

Bill No. CS for SB 2380

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Bronson moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsection (7) of section 163.3178, Florida		
18	Statutes, is amended to read:		
19	163.3178 Coastal management.--		
20	(7) <u>Each port listed in s. 311.09(1) and each</u> local		
21	government in the coastal area which has spoil disposal		
22	responsibilities shall provide for or identify disposal sites		
23	for dredged materials in the future land use and port elements		
24	of the local comprehensive plan as needed to assure proper		
25	long-term management of material dredged from navigation		
26	channels, sufficient long-range disposal capacity,		
27	environmental sensitivity and compatibility, and reasonable		
28	cost and transportation. The disposal site selection criteria		
29	shall be developed in consultation with navigation and inlet		
30	districts and other appropriate state and federal agencies and		
31	the public. <u>For areas owned or controlled by ports listed in</u>		

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1 s. 311.09(1) and proposed port expansion areas, compliance  
 2 with the provisions of this subsection may be achieved through  
 3 comprehensive master plans prepared by each port and  
 4 integrated with the appropriate local plan pursuant to s.  
 5 163.3178(2)(k).

6 Section 2. Paragraphs (h) and (g) are added to  
 7 subsection (1) of section 163.3187, Florida Statutes, 1998  
 8 Supplement, and paragraph (a) of subsection (6), is amended to  
 9 read:

10 163.3187 Amendment of adopted comprehensive plan.--

11 (1) Amendments to comprehensive plans adopted pursuant  
 12 to this part may be made not more than two times during any  
 13 calendar year, except:

14 (h) Any comprehensive plan amendment to establish  
 15 public school concurrency pursuant to s. 163.3180(12),  
 16 including, but not limited to, adoption of a public school  
 17 facilities element and adoption of amendments to the capital  
 18 improvements element and intergovernmental coordination  
 19 element. In order to ensure the consistency of local  
 20 government public school facilities elements within a county,  
 21 such elements shall be prepared and adopted on a similar time  
 22 schedule.

23 (g) Any comprehensive plan amendments for port  
 24 transportation facilities and projects that are eligible for  
 25 funding by the Florida Seaport Transportation and Economic  
 26 Development Council pursuant to s. 311.07.

27 (6)(a) No local government may amend its comprehensive  
 28 plan after the date established by the state land planning  
 29 agency for adoption of its evaluation and appraisal report  
 30 unless it has submitted its report or addendum to the state  
 31 land planning agency as prescribed by s. 163.3191, except for

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1 plan amendments described in paragraphs (1)(b) and (g)  
2 ~~paragraph (1)(b)~~.

3 Section 3. Subsection (4) is added to section 253.77,  
4 Florida Statutes, to read:

5 253.77 State lands; state agency authorization for use  
6 prohibited without consent of agency in which title vested;  
7 concurrent processing requirements.--

8 (4) Notwithstanding any other provision of this  
9 chapter, chapter 373, or chapter 403, for activities  
10 authorized by a permit or exemption pursuant to chapter 373 or  
11 chapter 403, ports listed in s. 403.021(9)(b) and inland  
12 navigation districts created pursuant to s. 374.975(3) or by  
13 special act are not required to pay any fees for activities  
14 involving the use of sovereign lands, including leases,  
15 easements, or consents of use, except application fees  
16 including, but not limited to, those required by chapters 161,  
17 253, 373, or 403. Any federal, state, or local agency or  
18 political subdivision that otherwise qualifies for an  
19 exemption under chapters 373 or 403 may be granted a consent  
20 of use or public easement for land owned by the Board of  
21 Trustees of the Internal Improvement Trust Fund or any water  
22 management district upon request and submittal of a survey and  
23 legal description of the affected land.

24 Section 4. Subsection (9) of section 311.09, Florida  
25 Statutes, is amended to read:

26 311.09 Florida Seaport Transportation and Economic  
27 Development Council.--

28 (9) The council shall review the findings of the  
29 Department of Community Affairs; the Office of Tourism, Trade,  
30 and Economic Development; and the Department of  
31 Transportation. Projects found to be inconsistent pursuant to

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1 subsections (6), (7), and (8) and projects which have been  
2 determined not to offer an economic benefit to the state  
3 pursuant to subsection (8) shall not be included in the list  
4 of projects to be funded. Projects found to be consistent  
5 pursuant to subsections (6), (7), and (8) are presumed to be  
6 in the public interest.

7 Section 5. Subsections (1), (3), and (6) of section  
8 311.07, Florida Statutes, are amended to read:

9 311.07 Florida seaport transportation and economic  
10 development funding.--

11 (1) There is created the Florida Seaport  
12 Transportation and Economic Development Program within the  
13 Department of Transportation to finance port transportation or  
14 port facilities and projects that will improve the movement  
15 and intermodal transportation of cargo or passengers in  
16 commerce and trade and that will support the interests,  
17 purposes, and requirements of ports located in this state.

18 (3)(a) Program funds shall be used to fund approved  
19 projects on a 50-50 matching basis with any of the deepwater  
20 ports, as listed in s. 403.021(9)(b), which is governed by a  
21 public body or any other deepwater port which is governed by a  
22 public body and which complies with the water quality  
23 provisions of s. 403.061, the comprehensive master plan  
24 requirements of s. 163.3178(2)(k), the local financial  
25 management and reporting provisions of part III of chapter  
26 218, and the auditing provisions of s. 11.45(3)(a)4. Program  
27 funds also may be used by the Seaport Transportation and  
28 Economic Development Council to develop with the Florida Trade  
29 Data Center such trade data, trade market, and shipping  
30 information products which will assist Florida's seaports and  
31 international trade.

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1 (b) Projects eligible for funding by grants under the  
2 program are limited to the following port transportation  
3 facilities and or port transportation projects which  
4 accommodate freight movement and storage capacity or cruise  
5 capacity excluding transient lodging facilities:

6 1. Transportation facilities within the jurisdiction  
7 of the port.

8 2. The dredging or deepening of channels, turning  
9 basins, or harbors.

10 3. The construction or rehabilitation of wharves,  
11 docks, structures, jetties, piers, storage facilities, cruise  
12 terminals, automated people mover systems, or any facilities  
13 necessary or useful in connection with any of the foregoing.

14 4. The acquisition of container cranes or other  
15 mechanized equipment used in the movement of cargo or  
16 passengers in international commerce.

17 5. The acquisition of land to be used for port  
18 purposes as described in or consistent with port master plans  
19 in compliance with s. 163.3178.

20 6. The acquisition, improvement, enlargement, or  
21 extension of existing port facilities as described in or  
22 consistent with port master plans in compliance with s.  
23 163.3178.

24 7. Environmental protection projects which are  
25 necessary because of requirements imposed by a state agency as  
26 a condition of a permit or other form of state approval; which  
27 are necessary for environmental mitigation required as a  
28 condition of a state, federal, or local environmental permit;  
29 which are necessary for the acquisition of spoil disposal  
30 sites and improvements to existing and future spoil sites; or  
31 which result from the funding of eligible projects listed

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1 herein.

2 8. Transportation facilities as defined in s.  
3 334.03(31) which are not otherwise part of the Department of  
4 Transportation's adopted work program.

5 9. Seaport intermodal access projects identified in  
6 the 5-year Florida Seaport Mission Plan as provided in s.  
7 311.09(3).

8 (c) To be eligible for consideration by the council  
9 pursuant to this section, a project must be consistent with  
10 the port comprehensive master plan which is incorporated as  
11 part of the approved local government comprehensive plan as  
12 required by s. 163.3178(2)(k) or other provisions of the Local  
13 Government Comprehensive Planning and Land Development  
14 Regulation Act, part II of chapter 163.

15 (6) The Department of Transportation shall ensure that  
16 ~~subject~~ any project that receives funds pursuant to this  
17 section and s. 320.20 is audited to a final audit. The  
18 department may adopt rules and perform such other acts as are  
19 necessary or convenient to ensure that the final audits are  
20 conducted and that any deficiency or questioned costs noted by  
21 the audit are resolved.

22 Section 6. Subsection (24) of section 380.06, Florida  
23 Statutes, 1998 Supplement, is amended to read:

24 380.06 Developments of regional impact.--

25 (24) STATUTORY EXEMPTIONS.--

26 (a) Any proposed hospital which has a designed  
27 capacity of not more than 100 beds is exempt from the  
28 provisions of this section.

29 (b) Any proposed electrical transmission line or  
30 electrical power plant is exempt from the provisions of this  
31 section, except any steam or solar electrical generating

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1 facility of less than 50 megawatts in capacity attached to a  
2 development of regional impact.

3 (c) Any proposed addition to an existing sports  
4 facility complex is exempt from the provisions of this section  
5 if the addition meets the following characteristics:

6 1. It would not operate concurrently with the  
7 scheduled hours of operation of the existing facility.

8 2. Its seating capacity would be no more than 75  
9 percent of the capacity of the existing facility.

10 3. The sports facility complex property is owned by a  
11 public body prior to July 1, 1983.

12

13 This exemption does not apply to any pari-mutuel facility.

14 (d) Any proposed addition or cumulative additions  
15 subsequent to July 1, 1988, to an existing sports facility  
16 complex owned by a state university is exempt if the increased  
17 seating capacity of the complex is no more than 30 percent of  
18 the capacity of the existing facility.

19 (e) Any addition of permanent seats or parking spaces  
20 for an existing sports facility located on property owned by a  
21 public body prior to July 1, 1973, is exempt from the  
22 provisions of this section if future additions do not expand  
23 existing permanent seating or parking capacity more than 15  
24 percent annually in excess of the prior year's capacity.

25 (f) Any increase in the seating capacity of an  
26 existing sports facility having a permanent seating capacity  
27 of at least 50,000 spectators is exempt from the provisions of  
28 this section, provided that such an increase does not increase  
29 permanent seating capacity by more than 5 percent per year and  
30 not to exceed a total of 10 percent in any 5-year period, and  
31 provided that the sports facility notifies the appropriate

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1 local government within which the facility is located of the  
2 increase at least 6 months prior to the initial use of the  
3 increased seating, in order to permit the appropriate local  
4 government to develop a traffic management plan for the  
5 traffic generated by the increase. Any traffic management  
6 plan shall be consistent with the local comprehensive plan,  
7 the regional policy plan, and the state comprehensive plan.

8 (g) Any expansion in the permanent seating capacity or  
9 additional improved parking facilities of an existing sports  
10 facility is exempt from the provisions of this section, if the  
11 following conditions exist:

12 1.a. The sports facility had a permanent seating  
13 capacity on January 1, 1991, of at least 41,000 spectator  
14 seats;

15 b. The sum of such expansions in permanent seating  
16 capacity does not exceed a total of 10 percent in any 5-year  
17 period and does not exceed a cumulative total of 20 percent  
18 for any such expansions; or

19 c. The increase in additional improved parking  
20 facilities is a one-time addition and does not exceed 3,500  
21 parking spaces serving the sports facility; and

22 2. The local government having jurisdiction of the  
23 sports facility includes in the development order or  
24 development permit approving such expansion under this  
25 paragraph a finding of fact that the proposed expansion is  
26 consistent with the transportation, water, sewer and  
27 stormwater drainage provisions of the approved local  
28 comprehensive plan and local land development regulations  
29 relating to those provisions.

30 (h) Expansion to port harbors, spoil disposal sites,  
31 navigation channels, turning basins, harbor berths, and other



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1 related inwater harbor facilities of ports listed in s.  
2 403.021(9)(b), port transportation facilities and projects  
3 listed in s. 311.07(3)(b), and intermodal transportation  
4 facilities identified pursuant to s. 311.09(3), where such  
5 expansions, projects, or facilities are consistent with  
6 comprehensive master plans that are in compliance with the  
7 provisions of s. 163.3178.

8  
9 Any owner or developer who intends to rely on this statutory  
10 exemption shall provide to the department a copy of the local  
11 government application for a development permit. Within 45  
12 days of receipt of the application, the department shall  
13 render to the local government an advisory and nonbinding  
14 opinion, in writing, stating whether, in the department's  
15 opinion, the prescribed conditions exist for an exemption  
16 under this paragraph. The local government shall render the  
17 development order approving each such expansion to the  
18 department. The owner, developer, or department may appeal  
19 the local government development order pursuant to s. 380.07,  
20 within 45 days after the order is rendered. The scope of  
21 review shall be limited to the determination of whether the  
22 conditions prescribed in this paragraph exist. If any sports  
23 facility expansion undergoes development of regional impact  
24 review, all previous expansions which were exempt under this  
25 paragraph shall be included in the development of regional  
26 impact review.

27 Section 7. Paragraph (c) of subsection (7) of section  
28 253.03, Florida Statutes, 1998 Supplement, is amended to read:

29 253.03 Board of trustees to administer state lands;  
30 lands enumerated.--

31 (7)

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1           (c) Structures which are listed in or are eligible for  
2 the National Register of Historic Places which are over the  
3 waters of the state or the State Inventory of Historic Places  
4 and which have a submerged land lease, or have been  
5 grandfathered-in to use sovereignty submerged lands until  
6 January 1, 1998, pursuant to chapter 18-21.00405, Florida  
7 Administrative Code, shall have the right to continue such  
8 submerged land leases ~~be allowed to apply for an extension of~~  
9 ~~such lease~~, regardless of the fact that the present landholder  
10 is not an adjacent riparian landowner, so long as the lessee  
11 maintains the structure in a good state of repair consistent  
12 with the guidelines for listing. If the structure is damaged  
13 or destroyed, the lessee shall be allowed to reconstruct, so  
14 long as the reconstruction is consistent with the integrity of  
15 the listed structure. If a structure so listed falls into  
16 disrepair and the lessee is not willing to repair and maintain  
17 it consistent with its listing, the state may cancel the  
18 submerged lease and either repair and maintain the property or  
19 require that the structure be removed from sovereignty  
20 submerged lands.

21           Section 8. Paragraph (a) of subsection (6) of section  
22 163.3177, Florida Statutes, 1998 Supplement, is amended to  
23 read:

24           163.3177 Required and optional elements of  
25 comprehensive plan; studies and surveys.--

26           (6) In addition to the requirements of subsections  
27 (1)-(5), the comprehensive plan shall include the following  
28 elements:

29           (a) A future land use plan element designating  
30 proposed future general distribution, location, and extent of  
31 the uses of land for residential uses, commercial uses,

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1 industry, agriculture, recreation, conservation, education,  
2 public buildings and grounds, other public facilities, and  
3 other categories of the public and private uses of land. The  
4 future land use plan shall include standards to be followed in  
5 the control and distribution of population densities and  
6 building and structure intensities. The proposed  
7 distribution, location, and extent of the various categories  
8 of land use shall be shown on a land use map or map series  
9 which shall be supplemented by goals, policies, and measurable  
10 objectives. Each land use category shall be defined in terms  
11 of the types of uses included and specific standards for the  
12 density or intensity of use. The future land use plan shall  
13 be based upon surveys, studies, and data regarding the area,  
14 including the amount of land required to accommodate  
15 anticipated growth; the projected population of the area; the  
16 character of undeveloped land; the availability of public  
17 services; and the need for redevelopment, including the  
18 renewal of blighted areas and the elimination of nonconforming  
19 uses which are inconsistent with the character of the  
20 community. The future land use plan may designate areas for  
21 future planned development use involving combinations of types  
22 of uses for which special regulations may be necessary to  
23 ensure development in accord with the principles and standards  
24 of the comprehensive plan and this act. The future land use  
25 plan of a county may also designate areas for possible future  
26 municipal incorporation. The land use maps or map series  
27 shall generally identify and depict historic district  
28 boundaries and shall designate historically significant  
29 properties meriting protection. The future land use element  
30 must clearly identify the land use categories in which public  
31 schools are an allowable use. When delineating the land use

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1 categories in which public schools are an allowable use, a  
2 local government shall include in the categories sufficient  
3 land proximate to residential development to meet the  
4 projected needs for schools in coordination with public school  
5 boards and may establish differing criteria for schools of  
6 different type or size. Each local government shall include  
7 lands contiguous to existing school sites, to the maximum  
8 extent possible, within the land use categories in which  
9 public schools are an allowable use. All comprehensive plans  
10 must comply with the school siting requirements of this  
11 paragraph no later than October 1, 1999, or the deadline for  
12 the local government evaluation and appraisal report,  
13 whichever occurs first. The failure by a local government to  
14 comply with these school siting requirements by October 1,  
15 1999, this requirement will result in the prohibition of the  
16 local government's ability to amend the local comprehensive  
17 plan, except for plan amendments described in paragraph  
18 163.3187(1)(b), until the school siting requirements are met  
19 as provided by s. 163.3187(6). An amendment proposed by a  
20 local government for purposes of identifying the land use  
21 categories in which public schools are an allowable use is  
22 exempt from the limitation on the frequency of plan amendments  
23 contained in s. 163.3187. The future land use element shall  
24 include criteria which encourage the location of schools  
25 proximate to urban residential areas to the extent possible  
26 and shall require that the local government seek to collocate  
27 public facilities, such as parks, libraries, and community  
28 centers, with schools to the extent possible.

29 Section 9. This act shall take effect upon becoming a  
30 law.

31

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

2 And the title is amended as follows:

3       Delete everything before the enacting clause

4

5 and insert:

6

          A bill to be entitled

7

      An act relating to local government

8

      comprehensive planning; amending s. 163.3178,

9

      F.S.; requiring certain ports to identify

10

      certain spoil disposal sites; requiring ports

11

      to prepare comprehensive master plans; amending

12

      s. 163.3187, F.S.; providing that a limitation

13

      on amendments to a local government's

14

      comprehensive plan does not apply to amendments

15

      necessary to establish public school

16

      concurrency; requiring all local government

17

      public school facilities elements within a

18

      county to be prepared and adopted on a similar

19

      time schedule; exempting comprehensive plan

20

      amendments for port transportation facilities

21

      and projects from a time limitation; amending

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      s. 253.77, F.S.; exempting certain ports from

23

      paying fees for activities involving the use of

24

      sovereign lands; amending s. 311.09, F.S.;

25

      providing a presumption for consistent

26

      projects; amending s. 311.07, F.S.; providing

27

      that projects eligible for funding under the

28

      Florida Seaport Transportation and Economic

29

      Development Program must be consistent with the

30

      port master plans; exempting certain port

31

      transportation facilities and projects from

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1 review as developments of regional impact;  
 2 amending s. 380.06, F.S.; exempting certain  
 3 port projects from review as developments of  
 4 regional impact; amending s. 253.03; providing  
 5 that certain structures are entitled to  
 6 continue sovereignty submerged lands leases;  
 7 amending s.163.3177, F.S.; revising  
 8 requirements relating to inclusion of school  
 9 siting elements in comprehensive plans;  
 10 providing an effective date.

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