

66-238AX-05

Bill No. CS/HB 2335

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

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

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Representative(s) Albright offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsection (4) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.--

(4) In order for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan under s. 163.3187 to delineate the boundaries of the urban infill and redevelopment area within the future land use element of its comprehensive plan pursuant to its adopted urban infill and redevelopment plan. The reviewing ~~state~~ land planning agency shall review the boundary delineation of the urban infill and redevelopment area in the future land use element under s. 163.3184. However, an urban infill and redevelopment plan adopted by a local government is not subject to review for compliance as defined by s.

1 163.3184(1)(b), and the local government is not required to
2 adopt the plan as a comprehensive plan amendment. An amendment
3 to the local comprehensive plan to designate an urban infill
4 and redevelopment area is exempt from the twice-a-year
5 amendment limitation of s. 163.3187.

6 Section 2. Subsections (5) through (9) of section
7 163.3161, Florida Statutes, are renumbered as subsections (6)
8 through (10), respectively, and a new subsection (5) is added
9 to said section to read:

10 163.3161 Short title; intent and purpose.--

11 (5) It is the intent of this act to authorize the
12 state land planning agency to provide technical planning
13 assistance to municipalities and counties in the preparation
14 of their comprehensive plans, plan amendments, and evaluation
15 and appraisal reports.

16 Section 3. Subsections (21) through (30) of section
17 163.3164, Florida Statutes, are renumbered as subsections (22)
18 through (31), respectively, present subsection (31) is
19 renumbered and amended, and a new subsection (21) is added to
20 said section, to read:

21 163.3164 Definitions.--As used in this act:

22 (21) "Reviewing land planning agency" means the local
23 reviewing council of the local government's jurisdiction
24 created pursuant to s. 163.3175 or the Department of Community
25 Affairs, as designated by the municipality or county in its
26 Notice of Election of Review filed with the Department of
27 Community Affairs and the local reviewing council. However,
28 for purposes of review of a local government's initial
29 comprehensive plan pursuant to s. 163.3184, the Department of
30 Community Affairs shall be the reviewing land planning agency.

31 (32)-(31) "Optional sector plan" means an optional

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

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

14 163.3171 Areas of authority under this act.--

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

22 Section 5. Subsection (1) of section 163.3174, Florida
23 Statutes, is amended to read:

24 163.3174 Local planning agency.--

25 (1) The governing body of each local government,
26 individually or in combination as provided in s. 163.3171,
27 shall designate and by ordinance establish a "local planning
28 agency," unless the agency is otherwise established by law.
29 The governing body may designate itself as the local planning
30 agency pursuant to this subsection. The governing body shall
31 notify the reviewing ~~state~~ land planning agency of the

1 establishment of its local planning agency. All local planning
 2 agencies shall provide opportunities for involvement by
 3 district school boards and applicable community college
 4 boards, which may be accomplished by formal representation,
 5 membership on technical advisory committees, or other
 6 appropriate means. The local planning agency shall prepare the
 7 comprehensive plan or plan amendment after hearings to be held
 8 after public notice and shall make recommendations to the
 9 governing body regarding the adoption or amendment of the
 10 plan. The agency may be a local planning commission, the
 11 planning department of the local government, or other
 12 instrumentality, including a countywide planning entity
 13 established by special act or a council of local government
 14 officials created pursuant to s. 163.02, provided the
 15 composition of the council is fairly representative of all the
 16 governing bodies in the county or planning area; however:

17 (a) If a joint planning entity is in existence on the
 18 effective date of this act which authorizes the governing
 19 bodies to adopt and enforce a land use plan effective
 20 throughout the joint planning area, that entity shall be the
 21 agency for those local governments until such time as the
 22 authority of the joint planning entity is modified by law.

23 (b) In the case of chartered counties, the planning
 24 responsibility between the county and the several
 25 municipalities therein shall be as stipulated in the charter.

26 Section 6. Section 163.3175, Florida Statutes, is
 27 created to read:

28 163.3175 Local reviewing council.--

29 (1) A local reviewing council shall be created in each
 30 county.

31 (2) Membership on the local reviewing council shall be

1 as follows:

2 (a) One representative appointed by the county, plus a
3 number of additional representatives appointed by the county
4 equal to the number of representatives appointed by the
5 municipalities under paragraph (b).

6 (b) Representatives appointed by the municipalities in
7 the county as follows:

8 1. In counties with 12 or fewer municipalities, a
9 representative shall be appointed by each municipality.

10 2. In counties with 13 or more municipalities, 12
11 representatives shall be appointed on an annual rotational
12 basis that assures adequate representation of all the
13 municipalities. The rotation schedule shall be established by
14 the county no later than September 1, 2000, and may be revised
15 as necessary to provide representation for newly created
16 municipalities.

17 (c) A representative who is a resident of the county
18 appointed by the Governor, subject to confirmation by the
19 Senate.

20 (3) Members of the council shall be appointed for
21 terms of 1 year, beginning on December 1 of each year.

22 (4) Not less than a majority of the representatives
23 serving as voting members on the governing body of a council
24 shall be elected officials of local general-purpose
25 governments chosen by the municipalities and county. Nothing
26 contained in this section shall deny to local governing bodies
27 or the Governor the option of appointing either locally
28 elected officials or lay citizens provided at least a majority
29 of the governing body of the council is composed of locally
30 elected officials.

31 (5) In addition to the voting member appointed

1 pursuant to paragraph (2)(c), the Governor shall appoint the
2 following ex officio nonvoting members to each council:

3 (a) A representative of the Department of
4 Transportation.

5 (b) A representative of the Department of
6 Environmental Protection.

7 (c) A representative nominated by Enterprise Florida,
8 Inc., and the Office of Tourism, Trade, and Economic
9 Development.

10 (d) A representative of the appropriate water
11 management district or districts.

12
13 The Governor may also appoint ex officio nonvoting members
14 representing appropriate metropolitan planning organizations
15 and regional water supply authorities.

16 (6) A local reviewing council shall have the following
17 powers:

18 (a) To adopt rules of procedure for the regulation of
19 its affairs and the conduct of its business and to appoint
20 from among its members a chair to serve annually; however,
21 such chair may be subject to reelection.

22 (b) To adopt an official name and seal.

23 (c) To maintain an office at such place or places
24 within the county as it may designate.

25 (d) To employ and to compensate such personnel,
26 consultants, and technical and professional assistants as it
27 deems necessary to exercise its powers and perform its duties.

28 (e) To make and enter into all contracts and
29 agreements necessary or incidental to the performance of its
30 duties and the execution of its powers.

31 (f) To hold public hearings and sponsor public forums

- 1 whenever the council deems it necessary or useful in the
- 2 execution of its other functions.
- 3 (g) To sue and be sued in its own name.
- 4 (h) To accept and receive, in furtherance of its
- 5 functions, funds, grants, and services from the Federal
- 6 Government or its agencies; from departments, agencies, and
- 7 instrumentalities of state, municipal, or local government; or
- 8 from private or civic sources. Each local reviewing council
- 9 shall render an accounting of the receipt and disbursement of
- 10 all funds received by it, pursuant to the federal Older
- 11 Americans Act, to the Legislature no later than March 1 of
- 12 each year.
- 13 (i) To receive and expend such sums of money as shall
- 14 be from time to time appropriated for its use by the county or
- 15 any municipality when approved by the council and to act as an
- 16 agency to receive and expend federal funds for planning.
- 17 (j) To act in an advisory capacity to the constituent
- 18 local governments in county and municipal planning matters.
- 19 (k) To cooperate, in the exercise of its planning
- 20 functions, with federal and state agencies in planning for
- 21 emergency management as defined by s. 252.34(4).
- 22 (l) To fix and collect membership dues, rents, or fees
- 23 when appropriate.
- 24 (m) To acquire, own, hold in custody, operate,
- 25 maintain, lease, or sell real or personal property.
- 26 (n) To dispose of any property acquired through the
- 27 execution of an interlocal agreement under s. 163.01.
- 28 (o) To accept gifts, grants, assistance, funds, or
- 29 bequests.
- 30 (p) To conduct studies of the resources of the county.
- 31 (q) To participate with other governmental agencies,

1 educational institutions, and private organizations in the
2 coordination or conduct of its activities.

3 (r) To select and appoint such advisory bodies as the
4 council may find appropriate for the conduct of its
5 activities.

6 (s) To enter into contracts to provide, at cost, such
7 services related to its responsibilities as may be requested
8 by local governments within the county and which the council
9 finds feasible to perform.

10 (t) To provide technical assistance to local
11 governments on growth management matters.

12 (u) To coordinate land development and transportation
13 policies in a manner that fosters regionwide transportation
14 systems.

15 (v) To review plans of independent transportation
16 authorities and metropolitan planning organizations to
17 identify inconsistencies between those agencies' plans and
18 applicable local government plans.

19 (w) To use personnel, consultants, or technical or
20 professional assistants of the council to help local
21 governments within the county conduct economic development
22 activities.

23 Section 7. Paragraphs (a) and (g) of subsection (6),
24 subsection (9), and paragraphs (a), (e), and (l) of subsection
25 (10) of section 163.3177, Florida Statutes, are amended to
26 read:

27 163.3177 Required and optional elements of
28 comprehensive plan; studies and surveys.--

29 (6) In addition to the requirements of subsections
30 (1)-(5), the comprehensive plan shall include the following
31 elements:

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1 (a) A future land use plan element designating
2 proposed future general distribution, location, and extent of
3 the uses of land for residential uses, commercial uses,
4 industry, agriculture, recreation, conservation, education,
5 public buildings and grounds, other public facilities, and
6 other categories of the public and private uses of land. The
7 future land use plan shall include standards to be followed in
8 the control and distribution of population densities and
9 building and structure intensities. The proposed
10 distribution, location, and extent of the various categories
11 of land use shall be shown on a land use map or map series
12 which shall be supplemented by goals, policies, and measurable
13 objectives. Each land use category shall be defined in terms
14 of the types of uses included and specific standards for the
15 density or intensity of use. The future land use plan shall
16 be based upon surveys, studies, and data regarding the area,
17 including the amount of land required to accommodate
18 anticipated growth; the projected population of the area; the
19 character of undeveloped land; the availability of public
20 services; the need for redevelopment, including the renewal of
21 blighted areas and the elimination of nonconforming uses which
22 are inconsistent with the character of the community; and, in
23 rural communities, the need for job creation, capital
24 investment, and economic development that will strengthen and
25 diversify the community's economy. The future land use plan
26 may designate areas for future planned development use
27 involving combinations of types of uses for which special
28 regulations may be necessary to ensure development in accord
29 with the principles and standards of the comprehensive plan
30 and this act. In addition, for rural communities, the amount
31 of land designated for future planned industrial use shall be

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1 based upon surveys and studies that reflect the need for job
2 creation, capital investment, and the necessity to strengthen
3 and diversify the local economies, and shall not be limited
4 solely by the projected population of the rural community. The
5 future land use plan of a county may also designate areas for
6 possible future municipal incorporation. The land use maps or
7 map series shall generally identify and depict historic
8 district boundaries and shall designate historically
9 significant properties meriting protection. The future land
10 use element must clearly identify the land use categories in
11 which public schools are an allowable use. When delineating
12 the land use categories in which public schools are an
13 allowable use, a local government shall include in the
14 categories sufficient land proximate to residential
15 development to meet the projected needs for schools in
16 coordination with public school boards and may establish
17 differing criteria for schools of different type or size.
18 Each local government shall include lands contiguous to
19 existing school sites, to the maximum extent possible, within
20 the land use categories in which public schools are an
21 allowable use. All comprehensive plans must comply with the
22 school siting requirements of this paragraph no later than
23 October 1, 1999. The failure by a local government to comply
24 with these school siting requirements by October 1, 1999, will
25 result in the prohibition of the local government's ability to
26 amend the local comprehensive plan, ~~except for plan amendments~~
27 ~~described in s. 163.3187(1)(b)~~, until the school siting
28 requirements are met. An amendment proposed by a local
29 government for purposes of identifying the land use categories
30 in which public schools are an allowable use is exempt from
31 the limitation on the frequency of plan amendments contained

1 in s. 163.3187. The future land use element shall include
2 criteria which encourage the location of schools proximate to
3 urban residential areas to the extent possible and shall
4 require that the local government seek to collocate public
5 facilities, such as parks, libraries, and community centers,
6 with schools to the extent possible.

7 (g) For those units of local government identified in
8 s. 380.24, a coastal management element, appropriately related
9 to the particular requirements of paragraphs (d) and (e) and
10 meeting the requirements of s. 163.3178(2) ~~and (3)~~. The
11 coastal management element shall set forth the policies that
12 shall guide the local government's decisions and program
13 implementation with respect to the following objectives:

14 1. Maintenance, restoration, and enhancement of the
15 overall quality of the coastal zone environment, including,
16 but not limited to, its amenities and aesthetic values.

17 2. Continued existence of viable populations of all
18 species of wildlife and marine life.

19 3. The orderly and balanced utilization and
20 preservation, consistent with sound conservation principles,
21 of all living and nonliving coastal zone resources.

22 4. Avoidance of irreversible and irretrievable loss of
23 coastal zone resources.

24 5. Ecological planning principles and assumptions to
25 be used in the determination of suitability and extent of
26 permitted development.

27 6. Proposed management and regulatory techniques.

28 7. Limitation of public expenditures that subsidize
29 development in high-hazard coastal areas.

30 8. Protection of human life against the effects of
31 natural disasters.

1 9. The orderly development, maintenance, and use of
2 ports identified in s. 403.021(9) to facilitate deepwater
3 commercial navigation and other related activities.

4 10. Preservation, including sensitive adaptive use of
5 historic and archaeological resources.

6 (9) The state land planning agency shall, by February
7 15, 1986, adopt by rule minimum criteria for the review and
8 determination of compliance of the local government
9 comprehensive plan elements required by this act. Such rules
10 shall not be subject to rule challenges under s. 120.56(2) or
11 to drawout proceedings under s. 120.54(3)(c)2. Such rules
12 shall become effective only after they have been submitted to
13 the President of the Senate and the Speaker of the House of
14 Representatives for review by the Legislature no later than 30
15 days prior to the next regular session of the Legislature. In
16 its review the Legislature may reject, modify, or take no
17 action relative to the rules. The agency shall conform the
18 rules to the changes made by the Legislature, or, if no action
19 was taken, the agency rules shall become effective. The rule
20 shall include criteria for determining whether:

21 (a) Proposed elements are in compliance with the
22 requirements of part II, as amended by this act.

23 (b) Other elements of the comprehensive plan are
24 related to and consistent with each other.

25 (c) The local government comprehensive plan elements
26 are consistent with the state comprehensive plan and the
27 appropriate regional policy plan pursuant to s. 186.508.

28 (d) Certain bays, estuaries, and harbors that fall
29 under the jurisdiction of more than one local government are
30 managed in a consistent and coordinated manner in the case of
31 local governments required to include a coastal management

1 element in their comprehensive plans pursuant to paragraph
2 (6)(g).

3 (e) Proposed elements identify the mechanisms and
4 procedures for monitoring, evaluating, and appraising
5 implementation of the plan. Specific measurable objectives
6 are included to provide a basis for evaluating effectiveness
7 as required by s. 163.3191.

8 (f) Proposed elements contain policies to guide future
9 decisions in a consistent manner.

10 (g) Proposed elements contain programs and activities
11 to ensure that comprehensive plans are implemented.

12 (h) Proposed elements identify the need for and the
13 processes and procedures to ensure coordination of all
14 development activities and services with other units of local
15 government, regional planning agencies, water management
16 districts, and state and federal agencies as appropriate.

17
18 The state land planning agency may adopt procedural rules that
19 are consistent with this section and chapter 120 for the
20 review of local government comprehensive plan elements
21 required under this section. The state land planning agency
22 shall provide model plans and ordinances and, upon request,
23 other technical assistance to local governments in the
24 adoption and implementation of their revised local government
25 comprehensive plans. The review and comment provisions
26 applicable prior to October 1, 1985, shall continue in effect
27 until the criteria for review and determination are adopted
28 pursuant to this subsection and the comprehensive plans
29 required by s. 163.3167(2) are due.

30 (10) The Legislature recognizes the importance and
31 significance of chapter 9J-5, Florida Administrative Code, the

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1 Minimum Criteria for Review of Local Government Comprehensive
2 Plans and Determination of Compliance of the Department of
3 Community Affairs that will be used to determine compliance of
4 local comprehensive plans. The Legislature reserved unto
5 itself the right to review chapter 9J-5, Florida
6 Administrative Code, and to reject, modify, or take no action
7 relative to this rule. Therefore, pursuant to subsection (9),
8 the Legislature hereby has reviewed chapter 9J-5, Florida
9 Administrative Code, and expresses the following legislative
10 intent:

11 (a) The Legislature finds that in order for the
12 reviewing land planning agency ~~department~~ to review local
13 comprehensive plans, it is necessary to define the term
14 "consistency." Therefore, for the purpose of determining
15 whether local comprehensive plans are consistent with the
16 state comprehensive plan and the appropriate regional policy
17 plan, a local plan shall be consistent with such plans if the
18 local plan is "compatible with" and "furthers" such plans.
19 The term "compatible with" means that the local plan is not in
20 conflict with the state comprehensive plan or appropriate
21 regional policy plan. The term "furthers" means to take
22 action in the direction of realizing goals or policies of the
23 state or regional plan. For the purposes of determining
24 consistency of the local plan with the state comprehensive
25 plan or the appropriate regional policy plan, the state or
26 regional plan shall be construed as a whole and no specific
27 goal and policy shall be construed or applied in isolation
28 from the other goals and policies in the plans.

29 (e) It is the Legislature's intent that support data
30 or summaries thereof shall not be subject to the compliance
31 review process, but the Legislature intends that goals and

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1 policies be clearly based on appropriate data. The reviewing
2 land planning agency department may utilize support data or
3 summaries thereof to aid in its determination of compliance
4 and consistency. The Legislature intends that the reviewing
5 land planning agency department may evaluate the application
6 of a methodology utilized in data collection or whether a
7 particular methodology is professionally accepted. However,
8 the reviewing land planning agency department shall not
9 evaluate whether one accepted methodology is better than
10 another. Chapter 9J-5, Florida Administrative Code, shall not
11 be construed to require original data collection by local
12 governments; however, local governments are not to be
13 discouraged from utilizing original data so long as
14 methodologies are professionally accepted.

15 (1) The reviewing state land planning agency shall
16 consider land use compatibility issues in the vicinity of all
17 airports in coordination with the Department of
18 Transportation.

19 Section 8. Subsection (3) of section 163.3178, Florida
20 Statutes, is repealed, and subsection (5) of said section is
21 amended to read:

22 163.3178 Coastal management.--

23 (5) The appropriate dispute resolution process
24 provided under s. 186.509 must be used to reconcile
25 inconsistencies between port master plans and local
26 comprehensive plans. In recognition of the state's commitment
27 to deepwater ports, the state comprehensive plan must include
28 goals, objectives, and policies that establish a statewide
29 strategy for enhancement of existing deepwater ports, ensuring
30 that priority is given to water-dependent land uses. ~~As an~~
31 ~~incentive for promoting plan consistency, port facilities as~~

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1 ~~defined in s. 315.02(6) on lands owned or controlled by a~~
2 ~~deepwater port as defined in s. 311.09(1), as of the effective~~
3 ~~date of this act shall not be subject to~~
4 ~~development of regional impact review provided the port either~~
5 ~~successfully completes an alternative comprehensive~~
6 ~~development agreement with a local government pursuant to ss.~~
7 ~~163.3220-163.3243 or successfully enters into a development~~
8 ~~agreement with the state land planning agency and applicable~~
9 ~~local government pursuant to s. 380.032 or, where the port is~~
10 ~~a department of a local government, successfully enters into a~~
11 ~~development agreement with the state land planning agency~~
12 ~~pursuant to s. 380.032. Port facilities as defined in s.~~
13 ~~315.02(6) on lands not owned or controlled by a deepwater port~~
14 ~~as defined in s. 311.09(1) as of the effective date of this~~
15 ~~act shall not be subject to development of regional impact~~
16 ~~review provided the port successfully enters into a~~
17 ~~development agreement with the state land planning agency and~~
18 ~~applicable local government pursuant to s. 380.032 or, where~~
19 ~~the port is a department of a local government, successfully~~
20 ~~enters into a development agreement with the state land~~
21 ~~planning agency pursuant to s. 380.032.~~

22 Section 9. Subsection (12) of section 163.3180,
23 Florida Statutes, is repealed, and subsection (13) of said
24 section is amended to read:

25 163.3180 Concurrency.--

26 (13) School concurrency, ~~if imposed by local option,~~
27 shall be established on a districtwide basis by July 1, 2001,
28 and shall include all public schools in the district and all
29 portions of the district, whether located in a municipality or
30 an unincorporated area. If school concurrency is not
31 established by that date, there shall be a building moratorium

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1 within that district until comprehensive plan amendments
2 applying school concurrency are adopted.The application of
3 school concurrency to development shall be based upon the
4 adopted comprehensive plan, as amended. All local governments
5 within a county, except as provided in paragraph (f), shall
6 adopt and transmit to the reviewing state land planning agency
7 the necessary plan amendments, along with the interlocal
8 agreement, for a compliance review pursuant to s. 163.3184(7)
9 and (8). School concurrency shall not become effective in a
10 county until all local governments, except as provided in
11 paragraph (f), have adopted the necessary plan amendments,
12 which together with the interlocal agreement, are determined
13 to be in compliance with the requirements of this part. The
14 minimum requirements for school concurrency are the following:
15 (a) Public school facilities element.--A local
16 government shall adopt and transmit to the reviewing state
17 land planning agency a plan or plan amendment which includes a
18 public school facilities element which is consistent with the
19 requirements of s. 163.3177(12) and which is determined to be
20 in compliance as defined in s. 163.3184(1)(b). All local
21 government public school facilities plan elements within a
22 county must be consistent with each other as well as the
23 requirements of this part.
24 (b) Level-of-service standards.--The Legislature
25 recognizes that an essential requirement for a concurrency
26 management system is the level of service at which a public
27 facility is expected to operate.
28 1. Local governments and school boards ~~imposing school~~
29 ~~concurrency~~ shall exercise authority in conjunction with each
30 other to establish jointly adequate level-of-service
31 standards, as defined in chapter 9J-5, Florida Administrative

1 Code, necessary to implement the adopted local government
2 comprehensive plan, based on data and analysis.

3 2. Public school level-of-service standards shall be
4 included and adopted into the capital improvements element of
5 the local comprehensive plan and shall apply districtwide to
6 all schools of the same type. Types of schools may include
7 elementary, middle, and high schools as well as special
8 purpose facilities such as magnet schools.

9 3. Local governments and school boards shall have the
10 option to utilize tiered level-of-service standards to allow
11 time to achieve an adequate and desirable level of service as
12 circumstances warrant.

13 (c) Service areas.--The Legislature recognizes that an
14 essential requirement for a concurrency system is a
15 designation of the area within which the level of service will
16 be measured when an application for a residential development
17 permit is reviewed for school concurrency purposes. This
18 delineation is also important for purposes of determining
19 whether the local government has a financially feasible public
20 school capital facilities program that will provide schools
21 which will achieve and maintain the adopted level-of-service
22 standards.

23 1. In order to balance competing interests, preserve
24 the constitutional concept of uniformity, and avoid disruption
25 of existing educational and growth management processes, local
26 governments are encouraged to apply school concurrency to
27 development on a districtwide basis so that a concurrency
28 determination for a specific development will be based upon
29 the availability of school capacity districtwide.

30 2. For local governments applying school concurrency
31 on a less than districtwide basis, such as utilizing school

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1 attendance zones or larger school concurrency service areas,
2 local governments and school boards shall have the burden to
3 demonstrate that the utilization of school capacity is
4 maximized to the greatest extent possible in the comprehensive
5 plan and amendment, taking into account transportation costs
6 and court-approved desegregation plans, as well as other
7 factors. In addition, in order to achieve concurrency within
8 the service area boundaries selected by local governments and
9 school boards, the service area boundaries, together with the
10 standards for establishing those boundaries, shall be
11 identified, included, and adopted as part of the comprehensive
12 plan. Any subsequent change to the service area boundaries
13 for purposes of a school concurrency system shall be by plan
14 amendment and shall be exempt from the limitation on the
15 frequency of plan amendments in s. 163.3187(1).

16 3. Where school capacity is available on a
17 districtwide basis but school concurrency is applied on a less
18 than districtwide basis in the form of concurrency service
19 areas, if the adopted level-of-service standard cannot be met
20 in a particular service area as applied to an application for
21 a development permit and if the needed capacity for the
22 particular service area is available in one or more contiguous
23 service areas, as adopted by the local government, then the
24 development order shall be issued and mitigation measures
25 shall not be exacted.

26 (d) Financial feasibility.--The Legislature recognizes
27 that financial feasibility is an important issue because the
28 premise of concurrency is that the public facilities will be
29 provided in order to achieve and maintain the adopted
30 level-of-service standard. This part and chapter 9J-5, Florida
31 Administrative Code, contain specific standards to determine

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1 the financial feasibility of capital programs. These standards
2 were adopted to make concurrency more predictable and local
3 governments more accountable.

4 1. A comprehensive plan amendment seeking to impose
5 school concurrency shall contain appropriate amendments to the
6 capital improvements element of the comprehensive plan,
7 consistent with the requirements of s. 163.3177(3) and rule
8 9J-5.016, Florida Administrative Code. The capital
9 improvements element shall set forth a financially feasible
10 public school capital facilities program, established in
11 conjunction with the school board, that demonstrates that the
12 adopted level-of-service standards will be achieved and
13 maintained.

14 2. Such amendments shall demonstrate that the public
15 school capital facilities program meets all of the financial
16 feasibility standards of this part and chapter 9J-5, Florida
17 Administrative Code, that apply to capital programs which
18 provide the basis for mandatory concurrency on other public
19 facilities and services.

20 3. When the financial feasibility of a public school
21 capital facilities program is evaluated by the reviewing state
22 land planning agency for purposes of a compliance
23 determination, the evaluation shall be based upon the service
24 areas selected by the local governments and school board.

25 (e) Availability standard.--Consistent with the public
26 welfare, a local government may not deny a development permit
27 authorizing residential development for failure to achieve and
28 maintain the level-of-service standard for public school
29 capacity in a ~~local option~~ school concurrency system where
30 adequate school facilities will be in place or under actual
31 construction within 3 years after permit issuance.

1 (f) Intergovernmental coordination.--
2 1. When establishing concurrency requirements for
3 public schools, a local government shall satisfy the
4 requirements for intergovernmental coordination set forth in
5 s. 163.3177(6)(h)1. and 2., except that a municipality is not
6 required to be a signatory to the interlocal agreement
7 required by s. 163.3177(6)(h)2. as a prerequisite for
8 imposition of school concurrency, and as a nonsignatory, shall
9 not participate in the adopted local school concurrency
10 system, if the municipality meets all of the following
11 criteria for having no significant impact on school
12 attendance:
13 a. The municipality has issued development orders for
14 fewer than 50 residential dwelling units during the preceding
15 5 years, or the municipality has generated fewer than 25
16 additional public school students during the preceding 5
17 years.
18 b. The municipality has not annexed new land during
19 the preceding 5 years in land use categories which permit
20 residential uses that will affect school attendance rates.
21 c. The municipality has no public schools located
22 within its boundaries.
23 d. At least 80 percent of the developable land within
24 the boundaries of the municipality has been built upon.
25 2. A municipality which qualifies as having no
26 significant impact on school attendance pursuant to the
27 criteria of subparagraph 1. must review and determine at the
28 time of its evaluation and appraisal report pursuant to s.
29 163.3191 whether it continues to meet the criteria. If the
30 municipality determines that it no longer meets the criteria,
31 it must adopt appropriate school concurrency goals,

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1 objectives, and policies in its plan amendments based on the
2 evaluation and appraisal report, and enter into the existing
3 interlocal agreement required by s. 163.3177(6)(h)2., in order
4 to fully participate in the school concurrency system. If
5 such a municipality fails to do so, it will be subject to the
6 enforcement provisions of s. 163.3191.

7 (g) Interlocal agreement for school concurrency.--When
8 establishing concurrency requirements for public schools, a
9 local government must enter into an interlocal agreement which
10 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and
11 the requirements of this subsection. The interlocal agreement
12 shall acknowledge both the school board's constitutional and
13 statutory obligations to provide a uniform system of free
14 public schools on a countywide basis, and the land use
15 authority of local governments, including their authority to
16 approve or deny comprehensive plan amendments and development
17 orders. The interlocal agreement shall be submitted to the
18 reviewing ~~state~~ land planning agency by the local government
19 as a part of the compliance review, along with the other
20 necessary amendments to the comprehensive plan required by
21 this part. In addition to the requirements of s.
22 163.3177(6)(h), the interlocal agreement shall meet the
23 following requirements:

24 1. Establish the mechanisms for coordinating the
25 development, adoption, and amendment of each local
26 government's public school facilities element with each other
27 and the plans of the school board to ensure a uniform
28 districtwide school concurrency system.

29 2. Establish a process by which each local government
30 and the school board shall agree and base their plans on
31 consistent projections of the amount, type, and distribution

1 of population growth and coordinate and share information
2 relating to existing and planned public school facilities
3 projections and proposals for development and redevelopment,
4 and infrastructure required to support public school
5 facilities.

6 3. Establish a process for the development of siting
7 criteria which encourages the location of public schools
8 proximate to urban residential areas to the extent possible
9 and seeks to collocate schools with other public facilities
10 such as parks, libraries, and community centers to the extent
11 possible.

12 4. Specify uniform, districtwide level-of-service
13 standards for public schools of the same type and the process
14 for modifying the adopted levels-of-service standards.

15 5. Establish a process for the preparation, amendment,
16 and joint approval by each local government and the school
17 board of a public school capital facilities program which is
18 financially feasible, and a process and schedule for
19 incorporation of the public school capital facilities program
20 into the local government comprehensive plans on an annual
21 basis.

22 6. Define the geographic application of school
23 concurrency. If school concurrency is to be applied on a less
24 than districtwide basis in the form of concurrency service
25 areas, the agreement shall establish criteria and standards
26 for the establishment and modification of school concurrency
27 service areas. The agreement shall also establish a process
28 and schedule for the mandatory incorporation of the school
29 concurrency service areas and the criteria and standards for
30 establishment of the service areas into the local government
31 comprehensive plans. The agreement shall ensure maximum

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1 utilization of school capacity, taking into account
2 transportation costs and court-approved desegregation plans,
3 as well as other factors. The agreement shall also ensure the
4 achievement and maintenance of the adopted level-of-service
5 standards for the geographic area of application throughout
6 the 5 years covered by the public school capital facilities
7 plan and thereafter by adding a new fifth year during the
8 annual update.

9 7. Establish a uniform districtwide procedure for
10 implementing school concurrency which provides for:

11 a. The evaluation of development applications for
12 compliance with school concurrency requirements;

13 b. An opportunity for the school board to review and
14 comment on the effect of comprehensive plan amendments and
15 rezonings on the public school facilities plan; and

16 c. The monitoring and evaluation of the school
17 concurrency system.

18 8. Include provisions relating to termination,
19 suspension, and amendment of the agreement. The agreement
20 shall provide that if the agreement is terminated or
21 suspended, the application of school concurrency shall be
22 terminated or suspended.

23 Section 10. Paragraph (c) of subsection (3) of section
24 163.3181, Florida Statutes, is amended to read:

25 163.3181 Public participation in the comprehensive
26 planning process; intent; alternative dispute resolution.--

27 (3) A local government considering undertaking a
28 publicly financed capital improvement project may elect to use
29 the procedures set forth in this subsection for the purpose of
30 allowing public participation in the decision and resolution
31 of disputes. For purposes of this subsection, a publicly

1 financed capital improvement project is a physical structure
2 or structures, the funding for construction, operation, and
3 maintenance of which is financed entirely from public funds.

4 (c) If an affected person requests an administrative
5 hearing pursuant to ss. 120.569 and 120.57, that person shall
6 file the petition no later than 30 days after the public
7 hearing or no later than 30 days after the change or new
8 information is made available to the public, whichever is
9 later. Affected local governments, the reviewing state land
10 planning agency, or other affected persons may intervene.

11 Following the initiation of an administrative hearing, the
12 administrative law judge shall, by order issued within 15 days
13 after receipt of the petition, establish a schedule for the
14 proceedings, including discovery, which provides for a final
15 hearing within 60 days of the issuance of the order. Proposed
16 recommended orders must be submitted to the administrative law
17 judge, if at all, within 10 days of the filing of the hearing
18 transcript. Recommended orders shall be submitted to the
19 reviewing state land planning agency within 30 days of the
20 last day for the filing of the proposed recommended order.
21 The reviewing state land planning agency shall issue its final
22 order within 45 days of receipt of the recommended order.

23 Section 11. Section 163.3184, Florida Statutes, is
24 amended to read:

25 163.3184 Process for adoption of comprehensive plan or
26 plan amendment.--

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

28 (a) "Affected person" includes the affected local
29 government; persons owning property, residing, or owning or
30 operating a business within the boundaries of the local
31 government whose plan is the subject of the review; and

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1 adjoining local governments that can demonstrate that the plan
2 or plan amendment will produce substantial impacts on the
3 increased need for publicly funded infrastructure or
4 substantial impacts on areas designated for protection or
5 special treatment within their jurisdiction. Each person,
6 other than an adjoining local government, in order to qualify
7 under this definition, shall also have submitted oral or
8 written comments, recommendations, or objections to the local
9 government during the period of time beginning with the
10 transmittal hearing for the plan or plan amendment and ending
11 with the adoption of the plan or plan amendment.

12 (b) "In compliance" means consistent with the
13 requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191,
14 and 163.3245, with the state comprehensive plan, with the
15 appropriate strategic regional policy plan, and with chapter
16 9J-5, Florida Administrative Code, where such rule is not
17 inconsistent with this part and with the principles for
18 guiding development in designated areas of critical state
19 concern.

20 (2) COORDINATION.--Each comprehensive plan proposed to
21 be adopted pursuant to this part shall be transmitted,
22 adopted, and reviewed in the manner prescribed in this
23 section. The state land planning agency shall have
24 responsibility for plan review, coordination, and the
25 preparation and transmission of comments, pursuant to this
26 section, to the local governing body responsible for the
27 comprehensive plan.Each comprehensive ~~plan or~~ plan amendment
28 proposed to be adopted pursuant to this part shall be
29 transmitted, adopted, and reviewed in the manner prescribed in
30 this section. No later than December 1 of each even-numbered
31 year, each county and municipality must submit to the state

1 land planning agency and the local reviewing council a Notice
2 of Election of Review, by certified mail, return receipt
3 requested, indicating whether the state land planning agency
4 or the local reviewing council ~~The state land planning agency~~
5 shall have responsibility as reviewing agency for plan
6 amendment review, coordination, and the preparation and
7 transmission of comments, pursuant to this section, to the
8 local governing body responsible for the comprehensive plan
9 beginning January 1 of the next odd-numbered year for the
10 following 2 years. Failure to notify the state land planning
11 agency and the local reviewing council by the required
12 deadline will result in a default selection of the state land
13 planning agency as the review agency of plan amendments for
14 the 2-year period. The reviewing ~~state~~ land planning agency
15 shall maintain a single file concerning any proposed or
16 adopted plan amendment submitted by a local government for any
17 review under this section. Copies of all correspondence,
18 papers, notes, memoranda, and other documents received or
19 generated by the reviewing ~~state~~ land planning agency must be
20 placed in the appropriate file. Paper copies of all electronic
21 mail correspondence must be placed in the file. The file and
22 its contents must be available for public inspection and
23 copying as provided in chapter 119.

24 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
25 AMENDMENT.--

26 (a) Each local governing body shall transmit the
27 complete proposed comprehensive plan or plan amendment to the
28 reviewing ~~state~~ land planning agency, the appropriate regional
29 planning council and water management district, the Department
30 of Environmental Protection, the Department of Health, and the
31 Department of Transportation immediately following a public

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1 hearing pursuant to subsection (15) as specified in this act
2 ~~the state land planning agency's procedural rules~~. The local
3 governing body shall also transmit a copy of the complete
4 proposed comprehensive plan or plan amendment to any other
5 unit of local government or government agency in the state
6 that has filed a written request with the governing body for
7 the plan or plan amendment.

8 (b) A local governing body shall not transmit portions
9 of a plan or plan amendment unless it has previously provided
10 to all state agencies designated by the reviewing state land
11 planning agency a complete copy of its adopted comprehensive
12 plan pursuant to subsection (7) and as specified in the
13 agency's procedural rules. In the case of comprehensive plan
14 amendments, the local governing body shall transmit to the
15 reviewing state land planning agency, the appropriate regional
16 planning council and water management district, the Department
17 of Environmental Protection, the Department of Health, and the
18 Department of Transportation the materials specified in the
19 state land planning agency's procedural rules and, in cases in
20 which the plan amendment is a result of an evaluation and
21 appraisal report adopted pursuant to s. 163.3191, a copy of
22 the evaluation and appraisal report. Local governing bodies
23 shall consolidate all proposed plan amendments into a single
24 submission for each of the two plan amendment adoption dates
25 during the calendar year pursuant to s. 163.3187.

26 (c) A local government may adopt a proposed plan
27 amendment previously transmitted pursuant to this subsection,
28 unless review is requested or otherwise initiated pursuant to
29 subsection (6).

30 (d) In cases in which a local government transmits
31 multiple individual amendments that can be clearly and legally

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1 separated and distinguished for the purpose of determining
2 whether to review the proposed amendment, and the reviewing
3 ~~state~~ land planning agency elects to review several or a
4 portion of the amendments and the local government chooses to
5 immediately adopt the remaining amendments not reviewed, the
6 amendments immediately adopted and any reviewed amendments
7 that the local government subsequently adopts together
8 constitute one amendment cycle in accordance with s.
9 163.3187(1).

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

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1 government of the proposed plan amendment will be considered
2 as if submitted by governmental agencies. All written agency
3 and public comments must be made part of the file maintained
4 under subsection (2).

5 (5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.--The
6 review of the regional planning council pursuant to subsection
7 (4) shall be limited to effects on regional resources or
8 facilities identified in the strategic regional policy plan
9 and extra jurisdictional impacts which would be inconsistent
10 with the comprehensive plan of the affected local government.
11 However, any inconsistency between a local plan or plan
12 amendment and a strategic regional policy plan must not be the
13 sole basis for a notice of intent to find a local plan or plan
14 amendment not in compliance with this act. A regional planning
15 council shall not review and comment on a proposed
16 comprehensive plan it prepared itself unless the plan has been
17 changed by the local government subsequent to the preparation
18 of the plan by the regional planning agency. The review of the
19 county land planning agency pursuant to subsection (4) shall
20 be primarily in the context of the relationship and effect of
21 the proposed plan amendment on any county comprehensive plan
22 element. Any review by municipalities will be primarily in the
23 context of the relationship and effect on the municipal plan.

24 (6) REVIEWING STATE LAND PLANNING AGENCY REVIEW.--

25 (a) The reviewing state land planning agency shall
26 review a proposed plan amendment upon request of a regional
27 planning council, affected person, or local government
28 transmitting the plan amendment if the request is received
29 within 30 days after transmittal of the proposed plan
30 amendment pursuant to subsection (3). The agency shall issue a
31 report of its objections, recommendations, and comments

1 regarding the proposed plan amendment. A regional planning
2 council or affected person requesting a review shall do so by
3 submitting a written request to the agency with a notice of
4 the request to the local government and any other person who
5 has requested notice.

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

13 (c) The reviewing state land planning agency shall
14 follow the established ~~establish by rule~~ a schedule for
15 receipt of comments from the various government agencies, as
16 well as written public comments, pursuant to subsection (4).
17 The reviewing state land planning agency shall have 30 days to
18 review comments from the various government agencies along
19 with a local government's comprehensive plan or plan
20 amendment. During that period, the reviewing state land
21 planning agency shall transmit in writing its comments to the
22 local government along with any objections and any
23 recommendations for modifications. When a federal, state, or
24 regional agency has implemented a permitting program, the
25 reviewing state land planning agency shall not require a local
26 government to duplicate or exceed that permitting program in
27 its comprehensive plan or to implement such a permitting
28 program in its land development regulations. Nothing
29 contained herein shall prohibit the reviewing state land
30 planning agency in conducting its review of local plans or
31 plan amendments from making objections, recommendations, and

1 comments or making compliance determinations regarding
2 densities and intensities consistent with the provisions of
3 this part. In preparing its comments, the reviewing state land
4 planning agency shall only base its considerations on written,
5 and not oral, comments, from any source.

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

19 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF
20 PLAN OR AMENDMENTS AND TRANSMITTAL.--The local government
21 shall review the written comments submitted to it by the
22 reviewing state land planning agency, and any other person,
23 agency, or government. Any comments, recommendations, or
24 objections and any reply to them shall be public documents, a
25 part of the permanent record in the matter, and admissible in
26 any proceeding in which the comprehensive plan or plan
27 amendment may be at issue. The local government, upon receipt
28 of written comments from the reviewing state land planning
29 agency, shall have 120 days to adopt or adopt with changes the
30 proposed comprehensive plan or s. 163.3191 plan amendments.
31 In the case of comprehensive plan amendments other than those

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1 proposed pursuant to s. 163.3191, the local government shall
2 have 60 days to adopt the amendment, adopt the amendment with
3 changes, or determine that it will not adopt the amendment.
4 The adoption of the proposed plan or plan amendment or the
5 determination not to adopt a plan amendment, other than a plan
6 amendment proposed pursuant to s. 163.3191, shall be made in
7 the course of a public hearing pursuant to subsection (15).
8 The local government shall transmit the adopted comprehensive
9 plan or adopted plan amendment to the reviewing ~~state~~ land
10 planning agency ~~as specified in the agency's procedural rules~~
11 within 10 working days after adoption. The local governing
12 body shall also transmit a copy of the adopted comprehensive
13 plan or plan amendment to the regional planning agency and to
14 any other unit of local government or governmental agency in
15 the state that has filed a written request with the governing
16 body for a copy of the plan or plan amendment.

17 (8) NOTICE OF INTENT.--

18 (a) Except as provided in s. 163.3187(3), the
19 reviewing ~~state~~ land planning agency, upon receipt of a local
20 government's adopted comprehensive plan or plan amendment,
21 shall have 45 days for review and to determine if the plan or
22 plan amendment is in compliance with this act, unless the
23 amendment is the result of a compliance agreement entered into
24 under subsection (16), in which case the time period for
25 review and determination shall be 30 days. If review was not
26 conducted under subsection (6), the agency's determination
27 must be based upon the plan amendment as adopted. If review
28 was conducted under subsection (6), the agency's determination
29 of compliance must be based only upon one or both of the
30 following:

31 1. The reviewing ~~state~~ land planning agency's written

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1 comments to the local government pursuant to subsection (6);
2 or

3 2. Any changes made by the local government to the
4 comprehensive plan or plan amendment as adopted.

5 (b) During the time period provided for in this
6 subsection, the reviewing state land planning agency shall
7 ~~issue, through a senior administrator or the secretary, as~~
8 ~~specified in the agency's procedural rules,~~ a notice of intent
9 to find that the plan or plan amendment is in compliance or
10 not in compliance. A notice of intent shall be issued by
11 publication in the manner provided by this paragraph and by
12 mailing a copy to the local government and to persons who
13 request notice. The required advertisement shall be no less
14 than 2 columns wide by 10 inches long, and the headline in the
15 advertisement shall be in a type no smaller than 12 point. The
16 advertisement shall not be placed in that portion of the
17 newspaper where legal notices and classified advertisements
18 appear. The advertisement shall be published in a newspaper
19 which meets the size and circulation requirements set forth in
20 paragraph (15)(c) and which has been designated in writing by
21 the affected local government at the time of transmittal of
22 the amendment. Publication by the reviewing state land
23 planning agency of a notice of intent in the newspaper
24 designated by the local government shall be prima facie
25 evidence of compliance with the publication requirements of
26 this section.

27 (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN
28 COMPLIANCE.--

29 (a) If the reviewing state land planning agency issues
30 a notice of intent to find that the comprehensive plan or plan
31 amendment transmitted pursuant to s. 163.3167, s. 163.3187, s.

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1 163.3189, or s. 163.3191 is in compliance with this act, any
2 affected person may file a petition with the agency pursuant
3 to ss. 120.569 and 120.57 within 21 days after the publication
4 of notice. In this proceeding, the local plan or plan
5 amendment shall be determined to be in compliance if the local
6 government's determination of compliance is fairly debatable.

7 (b) The hearing shall be conducted by an
8 administrative law judge of the Division of Administrative
9 Hearings of the Department of Management Services, who shall
10 hold the hearing in the county of and convenient to the
11 affected local jurisdiction and submit a recommended order to
12 the reviewing state land planning agency. The reviewing state
13 land planning agency shall allow for the filing of exceptions
14 to the recommended order and shall issue a final order after
15 receipt of the recommended order if the reviewing state land
16 planning agency determines that the plan or plan amendment is
17 in compliance. If the reviewing state land planning agency
18 determines that the plan or plan amendment is not in
19 compliance, the agency shall submit the recommended order to
20 the Administration Commission for final agency action.

21 (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN
22 COMPLIANCE.--

23 (a) If the reviewing state land planning agency issues
24 a notice of intent to find the comprehensive plan or plan
25 amendment not in compliance with this act, the notice of
26 intent shall be forwarded to the Division of Administrative
27 Hearings of the Department of Management Services, which shall
28 conduct a proceeding under ss. 120.569 and 120.57 in the
29 county of and convenient to the affected local jurisdiction.
30 The parties to the proceeding shall be the reviewing state
31 land planning agency, the affected local government, and any

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1 affected person who intervenes. No new issue may be alleged
2 as a reason to find a plan or plan amendment not in compliance
3 in an administrative pleading filed more than 21 days after
4 publication of notice unless the party seeking that issue
5 establishes good cause for not alleging the issue within that
6 time period. Good cause shall not include excusable neglect.
7 In the proceeding, the local government's determination that
8 the comprehensive plan or plan amendment is in compliance is
9 presumed to be correct. The local government's determination
10 shall be sustained unless it is shown by a preponderance of
11 the evidence that the comprehensive plan or plan amendment is
12 not in compliance. The local government's determination that
13 elements of its plans are related to and consistent with each
14 other shall be sustained if the determination is fairly
15 debatable.

16 (b) The administrative law judge assigned by the
17 division shall submit a recommended order to the
18 Administration Commission for final agency action.

19 (c) Prior to the hearing, the reviewing state land
20 planning agency shall afford an opportunity to mediate or
21 otherwise resolve the dispute. If a party to the proceeding
22 requests mediation or other alternative dispute resolution,
23 the hearing may not be held until the reviewing state land
24 planning agency advises the administrative law judge in
25 writing of the results of the mediation or other alternative
26 dispute resolution. However, the hearing may not be delayed
27 for longer than 90 days for mediation or other alternative
28 dispute resolution unless a longer delay is agreed to by the
29 parties to the proceeding. The costs of the mediation or
30 other alternative dispute resolution shall be borne equally by
31 all of the parties to the proceeding.

1 (11) ADMINISTRATION COMMISSION.--

2 (a) If the Administration Commission, upon a hearing
3 pursuant to subsection (9) or subsection (10), finds that the
4 comprehensive plan or plan amendment is not in compliance with
5 this act, the commission shall specify remedial actions which
6 would bring the comprehensive plan or plan amendment into
7 compliance. The commission may direct state agencies not to
8 provide funds to increase the capacity of roads, bridges, or
9 water and sewer systems within the boundaries of those local
10 governmental entities which have comprehensive plans or plan
11 elements that are determined not to be in compliance. The
12 commission order may also specify that the local government
13 shall not be eligible for grants administered under the
14 following programs:

15 1. The Florida Small Cities Community Development
16 Block Grant Program, as authorized by ss. 290.0401-290.049.

17 2. The Florida Recreation Development Assistance
18 Program, as authorized by chapter 375.

19 3. Revenue sharing pursuant to ss. 206.60, 210.20, and
20 218.61 and chapter 212, to the extent not pledged to pay back
21 bonds.

22 (b) If the local government is one which is required
23 to include a coastal management element in its comprehensive
24 plan pursuant to s. 163.3177(6)(g), the commission order may
25 also specify that the local government is not eligible for
26 funding pursuant to s. 161.091. The commission order may also
27 specify that the fact that the coastal management element has
28 been determined to be not in compliance shall be a
29 consideration when the department considers permits under s.
30 161.053 and when the Board of Trustees of the Internal
31 Improvement Trust Fund considers whether to sell, convey any

1 interest in, or lease any sovereignty lands or submerged lands
2 until the element is brought into compliance.

3 (c) Any funds from a state program withheld from a
4 local government pursuant to paragraphs (a) and (b) as a
5 sanction for noncompliance shall be deposited into the Growth
6 Management Trust Fund created by s. 186.911.

7 (d) The sanctions provided by paragraphs (a) and (b)
8 shall not apply to a local government regarding any plan
9 amendment, except for plan amendments that amend plans that
10 have not been finally determined to be in compliance with this
11 part, and except as provided in s. 163.3189(2) or s.
12 163.3191(11).

13 (12) GOOD FAITH FILING.--The signature of an attorney
14 or party constitutes a certificate that he or she has read the
15 pleading, motion, or other paper and that, to the best of his
16 or her knowledge, information, and belief formed after
17 reasonable inquiry, it is not interposed for any improper
18 purpose, such as to harass or to cause unnecessary delay, or
19 for economic advantage, competitive reasons, or frivolous
20 purposes or needless increase in the cost of litigation. If a
21 pleading, motion, or other paper is signed in violation of
22 these requirements, the administrative law judge, upon motion
23 or his or her own initiative, shall impose upon the person who
24 signed it, a represented party, or both, an appropriate
25 sanction, which may include an order to pay to the other party
26 or parties the amount of reasonable expenses incurred because
27 of the filing of the pleading, motion, or other paper,
28 including a reasonable attorney's fee.

29 (13) EXCLUSIVE PROCEEDINGS.--The proceedings under
30 this section shall be the sole proceeding or action for a
31 determination of whether a local government's plan, element,

1 or amendment is in compliance with this act.

2 (14) AREAS OF CRITICAL STATE CONCERN.--No proposed
3 local government comprehensive plan or plan amendment which is
4 applicable to a designated area of critical state concern
5 shall be effective until a final order is issued finding the
6 plan or amendment to be in compliance as defined in this
7 section.

8 (15) PUBLIC HEARINGS.--

9 (a) The procedure for transmittal of a complete
10 proposed comprehensive plan or plan amendment pursuant to
11 subsection (3) and for adoption of a comprehensive plan or
12 plan amendment pursuant to subsection (7) shall be by
13 affirmative vote of not less than a majority of the members of
14 the governing body present at the hearing. The adoption of a
15 comprehensive plan or plan amendment shall be by ordinance.
16 For the purposes of transmitting or adopting a comprehensive
17 plan or plan amendment, the notice requirements in chapters
18 125 and 166 are superseded by this subsection, except as
19 provided in this part.

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

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

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

31 (c) 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 (a) At any time following the issuance of a notice of
9 intent to find a comprehensive plan or plan amendment not in
10 compliance with this part or after the initiation of a hearing
11 pursuant to subsection (9), the reviewing ~~state~~ land planning
12 agency and the local government may voluntarily enter into a
13 compliance agreement to resolve one or more of the issues
14 raised in the proceedings. Affected persons who have initiated
15 a formal proceeding or have intervened in a formal proceeding
16 may also enter into the compliance agreement. All parties
17 granted intervenor status shall be provided reasonable notice
18 of the commencement of a compliance agreement negotiation
19 process and a reasonable opportunity to participate in such
20 negotiation process. Negotiation meetings with local
21 governments or intervenors shall be open to the public. The
22 reviewing ~~state~~ land planning agency shall provide each party
23 granted intervenor status with a copy of the compliance
24 agreement within 10 days after the agreement is executed. The
25 compliance agreement shall list each portion of the plan or
26 plan amendment which is not in compliance, and shall specify
27 remedial actions which the local government must complete
28 within a specified time in order to bring the plan or plan
29 amendment into compliance, including adoption of all necessary
30 plan amendments. The compliance agreement may also establish
31 monitoring requirements and incentives to ensure that the

1 conditions of the compliance agreement are met.

2 (b) Upon filing by the reviewing state land planning
3 agency of a compliance agreement executed by the agency and
4 the local government with the Division of Administrative
5 Hearings, any administrative proceeding under ss. 120.569 and
6 120.57 regarding the plan or plan amendment covered by the
7 compliance agreement shall be stayed.

8 (c) Prior to its execution of a compliance agreement,
9 the local government must approve the compliance agreement at
10 a public hearing advertised at least 10 days before the public
11 hearing in a newspaper of general circulation in the area in
12 accordance with the advertisement requirements of subsection
13 (15).

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

30 (e) The reviewing state land planning agency, upon
31 receipt of a plan amendment adopted pursuant to a compliance

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1 agreement, shall issue a cumulative notice of intent
2 addressing both the compliance agreement amendment and the
3 plan or plan amendment that was the subject of the agreement,
4 in accordance with subsection (8).

5 (f)1. If the local government adopts a comprehensive
6 plan amendment pursuant to a compliance agreement and a notice
7 of intent to find the plan amendment in compliance is issued,
8 the reviewing state land planning agency shall forward the
9 notice of intent to the Division of Administrative Hearings
10 and the administrative law judge shall realign the parties in
11 the pending proceeding under ss. 120.569 and 120.57, which
12 shall thereafter be governed by the process contained in
13 paragraphs (9)(a) and (b), including provisions relating to
14 challenges by an affected person, burden of proof, and issues
15 of a recommended order and a final order, except as provided
16 in subparagraph 2. Parties to the original proceeding at the
17 time of realignment may continue as parties without being
18 required to file additional pleadings to initiate a
19 proceeding, but may timely amend their pleadings to raise any
20 challenge to the amendment which is the subject of the
21 cumulative notice of intent, and must otherwise conform to the
22 rules of procedure of the Division of Administrative Hearings.
23 Any affected person not a party to the realigned proceeding
24 may challenge the plan amendment which is the subject of the
25 cumulative notice of intent by filing a petition with the
26 agency as provided in subsection (9). The agency shall forward
27 the petition filed by the affected person not a party to the
28 realigned proceeding to the Division of Administrative
29 Hearings for consolidation with the realigned proceeding.

30 2. If any of the issues raised by the reviewing state
31 land planning agency in the original subsection (10)

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1 proceeding are not resolved by the compliance agreement
2 amendments, any intervenor in the original subsection (10)
3 proceeding may require those issues to be addressed in the
4 pending consolidated realigned proceeding under ss. 120.569
5 and 120.57. As to those unresolved issues, the burden of
6 proof shall be governed by subsection (10).

7 3. If the local government adopts a comprehensive plan
8 amendment pursuant to a compliance agreement and a notice of
9 intent to find the plan amendment not in compliance is issued,
10 the reviewing ~~state~~ land planning agency shall forward the
11 notice of intent to the Division of Administrative Hearings,
12 which shall consolidate the proceeding with the pending
13 proceeding and immediately set a date for hearing in the
14 pending proceeding under ss. 120.569 and 120.57. Affected
15 persons who are not a party to the underlying proceeding under
16 ss. 120.569 and 120.57 may challenge the plan amendment
17 adopted pursuant to the compliance agreement by filing a
18 petition pursuant to subsection (10).

19 (g) If the local government fails to adopt a
20 comprehensive plan amendment pursuant to a compliance
21 agreement, the reviewing ~~state~~ land planning agency shall
22 notify the Division of Administrative Hearings, which shall
23 set the hearing in the pending proceeding under ss. 120.569
24 and 120.57 at the earliest convenient time.

25 (h) This subsection does not prohibit a local
26 government from amending portions of its comprehensive plan
27 other than those which are the subject of the compliance
28 agreement. However, such amendments to the plan may not be
29 inconsistent with the compliance agreement.

30 (i) Nothing in this subsection is intended to limit
31 the parties from entering into a compliance agreement at any

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1 time before the final order in the proceeding is issued,
2 provided that the provisions of paragraph (c) shall apply
3 regardless of when the compliance agreement is reached.

4 (j) Nothing in this subsection is intended to force
5 any party into settlement against its will or to preclude the
6 use of other informal dispute resolution methods, such as the
7 services offered by the Florida Growth Management Dispute
8 Resolution Consortium, in the course of or in addition to the
9 method described in this subsection.

10 Section 12. Section 163.3187, Florida Statutes, is
11 amended to read:

12 163.3187 Amendment of adopted comprehensive plan.--

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

16 (a) In the case of an emergency, comprehensive plan
17 amendments may be made more often than twice during the
18 calendar year if the additional plan amendment receives the
19 approval of all of the members of the governing body.

20 "Emergency" means any occurrence or threat thereof whether
21 accidental or natural, caused by humankind, in war or peace,
22 which results or may result in substantial injury or harm to
23 the population or substantial damage to or loss of property or
24 public funds.

25 ~~(b) Any local government comprehensive plan amendments~~
26 ~~directly related to a proposed development of regional impact,~~
27 ~~including changes which have been determined to be substantial~~
28 ~~deviations and including Florida Quality Developments pursuant~~
29 ~~to s. 380.061, may be initiated by a local planning agency and~~
30 ~~considered by the local governing body at the same time as the~~
31 ~~application for development approval using the procedures~~

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~~1 provided for local plan amendment in this section and
2 applicable local ordinances, without regard to statutory or
3 local ordinance limits on the frequency of consideration of
4 amendments to the local comprehensive plan. Nothing in this
5 subsection shall be deemed to require favorable consideration
6 of a plan amendment solely because it is related to a
7 development of regional impact.~~

8 ~~(b)(c)~~ Any local government comprehensive plan
9 amendments directly related to proposed small scale
10 development activities may be approved without regard to
11 statutory limits on the frequency of consideration of
12 amendments to the local comprehensive plan. A small scale
13 development amendment may be adopted only under the following
14 conditions:

15 1. The proposed amendment involves a use of 99 ~~10~~
16 acres or fewer and:

17 ~~a. The cumulative annual effect of the acreage for all
18 small scale development amendments adopted by the local
19 government shall not exceed:~~

20 ~~(I) A maximum of 120 acres in a local government that
21 contains areas specifically designated in the local
22 comprehensive plan for urban infill, urban redevelopment, or
23 downtown revitalization as defined in s. 163.3164, urban
24 infill and redevelopment areas designated under s. 163.2517,
25 transportation concurrency exception areas approved pursuant
26 to s. 163.3180(5), or regional activity centers and urban
27 central business districts approved pursuant to s.
28 380.06(2)(c); however, amendments under this paragraph may be
29 applied to no more than 60 acres annually of property outside
30 the designated areas listed in this sub-sub-subparagraph.~~

31 ~~(II) A maximum of 80 acres in a local government that~~

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1 ~~does not contain any of the designated areas set forth in~~
2 ~~sub-sub-subparagraph (I).~~

3 ~~(III) A maximum of 120 acres in a county established~~
4 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5 ~~a.b.~~ The proposed amendment does not involve the same
6 property granted a change within the prior 12 months.

7 ~~b.e.~~ The proposed amendment does not involve the same
8 owner's property within 200 feet of property granted a change
9 within the prior 12 months.

10 ~~c.d.~~ The proposed amendment does not involve a text
11 change to the goals, policies, and objectives of the local
12 government's comprehensive plan, but only proposes a land use
13 change to the future land use map for a site-specific small
14 scale development activity.

15 ~~d.e.~~ The property that is the subject of the proposed
16 amendment is not located within an area of critical state
17 concern.

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

29 2.a. A local government that proposes to consider a
30 plan amendment pursuant to this paragraph is not required to
31 comply with the procedures and public notice requirements of

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1 s. 163.3184(15)(c) for such plan amendments if the local
2 government complies with the provisions in s. 125.66(4)(a) for
3 a county or in s. 166.041(3)(c) for a municipality. If a
4 request for a plan amendment under this paragraph is initiated
5 by other than the local government, public notice is required.

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

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

19 (c)~~(d)~~ Any comprehensive plan amendment required by a
20 compliance agreement pursuant to s. 163.3184(16) may be
21 approved without regard to statutory limits on the frequency
22 of adoption of amendments to the comprehensive plan.

23 (d)~~(e)~~ A comprehensive plan amendment for location of
24 a state correctional facility. Such an amendment may be made
25 at any time and does not count toward the limitation on the
26 frequency of plan amendments.

27 (e)~~(f)~~ Any comprehensive plan amendment that changes
28 the schedule in the capital improvements element, and any
29 amendments directly related to the schedule, may be made once
30 in a calendar year on a date different from the two times
31 provided in this subsection when necessary to coincide with

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1 the adoption of the local government's budget and capital
2 improvements program.

3 (f)~~(g)~~ Any local government comprehensive plan
4 amendments directly related to proposed redevelopment of
5 brownfield areas designated under s. 376.80 may be approved
6 without regard to statutory limits on the frequency of
7 consideration of amendments to the local comprehensive plan.

8 (g)~~(h)~~ Any comprehensive plan amendments for port
9 transportation facilities and projects that are eligible for
10 funding by the Florida Seaport Transportation and Economic
11 Development Council pursuant to s. 311.07.

12 (h)~~(i)~~ A comprehensive plan amendment for the purpose
13 of designating an urban infill and redevelopment area under s.
14 163.2517 may be approved without regard to the statutory
15 limits on the frequency of amendments to the comprehensive
16 plan.

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

26 (2) Comprehensive plans may only be amended in such a
27 way as to preserve the internal consistency of the plan
28 pursuant to s. 163.3177(2). Corrections, updates, or
29 modifications of current costs which were set out as part of
30 the comprehensive plan shall not, for the purposes of this
31 act, be deemed to be amendments.

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1 (3)(a) The reviewing ~~state~~ land planning agency shall
2 not review or issue a notice of intent for small scale
3 development amendments which satisfy the requirements of
4 paragraph (1)(b)~~(c)~~. Any affected person may file a petition
5 with the Division of Administrative Hearings pursuant to ss.
6 120.569 and 120.57 to request a hearing to challenge the
7 compliance of a small scale development amendment with this
8 act within 30 days following the local government's adoption
9 of the amendment, shall serve a copy of the petition on the
10 local government, and shall furnish a copy to the reviewing
11 ~~state~~ land planning agency. An administrative law judge shall
12 hold a hearing in the affected jurisdiction not less than 30
13 days nor more than 60 days following the filing of a petition
14 and the assignment of an administrative law judge. The parties
15 to a hearing held pursuant to this subsection shall be the
16 petitioner, the local government, and any intervenor. In the
17 proceeding, the local government's determination that the
18 small scale development amendment is in compliance is presumed
19 to be correct. The local government's determination shall be
20 sustained unless it is shown by a preponderance of the
21 evidence that the amendment is not in compliance with the
22 requirements of this act. In any proceeding initiated pursuant
23 to this subsection, the reviewing ~~state~~ land planning agency
24 may intervene.

25 (b)1. If the administrative law judge recommends that
26 the small scale development amendment be found not in
27 compliance, the administrative law judge shall submit the
28 recommended order to the Administration Commission for final
29 agency action. If the administrative law judge recommends
30 that the small scale development amendment be found in
31 compliance, the administrative law judge shall submit the

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1 recommended order to the reviewing ~~state~~ land planning agency.

2 2. If the reviewing ~~state~~ land planning agency
3 determines that the plan amendment is not in compliance, the
4 agency shall submit, within 30 days following its receipt, the
5 recommended order to the Administration Commission for final
6 agency action. If the reviewing ~~state~~ land planning agency
7 determines that the plan amendment is in compliance, the
8 agency shall enter a final order within 30 days following its
9 receipt of the recommended order.

10 (c) Small scale development amendments shall not
11 become effective until 31 days after adoption. If challenged
12 within 30 days after adoption, small scale development
13 amendments shall not become effective until the reviewing
14 ~~state~~ land planning agency or the Administration Commission,
15 respectively, issues a final order determining the adopted
16 small scale development amendment is in compliance.

17 (4) Each governing body shall transmit to the state
18 land planning agency a current copy of its comprehensive plan
19 not later than December 1, 1985. Each governing body shall
20 also transmit copies of any amendments it adopts to its
21 comprehensive plan so as to continually update the plans on
22 file with the state land planning agency.

23 (5) Nothing in this part is intended to prohibit or
24 limit the authority of local governments to require that a
25 person requesting an amendment pay some or all of the cost of
26 public notice.

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

1 plan amendments described in ~~paragraph (1)(b)~~ or paragraph
2 (1)(g)(~~h~~).

3 (b) A local government may amend its comprehensive
4 plan after it has submitted its adopted evaluation and
5 appraisal report and for a period of 1 year after the initial
6 determination of sufficiency regardless of whether the report
7 has been determined to be insufficient.

8 (c) A local government may not amend its comprehensive
9 plan, ~~except for plan amendments described in paragraph~~
10 ~~(1)(b)~~, if the 1-year period after the initial sufficiency
11 determination of the report has expired and the report has not
12 been determined to be sufficient.

13 (d) When the state land planning agency has determined
14 that the report has sufficiently addressed all pertinent
15 provisions of s. 163.3191, the local government may amend its
16 comprehensive plan without the limitations imposed by
17 paragraph (a) or paragraph (c).

18 (e) Any plan amendment which a local government
19 attempts to adopt in violation of paragraph (a) or paragraph
20 (c) is invalid, but such invalidity may be overcome if the
21 local government readopts the amendment and transmits the
22 amendment to the reviewing ~~state~~ land planning agency pursuant
23 to s. 163.3184(7) after the report is determined to be
24 sufficient.

25 (7) The state land planning agency shall consider an
26 increase in the annual total acreage threshold for small scale
27 amendments, particularly with regard to the unique
28 characteristics among the various local governments, and shall
29 report its review to the Governor, the Speaker of the House of
30 Representatives, and the President of the Senate on or before
31 January 15, 1996.

1 Section 13. Paragraph (a) of subsection (2) and
2 paragraph (a) of subsection (3) of section 163.3189, Florida
3 Statutes, are amended to read:

4 163.3189 Process for amendment of adopted
5 comprehensive plan.--

6 (2) A local government which has a comprehensive plan
7 that has been found to be in compliance may amend its
8 comprehensive plan as set forth in s. 163.3184, with the
9 following exceptions:

10 (a) Plan amendments shall not become effective until
11 the reviewing ~~state~~ land planning agency issues a final order
12 determining the adopted amendment to be in compliance in
13 accordance with s. 163.3184(9), or until the Administration
14 Commission issues a final order determining the adopted
15 amendment to be in compliance in accordance with s.
16 163.3184(10).

17 (3)(a) At any time after the reviewing land planning
18 agency ~~department~~ has issued its notice of intent and the
19 matter has been forwarded to the Division of Administrative
20 Hearings, the local government proposing the amendment may
21 demand formal mediation or the local government proposing the
22 amendment or an affected person who is a party to the
23 proceeding may demand informal mediation or expeditious
24 resolution of the amendment proceedings by serving written
25 notice on the reviewing ~~state~~ land planning agency, all other
26 parties to the proceeding, and the administrative law judge.

27 Section 14. Section 163.3215, Florida Statutes, is
28 amended to read:

29 163.3215 Standing to enforce local comprehensive plans
30 through development orders.--

31 (1) Any aggrieved or adversely affected party may

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1 petition the circuit court for judicial review of ~~maintain an~~
2 ~~action for injunctive or other relief against any local~~
3 ~~government to prevent such local government from taking any~~
4 ~~action on a development order, as defined in s. 163.3164,~~
5 which materially alters the use or density or intensity of use
6 on a particular piece of property, to challenge the local
7 government determination that the development order ~~that is~~
8 ~~not~~ consistent with the comprehensive plan adopted under this
9 part. If there is prior published notice of the local
10 government's proposed action on the development order and the
11 local government provides a point of entry into a
12 quasi-judicial proceeding, review in the circuit court shall
13 be limited to a petition for certiorari filed no later than 30
14 days following rendition of a development order or other
15 written decision.

16 (2) "Aggrieved or adversely affected party" means any
17 person or local government which will suffer an adverse effect
18 to an interest protected or furthered by the local government
19 comprehensive plan, including interests related to health and
20 safety, police and fire protection service systems, densities
21 or intensities of development, transportation facilities,
22 health care facilities, equipment or services, or
23 environmental or natural resources. The alleged adverse
24 interest may be shared in common with other members of the
25 community at large, but shall exceed in degree the general
26 interest in community good shared by all persons.

27 (3)(a) No suit may be maintained under this section
28 challenging the approval or denial of a zoning, rezoning,
29 planned unit development, variance, special exception,
30 conditional use, or other development order granted prior to
31 October 1, 1985, or applied for prior to July 1, 1985.

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1 (b) Review pursuant to ~~Suit under~~ this section shall
2 be the sole ~~remedy action~~ available to challenge the
3 consistency of ~~any a~~ development order with a comprehensive
4 plan adopted under this part. ~~The local government that issued~~
5 the development order and the applicant for the development
6 order shall be named as respondents in any proceeding pursuant
7 to this section.

8 (4) Upon the filing of a petition for judicial review
9 under subsection (1), the case shall be stayed for 30 days so
10 that the matter can be subject to mandatory mediation. Within
11 10 days after the filing of the petition, the parties shall
12 notify the court of the selection of an agreed-upon mediator
13 who meets the requirements of s. 70.51(2)(c). The parties
14 shall bear equally all costs of the mediation. The time
15 periods provided in this subsection may be extended only upon
16 mutual agreement of the parties, in writing.~~As a condition~~
17 ~~precedent to the institution of an action pursuant to this~~
18 ~~section, the complaining party shall first file a verified~~
19 ~~complaint with the local government whose actions are~~
20 ~~complained of setting forth the facts upon which the complaint~~
21 ~~is based and the relief sought by the complaining party. The~~
22 ~~verified complaint shall be filed no later than 30 days after~~
23 ~~the alleged inconsistent action has been taken. The local~~
24 ~~government receiving the complaint shall respond within 30~~
25 ~~days after receipt of the complaint. Thereafter, the~~
26 ~~complaining party may institute the action authorized in this~~
27 ~~section. However, the action shall be instituted no later~~
28 ~~than 30 days after the expiration of the 30-day period which~~
29 ~~the local government has to take appropriate action. Failure~~
30 ~~to comply with this subsection shall not bar an action for a~~
31 ~~temporary restraining order to prevent immediate and~~

1 ~~irreparable harm from the actions complained of.~~

2 (5) Venue in any cases brought under this section
3 shall lie in the county or counties where the actions or
4 inactions giving rise to the cause of action are alleged to
5 have occurred.

6 (6) The signature of an attorney or party constitutes
7 a certificate that he or she has read the pleading, motion, or
8 other paper and that, to the best of his or her knowledge,
9 information, and belief formed after reasonable inquiry, it is
10 not interposed for any improper purpose, such as to harass or
11 to cause unnecessary delay or for economic advantage,
12 competitive reasons or frivolous purposes or needless increase
13 in the cost of litigation. If a pleading, motion, or other
14 paper is signed in violation of these requirements, the court,
15 upon motion or its own initiative, shall impose upon the
16 person who signed it, a represented party, or both, an
17 appropriate sanction, which may include an order to pay to the
18 other party or parties the amount of reasonable expenses
19 incurred because of the filing of the pleading, motion, or
20 other paper, including a reasonable attorney's fee.

21 (7) In any action under this section, no settlement
22 shall be entered into by the local government unless the terms
23 of the settlement have been the subject of a public hearing
24 after notice as required by this part.

25 (8) In any suit under this section, the Department of
26 Legal Affairs may intervene to represent the interests of the
27 state.

28 Section 15. Subsection (14) of section 163.3221,
29 Florida Statutes, is renumbered as subsection (15), and a new
30 subsection (14) is added to said section to read:

31 163.3221 Definitions.--As used in ss.

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1 163.3220-163.3243:

2 (14) "Reviewing land planning agency" has the same
3 meaning as provided in s. 163.3164(21).

4 Section 16. Section 163.3229, Florida Statutes, is
5 amended to read:

6 163.3229 Duration of a development agreement and
7 relationship to local comprehensive plan.--The duration of a
8 development agreement shall not exceed 10 years. It may be
9 extended by mutual consent of the governing body and the
10 developer, subject to a public hearing in accordance with s.
11 163.3225. No development agreement shall be effective or be
12 implemented by a local government unless the local
13 government's comprehensive plan and plan amendments
14 implementing or related to the agreement are found in
15 compliance ~~by the state land planning agency~~ in accordance
16 with s. 163.3184, s. 163.3187, or s. 163.3189.

17 Section 17. Section 163.3235, Florida Statutes, is
18 amended to read:

19 163.3235 Periodic review of a development
20 agreement.--A local government shall review land subject to a
21 development agreement at least once every 12 months to
22 determine if there has been demonstrated good faith compliance
23 with the terms of the development agreement. For each annual
24 review conducted during years 6 through 10 of a development
25 agreement, the review shall be incorporated into a written
26 report which shall be submitted to the parties to the
27 agreement and the reviewing ~~state~~ land planning agency. The
28 reviewing ~~state~~ land planning agency shall adopt rules
29 regarding the contents of the report, provided that the report
30 shall be limited to the information sufficient to determine
31 the extent to which the parties are proceeding in good faith

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1 to comply with the terms of the development agreement. If the
2 local government finds, on the basis of substantial competent
3 evidence, that there has been a failure to comply with the
4 terms of the development agreement, the agreement may be
5 revoked or modified by the local government.

6 Section 18. Section 163.3239, Florida Statutes, is
7 amended to read:

8 163.3239 Recording and effectiveness of a development
9 agreement.--Within 14 days after a local government enters
10 into a development agreement, the local government shall
11 record the agreement with the clerk of the circuit court in
12 the county where the local government is located. A copy of
13 the recorded development agreement shall be submitted to the
14 reviewing state land planning agency within 14 days after the
15 agreement is recorded. A development agreement shall not be
16 effective until it is properly recorded in the public records
17 of the county and until 30 days after having been received by
18 the reviewing state land planning agency pursuant to this
19 section. The burdens of the development agreement shall be
20 binding upon, and the benefits of the agreement shall inure
21 to, all successors in interest to the parties to the
22 agreement.

23 Section 19. Section 163.3243, Florida Statutes, is
24 amended to read:

25 163.3243 Enforcement.--Any party, any aggrieved or
26 adversely affected person as defined in s. 163.3215(2), or the
27 reviewing state land planning agency may file an action for
28 injunctive relief in the circuit court where the local
29 government is located to enforce the terms of a development
30 agreement or to challenge compliance of the agreement with the
31 provisions of ss. 163.3220-163.3243.

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1 Section 20. Subsections (4) and (5) of section
2 163.3244, Florida Statutes, are amended to read:

3 163.3244 Sustainable communities demonstration
4 project.--

5 (4) The department shall designate all or part of a
6 local government as a sustainable community by written
7 agreement, which shall be considered final agency action. The
8 agreement shall include the basis for the designation, any
9 conditions necessary to comply with the intent of this
10 section, ~~including procedures for mitigation of~~
11 ~~extrajurisdictional impacts of development in jurisdictions~~
12 ~~where developments of regional impact would be abolished or~~
13 ~~modified,~~and criteria for evaluating the success of the
14 designation. Subsequent to executing the agreement, the
15 department may remove the local government's designation if it
16 determines that the local government is not meeting the terms
17 of the designation agreement. If an affected person, as
18 defined by s. 163.3184(1)(a), determines that a local
19 government is not complying with the terms of the designation
20 agreement, he or she may petition for administrative review of
21 local government compliance with the terms of the agreement,
22 using the procedures and timeframes for notice and conditions
23 precedent described in s. 163.3213.

24 (5) Upon designation as a sustainable community, the
25 local government shall receive the following benefits:

26 (a) All comprehensive plan amendments affecting areas
27 within the urban growth boundary or functional equivalent
28 shall be adopted and reviewed in the manner described in ss.
29 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such
30 that state and regional agency review is eliminated. The
31 reviewing land planning agency ~~department~~ shall not issue an

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1 objections, recommendations, and comments report on proposed
2 plan amendments or a notice of intent on adopted plan
3 amendments; however, affected persons, as defined by s.
4 163.3184(1)(a), may file a petition for administrative review
5 pursuant to the requirements of s. 163.3187(3)(a) to challenge
6 the compliance of an adopted plan amendment. Plan amendments
7 that would change the adopted urban development boundary,
8 impact lands outside the urban development boundary, or impact
9 lands within the coastal high-hazard area shall be reviewed
10 pursuant to ss. 163.3184 and 163.3187.

11 ~~(b) Developments within the urban growth boundary and~~
12 ~~outside the coastal high-hazard area are exempt from review~~
13 ~~pursuant to ss. 380.06 and 380.061 to the extent established~~
14 ~~in the designation agreement.~~

15 ~~(b)(c)~~ The Executive Office of the Governor shall work
16 with other departments to emphasize programs in designated
17 local governments in the areas of job creation; crime
18 prevention; environmental protection and restoration programs;
19 solid waste recycling; transportation improvements, including
20 highways, transit, and nonmotorized transportation projects;
21 sewage treatment system improvements; expedited and
22 prioritized funding initiatives; and other programs that will
23 assist local governments to create and maintain
24 self-sustaining communities.

25 Section 21. Section 163.3245, Florida Statutes, is
26 amended to read:

27 163.3245 Optional sector plans.--

28 (1) In recognition of the benefits of conceptual
29 long-range planning for the buildout of an area, and detailed
30 planning for specific areas, as a demonstration project, ~~the~~
31 ~~requirements of s. 380.06 may be addressed as identified by~~

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

28 (2) The state land planning agency may enter into an
29 agreement to authorize preparation of a ~~an optional~~ sector
30 plan upon the request of one or more local governments based
31 on consideration of problems and opportunities presented by

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1 existing development trends; the effectiveness of current
2 comprehensive plan provisions; and the potential to further
3 the state comprehensive plan, applicable strategic regional
4 policy plans, this part, ~~and part I of chapter 380~~ and those
5 factors identified by s. 163.3177(10)(i). ~~The applicable~~
6 ~~regional planning council shall conduct a scoping meeting with~~
7 ~~affected local governments and those agencies identified in s.~~
8 ~~163.3184(4) before execution of the agreement authorized by~~
9 ~~this section. The purpose of this meeting is to assist the~~
10 ~~state land planning agency and the local government in the~~
11 ~~identification of the relevant planning issues to be addressed~~
12 ~~and the data and resources available to assist in the~~
13 ~~preparation of subsequent plan amendments. The regional~~
14 ~~planning council shall make written recommendations to the~~
15 ~~state land planning agency and affected local governments,~~
16 ~~including whether a sustainable sector plan would be~~
17 ~~appropriate.~~ The agreement must define the geographic area to
18 be subject to the sector plan, the planning issues that will
19 be emphasized, requirements for intergovernmental coordination
20 to address extrajurisdictional impacts, supporting application
21 materials including data and analysis, and procedures for
22 public participation. Contemporaneously with execution of the
23 agreement, an applicant may determine the extent, if any, to
24 which the sector plan will address restoring key ecosystems,
25 achieving a more clean, healthy environment, limiting urban
26 sprawl, protecting wildlife and natural areas, advancing the
27 efficient use of land and other resources, and creating
28 quality communities and jobs. An agreement may address
29 previously adopted sector plans that are consistent with the
30 standards in this section. Before executing an agreement under
31 this subsection, the local government shall hold a duly

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1 noticed public workshop to review and explain to the public
 2 the ~~optional~~ sector planning process and the terms and
 3 conditions of the proposed agreement. The local government
 4 shall hold a duly noticed public hearing on whether to execute
 5 the agreement. All meetings between the department and the
 6 local government must be open to the public.

7 (3) A sector plan must encompass an area of adequate
 8 size to accommodate a level of development which achieves a
 9 functional relationship between a full range of land uses.
 10 ~~Optional sector planning encompasses two levels: adoption~~
 11 ~~under s. 163.3184 of a conceptual long-term buildout overlay~~
 12 ~~to the comprehensive plan, having no immediate effect on the~~
 13 ~~issuance of development orders or the applicability of s.~~
 14 ~~380.06, and adoption under s. 163.3184 of detailed specific~~
 15 ~~area plans that implement the conceptual long-term buildout~~
 16 ~~overlay and authorize issuance of development orders, and~~
 17 ~~within which s. 380.06 is waived. Until such time as a~~
 18 ~~detailed specific area plan is adopted, the underlying future~~
 19 ~~land use designations apply.~~

20 (a) In addition to the other requirements of this part
 21 chapter, a sector plan ~~conceptual long-term buildout overlay~~
 22 must include:

23 (a)~~1~~. A future land use long-range conceptual
 24 framework map that at a minimum identifies all anticipated
 25 areas of urban, agricultural, rural, and conservation, and
 26 other future land uses at buildout and a detailed
 27 identification and analysis of the distribution, extent, and
 28 location of all such uses use.

29 (b)~~2~~. Identification of regionally significant public
 30 facilities consistent with the applicable strategic regional
 31 policy plan adopted pursuant to s. 186.507 ~~chapter 9J-2,~~

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1 ~~Florida Administrative Code~~, irrespective of local
2 governmental jurisdiction, necessary to support buildout of
3 the anticipated future land uses, the anticipated impacts of
4 future land uses on those facilities, and required
5 improvements consistent with the applicable local
6 comprehensive plan, including developer contributions, in a
7 financially feasible 5-year capital improvements schedule.
8 (c)3. Identification of regionally significant natural
9 resources, both within and outside the host jurisdiction,
10 consistent with the applicable strategic regional policy plan
11 adopted pursuant to s. 186.507, as well as other resources
12 within the host jurisdiction, the anticipated impacts of
13 future land uses on those resources, and identification of
14 specific measures to assure protection of such resources
15 consistent with the applicable local comprehensive plan
16 chapter 9J-2, Florida Administrative Code.
17 (d)4. Principles and guidelines that address the urban
18 form and interrelationships of anticipated future land uses
19 ~~and a discussion, at the applicant's option, of the extent, if~~
20 ~~any, to which the plan will address restoring key ecosystems,~~
21 ~~achieving a more clean, healthy environment, limiting urban~~
22 ~~sprawl, protecting wildlife and natural areas, advancing the~~
23 ~~efficient use of land and other resources, and creating~~
24 ~~quality communities and jobs.~~
25 (e)5. Identification of specific ~~general~~ procedures to
26 ensure intergovernmental coordination to address
27 extrajurisdictional impacts from the sector plan ~~long-range~~
28 ~~conceptual framework map.~~
29 ~~(b)~~ In addition to the other requirements of this
30 chapter, including those in paragraph (a), the detailed
31 ~~specific area plans must include:~~

- 1 ~~1. An area of adequate size to accommodate a level of~~
2 ~~development which achieves a functional relationship between a~~
3 ~~full range of land uses within the area and to encompass at~~
4 ~~least 1,000 acres. The state land planning agency may approve~~
5 ~~detailed specific area plans of less than 1,000 acres based on~~
6 ~~local circumstances if it is determined that the plan furthers~~
7 ~~the purposes of this part and part I of chapter 380.~~
- 8 ~~2. Detailed identification and analysis of the~~
9 ~~distribution, extent, and location of future land uses.~~
- 10 ~~3. Detailed identification of regionally significant~~
11 ~~public facilities, including public facilities outside the~~
12 ~~jurisdiction of the host local government, anticipated impacts~~
13 ~~of future land uses on those facilities, and required~~
14 ~~improvements consistent with chapter 9J-2, Florida~~
15 ~~Administrative Code.~~
- 16 ~~4. Public facilities necessary for the short term,~~
17 ~~including developer contributions in a financially feasible~~
18 ~~5-year capital improvement schedule of the affected local~~
19 ~~government.~~
- 20 ~~5. Detailed analysis and identification of specific~~
21 ~~measures to assure the protection of regionally significant~~
22 ~~natural resources and other important resources both within~~
23 ~~and outside the host jurisdiction, including those regionally~~
24 ~~significant resources identified in chapter 9J-2, Florida~~
25 ~~Administrative Code.~~
- 26 ~~6. Principles and guidelines that address the urban~~
27 ~~form and interrelationships of anticipated future land uses~~
28 ~~and a discussion, at the applicant's option, of the extent, if~~
29 ~~any, to which the plan will address restoring key ecosystems,~~
30 ~~achieving a more clean, healthy environment, limiting urban~~
31 ~~sprawl, protecting wildlife and natural areas, advancing the~~

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1 ~~efficient use of land and other resources, and creating~~
2 ~~quality communities and jobs.~~

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

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

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

18 (5)(a) ~~When a plan amendment adopting a detailed~~
19 ~~specific area plan has become effective under ss. 163.3184 and~~
20 ~~163.3189(2), the provisions of s. 380.06 do not apply to~~
21 ~~development within the geographic area of the detailed~~
22 ~~specific area plan. However, Any~~
23 ~~development-of-regional-impact development order that is~~
24 ~~vested on July 1, 2000, from the sector detailed specific area~~
25 ~~plan may be enforced under s. 380.11.~~

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

1 (c)(b) Any development order adopted by the host local
 2 government which is inconsistent with an adopted sector plan
 3 shall be subject to judicial review pursuant to s. 163.3215.
 4 ~~If the state land planning agency has reason to believe that a~~
 5 ~~violation of any detailed specific area plan, or of any~~
 6 ~~agreement entered into under this section, has occurred or is~~
 7 ~~about to occur, it may institute an administrative or judicial~~
 8 ~~proceeding to prevent, abate, or control the conditions or~~
 9 ~~activity creating the violation, using the procedures in s.~~
 10 ~~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 22. Subsection (4) of section 189.415,
 24 subsection (5) of section 378.601, sections 380.06, 380.061,
 25 380.065, and 380.0651, and paragraph (a) of subsection (2) of
 26 section 550.155, all Florida Statutes, are repealed.

27 Section 23. Paragraph (c) of subsection (1) of section
 28 125.68, Florida Statutes, is amended to read:

29 125.68 Codification of ordinances; exceptions; public
 30 record.--

31 (1)

1 ~~(c) The following ordinances are exempt from~~
2 ~~codification and annual publication requirements:~~

3 ~~1. Any development agreement, or amendment to such~~
4 ~~agreement, adopted by ordinance pursuant to ss.~~
5 ~~163.3220-163.3243 is exempt from codification and annual~~
6 ~~publication requirements.~~

7 ~~2. Any development order, or amendment to such order,~~
8 ~~adopted by ordinance pursuant to s. 380.06(15).~~

9 Section 24. Subsection (17) of section 186.507,
10 Florida Statutes, is repealed, and subsections (8) and (9) of
11 said section are amended to read:

12 186.507 Strategic regional policy plans.--

13 (8) Upon adoption, a strategic regional policy plan
14 shall provide, in addition to other criteria established by
15 law, the basis for ~~regional review of developments of regional~~
16 ~~impact,~~ regional review of federally assisted projects, and
17 other regional comment functions.

18 ~~(9) Regional planning councils shall consider, and~~
19 ~~make accessible to the public, appropriate data and studies,~~
20 ~~including development of regional impact applications and~~
21 ~~agency reports, in order to assist participants in the~~
22 ~~development of regional impact review process.~~ A major
23 objective of the regional planning process shall be to
24 coordinate with the state land planning agency in order to
25 achieve uniformity and consistency in land use information and
26 data collection efforts in this state and provide a usable and
27 accessible database to local governments and the private
28 sector.

29 Section 25. Subsection (7) of section 190.006, Florida
30 Statutes, is amended to read:

31 190.006 Board of supervisors; members and meetings.--

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1 (7) The board shall keep a permanent record book
2 entitled "Record of Proceedings of ...(name of district)...
3 Community Development District," in which shall be recorded
4 minutes of all meetings, resolutions, proceedings,
5 certificates, bonds given by all employees, and any and all
6 corporate acts. The record book shall at reasonable times be
7 opened to inspection in the same manner as state, county, and
8 municipal records pursuant to chapter 119. The record book
9 shall be kept at the office or other regular place of business
10 maintained by the board in the county or municipality in which
11 the district is located ~~or within the boundaries of a~~
12 ~~development of regional impact or Florida Quality Development,~~
13 ~~or combination of a development of regional impact and Florida~~
14 ~~Quality Development, which includes the district.~~

15 Section 26. Subsection (6) of section 190.011, Florida
16 Statutes, is amended to read:

17 190.011 General powers.--The district shall have, and
18 the board may exercise, the following powers:

19 (6) To maintain an office at such place or places as
20 it may designate within a county in which the district is
21 located ~~or within the boundaries of a development of regional~~
22 ~~impact or a Florida Quality Development, or a combination of a~~
23 ~~development of regional impact and a Florida Quality~~
24 ~~Development, which includes the district, which office must be~~
25 reasonably accessible to the landowners. ~~Meetings pursuant to~~
26 ~~s. 189.417(3) of a district within the boundaries of a~~
27 ~~development of regional impact or Florida Quality Development,~~
28 ~~or a combination of a development of regional impact and a~~
29 ~~Florida Quality Development, may be held at such office.~~

30 Section 27. Paragraph (f) of subsection (1) of section
31 190.012, Florida Statutes, is amended to read:

1 190.012 Special powers; public improvements and
 2 community facilities.--The district shall have, and the board
 3 may exercise, subject to the regulatory jurisdiction and
 4 permitting authority of all applicable governmental bodies,
 5 agencies, and special districts having authority with respect
 6 to any area included therein, any or all of the following
 7 special powers relating to public improvements and community
 8 facilities authorized by this act:

9 (1) To finance, fund, plan, establish, acquire,
 10 construct or reconstruct, enlarge or extend, equip, operate,
 11 and maintain systems, facilities, and basic infrastructures
 12 for the following:

13 (f) Any other project within or without the boundaries
 14 of a district ~~when a local government issued a development~~
 15 ~~order pursuant to s. 380.06 or s. 380.061 approving or~~
 16 ~~expressly requiring the construction or funding of the project~~
 17 ~~by the district, or when the project is the subject of an~~
 18 agreement between the district and a governmental entity and
 19 is consistent with the local government comprehensive plan of
 20 the local government within which the project is to be
 21 located.

22 Section 28. Subsection (21) of section 240.155,
 23 Florida Statutes, is amended to read:

24 240.155 Campus master plans and campus development
 25 agreements.--

26 (21) State and regional environmental program
 27 requirements remain applicable, except that this section
 28 supersedes all other sections of part II of chapter 163 ~~and s.~~
 29 ~~380.06~~ except as provided in this section.

30 Section 29. Paragraph (b) of subsection (2) of section
 31 287.055, Florida Statutes, is amended to read:

1 287.055 Acquisition of professional architectural,
2 engineering, landscape architectural, or surveying and mapping
3 services; definitions; procedures; contingent fees prohibited;
4 penalties.--

5 (2) DEFINITIONS.--For purposes of this section:

6 (b) "Agency" means the state, a state agency, a
7 municipality, a political subdivision, a school district, or a
8 school board. The term "agency" does not extend to a
9 nongovernmental developer that contributes public facilities
10 to a political subdivision under ~~s. 380.06~~ or ss.
11 163.3220-163.3243.

12 Section 30. Subsection (13) of section 288.975,
13 Florida Statutes, is repealed, and subsection (1) and
14 paragraph (a) of subsection (2) of said section are amended to
15 read:

16 288.975 Military base reuse plans.--

17 (1) This section contains optional provisions for
18 military base reuse planning in recognition of the importance
19 of ensuring prompt and effective planning for the conversion
20 of military bases designated for closure by the Federal
21 Government to maximize the welfare of impacted local
22 governments and their constituents. While the reuse of these
23 military bases shall provide substantial economic benefits to
24 their host local governments, reuse activities may also have
25 an adverse impact on the public facilities and services of
26 local governments and impact resources and facilities of
27 regional and statewide significance. The intent of this
28 section is to address this unique relationship by providing
29 for an optional military base reuse planning process that
30 supersedes ~~the provisions of chapter 380 pertaining to~~
31 ~~developments of regional impact and~~ the requirements of part

1 II of chapter 163, except as provided in this section.

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

3 (a) "Affected local government" means a local
4 government adjoining the host local government and any other
5 unit of local government that is not a host local government
6 but that is identified in a proposed military base reuse plan
7 as providing, operating, or maintaining one or more public
8 facilities as defined in s. 163.3164(25)~~(24)~~ on lands within
9 or serving a military base designated for closure by the
10 Federal Government.

11 Section 31. Subsection (20) of section 331.303,
12 Florida Statutes, is amended to read:

13 331.303 Definitions.--

14 (20) "Spaceport launch facilities" shall be defined as
15 industrial facilities in accordance with s. 380.0651(3)(c),
16 Florida Statutes, 1999, and include any launch pad, launch
17 control center, and fixed launch-support equipment.

18 Section 32. Subsection (4) of section 332.115, Florida
19 Statutes, is amended to read:

20 332.115 Joint project agreement with port district for
21 transportation corridor between airport and port facility.--

22 (4) Sections 341.321-341.386 shall apply to any
23 high-speed rail line used to transport persons or cargo
24 through a corridor established under this section, provided
25 that such sections shall not apply to a high-speed rail line
26 used to transport persons or cargo through a corridor
27 contained entirely within Brevard and Orange Counties.
28 However, with respect to any such corridor contained entirely
29 within Brevard and Orange Counties, the corridor alignment
30 selected by an eligible agency for final design and
31 implementation, including rail lines, passenger and cargo rail

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1 terminals, pipelines, and other components included in such
2 corridor, must comply with the joint project agreement
3 approved by the Department of Transportation and the
4 Department of Community Affairs under subsection (1).
5 Additionally, such joint project agreement must specify the
6 agency responsible for the operation of the corridor. Before
7 approving the joint project agreement as required in
8 subsection (1), and in addition to the requirements thereof,
9 the Department of Transportation must determine that such
10 corridor is compatible with any existing or proposed
11 high-speed rail technology. Before the Department of
12 Community Affairs approves the joint project agreement, that
13 department must determine that the proposed corridor is
14 consistent with the applicable approved local government
15 comprehensive plans and the state comprehensive plan. Each
16 affected local government shall provide its comments regarding
17 the consistency of such Brevard-Orange corridor with its
18 comprehensive plan to the Department of Community Affairs and
19 the appropriate regional planning council. ~~After approval of~~
20 ~~the joint project agreement for the Brevard-Orange corridor,~~
21 ~~such corridor project shall be a development of regional~~
22 ~~impact and shall be subject to development-of-regional-impact~~
23 ~~review under s. 380.06. Any change to such Brevard-Orange~~
24 ~~corridor project's plan of development, including alignments~~
25 ~~of the corridor, rail terminal locations, pipelines, roadways,~~
26 ~~or any other development outside the corridor that is proposed~~
27 ~~by an eligible agency subsequent to issuance of the original~~
28 ~~development order under s. 380.06 is a substantial deviation~~
29 ~~for purposes of s. 380.06(19).~~ Passenger rail terminals within
30 such Brevard-Orange corridor may be located only at the port
31 facility and the airport. Any such Brevard-Orange corridor,

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1 having been installed between the port facility and the
2 airport affected, may not be used for the transmission of coal
3 slurry.

4 Section 33. Subsection (8) of section 336.025, Florida
5 Statutes, is amended to read:

6 336.025 County transportation system; levy of local
7 option fuel tax on motor fuel and diesel fuel.--

8 (8) In addition to the uses specified in subsection
9 (7), the governing body of a county with a population of
10 50,000 or less on April 1, 1992, may use the proceeds of the
11 tax levied pursuant to paragraph (1)(a) in any fiscal year to
12 fund infrastructure projects, if such projects are consistent
13 with the local government's approved comprehensive plan or, if
14 the approval or denial of the plan has not become final,
15 consistent with the plan last submitted to the reviewing state
16 land planning agency. In addition, no more than an amount
17 equal to the proceeds from 4 cents per gallon of the tax
18 imposed pursuant to paragraph (1)(a) may be used by such
19 county for the express and limited purpose of paying for a
20 court-ordered refund of special assessments. Except as
21 provided in subsection (7), such funds shall not be used for
22 the operational expenses of any infrastructure. Such funds
23 may be used for infrastructure projects under this subsection
24 only after the local government, prior to the fiscal year in
25 which the funds are proposed to be used, or if pledged for
26 bonded indebtedness, prior to the fiscal year in which the
27 bonds will be issued, has held a duly noticed public hearing
28 on the proposed use of the funds and has adopted a resolution
29 certifying that the local government has met all of the
30 transportation needs identified in its approved comprehensive
31 plan or, if the approval or denial of the plan has not become

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1 final, consistent with the plan last submitted to the
2 reviewing ~~state~~ land planning agency. The proceeds shall not
3 be pledged for bonded indebtedness for a period exceeding 10
4 years, except that, for the express and limited purpose of
5 using such proceeds in any fiscal year to pay a court-ordered
6 refund of special assessments, the proceeds may be pledged for
7 bonded indebtedness not exceeding 15 years. For the purposes
8 of this subsection, "infrastructure" has the same meaning as
9 provided in s. 212.055.

10 Section 34. Subsection (4) of section 369.303, Florida
11 Statutes, is repealed, and subsection (5) of said section is
12 amended to read:

13 369.303 Definitions.--As used in this part:

14 (5) "Land development regulation" means a regulation
15 covered by the definition in s. 163.3164(24)~~(23)~~ and any of
16 the types of regulations described in s. 163.3202.

17 Section 35. Subsection (5) of section 369.305, Florida
18 Statutes, is amended to read:

19 369.305 Review of local comprehensive plans, land
20 development regulations, Wekiva River development permits, and
21 amendments.--

22 (5) During the period of time between the effective
23 date of this act and the due date of a county's revised local
24 government comprehensive plan as established by s. 163.3167(2)
25 and chapter 9J-12, Florida Administrative Code, any local
26 comprehensive plan amendment or amendment to a land
27 development regulation, adopted or issued by a county, which
28 applies to the Wekiva River Protection Area, or any Wekiva
29 River development permit adopted by a county, solely within
30 protection zones established pursuant to s. 373.415, shall be
31 sent to the department within 10 days after its adoption or

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1 issuance by the local governing body but shall not become
2 effective until certified by the department as being in
3 compliance with purposes described in subsection (1). The
4 department shall make its decision on certification within 60
5 days after receipt of the amendment or development permit
6 solely within protection zones established pursuant to s.
7 373.415. The department's decision on certification shall be
8 final agency action. This subsection shall not apply to any
9 amendments or new land development regulations adopted
10 pursuant to subsections (1) through (4) ~~or to any development~~
11 ~~order approving, approving with conditions, or denying a~~
12 ~~development of regional impact.~~

13 Section 36. Section 369.307, Florida Statutes, is
14 amended to read:

15 369.307 ~~Developments of regional impact in the~~ Wekiva
16 River Protection Area; land acquisition.--

17 ~~(1) Notwithstanding the provisions of s. 380.06(15),~~
18 ~~the counties shall consider and issue the development permits~~
19 ~~applicable to a proposed development of regional impact which~~
20 ~~is located partially or wholly within the Wekiva River~~
21 ~~Protection Area at the same time as the development order~~
22 ~~approving, approving with conditions, or denying a development~~
23 ~~of regional impact.~~

24 ~~(2) Notwithstanding the provisions of s. 380.0651 or~~
25 ~~any other provisions of chapter 380, the numerical standards~~
26 ~~and guidelines provided in chapter 28-24, Florida~~
27 ~~Administrative Code, shall be reduced by 50 percent as applied~~
28 ~~to proposed developments entirely or partially located within~~
29 ~~the Wekiva River Protection Area.~~

30 (1)~~(3)~~ The Wekiva River Protection Area is hereby
31 declared to be a natural resource of state and regional

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1 importance. The East Central Florida Regional Planning Council
2 shall adopt policies as part of its strategic regional policy
3 plan and regional issues list which will protect the water
4 quantity, water quality, hydrology, wetlands, aquatic and
5 wetland-dependent wildlife species, habitat of species
6 designated pursuant to rules 39-27.003, 39-27.004, and
7 39-27.005, Florida Administrative Code, and native vegetation
8 in the Wekiva River Protection Area. The council shall also
9 cooperate with the department in the department's
10 implementation of the provisions of s. 369.305.

11 ~~(4) The provisions of s. 369.305 of this act shall be~~
12 ~~inapplicable to developments of regional impact in the Wekiva~~
13 ~~River Protection Area if an application for development~~
14 ~~approval was filed prior to June 1, 1988, and in the event~~
15 ~~that a development order is issued pursuant to such~~
16 ~~application on or before April 1, 1989.~~

17 (2)~~(5)~~ The Department of Environmental Protection is
18 directed to proceed to negotiate for acquisition of
19 conservation and recreation lands projects within the Wekiva
20 River Protection Area provided that such projects have been
21 deemed qualified under statutory and rule criteria for
22 purchase and have been placed on the priority list for
23 acquisition by the advisory council created in s. 259.035 or
24 its successor.

25 Section 37. Paragraph (c) of subsection (8) of section
26 373.414, Florida Statutes, is amended to read:

27 373.414 Additional criteria for activities in surface
28 waters and wetlands.--

29 (8) The governing board or the department, in deciding
30 whether to grant or deny a permit for an activity regulated
31 under this part shall consider the cumulative impacts upon

1 surface water and wetlands, as delineated in s. 373.421(1),
2 within the same drainage basin as defined in s. 373.403(9),
3 of:

4 (c) Activities which are ~~under review~~, approved, or
5 vested pursuant to s. 380.06 on July 1, 2000, or other
6 activities regulated under this part which may reasonably be
7 expected to be located within surface waters or wetlands, as
8 delineated in s. 373.421(1), in the same drainage basin as
9 defined in s. 373.403(9), based upon the comprehensive plans,
10 adopted pursuant to chapter 163, of the local governments
11 having jurisdiction over the activities, or applicable land
12 use restrictions and regulations.

13 Section 38. Subsections (1) and (2) of section
14 373.415, Florida Statutes, are amended to read:

15 373.415 Protection zones; duties of the St. Johns
16 River Water Management District.--

17 (1) Not later than November 1, 1988, the St. Johns
18 River Water Management District shall adopt rules establishing
19 protection zones adjacent to the watercourses in the Wekiva
20 River System, as designated in s. 369.303(9)~~(10)~~. Such
21 protection zones shall be sufficiently wide to prevent harm to
22 the Wekiva River System, including water quality, water
23 quantity, hydrology, wetlands, and aquatic and
24 wetland-dependent wildlife species, caused by any of the
25 activities regulated under this part. Factors on which the
26 widths of the protection zones shall be based shall include,
27 but not be limited to:

28 (a) The biological significance of the wetlands and
29 uplands adjacent to the designated watercourses in the Wekiva
30 River System, including the nesting, feeding, breeding, and
31 resting needs of aquatic species and wetland-dependent

1 wildlife species.

2 (b) The sensitivity of these species to disturbance,
3 including the short-term and long-term adaptability to
4 disturbance of the more sensitive species, both migratory and
5 resident.

6 (c) The susceptibility of these lands to erosion,
7 including the slope, soils, runoff characteristics, and
8 vegetative cover.

9
10 In addition, the rules may establish permitting thresholds,
11 permitting exemptions, or general permits, if such thresholds,
12 exemptions, or general permits do not allow significant
13 adverse impacts to the Wekiva River System to occur
14 individually or cumulatively.

15 (2) Notwithstanding the provisions of s. 120.60, the
16 St. Johns River Water Management District shall not issue any
17 permit under this part within the Wekiva River Protection
18 Area, as defined in s. 369.303(8)(9), until the appropriate
19 local government has provided written notification to the
20 district that the proposed activity is consistent with the
21 local comprehensive plan and is in compliance with any land
22 development regulation in effect in the area where the
23 development will take place. The district may, however,
24 inform any property owner who makes a request for such
25 information as to the location of the protection zone or zones
26 on his or her property. However, if a development proposal is
27 amended as the result of the review by the district, a permit
28 may be issued prior to the development proposal being
29 returned, if necessary, to the local government for additional
30 review.

31 Section 39. Subsection (3) of section 380.07, Florida

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1 Statutes, is repealed, and subsections (1) and (2) of said
2 section are amended to read:

3 380.07 Florida Land and Water Adjudicatory
4 Commission.--

5 (1) There is hereby created the Florida Land and Water
6 Adjudicatory Commission, which shall consist of the
7 Administration Commission. The commission may adopt rules
8 necessary to ensure compliance with the area of critical state
9 concern program ~~and the requirements for developments of~~
10 ~~regional impact~~ as set forth in this chapter.

11 (2) Whenever any local government issues any
12 development order in any area of critical state concern, ~~or in~~
13 ~~regard to any development of regional impact,~~ copies of such
14 order orders as prescribed by rule by the state land planning
15 agency shall be transmitted to the state land planning agency,
16 the regional planning agency, and the owner or developer of
17 the property affected by such order. The state land planning
18 agency shall adopt rules describing development order
19 rendition and effectiveness in designated areas of critical
20 state concern. Within 45 days after the order is rendered, the
21 owner, the developer, or the state land planning agency may
22 appeal the order to the Florida Land and Water Adjudicatory
23 Commission by filing a notice of appeal with the commission.
24 ~~The appropriate regional planning agency by vote at a~~
25 ~~regularly scheduled meeting may recommend that the state land~~
26 ~~planning agency undertake an appeal of a~~
27 ~~development of regional impact development order.~~ Upon the
28 request of an appropriate regional planning council, affected
29 local government, or any citizen, the state land planning
30 agency shall consider whether to appeal the order and shall
31 respond to the request within the 45-day appeal period. Any

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1 appeal taken by a regional planning agency between March 1,
 2 1993, and the effective date of this section may only be
 3 continued if the state land planning agency has also filed an
 4 appeal. Any appeal initiated by a regional planning agency on
 5 or before March 1, 1993, shall continue until completion of
 6 the appeal process and any subsequent appellate review, as if
 7 the regional planning agency were authorized to initiate the
 8 appeal.

9 Section 40. Paragraphs (a) and (d) of subsection (2)
 10 of section 380.11, Florida Statutes, are amended to read:

11 380.11 Enforcement; procedures; remedies.--

12 (2) ADMINISTRATIVE REMEDIES.--

13 (a) If the state land planning agency has reason to
 14 believe a violation of this part or any rule, development
 15 order, or other order issued hereunder or of any agreement
 16 entered into under s. 380.032(3) ~~or s. 380.06(8)~~ has occurred
 17 or is about to occur, it may institute an administrative
 18 proceeding pursuant to this section to prevent, abate, or
 19 control the conditions or activity creating the violation.

20 (d) The state land planning agency may institute an
 21 administrative proceeding against any developer or responsible
 22 party to obtain compliance with ~~s. 380.06~~ and binding letters,
 23 agreements, rules, orders, or development orders issued
 24 pursuant to s. 380.032(3), s. 380.05, ~~s. 380.06~~, or s. 380.07.
 25 The state land planning agency may seek enforcement of its
 26 final agency action in accordance with s. 120.69 or by written
 27 agreement with the alleged violator pursuant to s. 380.032(3).

28 Section 41. Paragraph (b) of subsection (2) of section
 29 403.524, Florida Statutes, is amended to read:

30 403.524 Applicability and certification.--

31 (2) Except as provided in subsection (1), no

1 construction of any transmission line may be undertaken
2 without first obtaining certification under this act, but the
3 provisions of this act do not apply to:

4 (b) Transmission lines which have been exempted by a
5 binding letter of interpretation issued under s. 380.06(4)
6 prior to July 1, 2000, or in which the Department of Community
7 Affairs or its predecessor agency has determined the utility
8 to have vested development rights within the meaning of s.
9 380.05(18) or s. 380.06(20).

10 Section 42. Paragraph (n) of subsection (1) of section
11 498.025, Florida Statutes, is amended to read:

12 498.025 Exemptions.--

13 (1) Except as provided in s. 498.022, the provisions
14 of this chapter do not apply to:

15 (n) ~~An offer or disposition of any interest in a~~
16 ~~subdivision that has received a development order pursuant to~~
17 ~~s. 380.060 or s. 380.061, or~~ The offer or disposition of any
18 interest in subdivided lands by a person who has entered into
19 a development agreement with local government in accordance
20 with part II of chapter 163, subject to the following
21 conditions:

22 1. All funds or property paid by a purchaser are
23 escrowed until closing; and

24 2. Closing shall not occur until all promised
25 improvements including infrastructure, facilities, and
26 amenities represented by the seller or the seller's agent are
27 deemed complete and the plat of same is recorded in the
28 official records of the county in which the subdivision is
29 located.

30 Section 43. Subsection (10) of section 944.095,
31 Florida Statutes, is amended to read:

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1 944.095 Siting of additional correctional facilities;
2 procedure.--

3 (10) Insofar as the provisions of this section are
4 inconsistent with the provisions of any other law, general,
5 special, or local, the provisions of this section are
6 controlling. ~~Additionally, the criteria and procedures set~~
7 ~~forth in this section supersede and are in lieu of any review~~
8 ~~and approval required by s. 380.06.~~

9 Section 44. Subsection (19) of section 985.41, Florida
10 Statutes, is amended to read:

11 985.41 Siting of facilities; study; criteria.--

12 (19) Insofar as the provisions of this section are
13 inconsistent with the provisions of any other law, general,
14 special, or local, the provisions of this section are
15 controlling. ~~Additionally, the criteria and procedures set~~
16 ~~forth in this section supersede and are in lieu of any review~~
17 ~~and approval required by s. 380.06.~~

18 Section 45. (1) Nothing contained in this act
19 abridges or modifies any vested or other right or any
20 obligation pursuant to any development order, binding letter
21 of determination, or agreement that is applicable to a
22 development of regional impact on June 30, 2000.

23 (2) A development of regional impact with an
24 application for development approval pending on June 30, 2000,
25 may elect to continue such review pursuant to s. 380.06,
26 Florida Statutes, 1999.

27 Section 46. This act shall take effect July 1, 2000.

28
29

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

31 And the title is amended as follows:

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1 remove from the title of the bill: the entire title

2

3 and insert in lieu thereof:

4

A bill to be entitled

5

An act relating to growth management; amending

6

s. 163.3161, F.S.; providing additional intent

7

under the Local Government Comprehensive

8

Planning and Land Development Regulation Act;

9

amending s. 163.3164, F.S.; defining "reviewing

10

land planning agency" for purposes of the act;

11

conforming the definition of "optional sector

12

plan"; creating s. 163.3175, F.S.; providing

13

for the creation of a local reviewing council

14

in each county; providing for membership and

15

powers; amending s. 163.3180, F.S.; requiring

16

establishment of school concurrency by a

17

specified date; providing for a building

18

moratorium in any district that does not

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comply; conforming language; amending s.

20

163.3184, F.S.; requiring each county and

21

municipality to notify the state land planning

22

agency and the local reviewing council

23

biennially as to which of those agencies will

24

be responsible for review of that local

25

government's comprehensive plan amendments as

26

the "reviewing land planning agency";

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specifying that the procedures and requirements

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of said section for review of comprehensive

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plan amendments apply to the reviewing land

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planning agency; including the Department of

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Health in agencies that may review and comment

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1 on plans and plan amendments; removing
2 references to certain rules; amending s.
3 163.3187, F.S.; revising conditions for
4 qualification as a small scale development
5 amendment that is exempt from the limits on the
6 frequency of amendments to a local
7 comprehensive plan; conforming language
8 relating to amendment of comprehensive plans;
9 amending s. 163.3215, F.S.; revising procedures
10 for challenge of a development order by an
11 aggrieved or adversely affected party on the
12 basis of inconsistency with a local
13 comprehensive plan; providing for petition to
14 the circuit court for certiorari; providing for
15 mandatory mediation; removing a requirement
16 that a verified complaint be filed with the
17 local government prior to seeking judicial
18 review; amending the following to conform with
19 respect to duties of the reviewing land
20 planning agencies: s. 163.2517, F.S., relating
21 to urban infill and redevelopment areas; s.
22 163.3171, F.S., relating to certain agreements;
23 s. 163.3174, F.S., relating to notice of
24 designation of a local planning agency; s.
25 163.3177, F.S., relating to review of
26 comprehensive plans; s. 163.3181, F.S.,
27 relating to dispute resolution; s. 163.3189,
28 F.S., relating to amendment of comprehensive
29 plans; and s. 163.3244, F.S., relating to the
30 sustainable communities demonstration project;
31 amending s. 163.3221, F.S.; defining "reviewing

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1 land planning agency" for purposes of the
2 Florida Local Government Development Agreement
3 Act; amending ss. 163.3229, 163.3235, 163.3239,
4 and 163.3243, F.S.; providing duties of
5 reviewing land planning agencies with respect
6 to receipt, review, and enforcement of
7 development agreements; conforming language;
8 amending s. 163.3245, F.S.; revising procedures
9 and requirements for adoption of optional
10 sector plans; revising elements to be included
11 in such plans and removing provisions relating
12 to detailed specific area plans; providing for
13 monitoring, enforcement, and judicial review;
14 repealing s. 163.3178(3), F.S., which provides
15 that certain port-related projects are not
16 developments of regional impact, s.
17 163.3180(12), F.S., which provides conditions
18 under which a multiuse development of regional
19 impact may satisfy certain planning
20 requirements, s. 189.415(4), F.S., relating to
21 satisfaction of certain special district
22 reporting requirements regarding facilities
23 addressed by a development of regional impact
24 development order, s. 186.507(17), F.S., which
25 directs the regional planning councils to
26 recommend locations or activities in which a
27 project should be a development of regional
28 impact, s. 288.975(13), F.S., which exempts
29 military base reuse activities from development
30 of regional impact requirements, s. 369.303(4),
31 F.S., which defines "development of regional

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1 impact" under the Wekiva River Protection Act,
2 s. 378.601(5), F.S., which exempts certain
3 heavy mineral mining operations from
4 development of regional impact requirements, s.
5 380.06, F.S., which provides requirements for
6 review of developments of regional impact, s.
7 380.061, F.S., which creates the Florida
8 Quality Developments program, s. 380.065, F.S.,
9 which provides for local government review of
10 developments of regional impact, s. 380.0651,
11 F.S., which provides the statewide guidelines
12 and standards for
13 development-of-regional-impact review, s.
14 380.07(3), F.S., relating to an appeal period
15 for certain developments of regional impact,
16 and s. 550.155(2)(a), F.S., relating to certain
17 capital improvements to pari-mutuel facilities;
18 amending the following to conform to the
19 elimination of development-of-regional-impact
20 review and of the Florida Quality Developments
21 program: s. 125.68, F.S., relating to
22 ordinances exempt from codification and
23 publication requirements; s. 163.3178, F.S.,
24 relating to an exemption for certain port
25 facilities; s. 163.3244, F.S., relating to
26 sustainable communities; s. 186.507, F.S.,
27 relating to strategic regional policy plans;
28 ss. 190.006, 190.011, and 190.012, F.S.,
29 relating to community development district
30 offices and powers; s. 240.155, F.S., relating
31 to campus master plans; s. 332.115, F.S.,

1 relating to the Brevard-Orange corridor; ss.
2 369.305 and 369.307, F.S., relating to the
3 Wekiva River Protection Area; s. 373.414, F.S.,
4 relating to permits for activities located
5 within surface waters or wetlands; s. 380.07,
6 F.S., relating to the Florida Land and Water
7 Adjudicatory Commission; s. 403.524, F.S.,
8 relating to certification of transmission
9 lines; s. 498.025, F.S., relating to
10 application of the Florida Uniform Land Sales
11 Practices Law; s. 944.095, F.S., relating to
12 siting of correctional facilities; and s.
13 985.41, F.S., relating to siting of juvenile
14 justice facilities; amending ss. 287.055,
15 288.975, 331.303, 336.025, 369.303, 373.415,
16 and 380.11, F.S.; conforming language and
17 correcting references; providing for vested
18 rights and pending applications with respect to
19 developments of regional impact; providing an
20 effective date.

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