

By the Committee on Comprehensive Planning, Local and Military Affairs

316-371-01

1 A bill to be entitled
 2 An act relating to growth management; amending
 3 s. 163.3244, F.S.; providing for a
 4 livable-communities certification program;
 5 providing for certification criteria;
 6 eliminating state review of certain local
 7 comprehensive plan amendments within certified
 8 areas; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 163.3244, Florida Statutes, is
 13 amended to read:

14 163.3244 Livable-communities certification ~~Sustainable~~
 15 ~~communities demonstration project.--~~

16 (1) The Department of Community Affairs may create a
 17 livable-communities certification program for communities that
 18 have implemented best-planning practices through their local
 19 government comprehensive plans and specific planning or design
 20 initiatives, thereby reducing the need for state review of
 21 amendments to local government comprehensive plans. One of the
 22 purposes of the certification program is to encourage
 23 certified communities to address the extrajurisdictional
 24 effects of development occurring within the certified area and
 25 to seek development-of-regional-impact review authority from
 26 the department. It is the intent of the Legislature that the
 27 department and other executive agencies under the Governor
 28 give priority to and direct infrastructure spending to areas
 29 within the urban boundaries of certified communities.~~is~~
 30 ~~authorized to undertake a sustainable communities~~
 31 ~~demonstration project. Up to five local governments may be~~

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

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

21 (3) In determining whether to designate all or part of
22 a local government as a livable ~~sustainable~~ community, the
23 department shall:

24 (a) Assure that the local government has set an
25 urban-development ~~urban development~~ boundary or functionally
26 equivalent mechanisms, based on projected needs and adequate
27 data and analysis, which ~~that~~ will:

28 1. Encourage urban infill at appropriate densities and
29 intensities, separate urban and rural uses, and discourage
30 urban sprawl ~~development patterns~~ while preserving public open
31 space and planning for buffer-type land uses and rural

1 development consistent with their respective character along
2 and outside of the urban boundary.

3 2. Assure protection of key natural areas and
4 agricultural lands.

5 3. Ensure the cost-efficient provision of public
6 infrastructure and services.

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

10 1. Promote infill development and redevelopment,
11 including prioritized and timely permitting processes in which
12 applications for local development permits within the
13 urban-development ~~urban-development~~ boundary are acted upon
14 expeditiously for proposed development that ~~which~~ is
15 consistent with the local comprehensive plan.

16 2. Promote the development of housing for low-income
17 and very-low-income households or specialized housing to
18 assist elderly ~~elders~~ and ~~the~~ disabled persons to remain at
19 home or in independent living arrangements.

20 3. Achieve effective intergovernmental coordination
21 and address the extrajurisdictional effects of development
22 within the certified area.

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

27 5. Provide and maintain public urban and rural open
28 space and recreational opportunities.

29 6. Manage transportation and land uses to support
30 public transit and promote opportunities for pedestrian and
31 nonmotorized transportation.

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

5 8. Redevelop blighted areas.

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

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

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

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

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

20 (4) The department shall certify ~~designate~~ all or part
21 of a local government as a livable ~~sustainable~~ community by
22 written agreement, which shall be considered final agency
23 action. The agreement must ~~shall~~ include the basis for the
24 certification ~~designation~~, any conditions necessary to comply
25 with the intent of this section, including procedures for
26 mitigation of extrajurisdictional effects ~~impacts~~ of
27 development in jurisdictions where developments of regional
28 impact would be abolished or modified, and criteria for
29 evaluating the success of the designation. Subsequent to
30 executing the agreement, the department may remove the local
31 government's certification ~~designation~~ if it determines that

1 the local government is not meeting the terms of the
2 certification ~~designation~~ agreement. If an affected person,
3 as defined by s. 163.3184(1)(a), determines that a local
4 government is not complying with the terms of the
5 certification ~~designation~~ agreement, he or she may petition
6 for administrative review of local government compliance with
7 the terms of the agreement, using the procedures and
8 timeframes for notice and conditions precedent described in s.
9 163.3213.

10 (5) Upon certification ~~designation~~ as a livable
11 ~~sustainable~~ community, the local government is entitled to
12 ~~shall~~ receive the following benefits:

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

30 (b) Developments within the urban-growth ~~urban-growth~~
31 boundary and outside the coastal high-hazard area are exempt

1 from review pursuant to ss. 380.06 and 380.061 to the extent
2 established in the designation agreement.

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

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

25 (7) Once certified ~~designated~~ as a livable ~~sustainable~~
26 community pursuant to this section, the local government shall
27 provide a progress report to the department which ~~and the~~
28 ~~Advisory Council on Intergovernmental Relations each year on~~
29 ~~the anniversary date of its designation that~~ identifies plan
30 amendments adopted during the year, updates the future land
31 use map, and advises whether the local government continues to

1 comply with the certification designation agreement. ~~Beginning~~
2 ~~December 1, 1997, and each year thereafter, the department~~
3 ~~shall provide a report to the Speaker of the House of~~
4 ~~Representatives and the President of the Senate regarding the~~
5 ~~successes and failures of this demonstration project. The~~
6 ~~report shall include any recommendations for legislative~~
7 ~~action to modify or repeal the project.~~

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

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

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

21 Section 2. This act shall take effect upon becoming a
22 law.

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25 SENATE SUMMARY

26 Authorizes the Department of Community Affairs to create
27 a livable-communities certification program. Eliminates
28 the sustainable-communities demonstration project.
29 Provides criteria for certification. Provides benefits
30 for communities certified as livable communities.
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