

By Representative Gay

1 A bill to be entitled
2 An act relating to land use planning and
3 development; amending s. 20.18, F.S.; renaming
4 a division; amending s. 163.3180, F.S.;
5 revising criteria for determining de minimis
6 impact of certain transportation facilities for
7 concurrency purposes; amending s. 163.3184,
8 F.S.; requiring the state land planning agency
9 to maintain a single file for plan amendments;
10 construing the nature of written public
11 comments for purposes of intergovernmental
12 review; requiring written public comments to be
13 included in state land planning agency review;
14 requiring the state land planning agency to
15 review or identify all written comments on
16 proposed plan amendments; amending s. 163.3244,
17 F.S.; increasing the number of local
18 governments eligible for a sustainable
19 communities demonstration project; revising
20 certain criteria and requirements for
21 designated eligible communities; amending ss.
22 186.507, 186.508, and 186.511, F.S.; deleting
23 requirements that the Executive Office of the
24 Governor be involved in rulemaking relating to,
25 and review, evaluation, and revision of,
26 strategic regional policy plans of regional
27 planning councils; amending s. 288.975, F.S.;
28 updating certain provisions relating to
29 military base reuse plans; authorizing plan
30 extensions; increasing the time for review of
31 such plans; deleting provisions relating to a

1 limited review period for such plans; providing
2 for administrative hearings and recommended
3 orders relating to disputed issues in such
4 plans; providing procedures; amending s.
5 288.980, F.S.; deleting provisions relating to
6 military base closures, realignments, or
7 defense-related readjustment and
8 diversification; amending s. 380.05, F.S.;
9 making it permissible rather than required for
10 the state land planning agency to submit
11 certain regulations and plans to the
12 Administration Commission related to areas of
13 critical state concern; amending s. 380.06,
14 F.S.; revising required contents of regional
15 reports; amending s. 380.23, F.S.; providing an
16 additional subject for consistency review of
17 federal activities in neighboring states
18 relating to the state's coastal management
19 program; directing the state land planning
20 agency and the Department of Transportation to
21 review and evaluate certain provisions of law
22 and report to the Governor and the Legislature;
23 providing for a committee to assist in such
24 review and evaluation; amending s. 380.504,
25 F.S., to conform; repealing s. 288.980(3), (4),
26 (5), and (6), F.S., relating to the Florida
27 Economic Reinvestment Initiative and related
28 programs and powers of the Secretary of
29 Commerce and the Office of Tourism, Trade, and
30 Economic Development; repealing s. 380.031(17),
31 F.S., relating to the definition of a state

1 land development plan; repealing s.
2 380.0555(7), F.S., relating to the Resource
3 Planning and Management Committee; repealing s.
4 380.06(14)(a), F.S., relating to the state land
5 development plan; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Paragraph (c) of subsection (2) of section
10 20.18, Florida Statutes, is amended to read:

11 20.18 Department of Community Affairs.--There is
12 created a Department of Community Affairs.

13 (2) The following units of the Department of Community
14 Affairs are established:

15 (c) Division of Community ~~Resource~~ Planning and
16 Management.

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

19 163.3180 Concurrency.--

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

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

9 Section 3. Subsections (2) and (4) and paragraph (c)
10 of subsection (6) of section 163.3184, Florida Statutes, are
11 amended, and paragraph (d) is added to subsection (6) of said
12 section, to read:

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

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

31

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

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

26 (c) The state land planning agency, upon receipt of
27 comments from the various government agencies, as well as
28 written public comments, if any, pursuant to subsection (4),
29 shall have 30 days to review comments from the various
30 government agencies along with a local government's
31 comprehensive plan or plan amendment. During that period, the

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

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

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31

1 Section 4. Subsections (1), (2), (4), and (6), and
2 paragraph (a) of subsection (3) of section 163.3244, Florida
3 Statutes, are amended to read:

4 163.3244 Sustainable communities demonstration
5 project.--

6 (1) The Department of Community Affairs is authorized
7 to undertake a sustainable communities demonstration project.
8 Up to eight ~~five~~ local governments may be designated under
9 this section. At least three of the local governments shall
10 be located totally or in part within the boundaries of the
11 South Florida Water Management District and at east three of
12 the local governments shall be cities with a population of
13 5,000 or less or counties with a population of 50,000 or less.
14 In selecting the local governments to participate in this
15 demonstration project, the department shall assure
16 participation by local governments of different sizes and
17 characteristics. It is the intent of the Legislature that
18 this demonstration project shall be used to further six broad
19 principles of sustainability: restoring key ecosystems;
20 achieving a more clean, healthy environment; limiting urban
21 sprawl; protecting wildlife and natural areas; advancing the
22 efficient use of land and other resources; and creating
23 quality communities and jobs.

24 (2) A local government may apply to the department in
25 writing requesting consideration for designation under the
26 demonstration program. The local government shall describe
27 its reasons for applying for this designation and support its
28 application with documents regarding its compliance with
29 criteria set forth in this section. The local government shall
30 also identify programs and projects such government would
31 undertake upon designation.

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

4 (a) Assure that the local government has set an urban
5 development boundary or functionally equivalent mechanisms, or
6 that the local government has committed in its application to
7 establish such a boundary upon designation, based on projected
8 needs and adequate data and analysis, that will:

9 1. Encourage urban infill at appropriate densities and
10 intensities, separate urban and rural uses, and discourage
11 urban sprawl development patterns while preserving public open
12 space and planning for buffer-type land uses and rural
13 development consistent with their respective character along
14 and outside of the urban boundary.

15 2. Assure protection of key natural areas and
16 agricultural lands.

17 3. Ensure the cost-efficient provision of public
18 infrastructure and services.

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

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

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

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

21 186.507 Strategic regional policy plans.--

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

29 Section 6. Subsection (1) of section 186.508, Florida
30 Statutes, is amended to read:

31

1 186.508 Strategic regional policy plan adoption;
2 consistency with state comprehensive plan.--

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

29 Section 7. Section 186.511, Florida Statutes, is
30 amended to read:

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

20 Section 8. 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

1 strategic regional policy plan that has been adopted by rule
2 by a regional planning council pursuant to s. 186.508.

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

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

1 military base site and to identify opportunities for better
2 coordination of planning and review efforts with the
3 information and analyses generated by the federal
4 environmental impact statement process and the federal
5 community base reuse planning process.

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

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

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

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

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

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

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

28 ~~(d) Any action by a host local government to adopt a~~
29 ~~military base reuse plan after the expiration of the 60-day~~
30 ~~period is deemed an exercise of the waiver pursuant to~~
31

1 ~~paragraph (b), without further action by the host local~~
2 ~~government.~~

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

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

15 (b) If resolution of the dispute cannot be achieved
16 within 45 days, the petitioning parties and host local
17 government may extend such dispute resolution for up to 45
18 days. If resolution of the dispute cannot be achieved with the
19 above timeframes, the issues in dispute shall be submitted to
20 the state land planning agency. If the issues stem from
21 multiple petitions, the mediation shall be consolidated into a
22 single proceeding. The state land planning agency shall have
23 45 days to hold informal hearings, if necessary, identify the
24 issues in dispute, prepare a record of the proceedings, and
25 provide recommended solutions to the parties. If the parties
26 fail to implement the recommended solutions within 45 days,
27 the state land planning agency shall submit the matter to the
28 Division of Administrative Hearings for a formal hearing
29 pursuant to chapter 120. The division shall issue a
30 recommended order which shall be provided to the state land
31 planning agency. Within 45 days after receiving the order, the

1 state land planning agency shall forward the recommended
2 order, together with the agency's recommended final order, to
3 the Administration Commission for final action. ~~The report to~~
4 ~~the Administration Commission shall list each issue in~~
5 ~~dispute, describe the nature and basis for each dispute,~~
6 ~~identify the recommended solutions provided to the parties,~~
7 ~~and make recommendations for actions the Administration~~
8 ~~Commission should take to resolve the disputed issues.~~

9 (c) In the event the state land planning agency is a
10 party to the dispute, the issues in dispute shall be submitted
11 to resolved by a party jointly selected by the state land
12 planning agency and the host local government. The selected
13 party shall comply with the responsibilities placed upon the
14 state land planning agency in this section.

15 (d) Within 45 days after receiving the recommendation
16 ~~report~~ from the state land planning agency, the Administration
17 Commission shall take action to resolve the issues in dispute.
18 In deciding upon a proper resolution, the Administration
19 Commission shall consider the recommended final order prepared
20 by the state land planning agency, the recommended order of
21 the division, and nature of the issues in dispute,the
22 compliance of the parties with this section, ~~the extent of the~~
23 ~~conflict between the parties, the comparative hardships and~~
24 ~~the public interest involved.~~ If the Administration Commission
25 incorporates in its final order a term or condition that
26 requires any local government to amend its local government
27 comprehensive plan, the local government shall amend its plan
28 within 60 days after the issuance of the order. Such amendment
29 or amendments shall be exempt from the limitation of the
30 frequency of plan amendments contained in s. 163.3187(2), and
31 a public hearing on such amendment or amendments pursuant to

1 s. 163.3184(15)(b)1. shall not be required. The final order of
2 the Administration Commission is subject to appeal pursuant to
3 s. 120.68. If the order of the Administration Commission is
4 appealed, the time for the local government to amend its plan
5 shall be tolled during the pendency of any local, state, or
6 federal administrative or judicial proceeding relating to the
7 military base reuse plan.

8 Section 9. Subsections (1) and (2) of section 288.980,
9 Florida Statutes, are amended to read:

10 288.980 Military base closure, retention, realignment,
11 ~~or defense-related readjustment and diversification;~~
12 legislative intent; grants program.--

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

27 (2)(a) The Office of Tourism, Trade, and Economic
28 Development is authorized to award grants from any funds
29 available to the office to support ~~specifically appropriated~~
30 ~~for this purpose to applicants' eligible projects. Eligible~~
31 ~~projects shall be limited to:~~

1 ~~1.~~ activities related to the retention of military
2 installations potentially affected by federal base closure or
3 realignment.

4 ~~2. Activities related to preventing the potential~~
5 ~~realignment or closure of a military installation officially~~
6 ~~identified by the Federal Government for potential realignment~~
7 ~~or closure.~~

8 (b) The term "activities" as used in this section
9 means studies, presentations, analyses, plans, and modeling.
10 Travel and costs incidental thereto, and staff salaries, are
11 not considered an "activity" for which grant funds may be
12 awarded.

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

17 1. Represent a local government ~~community~~ with a
18 military installation or military installations that could be
19 adversely affected by federal base realignment or closure.

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

24 3. Prepare a coordinated program or plan of action
25 delineating how the eligible project will be administered and
26 accomplished, which must include a plan for ensuring close
27 cooperation between civilian and military authorities in the
28 conduct of the funded activities and a plan for public
29 involvement.

30 4. Provide documentation describing the potential for
31 realignment or closure of a military installation located in

1 the applicant's community and the adverse impacts such
2 realignment or closure will have on the applicant's community.

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

5 1. The relative value of the particular military
6 installation in terms of its importance to the local and state
7 economy relative to other military installations vulnerable to
8 closure.

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

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

13 ~~(e) For purposes of base closure and realignment,~~
14 ~~"applicant" means one or more counties, or a base closure or~~
15 ~~realignment commission created by one or more counties, to~~
16 ~~oversee the potential or actual realignment or closure of a~~
17 ~~military installation within the jurisdiction of such local~~
18 ~~government.~~

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

21 380.05 Areas of critical state concern.--

22 (8) If any local government fails to submit land
23 development regulations or a local comprehensive plan, or if
24 the regulations or plan or plan amendment submitted do not
25 comply with the principles for guiding development set out in
26 the rule designating the area of critical state concern,
27 within 120 days after the adoption of the rule designating an
28 area of critical state concern, or within 120 days after the
29 issuance of a recommended order on the compliance of the plan
30 or plan amendment pursuant to s. 163.3184, or within 120 days
31 after the effective date of an order rejecting a proposed land

1 development regulation, the state land planning agency may
2 ~~shall~~ submit to the commission recommended land development
3 regulations and a local comprehensive plan or portions thereof
4 applicable to that local government's portion of the area of
5 critical state concern. Within 45 days following receipt of
6 the recommendation from the agency, the commission shall
7 either reject the recommendation as tendered or adopt the
8 recommendation with or without modification, and by rule
9 establish land development regulations and a local
10 comprehensive plan applicable to that local government's
11 portion of the area of critical state concern. However, such
12 rule shall not become effective prior to legislative review of
13 an area of critical state concern pursuant to paragraph
14 (1)(c). In the rule, the commission shall specify the extent
15 to which its land development regulations, plans, or plan
16 amendments will supersede, or will be supplementary to, local
17 land development regulations and plans. Notice of any
18 proposed rule issued under this section shall be given to all
19 local governments and regional planning agencies in the area
20 of critical state concern, in addition to any other notice
21 required under chapter 120. The land development regulations
22 and local comprehensive plan adopted by the commission under
23 this section may include any type of regulation and plan that
24 could have been adopted by the local government. Any land
25 development regulations or local comprehensive plan or plan
26 amendments adopted by the commission under this section shall
27 be administered by the local government as part of, or in the
28 absence of, the local land development regulations and local
29 comprehensive plan.

30 Section 11. Paragraph (a) of subsection (12) of
31 section 380.06, Florida Statutes, is amended to read:

1 380.06 Developments of regional impact.--
2 (12) REGIONAL REPORTS.--
3 (a) Within 50 days after receipt of the notice of
4 public hearing required in paragraph (11)(c), the regional
5 planning agency, if one has been designated for the area
6 including the local government, shall prepare and submit to
7 the local government a report and recommendations on the
8 regional impact of the proposed development. In preparing its
9 report and recommendations, the regional planning agency shall
10 identify regional issues based upon the following review
11 criteria and make recommendations to the local government on
12 these regional issues, specifically considering whether, and
13 the extent to which:
14 1. The development will have a favorable or
15 unfavorable impact on state or regional resources or
16 facilities identified in the applicable state or regional
17 plans. For the purposes of this subsection, "applicable state
18 plan" means the state comprehensive plan ~~and the state land~~
19 ~~development plan~~. For the purposes of this subsection,
20 "applicable regional plan" means an adopted comprehensive
21 regional policy plan until the adoption of a strategic
22 regional policy plan pursuant to s. 186.508, and thereafter
23 means an adopted strategic regional policy plan.
24 2. The development will significantly impact adjacent
25 jurisdictions. At the request of the appropriate local
26 government, regional planning agencies may also review and
27 comment upon issues that affect only the requesting local
28 government.
29 3. As one of the issues considered in the review in
30 subparagraphs 1. and 2., the development will favorably or
31 adversely affect the ability of people to find adequate

1 housing and day care facilities reasonably accessible to their
2 places of employment. The determination should take into
3 account information on factors that are relevant to the
4 availability of reasonably accessible adequate housing.
5 Adequate housing means housing that is available for occupancy
6 and that is not substandard.

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

9 380.23 Federal consistency.--

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

14 (d) Activities of the Federal Government within the
15 territorial limits of states neighboring this state when the
16 Governor and the department determine that significant
17 individual or cumulative impacts upon the land or water
18 resources of this state would result from such activities.

19 Section 13. The state land planning agency and the
20 Department of Transportation, in consultation with a technical
21 transportation and land use study committee, shall review and
22 evaluate provisions of law relating to land use and
23 transportation coordination and planning issues, including,
24 but not limited to, community design, required in part II of
25 chapter 163, Florida Statutes, and shall consider changes to
26 such provisions as well as to any rules authorized under such
27 provisions. The evaluation shall include the roles of local
28 governments, regional planning councils, state agencies, and
29 metropolitan planning organizations in such issues. Special
30 emphasis shall be given to concurrency of the highway system,
31 levels of service methodologies, and land use impact

1 assessments used to project transportation needs. The
2 committee shall consist of at least 15 members, appointed by
3 the secretary of the state land planning agency and the
4 Secretary of Transportation, representative of local
5 governments, regional planning councils, the private sector,
6 metropolitan planning organizations, citizen groups, and
7 environmental groups. By January 15, 1999, the state land
8 planning agency and the department shall prepare a report
9 summarizing the results of such review and evaluation and
10 containing recommendations, if any, for appropriate changes to
11 such provisions of law and shall submit the report to the
12 Governor, the President of the Senate, and the Speaker of the
13 House of Representatives.

14 Section 14. Subsection (1) of section 380.504, Florida
15 Statutes, is amended to read:

16 380.504 Florida Communities Trust; creation;
17 membership; expenses.--

18 (1) There is created within the Department of
19 Community Affairs a nonregulatory state agency and
20 instrumentality, which shall be a public body corporate and
21 politic, known as the "Florida Communities Trust." The
22 governing body of the trust shall consist of:

23 (a) The Secretary of Community Affairs and the
24 Secretary of Environmental Protection; and

25 (b) Three public members whom the Governor shall
26 appoint subject to Senate confirmation.

27
28 The Governor shall appoint a former elected official of a
29 local government, a representative of a nonprofit organization
30 as defined in this part, and a representative of the
31 development industry. The Secretary of Community Affairs may

1 designate his or her assistant secretary or the director of
2 the Division of Community Resource Planning ~~and Management~~ to
3 serve in his or her absence. The Secretary of Environmental
4 Protection may appoint his or her assistant executive
5 director, the deputy assistant director for Land Resources,
6 the director of the Division of State Lands, or the director
7 of the Division of Recreation and Parks to serve in his or her
8 absence. The Secretary of Community Affairs shall be the chair
9 of the governing body of the trust. The Governor shall make
10 his or her appointments upon the expiration of any current
11 terms or within 60 days after the effective date of the
12 resignation of any member.

13 Section 15. Subsections (3), (4), (5), and (6) of
14 section 288.980, Florida Statutes, subsection (17) of section
15 380.031, Florida Statutes, subsection (7) of section 380.0555,
16 Florida Statutes, and paragraph (a) of subsection (14) of
17 section 380.06, Florida Statutes, are hereby repealed.

18 Section 16. This act shall take effect July 1 of the
19 year in which enacted or upon becoming a law, whichever occurs
20 first.

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HOUSE SUMMARY

Revises various provisions of law relating to land use planning and development, including determinations of de minimis impact of transportation facilities for concurrency purposes, state comprehensive plan amendments and review, sustainable communities demonstration projects, strategic regional policy plans of regional planning councils, military base reuse plans, regulations and plans relating to areas of critical state concern, and consistency review of federal activities in neighboring states relating to the state's coastal management program. Directs the state land planning agency and the Department of Transportation to review and evaluate provisions of law relating to land use and transportation coordination and planning issues and make recommendations to the Governor and the Legislature for changes. See bill for details.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.