

By the Committee on Local Government & Veterans Affairs  
and Representative Sorensen

1                                   A bill to be entitled  
2           An act relating to growth management; providing  
3           a short title; creating s. 163.2524, F.S.;  
4           directing the Department of Community Affairs  
5           to compile a revitalization manual; amending s.  
6           163.3164, F.S.; defining "development" for  
7           purposes of the Local Government Comprehensive  
8           Planning and Land Development Regulation Act;  
9           amending s. 163.3177, F.S.; providing that an  
10          agricultural land use category shall be  
11          eligible for the location of public schools in  
12          a local government comprehensive plan in rural  
13          counties under certain conditions; directing  
14          the department to authorize up to five local  
15          governments to designate rural land stewardship  
16          areas; requiring a written agreement; providing  
17          requirements for comprehensive plan amendments  
18          for such designations; providing that owners of  
19          land within such areas may convey development  
20          rights in return for the assignment of  
21          transferable rural land use credits; providing  
22          requirements with respect to such credits;  
23          specifying incentives that should be provided  
24          such landowners; requiring reports; providing  
25          intent; amending s. 163.3180, F.S.; revising  
26          provisions relating to exceptions from the  
27          concurrency requirement for transportation  
28          facilities; requiring that such an exception be  
29          granted under certain conditions; amending s.  
30          163.3181, F.S.; revising provisions relating to  
31          public participation in the comprehensive

1           planning process; providing requirements for  
2           local governments' citizen participation  
3           procedures; providing for assistance from the  
4           department; amending s. 163.3184, F.S.;  
5           revising the definition of "affected person";  
6           providing additional agencies to which a local  
7           government must transmit a proposed  
8           comprehensive plan or plan amendment; removing  
9           provisions relating to transmittal of copies by  
10          the state land planning agency; providing that  
11          a local government may request review by the  
12          state land planning agency at the time of  
13          transmittal of an amendment; revising time  
14          periods with respect to submission of comments  
15          to the agency by other agencies, notice by the  
16          agency of its intent to review, and issuance by  
17          the agency of its report; providing for  
18          priority review of certain amendments;  
19          clarifying language; providing that the agency  
20          shall not review an amendment certified as  
21          having no objections received; providing for  
22          compilation and transmittal by the local  
23          government of a list of persons who will  
24          receive an informational statement concerning  
25          the agency's notice of intent to find a plan or  
26          plan amendment in compliance or not in  
27          compliance; directing the agency to provide a  
28          model form; revising requirements relating to  
29          publication of the agency's notice of intent;  
30          deleting a requirement that the notice be sent  
31          to certain persons; amending s. 163.3187, F.S.;

1           revising requirements relating to small scale  
2           development amendments which are exempt from  
3           the limitation on the frequency of amendments  
4           to a local comprehensive plan; revising acreage  
5           requirements; revising a condition relating to  
6           residential land use; removing a provision that  
7           allows a local government to elect to have such  
8           amendments subject to review under s.  
9           163.3184(3)-(6), F.S.; amending s. 163.3215,  
10          F.S.; revising procedures for challenge of a  
11          development order by an aggrieved or adversely  
12          affected party on the basis of inconsistency  
13          with a local comprehensive plan or land  
14          development regulation; providing the relief  
15          that may be sought; providing that petition to  
16          the circuit court for certiorari is the sole  
17          action for such challenge if the local  
18          government has adopted an ordinance  
19          establishing a local development review process  
20          that includes specified minimum components;  
21          removing a requirement that a verified  
22          complaint be filed with the local government  
23          prior to seeking judicial review; amending s.  
24          163.3244, F.S.; providing for a sustainable  
25          communities certification program in lieu of  
26          the sustainable communities demonstration  
27          project; revising requirements for  
28          certification agreements; providing that a  
29          certified local government shall assume review  
30          authority for certain developments of regional  
31          impact; revising programs to be emphasized in

1 such areas and providing for certain funding  
2 priorities; revising report requirements;  
3 providing for renewal of local governments  
4 designated as a sustainable community  
5 demonstration project; eliminating the  
6 scheduled June 30, 2001, repeal of said  
7 section; creating s. 163.32447, F.S.; providing  
8 policy with respect to rural lands; directing  
9 the Legislature to establish a sustainable  
10 rural Florida program; creating s. 163.325,  
11 F.S.; providing definitions; authorizing the  
12 department to provide specified types of  
13 financial assistance to local governments for  
14 infrastructure needs and providing requirements  
15 with respect thereto; requiring an annual  
16 report; providing application requirements;  
17 directing the department to adopt a priority  
18 system; providing penalties for delinquent  
19 loans; providing for management of loan funds;  
20 providing that a Local Government  
21 Infrastructure Revolving Loan Trust Fund shall  
22 be established and providing requirements with  
23 respect thereto; providing for rules; creating  
24 s. 163.3251, F.S.; creating the Florida Local  
25 Government Infrastructure Financing Corporation  
26 to assist the department in implementing  
27 financing activities and provide funding for  
28 such financial assistance; providing for  
29 termination of the corporation; providing for a  
30 board of directors; providing powers and duties  
31 of the corporation; providing requirements with

1           respect to service contracts with the  
2           department; authorizing issuance of bonds and  
3           other obligations; providing an exemption from  
4           taxation; providing requirements for validating  
5           bonds; providing status of the corporation and  
6           applicability of laws; providing for contracts  
7           with the State Board of Administration;  
8           providing for audits; amending s. 189.415,  
9           F.S.; conforming language; amending s. 199.292,  
10          F.S.; providing for deposit of a portion of  
11          intangible personal property tax proceeds in  
12          the Local Government Infrastructure Revolving  
13          Loan Trust Fund; amending s. 212.055, F.S. ;  
14          authorizing municipalities to levy the local  
15          government infrastructure surtax; requiring a  
16          referendum; providing limitations; providing  
17          for use of the proceeds; increasing the maximum  
18          allowable combined rate for the local  
19          government infrastructure surtax and small  
20          county surtax; requiring referendum approval of  
21          the small county surtax at such increased  
22          combined rate; amending s. 215.211, F.S. ;  
23          advancing the date on which a service charge  
24          deducted from the proceeds of the local option  
25          fuel tax is eliminated; amending s. 333.06,  
26          F.S.; requiring each publicly owned licensed  
27          airport to prepare an airport master plan;  
28          requiring the entity which governs the  
29          operation of such an airport to submit copies  
30          of certain documents to all affected local  
31          governments; amending s. 336.021, F.S. ;

1 providing for transfer of a portion of the  
2 proceeds of the ninth-cent fuel tax to the  
3 Local Government Infrastructure Revolving Loan  
4 Trust Fund; amending s. 380.06, F.S., relating  
5 to developments of regional impact; removing  
6 the rebuttable presumptions with respect to  
7 application of the statewide guidelines and  
8 standards and revising the fixed thresholds;  
9 providing that the guidelines and standards  
10 shall be increased for development in a rural  
11 area of critical economic concern; revising  
12 application of thresholds for development  
13 allowed under a preliminary development  
14 agreement; revising the definition of an  
15 essentially built-out development of regional  
16 impact with respect to multiuse developments;  
17 providing for submission of biennial, rather  
18 than annual, reports by the developer;  
19 authorizing submission of a letter, rather than  
20 a report, under certain circumstances;  
21 providing for amendment of development orders  
22 with respect to report frequency; removing  
23 provisions which specify that certain changes  
24 in airport facilities, increases in the storage  
25 capacity for chemical or petroleum storage  
26 facilities, or development at a waterport  
27 constitute a substantial deviation and require  
28 further development-of-regional-impact review;  
29 revising the substantial deviation criterion  
30 relating to multiuse developments of regional  
31 impact; providing that an extension of the date

1 of buildout of less than 7 years is not a  
2 substantial deviation; revising provisions  
3 relating to determination of whether a change  
4 constitutes a substantial deviation based on  
5 its percentage of the specified numerical  
6 criteria; revising notice requirements;  
7 providing that changes that are less than  
8 specified numerical criteria need not be  
9 submitted to the state land planning agency and  
10 specifying the agency's right to appeal with  
11 respect to such changes; deleting an exemption  
12 from review by the regional planning agency and  
13 state land planning agency for certain changes;  
14 exempting certain proposed facilities for the  
15 storage of any petroleum product from  
16 development-of-regional-impact requirements;  
17 exempting proposed waterport development in  
18 certain counties from such requirements and  
19 providing application of such exemption to  
20 counties identified in s. 370.12(2)(f), F.S.;  
21 providing for maintenance of the exemption from  
22 development-of-regional-impact review for  
23 developments under s. 163.3245, F.S., relating  
24 to optional sector plans, if said section is  
25 repealed; exempting certain development or  
26 expansion of airports or airport-related  
27 development from development-of-regional-impact  
28 requirements; exempting development or  
29 expansion within certain areas from  
30 development-of-regional-impact requirements;  
31 providing for future review and repeal of s.

1 380.06, F.S.; repealing s. 380.0651(3)(a) and  
2 (e), F.S., which provide the  
3 development-of-regional-impact statewide  
4 guidelines and standards for airports and port  
5 facilities; amending s. 380.0651, F.S.;  
6 revising the guidelines and standards for  
7 attractions and recreation facilities, office  
8 development, retail and service development,  
9 multiuse development, and residential  
10 development; providing for future review and  
11 repeal of s. 380.0651, F.S.; providing  
12 application with respect to developments which  
13 have received a development-of-regional-impact  
14 development order, or which have an application  
15 for development approval or notification of  
16 proposed change pending, on that future repeal  
17 date; amending s. 331.303, F.S.; correcting a  
18 reference; providing application with respect  
19 to airports, marinas, and petroleum storage  
20 facilities which have received a  
21 development-of-regional-impact development  
22 order, or which have an application for  
23 development approval or notification of  
24 proposed change pending, on the effective date  
25 of the act; directing the Legislative Committee  
26 on Intergovernmental Relations to study  
27 alternatives to the  
28 development-of-regional-impact process and  
29 provide a report; providing effective dates.

30  
31 Be It Enacted by the Legislature of the State of Florida:



1           Section 1. This act may be cited as the "Communities  
2 for Tomorrow Act."

3           Section 2. Section 163.2524, Florida Statutes, is  
4 created to read:

5           163.2524 Revitalization manual.--The Department of  
6 Community Affairs shall create and compile a single document,  
7 available on the Internet, that lists and cross-references all  
8 existing and future revitalization tools, resources, training,  
9 and programs. The department is directed to coordinate with  
10 state and federal agencies in the compilation of this  
11 document.

12           Section 3. Subsection (6) of section 163.3164, Florida  
13 Statutes, is amended to read:

14           163.3164 Local Government Comprehensive Planning and  
15 Land Development Regulation Act; definitions.--As used in this  
16 act:

17           (6)(a) "Development" means the carrying out of any  
18 building activity or mining operation, the making of any  
19 material change in the use or appearance of any structure or  
20 land, or the dividing of land into three or more parcels ~~has~~  
21 ~~the meaning given it in s. 380.04.~~

22           (b) The following activities or uses shall be taken  
23 for the purposes of this chapter to involve development:

24           1. A reconstruction, alteration of the size, or  
25 material change in the external appearance of a structure on  
26 land.

27           2. A change in the intensity of use of land, such as  
28 an increase in the number of dwelling units in a structure or  
29 on land or a material increase in the number of businesses,  
30 manufacturing establishments, offices, or dwelling units in a  
31 structure or on land.

- 1           3. Alteration of a shore or bank of a seacoast, river,  
2 stream, lake, pond, or canal, including any coastal  
3 construction as defined in s. 161.021.
- 4           4. Commencement of drilling, except to obtain soil  
5 samples; mining; or excavation on a parcel of land.
- 6           5. Demolition of a structure.
- 7           6. Clearing of land as an adjunct of construction.
- 8           7. Deposit of refuse, solid or liquid waste, or fill  
9 on a parcel of land.
- 10           (c) The following operations or uses shall not be  
11 taken for the purposes of this chapter to involve development:
- 12           1. Work by a highway or road agency or railroad  
13 company for the maintenance or improvement of a road or  
14 railroad track, if the work is carried out on land within the  
15 boundaries of the right-of-way.
- 16           2. Work by any utility and other persons engaged in  
17 the distribution or transmission of gas or water, for the  
18 purpose of inspecting, repairing, renewing, or constructing on  
19 established rights-of-way any sewers, mains, pipes, cables,  
20 utility tunnels, power lines, towers, poles, tracks, or the  
21 like.
- 22           3. Work for the maintenance, renewal, improvement, or  
23 alteration of any structure, if the work affects only the  
24 interior or the color of the structure or the decoration of  
25 the exterior of the structure.
- 26           4. The use of any structure or land devoted to  
27 dwelling uses for any purpose customarily incidental to  
28 enjoyment of the dwelling.
- 29           5. The use of any land for the purpose of growing  
30 plants, crops, trees, and other agricultural or forestry  
31

1 products; raising livestock; or for other agricultural  
2 purposes.

3 6. A change in use of land or structure from a use  
4 within a class specified in an ordinance or rule to another  
5 use in the same class.

6 7. A change in the ownership or form of ownership of  
7 any parcel or structure.

8 8. The creation or termination of rights of access,  
9 riparian rights, easements, covenants concerning development  
10 of land, or other rights in land.

11 (d) Development, as designated in an ordinance, rule,  
12 or development permit, includes all other development  
13 customarily associated with it unless otherwise specified.  
14 When appropriate to the context, development refers to the act  
15 of developing or to the result of development. Reference to  
16 any specific operation is not intended to mean that the  
17 operation or activity, when part of other operations or  
18 activities, is not development.

19 Section 4. Paragraph (a) of subsection (6) and  
20 subsection (11) of section 163.3177, Florida Statutes, are  
21 amended to read:

22 163.3177 Required and optional elements of  
23 comprehensive plan; studies and surveys.--

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

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

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

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

1 possible. For schools serving predominantly rural counties,  
2 defined as a county with a population of less than 75,000, an  
3 agricultural land use category shall be eligible for the  
4 location of public school facilities if the local  
5 comprehensive plan contains school siting criteria.

6 (11)(a) The Legislature recognizes the need for  
7 innovative planning and development strategies which will  
8 address the anticipated demands of continued urbanization of  
9 Florida's coastal and other environmentally sensitive areas,  
10 and which will accommodate the development of less populated  
11 regions of the state which seek economic development and which  
12 have suitable land and water resources to accommodate growth  
13 in an environmentally acceptable manner. The Legislature  
14 further recognizes the substantial advantages of innovative  
15 approaches to development which may better serve to protect  
16 environmentally sensitive areas, maintain the economic  
17 viability of agricultural and other predominantly rural land  
18 uses, and provide for the cost-efficient delivery of public  
19 facilities and services.

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

3 (c) It is the further intent of the Legislature that  
4 local government comprehensive plans and implementing land  
5 development regulations shall provide strategies which  
6 maximize the use of existing facilities and services through  
7 redevelopment, urban infill development, and other strategies  
8 for urban revitalization.

9 (d)1. The Legislature directs the department, in  
10 cooperation with the Department of Agriculture and Consumer  
11 Services, to provide assistance to local governments in the  
12 implementation of this paragraph and s. 9J-5.006(5)(1),  
13 Florida Administrative Code. Implementation of those  
14 provisions shall include a process by which the department may  
15 authorize up to five local governments to designate all or  
16 portions of lands classified in the future land use element as  
17 predominantly agricultural, rural, open, open-rural, or a  
18 substantively equivalent land use, as a rural land stewardship  
19 area within which planning and economic incentives are applied  
20 to encourage the implementation of innovative and flexible  
21 planning and development strategies and creative land use  
22 planning techniques pursuant to the provisions of s.  
23 9J-5.006(5)(1), Florida Administrative Code.

24 2. The department shall encourage participation by  
25 local governments of different sizes and rural  
26 characteristics. It is the intent of the Legislature that  
27 rural land stewardship areas be used to further the following  
28 broad principles of rural sustainability: restoration and  
29 maintenance of the economic value of rural land; control of  
30 urban sprawl; identification and protection of ecosystems,  
31 habitats, and natural resources; promotion of rural economic

1 development; maintenance of the viability of Florida's  
2 agricultural economy; and protection of the character of rural  
3 areas of Florida.

4 3. A local government may apply to the department in  
5 writing requesting consideration for authorization and shall  
6 describe its reasons for applying for the authorization with  
7 supporting documentation regarding its compliance with  
8 criteria set forth in this section.

9 4. In selecting a local government, the department  
10 shall, by written agreement:

11 a. Ensure that the local government has expressed its  
12 intent to establish a rural land stewardship area pursuant to  
13 the provisions of this subsection and clarify that the rural  
14 land stewardship area is intended to enhance rural land  
15 values; control urban sprawl; provide necessary open space for  
16 agriculture and protection of the natural environment; promote  
17 rural economic development; and maintain rural character and  
18 the economic viability of agriculture.

19 b. Ensure that the local government has the financial  
20 and administrative capabilities to implement the designation.

21 5. The written agreement shall include the basis for  
22 the authorization and provide criteria for evaluating the  
23 success of the authorization. The department may terminate  
24 the agreement at any time if it determines that the local  
25 government is not meeting the terms of the agreement.

26 6. A rural land stewardship area shall be located  
27 outside of municipalities and established urban growth  
28 boundaries. The plan amendment designating a rural land  
29 stewardship area shall provide for the following:

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31



1           a. Criteria for the establishment of receiving areas  
2 within rural land stewardship areas in which innovative  
3 planning and development strategies may be applied.

4           b. Guidelines and criteria for the implementation of  
5 innovative planning and development strategies as described in  
6 this subsection and s. 9J-5.006(5)(1), Florida Administrative  
7 Code, which provide for a functional mix of land uses.

8           c. A process which encourages visioning pursuant to s.  
9 163.3167(11) and ensures that innovative planning and  
10 development strategies comply with applicable state, regional,  
11 and local plans and development regulations, including such  
12 amendments as may be necessary to implement this program.

13           d. The control of sprawl through growth patterns based  
14 on innovative strategies and creative land use techniques  
15 consistent with the provisions of this subsection and s.  
16 9J-5.006(5)(1), Florida Administrative Code.

17           7. Owners of lands within rural land stewardship areas  
18 may convey development rights in return for the assignment of  
19 transferable land use credits, to be known as "transferable  
20 rural land use credits," which may be applied solely for the  
21 purpose of implementing innovative planning and development  
22 strategies and creative land use planning techniques pursuant  
23 to the provisions of this paragraph. The amount of credits  
24 assigned shall correspond to the 25-year or greater projected  
25 population or projected buildout of the rural land stewardship  
26 area. Transferable rural land use credits shall be  
27 transferable solely within a rural land stewardship area and  
28 shall be subject to the following:

29           a. Transferable rural land use credits may be assigned  
30 only within rural land stewardship areas. Transferable rural  
31 land use credits assigned to a parcel of land within a rural

1 land stewardship area shall cease to exist if the land is  
2 removed from the rural land stewardship area.

3 b. Transferable rural land use credits may be used  
4 only for innovative planning and development strategies within  
5 designated receiving areas which shall be located based on the  
6 criteria established within the rural land stewardship area.

7 c. Transferable rural land use credits shall not  
8 displace traditional density allocations assigned to a parcel  
9 of land unless the credits are transferred to a designated  
10 receiving area or used within a designated receiving area, in  
11 which case the traditional density allocations assigned to the  
12 parcel of land shall cease to exist.

13 d. Traditional density allocations assigned to a  
14 parcel of land which becomes part of a rural land stewardship  
15 area shall continue to be assigned to the land. Except as  
16 provided in this paragraph, traditional density allocations  
17 assigned to a parcel of land shall not be increased or  
18 decreased as long as the parcel remains part of the rural land  
19 stewardship area.

20 e. Transferable rural land use credits shall cease to  
21 exist on a parcel of land where traditional density  
22 allocations are conveyed or utilized.

23 f. Property within a designated receiving area shall  
24 not be zoned for a higher density or use unless the zoning is  
25 to reflect received credits or the property is removed from  
26 the rural land stewardship area by plan amendment.

27 g. Transferable rural land use credits may be assigned  
28 at different ratios of credits per acre according to the land  
29 use to remain following the transfer of credits, with the  
30 highest number of credits per acre assigned to preserve  
31 environmentally valuable land.

1           h. The use or conveyance of transferable rural land  
2 use credits shall be recorded with the clerk of the circuit  
3 court.

4           8. Owners of land within rural land stewardship areas  
5 should be provided incentives to enter into rural land  
6 stewardship agreements with state agencies, water management  
7 districts, and local governments to achieve mutually agreed  
8 upon conservation objectives. Such incentives may include,  
9 but not be limited to, the following:

10           a. Opportunity to accumulate transferable mitigation  
11 credits.

12           b. Long-term permits for the consumptive use of water.

13           c. Opportunities for recreational leases and  
14 ecotourism.

15           d. Payment for specified land management services.

16           e. Option agreements for sale to government, in either  
17 fee or easement, upon achievement of conservation objectives.

18           9. The department shall report to the Legislature on  
19 an annual basis on the results of implementation of rural land  
20 stewardship areas authorized by the department, including  
21 successes and failures in achieving the intent of the  
22 Legislature as expressed in this paragraph. It is further the  
23 intent of the Legislature that the success of authorized rural  
24 land stewardship areas be substantiated before implementation  
25 occurs on a statewide basis.

26           (e)(d) The implementation of this subsection shall be  
27 subject to the provisions of this chapter, chapters 186 and  
28 187, and applicable agency rules.

29           (f)(e) The department shall implement the provisions  
30 of this subsection by rule.

31

1           Section 5. Subsection (5) and paragraph (a) of  
2 subsection (12) of section 163.3180, Florida Statutes, are  
3 amended to read:

4           163.3180 Concurrency.--

5           (5)(a) The Legislature finds that under limited  
6 circumstances dealing with transportation facilities,  
7 countervailing planning and public policy goals may come into  
8 conflict with the requirement that adequate public facilities  
9 and services be available concurrent with the impacts of such  
10 development. The Legislature further finds that often the  
11 unintended result of the concurrency requirement for  
12 transportation facilities is the discouragement of urban  
13 infill development and redevelopment. Such unintended results  
14 directly conflict with the goals and policies of the state  
15 comprehensive plan and the intent of this part. Therefore,  
16 exceptions from the concurrency requirement for transportation  
17 facilities may be granted as provided by this subsection.

18           (b) A local government may grant an exception from the  
19 concurrency requirement for transportation facilities if the  
20 proposed development is otherwise consistent with the adopted  
21 local government comprehensive plan and is a project that  
22 promotes public transportation.~~or is located within an area~~  
23 ~~designated in the comprehensive plan for:~~

24           (c) A local government shall grant an exception from  
25 the concurrency requirement for transportation facilities if  
26 the proposed development is located within an area designated  
27 in the comprehensive plan for:

- 28           1. Urban infill development,
- 29           2. Urban redevelopment,
- 30           3. Downtown revitalization, or
- 31           4. Urban infill and redevelopment under s. 163.2517.

1           ~~(d)(e)~~ The Legislature also finds that developments  
2 located within urban infill, urban redevelopment, existing  
3 urban service, or downtown revitalization areas or areas  
4 designated as urban infill and redevelopment areas under s.  
5 163.2517 which pose only special part-time demands on the  
6 transportation system should be excepted from the concurrency  
7 requirement for transportation facilities. A special  
8 part-time demand is one that does not have more than 200  
9 scheduled events during any calendar year and does not affect  
10 the 100 highest traffic volume hours.

11           ~~(e)(d)~~ A local government shall establish guidelines  
12 for granting the exceptions authorized in paragraphs (b) and  
13 ~~(d)(e)~~ in the comprehensive plan. These guidelines must  
14 include consideration of the impacts on the Florida Intrastate  
15 Highway System, as defined in s. 338.001. The exceptions may  
16 be available only within the specific geographic area of the  
17 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
18 any affected person may challenge a plan amendment  
19 establishing these guidelines and the areas within which an  
20 exception could be granted.

21           (f) A local government shall establish guidelines for  
22 designating the exception areas authorized in paragraph (c) in  
23 the comprehensive plan. These guidelines must include  
24 consideration of the impacts on the Florida Intrastate Highway  
25 System, as defined in s. 338.001. The exceptions may be  
26 available only within the specific geographic area of the  
27 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
28 any affected person may challenge a plan amendment  
29 establishing these guidelines and the areas within which an  
30 exception could be granted.

31

1           (12) When authorized by a local comprehensive plan, a  
2 multiuse development of regional impact may satisfy the  
3 transportation concurrency requirements of the local  
4 comprehensive plan, the local government's concurrency  
5 management system, and s. 380.06 by payment of a  
6 proportionate-share contribution for local and regionally  
7 significant traffic impacts, if:

8           (a) The development of regional impact meets or  
9 exceeds the guidelines and standards of s. 380.0651(3)(g)~~(i)~~  
10 and rule 28-24.032(2), Florida Administrative Code, and  
11 includes a residential component that contains at least 100  
12 residential dwelling units or 15 percent of the applicable  
13 residential guideline and standard, whichever is greater;

14  
15 The proportionate-share contribution may be applied to any  
16 transportation facility to satisfy the provisions of this  
17 subsection and the local comprehensive plan, but, for the  
18 purposes of this subsection, the amount of the  
19 proportionate-share contribution shall be calculated based  
20 upon the cumulative number of trips from the proposed  
21 development expected to reach roadways during the peak hour  
22 from the complete buildout of a stage or phase being approved,  
23 divided by the change in the peak hour maximum service volume  
24 of roadways resulting from construction of an improvement  
25 necessary to maintain the adopted level of service, multiplied  
26 by the construction cost, at the time of developer payment, of  
27 the improvement necessary to maintain the adopted level of  
28 service. For purposes of this subsection, "construction cost"  
29 includes all associated costs of the improvement.

30           Section 6. Subsections (1) and (2) of section  
31 163.3181, Florida Statutes, are amended to read:

1           163.3181 Public participation in the comprehensive  
2 planning process; intent; alternative dispute resolution.--

3           (1) It is the intent of the Legislature that the  
4 public participate in the comprehensive planning process and  
5 the land use decision process at the earliest possible point  
6 and to the fullest extent possible. Towards this end, local  
7 planning agencies and local governmental units are directed to  
8 adopt procedures designed to provide effective public  
9 participation in the comprehensive planning process and to  
10 provide real property owners with notice of all official  
11 actions which will regulate the use of their property. The  
12 provisions and procedures required in this act are set out as  
13 the minimum requirements towards this end.

14           (2)(a) Prior to and during consideration of the  
15 proposed plan or amendments thereto, or of development orders  
16 requiring a public hearing pursuant to local ordinance, by the  
17 local planning agency or by the local governing body, the  
18 procedures shall provide for broad dissemination of the  
19 proposals and alternatives, opportunity for written comments,  
20 public hearings as provided herein, provisions for open  
21 discussion, communications programs, information services, and  
22 consideration of and response to public comments.

23           (b) Local governments shall include in their citizen  
24 participation procedures a requirement that public notice be  
25 given within 15 days after application, and be user-friendly.  
26 Formal public hearing notice shall be modified to clearly  
27 identify in plain language the nature of the amendment or  
28 application under consideration.

29           (c) Conspicuous signs that are located on site and  
30 consistent with local sign ordinances shall also be a  
31 requirement in citizen participation procedures for all site

1 specific future land use map amendments requiring a public  
2 hearing. Local governments shall determine the information  
3 required. The applicant shall bear the cost of any required  
4 signs.

5 (d) Local governments shall include in their citizen  
6 participation procedures a requirement that applicants for  
7 comprehensive plan amendments articulate a citizen involvement  
8 plan at the time of the application. The department may  
9 develop technical assistance documents on citizen  
10 participation plans.

11 (e) The department shall develop best management  
12 practices to increase citizen involvement and articulate how  
13 local governments will achieve their citizen participation  
14 goals throughout the planning and development review  
15 processes. These best management practices shall:

16 1. Encourage local governments to use plain language  
17 in all notices.

18 2. Encourage local governments to develop citizen  
19 involvement plans.

20 3. Recommend additional forms of notice beyond  
21 traditional legal notices in the local newspaper.

22 Section 7. Paragraph (a) of subsection (1) of section  
23 163.3184, Florida Statutes, is amended, and, effective October  
24 1, 2001, subsections (3), (4), (6), (7), (8), and (15) and  
25 paragraph (d) of subsection (16) of said section are amended,  
26 to read:

27 163.3184 Process for adoption of comprehensive plan or  
28 plan amendment.--

29 (1) DEFINITIONS.--As used in this section:

30 (a) "Affected person" includes the affected local  
31 government; persons owning property, residing, or owning or



1 operating a business within the boundaries of the local  
2 government whose plan is the subject of the review; owners of  
3 real property abutting real property which is the subject of a  
4 proposed change to a future land use map;and adjoining local  
5 governments that can demonstrate that the plan or plan  
6 amendment will produce substantial impacts on the increased  
7 need for publicly funded infrastructure or substantial impacts  
8 on areas designated for protection or special treatment within  
9 their jurisdiction. Each person, other than an adjoining local  
10 government, in order to qualify under this definition, shall  
11 also have submitted oral or written comments, recommendations,  
12 or objections to the local government during the period of  
13 time beginning with the transmittal hearing for the plan or  
14 plan amendment and ending with the adoption of the 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

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).

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

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 after  
26 receipt by the state land planning agency of transmittal of  
27 the complete proposed plan amendment ~~pursuant to subsection~~  
28 ~~(3)~~.

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

1 pursuant to subsection (4). If the state land planning agency  
2 elects to review the amendment or the agency is required to  
3 review the amendment as specified in paragraph (a), the agency  
4 shall issue a report of its objections, recommendations, and  
5 comments regarding the proposed amendment within 60 days after  
6 receipt of the complete proposed amendment by the state land  
7 planning agency. Proposed comprehensive plan amendments from  
8 small counties or rural communities for the purpose of job  
9 creation, economic development, or strengthening and  
10 diversifying the economy shall receive priority review by the  
11 state land planning agency.~~The state land planning agency~~  
12 ~~shall have 30 days to review comments from the various~~  
13 ~~government agencies along with a local government's~~  
14 ~~comprehensive plan or plan amendment. During that period, the~~  
15 ~~state land planning agency shall transmit in writing its~~  
16 ~~comments to the local government along with any objections and~~  
17 ~~any recommendations for modifications.~~When a federal, state,  
18 or regional agency has implemented a permitting program, the  
19 state land planning agency shall not require a local  
20 government to duplicate or exceed that permitting program in  
21 its comprehensive plan or to implement such a permitting  
22 program in its land development regulations. Nothing  
23 contained herein shall prohibit the state land planning agency  
24 in conducting its review of local plans or plan amendments  
25 from making objections, recommendations, and comments or  
26 making compliance determinations regarding densities and  
27 intensities consistent with the provisions of this part. In  
28 preparing its comments, the state land planning agency shall  
29 only base its considerations on written, and not oral,  
30 comments, from any source.  
31

1           (d) The state land planning agency review shall  
2 identify all written communications with the agency regarding  
3 the proposed plan amendment. If the state land planning agency  
4 does not issue such a review, it shall identify in writing to  
5 the local government all written communications received 30  
6 days after transmittal. The written identification must  
7 include a list of all documents received or generated by the  
8 agency, which list must be of sufficient specificity to enable  
9 the documents to be identified and copies requested, if  
10 desired, and the name of the person to be contacted to request  
11 copies of any identified document. The list of documents must  
12 be made a part of the public records of the state land  
13 planning agency.

14           (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF  
15 PLAN OR AMENDMENTS AND TRANSMITTAL.--

16           (a) The local government shall review the written  
17 comments submitted to it by the state land planning agency,  
18 and any other person, agency, or government. Any comments,  
19 recommendations, or objections and any reply to them shall be  
20 public documents, a part of the permanent record in the  
21 matter, and admissible in any proceeding in which the  
22 comprehensive plan or plan amendment may be at issue. The  
23 local government, upon receipt of written comments from the  
24 state land planning agency, shall have 120 days to adopt or  
25 adopt with changes the proposed comprehensive plan or s.  
26 163.3191 plan amendments. In the case of comprehensive plan  
27 amendments other than those proposed pursuant to s. 163.3191,  
28 the local government shall have 60 days to adopt the  
29 amendment, adopt the amendment with changes, or determine that  
30 it will not adopt the amendment. The adoption of the proposed  
31 plan or plan amendment or the determination not to adopt a

1 plan amendment, other than a plan amendment proposed pursuant  
2 to s. 163.3191, shall be made in the course of a public  
3 hearing pursuant to subsection (15). The local government  
4 shall transmit the complete adopted comprehensive plan or  
5 ~~adopted~~ plan amendment to the state land planning agency as  
6 specified in the agency's procedural rules within 10 working  
7 days after adoption, including the names and addresses of  
8 persons compiled pursuant to paragraph (15)(c). The local  
9 governing body shall also transmit a copy of the adopted  
10 comprehensive plan or plan amendment to the regional planning  
11 agency and to any other unit of local government or  
12 governmental agency in the state that has filed a written  
13 request with the governing body for a copy of the plan or plan  
14 amendment.

15 (b) A local government that has adopted a  
16 comprehensive plan amendment to which no timely written  
17 objection from the state land planning agency, any agency, any  
18 government, or any person has been received may submit the  
19 comprehensive plan amendment and a certification to the state  
20 land planning agency within 10 days after adoption of the  
21 comprehensive plan amendment. This certification must certify  
22 that the adopted comprehensive plan amendment did not differ  
23 from the proposed comprehensive plan amendment submitted  
24 pursuant to subsection (3), and that no timely objections were  
25 received.

26 (8) NOTICE OF INTENT.--

27 (a) Except as provided in s. 163.3187(3), the state  
28 land planning agency, upon receipt of a local government's  
29 complete adopted comprehensive plan or plan amendment, shall  
30 have 45 days for review and to determine if the plan or plan  
31 amendment is in compliance with this act, unless the amendment

1 is the result of a compliance agreement entered into under  
2 subsection (16), in which case the time period for review and  
3 determination shall be 30 days. If review was not conducted  
4 under subsection (6), the agency's determination must be based  
5 upon the plan amendment as adopted. If review was conducted  
6 under subsection (6), the agency's determination of compliance  
7 must be based only upon one or both of the following:

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

12 (b) During the time period provided for in this  
13 subsection, the state land planning agency shall issue,  
14 through a senior administrator or the secretary, as specified  
15 in the agency's procedural rules, a notice of intent to find  
16 that the plan or plan amendment is in compliance or not in  
17 compliance. A notice of intent shall be issued by publication  
18 in the manner provided by this paragraph and by mailing a copy  
19 to the local government ~~and to persons who request notice.~~  
20 ~~The required advertisement shall be no less than 2 columns~~  
21 ~~wide by 10 inches long, and the headline in the advertisement~~  
22 ~~shall be in a type no smaller than 12 point.~~The advertisement  
23 shall ~~not~~ be placed in that portion of the newspaper where  
24 legal notices ~~and classified advertisements~~ appear. The  
25 advertisement shall be published in a newspaper which meets  
26 the size and circulation requirements set forth in paragraph  
27 (15)(e)~~(c)~~ and which has been designated in writing by the  
28 affected local government at the time of transmittal of the  
29 amendment. Publication by the state land planning agency of a  
30 notice of intent in the newspaper designated by the local  
31



1 government shall be prima facie evidence of compliance with  
2 the publication requirements of this section.

3 (c) Notwithstanding the provisions of this subsection,  
4 the state land planning agency shall not review a local  
5 government's adopted comprehensive plan amendment pursuant to  
6 this subsection if it receives a certification submitted  
7 pursuant to paragraph (7)(b).

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

23 (e) A local government that has an Internet site shall  
24 post a copy of the state land planning agency's notice of  
25 intent on its Internet site within 5 days after receipt of the  
26 mailed copy of the agency's notice of intent.

27 (15) PUBLIC HEARINGS.--

28 (a) The procedure for transmittal of a complete  
29 proposed comprehensive plan or plan amendment pursuant to  
30 subsection (3) and for adoption of a comprehensive plan or  
31 plan amendment pursuant to subsection (7) shall be by

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

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

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

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

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

1 and legibly provide all information required to receive the  
2 courtesy informational statement.

3 (d) The agency shall provide a model sign-in form and  
4 the format for providing the list to the agency which may be  
5 used by the local government to satisfy the requirements of  
6 this paragraph by August 1, 2001.

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

14 (16) COMPLIANCE AGREEMENTS.--

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

31

1 Section 8. Paragraph (c) of subsection (1) of section  
2 163.3187, Florida Statutes, is amended to read:

3 163.3187 Amendment of adopted comprehensive plan.--

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

7 (c) Any local government comprehensive plan amendments  
8 directly related to proposed small scale development  
9 activities may be approved without regard to statutory limits  
10 on the frequency of consideration of amendments to the local  
11 comprehensive plan. A small scale development amendment may  
12 be adopted only under the following conditions:

13 1. The proposed amendment involves a use of 10 acres  
14 or fewer, except that a proposed amendment may involve a use  
15 of 20 acres or fewer if located within an area designated in  
16 the local comprehensive plan for urban infill, urban  
17 redevelopment, or downtown revitalization as defined in s.  
18 163.3164, urban infill and redevelopment areas designated  
19 under s. 163.2517, transportation concurrency exception areas  
20 approved pursuant to s. 163.3180(5), or regional activity  
21 centers and urban central business districts approved pursuant  
22 to s. 380.06(2)(e), and:

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

26 (I) A maximum of 150 ~~120~~ acres in a local government  
27 that contains areas specifically designated in the local  
28 comprehensive plan for urban infill, urban redevelopment, or  
29 downtown revitalization as defined in s. 163.3164, urban  
30 infill and redevelopment areas designated under s. 163.2517,  
31 transportation concurrency exception areas approved pursuant

1 to s. 163.3180(5), or regional activity centers and urban  
2 central business districts approved pursuant to s.  
3 380.06(2)(e); however, amendments under this paragraph may be  
4 applied to no more than 60 acres annually of property outside  
5 the designated areas listed in this sub-sub-subparagraph.

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

9 (III) A maximum of 200 ~~120~~ acres in a county  
10 established pursuant to s. 9, Art. VIII of the Constitution of  
11 1885, as preserved by s. 6(e), Art. VIII of the revised State  
12 Constitution.

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

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

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

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

1 planning agency for consistency with the principles for  
2 guiding development applicable to the area of critical state  
3 concern where the amendment is located and shall not become  
4 effective until a final order is issued under s. 380.05(6).  
5 f. ~~if~~ The proposed amendment does not involve ~~involves~~  
6 a residential land use within the coastal high-hazard area  
7 ~~with, the residential land use has a density exceeding of 10~~  
8 ~~units or less per acre, except that this limitation does not~~  
9 ~~apply to small scale amendments described in~~  
10 ~~sub-sub-subparagraph a.(f) that are designated in the local~~  
11 ~~comprehensive plan for urban infill, urban redevelopment, or~~  
12 ~~downtown revitalization as defined in s. 163.3164, urban~~  
13 ~~infill and redevelopment areas designated under s. 163.2517,~~  
14 ~~transportation concurrency exception areas approved pursuant~~  
15 ~~to s. 163.3180(5), or regional activity centers and urban~~  
16 ~~central business districts approved pursuant to s.~~  
17 ~~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)~~(e)(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  
31

1 that is located within a coastal high hazard area as  
2 identified in the local comprehensive plan.

3 3. Small scale development amendments adopted pursuant  
4 to this paragraph require only one public hearing before the  
5 governing board, which shall be an adoption hearing as  
6 described in s. 163.3184(7), and are not subject to the  
7 requirements of s. 163.3184(3)-(6) ~~unless the local government~~  
8 ~~elects to have them subject to those requirements.~~

9 Section 9. Section 163.3215, Florida Statutes, is  
10 amended to read:

11 163.3215 Standing to enforce local comprehensive plans  
12 through development orders.--

13 (1) Any aggrieved or adversely affected party may  
14 maintain an action for declaratory and injunctive or other  
15 relief against any local government to reverse any decision of  
16 the local government regarding an application for, or to  
17 prevent such local government from taking any action on a  
18 development order, as defined in s. 163.3164, which materially  
19 alters the use or density or intensity of use on a particular  
20 piece of property that is not consistent with the  
21 comprehensive plan or land development regulation adopted  
22 under this part. Such action shall be filed no later than 30  
23 days following rendition of a development order or other  
24 written decision.

25 (2) "Aggrieved or adversely affected party" means any  
26 person or local government which will suffer an adverse effect  
27 to an interest protected or furthered by the local government  
28 comprehensive plan, including interests related to health and  
29 safety, police and fire protection service systems, densities  
30 or intensities of development, transportation facilities,  
31 health care facilities, equipment or services, or

1 environmental or natural resources. The alleged adverse  
2 interest may be shared in common with other members of the  
3 community at large, but shall exceed in degree the general  
4 interest in community good shared by all persons. The term  
5 includes the owner, developer, or applicant for a development  
6 order.

7 ~~(3)(a) No suit may be maintained under this section~~  
8 ~~challenging the approval or denial of a zoning, rezoning,~~  
9 ~~planned unit development, variance, special exception,~~  
10 ~~conditional use, or other development order granted prior to~~  
11 ~~October 1, 1985, or applied for prior to July 1, 1985.~~

12 ~~(b)~~ Suit under this section shall be the sole action  
13 available to challenge the consistency of a development order  
14 with a comprehensive plan or land development regulation  
15 adopted under this part. The local government that issues the  
16 development order and the owner, developer, or applicant for a  
17 development order, if suit is brought by an aggrieved or  
18 adversely affected party other than the owner, developer, or  
19 applicant for a development order, shall be named as  
20 respondents in any proceeding pursuant to this section.

21 (4) If a local government adopts an ordinance  
22 establishing, at a minimum, the components of its local  
23 development review process listed in this subsection, then the  
24 sole action for an aggrieved and adversely affected party to  
25 challenge the consistency of a development order with the  
26 comprehensive plan or land development regulation shall be by  
27 a petition for certiorari filed in circuit court no later than  
28 30 days following rendition of a development order or other  
29 written decision of the local government. The court shall  
30 have the authority to order injunctive or such other relief as  
31 it deems appropriate. Any determination by the circuit court



1 shall be binding upon the parties in any subsequent litigation  
2 involving the same facts and issues. The minimum components of  
3 the local process shall be as follows:

4 (a) Notice by publication and by mailed notice to all  
5 abutting property owners simultaneous with the filing of an  
6 application for development review, provided that no notice  
7 shall be required for an application for a building permit.  
8 The notice must delineate that aggrieved or adversely affected  
9 persons have the right to request a quasi-judicial hearing,  
10 that the request need not be in the form of a petition or  
11 complaint, how to initiate the quasi-judicial process, and the  
12 timeframes for initiating the process. The local government  
13 shall include an opportunity for an alternative dispute  
14 resolution process and may include a stay of the formal  
15 quasi-judicial hearing for this purpose.

16 (b) An opportunity to participate in the process for  
17 an aggrieved or adversely affected party which provides a  
18 reasonable time to prepare and present a case for a  
19 quasi-judicial hearing.

20 (c) An opportunity for reasonable discovery prior to a  
21 quasi-judicial hearing.

22 (d) A quasi-judicial hearing before an independent  
23 special master who shall be an attorney with at least 5 years'  
24 experience and who shall, at the conclusion of the hearing,  
25 recommend written findings of fact and conclusions of law.

26 (e) At the quasi-judicial hearing all parties shall  
27 have the opportunity to respond, present evidence and argument  
28 on all issues involved that are related to the development  
29 order, and to conduct cross-examination and submit rebuttal  
30 evidence.

31

1           (f) The standard of review applied by the special  
2 master shall be in accordance with Florida law.

3           (g) A hearing before the local government, which shall  
4 be bound by the special master's findings of fact unless the  
5 findings of fact are not supported by competent substantial  
6 evidence. The governing body may modify the conclusions of  
7 law if it finds that the special master's application or  
8 interpretation of law is erroneous. However, the governing  
9 body shall be authorized to correct a misinterpretation of the  
10 local government's comprehensive plan or land development  
11 regulations without regard to whether the misinterpretation is  
12 labeled as a finding of fact or a conclusion of law. The  
13 local government's final decision shall be reduced to writing,  
14 including the findings of fact and conclusions of law, and  
15 shall not be considered rendered or final until officially  
16 date stamped by the city or county clerk.

17           (h) No ex parte communication relating to the merits  
18 of the matter under review shall be made to the special  
19 master. No ex parte communication relating to the merits of  
20 the matter under review shall be made to the governing body  
21 after a time to be established by the local ordinance, but no  
22 later than receipt of the recommended order by the governing  
23 body.~~As a condition precedent to the institution of an action~~  
24 ~~pursuant to this section, the complaining party shall first~~  
25 ~~file a verified complaint with the local government whose~~  
26 ~~actions are complained of setting forth the facts upon which~~  
27 ~~the complaint is based and the relief sought by the~~  
28 ~~complaining party. The verified complaint shall be filed no~~  
29 ~~later than 30 days after the alleged inconsistent action has~~  
30 ~~been taken. The local government receiving the complaint~~  
31 ~~shall respond within 30 days after receipt of the complaint.~~

1 ~~Thereafter, the complaining party may institute the action~~  
2 ~~authorized in this section. However, the action shall be~~  
3 ~~instituted no later than 30 days after the expiration of the~~  
4 ~~30-day period which the local government has to take~~  
5 ~~appropriate action. Failure to comply with this subsection~~  
6 ~~shall not bar an action for a temporary restraining order to~~  
7 ~~prevent immediate and irreparable harm from the actions~~  
8 ~~complained of.~~

9 (5) Venue in any cases brought under this section  
10 shall lie in the county or counties where the actions or  
11 inactions giving rise to the cause of action are alleged to  
12 have occurred.

13 (6) The signature of an attorney or party constitutes  
14 a certificate that he or she has read the pleading, motion, or  
15 other paper and that, to the best of his or her knowledge,  
16 information, and belief formed after reasonable inquiry, it is  
17 not interposed for any improper purpose, such as to harass or  
18 to cause unnecessary delay or for economic advantage,  
19 competitive reasons or frivolous purposes or needless increase  
20 in the cost of litigation. If a pleading, motion, or other  
21 paper is signed in violation of these requirements, the court,  
22 upon motion or its own initiative, shall impose upon the  
23 person who signed it, a represented party, or both, an  
24 appropriate sanction, which may include an order to pay to the  
25 other party or parties the amount of reasonable expenses  
26 incurred because of the filing of the pleading, motion, or  
27 other paper, including a reasonable attorney's fee.

28 (7) In any suit ~~action~~ under this section, no  
29 settlement shall be entered into by the local government  
30 unless the terms of the settlement have been the subject of a  
31 public hearing after notice as required by this part.

1           (8) In any suit under this section, the Department of  
2 Legal Affairs may intervene to represent ~~the interests of the~~  
3 state on issues of demonstrated statewide significance.

4           Section 10. Section 163.3244, Florida Statutes, is  
5 amended to read:

6           163.3244 Sustainable communities certification  
7 ~~demonstration project~~.--

8           (1) The Department of Community Affairs shall create  
9 ~~is authorized to undertake~~ a sustainable communities  
10 certification program for communities that have implemented  
11 best planning practices through their local government  
12 comprehensive plans and specific planning or design  
13 initiatives, thereby reducing the need for state review of  
14 amendments to local government comprehensive plans. One of the  
15 purposes of the certification program is to address the  
16 extrajurisdictional effects of development occurring within  
17 the certified area and to assume  
18 development-of-regional-impact review authority from the  
19 department. It is the intent of the Legislature that the  
20 department and other executive agencies under the Governor  
21 give priority to and direct infrastructure spending to areas  
22 within the certified communities.~~demonstration project. Up~~  
23 ~~to five local governments may be designated under this~~  
24 ~~section. At least three of the local governments shall be~~  
25 ~~located totally or in part within the boundaries of the South~~  
26 ~~Florida Water Management District. In selecting the local~~  
27 ~~governments to participate in this demonstration project, the~~  
28 ~~department shall assure participation by local governments of~~  
29 ~~different sizes and characteristics. It is the intent of the~~  
30 ~~Legislature that this demonstration project shall be used to~~  
31 ~~further six broad principles of sustainability: restoring key~~

1 ~~ecosystems; achieving a more clean, healthy environment;~~  
2 ~~limiting urban sprawl; protecting wildlife and natural areas;~~  
3 ~~advancing the efficient use of land and other resources; and~~  
4 ~~creating quality communities and jobs.~~

5 (2) A local government may apply to the department in  
6 writing requesting consideration for certification as a  
7 sustainable community ~~designation under the demonstration~~  
8 ~~program~~. The local government shall describe its reasons for  
9 applying for this certification ~~designation~~ and support its  
10 application with documents regarding its compliance with  
11 criteria set forth in this section.

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

15 (a) Assure that the local government has set an urban  
16 development boundary or functionally equivalent mechanisms,  
17 based on projected needs and adequate data and analysis, that  
18 will:

19 1. Encourage urban infill at appropriate densities and  
20 intensities, separate urban and rural uses, and discourage  
21 urban sprawl ~~development patterns~~ while preserving public open  
22 space and planning for buffer-type land uses and rural  
23 development consistent with their respective character along  
24 and outside of the urban boundary.

25 2. Assure protection of key natural areas and  
26 agricultural lands.

27 3. Ensure the cost-efficient provision of public  
28 infrastructure and services.

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

- 1           1. Promote infill development and redevelopment,  
2 including prioritized and timely permitting processes in which  
3 applications for local development permits within the urban  
4 development boundary are acted upon expeditiously for proposed  
5 development which is consistent with the local comprehensive  
6 plan.
- 7           2. Promote the development of housing for low-income  
8 and very-low-income households or specialized housing to  
9 assist elders and the disabled to remain at home or in  
10 independent living arrangements.
- 11           3. Achieve effective intergovernmental coordination.
- 12           4. Promote economic diversity and growth while  
13 encouraging the retention of rural character, where rural  
14 areas exist, and the protection and restoration of the  
15 environment.
- 16           5. Provide and maintain public urban and rural open  
17 space and recreational opportunities.
- 18           6. Manage transportation and land uses to support  
19 public transit and promote opportunities for pedestrian and  
20 nonmotorized transportation.
- 21           7. Use urban design principles to foster individual  
22 community identity, create a sense of place, and promote  
23 pedestrian-oriented safe neighborhoods and town centers.
- 24           8. Redevelop blighted areas.
- 25           9. Improve disaster preparedness programs and the  
26 ability to protect lives and property, especially in coastal  
27 high-hazard areas.
- 28           10. Encourage clustered, mixed-use development which  
29 incorporates greenspace and residential development within  
30 walking distance of commercial development.
- 31

1           11. Demonstrate financial and administrative  
2 capabilities to implement the designation.

3           12. Demonstrate a record of effectively adopting,  
4 implementing, and enforcing its comprehensive plan.

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

8           (4) The department shall certify ~~designate~~ all or part  
9 of a local government as a sustainable community by written  
10 agreement, which shall be considered final agency action. The  
11 agreement shall include the basis for the certification  
12 ~~designation~~, any conditions necessary to comply with the  
13 intent of this section, including procedures for mitigation of  
14 extrajurisdictional effects ~~impacts~~ of development, a 5-year  
15 work plan identifying local government and department tasks  
16 that will promote the intent of this section, a commitment to  
17 effectively adopt, implement, and enforce the local  
18 government's comprehensive plan in jurisdictions where  
19 developments of regional impact would be abolished or  
20 modified, and criteria for evaluating the success of the  
21 certification ~~designation~~. Subsequent to executing the  
22 agreement, the department may remove the local government's  
23 certification ~~designation~~ if it determines that the local  
24 government is not meeting the terms of the certification  
25 ~~designation~~ agreement. If an affected person, as defined by  
26 s. 163.3184(1)(a), determines that a local government is not  
27 complying with the terms of the certification ~~designation~~  
28 agreement, he or she may petition for administrative review of  
29 local government compliance with the terms of the agreement,  
30 using the procedures and timeframes for notice and conditions  
31 precedent described in s. 163.3213.

1           (5) Upon certification ~~designation~~ as a sustainable  
2 community, ~~the local government shall receive the following~~  
3 ~~benefits:~~

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

20           (b) The local government shall assume the review  
21 authority of the department and regional planning council for  
22 developments of regional impact ~~Developments~~ within the urban  
23 growth boundary and outside the coastal high-hazard area ~~are~~  
24 ~~exempt from review pursuant to ss. 380.06 and 380.061 to the~~  
25 ~~extent established in the designation agreement.~~

26           (c) The Executive Office of the Governor shall work  
27 with the Department of Community Affairs and other departments  
28 to emphasize programs and set priorities for funding within  
29 areas in certified ~~designated~~ local governments in the areas  
30 of education ~~job creation~~; crime prevention; environmental  
31 protection and restoration programs; ~~solid waste recycling~~;



1 transportation improvements, including highways, transit, and  
2 nonmotorized transportation projects; sewage treatment system  
3 improvements; ~~expedited and prioritized funding initiatives;~~  
4 and other programs that will direct development within the  
5 urban development boundary of certified assist local  
6 governments ~~to create and maintain self-sustaining~~  
7 ~~communities.~~

8 (6) The Secretary of ~~the Department of~~ Environmental  
9 Protection, the Secretary of Community Affairs, the Secretary  
10 of Transportation, the Commissioner of Agriculture, the  
11 executive director of the Fish and Wildlife Conservation  
12 Commission, and the executive directors of the five water  
13 management districts and the 11 regional planning councils  
14 shall have the authority to enter into agreements with  
15 landowners, developers, businesses, industries, individuals,  
16 and governmental agencies as may be necessary to effectuate  
17 the provisions of this section.

18 (7) Once certified ~~designated~~ as a sustainable  
19 community pursuant to this section, the local government shall  
20 provide a progress report to the department ~~and the Advisory~~  
21 ~~Council on Intergovernmental Relations each year on the first~~  
22 anniversary date of its designation and thereafter,  
23 biennially, that identifies plan amendments adopted during the  
24 year or 2-year period, updates the future land use map, and  
25 advises whether the local government continues to comply with  
26 the certification ~~designation~~ agreement. ~~Beginning December 1,~~  
27 ~~1997, and each year thereafter, the department shall provide a~~  
28 ~~report to the Speaker of the House of Representatives and the~~  
29 ~~President of the Senate regarding the successes and failures~~  
30 ~~of this demonstration project. The report shall include any~~  
31

1 ~~recommendations for legislative action to modify or repeal the~~  
2 ~~project.~~

3           (8) The certification designation of a local  
4 government as a sustainable community under this section shall  
5 continue ~~be~~ for a period of 5 years, unless otherwise revoked  
6 or renewed by the department. The certification designation  
7 may be renewed for additional 5-year periods if the department  
8 determines that the local government is complying with the  
9 terms of its agreement. Those local governments designated as  
10 a sustainable community demonstration project shall have their  
11 designation renewed for an additional 5-year period, which may  
12 be renewed for additional 5-year periods pursuant to this  
13 subsection., showing continuing progress toward sustainable  
14 goals, and the demonstration project is still in effect.

15           ~~(9) This section shall stand repealed on June 30,~~  
16 ~~2001, and shall be reviewed by the Legislature prior to that~~  
17 ~~date.~~

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

20           Section 11. Section 163.32447, Florida Statutes, is  
21 created to read:

22           163.32447 Sustainable rural policy.--

23           (1) The Legislature recognizes the long-term value of  
24 retaining rural lands for agriculture, open space, and  
25 conservation uses. A thriving rural economy with a strong  
26 agricultural base, healthy natural environment, and viable  
27 rural communities is an essential part of Florida's present  
28 and future vision. Rural areas also include the largest  
29 remaining intact ecosystems and best examples of remaining  
30 wildlife habitats, as well as a majority of privately owned

31

1 land targeted by local, state, and federal agencies for  
2 natural resource protection.

3 (2) The growth of Florida's population and the demand  
4 for low density and moderately priced housing to serve it  
5 create increasing pressure to develop rural lands. Florida's  
6 growth management policies have not always successfully  
7 controlled, and have in many instances accelerated rather than  
8 reversed, this trend.

9 (3) Even with the best efforts at urban infill, the  
10 pressures for development will eventually impact almost every  
11 rural county. Florida needs a comprehensive rural policy  
12 which proactively and realistically addresses both the  
13 pressures of population growth and the unique characteristics  
14 and multiple needs of rural areas of the state.

15 (4) There is a direct relationship between land values  
16 and the ability of rural landowners to keep their properties  
17 in agricultural production. Florida's agricultural economy is  
18 land rich and cash poor. The value of agricultural lands as  
19 collateral for borrowed capital needed to support agricultural  
20 operations is based in part on the underlying development  
21 value for nonagricultural uses. This underlying development  
22 value has, in many instances, tended to decrease over time as  
23 a byproduct of land use policies which reduce allowable  
24 intensities and densities of rural land uses.

25 (5) Fundamental objectives of a sustainable rural  
26 policy should include enhancing the ability of landowners to  
27 obtain economic value from their property, protecting rural  
28 character and private property rights, controlling urban  
29 sprawl, and providing necessary open space for agriculture and  
30 the natural environment. Further involuntary reduction of  
31 intensities and densities of rural land uses is inconsistent

1 with these objectives and should not occur. Florida's rural  
2 economy should be maintained and protected through innovative  
3 development strategies in rural areas and the use of  
4 incentives that reward landowners for good stewardship of land  
5 and natural resources.

6 (6) Local decisions about the most appropriate  
7 location and type of growth that occurs in rural areas should  
8 be part of a program of planning and development incentives  
9 for the consolidation of development into discrete clustered  
10 patterns that provide ample open space for agriculture,  
11 recreation, and regional environmental protection.

12 (7) To effectuate the policies contained in this  
13 section, the Legislature shall, no later than June 1, 2003,  
14 establish a sustainable rural Florida program.

15 Section 12. Effective January 1, 2003, section  
16 163.325, Florida Statutes, is created to read:

17 163.325 Local government infrastructure financial  
18 assistance.--

19 (1) The purpose of this section is to facilitate the  
20 use of existing federal, state, and local financial resources  
21 by providing local governments with financial assistance to  
22 address local infrastructure needs. These funds may be used  
23 for public education facilities; for joint-use facilities; to  
24 revitalize existing infrastructure within a downtown business  
25 center; or to expedite a county or municipal infrastructure  
26 project.

27 (2) For the purposes of this section:

28 (a) "Bonds" means bonds, certificates, or other  
29 obligations of indebtedness issued by the Florida Local  
30 Government Infrastructure Financing Corporation under this  
31 section and s. 163.3251.

1           (b) "Corporation" means the Florida Local Government  
2 Infrastructure Financing Corporation.

3           (c) "Local government" means a county or municipality.

4           (3)(a) The department may provide financial assistance  
5 through any program authorized under this section, including,  
6 but not limited to, making loans, providing loan guarantees,  
7 purchasing loan insurance or other credit enhancements, and  
8 buying or refinancing local debt. This financial assistance  
9 shall be administered in accordance with this section. The  
10 department shall administer all programs operated from funds  
11 secured through the activities of the Florida Local Government  
12 Infrastructure Financing Corporation under s. 163.3251 to  
13 fulfill the purposes of this section.

14           (b) The department may make, or request the  
15 corporation to make, loans to local governments, which local  
16 governments may pledge any revenue available to them to repay  
17 any funds borrowed.

18           (c) The department shall administer financial  
19 assistance so that at least 15 percent of the funding made  
20 available each year under this section is reserved for use by  
21 small communities during the year it is reserved.

22           (4) The department shall prepare an annual report  
23 detailing the amount loaned, interest earned, and loans  
24 outstanding at the end of each fiscal year.

25           (5) Prior to approval of financial assistance, the  
26 applicant shall:

27           (a) Submit evidence of credit worthiness, loan  
28 security, and a loan repayment schedule in support of a  
29 request for a loan.

30           (b) Provide assurance that records will be kept using  
31 generally accepted accounting principles and that the

- 1 department, the Auditor General, or their agents will have  
2 access to all records pertaining to the financial assistance  
3 provided.
- 4 (c) Provide assurance that the subject facilities,  
5 systems, or activities will be properly operated and  
6 maintained.
- 7 (d) Identify the revenues to be pledged and document  
8 their sufficiency for loan repayment and pledged revenue  
9 coverage in support of a request for a loan.
- 10 (e) Provide assurance that financial information will  
11 be provided as required by the department.
- 12 (f) Submit project planning documentation  
13 demonstrating a cost comparison of alternative methods,  
14 environmental soundness, public participation, and financial  
15 feasibility for any proposed project or activity.
- 16 (g) Submit a certification stating the percentage of  
17 its revenues that is allocated for infrastructure needs, the  
18 current ad valorem millage levied, and the percentage and  
19 amount of any local option surtaxes levied.
- 20 (6) The department shall adopt a priority system by  
21 rule. In developing the priority system, the department shall  
22 give priority to projects that:
- 23 (a) Are located within a sustainable community, urban  
24 infill area, urban revitalization area, or blighted area;
- 25 (b) Have matching local government funds;
- 26 (c) Are located within a local government that is  
27 levying the maximum ad valorem millage rate allowed under s.  
28 9, Art. VII of the State Constitution;
- 29 (d) Are located within a local government where  
30 constitutional officers' expenses are greater than 75 percent  
31 of the local government's budget; or

1       (e) Are located within a local government where more  
2 than 30 percent of the local government's revenues are  
3 allocated to infrastructure needs.

4       (7) If a local government becomes delinquent on its  
5 loan, the department shall so certify to the Chief Financial  
6 Officer, who shall forward the amount delinquent to the  
7 department from any unobligated funds due to the local  
8 government under any revenue-sharing or tax-sharing fund  
9 established by the state, except as otherwise provided by the  
10 State Constitution. Certification of delinquency shall not  
11 limit the department from pursuing other remedies available  
12 for default on a loan. The department may impose a penalty  
13 for delinquent loan payments in an amount not to exceed an  
14 interest rate of 18 percent per annum on the amount due, in  
15 addition to charging the cost to handle and process the debt.  
16 Penalty interest shall accrue on any amount due and payable  
17 beginning on the 30th day following the date upon which  
18 payment is due.

19       (8) Funds for the loans authorized under this section  
20 shall be managed as follows:

21       (a) A nonlapsing trust fund with revolving loan  
22 provisions to be known as the "Local Government Infrastructure  
23 Revolving Loan Trust Fund" shall be established in the State  
24 Treasury prior to January 1, 2003, to be used as a revolving  
25 fund by the department to carry out the purposes of this  
26 section. Any funds therein which are not needed on an  
27 immediate basis for loans may be invested pursuant to s.  
28 215.49. The cost of administering the program shall be paid  
29 from reasonable service fees that may be imposed upon loans,  
30 and from proceeds from the sale of loans as permitted by  
31 federal law so as to enhance program perpetuity. Investment

1 earnings thereon shall be deposited into the trust fund.  
2 Proceeds from the sale of loans shall be deposited into the  
3 trust fund. All moneys available in the trust fund, including  
4 investment earnings, are designated to carry out the purpose  
5 of this section. The principal and interest payments of all  
6 loans held by the trust fund shall be deposited in the trust  
7 fund.

8 (b) The department may obligate moneys available in  
9 the trust fund for payment of amounts payable under any  
10 service contract entered into by the department under s.  
11 163.3251, subject to annual appropriation by the Legislature.  
12 Amounts on deposit in the trust fund in each fiscal year shall  
13 first be applied or allocated for the repayment of amounts  
14 payable by the department under this paragraph and  
15 appropriated each year by the Legislature before making or  
16 providing for other disbursement from the trust fund.

17 (c) Under the provisions of s. 19(f)(3), Art. III of  
18 the State Constitution, the Local Government Infrastructure  
19 Revolving Loan Trust Fund shall be exempt from the termination  
20 provisions of s. 19(f)(2), Art. III of the State Constitution.

21 (9) The department may adopt rules regarding program  
22 administration; project eligibilities and priorities,  
23 including the development and management of project priority  
24 lists; financial assistance application requirements  
25 associated with planning, design, construction, and  
26 implementation activities, including environmental and  
27 engineering requirements; financial assistance agreement  
28 conditions; disbursement and repayment provisions; auditing  
29 provisions; program exceptions; the procedural and contractual  
30 relationship between the department and the corporation under  
31



1 s. 163.3251; and other provisions consistent with the purposes  
2 of this section.

3 Section 13. Effective January 1, 2003, section  
4 163.3251, Florida Statutes, is created to read:

5 163.3251 Florida Local Government Infrastructure  
6 Financing Corporation.--

7 (1) The Florida Local Government Infrastructure  
8 Financing Corporation is created as a nonprofit public benefit  
9 corporation for the purpose of financing or refinancing the  
10 costs of local government infrastructure projects and  
11 activities described in s. 163.325. The projects and  
12 activities described in that section are found to constitute a  
13 public governmental purpose and be necessary for the health,  
14 safety, and welfare of all residents. The fulfillment of the  
15 purposes of the corporation promotes the health, safety, and  
16 welfare of the people of the state and serves essential  
17 governmental functions and a paramount public purpose. The  
18 activities of the corporation are specifically limited to  
19 assisting the department in implementing financing activities  
20 to provide funding for the programs authorized by s. 163.325.  
21 All other activities relating to the purposes for which the  
22 corporation raises funds are the responsibility of the  
23 department, including, but not limited to, development of  
24 program criteria, review of applications for financial  
25 assistance, decisions relating to the number and amount of  
26 loans, and enforcement of the terms of any financial  
27 assistance agreements provided through funds raised by the  
28 corporation. The corporation shall terminate upon fulfillment  
29 of the purposes of this section.

30 (2) The corporation shall be governed by a board of  
31 directors consisting of the Governor's budget director or the

1 budget director's designee, the Chief Financial Officer or the  
2 Chief Financial Officer's designee, and the Secretary of  
3 Community Affairs or the secretary's designee. The executive  
4 director of the State Board of Administration shall be the  
5 chief executive officer of the corporation, shall direct and  
6 supervise the administrative affairs of the corporation, and  
7 shall control, direct, and supervise operation of the  
8 corporation. The corporation shall have such other officers  
9 as may be determined by the board of directors.

10 (3) The corporation shall have all the powers of a  
11 corporate body under the laws of this state to the extent not  
12 inconsistent with or restricted by this section, including,  
13 but not limited to, the power to:

14 (a) Adopt, amend, and repeal bylaws not inconsistent  
15 with this section.

16 (b) Sue and be sued.

17 (c) Adopt and use a common seal.

18 (d) Acquire, purchase, hold, lease, and convey any  
19 real and personal property as may be proper or expedient to  
20 carry out the purposes of the corporation and this section,  
21 and to sell, lease, or otherwise dispose of that property.

22 (e) Elect or appoint and employ such officers, agents,  
23 and employees as the corporation considers advisable to  
24 operate and manage the affairs of the corporation, which  
25 officers, agents, and employees may be officers or employees  
26 of the department or the state agencies represented on the  
27 board of directors of the corporation.

28 (f) Borrow money and issue notes, bonds, certificates  
29 of indebtedness, or other obligations or evidence of  
30 indebtedness described in s. 163.325.

31

1       (g) Operate, as specifically directed by the  
2 department, any program to provide financial assistance  
3 authorized under s. 163.325, which may be funded from any  
4 funds received under a service contract with the department,  
5 from the proceeds of bonds issued by the corporation, or from  
6 any other funding sources obtained by the corporation.

7       (h) Sell all or any portion of the loans issued under  
8 s. 163.325 to accomplish the purposes of this section and s.  
9 163.325.

10       (i) Make and execute any contracts, trust agreements,  
11 and other instruments and agreements necessary or convenient  
12 to accomplish the purposes of the corporation and this  
13 section.

14       (j) Select, retain, and employ professionals,  
15 contractors, or agents, which may include the Division of Bond  
16 Finance of the State Board of Administration, as are necessary  
17 or convenient to enable or assist the corporation in carrying  
18 out its purposes and this section.

19       (k) Do any act or thing necessary or convenient to  
20 carry out the purposes of the corporation and this section.

21       (4) The corporation shall evaluate all financial and  
22 market conditions necessary and prudent for the purpose of  
23 making sound, financially responsible, and cost-effective  
24 decisions in order to secure additional funds to fulfill the  
25 purposes of this section and s. 163.325.

26       (5) The corporation may enter into one or more service  
27 contracts with the department under which the corporation  
28 shall provide services to the department in connection with  
29 financing the functions, projects, and activities provided for  
30 in s. 163.325. The department may enter into one or more  
31 service contracts with the corporation and provide for

1 payments under those contracts pursuant to s. 163.325, subject  
2 to annual appropriation by the Legislature. The service  
3 contracts may provide for the transfer of all or a portion of  
4 the funds in the Local Government Infrastructure Revolving  
5 Loan Trust Fund to the corporation for use by the corporation  
6 for costs incurred by the corporation in its operations,  
7 including, but not limited to, payment of debt service,  
8 reserves, or other costs in relation to bonds issued by the  
9 corporation, for use by the corporation at the request of the  
10 department to directly provide the types of local financial  
11 assistance provided for by s. 163.325, or for payment of the  
12 administrative costs of the corporation. The department shall  
13 not transfer funds under any service contract with the  
14 corporation without specific appropriation for such purpose in  
15 the General Appropriations Act, except for administrative  
16 expenses incurred by the State Board of Administration or  
17 other expenses necessary under documents authorizing or  
18 securing previously issued bonds of the corporation. The  
19 service contracts may also provide for the assignment or  
20 transfer to the corporation of any loans made by the  
21 department. The service contracts may establish the operating  
22 relationship between the department and the corporation and  
23 shall require the department to request the corporation to  
24 issue bonds before any issuance of bonds by the corporation,  
25 to take any actions necessary to enforce the agreements  
26 entered into between the corporation and other parties, and to  
27 take all other actions necessary to assist the corporation in  
28 its operations. In compliance with s. 287.0641 and other  
29 applicable provisions of law, the obligations of the  
30 department under the service contracts do not constitute a  
31 general obligation of the state or a pledge of the faith and

1 credit or taxing power of the state, nor may the obligations  
2 be construed in any manner as an obligation of the State Board  
3 of Administration or entities for which it invests funds, or  
4 of the department except as provided in this section as  
5 payable solely from amounts available under any service  
6 contract between the corporation and the department, subject  
7 to appropriation. In compliance with this subsection and s.  
8 287.0582, service contracts must expressly include the  
9 following statement: "The State of Florida's performance and  
10 obligation to pay under this contract is contingent upon an  
11 annual appropriation by the Legislature."

12 (6) The corporation may issue and incur notes, bonds,  
13 certificates of indebtedness, or other obligations or  
14 evidences of indebtedness payable from and secured by amounts  
15 received from payment of loans and other moneys received by  
16 the corporation, including, but not limited to, amounts  
17 payable to the corporation by the department under a service  
18 contract entered into under subsection (5). The corporation  
19 shall not issue bonds in excess of an amount authorized by  
20 general law or an appropriations act except to refund  
21 previously issued bonds. The proceeds of the bonds may be  
22 used for the purpose of providing funds for projects and  
23 activities provided for under subsection (1) or for refunding  
24 bonds previously issued by the corporation. The corporation  
25 may select a financing team and issue obligations through  
26 competitive bidding or negotiated contracts, whichever is most  
27 cost-effective. Any such indebtedness of the corporation does  
28 not constitute a debt or obligation of the state or a pledge  
29 of the faith and credit or taxing power of the state.

30 (7) The corporation is exempt from taxation and  
31 assessments of any nature whatsoever upon its income and any

1 property, assets, or revenues acquired, received, or used in  
2 the furtherance of the purposes provided by s. 163.325. The  
3 obligations of the corporation incurred under subsection (6)  
4 and the interest and income on the obligations and all  
5 security agreements, letters of credit, liquidity facilities,  
6 or other obligations or instruments arising out of, entered  
7 into in connection with, or given to secure payment of the  
8 obligations are exempt from all taxation; however, this  
9 exemption does not apply to any tax imposed by chapter 220 on  
10 the interest, income, or profits on debt obligations owned by  
11 corporations.

12 (8) The corporation shall validate any bonds issued  
13 under this section, except refunding bonds, which may be  
14 validated at the option of the corporation, by proceedings  
15 under chapter 75. The validation complaint shall be filed  
16 only in the Circuit Court for Leon County. The notice  
17 required under s. 75.06 shall be published in Leon County, and  
18 the complaint and order of the circuit court shall be served  
19 only on the State Attorney for the Second Judicial Circuit.  
20 Sections 75.04(2) and 75.06(2) do not apply to a validation  
21 complaint filed as authorized by this subsection. The  
22 validation of the first bonds issued under this section may be  
23 appealed to the Supreme Court, and the appeal shall be handled  
24 on an expedited basis.

25 (9) The corporation and the department shall not take  
26 any action that will materially and adversely affect the  
27 rights of holders of any obligations issued under this section  
28 as long as the obligations are outstanding.

29 (10) The corporation is not a special district for  
30 purposes of chapter 189 or a unit of local government for  
31 purposes of part III of chapter 218. The provisions of

1 chapters 120 and 215, except the limitation on interest rates  
2 provided by s. 215.84, which applies to obligations of the  
3 corporation issued under this section, and the provisions of  
4 part I of chapter 287, except ss. 287.0582 and 287.0641, do  
5 not apply to this section, the corporation created by this  
6 section, the service contracts entered into under this  
7 section, or debt obligations issued by the corporation as  
8 provided by this section.

9       (11) The benefits or earnings of the corporation may  
10 not inure to the benefit of any private person, except persons  
11 receiving loans under s. 163.325.

12       (12) Upon dissolution of the corporation, title to all  
13 property owned by the corporation reverts to the department.

14       (13) The corporation may contract with the State Board  
15 of Administration to serve as trustee with respect to debt  
16 obligations issued by the corporation as provided by this  
17 section; to hold, administer, and invest proceeds of those  
18 debt obligations and other funds of the corporation; and to  
19 perform other services required by the corporation. The State  
20 Board of Administration may perform those services and may  
21 contract with others to provide all or a part of those  
22 services and to recover the costs and expenses of providing  
23 those services.

24       (14) The Auditor General may conduct a financial audit  
25 of the accounts and records of the corporation.

26       Section 14. Subsection (4) of section 189.415, Florida  
27 Statutes, is amended to read:

28       189.415 Special district public facilities report.--

29       (4) Those special districts building, improving, or  
30 expanding public facilities addressed by a development order  
31 issued to the developer pursuant to s. 380.06 may use the most

1 recent biennial ~~annual~~ report required by s. 380.06(15) and  
2 (18) and submitted by the developer, to the extent the ~~annual~~  
3 report provides the information required by subsection (2).

4 Section 15. Effective June 1, 2003, subsection (3) of  
5 section 199.292, Florida Statutes, is amended to read:

6 199.292 Disposition of intangible personal property  
7 taxes.--All intangible personal property taxes collected  
8 pursuant to this chapter shall be placed in a special fund  
9 designated as the "Intangible Tax Trust Fund." The fund shall  
10 be disbursed as follows:

11 (3) Of the remaining intangible personal property  
12 taxes collected, 25 percent of the balance shall be  
13 transferred to the Local Government Infrastructure Revolving  
14 Loan Trust Fund, and the remaining balance shall be  
15 transferred to the General Revenue Fund of the state.

16 Section 16. Subsection (2) and paragraphs (a) and (f)  
17 of subsection (3) of section 212.055, Florida Statutes, are  
18 amended to read:

19 212.055 Discretionary sales surtaxes; legislative  
20 intent; authorization and use of proceeds.--It is the  
21 legislative intent that any authorization for imposition of a  
22 discretionary sales surtax shall be published in the Florida  
23 Statutes as a subsection of this section, irrespective of the  
24 duration of the levy. Each enactment shall specify the types  
25 of counties authorized to levy; the rate or rates which may be  
26 imposed; the maximum length of time the surtax may be imposed,  
27 if any; the procedure which must be followed to secure voter  
28 approval, if required; the purpose for which the proceeds may  
29 be expended; and such other requirements as the Legislature  
30 may provide. Taxable transactions and administrative  
31 procedures shall be as provided in s. 212.054.



1           (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--  
2           (a)1. The governing authority in each county may levy  
3 a discretionary sales surtax of 0.5 percent or 1 percent. The  
4 levy of the surtax shall be pursuant to ordinance enacted by a  
5 majority of the members of the county governing authority and  
6 approved by a majority of the electors of the county voting in  
7 a referendum on the surtax. If the governing bodies of the  
8 municipalities representing a majority of the county's  
9 population adopt uniform resolutions establishing the rate of  
10 the surtax and calling for a referendum on the surtax, the  
11 levy of the surtax shall be placed on the ballot and shall  
12 take effect if approved by a majority of the electors of the  
13 county voting in the referendum on the surtax.  
14           2. If the surtax was levied pursuant to a referendum  
15 held before July 1, 1993, the surtax may not be levied beyond  
16 the time established in the ordinance, or, if the ordinance  
17 did not limit the period of the levy, the surtax may not be  
18 levied for more than 15 years. The levy of such surtax may be  
19 extended only by approval of a majority of the electors of the  
20 county voting in a referendum on the surtax.  
21           3. The governing authority of a municipality may levy  
22 a discretionary sales surtax of up to 0.5 percent. The levy of  
23 the surtax shall be pursuant to ordinance enacted by a  
24 majority of the members of the municipal governing authority  
25 and approved by a majority of the electors of the municipality  
26 voting in a referendum on the surtax. Notwithstanding  
27 subparagraph 1., if a municipality enacts a discretionary  
28 sales surtax, the county in which the municipality is located  
29 may only levy a discretionary sales surtax of 0.5 percent. A  
30 municipality may not levy a discretionary sales surtax if the  
31

1 county in which it is located is levying a discretionary sales  
2 surtax in excess of 0.5 percent.

3 (b) A statement which includes a brief general  
4 description of the projects to be funded by the surtax and  
5 which conforms to the requirements of s. 101.161 shall be  
6 placed on the ballot by the governing authority of any county  
7 or municipality which enacts an ordinance calling for a  
8 referendum on the levy of the surtax or of any county in which  
9 the governing bodies of the municipalities representing a  
10 majority of the county's population adopt uniform resolutions  
11 calling for a referendum on the surtax. The following  
12 question shall be placed on the ballot:

13

14           ....FOR the                               ....-cent sales tax  
15           ....AGAINST the                           ....-cent sales tax

16

17 (c) Pursuant to s. 212.054(4), the proceeds of the  
18 surtax levied under this subsection by a county shall be  
19 distributed to the county and the municipalities within such  
20 county in which the surtax was collected, according to:

21 1. An interlocal agreement between the county  
22 governing authority and the governing bodies of the  
23 municipalities representing a majority of the county's  
24 municipal population, which agreement may include a school  
25 district with the consent of the county governing authority  
26 and the governing bodies of the municipalities representing a  
27 majority of the county's municipal population; or

28 2. If there is no interlocal agreement, according to  
29 the formula provided in s. 218.62.

30

31

1 Any change in the distribution formula must take effect on the  
2 first day of any month that begins at least 60 days after  
3 written notification of that change has been made to the  
4 department.

5 (d)1. The proceeds of the surtax authorized by this  
6 subsection and any interest accrued thereto shall be expended  
7 by the school district or within the county and municipalities  
8 within the county, or, in the case of a negotiated joint  
9 county agreement, within another county, or, in the case of a  
10 surtax levied by a municipality, within the municipality, to  
11 finance, plan, and construct infrastructure and to acquire  
12 land for public recreation or conservation or protection of  
13 natural resources and to finance the closure of county-owned  
14 or municipally owned solid waste landfills that are already  
15 closed or are required to close by order of the Department of  
16 Environmental Protection. Any use of such proceeds or interest  
17 for purposes of landfill closure prior to July 1, 1993, is  
18 ratified. Neither the proceeds nor any interest accrued  
19 thereto shall be used for operational expenses of any  
20 infrastructure, except that any county with a population of  
21 less than 75,000 that is required to close a landfill by order  
22 of the Department of Environmental Protection may use the  
23 proceeds or any interest accrued thereto for long-term  
24 maintenance costs associated with landfill closure. Counties,  
25 as defined in s. 125.011(1), and charter counties may, in  
26 addition, use the proceeds and any interest accrued thereto to  
27 retire or service indebtedness incurred for bonds issued prior  
28 to July 1, 1987, for infrastructure purposes, and for bonds  
29 subsequently issued to refund such bonds. Any use of such  
30 proceeds or interest for purposes of retiring or servicing  
31

1 indebtedness incurred for such refunding bonds prior to July  
2 1, 1999, is ratified.

3 2. For the purposes of this paragraph,  
4 "infrastructure" means:

5 a. Any fixed capital expenditure or fixed capital  
6 outlay associated with the construction, reconstruction, or  
7 improvement of public facilities which have a life expectancy  
8 of 5 or more years and any land acquisition, land improvement,  
9 design, and engineering costs related thereto.

10 b. A fire department vehicle, an emergency medical  
11 service vehicle, a sheriff's office vehicle, a police  
12 department vehicle, or any other vehicle, and such equipment  
13 necessary to outfit the vehicle for its official use or  
14 equipment that has a life expectancy of at least 5 years.

15 3. Notwithstanding any other provision of this  
16 subsection, a discretionary sales surtax imposed or extended  
17 after the effective date of this act may provide for an amount  
18 not to exceed 15 percent of the local option sales surtax  
19 proceeds to be allocated for deposit to a trust fund within  
20 the county's or municipality's accounts created for the  
21 purpose of funding economic development projects of a general  
22 public purpose targeted to improve local economies, including  
23 the funding of operational costs and incentives related to  
24 such economic development. The ballot statement must indicate  
25 the intention to make an allocation under the authority of  
26 this subparagraph.

27 (e) School districts, counties, and municipalities  
28 receiving proceeds under the provisions of this subsection may  
29 pledge such proceeds for the purpose of servicing new bond  
30 indebtedness incurred pursuant to law. Local governments may  
31 use the services of the Division of Bond Finance of the State

1 Board of Administration pursuant to the State Bond Act to  
2 issue any bonds through the provisions of this subsection. In  
3 no case may a jurisdiction issue bonds pursuant to this  
4 subsection more frequently than once per year. Counties and  
5 municipalities may join together for the issuance of bonds  
6 authorized by this subsection.

7 (f) Counties and municipalities shall not use the  
8 surtax proceeds to supplant or replace user fees or to reduce  
9 ad valorem taxes existing prior to the levy of the surtax  
10 authorized by this subsection.

11 (g)1. Notwithstanding paragraph (d), a county that has  
12 a population of 50,000 or less on April 1, 1992, or any county  
13 designated as an area of critical state concern on the  
14 effective date of this act, and that imposed the surtax before  
15 July 1, 1992, may use the proceeds and interest of the surtax  
16 for any public purpose if:

17 a. The debt service obligations for any year are met;

18 b. The county's comprehensive plan has been determined  
19 to be in compliance with part II of chapter 163; and

20 c. The county has adopted an amendment to the surtax  
21 ordinance pursuant to the procedure provided in s. 125.66  
22 authorizing additional uses of the surtax proceeds and  
23 interest.

24 2. A municipality located within a county that has a  
25 population of 50,000 or less on April 1, 1992, or within a  
26 county designated as an area of critical state concern on the  
27 effective date of this act, and that imposed the surtax before  
28 July 1, 1992, may not use the proceeds and interest of the  
29 surtax for any purpose other than an infrastructure purpose  
30 authorized in paragraph (d) unless the municipality's  
31 comprehensive plan has been determined to be in compliance

1 with part II of chapter 163 and the municipality has adopted  
2 an amendment to its surtax ordinance or resolution pursuant to  
3 the procedure provided in s. 166.041 authorizing additional  
4 uses of the surtax proceeds and interest. Such municipality  
5 may expend the surtax proceeds and interest for any public  
6 purpose authorized in the amendment.

7           3. Those counties designated as an area of critical  
8 state concern which qualify to use the surtax for any public  
9 purpose may use only up to 10 percent of the surtax proceeds  
10 for any public purpose other than for infrastructure purposes  
11 authorized by this section.

12           (h) Notwithstanding paragraph (d), a county in which  
13 40 percent or more of the just value of real property is  
14 exempt or immune from ad valorem<sup>1</sup> taxation, and the  
15 municipalities within such a county, may use the proceeds and  
16 interest of the surtax for operation and maintenance of parks  
17 and recreation programs and facilities established with the  
18 proceeds of the surtax.

19           (i) Notwithstanding any other provision of this  
20 section, a county shall not levy local option sales surtaxes  
21 authorized in this subsection and subsections (3), (4), and  
22 (5) in excess of a combined rate of 1 percent. However, if the  
23 county is levying local option sales surtaxes under this  
24 subsection and subsection (3) only, the combined rate shall  
25 not exceed 1.5 percent.

26           (3) SMALL COUNTY SURTAX.--

27           (a) The governing authority in each county that has a  
28 population of 50,000 or less on April 1, 1992, may levy a  
29 discretionary sales surtax of 0.5 percent or 1 percent. The  
30 levy of the surtax shall be pursuant to ordinance enacted by  
31 an extraordinary vote of the members of the county governing

1 authority if the surtax revenues are expended for operating  
2 purposes. If the surtax revenues are expended for the purpose  
3 of servicing bond indebtedness, the surtax shall be approved  
4 by a majority of the electors of the county voting in a  
5 referendum on the surtax. However, any local government  
6 levying the local government infrastructure surtax under  
7 subsection (2) at the rate of 1 percent shall not levy the  
8 surtax under this subsection at a rate of 0.5 percent, so that  
9 the combined rates equal 1.5 percent as authorized by  
10 paragraph (2)(i), unless the surtax under this subsection is  
11 approved by a majority of the electors of the county voting in  
12 a referendum on the surtax.

13 (f) Notwithstanding any other provision of this  
14 section, a county shall not levy local option sales surtaxes  
15 authorized in this subsection and subsections (2), (4), and  
16 (5) in excess of a combined rate of 1 percent, except as  
17 provided in paragraph (2)(i).

18 Section 17. Section (3) of section 215.211, Florida  
19 Statutes, is amended to read:

20 215.211 Service charge; elimination or reduction for  
21 specified proceeds.--

22 (3) Notwithstanding the provisions of s. 215.20(1),  
23 the service charge provided in s. 215.20(1), which is deducted  
24 from the proceeds of the local option fuel tax distributed  
25 under s. 336.025, shall be eliminated June 1, 2003.~~reduced as~~  
26 ~~follows:~~

27 ~~(a) For the period July 1, 2005, through June 30,~~  
28 ~~2006, the rate of the service charge shall be 3.5 percent.~~

29 ~~(b) Beginning July 1, 2006, and thereafter, no service~~  
30 ~~charge shall be deducted from the proceeds of the local option~~  
31 ~~fuel tax distributed under s. 336.025.~~

1  
2 The increased revenues derived from this subsection shall be  
3 deposited in the State Transportation Trust Fund and used to  
4 fund the County Incentive Grant Program and the Small County  
5 Outreach Program. Up to 20 percent of such funds shall be used  
6 for the purpose of implementing the Small County Outreach  
7 Program as provided in this act. Notwithstanding any other  
8 laws to the contrary, the requirements of ss. 339.135,  
9 339.155, and 339.175 shall not apply to these funds and  
10 programs.

11 Section 18. Subsection (4) is added to section 333.06,  
12 Florida Statutes, to read:

13 333.06 Airport zoning requirements.--

14 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO  
15 AFFECTED LOCAL GOVERNMENT.--An airport master plan shall be  
16 prepared by each publicly owned and operated airport licensed  
17 by the Department of Transportation under chapter 330. The  
18 authorized entity having responsibility for governing the  
19 operation of the airport, when either requesting from or  
20 submitting to a state or federal government agency with  
21 funding or approval jurisdiction a "finding of no significant  
22 impact," an environmental assessment, a site selection study,  
23 an airport master plan, or any amendment to an airport master  
24 plan, shall submit simultaneously a copy of said request,  
25 submittal, assessment, study, plan, or amendment by certified  
26 mail to all affected local governments. For the purposes of  
27 this subsection, "affected local government" means any city or  
28 county having jurisdiction over the airport and any city or  
29 county located within 2 miles of the boundaries of the land  
30 subject to the airport master plan.  
31



1           Section 19. Effective June 1, 2003, paragraph (c) of  
2 subsection (1) and subsection (2) of section 336.021, Florida  
3 Statutes, are amended to read:

4           336.021 County transportation system; levy of  
5 ninth-cent fuel tax on motor fuel and diesel fuel.--

6           (1)

7           (c) Local option taxes collected on sales or use of  
8 diesel fuel in this state shall be distributed in the  
9 following manner:

10           1. The fiscal year of July 1, 1995, through June 30,  
11 1996, shall be the base year for all distributions.

12           2. Each year the tax collected, less the deduction  
13 provided for in paragraph (2)(b), the service and  
14 administrative charges enumerated in s. 215.20, and the  
15 allowances allowed under s. 206.91, on the number of gallons  
16 reported, up to the total number of gallons reported in the  
17 base year, shall be distributed to each county using the  
18 distribution percentage calculated for the base year.

19           3. After the distribution of taxes pursuant to  
20 subparagraph 2., additional taxes available for distribution  
21 shall first be distributed pursuant to this subparagraph. A  
22 distribution shall be made to each county in which a qualified  
23 new retail station is located. A qualified new retail station  
24 is a retail station that began operation after June 30, 1996,  
25 and that has sales of diesel fuel exceeding 50 percent of the  
26 sales of diesel fuel reported in the county in which it is  
27 located during the 1995-1996 state fiscal year. The  
28 determination of whether a new retail station is qualified  
29 shall be based on the total gallons of diesel fuel sold at the  
30 station during each full month of operation during the  
31 12-month period ending March 31, divided by the number of full

1 months of operation during those 12 months, and the result  
2 multiplied by 12. The amount distributed pursuant to this  
3 subparagraph to each county in which a qualified new retail  
4 station is located shall equal the local option taxes due on  
5 the gallons of diesel fuel sold by the new retail station  
6 during the year ending March 31, less the service charges  
7 enumerated in s. 215.20 and the dealer allowance provided for  
8 by s. 206.91. Gallons of diesel fuel sold at the qualified new  
9 retail station shall be certified to the department by the  
10 county requesting the additional distribution by June 15,  
11 1997, and by May 1 in each subsequent year. The certification  
12 shall include the beginning inventory, fuel purchases and  
13 sales, and the ending inventory for the new retail station for  
14 each month of operation during the year, the original purchase  
15 invoices for the period, and any other information the  
16 department deems reasonable and necessary to establish the  
17 certified gallons. The department may review and audit the  
18 retail dealer's records provided to a county to establish the  
19 gallons sold by the new retail station. Notwithstanding the  
20 provisions of this subparagraph, when more than one county  
21 qualifies for a distribution pursuant to this subparagraph and  
22 the requested distributions exceed the total taxes available  
23 for distribution, each county shall receive a prorated share  
24 of the moneys available for distribution.

25         4. After the distribution of taxes pursuant to  
26 subparagraph 3., all additional taxes available for  
27 distribution shall be distributed based on vehicular diesel  
28 fuel storage capacities in each county pursuant to this  
29 subparagraph. The total vehicular diesel fuel storage capacity  
30 shall be established for each fiscal year based on the  
31 registration of facilities with the Department of

1 Environmental Protection as required by s. 376.303 for the  
2 following facility types: retail stations, fuel  
3 user/nonretail, state government, local government, and county  
4 government. Each county shall receive a share of the total  
5 taxes available for distribution pursuant to this subparagraph  
6 equal to a fraction, the numerator of which is the storage  
7 capacity located within the county for vehicular diesel fuel  
8 in the facility types listed in this subparagraph and the  
9 denominator of which is the total statewide storage capacity  
10 for vehicular diesel fuel in those facility types. The  
11 vehicular diesel fuel storage capacity for each county and  
12 facility type shall be that established by the Department of  
13 Environmental Protection by June 1, 1997, for the 1996-1997  
14 fiscal year, and by January 31 for each succeeding fiscal  
15 year. The storage capacities so established shall be final.  
16 The storage capacity for any new retail station for which a  
17 county receives a distribution pursuant to subparagraph 3.  
18 shall not be included in the calculations pursuant to this  
19 subparagraph.

20 (2)(a) The tax collected by the department pursuant to  
21 subsection (1), except for the deduction provided for by  
22 paragraph (b), shall be transferred to the Ninth-cent Fuel Tax  
23 Trust Fund, which fund is created for distribution to the  
24 counties pursuant to paragraph (1)(d). The department shall  
25 deduct the administrative costs incurred by it in collecting,  
26 administering, enforcing, and distributing back to the  
27 counties the tax, which administrative costs may not exceed 2  
28 percent of collections authorized by this section. The total  
29 administrative cost shall be prorated among those counties  
30 levying the tax according to the following formula, which  
31 shall be revised on July 1 of each year: Two-thirds of the

1 amount deducted shall be based on the county's proportional  
2 share of the number of dealers who are registered for purposes  
3 of chapter 212 on June 30th of the preceding state fiscal  
4 year, and one-third of the amount deducted shall be based on  
5 the county's share of the total amount of the tax collected  
6 during the preceding state fiscal year. The department has the  
7 authority to prescribe and publish all forms upon which  
8 reports shall be made to it and other forms and records deemed  
9 to be necessary for proper administration and collection of  
10 the tax levied by any county and shall adopt rules necessary  
11 to enforce this section, which rules shall have the full force  
12 and effect of law. The provisions of ss. 206.026, 206.027,  
13 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07,  
14 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12,  
15 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18,  
16 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22,  
17 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, 206.45,  
18 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872,  
19 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, and  
20 206.945 shall, as far as practicable, be applicable to the  
21 levy and collection of the tax imposed pursuant to this  
22 section as if fully set out in this section.

23 (b) Notwithstanding any provision to the contrary, the  
24 department shall transfer 7 percent of the tax collected  
25 pursuant to subsection (1) to the Local Government  
26 Infrastructure Revolving Loan Trust Fund, to be used for  
27 purposes provided for in s. 163.325.

28 ~~(c)~~~~(b)~~ The provisions of s. 206.43(7) shall apply to  
29 the incorrect reporting of the tax levied under this section.

30 Section 20. Paragraphs (d) and (e) of subsection (2),  
31 paragraph (c) of subsection (3), paragraph (b) of subsection

1 (4), paragraph (a) of subsection (8), paragraphs (c) and (g)  
2 of subsection (15), subsection (18), and paragraphs (b), (c),  
3 (e), and (f) of subsection (19) of section 380.06, Florida  
4 Statutes, are amended, paragraphs (i), (j), (k), (l), and (m)  
5 are added to subsection (24) of said section, and subsection  
6 (28) is added to said section, to read:

7 380.06 Developments of regional impact.--

8 (2) STATEWIDE GUIDELINES AND STANDARDS.--

9 (d) The guidelines and standards shall be applied as  
10 follows:

11 ~~1. Fixed thresholds.--~~

12 1.a. A development that is ~~at or~~ below 100 ~~80~~ percent  
13 of all numerical thresholds in the guidelines and standards  
14 shall not be required to undergo  
15 development-of-regional-impact review.

16 2.b. A development that is at or above 100 ~~120~~ percent  
17 of any numerical threshold shall be required to undergo  
18 development-of-regional-impact review.

19 3.c. Projects certified under s. 403.973 which create  
20 at least 100 jobs and meet the criteria of the Office of  
21 Tourism, Trade, and Economic Development as to their impact on  
22 an area's economy, employment, and prevailing wage and skill  
23 levels that are at or below 100 percent of the numerical  
24 thresholds for industrial plants, industrial parks,  
25 distribution, warehousing or wholesaling facilities, office  
26 development or multiuse projects other than residential, as  
27 described in s. 380.0651(3)(~~b~~)(~~c~~),(~~c~~)(~~d~~), and(~~g~~)(~~i~~), are not  
28 required to undergo development-of-regional-impact review.

29 ~~2. Rebuttable presumptions.--~~

30  
31

1           ~~a. It shall be presumed that a development that is~~  
2 ~~between 80 and 100 percent of a numerical threshold shall not~~  
3 ~~be required to undergo development of regional impact review.~~

4           ~~b. It shall be presumed that a development that is at~~  
5 ~~100 percent or between 100 and 120 percent of a numerical~~  
6 ~~threshold shall be required to undergo~~  
7 ~~development of regional impact review.~~

8           (e) With respect to residential, hotel, motel, office,  
9 and retail developments, the applicable guidelines and  
10 standards shall be increased by 50 percent in urban central  
11 business districts and regional activity centers of  
12 jurisdictions whose local comprehensive plans are in  
13 compliance with part II of chapter 163. With respect to  
14 multiuse developments, the applicable guidelines and standards  
15 shall be increased by 100 percent in urban central business  
16 districts and regional activity centers of jurisdictions whose  
17 local comprehensive plans are in compliance with part II of  
18 chapter 163, if one land use of the multiuse development is  
19 residential and amounts to not less than 35 percent of the  
20 jurisdiction's applicable residential threshold. With respect  
21 to resort or convention hotel developments, the applicable  
22 guidelines and standards shall be increased by 150 percent in  
23 urban central business districts and regional activity centers  
24 of jurisdictions whose local comprehensive plans are in  
25 compliance with part II of chapter 163 and where the increase  
26 is specifically for a proposed resort or convention hotel  
27 located in a county with a population greater than 500,000 and  
28 the local government specifically designates that the proposed  
29 resort or convention hotel development will serve an existing  
30 convention center of more than 250,000 gross square feet built  
31 prior to July 1, 1992. The applicable guidelines and standards

1 shall be increased by 200 percent for development in any area  
2 designated by the Governor as a rural area of critical  
3 economic concern pursuant to s. 288.0656 during the  
4 effectiveness of the designation.~~The Administration~~  
5 ~~Commission, upon the recommendation of the state land planning~~  
6 ~~agency, shall implement this paragraph by rule no later than~~  
7 ~~December 1, 1993. The increased guidelines and standards~~  
8 ~~authorized by this paragraph shall not be implemented until~~  
9 ~~the effectiveness of the rule which, among other things, shall~~  
10 ~~set forth the pertinent characteristics of urban central~~  
11 ~~business districts and regional activity centers.~~

12 (3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES  
13 AND STANDARDS.--The state land planning agency, a regional  
14 planning agency, or a local government may petition the  
15 Administration Commission to increase or decrease the  
16 numerical thresholds of any statewide guideline and standard.  
17 The state land planning agency or the regional planning agency  
18 may petition for an increase or decrease for a particular  
19 local government's jurisdiction or a part of a particular  
20 jurisdiction. A local government may petition for an increase  
21 or decrease within its jurisdiction or a part of its  
22 jurisdiction. A number of requests may be combined in a  
23 single petition.

24 (c) The Administration Commission shall have authority  
25 to increase or decrease a threshold in the statewide  
26 guidelines and standards ~~up to 50 percent above or below the~~  
27 ~~statewide presumptive threshold.~~ The commission may from time  
28 to time reconsider changed thresholds and make additional  
29 variations as it deems necessary.

30 (4) BINDING LETTER.--

31

1 (b) Unless a developer waives the requirements of this  
2 paragraph by agreeing to undergo  
3 development-of-regional-impact review pursuant to this  
4 section, the state land planning agency or local government  
5 with jurisdiction over the land on which a development is  
6 proposed may require a developer to obtain a binding letter  
7 if+

8 ~~1. the development is at a presumptive numerical~~  
9 ~~threshold or up to 20 percent above a numerical threshold in~~  
10 ~~the guidelines and standards.~~~~7 or~~

11 ~~2. The development is between a presumptive numerical~~  
12 ~~threshold and 20 percent below the numerical threshold and the~~  
13 ~~local government or the state land planning agency is in doubt~~  
14 ~~as to whether the character or magnitude of the development at~~  
15 ~~the proposed location creates a likelihood that the~~  
16 ~~development will have a substantial effect on the health,~~  
17 ~~safety, or welfare of citizens of more than one county.~~

18 (8) PRELIMINARY DEVELOPMENT AGREEMENTS.--

19 (a) A developer may enter into a written preliminary  
20 development agreement with the state land planning agency to  
21 allow a developer to proceed with a limited amount of the  
22 total proposed development, subject to all other governmental  
23 approvals and solely at the developer's own risk, prior to  
24 issuance of a final development order. All owners of the land  
25 in the total proposed development shall join the developer as  
26 parties to the agreement. Each agreement shall include and be  
27 subject to the following conditions:

28 1. The developer shall comply with the preapplication  
29 conference requirements pursuant to subsection (7) within 45  
30 days after the execution of the agreement.

31



1           2. The developer shall file an application for  
2 development approval for the total proposed development within  
3 3 months after execution of the agreement, unless the state  
4 land planning agency agrees to a different time for good cause  
5 shown. Failure to timely file an application and to otherwise  
6 diligently proceed in good faith to obtain a final development  
7 order shall constitute a breach of the preliminary development  
8 agreement.

9           3. The agreement shall include maps and legal  
10 descriptions of both the preliminary development area and the  
11 total proposed development area and shall specifically  
12 describe the preliminary development in terms of magnitude and  
13 location. The area approved for preliminary development must  
14 be included in the application for development approval and  
15 shall be subject to the terms and conditions of the final  
16 development order.

17           4. The preliminary development shall be limited to  
18 lands that the state land planning agency agrees are suitable  
19 for development and shall only be allowed in areas where  
20 adequate public infrastructure exists to accommodate the  
21 preliminary development, when such development will utilize  
22 public infrastructure. The developer must also demonstrate  
23 that the preliminary development will not result in material  
24 adverse impacts to existing resources or existing or planned  
25 facilities.

26           5. The preliminary development agreement may allow  
27 development which is:

28           a. Less than 100 ~~or equal to 80~~ percent of any  
29 applicable threshold if the developer demonstrates that such  
30 development is consistent with subparagraph 4.; or  
31

1           b. Equal to or more than 100 ~~Less than 120~~ percent of  
2 any applicable threshold if the developer demonstrates that  
3 such development is part of a proposed downtown development of  
4 regional impact specified in subsection (22) or part of any  
5 areawide development of regional impact specified in  
6 subsection (25) and that the development is consistent with  
7 subparagraph 4.

8           6. The developer and owners of the land may not claim  
9 vested rights, or assert equitable estoppel, arising from the  
10 agreement or any expenditures or actions taken in reliance on  
11 the agreement to continue with the total proposed development  
12 beyond the preliminary development. The agreement shall not  
13 entitle the developer to a final development order approving  
14 the total proposed development or to particular conditions in  
15 a final development order.

16           7. The agreement shall not prohibit the regional  
17 planning agency from reviewing or commenting on any regional  
18 issue that the regional agency determines should be included  
19 in the regional agency's report on the application for  
20 development approval.

21           8. The agreement shall include a disclosure by the  
22 developer and all the owners of the land in the total proposed  
23 development of all land or development within 5 miles of the  
24 total proposed development in which they have an interest and  
25 shall describe such interest.

26           9. In the event of a breach of the agreement or  
27 failure to comply with any condition of the agreement, or if  
28 the agreement was based on materially inaccurate information,  
29 the state land planning agency may terminate the agreement or  
30 file suit to enforce the agreement as provided in this section  
31 and s. 380.11, including a suit to enjoin all development.

1           10. A notice of the preliminary development agreement  
2 shall be recorded by the developer in accordance with s.  
3 28.222 with the clerk of the circuit court for each county in  
4 which land covered by the terms of the agreement is located.  
5 The notice shall include a legal description of the land  
6 covered by the agreement and shall state the parties to the  
7 agreement, the date of adoption of the agreement and any  
8 subsequent amendments, the location where the agreement may be  
9 examined, and that the agreement constitutes a land  
10 development regulation applicable to portions of the land  
11 covered by the agreement. The provisions of the agreement  
12 shall inure to the benefit of and be binding upon successors  
13 and assigns of the parties in the agreement.

14           11. Except for those agreements which authorize  
15 preliminary development for substantial deviations pursuant to  
16 subsection (19), a developer who no longer wishes to pursue a  
17 development of regional impact may propose to abandon any  
18 preliminary development agreement executed after January 1,  
19 1985, including those pursuant to s. 380.032(3), provided at  
20 the time of abandonment:

21           a. A final development order under this section has  
22 been rendered that approves all of the development actually  
23 constructed; or

24           b. The amount of development is less than 100 ~~80~~  
25 percent of all numerical thresholds of the guidelines and  
26 standards, and the state land planning agency determines in  
27 writing that the development to date is in compliance with all  
28 applicable local regulations and the terms and conditions of  
29 the preliminary development agreement and otherwise adequately  
30 mitigates for the impacts of the development to date.

31

1 In either event, when a developer proposes to abandon said  
2 agreement, the developer shall give written notice and state  
3 that he or she is no longer proposing a development of  
4 regional impact and provide adequate documentation that he or  
5 she has met the criteria for abandonment of the agreement to  
6 the state land planning agency. Within 30 days of receipt of  
7 adequate documentation of such notice, the state land planning  
8 agency shall make its determination as to whether or not the  
9 developer meets the criteria for abandonment. Once the state  
10 land planning agency determines that the developer meets the  
11 criteria for abandonment, the state land planning agency shall  
12 issue a notice of abandonment which shall be recorded by the  
13 developer in accordance with s. 28.222 with the clerk of the  
14 circuit court for each county in which land covered by the  
15 terms of the agreement is located.

16 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

17 (c) The development order shall include findings of  
18 fact and conclusions of law consistent with subsections (13)  
19 and (14). The development order:

20 1. Shall specify the monitoring procedures and the  
21 local official responsible for assuring compliance by the  
22 developer with the development order.

23 2. Shall establish compliance dates for the  
24 development order, including a deadline for commencing  
25 physical development and for compliance with conditions of  
26 approval or phasing requirements, and shall include a  
27 termination date that reasonably reflects the time required to  
28 complete the development.

29 3. Shall establish a date until which the local  
30 government agrees that the approved development of regional  
31 impact shall not be subject to downzoning, unit density

1 reduction, or intensity reduction, unless the local government  
2 can demonstrate that substantial changes in the conditions  
3 underlying the approval of the development order have occurred  
4 or the development order was based on substantially inaccurate  
5 information provided by the developer or that the change is  
6 clearly established by local government to be essential to the  
7 public health, safety, or welfare.

8           4. Shall specify the requirements for the biennial  
9 ~~annual~~ report designated under subsection (18), including the  
10 date of submission, parties to whom the report is submitted,  
11 and contents of the report, based upon the rules adopted by  
12 the state land planning agency. Such rules shall specify the  
13 scope of any additional local requirements that may be  
14 necessary for the report.

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

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

19           (g) A local government shall not issue permits for  
20 development subsequent to the termination date or expiration  
21 date contained in the development order unless:

22           1. The proposed development has been evaluated  
23 cumulatively with existing development under the substantial  
24 deviation provisions of subsection (19) subsequent to the  
25 termination or expiration date;

26           2. The proposed development is consistent with an  
27 abandonment of development order that has been issued in  
28 accordance with the provisions of subsection (26); or

29           3. The project has been determined to be an  
30 essentially built-out development of regional impact through  
31 an agreement executed by the developer, the state land

1 planning agency, and the local government, in accordance with  
2 s. 380.032, which will establish the terms and conditions  
3 under which the development may be continued. If the project  
4 is determined to be essentially built-out, development may  
5 proceed pursuant to the s. 380.032 agreement after the  
6 termination or expiration date contained in the development  
7 order without further development-of-regional-impact review  
8 subject to the local government comprehensive plan and land  
9 development regulations or subject to a modified  
10 development-of-regional-impact analysis. As used in this  
11 paragraph, an "essentially built-out" development of regional  
12 impact means:

13 a. The development is in compliance with all  
14 applicable terms and conditions of the development order  
15 except the built-out date; and

16 b.(I) The amount of development that remains to be  
17 built is less than the substantial deviation threshold  
18 specified in paragraph (19)(b) for each individual land use  
19 category, or, for a multiuse development, the sum total of all  
20 unbuilt land uses as a percentage of the applicable  
21 substantial deviation threshold is equal to or less than 150  
22 ~~100~~ percent; or

23 (II) The state land planning agency and the local  
24 government have agreed in writing that the amount of  
25 development to be built does not create the likelihood of any  
26 additional regional impact not previously reviewed.

27 (18) BIENNIAL ~~ANNUAL~~ REPORTS.--The developer shall  
28 submit a biennial ~~an annual~~ report on the development of  
29 regional impact to the local government, the regional planning  
30 agency, the state land planning agency, and all affected  
31 permit agencies in alternate years on the date specified in

1 the development order, unless the development order by its  
2 terms requires more frequent monitoring. If the ~~annual~~ report  
3 is not received, the regional planning agency or the state  
4 land planning agency shall notify the local government. If  
5 the local government does not receive the ~~annual~~ report or  
6 receives notification that the regional planning agency or the  
7 state land planning agency has not received the report, the  
8 local government shall request in writing that the developer  
9 submit the report within 30 days. The failure to submit the  
10 report after 30 days shall result in the temporary suspension  
11 of the development order by the local government. If no  
12 additional development pursuant to the development order has  
13 occurred since the submission of the previous report, then a  
14 letter from the developer stating that no development has  
15 occurred shall satisfy the requirement for a report.  
16 Development orders which require annual reports may be amended  
17 to require biennial reports at the option of the local  
18 government.

19 (19) SUBSTANTIAL DEVIATIONS.--

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

28 1. An increase in the number of parking spaces at an  
29 attraction or recreational facility by 5 percent or 300  
30 spaces, whichever is greater, or an increase in the number of  
31

1 spectators that may be accommodated at such a facility by 5  
2 percent or 1,000 spectators, whichever is greater.

3 ~~2. A new runway, a new terminal facility, a 25-percent~~  
4 ~~lengthening of an existing runway, or a 25-percent increase in~~  
5 ~~the number of gates of an existing terminal, but only if the~~  
6 ~~increase adds at least three additional gates. However, if an~~  
7 ~~airport is located in two counties, a 10-percent lengthening~~  
8 ~~of an existing runway or a 20-percent increase in the number~~  
9 ~~of gates of an existing terminal is the applicable criteria.~~

10 2.3. An increase in the number of hospital beds by 5  
11 percent or 60 beds, whichever is greater.

12 3.4. An increase in industrial development area by 5  
13 percent or 32 acres, whichever is greater.

14 4.5. An increase in the average annual acreage mined  
15 by 5 percent or 10 acres, whichever is greater, or an increase  
16 in the average daily water consumption by a mining operation  
17 by 5 percent or 300,000 gallons, whichever is greater. An  
18 increase in the size of the mine by 5 percent or 750 acres,  
19 whichever is less.

20 5.6. An increase in land area for office development  
21 by 5 percent or 6 acres, whichever is greater, or an increase  
22 of gross floor area of office development by 5 percent or  
23 60,000 gross square feet, whichever is greater.

24 ~~7. An increase in the storage capacity for chemical or~~  
25 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~  
26 ~~7 million pounds, whichever is greater.~~

27 ~~8. An increase of development at a waterport of wet~~  
28 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~  
29 ~~wet/dry storage for 60 watercraft in an area identified in the~~  
30 ~~state marina siting plan as an appropriate site for additional~~  
31



1 ~~waterport development or a 5-percent increase in watercraft~~  
2 ~~storage capacity, whichever is greater.~~

3       6.9. An increase in the number of dwelling units by 5  
4 percent or 50 dwelling units, whichever is greater.

5       7.10. An increase in commercial development by 6 acres  
6 of land area or by 50,000 square feet of gross floor area, or  
7 of parking spaces provided for customers for 300 cars or a  
8 5-percent increase of any of these, whichever is greater.

9       8.11. An increase in hotel or motel facility units by  
10 5 percent or 75 units, whichever is greater.

11       9.12. An increase in a recreational vehicle park area  
12 by 5 percent or 100 vehicle spaces, whichever is less.

13       10.13. A decrease in the area set aside for open space  
14 of 5 percent or 20 acres, whichever is less.

15       11.14. A proposed increase to an approved multiuse  
16 development of regional impact where the sum of the increases  
17 of each land use as a percentage of the applicable substantial  
18 deviation criteria is equal to or exceeds 150 ~~100~~ percent. The  
19 percentage of any decrease in the amount of open space shall  
20 be treated as an increase for purposes of determining when 150  
21 ~~100~~ percent has been reached or exceeded.

22       12.15. A 15-percent increase in the number of external  
23 vehicle trips generated by the development above that which  
24 was projected during the original  
25 development-of-regional-impact review.

26       13.16. Any change which would result in development of  
27 any area which was specifically set aside in the application  
28 for development approval or in the development order for  
29 preservation or special protection of endangered or threatened  
30 plants or animals designated as endangered, threatened, or  
31 species of special concern and their habitat, primary dunes,

1 or archaeological and historical sites designated as  
2 significant by the Division of Historical Resources of the  
3 Department of State. The further refinement of such areas by  
4 survey shall be considered under sub-subparagraph (e)4.b.

5 ~~(e)5.b.~~

6  
7 The substantial deviation numerical standards in subparagraphs  
8 3.4., 5.6., 7.10., 11.14., excluding residential uses, and  
9 12.15., are increased by 100 percent for a project certified  
10 under s. 403.973 which creates jobs and meets criteria  
11 established by the Office of Tourism, Trade, and Economic  
12 Development as to its impact on an area's economy, employment,  
13 and prevailing wage and skill levels. The substantial  
14 deviation numerical standards in subparagraphs 3.4., 5.6.,  
15 6.9., 7.10., 8.11., and 11.14. are increased by 50 percent for  
16 a project located wholly within an urban infill and  
17 redevelopment area designated on the applicable adopted local  
18 comprehensive plan future land use map and not located within  
19 the coastal high hazard area.

20 (c) An extension of the date of buildout of a  
21 development, or any phase thereof, by 7 or more years shall be  
22 presumed to create a substantial deviation subject to further  
23 development-of-regional-impact review. An extension of the  
24 date of buildout, or any phase thereof, of ~~5 years or more but~~  
25 ~~less than 7 years shall be presumed not to create a~~  
26 ~~substantial deviation. These presumptions may be rebutted by~~  
27 ~~clear and convincing evidence at the public hearing held by~~  
28 ~~the local government. An extension of less than 7~~ 5 years is  
29 not a substantial deviation. For the purpose of calculating  
30 when a buildout, phase, or termination date has been exceeded,  
31 the time shall be tolled during the pendency of administrative

1 or judicial proceedings relating to development permits. Any  
2 extension of the buildout date of a project or a phase thereof  
3 shall automatically extend the commencement date of the  
4 project, the termination date of the development order, the  
5 expiration date of the development of regional impact, and the  
6 phases thereof by a like period of time.

7 ~~(e)1. A proposed change which, either individually or,~~  
8 ~~if there were previous changes, cumulatively with those~~  
9 ~~changes, is equal to or exceeds 40 percent of any numerical~~  
10 ~~criterion in subparagraphs (b)1.-15., but which does not~~  
11 ~~exceed such criterion, shall be presumed not to create a~~  
12 ~~substantial deviation subject to further~~  
13 ~~development of regional impact review. The presumption may be~~  
14 ~~rebutted by clear and convincing evidence at the public~~  
15 ~~hearing held by the local government pursuant to subparagraph~~  
16 ~~(f)5.~~

17 1.2. Except for a development order rendered pursuant  
18 to subsection (22) or subsection (25), a proposed change to a  
19 development order that individually or cumulatively with any  
20 previous change is less than 60 ~~40~~ percent of any numerical  
21 criterion contained in subparagraphs (b)1.-12.1.-15. and does  
22 not exceed any other criterion is not a substantial deviation,  
23 ~~or that involves an extension of the buildout date of a~~  
24 ~~development, or any phase thereof, of less than 5 years is not~~  
25 subject to the public hearing requirements of subparagraph  
26 (f)3., and is not subject to a determination pursuant to  
27 subparagraph (f)5. Notice of the proposed change shall be  
28 made to the local government and the regional planning council  
29 ~~and the state land planning agency.~~ Such notice shall include  
30 a description of previous individual changes made to the  
31 development, including changes previously approved by the

1 local government, and shall include appropriate amendments to  
2 the development order. The following changes, individually or  
3 cumulatively with any previous changes, are not substantial  
4 deviations:

5       a. Changes in the name of the project, developer,  
6 owner, or monitoring official.

7       b. Changes to a setback that do not affect noise  
8 buffers, environmental protection or mitigation areas, or  
9 archaeological or historical resources.

10       c. Changes to minimum lot sizes.

11       d. Changes in the configuration of internal roads that  
12 do not affect external access points.

13       e. Changes to the building design or orientation that  
14 stay approximately within the approved area designated for  
15 such building and parking lot, and which do not affect  
16 historical buildings designated as significant by the Division  
17 of Historical Resources of the Department of State.

18       f. Changes to increase the acreage in the development,  
19 provided that no development is proposed on the acreage to be  
20 added.

21       g. Changes to eliminate an approved land use, provided  
22 that there are no additional regional impacts.

23       h. Changes required to conform to permits approved by  
24 any federal, state, or regional permitting agency, provided  
25 that these changes do not create additional regional impacts.

26       i. Any other change which the state land planning  
27 agency agrees in writing is similar in nature, impact, or  
28 character to the changes enumerated in sub-subparagraphs a.-h.  
29 and which does not create the likelihood of any additional  
30 regional impact.

31

1 This subsection does not require a development order amendment  
2 for any change listed in sub-subparagraphs a.-i. unless such  
3 issue is addressed either in the existing development order or  
4 in the application for development approval, but, in the case  
5 of the application, only if, and in the manner in which, the  
6 application is incorporated in the development order.

7 ~~2.3.~~ Except for the change authorized by  
8 sub-subparagraph ~~1.f.2.f.~~, any addition of land not  
9 previously reviewed or any change not specified in paragraph  
10 (b) or paragraph (c) shall be presumed to create a substantial  
11 deviation. This presumption may be rebutted by clear and  
12 convincing evidence.

13 ~~3.4.~~ Any submittal of a proposed change to a  
14 previously approved development shall include a description of  
15 individual changes previously made to the development,  
16 including changes previously approved by the local government.  
17 The local government shall consider the previous and current  
18 proposed changes in deciding whether such changes cumulatively  
19 constitute a substantial deviation requiring further  
20 development-of-regional-impact review.

21 ~~4.5.~~ The following changes to an approved development  
22 of regional impact shall be presumed to create a substantial  
23 deviation. Such presumption may be rebutted by clear and  
24 convincing evidence.

25 a. A change proposed for 15 percent or more of the  
26 acreage to a land use not previously approved in the  
27 development order. Changes of less than 15 percent shall be  
28 presumed not to create a substantial deviation.

29 b. Except for the types of uses listed in subparagraph  
30 (b)~~13.16.~~, any change which would result in the development of  
31 any area which was specifically set aside in the application

1 for development approval or in the development order for  
2 preservation, buffers, or special protection, including  
3 habitat for plant and animal species, archaeological and  
4 historical sites, dunes, and other special areas.

5 c. Notwithstanding any provision of paragraph (b) to  
6 the contrary, a proposed change consisting of simultaneous  
7 increases and decreases of at least two of the uses within an  
8 authorized multiuse development of regional impact which was  
9 originally approved with three or more uses specified in s.  
10 380.0651(3)~~(b)(c)~~,~~(c)(d)~~,~~(d)(f)~~, and~~(e)(g)~~and residential  
11 use.

12 (f)1. The state land planning agency shall establish  
13 by rule standard forms for submittal of proposed changes to a  
14 previously approved development of regional impact which may  
15 require further development-of-regional-impact review. At a  
16 minimum, the standard form shall require the developer to  
17 provide the precise language that the developer proposes to  
18 delete or add as an amendment to the development order.

19 2. The developer shall submit, simultaneously, to the  
20 local government, the regional planning agency, and the state  
21 land planning agency the request for approval of a proposed  
22 change. Those changes described in subparagraph (e)1. do not  
23 need to be submitted to the state land planning agency;  
24 however, if the proposed change does not qualify under  
25 subparagraph (e)1., the local government or the regional  
26 planning agency shall request that the state land planning  
27 agency review the proposed change.

28 3. No sooner than 30 days but no later than 45 days  
29 after submittal by the developer to the local government, the  
30 state land planning agency, and the appropriate regional  
31 planning agency, the local government shall give 15 days'

1 notice and schedule a public hearing to consider the change  
2 that the developer asserts does not create a substantial  
3 deviation. This public hearing shall be held within 90 days  
4 after submittal of the proposed changes, unless that time is  
5 extended by the developer.

6           4. The appropriate regional planning agency or the  
7 state land planning agency shall review the proposed change  
8 and, no later than 45 days after submittal by the developer of  
9 the proposed change, unless that time is extended by the  
10 developer, and prior to the public hearing at which the  
11 proposed change is to be considered, shall advise the local  
12 government in writing whether it objects to the proposed  
13 change, shall specify the reasons for its objection, if any,  
14 and shall provide a copy to the developer. ~~A change which is~~  
15 ~~subject to the substantial deviation criteria specified in~~  
16 ~~sub-subparagraph (e)5.c. shall not be subject to this~~  
17 ~~requirement.~~

18           5. At the public hearing, the local government shall  
19 determine whether the proposed change requires further  
20 development-of-regional-impact review. The provisions of  
21 paragraphs (a) and (e), the thresholds set forth in paragraph  
22 (b), and the presumptions set forth in paragraphs (c) and (d)  
23 and subparagraph (e)2.~~subparagraphs (e)1. and 3.~~ shall be  
24 applicable in determining whether further  
25 development-of-regional-impact review is required.

26           6. If the local government determines that the  
27 proposed change does not require further  
28 development-of-regional-impact review and is otherwise  
29 approved, or if the proposed change is not subject to a  
30 hearing and determination pursuant to subparagraphs 3. and 5.  
31 and is otherwise approved, the local government shall issue an

1 amendment to the development order incorporating the approved  
2 change and conditions of approval relating to the change. The  
3 decision of the local government to approve, with or without  
4 conditions, or to deny the proposed change that the developer  
5 asserts does not require further review shall be subject to  
6 the appeal provisions of s. 380.07. However, the state land  
7 planning agency may not appeal the local government decision  
8 if it did not comply with subparagraph 4., except for a change  
9 to a development order made pursuant to subparagraph (e)1., if  
10 the approved change is not consistent with this and other  
11 provisions of this section.The state land planning agency may  
12 not appeal a change to a development order made pursuant to  
13 subparagraph (e)1.~~(e)2.~~for developments of regional impact  
14 approved after January 1, 1980, unless the change would result  
15 in a significant impact to a regionally significant  
16 archaeological, historical, or natural resource not previously  
17 identified in the original development-of-regional-impact  
18 review.

19 (24) STATUTORY EXEMPTIONS.--

20 (i) Any proposed facility for the storage of any  
21 petroleum product is exempt from the provisions of this  
22 section, if such facility is consistent with a local  
23 comprehensive plan that is in compliance with s. 163.3177 or  
24 is consistent with a comprehensive port master plan that is in  
25 compliance with s. 163.3178.

26 (j) Any proposal to increase development at a  
27 waterport existing on the effective date of this act or any  
28 new waterport development is exempt from the provisions of  
29 this section, unless such proposed development is located  
30 within a county identified in s. 370.12(2)(f). Such a county  
31 shall be exempt after a manatee protection plan has been



1 adopted by the county and incorporated into the appropriate  
2 element of the comprehensive plan. Such protection plans must  
3 be adopted and incorporated by October 1, 2003.

4 (k) Any development located within a sector plan  
5 adopted pursuant to s. 163.3245 which is consistent with the  
6 sector plan is exempt from the provisions of this section.  
7 Should s. 163.3245 be repealed, any approved development  
8 within a sector plan shall maintain this exemption. However,  
9 any development-of-regional-impact development order that is  
10 vested from the sector plan may be enforced under s. 380.11.

11 (l) Any development or expansion of an airport or  
12 airport-related or aviation-related development is exempt from  
13 the provisions of this section.

14 (m) Any development or expansion located within an  
15 area designated in the comprehensive plan for urban infill  
16 development, urban redevelopment, downtown revitalization, or  
17 urban infill and redevelopment under s. 163.2517, is exempt  
18 from the provisions of this section, unless such development  
19 is located within a coastal high-hazard area.

20 (28) This section shall stand repealed on June 1,  
21 2005, and shall be reviewed by the Legislature prior to that  
22 date.

23 Section 21. Paragraphs (a) and (e) of subsection (3)  
24 of section 380.0651, Florida Statutes, are repealed,  
25 paragraphs (b), (d), (f), (i), and (j) of said subsection are  
26 amended, and subsection (5) is added to said section, to read:

27 380.0651 Statewide guidelines and standards.--

28 (3) The following statewide guidelines and standards  
29 shall be applied in the manner described in s. 380.06(2) to  
30 determine whether the following developments shall be required  
31 to undergo development-of-regional-impact review:

1           (a)~~(b)~~ Attractions and recreation facilities.--Any  
2 sports, entertainment, amusement, or recreation facility,  
3 including, but not limited to, a sports arena, stadium,  
4 racetrack, tourist attraction, amusement park, or pari-mutuel  
5 facility, the construction or expansion of which:  
6           1. For single performance facilities:  
7           a. Provides parking spaces for more than 2,500 cars;  
8 or  
9           b. Provides more than 10,000 permanent seats for  
10 spectators.  
11           2. For serial performance facilities,+  
12 ~~a. Provides parking spaces for more than 1,000 cars;~~  
13 or  
14 ~~b.~~ provides more than 4,000 permanent seats for  
15 spectators.  
16  
17 For purposes of this subsection, "serial performance  
18 facilities" means those using their parking areas or permanent  
19 seating more than one time per day on a regular or continuous  
20 basis.  
21           3. For multiscreen movie theaters of at least 8  
22 screens and 2,500 seats:  
23           a. Provides parking spaces for more than 1,500 cars;  
24 or  
25           b. Provides more than 6,000 permanent seats for  
26 spectators.  
27           (c)~~(d)~~ Office development.--Any proposed office  
28 building or park operated under common ownership, development  
29 plan, or management that:  
30  
31

1           1. Encompasses 300,000 or more square feet of gross  
2 floor area, or more than 500,000 square feet of gross floor  
3 area in a county with a population greater than 1 million; or

4           ~~2. Has a total site size of 30 or more acres; or~~

5           2.3. Encompasses more than 600,000 square feet of  
6 gross floor area in a county with a population greater than  
7 500,000 and only in a geographic area specifically designated  
8 as highly suitable for increased threshold intensity in the  
9 approved local comprehensive plan and in the strategic  
10 regional policy plan.

11           (d)(f) Retail and service development.--Any proposed  
12 retail, service, or wholesale business establishment or group  
13 of establishments which deals primarily with the general  
14 public onsite, operated under one common property ownership,  
15 development plan, or management that:

16           1. Encompasses more than 400,000 square feet of gross  
17 area; or

18           ~~2. Occupies more than 40 acres of land; or~~

19           2.3. Provides parking spaces for more than 2,500 cars.

20           (g)(i) Multiuse development.--Any proposed development  
21 with two or more land uses where the sum of the percentages of  
22 the appropriate thresholds identified in chapter 28-24,  
23 Florida Administrative Code, or this section for each land use  
24 in the development is equal to or greater than 175 ~~145~~  
25 percent. Any proposed development with three or more land  
26 uses, one of which is residential and contains at least 100  
27 dwelling units or 15 percent of the applicable residential  
28 threshold, whichever is greater, where the sum of the  
29 percentages of the appropriate thresholds identified in  
30 chapter 28-24, Florida Administrative Code, or this section  
31 for each land use in the development is equal to or greater

1 than 200 ~~160~~ percent. This threshold is in addition to, and  
2 does not preclude, a development from being required to  
3 undergo development-of-regional-impact review under any other  
4 threshold.

5 (h)(j) Residential development.--No rule may be  
6 adopted concerning residential developments which treats a  
7 residential development in one county as being located in a  
8 less populated adjacent county unless more than 25 percent of  
9 the development is located within 2 or less miles of the less  
10 populated adjacent county. However, residential development  
11 shall not be treated as though it is in a less populated  
12 county if the affected counties have entered into an  
13 interlocal agreement to specify development review standards  
14 for affected developments within 2 or less miles.

15 (5)(a) This section shall stand repealed on June 1,  
16 2005, and shall be reviewed by the Legislature prior to that  
17 date.

18 (b) Nothing contained in this section abridges or  
19 modifies any vested or other right or any duty or obligation  
20 pursuant to any development order or agreement which is  
21 applicable to a development of regional impact on June 1,  
22 2005. Any development which has received a  
23 development-of-regional-impact development order pursuant to  
24 s. 380.06 prior to that date shall be governed by the  
25 following procedures:

26 1. The development shall continue to be governed by  
27 the development-of-regional-impact development order, and may  
28 be completed in reliance upon and pursuant to the development  
29 order. The development-of-regional-impact development order  
30 may be enforced by the local government as provided by ss.  
31 380.06(17) and 380.11.

1           2. If requested by the developer or landowner, the  
2 development-of-regional-impact development order may be  
3 amended or rescinded by the local government consistent with  
4 the local comprehensive plan and land development regulations,  
5 and pursuant to the local government procedures governing  
6 local development orders.

7           (c) A development with an application for development  
8 approval pending on June 1, 2005, or a notification of  
9 proposed change pending on June 1, 2005, may elect to continue  
10 such review pursuant to s. 380.06. At the conclusion of the  
11 pending review, including any appeals pursuant to s. 380.07,  
12 the resulting development order shall be governed by the  
13 provisions of paragraph (b).

14           Section 22. Subsection (20) of section 331.303,  
15 Florida Statutes, is amended to read:

16           331.303 Definitions.--

17           (20) "Spaceport launch facilities" shall be defined as  
18 industrial facilities in accordance with s. 380.0651(3)~~(b)(c)~~  
19 and include any launch pad, launch control center, and fixed  
20 launch-support equipment.

21           Section 23. (1) Nothing contained in this act  
22 abridges or modifies any vested or other right or any duty or  
23 obligation pursuant to any development order or agreement  
24 which is applicable to a development of regional impact on the  
25 effective date of this section. An airport, marina, or  
26 petroleum storage facility which has received a  
27 development-of-regional-impact development order pursuant to  
28 s. 380.06, Florida Statutes 2000, but is no longer required to  
29 undergo development-of-regional-impact review by operation of  
30 s. 380.06(24)(i), (j), or (l), Florida Statutes, as created by  
31 this act, or by operation of the repeal of s. 380.0651(3)(a)

1 or (e), Florida Statutes, by this act, shall be governed by  
2 the following procedures:

3 (a) The development shall continue to be governed by  
4 the development-of-regional-impact development order, and may  
5 be completed in reliance upon and pursuant to the development  
6 order. The development-of-regional-impact development order  
7 may be enforced by the local government as provided by ss.  
8 380.06(17) and 380.11, Florida Statutes 2000.

9 (b) If requested by the developer or landowner, the  
10 development-of-regional-impact development order may be  
11 amended or rescinded by the local government consistent with  
12 the local comprehensive plan and land development regulations,  
13 and pursuant to the local government procedures governing  
14 local development orders.

15 (2) An airport, marina, or petroleum storage facility  
16 with an application for development approval pending on the  
17 effective date of this act, or a notification of proposed  
18 change pending on the effective date of this act, may elect to  
19 continue such review pursuant to s. 380.06, Florida Statutes  
20 2000. At the conclusion of the pending review, including any  
21 appeals pursuant to s. 380.07, Florida Statutes 2000, the  
22 resulting development order shall be governed by the  
23 provisions of subsection (1).

24 Section 24. The Legislative Committee on  
25 Intergovernmental Relations is directed to perform an interim  
26 study regarding potential alternatives to the  
27 development-of-regional-impact process provided by ss. 380.06  
28 and 380.0651, Florida Statutes. This study shall also address  
29 nonreplacement of the development-of-regional-impact process.  
30 A report shall be presented to the Speaker of the House of  
31

1 Representatives and the President of the Senate by September  
2 1, 2003.

3 Section 25. Except as otherwise provided herein, this  
4 act shall take effect upon becoming a law.

5  
6 \*\*\*\*\*

7 HOUSE SUMMARY

8  
9 Revises and creates various provisions relating to growth  
management as follows:

10 1. Provides policy with respect to rural lands.  
11 Provides for designation of rural land stewardship areas  
12 by certain local governments and for certain land use  
credits. Provides that schools may be located in  
agricultural lands under a local comprehensive plan under  
certain conditions.

13 2. Provides requirements for public participation  
in the local government comprehensive planning process.  
14 Revises procedures and requirements relating to the  
process for adoption of comprehensive plans and plan  
15 amendments. Revises requirements relating to exceptions  
from concurrency requirements for transportation  
16 facilities and to small scale development amendments.

17 3. Revises requirements relating to challenge of a  
development order on the basis of inconsistency with the  
18 local plan or land development regulation. Provides  
requirements for a local development review process.

19 4. Provides for a sustainable communities  
certification program in lieu of the sustainable  
20 communities demonstration project and eliminates the  
scheduled repeal of such provisions.

21 5. Provides for a program to provide financial  
assistance to local governments for infrastructure needs.  
22 Provides that a trust fund shall be created and provides  
for deposit of a portion of intangible tax and ninth-cent  
fuel tax revenues in the trust fund.

23 6. Allows municipalities to levy the local  
government infrastructure surtax. Increases the maximum  
24 allowable combined rate for the local government  
infrastructure surtax and small county surtax.

25 7. Revises provisions relating to the statewide  
guidelines and standards for developments of regional  
26 impact and to substantial deviation criteria.

27 8. Requires airport master plans. Exempts certain  
petroleum storage facilities, airports, waterports, and  
development within certain areas from  
28 development-of-regional-impact review.

29 9. Provides for future review and repeal of the  
development-of-regional-impact program and for a study of  
the program.

30 See bill for details.  
31