A bill to be entitled

An act relating to growth management; creating s. 125.595, F.S.; providing for the right of citizens to petition elected officials in public or private; amending s. 163.2517, F.S.; revising the financial incentives which a local government may offer in an urban infill and redevelopment area which relate to exemption from local option sales surtaxes and waiver of delinquent taxes or fees; providing that, in order to be eligible for the exemption from collecting local option sales surtaxes, a business must submit an application under oath to the local government, which must be approved and submitted to the Department of Revenue; amending s. 212.08, F.S.; specifying that the authority of a local government to adopt financial and local government incentives under s. 163.2517, F.S., is not superseded by certain provisions relating to sales tax exemptions; amending s. 163.2523, F.S.; authorizing transfer of unused funds between grant categories under the Urban Infill and Redevelopment Assistance Grant Program; amending s. 163.3164, F.S.; clarifying the definition of "development" under the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing that an agricultural land use category may be eligible for the location of public schools in a local

government comprehensive plan under certain conditions; requiring preparation of an airport master plan by each publicly owned and operated airport and providing requirements with respect thereto; providing for incorporation into the local comprehensive plan; providing that development or expansion of such airports or related development consistent with such plans is not a development of regional impact; providing additional legislative intent with respect to application of chapter 9J-5, Florida Administrative Code, by the agency; specifying lands that are appropriate for innovative planning and development strategies; requiring a report on a program for implementing such strategies; providing for coordination with the Grow Smart Florida Study Commission; amending s. 163.3178, F.S.; requiring certain local governments to adopt a marina siting plan as part of the shoreline use component of the coastal management element by a specified date; amending s. 163.3184, F.S.; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising 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; providing for priority review of certain amendments; clarifying language; providing 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; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; revising requirements relating to small scale development amendments which are exempt from the limitation on the frequency of amendments to a local comprehensive plan; revising acreage requirements; providing that certain amendments that involve affordable housing in certain areas of critical state concern are eligible under certain circumstances; revising a condition relating to residential land use; removing a provision that allows a local government to elect to have such amendments subject to review under s. 163.3184(3)-(6), F.S.; amending s. 163.3215, F.S.; revising procedures and requirements for challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing for

petition to the circuit court for certiorari if the local government has established a review process that includes specified components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3245, F.S., relating to optional sector plans; clarifying and conforming language; creating s. 166.0498, F.S.; providing for the right of citizens to petition elected officials in public or private; amending s. 166.231, F.S.; authorizing application of the municipal public service tax on water service to property in a development of regional impact outside of municipal boundaries under certain conditions; limiting recovery if such tax is challenged; amending s. 380.06, F.S., relating to developments of regional impact; revising the definition of an essentially built-out development of regional impact with respect to multiuse developments; providing for submission of biennial, rather than annual, reports by the developer; authorizing submission of a letter, rather than a report, under certain circumstances; providing for amendment of development orders with respect to report frequency; removing criteria relating to petroleum storage facilities from the list of criteria used to determine existence of a substantial deviation; revising the criteria relating to waterports and multiuse

developments of regional impact; providing that an extension of the date of buildout of less than 7 years is not a substantial deviation; revising provisions relating to determination of whether a change constitutes a substantial deviation based on its percentage of the specified numerical criteria; revising notice requirements; providing that changes that are less than specified numerical criteria need not be submitted to the state land planning agency and specifying the agency's right to appeal with respect to such changes; deleting an exemption from review by the regional planning agency and state land planning agency for certain changes; exempting petroleum storage facilities from development-of-regional-impact review under certain circumstances; providing for maintenance of the exemption from development-of-regional-impact review for developments under s. 163.3245, F.S., relating to optional sector plans, if said section is repealed; exempting certain development or expansion of airports and related development from development-of-regional-impact review under certain circumstances; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review for office development, port facilities, and residential development; providing for vested rights, duties or obligations, and pending

applications with respect to developments of regional impact; providing for enforcement; amending ss. 163.06 and 189.415, F.S.; correcting references to conform; creating the Grow Smart Florida Study Commission; providing for appointment and qualifications of members; providing the commission's duties; requiring a report; providing an appropriation; providing for severability; providing an effective date.

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

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

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

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

163.2517 Designation of urban infill and redevelopment area.--

(3) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall prepare a plan that describes the infill and redevelopment objectives of the local government within the proposed area. In lieu of preparing a new plan, the local government may demonstrate that an existing plan or combination of plans associated with a community redevelopment area, Florida Main Street program, Front Porch Florida

Community, sustainable community, enterprise zone, or neighborhood improvement district includes the factors listed in paragraphs (a)-(n), including a collaborative and holistic community participation process, or amend such existing plans to include these factors. The plan shall demonstrate the local government and community's commitment to comprehensively address the urban problems within the urban infill and redevelopment area and identify activities and programs to accomplish locally identified goals such as code enforcement; improved educational opportunities; reduction in crime; neighborhood revitalization and preservation; provision of infrastructure needs, including mass transit and multimodal linkages; and mixed-use planning to promote multifunctional redevelopment to improve both the residential and commercial quality of life in the area. The plan shall also:

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

1. Waiver of license and permit fees.

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

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

4. Expedited permitting.

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

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

7. Local government absorption of developers' concurrency costs.

In order to be authorized to recognize the exemption from local option sales surtaxes pursuant to subparagraph 2., the owner, lessee, or lessor of the new development, expanding existing development, or redevelopment within the urban infill and redevelopment area must file an application under oath with the governing body having jurisdiction over the urban infill and redevelopment area where the business is located. The application must include the name and address of the business claiming the exclusion from collecting local option surtaxes; an address and assessment roll parcel number of the urban infill and redevelopment area for which the exemption is being sought; a description of the improvements made to accomplish the new development, expanding development, or redevelopment of the real property; a copy of the building permit application or the building permit issued for the development of the real property; a new application for a certificate of registration with the Department of Revenue with the address of the new development, expanding development, or redevelopment; and the location of the property. The local government must review and approve the application and submit the completed application and documentation along with a copy of the ordinance adopted pursuant to subsection (5) to the Department of Revenue in order for the business to become eligible to make sales exempt from local option sales surtaxes in the urban infill and redevelopment area.

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

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

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

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

163.2523 Grant program.--An Urban Infill and Redevelopment Assistance Grant Program is created for local

governments. A local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan or plan employed in lieu thereof. Thirty percent of the general revenue appropriated for this program shall be available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan or plan employed in lieu thereof. The remaining 10 percent of the revenue must be used for outright grants for implementing projects requiring an expenditure of under $50,000. If the volume of fundable applications under any of the allocations specified in this section does not fully obligate the amount of the allocation, the Department of Community Affairs may transfer the unused balance to the category having the highest dollar value of applications eligible but unfunded. However, in no event may the percentage of dollars allocated to outright grants for implementing projects exceed 20 percent in any given fiscal year.Projects that provide employment opportunities to clients of the WAGES program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, federal enterprise zone, enterprise community, or neighborhood improvement

district must be given an elevated priority in the scoring of competing grant applications. The Division of Housing and Community Development of the Department of Community Affairs shall administer the grant program. The Department of Community Affairs shall adopt rules establishing grant review criteria consistent with this section.

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

163.3164 Definitions.--As used in this act:

(6) "Development" has the meaning given it in s. 380.04. The following operations or uses shall not be taken for the purpose of this act to involve "development":

(a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

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

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry

products; raising livestock; or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

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

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

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

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

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

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

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

(k) An airport master plan shall be prepared by each publicly owned and operated airport licensed by the Department of Transportation under chapter 330. The airport master plan shall address the airport, projected airport or aviation development, and land use compatibility around the airport. The airport master plan must be consistent with applicable requirements for airport master planning issued by the Federal Aviation Administration, pursuant to the applicable Federal Aviation Administration's Advisory Circulars and Airport Environmental Handbook, and by the Department of Transportation, pursuant to s. 332.007(5), and with the Department of Transportation's Guidebook for Airport Master Planning and Airport Compatible Land Use Guidance. The airport master plan, and any subsequent amendments to the airport master plan, shall be incorporated into the transportation or traffic circulation element of each affected local government comprehensive plan by the adoption of a local government comprehensive plan amendment. The authorized entity having responsibility for governing the operation of the airport shall submit copies of an airport master plan which meets the requirements of this paragraph to the affected local government no later than July 1, 2001. The affected local government shall incorporate an airport master plan into the local government comprehensive plan no later than July 1, 2002. As used in this paragraph, "affected local government" means any local government having jurisdiction under this act over the area in which the airport or projected airport or aviation development is located. The Department of Community Affairs, in conjunction with the Department of Transportation, shall provide technical assistance to airports and local governments to assist in the coordination of airport master

plans with the local government comprehensive plan, consistent with the State Comprehensive Plan, the applicable strategic regional policy plan, and state goals and objectives related to airport planning. In the amendment to the local comprehensive plan which integrates the airport master plan, the affected local government shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the transportation or traffic circulation element of the applicable local comprehensive plan and applicable metropolitan planning organization long-range transportation plan; and the execution of any necessary interlocal agreements for the purpose of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency. The amendment to the local comprehensive plan which integrates the airport master plan shall meet the requirements of this paragraph. Development or expansion of any publicly owned or operated airport, or airport-related or aviation-related development, meeting the requirements of this paragraph shall not be a development of regional impact when such development, expansion, project, or facility is consistent with an adopted airport master plan that is approved by the Federal Aviation Administration and the Department of Transportation and is in compliance with this part.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of

Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(i) Due to the varying complexities, sizes, growth rates, and other factors associated with local governments in Florida, the department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis, and the content of the goals, objectives, policies, and other graphic or textual standards required. If a local government has in place a comprehensive plan found in compliance, the department shall take into account as it applies chapter 9J-5, Florida Administrative Code, whether a plan amendment constitutes substantial progress over existing provisions in the local comprehensive plan regarding consistency with chapter 9J-5, Florida Administrative Code. The provisions of this paragraph are not intended to allow the department to waive or vary any of the requirements of law.

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth

in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

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

(c) Lands classified in the future land use plan element as agricultural, rural, open, open/rural, or a substantively equivalent land use shall also be deemed appropriate for innovative planning and development strategies described in paragraphs (a) and (b) which the department recognizes as methods for discouraging urban sprawl consistent with the provisions of the state comprehensive plan, regional policy plans, and this part.

(d) The Department of Community Affairs, in conjunction with the Department of Agriculture and Consumer Services, shall, by no later than December 15, 2000, prepare

and submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate a report on a program of planning incentives, economic incentives, and other measures as may be necessary to facilitate the timely implementation of innovative planning and development strategies described in paragraphs (a), (b), and (c) while protecting environmentally sensitive areas, maintaining the economic viability of agriculture and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services. Such incentives and other measures shall address the following:

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

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

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

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

5. Strategies and incentives to reward best management practices for agricultural activities consistent with the

conservation and protection of environmentally sensitive areas and sound water management practices.

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

The Department of Community Affairs shall also submit a copy of such report to the Grow Smart Florida Study Commission by December 15, 2000. The Department of Community Affairs and the Department of Agriculture and Consumer Services shall regularly report their progress on these issues to the commission, cooperate and lend assistance to the commission, and coordinate their final reporting to the Legislature to the greatest extent possible.

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

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

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

Section 7. Paragraph (g) of subsection (2) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.--

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data;

be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(g) A shoreline use component which identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas. Local governments within counties identified in s. 370.12(2)(f) shall adopt a marina siting plan as part of this component no later than October 1, 2001.

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

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

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

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the

governing body for the plan or plan amendment. The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of transmittal of an amendment.

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

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

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

(4) INTERGOVERNMENTAL REVIEW.--~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency.~~The ~~These~~ governmental agencies specified in paragraph (3)(a)shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the

proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.--

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

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

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). If the state land planning agency

elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report of its objections, recommendations, and comments regarding the proposed amendment within 60 days of receipt of the complete proposed amendment by the state land planning agency. Proposed comprehensive plan amendments from small counties or rural communities for the purpose of job creation, economic development, or strengthening and diversifying the economy shall receive priority review by the state land planning agency. ~~The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.~~ When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding

the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.--The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15).

The local government shall transmit the complete adopted comprehensive plan or ~~adopted~~ plan amendment to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption, including the names and addresses of persons compiled pursuant to paragraph (15)(c). The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(8) NOTICE OF INTENT.--

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

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

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

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified

in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government ~~and to persons who request notice~~. ~~The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point.~~The advertisement shall ~~not~~ be placed in that portion of the newspaper where legal notices ~~and classified advertisements~~ appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(d)~~(c)~~and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement shall include the identity of the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, the ordinance number of the plan or plan amendment, and a statement that the informational statement is provided as a courtesy to the person and that affected persons have 21 days from the actual date of publication of the notice to file a petition. The

informational statement shall be sent by regular mail and shall not affect the timeframes in subsections (9) and (10).

(15) PUBLIC HEARINGS.--

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

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

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

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

(c) The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their name and mailing address. The sign-in form shall state that any person providing the requested information will receive a courtesy informational statement concerning publication of the state land planning agency's

notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It shall be the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information required to receive the courtesy informational statement. The agency shall adopt rules to provide a model sign-in form and the format for providing the list to the agency which may be used by the local government to satisfy the requirements of this paragraph.

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

(16) COMPLIANCE AGREEMENTS.--

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2) through (7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(d)~~(c)~~. Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit

of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

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

163.3187 Amendment of adopted comprehensive plan.--

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

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

1. The proposed amendment involves a use of 10 acres or fewer, except that a proposed amendment may involve a use of 20 acres or fewer if located within an area designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e), and:

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

(I) A maximum of 150 ~~120~~ acres in the ~~a~~ local government ~~that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph~~.

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

(II)~~(III)~~ A maximum of 200 ~~120~~ acres in a county established pursuant to s. 9, Art. VIII of the Constitution of 1885, as preserved by s. 6(e), Art. VIII of the revised state constitution.

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

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

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

e. The property that is the subject of the proposed amendment is not located within an area of critical state

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

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

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(d)~~(c)~~for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a

request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

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

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

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

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

(1) Any aggrieved or adversely affected party may maintain an action for injunctive or other relief against any local government to prevent such local government from taking any action on a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property, to challenge the local government's determination regarding the consistency of the development order ~~that is not consistent~~ with the comprehensive plan adopted under this part. Such action shall be filed no later than 30 days following rendition of a development order or other written decision.

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order.

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

(b) Suit under this section shall be the sole action available to challenge the consistency of any ~~a~~ development order with a comprehensive plan adopted under this part. The local government that issued the development order and the applicant for the development order, if suit is brought by an aggrieved or adversely affected party, shall be named as respondents in any proceeding pursuant to this section.

(4) If a local government adopts an ordinance establishing, at a minimum, the components of its local development review process listed in this subsection, then the sole action for an aggrieved or adversely affected party to challenge consistency of a development order with the comprehensive plan shall be by a petition for certiorari filed

in circuit court. The court shall have the authority to order injunctive or such other relief as it deems appropriate. Minimum components of the local process shall be as follows:

(a) Notice by publication and by mailed notice to all abutting property owners simultaneous with the filing of application for development review.

(b) An opportunity to participate in the process for an aggrieved or adversely affected party which provides a reasonable time to prepare and present a case.

(c) An opportunity for reasonable discovery prior to a quasi-judicial hearing.

(d) A hearing before an independent special master, who shall be an attorney with at least 5 years' experience, and who shall, at conclusion of the hearing, recommend written findings of fact and conclusions of law.

(e) At the hearing all parties shall have the opportunity to respond, to present evidence and argument on all issues involved, and to conduct cross examination and submit rebuttal evidence.

(f) The standard of review applied by the special master shall be in accordance with Florida law.

(g) A hearing before the local government, which shall be bound by the special master's findings of fact unless not supported by competent substantial evidence, but which shall not be bound by the conclusions of law if it finds that the special master's application or interpretation of law is erroneous.~~As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the~~

~~complaining party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.~~

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

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

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

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

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

163.3245 Optional sector plans.--

(1) In recognition of the benefits of conceptual long-range planning for the buildout of an area~~,~~ and detailed planning for specific areas, as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five local governments or combinations of local governments which adopt into the comprehensive plan an optional sector plan in accordance with this section. This section is intended to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part, and part I of chapter 380, and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Optional sector plans are intended for substantial geographic areas including at least 5,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and facilities. The state land planning agency may approve optional sector

plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional sector plan may not be authorized in an area of critical state concern.

(2) The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i). The applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(3)(a)~~(4)~~before execution of the agreement authorized by this section. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of subsequent plan amendments. The regional planning council shall make written recommendations to the state land planning agency and affected local governments, including whether an optional ~~a sustainable~~ sector plan would be appropriate. The agreement must define the geographic area to be subject to the sector plan, the planning issues that

will be emphasized, requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation. An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing on whether to execute the agreement. All meetings between the department and the local government must be open to the public.

(3) Optional sector planning encompasses two levels: adoption under s. 163.3184 of a conceptual long-term buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of detailed specific area plans that implement the conceptual long-term buildout overlay and authorize issuance of development orders, and within which s. 380.06 is waived. Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.

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

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

2. Identification of regionally significant public facilities consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental

jurisdiction necessary to support buildout of the anticipated future land uses.

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

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

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

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

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

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

3. Detailed identification of regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, anticipated impacts

of future land uses on those facilities, and required improvements to maintain adopted level of service standards consistent with chapter 9J-2, Florida Administrative Code.

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

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

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

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

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

(4) The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after

adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.

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

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

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

(c) In instituting an administrative or judicial proceeding involving an optional sector plan or detailed specific area plan, including a proceeding pursuant to

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

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

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

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

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

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

166.231 Municipalities; public service tax.--

(1)(a) A municipality may levy a tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service. Except for those municipalities to which paragraph (c) applies, the tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service. Municipalities imposing a tax on the purchase of cable television service as of May 4, 1977, may continue to levy such tax to the extent necessary to meet all obligations to or for the benefit of holders of bonds or certificates which were

issued prior to May 4, 1977. Purchase of electricity means the purchase of electric power by a person who will consume it within the municipality.

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

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

Section 14. Paragraphs (c) and (g) of subsection (15), and subsections (18) and (19) of section 380.06, Florida Statutes, are amended, and paragraphs (i), (j), and (k) are added to subsection (24) of said section, to read:

380.06 Developments of regional impact.--

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

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

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

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

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

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

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

6. Shall include a legal description of the property.

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

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

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

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

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

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable

substantial deviation threshold is equal to or less than 150 ~~100~~ percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

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

(19) SUBSTANTIAL DEVIATIONS.--

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to

its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

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

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government

pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

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

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

the development order. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

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

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

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

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

b. Except for the types of uses listed in subparagraph (b)16., any change which would result in the development of any area which was specifically set aside in the application

for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

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

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

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

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change

that the developer asserts does not create a substantial deviation. This public hearing shall be held within 90 days after submittal of the proposed changes, unless that time is extended by the developer.

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

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

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved

change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4., except for a change to a development order made pursuant to subparagraph (e)2., if the approved change is not consistent with this and other provisions of this section.The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

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

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

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the

entire development, is unacceptable, the local government shall deny the change.

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

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

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

(24) STATUTORY EXEMPTIONS.--

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

(j) Any development located within a detailed specific area plan adopted pursuant to s. 163.3245 which is consistent

with the detailed specific area plan is exempt from the provisions of this section. Should s. 163.3245 be repealed, any approved development within a detailed specific area plan shall maintain this exemption. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced under s. 380.11.

(k) Development or expansion of an airport or airport-related or aviation-related development is exempt from the provisions of this section when such development, expansion, project, or facility is consistent with an adopted airport master plan that is in compliance with s. 163.3177(6)(j) and (k).

Section 15. Paragraphs (d), (e), and (j) of subsection (3) of section 380.0651, Florida Statutes, are amended, and subsections (5) and (6) are added to said section, to read:

380.0651 Statewide guidelines and standards.--

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

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

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

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

3. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as

highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(e) Port facilities.--The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except ~~one designed for~~:

1.a. One designed for the wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

~~b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or~~

b.~~c.~~ One designed for the wet ~~or dry~~ storage or mooring of fewer than 150 watercraft on or adjacent to an inland freshwater lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water, or

c.~~d.~~ One designed for the wet ~~or dry~~ storage or mooring of fewer than 50 watercraft of 40 feet in length or less of any type or purpose. The exceptions to this paragraph's requirements for development-of-regional-impact review shall not apply to any waterport or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. s. 3501.

In addition to the foregoing, for projects for which no environmental resource permit or sovereign submerged land lease is required, the Department of Environmental Protection must determine in writing that a proposed marina in excess of 10 slips or storage spaces or a combination of the two is located so that it will not adversely impact Outstanding

Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. If the Department of Environmental Protection fails to issue its determination within 45 days of receipt of a formal written request, it has waived its authority to make such determination. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.

2. A marina or proposed marina expansion which is:

a. Located within a county identified in s. 370.12(2)(f) which has boat speed zone rules adopted by the department or commission; and

b. Consistent with the applicable adopted local government comprehensive plan.

3. A marina or proposed marina expansion within a county other than those identified in s. 370.12(2)(f) which is:

a. Located within a local government jurisdiction which has adopted boat speed zone ordinances to prevent manatee injuries or death in areas where manatee sightings are frequent and where manatees inhabit such areas on a regular and continuous basis; and

b. Consistent with the applicable adopted local government comprehensive plan.

4. A marina or proposed marina expansion within a county other than those identified in s. 370.12(2)(f) which is:

a. Located within a local government jurisdiction where manatee sightings are not frequent and manatees do not

inhabit such jurisdiction on a regular and continuous basis; and

b. Consistent with the applicable adopted local government comprehensive plan.

~~2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.~~

~~3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraphs 1.a. and b. and subparagraph 2.~~

(j) Residential development.--No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. However, residential development shall not be treated as though it is in a less populated county if the affected counties have entered into an interlocal agreement to specify development review standards for affected developments.

(5) Nothing contained in this section abridges or modifies any vested or other right or any duty or obligation pursuant to any development order or agreement which is applicable to a development of regional impact on the effective date of this act. An airport, marina, or petroleum storage facility which has received a

development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of paragraph (3)(e) or s. 380.06(24)(i) or (k), shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order, and may be completed in reliance upon and pursuant to the development order. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order may be amended or rescinded by the local government consistent with the local comprehensive plan and land development regulations, and pursuant to the local government procedures governing local development orders.

(6) An airport, marina, or petroleum storage facility with an application for development approval pending on the effective date of this act, or a notification of proposed change pending on the effective date of this act, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (5).

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

163.06 Miami River Commission.--

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

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

Section 17. Subsection (4) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.--

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

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

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

(b) Environmental interests, including, but not limited to, environmental justice groups, resource-based

conservation and outdoor conservation groups, and environmental quality and conservation groups.

(c) Agricultural interests, including, but not limited to, agricultural commodity groups, forestry and general farm membership organizations, and agricultural financial institutions.

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

(e) Growth management and citizen groups, including, but not limited to, planners, attorneys, engineers, citizen activist groups, homeowner's groups, and architects.

The President of the Senate and the Speaker of the House of Representatives shall each select one appointment from each of the five categories listed in paragraphs (a)-(e) and shall also appoint two members from their respective houses of the Legislature to serve on the commission. The appointments must be made by July 1, 2000, and the first meeting of the commission shall be held no later than August 1, 2000. The chair of the commission shall be appointed by the Governor prior to its first meeting. Any vacancy occurring in the membership of the commission shall be filled in the same manner as the original appointment.

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

(3) The commission shall review the operation and implementation of Florida's growth management statutes, including chapters 163, 186, 187, and 380, Florida Statutes, and shall make recommendations for improving the system for managing growth in the state. As part thereof, it shall identify appropriate goals and desired outcomes for future planning and growth management efforts at the state, regional, and local levels, and in so doing, shall consider related trends and conditions affecting the environment, economy, and quality of life in Florida. It may also establish and appoint any necessary technical advisory committees, which may include commission members and nonmembers. The commission shall, to the extent practicable, specifically address and make recommendations for improving the growth management system with respect to the following issues:

(a) The respective roles and responsibilities of state, regional, and local governmental entities in the preparation, adoption, and compliance review of local government comprehensive plans and plan amendments, including decentralization and the technical and financial assistance needs of local governments to meet their comprehensive planning responsibilities.

(b) The role, responsibilities, and composition of regional planning councils in addressing greater-than-local issues and the relationship of metropolitan planning organizations and their role in addressing local comprehensive plans and regional transportation planning.

(c) The role and responsibilities of citizens in the preparation, adoption, compliance review, and judicial or administrative review of local government comprehensive plans and plan amendments, and the process for enforcement of

consistency between comprehensive plans and development orders pursuant to s. 163.3215.

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

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

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

(g) The fiscal impact on Monroe County of the designation of the Florida Keys area of critical state concern. This review must include the fiscal impact on local government and businesses in the county and on residents of and visitors to the county and must provide an estimate of the overall cost of such designation, since inception, to persons residing in the county.

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

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

(6) Commission members and the members of any technical advisory committees that are appointed shall not receive remuneration for their services, but members other

than public officers and employees shall be entitled to be reimbursed by the Department of Community Affairs for travel or per diem expenses in accordance with chapter 112, Florida Statutes. Public officers and employees shall be reimbursed by their respective agencies in accordance with chapter 112, Florida Statutes.

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

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

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

Section 19. The sum of $275,000 is appropriated from the General Revenue Fund to the Department of Community Affairs Operating Trust Fund to implement the provisions of this act creating the Grow Smart Florida Study Commission. This appropriation is a nonrecurring appropriation.

Section 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the

invalid provision or application, and to this end the provisions of this act are declared severable.

Section 21. This act shall take effect upon becoming a law.