

Bill No. CS for SB 758

Amendment No. ____

Senate

CHAMBER ACTION

House

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Senators Lee and Carlton moved the following amendment to amendment (030373):

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (j) of subsection (3) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.--

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

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1 in paragraphs (a)-(n), including a collaborative and holistic
 2 community participation process, or amend such existing plans
 3 to include these factors. The plan shall demonstrate the local
 4 government and community's commitment to comprehensively
 5 address the urban problems within the urban infill and
 6 redevelopment area and identify activities and programs to
 7 accomplish locally identified goals such as code enforcement;
 8 improved educational opportunities; reduction in crime;
 9 neighborhood revitalization and preservation; provision of
 10 infrastructure needs, including mass transit and multimodal
 11 linkages; and mixed-use planning to promote multifunctional
 12 redevelopment to improve both the residential and commercial
 13 quality of life in the area. The plan shall also:

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

- 19 1. Waiver of license and permit fees.
- 20 2. Exemption of sales made in the urban infill and
 21 redevelopment area from ~~Waiver of~~ local option sales surtaxes
 22 imposed pursuant to s. 212.054 ~~taxes~~.
- 23 3. Waiver of delinquent local taxes or fees to promote
 24 the return of property to productive use.
- 25 4. Expedited permitting.
- 26 5. Lower transportation impact fees for development
 27 which encourages more use of public transit, pedestrian, and
 28 bicycle modes of transportation.
- 29 6. Prioritization of infrastructure spending within
 30 the urban infill and redevelopment area.
- 31 7. Local government absorption of developers'

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1 concurrency costs.

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

29 Section 2. Subsection (13) of section 212.08, Florida
30 Statutes, is amended to read:

31 212.08 Sales, rental, use, consumption, distribution,

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

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

25 Section 3. Section 163.2523, Florida Statutes, is
26 amended to read:

27 163.2523 Grant program.--An Urban Infill and
28 Redevelopment Assistance Grant Program is created for local
29 governments. A local government may allocate grant money to
30 special districts, including community redevelopment agencies,
31 and nonprofit community development organizations to implement

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

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1 shall administer the grant program. The Department of
2 Community Affairs shall adopt rules establishing grant review
3 criteria consistent with this section.

4 Section 4. Subsection (6) of section 163.3164, Florida
5 Statutes, is amended to read:

6 163.3164 Definitions.--As used in this act:

7 (6) "Development" has the meaning given it in s.
8 380.04. The following operations or uses shall not be taken
9 for the purpose of this act to involve "development":

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

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

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

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

27 (e) The use of any land for the purpose of growing
28 plants, crops, trees, and other agricultural or forestry
29 products; raising livestock; or for other agricultural
30 purposes.

31 (f) A change in use of land or structure from a use

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1 within a class specified in an ordinance or rule to another
2 use in the same class.

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

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

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

11 163.3177 Required and optional elements of
12 comprehensive plan; studies and surveys.--

13 (6) In addition to the requirements of subsections
14 (1)-(5), the comprehensive plan shall include the following
15 elements:

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

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

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

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

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

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

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

31 (d)~~(e)~~ It is the further intent of the Legislature

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1 that local government comprehensive plans and implementing
2 land development regulations shall provide strategies which
3 maximize the use of existing facilities and services through
4 redevelopment, urban infill development, and other strategies
5 for urban revitalization.

6 ~~(e)(d)~~ The implementation of this subsection shall be
7 subject to the provisions of this chapter, chapters 186 and
8 187, and applicable agency rules.

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

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

14 163.3184 Process for adoption of comprehensive plan or
15 plan amendment.--

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

18 (a) Each local governing body shall transmit the
19 complete proposed comprehensive plan or plan amendment to the
20 state land planning agency, the appropriate regional planning
21 council and water management district, the Department of
22 Environmental Protection, the Department of State, and the
23 Department of Transportation, and, in the case of municipal
24 plans, to the appropriate county, and, in the case of county
25 plans, to the Fish and Wildlife Conservation Commission and
26 the Department of Agriculture and Consumer Services,

27 immediately following a public hearing pursuant to subsection
28 (15) as specified in the state land planning agency's
29 procedural rules. The local governing body shall also transmit
30 a copy of the complete proposed comprehensive plan or plan
31 amendment to any other unit of local government or government

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

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

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

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

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

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

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

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

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

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

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

26 (d) The state land planning agency review shall
27 identify all written communications with the agency regarding
28 the proposed plan amendment. If the state land planning agency
29 does not issue such a review, it shall identify in writing to
30 the local government all written communications received 30
31 days after transmittal. The written identification must

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1 include a list of all documents received or generated by the
2 agency, which list must be of sufficient specificity to enable
3 the documents to be identified and copies requested, if
4 desired, and the name of the person to be contacted to request
5 copies of any identified document. The list of documents must
6 be made a part of the public records of the state land
7 planning agency.

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

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1 addresses of persons compiled pursuant to paragraph (15)(c).
 2 The local governing body shall also transmit a copy of the
 3 adopted comprehensive plan or plan amendment to the regional
 4 planning agency and to any other unit of local government or
 5 governmental agency in the state that has filed a written
 6 request with the governing body for a copy of the plan or plan
 7 amendment.

8 (8) NOTICE OF INTENT.--

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

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

25 (b) During the time period provided for in this
 26 subsection, the state land planning agency shall issue,
 27 through a senior administrator or the secretary, as specified
 28 in the agency's procedural rules, a notice of intent to find
 29 that the plan or plan amendment is in compliance or not in
 30 compliance. A notice of intent shall be issued by publication
 31 in the manner provided by this paragraph and by mailing a copy

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

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

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

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

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

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1 the transmittal hearing and the end of the adoption hearing.
2 It shall be the responsibility of the person completing the
3 form or providing written comments to accurately, completely,
4 and legibly provide all information required to receive the
5 courtesy informational statement. The agency shall adopt rules
6 to provide a model sign-in form and the format for providing
7 the list to the agency which may be used by the local
8 government to satisfy the requirements of this paragraph.

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

16 (16) COMPLIANCE AGREEMENTS.--

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

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1 status.

2 Section 7. Section 163.3245, Florida Statutes, is
3 amended to read:

4 163.3245 Optional sector plans.--

5 (1) In recognition of the benefits of conceptual
6 long-range planning for the buildout of an area, and detailed
7 planning for specific areas, as a demonstration project, the
8 requirements of s. 380.06 may be addressed as identified by
9 this section for up to five local governments or combinations
10 of local governments which adopt into the comprehensive plan
11 an optional sector plan in accordance with this section. This
12 section is intended to further the intent of s. 163.3177(11),
13 which supports innovative and flexible planning and
14 development strategies, and the purposes of this part, and
15 part I of chapter 380, and to avoid duplication of effort in
16 terms of the level of data and analysis required for a
17 development of regional impact, while ensuring the adequate
18 mitigation of impacts to applicable regional resources and
19 facilities, including those within the jurisdiction of other
20 local governments, as would otherwise be provided. Optional
21 sector plans are intended for substantial geographic areas
22 including at least 5,000 acres of one or more local
23 governmental jurisdictions and are to emphasize urban form and
24 protection of regionally significant resources and facilities.
25 The state land planning agency may approve optional sector
26 plans of less than 5,000 acres based on local circumstances if
27 it is determined that the plan would further the purposes of
28 this part and part I of chapter 380. Preparation of an
29 optional sector plan is authorized by agreement between the
30 state land planning agency and the applicable local
31 governments under s. 163.3171(4). An optional sector plan may

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1 be adopted through one or more comprehensive plan amendments
2 under s. 163.3184. However, an optional sector plan may not be
3 authorized in an area of critical state concern.

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

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

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

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

- 20 1. A long-range conceptual framework map that at a
21 minimum identifies anticipated areas of urban, agricultural,
22 rural, and conservation land use.
- 23 2. Identification of regionally significant public
24 facilities consistent with chapter 9J-2, Florida
25 Administrative Code, irrespective of local governmental
26 jurisdiction necessary to support buildout of the anticipated
27 future land uses.
- 28 3. Identification of regionally significant natural
29 resources consistent with chapter 9J-2, Florida Administrative
30 Code.
- 31 4. Principles and guidelines that address the urban

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

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

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

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

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

23 3. Detailed identification of regionally significant
24 public facilities, including public facilities outside the
25 jurisdiction of the host local government, anticipated impacts
26 of future land uses on those facilities, and required
27 improvements to maintain adopted level of service standards
28 consistent with chapter 9J-2, Florida Administrative Code.

29 4. Public facilities necessary for the short term,
30 including developer contributions in a financially feasible
31 5-year capital improvement schedule of the affected local

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1 government.

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

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

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

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

23 (4) The host local government shall submit a
24 monitoring report to the state land planning agency and
25 applicable regional planning council on an annual basis after
26 adoption of a detailed specific area plan. The annual
27 monitoring report must provide summarized information on
28 development orders issued, development that has occurred,
29 public facility improvements made, and public facility
30 improvements anticipated over the upcoming 5 years.

31 (5) When a plan amendment adopting a detailed specific

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

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

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

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

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

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1 section.

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

4 Section 8. Paragraph (c) of subsection (15) and
5 subsections (18) and (19) of section 380.06, Florida Statutes,
6 are amended, and paragraphs (i) and (j) are added to
7 subsection (24) of said section, to read:

8 380.06 Developments of regional impact.--

9 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

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

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

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

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

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

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

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

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

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1 Development orders which require annual reports may be amended
2 to require biennial reports at the option of the local
3 government.

4 (19) SUBSTANTIAL DEVIATIONS.--

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

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

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

29 2. A new runway, a new terminal facility, a 25-percent
30 lengthening of an existing runway, or a 25-percent increase in
31 the number of gates of an existing terminal, but only if the

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1 increase adds at least three additional gates. However, if an
2 airport is located in two counties, a 10-percent lengthening
3 of an existing runway or a 20-percent increase in the number
4 of gates of an existing terminal is the applicable criteria.

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

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

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

15 6. An increase in land area for office development by
16 5 percent or 6 acres, whichever is greater, or an increase of
17 gross floor area of office development by 5 percent or 60,000
18 gross square feet, whichever is greater.

19 7. An increase in the storage capacity for chemical or
20 petroleum storage facilities, which petroleum facilities are
21 not subject to a comprehensive port master plan that is in
22 compliance with s. 163.3178, by 5 percent, 20,000 barrels, or
23 7 million pounds, whichever is greater.

24 (24) STATUTORY EXEMPTIONS.--

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

29 (j) Any development located within a detailed specific
30 area plan adopted pursuant to s. 163.3245 which is consistent
31 with the detailed specific area plan is exempt from the

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

7 Section 9. Subsections (5) and (6) are added to
8 section 380.0651, Florida Statutes, to read:

9 380.0651 Statewide guidelines and standards.--

10 (5) Nothing contained in this section abridges or
11 modifies any vested or other right or any duty or obligation
12 pursuant to any development order or agreement which is
13 applicable to a development of regional impact on the
14 effective date of this act. A petroleum storage facility which
15 has received a development-of-regional-impact development
16 order pursuant to s. 380.06, but is no longer required to
17 undergo development-of-regional-impact review by operation of
18 s. 380.06(24)(i) or, shall be governed by the following
19 procedures:

20 (a) The development shall continue to be governed by
21 the development-of-regional-impact development order, and may
22 be completed in reliance upon and pursuant to the development
23 order. The development-of-regional-impact development order
24 may be enforced by the local government as provided by ss.
25 380.06(17) and 380.11.

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

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1 (6) A petroleum storage facility located within a port
2 with an approved port master plan with an application for
3 development approval pending on the effective date of this
4 act, or a notification of proposed change pending on the
5 effective date of this act, may elect to continue such review
6 pursuant to s. 380.06. At the conclusion of the pending
7 review, including any appeals pursuant to s. 380.07, the
8 resulting development order shall be governed by the
9 provisions of subsection (5).

10 Section 10. Paragraph (g) of subsection (3) of section
11 163.06, Florida Statutes, is amended to read:

12 163.06 Miami River Commission.--

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

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

18 Section 11. Subsection (4) of section 189.415, Florida
19 Statutes, is amended to read:

20 189.415 Special district public facilities report.--

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

27 Section 12. The Grow Smart Florida Study Commission is
28 created. The commission shall be composed of 25 voting
29 members, 10 of whom are to be appointed by the Governor, 7 of
30 whom are to be appointed by the President of the Senate, and 7
31 of whom are to be appointed by the Speaker of the House of

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1 Representatives. In addition, the Secretary of Community
2 Affairs shall serve as a voting member of the commission, and
3 the secretary of the Department of Environmental Protection,
4 the Secretary of Transportation, the Commissioner of
5 Agriculture, and the executive director of the Fish and
6 Wildlife Conservation Commission shall serve as ex officio
7 nonvoting members of the commission.

8 (1) The Governor's appointments must include two
9 appointments from each of the following groups of interests:

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

13 (b) Environmental interests, including, but not
14 limited to, environmental justice groups, resource-based
15 conservation and outdoor conservation groups, and
16 environmental quality and conservation groups.

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

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

25 (e) Community participants, including, but not limited
26 to citizen groups, not-for-profit community associations, and
27 citizen planners.

28 (2) The President of the Senate and the Speaker of the
29 House of Representatives shall each select one appointment
30 from each of the five categories listed in paragraphs

31 (1)(a)-(e) and shall also appoint two members from their

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1 respective houses of the Legislature to serve on the
 2 commission. The appointments must be made by July 1, 2000, and
 3 the first meeting of the commission shall be held no later
 4 than August 1, 2000. The chair of the commission shall be
 5 elected by a majority of the membership of the commission at
 6 the first meeting. Any vacancy occurring in the membership of
 7 the commission shall be filled in the same manner as the
 8 original appointment.

9 (3) Individuals who have been registered lobbyists of
 10 either the Florida Legislature or the Executive Branch of the
 11 State of Florida during the calendar year 2000, are not
 12 eligible to serve as members of the commission.

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

18 (5) The commission shall review the operation and
 19 implementation of Florida's growth management statutes,
 20 including chapters 163, 186, 187, and 380, Florida Statutes,
 21 and shall make recommendations for improving the system for
 22 managing growth in the state. As part thereof, it shall
 23 identify appropriate goals and desired outcomes for future
 24 planning and growth management efforts at the state, regional,
 25 and local levels, and in so doing, shall consider related
 26 trends and conditions affecting the environment, economy, and
 27 quality of life in Florida. It may also establish and appoint
 28 any necessary technical advisory committees, which may include
 29 commission members and nonmembers. The commission shall, to
 30 the extent practicable, specifically address and make
 31 recommendations for improving the growth management system

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1 with respect to the following issues, including but not
2 limited, to:

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

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

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

21 (d) The relationship between the development of
22 regional impact program and the local government comprehensive
23 planning process.

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

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

30 (g) Improving mechanisms for infrastructure funding as
31 it relates to concurrency.

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- 1 (h) Developing a rural lands policy.
- 2 (6) A rural lands technical advisory committee shall
3 be appointed by the chairman of the commission to develop a
4 program of planning incentives, economic incentives, and other
5 measures as may be necessary to facilitate the timely
6 implementation of innovative planning and development
7 strategies, including, but not limited to those described in
8 paragraphs (a), (b) and (c) of s. 163.3177(11) while
9 protecting environmentally sensitive areas, maintaining the
10 economic viability of agriculture and other predominantly
11 rural land uses, and providing for the cost-efficient delivery
12 of public facilities and services. In addition, lands
13 classified in the future land use plan element as
14 agricultural, rural, open, open/rural, or a substantively
15 equivalent land use, shall be deemed appropriate for
16 consideration of innovative planning and development
17 strategies described in s. 163.3177(11)(a) and (b), which the
18 department recognizes as methods for discouraging urban sprawl
19 consistent with the provisions of the state comprehensive
20 plan, regional policy plans, and Part II of chapter 163. The
21 Rural Lands Technical Advisory Committee shall address the
22 following:
- 23 (a) "Smart growth" strategies within rural areas which
24 proactively address both the pressures of population growth
25 and the substantial need for rural economic development.
- 26 (b) The importance of maintaining rural land values as
27 the cornerstone of maintaining a viable rural economy.
- 28 (c) Appropriate planning guidelines to implement
29 innovative planning and development strategies set forth in
30 paragraphs (a), (b), and (c) of s. 163.3177(11).
- 31 (d) A rural lands stewardship program under which the

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

9 (e) Strategies and incentives to reward best
10 management practices for agricultural activities consistent
11 with the conservation and protection of environmentally
12 sensitive areas and sound water management practices.

13 (f) The coordination of state transportation
14 facilities, including roadways, railways, and port and airport
15 facilities, to provide for the transportation of agricultural
16 products and supplies.

17
18 The Rural Lands Technical Advisory Committee shall
19 periodically report to the commission on its progress and
20 shall issue final recommendations to the commission no later
21 than December 15, 2000.

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

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

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1 (9) Commission members and the members of any
2 technical advisory committees that are appointed shall not
3 receive remuneration for their services, but members other
4 than public officers and employees shall be entitled to be
5 reimbursed by the Department of Community Affairs for travel
6 or per diem expenses in accordance with chapter 112, Florida
7 Statutes. Public officers and employees shall be reimbursed by
8 their respective agencies in accordance with chapter 112,
9 Florida Statutes.

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

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

24 (12) The commission shall continue in existence until
25 its objectives are achieved, but not later than February 1,
26 2001.

27 Section 13. The sum of \$275,000 is appropriated from
28 the General Revenue Fund to the Department of Community
29 Affairs Operating Trust Fund to implement the provisions of
30 this act creating the Grow Smart Florida Study Commission.
31 This appropriation is a nonrecurring appropriation.

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1 Section 14. If any provision of this act or the
 2 application thereof to any person or circumstance is held
 3 invalid, the invalidity shall not affect other provisions or
 4 applications of the act which can be given effect without the
 5 invalid provision or application, and to this end the
 6 provisions of this act are declared severable.

7 Section 15. 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 and:

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

24 (I) A maximum of 120 acres in a local government that
 25 contains areas specifically designated in the local
 26 comprehensive plan for urban infill, urban redevelopment, or
 27 downtown revitalization as defined in s. 163.3164, urban
 28 infill and redevelopment areas designated under s. 163.2517,
 29 transportation concurrency exception areas approved pursuant
 30 to s. 163.3180(5), or regional activity centers and urban
 31 central business districts approved pursuant to s.

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1 380.06(2)(e); however, amendments under this paragraph may be
2 applied to no more than 60 acres annually of property outside
3 the designated areas listed in this sub-sub-subparagraph.

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

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

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

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

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

19 e. The property that is the subject of the proposed
20 amendment is not located within an area of critical state
21 concern, unless the project subject to the proposed amendment
22 involves the construction of affordable housing units meeting
23 the criteria of s. 420.0004(3), and is located within an area
24 of critical state concern designated by s. 380.0552 or by the
25 Administration Commission pursuant to s. 380.05(1). Such
26 amendment is not subject to the density limitations of s.
27 163.3187(1)(c)1.f., and shall be reviewed by the state land
28 planning agency for consistency with the principles for
29 guiding development applicable to the area of critical state
30 concern where the amendment is located and shall not become
31 effective until a final order is issued under s. 380.05(6).

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1 elects to have them subject to those requirements.

2 Section 16. This act shall take effect upon becoming a
3 law.

4

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11

A bill to be entitled

12

An act relating to growth management; amending

13

s. 163.2517, F.S.; revising the financial

14

incentives which a local government may offer

15

in an urban infill and redevelopment area which

16

relate to exemption from local option sales

17

surtaxes and waiver of delinquent taxes or

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fees; providing that, in order to be eligible

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for the exemption from collecting local option

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sales surtaxes, a business must submit an

21

application under oath to the local government,

22

which must be approved and submitted to the

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Department of Revenue; amending s. 212.08,

24

F.S.; specifying that the authority of a local

25

government to adopt financial and local

26

government incentives under s. 163.2517, F.S.,

27

is not superseded by certain provisions

28

relating to sales tax exemptions; amending s.

29

163.2523, F.S.; authorizing transfer of unused

30

funds between grant categories under the Urban

31

Infill and Redevelopment Assistance Grant

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1 Program; amending s. 163.3164, F.S.; clarifying
2 the definition of "development" under the Local
3 Government Comprehensive Planning and Land
4 Development Regulation Act; amending s.
5 163.3177, F.S.; providing that an agricultural
6 land use category may be eligible for the
7 location of public schools in a local
8 government comprehensive plan under certain
9 conditions; specifying lands that are
10 appropriate to be considered for innovative
11 planning and development strategies; amending
12 s. 163.3184, F.S.; providing additional
13 agencies to which a local government must
14 transmit a proposed comprehensive plan or plan
15 amendment; removing provisions relating to
16 transmittal of copies by the state land
17 planning agency; providing that a local
18 government may request review by the state land
19 planning agency at the time of transmittal of
20 an amendment; revising time periods with
21 respect to submission of comments to the agency
22 by other agencies, notice by the agency of its
23 intent to review, and issuance by the agency of
24 its report; clarifying language; providing for
25 compilation and transmittal by the local
26 government of a list of persons who will
27 receive an informational statement concerning
28 the agency's notice of intent to find a plan or
29 plan amendment in compliance or not in
30 compliance; providing for rules; revising
31 requirements relating to publication by the

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1 agency of its notice of intent; deleting a
2 requirement that the notice be sent to certain
3 persons; amending s. 163.3245, F.S., relating
4 to optional sector plans; clarifying and
5 conforming language; amending s. 380.06, F.S.,
6 relating to developments of regional impact;
7 providing for submission of biennial, rather
8 than annual, reports by the developer;
9 authorizing submission of a letter, rather than
10 a report, under certain circumstances;
11 providing for amendment of development orders
12 with respect to report frequency; exempting
13 petroleum storage facilities from
14 development-of-regional-impact review under
15 certain circumstances; providing for
16 maintenance of the exemption from
17 development-of-regional-impact review for
18 developments under s. 163.3245, F.S., relating
19 to optional sector plans, if said section is
20 repealed; amending s. 380.0651, F.S.; providing
21 for vested rights, duties or obligations, and
22 pending applications with respect to
23 developments of regional impact; providing for
24 enforcement; amending ss. 163.06 and 189.415,
25 F.S.; correcting references to conform;
26 creating the Grow Smart Florida Study
27 Commission; providing for appointment and
28 qualifications of members; providing for the
29 creation of a Rural Lands Technical Advisory
30 Committee; providing the commission's duties;
31 requiring a report; providing an appropriation;

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providing for severability; amending s.
163.3187, F.S.; providing that certain plan
amendments that involve construction of
affordable housing in certain areas of critical
state concern are eligible as small scale
development amendments that are exempt from the
limits on the frequency of amendments to a
local comprehensive plan; providing an
effective date.