

Amendment No. 5 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Gay offered the following:

13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause
15
16 and insert in lieu thereof:

17 Section 1. Paragraph (c) of subsection (2) of section
18 20.18, Florida Statutes, is amended to read:

19 20.18 Department of Community Affairs.--There is
20 created a Department of Community Affairs.

21 (2) The following units of the Department of Community
22 Affairs are established:

23 (c) Division of Community Resource Planning and
24 Management.

25 Section 2. Subsection (31) is added to section
26 163.3164, Florida Statutes, to read:

27 163.3164 Definitions.--As used in this act:

28 (31) "Optional sector plan" means an optional process
29 authorized by s. 163.3245 in which one of more local
30 governments by agreement with the state land planning agency
31 are allowed to address development-of-regional impact issues

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1 within certain designated geographic areas identified in the
2 local comprehensive plan as a means of fostering innovative
3 planning and development strategies in s. 163.3177(11)(a) and
4 (b), furthering the purposes of chapter 163, part II, and
5 chapter 380, part I, reducing overlapping data and analysis
6 requirements, protecting regionally significant resources and
7 facilities, and addressing extra-jurisdictional impacts.

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

10 163.3171 Areas of authority under this act.--

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

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

20 163.3180 Concurrency.--

21 (6) The Legislature finds that a de minimis impact is
22 consistent with this part. A de minimis impact is an impact
23 that would not affect more than 1 percent of the maximum
24 volume at the adopted level of service of the affected
25 transportation facility as determined by the local government.
26 No impact will be de minimis if the sum of existing roadway
27 volumes and the projected volumes from approved projects on a
28 transportation facility ~~it~~ would exceed 110 percent of the
29 maximum volume at the adopted level of service of the affected
30 ~~sum of existing volumes and the projected volumes from~~
31 ~~approved projects on a transportation facility; provided~~

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1 however, that an impact of a single family home on an existing
2 lot will constitute a de minimis impact on all roadways
3 regardless of the level of the deficiency of the roadway.
4 Local governments are encouraged to adopt methodologies to
5 encourage de minimis impacts on transportation facilities
6 within an existing urban service area. Further, no impact will
7 be de minimis if it would exceed the adopted level of service
8 standard of any affected designated hurricane evacuation
9 routes.

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

13 163.3184 Process for adoption of comprehensive plan or
14 plan amendment.--

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

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

24 (2) COORDINATION.--Each comprehensive plan or plan
25 amendment proposed to be adopted pursuant to this part shall
26 be transmitted, adopted, and reviewed in the manner prescribed
27 in this section. The state land planning agency shall have
28 responsibility for plan review, coordination, and the
29 preparation and transmission of comments, pursuant to this
30 section, to the local governing body responsible for the
31 comprehensive plan. The state land planning agency shall

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1 maintain a single file concerning any proposed or adopted plan
2 amendment submitted by a local government for any review under
3 this section. Copies of all correspondence, papers, notes,
4 memoranda, and other documents received or generated by the
5 state land planning agency must be placed in the appropriate
6 file. Paper copies of all electronic mail correspondence must
7 be placed in the file. The file and its contents must be
8 available for public inspection and copying as provided in
9 chapter 119.

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

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1 agencies. All written agency and public comments must be made
2 part of the file maintained under subsection (2).

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

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

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

23 (c) The state land planning agency, upon receipt of
24 comments from the various government agencies, as well as
25 written public comments, pursuant to subsection (4), shall
26 have 30 days to review comments from the various government
27 agencies along with a local government's comprehensive plan or
28 plan amendment. During that period, the state land planning
29 agency shall transmit in writing its comments to the local
30 government along with any objections and any recommendations
31 for modifications. When a federal, state, or regional agency

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

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

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

30 163.3187 Amendment of adopted comprehensive plan.--

31 (6)(a) No local government may amend its comprehensive

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1 plan after the date established by the state land planning
2 agency rule for adoption ~~submittal~~ of its evaluation and
3 appraisal report unless it has submitted its report or
4 addendum to the state land planning agency as prescribed by s.
5 163.3191, except for plan amendments described in paragraph
6 (1)(b).

7 ~~(a) Plan amendments to implement recommendations in~~
8 ~~the report or addendum.~~

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

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

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

30 (e) Any plan amendment which a local government
31 attempts to adopt in violation of paragraph (a) or paragraph

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1 (c) is invalid, but such invalidity may be overcome if the
2 local government readopts the amendment and transmits the
3 amendment to the state land planning agency pursuant to s.
4 163.3184(7) after the report is determined to be sufficient.

5 (8) Notwithstanding any other provision of law, a
6 comprehensive plan amendment shall not be required for any
7 renovation, expansion, or addition to a marine exhibition park
8 complex if the complex has been in continuous existence for at
9 least 30 years and is located on land composed of at least 25
10 contiguous acres and owned in fee simple by a county or
11 municipality. Such renovation, expansion, or addition may
12 include recreational and educational uses, restaurants, gift
13 shops, marine or water amusements, environmentally related
14 theaters, and any other compatible uses. Such renovations,
15 expansions, or additions are hereby determined to be
16 consistent with the applicable adopted comprehensive plan.

17 Section 7. Effective October 1, 1998, section
18 163.3191, Florida Statutes, is amended to read:

19 (Substantial rewording of section. See
20 s. 163.3191, F.S., for present text.)
21 163.3191 Evaluation and appraisal of comprehensive
22 plan.--

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

29 (a) Adopted comprehensive plans be reviewed through
30 such evaluation process to respond to changes in state,
31 regional, and local policies on planning and growth management

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1 and changing conditions and trends, to ensure effective
2 intergovernmental coordination, and to identify major issues
3 regarding the community's achievement of its goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 and involved local governments for distribution at the scoping
2 meeting. For purposes of this subsection, a "scoping meeting"
3 is a meeting conducted to determine the scope of review of the
4 evaluation and appraisal report by parties to which the report
5 relates.

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

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

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1 after receipt of the proposed report.

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

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

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1 subsection (6).

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

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

30 (10) The governing body shall amend its comprehensive
31 plan based on the recommendations in the report and shall

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

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

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

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

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

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

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

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

19 Section 8. Section 163.3245, Florida Statutes, is
20 created to read:

21 163.3245 Optional sector plans.--

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

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

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

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1 163.3184(4) before execution of the agreement authorized by
2 this section. The purpose of this meeting is to assist the
3 state land planning agency and the local government in the
4 identification of the relevant planning issues to be addressed
5 and the data and resources available to assist in the
6 preparation of subsequent plan amendments. The regional
7 planning council shall make written recommendations to the
8 state land planning agency and affected local governments,
9 including whether a sustainable sector plan would be
10 appropriate. The agreement must define the geographic area to
11 be subject to the sector plan, the planning issues that will
12 be emphasized, requirements for intergovernmental coordination
13 to address extra-jurisdictional impacts, supporting
14 application materials including data and analysis, and
15 procedures for public participation. An agreement may address
16 previously adopted sector plans that are consistent with the
17 standards in this section. Before executing an agreement under
18 this subsection, the local government shall hold a duly
19 noticed public workshop to review and explain to the public
20 the optional sector planning process and the terms and
21 conditions of the proposed agreement. The local government
22 shall hold a duly noticed public hearing to execute the
23 agreement. All meetings between the department and the local
24 government must be open to the public.

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

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1 and within which s. 380.06 is waived. Until such time as a
2 detailed specific area plan is adopted, the underlying future
3 land use designations apply.

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

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

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

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

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

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

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

31 1. An area of adequate size to accommodate a level of

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

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

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

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

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

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

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1 quality communities and jobs.

2 7. Identification of specific procedures to ensure
3 intergovernmental coordination to address extra-jurisdictional
4 impacts of the detailed specific area plan.

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

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

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

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

31 (b) If the state land planning agency has reason to

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

7 (c) In instituting an administrative or judicial
8 proceeding involving an optional sector plan or detailed
9 specific area plan, including a proceeding pursuant to s.
10 163.3245(5)(b), the complaining party shall comply with the
11 requirements of subsections (4), (5), (6), and (7) of s.
12 163.3215.

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

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

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

22 171.044 Voluntary annexation.--

23 (6) Upon publishing or posting the ordinance notice
24 required under subsection (2), the governing body of the
25 municipality must provide a copy of the notice, via certified
26 mail, to the board of the county commissioners of the county
27 wherein the municipality is located. The notice provision
28 provided in this subsection shall not be the basis of any
29 cause of action challenging the annexation. Should the
30 claimant be a county, the prevailing party in that event shall
31 be entitled to reasonable costs and attorney's fees.

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1 Section 10. Section 186.003, Florida Statutes, is
2 amended to read:

3 186.003 Definitions.--As used in ss. 186.001-186.031
4 and 186.801-186.911, the term:

5 (1) "Executive Office of the Governor" means the
6 Office of Planning and Budgeting of the Executive Office of
7 the Governor.

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

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

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

15 (5) "Regional planning agency" means the regional
16 planning council created pursuant to ss. 186.501-186.515 to
17 exercise responsibilities under ss. 186.001-186.031 and
18 186.801-186.911 in a particular region of the state.

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

22 (7) "State agency strategic plan" means the statement
23 of priority directions that an agency will take to carry out
24 its mission within the context of the state comprehensive plan
25 and within the context of any other statutory mandates and
26 authorizations given to the agency, pursuant to ss.
27 186.021-186.022.

28 (8) "State comprehensive plan" means the state
29 planning document required in Article III, s. 19 of the State
30 Constitution and published as ss. 187.101 and 187.201. ~~goals~~
31 ~~and policies contained within the state comprehensive plan~~

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1 ~~initially prepared by the Executive Office of the Governor and~~
2 ~~adopted pursuant to s. 186.008.~~

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

6 186.007 State comprehensive plan; preparation;
7 revision.--

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

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

25 (8) The revision of the state comprehensive plan is a
26 continuing process. Each section of the plan shall be
27 reviewed and analyzed biennially by the Executive Office of
28 the Governor in conjunction with the planning officers of
29 other state agencies significantly affected by the provisions
30 of the particular section under review. In conducting this
31 review and analysis, the Executive Office of the Governor

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1 shall review and consider, with the assistance of the state
2 land planning agency and regional planning councils, the
3 evaluation and appraisal reports submitted pursuant to s.
4 163.3191 and the evaluation and appraisal reports prepared
5 pursuant to s. 186.511. Any necessary revisions of the state
6 comprehensive plan shall be proposed by the Governor in a
7 written report and be accompanied by an explanation of the
8 need for such changes. If the Governor determines that
9 changes are unnecessary, the written report must explain why
10 changes are unnecessary. The proposed revisions and
11 accompanying explanations may be submitted in the report
12 required by s. 186.031. Any proposed revisions to the plan
13 shall be submitted to the Legislature as provided in s.
14 186.008(2) at least 30 days prior to the regular legislative
15 session occurring in each even-numbered year.

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

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1 and recommend revisions as appropriate. The committee may
2 also make recommendations as to data and information needed in
3 the continuing process to evaluate and update the state
4 comprehensive plan. All meetings of the committee must be open
5 to the public for input on the state planning process and
6 amendments to the state comprehensive plan. The Executive
7 Office of the governor is hereby appropriated \$50,000 in
8 nonrecurring general revenue for costs associated with the
9 committee, including travel and per diem reimbursement for the
10 committee members.

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

13 186.008 State comprehensive plan; revision;
14 implementation.--

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

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

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1 amendments approved by the commission and any dissenting
2 reports. The commission shall identify those portions of the
3 plan that are not based on existing law.

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

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

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

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

20 Section 13. Subsections (2) and (3) of section
21 186.009, Florida Statutes, are amended to read:

22 186.009 Growth management portion of the state
23 comprehensive plan.--

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

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

30 (b) Identify metropolitan and urban growth centers.

31 (c) Identify areas of state and regional environmental

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1 significance and establish strategies to protect them.

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

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

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

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

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

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

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

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

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

30 (m) Set forth recommendations on when and to what
31 degree local government comprehensive plans must be consistent

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

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

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

10

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

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

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

31 ~~(c) The growth management portion of the state~~

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

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

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

16 186.507 Strategic regional policy plans.--

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

24 Section 15. Section 186.508, Florida Statutes, is
25 amended to read:

26 186.508 Strategic regional policy plan adoption~~r~~
27 ~~consistency with state comprehensive plan.--~~

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

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

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

31 (3) All amendments to the adopted regional policy plan

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1 shall be subject to all challenges pursuant to chapter 120.

2 Section 16. Section 186.511, Florida Statutes, is
3 amended to read:

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

23 Section 17. Section 255.60, Florida Statutes, is
24 created to read:

25 255.60 Lease of State Property for Wireless
26 Facilities.--

27 (a) Notwithstanding any other statute to the contrary,
28 every department, board, agency or commission of the state
29 which owns or manages buildings or antenna structures shall
30 encourage the placement of commercial mobile radio service
31 facilities on those structures.

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1 (b) Within 90 days of a written request from a
2 commercial mobile radio service provider, a department, board,
3 agency or commission of the state shall provide an inventory
4 of all buildings and antenna structures over 40 feet in height
5 that it owns or manages.

6 (c) If a commercial mobile radio service provider is
7 interested in attaching its wireless facilities to a structure
8 owned by the state, the provider must submit a letter of
9 interest to the agency managing the structure together with an
10 application fee of \$250. The letter must describe in
11 reasonable detail the provider's requirements for placing its
12 facilities on the structure. Within 45 days of receipt of the
13 letter, the state agency must notify the provider of the
14 site's availability and, if available, allow the provider to
15 perform on-site testing. All state owned structures are
16 hereby declared available unless the proposed facilities would
17 adversely impact the historic or environmental character of
18 the site, the structural integrity of the structure, or the
19 department's expressed desire to locate its own communications
20 facilities on the structure.

21 (d) If a commercial radio service provider desires to
22 locate its facilities on an available state structure, the
23 state agency managing the structure shall enter into a lease
24 with the provider without competitive bidding or procurement.
25 The terms of the lease shall follow the terms of a model lease
26 which the Department of Management Services must establish
27 within 120 days of the effective date of this act. The model
28 lease will include, but not be limited to, the following
29 provisions: (i) rent will be based on fair market value of
30 comparable communication facilities in the state; (ii) the
31 provider will be entitled to make reasonable modifications to

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1 the structure to allow their use (including the replacement of
2 an existing pole or tower with a new structure of not more
3 than 125% of the original height); (iii) the provider will be
4 allowed reasonable space in, on or near the structure to
5 connect and house any accessory equipment; (iv) the provider
6 will design all antenna attachments and shelters to minimize
7 any aesthetic impact; (v) the provider's use shall not
8 interfere with any current or future use of the site by the
9 state; and (vi) the duration of the lease will be 5 years and
10 grant the provider options to renew for three additional
11 5-year terms.

12 (e) Fifty percent (50%) of all revenue derived from
13 the lease of state property under this section shall be
14 credited to the agency that manages the property; the
15 remaining 50% shall be credited to the school improvement and
16 academic achievement Trust Fund. If the tower is owned by or
17 under the control of the Department of Management Services,
18 all funds shall be placed in the State Agency Law Enforcement
19 Radio System Trust Fund.

20 Section 18. Paragraph (f) of subsection (2) and
21 subsections (3), (8), (9), (10), and (12) of section 288.975,
22 Florida Statutes, are amended to read:

23 288.975 Military base reuse plans.--

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

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

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1 by a regional planning council pursuant to s. 186.508.

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

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

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1 coordination of planning and review efforts with the
2 information and analyses generated by the federal
3 environmental impact statement process and the federal
4 community base reuse planning process.

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

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

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

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

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

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

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

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

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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.

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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 ch. 120, F.S., the compliance of the parties with this
14 section, 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 19. Section 288.980, Florida Statutes, is
31 amended to read:

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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.

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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.

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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

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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

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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 (6) The Office of Tourism, Trade, and Economic

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1 Development shall establish guidelines to implement and carry
2 out the purpose and intent of this section.

3 Section 20. Paragraph (d) is added to subsection (5)
4 of section 380.06, Florida Statutes, and subsections (12) and
5 (14) of that section are amended to read:

6 380.06 Developments of regional impact.--

7 (5) AUTHORIZATION TO DEVELOP.--

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

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

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

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

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

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

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

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

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

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

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

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

10 (12) REGIONAL REPORTS.--

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

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

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

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

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

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

31 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE

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

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

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

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

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

18 Section 21. Paragraph (a) of subsection (3) of section
19 380.061, Florida Statutes, is amended to read:

20 380.061 The Florida Quality Developments program.--

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

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

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1 otherwise permitted under this subparagraph. Under the
2 requirements of this subparagraph, the developer may reserve
3 the right to use such areas for the purpose of passive
4 recreation that is consistent with the purposes for which the
5 land was preserved.

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

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

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

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

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1 reproduction, feeding, or nesting; or for escape from
2 predation.

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

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

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

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

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

28 6. Provide for construction and maintenance of all
29 onsite infrastructure necessary to support the project and
30 enter into a binding commitment with local government to
31 provide an appropriate fair-share contribution toward the

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

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

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

22 380.065 Certification of local government review of
23 development.--

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

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

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1 (b) Inconsistency with the ~~state land development plan~~
2 ~~and the~~ state comprehensive plan.

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

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

16 Section 23. Paragraph (d) is added to subsection (3)
17 of section 380.23, Florida Statutes, to read:

18 380.23 Federal consistency.--

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

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

28 Section 24. Transportation and Land Use Study
29 Committee.--The state land planning agency and the Department
30 of Transportation shall evaluate the statutory provisions
31 relating to land use and transportation coordination and

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

24 Section 25. Subsection (17) of section 380.031,
25 subsection (7) of section 380.0555, and paragraph (a) of
26 subsection (14) of section 380.06, Florida Statutes, are
27 repealed.

28 Section 26. Severability.--If any provision of this
29 act or the application thereof to any person, government
30 entity, or circumstance is held invalid, it is the legislative
31 intent that the invalidity shall not affect other provisions

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1 or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the
3 provisions of this act are severable.

4 Section 27. The Joint Legislative Committee on
5 Intergovernmental Relations with the assistance or the
6 Department of Community Affairs, shall undertake a pilot
7 project designed to develop a model feasibility study for
8 incorporation that can be used by parties wishing to submit
9 such a study to the Legislature pursuant to s. 165.041(1)(b).
10 In undertaking the project, the committee shall use and shall
11 work with the parties that submitted the feasibility study for
12 incorporation of the unincorporated community of South Port in
13 Bay County during the 1998 Legislative Session. All state
14 agencies and local agencies, pursuant to 2. 165.093, are
15 hereby directed to provide such information and assistance as
16 may, in theb committee's judgment, be of assistance in
17 performing the project. The project must be completed and the
18 feasibility study submitted to the Legislature by February 1,
19 1999. To provide the time necessary to complete the project,
20 a moratorium is hereby placed on the annexation of any
21 unincorporated area identified in the feasibility study for
22 incorporation of South Port in Bay County which was submitted
23 to the Legislature for review and consideration during the
24 1998 Legislative Session. This section, and the moratorium
25 adopted pursuant to this section, shall stand repealed and
26 inoperative on October 1, 1999.

27 Section 28. Except as otherwise provided in this act,
28 this act shall take effect upon becoming a law.
29
30
31

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

2 And the title is amended as follows:

3 On page 2, line 2 through page 4, line 22
4 remove from the title of the bill: all of said lines

5

6 and insert in lieu thereof:

7 An act relating to the Department of Community
8 Affairs; amending s. 20.18, F.S.; renaming the
9 Division of Resource Planning and Management;
10 amending s. 163.3164, F.S.; defining the term
11 "optional sector plan"; amending s. 163.3171,
12 F.S.; inserting a cross-reference; amending s.
13 163.3180, F.S.; modifying de minimis standards
14 for transportation concurrency; 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 providing that a comprehensive plan amendment
23 is not required for the renovation, expansion,
24 or addition to a marine exhibition park complex
25 under certain circumstances; amending s.
26 163.3191, F.S.; revising the requirements for
27 evaluation and appraisal reports; creating s.
28 163.3245, F.S.; authorizing the adoption of
29 optional sector plans under certain
30 circumstances; providing for agreements with
31 the Department of Community Affairs; providing

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1 for contents; amending s. 171.044, F.S.;
2 requiring a municipality to notify the county
3 of annexation ordinances; amending ss. 186.507,
4 186.508, 186.511, F.S.; revising
5 responsibilities of the Executive Office of the
6 Governor relating to strategic regional policy
7 plans; amending ss. 186.003, 186.007, 186.008,
8 186.009, F.S.; deleting references to the state
9 land development plan; creating a committee to
10 be appointed by the Governor to review the
11 state comprehensive plan; creating s. 255.60,
12 F.S.; requiring state agencies, departments,
13 boards or commissions to lease facilities for
14 wireless facilities; amending s. 288.975, F.S.;
15 redefining the term "regional policy plan";
16 revising criteria for military base reuse
17 plans; amending s. 288.980, F.S.; providing
18 revised standards for military base retention;
19 providing conditions for the award of grants by
20 the Office of Tourism, Trade, and Economic
21 Development; amending s. 380.06, F.S.; deleting
22 reference to the state land development plan;
23 adding day care facilities as an issue in the
24 development-of-regional-impact review process;
25 amending s. 380.061, F.S.; deleting a
26 consistency requirement for certain Florida
27 Quality Developments; amending s. 380.065,
28 F.S.; deleting a reference to the state land
29 development plan; amending s. 380.23, F.S.;
30 adding an element to federal consistency
31 review; creating the Transportation and Land

Amendment No. 5 (for drafter's use only)

1 Use Study Committee; requiring the committee to
2 report to the Governor and the Legislature;
3 repealing s. 380.031(17), F.S., which defines
4 the term "state land development plan";
5 repealing s. 380.0555(7), F.S., which provides
6 for a resource planning and management
7 committee for the Apalachicola Bay Area;
8 repealing s. 380.06(14)(a), F.S., which
9 requires that development not interfere with
10 the state land development plan; providing for
11 severability; providing for a pilot project
12 designed to develop a model feasibility study
13 for incorporation to be completed and submitted
14 to the Legislature by February 1, 1999;
15 providing for repeal of pilot project on
16 October 1, 1999; providing an effective date.

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