

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Henriquez offered the following:

Substitute Amendment for Amendment (772921) (with title amendment)

On page 6,
Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 125.595, Florida Statutes, is created to read:

125.595 Right of citizens to petition elected officials.--No citizen shall be denied his or her constitutional right to petition any elected official in public or private. This provision shall preempt any other special act or general law to the contrary.

Section 2. Paragraph (j) of subsection (3) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.--

(3) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and

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1 redevelopment area shall prepare a plan that describes the
2 infill and redevelopment objectives of the local government
3 within the proposed area. In lieu of preparing a new plan, the
4 local government may demonstrate that an existing plan or
5 combination of plans associated with a community redevelopment
6 area, Florida Main Street program, Front Porch Florida
7 Community, sustainable community, enterprise zone, or
8 neighborhood improvement district includes the factors listed
9 in paragraphs (a)-(n), including a collaborative and holistic
10 community participation process, or amend such existing plans
11 to include these factors. The plan shall demonstrate the local
12 government and community's commitment to comprehensively
13 address the urban problems within the urban infill and
14 redevelopment area and identify activities and programs to
15 accomplish locally identified goals such as code enforcement;
16 improved educational opportunities; reduction in crime;
17 neighborhood revitalization and preservation; provision of
18 infrastructure needs, including mass transit and multimodal
19 linkages; and mixed-use planning to promote multifunctional
20 redevelopment to improve both the residential and commercial
21 quality of life in the area. The plan shall also:

22 (j) Identify and adopt a package of financial and
23 local government incentives which the local government will
24 offer for new development, expansion of existing development,
25 and redevelopment within the urban infill and redevelopment
26 area. Examples of such incentives include:

- 27 1. Waiver of license and permit fees.
- 28 2. Exemption of sales made in the urban infill and
29 redevelopment area from ~~Waiver of~~ local option sales surtaxes
30 imposed pursuant to s. 212.054 ~~taxes~~.
- 31 3. Waiver of delinquent local taxes or fees to promote

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1 the return of property to productive use.

2 4. Expedited permitting.

3 5. Lower transportation impact fees for development
4 which encourages more use of public transit, pedestrian, and
5 bicycle modes of transportation.

6 6. Prioritization of infrastructure spending within
7 the urban infill and redevelopment area.

8 7. Local government absorption of developers'
9 concurrency costs.

10

11 In order to be authorized to recognize the exemption from
12 local option sales surtaxes pursuant to subparagraph 2., the
13 owner, lessee, or lessor of the new development, expanding
14 existing development, or redevelopment within the urban infill
15 and redevelopment area must file an application under oath
16 with the governing body having jurisdiction over the urban
17 infill and redevelopment area where the business is located.
18 The application must include the name and address of the
19 business claiming the exclusion from collecting local option
20 surtaxes; an address and assessment roll parcel number of the
21 urban infill and redevelopment area for which the exemption is
22 being sought; a description of the improvements made to
23 accomplish the new development, expanding development, or
24 redevelopment of the real property; a copy of the building
25 permit application or the building permit issued for the
26 development of the real property; a new application for a
27 certificate of registration with the Department of Revenue
28 with the address of the new development, expanding
29 development, or redevelopment; and the location of the
30 property. The local government must review and approve the
31 application and submit the completed application and

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1 documentation along with a copy of the ordinance adopted
2 pursuant to subsection (5) to the Department of Revenue in
3 order for the business to become eligible to make sales exempt
4 from local option sales surtaxes in the urban infill and
5 redevelopment area.

6 Section 3. Subsection (13) of section 212.08, Florida
7 Statutes, is amended to read:

8 212.08 Sales, rental, use, consumption, distribution,
9 and storage tax; specified exemptions.--The sale at retail,
10 the rental, the use, the consumption, the distribution, and
11 the storage to be used or consumed in this state of the
12 following are hereby specifically exempt from the tax imposed
13 by this chapter.

14 (13) No transactions shall be exempt from the tax
15 imposed by this chapter except those expressly exempted
16 herein. All laws granting tax exemptions, to the extent they
17 may be inconsistent or in conflict with this chapter,
18 including, but not limited to, the following designated laws,
19 shall yield to and be superseded by the provisions of this
20 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,
21 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14,
22 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09,
23 and the following Laws of Florida, acts of the year indicated:
24 s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12,
25 chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter
26 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter
27 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s.
28 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter
29 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and
30 s. 10, chapter 67-1681. This subsection does not supersede the
31 authority of a local government to adopt financial and local

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1 government incentives pursuant to s. 163.2517.

2 Section 4. Section 163.2523, Florida Statutes, is
3 amended to read:

4 163.2523 Grant program.--An Urban Infill and
5 Redevelopment Assistance Grant Program is created for local
6 governments. A local government may allocate grant money to
7 special districts, including community redevelopment agencies,
8 and nonprofit community development organizations to implement
9 projects consistent with an adopted urban infill and
10 redevelopment plan or plan employed in lieu thereof. Thirty
11 percent of the general revenue appropriated for this program
12 shall be available for planning grants to be used by local
13 governments for the development of an urban infill and
14 redevelopment plan, including community participation
15 processes for the plan. Sixty percent of the general revenue
16 appropriated for this program shall be available for
17 fifty/fifty matching grants for implementing urban infill and
18 redevelopment projects that further the objectives set forth
19 in the local government's adopted urban infill and
20 redevelopment plan or plan employed in lieu thereof. The
21 remaining 10 percent of the revenue must be used for outright
22 grants for implementing projects requiring an expenditure of
23 under \$50,000. If the volume of fundable applications under
24 any of the allocations specified in this section does not
25 fully obligate the amount of the allocation, the Department of
26 Community Affairs may transfer the unused balance to the
27 category having the highest dollar value of applications
28 eligible but unfunded. However, in no event may the percentage
29 of dollars allocated to outright grants for implementing
30 projects exceed 20 percent in any given fiscal year.Projects
31 that provide employment opportunities to clients of the WAGES

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1 program and projects within urban infill and redevelopment
2 areas that include a community redevelopment area, Florida
3 Main Street program, Front Porch Florida Community,
4 sustainable community, enterprise zone, federal enterprise
5 zone, enterprise community, or neighborhood improvement
6 district must be given an elevated priority in the scoring of
7 competing grant applications. The Division of Housing and
8 Community Development of the Department of Community Affairs
9 shall administer the grant program. The Department of
10 Community Affairs shall adopt rules establishing grant review
11 criteria consistent with this section.

12 Section 5. Paragraph (a) of subsection (6) of section
13 163.3177, Florida Statutes, is amended, and subsection (11) of
14 said section is amended, to read:

15 163.3177 Required and optional elements of
16 comprehensive plan; studies and surveys.--

17 (6) In addition to the requirements of subsections
18 (1)-(5), the comprehensive plan shall include the following
19 elements:

20 (a) A future land use plan element designating
21 proposed future general distribution, location, and extent of
22 the uses of land for residential uses, commercial uses,
23 industry, agriculture, recreation, conservation, education,
24 public buildings and grounds, other public facilities, and
25 other categories of the public and private uses of land. The
26 future land use plan shall include standards to be followed in
27 the control and distribution of population densities and
28 building and structure intensities. The proposed
29 distribution, location, and extent of the various categories
30 of land use shall be shown on a land use map or map series
31 which shall be supplemented by goals, policies, and measurable

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1 objectives. Each land use category shall be defined in terms
2 of the types of uses included and specific standards for the
3 density or intensity of use. The future land use plan shall
4 be based upon surveys, studies, and data regarding the area,
5 including the amount of land required to accommodate
6 anticipated growth; the projected population of the area; the
7 character of undeveloped land; the availability of public
8 services; the need for redevelopment, including the renewal of
9 blighted areas and the elimination of nonconforming uses which
10 are inconsistent with the character of the community; and, in
11 rural communities, the need for job creation, capital
12 investment, and economic development that will strengthen and
13 diversify the community's economy. The future land use plan
14 may designate areas for future planned development use
15 involving combinations of types of uses for which special
16 regulations may be necessary to ensure development in accord
17 with the principles and standards of the comprehensive plan
18 and this act. In addition, for rural communities, the amount
19 of land designated for future planned industrial use shall be
20 based upon surveys and studies that reflect the need for job
21 creation, capital investment, and the necessity to strengthen
22 and diversify the local economies, and shall not be limited
23 solely by the projected population of the rural community. The
24 future land use plan of a county may also designate areas for
25 possible future municipal incorporation. The land use maps or
26 map series shall generally identify and depict historic
27 district boundaries and shall designate historically
28 significant properties meriting protection. The future land
29 use element must clearly identify the land use categories in
30 which public schools are an allowable use. When delineating
31 the land use categories in which public schools are an

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

31 (11)(a) The Legislature recognizes the need for

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1 innovative planning and development strategies which will
2 address the anticipated demands of continued urbanization of
3 Florida's coastal and other environmentally sensitive areas,
4 and which will accommodate the development of less populated
5 regions of the state which seek economic development and which
6 have suitable land and water resources to accommodate growth
7 in an environmentally acceptable manner. The Legislature
8 further recognizes the substantial advantages of innovative
9 approaches to development which may better serve to protect
10 environmentally sensitive areas, maintain the economic
11 viability of agricultural and other predominantly rural land
12 uses, and provide for the cost-efficient delivery of public
13 facilities and services.

14 (b) It is the intent of the Legislature that the local
15 government comprehensive plans and plan amendments adopted
16 pursuant to the provisions of this part provide for a planning
17 process which allows for land use efficiencies within existing
18 urban areas and which also allows for the conversion of rural
19 lands to other uses, where appropriate and consistent with the
20 other provisions of this part and the affected local
21 comprehensive plans, through the application of innovative and
22 flexible planning and development strategies and creative land
23 use planning techniques, which may include, but not be limited
24 to, urban villages, new towns, satellite communities,
25 area-based allocations, clustering and open space provisions,
26 mixed-use development, and sector planning.

27 (c) Lands classified in the future land use plan
28 element as agricultural, rural, open, open/rural, or a
29 substantively equivalent land use may also be appropriate for
30 innovative planning and development strategies described in
31 paragraphs (a) and (b), which the department recognizes as

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1 methods for discouraging urban sprawl, where consistent with
2 the provisions of the state comprehensive plan, regional
3 policy plans, and this part.

4 (d) The Department of Community Affairs, in
5 conjunction with the Department of Agriculture and Consumer
6 Services, shall, by no later than December 15, 2000, prepare
7 and submit to the Governor, the Speaker of the House of
8 Representatives, and the President of the Senate a report on a
9 program of planning incentives, economic incentives, and other
10 measures as may be necessary to facilitate the timely
11 implementation of innovative planning and development
12 strategies described in paragraphs (a), (b), and (c) while
13 protecting environmentally sensitive areas, maintaining the
14 economic viability of agriculture and other predominantly
15 rural land uses, and providing for the cost-efficient delivery
16 of public facilities and services. Such incentives and other
17 measures shall address the following:

18 1. "Smart growth" strategies within rural areas which
19 proactively address both the pressures of population growth
20 and the substantial need for rural economic development.

21 2. The importance of maintaining rural land values as
22 the cornerstone of maintaining a viable rural economy.

23 3. Expression of the contents of paragraphs (a), (b),
24 and (c) in the form of practical and easily understood
25 planning guidelines.

26 4. A rural lands stewardship program under which the
27 owners of rural property are encouraged to convey development
28 rights in exchange for smart growth development credits which
29 are transferable within rural areas in which innovative
30 development and strategies are applied as part of a pattern of
31 land use which protects environmentally sensitive areas,

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1 maintains the economic viability of agriculture and other
2 predominantly rural land uses, and provides for the
3 cost-efficient delivery of public facilities and services.

4 5. Strategies and incentives to reward best management
5 practices for agricultural activities consistent with the
6 conservation and protection of environmentally sensitive areas
7 and sound water management practices.

8 6. The coordination of state transportation
9 facilities, including roadways, railways, and port and airport
10 facilities, to provide for the transportation of agricultural
11 products and supplies.

12
13 The Department of Community Affairs and the Department of
14 Agriculture and Consumer Services shall regularly report their
15 progress on these issues to the Grow Smart Florida Study
16 Commission so as to cooperate and lend assistance to the
17 commission in developing their final report to the
18 Legislature.

19 (e)(c) It is the further intent of the Legislature
20 that local government comprehensive plans and implementing
21 land development regulations shall provide strategies which
22 maximize the use of existing facilities and services through
23 redevelopment, urban infill development, and other strategies
24 for urban revitalization.

25 (f)(d) The implementation of this subsection shall be
26 subject to the provisions of this chapter, chapters 186 and
27 187, and applicable agency rules.

28 (g)(e) The department shall implement the provisions
29 of this subsection by rule.

30 Section 6. Subsections (3), (4), (6), (7), (8), and
31 (15) and paragraph (d) of subsection (16) of section 163.3184,

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1 Florida Statutes, are amended to read:

2 163.3184 Process for adoption of comprehensive plan or
3 plan amendment.--

4 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
5 AMENDMENT.--

6 (a) Each local governing body shall transmit the
7 complete proposed comprehensive plan or plan amendment to the
8 state land planning agency, the appropriate regional planning
9 council and water management district, the Department of
10 Environmental Protection, the Department of State, and the
11 Department of Transportation, and, in the case of municipal
12 plans, to the appropriate county, and, in the case of county
13 plans, to the Fish and Wildlife Conservation Commission and
14 the Department of Agriculture and Consumer Services,
15 immediately following a public hearing pursuant to subsection
16 (15) as specified in the state land planning agency's
17 procedural rules. The local governing body shall also transmit
18 a copy of the complete proposed comprehensive plan or plan
19 amendment to any other unit of local government or government
20 agency in the state that has filed a written request with the
21 governing body for the plan or plan amendment. The local
22 government may request a review by the state land planning
23 agency pursuant to subsection (6) at the time of transmittal
24 of an amendment.

25 (b) A local governing body shall not transmit portions
26 of a plan or plan amendment unless it has previously provided
27 to all state agencies designated by the state land planning
28 agency a complete copy of its adopted comprehensive plan
29 pursuant to subsection (7) and as specified in the agency's
30 procedural rules. In the case of comprehensive plan
31 amendments, the local governing body shall transmit to the

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1 state land planning agency, the appropriate regional planning
2 council and water management district, the Department of
3 Environmental Protection, the Department of State, and the
4 Department of Transportation, and, in the case of municipal
5 plans, to the appropriate county, and, in the case of county
6 plans, to the Fish and Wildlife Conservation Commission and
7 the Department of Agriculture and Consumer Services, the
8 materials specified in the state land planning agency's
9 procedural rules and, in cases in which the plan amendment is
10 a result of an evaluation and appraisal report adopted
11 pursuant to s. 163.3191, a copy of the evaluation and
12 appraisal report. Local governing bodies shall consolidate all
13 proposed plan amendments into a single submission for each of
14 the two plan amendment adoption dates during the calendar year
15 pursuant to s. 163.3187.

16 (c) A local government may adopt a proposed plan
17 amendment previously transmitted pursuant to this subsection,
18 unless review is requested or otherwise initiated pursuant to
19 subsection (6).

20 (d) In cases in which a local government transmits
21 multiple individual amendments that can be clearly and legally
22 separated and distinguished for the purpose of determining
23 whether to review the proposed amendment, and the state land
24 planning agency elects to review several or a portion of the
25 amendments and the local government chooses to immediately
26 adopt the remaining amendments not reviewed, the amendments
27 immediately adopted and any reviewed amendments that the local
28 government subsequently adopts together constitute one
29 amendment cycle in accordance with s. 163.3187(1).

30 (4) INTERGOVERNMENTAL REVIEW. ~~---If review of a proposed~~
31 ~~comprehensive plan amendment is requested or otherwise~~

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

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

27 (a) The state land planning agency shall review a
28 proposed plan amendment upon request of a regional planning
29 council, affected person, or local government transmitting the
30 plan amendment. The request from the regional planning council
31 or affected person must be if the request is received within

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1 30 days after transmittal of the proposed plan amendment
2 pursuant to subsection (3). ~~The agency shall issue a report of~~
3 ~~its objections, recommendations, and comments regarding the~~
4 ~~proposed plan amendment.~~ A regional planning council or
5 affected person requesting a review shall do so by submitting
6 a written request to the agency with a notice of the request
7 to the local government and any other person who has requested
8 notice.

9 (b) The state land planning agency may review any
10 proposed plan amendment regardless of whether a request for
11 review has been made, if the agency gives notice to the local
12 government, and any other person who has requested notice, of
13 its intention to conduct such a review within 35 ~~30~~ days of
14 receipt by the state land planning agency transmittal of the
15 complete proposed plan amendment pursuant to subsection (3).

16 (c) The state land planning agency shall establish by
17 rule a schedule for receipt of comments from the various
18 government agencies, as well as written public comments,
19 pursuant to subsection (4). If the state land planning agency
20 elects to review the amendment or the agency is required to
21 review the amendment as specified in paragraph (a), the agency
22 shall issue a report of its objections, recommendations, and
23 comments regarding the proposed amendment within 60 days of
24 receipt of the complete proposed amendment by the state land
25 planning agency. Proposed comprehensive plan amendments from
26 small counties or rural communities for the purpose of job
27 creation, economic development, or strengthening and
28 diversifying the economy shall receive priority review by the
29 state land planning agency. ~~The state land planning agency~~
30 ~~shall have 30 days to review comments from the various~~
31 ~~government agencies along with a local government's~~

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

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

31 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF

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1 PLAN OR AMENDMENTS AND TRANSMITTAL.--The local government
2 shall review the written comments submitted to it by the state
3 land planning agency, and any other person, agency, or
4 government. Any comments, recommendations, or objections and
5 any reply to them shall be public documents, a part of the
6 permanent record in the matter, and admissible in any
7 proceeding in which the comprehensive plan or plan amendment
8 may be at issue. The local government, upon receipt of
9 written comments from the state land planning agency, shall
10 have 120 days to adopt or adopt with changes the proposed
11 comprehensive plan or s. 163.3191 plan amendments. In the
12 case of comprehensive plan amendments other than those
13 proposed pursuant to s. 163.3191, the local government shall
14 have 60 days to adopt the amendment, adopt the amendment with
15 changes, or determine that it will not adopt the amendment.
16 The adoption of the proposed plan or plan amendment or the
17 determination not to adopt a plan amendment, other than a plan
18 amendment proposed pursuant to s. 163.3191, shall be made in
19 the course of a public hearing pursuant to subsection (15).
20 The local government shall transmit the complete adopted
21 comprehensive plan or ~~adopted~~ plan amendment to the state land
22 planning agency as specified in the agency's procedural rules
23 within 10 working days after adoption, including the names and
24 addresses of persons compiled pursuant to paragraph (15)(c).
25 The local governing body shall also transmit a copy of the
26 adopted comprehensive plan or plan amendment to the regional
27 planning agency and to any other unit of local government or
28 governmental agency in the state that has filed a written
29 request with the governing body for a copy of the plan or plan
30 amendment.

31 (8) NOTICE OF INTENT.--

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1 (a) Except as provided in s. 163.3187(3), the state
2 land planning agency, upon receipt of a local government's
3 complete adopted comprehensive plan or plan amendment, shall
4 have 45 days for review and to determine if the plan or plan
5 amendment is in compliance with this act, unless the amendment
6 is the result of a compliance agreement entered into under
7 subsection (16), in which case the time period for review and
8 determination shall be 30 days. If review was not conducted
9 under subsection (6), the agency's determination must be based
10 upon the plan amendment as adopted. If review was conducted
11 under subsection (6), the agency's determination of compliance
12 must be based only upon one or both of the following:

- 13 1. The state land planning agency's written comments
14 to the local government pursuant to subsection (6); or
15 2. Any changes made by the local government to the
16 comprehensive plan or plan amendment as adopted.

17 (b) During the time period provided for in this
18 subsection, the state land planning agency shall issue,
19 through a senior administrator or the secretary, as specified
20 in the agency's procedural rules, a notice of intent to find
21 that the plan or plan amendment is in compliance or not in
22 compliance. A notice of intent shall be issued by publication
23 in the manner provided by this paragraph and by mailing a copy
24 to the local government ~~and to persons who request notice.~~
25 ~~The required advertisement shall be no less than 2 columns~~
26 ~~wide by 10 inches long, and the headline in the advertisement~~
27 ~~shall be in a type no smaller than 12 point.~~The advertisement
28 shall ~~not~~ be placed in that portion of the newspaper where
29 legal notices ~~and classified advertisements~~ appear. The
30 advertisement shall be published in a newspaper which meets
31 the size and circulation requirements set forth in paragraph

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1 (15)(d)~~(c)~~and which has been designated in writing by the
2 affected local government at the time of transmittal of the
3 amendment. Publication by the state land planning agency of a
4 notice of intent in the newspaper designated by the local
5 government shall be prima facie evidence of compliance with
6 the publication requirements of this section.

7 (c) The state land planning agency shall post a copy
8 of the notice of intent on the agency's Internet site. The
9 agency shall, no later than the date the notice of intent is
10 transmitted to the newspaper, mail a courtesy informational
11 statement to the persons whose names and mailing addresses
12 were compiled pursuant to paragraph (15)(c). The informational
13 statement shall include the identity of the newspaper in which
14 the notice of intent will appear, the approximate date of
15 publication of the notice of intent, the ordinance number of
16 the plan or plan amendment, and a statement that the
17 informational statement is provided as a courtesy to the
18 person and that affected persons have 21 days from the actual
19 date of publication of the notice to file a petition. The
20 informational statement shall be sent by regular mail and
21 shall not affect the timeframes in subsections (9) and (10).

22 (15) PUBLIC HEARINGS.--

23 (a) The procedure for transmittal of a complete
24 proposed comprehensive plan or plan amendment pursuant to
25 subsection (3) and for adoption of a comprehensive plan or
26 plan amendment pursuant to subsection (7) shall be by
27 affirmative vote of not less than a majority of the members of
28 the governing body present at the hearing. The adoption of a
29 comprehensive plan or plan amendment shall be by ordinance.
30 For the purposes of transmitting or adopting a comprehensive
31 plan or plan amendment, the notice requirements in chapters

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1 125 and 166 are superseded by this subsection, except as
2 provided in this part.

3 (b) The local governing body shall hold at least two
4 advertised public hearings on the proposed comprehensive plan
5 or plan amendment as follows:

6 1. The first public hearing shall be held at the
7 transmittal stage pursuant to subsection (3). It shall be
8 held on a weekday at least 7 days after the day that the first
9 advertisement is published.

10 2. The second public hearing shall be held at the
11 adoption stage pursuant to subsection (7). It shall be held
12 on a weekday at least 5 days after the day that the second
13 advertisement is published.

14 (c) The local government shall provide a sign-in form
15 at the transmittal hearing and at the adoption hearing for
16 persons to provide their name and mailing address. The sign-in
17 form shall state that any person providing the requested
18 information will receive a courtesy informational statement
19 concerning publication of the state land planning agency's
20 notice of intent. The local government shall add to the
21 sign-in form the name and address of any person who submits
22 written comments concerning the proposed plan or plan
23 amendment during the time period between the commencement of
24 the transmittal hearing and the end of the adoption hearing.
25 It shall be the responsibility of the person completing the
26 form or providing written comments to accurately, completely,
27 and legibly provide all information required to receive the
28 courtesy informational statement. The agency shall adopt rules
29 to provide a model sign-in form and the format for providing
30 the list to the agency.

31 (d)~~(e)~~ If the proposed comprehensive plan or plan

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1 amendment changes the actual list of permitted, conditional,
2 or prohibited uses within a future land use category or
3 changes the actual future land use map designation of a parcel
4 or parcels of land, the required advertisements shall be in
5 the format prescribed by s. 125.66(4)(b)2. for a county or by
6 s. 166.041(3)(c)2.b. for a municipality.

7 (16) COMPLIANCE AGREEMENTS.--

8 (d) A local government may adopt a plan amendment
9 pursuant to a compliance agreement in accordance with the
10 requirements of paragraph (15)(a). The plan amendment shall be
11 exempt from the requirements of subsections (2) through (7).
12 The local government shall hold a single adoption public
13 hearing pursuant to the requirements of subparagraph (15)(b)2.
14 and paragraph (15)(d)~~(c)~~. Within 10 working days after
15 adoption of a plan amendment, the local government shall
16 transmit the amendment to the state land planning agency as
17 specified in the agency's procedural rules, and shall submit
18 one copy to the regional planning agency and to any other unit
19 of local government or government agency in the state that has
20 filed a written request with the governing body for a copy of
21 the plan amendment, and one copy to any party to the
22 proceeding under ss. 120.569 and 120.57 granted intervenor
23 status.

24 Section 7. Paragraph (c) of subsection (1) of section
25 163.3187, Florida Statutes, is amended to read:

26 163.3187 Amendment of adopted comprehensive plan.--

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

30 (c) Any local government comprehensive plan amendments
31 directly related to proposed small scale development

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1 activities may be approved without regard to statutory limits
2 on the frequency of consideration of amendments to the local
3 comprehensive plan. A small scale development amendment may
4 be adopted only under the following conditions:

5 1. The proposed amendment involves a use of 10 acres
6 or fewer and:

7 a. The cumulative annual effect of the acreage for all
8 small scale development amendments adopted by the local
9 government shall not exceed:

10 (I) A maximum of 120 acres in a local government that
11 contains areas specifically designated in the local
12 comprehensive plan for urban infill, urban redevelopment, or
13 downtown revitalization as defined in s. 163.3164, urban
14 infill and redevelopment areas designated under s. 163.2517,
15 transportation concurrency exception areas approved pursuant
16 to s. 163.3180(5), or regional activity centers and urban
17 central business districts approved pursuant to s.
18 380.06(2)(e); however, amendments under this paragraph may be
19 applied to no more than 60 acres annually of property outside
20 the designated areas listed in this sub-sub-subparagraph.

21 (II) A maximum of 80 acres in a local government that
22 does not contain any of the designated areas set forth in
23 sub-sub-subparagraph (I).

24 (III) A maximum of 120 acres in a county established
25 pursuant to s. 9, Art. VIII of the state constitution.

26 b. The proposed amendment does not involve the same
27 property granted a change within the prior 12 months.

28 c. The proposed amendment does not involve the same
29 owner's property within 200 feet of property granted a change
30 within the prior 12 months.

31 d. The proposed amendment does not involve a text

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1 change to the goals, policies, and objectives of the local
2 government's comprehensive plan, but only proposes a land use
3 change to the future land use map for a site-specific small
4 scale development activity.

5 e. The property that is the subject of the proposed
6 amendment is not located within an area of critical state
7 concern, unless the project subject to the proposed amendment
8 involves the construction of affordable housing units meeting
9 the criteria of s. 420.0004(3), and is located within an area
10 of critical state concern designated by s. 380.0552 or by the
11 Administration Commission pursuant to s. 380.05(1) in an urban
12 residential or urban commercial land use category. Such
13 amendment is not subject to the density limitations of
14 sub-subparagraph f., and shall be reviewed by the state land
15 planning agency for consistency with the principles for
16 guiding development applicable to the area of critical state
17 concern where the property that is the subject of the
18 amendment is located, and shall not become effective until a
19 final order is issued under s. 380.05(6).

20 f. If the proposed amendment involves a residential
21 land use, the residential land use has a density of 10 units
22 or less per acre, except that this limitation does not apply
23 to small scale amendments described in sub-sub-subparagraph
24 a.(I) that are designated in the local comprehensive plan for
25 urban infill, urban redevelopment, or downtown revitalization
26 as defined in s. 163.3164, urban infill and redevelopment
27 areas designated under s. 163.2517, transportation concurrency
28 exception areas approved pursuant to s. 163.3180(5), or
29 regional activity centers and urban central business districts
30 approved pursuant to s. 380.06(2)(e).

31 2.a. A local government that proposes to consider a

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1 plan amendment pursuant to this paragraph is not required to
2 comply with the procedures and public notice requirements of
3 s. 163.3184(15)(d)~~(e)~~ for such plan amendments if the local
4 government complies with the provisions in s. 125.66(4)(a) for
5 a county or in s. 166.041(3)(c) for a municipality. If a
6 request for a plan amendment under this paragraph is initiated
7 by other than the local government, public notice is required.

8 b. The local government shall send copies of the
9 notice and amendment to the state land planning agency, the
10 regional planning council, and any other person or entity
11 requesting a copy. This information shall also include a
12 statement identifying any property subject to the amendment
13 that is located within a coastal high hazard area as
14 identified in the local comprehensive plan.

15 3. Small scale development amendments adopted pursuant
16 to this paragraph require only one public hearing before the
17 governing board, which shall be an adoption hearing as
18 described in s. 163.3184(7), and are not subject to the
19 requirements of s. 163.3184(3)-(6) ~~unless the local government~~
20 ~~elects to have them subject to those requirements.~~

21 Section 8. Section 163.3245, Florida Statutes, is
22 amended to read:

23 163.3245 Optional sector plans.--

24 (1) In recognition of the benefits of conceptual
25 long-range planning for the buildout of an area, and detailed
26 planning for specific areas, as a demonstration project, the
27 requirements of s. 380.06 may be addressed as identified by
28 this section for up to five local governments or combinations
29 of local governments which adopt into the comprehensive plan
30 an optional sector plan in accordance with this section. This
31 section is intended to further the intent of s. 163.3177(11),

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

23 (2) The state land planning agency may enter into an
24 agreement to authorize preparation of an optional sector plan
25 upon the request of one or more local governments based on
26 consideration of problems and opportunities presented by
27 existing development trends; the effectiveness of current
28 comprehensive plan provisions; the potential to further the
29 state comprehensive plan, applicable strategic regional policy
30 plans, this part, and part I of chapter 380; and those factors
31 identified by s. 163.3177(10)(i). The applicable regional

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

27 (3) Optional sector planning encompasses two levels:
28 adoption under s. 163.3184 of a conceptual long-term buildout
29 overlay to the comprehensive plan, having no immediate effect
30 on the issuance of development orders or the applicability of
31 s. 380.06, and adoption under s. 163.3184 of detailed specific

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

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

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

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

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

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

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

30 (b) In addition to the other requirements of this
31 chapter, including those in paragraph (a), the detailed

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1 specific area plans must include:

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

9 2. Detailed identification and analysis of the
10 distribution, extent, and location of future land uses.

11 3. Detailed identification of regionally significant
12 public facilities, including public facilities outside the
13 jurisdiction of the host local government, anticipated impacts
14 of future land uses on those facilities, and required
15 improvements to maintain adopted level of service standards
16 consistent with chapter 9J-2, Florida Administrative Code.

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

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

27 6. Principles and guidelines that address the urban
28 form and interrelationships of anticipated future land uses
29 and a discussion, at the applicant's option, of the extent, if
30 any, to which the plan will address restoring key ecosystems,
31 achieving a more clean, healthy environment, limiting urban

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1 sprawl, protecting wildlife and natural areas, advancing the
2 efficient use of land and other resources, and creating
3 quality communities and jobs.

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

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

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

19 (5) When a plan amendment adopting a detailed specific
20 area plan has become effective under ss. 163.3184 and
21 163.3189(2), the provisions of s. 380.06 do not apply to
22 development within the geographic area of the detailed
23 specific area plan. Should this section be repealed, any
24 approved development within a detailed specific area plan
25 shall maintain its exemption from s. 380.06. 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

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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 specific ~~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
14 paragraph (b), the complaining party shall comply with the
15 requirements of s. 163.3215(4), (5), (6), and (7).

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

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

23 Section 9. Section 166.0498, Florida Statutes, is
24 created to read:

25 166.0498 Right of citizens to petition elected
26 officials.--No citizen shall be denied his or her
27 constitutional right to petition any elected official in
28 public or private. This provision shall preempt any other
29 special act or general law to the contrary.

30 Section 10. Subsection (1) of section 166.231, Florida
31 Statutes, is amended to read:

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1 166.231 Municipalities; public service tax.--

2 (1)(a) A municipality may levy a tax on the purchase
3 of electricity, metered natural gas, liquefied petroleum gas
4 either metered or bottled, manufactured gas either metered or
5 bottled, and water service. Except for those municipalities to
6 which paragraph (c) applies, the tax shall be levied only upon
7 purchases within the municipality and shall not exceed 10
8 percent of the payments received by the seller of the taxable
9 item from the purchaser for the purchase of such service.
10 Municipalities imposing a tax on the purchase of cable
11 television service as of May 4, 1977, may continue to levy
12 such tax to the extent necessary to meet all obligations to or
13 for the benefit of holders of bonds or certificates which were
14 issued prior to May 4, 1977. Purchase of electricity means
15 the purchase of electric power by a person who will consume it
16 within the municipality.

17 (b) The tax imposed by paragraph (a) shall not be
18 applied against any fuel adjustment charge, and such charge
19 shall be separately stated on each bill. The term "fuel
20 adjustment charge" means all increases in the cost of utility
21 services to the ultimate consumer resulting from an increase
22 in the cost of fuel to the utility subsequent to October 1,
23 1973.

24 (c) The tax imposed by paragraph (a) on water service
25 may be applied outside municipal boundaries to property
26 included in a development of regional impact approved pursuant
27 to s. 380.06, if agreed to in writing by the developer of such
28 property and the municipality prior to March 31, 2000. If a
29 tax levied pursuant to this paragraph is challenged, recovery,
30 if any, shall be limited to moneys paid into an escrow account
31 of the clerk of the court subsequent to such challenge.

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1 Section 11. paragraph (c) of subsection (15), and
2 subsection (18) of section 380.06, Florida Statutes, are
3 amended, and paragraphs (i), and (j) are added to subsection
4 (24) of said section, to read:

5 380.06 Developments of regional impact.--

6 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

7 (c) The development order shall include findings of
8 fact and conclusions of law consistent with subsections (13)
9 and (14). The development order:

10 1. Shall specify the monitoring procedures and the
11 local official responsible for assuring compliance by the
12 developer with the development order.

13 2. Shall establish compliance dates for the
14 development order, including a deadline for commencing
15 physical development and for compliance with conditions of
16 approval or phasing requirements, and shall include a
17 termination date that reasonably reflects the time required to
18 complete the development.

19 3. Shall establish a date until which the local
20 government agrees that the approved development of regional
21 impact shall not be subject to downzoning, unit density
22 reduction, or intensity reduction, unless the local government
23 can demonstrate that substantial changes in the conditions
24 underlying the approval of the development order have occurred
25 or the development order was based on substantially inaccurate
26 information provided by the developer or that the change is
27 clearly established by local government to be essential to the
28 public health, safety, or welfare.

29 4. Shall specify the requirements for the biennial
30 ~~annual~~ report designated under subsection (18), including the
31 date of submission, parties to whom the report is submitted,

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1 and contents of the report, based upon the rules adopted by
2 the state land planning agency. Such rules shall specify the
3 scope of any additional local requirements that may be
4 necessary for the report.

5 5. May specify the types of changes to the development
6 which shall require submission for a substantial deviation
7 determination under subsection (19).

8 6. Shall include a legal description of the property.

9 (18) BIENNIAL ANNUAL REPORTS.--The developer shall
10 submit a biennial ~~an annual~~ report on the development of
11 regional impact to the local government, the regional planning
12 agency, the state land planning agency, and all affected
13 permit agencies in alternate years on the date specified in
14 the development order, unless the development order by its
15 terms requires more frequent monitoring. If the ~~annual~~ report
16 is not received, the regional planning agency or the state
17 land planning agency shall notify the local government. If
18 the local government does not receive the ~~annual~~ report or
19 receives notification that the regional planning agency or the
20 state land planning agency has not received the report, the
21 local government shall request in writing that the developer
22 submit the report within 30 days. The failure to submit the
23 report after 30 days shall result in the temporary suspension
24 of the development order by the local government. If no
25 additional development pursuant to the development order has
26 occurred since the submission of the previous report, then a
27 letter from the developer stating that no development has
28 occurred will satisfy the requirement for a report.
29 Development orders which require annual reports may be amended
30 to require biennial reports at the option of the local
31 government.

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1 (24) STATUTORY EXEMPTIONS.--

2 (i) Any proposed facility for the storage of any
3 petroleum product is exempt from the provisions of this
4 section, if such facility is consistent with a comprehensive
5 port master plan that is in compliance with s. 163.3178.

6 (j) Any development located within a detailed specific
7 area plan adopted pursuant to s. 163.3245 which is consistent
8 with the detailed specific area plan is exempt from the
9 provisions of this section. Should s. 163.3245 be repealed,
10 any approved development within a detailed specific area plan
11 shall maintain this exemption. However, any
12 development-of-regional-impact development order that is
13 vested from the detailed specific area plan may be enforced
14 under s. 380.11.

15 Section 12. Paragraph (g) of subsection (3) of section
16 163.06, Florida Statutes, is amended to read:

17 163.06 Miami River Commission.--

18 (3) The policy committee shall have the following
19 powers and duties:

20 (g) Coordinate a joint planning area agreement between
21 the Department of Community Affairs, the city, and the county
22 under the provisions of s. 163.3177(11)(a), (b), and ~~(e)(c)~~.

23 Section 13. Subsection (4) of section 189.415, Florida
24 Statutes, is amended to read:

25 189.415 Special district public facilities report.--

26 (4) Those special districts building, improving, or
27 expanding public facilities addressed by a development order
28 issued to the developer pursuant to s. 380.06 may use the most
29 recent biennial ~~annual~~ report required by s. 380.06(15) and
30 (18) and submitted by the developer, to the extent the ~~annual~~
31 report provides the information required by subsection (2).

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1 Section 14. (1) The Grow Smart Florida Study
2 Commission is created. The commission shall be composed of 25
3 members, 10 of whom are to be appointed by the Governor, 7 of
4 whom are to be appointed by the President of the Senate, and 7
5 of whom are to be appointed by the Speaker of the House of
6 Representatives. In addition, the Secretary of the Department
7 of Community Affairs shall serve as a voting member of the
8 commission and the secretaries of the Department of
9 Environmental Protection and the Department of Transportation
10 and the Executive Director of the Fish and Wildlife
11 Conservation Commission shall serve as ex-officio nonvoting
12 members of the commission. The Governor's appointments must
13 include two appointments from each of the following groups of
14 interests:

15 (a) Business interests including, but not limited to,
16 development, agriculture, real estate, and
17 forestry/silviculture.

18 (b) Environmental interests including, but not limited
19 to, environmental justice groups, resource-based conservation
20 and outdoor conservation groups, and environmental quality and
21 conservation groups.

22 (c) Community participants including, but not limited
23 to, citizen groups, not-for-profit community associations,
24 citizen planners, and affordable housing groups.

25 (d) Local and regional governments including, but not
26 limited to, municipalities, counties, special districts,
27 metropolitan planning organizations, and regional planning
28 councils.

29 (e) Growth management and planning specialists
30 including, but not limited to, professional planners,
31 attorneys, engineers, and architects.

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1
2 The Senate President and the Speaker of the House of
3 Representatives shall each select one appointment from each of
4 the five categories listed above and shall also appoint two
5 members from their respective houses of the Legislature to
6 serve on the commission. The appointments must be made by July
7 1, 2000, and the first meeting of the commission shall be held
8 no later than August 1, 2000. The chairman of the commission
9 shall be elected by the majority of the membership at its
10 first meeting. Any vacancy occurring in the membership of the
11 commission is to be filled in the same manner as the original
12 appointment.

13 (2) The members of the commission are entitled to one
14 vote, and action of the commission is not binding unless taken
15 by a two-thirds vote of the members present. However, action
16 of the commission may be taken only at a meeting at which a
17 majority of the commission members are present.

18 (3) The commission shall review the operation and
19 implementation of Florida's growth-management statutes,
20 including chapter 380, chapter 163, chapter 187, and chapter
21 186, Florida Statutes, and shall make recommendations for
22 improving the state's system for managing growth. It may also
23 establish and appoint any necessary technical advisory
24 committees. The commission is requested, to the extent
25 practicable, to specifically address and, if appropriate, make
26 recommendations for improving the growth-management system
27 with respect to the following issues, including, but not
28 limited to:

29 (a) Identification of the goals and desired outcomes
30 of state, regional, and local comprehensive planning.

31 (b) Identification of compelling state interests as

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- 1 part of the State Comprehensive Plan.
- 2 (c) Enforcement of local plan provisions.
- 3 (d) The appropriate relationship between
4 infrastructure funding and comprehensive planning.
- 5 (e) The appropriate role of the
6 development-of-regional-impact process in the context of
7 implementing local comprehensive planning.
- 8 (f) The role and character of regional units of
9 government and metropolitan planning organizations and their
10 relationships to state and local governments.
- 11 (g) Methods of accomplishing intergovernmental
12 coordination.
- 13 (h) The relationship between local government
14 comprehensive plans, annexations, and joint planning
15 agreements between cities and counties.
- 16 (i) Assuring concurrency in an efficient, predictable,
17 and reasonable manner.
- 18 (j) The content requirements for Evaluation and
19 Appraisal Reports and recommended procedures for their review
20 by the Department of Community Affairs.
- 21 (k) Review of the effectiveness of state pilot
22 projects such as the Sustainable Communities Program, Sector
23 Planning, and Small-Scale Amendments.
- 24 (l) Citizen participation and challenges to
25 local-government comprehensive plans, plan amendments,
26 development orders, and land development regulations.
- 27 (m) State review and approval of local-government
28 comprehensive plan amendments.
- 29 (n) The process of appealing development order and
30 comprehensive plan amendment decisions, including the
31 appropriate role of the Governor and Cabinet.

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1 (o) Development of a growth management rural policy.

2 (4) At least six public hearings must be held by the
3 commission in different regions of the state to solicit input
4 from the public on how they want the state, regional agencies,
5 and their municipalities and counties to manage growth.

6 (5) The commission shall, by February 1, 2001, provide
7 to the President of the Senate, the Speaker of the House of
8 Representatives, and the Governor a written report containing
9 specific recommendations, including legislative
10 recommendations, for improving the state's ability to better
11 manage Florida's growth in the Twenty-First Century.

12 (6) Commission members, and the members of any
13 technical advisory committee that is appointed, shall not
14 receive remuneration for their services, but members other
15 than public officers and employees shall be entitled to be
16 reimbursed by the Department of Community Affairs for travel
17 or per diem expenses in accordance with chapter 112, Florida
18 Statutes. Public officers and employees shall be reimbursed by
19 their respective agencies in accordance with chapter 112,
20 Florida Statutes.

21 (7) An executive director must be selected by the
22 Governor, subject to the approval of the commission. The
23 executive director serves at the pleasure of and reports to
24 the commission. The Department of Community Affairs shall
25 provide other staff and consultants after consultation with
26 the commission. Funding for these expenses will be provided
27 through the Department of Community Affairs. The commission
28 shall receive supplemental financial and other assistance from
29 other agencies under the Governor's direct supervision and
30 such additional assistance as is appropriate from the
31 Executive Office of the Governor.

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1 (8) All agencies under the control of the Governor are
2 directed, and all other agencies are requested, to render
3 assistance and cooperation to the commission.

4 (9) The commission shall continue in existence until
5 its objectives are achieved, but not later than February 1,
6 2001.

7 Section 15. The sum of \$250,000 is appropriated from
8 the General Revenue Fund to the Department of Community
9 Affairs' Division of Community Planning Grants and Donations
10 Trust Fund to implement the provisions of this act.

11 Section 16. If any provision of this act or the
12 application thereof to any person or circumstance is held
13 invalid, the invalidity shall not affect other provisions or
14 applications of the act which can be given effect without the
15 invalid provision or application, and to this end the
16 provisions of this act are declared severable.

17 Section 17. This act shall take effect upon becoming a
18 law.

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

22 And the title is amended as follows:

23 On page 1, line 2 through page 6, line 12
24 remove from the title of the bill: all of said lines

25
26

and insert in lieu thereof:
27 An act relating to growth management; creating
28 s. 125.595, F.S.; providing for the right of
29 citizens to petition elected officials in
30 public or private; amending s. 163.2517, F.S.;
31 revising the financial incentives which a local

Amendment No. ____ (for drafter's use only)

1 government may offer in an urban infill and
2 redevelopment area which relate to exemption
3 from local option sales surtaxes and waiver of
4 delinquent taxes or fees; providing that, in
5 order to be eligible for the exemption from
6 collecting local option sales surtaxes, a
7 business must submit an application under oath
8 to the local government, which must be approved
9 and submitted to the Department of Revenue;
10 amending s. 212.08, F.S.; specifying that the
11 authority of a local government to adopt
12 financial and local government incentives under
13 s. 163.2517, F.S., is not superseded by certain
14 provisions relating to sales tax exemptions;
15 amending s. 163.2523, F.S.; authorizing
16 transfer of unused funds between grant
17 categories under the Urban Infill and
18 Redevelopment Assistance Grant Program;
19 amending s. 163.3177, F.S.; providing that an
20 agricultural land use category may be eligible
21 for the location of public schools in a local
22 government comprehensive plan under certain
23 conditions; specifying lands that are
24 appropriate for innovative planning and
25 development strategies; requiring a report on a
26 program for implementing such strategies;
27 providing for coordination with the Grow Smart
28 Florida Study Commission; F.S.; correcting a
29 reference; amending s. 163.3184, F.S.;
30 providing additional agencies to which a local
31 government must transmit a proposed

Amendment No. ____ (for drafter's use only)

1 comprehensive plan or plan amendment; removing
2 provisions relating to transmittal of copies by
3 the state land planning agency; providing that
4 a local government may request review by the
5 state land planning agency at the time of
6 transmittal of an amendment; revising time
7 periods with respect to submission of comments
8 to the agency by other agencies, notice by the
9 agency of its intent to review, and issuance by
10 the agency of its report; providing for
11 priority review of certain amendments;
12 clarifying language; providing for compilation
13 and transmittal by the local government of a
14 list of persons who will receive an
15 informational statement concerning the agency's
16 notice of intent to find a plan or plan
17 amendment in compliance or not in compliance;
18 providing for rules; revising requirements
19 relating to publication by the agency of its
20 notice of intent; deleting a requirement that
21 the notice be sent to certain persons; amending
22 s. 163.3187, F.S.; providing that certain
23 amendments that involve affordable housing in
24 certain areas of critical state concern are
25 eligible under certain circumstances; removing
26 a provision that allows a local government to
27 elect to have such amendments subject to review
28 under s. 163.3184(3)-(6), F.S.; amending s.
29 163.3245, F.S., relating to optional sector
30 plans; clarifying and conforming language;
31 creating s. 166.0498, F.S.; providing for the

Amendment No. ____ (for drafter's use only)

1 right of citizens to petition elected officials
2 in public or private; amending s. 166.231,
3 F.S.; authorizing application of the municipal
4 public service tax on water service to property
5 in a development of regional impact outside of
6 municipal boundaries under certain conditions;
7 limiting recovery if such tax is challenged;
8 amending s. 380.06, F.S., relating to
9 developments of regional impact; providing for
10 submission of biennial, rather than annual,
11 reports by the developer; authorizing
12 submission of a letter, rather than a report,
13 under certain circumstances; providing for
14 amendment of development orders with respect to
15 report frequency; exempting petroleum storage
16 facilities from development-of-regional-impact
17 review under certain circumstances; providing
18 for maintenance of the exemption from
19 development-of-regional-impact review for
20 developments under s. 163.3245, F.S., relating
21 to optional sector plans, if said section is
22 repealed; amending ss. 163.06 and 189.415,
23 F.S.; correcting cross references, to conform;
24 creating the Grow Smart Florida Study
25 Commission; providing for appointment and
26 qualifications of members; providing the
27 commission's duties; requiring a report;
28 providing an appropriation; providing for
29 severability; providing an effective date.

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