

1 A bill to be entitled
2 An act relating to the Department of Community
3 Affairs; amending s. 20.18, F.S.; renaming the
4 Division of Resource Planning and Management;
5 amending s. 163.3164, F.S.; defining the term
6 "optional sector plan"; amending s. 163.3171,
7 F.S.; inserting a cross-reference; amending s.
8 163.3180, F.S.; modifying de minimis standards
9 for transportation concurrency; amending s.
10 163.3184, F.S.; inserting cross-references;
11 requiring the department to maintain specified
12 documents dealing with amendments to local
13 comprehensive plans; amending s. 163.3187,
14 F.S.; prohibiting local governments from
15 amending comprehensive plans until after
16 adoption of an evaluation and appraisal report;
17 amending s. 163.3191, F.S.; revising the
18 requirements for evaluation and appraisal
19 reports; creating s. 163.3245, F.S.;
20 authorizing the adoption of optional sector
21 plans under certain circumstances; providing
22 for agreements with the Department of Community
23 Affairs; amending s. 170.201, F.S.; expanding a
24 municipality's special assessments exemption
25 authority to include community colleges
26 expanding exemption authority to include
27 additional assessments; providing for contents;
28 amending s. 171.044, F.S.; requiring a
29 municipality to notify the county of voluntary
30 annexation ordinances; amending s. 171.081,
31 F.S., providing for reasonable costs and

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

1 amending s. 380.031(17), F.S., which defines
2 the term "state land development plan";
3 repealing s. 380.0555(7), F.S., which provides
4 for a resource planning and management
5 committee for the Apalachicola Bay Area;
6 repealing s. 380.06(14)(a), F.S., which
7 requires that development not interfere with
8 the state land development plan; providing for
9 severability; s. 420.0007, F.S., exempting
10 certain non-profit corporations from certain ad
11 valorem taxation; providing for a pilot project
12 designed to develop a model feasibility study
13 for incorporation to be completed and submitted
14 to the Legislature by February 1, 1999;
15 providing for repeal of pilot project on
16 October 1, 1999; providing an effective date.

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

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20 Section 1. Paragraph (c) of subsection (2) of section
21 20.18, Florida Statutes, is amended to read:

22 20.18 Department of Community Affairs.--There is
23 created a Department of Community Affairs.

24 (2) The following units of the Department of Community
25 Affairs are established:

26 (c) Division of Community ~~Resource~~ Planning ~~and~~
27 ~~Management~~.

28 Section 2. Subsection (31) is added to section
29 163.3164, Florida Statutes, to read:

30 163.3164 Definitions.--As used in this act:

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

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

14 163.3171 Areas of authority under this act.--

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

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

24 163.3180 Concurrency.--

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

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

14 Section 5. Paragraph (b) of subsection (1) and
15 subsections (2), (4), and (6) of section 163.3184, are amended
16 to read:

17 163.3184 Process for adoption of comprehensive plan or
18 plan amendment.--

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

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

28 (2) COORDINATION.--Each comprehensive plan or plan
29 amendment proposed to be adopted pursuant to this part shall
30 be transmitted, adopted, and reviewed in the manner prescribed
31 in this section. The state land planning agency shall have

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

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

1 have referred the proposed plan amendment. Written comments
2 submitted by the public within 30 days after notice of
3 transmittal by the local government of the proposed plan
4 amendment will be considered as if submitted by governmental
5 agencies. All written agency and public comments must be made
6 part of the file maintained under subsection (2).

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

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

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

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

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

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

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

4 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

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

1 ~~by paragraph (a) or paragraph (c) proceed with plan amendments~~
2 ~~in addition to those necessary to implement recommendations in~~
3 ~~the report or addendum.~~

4 (e) Any plan amendment which a local government
5 attempts to adopt in violation of paragraph (a) or paragraph
6 (c) is invalid, but such invalidity may be overcome if the
7 local government readopts the amendment and transmits the
8 amendment to the state land planning agency pursuant to s.
9 163.3184(7) after the report is determined to be sufficient.

10 Section 7. Effective October 1, 1998, section
11 163.3191, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

26 (c) The financial feasibility of implementing the
27 comprehensive plan and of providing needed infrastructure to
28 achieve and maintain adopted level of service standards and
29 sustain concurrency management systems through the capital
30 improvements element, as well as the ability to address

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1 infrastructure backlogs and meet the demands of growth on
2 public services and facilities.

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

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

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

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

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

27 (i) The identification of any actions or corrective
28 measures, including whether plan amendments are anticipated to
29 address the major issues identified and analyzed in the
30 report. Such identification shall include, as appropriate,
31 new population projections, new revised planning timeframes, a

1 revised future conditions map or map series, an updated
2 capital improvements element, and any new and revised goals,
3 objectives, and policies for major issues identified within
4 each element. This paragraph shall not require the submittal
5 of the plan amendments with the evaluation and appraisal
6 report.

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

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

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

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

28 (6) The governing body, after considering the review
29 comments and recommended changes, if any, shall adopt the
30 evaluation and appraisal report by resolution or ordinance at
31 a public hearing with public notice. The governing body shall

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

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

28 (8) The state land planning agency may delegate the
29 review of evaluation and appraisal reports, including all
30 state land planning agency duties under subsections (4)-(7),
31 to the appropriate regional planning council. When the review

1 has been delegated to a regional planning council, any local
2 government in the region may elect to have its report reviewed
3 by the regional planning council rather than the state land
4 planning agency. The state land planning agency shall by
5 agreement provide for uniform and adequate review of reports
6 and shall retain oversight for any delegation of review to a
7 regional planning council.

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

25 (10) The governing body shall amend its comprehensive
26 plan based on the recommendations in the report and shall
27 update the comprehensive plan based on the components of
28 subsection (2), pursuant to the provisions of ss. 163.3184,
29 163.3187, and 163.3189. Amendments to update a comprehensive
30 plan based on the evaluation and appraisal report shall be
31 adopted within 18 months after the report is determined to be

1 sufficient by the state land planning agency, except the state
2 land planning agency may grant an extension for adoption of a
3 portion of such amendments. The state land planning agency
4 may grant a six month extension for the adoption of such
5 amendments if the request is justified by good and sufficient
6 cause as determined by the agency. An additional extension
7 may also be granted if the request will result in greater
8 coordination between transportation and land use, for the
9 purposes of improving Florida's transportation system, as
10 determined by the agency in coordination with the Metropolitan
11 Planning Organization program. The comprehensive plan as
12 amended shall be in compliance as defined in s.
13 163.3184(1)(b).

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

1 120.57(1) and shall submit a recommended order to the
2 Administration Commission. The affected local government
3 shall be a party to any such proceeding. The commission may
4 implement this subsection by rule.

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

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

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

1 The membership of the technical committee shall consist of
2 representatives of local governments, regional planning
3 councils, the private sector, and environmental organizations.
4 The report shall assess the effectiveness of the evaluation
5 and appraisal report process.

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

15 Section 8. Section 163.3245, Florida Statutes, is
16 created to read:

17 163.3245 Optional sector plans.--

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

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

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

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

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

31

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

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

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

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

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

22 5. Identification of general procedures to ensure
23 intergovernmental coordination to address extra-jurisdictional
24 impacts from the long-range conceptual framework map.

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

28 1. An area of adequate size to accommodate a level of
29 development which achieves a functional relationship between a
30 full range of land uses within the area and to encompass at
31 least 1,000 acres. The state land planning agency may approve

1 detailed specific area plans of less than 1,000 acres based on
2 local circumstances if it is determined that the plan furthers
3 the purposes of chapter 163, part II, and chapter 380, part I.

4 2. Detailed identification and analysis of the
5 distribution, extent, and location of future land uses.

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

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

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

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

30
31

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

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

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

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

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

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

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

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

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

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

19 Section 9. Subsection (2) of section 170.201, Florida
20 Statutes, is amended to read:

21 (2) Property owned or occupied by a religious
22 institution and used as a place of worship or education or by
23 a public or private elementary, middle, or high school or by a
24 community college shall be exempt from any special assessment
25 levied by a municipality to fund any service or facility,
26 including those for fire protection and prevention, stormwater
27 projects and services, and emergency medical services if the
28 municipality so desires and may not be passed on to others in
29 the form of additional fees or assessments. As used in this
30 subsection, "religious institution" means any church,
31 synagogue, or other established physical place for worship at

1 which nonprofit religious services and activities are
2 regularly conducted and carried on. This section of the act
3 shall take effect on July 1, 1998.

4 Section 10. Subsection (6) is added to section
5 171.044, Florida Statutes, to read:

6 171.044 Voluntary annexation.--

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

14 Section 11. Section 171.081, Florida Statutes, is
15 amended to read:

16 171.081 Appeal on annexation or contraction.--

17 No later than 30 days following the passage of an
18 annexation or contraction ordinance, any party affected who
19 believes that he or she will suffer material injury by reason
20 of the failure of the municipal governing body to comply with
21 the procedures set forth in this chapter for annexation or
22 contraction or to meet the requirements established for
23 annexation or contraction as they apply to his or her property
24 may file a petition in the circuit court for the county in
25 which the municipality or municipalities are located seeking
26 review by certiorari. In any action instituted pursuant to
27 this section, the complainant, should he or she prevail, shall
28 be entitled to reasonable costs and attorney's fees. Should
29 the complaintant be a county, the prevailing party in that
30 event shall be entitled to reasonable costs and attorney's
31 fees.

1 Section 12. Section 186.003, Florida Statutes, is
2 amended to read:

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

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

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

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

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

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

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

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

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

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

3 Section 13. Subsections (4) and (8) of section
4 186.007, Florida Statutes, are amended and subsection (9) is
5 added to that section to read:

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

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

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

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

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

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

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

15 Section 14. Section 186.008, Florida Statutes, is
16 amended to read:

17 186.008 State comprehensive plan; revision;
18 implementation.--

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

29 (2) On or before December 15 of every odd-numbered
30 year ~~beginning in 1995~~, the Administration Commission shall
31 review the proposed revisions to the state comprehensive plan

1 prepared by the Governor. The commission shall adopt a
2 resolution, after public notice and a reasonable opportunity
3 for public comment, and transmit the proposed revisions to the
4 state comprehensive plan to the Legislature, together with any
5 amendments approved by the commission and any dissenting
6 reports. The commission shall identify those portions of the
7 plan that are not based on existing law.

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

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

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

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

24 Section 15. Subsections (2) and (3) of section
25 186.009, Florida Statutes, are amended to read:

26 186.009 Growth management portion of the state
27 comprehensive plan.--

28 (2) The growth management portion of the state
29 comprehensive plan shall:

30 (a) Provide strategic guidance for state, regional,
31 and local actions necessary to implement the state

- 1 comprehensive plan with regard to the physical growth and
2 development of the state.
- 3 (b) Identify metropolitan and urban growth centers.
- 4 (c) Identify areas of state and regional environmental
5 significance and establish strategies to protect them.
- 6 (d) Set forth and integrate state policy for Florida's
7 future growth as it relates to land development, air quality,
8 transportation, and water resources.
- 9 (e) Provide guidelines for determining where urban
10 growth is appropriate and should be encouraged.
- 11 (f) Provide guidelines for state transportation
12 corridors, public transportation corridors, new interchanges
13 on limited access facilities, and new airports of regional or
14 state significance.
- 15 (g) Promote land acquisition programs to provide for
16 natural resource protection, open space needs, urban
17 recreational opportunities, and water access.
- 18 (h) Set forth policies to establish state and regional
19 solutions to the need for affordable housing.
- 20 (i) Provide coordinated state planning of road, rail,
21 and waterborne transportation facilities designed to take the
22 needs of agriculture into consideration and to provide for the
23 transportation of agricultural products and supplies.
- 24 (j) Establish priorities regarding coastal planning
25 and resource management.
- 26 (k) Provide a statewide policy to enhance the multiuse
27 waterfront development of existing deepwater ports, ensuring
28 that priority is given to water-dependent land uses.
- 29 (l) Set forth other goals, objectives, and policies
30 related to the state's natural and built environment that are
31 necessary to effectuate those portions of the state

1 comprehensive plan which are related to physical growth and
2 development.

3 (m) Set forth recommendations on when and to what
4 degree local government comprehensive plans must be consistent
5 with the proposed growth management portion of the state
6 comprehensive plan.

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

11 (o) Set forth recommendations concerning what degree
12 of consistency is appropriate for the strategic regional
13 policy plans.

14

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

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

25 ~~(b) On or before December 1, 1993, the Administration~~
26 ~~Commission shall review the proposed growth management portion~~
27 ~~of the state comprehensive plan prepared by the Governor. The~~
28 ~~commission shall adopt a resolution, after public notice and a~~
29 ~~reasonable opportunity for public comment, and transmit the~~
30 ~~proposed growth management portion of the state comprehensive~~
31 ~~plan to the Legislature, together with any amendments approved~~

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

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

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

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

20 186.507 Strategic regional policy plans.--

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

28 Section 17. Section 186.508, Florida Statutes, is
29 amended to read:

30 186.508 Strategic regional policy plan adoption~~;~~
31 consistency with state comprehensive plan.--

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

1 plan shall not be required to be consistent with the
2 challenged portion of the regional policy plan until 12 months
3 after the challenge has been resolved by an administrative law
4 judge.

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

7 Section 18. Section 186.511, Florida Statutes, is
8 amended to read:

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

27 Section 19. Section 255.60, Florida Statutes, is
28 created to read:

29 255.60 Lease of State Property for Wireless
30 Facilities.--

31

1 (a) Notwithstanding any other statute to the contrary,
2 every department, board, agency or commission of the state
3 which owns or manages buildings or antenna structures shall
4 encourage the placement of commercial mobile radio service
5 facilities on those structures.

6 (b) Within 90 days of a written request from a
7 commercial mobile radio service provider, a department, board,
8 agency or commission of the state shall provide an inventory
9 of all buildings and antenna structures over 40 feet in height
10 that it owns or manages in the geographic area specified in
11 the request.

12 (c) If a commercial mobile radio service provider is
13 interested in attaching its wireless facilities to a structure
14 owned by the state, the provider must submit a letter of
15 interest to the agency managing the structure together with an
16 application fee of \$250. The letter must describe in
17 reasonable detail the provider's requirements for placing its
18 facilities on the structure. Within 45 days of receipt of the
19 letter, the state agency must notify the provider of the
20 site's availability and, if available, allow the provider to
21 perform on-site testing. All state owned structures are
22 hereby declared available unless the proposed facilities would
23 adversely impact the historic or environmental character of
24 the site, the structural integrity of the structure, the
25 security of a corrections facility as defined in s. 944.02,
26 including facilities operated by private entities with which
27 the Department of Corrections enters into contracts pursuant
28 to s. 944.105, or the department's expressed desire to locate
29 its own communications facilities on the structure.

30 (d) If a commercial radio service provider desires to
31 locate its facilities on an available state structure, the

1 state agency managing the structure shall enter into a lease
2 with the provider without competitive bidding or procurement.
3 The terms of the lease shall follow the terms of a model lease
4 which the Department of Management Services must establish
5 within 120 days of the effective date of this act. The model
6 lease will include, but not be limited to, the following
7 provisions: (i) rent will be based on fair market value of
8 comparable communication facilities in the state; (ii) the
9 provider will be entitled to make reasonable modifications to
10 the structure to allow their use (including the replacement of
11 an existing pole or tower with a new structure of not more
12 than 125% of the original height); (iii) the provider will be
13 allowed reasonable space in, on or near the structure to
14 connect and house any accessory equipment; (iv) the provider
15 will design all antenna attachments and shelters to minimize
16 any aesthetic impact; (v) the provider's use shall not
17 interfere with any current or future use of the site by the
18 state; and (vi) the duration of the lease will be 5 years and
19 grant the provider options to renew for three additional
20 5-year terms.

21 (e) Fifty percent (50%) of the first \$5,000,000
22 revenue annually derived from the lease of state property
23 under this section shall be credited to the agency that
24 manages the property; the remaining 50% of the first
25 \$5,000,000 revenue annually shall be credited to the school
26 improvement and academic achievement Trust Fund; all the
27 revenue exceeding \$5,000,000 annually shall be credited to the
28 agency. If the tower is owned by or under the control of the
29 Department of Management Services, all funds shall be placed
30 in the State Agency Law Enforcement Radio System Trust Fund.

31

1 (f) If any department, board, agency or commission of
2 the state offers buildings and antenna structures that it owns
3 or manages for the placement of commercial mobile radio
4 services facilities through a fair and open competitive
5 procurement process, subsections (b) through (d) shall not
6 apply, if such bid or request for proposal is published within
7 90 days of a written request pursuant to subsection (b), or
8 within 90 days of the effective date of this act.

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

12 288.975 Military base reuse plans.--

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

14 (f) "Regional policy plan" means a comprehensive
15 ~~regional policy plan that has been adopted by rule by a~~
16 ~~regional planning council until the council's rule adopting~~
17 ~~its strategic regional policy plan in accordance with the~~
18 ~~requirements of chapter 93-206, Laws of Florida, becomes~~
19 ~~effective, at which time "regional policy plan" shall mean a~~
20 strategic regional policy plan that has been adopted by rule
21 by a regional planning council pursuant to s. 186.508.

22 (3) No later than 6 months ~~after May 31, 1994, or 6~~
23 ~~months~~ after the designation of a military base for closure by
24 the Federal Government, ~~whichever is later,~~ each host local
25 government shall notify the secretary of the Department of
26 Community Affairs and the director of the Office of Tourism,
27 Trade, and Economic Development in writing, by hand delivery
28 or return receipt requested, as to whether it intends to use
29 the optional provisions provided in this act. If a host local
30 government does not opt to use the provisions of this act,
31 land use planning and regulation pertaining to base reuse

1 activities within those host local governments shall be
2 subject to all applicable statutory requirements, including
3 those contained within chapters 163 and 380.

4 (8) At the request of a host local government, the
5 Office of Tourism, Trade, and Economic Development shall
6 coordinate a presubmission workshop concerning a military base
7 reuse plan within the boundaries of the host jurisdiction.
8 Agencies that shall participate in the workshop shall include
9 any affected local governments; the Department of
10 Environmental Protection; the Office of Tourism, Trade, and
11 Economic Development; the Department of Community Affairs; the
12 Department of Transportation; the Department of Health ~~and~~
13 ~~Rehabilitative Services~~; the Department of Children and Family
14 Services; the Department of Agriculture and Consumer Services;
15 the Department of State; the Game and Fresh Water Fish
16 Commission; and any applicable water management districts and
17 regional planning councils. The purposes of the workshop shall
18 be to assist the host local government to understand issues of
19 concern to the above listed entities pertaining to the
20 military base site and to identify opportunities for better
21 coordination of planning and review efforts with the
22 information and analyses generated by the federal
23 environmental impact statement process and the federal
24 community base reuse planning process.

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

29 (a) Send a copy of the proposed military base reuse
30 plan for review to any affected local governments; the
31 Department of Environmental Protection; the Office of Tourism,

1 Trade, and Economic Development; the Department of Community
 2 Affairs; the Department of Transportation; the Department of
 3 Health and ~~Rehabilitative Services~~; the Department of Children
 4 and Family Services; the Department of Agriculture and
 5 Consumer Services; the Department of State; the Florida Game
 6 and Fresh Water Fish Commission; and any applicable water
 7 management districts and regional planning councils, or

8 (b) Petition the secretary of the Department of
 9 Community Affairs for an extension of the deadline for
 10 submitting a proposed reuse plan. Such an extension request
 11 must be justified by changes or delays in the closure process
 12 by the federal Department of Defense or for reasons otherwise
 13 deemed to promote the orderly and beneficial planning of the
 14 subject military base reuse. The secretary of the Department
 15 of Community Affairs may grant extensions ~~up to a 1-year~~
 16 ~~extension~~ to the required submission date of the reuse plan.

17 (10)~~(a)~~ Within 60 days after receipt of a proposed
 18 military base reuse plan, these entities shall review and
 19 provide comments to the host local government. The
 20 commencement of this review period shall be advertised in
 21 newspapers of general circulation within the host local
 22 government and any affected local government to allow for
 23 public comment. No later than 180 ~~60~~ days after receipt and
 24 consideration of all comments, and the holding of at least two
 25 public hearings, the host local government shall adopt the
 26 military base reuse plan. The host local government shall
 27 comply with the notice requirements set forth in s.
 28 163.3184(15) to ensure full public participation in this
 29 planning process.

30 ~~(b) Notwithstanding paragraph (a), a host local~~
 31 ~~government may waive the requirement that the military base~~

1 ~~reuse plan be adopted within 60 days after receipt and~~
2 ~~consideration of all comments and the second public hearing.~~
3 ~~The waiver may extend the time period in which to adopt the~~
4 ~~military reuse plan to 180 days after the 60th day following~~
5 ~~the receipt and consideration of all comments and the second~~
6 ~~public hearing, or the date upon which this act becomes a law,~~
7 ~~whichever is later.~~

8 ~~(c) The host local government may exercise the waiver~~
9 ~~after the 60th day following the receipt and consideration of~~
10 ~~all comments and the second public hearing. However, the host~~
11 ~~local government must exercise this waiver no later than 180~~
12 ~~days after the 60th day following the receipt and~~
13 ~~consideration of all comments and the second public hearing,~~
14 ~~or the date upon which this act becomes a law, whichever is~~
15 ~~later.~~

16 ~~(d) Any action by a host local government to adopt a~~
17 ~~military base reuse plan after the expiration of the 60-day~~
18 ~~period is deemed an exercise of the waiver pursuant to~~
19 ~~paragraph (b), without further action by the host local~~
20 ~~government.~~

21 (12) Following receipt of a petition, the petitioning
22 party or parties and the host local government shall seek
23 resolution of the issues in dispute. The issues in dispute
24 shall be resolved as follows:

25 (a) The petitioning parties and host local government
26 shall have 45 days to resolve the issues in dispute. Other
27 affected parties that submitted comments on the proposed
28 military base reuse plan may be given the opportunity to
29 formally participate in decisions and agreements made in these
30 and subsequent proceedings by mutual consent of the
31

1 petitioning party and the host local government. A third-party
2 mediator may be used to help resolve the issues in dispute.

3 (b) If resolution of the dispute cannot be achieved
4 within 45 days, the petitioning parties and host local
5 government may extend such dispute resolution for up to 45
6 days. If resolution of the dispute cannot be achieved with the
7 above timeframes, the issues in dispute shall be submitted to
8 the state land planning agency. If the issues stem from
9 multiple petitions, the mediation shall be consolidated into a
10 single proceeding. The state land planning agency shall have
11 45 days to hold informal hearings, if necessary, identify the
12 issues in dispute, prepare a record of the proceedings, and
13 provide recommended solutions to the parties. If the parties
14 fail to implement the recommended solutions within 45 days,
15 the state land planning agency shall submit the matter to the
16 Administration Commission for final action. The report to the
17 Administration Commission shall list each issue in dispute,
18 describe the nature and basis for each dispute, identify the
19 recommended solutions provided to the parties, and make
20 recommendations for actions the Administration Commission
21 should take to resolve the disputed issues.

22 (c) If ~~In the event~~ the state land planning agency is
23 a party to the dispute, the issues in dispute shall be
24 submitted to ~~resolved by~~ a party jointly selected by the state
25 land planning agency and the host local government. The
26 selected party shall comply with the responsibilities placed
27 upon the state land planning agency in this section.

28 (d) Within 45 days after receiving the report from the
29 state land planning agency, the Administration Commission
30 shall take action to resolve the issues in dispute. In
31 deciding upon a proper resolution, the Administration

1 Commission shall consider the nature of the issues in dispute,
2 any requests for a formal administrative hearing pursuant to
3 ch. 120, F.S.,the compliance of the parties with this
4 section, the extent of the conflict between the parties, the
5 comparative hardships and the public interest involved. If the
6 Administration Commission incorporates in its final order a
7 term or condition that requires any local government to amend
8 its local government comprehensive plan, the local government
9 shall amend its plan within 60 days after the issuance of the
10 order. Such amendment or amendments shall be exempt from the
11 limitation of the frequency of plan amendments contained in s.
12 163.3187(2), and a public hearing on such amendment or
13 amendments pursuant to s. 163.3184(15)(b)1. shall not be
14 required. The final order of the Administration Commission is
15 subject to appeal pursuant to s. 120.68. If the order of the
16 Administration Commission is appealed, the time for the local
17 government to amend its plan shall be tolled during the
18 pendency of any local, state, or federal administrative or
19 judicial proceeding relating to the military base reuse plan.

20 Section 21. Section 288.980, Florida Statutes, is
21 amended to read:

22 288.980 Military base ~~closure, retention, realignment,~~
23 ~~or defense-related readjustment and diversification;~~
24 legislative intent; grants program.--

25 (1) It is the intent of this state to provide the
26 necessary means to assist communities with military
27 installations that would be adversely affected by federal base
28 realignment or closure actions. It is further the intent to
29 encourage communities to ~~establish local or regional community~~
30 ~~base realignment or closure commissions to~~ initiate a
31 coordinated program of response and plan of action in advance

1 of future actions of the federal Base Realignment and Closure
2 Commission. It is critical that closure-vulnerable communities
3 develop such a program to preserve affected military
4 installations. The Legislature, therefore, declares that
5 providing such assistance to support the defense-related
6 initiatives within this section is a public purpose for which
7 public money may be used.

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

13 1. ~~Activities~~ related to the retention of military
14 installations potentially affected by federal base closure or
15 realignment.

16 2. ~~Activities related to preventing the potential~~
17 ~~realignment or closure of a military installation officially~~
18 ~~identified by the Federal Government for potential realignment~~
19 ~~or closure.~~

20 (b) The term "activities" as used in this section
21 means studies, presentations, analyses, plans, and modeling.
22 Travel and costs incidental thereto, and staff salaries, are
23 not considered an "activity" for which grant funds may be
24 awarded.

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

29 1. Represent a local government ~~community~~ with a
30 military installation or military installations that could be
31 adversely affected by federal base realignment or closure.

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

5 3. Prepare a coordinated program or plan of action
6 delineating how the eligible project will be administered and
7 accomplished.

8 4. Provide documentation describing the potential for
9 realignment or closure of a military installation located in
10 the applicant's community and the adverse impacts such
11 realignment or closure will have on the applicant's community.

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

14 1. The relative value of the particular military
15 installation in terms of its importance to the local and state
16 economy relative to other military installations vulnerable to
17 closure.

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

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

22 ~~(e) For purposes of base closure and realignment,~~
23 ~~"applicant" means one or more counties, or a base closure or~~
24 ~~realignment commission created by one or more counties, to~~
25 ~~oversee the potential or actual realignment or closure of a~~
26 ~~military installation within the jurisdiction of such local~~
27 ~~government.~~

28 (3) The Florida Economic Reinvestment Initiative is
29 established to respond to the need for this state and
30 defense-dependent communities in this state to develop
31 alternative economic diversification strategies to lessen

1 reliance on national defense dollars in the wake of base
2 closures and reduced federal defense expenditures and the need
3 to formulate specific base reuse plans and identify any
4 specific infrastructure needed to facilitate reuse. The
5 initiative shall consist of the following three distinct grant
6 programs to be administered by the Office of Tourism, Trade,
7 and Economic Development ~~Department of Commerce~~:

8 (a) The Florida Defense Planning Grant Program,
9 through which funds shall be used to analyze the extent to
10 which the state is dependent on defense dollars and defense
11 infrastructure and prepare alternative economic development
12 strategies. The state shall work in conjunction with
13 defense-dependent communities in developing strategies and
14 approaches that will help communities make the transition from
15 a defense economy to a nondefense economy. Grant awards may
16 not exceed \$100,000 per applicant and shall be available on a
17 competitive basis.

18 (b) The Florida Defense Implementation Grant Program,
19 through which funds shall be made available to
20 defense-dependent communities to implement the diversification
21 strategies developed pursuant to paragraph (a). Eligible
22 applicants include defense-dependent counties and cities, and
23 local economic development councils located within such
24 communities. Grant awards may not exceed \$100,000 per
25 applicant and shall be available on a competitive basis.
26 Awards shall be matched on a one-to-one basis.

27 (c) The Florida Military Installation Reuse Planning
28 and Marketing Grant Program, through which funds shall be used
29 to help counties, cities, and local economic development
30 councils develop and implement plans for the reuse of closed
31 or realigned military installations, including any necessary

1 infrastructure improvements needed to facilitate reuse and
2 related marketing activities. Grant awards are limited to not
3 more than \$100,000 per eligible applicant and made available
4 through a competitive process. Awards shall be matched on a
5 one-to-one basis.

6
7 Applications for grants under this subsection must include a
8 coordinated program of work or plan of action delineating how
9 the eligible project will be administered and accomplished,
10 which must include a plan for ensuring close cooperation
11 between civilian and military authorities in the conduct of
12 the funded activities and a plan for public involvement.

13 (4)(a) The Defense-Related Business Adjustment Program
14 is hereby created. The Director of the Office of Tourism,
15 Trade, and Economic Development ~~Secretary of Commerce~~ shall
16 coordinate the development of the Defense-Related Business
17 Adjustment Program. Funds shall be available to assist
18 defense-related companies in the creation of increased
19 commercial technology development through investments in
20 technology. Such technology must have a direct impact on
21 critical state needs for the purpose of generating
22 investment-grade technologies and encouraging the partnership
23 of the private sector and government defense-related business
24 adjustment. The following areas shall receive precedence in
25 consideration for funding commercial technology development:
26 law enforcement or corrections, environmental protection,
27 transportation, education, and health care. Travel and costs
28 incidental thereto, and staff salaries, are not considered an
29 "activity" for which grant funds may be awarded.

30 (b) The office ~~department~~ shall require that an
31 applicant:

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

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

8 3. Prepare a coordinated program or plan delineating
9 how the funds will be administered.

10 4. Provide documentation describing how
11 defense-related realignment or closure will adversely impact
12 defense-related companies.

13 (5) The director ~~Secretary of Commerce~~ may award
14 nonfederal matching funds specifically appropriated for
15 construction, maintenance, and analysis of a Florida defense
16 workforce database. Such funds will be used to create a
17 registry of worker skills that can be used to match the worker
18 needs of companies that are relocating to this state or to
19 assist workers in relocating to other areas within this state
20 where similar or related employment is available.

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

24 Section 22. Paragraph (d) is added to subsection (5)
25 of section 380.06, Florida Statutes, and subsections (12) and
26 (14) of that section are amended to read:

27 380.06 Developments of regional impact.--

28 (5) AUTHORIZATION TO DEVELOP.--

29 (a)1. A developer who is required to undergo
30 development-of-regional-impact review may undertake a

31

1 development of regional impact if the development has been
2 approved under the requirements of this section.

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

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

30 (c) Prior to the issuance of a final development
31 order, the developer may elect to be bound by the rules

1 adopted pursuant to chapters 373 and 403 in effect when such
2 development order is issued. The rules adopted pursuant to
3 chapters 373 and 403 in effect at the time such development
4 order is issued shall be applicable to all applications for
5 permits pursuant to those chapters and which are necessary for
6 and consistent with the development authorized in such
7 development order, except that a later adopted rule shall be
8 applicable to an application if:

9 1. The later adopted rule is determined by the
10 rule-adopting agency to be essential to the public health,
11 safety, or welfare;

12 2. The later adopted rule is adopted pursuant to s.
13 403.061(27);

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

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

18 5. The later adopted rule is required by state or
19 federal law.

20 (d) The provision of day care service facilities in
21 developments approved pursuant to this section is permissible
22 but is not required.

23
24 Further, in order for any developer to apply for permits
25 pursuant to this provision, the application must be filed
26 within 5 years from the issuance of the final development
27 order and the permit shall not be effective for more than 8
28 years from the issuance of the final development order.
29 Nothing in this paragraph shall be construed to alter or
30 change any permitting agency's authority to approve permits or
31 to determine applicable criteria for longer periods of time.

1 (12) REGIONAL REPORTS.--

2 (a) Within 50 days after receipt of the notice of
3 public hearing required in paragraph (11)(c), the regional
4 planning agency, if one has been designated for the area
5 including the local government, shall prepare and submit to
6 the local government a report and recommendations on the
7 regional impact of the proposed development. In preparing its
8 report and recommendations, the regional planning agency shall
9 identify regional issues based upon the following review
10 criteria and make recommendations to the local government on
11 these regional issues, specifically considering whether, and
12 the extent to which:

13 1. The development will have a favorable or
14 unfavorable impact on state or regional resources or
15 facilities identified in the applicable state or regional
16 plans. For the purposes of this subsection, "applicable state
17 plan" means the state comprehensive plan ~~and the state land~~
18 ~~development plan~~. For the purposes of this subsection,
19 "applicable regional plan" means an adopted comprehensive
20 regional policy plan until the adoption of a strategic
21 regional policy plan pursuant to s. 186.508, and thereafter
22 means an adopted strategic regional policy plan.

23 2. The development will significantly impact adjacent
24 jurisdictions. At the request of the appropriate local
25 government, regional planning agencies may also review and
26 comment upon issues that affect only the requesting local
27 government.

28 3. As one of the issues considered in the review in
29 subparagraphs 1. and 2., the development will favorably or
30 adversely affect the ability of people to find adequate
31 housing reasonably accessible to their places of employment.

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

5 (b) At the request of the regional planning agency,
6 other appropriate agencies shall review the proposed
7 development and shall prepare reports and recommendations on
8 issues that are clearly within the jurisdiction of those
9 agencies. Such agency reports shall become part of the
10 regional planning agency report; however, the regional
11 planning agency may attach dissenting views. When water
12 management district and Department of Environmental Protection
13 permits have been issued pursuant to chapter 373 or chapter
14 403, the regional planning council may comment on the regional
15 implications of the permits but may not offer conflicting
16 recommendations.

17 (c) The regional planning agency shall afford the
18 developer or any substantially affected party reasonable
19 opportunity to present evidence to the regional planning
20 agency head relating to the proposed regional agency report
21 and recommendations.

22 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE
23 CONCERN.--If the development is not located in an area of
24 critical state concern, in considering whether the development
25 shall be approved, denied, or approved subject to conditions,
26 restrictions, or limitations, the local government shall
27 consider whether, and the extent to which:

28 ~~(a) The development unreasonably interferes with the~~
29 ~~achievement of the objectives of an adopted state land~~
30 ~~development plan applicable to the area;~~

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

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

6 (c)~~(d)~~ The development is consistent with the State
7 Comprehensive Plan. In consistency determinations the plan
8 shall be construed and applied in accordance with s.
9 187.101(3).

10 Section 23. Paragraph (a) of subsection (3) of section
11 380.061, Florida Statutes, is amended to read:

12 380.061 The Florida Quality Developments program.--

13 (3)(a) To be eligible for designation under this
14 program, the developer shall comply with each of the following
15 requirements which is applicable to the site of a qualified
16 development:

17 1. Have donated or entered into a binding commitment
18 to donate the fee or a lesser interest sufficient to protect,
19 in perpetuity, the natural attributes of the types of land
20 listed below. In lieu of the above requirement, the developer
21 may enter into a binding commitment which runs with the land
22 to set aside such areas on the property, in perpetuity, as
23 open space to be retained in a natural condition or as
24 otherwise permitted under this subparagraph. Under the
25 requirements of this subparagraph, the developer may reserve
26 the right to use such areas for the purpose of passive
27 recreation that is consistent with the purposes for which the
28 land was preserved.

29 a. Those wetlands and water bodies throughout the
30 state as would be delineated if the provisions of s.
31 373.4145(1)(b) were applied. The developer may use such areas

1 for the purpose of site access, provided other routes of
2 access are unavailable or impracticable; may use such areas
3 for the purpose of stormwater or domestic sewage management
4 and other necessary utilities to the extent that such uses are
5 permitted pursuant to chapter 403; or may redesign or alter
6 wetlands and water bodies within the jurisdiction of the
7 Department of Environmental Protection which have been
8 artificially created, if the redesign or alteration is done so
9 as to produce a more naturally functioning system.

10 b. Active beach or primary and, where appropriate,
11 secondary dunes, to maintain the integrity of the dune system
12 and adequate public accessways to the beach. However, the
13 developer may retain the right to construct and maintain
14 elevated walkways over the dunes to provide access to the
15 beach.

16 c. Known archaeological sites determined to be of
17 significance by the Division of Historical Resources of the
18 Department of State.

19 d. Areas known to be important to animal species
20 designated as endangered or threatened animal species by the
21 United States Fish and Wildlife Service or by the Florida Game
22 and Fresh Water Fish Commission, for reproduction, feeding, or
23 nesting; for traveling between such areas used for
24 reproduction, feeding, or nesting; or for escape from
25 predation.

26 e. Areas known to contain plant species designated as
27 endangered plant species by the Department of Agriculture and
28 Consumer Services.

29 2. Produce, or dispose of, no substances designated as
30 hazardous or toxic substances by the United States
31 Environmental Protection Agency or by the Department of

1 Environmental Protection or the Department of Agriculture and
2 Consumer Services. This subparagraph is not intended to apply
3 to the production of these substances in nonsignificant
4 amounts as would occur through household use or incidental use
5 by businesses.

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

8 4. Incorporate no dredge and fill activities in, and
9 no stormwater discharge into, waters designated as Class II,
10 aquatic preserves, or Outstanding Florida Waters, except as
11 activities in those waters are permitted pursuant to s.
12 403.813(2) and the developer demonstrates that those
13 activities meet the standards under Class II waters,
14 Outstanding Florida Waters, or aquatic preserves, as
15 applicable.

16 5. Include open space, recreation areas, Xeriscape as
17 defined in s. 373.185, and energy conservation and minimize
18 impermeable surfaces as appropriate to the location and type
19 of project.

20 6. Provide for construction and maintenance of all
21 onsite infrastructure necessary to support the project and
22 enter into a binding commitment with local government to
23 provide an appropriate fair-share contribution toward the
24 offsite impacts which the development will impose on publicly
25 funded facilities and services, except offsite transportation,
26 and condition or phase the commencement of development to
27 ensure that public facilities and services, except offsite
28 transportation, will be available concurrent with the impacts
29 of the development. For the purposes of offsite transportation
30 impacts, the developer shall comply, at a minimum, with the
31 standards of the state land planning agency's

1 development-of-regional-impact transportation rule, the
2 approved strategic regional policy plan, any applicable
3 regional planning council transportation rule, and the
4 approved local government comprehensive plan and land
5 development regulations adopted pursuant to part II of chapter
6 163.

7 7. Design and construct the development in a manner
8 that is consistent with the adopted state plan, ~~the state land~~
9 ~~development plan~~, the applicable strategic regional policy
10 plan, and the applicable adopted local government
11 comprehensive plan.

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

14 380.065 Certification of local government review of
15 development.--

16 (3) Development orders issued pursuant to this section
17 are subject to the provisions of s. 380.07; however, a
18 certified local government's findings of fact and conclusions
19 of law are presumed to be correct on appeal. The grounds for
20 appeal of a development order issued by a certified local
21 government under this section shall be limited to:

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

24 (b) Inconsistency with the ~~state land development plan~~
25 ~~and the~~ state comprehensive plan.

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

29 (d) Whether the public facilities meet or exceed the
30 standards established in the capital improvements plan
31 required by s. 163.3177 and will be available when needed for

1 the proposed development, or that development orders and
2 permits are conditioned on the availability of the public
3 facilities necessary to serve the proposed development. Such
4 development orders and permit conditions shall not allow a
5 reduction in the level of service for affected regional public
6 facilities below the level of services provided in the adopted
7 strategic regional policy plan.

8 Section 25. Paragraph (d) is added to subsection (3)
9 of section 380.23, Florida Statutes, to read:

10 380.23 Federal consistency.--

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

15 (d) Federal activities within the territorial limits
16 of neighboring states when the governor and the department
17 determine that significant individual or cumulative impact to
18 the land or water resources of the state would result from the
19 activities.

20 Section 26. Transportation and Land Use Study
21 Committee.--The state land planning agency and the Department
22 of Transportation shall evaluate the statutory provisions
23 relating to land use and transportation coordination and
24 planning issues, including community design, required in part
25 II of chapter 163, Florida Statutes, and shall consider
26 changes to statutes, as well as to all pertinent rules
27 associated with the statutes. The evaluation must include an
28 evaluation of the roles of local government, regional planning
29 councils, state agencies, regional transportation authorities,
30 and metropolitan planning organizations in addressing these
31 subject areas. Special emphasis must be given in this

1 evaluation to concurrency on the highway system, levels of
2 service methodologies, and land use impact assessments used to
3 project transportation needs. The evaluation must be conducted
4 in consultation with a technical committee of at least 15
5 members to be known as the Transportation and Land Use Study
6 Committee, appointed jointly by the secretary of the state
7 land planning agency and the Secretary of Transportation. The
8 membership must be representative of local governments,
9 regional planning councils, the private sector, metropolitan
10 planning organizations, regional transportation authorities,
11 and citizen and environmental organizations. By January 15,
12 1999, the committee shall send an evaluation report to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives to provide recommendations for
15 appropriate changes to the transportation planning
16 requirements in chapter 163, Florida Statutes, and other
17 statutes, as appropriate.

18 Section 27. Subsection (7) of section 380.0555, and
19 paragraph (a) of subsection (14) of section 380.06, Florida
20 Statutes, are repealed.

21 Section 28. Subsection (17) of section 380.031,
22 Florida Statutes, is amended to read:

23 380.031 Definitions.--As used in this chapter:

24 (17) "State land development plan" means a
25 comprehensive statewide plan or any portion thereof setting
26 forth state land development policies. Such plan shall not
27 have any legal effect until enacted by general law or the
28 Legislature confers express rulemaking authority on the state
29 land planning agency to adopt such plan by rule for specific
30 application.

31

1 Section 29. Severability.--If any provision of this
2 act or the application thereof to any person, government
3 entity, or circumstance is held invalid, it is the legislative
4 intent that the invalidity shall not affect other provisions
5 or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the
7 provisions of this act are severable.

8 Section 30. Section 420.0007, Florida Statutes, is
9 created to read:

10 420.0007--Exemption from property taxation for
11 charitable non-profit low income housing properties.
12 Properties owned entirely by non-profit corporations which are
13 defined as charitable organizations under s. 501(c)(3) of the
14 Internal Revenue Code and comply with the Internal Revenue
15 Procedure 96-32 and which provide housing to low and very low
16 income person, as defined in Chapter 420.004, shall be
17 considered charitable and exempt from ad valorem taxation
18 under Chapter 196, F.S., to the extent authorized under s.
19 196.192.

20 Section 31. The Joint Legislative Committee on
21 Intergovernmental Relations with the assistance or the
22 Department of Community Affairs, shall undertake a pilot
23 project designed to develop a model feasibility study for
24 incorporation that can be used by parties wishing to submit
25 such a study to the Legislature pursuant to s. 165.041(1)(b).
26 In undertaking the project, the committee shall use and shall
27 work with the parties that submitted the feasibility study for
28 incorporation of the unincorporated community of South Port in
29 Bay County during the 1998 Legislative Session. All state
30 agencies and local agencies, pursuant to s. 165.093, are
31 hereby directed to provide such information and assistance as

1 may, in the committee's judgment, be of assistance in
2 performing the project. The project must be completed and the
3 feasibility study submitted to the Legislature by February 1,
4 1999. To provide the time necessary to complete the project,
5 a moratorium is hereby placed on the annexation of any
6 unincorporated area identified in the feasibility study for
7 incorporation of South Port in Bay County which was submitted
8 to the Legislature for review and consideration during the
9 1998 Legislative Session. This section, and the moratorium
10 adopted pursuant to this section, shall stand repealed and
11 inoperative on August 1, 1999.

12 Section 32. Except as otherwise provided in this act,
13 this act shall take effect upon becoming a law.

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