

By the Committee on Community Affairs and 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. 125.2801, F.S.;  
5           deleting a cross reference; amending s.  
6           163.3180, F.S.; revising criteria for  
7           determining de minimis impact of certain  
8           transportation facilities for concurrency  
9           purposes; amending s. 163.3184, F.S.; requiring  
10          the state land planning agency to maintain a  
11          single file for plan amendments; construing the  
12          nature of written public comments for purposes  
13          of intergovernmental review; requiring written  
14          public comments to be included in state land  
15          planning agency review; requiring the state  
16          land planning agency to review or identify all  
17          written comments on proposed plan amendments;  
18          amending s. 163.3187, F.S.; prohibiting local  
19          governments from amending comprehensive plans  
20          until after adopting an evaluation and  
21          appraisal report; providing for amending such  
22          reports under certain circumstances; exempting  
23          comprehensive plans from amendment requirements  
24          for certain marine exhibition park complex  
25          construction under certain circumstances;  
26          providing a determination of consistency;  
27          amending s. 163.3191, F.S.; revising provisions  
28          providing for evaluation and appraisal of  
29          comprehensive plans; providing requirements,  
30          limitations, and procedures; specifying  
31          contents and format of evaluation and appraisal

1 reports; providing for amendments to  
2 comprehensive plans pursuant to report  
3 recommendations; requiring submittal of the  
4 reports to the Administration Commission, the  
5 Governor, and the Legislature; authorizing the  
6 Administration Commission to impose sanctions  
7 for noncompliance; providing duties and  
8 responsibilities of local governments and the  
9 state land planning agency; amending s.  
10 171.044, F.S.; requiring the governing body of  
11 a municipality to notify the board of county  
12 commissioners of the notice of annexation at  
13 the time of publication or posting of the  
14 notice; amending s. 186.507, F.S.; making  
15 permissive the rulemaking authority of the  
16 Executive Office of the Governor relating to  
17 strategic regional policy plans; amending s.  
18 186.508, F.S.; deleting requirements that the  
19 Executive Office of the Governor review and  
20 recommend revisions to strategic regional  
21 policy plans for consistency with the state  
22 comprehensive plan; amending s. 186.511, F.S.;  
23 deleting a provision that the Executive Office  
24 of the Governor be involved in rulemaking  
25 relating to, and review, evaluation, and  
26 revision of, strategic regional policy plans of  
27 regional planning councils; amending s.  
28 288.975, F.S.; updating certain provisions  
29 relating to military base reuse plans;  
30 authorizing plan extensions; increasing the  
31 time for review of such plans; deleting

1 provisions relating to a limited review period  
2 for such plans; providing for administrative  
3 hearings and recommended orders relating to  
4 disputed issues in such plans; providing  
5 procedures; amending s. 288.980, F.S.; deleting  
6 provisions relating to military base closures,  
7 realignments, or defense-related readjustment  
8 and 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.; providing for inclusion of day care  
15 service facilities in developments of regional  
16 impact; revising required contents of regional  
17 reports; amending s. 380.061, F.S.; deleting a  
18 consistency requirement for certain Florida  
19 Quality Developments; amending s. 380.23, F.S.;  
20 providing an additional subject for consistency  
21 review of federal activities in neighboring  
22 states relating to the state's coastal  
23 management program; directing the state land  
24 planning agency and the Department of  
25 Transportation to review and evaluate certain  
26 provisions of law and report to the Governor  
27 and the Legislature; providing for a committee  
28 to assist in such review and evaluation;  
29 amending s. 380.504, F.S., to conform;  
30 requiring certain municipalities and counties  
31 to adopt within 1 year an ordinance to regulate

1 the siting, construction, and operation of  
2 wireless communication transmission facilities;  
3 repealing s. 186.007(4)(b), F.S., relating to  
4 the purpose of the growth management portion of  
5 the state comprehensive plan; repealing s.  
6 186.009(2)(n), F.S., relating to  
7 recommendations to integrate certain plans;  
8 repealing s. 288.980(3), (4), (5), and (6),  
9 F.S., relating to the Florida Economic  
10 Reinvestment Initiative and related programs  
11 and powers of the Secretary of Commerce and the  
12 Office of Tourism, Trade, and Economic  
13 Development; repealing s. 380.031(17), F.S.,  
14 relating to the definition of a state land  
15 development plan; repealing s. 380.0555(7),  
16 F.S., relating to the Resource Planning and  
17 Management Committee; repealing s.  
18 380.06(14)(a), F.S., relating to the state land  
19 development plan; repealing s. 380.065(3)(b),  
20 F.S., relating to a limitation on certain  
21 appeals of development orders; providing  
22 effective dates.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Paragraph (c) of subsection (2) of section  
27 20.18, Florida Statutes, is amended to read:

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

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

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

3 Section 2. Section 125.2801, Florida Statutes, is  
4 amended to read:

5 125.2801 County qualification retention.--Once a  
6 county qualifies for authorization to create a jury district  
7 under s. 40.015(1), and once a county qualifies for small  
8 county technical assistance pursuant to s. 163.05(3), and once  
9 a county qualifies to be required to include optional elements  
10 in their comprehensive plans pursuant to s. 163.3177(6)(i),  
11 ~~and once a county qualifies to enter into a written agreement~~  
12 ~~with the state land planning agency pursuant to s.~~  
13 ~~163.3191(12)(a),~~ and once a county qualifies under s.  
14 212.055(2)(d)1. to use local government infrastructure surtax  
15 proceeds or any interest accrued thereto for long-term  
16 maintenance costs associated with landfill closure, and once a  
17 county qualifies under s. 212.055(2)(j) to use local  
18 government infrastructure surtax proceeds and interest for  
19 operation and maintenance of parks and recreation programs and  
20 facilities established with proceeds of the surtax, and once a  
21 county qualifies for reduction or waiver of permit processing  
22 fees pursuant to s. 218.075, and once a county qualifies for  
23 emergency distribution pursuant to s. 218.65, and once a  
24 county qualifies for funds from the Emergency Management,  
25 Preparedness, and Assistance Trust Fund pursuant to s.  
26 252.373(3)(a), and once a county qualifies for priority State  
27 Touring Program grants under s. 265.2861(1)(c), and once a  
28 county qualifies under s. 403.706(4)(d) to provide its  
29 residents with the opportunity to recycle, and once a county  
30 qualifies for receipt of annual solid waste and recycling  
31

1 grants pursuant to s. 403.7095(7)(a), the county shall retain  
2 such qualification until it exceeds a population of 75,000.

3 Section 3. Subsection (6) of section 163.3180, Florida  
4 Statutes, is amended to read:

5 163.3180 Concurrency.--

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

26 Section 4. Subsections (2) and (4) and paragraph (c)  
27 of subsection (6) of section 163.3184, Florida Statutes, are  
28 amended, and paragraph (d) is added to subsection (6) of said  
29 section, to read:

30 163.3184 Process for adoption of comprehensive plan or  
31 plan amendment.--

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

17           (4) INTERGOVERNMENTAL REVIEW.--If review of a proposed  
18 comprehensive plan amendment is requested or otherwise  
19 initiated pursuant to subsection (6), the state land planning  
20 agency within 5 working days of determining that such a review  
21 will be conducted shall transmit a copy of the proposed plan  
22 amendment to various government agencies, as appropriate, for  
23 response or comment, including, but not limited to, the  
24 department, the Department of Transportation, the water  
25 management district, and the regional planning council, and,  
26 in the case of municipal plans, to the county land planning  
27 agency. These governmental agencies shall provide comments to  
28 the state land planning agency within 30 days after receipt of  
29 the proposed plan amendment. The appropriate regional  
30 planning council shall also provide its written comments to  
31 the state land planning agency within 30 days after receipt of

1 the proposed plan amendment and shall specify any objections,  
2 recommendations for modifications, and comments of any other  
3 regional agencies to which the regional planning council may  
4 have referred the proposed plan amendment. Written comments  
5 submitted by the public within 30 days after notice of  
6 transmittal by the local government of the proposed plan  
7 amendments shall be considered as submitted by a governmental  
8 agency. All written agency and public comments shall be made  
9 part of the file maintained pursuant to subsection (2).

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

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



1 its considerations solely on written comments, from any  
2 source.

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

16 Section 5. Subsection (8) is added to section  
17 163.3187, Florida Statutes, to read:

18 163.3187 Amendment of adopted comprehensive plan.--

19 (8) Notwithstanding any other provision of law, a  
20 comprehensive plan amendment shall not be required for any  
21 renovation, expansion, or additions to a marine exhibition  
22 park complex if the complex has been in continuous existence  
23 for at least 30 years and is located on land comprised of at  
24 least 25 contiguous acres and owned in fee simple by a county  
25 or municipality. Such renovation, expansion, or additions may  
26 include recreational and educational uses, restaurants, gift  
27 shops, marine or water amusements, environmentally related  
28 theaters, and any other compatible uses. Such renovation,  
29 expansion, or additions are hereby determined to be consistent  
30 with the applicable adopted comprehensive plan.

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

3           163.3187 Amendment of adopted comprehensive plan.--

4           (6)(a) No local government may amend its comprehensive  
5 plan after the date established by the state land planning  
6 agency rule for adoption ~~submittal~~ of its evaluation and  
7 appraisal report unless it has submitted its report or  
8 addendum to the state land planning agency as prescribed by s.  
9 163.3191, except for plan amendments described in paragraph  
10 (1)(b).+

11           ~~(a) Plan amendments to implement recommendations in~~  
12 ~~the report or addendum.~~

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

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

27           (d) When the state land planning agency has determined  
28 that the report or addendum has sufficiently addressed all  
29 pertinent provisions of s. 163.3191, the local government may  
30 amend its comprehensive plan without the limitations imposed  
31 by paragraph (a) or paragraph (c) ~~proceed with plan amendments~~

1 ~~in addition to those necessary to implement recommendations in~~  
2 ~~the report or addendum.~~

3 (e) Any plan amendment which a local government  
4 attempts to adopt in violation of paragraph (a) or paragraph  
5 (c) is invalid, but such invalidity may be overcome if the  
6 local government readopts the amendment and transmits the  
7 amendment to the state land planning agency pursuant to s.  
8 163.3184(7) after the report is determined to be sufficient.

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

15 171.044 Voluntary annexation.--

16 (6) Upon publishing or posting the ordinance notice  
17 required under subsection (2), the governing body of the  
18 municipality shall provide a copy of the notice, via certified  
19 mail, to the board of the county commissioners of the county  
20 in which the municipality is located.

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

23 186.507 Strategic regional policy plans.--

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

31

1           Section 10. Subsection (1) of section 186.508, Florida  
2 Statutes, is amended to read:

3           186.508 Strategic regional policy plan adoption<sup>r</sup>  
4 ~~consistency with state comprehensive plan.--~~

5           (1) ~~Each regional planning council shall submit to the~~  
6 ~~Executive Office of the Governor its proposed strategic~~  
7 ~~regional policy plan on a schedule adopted by rule by the~~  
8 ~~Executive Office of the Governor to coordinate implementation~~  
9 ~~of the strategic regional policy plans with the evaluation and~~  
10 ~~appraisal reports required by s. 163.3191. The Executive~~  
11 ~~Office of the Governor, or its designee, shall review the~~  
12 ~~proposed strategic regional policy plan for consistency with~~  
13 ~~the adopted state comprehensive plan and shall, within 60~~  
14 ~~days, return the proposed strategic regional policy plan to~~  
15 ~~the council, together with any revisions recommended by the~~  
16 ~~Governor. The Governor's recommended revisions shall be~~  
17 ~~included in the plans in a comment section. However, nothing~~  
18 ~~herein shall preclude a regional planning council from~~  
19 ~~adopting or rejecting any or all of the revisions as a part of~~  
20 ~~its plan prior to the effective date of the plan. The rules~~  
21 ~~adopting the strategic regional policy plan shall not be~~  
22 ~~subject to rule challenge under s. 120.56(2) or to drawout~~  
23 ~~proceedings under s. 120.54(3)(c)2., but, once adopted, shall~~  
24 ~~be subject to an invalidity challenge under s. 120.56(3) by~~  
25 ~~substantially affected persons, including the Executive Office~~  
26 ~~of the Governor. The rules shall be adopted by the regional~~  
27 ~~planning councils within 90 days after receipt of the~~  
28 ~~revisions recommended by the Executive Office of the Governor,~~  
29 ~~and shall become effective upon filing with the Department of~~  
30 ~~State, notwithstanding the provisions of s. 120.54(3)(e)6.~~  
31

1           Section 11. Section 186.511, Florida Statutes, is  
2 amended to read:

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

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

25           288.975 Military base reuse plans.--

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

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

1 ~~effective, at which time "regional policy plan" shall mean a~~  
2 strategic regional policy plan that has been adopted by rule  
3 by a regional planning council pursuant to s. 186.508.

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

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

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

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

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

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

30 (10)~~(a)~~ Within 60 days after receipt of a proposed  
31 military base reuse plan, these entities shall review and



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

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

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

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

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 13. Subsections (1) and (2) of section  
9 288.980, 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 14. 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  
31

1           Section 15. Paragraph (d) is added to subsection (5)  
2 of section 380.06, Florida Statutes, and paragraph (a) of  
3 subsection (12) is amended, to read:

4           380.06 Developments of regional impact.--

5           (5) AUTHORIZATION TO DEVELOP.--

6           (d) The provision of day care service facilities in  
7 developments approved pursuant to this section is permissible  
8 but is not required.

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

18           (12) REGIONAL REPORTS.--

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

30           1. The development will have a favorable or  
31 unfavorable impact on state or regional resources or



1 facilities identified in the applicable state or regional  
2 plans. For the purposes of this subsection, "applicable state  
3 plan" means the state comprehensive plan ~~and the state land~~  
4 ~~development plan~~. For the purposes of this subsection,  
5 "applicable regional plan" means an adopted comprehensive  
6 regional policy plan until the adoption of a strategic  
7 regional policy plan pursuant to s. 186.508, and thereafter  
8 means an adopted strategic regional policy plan.

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

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

22         Section 16. Paragraph (a) of subsection (3) of section  
23 380.061, Florida Statutes, is amended to read:

24         380.061 The Florida Quality Developments program.--

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

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

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

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

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

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

31

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

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

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

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

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

29           5. Include open space, recreation areas, Xeriscape as  
30 defined in s. 373.185, and energy conservation and minimize  
31

1 impermeable surfaces as appropriate to the location and type  
2 of project.

3           6. Provide for construction and maintenance of all  
4 onsite infrastructure necessary to support the project and  
5 enter into a binding commitment with local government to  
6 provide an appropriate fair-share contribution toward the  
7 offsite impacts which the development will impose on publicly  
8 funded facilities and services, except offsite transportation,  
9 and condition or phase the commencement of development to  
10 ensure that public facilities and services, except offsite  
11 transportation, will be available concurrent with the impacts  
12 of the development. For the purposes of offsite transportation  
13 impacts, the developer shall comply, at a minimum, with the  
14 standards of the state land planning agency's  
15 development-of-regional-impact transportation rule, the  
16 approved strategic regional policy plan, any applicable  
17 regional planning council transportation rule, and the  
18 approved local government comprehensive plan and land  
19 development regulations adopted pursuant to part II of chapter  
20 163.

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

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

28           380.23 Federal consistency.--

29           (3) Consistency review shall be limited to review of  
30 the following activities, uses, and projects to ensure that

31

1 such activities and uses are conducted in accordance with the  
2 state's coastal management program:

3 (d) Activities of the Federal Government within the  
4 territorial limits of states neighboring this state when the  
5 Governor and the department determine that significant  
6 individual or cumulative impacts upon the land or water  
7 resources of this state would result from such activities.

8 Section 18. The state land planning agency and the  
9 Department of Transportation, in consultation with a technical  
10 transportation and land use study committee, shall review and  
11 evaluate provisions of law relating to land use and  
12 transportation coordination and planning issues, including,  
13 but not limited to, community design, required in part II of  
14 chapter 163, Florida Statutes, and shall consider changes to  
15 such provisions as well as to any rules authorized under such  
16 provisions. The evaluation shall include the roles of local  
17 governments, regional planning councils, state agencies, and  
18 metropolitan planning organizations in such issues. Special  
19 emphasis shall be given to concurrency of the highway system,  
20 levels of service methodologies, and land use impact  
21 assessments used to project transportation needs. The  
22 committee shall consist of at least 15 members, appointed by  
23 the secretary of the state land planning agency and the  
24 Secretary of Transportation, representative of local  
25 governments, regional planning councils, the private sector,  
26 metropolitan planning organizations, citizen groups, and  
27 environmental groups. By January 15, 1999, the state land  
28 planning agency and the department shall prepare a report  
29 summarizing the results of such review and evaluation and  
30 containing recommendations, if any, for appropriate changes to  
31 such provisions of law and shall submit the report to the

1 Governor, the President of the Senate, and the Speaker of the  
2 House of Representatives.

3 Section 19. Subsection (1) of section 380.504, Florida  
4 Statutes, is amended to read:

5 380.504 Florida Communities Trust; creation;  
6 membership; expenses.--

7 (1) There is created within the Department of  
8 Community Affairs a nonregulatory state agency and  
9 instrumentality, which shall be a public body corporate and  
10 politic, known as the "Florida Communities Trust." The  
11 governing body of the trust shall consist of:

12 (a) The Secretary of Community Affairs and the  
13 Secretary of Environmental Protection; and

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

16  
17 The Governor shall appoint a former elected official of a  
18 local government, a representative of a nonprofit organization  
19 as defined in this part, and a representative of the  
20 development industry. The Secretary of Community Affairs may  
21 designate his or her assistant secretary or the director of  
22 the Division of Community Resource Planning ~~and Management~~ to  
23 serve in his or her absence. The Secretary of Environmental  
24 Protection may appoint his or her assistant executive  
25 director, the deputy assistant director for Land Resources,  
26 the director of the Division of State Lands, or the director  
27 of the Division of Recreation and Parks to serve in his or her  
28 absence. The Secretary of Community Affairs shall be the chair  
29 of the governing body of the trust. The Governor shall make  
30 his or her appointments upon the expiration of any current  
31

1 terms or within 60 days after the effective date of the  
2 resignation of any member.

3           Section 20. Each municipality and county in this state  
4 that does not have an ordinance providing for siting and  
5 regulating the construction and operation of wireless  
6 communication transmission facilities shall adopt, prior to  
7 June 1, 1999, an ordinance providing for siting and regulating  
8 the construction and operation of wireless communication  
9 transmission facilities within the boundaries of such  
10 municipality or county.

11           Section 21. Paragraph (b) of subsection (4) of section  
12 186.007, Florida Statutes, paragraph (n) of subsection (2) of  
13 section 186.009, Florida Statutes, subsections (3), (4), (5),  
14 and (6) of section 288.980, Florida Statutes, subsection (17)  
15 of section 380.031, Florida Statutes, subsection (7) of  
16 section 380.0555, Florida Statutes, paragraph (a) of  
17 subsection (14) of section 380.06, Florida Statutes, and  
18 paragraph (b) of subsection (3) of section 380.065, Florida  
19 Statutes, are hereby repealed.

20           Section 22. Except as otherwise provided herein, this  
21 act shall take effect July 1 of the year in which enacted.

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