

By the Committee on Comprehensive Planning, Local and Military
Affairs

316-370A-00

1 A bill to be entitled
2 An act relating to growth management; amending
3 s. 163.3184, F.S., relating to the
4 intergovernmental review of amendments to
5 comprehensive plans; revising procedures for
6 such reviews to conform provisions to changes
7 made by the act; creating s. 163.3185, F.S.;
8 requiring the Department of Community Affairs
9 to amend a specified rule to provide for
10 certain geographic areas to be exempt from the
11 required review of amendments to the state and
12 regional comprehensive plans; specifying areas
13 appropriate for such exemption; authorizing the
14 governing body of a local government to propose
15 geographic areas for such exemption; providing
16 for review and adoption of proposed areas of
17 exemption; prohibiting the Department of
18 Community Affairs from issuing certain
19 objections or comments on proposed amendments
20 to a comprehensive plan following any such
21 exemption; providing for the periodic
22 examination and justification of an exemption
23 of plan amendments from review; providing an
24 effective date.

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

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28 Section 1. Subsection (4) of section 163.3184, Florida
29 Statutes, is amended to read:

30 163.3184 Process for adoption of comprehensive plan or
31 plan amendment.--

1 (4) INTERGOVERNMENTAL REVIEW.--~~If review of a proposed~~
2 ~~comprehensive plan amendment is requested or otherwise~~
3 ~~initiated pursuant to subsection (6),~~The state land planning
4 agency shall, within 5 working days after receiving a proposed
5 amendment to a comprehensive plan, of determining that such a
6 ~~review will be conducted shall~~ transmit a copy of the proposed
7 plan or plan amendment, together with a notice of the date the
8 local government transmitted the proposed plan or plan
9 amendment to the state land planning agency,to various
10 government agencies, as appropriate, for response or comment,
11 including, but not limited to:;the Department of
12 Environmental Protection;;the Department of Transportation;
13 if the amendment involves the use of on-site sewage treatment
14 and disposal systems, the Department of Health;the water
15 management district;;~~and~~ the regional planning council;;and,
16 in the case of municipal plans, to the county land planning
17 agency. These governmental agencies shall provide comments to
18 the state land planning agency within 30 days after receipt of
19 the proposed plan amendment. The appropriate regional planning
20 council shall also provide its written comments to the state
21 land planning agency within 30 days after receipt of the
22 proposed plan amendment and shall specify any objections,
23 recommendations for modifications, and comments of any other
24 regional agencies to which the regional planning council may
25 have referred the proposed plan amendment. Written comments
26 submitted by the public within 30 days after notice of
27 transmittal by the local government of the proposed plan
28 amendment will be considered as if submitted by governmental
29 agencies. All written agency and public comments must be made
30 part of the file maintained under subsection (2).
31

1 Section 2. Section 163.3185, Florida Statutes, is
2 created to read:

3 163.3185 Areas exempt from review of amendments to
4 state and regional plans.--

5 (1) The state land planning agency must amend rule
6 9J-5, Florida Administrative Code, to define criteria for
7 approving geographic areas suitable for exemption from review
8 of amendments to the state and regional comprehensive plans.
9 Such criteria must evaluate whether proposed comprehensive
10 plan amendments within the geographic area proposed for
11 exemption are likely to raise compliance issues of state and
12 regional significance. Appropriate areas for exemptions from
13 state and regional plan-amendment review may include, but are
14 not limited to, built-out areas, areas designated as urban
15 infill and redevelopment areas pursuant to s. 163.2517, or
16 areas subject to specific urban-design criteria adopted by the
17 local governing body.

18 (2) A governing body may propose specific geographic
19 areas within the jurisdiction of the governing body to the
20 state land planning agency for exemption from state and
21 regional agency review of proposed amendments to local
22 government comprehensive plans. Areas proposed for exemption
23 from state and regional agency review shall be proposed by the
24 governing body as a proposed amendment to the future land use
25 element of the comprehensive plan. Such an amendment must be
26 reviewed and adopted pursuant to s. 163.3184.

27 (3) Upon adopting an amendment that exempts an area
28 from state and regional agency review, all proposed amendments
29 to the comprehensive plan within the designated area shall be
30 adopted and reviewed in the manner described in ss.
31 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such

1 that state and regional agency review are eliminated. The
2 state land planning agency may not issue an objection,
3 recommendation, or comment on a proposed amendment to the plan
4 and may not issue a notice of intent on an amendment to an
5 adopted plan. However, an affected person, as defined by s.
6 163.3184(1)(a), may file a petition for administrative review
7 pursuant to the requirements of s. 163.3187(3)(a) to challenge
8 the compliance of an adopted plan amendment. A plan amendment
9 that changes the boundary of an area exempted from state and
10 regional agency review or that includes lands within the
11 coastal high-hazard area must be reviewed pursuant to ss.
12 163.3184 and 163.3187.

13 (4) An exemption of comprehensive plan amendments
14 within a geographic area from state and regional review must
15 be examined and justified by the governing body every 7 years
16 during its evaluation and appraisal review under s. 163.3191
17 against the exemption criteria set forth in rule 9J-5, Florida
18 Administrative Code.

19 Section 3. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Requires that the Department of Community Affairs amend
25 rule 9J-5, Florida Administrative Code, to exempt certain
26 geographic areas from the required review of amendments
27 to state and regional comprehensive plans. Provides for
28 the local governing body to propose specific geographic
29 areas for the exemption. Prohibits the Department of
30 Community Affairs from issuing objections,
31 recommendations, or comments on a proposed amendment
following the adoption of the exemption. Authorizes
certain challenges by affected persons. Requires that the
local governing body examine and justify an exemption
adopted under the act every 7 years. (See bill for
details.)