

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Sorensen offered the following:

**Amendment to Amendment (925427) (with title amendment)**

On page 53, between lines 3 and 4, of the amendment

insert:

Section 15. Section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities certification demonstration project.--

(1) The Department of Community Affairs shall create ~~is authorized to undertake~~ a sustainable communities certification program for communities that have implemented best planning practices through their local government comprehensive plans and specific planning or design initiatives, thereby reducing the need for state review of amendments to local government comprehensive plans. One of the purposes of the certification program is to address the extrajurisdictional effects of development occurring within the certified area and to assume development-of-regional-impact review authority from the

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1 department. It is the intent of the Legislature that the  
2 department and other executive agencies under the Governor  
3 give priority to and direct infrastructure spending to areas  
4 within the certified communities.~~demonstration project. Up~~  
5 ~~to five local governments may be designated under this~~  
6 ~~section. At least three of the local governments shall be~~  
7 ~~located totally or in part within the boundaries of the South~~  
8 ~~Florida Water Management District. In selecting the local~~  
9 ~~governments to participate in this demonstration project, the~~  
10 ~~department shall assure participation by local governments of~~  
11 ~~different sizes and characteristics. It is the intent of the~~  
12 ~~Legislature that this demonstration project shall be used to~~  
13 ~~further six broad principles of sustainability: restoring key~~  
14 ~~ecosystems; achieving a more clean, healthy environment;~~  
15 ~~limiting urban sprawl; protecting wildlife and natural areas;~~  
16 ~~advancing the efficient use of land and other resources; and~~  
17 ~~creating quality communities and jobs.~~

18 (2) A local government may apply to the department in  
19 writing requesting consideration for certification as a  
20 sustainable community ~~designation under the demonstration~~  
21 ~~program.~~ The local government shall describe its reasons for  
22 applying for this certification ~~designation~~ and support its  
23 application with documents regarding its compliance with  
24 criteria set forth in this section.

25 (3) In determining whether to certify ~~designate~~ all or  
26 part of a local government as a sustainable community, the  
27 department shall:

28 (a) Assure that the local government has set an urban  
29 development boundary or functionally equivalent mechanisms,  
30 based on projected needs and adequate data and analysis, that  
31 will:

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1           1. Encourage urban infill at appropriate densities and  
2 intensities, separate urban and rural uses, and discourage  
3 urban sprawl ~~development patterns~~ while preserving public open  
4 space and planning for buffer-type land uses and rural  
5 development consistent with their respective character along  
6 and outside of the urban boundary.

7           2. Assure protection of key natural areas and  
8 agricultural lands.

9           3. Ensure the cost-efficient provision of public  
10 infrastructure and services.

11           (b) Consider and assess the extent to which the local  
12 government has adopted programs in its local comprehensive  
13 plan or land development regulations which:

14           1. Promote infill development and redevelopment,  
15 including prioritized and timely permitting processes in which  
16 applications for local development permits within the urban  
17 development boundary are acted upon expeditiously for proposed  
18 development which is consistent with the local comprehensive  
19 plan.

20           2. Promote the development of housing for low-income  
21 and very-low-income households or specialized housing to  
22 assist elders and the disabled to remain at home or in  
23 independent living arrangements.

24           3. Achieve effective intergovernmental coordination.

25           4. Promote economic diversity and growth while  
26 encouraging the retention of rural character, where rural  
27 areas exist, and the protection and restoration of the  
28 environment.

29           5. Provide and maintain public urban and rural open  
30 space and recreational opportunities.

31           6. Manage transportation and land uses to support

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1 public transit and promote opportunities for pedestrian and  
2 nonmotorized transportation.

3 7. Use urban design principles to foster individual  
4 community identity, create a sense of place, and promote  
5 pedestrian-oriented safe neighborhoods and town centers.

6 8. Redevelop blighted areas.

7 9. Improve disaster preparedness programs and the  
8 ability to protect lives and property, especially in coastal  
9 high-hazard areas.

10 10. Encourage clustered, mixed-use development which  
11 incorporates greenspace and residential development within  
12 walking distance of commercial development.

13 11. Demonstrate financial and administrative  
14 capabilities to implement the designation.

15 12. Demonstrate a record of effectively adopting,  
16 implementing, and enforcing its comprehensive plan.

17 (c) Consider and assess the extent to which the local  
18 government has the support of its regional planning council  
19 governing board in favor of the designation.

20 (4) The department shall certify ~~designate~~ all or part  
21 of a local government as a sustainable community by written  
22 agreement, which shall be considered final agency action. The  
23 agreement shall include the basis for the certification  
24 ~~designation~~, any conditions necessary to comply with the  
25 intent of this section, including procedures for mitigation of  
26 extrajurisdictional effects ~~impacts~~ of development, a 5-year  
27 work plan identifying local government and department tasks  
28 that will promote the intent of this section, a commitment to  
29 effectively adopt, implement, and enforce the local  
30 government's comprehensive plan in jurisdictions where  
31 ~~developments of regional impact would be abolished or~~

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1 ~~modified~~, and criteria for evaluating the success of the  
2 certification designation. Subsequent to executing the  
3 agreement, the department may remove the local government's  
4 certification designation if it determines that the local  
5 government is not meeting the terms of the certification  
6 ~~designation~~ agreement. If an affected person, as defined by  
7 s. 163.3184(1)(a), determines that a local government is not  
8 complying with the terms of the certification designation  
9 agreement, he or she may petition for administrative review of  
10 local government compliance with the terms of the agreement,  
11 using the procedures and timeframes for notice and conditions  
12 precedent described in s. 163.3213.

13 (5) Upon certification designation as a sustainable  
14 community, ~~the local government shall receive the following~~  
15 ~~benefits:~~

16 (a) All comprehensive plan amendments affecting areas  
17 within the urban growth boundary or functional equivalent  
18 shall be adopted and reviewed in the manner described in ss.  
19 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such  
20 that state and regional agency review is eliminated. The  
21 department shall not issue an objections, recommendations, and  
22 comments report on proposed plan amendments or a notice of  
23 intent on adopted plan amendments; however, affected persons,  
24 as defined by s. 163.3184(1)(a), may file a petition for  
25 administrative review pursuant to the requirements of s.  
26 163.3187(3)(a) to challenge the compliance of an adopted plan  
27 amendment. Plan amendments that would change the adopted  
28 urban development boundary, impact lands outside the urban  
29 development boundary, or impact lands within the coastal  
30 high-hazard area shall be reviewed pursuant to ss. 163.3184  
31 and 163.3187.

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1           (b) The local government shall assume the review  
2 authority of the department and regional planning council for  
3 developments of regional impact ~~Developments~~ within the urban  
4 growth boundary and outside the coastal high-hazard area ~~are~~  
5 ~~exempt from review pursuant to ss. 380.06 and 380.061 to the~~  
6 ~~extent established in the designation agreement.~~

7           (c) The Executive Office of the Governor shall work  
8 with the Department of Community Affairs and other departments  
9 to emphasize programs and set priorities for funding within  
10 areas in certified ~~designated~~ local governments in the areas  
11 of education ~~job creation~~; crime prevention; environmental  
12 protection and restoration programs; ~~solid waste recycling~~;  
13 transportation improvements, including highways, transit, and  
14 nonmotorized transportation projects; sewage treatment system  
15 improvements; ~~expedited and prioritized funding initiatives~~;  
16 and other programs that will direct development within the  
17 urban development boundary of certified ~~assist~~ local  
18 governments ~~to create and maintain self-sustaining~~  
19 ~~communities.~~

20           (6) The Secretary of ~~the Department of~~ Environmental  
21 Protection, the Secretary of Community Affairs, the Secretary  
22 of Transportation, the Commissioner of Agriculture, the  
23 executive director of the Fish and Wildlife Conservation  
24 Commission, and the executive directors of the five water  
25 management districts and the 11 regional planning councils  
26 shall have the authority to enter into agreements with  
27 landowners, developers, businesses, industries, individuals,  
28 and governmental agencies as may be necessary to effectuate  
29 the provisions of this section.

30           (7) Once certified ~~designated~~ as a sustainable  
31 community pursuant to this section, the local government shall

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1 provide a progress report to the department ~~and the Advisory~~  
2 ~~Council on Intergovernmental Relations each year on the first~~  
3 ~~anniversary date of its designation and thereafter,~~  
4 ~~biennially, that identifies plan amendments adopted during the~~  
5 ~~year or 2-year period, updates the future land use map, and~~  
6 ~~advises whether the local government continues to comply with~~  
7 ~~the certification designation agreement. ~~Beginning December 1,~~~~  
8 ~~~~1997,~~ and each year thereafter, the department shall provide a~~  
9 ~~report to the Speaker of the House of Representatives and the~~  
10 ~~President of the Senate regarding the successes and failures~~  
11 ~~of this demonstration project. The report shall include any~~  
12 ~~recommendations for legislative action to modify or repeal the~~  
13 ~~project.~~

14 (8) The certification designation of a local  
15 government as a sustainable community under this section shall  
16 continue ~~be~~ for a period of 5 years, unless otherwise revoked  
17 or renewed by the department. The certification designation  
18 may be renewed for additional 5-year periods if the department  
19 determines that the local government is complying with the  
20 terms of its agreement. Those local governments designated as  
21 a sustainable community demonstration project shall have their  
22 designation renewed for an additional 5-year period, which may  
23 be renewed for additional 5-year periods pursuant to this  
24 subsection., ~~showing continuing progress toward sustainable~~  
25 ~~goals, and the demonstration project is still in effect.~~

26 (9) ~~This section shall stand repealed on June 30,~~  
27 ~~2001, and shall be reviewed by the Legislature prior to that~~  
28 ~~date.~~

29 (10) ~~If this section is repealed, all designations~~  
30 ~~shall terminate as of the effective date of the repeal.~~

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

2 And the title is amended as follows:

3 On page 112, line 15, after "judicial review;" of the  
4 amendment

5  
6 insert:

7 amending s. 163.3244, F.S.; providing for a  
8 sustainable communities certification program  
9 in lieu of the sustainable communities  
10 demonstration project; revising requirements  
11 for certification agreements; providing that a  
12 certified local government shall assume review  
13 authority for certain developments of regional  
14 impact; revising programs to be emphasized in  
15 such areas and providing for certain funding  
16 priorities; revising report requirements;  
17 providing for renewal of local governments  
18 designated as a sustainable community  
19 demonstration project; eliminating the  
20 scheduled June 30, 2001, repeal of said  
21 section;

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