plan, shall focus on regional rather than
25 local resources and facilities.

26 Section 6. Section 186.508, Florida Statutes, is
27 amended to read:

28 186.508 Strategic regional policy plan adoption~~+~~
29 ~~consistency with state comprehensive plan.--~~

30 (1) ~~Each regional planning council shall submit to the~~
31 ~~Executive Office of the Governor its proposed strategic~~

1 ~~regional policy plan on a schedule adopted by rule by the~~
2 ~~Executive Office of the Governor to coordinate implementation~~
3 ~~of the strategic regional policy plans with the evaluation and~~
4 ~~appraisal reports required by s. 163.3191. The Executive~~
5 ~~Office of the Governor, or its designee, shall review the~~
6 ~~proposed strategic regional policy plan for consistency with~~
7 ~~the adopted state comprehensive plan and shall, within 60~~
8 ~~days, return the proposed strategic regional policy plan to~~
9 ~~the council, together with any revisions recommended by the~~
10 ~~Governor. The Governor's recommended revisions shall be~~
11 ~~included in the plans in a comment section. However, nothing~~
12 ~~herein shall preclude a regional planning council from~~
13 ~~adopting or rejecting any or all of the revisions as a part of~~
14 ~~its plan prior to the effective date of the plan. The rules~~
15 ~~adopting the strategic regional policy plan shall not be~~
16 ~~subject to rule challenge under s. 120.56(2) or to drawout~~
17 ~~proceedings under s. 120.54(3)(c)2., but, once adopted, shall~~
18 ~~be subject to an invalidity challenge under s. 120.56(3) by~~
19 ~~substantially affected persons, including the Executive Office~~
20 ~~of the Governor. The rules shall be adopted by the regional~~
21 ~~planning councils within 90 days after receipt of the~~
22 ~~revisions recommended by the Executive Office of the Governor,~~
23 ~~and shall become effective upon filing with the Department of~~
24 ~~State, notwithstanding the provisions of s. 120.54(3)(e)6.~~

25 (2) If a local government within the jurisdiction of a
26 regional planning council challenges a portion of the
27 council's regional policy plan pursuant to s. 120.56, the
28 applicable portion of that local government's comprehensive
29 plan shall not be required to be consistent with the
30 challenged portion of the regional policy plan until 12 months

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1 after the challenge has been resolved by an administrative law
2 judge.

3 (3) All amendments to the adopted regional policy plan
4 shall be subject to all challenges pursuant to chapter 120.

5 Section 7. Section 186.511, Florida Statutes, is
6 amended to read:

7 186.511 Evaluation of strategic regional policy plan;
8 changes in plan.--The regional planning process shall be a
9 continuous and ongoing process. Each regional planning
10 council shall prepare an evaluation and appraisal report on
11 its strategic regional policy plan at least once every 5
12 years; assess the successes or failures of the plan; address
13 changes to the state comprehensive plan; and prepare and adopt
14 by rule amendments, revisions, or updates to the plan as
15 needed. Each regional planning council shall involve the
16 appropriate local health councils in its region if the
17 regional planning council elects to address regional health
18 issues. ~~The evaluation and appraisal report shall be prepared~~
19 ~~and submitted for review on a schedule established by rule by~~
20 ~~the Executive Office of the Governor.~~The strategic regional
21 policy plan evaluation and review schedule shall facilitate
22 and be coordinated with, to the maximum extent feasible, the
23 evaluation and revision of local comprehensive plans pursuant
24 to s. 163.3191 for the local governments within each
25 comprehensive planning district.

26 Section 8. Paragraph (f) of subsection (2) and
27 subsections (3), (8), (9), (10), and (12) of section 288.975,
28 Florida Statutes, are amended to read:

29 288.975 Military base reuse plans.--

30 (2) As used in this section, the term:

31

1 (f) "Regional policy plan" means a ~~comprehensive~~
2 ~~regional policy plan that has been adopted by rule by a~~
3 ~~regional planning council until the council's rule adopting~~
4 ~~its strategic regional policy plan in accordance with the~~
5 ~~requirements of chapter 93-206, Laws of Florida, becomes~~
6 ~~effective, at which time "regional policy plan" shall mean a~~
7 strategic regional policy plan that has been adopted by rule
8 by a regional planning council pursuant to s. 186.508.

9 (3) No later than 6 months ~~after May 31, 1994, or 6~~
10 ~~months~~ after the designation of a military base for closure by
11 the Federal Government, ~~whichever is later,~~ each host local
12 government shall notify the secretary of the Department of
13 Community Affairs and the director of the Office of Tourism,
14 Trade, and Economic Development in writing, by hand delivery
15 or return receipt requested, as to whether it intends to use
16 the optional provisions provided in this act. If a host local
17 government does not opt to use the provisions of this act,
18 land use planning and regulation pertaining to base reuse
19 activities within those host local governments shall be
20 subject to all applicable statutory requirements, including
21 those contained within chapters 163 and 380.

22 (8) At the request of a host local government, the
23 Office of Tourism, Trade, and Economic Development shall
24 coordinate a presubmission workshop concerning a military base
25 reuse plan within the boundaries of the host jurisdiction.
26 Agencies that shall participate in the workshop shall include
27 any affected local governments; the Department of
28 Environmental Protection; the Office of Tourism, Trade, and
29 Economic Development; the Department of Community Affairs; the
30 Department of Transportation; the Department of Health ~~and~~
31 ~~Rehabilitative Services; the Department of Children and Family~~

1 Services; the Department of Agriculture and Consumer Services;
2 the Department of State; the Game and Fresh Water Fish
3 Commission; and any applicable water management districts and
4 regional planning councils. The purposes of the workshop shall
5 be to assist the host local government to understand issues of
6 concern to the above listed entities pertaining to the
7 military base site and to identify opportunities for better
8 coordination of planning and review efforts with the
9 information and analyses generated by the federal
10 environmental impact statement process and the federal
11 community base reuse planning process.

12 (9) If a host local government elects to use the
13 optional provisions of this act, it shall, no later than 12
14 months after notifying the agencies of its intent pursuant to
15 subsection (3) either:

16 (a) Send a copy of the proposed military base reuse
17 plan for review to any affected local governments; the
18 Department of Environmental Protection; the Office of Tourism,
19 Trade, and Economic Development; the Department of Community
20 Affairs; the Department of Transportation; the Department of
21 Health ~~and Rehabilitative Services~~; the Department of Children
22 and Family Services; the Department of Agriculture and
23 Consumer Services; the Department of State; the Florida Game
24 and Fresh Water Fish Commission; and any applicable water
25 management districts and regional planning councils, or

26 (b) Petition the secretary of the Department of
27 Community Affairs for an extension of the deadline for
28 submitting a proposed reuse plan. Such an extension request
29 must be justified by changes or delays in the closure process
30 by the federal Department of Defense or for reasons otherwise
31 deemed to promote the orderly and beneficial planning of the

1 subject military base reuse. The secretary of the Department
2 of Community Affairs may grant extensions ~~up to a 1-year~~
3 ~~extension~~ to the required submission date of the reuse plan.

4 (10)(a) Within 60 days after receipt of a proposed
5 military base reuse plan, these entities shall review and
6 provide comments to the host local government. The
7 commencement of this review period shall be advertised in
8 newspapers of general circulation within the host local
9 government and any affected local government to allow for
10 public comment. No later than 60 days after receipt and
11 consideration of all comments, and the holding of at least two
12 public hearings, the host local government shall adopt the
13 military base reuse plan. The host local government shall
14 comply with the notice requirements set forth in s.
15 163.3184(15) to ensure full public participation in this
16 planning process.

17 ~~(b) Notwithstanding paragraph (a), a host local~~
18 ~~government may waive the requirement that the military base~~
19 ~~reuse plan be adopted within 60 days after receipt and~~
20 ~~consideration of all comments and the second public hearing.~~
21 ~~The waiver may extend the time period in which to adopt the~~
22 ~~military reuse plan to 180 days after the 60th day following~~
23 ~~the receipt and consideration of all comments and the second~~
24 ~~public hearing, or the date upon which this act becomes a law,~~
25 ~~whichever is later.~~

26 ~~(c) The host local government may exercise the waiver~~
27 ~~after the 60th day following the receipt and consideration of~~
28 ~~all comments and the second public hearing. However, the host~~
29 ~~local government must exercise this waiver no later than 180~~
30 ~~days after the 60th day following the receipt and~~
31 ~~consideration of all comments and the second public hearing,~~

1 ~~or the date upon which this act becomes a law, whichever is~~
2 ~~later.~~

3 ~~(d) Any action by a host local government to adopt a~~
4 ~~military base reuse plan after the expiration of the 60-day~~
5 ~~period is deemed an exercise of the waiver pursuant to~~
6 ~~paragraph (b), without further action by the host local~~
7 ~~government.~~

8 (12) Following receipt of a petition, the petitioning
9 party or parties and the host local government shall seek
10 resolution of the issues in dispute. The issues in dispute
11 shall be resolved as follows:

12 (a) The petitioning parties and host local government
13 shall have 45 days to resolve the issues in dispute. Other
14 affected parties that submitted comments on the proposed
15 military base reuse plan may be given the opportunity to
16 formally participate in decisions and agreements made in these
17 and subsequent proceedings by mutual consent of the
18 petitioning party and the host local government. A third-party
19 mediator may be used to help resolve the issues in dispute.

20 (b) If resolution of the dispute cannot be achieved
21 within 45 days, the petitioning parties and host local
22 government may extend such dispute resolution for up to 45
23 days. If resolution of the dispute cannot be achieved with the
24 above timeframes, the issues in dispute shall be submitted to
25 the state land planning agency. If the issues stem from
26 multiple petitions, the mediation shall be consolidated into a
27 single proceeding. The state land planning agency shall have
28 45 days to hold informal hearings, if necessary, identify the
29 issues in dispute, prepare a record of the proceedings, and
30 provide recommended solutions to the parties. If the parties
31 fail to implement the recommended solutions within 45 days,

1 the state land planning agency shall submit the matter to the
2 Division of Administrative Hearings for a formal hearing under
3 chapter 120. The division shall issue a recommended order,
4 which shall be provided to the state land planning agency.
5 Within 45 days, the state land planning agency shall forward
6 the recommended order, along with its recommended final order,
7 to the Administration Commission for final action. ~~The report~~
8 to the Administration Commission shall list each issue in
9 dispute, describe the nature and basis for each dispute,
10 identify the recommended solutions provided to the parties,
11 and make recommendations for actions the Administration
12 Commission should take to resolve the disputed issues.

13 (c) If ~~in the event~~ the state land planning agency is
14 a party to the dispute, the issues in dispute shall be
15 submitted to resolved by a party jointly selected by the state
16 land planning agency and the host local government. The
17 selected party shall comply with the responsibilities placed
18 upon the state land planning agency in this section.

19 (d) Within 45 days after receiving the recommendation
20 ~~report~~ from the state land planning agency, the Administration
21 Commission shall take action to resolve the issues in dispute.
22 In deciding upon a proper resolution, the Administration
23 Commission shall consider the recommended final order prepared
24 by the state land planning agency, the recommended order of
25 the division, and ~~nature of the issues in dispute,~~ the
26 compliance of the parties with this section, ~~the extent of the~~
27 ~~conflict between the parties, the comparative hardships and~~
28 ~~the public interest involved.~~ If the Administration Commission
29 incorporates in its final order a term or condition that
30 requires any local government to amend its local government
31 comprehensive plan, the local government shall amend its plan

1 within 60 days after the issuance of the order. Such amendment
2 or amendments shall be exempt from the limitation of the
3 frequency of plan amendments contained in s. 163.3187(2), and
4 a public hearing on such amendment or amendments pursuant to
5 s. 163.3184(15)(b)1. shall not be required. The final order of
6 the Administration Commission is subject to appeal pursuant to
7 s. 120.68. If the order of the Administration Commission is
8 appealed, the time for the local government to amend its plan
9 shall be tolled during the pendency of any local, state, or
10 federal administrative or judicial proceeding relating to the
11 military base reuse plan.

12 Section 9. Section 288.980, Florida Statutes, is
13 amended to read:

14 288.980 Military base ~~closure, retention, realignment,~~
15 ~~or defense-related readjustment and diversification;~~
16 legislative intent; grants program.--

17 (1) It is the intent of this state to provide the
18 necessary means to assist communities with military
19 installations that would be adversely affected by federal base
20 realignment or closure actions. It is further the intent to
21 encourage communities to ~~establish local or regional community~~
22 ~~base realignment or closure commissions to~~ initiate a
23 coordinated program of response and plan of action in advance
24 of future actions of the federal Base Realignment and Closure
25 Commission. It is critical that closure-vulnerable communities
26 develop such a program to preserve affected military
27 installations. The Legislature, therefore, declares that
28 providing such assistance to support the defense-related
29 initiatives within this section is a public purpose for which
30 public money may be used.

31

1 (2)(a) The Office of Tourism, Trade, and Economic
2 Development is authorized to award grants from any funds
3 available to it to support activities specifically
4 ~~appropriated for this purpose to applicants' eligible~~
5 ~~projects. Eligible projects shall be limited to:~~

6 1. ~~Activities~~ related to the retention of military
7 installations potentially affected by federal base closure or
8 realignment.

9 2. ~~Activities~~ related to preventing the potential
10 ~~realignment or closure of a military installation officially~~
11 ~~identified by the Federal Government for potential realignment~~
12 ~~or closure.~~

13 (b) The term "activities" as used in this section
14 means studies, presentations, analyses, plans, and modeling.
15 Travel and costs incidental thereto, and staff salaries, are
16 not considered an "activity" for which grant funds may be
17 awarded.

18 (c) The amount of any grant provided to an applicant
19 ~~in any one year~~ may not exceed \$250,000. The Office of
20 Tourism, Trade, and Economic Development shall require that an
21 applicant:

22 1. Represent a local government ~~community~~ with a
23 military installation or military installations that could be
24 adversely affected by federal base realignment or closure.

25 2. Agree to match at least 50 ~~25~~ percent of any grant
26 ~~awarded by the department in cash or in-kind services. Such~~
27 ~~match must be directly related to the activities for which the~~
28 ~~grant is being sought.~~

29 3. Prepare a coordinated program or plan of action
30 delineating how the eligible project will be administered and
31 accomplished, which must include a plan for assuring close

1 cooperation between civilian and military authorities in the
2 conduct of the funded activities and a plan for public
3 involvement.

4 4. Provide documentation describing the potential for
5 realignment or closure of a military installation located in
6 the applicant's community and the adverse impacts such
7 realignment or closure will have on the applicant's community.

8 (d) In making grant awards ~~for eligible projects,~~the
9 office shall consider, at a minimum, the following factors:

10 1. The relative value of the particular military
11 installation in terms of its importance to the local and state
12 economy relative to other military installations vulnerable to
13 closure.

14 2. The potential job displacement within the local
15 community should the military installation be closed.

16 3. The potential adverse impact on industries and
17 technologies which service the military installation.

18 ~~(e) For purposes of base closure and realignment,~~
19 ~~"applicant" means one or more counties, or a base closure or~~
20 ~~realignment commission created by one or more counties, to~~
21 ~~oversee the potential or actual realignment or closure of a~~
22 ~~military installation within the jurisdiction of such local~~
23 ~~government.~~

24 ~~(3) The Florida Economic Reinvestment Initiative is~~
25 ~~established to respond to the need for this state and~~
26 ~~defense-dependent communities in this state to develop~~
27 ~~alternative economic diversification strategies to lessen~~
28 ~~reliance on national defense dollars in the wake of base~~
29 ~~closures and reduced federal defense expenditures and the need~~
30 ~~to formulate specific base reuse plans and identify any~~
31 ~~specific infrastructure needed to facilitate reuse. The~~

1 ~~initiative shall consist of the following three distinct grant~~
2 ~~programs to be administered by the Department of Commerce:~~

3 ~~(a) The Florida Defense Planning Grant Program,~~
4 ~~through which funds shall be used to analyze the extent to~~
5 ~~which the state is dependent on defense dollars and defense~~
6 ~~infrastructure and prepare alternative economic development~~
7 ~~strategies. The state shall work in conjunction with~~
8 ~~defense-dependent communities in developing strategies and~~
9 ~~approaches that will help communities make the transition from~~
10 ~~a defense economy to a nondefense economy. Grant awards may~~
11 ~~not exceed \$100,000 per applicant and shall be available on a~~
12 ~~competitive basis.~~

13 ~~(b) The Florida Defense Implementation Grant Program,~~
14 ~~through which funds shall be made available to~~
15 ~~defense-dependent communities to implement the diversification~~
16 ~~strategies developed pursuant to paragraph (a). Eligible~~
17 ~~applicants include defense-dependent counties and cities, and~~
18 ~~local economic development councils located within such~~
19 ~~communities. Grant awards may not exceed \$100,000 per~~
20 ~~applicant and shall be available on a competitive basis.~~
21 ~~Awards shall be matched on a one-to-one basis.~~

22 ~~(c) The Florida Military Installation Reuse Planning~~
23 ~~and Marketing Grant Program, through which funds shall be used~~
24 ~~to help counties, cities, and local economic development~~
25 ~~councils develop and implement plans for the reuse of closed~~
26 ~~or realigned military installations, including any necessary~~
27 ~~infrastructure improvements needed to facilitate reuse and~~
28 ~~related marketing activities. Grant awards are limited to not~~
29 ~~more than \$100,000 per eligible applicant and made available~~
30 ~~through a competitive process. Awards shall be matched on a~~
31 ~~one-to-one basis.~~

1 ~~(4)(a) The Defense-Related Business Adjustment Program~~
2 ~~is hereby created. The Secretary of Commerce shall coordinate~~
3 ~~the development of the Defense-Related Business Adjustment~~
4 ~~Program. Funds shall be available to assist defense-related~~
5 ~~companies in the creation of increased commercial technology~~
6 ~~development through investments in technology. Such~~
7 ~~technology must have a direct impact on critical state needs~~
8 ~~for the purpose of generating investment-grade technologies~~
9 ~~and encouraging the partnership of the private sector and~~
10 ~~government defense-related business adjustment. The following~~
11 ~~areas shall receive precedence in consideration for funding~~
12 ~~commercial technology development: law enforcement or~~
13 ~~corrections, environmental protection, transportation,~~
14 ~~education, and health care. Travel and costs incidental~~
15 ~~thereto, and staff salaries, are not considered an "activity"~~
16 ~~for which grant funds may be awarded.~~

17 ~~(b) The department shall require that an applicant:~~

18 ~~1. Be a defense-related business that could be~~
19 ~~adversely affected by federal base realignment or closure or~~
20 ~~reduced defense expenditures.~~

21 ~~2. Agree to match at least 50 percent of any funds~~
22 ~~awarded by the department in cash or in-kind services. Such~~
23 ~~match shall be directly related to activities for which the~~
24 ~~funds are being sought.~~

25 ~~3. Prepare a coordinated program or plan delineating~~
26 ~~how the funds will be administered.~~

27 ~~4. Provide documentation describing how~~
28 ~~defense-related realignment or closure will adversely impact~~
29 ~~defense-related companies.~~

30 ~~(5) The Secretary of Commerce may award nonfederal~~
31 ~~matching funds specifically appropriated for construction,~~

1 ~~maintenance, and analysis of a Florida defense workforce~~
2 ~~database. Such funds will be used to create a registry of~~
3 ~~worker skills that can be used to match the worker needs of~~
4 ~~companies that are relocating to this state or to assist~~
5 ~~workers in relocating to other areas within this state where~~
6 ~~similar or related employment is available.~~

7 ~~(6) The Office of Tourism, Trade, and Economic~~
8 ~~Development shall establish guidelines to implement and carry~~
9 ~~out the purpose and intent of this section.~~

10 Section 10. Subsection (8) of section 380.05, Florida
11 Statutes, is amended to read:

12 380.05 Areas of critical state concern.--

13 (8) If any local government fails to submit land
14 development regulations or a local comprehensive plan, or if
15 the regulations or plan or plan amendment submitted do not
16 comply with the principles for guiding development set out in
17 the rule designating the area of critical state concern,
18 within 120 days after the adoption of the rule designating an
19 area of critical state concern, or within 120 days after the
20 issuance of a recommended order on the compliance of the plan
21 or plan amendment pursuant to s. 163.3184, or within 120 days
22 after the effective date of an order rejecting a proposed land
23 development regulation, the state land planning agency may
24 ~~shall~~ submit to the commission recommended land development
25 regulations and a local comprehensive plan or portions thereof
26 applicable to that local government's portion of the area of
27 critical state concern. Within 45 days following receipt of
28 the recommendation from the agency, the commission shall
29 either reject the recommendation as tendered or adopt the
30 recommendation with or without modification, and by rule
31 establish land development regulations and a local

1 comprehensive plan applicable to that local government's
2 portion of the area of critical state concern. However, such
3 rule shall not become effective prior to legislative review of
4 an area of critical state concern pursuant to paragraph
5 (1)(c). In the rule, the commission shall specify the extent
6 to which its land development regulations, plans, or plan
7 amendments will supersede, or will be supplementary to, local
8 land development regulations and plans. Notice of any
9 proposed rule issued under this section shall be given to all
10 local governments and regional planning agencies in the area
11 of critical state concern, in addition to any other notice
12 required under chapter 120. The land development regulations
13 and local comprehensive plan adopted by the commission under
14 this section may include any type of regulation and plan that
15 could have been adopted by the local government. Any land
16 development regulations or local comprehensive plan or plan
17 amendments adopted by the commission under this section shall
18 be administered by the local government as part of, or in the
19 absence of, the local land development regulations and local
20 comprehensive plan.

21 Section 11. Subsections (12) and (14) of section
22 380.06, Florida Statutes, are amended to read:

23 380.06 Developments of regional impact.--

24 (12) REGIONAL REPORTS.--

25 (a) Within 50 days after receipt of the notice of
26 public hearing required in paragraph (11)(c), the regional
27 planning agency, if one has been designated for the area
28 including the local government, shall prepare and submit to
29 the local government a report and recommendations on the
30 regional impact of the proposed development. In preparing its
31 report and recommendations, the regional planning agency shall

1 identify regional issues based upon the following review
2 criteria and make recommendations to the local government on
3 these regional issues, specifically considering whether, and
4 the extent to which:

5 1. The development will have a favorable or
6 unfavorable impact on state or regional resources or
7 facilities identified in the applicable state or regional
8 plans. For the purposes of this subsection, "applicable state
9 plan" means the state comprehensive plan ~~and the state land~~
10 ~~development plan~~. For the purposes of this subsection,
11 "applicable regional plan" means an adopted comprehensive
12 regional policy plan until the adoption of a strategic
13 regional policy plan pursuant to s. 186.508, and thereafter
14 means an adopted strategic regional policy plan.

15 2. The development will significantly impact adjacent
16 jurisdictions. At the request of the appropriate local
17 government, regional planning agencies may also review and
18 comment upon issues that affect only the requesting local
19 government.

20 3. As one of the issues considered in the review in
21 subparagraphs 1. and 2., the development will favorably or
22 adversely affect the ability of people to find adequate
23 housing and day care facilities reasonably accessible to their
24 places of employment. The determination should take into
25 account information on factors that are relevant to the
26 availability of reasonably accessible adequate housing.
27 Adequate housing means housing that is available for occupancy
28 and that is not substandard.

29 (b) At the request of the regional planning agency,
30 other appropriate agencies shall review the proposed
31 development and shall prepare reports and recommendations on

1 issues that are clearly within the jurisdiction of those
2 agencies. Such agency reports shall become part of the
3 regional planning agency report; however, the regional
4 planning agency may attach dissenting views. When water
5 management district and Department of Environmental Protection
6 permits have been issued pursuant to chapter 373 or chapter
7 403, the regional planning council may comment on the regional
8 implications of the permits but may not offer conflicting
9 recommendations.

10 (c) The regional planning agency shall afford the
11 developer or any substantially affected party reasonable
12 opportunity to present evidence to the regional planning
13 agency head relating to the proposed regional agency report
14 and recommendations.

15 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE
16 CONCERN.--If the development is not located in an area of
17 critical state concern, in considering whether the development
18 shall be approved, denied, or approved subject to conditions,
19 restrictions, or limitations, the local government shall
20 consider whether, and the extent to which:

21 ~~(a) The development unreasonably interferes with the~~
22 ~~achievement of the objectives of an adopted state land~~
23 ~~development plan applicable to the area;~~

24 (a)~~(b)~~ The development is consistent with the local
25 comprehensive plan and local land development regulations;

26 (b)~~(c)~~ The development is consistent with the report
27 and recommendations of the regional planning agency submitted
28 pursuant to subsection (12); and

29 (c)~~(d)~~ The development is consistent with the State
30 Comprehensive Plan. In consistency determinations the plan

31

1 shall be construed and applied in accordance with s.
2 187.101(3).

3 Section 12. Paragraph (d) is added to subsection (3)
4 of section 380.23, Florida Statutes, to read:

5 380.23 Federal consistency.--

6 (3) Consistency review shall be limited to review of
7 the following activities, uses, and projects to ensure that
8 such activities and uses are conducted in accordance with the
9 state's coastal management program:

10 (d) Federal activities within the territorial limits
11 of neighboring states when the governor and the department
12 determine that significant individual or cumulative impact to
13 the land or water resources of the state would result from the
14 activities.

15 Section 13. Transportation and Land Use Study
16 Committee.--The state land planning agency and the Department
17 of Transportation shall evaluate the statutory provisions
18 relating to land use and transportation coordination and
19 planning issues, including community design, required in part
20 II of chapter 163, Florida Statutes, and shall consider
21 changes to statutes, as well as to all pertinent rules
22 associated with the statutes. The evaluation must include an
23 evaluation of the roles of local government, regional planning
24 councils, state agencies, and metropolitan planning
25 organizations in addressing these subject areas. Special
26 emphasis must be given in this evaluation to concurrency on
27 the highway system, levels of service methodologies, and land
28 use impact assessments used to project transportation needs.
29 The evaluation must be conducted in consultation with a
30 technical committee of at least 15 members to be known as the
31 Transportation and Land Use Study Committee, appointed by the

1 secretary of the state land planning agency and the Secretary
2 of Transportation. The membership must be representative of
3 local governments, regional planning councils, the private
4 sector, metropolitan planning organizations, and citizen and
5 environmental organizations. By January 15, 1999, the
6 committee shall send an evaluation report to the Governor, the
7 President of the Senate, and the Speaker of the House of
8 Representatives to provide recommendations for appropriate
9 changes to the transportation planning requirements in chapter
10 163, Florida Statutes, and other statutes, as appropriate.

11 Section 14. Subsection (17) of section 380.031 and
12 subsection (7) of section 380.0555, Florida Statutes, are
13 repealed.

14 Section 15. This act shall take effect upon becoming a
15 law.

17 *****

18 SENATE SUMMARY

19 Changes the name of the Division of Resource Planning and
20 Management to the Division of Community Planning in the
21 Department of Community Affairs. Modifies de minimis
22 standards for transportation concurrency. Requires the
23 department to maintain specific documents dealing with
24 amendment to local comprehensive plans. Revises the
25 number and size of local governments involved in the
26 sustainable communities demonstration project. Removes
27 responsibilities of the Executive Office of the Governor
28 relating to strategic regional policy plans. Revises
29 criteria for military base reuse plans. Provides revised
30 standards for the military base retention process.
31 Revises grants for local governments. Removes the mandate
to the Department of Community Affairs to submit certain
recommendations about areas of critical state concern.
Adds day care facilities as an issue in the
development-of-regional-impact review process. Adds an
element to federal consistency review. Creates the
Transportation and Land Use Study Committee. Deletes
references to the state land development plan. Repeals
the Apalachicola Bay Area Resource Planning and
Management Committee.