

534-228AXA-05

Bill No. CS/SB 758

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Sublette, Gay, Goodlette, and Alexander  
12 offered the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause  
16  
17 and insert in lieu thereof:

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

20 125.595 Right of citizens to petition elected  
21 officials.--No citizen shall be denied his or her  
22 constitutional right to petition any elected official in  
23 public or private. This provision shall preempt any other  
24 special act or general law to the contrary.

25 Section 2. Paragraph (j) of subsection (3) of section  
26 163.2517, Florida Statutes, is amended to read:

27 163.2517 Designation of urban infill and redevelopment  
28 area.--

29 (3) A local government seeking to designate a  
30 geographic area within its jurisdiction as an urban infill and  
31 redevelopment area shall prepare a plan that describes the

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

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

26 1. Waiver of license and permit fees.

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

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

- 1           4. Expedited permitting.
- 2           5. Lower transportation impact fees for development
- 3 which encourages more use of public transit, pedestrian, and
- 4 bicycle modes of transportation.
- 5           6. Prioritization of infrastructure spending within
- 6 the urban infill and redevelopment area.
- 7           7. Local government absorption of developers'
- 8 concurrency costs.

9

10 In order to be authorized to recognize the exemption from

11 local option sales surtaxes pursuant to subparagraph 2., the

12 owner, lessee, or lessor of the new development, expanding

13 existing development, or redevelopment within the urban infill

14 and redevelopment area must file an application under oath

15 with the governing body having jurisdiction over the urban

16 infill and redevelopment area where the business is located.

17 The application must include the name and address of the

18 business claiming the exclusion from collecting local option

19 surtaxes; an address and assessment roll parcel number of the

20 urban infill and redevelopment area for which the exemption is

21 being sought; a description of the improvements made to

22 accomplish the new development, expanding development, or

23 redevelopment of the real property; a copy of the building

24 permit application or the building permit issued for the

25 development of the real property; a new application for a

26 certificate of registration with the Department of Revenue

27 with the address of the new development, expanding

28 development, or redevelopment; and the location of the

29 property. The local government must review and approve the

30 application and submit the completed application and

31 documentation along with a copy of the ordinance adopted

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

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

7 212.08 Sales, rental, use, consumption, distribution,  
8 and storage tax; specified exemptions.--The sale at retail,  
9 the rental, the use, the consumption, the distribution, and  
10 the storage to be used or consumed in this state of the  
11 following are hereby specifically exempt from the tax imposed  
12 by this chapter.

13 (13) No transactions shall be exempt from the tax  
14 imposed by this chapter except those expressly exempted  
15 herein. All laws granting tax exemptions, to the extent they  
16 may be inconsistent or in conflict with this chapter,  
17 including, but not limited to, the following designated laws,  
18 shall yield to and be superseded by the provisions of this  
19 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,  
20 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14,  
21 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09,  
22 and the following Laws of Florida, acts of the year indicated:  
23 s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12,  
24 chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter  
25 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter  
26 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s.  
27 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter  
28 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and  
29 s. 10, chapter 67-1681. This subsection does not supersede the  
30 authority of a local government to adopt financial and local  
31 government incentives pursuant to s. 163.2517.

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

3           163.2523 Grant program.--An Urban Infill and  
4 Redevelopment Assistance Grant Program is created for local  
5 governments. A local government may allocate grant money to  
6 special districts, including community redevelopment agencies,  
7 and nonprofit community development organizations to implement  
8 projects consistent with an adopted urban infill and  
9 redevelopment plan or plan employed in lieu thereof. Thirty  
10 percent of the general revenue appropriated for this program  
11 shall be available for planning grants to be used by local  
12 governments for the development of an urban infill and  
13 redevelopment plan, including community participation  
14 processes for the plan. Sixty percent of the general revenue  
15 appropriated for this program shall be available for  
16 fifty/fifty matching grants for implementing urban infill and  
17 redevelopment projects that further the objectives set forth  
18 in the local government's adopted urban infill and  
19 redevelopment plan or plan employed in lieu thereof. The  
20 remaining 10 percent of the revenue must be used for outright  
21 grants for implementing projects requiring an expenditure of  
22 under \$50,000. If the volume of fundable applications under  
23 any of the allocations specified in this section does not  
24 fully obligate the amount of the allocation, the Department of  
25 Community Affairs may transfer the unused balance to the  
26 category having the highest dollar value of applications  
27 eligible but unfunded. However, in no event may the percentage  
28 of dollars allocated to outright grants for implementing  
29 projects exceed 20 percent in any given fiscal year.Projects  
30 that provide employment opportunities to clients of the WAGES  
31 program and projects within urban infill and redevelopment

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

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

13 163.3164 Definitions.--As used in this act:

14 (6) "Development" has the meaning given it in s.  
 15 380.04. The following operations or uses shall not be taken  
 16 for the purpose of this act to involve "development":

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

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

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

31 (d) The use of any structure or land devoted to

1 dwelling uses for any purpose customarily incidental to  
2 enjoyment of the dwelling.

3 (e) The use of any land for the purpose of growing  
4 plants, crops, trees, and other agricultural or forestry  
5 products; raising livestock; or for other agricultural  
6 purposes.

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

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

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

15 Section 6. Paragraph (a) of subsection (6) of section  
16 163.3177, Florida Statutes, is amended, paragraph (k) is added  
17 to said subsection, and paragraph (i) of subsection (10) and  
18 subsection (11) of said section are amended, to read:

19 163.3177 Required and optional elements of  
20 comprehensive plan; studies and surveys.--

21 (6) In addition to the requirements of subsections  
22 (1)-(5), the comprehensive plan shall include the following  
23 elements:

24 (a) A future land use plan element designating  
25 proposed future general distribution, location, and extent of  
26 the uses of land for residential uses, commercial uses,  
27 industry, agriculture, recreation, conservation, education,  
28 public buildings and grounds, other public facilities, and  
29 other categories of the public and private uses of land. The  
30 future land use plan shall include standards to be followed in  
31 the control and distribution of population densities and

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



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

1 comprehensive plan contains school siting criteria or the  
2 applicable land use category will be amended through a  
3 comprehensive plan amendment.

4 (k) An airport master plan shall be prepared by each  
5 publicly owned and operated airport licensed by the Department  
6 of Transportation under chapter 330. The airport master plan  
7 shall address the airport, projected airport or aviation  
8 development, and land use compatibility around the airport.  
9 The airport master plan must be consistent with applicable  
10 requirements for airport master planning issued by the Federal  
11 Aviation Administration, pursuant to the applicable Federal  
12 Aviation Administration's Advisory Circulars and Airport  
13 Environmental Handbook, and by the Department of  
14 Transportation, pursuant to s. 332.007(5), and with the  
15 Department of Transportation's Guidebook for Airport Master  
16 Planning and Airport Compatible Land Use Guidance. The airport  
17 master plan, and any subsequent amendments to the airport  
18 master plan, shall be incorporated into the transportation or  
19 traffic circulation element of each affected local government  
20 comprehensive plan by the adoption of a local government  
21 comprehensive plan amendment. The authorized entity having  
22 responsibility for governing the operation of the airport  
23 shall submit copies of an airport master plan which meets the  
24 requirements of this paragraph to the affected local  
25 government no later than July 1, 2001. The affected local  
26 government shall incorporate an airport master plan into the  
27 local government comprehensive plan no later than July 1,  
28 2002. As used in this paragraph, "affected local government"  
29 means any local government having jurisdiction under this act  
30 over the area in which the airport or projected airport or  
31 aviation development is located. The Department of Community

1 Affairs, in conjunction with the Department of Transportation,  
2 shall provide technical assistance to airports and local  
3 governments to assist in the coordination of airport master  
4 plans with the local government comprehensive plan, consistent  
5 with the State Comprehensive Plan, the applicable strategic  
6 regional policy plan, and state goals and objectives related  
7 to airport planning. In the amendment to the local  
8 comprehensive plan which integrates the airport master plan,  
9 the affected local government shall address land use  
10 compatibility consistent with chapter 333 regarding airport  
11 zoning; the provision of regional transportation facilities  
12 for the efficient use and operation of the transportation  
13 system and airport; consistency with the transportation or  
14 traffic circulation element of the applicable local  
15 comprehensive plan and applicable metropolitan planning  
16 organization long-range transportation plan; and the execution  
17 of any necessary interlocal agreements for the purpose of the  
18 provision of public facilities and services to maintain the  
19 adopted level of service standards for facilities subject to  
20 concurrency. The amendment to the local comprehensive plan  
21 which integrates the airport master plan shall meet the  
22 requirements of this paragraph. Development or expansion of  
23 any publicly owned or operated airport, or airport-related or  
24 aviation-related development, meeting the requirements of this  
25 paragraph shall not be a development of regional impact when  
26 such development, expansion, project, or facility is  
27 consistent with an adopted airport master plan that is  
28 approved by the Federal Aviation Administration and the  
29 Department of Transportation and is in compliance with this  
30 part.

31 (10) The Legislature recognizes the importance and

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

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

28 (11)(a) The Legislature recognizes the need for  
29 innovative planning and development strategies which will  
30 address the anticipated demands of continued urbanization of  
31 Florida's coastal and other environmentally sensitive areas,

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

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

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

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

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

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

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

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

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

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

9  
10 The Department of Community Affairs shall also submit a copy  
11 of such report to the Grow Smart Florida Study Commission by  
12 December 15, 2000. The Department of Community Affairs and the  
13 Department of Agriculture and Consumer Services shall  
14 regularly report their progress on these issues to the  
15 commission, cooperate and lend assistance to the commission,  
16 and coordinate their final reporting to the Legislature to the  
17 greatest extent possible.

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

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

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

29           Section 7. Paragraph (g) of subsection (2) of section  
30 163.3178, Florida Statutes, is amended to read:

31           163.3178 Coastal management.--

1           (2) Each coastal management element required by s.  
 2 163.3177(6)(g) shall be based on studies, surveys, and data;  
 3 be consistent with coastal resource plans prepared and adopted  
 4 pursuant to general or special law; and contain:

5           (g) A shoreline use component which identifies public  
 6 access to beach and shoreline areas and addresses the need for  
 7 water-dependent and water-related facilities, including  
 8 marinas, along shoreline areas. Local governments within  
 9 counties identified in s. 370.12(2)(f) shall adopt a marina  
 10 siting plan as part of this component no later than October 1,  
 11 2001.

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

15           163.3184 Process for adoption of comprehensive plan or  
 16 plan amendment.--

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

19           (a) Each local governing body shall transmit the  
 20 complete proposed comprehensive plan or plan amendment to the  
 21 state land planning agency, the appropriate regional planning  
 22 council and water management district, the Department of  
 23 Environmental Protection, the Department of State,and the  
 24 Department of Transportation, and, in the case of municipal  
 25 plans, to the appropriate county, and, in the case of county  
 26 plans, to the Fish and Wildlife Conservation Commission and  
 27 the Department of Agriculture and Consumer Services,  
 28 immediately following a public hearing pursuant to subsection  
 29 (15) as specified in the state land planning agency's  
 30 procedural rules. The local governing body shall also transmit  
 31 a copy of the complete proposed comprehensive plan or plan



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1 amendment to any other unit of local government or government  
2 agency in the state that has filed a written request with the  
3 governing body for the plan or plan amendment. The local  
4 government may request a review by the state land planning  
5 agency pursuant to subsection (6) at the time of transmittal  
6 of an amendment.

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

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

1 subsection (6).

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

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

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1 to which the regional planning council may have referred the  
2 proposed plan amendment. Written comments submitted by the  
3 public within 30 days after notice of transmittal by the local  
4 government of the proposed plan amendment will be considered  
5 as if submitted by governmental agencies. All written agency  
6 and public comments must be made part of the file maintained  
7 under subsection (2).

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

9 (a) The state land planning agency shall review a  
10 proposed plan amendment upon request of a regional planning  
11 council, affected person, or local government transmitting the  
12 plan amendment. The request from the regional planning council  
13 or affected person must be if the request is received within  
14 30 days after transmittal of the proposed plan amendment  
15 pursuant to subsection (3). ~~The agency shall issue a report of~~  
16 ~~its objections, recommendations, and comments regarding the~~  
17 ~~proposed plan amendment.~~ A regional planning council or  
18 affected person requesting a review shall do so by submitting  
19 a written request to the agency with a notice of the request  
20 to the local government and any other person who has requested  
21 notice.

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

29 (c) The state land planning agency shall establish by  
30 rule a schedule for receipt of comments from the various  
31 government agencies, as well as written public comments,

1 pursuant to subsection (4). If the state land planning agency  
2 elects to review the amendment or the agency is required to  
3 review the amendment as specified in paragraph (a), the agency  
4 shall issue a report of its objections, recommendations, and  
5 comments regarding the proposed amendment within 60 days of  
6 receipt of the complete proposed amendment by the state land  
7 planning agency. Proposed comprehensive plan amendments from  
8 small counties or rural communities for the purpose of job  
9 creation, economic development, or strengthening and  
10 diversifying the economy shall receive priority review by the  
11 state land planning agency.~~The state land planning agency~~  
12 ~~shall have 30 days to review comments from the various~~  
13 ~~government agencies along with a local government's~~  
14 ~~comprehensive plan or plan amendment. During that period, the~~  
15 ~~state land planning agency shall transmit in writing its~~  
16 ~~comments to the local government along with any objections and~~  
17 ~~any recommendations for modifications.~~When a federal, state,  
18 or regional agency has implemented a permitting program, the  
19 state land planning agency shall not require a local  
20 government to duplicate or exceed that permitting program in  
21 its comprehensive plan or to implement such a permitting  
22 program in its land development regulations. Nothing  
23 contained herein shall prohibit the state land planning agency  
24 in conducting its review of local plans or plan amendments  
25 from making objections, recommendations, and comments or  
26 making compliance determinations regarding densities and  
27 intensities consistent with the provisions of this part. In  
28 preparing its comments, the state land planning agency shall  
29 only base its considerations on written, and not oral,  
30 comments, from any source.

31 (d) The state land planning agency review shall

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

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

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

13 (8) NOTICE OF INTENT.--

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

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

30 (b) During the time period provided for in this  
31 subsection, the state land planning agency shall issue,

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

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

1 date of publication of the notice to file a petition. The  
2 informational statement shall be sent by regular mail and  
3 shall not affect the timeframes in subsections (9) and (10).

4 (15) PUBLIC HEARINGS.--

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

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

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

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

27 (c) The local government shall provide a sign-in form  
28 at the transmittal hearing and at the adoption hearing for  
29 persons to provide their name and mailing address. The sign-in  
30 form shall state that any person providing the requested  
31 information will receive a courtesy informational statement



1 concerning publication of the state land planning agency's  
2 notice of intent. The local government shall add to the  
3 sign-in form the name and address of any person who submits  
4 written comments concerning the proposed plan or plan  
5 amendment during the time period between the commencement of  
6 the transmittal hearing and the end of the adoption hearing.  
7 It shall be the responsibility of the person completing the  
8 form or providing written comments to accurately, completely,  
9 and legibly provide all information required to receive the  
10 courtesy informational statement. The agency shall adopt rules  
11 to provide a model sign-in form and the format for providing  
12 the list to the agency, which may be used by the local  
13 government to satisfy the requirements of this paragraph.

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

21 (16) COMPLIANCE AGREEMENTS.--

22 (d) A local government may adopt a plan amendment  
23 pursuant to a compliance agreement in accordance with the  
24 requirements of paragraph (15)(a). The plan amendment shall be  
25 exempt from the requirements of subsections (2) through (7).  
26 The local government shall hold a single adoption public  
27 hearing pursuant to the requirements of subparagraph (15)(b)2.  
28 and paragraph (15)(d)(c). Within 10 working days after  
29 adoption of a plan amendment, the local government shall  
30 transmit the amendment to the state land planning agency as  
31 specified in the agency's procedural rules, and shall submit

1 one copy to the regional planning agency and to any other unit  
2 of local government or government agency in the state that has  
3 filed a written request with the governing body for a copy of  
4 the plan amendment, and one copy to any party to the  
5 proceeding under ss. 120.569 and 120.57 granted intervenor  
6 status.

7 Section 9. Paragraph (c) of subsection (1) of section  
8 163.3187, Florida Statutes, is amended to read:

9 163.3187 Amendment of adopted comprehensive plan.--

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

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

19 1. The proposed amendment involves a use of 10 acres  
20 or fewer, except that a proposed amendment may involve a use  
21 of 20 acres or fewer if located within an area designated in  
22 the local comprehensive plan for urban infill, urban  
23 redevelopment, or downtown revitalization as defined in s.  
24 163.3164, urban infill and redevelopment areas designated  
25 under s. 163.2517, transportation concurrency exception areas  
26 approved pursuant to s. 163.3180(5), or regional activity  
27 centers and urban central business districts approved pursuant  
28 to s. 380.06(2)(e), and:

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

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

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

16           ~~(II)~~~~(III)~~ A maximum of 200 ~~120~~ acres in a county  
 17 established pursuant to s. 9, Art. VIII of the Constitution of  
 18 1885, as preserved by s. 6(e), Art. VIII of the revised state  
 19 constitution.

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

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

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

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

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

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

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

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

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

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

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

18           163.3215 Standing to enforce local comprehensive plans  
19 through development orders.--

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

31           (2) "Aggrieved or adversely affected party" means any

1 person or local government which will suffer an adverse effect  
2 to an interest protected or furthered by the local government  
3 comprehensive plan, including interests related to health and  
4 safety, police and fire protection service systems, densities  
5 or intensities of development, transportation facilities,  
6 health care facilities, equipment or services, or  
7 environmental or natural resources. The alleged adverse  
8 interest may be shared in common with other members of the  
9 community at large, but shall exceed in degree the general  
10 interest in community good shared by all persons. The term  
11 includes the owner, developer, or applicant for a development  
12 order.

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

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

25 (4) If a local government adopts an ordinance  
26 establishing, at a minimum, the components of its local  
27 development review process listed in this subsection, then the  
28 sole action for an aggrieved or adversely affected party to  
29 challenge consistency of a development order with the  
30 comprehensive plan shall be by a petition for certiorari filed  
31 in circuit court. The court shall have the authority to order

1 injunctive or such other relief as it deems appropriate.  
2 Minimum components of the local process shall be as follows:  
3 (a) Notice by publication and by mailed notice to all  
4 abutting property owners simultaneous with the filing of  
5 application for development review.  
6 (b) An opportunity to participate in the process for  
7 an aggrieved or adversely affected party which provides a  
8 reasonable time to prepare and present a case.  
9 (c) An opportunity for reasonable discovery prior to a  
10 quasi-judicial hearing.  
11 (d) A hearing before an independent special master,  
12 who shall be an attorney with at least 5 years' experience,  
13 and who shall, at conclusion of the hearing, recommend written  
14 findings of fact and conclusions of law.  
15 (e) At the hearing all parties shall have the  
16 opportunity to respond, to present evidence and argument on  
17 all issues involved, and to conduct cross examination and  
18 submit rebuttal evidence.  
19 (f) The standard of review applied by the special  
20 master shall be in accordance with Florida law.  
21 (g) A hearing before the local government, which shall  
22 be bound by the special master's findings of fact unless not  
23 supported by competent substantial evidence, but which shall  
24 not be bound by the conclusions of law if it finds that the  
25 special master's application or interpretation of law is  
26 erroneous.~~As a condition precedent to the institution of an~~  
27 ~~action pursuant to this section, the complaining party shall~~  
28 ~~first file a verified complaint with the local government~~  
29 ~~whose actions are complained of setting forth the facts upon~~  
30 ~~which the complaint is based and the relief sought by the~~  
31 ~~complaining party. The verified complaint shall be filed no~~

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1 ~~later than 30 days after the alleged inconsistent action has~~  
2 ~~been taken. The local government receiving the complaint~~  
3 ~~shall respond within 30 days after receipt of the complaint.~~  
4 ~~Thereafter, the complaining party may institute the action~~  
5 ~~authorized in this section. However, the action shall be~~  
6 ~~instituted no later than 30 days after the expiration of the~~  
7 ~~30-day period which the local government has to take~~  
8 ~~appropriate action. Failure to comply with this subsection~~  
9 ~~shall not bar an action for a temporary restraining order to~~  
10 ~~prevent immediate and irreparable harm from the actions~~  
11 ~~complained of.~~

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

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

31 (7) In any action under this section, no settlement



1 shall be entered into by the local government unless the terms  
2 of the settlement have been the subject of a public hearing  
3 after notice as required by this part.

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

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

9 163.3245 Optional sector plans.--

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

1 it is determined that the plan would further the purposes of  
2 this part and part I of chapter 380. Preparation of an  
3 optional sector plan is authorized by agreement between the  
4 state land planning agency and the applicable local  
5 governments under s. 163.3171(4). An optional sector plan may  
6 be adopted through one or more comprehensive plan amendments  
7 under s. 163.3184. However, an optional sector plan may not be  
8 authorized in an area of critical state concern.

9 (2) The state land planning agency may enter into an  
10 agreement to authorize preparation of an optional sector plan  
11 upon the request of one or more local governments based on  
12 consideration of problems and opportunities presented by  
13 existing development trends; the effectiveness of current  
14 comprehensive plan provisions; the potential to further the  
15 state comprehensive plan, applicable strategic regional policy  
16 plans, this part, and part I of chapter 380; and those factors  
17 identified by s. 163.3177(10)(i). The applicable regional  
18 planning council shall conduct a scoping meeting with affected  
19 local governments and those agencies identified in s.  
20 163.3184(3)(a)~~(4)~~ before execution of the agreement authorized  
21 by this section. The purpose of this meeting is to assist the  
22 state land planning agency and the local government in the  
23 identification of the relevant planning issues to be addressed  
24 and the data and resources available to assist in the  
25 preparation of subsequent plan amendments. The regional  
26 planning council shall make written recommendations to the  
27 state land planning agency and affected local governments,  
28 including whether an optional ~~a sustainable~~ sector plan would  
29 be appropriate. The agreement must define the geographic area  
30 to be subject to the sector plan, the planning issues that  
31 will be emphasized, requirements for intergovernmental

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

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

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

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

28 2. Identification of regionally significant public  
29 facilities consistent with chapter 9J-2, Florida  
30 Administrative Code, irrespective of local governmental  
31 jurisdiction necessary to support buildout of the anticipated

1 future land uses.

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

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

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

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

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

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

28 3. Detailed identification of regionally significant  
29 public facilities, including public facilities outside the  
30 jurisdiction of the host local government, anticipated impacts  
31 of future land uses on those facilities, and required

1 improvements to maintain adopted level of service standards  
2 consistent with chapter 9J-2, Florida Administrative Code.

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

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

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

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

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

28 (4) The host local government shall submit a  
29 monitoring report to the state land planning agency and  
30 applicable regional planning council on an annual basis after  
31 adoption of a detailed specific area plan. The annual

1 monitoring report must provide summarized information on  
2 development orders issued, development that has occurred,  
3 public facility improvements made, and public facility  
4 improvements anticipated over the upcoming 5 years.

5 (5) When a plan amendment adopting a detailed specific  
6 area plan has become effective under ss. 163.3184 and  
7 163.3189(2), the provisions of s. 380.06 do not apply to  
8 development within the geographic area of the detailed  
9 specific area plan. Should this section be repealed, any  
10 approved development within a detailed specific area plan  
11 shall maintain its exemption from s. 380.06. However, any  
12 development-of-regional-impact development order that is  
13 vested from the detailed specific area plan may be enforced  
14 under s. 380.11.

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

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

28 (c) In instituting an administrative or judicial  
29 proceeding involving an optional sector plan or detailed  
30 specific area plan, including a proceeding pursuant to  
31 paragraph (b), the complaining party shall comply with the

1 requirements of s. 163.3215(4), (5), (6), and (7).

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

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

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

11 166.0498 Right of citizens to petition elected  
12 officials.--No citizen shall be denied his or her  
13 constitutional right to petition any elected official in  
14 public or private. This provision shall preempt any other  
15 special act or general law to the contrary.

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

18 166.231 Municipalities; public service tax.--

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

1 the purchase of electric power by a person who will consume it  
2 within the municipality.

3 (b) The tax imposed by paragraph (a) shall not be  
4 applied against any fuel adjustment charge, and such charge  
5 shall be separately stated on each bill. The term "fuel  
6 adjustment charge" means all increases in the cost of utility  
7 services to the ultimate consumer resulting from an increase  
8 in the cost of fuel to the utility subsequent to October 1,  
9 1973.

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

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

22 380.06 Developments of regional impact.--

23 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

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

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

30 2. Shall establish compliance dates for the  
31 development order, including a deadline for commencing



1 physical development and for compliance with conditions of  
2 approval or phasing requirements, and shall include a  
3 termination date that reasonably reflects the time required to  
4 complete the development.

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

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

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

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

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

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

1 termination or expiration date;

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

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

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

23 b.(I) The amount of development that remains to be  
24 built is less than the substantial deviation threshold  
25 specified in paragraph (19)(b) for each individual land use  
26 category, or, for a multiuse development, the sum total of all  
27 unbuilt land uses as a percentage of the applicable  
28 substantial deviation threshold is equal to or less than 150  
29 ~~100~~ percent; or

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

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

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

26           (19) SUBSTANTIAL DEVIATIONS.--

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

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

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

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

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

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

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

31 5. An increase in the average annual acreage mined by

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

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

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

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

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

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

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

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

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

31 14. A proposed increase to an approved multiuse

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

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

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

21  
 22 The substantial deviation numerical standards in subparagraphs  
 23 4., 6., 10., 14., excluding residential uses, and 15., are  
 24 increased by 100 percent for a project certified under s.  
 25 403.973 which creates jobs and meets criteria established by  
 26 the Office of Tourism, Trade, and Economic Development as to  
 27 its impact on an area's economy, employment, and prevailing  
 28 wage and skill levels. The substantial deviation numerical  
 29 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are  
 30 increased by 50 percent for a project located wholly within an  
 31 urban infill and redevelopment area designated on the

1 applicable adopted local comprehensive plan future land use  
2 map and not located within the coastal high hazard area.

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

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

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

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

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



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

25

26 This subsection does not require a development order amendment

27 for any change listed in sub-subparagraphs a.-i. unless such

28 issue is addressed either in the existing development order or

29 in the application for development approval, but, in the case

30 of the application, only if, and in the manner in which, the

31 application is incorporated in the development order.

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

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

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

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

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

30           c. Notwithstanding any provision of paragraph (b) to  
31 the contrary, a proposed change consisting of simultaneous

1 increases and decreases of at least two of the uses within an  
2 authorized multiuse development of regional impact which was  
3 originally approved with three or more uses specified in s.  
4 380.0651(3)(c), (d), (f), and (g) and residential use.

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

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

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

30 4. The appropriate regional planning agency or the  
31 state land planning agency shall review the proposed change

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

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

19           6. If the local government determines that the  
20 proposed change does not require further  
21 development-of-regional-impact review and is otherwise  
22 approved, or if the proposed change is not subject to a  
23 hearing and determination pursuant to subparagraphs 3. and 5.  
24 and is otherwise approved, the local government shall issue an  
25 amendment to the development order incorporating the approved  
26 change and conditions of approval relating to the change. The  
27 decision of the local government to approve, with or without  
28 conditions, or to deny the proposed change that the developer  
29 asserts does not require further review shall be subject to  
30 the appeal provisions of s. 380.07. However, the state land  
31 planning agency may not appeal the local government decision

1 if it did not comply with subparagraph 4., except for a change  
2 to a development order made pursuant to subparagraph (e)2., if  
3 the approved change is not consistent with this and other  
4 provisions of this section.The state land planning agency may  
5 not appeal a change to a development order made pursuant to  
6 subparagraph (e)2. for developments of regional impact  
7 approved after January 1, 1980, unless the change would result  
8 in a significant impact to a regionally significant  
9 archaeological, historical, or natural resource not previously  
10 identified in the original development-of-regional-impact  
11 review.

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

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

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

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

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Bill No. CS/SB 758

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

16           (24) STATUTORY EXEMPTIONS.--

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

23           (j) Any development located within a detailed specific  
24 area plan adopted pursuant to s. 163.3245 which is consistent  
25 with the detailed specific area plan is exempt from the  
26 provisions of this section. Should s. 163.3245 be repealed,  
27 any approved development within a detailed specific area plan  
28 shall maintain this exemption. However, any  
29 development-of-regional-impact development order that is  
30 vested from the detailed specific area plan may be enforced  
31 under s. 380.11.

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

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

10           380.0651 Statewide guidelines and standards.--

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

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

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

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

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

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

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

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

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

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

18  
19 In addition to the foregoing, for projects for which no  
20 environmental resource permit or sovereign submerged land  
21 lease is required, the Department of Environmental Protection  
22 must determine in writing that a proposed marina in excess of  
23 10 slips or storage spaces or a combination of the two is  
24 located so that it will not adversely impact Outstanding  
25 Florida Waters or Class II waters and will not contribute boat  
26 traffic in a manner that will have an adverse impact on an  
27 area known to be, or likely to be, frequented by manatees. If  
28 the Department of Environmental Protection fails to issue its  
29 determination within 45 days of receipt of a formal written  
30 request, it has waived its authority to make such  
31 determination. The Department of Environmental Protection



1 determination shall constitute final agency action pursuant to  
2 chapter 120.

3 2. A marina or proposed marina expansion which is:

4 a. Located within a county identified in s.  
5 370.12(2)(f) which has boat speed zone rules adopted or  
6 approved by the Department of Environmental Protection or the  
7 Fish and Wildlife Conservation Commission; and

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

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

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

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

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

23 a. Located within a local government jurisdiction  
24 where manatee sightings are not frequent and manatees do not  
25 inhabit such jurisdiction on a regular and continuous basis;  
26 and

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

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

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1           ~~3. Any proposed marina development with both wet and~~  
2 ~~dry mooring or storage used exclusively for sport, pleasure,~~  
3 ~~or commercial fishing, where the sum of percentages of the~~  
4 ~~applicable wet and dry mooring or storage thresholds equals~~  
5 ~~100 percent. This threshold is in addition to, and does not~~  
6 ~~preclude, a development from being required to undergo~~  
7 ~~development-of-regional-impact review under sub-subparagraphs~~  
8 ~~1.a. and b. and subparagraph 2.~~

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

19           (5) Nothing contained in this section abridges or  
20 modifies any vested or other right or any duty or obligation  
21 pursuant to any development order or agreement which is  
22 applicable to a development of regional impact on the  
23 effective date of this act. An airport, marina, or petroleum  
24 storage facility which has received a  
25 development-of-regional-impact development order pursuant to  
26 s. 380.06, but is no longer required to undergo  
27 development-of-regional-impact review by operation of  
28 paragraph (3)(e) or s. 380.06(24)(i) or (k), shall be governed  
29 by the following procedures:

30           (a) The development shall continue to be governed by  
31 the development-of-regional-impact development order, and may

1 be completed in reliance upon and pursuant to the development  
2 order. The development-of-regional-impact development order  
3 may be enforced by the local government as provided by ss.  
4 380.06(17) and 380.11.

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

11 (6) An airport, marina, or petroleum storage facility  
12 with an application for development approval pending on the  
13 effective date of this act, or a notification of proposed  
14 change pending on the effective date of this act, may elect to  
15 continue such review pursuant to s. 380.06. At the conclusion  
16 of the pending review, including any appeals pursuant to s.  
17 380.07, the resulting development order shall be governed by  
18 the provisions of subsection (5).

19 Section 16. Paragraph (g) of subsection (3) of section  
20 163.06, Florida Statutes, is amended to read:

21 163.06 Miami River Commission.--

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

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

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

29 189.415 Special district public facilities report.--

30 (4) Those special districts building, improving, or  
31 expanding public facilities addressed by a development order

1 issued to the developer pursuant to s. 380.06 may use the most  
2 recent biennial ~~annual~~ report required by s. 380.06(15) and  
3 (18) and submitted by the developer, to the extent the ~~annual~~  
4 report provides the information required by subsection (2).

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

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

22 (b) Environmental interests, including, but not  
23 limited to, environmental justice groups, resource-based  
24 conservation and outdoor conservation groups, and  
25 environmental quality and conservation groups.

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

30 (d) Local and regional governments, including, but not  
31 limited to, municipalities, counties, special districts,

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1 metropolitan planning organizations, local government  
2 association foundations, and regional planning councils.

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

6  
7 The President of the Senate and the Speaker of the House of  
8 Representatives shall each select one appointment from each of  
9 the five categories listed in paragraphs (a)-(e) and shall  
10 also appoint two members from their respective houses of the  
11 Legislature to serve on the commission. The appointments must  
12 be made by July 1, 2000, and the first meeting of the  
13 commission shall be held no later than August 1, 2000. The  
14 chair of the commission shall be appointed by the Governor  
15 prior to its first meeting. Any vacancy occurring in the  
16 membership of the commission shall be filled in the same  
17 manner as the original appointment.

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

23 (3) The commission shall review the operation and  
24 implementation of Florida's growth management statutes,  
25 including chapters 163, 186, 187, and 380, Florida Statutes,  
26 and shall make recommendations for improving the system for  
27 managing growth in the state. As part thereof, it shall  
28 identify appropriate goals and desired outcomes for future  
29 planning and growth management efforts at the state, regional,  
30 and local levels, and in so doing, shall consider related  
31 trends and conditions affecting the environment, economy, and

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

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

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

19 (c) The role and responsibilities of citizens in the  
20 preparation, adoption, compliance review, and judicial or  
21 administrative review of local government comprehensive plans  
22 and plan amendments, and the process for enforcement of  
23 consistency between comprehensive plans and development orders  
24 pursuant to s. 163.3215.

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

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

30 (f) Whether there is adequate protection for property  
31 owners from local and state government land use decisions, and

1 what must be done to ensure that property rights are not  
2 abridged.

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

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

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

20 (6) Commission members and the members of any  
21 technical advisory committees that are appointed shall not  
22 receive remuneration for their services, but members other  
23 than public officers and employees shall be entitled to be  
24 reimbursed by the Department of Community Affairs for travel  
25 or per diem expenses in accordance with chapter 112, Florida  
26 Statutes. Public officers and employees shall be reimbursed by  
27 their respective agencies in accordance with chapter 112,  
28 Florida Statutes.

29 (7) An executive director shall be selected by the  
30 Governor. The executive director shall report to the  
31 commission. The Department of Community Affairs shall provide

1 other staff and consultants after consultation with the  
 2 commission. Funding for these expenses shall be provided  
 3 through the Department of Community Affairs. The commission  
 4 shall receive supplemental financial and other assistance from  
 5 other agencies under the Governor's direct supervision and  
 6 such additional assistance as is appropriate from the  
 7 Executive Office of the Governor.

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

11 (9) The commission shall continue in existence until  
 12 its objectives are achieved, but not later than February 1,  
 13 2001.

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

19 Section 20. If any provision of this act or the  
 20 application thereof to any person or circumstance is held  
 21 invalid, the invalidity shall not affect other provisions or  
 22 applications of the act which can be given effect without the  
 23 invalid provision or application, and to this end the  
 24 provisions of this act are declared severable.

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

27  
 28

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

30 And the title is amended as follows:

31 Remove from the title of the bill: the entire title



1 and insert in lieu thereof:

2                                   A bill to be entitled

3           An act relating to growth management; creating

4           s. 125.595, F.S.; providing for the right of

5           citizens to petition elected officials in

6           public or private; amending s. 163.2517, F.S.;

7           revising the financial incentives which a local

8           government may offer in an urban infill and

9           redevelopment area which relate to exemption

10          from local option sales surtaxes and waiver of

11          delinquent taxes or fees; providing that, in

12          order to be eligible for the exemption from

13          collecting local option sales surtaxes, a

14          business must submit an application under oath

15          to the local government, which must be approved

16          and submitted to the Department of Revenue;

17          amending s. 212.08, F.S.; specifying that the

18          authority of a local government to adopt

19          financial and local government incentives under

20          s. 163.2517, F.S., is not superseded by certain

21          provisions relating to sales tax exemptions;

22          amending s. 163.2523, F.S.; authorizing

23          transfer of unused funds between grant

24          categories under the Urban Infill and

25          Redevelopment Assistance Grant Program;

26          amending s. 163.3164, F.S.; clarifying the

27          definition of "development" under the Local

28          Government Comprehensive Planning and Land

29          Development Regulation Act; amending s.

30          163.3177, F.S.; providing that an agricultural

31          land use category may be eligible for the

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1 location of public schools in a local  
2 government comprehensive plan under certain  
3 conditions; requiring preparation of an airport  
4 master plan by each publicly owned and operated  
5 airport and providing requirements with respect  
6 thereto; providing for incorporation into the  
7 local comprehensive plan; providing that  
8 development or expansion of such airports or  
9 related development consistent with such plans  
10 is not a development of regional impact;  
11 providing additional legislative intent with  
12 respect to application of chapter 9J-5, Florida  
13 Administrative Code, by the agency; specifying  
14 lands that are appropriate for innovative  
15 planning and development strategies; requiring  
16 a report on a program for implementing such  
17 strategies; providing for coordination with the  
18 Grow Smart Florida Study Commission; amending  
19 s. 163.3178, F.S.; requiring certain local  
20 governments to adopt a marina siting plan as  
21 part of the shoreline use component of the  
22 coastal management element by a specified date;  
23 amending s. 163.3184, F.S.; providing  
24 additional agencies to which a local government  
25 must transmit a proposed comprehensive plan or  
26 plan amendment; removing provisions relating to  
27 transmittal of copies by the state land  
28 planning agency; providing that a local  
29 government may request review by the state land  
30 planning agency at the time of transmittal of  
31 an amendment; revising time periods with

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1        respect to submission of comments to the agency  
2        by other agencies, notice by the agency of its  
3        intent to review, and issuance by the agency of  
4        its report; providing for priority review of  
5        certain amendments; clarifying language;  
6        providing for compilation and transmittal by  
7        the local government of a list of persons who  
8        will receive an informational statement  
9        concerning the agency's notice of intent to  
10       find a plan or plan amendment in compliance or  
11       not in compliance; providing for rules;  
12       revising requirements relating to publication  
13       by the agency of its notice of intent; deleting  
14       a requirement that the notice be sent to  
15       certain persons; amending s. 163.3187, F.S.;  
16       revising requirements relating to small scale  
17       development amendments which are exempt from  
18       the limitation on the frequency of amendments  
19       to a local comprehensive plan; revising acreage  
20       requirements; providing that certain amendments  
21       that involve affordable housing in certain  
22       areas of critical state concern are eligible  
23       under certain circumstances; revising a  
24       condition relating to residential land use;  
25       removing a provision that allows a local  
26       government to elect to have such amendments  
27       subject to review under s. 163.3184(3)-(6),  
28       F.S.; amending s. 163.3215, F.S.; revising  
29       procedures and requirements for challenge of a  
30       development order by an aggrieved or adversely  
31       affected party on the basis of inconsistency

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1 with a local comprehensive plan; providing for  
2 petition to the circuit court for certiorari if  
3 the local government has established a review  
4 process that includes specified components;  
5 removing a requirement that a verified  
6 complaint be filed with the local government  
7 prior to seeking judicial review; amending s.  
8 163.3245, F.S., relating to optional sector  
9 plans; clarifying and conforming language;  
10 creating s. 166.0498, F.S.; providing for the  
11 right of citizens to petition elected officials  
12 in public or private; amending s. 166.231,  
13 F.S.; authorizing application of the municipal  
14 public service tax on water service to property  
15 in a development of regional impact outside of  
16 municipal boundaries under certain conditions;  
17 limiting recovery if such tax is challenged;  
18 amending s. 380.06, F.S., relating to  
19 developments of regional impact; revising the  
20 definition of an essentially built-out  
21 development of regional impact with respect to  
22 multiuse developments; providing for submission  
23 of biennial, rather than annual, reports by the  
24 developer; authorizing submission of a letter,  
25 rather than a report, under certain  
26 circumstances; providing for amendment of  
27 development orders with respect to report  
28 frequency; removing criteria relating to  
29 petroleum storage facilities from the list of  
30 criteria used to determine existence of a  
31 substantial deviation; revising the criteria

1 relating to waterports and multiuse  
2 developments of regional impact; providing that  
3 an extension of the date of buildout of less  
4 than 7 years is not a substantial deviation;  
5 revising provisions relating to determination  
6 of whether a change constitutes a substantial  
7 deviation based on its percentage of the  
8 specified numerical criteria; revising notice  
9 requirements; providing that changes that are  
10 less than specified numerical criteria need not  
11 be submitted to the state land planning agency  
12 and specifying the agency's right to appeal  
13 with respect to such changes; deleting an  
14 exemption from review by the regional planning  
15 agency and state land planning agency for  
16 certain changes; exempting petroleum storage  
17 facilities from development-of-regional-impact  
18 review under certain circumstances; providing  
19 for maintenance of the exemption from  
20 development-of-regional-impact review for  
21 developments under s. 163.3245, F.S., relating  
22 to optional sector plans, if said section is  
23 repealed; exempting certain development or  
24 expansion of airports and related development  
25 from development-of-regional-impact review  
26 under certain circumstances; amending s.  
27 380.0651, F.S.; revising the statewide  
28 guidelines and standards for  
29 development-of-regional-impact review for  
30 office development, port facilities, and  
31 residential development; providing for vested

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1           rights, duties or obligations, and pending  
2           applications with respect to developments of  
3           regional impact; providing for enforcement;  
4           amending ss. 163.06 and 189.415, F.S.;  
5           correcting references to conform; creating the  
6           Grow Smart Florida Study Commission; providing  
7           for appointment and qualifications of members;  
8           providing the commission's duties; requiring a  
9           report; providing an appropriation; providing  
10          for severability; providing an effective date.

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