

Bill No. CS for SB 2474, 1st Eng.

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Lee and Dyer moved the following amendment to House		
12	amendment 1:		
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14	<b>Senate Amendment (with title amendment)</b>		
15	On page 1, line 18, through page 21, line 28, delete		
16	those lines		
17			
18	and insert:		
19	Section 1. Paragraph (c) of subsection (2) of section		
20	20.18, Florida Statutes, is amended to read:		
21	20.18 Department of Community Affairs.--There is		
22	created a Department of Community Affairs.		
23	(2) The following units of the Department of Community		
24	Affairs are established:		
25	(c) Division of <u>Community</u> <del>Resource</del> Planning <del>and</del>		
26	<del>Management</del> .		
27	Section 2. Subsection (31) is added to section		
28	163.3164, Florida Statutes, to read:		
29	163.3164 Definitions.--As used in this act:		
30	<u>(31) "Optional sector plan" means an optional process</u>		
31	<u>authorized by s. 163.3245 in which one or more local</u>		

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1 governments by agreement with the state land planning agency  
2 are allowed to address development-of-regional impact issues  
3 within certain designated geographic areas identified in the  
4 local comprehensive plan as a means of fostering innovative  
5 planning and development strategies in s. 163.3177(11)(a) and  
6 (b), furthering the purposes of chapter 163, part II, and  
7 chapter 380, part I, reducing overlapping data and analysis  
8 requirements, protecting regionally significant resources and  
9 facilities, and addressing extrajurisdictional impacts.

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

12 163.3171 Areas of authority under this act.--

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

20 Section 4. Effective July 1, 1998, paragraph (a) of  
21 section (6) of section 163.3177, Florida Statutes, is amended,  
22 and subsection (12) is added to said section, to read:

23 163.3177 Required and optional elements of  
24 comprehensive plan; studies and surveys.--

25 (6) In addition to the requirements of subsections  
26 (1)-(5), the comprehensive plan shall include the following  
27 elements:

28 (a) A future land use plan element designating  
29 proposed future general distribution, location, and extent of  
30 the uses of land for residential uses, commercial uses,  
31 industry, agriculture, recreation, conservation, education,

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1 public buildings and grounds, other public facilities, and  
2 other categories of the public and private uses of land. The  
3 future land use plan shall include standards to be followed in  
4 the control and distribution of population densities and  
5 building and structure intensities. The proposed  
6 distribution, location, and extent of the various categories  
7 of land use shall be shown on a land use map or map series  
8 which shall be supplemented by goals, policies, and measurable  
9 objectives. Each land use category shall be defined in terms  
10 of the types of uses included and specific standards for the  
11 density or intensity of use. The future land use plan shall  
12 be based upon surveys, studies, and data regarding the area,  
13 including the amount of land required to accommodate  
14 anticipated growth; the projected population of the area; the  
15 character of undeveloped land; the availability of public  
16 services; and the need for redevelopment, including the  
17 renewal of blighted areas and the elimination of nonconforming  
18 uses which are inconsistent with the character of the  
19 community. The future land use plan may designate areas for  
20 future planned development use involving combinations of types  
21 of uses for which special regulations may be necessary to  
22 ensure development in accord with the principles and standards  
23 of the comprehensive plan and this act. The future land use  
24 plan of a county may also designate areas for possible future  
25 municipal incorporation. The land use maps or map series  
26 shall generally identify and depict historic district  
27 boundaries and shall designate historically significant  
28 properties meriting protection. The future land use element  
29 must clearly identify the land use categories in which public  
30 schools are an allowable use. When delineating the land use  
31 categories in which public schools are an allowable use, a

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1 local government shall include in the categories sufficient  
2 land proximate to residential development to meet the  
3 projected needs for schools in coordination with public school  
4 boards and may establish differing criteria for schools of  
5 different type or size. Each local government shall include  
6 lands contiguous to existing school sites, to the maximum  
7 extent possible, within the land use categories in which  
8 public schools are an allowable use. All comprehensive plans  
9 must comply with this paragraph no later than October 1, 1999,  
10 or the deadline for the local government evaluation and  
11 appraisal report, whichever occurs first ~~1996~~. The failure by  
12 a local government to comply with this requirement will result  
13 in the prohibition of the local government's ability to amend  
14 the local comprehensive plan as provided by s. 163.3187(6). An  
15 amendment proposed by a local government for purposes of  
16 identifying the land use categories in which public schools  
17 are an allowable use is exempt from the limitation on the  
18 frequency of plan amendments contained in s. 163.3187. The  
19 future land use element shall include criteria which encourage  
20 the location of schools proximate to urban residential areas  
21 to the extent possible and shall require that the local  
22 government seek to collocate public facilities, such as parks,  
23 libraries, and community centers, with schools to the extent  
24 possible.

25 (12) A public school facilities element adopted to  
26 implement a school concurrency program shall meet the  
27 requirements of this subsection.

28 (a) A public school facilities element shall be based  
29 upon data and analyses that address, among other items, how  
30 level of service standards will be achieved and maintained.  
31 Such data and analyses must include, at a minimum, such items

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1 as: the 5-year school district facilities work program adopted  
2 pursuant to s. 235.185; the educational plant survey and an  
3 existing educational and ancillary plant map or map series;  
4 information on existing development and development  
5 anticipated for the next 5 years and the long-term planning  
6 period; an analysis of problems and opportunities for existing  
7 schools and schools anticipated in the future; an analysis of  
8 opportunities to collocate future schools with other public  
9 facilities such as parks, libraries, and community centers; an  
10 analysis of the need for supporting public facilities for  
11 existing and future schools; an analysis of opportunities to  
12 locate schools to serve as community focal points; projected  
13 future population and associated demographics, including  
14 development patterns year by year for the upcoming 5-year and  
15 long-term planning periods; and anticipated educational and  
16 ancillary plants with land area requirements.

17 (b) The element shall contain one or more goals which  
18 establish the long-term end toward which public school  
19 programs and activities are ultimately directed.

20 (c) The element shall contain one or more objectives  
21 for each goal, setting specific, measurable, intermediate ends  
22 that are achievable and mark progress toward the goal.

23 (d) The element shall contain one or more policies for  
24 each objective which establish the way in which programs and  
25 activities will be conducted to achieve an identified goal.

26 (e) The objectives and policies shall address items  
27 such as: the procedure for an annual update process; the  
28 procedure for school site selection; the procedure for school  
29 permitting; provision of supporting infrastructure; location  
30 of future school sites so they serve as community focal  
31 points; measures to ensure compatibility of school sites and

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1 surrounding land uses; coordination with adjacent local  
2 governments and the school district on emergency preparedness  
3 issues; and coordination with the future land use element.

4 (f) The element shall include one or more future  
5 conditions maps which depict the anticipated location of  
6 educational and ancillary plants. The maps will of necessity  
7 be general for the long-term planning period and more specific  
8 for the 5-year period.

9 Section 5. Effective July 1, 1998, subsections (1) and  
10 (6) of section 163.3180, Florida Statutes, are amended, and  
11 subsections (12) and (13) are added to said section, to read:

12 163.3180 Concurrency.--

13 (1)(a) Roads, sanitary sewer, solid waste, drainage,  
14 potable water, parks and recreation, and mass transit, where  
15 applicable, are the only public facilities and services  
16 subject to the concurrency requirement on a statewide basis.  
17 Additional public facilities and services may not be made  
18 subject to concurrency on a statewide basis without  
19 appropriate study and approval by the Legislature; however,  
20 any local government may extend the concurrency requirement so  
21 that it applies to additional public facilities within its  
22 jurisdiction.

23 ~~(b) If a local government elects to extend the~~  
24 ~~concurrency requirement to public schools, it should first~~  
25 ~~conduct a study to determine how the requirement would be met~~  
26 ~~and shared by all affected parties. The local government shall~~  
27 ~~provide an opportunity for full participation in this study by~~  
28 ~~the school board. The state land planning agency may provide~~  
29 ~~technical assistance to local governments that study and~~  
30 ~~prepare for extension of the concurrency requirement to public~~  
31 ~~schools. When establishing concurrency requirements for public~~

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1 ~~schools, a local government shall comply with the following~~  
2 ~~criteria for any proposed plan or plan amendment transmitted~~  
3 ~~pursuant to s. 163.3184(3) after July 1, 1995:~~

4       1. ~~Adopt level of service standards for public schools~~  
5 ~~with the agreement of the school board. Public school~~  
6 ~~level of service standards shall be adopted as part of the~~  
7 ~~capital improvements element in the local government~~  
8 ~~comprehensive plan, which shall contain a financially feasible~~  
9 ~~public school capital facilities program established in~~  
10 ~~conjunction with the school board that will provide~~  
11 ~~educational facilities at an adequate level of service~~  
12 ~~necessary to implement the adopted local government~~  
13 ~~comprehensive plan.~~

14       2. ~~Satisfy the requirement for intergovernmental~~  
15 ~~coordination set forth in s. 163.3177(6)(h)1. and 2.~~

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

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1 within an existing urban service area. Further, no impact will  
2 be de minimis if it would exceed the adopted level of service  
3 standard of any affected designated hurricane evacuation  
4 routes.

5 (12) School concurrency, if imposed by local option,  
6 shall be established on a districtwide basis and shall include  
7 all public schools in the district and all portions of the  
8 district, whether located in a municipality or an  
9 unincorporated area. The application of school concurrency to  
10 development shall be based upon the adopted comprehensive  
11 plan, as amended. All local governments within a county,  
12 except as provided in paragraph (f), shall adopt and transmit  
13 to the state land planning agency the necessary plan  
14 amendments, along with the interlocal agreement, for a  
15 compliance review pursuant to s. 163.3184(7) and (8). School  
16 concurrency shall not become effective in a county until all  
17 local governments, except as provided in paragraph (f), have  
18 adopted the necessary plan amendments, which together with the  
19 interlocal agreement, are determined to be in compliance with  
20 the requirements of this part. The minimum requirements for  
21 school concurrency are the following:

22 (a) Public school facilities element.--A local  
23 government shall adopt and transmit to the state land planning  
24 agency a plan or plan amendment which includes a public school  
25 facilities element which is consistent with the requirements  
26 of s. 163.3177(12) and which is determined to be in compliance  
27 as defined in s. 163.3184(1)(b). All local government public  
28 school facilities plan elements within a county must be  
29 consistent with each other as well as the requirements of this  
30 part.

31 (b) Level of service standards.--The Legislature



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1 recognizes that an essential requirement for a concurrency  
2 management system is the level of service at which a public  
3 facility is expected to operate.

4 1. Local governments and school boards imposing school  
5 concurrency shall exercise authority in conjunction with each  
6 other to establish jointly adequate level of service  
7 standards, as defined in rule 9J-5, Florida Administrative  
8 Code, necessary to implement the adopted local government  
9 comprehensive plan, based on data and analysis.

10 2. Public school level of service standards shall be  
11 included and adopted into the capital improvements element of  
12 the local comprehensive plan and shall apply districtwide to  
13 all schools of the same type. Types of schools may include  
14 elementary, middle, and high schools as well as  
15 special-purpose facilities such as magnet schools.

16 3. Local governments and school boards shall have the  
17 option to utilize tiered level of service standards to allow  
18 time to achieve an adequate and desirable level of service as  
19 circumstances warrant.

20 (c) Service areas.--The Legislature recognizes that an  
21 essential requirement for a concurrency system is a  
22 designation of the area within which the level of service will  
23 be measured when an application for a residential development  
24 permit is reviewed for school concurrency purposes. This  
25 delineation is also important for purposes of determining  
26 whether the local government has a financially feasible public  
27 school capital facilities program that will provide schools  
28 which will achieve and maintain the adopted level of service  
29 standards.

30 1. In order to balance competing interests, preserve  
31 the constitutional concept of uniformity, and avoid disruption

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1 of existing educational and growth management processes, local  
2 governments are encouraged to apply school concurrency to  
3 development on a districtwide basis so that a concurrency  
4 determination for a specific development will be based upon  
5 the availability of school capacity districtwide.

6 2. For local governments applying school concurrency  
7 on a less than districtwide basis, such as utilizing school  
8 attendance zones or larger school concurrency service areas,  
9 local governments and school boards shall have the burden to  
10 demonstrate that the utilization of school capacity is  
11 maximized to the greatest extent possible in the comprehensive  
12 plan and amendment, taking into account transportation costs  
13 and court-approved desegregation plans, as well as other  
14 factors. In addition, in order to achieve concurrency within  
15 the service area boundaries selected by local governments and  
16 school boards, the service area boundaries, together with the  
17 standards for establishing those boundaries, shall be  
18 identified, included, and adopted as part of the comprehensive  
19 plan. Any subsequent change to the service area boundaries  
20 for purposes of a school concurrency system shall be by plan  
21 amendment and shall be exempt from the limitation on the  
22 frequency of plan amendments in s. 163.3187(1).

23 3. Where school capacity is available on a  
24 districtwide basis but school concurrency is applied on a less  
25 than districtwide basis in the form of concurrency service  
26 areas, if the adopted level of service standard cannot be met  
27 in a particular service area as applied to an application for  
28 a development permit and if the needed capacity for the  
29 particular service area is available in one or more contiguous  
30 service areas, as adopted by the local government, then the  
31 development order shall be issued and mitigation measures

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1 shall not be exacted.

2 (d) Financial feasibility.--The Legislature recognizes  
3 that financial feasibility is an important issue because the  
4 premise of concurrency is that the public facilities will be  
5 provided in order to achieve and maintain the adopted level of  
6 service standard. This part and chapter 9J-5, Florida  
7 Administrative Code, contain specific standards to determine  
8 the financial feasibility of capital programs. These standards  
9 were adopted to make concurrency more predictable and local  
10 governments more accountable.

11 1. A comprehensive plan amendment seeking to impose  
12 school concurrency shall contain appropriate amendments to the  
13 capital improvements element of the comprehensive plan,  
14 consistent with the requirements of s. 163.3177(3) and rule  
15 9J-5.016, Florida Administrative Code. The capital  
16 improvements element shall set forth a financially feasible  
17 public school capital facilities program, established in  
18 conjunction with the school board, that demonstrates that the  
19 adopted level of service standards will be achieved and  
20 maintained.

21 2. Such amendments shall demonstrate that the public  
22 school capital facilities program meets all of the financial  
23 feasibility standards of this part and chapter 9J-5, Florida  
24 Administrative Code, that apply to capital programs which  
25 provide the basis for mandatory concurrency on other public  
26 facilities and services.

27 3. When the financial feasibility of a public school  
28 capital facilities program is evaluated by the state land  
29 planning agency for purposes of a compliance determination,  
30 the evaluation shall be based upon the service areas selected  
31 by the local governments and school board.

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1           (e) Availability standard.--Consistent with the public  
2 welfare, a local government may not deny a development permit  
3 authorizing residential development for failure to achieve and  
4 maintain the level of service standard for public school  
5 capacity in a local option school concurrency system where  
6 adequate school facilities will be in place or under actual  
7 construction within 3 years after permit issuance.

8           (f) Intergovernmental coordination.--

9           1. When establishing concurrency requirements for  
10 public schools, a local government shall satisfy the  
11 requirements for intergovernmental coordination set forth in  
12 s. 163.3177(6)(h)1. and 2., except that a municipality is not  
13 required to be a signatory to the interlocal agreement  
14 required by s. 163.3177(6)(h)2. as a prerequisite for  
15 imposition of school concurrency, and as a nonsignatory shall  
16 not participate in the adopted local school concurrency  
17 system, if the municipality meets all of the following  
18 criteria for having no significant impact on school  
19 attendance:

20           a. The municipality has issued development orders for  
21 fewer than 50 residential dwelling units during the preceding  
22 5 years, or the municipality has generated fewer than 25  
23 additional public school students during the preceding 5  
24 years.

25           b. The municipality has not annexed new land during  
26 the preceding 5 years in land use categories which permit  
27 residential uses that will affect school attendance rates.

28           c. The municipality has no public schools located  
29 within its boundaries.

30           d. At least 80 percent of the developable land within  
31 the boundaries of the municipality has been built upon.

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1           2. A municipality which qualifies as having no  
2 significant impact on school attendance pursuant to the  
3 criteria of subparagraph 1. must review and determine at the  
4 time of its evaluation and appraisal report pursuant to s.  
5 163.3191 whether it continues to meet the criteria. If the  
6 municipality determines that it no longer meets the criteria,  
7 it must adopt appropriate school concurrency goals,  
8 objectives, and policies in its plan amendments based on the  
9 evaluation and appraisal report, and enter into the existing  
10 interlocal agreement required by s. 163.3177(6)(h)2., in order  
11 to fully participate in the school concurrency system. If  
12 such a municipality fails to do so, it will be subject to the  
13 enforcement provisions of s. 163.3191.

14           (g) Interlocal agreement for school concurrency.--When  
15 establishing concurrency requirements for public schools, a  
16 local government must enter into an interlocal agreement which  
17 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and  
18 the requirements of this subsection. The interlocal agreement  
19 shall acknowledge both the school board's constitutional and  
20 statutory obligations to provide a uniform system of free  
21 public schools on a countywide basis, and the land use  
22 authority of local governments, including their authority to  
23 approve or deny comprehensive plan amendments and development  
24 orders. The interlocal agreement shall be submitted to the  
25 state land planning agency by the local government as a part  
26 of the compliance review, along with the other necessary  
27 amendments to the comprehensive plan required by this part.  
28 In addition to the requirements of s. 163.3177(6)(h), the  
29 interlocal agreement shall meet the following requirements:

30           1. Establish the mechanisms for coordinating the  
31 development, adoption, and amendment of each local

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1 government's public school facilities element with each other  
2 and the plans of the school board to ensure a uniform  
3 districtwide school concurrency system.

4 2. Establish a process by which each local government  
5 and the school board shall agree and base their plans on  
6 consistent projections of the amount, type, and distribution  
7 of population growth and coordinate and share information  
8 relating to existing and planned public school facilities  
9 projections and proposals for development and redevelopment,  
10 and infrastructure required to support public school  
11 facilities.

12 3. Establish a process for the development of siting  
13 criteria which encourages the location of public schools  
14 proximate to urban residential areas to the extent possible  
15 and seeks to collocate schools with other public facilities  
16 such as parks, libraries, and community centers to the extent  
17 possible.

18 4. Specify uniform, districtwide level of service  
19 standards for public schools of the same type and the process  
20 for modifying the adopted levels of service standards.

21 5. Establish a process for the preparation, amendment,  
22 and joint approval by each local government and the school  
23 board of a public school capital facilities program which is  
24 financially feasible, and a process and schedule for  
25 incorporation of the public school capital facilities program  
26 into the local government comprehensive plans on an annual  
27 basis.

28 6. Define the geographic application of school  
29 concurrency. If school concurrency is to be applied on a less  
30 than districtwide basis in the form of concurrency service  
31 areas, the agreement shall establish criteria and standards

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1 for the establishment and modification of school concurrency  
2 service areas. The agreement shall also establish a process  
3 and schedule for the mandatory incorporation of the school  
4 concurrency service areas and the criteria and standards for  
5 establishment of the service areas into the local government  
6 comprehensive plans. The agreement shall ensure maximum  
7 utilization of school capacity, taking into account  
8 transportation costs and court-approved desegregation plans,  
9 as well as other factors. The agreement shall also ensure the  
10 achievement and maintenance of the adopted level of service  
11 standards for the geographic area of application throughout  
12 the 5 years covered by the public school capital facilities  
13 plan and thereafter by adding a new fifth year during the  
14 annual update.

- 15 7. Establish a uniform districtwide procedure for  
16 implementing school concurrency which provides for:
- 17 a. The evaluation of development applications for  
18 compliance with school concurrency requirements;
  - 19 b. An opportunity for the school board to review and  
20 comment on the effect of comprehensive plan amendments and  
21 rezonings on the public school facilities plan; and
  - 22 c. The monitoring and evaluation of the school  
23 concurrency system.

24 8. Include provisions relating to termination,  
25 suspension, and amendment of the agreement. The agreement  
26 shall provide that if the agreement is terminated or  
27 suspended, the application of school concurrency shall be  
28 terminated or suspended.

29 (13) The state land planning agency shall, by October  
30 1, 1998, adopt by rule minimum criteria for the review and  
31 determination of compliance of a public school facilities

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1 element adopted by a local government for purposes of  
2 imposition of school concurrency.

3 Section 6. Effective July 1, 1998, paragraph (i) is  
4 added to subsection (2) of section 163.3191, Florida Statutes,  
5 to read:

6 163.3191 Evaluation and appraisal of comprehensive  
7 plan.--

8 (2) The report shall present an assessment and  
9 evaluation of the success or failure of the comprehensive  
10 plan, or element or portion thereof, and shall contain  
11 appropriate statements (using words, maps, illustrations, or  
12 other forms) related to:

13 (i) The coordination of the comprehensive plan with  
14 existing public schools and those identified in the applicable  
15 5-year school district facilities work program adopted  
16 pursuant to s. 235.185. The assessment shall address, where  
17 relevant, the success or failure of the coordination of the  
18 future land use map and associated planned residential  
19 development with public schools and their capacities, as well  
20 as the joint decisionmaking processes engaged in by the local  
21 government and the school board in regard to establishing  
22 appropriate population projections and the planning and siting  
23 of public school facilities. If the issues are not relevant,  
24 the local government shall demonstrate that they are not  
25 relevant.

26 Section 7. Effective July 1, 1998, subsection (5) is  
27 added to section 235.185, Florida Statutes, as created by  
28 chapter 97-384, Laws of Florida, to read:

29 235.185 School district facilities work program;  
30 definitions; preparation, adoption, and amendment; long-term  
31 work programs.--



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1       (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to  
2 the adopted district facilities work program covering the  
3 5-year work program, the district school board shall adopt  
4 annually a 10-year and a 20-year work program which include  
5 the information set forth in subsection (2), but based upon  
6 enrollment projections and facility needs for the 10-year and  
7 20-year periods. It is recognized that the projections in the  
8 10-year and 20-year timeframes are tentative and should be  
9 used only for general planning purposes.

10           Section 8. Effective July 1, 1998, subsection (1) of  
11 section 235.19, Florida Statutes, is amended to read:

12           235.19 Site planning and selection.--

13           (1) Before acquiring property for sites, each board  
14 shall determine the location of proposed educational centers  
15 or campuses for the board. In making this determination, the  
16 board shall consider existing and anticipated site needs and  
17 the most economical and practicable locations of sites. The  
18 board shall coordinate with the long-range or comprehensive  
19 plans of local, regional, and state governmental agencies to  
20 assure the compatibility of such plans with site planning.  
21 Boards are encouraged to locate schools proximate to urban  
22 residential areas to the extent possible, and shall seek to  
23 collocate schools with other public facilities, such as parks,  
24 libraries, and community centers, to the extent possible.

25           Section 9. Effective July 1, 1998, subsection (2) of  
26 section 235.193, Florida Statutes, is amended to read:

27           235.193 Coordination of planning with local governing  
28 bodies.--

29           (2) A school board and the local governing body must  
30 share and coordinate information related to existing and  
31 planned public school facilities; proposals for development,

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1 redevelopment, or additional development; and infrastructure  
2 required to support the public school facilities, concurrent  
3 with proposed development. A school board shall use Department  
4 of Education enrollment projections when preparing the 5-year  
5 district facilities work program pursuant to s. 235.185, and a  
6 school board shall affirmatively demonstrate in the  
7 educational facilities report consideration of local  
8 governments' population projections to ensure that the 5-year  
9 work program not only reflects enrollment projections but also  
10 considers applicable municipal and county growth and  
11 development projections. A school board is precluded from  
12 siting a new school in a jurisdiction where the school board  
13 has failed to provide the annual educational facilities report  
14 for the prior year required pursuant to s. 235.194 unless the  
15 failure is corrected.

16           Section 10. Until the minimum criteria for a public  
17 school facilities element adopted for purposes of imposition  
18 of school concurrency, as required by s. 163.3180(13), Florida  
19 Statutes, are in effect, the state land planning agency shall  
20 utilize the minimum criteria for a public school facilities  
21 element adopted for purposes of imposition of school  
22 concurrency contained in the Final Report and Consensus Text  
23 by the Department of Community Affairs Public School  
24 Construction Working Group, dated March 9, 1998, in any  
25 compliance review of any such element.

26           Section 11. Any county whose adopted public school  
27 facilities element is the subject of a final order entered by  
28 the Administration Commission prior to the effective date of  
29 this act may implement its public school facilities element in  
30 accordance with the general law concerning public school  
31 facilities concurrency in effect when the final order was

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1 entered and in accord with the final order consistent with any  
2 appellate court decision. The county shall comply with the  
3 requirements of the final order, consistent with any appellate  
4 decision, in implementing its public school facilities element  
5 and in adopting any necessary amendment to its comprehensive  
6 plan.

7 Section 12. Paragraph (b) of subsection (1) and  
8 subsections (2), (4), and (6) of section 163.3184, Florida  
9 Statutes, are amended to read:

10 163.3184 Process for adoption of comprehensive plan or  
11 plan amendment.--

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

13 (b) "In compliance" means consistent with the  
14 requirements of ss. 163.3177, 163.3178, 163.3180, and  
15 163.3191, and 163.3245,with the state comprehensive plan,  
16 with the appropriate strategic regional policy plan, and with  
17 chapter 9J-5, Florida Administrative Code, where such rule is  
18 not inconsistent with chapter 163, part II and with the  
19 principles for guiding development in designated areas of  
20 critical state concern.

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

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1 memoranda, and other documents received or generated by the  
2 state land planning agency must be placed in the appropriate  
3 file. Paper copies of all electronic mail correspondence must  
4 be placed in the file. The file and its contents must be  
5 available for public inspection and copying as provided in  
6 chapter 119.

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

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

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

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

20           (c) The state land planning agency, upon receipt of  
21 comments from the various government agencies, as well as  
22 written public comments, pursuant to subsection (4), shall  
23 have 30 days to review comments from the various government  
24 agencies along with a local government's comprehensive plan or  
25 plan amendment. During that period, the state land planning  
26 agency shall transmit in writing its comments to the local  
27 government along with any objections and any recommendations  
28 for modifications. When a federal, state, or regional agency  
29 has implemented a permitting program, the state land planning  
30 agency shall not require a local government to duplicate or  
31 exceed that permitting program in its comprehensive plan or to

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1 implement such a permitting program in its land development  
2 regulations. Nothing contained herein shall prohibit the  
3 state land planning agency in conducting its review of local  
4 plans or plan amendments from making objections,  
5 recommendations, and comments or making compliance  
6 determinations regarding densities and intensities consistent  
7 with the provisions of this part. In preparing its comments,  
8 the state land planning agency shall only base its  
9 considerations on written, and not oral, comments, from any  
10 source.

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

24 Section 13. Effective October 1, 1998, subsection (6)  
25 of section 163.3187, Florida Statutes, is amended to read:

26 163.3187 Amendment of adopted comprehensive plan.--

27 (6)(a) No local government may amend its comprehensive  
28 plan after the date established by the state land planning  
29 agency rule for adoption submittal of its evaluation and  
30 appraisal report unless it has submitted its report or  
31 addendum to the state land planning agency as prescribed by s.

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1 163.3191, except for plan amendments described in paragraph  
2 (1)(b).+

3 ~~(a) Plan amendments to implement recommendations in~~  
4 ~~the report or addendum.~~

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

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

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

26 (e) Any plan amendment which a local government  
27 attempts to adopt in violation of paragraph (a) or paragraph  
28 (c) is invalid, but such invalidity may be overcome if the  
29 local government readopts the amendment and transmits the  
30 amendment to the state land planning agency pursuant to s.  
31 163.3184(7) after the report is determined to be sufficient.

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1           Section 14. Effective October 1, 1998, section  
2 163.3191, Florida Statutes, as amended by this act, is amended  
3 to read:

4           (Substantial rewording of section. See

5           s. 163.3191, F.S., for present text.)

6           163.3191 Evaluation and appraisal of comprehensive  
7 plan.--

8           (1) The planning program shall be a continuous and  
9 ongoing process. Each local government shall adopt an  
10 evaluation and appraisal report once every 7 years assessing  
11 the progress in implementing the local government's  
12 comprehensive plan. Furthermore, it is the intent of this  
13 section that:

14           (a) Adopted comprehensive plans be reviewed through  
15 such evaluation process to respond to changes in state,  
16 regional, and local policies on planning and growth management  
17 and changing conditions and trends, to ensure effective  
18 intergovernmental coordination, and to identify major issues  
19 regarding the community's achievement of its goals.

20           (b) After completion of the initial evaluation and  
21 appraisal report and any supporting plan amendments, each  
22 subsequent evaluation and appraisal report must evaluate the  
23 comprehensive plan in effect at the time of the initiation of  
24 the evaluation and appraisal report process.

25           (c) Local governments identify the major issues, if  
26 applicable, with input from state agencies, regional agencies,  
27 adjacent local governments, and the public in the evaluation  
28 and appraisal report process. It is also the intent of this  
29 section to establish minimum requirements for information to  
30 ensure predictability, certainty, and integrity in the growth  
31 management process. The report is intended to serve as a



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1 summary audit of the actions that a local government has  
2 undertaken and identify changes that it may need to make. The  
3 report should be based on the local government's analysis of  
4 major issues to further the community's goals consistent with  
5 statewide minimum standards. The report is not intended to  
6 require a comprehensive rewrite of the elements within the  
7 local plan, unless a local government chooses to do so.

8 (2) The report shall present an evaluation and  
9 assessment of the comprehensive plan and shall contain  
10 appropriate statements to update the comprehensive plan,  
11 including, but not limited to, words, maps, illustrations, or  
12 other media, related to:

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

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

17 (c) The financial feasibility of implementing the  
18 comprehensive plan and of providing needed infrastructure to  
19 achieve and maintain adopted level of service standards and  
20 sustain concurrency management systems through the capital  
21 improvements element, as well as the ability to address  
22 infrastructure backlogs and meet the demands of growth on  
23 public services and facilities.

24 (d) The location of existing development in relation  
25 to the location of development as anticipated in the original  
26 plan, or in the plan as amended by the most recent evaluation  
27 and appraisal report update amendments, such as within areas  
28 designated for urban growth.

29 (e) An identification of the major issues for the  
30 jurisdiction and, where pertinent, the potential social,  
31 economic, and environmental impacts.

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

7           (g) An assessment of whether the plan objectives  
8 within each element, as they relate to major issues, have been  
9 achieved. The report shall include, as appropriate, an  
10 identification as to whether unforeseen or unanticipated  
11 changes in circumstances have resulted in problems or  
12 opportunities with respect to major issues identified in each  
13 element and the social, economic, and environmental impacts of  
14 the issue.

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

17           (i) The identification of any actions or corrective  
18 measures, including whether plan amendments are anticipated to  
19 address the major issues identified and analyzed in the  
20 report. Such identification shall include, as appropriate,  
21 new population projections, new revised planning timeframes, a  
22 revised future conditions map or map series, an updated  
23 capital improvements element, and any new and revised goals,  
24 objectives, and policies for major issues identified within  
25 each element. This paragraph shall not require the submittal  
26 of the plan amendments with the evaluation and appraisal  
27 report.

28           (j) A summary of the public participation program and  
29 activities undertaken by the local government in preparing the  
30 report.

31           (k) The coordination of the comprehensive plan with

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1 existing public schools and those identified in the applicable  
2 5-year school district facilities work program adopted  
3 pursuant to s. 235.185. The assessment shall address, where  
4 relevant, the success or failure of the coordination of the  
5 future land use map and associated planned residential  
6 development with public schools and their capacities, as well  
7 as the joint decisionmaking processes engaged in by the local  
8 government and the school board in regard to establishing  
9 appropriate population projections and the planning and siting  
10 of public school facilities. If the issues are not relevant,  
11 the local government shall demonstrate that they are not  
12 relevant.

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

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1 is a meeting conducted to determine the scope of review of the  
2 evaluation and appraisal report by parties to which the report  
3 relates.

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

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

31 (6) The governing body, after considering the review

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1 comments and recommended changes, if any, shall adopt the  
2 evaluation and appraisal report by resolution or ordinance at  
3 a public hearing with public notice. The governing body shall  
4 adopt the report in conformity with its public participation  
5 procedures adopted as required by s. 163.3181. The local  
6 government shall submit to the state land planning agency  
7 three copies of the report, a transmittal letter indicating  
8 the dates of public hearings, and a copy of the adoption  
9 resolution or ordinance. The local government shall provide a  
10 copy of the report to the reviewing agencies which provided  
11 comments for the proposed report, or to all the reviewing  
12 agencies if a proposed report was not provided pursuant to  
13 subsection (5), including the adjacent local governments.  
14 Within 60 days after receipt, the state land planning agency  
15 shall review the adopted report and make a preliminary  
16 sufficiency determination that shall be forwarded by the  
17 agency to the local government for its consideration. The  
18 state land planning agency shall issue a final sufficiency  
19 determination within 90 days after receipt of the adopted  
20 evaluation and appraisal report.

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

31 (8) The state land planning agency may delegate the

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1 review of evaluation and appraisal reports, including all  
2 state land planning agency duties under subsections (4)-(7),  
3 to the appropriate regional planning council. When the review  
4 has been delegated to a regional planning council, any local  
5 government in the region may elect to have its report reviewed  
6 by the regional planning council rather than the state land  
7 planning agency. The state land planning agency shall by  
8 agreement provide for uniform and adequate review of reports  
9 and shall retain oversight for any delegation of review to a  
10 regional planning council.

11 (9) The state land planning agency may establish a  
12 phased schedule for adoption of reports. The schedule shall  
13 provide each local government at least 7 years from plan  
14 adoption or last established adoption date for a report and  
15 shall allot approximately one-seventh of the reports to any 1  
16 year. In order to allow the municipalities to use data and  
17 analyses gathered by the counties, the state land planning  
18 agency shall schedule municipal report adoption dates between  
19 1 year and 18 months later than the report adoption date for  
20 the county in which those municipalities are located. A local  
21 government may adopt its report no earlier than 90 days prior  
22 to the established adoption date. Small municipalities which  
23 were scheduled by Chapter 9J-33, Florida Administrative Code,  
24 to adopt their evaluation and appraisal report after February  
25 2, 1999, shall be rescheduled to adopt their report together  
26 with the other municipalities in their county as provided in  
27 this subsection.

28 (10) The governing body shall amend its comprehensive  
29 plan based on the recommendations in the report and shall  
30 update the comprehensive plan based on the components of  
31 subsection (2), pursuant to the provisions of ss. 163.3184,

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1 163.3187, and 163.3189. Amendments to update a comprehensive  
2 plan based on the evaluation and appraisal report shall be  
3 adopted within 18 months after the report is determined to be  
4 sufficient by the state land planning agency, except the state  
5 land planning agency may grant an extension for adoption of a  
6 portion of such amendments. The state land planning agency  
7 may grant a 6-month extension for the adoption of such  
8 amendments if the request is justified by good and sufficient  
9 cause as determined by the agency. An additional extension  
10 may also be granted if the request will result in greater  
11 coordination between transportation and land use, for the  
12 purposes of improving Florida's transportation system, as  
13 determined by the agency in coordination with the Metropolitan  
14 Planning Organization program. The comprehensive plan as  
15 amended shall be in compliance as defined in s.  
16 163.3184(1)(b).

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

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1 proceeding by filing a petition with the Division of  
2 Administrative Hearings, which shall appoint an administrative  
3 law judge and conduct a hearing pursuant to ss. 120.569 and  
4 120.57(1) and shall submit a recommended order to the  
5 Administration Commission. The affected local government  
6 shall be a party to any such proceeding. The commission may  
7 implement this subsection by rule.

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

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

24 (14) The state land planning agency shall regularly  
25 review the evaluation and appraisal report process and submit  
26 a report to the Governor, the Administration Commission, the  
27 Speaker of the House of Representatives, the President of the  
28 Senate, and the respective community affairs committees of the  
29 Senate and the House of Representatives. The first report  
30 shall be submitted by December 31, 2004, and subsequent  
31 reports shall be submitted every 5 years thereafter. At least



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1 9 months before the due date of each report, the Secretary of  
2 Community Affairs shall appoint a technical committee of at  
3 least 15 members to assist in the preparation of the report.  
4 The membership of the technical committee shall consist of  
5 representatives of local governments, regional planning  
6 councils, the private sector, and environmental organizations.  
7 The report shall assess the effectiveness of the evaluation  
8 and appraisal report process.

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

18 Section 15. Section 163.3245, Florida Statutes, is  
19 created to read:

20 163.3245 Optional sector plans.--

21 (1) In recognition of the benefits of conceptual  
22 long-range planning for the buildout of an area, and detailed  
23 planning for specific areas, as a demonstration project the  
24 requirements of s. 380.06 may be addressed as identified by  
25 this section for up to five local governments or combinations  
26 of local governments which adopt into the comprehensive plan  
27 an optional sector plan in accordance with this section. This  
28 section is intended to further the intent of s. 163.3177(11),  
29 which supports innovative and flexible planning and  
30 development strategies, and the purposes of chapter 163, part  
31 II, and chapter 380, part I, and to avoid duplication of

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1 effort in terms of the level of data and analysis required for  
2 a development of regional impact, while ensuring the adequate  
3 mitigation of impacts to applicable regional resources and  
4 facilities, including those within the jurisdiction of other  
5 local governments, as would otherwise be provided. Optional  
6 sector plans are intended for substantial geographic areas  
7 including at least 5,000 acres of one or more local  
8 governmental jurisdictions and are to emphasize urban form and  
9 protection of regionally significant resources and facilities.  
10 The state land planning agency may approve optional sector  
11 plans of less than 5,000 acres based on local circumstances if  
12 it is determined that the plan would further the purposes of  
13 chapter 163, part II, and chapter 380, part I. Preparation of  
14 an optional sector plan is authorized by agreement between the  
15 state land planning agency and the applicable local  
16 governments under s. 163.3171(4). An optional sector plan may  
17 be adopted through one or more comprehensive plan amendments  
18 under s. 163.3184. However, an optional sector plan may not be  
19 authorized in an area of critical state concern.

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

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

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

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1 detailed specific area plan is adopted, the underlying future  
2 land use designations apply.

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

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

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

13 3. Identification of regionally significant natural  
14 resources consistent with Rule 9J-2, Florida Administrative  
15 Code.

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

24 5. Identification of general procedures to ensure  
25 intergovernmental coordination to address extrajurisdictional  
26 impacts from the long-range conceptual framework map.

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

30 1. An area of adequate size to accommodate a level of  
31 development which achieves a functional relationship between a

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1 full range of land uses within the area and to encompass at  
2 least 1,000 acres. The state land planning agency may approve  
3 detailed specific area plans of less than 1,000 acres based on  
4 local circumstances if it is determined that the plan furthers  
5 the purposes of chapter 163, part II, and chapter 380, part I.

6 2. Detailed identification and analysis of the  
7 distribution, extent, and location of future land uses.

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

14 4. Public facilities necessary for the short term,  
15 including developer contributions in a financially feasible  
16 5-year capital improvement schedule of the affected local  
17 government.

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

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

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1           7. Identification of specific procedures to ensure  
2 intergovernmental coordination to address extrajurisdictional  
3 impacts of the detailed specific area plan.

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

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

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

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

30           (b) If the state land planning agency has reason to  
31 believe that a violation of any detailed specific area plan,

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1 or of any agreement entered into under this section, has  
2 occurred or is about to occur, it may institute an  
3 administrative or judicial proceeding to prevent, abate, or  
4 control the conditions or activity creating the violation,  
5 using the procedures in s. 380.11.

6 (c) In instituting an administrative or judicial  
7 proceeding involving an optional sector plan or detailed  
8 specific area plan, including a proceeding pursuant to s.  
9 163.3245(5)(b), the complaining party shall comply with the  
10 requirements of subsections (4), (5), (6), and (7) of s.  
11 163.3215.

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

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

19 Section 16. Subsection (6) is added to section  
20 171.044, Florida Statutes, to read:

21 171.044 Voluntary annexation.--

22 (6) Upon publishing or posting the ordinance notice  
23 required under subsection (2), the governing body of the  
24 municipality must provide a copy of the notice, via certified  
25 mail, to the board of the county commissioners of the county  
26 wherein the municipality is located. The notice provision  
27 provided in this subsection shall not be the basis of any  
28 cause of action challenging the annexation.

29 Section 17. Section 186.003, Florida Statutes, is  
30 amended to read:

31 186.003 Definitions.--As used in ss. 186.001-186.031

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1 and 186.801-186.911, the term:

2 (1) "Executive Office of the Governor" means the  
3 Office of Planning and Budgeting of the Executive Office of  
4 the Governor.

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

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

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

12 (5) "Regional planning agency" means the regional  
13 planning council created pursuant to ss. 186.501-186.515 to  
14 exercise responsibilities under ss. 186.001-186.031 and  
15 186.801-186.911 in a particular region of the state.

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

19 (7) "State agency strategic plan" means the statement  
20 of priority directions that an agency will take to carry out  
21 its mission within the context of the state comprehensive plan  
22 and within the context of any other statutory mandates and  
23 authorizations given to the agency, pursuant to ss.  
24 186.021-186.022.

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

31 Section 18. Subsections (4) and (8) of section



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1 186.007, Florida Statutes, are amended and subsection (9) is  
2 added to that section to read:

3 186.007 State comprehensive plan; preparation;  
4 revision.--

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

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

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

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1 163.3191 and the evaluation and appraisal reports prepared  
2 pursuant to s. 186.511. Any necessary revisions of the state  
3 comprehensive plan shall be proposed by the Governor in a  
4 written report and be accompanied by an explanation of the  
5 need for such changes. If the Governor determines that  
6 changes are unnecessary, the written report must explain why  
7 changes are unnecessary. The proposed revisions and  
8 accompanying explanations may be submitted in the report  
9 required by s. 186.031. Any proposed revisions to the plan  
10 shall be submitted to the Legislature as provided in s.  
11 186.008(2) at least 30 days prior to the regular legislative  
12 session occurring in each even-numbered year.

13 (9) The Governor shall appoint a committee to review  
14 and make recommendations as to appropriate revisions to the  
15 state comprehensive plan that should be considered for the  
16 Governor's recommendations to the Administration Commission  
17 for October 1, 1999, pursuant to s. 186.008(1). The committee  
18 must consist of persons from the public and private sectors  
19 representing the broad range of interests covered by the state  
20 comprehensive plan, including state, regional, and local  
21 government representatives. In reviewing the goals and  
22 policies contained in chapter 187, the committee must identify  
23 portions that have become outdated or have not been  
24 implemented, and, based upon best available data, the state's  
25 progress toward achieving the goals and policies. In reviewing  
26 the goals and policies relating to growth and development, the  
27 committee shall consider the extent to which the plan  
28 adequately addresses the guidelines set forth in s. 186.009,  
29 and recommend revisions as appropriate. In addition, the  
30 committee shall consider and make recommendations on the  
31 purpose and function of the state land development plan, as

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1 set forth in s. 380.031(17), including whether said plan  
2 should be retained and, if so, its future application. The  
3 committee may also make recommendations as to data and  
4 information needed in the continuing process to evaluate and  
5 update the state comprehensive plan. All meetings of the  
6 committee must be open to the public for input on the state  
7 planning process and amendments to the state comprehensive  
8 plan. The Executive Office of the Governor is hereby  
9 appropriated \$50,000 in nonrecurring general revenue for costs  
10 associated with the committee, including travel and per diem  
11 reimbursement for the committee members.

12 Section 19. Section 186.008, Florida Statutes, is  
13 amended to read:

14 186.008 State comprehensive plan; revision;  
15 implementation.--

16 (1) On or before October 1 of every odd-numbered year  
17 ~~beginning in 1995~~, the Executive Office of the Governor shall  
18 prepare, and the Governor shall recommend to the  
19 Administration Commission, any proposed revisions to the state  
20 comprehensive plan deemed necessary. The Governor shall  
21 transmit his or her recommendations and explanation as  
22 required by s. 186.007(8). Copies shall also be provided to  
23 each state agency, to each regional planning agency, to any  
24 other unit of government that requests a copy, and to any  
25 member of the public who requests a copy.

26 (2) On or before December 15 of every odd-numbered  
27 year ~~beginning in 1995~~, the Administration Commission shall  
28 review the proposed revisions to the state comprehensive plan  
29 prepared by the Governor. The commission shall adopt a  
30 resolution, after public notice and a reasonable opportunity  
31 for public comment, and transmit the proposed revisions to the

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1 state comprehensive plan to the Legislature, together with any  
2 amendments approved by the commission and any dissenting  
3 reports. The commission shall identify those portions of the  
4 plan that are not based on existing law.

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

7 (4) The state comprehensive plan shall be implemented  
8 and enforced by all state agencies consistent with their  
9 lawful responsibilities whether it is put in force by law or  
10 by administrative rule. The Governor, as chief planning  
11 officer of the state, shall oversee the implementation  
12 process.

13 (5) All state agency budgets and programs shall be  
14 consistent with the adopted state comprehensive plan and shall  
15 support and further its goals and policies.

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

21 Section 20. Subsections (2) and (3) of section  
22 186.009, Florida Statutes, are amended to read:

23 186.009 Growth management portion of the state  
24 comprehensive plan.--

25 (2) The growth management portion of the state  
26 comprehensive plan shall:

27 (a) Provide strategic guidance for state, regional,  
28 and local actions necessary to implement the state  
29 comprehensive plan with regard to the physical growth and  
30 development of the state.

31 (b) Identify metropolitan and urban growth centers.

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

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

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

8 (f) Provide guidelines for state transportation  
9 corridors, public transportation corridors, new interchanges  
10 on limited access facilities, and new airports of regional or  
11 state significance.

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

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

17 (i) Provide coordinated state planning of road, rail,  
18 and waterborne transportation facilities designed to take the  
19 needs of agriculture into consideration and to provide for the  
20 transportation of agricultural products and supplies.

21 (j) Establish priorities regarding coastal planning  
22 and resource management.

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

26 (l) Set forth other goals, objectives, and policies  
27 related to the state's natural and built environment that are  
28 necessary to effectuate those portions of the state  
29 comprehensive plan which are related to physical growth and  
30 development.

31 (m) Set forth recommendations on when and to what

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1 degree local government comprehensive plans must be consistent  
2 with the proposed growth management portion of the state  
3 comprehensive plan.

4 (n) Set forth recommendations on how to integrate the  
5 Florida water plan required by s. 373.036, ~~the state land~~  
6 ~~development plan required by s. 380.031(17)~~, and  
7 transportation plans required by chapter 339.

8 (o) Set forth recommendations concerning what degree  
9 of consistency is appropriate for the strategic regional  
10 policy plans.

11

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

14 ~~(3)(a) On or before October 15, 1993, the Executive~~  
15 ~~Office of the Governor shall prepare, and the Governor shall~~  
16 ~~recommend to the Administration Commission, the proposed~~  
17 ~~growth management portion of the state comprehensive plan.~~  
18 ~~Copies shall also be provided to each state agency, to each~~  
19 ~~regional planning agency, to any other unit of government that~~  
20 ~~requests a copy, and to any member of the public who requests~~  
21 ~~a copy.~~

22 ~~(b) On or before December 1, 1993, the Administration~~  
23 ~~Commission shall review the proposed growth management portion~~  
24 ~~of the state comprehensive plan prepared by the Governor. The~~  
25 ~~commission shall adopt a resolution, after public notice and a~~  
26 ~~reasonable opportunity for public comment, and transmit the~~  
27 ~~proposed growth management portion of the state comprehensive~~  
28 ~~plan to the Legislature, together with any amendments approved~~  
29 ~~by the commission and any dissenting reports. The commission~~  
30 ~~shall identify those portions of the plan that are not based~~  
31 ~~on existing law.~~

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1           (c) The growth management portion of the state  
2 comprehensive plan, and all amendments, revisions, or updates  
3 to the plan, shall have legal effect only upon adoption by the  
4 Legislature as general law. The Legislature shall indicate,  
5 in adopting the growth management portion of the state  
6 comprehensive plan, which plans, activities, and permits must  
7 be consistent with the growth management portion of the state  
8 comprehensive plan.

9           ~~(d) The Executive Office of the Governor shall~~  
10 ~~evaluate and the Governor shall propose any necessary~~  
11 ~~revisions to the adopted growth management portion of the~~  
12 ~~state comprehensive plan in conjunction with the process for~~  
13 ~~evaluating and proposing revisions to the state comprehensive~~  
14 ~~plan.~~

15           Section 21. Subsection (2) of section 186.507, Florida  
16 Statutes, is amended to read:

17           186.507 Strategic regional policy plans.--

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

25           Section 22. Section 186.508, Florida Statutes, is  
26 amended to read:

27           186.508 Strategic regional policy plan adoption;  
28 consistency with state comprehensive plan.--

29           (1) Each regional planning council shall submit to the  
30 Executive Office of the Governor its proposed strategic  
31 regional policy plan on a schedule established ~~adopted by rule~~

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

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



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1 judge.

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

4 Section 23. Section 186.511, Florida Statutes, is  
5 amended to read:

6 186.511 Evaluation of strategic regional policy plan;  
7 changes in plan.--The regional planning process shall be a  
8 continuous and ongoing process. Each regional planning  
9 council shall prepare an evaluation and appraisal report on  
10 its strategic regional policy plan at least once every 5  
11 years; assess the successes or failures of the plan; address  
12 changes to the state comprehensive plan; and prepare and adopt  
13 by rule amendments, revisions, or updates to the plan as  
14 needed. Each regional planning council shall involve the  
15 appropriate local health councils in its region if the  
16 regional planning council elects to address regional health  
17 issues. The evaluation and appraisal report shall be prepared  
18 and submitted for review on a schedule established ~~by rule~~ by  
19 the Executive Office of the Governor. The schedule shall  
20 facilitate and be coordinated with, to the maximum extent  
21 feasible, the evaluation and revision of local comprehensive  
22 plans pursuant to s. 163.3191 for the local governments within  
23 each comprehensive planning district.

24 Section 24. Paragraph (f) of subsection (2) and  
25 subsections (3), (8), (9), (10), and (12) of section 288.975,  
26 Florida Statutes, are amended to read:

27 288.975 Military base reuse plans.--

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

29 (f) "Regional policy plan" means a ~~comprehensive~~  
30 ~~regional policy plan that has been adopted by rule by a~~  
31 ~~regional planning council until the council's rule adopting~~

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1 ~~its strategic regional policy plan in accordance with the~~  
2 ~~requirements of chapter 93-206, Laws of Florida, becomes~~  
3 ~~effective, at which time "regional policy plan" shall mean a~~  
4 strategic regional policy plan that has been adopted by rule  
5 by a regional planning council pursuant to s. 186.508.

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

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

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1 regional planning councils. The purposes of the workshop shall  
2 be to assist the host local government to understand issues of  
3 concern to the above listed entities pertaining to the  
4 military base site and to identify opportunities for better  
5 coordination of planning and review efforts with the  
6 information and analyses generated by the federal  
7 environmental impact statement process and the federal  
8 community base reuse planning process.

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

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

23 (b) Petition the secretary of the Department of  
24 Community Affairs for an extension of the deadline for  
25 submitting a proposed reuse plan. Such an extension request  
26 must be justified by changes or delays in the closure process  
27 by the federal Department of Defense or for reasons otherwise  
28 deemed to promote the orderly and beneficial planning of the  
29 subject military base reuse. The secretary of the Department  
30 of Community Affairs may grant extensions ~~up to a 1-year~~  
31 ~~extension~~ to the required submission date of the reuse plan.

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1           (10)(a) Within 60 days after receipt of a proposed  
2 military base reuse plan, these entities shall review and  
3 provide comments to the host local government. The  
4 commencement of this review period shall be advertised in  
5 newspapers of general circulation within the host local  
6 government and any affected local government to allow for  
7 public comment. No later than 180 ~~60~~ days after receipt and  
8 consideration of all comments, and the holding of at least two  
9 public hearings, the host local government shall adopt the  
10 military base reuse plan. The host local government shall  
11 comply with the notice requirements set forth in s.  
12 163.3184(15) to ensure full public participation in this  
13 planning process.

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

23           ~~(c) The host local government may exercise the waiver~~  
24 ~~after the 60th day following the receipt and consideration of~~  
25 ~~all comments and the second public hearing. However, the host~~  
26 ~~local government must exercise this waiver no later than 180~~  
27 ~~days after the 60th day following the receipt and~~  
28 ~~consideration of all comments and the second public hearing,~~  
29 ~~or the date upon which this act becomes a law, whichever is~~  
30 ~~later.~~

31           ~~(d) Any action by a host local government to adopt a~~

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1 ~~military base reuse plan after the expiration of the 60-day~~  
2 ~~period is deemed an exercise of the waiver pursuant to~~  
3 ~~paragraph (b), without further action by the host local~~  
4 ~~government.~~

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

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

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

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1 describe the nature and basis for each dispute, identify the  
2 recommended solutions provided to the parties, and make  
3 recommendations for actions the Administration Commission  
4 should take to resolve the disputed issues.

5 (c) ~~If in the event~~ the state land planning agency is  
6 a party to the dispute, the issues in dispute shall be  
7 submitted to ~~resolved by~~ a party jointly selected by the state  
8 land planning agency and the host local government. The  
9 selected party shall comply with the responsibilities placed  
10 upon the state land planning agency in this section.

11 (d) Within 45 days after receiving the report from the  
12 state land planning agency, the Administration Commission  
13 shall take action to resolve the issues in dispute. In  
14 deciding upon a proper resolution, the Administration  
15 Commission shall consider the nature of the issues in dispute,  
16 any requests for a formal administrative hearing pursuant to  
17 chapter 120, the compliance of the parties with this section,  
18 the extent of the conflict between the parties, the  
19 comparative hardships and the public interest involved. If the  
20 Administration Commission incorporates in its final order a  
21 term or condition that requires any local government to amend  
22 its local government comprehensive plan, the local government  
23 shall amend its plan within 60 days after the issuance of the  
24 order. Such amendment or amendments shall be exempt from the  
25 limitation of the frequency of plan amendments contained in s.  
26 163.3187(2), and a public hearing on such amendment or  
27 amendments pursuant to s. 163.3184(15)(b)1. shall not be  
28 required. The final order of the Administration Commission is  
29 subject to appeal pursuant to s. 120.68. If the order of the  
30 Administration Commission is appealed, the time for the local  
31 government to amend its plan shall be tolled during the

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1 pendency of any local, state, or federal administrative or  
2 judicial proceeding relating to the military base reuse plan.

3 Section 25. Section 288.980, Florida Statutes, is  
4 amended to read:

5 288.980 Military base closure, retention, realignment,  
6 ~~or defense-related readjustment and diversification;~~  
7 legislative intent; grants program.--

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

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

27 1. ~~Activities~~ related to the retention of military  
28 installations potentially affected by federal base closure or  
29 realignment.

30 2. ~~Activities related to preventing the potential~~  
31 ~~realignment or closure of a military installation officially~~

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1 ~~identified by the Federal Government for potential realignment~~  
 2 ~~or closure.~~

3 (b) The term "activities" as used in this section  
 4 means studies, presentations, analyses, plans, and modeling.  
 5 Travel and costs incidental thereto, and staff salaries, are  
 6 not considered an "activity" for which grant funds may be  
 7 awarded.

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

12 1. Represent a local government ~~community~~ with a  
 13 military installation or military installations that could be  
 14 adversely affected by federal base realignment or closure.

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

19 3. Prepare a coordinated program or plan of action  
 20 delineating how the eligible project will be administered and  
 21 accomplished.

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

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

28 1. The relative value of the particular military  
 29 installation in terms of its importance to the local and state  
 30 economy relative to other military installations vulnerable to  
 31 closure.



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

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

5           ~~(e) For purposes of base closure and realignment,~~  
6 ~~"applicant" means one or more counties, or a base closure or~~  
7 ~~realignment commission created by one or more counties, to~~  
8 ~~oversee the potential or actual realignment or closure of a~~  
9 ~~military installation within the jurisdiction of such local~~  
10 ~~government.~~

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

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

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1           (b) The Florida Defense Implementation Grant Program,  
2 through which funds shall be made available to  
3 defense-dependent communities to implement the diversification  
4 strategies developed pursuant to paragraph (a). Eligible  
5 applicants include defense-dependent counties and cities, and  
6 local economic development councils located within such  
7 communities. Grant awards may not exceed \$100,000 per  
8 applicant and shall be available on a competitive basis.  
9 Awards shall be matched on a one-to-one basis.

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

20  
21 Applications for grants under this subsection must include a  
22 coordinated program of work or plan of action delineating how  
23 the eligible project will be administered and accomplished,  
24 which must include a plan for ensuring close cooperation  
25 between civilian and military authorities in the conduct of  
26 the funded activities and a plan for public involvement.

27           (4)(a) The Defense-Related Business Adjustment Program  
28 is hereby created. The Director of the Office of Tourism,  
29 Trade, and Economic Development ~~Secretary of Commerce~~ shall  
30 coordinate the development of the Defense-Related Business  
31 Adjustment Program. Funds shall be available to assist

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

13 (b) The office ~~department~~ shall require that an  
14 applicant:

15 1. Be a defense-related business that could be  
16 adversely affected by federal base realignment or closure or  
17 reduced defense expenditures.

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

22 3. Prepare a coordinated program or plan delineating  
23 how the funds will be administered.

24 4. Provide documentation describing how  
25 defense-related realignment or closure will adversely impact  
26 defense-related companies.

27 (5) The director ~~Secretary of Commerce~~ may award  
28 nonfederal matching funds specifically appropriated for  
29 construction, maintenance, and analysis of a Florida defense  
30 workforce database. Such funds will be used to create a  
31 registry of worker skills that can be used to match the worker

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1 needs of companies that are relocating to this state or to  
2 assist workers in relocating to other areas within this state  
3 where similar or related employment is available.

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

7 Section 26. Paragraph (d) is added to subsection (5)  
8 of section 380.06, Florida Statutes, and subsections (12) and  
9 (14) of that section are amended to read:

10 380.06 Developments of regional impact.--

11 (5) AUTHORIZATION TO DEVELOP.--

12 (a)1. A developer who is required to undergo  
13 development-of-regional-impact review may undertake a  
14 development of regional impact if the development has been  
15 approved under the requirements of this section.

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

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

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1 issuance of the permit, the time of validity of the permit  
2 shall be considered to be from the date of issuance of the  
3 permit. If a project is required to obtain a binding letter  
4 under subsection (4), any state or regional agency permit  
5 necessary for the construction or operation of the project  
6 that is valid for 5 years or less shall take effect, and the  
7 period of time for which the permit is valid shall begin to  
8 run, only after the developer obtains a binding letter stating  
9 that the project is not required to undergo  
10 development-of-regional-impact review or after the developer  
11 obtains a development order pursuant to this section.

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

22 1. The later adopted rule is determined by the  
23 rule-adopting agency to be essential to the public health,  
24 safety, or welfare;

25 2. The later adopted rule is adopted pursuant to s.  
26 403.061(27);

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

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

31 5. The later adopted rule is required by state or

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1 federal law.

2 (d) The provision of day care service facilities in  
3 developments approved pursuant to this section is permissible  
4 but is not required.

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

14 (12) REGIONAL REPORTS.--

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

26 1. The development will have a favorable or  
27 unfavorable impact on state or regional resources or  
28 facilities identified in the applicable state or regional  
29 plans. For the purposes of this subsection, "applicable state  
30 plan" means the state comprehensive plan ~~and the state land~~  
31 ~~development plan~~. For the purposes of this subsection,

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1 "applicable regional plan" means an adopted comprehensive  
2 regional policy plan until the adoption of a strategic  
3 regional policy plan pursuant to s. 186.508, and thereafter  
4 means an adopted strategic regional policy plan.

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

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

18         (b) At the request of the regional planning agency,  
19 other appropriate agencies shall review the proposed  
20 development and shall prepare reports and recommendations on  
21 issues that are clearly within the jurisdiction of those  
22 agencies. Such agency reports shall become part of the  
23 regional planning agency report; however, the regional  
24 planning agency may attach dissenting views. When water  
25 management district and Department of Environmental Protection  
26 permits have been issued pursuant to chapter 373 or chapter  
27 403, the regional planning council may comment on the regional  
28 implications of the permits but may not offer conflicting  
29 recommendations.

30         (c) The regional planning agency shall afford the  
31 developer or any substantially affected party reasonable

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1 opportunity to present evidence to the regional planning  
 2 agency head relating to the proposed regional agency report  
 3 and recommendations.

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

10 ~~(a) The development unreasonably interferes with the~~  
 11 ~~achievement of the objectives of an adopted state land~~  
 12 ~~development plan applicable to the area;~~

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

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

18 (c)~~(d)~~ The development is consistent with the State  
 19 Comprehensive Plan. In consistency determinations the plan  
 20 shall be construed and applied in accordance with s.  
 21 187.101(3).

22 Section 27. Paragraph (a) of subsection (3) of section  
 23 380.061, Florida Statutes, is amended to read:

24 380.061 The Florida Quality Developments program.--

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

29 1. Have donated or entered into a binding commitment  
 30 to donate the fee or a lesser interest sufficient to protect,  
 31 in perpetuity, the natural attributes of the types of land



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1 listed below. In lieu of the above requirement, the developer  
2 may enter into a binding commitment which runs with the land  
3 to set aside such areas on the property, in perpetuity, as  
4 open space to be retained in a natural condition or as  
5 otherwise permitted under this subparagraph. Under the  
6 requirements of this subparagraph, the developer may reserve  
7 the right to use such areas for the purpose of passive  
8 recreation that is consistent with the purposes for which the  
9 land was preserved.

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

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

28 c. Known archaeological sites determined to be of  
29 significance by the Division of Historical Resources of the  
30 Department of State.

31 d. Areas known to be important to animal species

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1 designated as endangered or threatened animal species by the  
2 United States Fish and Wildlife Service or by the Florida Game  
3 and Fresh Water Fish Commission, for reproduction, feeding, or  
4 nesting; for traveling between such areas used for  
5 reproduction, feeding, or nesting; or for escape from  
6 predation.

7 e. Areas known to contain plant species designated as  
8 endangered plant species by the Department of Agriculture and  
9 Consumer Services.

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

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

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

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

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1           6. Provide for construction and maintenance of all  
2 onsite infrastructure necessary to support the project and  
3 enter into a binding commitment with local government to  
4 provide an appropriate fair-share contribution toward the  
5 offsite impacts which the development will impose on publicly  
6 funded facilities and services, except offsite transportation,  
7 and condition or phase the commencement of development to  
8 ensure that public facilities and services, except offsite  
9 transportation, will be available concurrent with the impacts  
10 of the development. For the purposes of offsite transportation  
11 impacts, the developer shall comply, at a minimum, with the  
12 standards of the state land planning agency's  
13 development-of-regional-impact transportation rule, the  
14 approved strategic regional policy plan, any applicable  
15 regional planning council transportation rule, and the  
16 approved local government comprehensive plan and land  
17 development regulations adopted pursuant to part II of chapter  
18 163.

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

24           Section 28. Subsection (3) of section 380.065, Florida  
25 Statutes, is amended to read:

26           380.065 Certification of local government review of  
27 development.--

28           (3) Development orders issued pursuant to this section  
29 are subject to the provisions of s. 380.07; however, a  
30 certified local government's findings of fact and conclusions  
31 of law are presumed to be correct on appeal. The grounds for

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1 appeal of a development order issued by a certified local  
2 government under this section shall be limited to:

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

5 (b) Inconsistency with the ~~state land development plan~~  
6 ~~and the~~ state comprehensive plan.

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

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

20 Section 29. Paragraph (d) is added to subsection (3)  
21 of section 380.23, Florida Statutes, to read:

22 380.23 Federal consistency.--

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

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

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1           Section 30. Transportation and Land Use Study  
2 Committee.--The state land planning agency and the Department  
3 of Transportation shall evaluate the statutory provisions  
4 relating to land use and transportation coordination and  
5 planning issues, including community design, required in part  
6 II of chapter 163, Florida Statutes, and shall consider  
7 changes to statutes, as well as to all pertinent rules  
8 associated with the statutes. The evaluation must include an  
9 evaluation of the roles of local government, regional planning  
10 councils, state agencies, regional transportation authorities,  
11 and metropolitan planning organizations in addressing these  
12 subject areas. Special emphasis must be given in this  
13 evaluation to concurrency on the highway system, levels of  
14 service methodologies, and land use impact assessments used to  
15 project transportation needs. The evaluation must be conducted  
16 in consultation with a technical committee of at least 15  
17 members to be known as the Transportation and Land Use Study  
18 Committee, appointed jointly by the secretary of the state  
19 land planning agency and the Secretary of Transportation. The  
20 membership must be representative of local governments,  
21 regional planning councils, the private sector, metropolitan  
22 planning organizations, regional transportation authorities,  
23 and citizen and environmental organizations. By January 15,  
24 1999, the committee shall send an evaluation report to the  
25 Governor, the President of the Senate, and the Speaker of the  
26 House of Representatives to provide recommendations for  
27 appropriate changes to the transportation planning  
28 requirements in chapter 163, Florida Statutes, and other  
29 statutes, as appropriate.

30           Section 31. Subsection (7) of section 380.0555, and  
31 paragraph (a) of subsection (14) of section 380.06, Florida

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1 Statutes, are repealed.

2 Section 32. Subsection (17) of section 380.031,  
3 Florida Statutes, is amended to read:

4 380.031 Definitions.--As used in this chapter:

5 (17) "State land development plan" means a  
6 comprehensive statewide plan or any portion thereof setting  
7 forth state land development policies. Such plan shall not  
8 have any legal effect until enacted by general law or the  
9 Legislature confers express rulemaking authority on the state  
10 land planning agency to adopt such plan by rule for specific  
11 application.

12 Section 33. Severability.--If any provision of this  
13 act or the application thereof to any person, government  
14 entity, or circumstance is held invalid, it is the legislative  
15 intent that the invalidity shall not affect other provisions  
16 or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the  
18 provisions of this act are severable.

19 Section 34. The Department of Community Affairs, the  
20 Department of Environmental Protection, Miami-Dade County, and  
21 the municipalities of Key Biscayne and Miami must jointly  
22 conduct discussions, pursuant to section 163.3171(3) and (4),  
23 Florida Statutes, for the purpose of establishing agreements  
24 concerning land use, economic development, emergency  
25 management, and environmental protection for a planning area  
26 defined as eastward of the toll plaza at the entrance of the  
27 area known as "Key Biscayne." The departments, the county, and  
28 the municipalities must, after such discussions, enter into  
29 agreements by December 1, 1998 that provide for and ensure  
30 orderly development of the planning area. They shall also  
31 report to the Legislature by February 1, 1999, on the

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1 agreement and implementation thereof. In the event that no  
2 agreement is executed, the report to the Legislature shall  
3 include all items that at least three of the five governmental  
4 entities agreed upon and list the entities that agreed to each  
5 item.

6 Section 35. Except as otherwise provided in this act,  
7 this act shall take effect upon becoming a law.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13  
14

and insert:

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A bill to be entitled

16

An act relating to growth management, land use  
17 planning, and school concurrency; amending s.

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18

20.18, F.S.; renaming the Division of Resource  
19 Planning and Management; amending s. 163.3164,

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F.S.; defining the term "optional sector plan";  
21 amending s. 163.3171, F.S.; inserting a

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22

cross-reference; amending s. 163.3177, F.S.;

23

requiring that the future land use element of a  
24 local government's comprehensive plan include

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certain criteria relating to location of

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schools; specifying the date by which such

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plans must comply and providing effect of

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noncompliance; providing requirements with

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respect to the data and analyses on which a

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public school facilities element to implement a

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school concurrency program should be based;

Bill No. CS for SB 2474, 1st Eng.

Amendment No. \_\_\_\_

1 providing for goals, objectives, and policies;  
2 providing for future conditions maps; amending  
3 s. 163.3180, F.S.; modifying de minimis  
4 standards for transportation concurrency;  
5 revising requirements for imposition of a  
6 school concurrency requirement by a local  
7 government and for the local government  
8 comprehensive plan or plan amendment to  
9 implement such requirement; requiring a public  
10 schools facilities element; providing  
11 requirements for level of service standards;  
12 providing requirements for designation of  
13 service areas; providing requirements with  
14 respect to financial feasibility; specifying an  
15 availability standard; requiring that  
16 intergovernmental coordination requirements be  
17 satisfied and providing that certain  
18 municipalities are not required to be a  
19 signatory of the required interlocal agreement;  
20 providing duties of such municipalities to  
21 evaluate their status and enter into the  
22 interlocal agreement when required, and  
23 providing effect of failure to do so; providing  
24 requirements with respect to the interlocal  
25 agreement; directing the state land planning  
26 agency to adopt by rule minimum criteria for  
27 review and determination of compliance of a  
28 public schools facilities element; amending s.  
29 163.3184, F.S.; inserting cross-references;  
30 requiring the department to maintain specified  
31 documents dealing with amendments to local



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1 comprehensive plans; amending s. 163.3187,  
2 F.S.; prohibiting local governments from  
3 amending comprehensive plans until after  
4 adoption of an evaluation and appraisal report;  
5 amending s. 163.3191, F.S.; revising the  
6 requirements for evaluation and appraisal  
7 reports; providing for contents; providing that  
8 the local planning agency's periodic report on  
9 the comprehensive plan shall assess the  
10 coordination of the plan with public schools;  
11 amending s. 235.185, F.S.; directing school  
12 boards to adopt annually 10-year and 20-year  
13 work programs in addition to the required  
14 5-year district facilities work program;  
15 amending s. 235.19, F.S.; providing a directive  
16 to school boards with respect to school  
17 location; amending s. 235.193, F.S.; providing  
18 requirements for the 5-year district facilities  
19 work program with respect to enrollment and  
20 population projections; precluding the siting  
21 of new schools in certain jurisdictions;  
22 providing for implementation of an alternative  
23 public schools concurrency system by counties  
24 subject to a final order by the Administration  
25 Commission; creating s. 163.3245, F.S.;  
26 authorizing the adoption of optional sector  
27 plans under certain circumstances; providing  
28 for agreements with the Department of Community  
29 Affairs; amending s. 171.044, F.S.; requiring a  
30 municipality to notify the county of voluntary  
31 annexation ordinances; amending ss. 186.507,

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Amendment No. \_\_\_\_

1 186.508, 186.511, F.S.; revising  
2 responsibilities of the Executive Office of the  
3 Governor relating to strategic regional policy  
4 plans; amending ss. 186.003, 186.007, 186.008,  
5 186.009, F.S.; deleting references to the state  
6 land development plan; creating a committee to  
7 be appointed by the Governor to review the  
8 state comprehensive plan; revising a  
9 definition; deleting obsolete language;  
10 revising review responsibilities of the  
11 Executive Office of the Governor; amending s.  
12 288.975, F.S.; redefining the term "regional  
13 policy plan"; revising criteria for military  
14 base reuse plans; amending s. 288.980, F.S.;  
15 providing revised standards for military base  
16 retention; providing conditions for the award  
17 of grants by the Office of Tourism, Trade, and  
18 Economic Development; amending s. 380.06, F.S.;  
19 deleting reference to the state land  
20 development plan; adding day care facilities as  
21 an issue in the development-of-regional-impact  
22 review process; amending s. 380.061, F.S.;  
23 deleting a consistency requirement for certain  
24 Florida Quality Developments; amending s.  
25 380.065, F.S.; deleting a reference to the  
26 state land development plan; amending s.  
27 380.23, F.S.; adding an element to federal  
28 consistency review; creating the Transportation  
29 and Land Use Study Committee; requiring the  
30 committee to report to the Governor and the  
31 Legislature; amending s. 380.031, F.S.;

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Amendment No. \_\_\_\_

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revising a definition; repealing s.  
380.0555(7), F.S., which provides for a  
resource planning and management committee for  
the Apalachicola Bay Area; providing for  
severability; providing effective dates.