

1                                   A bill to be entitled  
2           An act relating to growth management, land use  
3           planning, and school concurrency; amending s.  
4           20.18, F.S.; renaming the Division of Resource  
5           Planning and Management; amending s. 163.3164,  
6           F.S.; defining the term "optional sector plan";  
7           amending s. 163.3171, F.S.; inserting a  
8           cross-reference; amending s. 163.3177, F.S.;  
9           requiring that the future land use element of a  
10          local government's comprehensive plan include  
11          certain criteria relating to location of  
12          schools; specifying the date by which such  
13          plans must comply and providing effect of  
14          noncompliance; providing requirements with  
15          respect to the data and analyses on which a  
16          public school facilities element to implement a  
17          school concurrency program should be based;  
18          providing for goals, objectives, and policies;  
19          providing for future conditions maps; amending  
20          s. 163.3180, F.S.; modifying de minimis  
21          standards for transportation concurrency;  
22          revising requirements for imposition of a  
23          school concurrency requirement by a local  
24          government and for the local government  
25          comprehensive plan or plan amendment to  
26          implement such requirement; requiring a public  
27          schools facilities element; providing  
28          requirements for level of service standards;  
29          providing requirements for designation of  
30          service areas; providing requirements with  
31          respect to financial feasibility; specifying an

1 availability standard; requiring that  
2 intergovernmental coordination requirements be  
3 satisfied and providing that certain  
4 municipalities are not required to be a  
5 signatory of the required interlocal agreement;  
6 providing duties of such municipalities to  
7 evaluate their status and enter into the  
8 interlocal agreement when required, and  
9 providing effect of failure to do so; providing  
10 requirements with respect to the interlocal  
11 agreement; directing the state land planning  
12 agency to adopt by rule minimum criteria for  
13 review and determination of compliance of a  
14 public schools facilities element; amending s.  
15 163.3184, F.S.; inserting cross-references;  
16 requiring the department to maintain specified  
17 documents dealing with amendments to local  
18 comprehensive plans; amending s. 163.3187,  
19 F.S.; prohibiting local governments from  
20 amending comprehensive plans until after  
21 adoption of an evaluation and appraisal report;  
22 amending s. 163.3191, F.S.; revising the  
23 requirements for evaluation and appraisal  
24 reports; providing for contents; providing that  
25 the local planning agency's periodic report on  
26 the comprehensive plan shall assess the  
27 coordination of the plan with public schools;  
28 amending s. 235.185, F.S.; directing school  
29 boards to adopt annually 10-year and 20-year  
30 work programs in addition to the required  
31 5-year district facilities work program;

1 amending s. 235.19, F.S.; providing a directive  
2 to school boards with respect to school  
3 location; amending s. 235.193, F.S.; providing  
4 requirements for the 5-year district facilities  
5 work program with respect to enrollment and  
6 population projections; precluding the siting  
7 of new schools in certain jurisdictions;  
8 providing for implementation of an alternative  
9 public schools concurrency system by counties  
10 subject to a final order by the Administration  
11 Commission; creating s. 163.3245, F.S.;  
12 authorizing the adoption of optional sector  
13 plans under certain circumstances; providing  
14 for agreements with the Department of Community  
15 Affairs; amending s. 171.044, F.S.; requiring a  
16 municipality to notify the county of voluntary  
17 annexation ordinances; amending ss. 186.507,  
18 186.508, 186.511, F.S.; revising  
19 responsibilities of the Executive Office of the  
20 Governor relating to strategic regional policy  
21 plans; amending ss. 186.003, 186.007, 186.008,  
22 186.009, F.S.; deleting references to the state  
23 land development plan; creating a committee to  
24 be appointed by the Governor to review the  
25 state comprehensive plan; revising a  
26 definition; deleting obsolete language;  
27 revising review responsibilities of the  
28 Executive Office of the Governor; amending s.  
29 288.975, F.S.; redefining the term "regional  
30 policy plan"; revising criteria for military  
31 base reuse plans; amending s. 288.980, F.S.;

1 providing revised standards for military base  
2 retention; providing conditions for the award  
3 of grants by the Office of Tourism, Trade, and  
4 Economic Development; amending s. 380.06, F.S.;  
5 deleting reference to the state land  
6 development plan; adding day care facilities as  
7 an issue in the development-of-regional-impact  
8 review process; amending s. 380.061, F.S.;  
9 deleting a consistency requirement for certain  
10 Florida Quality Developments; amending s.  
11 380.065, F.S.; deleting a reference to the  
12 state land development plan; amending s.  
13 380.23, F.S.; adding an element to federal  
14 consistency review; creating the Transportation  
15 and Land Use Study Committee; requiring the  
16 committee to report to the Governor and the  
17 Legislature; amending s. 380.031, F.S.;  
18 revising a definition; repealing s.  
19 380.0555(7), F.S., which provides for a  
20 resource planning and management committee for  
21 the Apalachicola Bay Area; providing for  
22 severability; providing effective dates.

23

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

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26 Section 1. Paragraph (c) of subsection (2) of section  
27 20.18, Florida Statutes, is amended to read:

28 20.18 Department of Community Affairs.--There is  
29 created a Department of Community Affairs.

30 (2) The following units of the Department of Community  
31 Affairs are established:

1 (c) Division of Community ~~Resource~~ Planning and  
2 ~~Management~~.

3 Section 2. Subsection (31) is added to section  
4 163.3164, Florida Statutes, to read:

5 163.3164 Definitions.--As used in this act:

6 (31) "Optional sector plan" means an optional process  
7 authorized by s. 163.3245 in which one or more local  
8 governments by agreement with the state land planning agency  
9 are allowed to address development-of-regional impact issues  
10 within certain designated geographic areas identified in the  
11 local comprehensive plan as a means of fostering innovative  
12 planning and development strategies in s. 163.3177(11)(a) and  
13 (b), furthering the purposes of chapter 163, part II, and  
14 chapter 380, part I, reducing overlapping data and analysis  
15 requirements, protecting regionally significant resources and  
16 facilities, and addressing extrajurisdictional impacts.

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

19 163.3171 Areas of authority under this act.--

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

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

30 163.3177 Required and optional elements of  
31 comprehensive plan; studies and surveys.--

1           (6) In addition to the requirements of subsections  
2 (1)-(5), the comprehensive plan shall include the following  
3 elements:

4           (a) A future land use plan element designating  
5 proposed future general distribution, location, and extent of  
6 the uses of land for residential uses, commercial uses,  
7 industry, agriculture, recreation, conservation, education,  
8 public buildings and grounds, other public facilities, and  
9 other categories of the public and private uses of land. The  
10 future land use plan shall include standards to be followed in  
11 the control and distribution of population densities and  
12 building and structure intensities. The proposed  
13 distribution, location, and extent of the various categories  
14 of land use shall be shown on a land use map or map series  
15 which shall be supplemented by goals, policies, and measurable  
16 objectives. Each land use category shall be defined in terms  
17 of the types of uses included and specific standards for the  
18 density or intensity of use. The future land use plan shall  
19 be based upon surveys, studies, and data regarding the area,  
20 including the amount of land required to accommodate  
21 anticipated growth; the projected population of the area; the  
22 character of undeveloped land; the availability of public  
23 services; and the need for redevelopment, including the  
24 renewal of blighted areas and the elimination of nonconforming  
25 uses which are inconsistent with the character of the  
26 community. The future land use plan may designate areas for  
27 future planned development use involving combinations of types  
28 of uses for which special regulations may be necessary to  
29 ensure development in accord with the principles and standards  
30 of the comprehensive plan and this act. The future land use  
31 plan of a county may also designate areas for possible future

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

1           (12) A public school facilities element adopted to  
2 implement a school concurrency program shall meet the  
3 requirements of this subsection.

4           (a) A public school facilities element shall be based  
5 upon data and analyses that address, among other items, how  
6 level of service standards will be achieved and maintained.  
7 Such data and analyses must include, at a minimum, such items  
8 as: the 5-year school district facilities work program adopted  
9 pursuant to s. 235.185; the educational plant survey and an  
10 existing educational and ancillary plant map or map series;  
11 information on existing development and development  
12 anticipated for the next 5 years and the long-term planning  
13 period; an analysis of problems and opportunities for existing  
14 schools and schools anticipated in the future; an analysis of  
15 opportunities to collocate future schools with other public  
16 facilities such as parks, libraries, and community centers; an  
17 analysis of the need for supporting public facilities for  
18 existing and future schools; an analysis of opportunities to  
19 locate schools to serve as community focal points; projected  
20 future population and associated demographics, including  
21 development patterns year by year for the upcoming 5-year and  
22 long-term planning periods; and anticipated educational and  
23 ancillary plants with land area requirements.

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

27           (c) The element shall contain one or more objectives  
28 for each goal, setting specific, measurable, intermediate ends  
29 that are achievable and mark progress toward the goal.  
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1           (d) The element shall contain one or more policies for  
2 each objective which establish the way in which programs and  
3 activities will be conducted to achieve an identified goal.

4           (e) The objectives and policies shall address items  
5 such as: the procedure for an annual update process; the  
6 procedure for school site selection; the procedure for school  
7 permitting; provision of supporting infrastructure; location  
8 of future school sites so they serve as community focal  
9 points; measures to ensure compatibility of school sites and  
10 surrounding land uses; coordination with adjacent local  
11 governments and the school district on emergency preparedness  
12 issues; and coordination with the future land use element.

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

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

21           163.3180 Concurrency.--

22           (1)~~(a)~~ Roads, sanitary sewer, solid waste, drainage,  
23 potable water, parks and recreation, and mass transit, where  
24 applicable, are the only public facilities and services  
25 subject to the concurrency requirement on a statewide basis.  
26 Additional public facilities and services may not be made  
27 subject to concurrency on a statewide basis without  
28 appropriate study and approval by the Legislature; however,  
29 any local government may extend the concurrency requirement so  
30 that it applies to additional public facilities within its  
31 jurisdiction.

1           ~~(b) If a local government elects to extend the~~  
2 ~~concurrency requirement to public schools, it should first~~  
3 ~~conduct a study to determine how the requirement would be met~~  
4 ~~and shared by all affected parties. The local government shall~~  
5 ~~provide an opportunity for full participation in this study by~~  
6 ~~the school board. The state land planning agency may provide~~  
7 ~~technical assistance to local governments that study and~~  
8 ~~prepare for extension of the concurrency requirement to public~~  
9 ~~schools. When establishing concurrency requirements for public~~  
10 ~~schools, a local government shall comply with the following~~  
11 ~~criteria for any proposed plan or plan amendment transmitted~~  
12 ~~pursuant to s. 163.3184(3) after July 1, 1995:~~

13           ~~1. Adopt level-of-service standards for public schools~~  
14 ~~with the agreement of the school board. Public school~~  
15 ~~level-of-service standards shall be adopted as part of the~~  
16 ~~capital improvements element in the local government~~  
17 ~~comprehensive plan, which shall contain a financially feasible~~  
18 ~~public school capital facilities program established in~~  
19 ~~conjunction with the school board that will provide~~  
20 ~~educational facilities at an adequate level of service~~  
21 ~~necessary to implement the adopted local government~~  
22 ~~comprehensive plan.~~

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

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

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

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

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1           (a) Public school facilities element.--A local  
2 government shall adopt and transmit to the state land planning  
3 agency a plan or plan amendment which includes a public school  
4 facilities element which is consistent with the requirements  
5 of s. 163.3177(12) and which is determined to be in compliance  
6 as defined in s. 163.3184(1)(b). All local government public  
7 school facilities plan elements within a county must be  
8 consistent with each other as well as the requirements of this  
9 part.

10           (b) Level of service standards.--The Legislature  
11 recognizes that an essential requirement for a concurrency  
12 management system is the level of service at which a public  
13 facility is expected to operate.

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

20           2. Public school level of service standards shall be  
21 included and adopted into the capital improvements element of  
22 the local comprehensive plan and shall apply districtwide to  
23 all schools of the same type. Types of schools may include  
24 elementary, middle, and high schools as well as  
25 special-purpose facilities such as magnet schools.

26           3. Local governments and school boards shall have the  
27 option to utilize tiered level of service standards to allow  
28 time to achieve an adequate and desirable level of service as  
29 circumstances warrant.

30           (c) Service areas.--The Legislature recognizes that an  
31 essential requirement for a concurrency system is a

1 designation of the area within which the level of service will  
2 be measured when an application for a residential development  
3 permit is reviewed for school concurrency purposes. This  
4 delineation is also important for purposes of determining  
5 whether the local government has a financially feasible public  
6 school capital facilities program that will provide schools  
7 which will achieve and maintain the adopted level of service  
8 standards.

9 1. In order to balance competing interests, preserve  
10 the constitutional concept of uniformity, and avoid disruption  
11 of existing educational and growth management processes, local  
12 governments are encouraged to apply school concurrency to  
13 development on a districtwide basis so that a concurrency  
14 determination for a specific development will be based upon  
15 the availability of school capacity districtwide.

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

3 3. Where school capacity is available on a  
4 districtwide basis but school concurrency is applied on a less  
5 than districtwide basis in the form of concurrency service  
6 areas, if the adopted level of service standard cannot be met  
7 in a particular service area as applied to an application for  
8 a development permit and if the needed capacity for the  
9 particular service area is available in one or more contiguous  
10 service areas, as adopted by the local government, then the  
11 development order shall be issued and mitigation measures  
12 shall not be exacted.

13 (d) Financial feasibility.--The Legislature recognizes  
14 that financial feasibility is an important issue because the  
15 premise of concurrency is that the public facilities will be  
16 provided in order to achieve and maintain the adopted level of  
17 service standard. This part and chapter 9J-5, Florida  
18 Administrative Code, contain specific standards to determine  
19 the financial feasibility of capital programs. These standards  
20 were adopted to make concurrency more predictable and local  
21 governments more accountable.

22 1. A comprehensive plan amendment seeking to impose  
23 school concurrency shall contain appropriate amendments to the  
24 capital improvements element of the comprehensive plan,  
25 consistent with the requirements of s. 163.3177(3) and rule  
26 9J-5.016, Florida Administrative Code. The capital  
27 improvements element shall set forth a financially feasible  
28 public school capital facilities program, established in  
29 conjunction with the school board, that demonstrates that the  
30 adopted level of service standards will be achieved and  
31 maintained.

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

7           3. When the financial feasibility of a public school  
8 capital facilities program is evaluated by the state land  
9 planning agency for purposes of a compliance determination,  
10 the evaluation shall be based upon the service areas selected  
11 by the local governments and school board.

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

19           (f) Intergovernmental coordination.--

20           1. When establishing concurrency requirements for  
21 public schools, a local government shall satisfy the  
22 requirements for intergovernmental coordination set forth in  
23 s. 163.3177(6)(h)1. and 2., except that a municipality is not  
24 required to be a signatory to the interlocal agreement  
25 required by s. 163.3177(6)(h)2. as a prerequisite for  
26 imposition of school concurrency, and as a nonsignatory shall  
27 not participate in the adopted local school concurrency  
28 system, if the municipality meets all of the following  
29 criteria for having no significant impact on school  
30 attendance:

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1           a. The municipality has issued development orders for  
2 fewer than 50 residential dwelling units during the preceding  
3 5 years, or the municipality has generated fewer than 25  
4 additional public school students during the preceding 5  
5 years.

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

9           c. The municipality has no public schools located  
10 within its boundaries.

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

13           2. A municipality which qualifies as having no  
14 significant impact on school attendance pursuant to the  
15 criteria of subparagraph 1. must review and determine at the  
16 time of its evaluation and appraisal report pursuant to s.  
17 163.3191 whether it continues to meet the criteria. If the  
18 municipality determines that it no longer meets the criteria,  
19 it must adopt appropriate school concurrency goals,  
20 objectives, and policies in its plan amendments based on the  
21 evaluation and appraisal report, and enter into the existing  
22 interlocal agreement required by s. 163.3177(6)(h)2., in order  
23 to fully participate in the school concurrency system. If  
24 such a municipality fails to do so, it will be subject to the  
25 enforcement provisions of s. 163.3191.

26           (g) Interlocal agreement for school concurrency.--When  
27 establishing concurrency requirements for public schools, a  
28 local government must enter into an interlocal agreement which  
29 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and  
30 the requirements of this subsection. The interlocal agreement  
31 shall acknowledge both the school board's constitutional and



1 statutory obligations to provide a uniform system of free  
2 public schools on a countywide basis, and the land use  
3 authority of local governments, including their authority to  
4 approve or deny comprehensive plan amendments and development  
5 orders. The interlocal agreement shall be submitted to the  
6 state land planning agency by the local government as a part  
7 of the compliance review, along with the other necessary  
8 amendments to the comprehensive plan required by this part.  
9 In addition to the requirements of s. 163.3177(6)(h), the  
10 interlocal agreement shall meet the following requirements:  
11 1. Establish the mechanisms for coordinating the  
12 development, adoption, and amendment of each local  
13 government's public school facilities element with each other  
14 and the plans of the school board to ensure a uniform  
15 districtwide school concurrency system.  
16 2. Establish a process by which each local government  
17 and the school board shall agree and base their plans on  
18 consistent projections of the amount, type, and distribution  
19 of population growth and coordinate and share information  
20 relating to existing and planned public school facilities  
21 projections and proposals for development and redevelopment,  
22 and infrastructure required to support public school  
23 facilities.  
24 3. Establish a process for the development of siting  
25 criteria which encourages the location of public schools  
26 proximate to urban residential areas to the extent possible  
27 and seeks to collocate schools with other public facilities  
28 such as parks, libraries, and community centers to the extent  
29 possible.  
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1           4. Specify uniform, districtwide level of service  
2 standards for public schools of the same type and the process  
3 for modifying the adopted levels of service standards.

4           5. Establish a process for the preparation, amendment,  
5 and joint approval by each local government and the school  
6 board of a public school capital facilities program which is  
7 financially feasible, and a process and schedule for  
8 incorporation of the public school capital facilities program  
9 into the local government comprehensive plans on an annual  
10 basis.

11           6. Define the geographic application of school  
12 concurrency. If school concurrency is to be applied on a less  
13 than districtwide basis in the form of concurrency service  
14 areas, the agreement shall establish criteria and standards  
15 for the establishment and modification of school concurrency  
16 service areas. The agreement shall also establish a process  
17 and schedule for the mandatory incorporation of the school  
18 concurrency service areas and the criteria and standards for  
19 establishment of the service areas into the local government  
20 comprehensive plans. The agreement shall ensure maximum  
21 utilization of school capacity, taking into account  
22 transportation costs and court-approved desegregation plans,  
23 as well as other factors. The agreement shall also ensure the  
24 achievement and maintenance of the adopted level of service  
25 standards for the geographic area of application throughout  
26 the 5 years covered by the public school capital facilities  
27 plan and thereafter by adding a new fifth year during the  
28 annual update.

29           7. Establish a uniform districtwide procedure for  
30 implementing school concurrency which provides for:

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1           a. The evaluation of development applications for  
2 compliance with school concurrency requirements;

3           b. An opportunity for the school board to review and  
4 comment on the effect of comprehensive plan amendments and  
5 rezonings on the public school facilities plan; and

6           c. The monitoring and evaluation of the school  
7 concurrency system.

8           8. Include provisions relating to termination,  
9 suspension, and amendment of the agreement. The agreement  
10 shall provide that if the agreement is terminated or  
11 suspended, the application of school concurrency shall be  
12 terminated or suspended.

13           (13) The state land planning agency shall, by October  
14 1, 1998, adopt by rule minimum criteria for the review and  
15 determination of compliance of a public school facilities  
16 element adopted by a local government for purposes of  
17 imposition of school concurrency.

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

21           163.3191 Evaluation and appraisal of comprehensive  
22 plan.--

23           (2) The report shall present an assessment and  
24 evaluation of the success or failure of the comprehensive  
25 plan, or element or portion thereof, and shall contain  
26 appropriate statements (using words, maps, illustrations, or  
27 other forms) related to:

28           (i) The coordination of the comprehensive plan with  
29 existing public schools and those identified in the applicable  
30 5-year school district facilities work program adopted  
31 pursuant to s. 235.185. The assessment shall address, where

1 relevant, the success or failure of the coordination of the  
2 future land use map and associated planned residential  
3 development with public schools and their capacities, as well  
4 as the joint decisionmaking processes engaged in by the local  
5 government and the school board in regard to establishing  
6 appropriate population projections and the planning and siting  
7 of public school facilities. If the issues are not relevant,  
8 the local government shall demonstrate that they are not  
9 relevant.

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

13 235.185 School district facilities work program;  
14 definitions; preparation, adoption, and amendment; long-term  
15 work programs.--

16 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to  
17 the adopted district facilities work program covering the  
18 5-year work program, the district school board shall adopt  
19 annually a 10-year and a 20-year work program which include  
20 the information set forth in subsection (2), but based upon  
21 enrollment projections and facility needs for the 10-year and  
22 20-year periods. It is recognized that the projections in the  
23 10-year and 20-year timeframes are tentative and should be  
24 used only for general planning purposes.

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

27 235.19 Site planning and selection.--

28 (1) Before acquiring property for sites, each board  
29 shall determine the location of proposed educational centers  
30 or campuses for the board. In making this determination, the  
31 board shall consider existing and anticipated site needs and

1 the most economical and practicable locations of sites. The  
2 board shall coordinate with the long-range or comprehensive  
3 plans of local, regional, and state governmental agencies to  
4 assure the compatibility of such plans with site planning.  
5 Boards are encouraged to locate schools proximate to urban  
6 residential areas to the extent possible, and shall seek to  
7 collocate schools with other public facilities, such as parks,  
8 libraries, and community centers, to the extent possible.

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

11 235.193 Coordination of planning with local governing  
12 bodies.--

13 (2) A school board and the local governing body must  
14 share and coordinate information related to existing and  
15 planned public school facilities; proposals for development,  
16 redevelopment, or additional development; and infrastructure  
17 required to support the public school facilities, concurrent  
18 with proposed development. A school board shall use Department  
19 of Education enrollment projections when preparing the 5-year  
20 district facilities work program pursuant to s. 235.185, and a  
21 school board shall affirmatively demonstrate in the  
22 educational facilities report consideration of local  
23 governments' population projections to ensure that the 5-year  
24 work program not only reflects enrollment projections but also  
25 considers applicable municipal and county growth and  
26 development projections. A school board is precluded from  
27 siting a new school in a jurisdiction where the school board  
28 has failed to provide the annual educational facilities report  
29 for the prior year required pursuant to s. 235.194 unless the  
30 failure is corrected.

31

1           Section 10. Until the minimum criteria for a public  
2 school facilities element adopted for purposes of imposition  
3 of school concurrency, as required by s. 163.3180(13), Florida  
4 Statutes, are in effect, the state land planning agency shall  
5 utilize the minimum criteria for a public school facilities  
6 element adopted for purposes of imposition of school  
7 concurrency contained in the Final Report and Consensus Text  
8 by the Department of Community Affairs Public School  
9 Construction Working Group, dated March 9, 1998, in any  
10 compliance review of any such element.

11           Section 11. Any county whose adopted public school  
12 facilities element is the subject of a final order entered by  
13 the Administration Commission prior to the effective date of  
14 this act may implement its public school facilities element in  
15 accordance with the general law concerning public school  
16 facilities concurrency in effect when the final order was  
17 entered and in accord with the final order consistent with any  
18 appellate court decision. The county shall comply with the  
19 requirements of the final order, consistent with any appellate  
20 decision, in implementing its public school facilities element  
21 and in adopting any necessary amendment to its comprehensive  
22 plan.

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

26           163.3184 Process for adoption of comprehensive plan or  
27 plan amendment.--

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

29           (b) "In compliance" means consistent with the  
30 requirements of ss. 163.3177, 163.3178, 163.3180,~~and~~  
31 163.3191, and 163.3245,with the state comprehensive plan,

1 with the appropriate strategic regional policy plan, and with  
2 chapter 9J-5, Florida Administrative Code, where such rule is  
3 not inconsistent with chapter 163, part II and with the  
4 principles for guiding development in designated areas of  
5 critical state concern.

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

23 (4) INTERGOVERNMENTAL REVIEW.--If review of a proposed  
24 comprehensive plan amendment is requested or otherwise  
25 initiated pursuant to subsection (6), the state land planning  
26 agency within 5 working days of determining that such a review  
27 will be conducted shall transmit a copy of the proposed plan  
28 amendment to various government agencies, as appropriate, for  
29 response or comment, including, but not limited to, the  
30 department, the Department of Transportation, the water  
31 management district, and the regional planning council, and,

1 in the case of municipal plans, to the county land planning  
2 agency. These governmental agencies shall provide comments to  
3 the state land planning agency within 30 days after receipt of  
4 the proposed plan amendment. The appropriate regional  
5 planning council shall also provide its written comments to  
6 the state land planning agency within 30 days after receipt of  
7 the proposed plan amendment and shall specify any objections,  
8 recommendations for modifications, and comments of any other  
9 regional agencies to which the regional planning council may  
10 have referred the proposed plan amendment. Written comments  
11 submitted by the public within 30 days after notice of  
12 transmittal by the local government of the proposed plan  
13 amendment will be considered as if submitted by governmental  
14 agencies. All written agency and public comments must be made  
15 part of the file maintained under subsection (2).

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

17 (a) The state land planning agency shall review a  
18 proposed plan amendment upon request of a regional planning  
19 council, affected person, or local government transmitting the  
20 plan amendment if the request is received within 30 days after  
21 transmittal of the proposed plan amendment pursuant to  
22 subsection (3). The agency shall issue a report of its  
23 objections, recommendations, and comments regarding the  
24 proposed plan amendment. A regional planning council or  
25 affected person requesting a review shall do so by submitting  
26 a written request to the agency with a notice of the request  
27 to the local government and any other person who has requested  
28 notice.

29 (b) The state land planning agency may review any  
30 proposed plan amendment regardless of whether a request for  
31 review has been made, if the agency gives notice to the local



1 government, and any other person who has requested notice, of  
2 its intention to conduct such a review within 30 days of  
3 transmittal of the proposed plan amendment pursuant to  
4 subsection (3).

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

27 (d) The state land planning agency review shall  
28 identify all written communications with the agency regarding  
29 the proposed plan amendment. If the state land planning agency  
30 does not issue such a review, it shall identify in writing to  
31 the local government all written communications received 30

1 days after transmittal. The written identification must  
2 include a list of all documents received or generated by the  
3 agency, which list must be of sufficient specificity to enable  
4 the documents to be identified and copies requested, if  
5 desired, and the name of the person to be contacted to request  
6 copies of any identified document. The list of documents must  
7 be made a part of the public records of the state land  
8 planning agency.

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

11 163.3187 Amendment of adopted comprehensive plan.--

12 (6)(a) No local government may amend its comprehensive  
13 plan after the date established by the state land planning  
14 agency ~~rule~~ for adoption ~~submittal~~ of its evaluation and  
15 appraisal report unless it has submitted its report or  
16 addendum to the state land planning agency as prescribed by s.  
17 163.3191, except for plan amendments described in paragraph  
18 (1)(b).+

19 ~~(a) Plan amendments to implement recommendations in~~  
20 ~~the report or addendum.~~

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

27 (c) A local government may not amend its comprehensive  
28 plan, except for plan amendments described in paragraph  
29 (1)(b), if the 1-year period after the initial sufficiency  
30 determination of the report has expired and the report has not  
31 been determined to be sufficient ~~Plan amendments described in~~

1 ~~s. 163.3184(16)(d) to implement the terms of compliance~~  
2 ~~agreements entered into before the date established for~~  
3 ~~submittal of the report or addendum.~~

4 (d) When the state land planning agency has determined  
5 that the report or addendum has sufficiently addressed all  
6 pertinent provisions of s. 163.3191, the local government may  
7 amend its comprehensive plan without the limitations imposed  
8 by paragraph (a) or paragraph (c) proceed with plan amendments  
9 in addition to those necessary to implement recommendations in  
10 the report or addendum.

11 (e) Any plan amendment which a local government  
12 attempts to adopt in violation of paragraph (a) or paragraph  
13 (c) is invalid, but such invalidity may be overcome if the  
14 local government readopts the amendment and transmits the  
15 amendment to the state land planning agency pursuant to s.  
16 163.3184(7) after the report is determined to be sufficient.

17 Section 14. Effective October 1, 1998, section  
18 163.3191, Florida Statutes, as amended by this act, is amended  
19 to read:

20 (Substantial rewording of section. See

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

22 163.3191 Evaluation and appraisal of comprehensive  
23 plan.--

24 (1) The planning program shall be a continuous and  
25 ongoing process. Each local government shall adopt an  
26 evaluation and appraisal report once every 7 years assessing  
27 the progress in implementing the local government's  
28 comprehensive plan. Furthermore, it is the intent of this  
29 section that:

30 (a) Adopted comprehensive plans be reviewed through  
31 such evaluation process to respond to changes in state,

1 regional, and local policies on planning and growth management  
2 and changing conditions and trends, to ensure effective  
3 intergovernmental coordination, and to identify major issues  
4 regarding the community's achievement of its goals.

5 (b) After completion of the initial evaluation and  
6 appraisal report and any supporting plan amendments, each  
7 subsequent evaluation and appraisal report must evaluate the  
8 comprehensive plan in effect at the time of the initiation of  
9 the evaluation and appraisal report process.

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

24 (2) The report shall present an evaluation and  
25 assessment of the comprehensive plan and shall contain  
26 appropriate statements to update the comprehensive plan,  
27 including, but not limited to, words, maps, illustrations, or  
28 other media, related to:

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

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

2           (c) The financial feasibility of implementing the  
3 comprehensive plan and of providing needed infrastructure to  
4 achieve and maintain adopted level of service standards and  
5 sustain concurrency management systems through the capital  
6 improvements element, as well as the ability to address  
7 infrastructure backlogs and meet the demands of growth on  
8 public services and facilities.

9           (d) The location of existing development in relation  
10 to the location of development as anticipated in the original  
11 plan, or in the plan as amended by the most recent evaluation  
12 and appraisal report update amendments, such as within areas  
13 designated for urban growth.

14           (e) An identification of the major issues for the  
15 jurisdiction and, where pertinent, the potential social,  
16 economic, and environmental impacts.

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

23           (g) An assessment of whether the plan objectives  
24 within each element, as they relate to major issues, have been  
25 achieved. The report shall include, as appropriate, an  
26 identification as to whether unforeseen or unanticipated  
27 changes in circumstances have resulted in problems or  
28 opportunities with respect to major issues identified in each  
29 element and the social, economic, and environmental impacts of  
30 the issue.

31

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

3           (i) The identification of any actions or corrective  
4 measures, including whether plan amendments are anticipated to  
5 address the major issues identified and analyzed in the  
6 report. Such identification shall include, as appropriate,  
7 new population projections, new revised planning timeframes, a  
8 revised future conditions map or map series, an updated  
9 capital improvements element, and any new and revised goals,  
10 objectives, and policies for major issues identified within  
11 each element. This paragraph shall not require the submittal  
12 of the plan amendments with the evaluation and appraisal  
13 report.

14           (j) A summary of the public participation program and  
15 activities undertaken by the local government in preparing the  
16 report.

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

30           (3) Voluntary scoping meetings may be conducted by  
31 each local government or several local governments within the

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

21 (4) The local planning agency shall prepare the  
22 evaluation and appraisal report and shall make recommendations  
23 to the governing body regarding adoption of the proposed  
24 report. The local planning agency shall prepare the report in  
25 conformity with its public participation procedures adopted as  
26 required by s. 163.3181. During the preparation of the  
27 proposed report and prior to making any recommendation to the  
28 governing body, the local planning agency shall hold at least  
29 one public hearing, with public notice, on the proposed  
30 report. At a minimum, the format and content of the proposed  
31 report shall include a table of contents, numbered pages,

1 element headings, section headings within elements, a list of  
2 included tables, maps, and figures, a title and sources for  
3 all included tables, a preparation date, and the name of the  
4 preparer. Where applicable, maps shall include major natural  
5 and artificial geographic features, city, county, and state  
6 lines, and a legend indicating a north arrow, map scale, and  
7 the date.

8 (5) Ninety days prior to the scheduled adoption date,  
9 the local government may provide a proposed evaluation and  
10 appraisal report to the state land planning agency and  
11 distribute copies to state and regional commenting agencies as  
12 prescribed by rule, adjacent jurisdictions, and interested  
13 citizens for review. All review comments, including comments  
14 by the state land planning agency, shall be transmitted to the  
15 local government and state land planning agency within 30 days  
16 after receipt of the proposed report.

17 (6) The governing body, after considering the review  
18 comments and recommended changes, if any, shall adopt the  
19 evaluation and appraisal report by resolution or ordinance at  
20 a public hearing with public notice. The governing body shall  
21 adopt the report in conformity with its public participation  
22 procedures adopted as required by s. 163.3181. The local  
23 government shall submit to the state land planning agency  
24 three copies of the report, a transmittal letter indicating  
25 the dates of public hearings, and a copy of the adoption  
26 resolution or ordinance. The local government shall provide a  
27 copy of the report to the reviewing agencies which provided  
28 comments for the proposed report, or to all the reviewing  
29 agencies if a proposed report was not provided pursuant to  
30 subsection (5), including the adjacent local governments.  
31 Within 60 days after receipt, the state land planning agency



1 shall review the adopted report and make a preliminary  
2 sufficiency determination that shall be forwarded by the  
3 agency to the local government for its consideration. The  
4 state land planning agency shall issue a final sufficiency  
5 determination within 90 days after receipt of the adopted  
6 evaluation and appraisal report.

7 (7) The intent of the evaluation and appraisal process  
8 is the preparation of a plan update that clearly and concisely  
9 achieves the purpose of this section. Toward this end, the  
10 sufficiency review of the state land planning agency shall  
11 concentrate on whether the evaluation and appraisal report  
12 sufficiently fulfills the components of subsection (2). If  
13 the state land planning agency determines that the report is  
14 insufficient, the governing body shall adopt a revision of the  
15 report and submit the revised report for review pursuant to  
16 subsection (6).

17 (8) The state land planning agency may delegate the  
18 review of evaluation and appraisal reports, including all  
19 state land planning agency duties under subsections (4)-(7),  
20 to the appropriate regional planning council. When the review  
21 has been delegated to a regional planning council, any local  
22 government in the region may elect to have its report reviewed  
23 by the regional planning council rather than the state land  
24 planning agency. The state land planning agency shall by  
25 agreement provide for uniform and adequate review of reports  
26 and shall retain oversight for any delegation of review to a  
27 regional planning council.

28 (9) The state land planning agency may establish a  
29 phased schedule for adoption of reports. The schedule shall  
30 provide each local government at least 7 years from plan  
31 adoption or last established adoption date for a report and

1 shall allot approximately one-seventh of the reports to any 1  
2 year. In order to allow the municipalities to use data and  
3 analyses gathered by the counties, the state land planning  
4 agency shall schedule municipal report adoption dates between  
5 1 year and 18 months later than the report adoption date for  
6 the county in which those municipalities are located. A local  
7 government may adopt its report no earlier than 90 days prior  
8 to the established adoption date. Small municipalities which  
9 were scheduled by Chapter 9J-33, Florida Administrative Code,  
10 to adopt their evaluation and appraisal report after February  
11 2, 1999, shall be rescheduled to adopt their report together  
12 with the other municipalities in their county as provided in  
13 this subsection.

14 (10) The governing body shall amend its comprehensive  
15 plan based on the recommendations in the report and shall  
16 update the comprehensive plan based on the components of  
17 subsection (2), pursuant to the provisions of ss. 163.3184,  
18 163.3187, and 163.3189. Amendments to update a comprehensive  
19 plan based on the evaluation and appraisal report shall be  
20 adopted within 18 months after the report is determined to be  
21 sufficient by the state land planning agency, except the state  
22 land planning agency may grant an extension for adoption of a  
23 portion of such amendments. The state land planning agency  
24 may grant a 6-month extension for the adoption of such  
25 amendments if the request is justified by good and sufficient  
26 cause as determined by the agency. An additional extension  
27 may also be granted if the request will result in greater  
28 coordination between transportation and land use, for the  
29 purposes of improving Florida's transportation system, as  
30 determined by the agency in coordination with the Metropolitan  
31 Planning Organization program. The comprehensive plan as

1 amended shall be in compliance as defined in s.  
2 163.3184(1)(b).

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

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

27 (13) Within 1 year after the effective date of this  
28 act, the state land planning agency shall prepare and submit a  
29 report to the Governor, the Administration Commission, the  
30 Speaker of the House of Representatives, the President of the  
31 Senate, and the respective community affairs committees of the

1 Senate and the House of Representatives on the coordination  
2 efforts of local, regional, and state agencies to improve  
3 technical assistance for evaluation and appraisal reports and  
4 update plan amendments. Technical assistance shall include,  
5 but not be limited to, distribution of sample evaluation and  
6 appraisal report templates, distribution of data in formats  
7 usable by local governments, onsite visits with local  
8 governments, and participation in and assistance with the  
9 voluntary scoping meetings as described in subsection (3).

10 (14) The state land planning agency shall regularly  
11 review the evaluation and appraisal report process and submit  
12 a 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. The first report  
16 shall be submitted by December 31, 2004, and subsequent  
17 reports shall be submitted every 5 years thereafter. At least  
18 9 months before the due date of each report, the Secretary of  
19 Community Affairs shall appoint a technical committee of at  
20 least 15 members to assist in the preparation of the report.  
21 The membership of the technical committee shall consist of  
22 representatives of local governments, regional planning  
23 councils, the private sector, and environmental organizations.  
24 The report shall assess the effectiveness of the evaluation  
25 and appraisal report process.

26 (15) An evaluation and appraisal report due for  
27 adoption before October 1, 1998, shall be evaluated for  
28 sufficiency pursuant to the provisions of this section. A  
29 local government which has an established adoption date for  
30 its evaluation and appraisal report after September 30, 1998,  
31 and before February 2, 1999, may choose to have its report

1 evaluated for sufficiency pursuant to the provisions of this  
2 section if the choice is made in writing to the state land  
3 planning agency on or before the date the report is submitted.

4 Section 15. Section 163.3245, Florida Statutes, is  
5 created to read:

6 163.3245 Optional sector plans.--

7 (1) In recognition of the benefits of conceptual  
8 long-range planning for the buildout of an area, and detailed  
9 planning for specific areas, as a demonstration project the  
10 requirements of s. 380.06 may be addressed as identified by  
11 this section for up to five local governments or combinations  
12 of local governments which adopt into the comprehensive plan  
13 an optional sector plan in accordance with this section. This  
14 section is intended to further the intent of s. 163.3177(11),  
15 which supports innovative and flexible planning and  
16 development strategies, and the purposes of chapter 163, part  
17 II, and chapter 380, part I, and to avoid duplication of  
18 effort in terms of the level of data and analysis required for  
19 a development of regional impact, while ensuring the adequate  
20 mitigation of impacts to applicable regional resources and  
21 facilities, including those within the jurisdiction of other  
22 local governments, as would otherwise be provided. Optional  
23 sector plans are intended for substantial geographic areas  
24 including at least 5,000 acres of one or more local  
25 governmental jurisdictions and are to emphasize urban form and  
26 protection of regionally significant resources and facilities.  
27 The state land planning agency may approve optional sector  
28 plans of less than 5,000 acres based on local circumstances if  
29 it is determined that the plan would further the purposes of  
30 chapter 163, part II, and chapter 380, part I. Preparation of  
31 an optional sector plan is authorized by agreement between the

1 state land planning agency and the applicable local  
2 governments under s. 163.3171(4). An optional sector plan may  
3 be adopted through one or more comprehensive plan amendments  
4 under s. 163.3184. However, an optional sector plan may not be  
5 authorized in an area of critical state concern.

6 (2) The state land planning agency may enter into an  
7 agreement to authorize preparation of an optional sector plan  
8 upon the request of one or more local governments based on  
9 consideration of problems and opportunities presented by  
10 existing development trends; the effectiveness of current  
11 comprehensive plan provisions; the potential to further the  
12 state comprehensive plan, applicable strategic regional policy  
13 plans, chapter 163, part II, and chapter 380, part I; and  
14 those factors identified by s. 163.3177(10)(i). The applicable  
15 regional planning council shall conduct a scoping meeting with  
16 affected local governments and those agencies identified in s.  
17 163.3184(4) before execution of the agreement authorized by  
18 this section. The purpose of this meeting is to assist the  
19 state land planning agency and the local government in the  
20 identification of the relevant planning issues to be addressed  
21 and the data and resources available to assist in the  
22 preparation of subsequent plan amendments. The regional  
23 planning council shall make written recommendations to the  
24 state land planning agency and affected local governments,  
25 including whether a sustainable sector plan would be  
26 appropriate. The agreement must define the geographic area to  
27 be subject to the sector plan, the planning issues that will  
28 be emphasized, requirements for intergovernmental coordination  
29 to address extrajurisdictional impacts, supporting application  
30 materials including data and analysis, and procedures for  
31 public participation. An agreement may address previously

1 adopted sector plans that are consistent with the standards in  
2 this section. Before executing an agreement under this  
3 subsection, the local government shall hold a duly noticed  
4 public workshop to review and explain to the public the  
5 optional sector planning process and the terms and conditions  
6 of the proposed agreement. The local government shall hold a  
7 duly noticed public hearing to execute the agreement. All  
8 meetings between the department and the local government must  
9 be open to the public.

10 (3) Optional sector planning encompasses two levels:  
11 adoption under s. 163.3184 of a conceptual long-term buildout  
12 overlay to the comprehensive plan, having no immediate effect  
13 on the issuance of development orders or the applicability of  
14 s. 380.06, and adoption under s. 163.3184 of detailed specific  
15 area plans that implement the conceptual long-term buildout  
16 overlay and authorize issuance of development orders, and  
17 within which s. 380.06 is waived. Until such time as a  
18 detailed specific area plan is adopted, the underlying future  
19 land use designations apply.

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

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

25 2. Identification of regionally significant public  
26 facilities consistent with Rule 9J-2, Florida Administrative  
27 Code, irrespective of local governmental jurisdiction  
28 necessary to support buildout of the anticipated future land  
29 uses.

30  
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1           3. Identification of regionally significant natural  
2 resources consistent with Rule 9J-2, Florida Administrative  
3 Code.

4           4. Principles and guidelines that address the urban  
5 form and interrelationships of anticipated future land uses  
6 and a discussion, at the applicant's option, of the extent, if  
7 any, to which the plan will address restoring key ecosystems,  
8 achieving a more clean, healthy environment, limiting urban  
9 sprawl, protecting wildlife and natural areas, advancing the  
10 efficient use of land and other resources, and creating  
11 quality communities and jobs.

12           5. Identification of general procedures to ensure  
13 intergovernmental coordination to address extrajurisdictional  
14 impacts from the long-range conceptual framework map.

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

18           1. An area of adequate size to accommodate a level of  
19 development which achieves a functional relationship between a  
20 full range of land uses within the area and to encompass at  
21 least 1,000 acres. The state land planning agency may approve  
22 detailed specific area plans of less than 1,000 acres based on  
23 local circumstances if it is determined that the plan furthers  
24 the purposes of chapter 163, part II, and chapter 380, part I.

25           2. Detailed identification and analysis of the  
26 distribution, extent, and location of future land uses.

27           3. Detailed identification of regionally significant  
28 public facilities, including public facilities outside the  
29 jurisdiction of the host local government, anticipated impacts  
30 of future land uses on those facilities, and required  
31



1 improvements consistent with Rule 9J-2, Florida Administrative  
2 Code.

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

7 5. Detailed analysis and identification of specific  
8 measures to assure the protection of regionally significant  
9 natural resources and other important resources both within  
10 and outside the host jurisdiction, including those regionally  
11 significant resources identified in Rule 9J-2, Florida  
12 Administrative Code.

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

21 7. Identification of specific procedures to ensure  
22 intergovernmental coordination to address extrajurisdictional  
23 impacts of the detailed specific area plan.

24 (c) This subsection may not be construed to prevent  
25 preparation and approval of the optional sector plan and  
26 detailed specific area plan concurrently or in the same  
27 submission.

28 (4) The host local government shall submit a  
29 monitoring report to the state land planning agency and  
30 applicable regional planning council on an annual basis after  
31 adoption of a detailed specific area plan. The annual

1 monitoring report must provide summarized information on  
2 development orders issued, development that has occurred,  
3 public facility improvements made, and public facility  
4 improvements anticipated over the upcoming 5 years.

5 (5) When a plan amendment adopting a detailed specific  
6 area plan has become effective under ss. 163.3184 and  
7 163.3189(2), the provisions of s. 380.06 do not apply to  
8 development within the geographic area of the detailed  
9 specific area plan. However, any  
10 development-of-regional-impact development order that is  
11 vested from the detailed specific area plan may be enforced  
12 under s. 380.11.

13 (a) The local government adopting the detailed  
14 specific area plan is primarily responsible for monitoring and  
15 enforcing the detailed specific area plan. Local governments  
16 shall not issue any permits or approvals or provide any  
17 extensions of services to development that are not consistent  
18 with the detailed sector area plan.

19 (b) If the state land planning agency has reason to  
20 believe that a violation of any detailed specific area plan,  
21 or of any agreement entered into under this section, has  
22 occurred or is about to occur, it may institute an  
23 administrative or judicial proceeding to prevent, abate, or  
24 control the conditions or activity creating the violation,  
25 using the procedures in s. 380.11.

26 (c) In instituting an administrative or judicial  
27 proceeding involving an optional sector plan or detailed  
28 specific area plan, including a proceeding pursuant to s.  
29 163.3245(5)(b), the complaining party shall comply with the  
30 requirements of subsections (4), (5), (6), and (7) of s.  
31 163.3215.

1           (6) Beginning December 1, 1999, and each year  
2 thereafter, the department shall provide a status report to  
3 the Legislative Committee on Intergovernmental Relations  
4 regarding each optional sector plan authorized under this  
5 section.

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

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

10           171.044 Voluntary annexation.--

11           (6) Upon publishing or posting the ordinance notice  
12 required under subsection (2), the governing body of the  
13 municipality must provide a copy of the notice, via certified  
14 mail, to the board of the county commissioners of the county  
15 wherein the municipality is located. The notice provision  
16 provided in this subsection shall not be the basis of any  
17 cause of action challenging the annexation.

18           Section 17. Section 186.003, Florida Statutes, is  
19 amended to read:

20           186.003 Definitions.--As used in ss. 186.001-186.031  
21 and 186.801-186.911, the term:

22           (1) "Executive Office of the Governor" means the  
23 Office of Planning and Budgeting of the Executive Office of  
24 the Governor.

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

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

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

1 (5) "Regional planning agency" means the regional  
2 planning council created pursuant to ss. 186.501-186.515 to  
3 exercise responsibilities under ss. 186.001-186.031 and  
4 186.801-186.911 in a particular region of the state.

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

8 (7) "State agency strategic plan" means the statement  
9 of priority directions that an agency will take to carry out  
10 its mission within the context of the state comprehensive plan  
11 and within the context of any other statutory mandates and  
12 authorizations given to the agency, pursuant to ss.  
13 186.021-186.022.

14 (8) "State comprehensive plan" means the state  
15 planning document required in Article III, s. 19 of the State  
16 Constitution and published as ss. 187.101 and 187.201. ~~goals~~  
17 ~~and policies contained within the state comprehensive plan~~  
18 ~~initially prepared by the Executive Office of the Governor and~~  
19 ~~adopted pursuant to s. 186.008.~~

20 Section 18. Subsections (4) and (8) of section  
21 186.007, Florida Statutes, are amended and subsection (9) is  
22 added to that section to read:

23 186.007 State comprehensive plan; preparation;  
24 revision.--

25 (4)(a) The Executive Office of the Governor shall  
26 prepare statewide goals, objectives, and policies related to  
27 the opportunities, problems, and needs associated with growth  
28 and development in this state, which goals, objectives, and  
29 policies shall constitute the growth management portion of the  
30 state comprehensive plan. In preparing the growth management  
31 goals, objectives, and policies, the Executive Office of the

1 Governor initially shall emphasize the management of land use,  
2 water resources, and transportation system development.

3 (b) The purpose of the growth management portion of  
4 the state comprehensive plan is to establish clear, concise,  
5 and direct goals, objectives, and policies related to land  
6 development, water resources, transportation, and related  
7 topics. In doing so, the plan should, where possible, draw  
8 upon the work that agencies have invested in ~~the state land~~  
9 ~~development plan~~, the Florida Transportation Plan, the Florida  
10 water plan, and similar planning documents.

11 (8) The revision of the state comprehensive plan is a  
12 continuing process. Each section of the plan shall be  
13 reviewed and analyzed biennially by the Executive Office of  
14 the Governor in conjunction with the planning officers of  
15 other state agencies significantly affected by the provisions  
16 of the particular section under review. In conducting this  
17 review and analysis, the Executive Office of the Governor  
18 shall review and consider, with the assistance of the state  
19 land planning agency and regional planning councils, the  
20 evaluation and appraisal reports submitted pursuant to s.  
21 163.3191 and the evaluation and appraisal reports prepared  
22 pursuant to s. 186.511. Any necessary revisions of the state  
23 comprehensive plan shall be proposed by the Governor in a  
24 written report and be accompanied by an explanation of the  
25 need for such changes. If the Governor determines that  
26 changes are unnecessary, the written report must explain why  
27 changes are unnecessary. The proposed revisions and  
28 accompanying explanations may be submitted in the report  
29 required by s. 186.031. Any proposed revisions to the plan  
30 shall be submitted to the Legislature as provided in s.

31

1 186.008(2) at least 30 days prior to the regular legislative  
2 session occurring in each even-numbered year.

3 (9) The Governor shall appoint a committee to review  
4 and make recommendations as to appropriate revisions to the  
5 state comprehensive plan that should be considered for the  
6 Governor's recommendations to the Administration Commission  
7 for October 1, 1999, pursuant to s. 186.008(1). The committee  
8 must consist of persons from the public and private sectors  
9 representing the broad range of interests covered by the state  
10 comprehensive plan, including state, regional, and local  
11 government representatives. In reviewing the goals and  
12 policies contained in chapter 187, the committee must identify  
13 portions that have become outdated or have not been  
14 implemented, and, based upon best available data, the state's  
15 progress toward achieving the goals and policies. In reviewing  
16 the goals and policies relating to growth and development, the  
17 committee shall consider the extent to which the plan  
18 adequately addresses the guidelines set forth in s. 186.009,  
19 and recommend revisions as appropriate. In addition, the  
20 committee shall consider and make recommendations on the  
21 purpose and function of the state land development plan, as  
22 set forth in s. 380.031(17), including whether said plan  
23 should be retained and, if so, its future application. The  
24 committee may also make recommendations as to data and  
25 information needed in the continuing process to evaluate and  
26 update the state comprehensive plan. All meetings of the  
27 committee must be open to the public for input on the state  
28 planning process and amendments to the state comprehensive  
29 plan. The Executive Office of the Governor is hereby  
30 appropriated \$50,000 in nonrecurring general revenue for costs

31

1 associated with the committee, including travel and per diem  
2 reimbursement for the committee members.

3 Section 19. Section 186.008, Florida Statutes, is  
4 amended to read:

5 186.008 State comprehensive plan; revision;  
6 implementation.--

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

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

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

29 (4) The state comprehensive plan shall be implemented  
30 and enforced by all state agencies consistent with their  
31 lawful responsibilities whether it is put in force by law or

1 by administrative rule. The Governor, as chief planning  
2 officer of the state, shall oversee the implementation  
3 process.

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

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

12 Section 20. Subsections (2) and (3) of section  
13 186.009, Florida Statutes, are amended to read:

14 186.009 Growth management portion of the state  
15 comprehensive plan.--

16 (2) The growth management portion of the state  
17 comprehensive plan shall:

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

22 (b) Identify metropolitan and urban growth centers.

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

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

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

30 (f) Provide guidelines for state transportation  
31 corridors, public transportation corridors, new interchanges



1 on limited access facilities, and new airports of regional or  
2 state significance.

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

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

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

12 (j) Establish priorities regarding coastal planning  
13 and resource management.

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

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

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

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

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1           (o) Set forth recommendations concerning what degree  
2 of consistency is appropriate for the strategic regional  
3 policy plans.

4  
5 The growth management portion of the state comprehensive plan  
6 shall not include a land use map.

7           ~~(3)(a) On or before October 15, 1993, the Executive~~  
8 ~~Office of the Governor shall prepare, and the Governor shall~~  
9 ~~recommend to the Administration Commission, the proposed~~  
10 ~~growth management portion of the state comprehensive plan.~~  
11 ~~Copies shall also be provided to each state agency, to each~~  
12 ~~regional planning agency, to any other unit of government that~~  
13 ~~requests a copy, and to any member of the public who requests~~  
14 ~~a copy.~~

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

25           ~~(c)~~ The growth management portion of the state  
26 comprehensive plan, and all amendments, revisions, or updates  
27 to the plan, shall have legal effect only upon adoption by the  
28 Legislature as general law. The Legislature shall indicate,  
29 in adopting the growth management portion of the state  
30 comprehensive plan, which plans, activities, and permits must  
31

1 be consistent with the growth management portion of the state  
2 comprehensive plan.

3 ~~(d) The Executive Office of the Governor shall~~  
4 ~~evaluate and the Governor shall propose any necessary~~  
5 ~~revisions to the adopted growth management portion of the~~  
6 ~~state comprehensive plan in conjunction with the process for~~  
7 ~~evaluating and proposing revisions to the state comprehensive~~  
8 ~~plan.~~

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

11 186.507 Strategic regional policy plans.--

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

19 Section 22. Section 186.508, Florida Statutes, is  
20 amended to read:

21 186.508 Strategic regional policy plan adoption;  
22 consistency with state comprehensive plan.--

23 (1) Each regional planning council shall submit to the  
24 Executive Office of the Governor its proposed strategic  
25 regional policy plan on a schedule established ~~adopted by rule~~  
26 by the Executive Office of the Governor to coordinate  
27 implementation of the strategic regional policy plans with the  
28 evaluation and appraisal reports required by s. 163.3191. The  
29 Executive Office of the Governor, or its designee, shall  
30 review the proposed strategic regional policy plan to ensure  
31 ~~for~~ consistency with the adopted state comprehensive plan and

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

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

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

29 Section 23. Section 186.511, Florida Statutes, is  
30 amended to read:

31

1           186.511 Evaluation of strategic regional policy plan;  
2 changes in plan.--The regional planning process shall be a  
3 continuous and ongoing process. Each regional planning  
4 council shall prepare an evaluation and appraisal report on  
5 its strategic regional policy plan at least once every 5  
6 years; assess the successes or failures of the plan; address  
7 changes to the state comprehensive plan; and prepare and adopt  
8 by rule amendments, revisions, or updates to the plan as  
9 needed. Each regional planning council shall involve the  
10 appropriate local health councils in its region if the  
11 regional planning council elects to address regional health  
12 issues. The evaluation and appraisal report shall be prepared  
13 and submitted for review on a schedule established ~~by rule~~ by  
14 the Executive Office of the Governor. The schedule shall  
15 facilitate and be coordinated with, to the maximum extent  
16 feasible, the evaluation and revision of local comprehensive  
17 plans pursuant to s. 163.3191 for the local governments within  
18 each comprehensive planning district.

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

22           288.975 Military base reuse plans.--

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

24           (f) "Regional policy plan" means a comprehensive  
25 ~~regional policy plan that has been adopted by rule by a~~  
26 ~~regional planning council until the council's rule adopting~~  
27 ~~its strategic regional policy plan in accordance with the~~  
28 ~~requirements of chapter 93-206, Laws of Florida, becomes~~  
29 ~~effective, at which time "regional policy plan" shall mean a~~  
30 strategic regional policy plan that has been adopted by rule  
31 by a regional planning council pursuant to s. 186.508.

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

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

1 information and analyses generated by the federal  
2 environmental impact statement process and the federal  
3 community base reuse planning process.

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

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

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

27 (10)~~(a)~~ Within 60 days after receipt of a proposed  
28 military base reuse plan, these entities shall review and  
29 provide comments to the host local government. The  
30 commencement of this review period shall be advertised in  
31 newspapers of general circulation within the host local

1 government and any affected local government to allow for  
2 public comment. No later than 180 ~~60~~ days after receipt and  
3 consideration of all comments, and the holding of at least two  
4 public hearings, the host local government shall adopt the  
5 military base reuse plan. The host local government shall  
6 comply with the notice requirements set forth in s.  
7 163.3184(15) to ensure full public participation in this  
8 planning process.

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

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

26 ~~(d) Any action by a host local government to adopt a~~  
27 ~~military base reuse plan after the expiration of the 60-day~~  
28 ~~period is deemed an exercise of the waiver pursuant to~~  
29 ~~paragraph (b), without further action by the host local~~  
30 ~~government.~~

31



1           (12) Following receipt of a petition, the petitioning  
2 party or parties and the host local government shall seek  
3 resolution of the issues in dispute. The issues in dispute  
4 shall be resolved as follows:

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

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

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

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

30           Section 25. Section 288.980, Florida Statutes, is  
31 amended to read:

1           288.980 Military base closure, retention, realignment,  
2 ~~or defense-related readjustment and diversification;~~  
3 legislative intent; grants program.--

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

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

23           1. ~~Activities~~ related to the retention of military  
24 installations potentially affected by federal base closure or  
25 realignment.

26           2. ~~Activities~~ related to preventing the potential  
27 ~~realignment or closure of a military installation officially~~  
28 ~~identified by the Federal Government for potential realignment~~  
29 ~~or closure.~~

30           (b) The term "activities" as used in this section  
31 means studies, presentations, analyses, plans, and modeling.

1 Travel and costs incidental thereto, and staff salaries, are  
2 not considered an "activity" for which grant funds may be  
3 awarded.

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

8 1. Represent a local government ~~community~~ with a  
9 military installation or military installations that could be  
10 adversely affected by federal base realignment or closure.

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

15 3. Prepare a coordinated program or plan of action  
16 delineating how the eligible project will be administered and  
17 accomplished.

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

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

24 1. The relative value of the particular military  
25 installation in terms of its importance to the local and state  
26 economy relative to other military installations vulnerable to  
27 closure.

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

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

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

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

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

28           (b) The Florida Defense Implementation Grant Program,  
29 through which funds shall be made available to  
30 defense-dependent communities to implement the diversification  
31 strategies developed pursuant to paragraph (a). Eligible

1 applicants include defense-dependent counties and cities, and  
2 local economic development councils located within such  
3 communities. Grant awards may not exceed \$100,000 per  
4 applicant and shall be available on a competitive basis.  
5 Awards shall be matched on a one-to-one basis.

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

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

23 (4)(a) The Defense-Related Business Adjustment Program  
24 is hereby created. The Director of the Office of Tourism,  
25 Trade, and Economic Development ~~Secretary of Commerce~~ shall  
26 coordinate the development of the Defense-Related Business  
27 Adjustment Program. Funds shall be available to assist  
28 defense-related companies in the creation of increased  
29 commercial technology development through investments in  
30 technology. Such technology must have a direct impact on  
31 critical state needs for the purpose of generating

1 investment-grade technologies and encouraging the partnership  
2 of the private sector and government defense-related business  
3 adjustment. The following areas shall receive precedence in  
4 consideration for funding commercial technology development:  
5 law enforcement or corrections, environmental protection,  
6 transportation, education, and health care. Travel and costs  
7 incidental thereto, and staff salaries, are not considered an  
8 "activity" for which grant funds may be awarded.

9 (b) The office ~~department~~ shall require that an  
10 applicant:

11 1. Be a defense-related business that could be  
12 adversely affected by federal base realignment or closure or  
13 reduced defense expenditures.

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

18 3. Prepare a coordinated program or plan delineating  
19 how the funds will be administered.

20 4. Provide documentation describing how  
21 defense-related realignment or closure will adversely impact  
22 defense-related companies.

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

31

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

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

7           380.06 Developments of regional impact.--

8           (5) AUTHORIZATION TO DEVELOP.--

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

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

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



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

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

19 1. The later adopted rule is determined by the  
20 rule-adopting agency to be essential to the public health,  
21 safety, or welfare;

22 2. The later adopted rule is adopted pursuant to s.  
23 403.061(27);

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

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

28 5. The later adopted rule is required by state or  
29 federal law.

30  
31

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

4  
5 Further, in order for any developer to apply for permits  
6 pursuant to this provision, the application must be filed  
7 within 5 years from the issuance of the final development  
8 order and the permit shall not be effective for more than 8  
9 years from the issuance of the final development order.

10 Nothing in this paragraph shall be construed to alter or  
11 change any permitting agency's authority to approve permits or  
12 to determine applicable criteria for longer periods of time.

13           (12) REGIONAL REPORTS.--

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

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

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

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

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

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

29         (c) The regional planning agency shall afford the  
30 developer or any substantially affected party reasonable  
31 opportunity to present evidence to the regional planning

1 agency head relating to the proposed regional agency report  
2 and recommendations.

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

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

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

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

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

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

23 380.061 The Florida Quality Developments program.--

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

28 1. Have donated or entered into a binding commitment  
29 to donate the fee or a lesser interest sufficient to protect,  
30 in perpetuity, the natural attributes of the types of land  
31 listed below. In lieu of the above requirement, the developer

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

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

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

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

30           d. Areas known to be important to animal species  
31 designated as endangered or threatened animal species by the

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

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

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

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

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

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

31

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

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.



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 may 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  
31

1           Section 31. Subsection (7) of section 380.0555, and  
2 paragraph (a) of subsection (14) of section 380.06, Florida  
3 Statutes, are repealed.

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

6           380.031 Definitions.--As used in this chapter:

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

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

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

1 orderly development of the planning area. They shall also  
2 report to the Legislature by February 1, 1999, on the  
3 agreement and implementation thereof. In the event that no  
4 agreement is executed, the report to the Legislature shall  
5 include all items that at least three of the five governmental  
6 entities agreed upon and list the entities that agreed to each  
7 item.

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

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