

By the Committee on Community Affairs and Senator Dyer

316-2124A-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. 163.3164, F.S.; defining the term
6 "optional sector plan"; amending s. 163.3171,
7 F.S.; inserting a cross-reference; amending s.
8 163.3180, F.S.; modifying de minimis standards
9 for transportation concurrency; amending s.
10 163.3184, F.S.; inserting cross-references;
11 requiring the department to maintain specified
12 documents dealing with amendments to local
13 comprehensive plans; amending s. 163.3187,
14 F.S.; prohibiting local governments from
15 amending comprehensive plans until after
16 adoption of an evaluation and appraisal report;
17 providing that a comprehensive plan amendment
18 is not required for the renovation, expansion,
19 or addition to a marine exhibition park complex
20 under certain circumstances; amending s.
21 163.3191, F.S.; revising the requirements for
22 evaluation and appraisal reports; creating s.
23 163.3245, F.S.; authorizing the adoption of
24 optional sector plans under certain
25 circumstances; providing for agreements with
26 the Department of Community Affairs; providing
27 for contents; amending s. 171.044, F.S.;
28 requiring a municipality to notify the county
29 of annexation ordinances; amending ss. 186.507,
30 186.508, 186.511, F.S.; revising
31 responsibilities of the Executive Office of the

1 Governor relating to strategic regional policy
2 plans; amending ss. 186.003, 186.007, 186.008,
3 186.009, F.S.; deleting references to the state
4 land development plan; creating a committee to
5 be appointed by the Governor to review the
6 state comprehensive plan; amending s. 288.975,
7 F.S.; redefining the term "regional policy
8 plan"; revising criteria for military base
9 reuse plans; amending s. 288.980, F.S.;
10 providing revised standards for military base
11 retention; providing conditions for the award
12 of grants by the Office of Tourism, Trade, and
13 Economic Development; amending s. 380.06, F.S.;
14 deleting reference to the state land
15 development plan; adding day care facilities as
16 an issue in the development-of-regional-impact
17 review process; amending s. 380.061, F.S.;
18 deleting a consistency requirement for certain
19 Florida Quality Developments; amending s.
20 380.065, F.S.; deleting a reference to the
21 state land development plan; amending s.
22 380.23, F.S.; adding an element to federal
23 consistency review; creating the Transportation
24 and Land Use Study Committee; requiring the
25 committee to report to the Governor and the
26 Legislature; repealing s. 380.031(17), F.S.,
27 which defines the term "state land development
28 plan"; repealing s. 380.0555(7), F.S., which
29 provides for a resource planning and management
30 committee for the Apalachicola Bay Area;
31 repealing s. 380.06(14)(a), F.S., which

1 requires that development not interfere with
2 the state land development plan; providing for
3 severability; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Paragraph (c) of subsection (2) of section
8 20.18, Florida Statutes, is amended to read:

9 20.18 Department of Community Affairs.--There is
10 created a Department of Community Affairs.

11 (2) The following units of the Department of Community
12 Affairs are established:

13 (c) Division of Community Resource Planning and
14 Management.

15 Section 2. Subsection (31) is added to section
16 163.3164, Florida Statutes, to read:

17 163.3164 Definitions.--As used in this act:

18 (31) "Optional sector plan" means an optional process
19 authorized by s. 163.3245 in which one of more local
20 governments by agreement with the state land planning agency
21 are allowed to address development-of-regional impact issues
22 within certain designated geographic areas identified in the
23 local comprehensive plan as a means of fostering innovative
24 planning and development strategies in s. 163.3177(11)(a) and
25 (b), furthering the purposes of chapter 163, part II, and
26 chapter 380, part I, reducing overlapping data and analysis
27 requirements, protecting regionally significant resources and
28 facilities, and addressing extra-jurisdictional impacts.

29 Section 3. Subsection (4) of section 163.3171, Florida
30 Statutes, is amended to read:

31 163.3171 Areas of authority under this act.--

1 (4) The state land planning agency and a local
2 government shall have the power to enter into agreements with
3 each other and to agree together to enter into agreements with
4 a landowner, developer, or governmental agency as may be
5 necessary or desirable to effectuate the provisions and
6 purposes of s. 163.3177(6)(h) and (11)(a), (b), and (c), and
7 s. 163.3245.

8 Section 4. Subsection (6) of section 163.3180, Florida
9 Statutes, is amended to read:

10 163.3180 Concurrency.--

11 (6) The Legislature finds that a de minimis impact is
12 consistent with this part. A de minimis impact is an impact
13 that would not affect more than 1 percent of the maximum
14 volume at the adopted level of service of the affected
15 transportation facility as determined by the local government.
16 No impact will be de minimis if the sum of existing roadway
17 volumes and the projected volumes from approved projects on a
18 transportation facility it would exceed 110 percent of the
19 maximum volume at the adopted level of service of the affected
20 ~~sum of existing volumes and the projected volumes from~~
21 ~~approved projects on a~~ transportation facility; provided
22 however, that an impact of a single family home on an existing
23 lot will constitute a de minimis impact on all roadways
24 regardless of the level of the deficiency of the roadway.
25 Local governments are encouraged to adopt methodologies to
26 encourage de minimis impacts on transportation facilities
27 within an existing urban service area. Further, no impact will
28 be de minimis if it would exceed the adopted level of service
29 standard of any affected designated hurricane evacuation
30 routes.

1 Section 5. Paragraph (b) of subsection (1) and
2 subsections (2), (4), and (6) of section 163.3184, are amended
3 to read:

4 163.3184 Process for adoption of comprehensive plan or
5 plan amendment.--

6 (1) DEFINITIONS.--As used in this section:

7 (b) "In compliance" means consistent with the
8 requirements of ss. 163.3177, 163.3178, 163.3180, and
9 163.3191, and 163.3245, with the state comprehensive plan,
10 with the appropriate strategic regional policy plan, and with
11 chapter 9J-5, Florida Administrative Code, where such rule is
12 not inconsistent with chapter 163, part II and with the
13 principles for guiding development in designated areas of
14 critical state concern.

15 (2) COORDINATION.--Each comprehensive plan or plan
16 amendment proposed to be adopted pursuant to this part shall
17 be transmitted, adopted, and reviewed in the manner prescribed
18 in this section. The state land planning agency shall have
19 responsibility for plan review, coordination, and the
20 preparation and transmission of comments, pursuant to this
21 section, to the local governing body responsible for the
22 comprehensive plan. The state land planning agency shall
23 maintain a single file concerning any proposed or adopted plan
24 amendment submitted by a local government for any review under
25 this section. Copies of all correspondence, papers, notes,
26 memoranda, and other documents received or generated by the
27 state land planning agency must be placed in the appropriate
28 file. Paper copies of all electronic mail correspondence must
29 be placed in the file. The file and its contents must be
30 available for public inspection and copying as provided in
31 chapter 119.

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

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

26 (a) The state land planning agency shall review a
27 proposed plan amendment upon request of a regional planning
28 council, affected person, or local government transmitting the
29 plan amendment if the request is received within 30 days after
30 transmittal of the proposed plan amendment pursuant to
31 subsection (3). The agency shall issue a report of its

1 objections, recommendations, and comments regarding the
2 proposed plan amendment. A regional planning council or
3 affected person requesting a review shall do so by submitting
4 a written request to the agency with a notice of the request
5 to the local government and any other person who has requested
6 notice.

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

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

1 with the provisions of this part. In preparing its comments,
2 the state land planning agency shall only base its
3 considerations on written, and not oral, comments, from any
4 source.

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

18 Section 6. Effective October 1, 1998, subsection (6)
19 of section 163.3187, Florida Statutes, is amended and
20 subsection (8) is added to that section to read:

21 163.3187 Amendment of adopted comprehensive plan.--

22 (6)(a) No local government may amend its comprehensive
23 plan after the date established by the state land planning
24 agency rule for adoption ~~submittal~~ of its evaluation and
25 appraisal report unless it has submitted its report or
26 addendum to the state land planning agency as prescribed by s.
27 163.3191, except for plan amendments described in paragraph
28 (1)(b).+

29 ~~(a) Plan amendments to implement recommendations in~~
30 ~~the report or addendum.~~

31

1 (b) A local government may amend its comprehensive
2 plan after it has submitted its adopted evaluation and
3 appraisal report and for a period of 1 year after the initial
4 determination of sufficiency regardless of whether the report
5 has been determined to be insufficient ~~Plan amendments~~
6 ~~described in paragraph (1)(b).~~

7 (c) A local government may not amend its comprehensive
8 plan, except for plan amendments described in paragraph
9 (1)(b), if the 1-year period after the initial sufficiency
10 determination of the report has expired and the report has not
11 been determined to be sufficient ~~Plan amendments described in~~
12 ~~s. 163.3184(16)(d) to implement the terms of compliance~~
13 ~~agreements entered into before the date established for~~
14 ~~submittal of the report or addendum.~~

15 (d) When the state land planning agency has determined
16 that the report or addendum has sufficiently addressed all
17 pertinent provisions of s. 163.3191, the local government may
18 amend its comprehensive plan without the limitations imposed
19 by paragraph (a) or paragraph (c) ~~proceed with plan amendments~~
20 ~~in addition to those necessary to implement recommendations in~~
21 ~~the report or addendum.~~

22 (e) Any plan amendment which a local government
23 attempts to adopt in violation of paragraph (a) or paragraph
24 (c) is invalid, but such invalidity may be overcome if the
25 local government readopts the amendment and transmits the
26 amendment to the state land planning agency pursuant to s.
27 163.3184(7) after the report is determined to be sufficient.

28 (8) Notwithstanding any other provision of law, a
29 comprehensive plan amendment shall not be required for any
30 renovation, expansion, or addition to a marine exhibition park
31 complex if the complex has been in continuous existence for at

1 least 30 years and is located on land composed of at least 25
2 contiguous acres and owned in fee simple by a county or
3 municipality. Such renovation, expansion, or addition may
4 include recreational and educational uses, restaurants, gift
5 shops, marine or water amusements, environmentally related
6 theaters, and any other compatible uses. Such renovations,
7 expansions, or additions are hereby determined to be
8 consistent with the applicable adopted comprehensive plan.

9 Section 7. Effective October 1, 1998, section
10 163.3191, Florida Statutes, is amended to read:

11 (Substantial rewording of section. See
12 s. 163.3191, F.S., for present text.)

13 163.3191 Evaluation and appraisal of comprehensive
14 plan.--

15 (1) The planning program shall be a continuous and
16 ongoing process. Each local government shall adopt an
17 evaluation and appraisal report once every 7 years assessing
18 the progress in implementing the local government's
19 comprehensive plan. Furthermore, it is the intent of this
20 section that:

21 (a) Adopted comprehensive plans be reviewed through
22 such evaluation process to respond to changes in state,
23 regional, and local policies on planning and growth management
24 and changing conditions and trends, to ensure effective
25 intergovernmental coordination, and to identify major issues
26 regarding the community's achievement of its goals.

27 (b) After completion of the initial evaluation and
28 appraisal report and any supporting plan amendments, each
29 subsequent evaluation and appraisal report must evaluate the
30 comprehensive plan in effect at the time of the initiation of
31 the evaluation and appraisal report process.

1 (c) Local governments identify the major issues, if
2 applicable, with input from state agencies, regional agencies,
3 adjacent local governments, and the public in the evaluation
4 and appraisal report process. It is also the intent of this
5 section to establish minimum requirements for information to
6 ensure predictability, certainty, and integrity in the growth
7 management process. The report is intended to serve as a
8 summary audit of the actions that a local government has
9 undertaken and identify changes that it may need to make. The
10 report should be based on the local government's analysis of
11 major issues to further the community's goals consistent with
12 statewide minimum standards. The report is not intended to
13 require a comprehensive rewrite of the elements within the
14 local plan, unless a local government chooses to do so.

15 (2) The report shall present an evaluation and
16 assessment of the comprehensive plan and shall contain
17 appropriate statements to update the comprehensive plan,
18 including, but not limited to, words, maps, illustrations, or
19 other media, related to:

20 (a) Population growth and changes in land area,
21 including annexation, since the adoption of the original plan
22 or the most recent update amendments.

23 (b) The extent of vacant and developable land.

24 (c) The financial feasibility of implementing the
25 comprehensive plan and of providing needed infrastructure to
26 achieve and maintain adopted level of service standards and
27 sustain concurrency management systems through the capital
28 improvements element, as well as the ability to address
29 infrastructure backlogs and meet the demands of growth on
30 public services and facilities.

31

1 (d) The location of existing development in relation
2 to the location of development as anticipated in the original
3 plan, or in the plan as amended by the most recent evaluation
4 and appraisal report update amendments, such as within areas
5 designated for urban growth.

6 (e) An identification of the major issues for the
7 jurisdiction and, where pertinent, the potential social,
8 economic, and environmental impacts.

9 (f) Relevant changes to the state comprehensive plan,
10 the requirements of part II of chapter 163, the minimum
11 criteria contained in Chapter 9J-5, Florida Administrative
12 Code, and the appropriate strategic regional policy plan since
13 the adoption of the original plan or the most recent
14 evaluation and appraisal report update amendments.

15 (g) An assessment of whether the plan objectives
16 within each element, as they relate to major issues, have been
17 achieved. The report shall include, as appropriate, an
18 identification as to whether unforeseen or unanticipated
19 changes in circumstances have resulted in problems or
20 opportunities with respect to major issues identified in each
21 element and the social, economic, and environmental impacts of
22 the issue.

23 (h) A brief assessment of successes and shortcomings
24 related to each element of the plan.

25 (i) The identification of any actions or corrective
26 measures, including whether plan amendments are anticipated to
27 address the major issues identified and analyzed in the
28 report. Such identification shall include, as appropriate,
29 new population projections, new revised planning timeframes, a
30 revised future conditions map or map series, an updated
31 capital improvements element, and any new and revised goals,

1 objectives, and policies for major issues identified within
2 each element. This paragraph shall not require the submittal
3 of the plan amendments with the evaluation and appraisal
4 report.

5 (j) A summary of the public participation program and
6 activities undertaken by the local government in preparing the
7 report.

8 (3) Voluntary scoping meetings may be conducted by
9 each local government or several local governments within the
10 same county that agree to meet together. Joint meetings among
11 all local governments in a county are encouraged. All scoping
12 meetings shall be completed at least 1 year prior to the
13 established adoption date of the report. The purpose of the
14 meetings shall be to distribute data and resources available
15 to assist in the preparation of the report, to provide input
16 on major issues in each community that should be addressed in
17 the report, and to advise on the extent of the effort for the
18 components of subsection (2). If scoping meetings are held,
19 the local government shall invite each state and regional
20 reviewing agency, as well as adjacent and other affected local
21 governments. A preliminary list of new data and major issues
22 that have emerged since the adoption of the original plan, or
23 the most recent evaluation and appraisal report based update
24 amendments, should be developed by state and regional entities
25 and involved local governments for distribution at the scoping
26 meeting. For purposes of this subsection, a "scoping meeting"
27 is a meeting conducted to determine the scope of review of the
28 evaluation and appraisal report by parties to which the report
29 relates.

30 (4) The local planning agency shall prepare the
31 evaluation and appraisal report and shall make recommendations

1 to the governing body regarding adoption of the proposed
2 report. The local planning agency shall prepare the report in
3 conformity with its public participation procedures adopted as
4 required by s. 163.3181. During the preparation of the
5 proposed report and prior to making any recommendation to the
6 governing body, the local planning agency shall hold at least
7 one public hearing, with public notice, on the proposed
8 report. At a minimum, the format and content of the proposed
9 report shall include a table of contents, numbered pages,
10 element headings, section headings within elements, a list of
11 included tables, maps, and figures, a title and sources for
12 all included tables, a preparation date, and the name of the
13 preparer. Where applicable, maps shall include major natural
14 and artificial geographic features, city, county, and state
15 lines, and a legend indicating a north arrow, map scale, and
16 the date.

17 (5) Ninety days prior to the scheduled adoption date,
18 the local government may provide a proposed evaluation and
19 appraisal report to the state land planning agency and
20 distribute copies to state and regional commenting agencies as
21 prescribed by rule, adjacent jurisdictions, and interested
22 citizens for review. All review comments, including comments
23 by the state land planning agency, shall be transmitted to the
24 local government and state land planning agency within 30 days
25 after receipt of the proposed report.

26 (6) The governing body, after considering the review
27 comments and recommended changes, if any, shall adopt the
28 evaluation and appraisal report by resolution or ordinance at
29 a public hearing with public notice. The governing body shall
30 adopt the report in conformity with its public participation
31 procedures adopted as required by s. 163.3181. The local

1 government shall submit to the state land planning agency
2 three copies of the report, a transmittal letter indicating
3 the dates of public hearings, and a copy of the adoption
4 resolution or ordinance. The local government shall provide a
5 copy of the report to the reviewing agencies which provided
6 comments for the proposed report, or to all the reviewing
7 agencies if a proposed report was not provided pursuant to
8 subsection (5), including the adjacent local governments.
9 Within 60 days after receipt, the state land planning agency
10 shall review the adopted report and make a preliminary
11 sufficiency determination that shall be forwarded by the
12 agency to the local government for its consideration. The
13 state land planning agency shall issue a final sufficiency
14 determination within 90 days after receipt of the adopted
15 evaluation and appraisal report.

16 (7) The intent of the evaluation and appraisal process
17 is the preparation of a plan update that clearly and concisely
18 achieves the purpose of this section. Toward this end, the
19 sufficiency review of the state land planning agency shall
20 concentrate on whether the evaluation and appraisal report
21 sufficiently fulfills the components of subsection (2). If
22 the state land planning agency determines that the report is
23 insufficient, the governing body shall adopt a revision of the
24 report and submit the revised report for review pursuant to
25 subsection (6).

26 (8) The state land planning agency may delegate the
27 review of evaluation and appraisal reports, including all
28 state land planning agency duties under subsections (4)-(7),
29 to the appropriate regional planning council. When the review
30 has been delegated to a regional planning council, any local
31 government in the region may elect to have its report reviewed

1 by the regional planning council rather than the state land
2 planning agency. The state land planning agency shall by
3 agreement provide for uniform and adequate review of reports
4 and shall retain oversight for any delegation of review to a
5 regional planning council.

6 (9) The state land planning agency may establish a
7 phased schedule for adoption of reports. The schedule shall
8 provide each local government at least 7 years from plan
9 adoption or last established adoption date for a report and
10 shall allot approximately one-seventh of the reports to any 1
11 year. In order to allow the municipalities to use data and
12 analyses gathered by the counties, the state land planning
13 agency shall schedule municipal report adoption dates between
14 1 year and 18 months later than the report adoption date for
15 the county in which those municipalities are located. A local
16 government may adopt its report no earlier than 90 days prior
17 to the established adoption date. Small municipalities which
18 were scheduled by Chapter 9J-33, Florida Administrative Code,
19 to adopt their evaluation and appraisal report after February
20 2, 1999, shall be rescheduled to adopt their report together
21 with the other municipalities in their county as provided in
22 this subsection.

23 (10) The governing body shall amend its comprehensive
24 plan based on the recommendations in the report and shall
25 update the comprehensive plan based on the components of
26 subsection (2), pursuant to the provisions of ss. 163.3184,
27 163.3187, and 163.3189. Amendments to update a comprehensive
28 plan based on the evaluation and appraisal report shall be
29 adopted within 18 months after the report is determined to be
30 sufficient by the state land planning agency, except the state
31 land planning agency may grant an extension for adoption of a

1 portion of such amendments. A request for an extension may be
2 granted if the request will achieve better and more
3 coordinated planning results as determined by the state land
4 planning agency, including, but not limited to, coordination
5 with the metropolitan planning organization planning program,
6 coordination of the preparation of an emergency management
7 plan, and other special growth management and planning
8 studies, and if the local government has submitted a
9 reasonable schedule for adopting the plan amendments to ensure
10 such planning results. The comprehensive plan as amended
11 shall be in compliance as defined in s. 163.3184(1)(b).

12 (11) The Administration Commission may impose the
13 sanctions provided by s. 163.3184(11) against any local
14 government that fails to adopt and submit a report, or that
15 fails to implement its report through timely and sufficient
16 amendments to its local plan, except for reasons of excusable
17 delay or valid planning reasons agreed to by the state land
18 planning agency or found present by the Administration
19 Commission. Sanctions for untimely or insufficient plan
20 amendments shall be prospective only and shall begin after a
21 final order has been issued by the Administration Commission
22 and a reasonable period of time has been allowed for the local
23 government to comply with an adverse determination by the
24 Administration Commission through adoption of plan amendments
25 that are in compliance. The state land planning agency may
26 initiate, and an affected person may intervene in, such a
27 proceeding by filing a petition with the Division of
28 Administrative Hearings, which shall appoint an administrative
29 law judge and conduct a hearing pursuant to ss. 120.569 and
30 120.57(1) and shall submit a recommended order to the
31 Administration Commission. The affected local government

1 shall be a party to any such proceeding. The commission may
2 implement this subsection by rule.

3 (12) The state land planning agency shall not adopt
4 rules to implement this section, other than procedural rules.

5 (13) Within 1 year after the effective date of this
6 act, the state land planning agency shall prepare and submit a
7 report to the Governor, the Administration Commission, the
8 Speaker of the House of Representatives, the President of the
9 Senate, and the respective community affairs committees of the
10 Senate and the House of Representatives on the coordination
11 efforts of local, regional, and state agencies to improve
12 technical assistance for evaluation and appraisal reports and
13 update plan amendments. Technical assistance shall include,
14 but not be limited to, distribution of sample evaluation and
15 appraisal report templates, distribution of data in formats
16 usable by local governments, onsite visits with local
17 governments, and participation in and assistance with the
18 voluntary scoping meetings as described in subsection (3).

19 (14) The state land planning agency shall regularly
20 review the evaluation and appraisal report process and submit
21 a report to the Governor, the Administration Commission, the
22 Speaker of the House of Representatives, the President of the
23 Senate, and the respective community affairs committees of the
24 Senate and the House of Representatives. The first report
25 shall be submitted by December 31, 2004, and subsequent
26 reports shall be submitted every 5 years thereafter. At least
27 9 months before the due date of each report, the Secretary of
28 Community Affairs shall appoint a technical committee of at
29 least 15 members to assist in the preparation of the report.
30 The membership of the technical committee shall consist of
31 representatives of local governments, regional planning

1 councils, the private sector, and environmental organizations.
2 The report shall assess the effectiveness of the evaluation
3 and appraisal report process.

4 (15) An evaluation and appraisal report due for
5 adoption before October 1, 1998, shall be evaluated for
6 sufficiency pursuant to the provisions of this section. A
7 local government which has an established adoption date for
8 its evaluation and appraisal report after September 30, 1998,
9 and before February 2, 1999, may choose to have its report
10 evaluated for sufficiency pursuant to the provisions of this
11 section if the choice is made in writing to the state land
12 planning agency on or before the date the report is submitted.

13 Section 8. Section 163.3245, Florida Statutes, is
14 created to read:

15 163.3245 Optional sector plans.--

16 (1) In recognition of the benefits of conceptual
17 long-range planning for the buildout of an area, and detailed
18 planning for specific areas, as a demonstration project the
19 requirements of s. 380.06 may be addressed as identified by
20 this section for up to five local governments or combinations
21 of local governments which adopt into the comprehensive plan
22 an optional sector plan in accordance with this section. This
23 section is intended to further the intent of s. 163.3177(11),
24 which supports innovative and flexible planning and
25 development strategies, and the purposes of chapter 163, part
26 II, and chapter 380, part I, and to avoid duplication of
27 effort in terms of the level of data and analysis required for
28 a development of regional impact, while ensuring the adequate
29 mitigation of impacts to applicable regional resources and
30 facilities, including those within the jurisdiction of other
31 local governments, as would otherwise be provided. Optional

1 sector plans are intended for substantial geographic areas
2 including at least 5,000 acres of one or more local
3 governmental jurisdictions and are to emphasize urban form and
4 protection of regionally significant resources and facilities.
5 The state land planning agency may approve optional sector
6 plans of less than 5,000 acres based on local circumstances if
7 it is determined that the plan would further the purposes of
8 chapter 163, part II, and chapter 380, part I. Preparation of
9 an optional sector plan is authorized by agreement between the
10 state land planning agency and the applicable local
11 governments under s. 163.3171(4). An optional sector plan may
12 be adopted through one or more comprehensive plan amendments
13 under s. 163.3184. However, an optional sector plan may not be
14 authorized in an area of critical state concern.

15 (2) The state land planning agency may enter into an
16 agreement to authorize preparation of an optional sector plan
17 upon the request of one or more local governments based on
18 consideration of problems and opportunities presented by
19 existing development trends; the effectiveness of current
20 comprehensive plan provisions; the potential to further the
21 state comprehensive plan, applicable strategic regional policy
22 plans, chapter 163, part II, and chapter 380, part I; and
23 those factors identified by s. 163.3177(10)(i). The applicable
24 regional planning council shall conduct a scoping meeting with
25 affected local governments and those agencies identified in s.
26 163.3184(4) before execution of the agreement authorized by
27 this section. The purpose of this meeting is to assist the
28 state land planning agency and the local government in the
29 identification of the relevant planning issues to be addressed
30 and the data and resources available to assist in the
31 preparation of subsequent plan amendments. The regional

1 planning council shall make written recommendations to the
2 state land planning agency and affected local governments,
3 including whether a sustainable sector plan would be
4 appropriate. The agreement must define the geographic area to
5 be subject to the sector plan, the planning issues that will
6 be emphasized, requirements for intergovernmental coordination
7 to address extra-jurisdictional impacts, supporting
8 application materials including data and analysis, and
9 procedures for public participation. An agreement may address
10 previously adopted sector plans that are consistent with the
11 standards in this section. Before executing an agreement under
12 this subsection, the local government shall hold a duly
13 noticed public workshop to review and explain to the public
14 the optional sector planning process and the terms and
15 conditions of the proposed agreement. The local government
16 shall hold a duly noticed public hearing to execute the
17 agreement. All meetings between the department and the local
18 government must be open to the public.

19 (3) Optional sector planning encompasses two levels:
20 adoption under s. 163.3184 of a conceptual long-term buildout
21 overlay to the comprehensive plan, having no immediate effect
22 on the issuance of development orders or the applicability of
23 s. 380.06, and, adoption under s. 163.3184 of detailed
24 specific area plans that implement the conceptual long-term
25 buildout overlay and authorize issuance of development orders,
26 and within which s. 380.06 is waived. Until such time as a
27 detailed specific area plan is adopted, the underlying future
28 land use designations apply.

29 (a) In addition to the other requirements of this
30 chapter, a conceptual long-term buildout overlay must include:
31

1 1. A long-range conceptual framework map that at a
2 minimum identifies anticipated areas of urban, agricultural,
3 rural, and conservation land use.

4 2. Identification of regionally significant public
5 facilities consistent with Rule 9J-2, Florida Administrative
6 Code, irrespective of local governmental jurisdiction
7 necessary to support buildout of the anticipated future land
8 uses.

9 3. Identification of regionally significant natural
10 resources consistent with Rule 9J-2, Florida Administrative
11 Code.

12 4. Principles and guidelines that address the urban
13 form and interrelationships of anticipated future land uses
14 and a discussion, at the applicant's option, of the extent, if
15 any, to which the plan will address restoring key ecosystems,
16 achieving a more clean, healthy environment, limiting urban
17 sprawl, protecting wildlife and natural areas, advancing the
18 efficient use of land and other resources, and creating
19 quality communities and jobs.

20 5. Identification of general procedures to ensure
21 intergovernmental coordination to address extra-jurisdictional
22 impacts from the long-range conceptual framework map.

23 (b) In addition to the other requirements of this
24 chapter, including those in subsection (a), the detailed
25 specific area plans must include:

26 1. An area of adequate size to accommodate a level of
27 development which achieves a functional relationship between a
28 full range of land uses within the area and to encompass at
29 least 1,000 acres. The state land planning agency may approve
30 detailed specific area plans of less than 1,000 acres based on
31

1 local circumstances if it is determined that the plan furthers
2 the purposes of chapter 163, part II, and chapter 380, part I.

3 2. Detailed identification and analysis of the
4 distribution, extent, and location of future land uses.

5 3. Detailed identification of regionally significant
6 public facilities, including public facilities outside the
7 jurisdiction of the host local government, anticipated impacts
8 of future land uses on those facilities, and required
9 improvements consistent with Rule 9J-2, Florida Administrative
10 Code.

11 4. Public facilities necessary for the short term,
12 including developer contributions in a financially feasible
13 5-year capital improvement schedule of the affected local
14 government.

15 5. Detailed analysis and identification of specific
16 measures to assure the protection of regionally significant
17 natural resources and other important resources both within
18 and outside the host jurisdiction, including those regionally
19 significant resources identified in Rule 9J-2, Florida
20 Administrative Code.

21 6. Principles and guidelines that address the urban
22 form and interrelationships of anticipated future land uses
23 and a discussion, at the applicant's option, of the extent, if
24 any, to which the plan will address restoring key ecosystems,
25 achieving a more clean, healthy environment, limiting urban
26 sprawl, protecting wildlife and natural areas, advancing the
27 efficient use of land and other resources, and creating
28 quality communities and jobs.

29 7. Identification of specific procedures to ensure
30 intergovernmental coordination to address extrajurisdictional
31 impacts of the detailed specific area plan.

1 (c) This subsection may not be construed to prevent
2 preparation and approval of the optional sector plan and
3 detailed specific area plan concurrently or in the same
4 submission.

5 (4) The host local government shall submit a
6 monitoring report to the state land planning agency and
7 applicable regional planning council on an annual basis after
8 adoption of a detailed specific area plan. The annual
9 monitoring report must provide summarized information on
10 development orders issued, development that has occurred,
11 public facility improvements made, and public facility
12 improvements anticipated over the upcoming 5 years.

13 (5) When a plan amendment adopting a detailed specific
14 area plan has become effective under s. 163.3184 and s.
15 163.3189(2), the provisions of s. 380.06 do not apply to
16 development within the geographic area of the detailed
17 specific area plan. However, any
18 development-of-regional-impact development order that is
19 vested from the detailed specific area plan may be enforced
20 under s. 380.11.

21 (a) The local government adopting the detailed
22 specific area plan is primarily responsible for monitoring and
23 enforcing the detailed specific area plan. Local governments
24 shall not issue any permits or approvals or provide any
25 extensions of services to development that are not consistent
26 with the detailed sector area plan.

27 (b) If the state land planning agency has reason to
28 believe that a violation of any detailed specific area plan,
29 or of any agreement entered into under this section, has
30 occurred or is about to occur, it may institute an
31 administrative or judicial proceeding to prevent, abate, or

1 control the conditions or activity creating the violation,
2 using the procedures in s. 380.11.

3 (c) In instituting an administrative or judicial
4 proceeding involving an optional sector plan or detailed
5 specific area plan, including a proceeding pursuant to s.
6 163.3245(5)(b), the complaining party shall comply with the
7 requirements of subsections (4), (5), (6), and (7) of s.
8 163.3215.

9 (6) Beginning December 1, 1999, and each year
10 thereafter, the department shall provide a status report to
11 the Legislative Committee on Intergovernmental Relations
12 regarding each optional sector plan authorized under this
13 section.

14 (7) This section may not be construed to abrogate the
15 rights of any person under this chapter.

16 Section 9. Subsection (6) is added to section 171.044,
17 Florida Statutes, to read:

18 171.044 Voluntary annexation.--

19 (6) Upon publishing or posting the ordinance notice
20 required under subsection (2), the governing body of the
21 municipality must provide a copy of the notice, via certified
22 mail, to the board of the county commissioners of the county
23 wherein the municipality is located. This subsection does not
24 affect the standing of any party to an annexation challenge.

25 Section 10. Section 186.003, Florida Statutes, is
26 amended to read:

27 186.003 Definitions.--As used in ss. 186.001-186.031
28 and 186.801-186.911, the term:

29 (1) "Executive Office of the Governor" means the
30 Office of Planning and Budgeting of the Executive Office of
31 the Governor.

1 (2) "Goal" means the long-term end toward which
2 programs and activities are ultimately directed.

3 (3) "Objective" means a specific, measurable,
4 intermediate end that is achievable and marks progress toward
5 a goal.

6 (4) "Policy" means the way in which programs and
7 activities are conducted to achieve an identified goal.

8 (5) "Regional planning agency" means the regional
9 planning council created pursuant to ss. 186.501-186.515 to
10 exercise responsibilities under ss. 186.001-186.031 and
11 186.801-186.911 in a particular region of the state.

12 (6) "State agency" means each executive department,
13 the Game and Fresh Water Fish Commission, the Parole
14 Commission, and the Department of Military Affairs.

15 (7) "State agency strategic plan" means the statement
16 of priority directions that an agency will take to carry out
17 its mission within the context of the state comprehensive plan
18 and within the context of any other statutory mandates and
19 authorizations given to the agency, pursuant to ss.
20 186.021-186.022.

21 (8) "State comprehensive plan" means the state
22 planning document required in Article III, s. 19 of the State
23 Constitution and published as ss. 187.101 and 187.201. ~~goals~~
24 ~~and policies contained within the state comprehensive plan~~
25 ~~initially prepared by the Executive Office of the Governor and~~
26 ~~adopted pursuant to s. 186.008.~~

27 Section 11. Subsections (4) and (8) of section
28 186.007, Florida Statutes, are amended and subsection (9) is
29 added to that section to read:

30 186.007 State comprehensive plan; preparation;
31 revision.--

1 (4)(a) The Executive Office of the Governor shall
2 prepare statewide goals, objectives, and policies related to
3 the opportunities, problems, and needs associated with growth
4 and development in this state, which goals, objectives, and
5 policies shall constitute the growth management portion of the
6 state comprehensive plan. In preparing the growth management
7 goals, objectives, and policies, the Executive Office of the
8 Governor initially shall emphasize the management of land use,
9 water resources, and transportation system development.

10 (b) The purpose of the growth management portion of
11 the state comprehensive plan is to establish clear, concise,
12 and direct goals, objectives, and policies related to land
13 development, water resources, transportation, and related
14 topics. In doing so, the plan should, where possible, draw
15 upon the work that agencies have invested in ~~the state land~~
16 ~~development plan~~, the Florida Transportation Plan, the Florida
17 water plan, and similar planning documents.

18 (8) The revision of the state comprehensive plan is a
19 continuing process. Each section of the plan shall be
20 reviewed and analyzed biennially by the Executive Office of
21 the Governor in conjunction with the planning officers of
22 other state agencies significantly affected by the provisions
23 of the particular section under review. In conducting this
24 review and analysis, the Executive Office of the Governor
25 shall review and consider, with the assistance of the state
26 land planning agency and regional planning councils, the
27 evaluation and appraisal reports submitted pursuant to s.
28 163.3191 and the evaluation and appraisal reports prepared
29 pursuant to s. 186.511. Any necessary revisions of the state
30 comprehensive plan shall be proposed by the Governor in a
31 written report and be accompanied by an explanation of the

1 need for such changes. If the Governor determines that
2 changes are unnecessary, the written report must explain why
3 changes are unnecessary. The proposed revisions and
4 accompanying explanations may be submitted in the report
5 required by s. 186.031. Any proposed revisions to the plan
6 shall be submitted to the Legislature as provided in s.
7 186.008(2) at least 30 days prior to the regular legislative
8 session occurring in each even-numbered year.

9 (9) The Governor shall appoint a committee to review
10 and make recommendations as to the state comprehensive plan
11 that should be considered for the Governor's recommendations
12 to the Administration Commission for October 1, 1999, pursuant
13 to s. 186.008(1). The committee must consist of persons from
14 the public and private sectors representing the broad range of
15 interests covered by the state comprehensive plan, including
16 state, regional, and local government representatives. In
17 reviewing the goals and policies contained in chapter 187, the
18 committee must identify portions that have become outdated or
19 have not been implemented, and, based upon best available
20 data, the state's progress toward achieving the goals and
21 policies. The committee may also make recommendations as to
22 data and information needed in the continuing process to
23 evaluate and update the state comprehensive plan. All meetings
24 of the committee must be open to the public for input on the
25 state comprehensive plan. The Executive Office of the governor
26 is hereby appropriated \$50,000 in nonrecurring general revenue
27 for costs associated with the committee, including travel and
28 per diem reimbursement for the committee members.

29 Section 12. Section 186.008, Florida Statutes, is
30 amended to read:
31

1 186.008 State comprehensive plan; revision;
2 implementation.--

3 (1) On or before October 1 of every odd-numbered year
4 ~~beginning in 1995~~, the Executive Office of the Governor shall
5 prepare, and the Governor shall recommend to the
6 Administration Commission, any proposed revisions to the state
7 comprehensive plan deemed necessary. The Governor shall
8 transmit his or her recommendations and explanation as
9 required by s. 186.007(8). Copies shall also be provided to
10 each state agency, to each regional planning agency, to any
11 other unit of government that requests a copy, and to any
12 member of the public who requests a copy.

13 (2) On or before December 15 of every odd-numbered
14 year ~~beginning in 1995~~, the Administration Commission shall
15 review the proposed revisions to the state comprehensive plan
16 prepared by the Governor. The commission shall adopt a
17 resolution, after public notice and a reasonable opportunity
18 for public comment, and transmit the proposed revisions to the
19 state comprehensive plan to the Legislature, together with any
20 amendments approved by the commission and any dissenting
21 reports. The commission shall identify those portions of the
22 plan that are not based on existing law.

23 (3) All amendments, revisions, or updates to the plan
24 shall be adopted by the Legislature as a general law.

25 (4) The state comprehensive plan shall be implemented
26 and enforced by all state agencies consistent with their
27 lawful responsibilities whether it is put in force by law or
28 by administrative rule. The Governor, as chief planning
29 officer of the state, shall oversee the implementation
30 process.

31

1 (5) All state agency budgets and programs shall be
2 consistent with the adopted state comprehensive plan and shall
3 support and further its goals and policies.

4 (6) The Florida Public Service Commission, in
5 approving the plans of utilities subject to its regulation,
6 shall take into consideration the compatibility of the plan of
7 each utility and all related utility plans taken together with
8 the adopted state comprehensive plan.

9 Section 13. Subsection (2) of section 186.009, Florida
10 Statutes, is amended to read:

11 186.009 Growth management portion of the state
12 comprehensive plan.--

13 (2) The growth management portion of the state
14 comprehensive plan shall:

15 (a) Provide strategic guidance for state, regional,
16 and local actions necessary to implement the state
17 comprehensive plan with regard to the physical growth and
18 development of the state.

19 (b) Identify metropolitan and urban growth centers.

20 (c) Identify areas of state and regional environmental
21 significance and establish strategies to protect them.

22 (d) Set forth and integrate state policy for Florida's
23 future growth as it relates to land development, air quality,
24 transportation, and water resources.

25 (e) Provide guidelines for determining where urban
26 growth is appropriate and should be encouraged.

27 (f) Provide guidelines for state transportation
28 corridors, public transportation corridors, new interchanges
29 on limited access facilities, and new airports of regional or
30 state significance.

31

1 (g) Promote land acquisition programs to provide for
2 natural resource protection, open space needs, urban
3 recreational opportunities, and water access.

4 (h) Set forth policies to establish state and regional
5 solutions to the need for affordable housing.

6 (i) Provide coordinated state planning of road, rail,
7 and waterborne transportation facilities designed to take the
8 needs of agriculture into consideration and to provide for the
9 transportation of agricultural products and supplies.

10 (j) Establish priorities regarding coastal planning
11 and resource management.

12 (k) Provide a statewide policy to enhance the multiuse
13 waterfront development of existing deepwater ports, ensuring
14 that priority is given to water-dependent land uses.

15 (l) Set forth other goals, objectives, and policies
16 related to the state's natural and built environment that are
17 necessary to effectuate those portions of the state
18 comprehensive plan which are related to physical growth and
19 development.

20 (m) Set forth recommendations on when and to what
21 degree local government comprehensive plans must be consistent
22 with the proposed growth management portion of the state
23 comprehensive plan.

24 (n) Set forth recommendations on how to integrate the
25 Florida water plan required by s. 373.036, ~~the state land~~
26 ~~development plan required by s. 380.031(17)~~, and
27 transportation plans required by chapter 339.

28 (o) Set forth recommendations concerning what degree
29 of consistency is appropriate for the strategic regional
30 policy plans.

31

1 The growth management portion of the state comprehensive plan
2 shall not include a land use map.

3 Section 14. Subsection (2) of section 186.507, Florida
4 Statutes, is amended to read:

5 186.507 Strategic regional policy plans.--

6 (2) The Executive Office of the Governor may ~~shall~~
7 adopt by rule minimum criteria to be addressed in each
8 strategic regional policy plan and a uniform format for each
9 plan. Such criteria must emphasize the requirement that each
10 regional planning council, when preparing and adopting a
11 strategic regional policy plan, must focus on regional rather
12 than local resources and facilities.

13 Section 15. Section 186.508, Florida Statutes, is
14 amended to read:

15 186.508 Strategic regional policy plan adoption~~r~~
16 ~~consistency with state comprehensive plan.--~~

17 ~~(1) Each regional planning council shall submit to the~~
18 ~~Executive Office of the Governor its proposed strategic~~
19 ~~regional policy plan on a schedule adopted by rule by the~~
20 ~~Executive Office of the Governor to coordinate implementation~~
21 ~~of the strategic regional policy plans with the evaluation and~~
22 ~~appraisal reports required by s. 163.3191. The Executive~~
23 ~~Office of the Governor, or its designee, shall review the~~
24 ~~proposed strategic regional policy plan for consistency with~~
25 ~~the adopted state comprehensive plan and shall, within 60~~
26 ~~days, return the proposed strategic regional policy plan to~~
27 ~~the council, together with any revisions recommended by the~~
28 ~~Governor. The Governor's recommended revisions shall be~~
29 ~~included in the plans in a comment section. However, nothing~~
30 ~~herein shall preclude a regional planning council from~~
31 ~~adopting or rejecting any or all of the revisions as a part of~~

1 ~~its plan prior to the effective date of the plan.~~The rules
2 adopting the strategic regional policy plan shall not be
3 subject to rule challenge under s. 120.56(2) or to drawout
4 proceedings under s. 120.54(3)(c)2., but, once adopted, shall
5 be subject to an invalidity challenge under s. 120.56(3) by
6 substantially affected persons, including the Executive Office
7 of the Governor. The rules ~~shall be adopted by the regional~~
8 ~~planning councils within 90 days after receipt of the~~
9 ~~revisions recommended by the Executive Office of the Governor,~~
10 ~~and~~ shall become effective upon filing with the Department of
11 State, notwithstanding the provisions of s. 120.54(3)(e)6.

12 (2) If a local government within the jurisdiction of a
13 regional planning council challenges a portion of the
14 council's regional policy plan pursuant to s. 120.56, the
15 applicable portion of that local government's comprehensive
16 plan shall not be required to be consistent with the
17 challenged portion of the regional policy plan until 12 months
18 after the challenge has been resolved by an administrative law
19 judge.

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

22 Section 16. Section 186.511, Florida Statutes, is
23 amended to read:

24 186.511 Evaluation of strategic regional policy plan;
25 changes in plan.--The regional planning process shall be a
26 continuous and ongoing process. Each regional planning
27 council shall prepare an evaluation and appraisal report on
28 its strategic regional policy plan at least once every 5
29 years; assess the successes or failures of the plan; address
30 changes to the state comprehensive plan; and prepare and adopt
31 by rule amendments, revisions, or updates to the plan as

1 needed. Each regional planning council shall involve the
2 appropriate local health councils in its region if the
3 regional planning council elects to address regional health
4 issues. ~~The evaluation and appraisal report shall be prepared~~
5 ~~and submitted for review on a schedule established by rule by~~
6 ~~the Executive Office of the Governor.~~The strategic regional
7 policy plan evaluation and review ~~schedule~~ shall facilitate
8 and be coordinated with, to the maximum extent feasible, the
9 evaluation and revision of local comprehensive plans pursuant
10 to s. 163.3191 for the local governments within each
11 comprehensive planning district.

12 Section 17. Paragraph (f) of subsection (2) and
13 subsections (3), (8), (9), (10), and (12) of section 288.975,
14 Florida Statutes, are amended to read:

15 288.975 Military base reuse plans.--

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

17 (f) "Regional policy plan" means a ~~comprehensive~~
18 ~~regional policy plan that has been adopted by rule by a~~
19 ~~regional planning council until the council's rule adopting~~
20 ~~its strategic regional policy plan in accordance with the~~
21 ~~requirements of chapter 93-206, Laws of Florida, becomes~~
22 ~~effective, at which time "regional policy plan" shall mean a~~
23 strategic regional policy plan that has been adopted by rule
24 by a regional planning council pursuant to s. 186.508.

25 (3) No later than 6 months ~~after May 31, 1994, or 6~~
26 ~~months~~ after the designation of a military base for closure by
27 the Federal Government, ~~whichever is later,~~ each host local
28 government shall notify the secretary of the Department of
29 Community Affairs and the director of the Office of Tourism,
30 Trade, and Economic Development in writing, by hand delivery
31 or return receipt requested, as to whether it intends to use

1 the optional provisions provided in this act. If a host local
2 government does not opt to use the provisions of this act,
3 land use planning and regulation pertaining to base reuse
4 activities within those host local governments shall be
5 subject to all applicable statutory requirements, including
6 those contained within chapters 163 and 380.

7 (8) At the request of a host local government, the
8 Office of Tourism, Trade, and Economic Development shall
9 coordinate a presubmission workshop concerning a military base
10 reuse plan within the boundaries of the host jurisdiction.
11 Agencies that shall participate in the workshop shall include
12 any affected local governments; the Department of
13 Environmental Protection; the Office of Tourism, Trade, and
14 Economic Development; the Department of Community Affairs; the
15 Department of Transportation; the Department of Health ~~and~~
16 ~~Rehabilitative Services~~; the Department of Children and Family
17 Services; the Department of Agriculture and Consumer Services;
18 the Department of State; the Game and Fresh Water Fish
19 Commission; and any applicable water management districts and
20 regional planning councils. The purposes of the workshop shall
21 be to assist the host local government to understand issues of
22 concern to the above listed entities pertaining to the
23 military base site and to identify opportunities for better
24 coordination of planning and review efforts with the
25 information and analyses generated by the federal
26 environmental impact statement process and the federal
27 community base reuse planning process.

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

1 (a) Send a copy of the proposed military base reuse
2 plan for review to any affected local governments; the
3 Department of Environmental Protection; the Office of Tourism,
4 Trade, and Economic Development; the Department of Community
5 Affairs; the Department of Transportation; the Department of
6 Health ~~and Rehabilitative Services~~; the Department of Children
7 and Family Services; the Department of Agriculture and
8 Consumer Services; the Department of State; the Florida Game
9 and Fresh Water Fish Commission; and any applicable water
10 management districts and regional planning councils, or

11 (b) Petition the secretary of the Department of
12 Community Affairs for an extension of the deadline for
13 submitting a proposed reuse plan. Such an extension request
14 must be justified by changes or delays in the closure process
15 by the federal Department of Defense or for reasons otherwise
16 deemed to promote the orderly and beneficial planning of the
17 subject military base reuse. The secretary of the Department
18 of Community Affairs may grant extensions ~~up to a 1-year~~
19 ~~extension~~ to the required submission date of the reuse plan.

20 (10)(a) Within 60 days after receipt of a proposed
21 military base reuse plan, these entities shall review and
22 provide comments to the host local government. The
23 commencement of this review period shall be advertised in
24 newspapers of general circulation within the host local
25 government and any affected local government to allow for
26 public comment. No later than 180 ~~60~~ days after receipt and
27 consideration of all comments, and the holding of at least two
28 public hearings, the host local government shall adopt the
29 military base reuse plan. The host local government shall
30 comply with the notice requirements set forth in s.

31

1 163.3184(15) to ensure full public participation in this
2 planning process.

3 ~~(b) Notwithstanding paragraph (a), a host local~~
4 ~~government may waive the requirement that the military base~~
5 ~~reuse plan be adopted within 60 days after receipt and~~
6 ~~consideration of all comments and the second public hearing.~~
7 ~~The waiver may extend the time period in which to adopt the~~
8 ~~military reuse plan to 180 days after the 60th day following~~
9 ~~the receipt and consideration of all comments and the second~~
10 ~~public hearing, or the date upon which this act becomes a law,~~
11 ~~whichever is later.~~

12 ~~(c) The host local government may exercise the waiver~~
13 ~~after the 60th day following the receipt and consideration of~~
14 ~~all comments and the second public hearing. However, the host~~
15 ~~local government must exercise this waiver no later than 180~~
16 ~~days after the 60th day following the receipt and~~
17 ~~consideration of all comments and the second public hearing,~~
18 ~~or the date upon which this act becomes a law, whichever is~~
19 ~~later.~~

20 ~~(d) Any action by a host local government to adopt a~~
21 ~~military base reuse plan after the expiration of the 60-day~~
22 ~~period is deemed an exercise of the waiver pursuant to~~
23 ~~paragraph (b), without further action by the host local~~
24 ~~government.~~

25 (12) Following receipt of a petition, the petitioning
26 party or parties and the host local government shall seek
27 resolution of the issues in dispute. The issues in dispute
28 shall be resolved as follows:

29 (a) The petitioning parties and host local government
30 shall have 45 days to resolve the issues in dispute. Other
31 affected parties that submitted comments on the proposed

1 military base reuse plan may be given the opportunity to
2 formally participate in decisions and agreements made in these
3 and subsequent proceedings by mutual consent of the
4 petitioning party and the host local government. A third-party
5 mediator may be used to help resolve the issues in dispute.

6 (b) If resolution of the dispute cannot be achieved
7 within 45 days, the petitioning parties and host local
8 government may extend such dispute resolution for up to 45
9 days. If resolution of the dispute cannot be achieved with the
10 above timeframes, the issues in dispute shall be submitted to
11 the state land planning agency. If the issues stem from
12 multiple petitions, the mediation shall be consolidated into a
13 single proceeding. The state land planning agency shall have
14 45 days to hold informal hearings, if necessary, identify the
15 issues in dispute, prepare a record of the proceedings, and
16 provide recommended solutions to the parties. If the parties
17 fail to implement the recommended solutions within 45 days,
18 the state land planning agency shall submit the matter to the
19 Administration Commission for final action. The report to the
20 Administration Commission shall list each issue in dispute,
21 describe the nature and basis for each dispute, identify the
22 recommended solutions provided to the parties, and make
23 recommendations for actions the Administration Commission
24 should take to resolve the disputed issues.

25 (c) If ~~In the event~~ the state land planning agency is
26 a party to the dispute, the issues in dispute shall be
27 submitted to ~~resolved by~~ a party jointly selected by the state
28 land planning agency and the host local government. The
29 selected party shall comply with the responsibilities placed
30 upon the state land planning agency in this section.

31

1 (d) Within 45 days after receiving the report from the
2 state land planning agency, the Administration Commission
3 shall take action to resolve the issues in dispute. In
4 deciding upon a proper resolution, the Administration
5 Commission shall consider the nature of the issues in dispute,
6 any requests for a formal administrative hearing pursuant to
7 ch. 120, F.S., the compliance of the parties with this
8 section, the extent of the conflict between the parties, the
9 comparative hardships and the public interest involved. If the
10 Administration Commission incorporates in its final order a
11 term or condition that requires any local government to amend
12 its local government comprehensive plan, the local government
13 shall amend its plan within 60 days after the issuance of the
14 order. Such amendment or amendments shall be exempt from the
15 limitation of the frequency of plan amendments contained in s.
16 163.3187(2), and a public hearing on such amendment or
17 amendments pursuant to s. 163.3184(15)(b)1. shall not be
18 required. The final order of the Administration Commission is
19 subject to appeal pursuant to s. 120.68. If the order of the
20 Administration Commission is appealed, the time for the local
21 government to amend its plan shall be tolled during the
22 pendency of any local, state, or federal administrative or
23 judicial proceeding relating to the military base reuse plan.

24 Section 18. Section 288.980, Florida Statutes, is
25 amended to read:

26 288.980 Military base closure, retention, realignment,
27 ~~or defense-related readjustment and diversification;~~
28 legislative intent; grants program.--

29 (1) It is the intent of this state to provide the
30 necessary means to assist communities with military
31 installations that would be adversely affected by federal base

1 realignment or closure actions. It is further the intent to
2 encourage communities to ~~establish local or regional community~~
3 ~~base realignment or closure commissions to~~ initiate a
4 coordinated program of response and plan of action in advance
5 of future actions of the federal Base Realignment and Closure
6 Commission. It is critical that closure-vulnerable communities
7 develop such a program to preserve affected military
8 installations. The Legislature, therefore, declares that
9 providing such assistance to support the defense-related
10 initiatives within this section is a public purpose for which
11 public money may be used.

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

17 1. ~~Activities~~ related to the retention of military
18 installations potentially affected by federal base closure or
19 realignment.

20 2. ~~Activities~~ related to ~~preventing the potential~~
21 ~~realignment or closure of a military installation officially~~
22 ~~identified by the Federal Government for potential realignment~~
23 ~~or closure.~~

24 (b) The term "activities" as used in this section
25 means studies, presentations, analyses, plans, and modeling.
26 Travel and costs incidental thereto, and staff salaries, are
27 not considered an "activity" for which grant funds may be
28 awarded.

29 (c) The amount of any grant provided to an applicant
30 ~~in any one year~~ may not exceed \$250,000. The Office of
31

1 Tourism, Trade, and Economic Development shall require that an
2 applicant:

3 1. Represent a local government ~~community~~ with a
4 military installation or military installations that could be
5 adversely affected by federal base realignment or closure.

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

10 3. Prepare a coordinated program or plan of action
11 delineating how the eligible project will be administered and
12 accomplished.

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

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

19 1. The relative value of the particular military
20 installation in terms of its importance to the local and state
21 economy relative to other military installations vulnerable to
22 closure.

23 2. The potential job displacement within the local
24 community should the military installation be closed.

25 3. The potential adverse impact on industries and
26 technologies which service the military installation.

27 ~~(e) For purposes of base closure and realignment,~~
28 ~~"applicant" means one or more counties, or a base closure or~~
29 ~~realignment commission created by one or more counties, to~~
30 ~~oversee the potential or actual realignment or closure of a~~

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1 ~~military installation within the jurisdiction of such local~~
2 ~~government.~~

3 (3) The Florida Economic Reinvestment Initiative is
4 established to respond to the need for this state and
5 defense-dependent communities in this state to develop
6 alternative economic diversification strategies to lessen
7 reliance on national defense dollars in the wake of base
8 closures and reduced federal defense expenditures and the need
9 to formulate specific base reuse plans and identify any
10 specific infrastructure needed to facilitate reuse. The
11 initiative shall consist of the following three distinct grant
12 programs to be administered by the Office of Tourism, Trade,
13 and Economic Development ~~Department of Commerce~~:

14 (a) The Florida Defense Planning Grant Program,
15 through which funds shall be used to analyze the extent to
16 which the state is dependent on defense dollars and defense
17 infrastructure and prepare alternative economic development
18 strategies. The state shall work in conjunction with
19 defense-dependent communities in developing strategies and
20 approaches that will help communities make the transition from
21 a defense economy to a nondefense economy. Grant awards may
22 not exceed \$100,000 per applicant and shall be available on a
23 competitive basis.

24 (b) The Florida Defense Implementation Grant Program,
25 through which funds shall be made available to
26 defense-dependent communities to implement the diversification
27 strategies developed pursuant to paragraph (a). Eligible
28 applicants include defense-dependent counties and cities, and
29 local economic development councils located within such
30 communities. Grant awards may not exceed \$100,000 per
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1 applicant and shall be available on a competitive basis.

2 Awards shall be matched on a one-to-one basis.

3 (c) The Florida Military Installation Reuse Planning
4 and Marketing Grant Program, through which funds shall be used
5 to help counties, cities, and local economic development
6 councils develop and implement plans for the reuse of closed
7 or realigned military installations, including any necessary
8 infrastructure improvements needed to facilitate reuse and
9 related marketing activities. Grant awards are limited to not
10 more than \$100,000 per eligible applicant and made available
11 through a competitive process. Awards shall be matched on a
12 one-to-one basis.

13

14 Applications for grants under this subsection must include a
15 coordinated program of work or plan of action delineating how
16 the eligible project will be administered and accomplished,
17 which must include a plan for ensuring close cooperation
18 between civilian and military authorities in the conduct of
19 the funded activities and a plan for public involvement.

20 (4)(a) The Defense-Related Business Adjustment Program
21 is hereby created. The Director of the Office of Tourism,
22 Trade, and Economic Development ~~Secretary of Commerce~~ shall
23 coordinate the development of the Defense-Related Business
24 Adjustment Program. Funds shall be available to assist
25 defense-related companies in the creation of increased
26 commercial technology development through investments in
27 technology. Such technology must have a direct impact on
28 critical state needs for the purpose of generating
29 investment-grade technologies and encouraging the partnership
30 of the private sector and government defense-related business
31 adjustment. The following areas shall receive precedence in

1 consideration for funding commercial technology development:
2 law enforcement or corrections, environmental protection,
3 transportation, education, and health care. Travel and costs
4 incidental thereto, and staff salaries, are not considered an
5 "activity" for which grant funds may be awarded.

6 (b) The office ~~department~~ shall require that an
7 applicant:

8 1. Be a defense-related business that could be
9 adversely affected by federal base realignment or closure or
10 reduced defense expenditures.

11 2. Agree to match at least 50 percent of any funds
12 awarded by the department in cash or in-kind services. Such
13 match shall be directly related to activities for which the
14 funds are being sought.

15 3. Prepare a coordinated program or plan delineating
16 how the funds will be administered.

17 4. Provide documentation describing how
18 defense-related realignment or closure will adversely impact
19 defense-related companies.

20 (5) The director ~~Secretary of Commerce~~ may award
21 nonfederal matching funds specifically appropriated for
22 construction, maintenance, and analysis of a Florida defense
23 workforce database. Such funds will be used to create a
24 registry of worker skills that can be used to match the worker
25 needs of companies that are relocating to this state or to
26 assist workers in relocating to other areas within this state
27 where similar or related employment is available.

28 (6) The Office of Tourism, Trade, and Economic
29 Development shall establish guidelines to implement and carry
30 out the purpose and intent of this section.

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1 Section 19. Paragraph (d) is added to subsection (5)
2 of section 380.06, Florida Statutes, and subsections (12) and
3 (14) of that section are amended to read:

4 380.06 Developments of regional impact.--

5 (5) AUTHORIZATION TO DEVELOP.--

6 (a)1. A developer who is required to undergo
7 development-of-regional-impact review may undertake a
8 development of regional impact if the development has been
9 approved under the requirements of this section.

10 2. If the land on which the development is proposed is
11 within an area of critical state concern, the development must
12 also be approved under the requirements of s. 380.05.

13 (b) State or regional agencies may inquire whether a
14 proposed project is undergoing or will be required to undergo
15 development-of-regional-impact review. If a project is
16 undergoing or will be required to undergo
17 development-of-regional-impact review, any state or regional
18 permit necessary for the construction or operation of the
19 project that is valid for 5 years or less shall take effect,
20 and the period of time for which the permit is valid shall
21 begin to run, upon expiration of the time allowed for an
22 administrative appeal of the development or upon final action
23 following an administrative appeal or judicial review,
24 whichever is later. However, if the application for
25 development approval is not filed within 18 months after the
26 issuance of the permit, the time of validity of the permit
27 shall be considered to be from the date of issuance of the
28 permit. If a project is required to obtain a binding letter
29 under subsection (4), any state or regional agency permit
30 necessary for the construction or operation of the project
31 that is valid for 5 years or less shall take effect, and the

1 period of time for which the permit is valid shall begin to
2 run, only after the developer obtains a binding letter stating
3 that the project is not required to undergo
4 development-of-regional-impact review or after the developer
5 obtains a development order pursuant to this section.

6 (c) Prior to the issuance of a final development
7 order, the developer may elect to be bound by the rules
8 adopted pursuant to chapters 373 and 403 in effect when such
9 development order is issued. The rules adopted pursuant to
10 chapters 373 and 403 in effect at the time such development
11 order is issued shall be applicable to all applications for
12 permits pursuant to those chapters and which are necessary for
13 and consistent with the development authorized in such
14 development order, except that a later adopted rule shall be
15 applicable to an application if:

16 1. The later adopted rule is determined by the
17 rule-adopting agency to be essential to the public health,
18 safety, or welfare;

19 2. The later adopted rule is adopted pursuant to s.
20 403.061(27);

21 3. The later adopted rule is being adopted pursuant to
22 a subsequently enacted statutorily mandated program;

23 4. The later adopted rule is mandated in order for the
24 state to maintain delegation of a federal program; or

25 5. The later adopted rule is required by state or
26 federal law.

27 (d) The provision of day care service facilities in
28 developments approved pursuant to this section is permissible
29 but is not required.

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1 Further, in order for any developer to apply for permits
2 pursuant to this provision, the application must be filed
3 within 5 years from the issuance of the final development
4 order and the permit shall not be effective for more than 8
5 years from the issuance of the final development order.
6 Nothing in this paragraph shall be construed to alter or
7 change any permitting agency's authority to approve permits or
8 to determine applicable criteria for longer periods of time.

9 (12) REGIONAL REPORTS.--

10 (a) Within 50 days after receipt of the notice of
11 public hearing required in paragraph (11)(c), the regional
12 planning agency, if one has been designated for the area
13 including the local government, shall prepare and submit to
14 the local government a report and recommendations on the
15 regional impact of the proposed development. In preparing its
16 report and recommendations, the regional planning agency shall
17 identify regional issues based upon the following review
18 criteria and make recommendations to the local government on
19 these regional issues, specifically considering whether, and
20 the extent to which:

21 1. The development will have a favorable or
22 unfavorable impact on state or regional resources or
23 facilities identified in the applicable state or regional
24 plans. For the purposes of this subsection, "applicable state
25 plan" means the state comprehensive plan ~~and the state land~~
26 ~~development plan~~. For the purposes of this subsection,
27 "applicable regional plan" means an adopted comprehensive
28 regional policy plan until the adoption of a strategic
29 regional policy plan pursuant to s. 186.508, and thereafter
30 means an adopted strategic regional policy plan.

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1 2. The development will significantly impact adjacent
2 jurisdictions. At the request of the appropriate local
3 government, regional planning agencies may also review and
4 comment upon issues that affect only the requesting local
5 government.

6 3. As one of the issues considered in the review in
7 subparagraphs 1. and 2., the development will favorably or
8 adversely affect the ability of people to find adequate
9 housing reasonably accessible to their places of employment.
10 The determination should take into account information on
11 factors that are relevant to the availability of reasonably
12 accessible adequate housing. Adequate housing means housing
13 that is available for occupancy and that is not substandard.

14 (b) At the request of the regional planning agency,
15 other appropriate agencies shall review the proposed
16 development and shall prepare reports and recommendations on
17 issues that are clearly within the jurisdiction of those
18 agencies. Such agency reports shall become part of the
19 regional planning agency report; however, the regional
20 planning agency may attach dissenting views. When water
21 management district and Department of Environmental Protection
22 permits have been issued pursuant to chapter 373 or chapter
23 403, the regional planning council may comment on the regional
24 implications of the permits but may not offer conflicting
25 recommendations.

26 (c) The regional planning agency shall afford the
27 developer or any substantially affected party reasonable
28 opportunity to present evidence to the regional planning
29 agency head relating to the proposed regional agency report
30 and recommendations.

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1 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE
2 CONCERN.--If the development is not located in an area of
3 critical state concern, in considering whether the development
4 shall be approved, denied, or approved subject to conditions,
5 restrictions, or limitations, the local government shall
6 consider whether, and the extent to which:

7 ~~(a) The development unreasonably interferes with the~~
8 ~~achievement of the objectives of an adopted state land~~
9 ~~development plan applicable to the area;~~

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

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

15 (c)~~(d)~~ The development is consistent with the State
16 Comprehensive Plan. In consistency determinations the plan
17 shall be construed and applied in accordance with s.
18 187.101(3).

19 Section 20. Paragraph (a) of subsection (3) of section
20 380.061, Florida Statutes, is amended to read:

21 380.061 The Florida Quality Developments program.--

22 (3)(a) To be eligible for designation under this
23 program, the developer shall comply with each of the following
24 requirements which is applicable to the site of a qualified
25 development:

26 1. Have donated or entered into a binding commitment
27 to donate the fee or a lesser interest sufficient to protect,
28 in perpetuity, the natural attributes of the types of land
29 listed below. In lieu of the above requirement, the developer
30 may enter into a binding commitment which runs with the land
31 to set aside such areas on the property, in perpetuity, as

1 open space to be retained in a natural condition or as
2 otherwise permitted under this subparagraph. Under the
3 requirements of this subparagraph, the developer may reserve
4 the right to use such areas for the purpose of passive
5 recreation that is consistent with the purposes for which the
6 land was preserved.

7 a. Those wetlands and water bodies throughout the
8 state as would be delineated if the provisions of s.
9 373.4145(1)(b) were applied. The developer may use such areas
10 for the purpose of site access, provided other routes of
11 access are unavailable or impracticable; may use such areas
12 for the purpose of stormwater or domestic sewage management
13 and other necessary utilities to the extent that such uses are
14 permitted pursuant to chapter 403; or may redesign or alter
15 wetlands and water bodies within the jurisdiction of the
16 Department of Environmental Protection which have been
17 artificially created, if the redesign or alteration is done so
18 as to produce a more naturally functioning system.

19 b. Active beach or primary and, where appropriate,
20 secondary dunes, to maintain the integrity of the dune system
21 and adequate public accessways to the beach. However, the
22 developer may retain the right to construct and maintain
23 elevated walkways over the dunes to provide access to the
24 beach.

25 c. Known archaeological sites determined to be of
26 significance by the Division of Historical Resources of the
27 Department of State.

28 d. Areas known to be important to animal species
29 designated as endangered or threatened animal species by the
30 United States Fish and Wildlife Service or by the Florida Game
31 and Fresh Water Fish Commission, for reproduction, feeding, or

1 nesting; for traveling between such areas used for
2 reproduction, feeding, or nesting; or for escape from
3 predation.

4 e. Areas known to contain plant species designated as
5 endangered plant species by the Department of Agriculture and
6 Consumer Services.

7 2. Produce, or dispose of, no substances designated as
8 hazardous or toxic substances by the United States
9 Environmental Protection Agency or by the Department of
10 Environmental Protection or the Department of Agriculture and
11 Consumer Services. This subparagraph is not intended to apply
12 to the production of these substances in nonsignificant
13 amounts as would occur through household use or incidental use
14 by businesses.

15 3. Participate in a downtown reuse or redevelopment
16 program to improve and rehabilitate a declining downtown area.

17 4. Incorporate no dredge and fill activities in, and
18 no stormwater discharge into, waters designated as Class II,
19 aquatic preserves, or Outstanding Florida Waters, except as
20 activities in those waters are permitted pursuant to s.
21 403.813(2) and the developer demonstrates that those
22 activities meet the standards under Class II waters,
23 Outstanding Florida Waters, or aquatic preserves, as
24 applicable.

25 5. Include open space, recreation areas, Xeriscape as
26 defined in s. 373.185, and energy conservation and minimize
27 impermeable surfaces as appropriate to the location and type
28 of project.

29 6. Provide for construction and maintenance of all
30 onsite infrastructure necessary to support the project and
31 enter into a binding commitment with local government to

1 provide an appropriate fair-share contribution toward the
2 offsite impacts which the development will impose on publicly
3 funded facilities and services, except offsite transportation,
4 and condition or phase the commencement of development to
5 ensure that public facilities and services, except offsite
6 transportation, will be available concurrent with the impacts
7 of the development. For the purposes of offsite transportation
8 impacts, the developer shall comply, at a minimum, with the
9 standards of the state land planning agency's
10 development-of-regional-impact transportation rule, the
11 approved strategic regional policy plan, any applicable
12 regional planning council transportation rule, and the
13 approved local government comprehensive plan and land
14 development regulations adopted pursuant to part II of chapter
15 163.

16 7. Design and construct the development in a manner
17 that is consistent with the adopted state plan, ~~the state land~~
18 ~~development plan~~, the applicable strategic regional policy
19 plan, and the applicable adopted local government
20 comprehensive plan.

21 Section 21. Subsection (3) of section 380.065, Florida
22 Statutes, is amended to read:

23 380.065 Certification of local government review of
24 development.--

25 (3) Development orders issued pursuant to this section
26 are subject to the provisions of s. 380.07; however, a
27 certified local government's findings of fact and conclusions
28 of law are presumed to be correct on appeal. The grounds for
29 appeal of a development order issued by a certified local
30 government under this section shall be limited to:

31

1 (a) Inconsistency with the local government's
2 comprehensive plan or land use regulations.

3 (b) Inconsistency with the ~~state land development plan~~
4 ~~and the~~ state comprehensive plan.

5 (c) Inconsistency with any regional standard or policy
6 identified in an adopted strategic regional policy plan for
7 use in reviewing a development of regional impact.

8 (d) Whether the public facilities meet or exceed the
9 standards established in the capital improvements plan
10 required by s. 163.3177 and will be available when needed for
11 the proposed development, or that development orders and
12 permits are conditioned on the availability of the public
13 facilities necessary to serve the proposed development. Such
14 development orders and permit conditions shall not allow a
15 reduction in the level of service for affected regional public
16 facilities below the level of services provided in the adopted
17 strategic regional policy plan.

18 Section 22. Paragraph (d) is added to subsection (3)
19 of section 380.23, Florida Statutes, to read:

20 380.23 Federal consistency.--

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

25 (d) Federal activities within the territorial limits
26 of neighboring states when the governor and the department
27 determine that significant individual or cumulative impact to
28 the land or water resources of the state would result from the
29 activities.

30 Section 23. Transportation and Land Use Study
31 Committee.--The state land planning agency and the Department

1 of Transportation shall evaluate the statutory provisions
2 relating to land use and transportation coordination and
3 planning issues, including community design, required in part
4 II of chapter 163, Florida Statutes, and shall consider
5 changes to statutes, as well as to all pertinent rules
6 associated with the statutes. The evaluation must include an
7 evaluation of the roles of local government, regional planning
8 councils, state agencies, and metropolitan planning
9 organizations in addressing these subject areas. Special
10 emphasis must be given in this evaluation to concurrency on
11 the highway system, levels of service methodologies, and land
12 use impact assessments used to project transportation needs.
13 The evaluation must be conducted in consultation with a
14 technical committee of at least 15 members to be known as the
15 Transportation and Land Use Study Committee, appointed by the
16 secretary of the state land planning agency and the Secretary
17 of Transportation. The membership must be representative of
18 local governments, regional planning councils, the private
19 sector, metropolitan planning organizations, and citizen and
20 environmental organizations. By January 15, 1999, the
21 committee shall send an evaluation report to the Governor, the
22 President of the Senate, and the Speaker of the House of
23 Representatives to provide recommendations for appropriate
24 changes to the transportation planning requirements in chapter
25 163, Florida Statutes, and other statutes, as appropriate.

26 Section 24. Subsection (17) of section 380.031,
27 subsection (7) of section 380.0555, and paragraph (a) of
28 subsection (14) of section 380.06, Florida Statutes, are
29 repealed.

30 Section 25. Severability.--If any provision of this
31 act or the application thereof to any person, government

1 entity, or circumstance is held invalid, it is the legislative
2 intent that the invalidity shall not affect other provisions
3 or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the
5 provisions of this act are severable.

6 Section 26. Except as otherwise provided in this act,
7 this act shall take effect upon becoming a law.

8
9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 1726

12 Deletes language which would expand the Sustainable
13 Communities Demonstration Program.

14 Implements the recommendations of the Evaluation and Appraisal
15 Report (EARs) Technical Committee.

16 Clarifies the role of the Governor's Office in reviewing and
17 approving Strategic Regional Policy Plans as permissive,
18 rather than eliminating that role altogether.

19 Revises procedures relating to review of and resolution of
20 disputes regarding proposed military base reuse plans.

21 Reestablishes grant programs administered by OTTED for
22 military base retention activities.

23 Authorizes the department to enter into agreements with local
24 governments to designate areas appropriate for optional sector
25 plans and requires that sector plans be adopted as plan
26 amendments to the local government comprehensive plan.

27 Redefines the State Comprehensive Plan, and authorizes the
28 Governor to appoint a study commission for review of the State
29 Comprehensive Plan.

30 Authorizes the Miami Seaquarium to expand without regard to
31 requirements of the local government comprehensive plan.

Requires a municipality which adopts an ordinance for
voluntary annexation of property to provide written notice,
via certified mail, to the county in which the property is
located.

Provides for severability of the various sections of the bill.