

By Representative Carassas

1 A bill to be entitled
2 An act relating to comprehensive plans and plan
3 amendments; amending s. 163.3184, F.S.;
4 revising definitions; revising provisions
5 governing the process for adopting
6 comprehensive plans and plan amendments;
7 providing an effective date.

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

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11 Section 1. Paragraph (a) of subsection (1),
12 subsections (3), (4), (6), (7), (8), and (15), and paragraph
13 (d) of subsection (16) of section 163.3184, Florida Statutes,
14 are amended to read:

15 163.3184 Process for adoption of comprehensive plan or
16 plan amendment.--

17 (1) DEFINITIONS.--As used in this section, the term:

18 (a) "Affected person" includes the affected local
19 government; persons owning property, residing, or owning or
20 operating a business within the boundaries of the local
21 government whose plan is the subject of the review; owners of
22 real property abutting real property that is the subject of a
23 proposed change to a future land use map;and adjoining local
24 governments that can demonstrate that the plan or plan
25 amendment will produce substantial impacts on the increased
26 need for publicly funded infrastructure or substantial impacts
27 on areas designated for protection or special treatment within
28 their jurisdiction. Each person, other than an adjoining local
29 government, in order to qualify under this definition, shall
30 also have submitted oral or written comments, recommendations,
31 or objections to the local government during the period of

1 time beginning with the transmittal hearing for the plan or
2 plan amendment and ending with the adoption of the plan or
3 plan amendment.

4 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
5 AMENDMENT.--

6 (a) Each local governing body shall transmit the
7 complete proposed comprehensive plan or plan amendment to the
8 state land planning agency, the appropriate regional planning
9 council and water management district, the Department of
10 Environmental Protection, the Department of State, and the
11 Department of Transportation and, in the case of municipal
12 plans, to the appropriate county and, in the case of county
13 plans, to the Fish and Wildlife Conservation Commission and
14 the Department of Agriculture and Consumer Services
15 immediately following a public hearing pursuant to subsection
16 (15) as specified in the state land planning agency's
17 procedural rules. The local governing body shall also transmit
18 a copy of the complete proposed comprehensive plan or plan
19 amendment to any other unit of local government or government
20 agency in the state that has filed a written request with the
21 governing body for the plan or plan amendment. The local
22 government may request a review by the state land planning
23 agency pursuant to subsection (6) at the time of the
24 transmittal of an amendment.

25 (b) A local governing body shall not transmit portions
26 of a plan or plan amendment unless it has previously provided
27 to all state agencies designated by the state land planning
28 agency a complete copy of its adopted comprehensive plan
29 pursuant to subsection (7) and as specified in the agency's
30 procedural rules. In the case of comprehensive plan
31 amendments, the local governing body shall transmit to the

1 state land planning agency, the appropriate regional planning
2 council and water management district, the Department of
3 Environmental Protection, the Department of State,and the
4 Department of Transportation and, in the case of municipal
5 plans, to the appropriate county and, in the case of county
6 plans, to the Fish and Wildlife Conservation Commission and
7 the Department of Agriculture and Consumer Services the
8 materials specified in the state land planning agency's
9 procedural rules and, in cases in which the plan amendment is
10 a result of an evaluation and appraisal report adopted
11 pursuant to s. 163.3191, a copy of the evaluation and
12 appraisal report. Local governing bodies shall consolidate all
13 proposed plan amendments into a single submission for each of
14 the two plan amendment adoption dates during the calendar year
15 pursuant to s. 163.3187.

16 (c) A local government may adopt a proposed plan
17 amendment previously transmitted pursuant to this subsection,
18 unless review is requested or otherwise initiated pursuant to
19 subsection (6).

20 (d) In cases in which a local government transmits
21 multiple individual amendments that can be clearly and legally
22 separated and distinguished for the purpose of determining
23 whether to review the proposed amendment, and the state land
24 planning agency elects to review several or a portion of the
25 amendments and the local government chooses to immediately
26 adopt the remaining amendments not reviewed, the amendments
27 immediately adopted and any reviewed amendments that the local
28 government subsequently adopts together constitute one
29 amendment cycle in accordance with s. 163.3187(1).

30 (4) INTERGOVERNMENTAL REVIEW. ~~--if review of a proposed~~
31 ~~comprehensive plan amendment is requested or otherwise~~

1 ~~initiated pursuant to subsection (6), the state land planning~~
2 ~~agency within 5 working days of determining that such a review~~
3 ~~will be conducted shall transmit a copy of the proposed plan~~
4 ~~amendment to various government agencies, as appropriate, for~~
5 ~~response or comment, including, but not limited to, the~~
6 ~~Department of Environmental Protection, the Department of~~
7 ~~Transportation, the water management district, and the~~
8 ~~regional planning council, and, in the case of municipal~~
9 ~~plans, to the county land planning agency. The These~~
10 governmental agencies specified in paragraph (3)(a) shall
11 provide comments to the state land planning agency within 30
12 days after receipt by the state land planning agency of the
13 complete proposed plan amendment. If the plan or plan
14 amendment includes or relates to a public school facilities
15 element, the state land planning agency shall submit a copy to
16 the Office of Educational Facilities of the Commissioner of
17 Education for review and comment.The appropriate regional
18 planning council shall also provide its written comments to
19 the state land planning agency within 30 days after receipt by
20 the state land planning agency of the complete proposed plan
21 amendment and shall specify any objections, recommendations
22 for modifications, and comments of any other regional agencies
23 to which the regional planning council may have referred the
24 proposed plan amendment. Written comments submitted by the
25 public within 30 days after notice of transmittal by the local
26 government of the proposed plan amendment will be considered
27 as if submitted by governmental agencies. All written agency
28 and public comments must be made part of the file maintained
29 under subsection (2).

30 (6) STATE LAND PLANNING AGENCY REVIEW.--

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1 (a) The state land planning agency shall review a
2 proposed plan amendment upon request of a regional planning
3 council, affected person, or local government transmitting the
4 plan amendment. The request from the regional planning council
5 or affected person must be if the request is received within
6 30 days after transmittal of the proposed plan amendment
7 pursuant to subsection (3). ~~The agency shall issue a report~~
8 ~~of its objections, recommendations, and comments regarding the~~
9 ~~proposed plan amendment.~~ A regional planning council or
10 affected person requesting a review shall do so by submitting
11 a written request to the agency with a notice of the request
12 to the local government and any other person who has requested
13 notice.

14 (b) The state land planning agency may review any
15 proposed plan amendment regardless of whether a request for
16 review has been made, if the agency gives notice to the local
17 government, and any other person who has requested notice, of
18 its intention to conduct such a review within 35 ~~30~~ days after
19 receipt of transmittal of the complete proposed plan amendment
20 ~~pursuant to subsection (3).~~

21 (c) The state land planning agency shall establish by
22 rule a schedule for receipt of comments from the various
23 government agencies, as well as written public comments,
24 pursuant to subsection (4). If the state land planning agency
25 elects to review the amendment or the agency is required to
26 review the amendment as specified in paragraph (a), the agency
27 shall issue a report giving its objections, recommendations,
28 and comments regarding the proposed amendment within 60 days
29 after receipt of the complete proposed amendment by the state
30 land planning agency. ~~The state land planning agency shall~~
31 ~~have 30 days to review comments from the various government~~

1 ~~agencies along with a local government's comprehensive plan or~~
2 ~~plan amendment. During that period, the state land planning~~
3 ~~agency shall transmit in writing its comments to the local~~
4 ~~government along with any objections and any recommendations~~
5 ~~for modifications.~~ When a federal, state, or regional agency
6 has implemented a permitting program, the state land planning
7 agency shall not require a local government to duplicate or
8 exceed that permitting program in its comprehensive plan or to
9 implement such a permitting program in its land development
10 regulations. Nothing contained herein shall prohibit the
11 state land planning agency in conducting its review of local
12 plans or plan amendments from making objections,
13 recommendations, and comments or making compliance
14 determinations regarding densities and intensities consistent
15 with the provisions of this part. In preparing its comments,
16 the state land planning agency shall only base its
17 considerations on written, and not oral, comments, from any
18 source.

19 (d) The state land planning agency review shall
20 identify all written communications with the agency regarding
21 the proposed plan amendment. If the state land planning agency
22 does not issue such a review, it shall identify in writing to
23 the local government all written communications received 30
24 days after transmittal. The written identification must
25 include a list of all documents received or generated by the
26 agency, which list must be of sufficient specificity to enable
27 the documents to be identified and copies requested, if
28 desired, and the name of the person to be contacted to request
29 copies of any identified document. The list of documents must
30 be made a part of the public records of the state land
31 planning agency.

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

3 (a) The local government shall review the written
4 comments submitted to it by the state land planning agency,
5 and any other person, agency, or government. Any comments,
6 recommendations, or objections and any reply to them shall be
7 public documents, a part of the permanent record in the
8 matter, and admissible in any proceeding in which the
9 comprehensive plan or plan amendment may be at issue. The
10 local government, upon receipt of written comments from the
11 state land planning agency, shall have 120 days to adopt or
12 adopt with changes the proposed comprehensive plan or s.
13 163.3191 plan amendments. In the case of comprehensive plan
14 amendments other than those proposed pursuant to s. 163.3191,
15 the local government shall have 60 days to adopt the
16 amendment, adopt the amendment with changes, or determine that
17 it will not adopt the amendment. The adoption of the proposed
18 plan or plan amendment or the determination not to adopt a
19 plan amendment, other than a plan amendment proposed pursuant
20 to s. 163.3191, shall be made in the course of a public
21 hearing pursuant to subsection (15). The local government
22 shall transmit the complete adopted comprehensive plan or
23 ~~adopted~~ plan amendment, including the names and addresses of
24 persons compiled pursuant to paragraph (15)(c), to the state
25 land planning agency as specified in the agency's procedural
26 rules within 10 working days after adoption. The local
27 governing body shall also transmit a copy of the adopted
28 comprehensive plan or plan amendment to the regional planning
29 agency and to any other unit of local government or
30 governmental agency in the state that has filed a written
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1 request with the governing body for a copy of the plan or plan
2 amendment.

3 (b) If the adopted plan amendment is unchanged from
4 the proposed plan amendment transmitted pursuant to subsection
5 (3) and an affected person as defined in paragraph (1)(a) did
6 not raise any objection, the state land planning agency did
7 not review the proposed plan amendment, and the state land
8 planning agency did not raise any objections during its review
9 pursuant to subsection (6), the local government may state in
10 the transmittal letter that the plan amendment is unchanged
11 and was not the subject of objections.

12 (8) NOTICE OF INTENT.--

13 (a) If the transmittal letter correctly states that
14 the plan amendment is unchanged and was not the subject of
15 review or objections pursuant to paragraph (7)(b), the state
16 land planning agency has 20 days after receipt of the
17 transmittal letter within which to issue a notice of intent
18 that the plan amendment is in compliance.

19 (b)(a) Except as provided in paragraph (a) or in s.
20 163.3187(3), the state land planning agency, upon receipt of a
21 local government's complete adopted comprehensive plan or plan
22 amendment, shall have 45 days for review and to determine if
23 the plan or plan amendment is in compliance with this act,
24 unless the amendment is the result of a compliance agreement
25 entered into under subsection (16), in which case the time
26 period for review and determination shall be 30 days. If
27 review was not conducted under subsection (6), the agency's
28 determination must be based upon the plan amendment as
29 adopted. If review was conducted under subsection (6), the
30 agency's determination of compliance must be based only upon
31 one or both of the following:

1 1. The state land planning agency's written comments
2 to the local government pursuant to subsection (6); or

3 2. Any changes made by the local government to the
4 comprehensive plan or plan amendment as adopted.

5 (c)~~(b)~~1. ~~During the time period provided for in this~~
6 ~~subsection, the state land planning agency shall issue,~~
7 ~~through a senior administrator or the secretary, as specified~~
8 ~~in the agency's procedural rules, a notice of intent to find~~
9 ~~that the plan or plan amendment is in compliance or not in~~
10 ~~compliance. A notice of intent shall be issued by publication~~
11 ~~in the manner provided by this paragraph and by mailing a copy~~
12 ~~to the local government and to persons who request notice.~~
13 ~~The required advertisement shall be no less than 2 columns~~
14 ~~wide by 10 inches long, and the headline in the advertisement~~
15 ~~shall be in a type no smaller than 12 point. The advertisement~~
16 ~~shall not be placed in that portion of the newspaper where~~
17 ~~legal notices and classified advertisements appear. The~~
18 ~~advertisement shall be published in a newspaper which meets~~
19 ~~the size and circulation requirements set forth in paragraph~~
20 ~~(15)(c) and which has been designated in writing by the~~
21 ~~affected local government at the time of transmittal of the~~
22 ~~amendment. Publication by the state land planning agency of a~~
23 ~~notice of intent in the newspaper designated by the local~~
24 ~~government shall be prima facie evidence of compliance with~~
25 ~~the publication requirements of this section.~~

26 2. ~~For fiscal year 2001-2002 only, the provisions of~~
27 ~~this subparagraph shall supersede the provisions of~~
28 ~~subparagraph 1.~~During the time period provided for in this
29 subsection, the state land planning agency shall issue,
30 through a senior administrator or the secretary, as specified
31 in the agency's procedural rules, a notice of intent to find

1 that the plan or plan amendment is in compliance or not in
2 compliance. A notice of intent shall be issued by publication
3 in the manner provided by this paragraph and by mailing a copy
4 to the local government. The advertisement shall be placed in
5 that portion of the newspaper where legal notices appear. The
6 advertisement shall be published in a newspaper that meets the
7 size and circulation requirements set forth in paragraph
8 (15)(e)~~(c)~~ and that has been designated in writing by the
9 affected local government at the time of transmittal of the
10 amendment. Publication by the state land planning agency of a
11 notice of intent in the newspaper designated by the local
12 government shall be prima facie evidence of compliance with
13 the publication requirements of this section. The state land
14 planning agency shall post a copy of the notice of intent on
15 the agency's Internet site. The agency shall, no later than
16 the date the notice of intent is transmitted to the newspaper,
17 send by regular mail a courtesy informational statement to
18 persons who provide their names and addresses to the local
19 government at the transmittal hearing or at the adoption
20 hearing where the local government has provided the names and
21 addresses of such persons to the department at the time of
22 transmittal of the adopted amendment. The informational
23 statements shall include the name of the newspaper in which
24 the notice of intent will appear, the approximate date of
25 publication, the ordinance number of the plan or plan
26 amendment, and a statement that affected persons have 21 days
27 after the actual date of publication of the notice to file a
28 petition. ~~This subparagraph expires July 1, 2002.~~

29 2. A local government that has an Internet site shall
30 post a copy of the state land planning agency's notice of
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1 intent on the site within 5 days after receipt of the mailed
2 copy of the agency's notice of intent.

3 (15) PUBLIC HEARINGS.--

4 (a) The procedure for transmittal of a complete
5 proposed comprehensive plan or plan amendment pursuant to
6 subsection (3) and for adoption of a comprehensive plan or
7 plan amendment pursuant to subsection (7) shall be by
8 affirmative vote of not less than a majority of the members of
9 the governing body present at the hearing. The adoption of a
10 comprehensive plan or plan amendment shall be by ordinance.
11 For the purposes of transmitting or adopting a comprehensive
12 plan or plan amendment, the notice requirements in chapters
13 125 and 166 are superseded by this subsection, except as
14 provided in this part.

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

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

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

26 (c) The local government shall provide a sign-in form
27 at the transmittal hearing and at the adoption hearing for
28 persons to provide their names and mailing addresses. The
29 sign-in form shall advise that any person providing the
30 requested information will receive a courtesy informational
31 statement concerning publications of the state land planning

1 agency's notice of intent. The local government shall add to
2 the sign-in form the name and address of any person who
3 submits written comments concerning the proposed plan or plan
4 amendment during the time period between the commencement of
5 the transmittal hearing and the end of the adoption hearing.
6 It is the responsibility of the person completing the form or
7 providing written comments to accurately, completely, and
8 legibly provide all information needed in order to receive the
9 courtesy informational statement.

10 (d) The agency shall provide a model sign-in form for
11 providing the list to the agency that may be used by the local
12 government to satisfy the requirements of this subsection.

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

20 (16) COMPLIANCE AGREEMENTS.--

21 (d) A local government may adopt a plan amendment
22 pursuant to a compliance agreement in accordance with the
23 requirements of paragraph (15)(a). The plan amendment shall be
24 exempt from the requirements of subsections (2)-(7). The
25 local government shall hold a single adoption public hearing
26 pursuant to the requirements of subparagraph (15)(b)2. and
27 paragraph (15)(e)~~(e)~~. Within 10 working days after adoption of
28 a plan amendment, the local government shall transmit the
29 amendment to the state land planning agency as specified in
30 the agency's procedural rules, and shall submit one copy to
31 the regional planning agency and to any other unit of local

1 government or government agency in the state that has filed a
2 written request with the governing body for a copy of the plan
3 amendment, and one copy to any party to the proceeding under
4 ss. 120.569 and 120.57 granted intervenor status.

5 Section 2. This act shall take effect upon becoming a
6 law.

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9 HOUSE SUMMARY

10 Revises provisions governing the process for adopting
11 comprehensive plans and plan amendments.

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