

By the Fiscal Responsibility Council and Representative
Johnson

1 A bill to be entitled
2 An act relating to growth management; amending
3 s. 163.3184, F.S.; clarifying language;
4 providing for compilation and transmittal by a
5 local government of a list of persons who will
6 receive an informational statement concerning
7 the state land planning agency's notice of
8 intent to find a comprehensive plan or plan
9 amendment in compliance or not in compliance;
10 providing for rules; revising requirements
11 relating to publication by the agency of its
12 notice of intent; deleting a requirement that
13 the notice be sent to certain persons; amending
14 s. 163.3187, F.S.; correcting a reference;
15 providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsections (8) and (15) and paragraph (d)
20 of subsection (16) of section 163.3184, Florida Statutes, are
21 amended to read:

22 163.3184 Process for adoption of comprehensive plan or
23 plan amendment.--

24 (8) NOTICE OF INTENT.--

25 (a) Except as provided in s. 163.3187(3), the state
26 land planning agency, upon receipt of a local government's
27 complete adopted comprehensive plan or plan amendment, shall
28 have 45 days for review and to determine if the plan or plan
29 amendment is in compliance with this act, unless the amendment
30 is the result of a compliance agreement entered into under
31 subsection (16), in which case the time period for review and

1 determination shall be 30 days. If review was not conducted
2 under subsection (6), the agency's determination must be based
3 upon the plan amendment as adopted. If review was conducted
4 under subsection (6), the agency's determination of compliance
5 must be based only upon one or both of the following:

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

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

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1 (c) The state land planning agency shall post a copy
2 of the notice of intent on the agency's Internet site. The
3 agency shall, no later than the date of publication of the
4 notice of intent, mail a courtesy informational statement to
5 the persons whose names and mailing addresses were compiled
6 pursuant to paragraph (15)(c). The informational statement
7 shall include the identity of the newspaper in which the
8 notice of intent will appear, the approximate date of
9 publication of the notice of intent, the ordinance number of
10 the plan or plan amendment, and a statement that the
11 informational statement is provided as a courtesy to the
12 affected person and that affected persons have 21 days after
13 the actual date of publication of the notice to file a
14 petition. The informational statement shall be sent by regular
15 mail and shall not affect the timeframes in subsections (9)
16 and (10).

17 (15) PUBLIC HEARINGS.--

18 (a) The procedure for transmittal of a complete
19 proposed comprehensive plan or plan amendment pursuant to
20 subsection (3) and for adoption of a comprehensive plan or
21 plan amendment pursuant to subsection (7) shall be by
22 affirmative vote of not less than a majority of the members of
23 the governing body present at the hearing. The adoption of a
24 comprehensive plan or plan amendment shall be by ordinance.
25 For the purposes of transmitting or adopting a comprehensive
26 plan or plan amendment, the notice requirements in chapters
27 125 and 166 are superseded by this subsection, except as
28 provided in this part.

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

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

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

9 (c) The local government shall provide a sign-in form
10 at the transmittal hearing and at the adoption hearing for
11 affected persons to provide their names and mailing addresses.
12 The sign-in form shall state that any person providing the
13 requested information will receive a courtesy informational
14 statement concerning publication of the state land planning
15 agency's notice of intent. The local government shall add to
16 the sign-in form the name and address of any person who
17 submits written comments concerning the proposed plan or plan
18 amendment during the time period between the two hearings. The
19 agency shall adopt rules to provide a model sign-in form and
20 the format for providing the list to the agency.

21 ~~(d)~~(c) If the proposed comprehensive plan or plan
22 amendment changes the actual list of permitted, conditional,
23 or prohibited uses within a future land use category or
24 changes the actual future land use map designation of a parcel
25 or parcels of land, the required advertisements shall be in
26 the format prescribed by s. 125.66(4)(b)2. for a county or by
27 s. 166.041(3)(c)2.b. for a municipality.

28 (16) COMPLIANCE AGREEMENTS.--

29 (d) A local government may adopt a plan amendment
30 pursuant to a compliance agreement in accordance with the
31 requirements of paragraph (15)(a). The plan amendment shall be

1 exempt from the requirements of subsections (2)-(7). The
2 local government shall hold a single adoption public hearing
3 pursuant to the requirements of subparagraph (15)(b)2. and
4 paragraph (15)(d)~~(e)~~. Within 10 working days after adoption of
5 a plan amendment, the local government shall transmit the
6 amendment to the state land planning agency as specified in
7 the agency's procedural rules, and shall submit one copy to
8 the regional planning agency and to any other unit of local
9 government or government agency in the state that has filed a
10 written request with the governing body for a copy of the plan
11 amendment, and one copy to any party to the proceeding under
12 ss. 120.569 and 120.57 granted intervenor status.

13 Section 2. Paragraph (c) of subsection (1) of section
14 163.3187, Florida Statutes, is amended to read:

15 163.3187 Amendment of adopted comprehensive plan.--

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

19 (c) Any local government comprehensive plan amendments
20 directly related to proposed small scale development
21 activities may be approved without regard to statutory limits
22 on the frequency of consideration of amendments to the local
23 comprehensive plan. A small scale development amendment may
24 be adopted only under the following conditions:

25 1. The proposed amendment involves a use of 10 acres
26 or fewer and:

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

30 (I) A maximum of 120 acres in a local government that
31 contains areas specifically designated in the local

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

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

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

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

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

20 d. The proposed amendment does not involve a text
21 change to the goals, policies, and objectives of the local
22 government's comprehensive plan, but only proposes a land use
23 change to the futureland use map for a site-specific small
24 scale development activity.

25 e. The property that is the subject of the proposed
26 amendment is not located within an area of critical state
27 concern, unless the project subject to the proposed amendment
28 involves the construction of affordable housing units meeting
29 the criteria of s. 420.0004(3), and is located within an area
30 of critical state concern designated by s. 380.0552 or by the
31 Administration Commission pursuant to s. 380.05(1). Such

1 amendment is not subject to the density limitations of
2 sub-subparagraph f., and shall be reviewed by the state land
3 planning agency for consistency with the principles for
4 guiding development applicable to the area of critical state
5 concern where the amendment is located and shall not become
6 effective until a final order is issued under s. 380.05(6).
7 f. If the proposed amendment involves a residential
8 land use, the residential land use has a density of 10 units
9 or less per acre, except that this limitation does not apply
10 to small scale amendments described in sub-sub-subparagraph
11 a.(I) that are designated in the local comprehensive plan for
12 urban infill, urban redevelopment, or downtown revitalization
13 as defined in s. 163.3164, urban infill and redevelopment
14 areas designated under s. 163.2517, transportation concurrency
15 exception areas approved pursuant to s. 163.3180(5), or
16 regional activity centers and urban central business districts
17 approved pursuant to s. 380.06(2)(e).
18 2.a. A local government that proposes to consider a
19 plan amendment pursuant to this paragraph is not required to
20 comply with the procedures and public notice requirements of
21 s. 163.3184(15)(d)~~(c)~~ for such plan amendments if the local
22 government complies with the provisions in s. 125.66(4)(a) for
23 a county or in s. 166.041(3)(c) for a municipality. If a
24 request for a plan amendment under this paragraph is initiated
25 by other than the local government, public notice is required.
26 b. The local government shall send copies of the
27 notice and amendment to the state land planning agency, the
28 regional planning council, and any other person or entity
29 requesting a copy. This information shall also include a
30 statement identifying any property subject to the amendment
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