

By the Committee on Community Affairs and Representative  
Gay

1                                   A bill to be entitled  
2           An act relating to growth management; creating  
3           s. 125.595, F.S.; providing for the right of  
4           citizens to petition elected officials in  
5           public or private; amending s. 163.2517, F.S.;  
6           revising the financial incentives which a local  
7           government may offer in an urban infill and  
8           redevelopment area which relate to exemption  
9           from local option sales surtaxes and waiver of  
10          delinquent taxes or fees; providing that, in  
11          order to be eligible for the exemption from  
12          collecting local option sales surtaxes, a  
13          business must submit an application under oath  
14          to the local government, which must be approved  
15          and submitted to the Department of Revenue;  
16          amending s. 212.08, F.S.; specifying that the  
17          authority of a local government to adopt  
18          financial and local government incentives under  
19          s. 163.2517, F.S., is not superseded by certain  
20          provisions relating to sales tax exemptions;  
21          amending s. 163.2523, F.S.; authorizing  
22          transfer of unused funds between grant  
23          categories under the Urban Infill and  
24          Redevelopment Assistance Grant Program;  
25          amending s. 163.3164, F.S.; clarifying the  
26          definition of "development" under the Local  
27          Government Comprehensive Planning and Land  
28          Development Regulation Act; amending s.  
29          163.3177, F.S.; providing that an agricultural  
30          land use category may be eligible for the  
31          location of public schools in a local

1 government comprehensive plan under certain  
2 conditions; providing additional legislative  
3 intent with respect to application of chapter  
4 9J-5, Florida Administrative Code, by the  
5 agency; specifying lands that are suitable for  
6 innovative planning and development strategies;  
7 requiring a report on a program for  
8 implementing such strategies; prohibiting  
9 reduction in residential density on certain  
10 property without the owner's consent until July  
11 1, 2001; amending s. 163.3180, F.S.;  
12 authorizing local governments to exempt  
13 regional activity centers from transportation  
14 concurrency requirements; correcting a  
15 reference; amending s. 163.3184, F.S.;  
16 providing additional agencies to which a local  
17 government must transmit a proposed  
18 comprehensive plan or plan amendment; removing  
19 provisions relating to transmittal of copies by  
20 the state land planning agency; providing that  
21 a local government may request review by the  
22 state land planning agency at the time of  
23 transmittal of an amendment; revising time  
24 periods with respect to submission of comments  
25 to the agency by other agencies, notice by the  
26 agency of its intent to review, and issuance by  
27 the agency of its report; clarifying language;  
28 providing for compilation and transmittal by  
29 the local government of a list of persons who  
30 will receive an informational statement  
31 concerning the agency's notice of intent to

1 find a plan or plan amendment in compliance or  
2 not in compliance; providing for rules;  
3 revising requirements relating to publication  
4 by the agency of its notice of intent; deleting  
5 a requirement that the notice be sent to  
6 certain persons; amending s. 163.3187, F.S.;  
7 revising requirements relating to small scale  
8 development amendments which are exempt from  
9 the limitation on the frequency of amendments  
10 to a local comprehensive plan; revising acreage  
11 requirements; providing that certain amendments  
12 that involve affordable housing in certain  
13 areas of critical state concern are eligible  
14 under certain circumstances; revising a  
15 condition relating to residential land use;  
16 removing a provision that allows a local  
17 government to elect to have such amendments  
18 subject to review under s. 163.3184(3)-(6),  
19 F.S.; amending s. 163.3215, F.S.; revising  
20 procedures for challenge of a development order  
21 by an aggrieved or adversely affected party on  
22 the basis of inconsistency with a local  
23 comprehensive plan; providing for petition to  
24 the circuit court for certiorari; providing for  
25 mandatory mediation; removing a requirement  
26 that a verified complaint be filed with the  
27 local government prior to seeking judicial  
28 review; amending s. 163.3245, F.S., relating to  
29 optional sector plans; clarifying and  
30 conforming language; creating s. 166.0498,  
31 F.S.; providing for the right of citizens to

1 petition elected officials in public or  
2 private; amending s. 166.231, F.S.; authorizing  
3 application of the municipal public service tax  
4 on water service to property in a development  
5 of regional impact outside of municipal  
6 boundaries under certain conditions; limiting  
7 recovery if such tax is challenged; amending s.  
8 380.04, F.S.; revising an exemption from the  
9 definition of "development" under the Florida  
10 Environmental Land and Water Management Act of  
11 1972; amending s. 380.06, F.S., relating to  
12 developments of regional impact; revising the  
13 definition of an essentially built-out  
14 development of regional impact with respect to  
15 multiuse developments; providing for submission  
16 of biennial, rather than annual, reports by the  
17 developer; authorizing submission of a letter,  
18 rather than a report, under certain  
19 circumstances; providing for amendment of  
20 development orders with respect to report  
21 frequency; removing criteria relating to  
22 airports, petroleum storage facilities, and  
23 waterports from the list of criteria used to  
24 determine existence of a substantial deviation;  
25 revising the criterion relating to multiuse  
26 developments of regional impact; providing that  
27 an extension of the date of buildout of less  
28 than 7 years is not a substantial deviation;  
29 revising provisions relating to determination  
30 of whether a change constitutes a substantial  
31 deviation based on its percentage of the

1 specified numerical criteria; revising notice  
2 requirements; providing that changes that are  
3 less than specified numerical criteria need not  
4 be submitted to the state land planning agency  
5 and specifying the agency's right to appeal  
6 with respect to such changes; deleting an  
7 exemption from review by the regional planning  
8 agency and state land planning agency for  
9 certain changes; exempting petroleum storage  
10 facilities from development-of-regional-impact  
11 review under certain circumstances; providing  
12 for maintenance of the exemption from  
13 development-of-regional-impact review for  
14 developments under s. 163.3245, F.S., relating  
15 to optional sector plans, if said section is  
16 repealed; repealing s. 380.0651(3)(a) and (e),  
17 F.S., which provide the statewide guidelines  
18 and standards for  
19 development-of-regional-impact review for  
20 airports and port facilities; amending s.  
21 380.0651, F.S.; revising the guidelines and  
22 standards for office development and  
23 residential development; providing for vested  
24 rights, duties or obligations, and pending  
25 applications with respect to developments of  
26 regional impact; amending ss. 163.06, 189.415,  
27 and 331.303, F.S.; correcting cross references,  
28 to conform; creating the Grow Smart Florida  
29 Study Commission; providing for appointment and  
30 qualifications of members; providing the  
31 commission's duties; requiring a report;

1 providing for severability; providing an  
2 effective date.

3

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

5

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

8 125.595 Right of citizens to petition elected  
9 officials.--No citizen shall be denied his or her  
10 constitutional right to petition any elected official in  
11 public or private. This provision shall preempt any other  
12 special act or general law to the contrary.

13 Section 2. Paragraph (j) of subsection (3) of section  
14 163.2517, Florida Statutes, is amended to read:

15 163.2517 Designation of urban infill and redevelopment  
16 area.--

17 (3) A local government seeking to designate a  
18 geographic area within its jurisdiction as an urban infill and  
19 redevelopment area shall prepare a plan that describes the  
20 infill and redevelopment objectives of the local government  
21 within the proposed area. In lieu of preparing a new plan, the  
22 local government may demonstrate that an existing plan or  
23 combination of plans associated with a community redevelopment  
24 area, Florida Main Street program, Front Porch Florida  
25 Community, sustainable community, enterprise zone, or  
26 neighborhood improvement district includes the factors listed  
27 in paragraphs (a)-(n), including a collaborative and holistic  
28 community participation process, or amend such existing plans  
29 to include these factors. The plan shall demonstrate the local  
30 government and community's commitment to comprehensively  
31 address the urban problems within the urban infill and

1 redevelopment area and identify activities and programs to  
2 accomplish locally identified goals such as code enforcement;  
3 improved educational opportunities; reduction in crime;  
4 neighborhood revitalization and preservation; provision of  
5 infrastructure needs, including mass transit and multimodal  
6 linkages; and mixed-use planning to promote multifunctional  
7 redevelopment to improve both the residential and commercial  
8 quality of life in the area. The plan shall also:

9 (j) Identify and adopt a package of financial and  
10 local government incentives which the local government will  
11 offer for new development, expansion of existing development,  
12 and redevelopment within the urban infill and redevelopment  
13 area. Examples of such incentives include:

14 1. Waiver of license and permit fees.

15 2. Exemption of sales made in the urban infill and  
16 redevelopment area from ~~waiver of~~ local option sales surtaxes  
17 imposed pursuant to s. 212.054 ~~taxes~~.

18 3. Waiver of delinquent local taxes or fees to promote  
19 the return of property to productive use.

20 4. Expedited permitting.

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

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

26 7. Local government absorption of developers'  
27 concurrency costs.

28  
29 In order to be authorized to recognize the exemption from  
30 local option sales surtaxes pursuant to subparagraph 2., the  
31 owner, lessee, or lessor of the new development, expanding

1 existing development, or redevelopment within the urban infill  
2 and redevelopment area must file an application under oath  
3 with the governing body having jurisdiction over the urban  
4 infill and redevelopment area where the business is located.  
5 The application must include the name and address of the  
6 business claiming the exclusion from collecting local option  
7 surtaxes; an address and assessment roll parcel number of the  
8 urban infill and redevelopment area for which the exemption is  
9 being sought; a description of the improvements made to  
10 accomplish the new development, expanding development, or  
11 redevelopment of the real property; a copy of the building  
12 permit application or the building permit issued for the  
13 development of the real property; a new application for a  
14 certificate of registration with the Department of Revenue  
15 with the address of the new development, expanding  
16 development, or redevelopment; and the location of the  
17 property. The local government must review and approve the  
18 application and submit the completed application and  
19 documentation along with a copy of the ordinance adopted  
20 pursuant to subsection (5) to the Department of Revenue in  
21 order for the business to become eligible to make sales exempt  
22 from local option sales surtaxes in the urban infill and  
23 redevelopment area.

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

26           212.08 Sales, rental, use, consumption, distribution,  
27 and storage tax; specified exemptions.--The sale at retail,  
28 the rental, the use, the consumption, the distribution, and  
29 the storage to be used or consumed in this state of the  
30 following are hereby specifically exempt from the tax imposed  
31 by this chapter.



1           (13) No transactions shall be exempt from the tax  
2 imposed by this chapter except those expressly exempted  
3 herein. All laws granting tax exemptions, to the extent they  
4 may be inconsistent or in conflict with this chapter,  
5 including, but not limited to, the following designated laws,  
6 shall yield to and be superseded by the provisions of this  
7 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,  
8 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14,  
9 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09,  
10 and the following Laws of Florida, acts of the year indicated:  
11 s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12,  
12 chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter  
13 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter  
14 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s.  
15 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter  
16 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and  
17 s. 10, chapter 67-1681. This subsection does not supersede the  
18 authority of a local government to adopt financial and local  
19 government incentives pursuant to s. 163.2517.

20           Section 4. Section 163.2523, Florida Statutes, is  
21 amended to read:

22           163.2523 Grant program.--An Urban Infill and  
23 Redevelopment Assistance Grant Program is created for local  
24 governments. A local government may allocate grant money to  
25 special districts, including community redevelopment agencies,  
26 and nonprofit community development organizations to implement  
27 projects consistent with an adopted urban infill and  
28 redevelopment plan or plan employed in lieu thereof. Thirty  
29 percent of the general revenue appropriated for this program  
30 shall be available for planning grants to be used by local  
31 governments for the development of an urban infill and

1 redevelopment plan, including community participation  
2 processes for the plan. Sixty percent of the general revenue  
3 appropriated for this program shall be available for  
4 fifty/fifty matching grants for implementing urban infill and  
5 redevelopment projects that further the objectives set forth  
6 in the local government's adopted urban infill and  
7 redevelopment plan or plan employed in lieu thereof. The  
8 remaining 10 percent of the revenue must be used for outright  
9 grants for implementing projects requiring an expenditure of  
10 under \$50,000. If the volume of fundable applications under  
11 any of the allocations specified in this section does not  
12 fully obligate the amount of the allocation, the Department of  
13 Community Affairs may transfer the unused balance to the  
14 category having the highest dollar value of applications  
15 eligible but unfunded. However, in no event may the percentage  
16 of dollars allocated to outright grants for implementing  
17 projects exceed 20 percent in any given fiscal year. Projects  
18 that provide employment opportunities to clients of the WAGES  
19 program and projects within urban infill and redevelopment  
20 areas that include a community redevelopment area, Florida  
21 Main Street program, Front Porch Florida Community,  
22 sustainable community, enterprise zone, federal enterprise  
23 zone, enterprise community, or neighborhood improvement  
24 district must be given an elevated priority in the scoring of  
25 competing grant applications. The Division of Housing and  
26 Community Development of the Department of Community Affairs  
27 shall administer the grant program. The Department of  
28 Community Affairs shall adopt rules establishing grant review  
29 criteria consistent with this section.

30 Section 5. Subsection (6) of section 163.3164, Florida  
31 Statutes, is amended to read:

1           163.3164 Definitions.--As used in this act:  
2           (6) "Development" has the meaning given it in s.  
3 380.04. The following operations or uses shall not be taken  
4 for the purpose of this act to involve "development":  
5           (a) Work by a highway or road agency or railroad  
6 company for the maintenance or improvement of a road or  
7 railroad track, if the work is carried out on land within the  
8 boundaries of the right-of-way.  
9           (b) Work by any utility and other persons engaged in  
10 the distribution or transmission of electricity, gas, or  
11 water, for the purpose of inspecting, repairing, renewing, or  
12 constructing on established rights-of-way any sewers, mains,  
13 pipes, cables, utility tunnels, power lines, towers, poles,  
14 tracks, or the like.  
15           (c) Work for the maintenance, renewal, improvement, or  
16 alteration of any structure, if the work affects only the  
17 interior or the color of the structure or the decoration of  
18 the exterior of the structure.  
19           (d) The use of any structure or land devoted to  
20 dwelling uses for any purpose customarily incidental to  
21 enjoyment of the dwelling.  
22           (e) The use of any land for the purpose of growing  
23 plants, crops, trees, and other agricultural or forestry  
24 products; raising livestock; or for other agricultural  
25 purposes.  
26           (f) A change in use of land or structure from a use  
27 within a class specified in an ordinance or rule to another  
28 use in the same class.  
29           (g) A change in the ownership or form of ownership of  
30 any parcel or structure.

31

1       (h) The creation or termination of rights of access,  
2 riparian rights, easements, covenants concerning development  
3 of land, or other rights in land.

4           Section 6. Paragraph (a) of subsection (6), paragraph  
5 (i) of subsection (10), and subsection (11) of section  
6 163.3177, Florida Statutes, are amended to read:

7           163.3177 Required and optional elements of  
8 comprehensive plan; studies and surveys.--

9           (6) In addition to the requirements of subsections  
10 (1)-(5), the comprehensive plan shall include the following  
11 elements:

12           (a) A future land use plan element designating  
13 proposed future general distribution, location, and extent of  
14 the uses of land for residential uses, commercial uses,  
15 industry, agriculture, recreation, conservation, education,  
16 public buildings and grounds, other public facilities, and  
17 other categories of the public and private uses of land. The  
18 future land use plan shall include standards to be followed in  
19 the control and distribution of population densities and  
20 building and structure intensities. The proposed  
21 distribution, location, and extent of the various categories  
22 of land use shall be shown on a land use map or map series  
23 which shall be supplemented by goals, policies, and measurable  
24 objectives. Each land use category shall be defined in terms  
25 of the types of uses included and specific standards for the  
26 density or intensity of use. The future land use plan shall  
27 be based upon surveys, studies, and data regarding the area,  
28 including the amount of land required to accommodate  
29 anticipated growth; the projected population of the area; the  
30 character of undeveloped land; the availability of public  
31 services; the need for redevelopment, including the renewal of

1 blighted areas and the elimination of nonconforming uses which  
2 are inconsistent with the character of the community; and, in  
3 rural communities, the need for job creation, capital  
4 investment, and economic development that will strengthen and  
5 diversify the community's economy. The future land use plan  
6 may designate areas for future planned development use  
7 involving combinations of types of uses for which special  
8 regulations may be necessary to ensure development in accord  
9 with the principles and standards of the comprehensive plan  
10 and this act. In addition, for rural communities, the amount  
11 of land designated for future planned industrial use shall be  
12 based upon surveys and studies that reflect the need for job  
13 creation, capital investment, and the necessity to strengthen  
14 and diversify the local economies, and shall not be limited  
15 solely by the projected population of the rural community. The  
16 future land use plan of a county may also designate areas for  
17 possible future municipal incorporation. The land use maps or  
18 map series shall generally identify and depict historic  
19 district boundaries and shall designate historically  
20 significant properties meriting protection. The future land  
21 use element must clearly identify the land use categories in  
22 which public schools are an allowable use. When delineating  
23 the land use categories in which public schools are an  
24 allowable use, a local government shall include in the  
25 categories sufficient land proximate to residential  
26 development to meet the projected needs for schools in  
27 coordination with public school boards and may establish  
28 differing criteria for schools of different type or size. Each  
29 local government shall include lands contiguous to existing  
30 school sites, to the maximum extent possible, within the land  
31 use categories in which public schools are an allowable use.

1 All comprehensive plans must comply with the school siting  
2 requirements of this paragraph no later than October 1, 1999.  
3 The failure by a local government to comply with these school  
4 siting requirements by October 1, 1999, will result in the  
5 prohibition of the local government's ability to amend the  
6 local comprehensive plan, except for plan amendments described  
7 in s. 163.3187(1)(b), until the school siting requirements are  
8 met. An amendment proposed by a local government for purposes  
9 of identifying the land use categories in which public schools  
10 are an allowable use is exempt from the limitation on the  
11 frequency of plan amendments contained in s. 163.3187. The  
12 future land use element shall include criteria which encourage  
13 the location of schools proximate to urban residential areas  
14 to the extent possible and shall require that the local  
15 government seek to collocate public facilities, such as parks,  
16 libraries, and community centers, with schools to the extent  
17 possible. For schools serving predominantly rural areas, an  
18 agricultural land use category may be eligible for the  
19 location of public school facilities.

20 (10) The Legislature recognizes the importance and  
21 significance of chapter 9J-5, Florida Administrative Code, the  
22 Minimum Criteria for Review of Local Government Comprehensive  
23 Plans and Determination of Compliance of the Department of  
24 Community Affairs that will be used to determine compliance of  
25 local comprehensive plans. The Legislature reserved unto  
26 itself the right to review chapter 9J-5, Florida  
27 Administrative Code, and to reject, modify, or take no action  
28 relative to this rule. Therefore, pursuant to subsection (9),  
29 the Legislature hereby has reviewed chapter 9J-5, Florida  
30 Administrative Code, and expresses the following legislative  
31 intent:

1           (i) Due to the varying complexities, sizes, growth  
2 rates, and other factors associated with local governments in  
3 Florida, the department shall take into account the factors  
4 delineated in rule 9J-5.002(2), Florida Administrative Code,  
5 as it provides assistance to local governments and applies the  
6 rule in specific situations with regard to the detail of the  
7 data and analysis, and the content of the goals, objectives,  
8 policies, and other graphic or textual standards required. If  
9 a local government has in place a comprehensive plan found in  
10 compliance, the department shall take into account as it  
11 applies chapter 9J-5, Florida Administrative Code, whether a  
12 plan amendment constitutes substantial progress over existing  
13 provisions in the local comprehensive plan regarding  
14 consistency with chapter 9J-5, Florida Administrative Code.

15           (11)(a) The Legislature recognizes the need for  
16 innovative planning and development strategies which will  
17 address the anticipated demands of continued urbanization of  
18 Florida's coastal and other environmentally sensitive areas,  
19 and which will accommodate the development of less populated  
20 regions of the state which seek economic development and which  
21 have suitable land and water resources to accommodate growth  
22 in an environmentally acceptable manner. The Legislature  
23 further recognizes the substantial advantages of innovative  
24 approaches to development which may better serve to protect  
25 environmentally sensitive areas, maintain the economic  
26 viability of agricultural and other predominantly rural land  
27 uses, and provide for the cost-efficient delivery of public  
28 facilities and services.

29           (b) It is the intent of the Legislature that the local  
30 government comprehensive plans and plan amendments adopted  
31 pursuant to the provisions of this part provide for a planning

1 process which allows for land use efficiencies within existing  
2 urban areas and which also allows for the conversion of rural  
3 lands to other uses, where appropriate and consistent with the  
4 other provisions of this part and the affected local  
5 comprehensive plans, through the application of innovative and  
6 flexible planning and development strategies and creative land  
7 use planning techniques, which may include, but not be limited  
8 to, urban villages, new towns, satellite communities,  
9 area-based allocations, clustering and open space provisions,  
10 mixed-use development, and sector planning.

11 (c) Lands classified in the future land use plan  
12 element as agricultural, rural, open, open/rural, or a  
13 substantively equivalent land use shall also be deemed  
14 suitable for innovative planning and development strategies  
15 described in paragraphs (a) and (b) which are recognized as  
16 methods for discouraging urban sprawl and which are consistent  
17 with the provisions of the state comprehensive plan, regional  
18 policy plans, and this part.

19 (d) The Department of Community Affairs, in  
20 conjunction with the Department of Agriculture and Consumer  
21 Services, shall, by no later than February 1, 2001, prepare  
22 and submit to the Governor, the Speaker of the House of  
23 Representatives, and the President of the Senate a report on a  
24 program of planning incentives, economic incentives, and other  
25 measures as may be necessary to facilitate the timely  
26 implementation of innovative planning and development  
27 strategies described in paragraphs (a), (b), and (c) while  
28 protecting environmentally sensitive areas, maintaining the  
29 economic viability of agriculture and other predominantly  
30 rural land uses, and providing for the cost-efficient delivery  
31



1 of public facilities and services. Such incentives and other  
2 measures shall address the following:

3 1. "Smart growth" strategies within rural areas which  
4 proactively address both the pressures of population growth  
5 and the substantial need for rural economic development.

6 2. The importance of maintaining rural land values as  
7 the cornerstone of maintaining a viable rural economy.

8 3. Expression of the contents of paragraphs (a), (b),  
9 and (c) in the form of practical and easily understood  
10 planning guidelines.

11 4. A rural lands stewardship program under which the  
12 owners of rural property are encouraged to convey development  
13 rights in exchange for smart growth development credits which  
14 are transferable to other rural areas in which innovative  
15 development and strategies are applied as part of a pattern of  
16 land use which protects environmentally sensitive areas,  
17 maintains the economic viability of agriculture and other  
18 predominantly rural land uses, and provides for the  
19 cost-efficient delivery of public facilities and services.

20 5. Strategies and incentives to reward best management  
21 practices for agricultural activities consistent with the  
22 conservation and protection of environmentally sensitive areas  
23 and sound water management practices.

24 6. The coordination of state transportation  
25 facilities, including roadways, railways, and port facilities,  
26 to provide for the transportation of agricultural products and  
27 supplies.

28  
29 It is intent of the Legislature that the program described in  
30 this paragraph be created in a careful and considered manner,  
31 and accordingly there shall be no reduction in residential

1 density, without the property owner's consent, on property  
2 classified as agricultural, rural, open, open/rural, or a  
3 substantially equivalent land use until July 1, 2001, in order  
4 to provide for this study process and legislative  
5 consideration thereof.

6 (e)~~(c)~~ It is the further intent of the Legislature  
7 that local government comprehensive plans and implementing  
8 land development regulations shall provide strategies which  
9 maximize the use of existing facilities and services through  
10 redevelopment, urban infill development, and other strategies  
11 for urban revitalization.

12 (f)~~(d)~~ The implementation of this subsection shall be  
13 subject to the provisions of this chapter, chapters 186 and  
14 187, and applicable agency rules.

15 (g)~~(e)~~ The department shall implement the provisions  
16 of this subsection by rule.

17 Section 7. Paragraph (b) of subsection (5) and  
18 paragraph (a) of subsection (12) of section 163.3180, Florida  
19 Statutes, are amended to read:

20 163.3180 Concurrency.--

21 (5)

22 (b) A local government may grant an exception from the  
23 concurrency requirement for transportation facilities if the  
24 proposed development is otherwise consistent with the adopted  
25 local government comprehensive plan and is a project that  
26 promotes public transportation or is located within an area  
27 designated in the comprehensive plan for:

- 28 1. Urban infill development,
- 29 2. Urban redevelopment,
- 30 3. Downtown revitalization, ~~or~~

31

1           4. Urban infill and redevelopment under s. 163.2517,  
2 or-

3           5. A regional activity center as defined by rule  
4 28-24.014(10)(c)2., Florida Administrative Code.

5           (12) When authorized by a local comprehensive plan, a  
6 multiuse development of regional impact may satisfy the  
7 transportation concurrency requirements of the local  
8 comprehensive plan, the local government's concurrency  
9 management system, and s. 380.06 by payment of a  
10 proportionate-share contribution for local and regionally  
11 significant traffic impacts, if:

12           (a) The development of regional impact meets or  
13 exceeds the guidelines and standards of s. 380.0651(3)~~(g)(i)~~  
14 and rule 28-24.032(2), Florida Administrative Code, and  
15 includes a residential component that contains at least 100  
16 residential dwelling units or 15 percent of the applicable  
17 residential guideline and standard, whichever is greater;

18  
19 The proportionate-share contribution may be applied to any  
20 transportation facility to satisfy the provisions of this  
21 subsection and the local comprehensive plan, but, for the  
22 purposes of this subsection, the amount of the  
23 proportionate-share contribution shall be calculated based  
24 upon the cumulative number of trips from the proposed  
25 development expected to reach roadways during the peak hour  
26 from the complete buildout of a stage or phase being approved,  
27 divided by the change in the peak hour maximum service volume  
28 of roadways resulting from construction of an improvement  
29 necessary to maintain the adopted level of service, multiplied  
30 by the construction cost, at the time of developer payment, of  
31 the improvement necessary to maintain the adopted level of

1 service. For purposes of this subsection, "construction cost"  
2 includes all associated costs of the improvement.

3 Section 8. Subsections (3), (4), (6), (7), (8), and  
4 (15) and paragraph (d) of subsection (16) of section 163.3184,  
5 Florida Statutes, are amended to read:

6 163.3184 Process for adoption of comprehensive plan or  
7 plan amendment.--

8 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR  
9 AMENDMENT.--

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

29 (b) A local governing body shall not transmit portions  
30 of a plan or plan amendment unless it has previously provided  
31 to all state agencies designated by the state land planning

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

20 (c) A local government may adopt a proposed plan  
21 amendment previously transmitted pursuant to this subsection,  
22 unless review is requested or otherwise initiated pursuant to  
23 subsection (6).

24 (d) In cases in which a local government transmits  
25 multiple individual amendments that can be clearly and legally  
26 separated and distinguished for the purpose of determining  
27 whether to review the proposed amendment, and the state land  
28 planning agency elects to review several or a portion of the  
29 amendments and the local government chooses to immediately  
30 adopt the remaining amendments not reviewed, the amendments  
31 immediately adopted and any reviewed amendments that the local

1 government subsequently adopts together constitute one  
2 amendment cycle in accordance with s. 163.3187(1).

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

30 (6) STATE LAND PLANNING AGENCY REVIEW.--  
31

1           (a) The state land planning agency shall review a  
2 proposed plan amendment upon request of a regional planning  
3 council, affected person, or local government transmitting the  
4 plan amendment. The request from the regional planning council  
5 or affected person must be if the request is received within  
6 30 days after transmittal of the proposed plan amendment  
7 pursuant to subsection (3). ~~The agency shall issue a report of~~  
8 ~~its objections, recommendations, and comments regarding the~~  
9 ~~proposed plan amendment.~~A regional planning council or  
10 affected person requesting a review shall do so by submitting  
11 a written request to the agency with a notice of the request  
12 to the local government and any other person who has requested  
13 notice.

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

21           (c) The state land planning agency shall establish by  
22 rule a schedule for receipt of comments from the various  
23 government agencies, as well as written public comments,  
24 pursuant to subsection (4). If the state land planning agency  
25 elects to review the amendment or the agency is required to  
26 review the amendment as specified in paragraph (a), the agency  
27 shall issue a report of its objections, recommendations, and  
28 comments regarding the proposed amendment within 60 days of  
29 receipt of the complete proposed amendment by the state land  
30 planning agency.~~The state land planning agency shall have 30~~  
31 ~~days to review comments from the various government agencies~~

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

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



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

1           (8) NOTICE OF INTENT.--  
2           (a) Except as provided in s. 163.3187(3), the state  
3 land planning agency, upon receipt of a local government's  
4 complete adopted comprehensive plan or plan amendment, shall  
5 have 45 days for review and to determine if the plan or plan  
6 amendment is in compliance with this act, unless the amendment  
7 is the result of a compliance agreement entered into under  
8 subsection (16), in which case the time period for review and  
9 determination shall be 30 days. If review was not conducted  
10 under subsection (6), the agency's determination must be based  
11 upon the plan amendment as adopted. If review was conducted  
12 under subsection (6), the agency's determination of compliance  
13 must be based only upon one or both of the following:  
14           1. The state land planning agency's written comments  
15 to the local government pursuant to subsection (6); or  
16           2. Any changes made by the local government to the  
17 comprehensive plan or plan amendment as adopted.  
18           (b) During the time period provided for in this  
19 subsection, the state land planning agency shall issue,  
20 through a senior administrator or the secretary, as specified  
21 in the agency's procedural rules, a notice of intent to find  
22 that the plan or plan amendment is in compliance or not in  
23 compliance. A notice of intent shall be issued by publication  
24 in the manner provided by this paragraph and by mailing a copy  
25 to the local government ~~and to persons who request notice.~~  
26 ~~The required advertisement shall be no less than 2 columns~~  
27 ~~wide by 10 inches long, and the headline in the advertisement~~  
28 ~~shall be in a type no smaller than 12 point.~~The advertisement  
29 shall ~~not~~ be placed in that portion of the newspaper where  
30 legal notices ~~and classified advertisements~~ appear. The  
31 advertisement shall be published in a newspaper which meets

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

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

23 (15) PUBLIC HEARINGS.--

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

1 plan or plan amendment, the notice requirements in chapters  
2 125 and 166 are superseded by this subsection, except as  
3 provided in this part.

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

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

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

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

28 ~~(d)(e)~~ If the proposed comprehensive plan or plan  
29 amendment changes the actual list of permitted, conditional,  
30 or prohibited uses within a future land use category or  
31 changes the actual future land use map designation of a parcel

1 or parcels of land, the required advertisements shall be in  
2 the format prescribed by s. 125.66(4)(b)2. for a county or by  
3 s. 166.041(3)(c)2.b. for a municipality.

4 (16) COMPLIANCE AGREEMENTS.--

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

21 Section 9. Paragraph (c) of subsection (1) of section  
22 163.3187, Florida Statutes, is amended to read:

23 163.3187 Amendment of adopted comprehensive plan.--

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

27 (c) Any local government comprehensive plan amendments  
28 directly related to proposed small scale development  
29 activities may be approved without regard to statutory limits  
30 on the frequency of consideration of amendments to the local  
31

1 comprehensive plan. A small scale development amendment may  
2 be adopted only under the following conditions:

3 1. The proposed amendment involves a use of 40 ~~±0~~  
4 acres or fewer and:

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

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

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

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

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

26 b.e. The proposed amendment does not involve the same  
27 owner's property within 200 feet of property granted a change  
28 within the prior 12 months.

29 c.d. The proposed amendment does not involve a text  
30 change to the goals, policies, and objectives of the local  
31 government's comprehensive plan, but only proposes a land use

1 change to the future land use map for a site-specific small  
2 scale development activity.

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

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

30 2.a. A local government that proposes to consider a  
31 plan amendment pursuant to this paragraph is not required to

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

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

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

20         Section 10. Section 163.3215, Florida Statutes, is  
21 amended to read:

22         163.3215 Standing to enforce local comprehensive plans  
23 through development orders.--

24         (1) Any aggrieved or adversely affected party may  
25 petition the circuit court for judicial review of ~~maintain an~~  
26 ~~action for injunctive or other relief against any local~~  
27 ~~government to prevent such local government from taking any~~  
28 ~~action on~~ a development order, as defined in s. 163.3164,  
29 which materially alters the use or density or intensity of use  
30 on a particular piece of property, to challenge the local  
31 government determination that the development order ~~that is~~



1 ~~not~~ consistent with the comprehensive plan adopted under this  
2 part. If there is prior published notice of the local  
3 government's proposed action on the development order and the  
4 local government provides a point of entry into a  
5 quasi-judicial proceeding, review in the circuit court shall  
6 be limited to a petition for certiorari filed no later than 30  
7 days following rendition of a development order or other  
8 written decision.

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

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

25 (b) Review pursuant to ~~Suit under~~ this section shall  
26 be the sole remedy ~~action~~ available to challenge the  
27 consistency of any ~~a~~ development order with a comprehensive  
28 plan adopted under this part. The local government that issued  
29 the development order and the applicant for the development  
30 order shall be named as respondents in any proceeding pursuant  
31 to this section.

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

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

30           (6) The signature of an attorney or party constitutes  
31 a certificate that he or she has read the pleading, motion, or

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

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

18 (8) In any suit under this section, the Department of  
19 Legal Affairs may intervene to represent the interests of the  
20 state.

21 Section 11. Section 163.3245, Florida Statutes, is  
22 amended to read:

23 163.3245 Optional sector plans.--

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

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

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

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

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

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

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

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

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

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

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

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

30  
31

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

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

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

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

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

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

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

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

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

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

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

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

31



1           (a) The local government adopting the detailed  
2 specific area plan is primarily responsible for monitoring and  
3 enforcing the detailed specific area plan. Local governments  
4 shall not issue any permits or approvals or provide any  
5 extensions of services to development that are not consistent  
6 with the detailed specific ~~sector~~ area plan.

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

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

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

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

26           Section 12. Section 166.0498, Florida Statutes, is  
27 created to read:

28           166.0498 Right of citizens to petition elected  
29 officials.--No citizen shall be denied his or her  
30 constitutional right to petition any elected official in  
31

1 public or private. This provision shall preempt any other  
2 special act or general law to the contrary.

3 Section 13. Subsection (1) of section 166.231, Florida  
4 Statutes, is amended to read:

5 166.231 Municipalities; public service tax.--

6 (1)(a) A municipality may levy a tax on the purchase  
7 of electricity, metered natural gas, liquefied petroleum gas  
8 either metered or bottled, manufactured gas either metered or  
9 bottled, and water service. Except for those municipalities to  
10 which paragraph (c) applies, the tax shall be levied only upon  
11 purchases within the municipality and shall not exceed 10  
12 percent of the payments received by the seller of the taxable  
13 item from the purchaser for the purchase of such service.

14 Municipalities imposing a tax on the purchase of cable  
15 television service as of May 4, 1977, may continue to levy  
16 such tax to the extent necessary to meet all obligations to or  
17 for the benefit of holders of bonds or certificates which were  
18 issued prior to May 4, 1977. Purchase of electricity means  
19 the purchase of electric power by a person who will consume it  
20 within the municipality.

21 (b) The tax imposed by paragraph (a) shall not be  
22 applied against any fuel adjustment charge, and such charge  
23 shall be separately stated on each bill. The term "fuel  
24 adjustment charge" means all increases in the cost of utility  
25 services to the ultimate consumer resulting from an increase  
26 in the cost of fuel to the utility subsequent to October 1,  
27 1973.

28 (c) The tax imposed by paragraph (a) on water service  
29 may be applied outside municipal boundaries to property  
30 included in a development of regional impact approved pursuant  
31 to s. 380.06, if agreed to in writing by the developer of such

1 property and the municipality prior to March 31, 2000. If a  
2 tax levied pursuant to this paragraph is challenged, recovery,  
3 if any, shall be limited to moneys paid into an escrow account  
4 of the clerk of the court subsequent to such challenge.

5 Section 14. Paragraph (b) of subsection (3) of section  
6 380.04, Florida Statutes, is amended to read:

7 380.04 Definition of development.--

8 (3) The following operations or uses shall not be  
9 taken for the purpose of this chapter to involve "development"  
10 as defined in this section:

11 (b) Work by any utility and other persons engaged in  
12 the distribution or transmission of electricity, gas, or  
13 water, for the purpose of inspecting, repairing, renewing, or  
14 constructing on established rights-of-way any sewers, mains,  
15 pipes, cables, utility tunnels, power lines, towers, poles,  
16 tracks, or the like.

17 Section 15. Paragraph (d) of subsection (2),  
18 paragraphs (c) and (g) of subsection (15), and subsections  
19 (18) and (19) of section 380.06, Florida Statutes, are  
20 amended, and paragraphs (i) and (j) are added to subsection  
21 (24) of said section, to read:

22 380.06 Developments of regional impact.--

23 (2) STATEWIDE GUIDELINES AND STANDARDS.--

24 (d) The guidelines and standards shall be applied as  
25 follows:

26 1. Fixed thresholds.--

27 a. A development that is at or below 80 percent of all  
28 numerical thresholds in the guidelines and standards shall not  
29 be required to undergo development-of-regional-impact review.

30  
31

1           b. A development that is at or above 120 percent of  
2 any numerical threshold shall be required to undergo  
3 development-of-regional-impact review.

4           c. Projects certified under s. 403.973 which create at  
5 least 100 jobs and meet the criteria of the Office of Tourism,  
6 Trade, and Economic Development as to their impact on an  
7 area's economy, employment, and prevailing wage and skill  
8 levels that are at or below 100 percent of the numerical  
9 thresholds for industrial plants, industrial parks,  
10 distribution, warehousing or wholesaling facilities, office  
11 development or multiuse projects other than residential, as  
12 described in s. 380.0651(3)~~(b)(c)~~, ~~(c)(d)~~, and ~~(g)(i)~~, are  
13 not required to undergo development-of-regional-impact review.

14           2. Rebuttable presumptions.--

15           a. It shall be presumed that a development that is  
16 between 80 and 100 percent of a numerical threshold shall not  
17 be required to undergo development-of-regional-impact review.

18           b. It shall be presumed that a development that is at  
19 100 percent or between 100 and 120 percent of a numerical  
20 threshold shall be required to undergo  
21 development-of-regional-impact review.

22           (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

23           (c) The development order shall include findings of  
24 fact and conclusions of law consistent with subsections (13)  
25 and (14). The development order:

26           1. Shall specify the monitoring procedures and the  
27 local official responsible for assuring compliance by the  
28 developer with the development order.

29           2. Shall establish compliance dates for the  
30 development order, including a deadline for commencing  
31 physical development and for compliance with conditions of

1 approval or phasing requirements, and shall include a  
2 termination date that reasonably reflects the time required to  
3 complete the development.

4           3. Shall establish a date until which the local  
5 government agrees that the approved development of regional  
6 impact shall not be subject to downzoning, unit density  
7 reduction, or intensity reduction, unless the local government  
8 can demonstrate that substantial changes in the conditions  
9 underlying the approval of the development order have occurred  
10 or the development order was based on substantially inaccurate  
11 information provided by the developer or that the change is  
12 clearly established by local government to be essential to the  
13 public health, safety, or welfare.

14           4. Shall specify the requirements for the biennial  
15 ~~annual~~ report designated under subsection (18), including the  
16 date of submission, parties to whom the report is submitted,  
17 and contents of the report, based upon the rules adopted by  
18 the state land planning agency. Such rules shall specify the  
19 scope of any additional local requirements that may be  
20 necessary for the report.

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

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

25           (g) A local government shall not issue permits for  
26 development subsequent to the termination date or expiration  
27 date contained in the development order unless:

28           1. The proposed development has been evaluated  
29 cumulatively with existing development under the substantial  
30 deviation provisions of subsection (19) subsequent to the  
31 termination or expiration date;

1           2. The proposed development is consistent with an  
2 abandonment of development order that has been issued in  
3 accordance with the provisions of subsection (26); or

4           3. The project has been determined to be an  
5 essentially built-out development of regional impact through  
6 an agreement executed by the developer, the state land  
7 planning agency, and the local government, in accordance with  
8 s. 380.032, which will establish the terms and conditions  
9 under which the development may be continued. If the project  
10 is determined to be essentially built-out, development may  
11 proceed pursuant to the s. 380.032 agreement after the  
12 termination or expiration date contained in the development  
13 order without further development-of-regional-impact review  
14 subject to the local government comprehensive plan and land  
15 development regulations or subject to a modified  
16 development-of-regional-impact analysis. As used in this  
17 paragraph, an "essentially built-out" development of regional  
18 impact means:

19           a. The development is in compliance with all  
20 applicable terms and conditions of the development order  
21 except the built-out date; and

22           b.(I) The amount of development that remains to be  
23 built is less than the substantial deviation threshold  
24 specified in paragraph (19)(b) for each individual land use  
25 category, or, for a multiuse development, the sum total of all  
26 unbuilt land uses as a percentage of the applicable  
27 substantial deviation threshold is equal to or less than 150  
28 ~~100~~ percent; or

29           (II) The state land planning agency and the local  
30 government have agreed in writing that the amount of

31

1 development to be built does not create the likelihood of any  
2 additional regional impact not previously reviewed.

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

26           (19) SUBSTANTIAL DEVIATIONS.--

27           (a) Any proposed change to a previously approved  
28 development which creates a reasonable likelihood of  
29 additional regional impact, or any type of regional impact  
30 created by the change not previously reviewed by the regional  
31 planning agency, shall constitute a substantial deviation and

1 shall cause the development to be subject to further  
2 development-of-regional-impact review. There are a variety of  
3 reasons why a developer may wish to propose changes to an  
4 approved development of regional impact, including changed  
5 market conditions. The procedures set forth in this  
6 subsection are for that purpose.

7 (b) Any proposed change to a previously approved  
8 development of regional impact or development order condition  
9 which, either individually or cumulatively with other changes,  
10 exceeds any of the following criteria shall constitute a  
11 substantial deviation and shall cause the development to be  
12 subject to further development-of-regional-impact review  
13 without the necessity for a finding of same by the local  
14 government:

15 1. An increase in the number of parking spaces at an  
16 attraction or recreational facility by 5 percent or 300  
17 spaces, whichever is greater, or an increase in the number of  
18 spectators that may be accommodated at such a facility by 5  
19 percent or 1,000 spectators, whichever is greater.

20 ~~2. A new runway, a new terminal facility, a 25-percent~~  
21 ~~lengthening of an existing runway, or a 25-percent increase in~~  
22 ~~the number of gates of an existing terminal, but only if the~~  
23 ~~increase adds at least three additional gates. However, if an~~  
24 ~~airport is located in two counties, a 10-percent lengthening~~  
25 ~~of an existing runway or a 20-percent increase in the number~~  
26 ~~of gates of an existing terminal is the applicable criteria.~~

27 2.3. An increase in the number of hospital beds by 5  
28 percent or 60 beds, whichever is greater.

29 3.4. An increase in industrial development area by 5  
30 percent or 32 acres, whichever is greater.

31



1           4.5. An increase in the average annual acreage mined  
2 by 5 percent or 10 acres, whichever is greater, or an increase  
3 in the average daily water consumption by a mining operation  
4 by 5 percent or 300,000 gallons, whichever is greater. An  
5 increase in the size of the mine by 5 percent or 750 acres,  
6 whichever is less.

7           5.6. An increase in land area for office development  
8 by 5 percent or 6 acres, whichever is greater, or an increase  
9 of gross floor area of office development by 5 percent or  
10 60,000 gross square feet, whichever is greater.

11           6.7. An increase in the storage capacity for chemical  
12 ~~or petroleum~~ storage facilities by 5 percent, 20,000 barrels,  
13 or 7 million pounds, whichever is greater.

14           ~~8. An increase of development at a waterport of wet~~  
15 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~  
16 ~~wet/dry storage for 60 watercraft in an area identified in the~~  
17 ~~state marina siting plan as an appropriate site for additional~~  
18 ~~waterport development or a 5-percent increase in watercraft~~  
19 ~~storage capacity, whichever is greater.~~

20           7.9. An increase in the number of dwelling units by 5  
21 percent or 50 dwelling units, whichever is greater.

22           8.10. An increase in commercial development by 6 acres  
23 of land area or by 50,000 square feet of gross floor area, or  
24 of parking spaces provided for customers for 300 cars or a  
25 5-percent increase of any of these, whichever is greater.

26           9.11. An increase in hotel or motel facility units by  
27 5 percent or 75 units, whichever is greater.

28           10.12. An increase in a recreational vehicle park area  
29 by 5 percent or 100 vehicle spaces, whichever is less.

30           11.13. A decrease in the area set aside for open space  
31 of 5 percent or 20 acres, whichever is less.

1           ~~12.14.~~ A proposed increase to an approved multiuse  
2 development of regional impact where the sum of the increases  
3 of each land use as a percentage of the applicable substantial  
4 deviation criteria is equal to or exceeds 150 ~~100~~ percent. The  
5 percentage of any decrease in the amount of open space shall  
6 be treated as an increase for purposes of determining when 150  
7 ~~100~~ percent has been reached or exceeded.

8           ~~13.15.~~ A 15-percent increase in the number of external  
9 vehicle trips generated by the development above that which  
10 was projected during the original  
11 development-of-regional-impact review.

12           ~~14.16.~~ Any change which would result in development of  
13 any area which was specifically set aside in the application  
14 for development approval or in the development order for  
15 preservation or special protection of endangered or threatened  
16 plants or animals designated as endangered, threatened, or  
17 species of special concern and their habitat, primary dunes,  
18 or archaeological and historical sites designated as  
19 significant by the Division of Historical Resources of the  
20 Department of State. The further refinement of such areas by  
21 survey shall be considered under sub-subparagraph (e)5.b.

22  
23 The substantial deviation numerical standards in subparagraphs  
24 3., 5., 8., 12.4., 6., 10., 14., excluding residential uses,  
25 and 13.15., are increased by 100 percent for a project  
26 certified under s. 403.973 which creates jobs and meets  
27 criteria established by the Office of Tourism, Trade, and  
28 Economic Development as to its impact on an area's economy,  
29 employment, and prevailing wage and skill levels. The  
30 substantial deviation numerical standards in subparagraphs 3.,  
31 5., 7., 8., 9., and 12.4., 6., 9., 10., 11., and 14.are

1 increased by 50 percent for a project located wholly within an  
2 urban infill and redevelopment area designated on the  
3 applicable adopted local comprehensive plan future land use  
4 map and not located within the coastal high hazard area.

5 (c) An extension of the date of buildout of a  
6 development, or any phase thereof, by 7 or more years shall be  
7 presumed to create a substantial deviation subject to further  
8 development-of-regional-impact review. An extension of the  
9 date of buildout, or any phase thereof, of ~~5 years or more but~~  
10 ~~less than 7 years shall be presumed not to create a~~  
11 ~~substantial deviation. These presumptions may be rebutted by~~  
12 ~~clear and convincing evidence at the public hearing held by~~  
13 ~~the local government. An extension of less than 7 5 years is~~  
14 not a substantial deviation. For the purpose of calculating  
15 when a buildout, phase, or termination date has been exceeded,  
16 the time shall be tolled during the pendency of administrative  
17 or judicial proceedings relating to development permits. Any  
18 extension of the buildout date of a project or a phase thereof  
19 shall automatically extend the commencement date of the  
20 project, the termination date of the development order, the  
21 expiration date of the development of regional impact, and the  
22 phases thereof by a like period of time.

23 (d) A change in the plan of development of an approved  
24 development of regional impact resulting from requirements  
25 imposed by the Department of Environmental Protection or any  
26 water management district created by s. 373.069 or any of  
27 their successor agencies or by any appropriate federal  
28 regulatory agency shall be submitted to the local government  
29 pursuant to this subsection. The change shall be presumed not  
30 to create a substantial deviation subject to further  
31 development-of-regional-impact review. The presumption may be

1 rebutted by clear and convincing evidence at the public  
2 hearing held by the local government.

3 (e)1. A proposed change which, either individually or,  
4 if there were previous changes, cumulatively with those  
5 changes, is equal to or exceeds 40 percent of the any  
6 numerical criterion in subparagraph (b)13.~~subparagraphs~~  
7 ~~(b)1.-15.~~, but which does not exceed such criterion, shall be  
8 presumed not to create a substantial deviation subject to  
9 further development-of-regional-impact review. The  
10 presumption may be rebutted by clear and convincing evidence  
11 at the public hearing held by the local government pursuant to  
12 subparagraph (f)5.

13 2. Except for a development order rendered pursuant to  
14 subsection (22) or subsection (25), a proposed change to a  
15 development order that individually or cumulatively with any  
16 previous change is less than ~~40 percent of~~ any numerical  
17 criterion contained in subparagraphs (b)1.-12.15. and does not  
18 exceed any other criterion is not a substantial deviation, ~~or~~  
19 ~~that involves an extension of the buildout date of a~~  
20 ~~development, or any phase thereof, of less than 5 years~~ is not  
21 subject to the public hearing requirements of subparagraph  
22 (f)3., and is not subject to a determination pursuant to  
23 subparagraph (f)5. Notice of the proposed change shall be  
24 made to the local government and the regional planning council  
25 ~~and the state land planning agency.~~ Such notice shall include  
26 a description of previous individual changes made to the  
27 development, including changes previously approved by the  
28 local government, and shall include appropriate amendments to  
29 the development order. The following changes, individually or  
30 cumulatively with any previous changes, are not substantial  
31 deviations:

- 1           a. Changes in the name of the project, developer,  
2 owner, or monitoring official.
- 3           b. Changes to a setback that do not affect noise  
4 buffers, environmental protection or mitigation areas, or  
5 archaeological or historical resources.
- 6           c. Changes to minimum lot sizes.
- 7           d. Changes in the configuration of internal roads that  
8 do not affect external access points.
- 9           e. Changes to the building design or orientation that  
10 stay approximately within the approved area designated for  
11 such building and parking lot, and which do not affect  
12 historical buildings designated as significant by the Division  
13 of Historical Resources of the Department of State.
- 14          f. Changes to increase the acreage in the development,  
15 provided that no development is proposed on the acreage to be  
16 added.
- 17          g. Changes to eliminate an approved land use, provided  
18 that there are no additional regional impacts.
- 19          h. Changes required to conform to permits approved by  
20 any federal, state, or regional permitting agency, provided  
21 that these changes do not create additional regional impacts.
- 22          i. Any other change which the state land planning  
23 agency agrees in writing is similar in nature, impact, or  
24 character to the changes enumerated in sub-subparagraphs a.-h.  
25 and which does not create the likelihood of any additional  
26 regional impact.

27  
28 This subsection does not require a development order amendment  
29 for any change listed in sub-subparagraphs a.-i. unless such  
30 issue is addressed either in the existing development order or  
31 in the application for development approval, but, in the case

1 of the application, only if, and in the manner in which, the  
2 application is incorporated in the development order.

3 3. Except for the change authorized by  
4 sub-subparagraph 2.f., any addition of land not previously  
5 reviewed or any change not specified in paragraph (b) or  
6 paragraph (c) shall be presumed to create a substantial  
7 deviation. This presumption may be rebutted by clear and  
8 convincing evidence.

9 4. Any submittal of a proposed change to a previously  
10 approved development shall include a description of individual  
11 changes previously made to the development, including changes  
12 previously approved by the local government. The local  
13 government shall consider the previous and current proposed  
14 changes in deciding whether such changes cumulatively  
15 constitute a substantial deviation requiring further  
16 development-of-regional-impact review.

17 5. The following changes to an approved development of  
18 regional impact shall be presumed to create a substantial  
19 deviation. Such presumption may be rebutted by clear and  
20 convincing evidence.

21 a. A change proposed for 15 percent or more of the  
22 acreage to a land use not previously approved in the  
23 development order. Changes of less than 15 percent shall be  
24 presumed not to create a substantial deviation.

25 b. Except for the types of uses listed in subparagraph  
26 (b)14.16~~16~~, any change which would result in the development of  
27 any area which was specifically set aside in the application  
28 for development approval or in the development order for  
29 preservation, buffers, or special protection, including  
30 habitat for plant and animal species, archaeological and  
31 historical sites, dunes, and other special areas.

1           c. Notwithstanding any provision of paragraph (b) to  
2 the contrary, a proposed change consisting of simultaneous  
3 increases and decreases of at least two of the uses within an  
4 authorized multiuse development of regional impact which was  
5 originally approved with three or more uses specified in s.  
6 380.0651(3)(b), (c), (d), and (e)~~(c), (d), (f), and (g)~~and  
7 residential use.

8           (f)1. The state land planning agency shall establish  
9 by rule standard forms for submittal of proposed changes to a  
10 previously approved development of regional impact which may  
11 require further development-of-regional-impact review. At a  
12 minimum, the standard form shall require the developer to  
13 provide the precise language that the developer proposes to  
14 delete or add as an amendment to the development order.

15           2. The developer shall submit, simultaneously, to the  
16 local government, the regional planning agency, and the state  
17 land planning agency the request for approval of a proposed  
18 change. Those changes described in subparagraph (e)2. do not  
19 need to be submitted to the state land planning agency;  
20 however, if the proposed change does not qualify under  
21 subparagraph (e)2., the local government or the regional  
22 planning agency shall request that the state land planning  
23 agency review the proposed change.

24           3. No sooner than 30 days but no later than 45 days  
25 after submittal by the developer to the local government, the  
26 state land planning agency, and the appropriate regional  
27 planning agency, the local government shall give 15 days'  
28 notice and schedule a public hearing to consider the change  
29 that the developer asserts does not create a substantial  
30 deviation. This public hearing shall be held within 90 days  
31

1 after submittal of the proposed changes, unless that time is  
2 extended by the developer.

3 4. The appropriate regional planning agency or the  
4 state land planning agency shall review the proposed change  
5 and, no later than 45 days after submittal by the developer of  
6 the proposed change, unless that time is extended by the  
7 developer, and prior to the public hearing at which the  
8 proposed change is to be considered, shall advise the local  
9 government in writing whether it objects to the proposed  
10 change, shall specify the reasons for its objection, if any,  
11 and shall provide a copy to the developer. ~~A change which is~~  
12 ~~subject to the substantial deviation criteria specified in~~  
13 ~~sub-subparagraph (e)5.c. shall not be subject to this~~  
14 ~~requirement.~~

15 5. At the public hearing, the local government shall  
16 determine whether the proposed change requires further  
17 development-of-regional-impact review. The provisions of  
18 paragraphs (a) and (e), the thresholds set forth in paragraph  
19 (b), and the presumptions set forth in paragraphs (c) and (d)  
20 and subparagraphs (e)1. and 3. shall be applicable in  
21 determining whether further development-of-regional-impact  
22 review is required.

23 6. If the local government determines that the  
24 proposed change does not require further  
25 development-of-regional-impact review and is otherwise  
26 approved, or if the proposed change is not subject to a  
27 hearing and determination pursuant to subparagraphs 3. and 5.  
28 and is otherwise approved, the local government shall issue an  
29 amendment to the development order incorporating the approved  
30 change and conditions of approval relating to the change. The  
31 decision of the local government to approve, with or without



1 conditions, or to deny the proposed change that the developer  
2 asserts does not require further review shall be subject to  
3 the appeal provisions of s. 380.07. However, the state land  
4 planning agency may not appeal the local government decision  
5 if it did not comply with subparagraph 4., except for a change  
6 to a development order made pursuant to subparagraph (e)2., if  
7 the approved change is not consistent with this and other  
8 provisions of this section.The state land planning agency may  
9 not appeal a change to a development order made pursuant to  
10 subparagraph (e)2. for developments of regional impact  
11 approved after January 1, 1980, unless the change would result  
12 in a significant impact to a regionally significant  
13 archaeological, historical, or natural resource not previously  
14 identified in the original development-of-regional-impact  
15 review.

16 (g) If a proposed change requires further  
17 development-of-regional-impact review pursuant to this  
18 section, the review shall be conducted subject to the  
19 following additional conditions:

20 1. The development-of-regional-impact review conducted  
21 by the appropriate regional planning agency shall address only  
22 those issues raised by the proposed change except as provided  
23 in subparagraph 2.

24 2. The regional planning agency shall consider, and  
25 the local government shall determine whether to approve,  
26 approve with conditions, or deny the proposed change as it  
27 relates to the entire development. If the local government  
28 determines that the proposed change, as it relates to the  
29 entire development, is unacceptable, the local government  
30 shall deny the change.

31

1           3. If the local government determines that the  
2 proposed change, as it relates to the entire development,  
3 should be approved, any new conditions in the amendment to the  
4 development order issued by the local government shall address  
5 only those issues raised by the proposed change.

6           4. Development within the previously approved  
7 development of regional impact may continue, as approved,  
8 during the development-of-regional-impact review in those  
9 portions of the development which are not affected by the  
10 proposed change.

11           (h) When further development-of-regional-impact review  
12 is required because a substantial deviation has been  
13 determined or admitted by the developer, the amendment to the  
14 development order issued by the local government shall be  
15 consistent with the requirements of subsection (15) and shall  
16 be subject to the hearing and appeal provisions of s. 380.07.  
17 The state land planning agency or the appropriate regional  
18 planning agency need not participate at the local hearing in  
19 order to appeal a local government development order issued  
20 pursuant to this paragraph.

21           (24) STATUTORY EXEMPTIONS.--

22           (i) Any proposed facility for the storage of any  
23 petroleum product is exempt from the provisions of this  
24 section, if such facility is consistent with a local  
25 comprehensive plan that is in compliance with s. 163.3177 or  
26 is consistent with a comprehensive port master plan that is in  
27 compliance with s. 163.3178.

28           (j) Any development located within a detailed specific  
29 area plan adopted pursuant to s. 163.3245 which is consistent  
30 with the detailed specific area plan is exempt from the  
31 provisions of this section. Should s. 163.3245 be repealed,

1 any approved development within a detailed specific area plan  
2 shall maintain this exemption. However, any  
3 development-of-regional-impact development order that is  
4 vested from the detailed specific area plan may be enforced  
5 under s. 380.11.

6 Section 16. Paragraphs (a) and (e) of subsection (3)  
7 of section 380.0651, Florida Statutes, are repealed,  
8 paragraphs (d) and (j) of said subsection are amended, and  
9 subsections (5) and (6) are added to said section, to read:

10 380.0651 Statewide guidelines and standards.--

11 (3) The following statewide guidelines and standards  
12 shall be applied in the manner described in s. 380.06(2) to  
13 determine whether the following developments shall be required  
14 to undergo development-of-regional-impact review:

15 (c)~~(d)~~ Office development.--Any proposed office  
16 building or park operated under common ownership, development  
17 plan, or management that:

18 1. Encompasses 300,000 or more square feet of gross  
19 floor area, or more than 500,000 square feet of gross floor  
20 area in a county with a population greater than 1 million; or

21 2. Has a total site size of 30 or more acres; or

22 3. Encompasses more than 600,000 square feet of gross  
23 floor area in a county with a population greater than 500,000  
24 and only in a geographic area specifically designated as  
25 highly suitable for increased threshold intensity in the  
26 approved local comprehensive plan and in the strategic  
27 regional policy plan.

28 (h)~~(j)~~ Residential development.--A residential  
29 development shall be evaluated solely pursuant to the  
30 residential guidelines and standards of the county in which  
31 the development is located.~~No rule may be adopted concerning~~

1 ~~residential developments which treats a residential~~  
2 ~~development in one county as being located in a less populated~~  
3 ~~adjacent county unless more than 25 percent of the development~~  
4 ~~is located within 2 or less miles of the less populated~~  
5 ~~adjacent county.~~

6 (5) Nothing contained in this section abridges or  
7 modifies any vested or other right or any duty or obligation  
8 pursuant to any development order or agreement that is  
9 applicable to a development order on the effective date of  
10 this act.

11 (6) A development of regional impact for a marina,  
12 airport, or petroleum facility with an application for  
13 development approval pending on the effective date of this act  
14 may elect to continue such review pursuant to s. 380.06.

15 Section 17. Paragraph (g) of subsection (3) of section  
16 163.06, Florida Statutes, is amended to read:

17 163.06 Miami River Commission.--

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

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

23 Section 18. Subsection (4) of section 189.415, Florida  
24 Statutes, is amended to read:

25 189.415 Special district public facilities report.--

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

1           Section 19. Subsection (20) of section 331.303,  
2 Florida Statutes, is amended to read:

3           331.303 Definitions.--

4           (20) "Spaceport launch facilities" shall be defined as  
5 industrial facilities in accordance with s. 380.0651(3)~~(b)(c)~~  
6 and include any launch pad, launch control center, and fixed  
7 launch-support equipment.

8           Section 20. (1) The Grow Smart Florida Study  
9 Commission is created. The commission shall be composed of 25  
10 voting members, 10 of whom are to be appointed by the  
11 Governor, 7 of whom are to be appointed by the President of  
12 the Senate, and 7 of whom are to be appointed by the Speaker  
13 of the House of Representatives. In addition, the Secretary of  
14 Community Affairs shall serve as a voting member of the  
15 commission, and the secretary of the Department of  
16 Environmental Protection, the Secretary of Transportation, the  
17 Commissioner of Agriculture, and the executive director of the  
18 Fish and Wildlife Conservation Commission shall serve as ex  
19 officio nonvoting members of the commission. The Governor's  
20 appointments must include two appointments from each of the  
21 following groups of interests:

22           (a) Business interests, including, but not limited to,  
23 development, lending institutions, real estate, marine  
24 industries, and affordable housing.

25           (b) Environmental interests, including, but not  
26 limited to, environmental justice groups, resource-based  
27 conservation and outdoor conservation groups, and  
28 environmental quality and conservation groups.

29           (c) Agricultural interests, including, but not limited  
30 to, agricultural commodity groups, forestry and general farm  
31

1 membership organizations, and agricultural financial  
2 institutions.

3 (d) Local and regional governments, including, but not  
4 limited to, municipalities, counties, special districts,  
5 metropolitan planning organizations, local government  
6 association foundations, and regional planning councils.

7 (e) Growth management and planning specialists,  
8 including, but not limited to, professional planners,  
9 attorneys, engineers, and architects.

10

11 The President of the Senate and the Speaker of the House of  
12 Representatives shall each select one appointment from each of  
13 the five categories listed in paragraphs (a)-(e) and shall  
14 also appoint two members from their respective houses of the  
15 Legislature to serve on the commission. The appointments must  
16 be made by July 1, 2000, and the first meeting of the  
17 commission shall be held no later than August 1, 2000. The  
18 chair of the commission shall be elected by the majority of  
19 the membership at its first meeting. Any vacancy occurring in  
20 the membership of the commission shall be filled in the same  
21 manner as the original appointment.

22

23 (2) The members of the commission are entitled to one  
24 vote, and action of the commission is not binding unless taken  
25 by a three-fifths vote of the members present. However, action  
26 of the commission may be taken only at a meeting at which a  
27 majority of the commission members are present.

28

29 (3) The commission shall review the operation and  
30 implementation of Florida's growth management statutes,  
31 including chapters 163, 186, 187, and 380, Florida Statutes,  
and shall make recommendations for improving the system for  
managing growth in the state. It may also establish and

1 appoint any necessary technical advisory committees, which may  
2 include commission members and nonmembers. The commission  
3 shall, to the extent practicable, specifically address and  
4 make recommendations for improving the growth management  
5 system with respect to the following issues:

6 (a) The respective roles and responsibilities of  
7 state, regional, and local governmental entities in the  
8 preparation, adoption, and compliance review of local  
9 government comprehensive plans and plan amendments, including  
10 decentralization.

11 (b) The role, responsibilities, and composition of  
12 regional planning councils and metropolitan planning  
13 organizations in addressing greater-than-local issues.

14 (c) The role and responsibilities of citizens in the  
15 preparation, adoption, compliance review, and judicial or  
16 administrative review of local government comprehensive plans  
17 and plan amendments, and in the enforcement of adopted  
18 comprehensive plans, land development regulations, and  
19 development orders.

20 (d) Whether the development of regional impact program  
21 should be replaced, repealed, or incorporated in whole or in  
22 part into the local government comprehensive planning process.

23 (e) Improving mechanisms for and implementation of  
24 intergovernmental coordination.

25 (f) Whether there is adequate protection for property  
26 owners from local and state government land use decisions, and  
27 what must be done to ensure that property rights are not  
28 abridged.

29 (g) The economic impact of the declaration of an area  
30 as an area of critical state concern on the residents of the  
31 area.

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

5       (5) The commission shall, by February 1, 2001, provide  
6 to the President of the Senate, the Speaker of the House of  
7 Representatives, and the Governor a written report containing  
8 specific recommendations, including legislative  
9 recommendations, for addressing growth management in Florida  
10 in the 21st century.

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

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

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

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

7       Section 21. If any provision of this act or the  
8 application thereof to any person or circumstance is held  
9 invalid, the invalidity shall not affect other provisions or  
10 applications of the act which can be given effect without the  
11 invalid provision or application, and to this end the  
12 provisions of this act are declared severable.

13       Section 22. This act shall take effect upon becoming a  
14 law.

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HOUSE SUMMARY

Provides for the right of citizens to petition elected officials in public or private.

Revises provisions relating to the financial incentives which a local government may offer in an urban infill and redevelopment area and provides requirements for eligibility for the exemption from collecting local option sales surtaxes in such an area. Specifies that the authority of a local government to adopt financial and local government incentives for such areas is not superseded by certain provisions relating to sales tax exemptions. Authorizes transfer of unused funds between grant categories under the Urban Infill and Redevelopment Assistance Grant Program.

Clarifies the definition of "development" under the Local Government Comprehensive Planning and Land Development Regulation Act.

Provides that an agricultural land use category may be eligible for the location of public schools in a local government comprehensive plan under certain conditions. Provides additional legislative intent with respect to application of chapter 9J-5, Florida Administrative Code, by the agency. Specifies lands that are suitable for innovative planning and development strategies and requires a report on a program for implementing such strategies. Prohibits reduction in residential density on certain property without the owner's consent until July 1, 2001.

Authorizes local governments to exempt regional activity centers from transportation concurrency requirements.

Provides additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment, and removes provisions relating to transmittal of copies by the state land planning agency. Provides that a local government may request review by the agency at the time of transmittal of an amendment. Revises time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report. Provides for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance. Revises requirements relating to publication by the agency of its notice of intent and deletes a requirement that the notice be sent to certain persons.

171-638C-00

1 Revises requirements to qualify as a small scale  
2 development amendment which is exempt from the limitation  
3 on the frequency of amendments to a local comprehensive  
4 plan. Removes a provision that allows a local government  
5 to elect to have such amendments subject to certain  
6 review.

7 Revises procedures for challenge of a development order  
8 by an aggrieved or adversely affected party on the basis  
9 of inconsistency with a local comprehensive plan.  
10 Provides for petition to the circuit court for  
11 certiorari. Provides for mandatory mediation. Removes a  
12 requirement that a verified complaint be filed with the  
13 local government prior to seeking judicial review.

14 Clarifies language relating to optional sector plans.

15 Authorizes application of the municipal public service  
16 tax on water service to property in a development of  
17 regional impact outside of municipal boundaries under  
18 certain conditions.

19 Revises an exemption from the definition of "development"  
20 under the Florida Environmental Land and Water Management  
21 Act of 1972.

22 Revises provisions relating to developments of regional  
23 impact. Revises the definition of an essentially  
24 built-out development of regional impact with respect to  
25 multiuse developments. Provides for submission of  
26 biennial, rather than annual, reports by the developer  
27 and authorizes submission of a letter, rather than a  
28 report, under certain circumstances. Removes criteria  
29 relating to airports, petroleum storage facilities, and  
30 waterports from the list of criteria used to determine  
31 existence of a substantial deviation, and revises the  
32 criterion relating to multiuse developments of regional  
33 impact. Provides that an extension of the date of  
34 buildout of less than 7 years is not a substantial  
35 deviation. Revises provisions relating to determination  
36 of whether a change constitutes a substantial deviation  
37 based on its percentage of the specified numerical  
38 criteria. Provides that changes that are less than  
39 specified numerical criteria need not be submitted to the  
40 state land planning agency. Deletes an exemption from  
41 review by the regional planning agency and state land  
42 planning agency for certain changes. Exempts petroleum  
43 storage facilities from development-of-regional-impact  
44 review under certain circumstances. Provides for  
45 maintenance of the exemption from  
46 development-of-regional-impact review for developments  
47 under s. 163.3245, F.S., relating to optional sector  
48 plans, if said section is repealed. Removes the statewide  
49 guidelines and standards for airports and port facilities  
50 and revises the guidelines and standards for office  
51 development and residential development. Provides for  
52 vested rights, duties or obligations, and pending

1 applications.  
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3 Creates the Grow Smart Florida Study Commission to review  
4 the operation and implementation of Florida's growth  
5 management statutes and make recommendations for  
6 improving the system for managing growth.  
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