

By Representative Alexander

1                                   A bill to be entitled  
 2           An act relating to natural resource management;  
 3           creating s. 163.2501, F.S.; establishing policy  
 4           related to decisions affecting land and water  
 5           management; amending s. 163.3161, F.S.;  
 6           establishing intent with respect to the  
 7           implementation of growth management laws;  
 8           amending s. 163.3177, F.S.; mandating the  
 9           inclusion of an economic element in  
 10          comprehensive plans; amending s. 288.063, F.S.;  
 11          correcting a cross reference, to conform;  
 12          amending s. 163.3184, F.S.; establishing  
 13          additional standards for approval of  
 14          comprehensive plans and amendments; amending s.  
 15          163.3201, F.S.; establishing intent that  
 16          economic and environmental considerations be  
 17          balanced when implementing comprehensive plans;  
 18          amending s. 380.021, F.S.; establishing intent  
 19          that decisions relating to land and water  
 20          management take into account both economic and  
 21          environmental considerations; amending s.  
 22          380.06, F.S.; requiring that certain rules  
 23          provide for balancing economic and  
 24          environmental considerations; providing an  
 25          effective date.

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

28  
 29           Section 1.   Section 163.2501, Florida Statutes, is  
 30   created to read:

31

1           163.2501 Public policy of the state.--It is the public  
2 policy of this state that all governmental decisions with  
3 respect to land and water management, including growth  
4 management and use of natural resources, take into account an  
5 appropriate balancing of economic and environmental  
6 considerations.

7           Section 2. Section 163.3161, Florida Statutes, is  
8 amended to read:

9           163.3161 Short title; intent and purpose.--

10           (1) This part shall be known and may be cited as the  
11 "Local Government Comprehensive Planning and Land Development  
12 Regulation Act."

13           (2) In conformity with, and in furtherance of, the  
14 purpose of the Florida Environmental Land and Water Management  
15 Act of 1972, chapter 380, it is the purpose of this act to  
16 utilize and strengthen the existing role, processes, and  
17 powers of local governments in the establishment and  
18 implementation of comprehensive planning programs to guide and  
19 control future development.

20           (3) It is the intent of this act that its adoption is  
21 necessary so that local governments can preserve and enhance  
22 present advantages; encourage the most appropriate use of  
23 land, water, and resources, consistent with the public  
24 interest; overcome present handicaps; and deal effectively  
25 with future problems that may result from the use and  
26 development of land within their jurisdictions. Through the  
27 process of comprehensive planning, it is intended that units  
28 of local government can preserve, promote, protect, and  
29 improve the public health, safety, comfort, good order,  
30 appearance, convenience, law enforcement and fire prevention,  
31 and general welfare; prevent the overcrowding of land and

1 avoid undue concentration of population; facilitate the  
2 adequate and efficient provision of transportation, water,  
3 sewerage, schools, parks, recreational facilities, housing,  
4 and other requirements and services; and conserve, develop,  
5 utilize, and protect natural resources within their  
6 jurisdictions. It is the intent of this act that its  
7 implementation should demonstrate an appropriate balance  
8 between the economic needs of the citizens of this state and  
9 the preservation and protection of the environment.

10 (4) It is the intent of this act to encourage and  
11 assure cooperation between and among municipalities and  
12 counties and to encourage and assure coordination of planning  
13 and development activities of units of local government with  
14 the planning activities of regional agencies and state  
15 government in accord with applicable provisions of law.

16 (5) It is the intent of this act that adopted  
17 comprehensive plans shall have the legal status set out in  
18 this act and that ~~no~~ public or private development shall be  
19 permitted and encouraged when ~~except~~ in conformity with  
20 comprehensive plans, or elements or portions thereof, prepared  
21 and adopted in conformity with this act.

22 (6) It is the intent of this act that the activities  
23 of units of local government in the preparation and adoption  
24 of comprehensive plans, or elements or portions therefor,  
25 shall be conducted in conformity with the provisions of this  
26 act.

27 (7) The provisions of this act in their interpretation  
28 and application are declared to be the minimum requirements  
29 necessary to accomplish the stated intent, purposes, and  
30 objectives of this act; to protect human, environmental,  
31 social, and economic resources; to foster appropriate economic

1 development; and to maintain, through orderly growth and  
2 development, the character and stability of present and future  
3 land use and development in this state.

4 (8) It is the intent of the Legislature that the  
5 repeal of ss. 163.160 through 163.315 by s. 19 of chapter  
6 85-55, Laws of Florida, shall not be interpreted to limit or  
7 restrict the powers of municipal or county officials, but  
8 shall be interpreted as a recognition of their broad statutory  
9 and constitutional powers to plan for and regulate the use of  
10 land. It is, further, the intent of the Legislature to  
11 reconfirm that ss. 163.3161 through 163.3215 have provided and  
12 do provide the necessary statutory direction and basis for  
13 municipal and county officials to carry out their  
14 comprehensive planning and land development regulation powers,  
15 duties, and responsibilities.

16 (9) It is the intent of the Legislature that all  
17 governmental entities in this state recognize and respect  
18 judicially acknowledged or constitutionally protected private  
19 property rights. It is the intent of the Legislature that all  
20 rules, ordinances, regulations, and programs adopted under the  
21 authority of this act must be developed, promulgated,  
22 implemented, and applied with sensitivity for private property  
23 rights and not be unduly restrictive, and property owners must  
24 be free from actions by others which would harm their  
25 property. Full and just compensation or other appropriate  
26 relief must be provided to any property owner for a  
27 governmental action that is determined to be an invalid  
28 exercise of the police power which constitutes a taking, as  
29 provided by law. Any such relief must be determined in a  
30 judicial action.

31

1           Section 3. Subsections (6) and (7) of section  
2 163.3177, Florida Statutes, are amended to read:

3           163.3177 Required and optional elements of  
4 comprehensive plan; studies and surveys.--

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

8           (a) A future land use plan element designating  
9 proposed future general distribution, location, and extent of  
10 the uses of land for residential uses, commercial uses,  
11 industry, agriculture, recreation, conservation, education,  
12 public buildings and grounds, other public facilities, and  
13 other categories of the public and private uses of land. The  
14 future land use plan shall include standards to be followed in  
15 the control and distribution of population densities and  
16 building and structure intensities. The proposed  
17 distribution, location, and extent of the various categories  
18 of land use shall be shown on a land use map or map series  
19 which shall be supplemented by goals, policies, and measurable  
20 objectives. Each land use category shall be defined in terms  
21 of the types of uses included and specific standards for the  
22 density or intensity of use. The future land use plan shall  
23 be based upon surveys, studies, and data regarding the area,  
24 including the amount of land required to accommodate  
25 anticipated growth; the projected population of the area; the  
26 character of undeveloped land; the availability of public  
27 services; the need for redevelopment, including the renewal of  
28 blighted areas and the elimination of nonconforming uses which  
29 are inconsistent with the character of the community; and, in  
30 rural communities, the need for job creation, capital  
31 investment, and economic development that will strengthen and

1 diversify the community's economy. The future land use plan  
2 may designate areas for future planned development use  
3 involving combinations of types of uses for which special  
4 regulations may be necessary to ensure development in accord  
5 with the principles and standards of the comprehensive plan  
6 and this act. In addition, for rural communities, the amount  
7 of land designated for future planned industrial use shall be  
8 based upon surveys and studies that reflect the need for job  
9 creation, capital investment, and the necessity to strengthen  
10 and diversify the local economies, and shall not be limited  
11 solely by the projected population of the rural community. The  
12 future land use plan of a county may also designate areas for  
13 possible future municipal incorporation. The land use maps or  
14 map series shall generally identify and depict historic  
15 district boundaries and shall designate historically  
16 significant properties meriting protection. The future land  
17 use element must clearly identify the land use categories in  
18 which public schools are an allowable use. When delineating  
19 the land use categories in which public schools are an  
20 allowable use, a local government shall include in the  
21 categories sufficient land proximate to residential  
22 development to meet the projected needs for schools in  
23 coordination with public school boards and may establish  
24 differing criteria for schools of different type or size.  
25 Each local government shall include lands contiguous to  
26 existing school sites, to the maximum extent possible, within  
27 the land use categories in which public schools are an  
28 allowable use. All comprehensive plans must comply with the  
29 school siting requirements of this paragraph no later than  
30 October 1, 1999. The failure by a local government to comply  
31 with these school siting requirements by October 1, 1999, will

1 result in the prohibition of the local government's ability to  
2 amend the local comprehensive plan, except for plan amendments  
3 described in s. 163.3187(1)(b), until the school siting  
4 requirements are met. An amendment proposed by a local  
5 government for purposes of identifying the land use categories  
6 in which public schools are an allowable use is exempt from  
7 the limitation on the frequency of plan amendments contained  
8 in s. 163.3187. The future land use element shall include  
9 criteria which encourage the location of schools proximate to  
10 urban residential areas to the extent possible and shall  
11 require that the local government seek to collocate public  
12 facilities, such as parks, libraries, and community centers,  
13 with schools to the extent possible.

14 (b) A traffic circulation element consisting of the  
15 types, locations, and extent of existing and proposed major  
16 thoroughfares and transportation routes, including bicycle and  
17 pedestrian ways. Transportation corridors, as defined in s.  
18 334.03, may be designated in the traffic circulation element  
19 pursuant to s. 337.273. If the transportation corridors are  
20 designated, the local government may adopt a transportation  
21 corridor management ordinance.

22 (c) A general sanitary sewer, solid waste, drainage,  
23 potable water, and natural groundwater aquifer recharge  
24 element correlated to principles and guidelines for future  
25 land use, indicating ways to provide for future potable water,  
26 drainage, sanitary sewer, solid waste, and aquifer recharge  
27 protection requirements for the area. The element may be a  
28 detailed engineering plan including a topographic map  
29 depicting areas of prime groundwater recharge. The element  
30 shall describe the problems and needs and the general  
31 facilities that will be required for solution of the problems

1 and needs. The element shall also include a topographic map  
2 depicting any areas adopted by a regional water management  
3 district as prime groundwater recharge areas for the Floridan  
4 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
5 shall be given special consideration when the local government  
6 is engaged in zoning or considering future land use for said  
7 designated areas. For areas served by septic tanks, soil  
8 surveys shall be provided which indicate the suitability of  
9 soils for septic tanks.

10 (d) A conservation element for the conservation, use,  
11 and protection of natural resources in the area, including  
12 air, water, water recharge areas, wetlands, waterwells,  
13 estuarine marshes, soils, beaches, shores, flood plains,  
14 rivers, bays, lakes, harbors, forests, fisheries and wildlife,  
15 marine habitat, minerals, and other natural and environmental  
16 resources. Local governments shall assess their current, as  
17 well as projected, water needs and sources for a 10-year  
18 period. This information shall be submitted to the  
19 appropriate agencies. The land use map or map series  
20 contained in the future land use element shall generally  
21 identify and depict the following:

- 22 1. Existing and planned waterwells and cones of  
23 influence where applicable.
- 24 2. Beaches and shores, including estuarine systems.
- 25 3. Rivers, bays, lakes, flood plains, and harbors.
- 26 4. Wetlands.
- 27 5. Minerals and soils.

28  
29 The land uses identified on such maps shall be consistent with  
30 applicable state law and rules.

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1 (e) A recreation and open space element indicating a  
2 comprehensive system of public and private sites for  
3 recreation, including, but not limited to, natural  
4 reservations, parks and playgrounds, parkways, beaches and  
5 public access to beaches, open spaces, and other recreational  
6 facilities.

7 (f)1. A housing element consisting of standards,  
8 plans, and principles to be followed in:

9 a. The provision of housing for all current and  
10 anticipated future residents of the jurisdiction.

11 b. The elimination of substandard dwelling conditions.

12 c. The structural and aesthetic improvement of  
13 existing housing.

14 d. The provision of adequate sites for future housing,  
15 including housing for low-income, very low-income, and  
16 moderate-income families, mobile homes, and group home  
17 facilities and foster care facilities, with supporting  
18 infrastructure and public facilities.

19 e. Provision for relocation housing and identification  
20 of historically significant and other housing for purposes of  
21 conservation, rehabilitation, or replacement.

22 f. The formulation of housing implementation programs.

23 g. The creation or preservation of affordable housing  
24 to minimize the need for additional local services and avoid  
25 the concentration of affordable housing units only in specific  
26 areas of the jurisdiction.

27

28 The goals, objectives, and policies of the housing element  
29 must be based on the data and analysis prepared on housing  
30 needs, including the affordable housing needs assessment.

31 State and federal housing plans prepared on behalf of the

1 local government must be consistent with the goals,  
2 objectives, and policies of the housing element. Local  
3 governments are encouraged to utilize job training, job  
4 creation, and economic solutions to address a portion of their  
5 affordable housing concerns.

6           2. To assist local governments in housing data  
7 collection and analysis and assure uniform and consistent  
8 information regarding the state's housing needs, the state  
9 land planning agency shall conduct an affordable housing needs  
10 assessment for all local jurisdictions on a schedule that  
11 coordinates the implementation of the needs assessment with  
12 the evaluation and appraisal reports required by s. 163.3191.  
13 Each local government shall utilize the data and analysis from  
14 the needs assessment as one basis for the housing element of  
15 its local comprehensive plan. The agency shall allow a local  
16 government the option to perform its own needs assessment, if  
17 it uses the methodology established by the agency by rule.

18           (g) For those units of local government identified in  
19 s. 380.24, a coastal management element, appropriately related  
20 to the particular requirements of paragraphs (d) and (e) and  
21 meeting the requirements of s. 163.3178(2) and (3). The  
22 coastal management element shall set forth the policies that  
23 shall guide the local government's decisions and program  
24 implementation with respect to the following objectives:

25           1. Maintenance, restoration, and enhancement of the  
26 overall quality of the coastal zone environment, including,  
27 but not limited to, its amenities and aesthetic values.

28           2. Continued existence of viable populations of all  
29 species of wildlife and marine life.

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- 1           3. The orderly and balanced utilization and
- 2 preservation, consistent with sound conservation principles,
- 3 of all living and nonliving coastal zone resources.
- 4           4. Avoidance of irreversible and irretrievable loss of
- 5 coastal zone resources.
- 6           5. Ecological planning principles and assumptions to
- 7 be used in the determination of suitability and extent of
- 8 permitted development.
- 9           6. Proposed management and regulatory techniques.
- 10          7. Limitation of public expenditures that subsidize
- 11 development in high-hazard coastal areas.
- 12          8. Protection of human life against the effects of
- 13 natural disasters.
- 14          9. The orderly development, maintenance, and use of
- 15 ports identified in s. 403.021(9) to facilitate deepwater
- 16 commercial navigation and other related activities.
- 17          10. Preservation, including sensitive adaptive use of
- 18 historic and archaeological resources.
- 19          (h)1. An intergovernmental coordination element
- 20 showing relationships and stating principles and guidelines to
- 21 be used in the accomplishment of coordination of the adopted
- 22 comprehensive plan with the plans of school boards and other
- 23 units of local government providing services but not having
- 24 regulatory authority over the use of land, with the
- 25 comprehensive plans of adjacent municipalities, the county,
- 26 adjacent counties, or the region, and with the state
- 27 comprehensive plan, as the case may require and as such
- 28 adopted plans or plans in preparation may exist. This element
- 29 of the local comprehensive plan shall demonstrate
- 30 consideration of the particular effects of the local plan,
- 31 when adopted, upon the development of adjacent municipalities,

1 the county, adjacent counties, or the region, or upon the  
2 state comprehensive plan, as the case may require.

3 a. The intergovernmental coordination element shall  
4 provide for procedures to identify and implement joint  
5 planning areas, especially for the purpose of annexation,  
6 municipal incorporation, and joint infrastructure service  
7 areas.

8 b. The intergovernmental coordination element shall  
9 provide for recognition of campus master plans prepared  
10 pursuant to s. 240.155.

11 c. The intergovernmental coordination element may  
12 provide for a voluntary dispute resolution process as  
13 established pursuant to s. 186.509 for bringing to closure in  
14 a timely manner intergovernmental disputes. A local  
15 government may develop and use an alternative local dispute  
16 resolution process for this purpose.

17 2. The intergovernmental coordination element shall  
18 further state principles and guidelines to be used in the  
19 accomplishment of coordination of the adopted comprehensive  
20 plan with the plans of school boards and other units of local  
21 government providing facilities and services but not having  
22 regulatory authority over the use of land. In addition, the  
23 intergovernmental coordination element shall describe joint  
24 processes for collaborative planning and decisionmaking on  
25 population projections and public school siting, the location  
26 and extension of public facilities subject to concurrency, and  
27 siting facilities with countywide significance, including  
28 locally unwanted land uses whose nature and identity are  
29 established in an agreement. Within 1 year of adopting their  
30 intergovernmental coordination elements, each county, all the  
31 municipalities within that county, the district school board,

1 and any unit of local government service providers in that  
2 county shall establish by interlocal or other formal agreement  
3 executed by all affected entities, the joint processes  
4 described in this subparagraph consistent with their adopted  
5 intergovernmental coordination elements.

6 3. To foster coordination between special districts  
7 and local general-purpose governments as local general-purpose  
8 governments implement local comprehensive plans, each  
9 independent special district must submit a public facilities  
10 report to the appropriate local government as required by s.  
11 189.415.

12 4. The state land planning agency shall establish a  
13 schedule for phased completion and transmittal of plan  
14 amendments to implement subparagraphs 1., 2., and 3. from all  
15 jurisdictions so as to accomplish their adoption by December  
16 31, 1999. A local government may complete and transmit its  
17 plan amendments to carry out these provisions prior to the  
18 scheduled date established by the state land planning agency.  
19 The plan amendments are exempt from the provisions of s.  
20 163.3187(1).

21 (i) The optional elements of the comprehensive plan in  
22 paragraphs (7)(a) and (b) are required elements for those  
23 municipalities having populations greater than 50,000, and  
24 those counties having populations greater than 75,000, as  
25 determined under s. 186.901.

26 (j) For each unit of local government within an  
27 urbanized area designated for purposes of s. 339.175, a  
28 transportation element, which shall be prepared and adopted in  
29 lieu of the requirements of paragraph (b) and paragraphs  
30 (7)(a), (b), (c), and (d) and which shall address the  
31 following issues:

- 1           1. Traffic circulation, including major thoroughfares
- 2 and other routes, including bicycle and pedestrian ways.
- 3           2. All alternative modes of travel, such as public
- 4 transportation, pedestrian, and bicycle travel.
- 5           3. Parking facilities.
- 6           4. Aviation, rail, seaport facilities, access to those
- 7 facilities, and intermodal terminals.
- 8           5. The availability of facilities and services to
- 9 serve existing land uses and the compatibility between future
- 10 land use and transportation elements.
- 11           6. The capability to evacuate the coastal population
- 12 prior to an impending natural disaster.
- 13           7. Airports, projected airport and aviation
- 14 development, and land use compatibility around airports.
- 15           8. An identification of land use densities, building
- 16 intensities, and transportation management programs to promote
- 17 public transportation systems in designated public
- 18 transportation corridors so as to encourage population
- 19 densities sufficient to support such systems.
- 20           9. May include transportation corridors, as defined in
- 21 s. 334.03, intended for future transportation facilities
- 22 designated pursuant to s. 337.273. If transportation corridors
- 23 are designated, the local government may adopt a
- 24 transportation corridor management ordinance.
- 25           (k) An economic element setting forth principles and
- 26 guidelines for the commercial and industrial development, if
- 27 any, and the employment and personnel utilization within the
- 28 area. The element may detail the type of commercial and
- 29 industrial development sought, correlated to the present and
- 30 projected employment needs of the area and to other elements
- 31

1 of the plans, and may set forth methods by which a balanced  
2 and stable economic base will be pursued.

3 (7) The comprehensive plan may include the following  
4 additional elements, or portions or phases thereof:

5 (a) As a part of the circulation element of paragraph  
6 (6)(b) or as a separate element, a mass-transit element  
7 showing proposed methods for the moving of people,  
8 rights-of-way, terminals, related facilities, and fiscal  
9 considerations for the accomplishment of the element.

10 (b) As a part of the circulation element of paragraph  
11 (6)(b) or as a separate element, plans for port, aviation, and  
12 related facilities coordinated with the general circulation  
13 and transportation element.

14 (c) As a part of the circulation element of paragraph  
15 (6)(b) and in coordination with paragraph (6)(e), where  
16 applicable, a plan element for the circulation of recreational  
17 traffic, including bicycle facilities, exercise trails, riding  
18 facilities, and such other matters as may be related to the  
19 improvement and safety of movement of all types of  
20 recreational traffic.

21 (d) As a part of the circulation element of paragraph  
22 (6)(b) or as a separate element, a plan element for the  
23 development of offstreet parking facilities for motor vehicles  
24 and the fiscal considerations for the accomplishment of the  
25 element.

26 (e) A public buildings and related facilities element  
27 showing locations and arrangements of civic and community  
28 centers, public schools, hospitals, libraries, police and fire  
29 stations, and other public buildings. This plan element should  
30 show particularly how it is proposed to effect coordination  
31 with governmental units, such as school boards or hospital

1 authorities, having public development and service  
2 responsibilities, capabilities, and potential but not having  
3 land development regulatory authority. This element may  
4 include plans for architecture and landscape treatment of  
5 their grounds.

6 (f) A recommended community design element which may  
7 consist of design recommendations for land subdivision,  
8 neighborhood development and redevelopment, design of open  
9 space locations, and similar matters to the end that such  
10 recommendations may be available as aids and guides to  
11 developers in the future planning and development of land in  
12 the area.

13 (g) A general area redevelopment element consisting of  
14 plans and programs for the redevelopment of slums and blighted  
15 locations in the area and for community redevelopment,  
16 including housing sites, business and industrial sites, public  
17 buildings sites, recreational facilities, and other purposes  
18 authorized by law.

19 (h) A safety element for the protection of residents  
20 and property of the area from fire, hurricane, or manmade or  
21 natural catastrophe, including such necessary features for  
22 protection as evacuation routes and their control in an  
23 emergency, water supply requirements, minimum road widths,  
24 clearances around and elevations of structures, and similar  
25 matters.

26 (i) An historical and scenic preservation element  
27 setting out plans and programs for those structures or lands  
28 in the area having historical, archaeological, architectural,  
29 scenic, or similar significance.

30 ~~(j) An economic element setting forth principles and~~  
31 ~~guidelines for the commercial and industrial development, if~~

1 ~~any, and the employment and personnel utilization within the~~  
2 ~~area. The element may detail the type of commercial and~~  
3 ~~industrial development sought, correlated to the present and~~  
4 ~~projected employment needs of the area and to other elements~~  
5 ~~of the plans, and may set forth methods by which a balanced~~  
6 ~~and stable economic base will be pursued.~~

7 (j)~~(k)~~ Such other elements as may be peculiar to, and  
8 necessary for, the area concerned and as are added to the  
9 comprehensive plan by the governing body upon the  
10 recommendation of the local planning agency.

11 (k)~~(l)~~ Local governments that are not required to  
12 prepare coastal management elements under s. 163.3178 are  
13 encouraged to adopt hazard mitigation/postdisaster  
14 redevelopment plans. These plans should, at a minimum,  
15 establish long-term policies regarding redevelopment,  
16 infrastructure, densities, nonconforming uses, and future land  
17 use patterns. Grants to assist local governments in the  
18 preparation of these hazard mitigation/postdisaster  
19 redevelopment plans shall be available through the Emergency  
20 Management Preparedness and Assistance Account in the Grants  
21 and Donations Trust Fund administered by the department, if  
22 such account is created by law. The plans must be in  
23 compliance with the requirements of this act and chapter 252.

24 Section 4. Subsection (4) of section 288.063, Florida  
25 Statutes, is amended to read:

26 288.063 Contracts for transportation projects.--

27 (4) The Office of Tourism, Trade, and Economic  
28 Development may adopt criteria by which transportation  
29 projects are to be specified and identified. In approving  
30 transportation projects for funding, the Office of Tourism,  
31 Trade, and Economic Development shall consider factors

1 including, but not limited to, the cost per job created or  
2 retained considering the amount of transportation funds  
3 requested; the average hourly rate of wages for jobs created;  
4 the reliance on the program as an inducement for the project's  
5 location decision; the amount of capital investment to be made  
6 by the business; the demonstrated local commitment; the  
7 location of the project in an enterprise zone designated  
8 pursuant to s. 290.0055; the location of the project in a  
9 spaceport territory as defined in s. 331.304; the unemployment  
10 rate of the surrounding area; the poverty rate of the  
11 community; and the adoption of an economic element as part of  
12 its local comprehensive plan in accordance with s.  
13 163.3177(6)(k)~~(7)(j)~~. The Office of Tourism, Trade, and  
14 Economic Development may contact any agency it deems  
15 appropriate for additional input regarding the approval of  
16 projects.

17 Section 5. Subsection (17) is added to section  
18 163.3184, Florida Statutes, to read:

19 163.3184 Process for adoption of comprehensive plan or  
20 plan amendment.--

21 (17) ADDITIONAL STANDARDS.--In determining whether to  
22 approve a comprehensive plan or a comprehensive plan amendment  
23 under this part, each governing body shall appropriately  
24 balance economic considerations with environmental and other  
25 considerations.

26 Section 6. Section 163.3201, Florida Statutes, is  
27 amended to read:

28 163.3201 Relationship of comprehensive plan to  
29 exercise of land development regulatory authority.--It is the  
30 intent of this act that adopted comprehensive plans or  
31 elements thereof shall be implemented, in part, by the

1 adoption and enforcement of appropriate local regulations on  
2 the development of lands and waters within an area, after  
3 appropriately balancing economic and environmental  
4 considerations. It is the intent of this act that the  
5 adoption and enforcement by a governing body of regulations  
6 for the development of land or the adoption and enforcement by  
7 a governing body of a land development code for an area shall  
8 be based on, be related to, and be a means of implementation  
9 for an adopted comprehensive plan as required by this act.

10 Section 7. Section 380.021, Florida Statutes, is  
11 amended to read:

12 380.021 Purpose.--It is the legislative intent that,  
13 in order to protect the natural resources and environment of  
14 this state as provided in s. 7, Art. II of the State  
15 Constitution, ensure a water management system that will  
16 reverse the deterioration of water quality and provide optimum  
17 utilization of our limited water resources, facilitate orderly  
18 and well-planned development, and protect the health, welfare,  
19 safety, and quality of life of the residents of this state, it  
20 is necessary adequately to plan for and guide growth and  
21 development within this state. In order to accomplish these  
22 purposes, it is necessary that the state establish land and  
23 water management policies to guide and coordinate local  
24 decisions relating to growth and development; that such state  
25 land and water management policies should, to the maximum  
26 possible extent, be implemented by local governments through  
27 existing processes for the guidance of growth and development;  
28 and that all the existing rights of private property be  
29 preserved in accord with the constitutions of this state and  
30 of the United States. It is the policy of this state that all  
31 governmental decisions with respect to land and water

1 management take into account an appropriate balancing of  
2 economic and environmental considerations.

3 Section 8. Subsection (23) of section 380.06, Florida  
4 Statutes, is amended to read:

5 380.06 Developments of regional impact.--

6 (23) ADOPTION OF RULES BY STATE LAND PLANNING  
7 AGENCY.--

8 (a) The state land planning agency shall adopt rules  
9 to ensure uniform review of developments of regional impact by  
10 the state land planning agency and regional planning agencies  
11 under this section. Such rules shall require that all reviews  
12 appropriately balance both economic and environmental  
13 considerations. These rules shall be adopted pursuant to  
14 chapter 120 and shall include all forms, application content,  
15 and review guidelines necessary to implement  
16 development-of-regional-impact reviews. The state land  
17 planning agency, in consultation with the regional planning  
18 agencies, may also designate types of development or areas  
19 suitable for development in which reduced information  
20 requirements for development-of-regional-impact review shall  
21 apply.

22 (b) Regional planning agencies shall be subject to  
23 rules adopted by the state land planning agency. At the  
24 request of a regional planning council, the state land  
25 planning agency may adopt by rule different standards for a  
26 specific comprehensive planning district upon a finding that  
27 the statewide standard is inadequate to protect or promote the  
28 regional interest at issue. If such a regional standard is  
29 adopted by the state land planning agency, the regional  
30 standard shall be applied to all pertinent  
31

1 development-of-regional-impact reviews conducted in that  
2 region until rescinded.

3 (c) Within 6 months of the effective date of this  
4 section, the state land planning agency shall adopt rules  
5 which:

6 1. Establish uniform statewide standards for  
7 development-of-regional-impact review.

8 2. Establish a short application for development  
9 approval form which eliminates issues and questions for any  
10 project in a jurisdiction with an adopted local comprehensive  
11 plan that is in compliance.

12 (d) Regional planning agencies that perform  
13 development-of-regional-impact and Florida Quality Development  
14 review are authorized to assess and collect fees to fund the  
15 costs, direct and indirect, of conducting the review process.  
16 The state land planning agency shall adopt rules to provide  
17 uniform criteria for the assessment and collection of such  
18 fees. The rules providing uniform criteria shall not be  
19 subject to rule challenge under s. 120.56(2) or to drawout  
20 proceedings under s. 120.54(3)(c)2., but, once adopted, shall  
21 be subject to an invalidity challenge under s. 120.56(3) by  
22 substantially affected persons. Until the state land planning  
23 agency adopts a rule implementing this paragraph, rules of the  
24 regional planning councils currently in effect regarding fees  
25 shall remain in effect. Fees may vary in relation to the type  
26 and size of a proposed project, but shall not exceed \$75,000,  
27 unless the state land planning agency, after reviewing any  
28 disputed expenses charged by the regional planning agency,  
29 determines that said expenses were reasonable and necessary  
30 for an adequate regional review of the impacts of a project.

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