

By Representative Russell

1                                   A bill to be entitled  
2           An act relating to growth management; amending  
3           s. 163.3167, F.S.; requiring that each local  
4           government provide in its growth management  
5           plan for the long-term availability of water  
6           supplies for approved land development;  
7           amending s. 163.3177, F.S.; directing local  
8           government comprehensive plans to coordinate  
9           with regional water supply plans; directing  
10          future land use plans to be based on data  
11          regarding the availability of sufficient water  
12          supplies for present and future growth;  
13          amending s. 163.3180, F.S.; adding concurrency  
14          requirements for water resource and water  
15          supply availability; amending s. 186.009, F.S.;  
16          requiring the growth management portion of the  
17          state comprehensive plan to provide for  
18          long-term availability of water supplies for  
19          approved land development; providing an  
20          effective date.

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22 Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1. Subsection (13) is added to section  
25 163.3167, Florida Statutes, to read:

26           163.3167 Scope of act.--

27           (13) Each local government shall provide in its growth  
28 management plan for the long-term availability of water  
29 supplies for approved land development.

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1           Section 2. Paragraph (a) of subsection (4) and  
2 paragraph (a) of subsection (6) of section 163.3177, Florida  
3 Statutes, are amended to read:

4           163.3177 Required and optional elements of  
5 comprehensive plan; studies and surveys.--

6           (4)(a) Coordination of the local comprehensive plan  
7 with the comprehensive plans of adjacent municipalities, the  
8 county, adjacent counties, or the region; with the appropriate  
9 water management district's regional water supply plans,  
10 adopted pursuant to s. 373.0361, or successor plans required  
11 by legislative directive;with adopted rules pertaining to  
12 designated areas of critical state concern; and with the state  
13 comprehensive plan shall be a major objective of the local  
14 comprehensive planning process. To that end, in the  
15 preparation of a comprehensive plan or element thereof, and in  
16 the comprehensive plan or element as adopted, the governing  
17 body shall include a specific policy statement indicating the  
18 relationship of the proposed development of the area to the  
19 comprehensive plans of adjacent municipalities, the county,  
20 adjacent counties, or the region and to the state  
21 comprehensive plan, as the case may require and as such  
22 adopted plans or plans in preparation may exist.

23           (6) In addition to the requirements of subsections  
24 (1)-(5), the comprehensive plan shall include the following  
25 elements:

26           (a) A future land use plan element designating  
27 proposed future general distribution, location, and extent of  
28 the uses of land for residential uses, commercial uses,  
29 industry, agriculture, recreation, conservation, education,  
30 public buildings and grounds, other public facilities, and  
31 other categories of the public and private uses of land. The

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

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

1 facilities, such as parks, libraries, and community centers,  
2 with schools to the extent possible.

3 Section 3. Subsection (1) is amended and a new  
4 subsection (16) is added to section 163.3180, Florida  
5 Statutes, to read:

6 163.3180 Concurrency.--

7 (1)(a) Sanitary sewer, solid waste, drainage, potable  
8 water, parks and recreation, and transportation facilities,  
9 including mass transit, where applicable, are the only public  
10 facilities and services subject to the concurrency requirement  
11 on a statewide basis. Although not a public facility or  
12 service, water resource availability also is subject to  
13 concurrency requirements. Additional public facilities and  
14 services may not be made subject to concurrency on a statewide  
15 basis without appropriate study and approval by the  
16 Legislature; however, any local government may extend the  
17 concurrency requirement so that it applies to additional  
18 public facilities within its jurisdiction.

19 (b) Local governments shall use professionally  
20 accepted techniques for measuring level of service for  
21 automobiles, bicycles, pedestrians, transit, and trucks.  
22 These techniques may be used to evaluate increased  
23 accessibility by multiple modes and reductions in vehicle  
24 miles of travel in an area or zone. The Department of  
25 Transportation shall develop methodologies to assist local  
26 governments in implementing this multimodal level-of-service  
27 analysis. The Department of Community Affairs and the  
28 Department of Transportation shall provide technical  
29 assistance to local governments in applying these  
30 methodologies.

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1           (c) Local governments shall rely on the appropriate  
2 water management district's regional water supply plans  
3 created pursuant to s. 373.0361, or on successor water  
4 resource and water supply data generated pursuant to  
5 legislative directive, as the best available data in  
6 determining whether new development meets the concurrency  
7 requirement for water resource availability.

8           (16) Consistent with public health, safety, and  
9 welfare, water resource availability shall be deemed  
10 sufficient to meet the concurrency requirement for new  
11 development if one of the following conditions is met:

12           (a) At present there is adequate ground or surface  
13 water supply to meet the projected population needs of new  
14 development, in addition to the needs of the existing  
15 population and natural systems.

16           (b) At present there is a combination of ground or  
17 surface water supply, and actual or proposed alternative water  
18 supply, to meet the projected population needs of new  
19 development, in addition to the needs of the existing  
20 population and natural systems. Facilities necessary to create  
21 or treat the alternative water supply must be permitted and  
22 under construction within 3 years after the issuance by the  
23 local government of a certificate of occupancy or its  
24 functional equivalent.

25           (c) At present there is adequate alternative water  
26 supply to meet the projected population needs of new  
27 development.

28           Section 4. Paragraph (d) of subsection (2) of section  
29 186.009, Florida Statutes, is amended, and paragraph (p) is  
30 added to said subsection, to read:

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1           186.009 Growth management portion of the state  
2 comprehensive plan.--

3           (2) The growth management portion of the state  
4 comprehensive plan shall:

5           (d) Set forth and integrate state policy for the  
6 state's ~~Florida's~~ future growth as it relates to land  
7 development, air quality, transportation, and water resources.

8           

(p) Provide for long-term availability of water  
9 supplies for approved land development.

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11 The growth management portion of the state comprehensive plan  
12 shall not include a land use map.

13           Section 5. This act shall take effect upon becoming a  
14 law.

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17           HOUSE SUMMARY

18           Requires local government growth management plans to  
19 provide for the long-term availability of water supplies.  
20 Directs local government comprehensive plans to  
21 coordinate with water management district regional water  
22 supply plans. Requires future land use plans to be based  
23 on data regarding the availability of sufficient water  
24 supplies for present and future growth. Provides  
25 concurrency requirements for water resource and water  
26 supply availability. Requires the growth management  
27 portion of the state comprehensive plan to provide for  
28 long-term availability of water supplies for approved  
29 land development.  
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