

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; providing for contents; creating s.
20 163.3245, F.S.; authorizing the adoption of
21 optional sector plans under certain
22 circumstances; providing for agreements with
23 the Department of Community Affairs; amending
24 s. 170.201, F.S.; expanding a municipality's
25 special assessments exemption authority to
26 include community colleges; expanding exemption
27 authority to include additional assessments;
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 attorney's 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; revising a definition;
 10 deleting obsolete language; revising review
 11 responsibilities of the Executive Office of the
 12 Governor; creating s. 255.60, F.S.; providing
 13 for placement of commercial mobile radio
 14 service facilities on certain state structures;
 15 providing procedures; providing requirements;
 16 providing criteria for a model lease; providing
 17 for distribution of revenues from certain
 18 leases; providing exceptions; amending s.
 19 288.975, F.S.; redefining the term "regional
 20 policy plan"; revising criteria for military
 21 base reuse plans; amending s. 288.980, F.S.;
 22 providing revised standards for military base
 23 retention; providing conditions for the award
 24 of grants by the Office of Tourism, Trade, and
 25 Economic Development; amending s. 380.06, F.S.;
 26 deleting reference to the state land
 27 development plan; adding day care facilities as
 28 an issue in the development-of-regional-impact
 29 review process; amending s. 380.061, F.S.;
 30 deleting a consistency requirement for certain
 31 Florida Quality Developments; amending s.

1 380.065, F.S.; deleting a reference to the
2 state land development plan; amending s.
3 380.23, F.S.; adding an element to federal
4 consistency review; creating the Transportation
5 and Land Use Study Committee; requiring the
6 committee to report to the Governor and the
7 Legislature; amending s. 380.031, F.S.;
8 revising a definition; repealing s.
9 380.0555(7), F.S., which provides for a
10 resource planning and management committee for
11 the Apalachicola Bay Area; providing for
12 severability; creating s. 420.0007, F.S.;
13 exempting certain nonprofit corporations from
14 certain ad valorem taxation; providing for a
15 pilot project designed to develop a model
16 feasibility study for incorporation to be
17 completed and submitted to the Legislature by
18 February 1, 1999; providing a moratorium on
19 annexation of certain unincorporated areas;
20 providing for future repeal; providing
21 effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (c) of subsection (2) of section
26 20.18, Florida Statutes, is amended to read:

27 20.18 Department of Community Affairs.--There is
28 created a Department of Community Affairs.

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

31

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

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

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

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

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

19 163.3171 Areas of authority under this act.--

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

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

29 163.3180 Concurrency.--

30 (6) The Legislature finds that a de minimis impact is
31 consistent with this part. A de minimis impact is an impact

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

19 Section 5. Paragraph (b) of subsection (1) and
20 subsections (2), (4), and (6) of section 163.3184, Florida
21 Statutes, are amended to read:

22 163.3184 Process for adoption of comprehensive plan or
23 plan amendment.--

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

25 (b) "In compliance" means consistent with the
26 requirements of ss. 163.3177, 163.3178, 163.3180, ~~and~~
27 163.3191, and 163.3245, with the state comprehensive plan,
28 with the appropriate strategic regional policy plan, and with
29 chapter 9J-5, Florida Administrative Code, where such rule is
30 not inconsistent with chapter 163, part II and with the

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1 principles for guiding development in designated areas of
2 critical state concern.

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

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

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

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

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

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

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

25 (d) The state land planning agency review shall
26 identify all written communications with the agency regarding
27 the proposed plan amendment. If the state land planning agency
28 does not issue such a review, it shall identify in writing to
29 the local government all written communications received 30
30 days after transmittal. The written identification must
31 include a list of all documents received or generated by the

1 agency, which list must be of sufficient specificity to enable
2 the documents to be identified and copies requested, if
3 desired, and the name of the person to be contacted to request
4 copies of any identified document. The list of documents must
5 be made a part of the public records of the state land
6 planning agency.

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

9 163.3187 Amendment of adopted comprehensive plan.--

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

17 ~~(a) Plan amendments to implement recommendations in~~
18 ~~the report or addendum.~~

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

25 (c) A local government may not amend its comprehensive
26 plan, except for plan amendments described in paragraph
27 (1)(b), if the 1-year period after the initial sufficiency
28 determination of the report has expired and the report has not
29 been determined to be sufficient ~~Plan amendments described in~~
30 ~~s. 163.3184(16)(d) to implement the terms of compliance~~

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1 ~~agreements entered into before the date established for~~
2 ~~submittal of the report or addendum.~~

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

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

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

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

20 163.3191 Evaluation and appraisal of comprehensive
21 plan.--

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

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

1 intergovernmental coordination, and to identify major issues
2 regarding the community's achievement of its goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 report and submit the revised report for review pursuant to
2 subsection (6).

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

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

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1 (10) The governing body shall amend its comprehensive
2 plan based on the recommendations in the report and shall
3 update the comprehensive plan based on the components of
4 subsection (2), pursuant to the provisions of ss. 163.3184,
5 163.3187, and 163.3189. Amendments to update a comprehensive
6 plan based on the evaluation and appraisal report shall be
7 adopted within 18 months after the report is determined to be
8 sufficient by the state land planning agency, except the state
9 land planning agency may grant an extension for adoption of a
10 portion of such amendments. The state land planning agency
11 may grant a 6-month extension for the adoption of such
12 amendments if the request is justified by good and sufficient
13 cause as determined by the agency. An additional extension
14 may also be granted if the request will result in greater
15 coordination between transportation and land use, for the
16 purposes of improving Florida's transportation system, as
17 determined by the agency in coordination with the Metropolitan
18 Planning Organization program. The comprehensive plan as
19 amended shall be in compliance as defined in s.
20 163.3184(1)(b).

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

1 government to comply with an adverse determination by the
2 Administration Commission through adoption of plan amendments
3 that are in compliance. The state land planning agency may
4 initiate, and an affected person may intervene in, such a
5 proceeding by filing a petition with the Division of
6 Administrative Hearings, which shall appoint an administrative
7 law judge and conduct a hearing pursuant to ss. 120.569 and
8 120.57(1) and shall submit a recommended order to the
9 Administration Commission. The affected local government
10 shall be a party to any such proceeding. The commission may
11 implement this subsection by rule.

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

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

28 (14) The state land planning agency shall regularly
29 review the evaluation and appraisal report process and submit
30 a report to the Governor, the Administration Commission, the
31 Speaker of the House of Representatives, the President of the

1 Senate, and the respective community affairs committees of the
2 Senate and the House of Representatives. The first report
3 shall be submitted by December 31, 2004, and subsequent
4 reports shall be submitted every 5 years thereafter. At least
5 9 months before the due date of each report, the Secretary of
6 Community Affairs shall appoint a technical committee of at
7 least 15 members to assist in the preparation of the report.
8 The membership of the technical committee shall consist of
9 representatives of local governments, regional planning
10 councils, the private sector, and environmental organizations.
11 The report shall assess the effectiveness of the evaluation
12 and appraisal report process.

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

22 Section 8. Section 163.3245, Florida Statutes, is
23 created to read:

24 163.3245 Optional sector plans.--

25 (1) In recognition of the benefits of conceptual
26 long-range planning for the buildout of an area, and detailed
27 planning for specific areas, as a demonstration project the
28 requirements of s. 380.06 may be addressed as identified by
29 this section for up to five local governments or combinations
30 of local governments which adopt into the comprehensive plan
31 an optional sector plan in accordance with this section. This

1 section is intended to further the intent of s. 163.3177(11),
2 which supports innovative and flexible planning and
3 development strategies, and the purposes of chapter 163, part
4 II, and chapter 380, part I, and to avoid duplication of
5 effort in terms of the level of data and analysis required for
6 a development of regional impact, while ensuring the adequate
7 mitigation of impacts to applicable regional resources and
8 facilities, including those within the jurisdiction of other
9 local governments, as would otherwise be provided. Optional
10 sector plans are intended for substantial geographic areas
11 including at least 5,000 acres of one or more local
12 governmental jurisdictions and are to emphasize urban form and
13 protection of regionally significant resources and facilities.
14 The state land planning agency may approve optional sector
15 plans of less than 5,000 acres based on local circumstances if
16 it is determined that the plan would further the purposes of
17 chapter 163, part II, and chapter 380, part I. Preparation of
18 an optional sector plan is authorized by agreement between the
19 state land planning agency and the applicable local
20 governments under s. 163.3171(4). An optional sector plan may
21 be adopted through one or more comprehensive plan amendments
22 under s. 163.3184. However, an optional sector plan may not be
23 authorized in an area of critical state concern.

24 (2) The state land planning agency may enter into an
25 agreement to authorize preparation of an optional sector plan
26 upon the request of one or more local governments based on
27 consideration of problems and opportunities presented by
28 existing development trends; the effectiveness of current
29 comprehensive plan provisions; the potential to further the
30 state comprehensive plan, applicable strategic regional policy
31 plans, chapter 163, part II, and chapter 380, part I; and

1 those factors identified by s. 163.3177(10)(i). The applicable
2 regional planning council shall conduct a scoping meeting with
3 affected local governments and those agencies identified in s.
4 163.3184(4) before execution of the agreement authorized by
5 this section. The purpose of this meeting is to assist the
6 state land planning agency and the local government in the
7 identification of the relevant planning issues to be addressed
8 and the data and resources available to assist in the
9 preparation of subsequent plan amendments. The regional
10 planning council shall make written recommendations to the
11 state land planning agency and affected local governments,
12 including whether a sustainable sector plan would be
13 appropriate. The agreement must define the geographic area to
14 be subject to the sector plan, the planning issues that will
15 be emphasized, requirements for intergovernmental coordination
16 to address extrajurisdictional impacts, supporting application
17 materials including data and analysis, and procedures for
18 public participation. An agreement may address previously
19 adopted sector plans that are consistent with the standards in
20 this section. Before executing an agreement under this
21 subsection, the local government shall hold a duly noticed
22 public workshop to review and explain to the public the
23 optional sector planning process and the terms and conditions
24 of the proposed agreement. The local government shall hold a
25 duly noticed public hearing to execute the agreement. All
26 meetings between the department and the local government must
27 be open to the public.

28 (3) Optional sector planning encompasses two levels:
29 adoption under s. 163.3184 of a conceptual long-term buildout
30 overlay to the comprehensive plan, having no immediate effect
31 on the issuance of development orders or the applicability of

1 s. 380.06, and adoption under s. 163.3184 of detailed specific
2 area plans that implement the conceptual long-term buildout
3 overlay and authorize issuance of development orders, and
4 within which s. 380.06 is waived. Until such time as a
5 detailed specific area plan is adopted, the underlying future
6 land use designations apply.

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

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

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

17 3. Identification of regionally significant natural
18 resources consistent with Rule 9J-2, Florida Administrative
19 Code.

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

28 5. Identification of general procedures to ensure
29 intergovernmental coordination to address extrajurisdictional
30 impacts from the long-range conceptual framework map.

31

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

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

11 2. Detailed identification and analysis of the
12 distribution, extent, and location of future land uses.

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

19 4. Public facilities necessary for the short term,
20 including developer contributions in a financially feasible
21 5-year capital improvement schedule of the affected local
22 government.

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

29 6. Principles and guidelines that address the urban
30 form and interrelationships of anticipated future land uses
31 and a discussion, at the applicant's option, of the extent, if

1 any, to which the plan will address restoring key ecosystems,
2 achieving a more clean, healthy environment, limiting urban
3 sprawl, protecting wildlife and natural areas, advancing the
4 efficient use of land and other resources, and creating
5 quality communities and jobs.

6 7. Identification of specific procedures to ensure
7 intergovernmental coordination to address extrajurisdictional
8 impacts of the detailed specific area plan.

9 (c) This subsection may not be construed to prevent
10 preparation and approval of the optional sector plan and
11 detailed specific area plan concurrently or in the same
12 submission.

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

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

29 (a) The local government adopting the detailed
30 specific area plan is primarily responsible for monitoring and
31 enforcing the detailed specific area plan. Local governments

1 shall not issue any permits or approvals or provide any
2 extensions of services to development that are not consistent
3 with the detailed sector area plan.

4 (b) If the state land planning agency has reason to
5 believe that a violation of any detailed specific area plan,
6 or of any agreement entered into under this section, has
7 occurred or is about to occur, it may institute an
8 administrative or judicial proceeding to prevent, abate, or
9 control the conditions or activity creating the violation,
10 using the procedures in s. 380.11.

11 (c) In instituting an administrative or judicial
12 proceeding involving an optional sector plan or detailed
13 specific area plan, including a proceeding pursuant to s.
14 163.3245(5)(b), the complaining party shall comply with the
15 requirements of subsections (4), (5), (6), and (7) of s.
16 163.3215.

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

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

24 Section 9. Effective July 1, 1998, subsection (2) of
25 section 170.201, Florida Statutes, is amended to read:

26 (2) Property owned or occupied by a religious
27 institution and used as a place of worship or education or by
28 a public or private elementary, middle, or high school or by a
29 community college shall be exempt from any special assessment
30 levied by a municipality to fund any service or facility,
31 including those for fire protection and prevention, stormwater

1 projects and services, and emergency medical services if the
2 municipality so desires and may not be passed on to others in
3 the form of additional fees or assessments. As used in this
4 subsection, "religious institution" means any church,
5 synagogue, or other established physical place for worship at
6 which nonprofit religious services and activities are
7 regularly conducted and carried on.

8 Section 10. Subsection (6) is added to section
9 171.044, Florida Statutes, to read:

10 171.044 Voluntary annexation.--

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

18 Section 11. Section 171.081, Florida Statutes, is
19 amended to read:

20 171.081 Appeal on annexation or contraction.--

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

1 be entitled to reasonable costs and attorney's fees. Should
2 the complainant be a county, the prevailing party in that
3 event shall be entitled to reasonable costs and attorney's
4 fees.

5 Section 12. Section 186.003, Florida Statutes, is
6 amended to read:

7 186.003 Definitions.--As used in ss. 186.001-186.031
8 and 186.801-186.911, the term:

9 (1) "Executive Office of the Governor" means the
10 Office of Planning and Budgeting of the Executive Office of
11 the Governor.

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

14 (3) "Objective" means a specific, measurable,
15 intermediate end that is achievable and marks progress toward
16 a goal.

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

19 (5) "Regional planning agency" means the regional
20 planning council created pursuant to ss. 186.501-186.515 to
21 exercise responsibilities under ss. 186.001-186.031 and
22 186.801-186.911 in a particular region of the state.

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

26 (7) "State agency strategic plan" means the statement
27 of priority directions that an agency will take to carry out
28 its mission within the context of the state comprehensive plan
29 and within the context of any other statutory mandates and
30 authorizations given to the agency, pursuant to ss.
31 186.021-186.022.

1 (8) "State comprehensive plan" means the state
2 planning document required in Article III, s. 19 of the State
3 Constitution and published as ss. 187.101 and 187.201.~~goals~~
4 ~~and policies contained within the state comprehensive plan~~
5 ~~initially prepared by the Executive Office of the Governor and~~
6 ~~adopted pursuant to s. 186.008.~~

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

10 186.007 State comprehensive plan; preparation;
11 revision.--

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

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

29 (8) The revision of the state comprehensive plan is a
30 continuing process. Each section of the plan shall be
31 reviewed and analyzed biennially by the Executive Office of

1 the Governor in conjunction with the planning officers of
2 other state agencies significantly affected by the provisions
3 of the particular section under review. In conducting this
4 review and analysis, the Executive Office of the Governor
5 shall review and consider, with the assistance of the state
6 land planning agency and regional planning councils, the
7 evaluation and appraisal reports submitted pursuant to s.
8 163.3191 and the evaluation and appraisal reports prepared
9 pursuant to s. 186.511. Any necessary revisions of the state
10 comprehensive plan shall be proposed by the Governor in a
11 written report and be accompanied by an explanation of the
12 need for such changes. If the Governor determines that
13 changes are unnecessary, the written report must explain why
14 changes are unnecessary. The proposed revisions and
15 accompanying explanations may be submitted in the report
16 required by s. 186.031. Any proposed revisions to the plan
17 shall be submitted to the Legislature as provided in s.
18 186.008(2) at least 30 days prior to the regular legislative
19 session occurring in each even-numbered year.

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

1 progress toward achieving the goals and policies. In reviewing
2 the goals and policies relating to growth and development, the
3 committee shall consider the extent to which the plan
4 adequately addresses the guidelines set forth in s. 186.009,
5 and recommend revisions as appropriate. In addition, the
6 committee shall consider and make recommendations on the
7 purpose and function of the state land development plan, as
8 set forth in s. 380.031(17), including whether said plan
9 should be retained and, if so, its future application. The
10 committee may also make recommendations as to data and
11 information needed in the continuing process to evaluate and
12 update the state comprehensive plan. All meetings of the
13 committee must be open to the public for input on the state
14 planning process and amendments to the state comprehensive
15 plan. The Executive Office of the Governor is hereby
16 appropriated \$50,000 in nonrecurring general revenue for costs
17 associated with the committee, including travel and per diem
18 reimbursement for the committee members.

19 Section 14. Section 186.008, Florida Statutes, is
20 amended to read:

21 186.008 State comprehensive plan; revision;
22 implementation.--

23 (1) On or before October 1 of every odd-numbered year
24 ~~beginning in 1995~~, the Executive Office of the Governor shall
25 prepare, and the Governor shall recommend to the
26 Administration Commission, any proposed revisions to the state
27 comprehensive plan deemed necessary. The Governor shall
28 transmit his or her recommendations and explanation as
29 required by s. 186.007(8). Copies shall also be provided to
30 each state agency, to each regional planning agency, to any
31

1 other unit of government that requests a copy, and to any
2 member of the public who requests a copy.

3 (2) On or before December 15 of every odd-numbered
4 year ~~beginning in 1995~~, the Administration Commission shall
5 review the proposed revisions to the state comprehensive plan
6 prepared by the Governor. The commission shall adopt a
7 resolution, after public notice and a reasonable opportunity
8 for public comment, and transmit the proposed revisions to the
9 state comprehensive plan to the Legislature, together with any
10 amendments approved by the commission and any dissenting
11 reports. The commission shall identify those portions of the
12 plan that are not based on existing law.

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

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

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

24 (6) The Florida Public Service Commission, in
25 approving the plans of utilities subject to its regulation,
26 shall take into consideration the compatibility of the plan of
27 each utility and all related utility plans taken together with
28 the adopted state comprehensive plan.

29 Section 15. Subsections (2) and (3) of section
30 186.009, Florida Statutes, are amended to read:

31

1 186.009 Growth management portion of the state
2 comprehensive plan.--

3 (2) The growth management portion of the state
4 comprehensive plan shall:

5 (a) Provide strategic guidance for state, regional,
6 and local actions necessary to implement the state
7 comprehensive plan with regard to the physical growth and
8 development of the state.

9 (b) Identify metropolitan and urban growth centers.

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

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

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

17 (f) Provide guidelines for state transportation
18 corridors, public transportation corridors, new interchanges
19 on limited access facilities, and new airports of regional or
20 state significance.

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

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

26 (i) Provide coordinated state planning of road, rail,
27 and waterborne transportation facilities designed to take the
28 needs of agriculture into consideration and to provide for the
29 transportation of agricultural products and supplies.

30 (j) Establish priorities regarding coastal planning
31 and resource management.

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

4 (l) Set forth other goals, objectives, and policies
5 related to the state's natural and built environment that are
6 necessary to effectuate those portions of the state
7 comprehensive plan which are related to physical growth and
8 development.

9 (m) Set forth recommendations on when and to what
10 degree local government comprehensive plans must be consistent
11 with the proposed growth management portion of the state
12 comprehensive plan.

13 (n) Set forth recommendations on how to integrate the
14 Florida water plan required by s. 373.036, ~~the state land~~
15 ~~development plan required by s. 380.031(17)~~, and
16 transportation plans required by chapter 339.

17 (o) Set forth recommendations concerning what degree
18 of consistency is appropriate for the strategic regional
19 policy plans.

20
21 The growth management portion of the state comprehensive plan
22 shall not include a land use map.

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

31

1 ~~(b) On or before December 1, 1993, the Administration~~
2 ~~Commission shall review the proposed growth management portion~~
3 ~~of the state comprehensive plan prepared by the Governor. The~~
4 ~~commission shall adopt a resolution, after public notice and a~~
5 ~~reasonable opportunity for public comment, and transmit the~~
6 ~~proposed growth management portion of the state comprehensive~~
7 ~~plan to the Legislature, together with any amendments approved~~
8 ~~by the commission and any dissenting reports. The commission~~
9 ~~shall identify those portions of the plan that are not based~~
10 ~~on existing law.~~

11 ~~(c) The growth management portion of the state~~
12 ~~comprehensive plan, and all amendments, revisions, or updates~~
13 ~~to the plan, shall have legal effect only upon adoption by the~~
14 ~~Legislature as general law. The Legislature shall indicate,~~
15 ~~in adopting the growth management portion of the state~~
16 ~~comprehensive plan, which plans, activities, and permits must~~
17 ~~be consistent with the growth management portion of the state~~
18 ~~comprehensive plan.~~

19 ~~(d) The Executive Office of the Governor shall~~
20 ~~evaluate and the Governor shall propose any necessary~~
21 ~~revisions to the adopted growth management portion of the~~
22 ~~state comprehensive plan in conjunction with the process for~~
23 ~~evaluating and proposing revisions to the state comprehensive~~
24 ~~plan.~~

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

27 186.507 Strategic regional policy plans.--

28 (2) The Executive Office of the Governor may ~~shall~~
29 adopt by rule minimum criteria to be addressed in each
30 strategic regional policy plan and a uniform format for each
31 plan. Such criteria must emphasize the requirement that each

1 regional planning council, when preparing and adopting a
2 strategic regional policy plan, must focus on regional rather
3 than local resources and facilities.

4 Section 17. Section 186.508, Florida Statutes, is
5 amended to read:

6 186.508 Strategic regional policy plan adoption;
7 consistency with state comprehensive plan.--

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

1 ~~revisions recommended by the Executive Office of the Governor,~~
2 and shall become effective upon filing with the Department of
3 State, notwithstanding the provisions of s. 120.54(3)(e)6.

4 (2) If a local government within the jurisdiction of a
5 regional planning council challenges a portion of the
6 council's regional policy plan pursuant to s. 120.56, the
7 applicable portion of that local government's comprehensive
8 plan shall not be required to be consistent with the
9 challenged portion of the regional policy plan until 12 months
10 after the challenge has been resolved by an administrative law
11 judge.

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

14 Section 18. Section 186.511, Florida Statutes, is
15 amended to read:

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

1 plans pursuant to s. 163.3191 for the local governments within
2 each comprehensive planning district.

3 Section 19. Section 255.60, Florida Statutes, is
4 created to read:

5 255.60 Lease of state property for wireless
6 facilities.--

7 (1) Notwithstanding any other provision of law to the
8 contrary, every department, board, agency, or commission of
9 the state which owns or manages buildings or antenna
10 structures shall encourage the placement of commercial mobile
11 radio service facilities on those structures.

12 (2) Within 90 days after a written request from a
13 commercial mobile radio service provider, a department, board,
14 agency, or commission of the state shall provide an inventory
15 of all buildings and antenna structures over 40 feet in height
16 that it owns or manages in the geographical area specified in
17 the request.

18 (3) If a commercial mobile radio service provider is
19 interested in attaching its wireless facilities to a structure
20 owned by the state, the provider must submit a letter of
21 interest to the agency managing the structure, together with
22 an application fee of \$250. The letter must describe in
23 reasonable detail the provider's requirements for placing its
24 facilities on the structure. Within 45 days after receipt of
25 the letter, the state agency must notify the provider of the
26 site's availability and, if available, allow the provider to
27 perform onsite testing. All state-owned structures are hereby
28 declared available unless the proposed facilities would
29 adversely impact the historic or environmental character of
30 the site, the structural integrity of the structure, the
31 security of any state correctional institution as defined in

1 s. 944.02, including facilities operated by private entities
2 with which the Department of Corrections enters into contracts
3 pursuant to s. 944.105, or the department's expressed desire
4 to locate its own communications facilities on the structure.

5 (4) If a commercial radio service provider desires to
6 locate its facilities on an available state structure, the
7 state agency managing the structure shall enter into a lease
8 with the provider without competitive bidding or procurement.
9 The terms of the lease shall follow the terms of a model lease
10 which the Department of Management Services must establish
11 within 120 days after the effective date of this act. The
12 model lease shall include, but not be limited to, the
13 following provisions:

14 (a) Rent shall be based on fair market value of
15 comparable communication facilities in the state.

16 (b) The provider shall be entitled to make reasonable
17 modifications to the structure to allow their use, including
18 the replacement of an existing pole or tower with a new
19 structure of not more than 125 percent of the original height.

20 (c) The provider shall be allowed reasonable space in,
21 on, or near the structure to connect and house any accessory
22 equipment.

23 (d) The provider shall design all antenna attachments
24 and shelters to minimize any aesthetic impact.

25 (e) The provider's use shall not interfere with any
26 current or future use of the site by the state.

27 (f) The duration of the lease shall be 5 years and
28 shall grant the provider options to renew for three additional
29 5-year terms.

30 (5) Fifty percent of the first \$5 million in revenues
31 annually derived from the lease of state property under this

1 section shall be credited to the agency that manages the
 2 property and the remaining 50 percent of such \$5 million shall
 3 be credited to the School Improvement and Academic Achievement
 4 Trust Fund. Any of such annual revenues in excess of \$5
 5 million shall be credited to the agency. If the tower is
 6 owned by or is under the control of the Department of
 7 Management Services, all funds shall be placed in the State
 8 Agency Law Enforcement Radio System Trust Fund.

9 (6) If any department, board, agency, or commission of
 10 the state offers any building and antenna structure that it
 11 owns or manages for the placement of commercial mobile radio
 12 services facilities through a fair and open competitive
 13 procurement process, subsections (2), (3), and (4) shall not
 14 apply if such bid or request for proposal is published within
 15 90 days after a written request pursuant to subsection (2) or
 16 within 90 days after the effective date of this act.

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

20 288.975 Military base reuse plans.--

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

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

30 (3) No later than 6 months ~~after May 31, 1994, or 6~~
 31 ~~months~~ after the designation of a military base for closure by

1 the Federal Government, ~~whichever is later~~, each host local
2 government shall notify the secretary of the Department of
3 Community Affairs and the director of the Office of Tourism,
4 Trade, and Economic Development in writing, by hand delivery
5 or return receipt requested, as to whether it intends to use
6 the optional provisions provided in this act. If a host local
7 government does not opt to use the provisions of this act,
8 land use planning and regulation pertaining to base reuse
9 activities within those host local governments shall be
10 subject to all applicable statutory requirements, including
11 those contained within chapters 163 and 380.

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

1 environmental impact statement process and the federal
2 community base reuse planning process.

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

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

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

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

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

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

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

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

30 (12) Following receipt of a petition, the petitioning
31 party or parties and the host local government shall seek

1 resolution of the issues in dispute. The issues in dispute
2 shall be resolved as follows:

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

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

30 (c) If ~~in the event~~ the state land planning agency is
31 a party to the dispute, the issues in dispute shall be

1 submitted to ~~resolved by~~ a party jointly selected by the state
 2 land planning agency and the host local government. The
 3 selected party shall comply with the responsibilities placed
 4 upon the state land planning agency in this section.

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

28 Section 21. Section 288.980, Florida Statutes, is
 29 amended to read:
 30
 31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

7 380.06 Developments of regional impact.--

8 (5) AUTHORIZATION TO DEVELOP.--

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

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

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

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

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

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

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

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

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

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

30
31

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

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

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

13 (12) REGIONAL REPORTS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 380.061 The Florida Quality Developments program.--

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

26 380.065 Certification of local government review of
27 development.--

28 (3) Development orders issued pursuant to this section
29 are subject to the provisions of s. 380.07; however, a
30 certified local government's findings of fact and conclusions
31 of law are presumed to be correct on appeal. The grounds for

1 appeal of a development order issued by a certified local
2 government under this section shall be limited to:

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

5 (b) Inconsistency with the ~~state land development plan~~
6 ~~and the~~ state comprehensive plan.

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

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

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

22 380.23 Federal consistency.--

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

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

1 Section 26. Transportation and Land Use Study
2 Committee.--The state land planning agency and the Department
3 of Transportation shall evaluate the statutory provisions
4 relating to land use and transportation coordination and
5 planning issues, including community design, required in part
6 II of chapter 163, Florida Statutes, and shall consider
7 changes to statutes, as well as to all pertinent rules
8 associated with the statutes. The evaluation must include an
9 evaluation of the roles of local government, regional planning
10 councils, state agencies, regional transportation authorities,
11 and metropolitan planning organizations in addressing these
12 subject areas. Special emphasis must be given in this
13 evaluation to concurrency on the highway system, levels of
14 service methodologies, and land use impact assessments used to
15 project transportation needs. The evaluation must be conducted
16 in consultation with a technical committee of at least 15
17 members to be known as the Transportation and Land Use Study
18 Committee, appointed jointly by the secretary of the state
19 land planning agency and the Secretary of Transportation. The
20 membership must be representative of local governments,
21 regional planning councils, the private sector, metropolitan
22 planning organizations, regional transportation authorities,
23 and citizen and environmental organizations. By January 15,
24 1999, the committee shall send an evaluation report to the
25 Governor, the President of the Senate, and the Speaker of the
26 House of Representatives to provide recommendations for
27 appropriate changes to the transportation planning
28 requirements in chapter 163, Florida Statutes, and other
29 statutes, as appropriate.

30
31

1 Section 27. Subsection (7) of section 380.0555, and
2 paragraph (a) of subsection (14) of section 380.06, Florida
3 Statutes, are repealed.

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

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

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

14 Section 29. Severability.--If any provision of this
15 act or the application thereof to any person, government
16 entity, or circumstance is held invalid, it is the legislative
17 intent that the invalidity shall not affect other provisions
18 or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the
20 provisions of this act are severable.

21 Section 30. Section 420.0007, Florida Statutes, is
22 created to read:

23 420.0007 Exemption from property taxation for
24 charitable nonprofit low income housing
25 properties.--Properties owned entirely by nonprofit
26 corporations which are defined as charitable organizations
27 under s. 501(c)(3) of the Internal Revenue Code and comply
28 with the Internal Revenue Procedure 96-32 and which provide
29 housing to low-income and very-low-income persons, as defined
30 in s. 420.0004, shall be considered charitable and exempt from
31

1 ad valorem taxation under chapter 196 to the extent authorized
2 under s. 196.192.

3 Section 31. The Joint Legislative Committee on
4 Intergovernmental Relations, with the assistance of the
5 Department of Community Affairs, shall undertake a pilot
6 project designed to develop a model feasibility study for
7 incorporation that can be used by parties wishing to submit
8 such a study to the Legislature pursuant to s. 165.041(1)(b),
9 Florida Statutes. In undertaking the project, the committee
10 shall use, and shall work with the parties that submitted, the
11 feasibility study for incorporation of the unincorporated
12 community of South Port in Bay County during the 1998
13 Legislative Session. All state agencies and local agencies,
14 pursuant to s. 165.093, Florida Statutes, are hereby directed
15 to provide such information and assistance as may, in the
16 committee's judgment, be of assistance in performing the
17 project. The project must be completed and the feasibility
18 study submitted to the Legislature by February 1, 1999. To
19 provide the time necessary to complete the project, a
20 moratorium is hereby placed on the annexation of any
21 unincorporated area identified in the feasibility study for
22 incorporation of South Port in Bay County which was submitted
23 to the Legislature for review and consideration during the
24 1998 Legislative Session. This section, and the moratorium
25 adopted pursuant to this section, shall stand repealed and
26 inoperative on August 1, 1999.

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