

Bill No. CS for SB's 1906 & 550

Amendment No. Barcode 353302

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Constantine moved the following **amendment to amendment**
(781650):

Senate Amendment (with title amendment)

On page 124, between lines 30 & 31,

insert:

Section 34. Subsection (6) is added to s. 163.3194,
Florida Statutes to read:

163.3194 Legal status of comprehensive plan.--

(1)(a) After a comprehensive plan, or element or
portion thereof, has been adopted in conformity with this act,
all development undertaken by, and all actions taken in regard
to development orders by, governmental agencies in regard to
land covered by such plan or element shall be consistent with
such plan or element as adopted.

(b) All land development regulations enacted or
amended shall be consistent with the adopted comprehensive
plan, or element or portion thereof, and any land development
regulations existing at the time of adoption which are not
consistent with the adopted comprehensive plan, or element or

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1 portion thereof, shall be amended so as to be consistent. If
2 a local government allows an existing land development
3 regulation which is inconsistent with the most recently
4 adopted comprehensive plan, or element or portion thereof, to
5 remain in effect, the local government shall adopt a schedule
6 for bringing the land development regulation into conformity
7 with the provisions of the most recently adopted comprehensive
8 plan, or element or portion thereof. During the interim
9 period when the provisions of the most recently adopted
10 comprehensive plan, or element or portion thereof, and the
11 land development regulations are inconsistent, the provisions
12 of the most recently adopted comprehensive plan, or element or
13 portion thereof, shall govern any action taken in regard to an
14 application for a development order.

15 (2) After a comprehensive plan for the area, or
16 element or portion thereof, is adopted by the governing body,
17 no land development regulation, land development code, or
18 amendment thereto shall be adopted by the governing body until
19 such regulation, code, or amendment has been referred either
20 to the local planning agency or to a separate land development
21 regulation commission created pursuant to local ordinance, or
22 to both, for review and recommendation as to the relationship
23 of such proposal to the adopted comprehensive plan, or element
24 or portion thereof. Said recommendation shall be made within a
25 reasonable time, but no later than within 2 months after the
26 time of reference. If a recommendation is not made within the
27 time provided, then the governing body may act on the
28 adoption.

29 (3)(a) A development order or land development
30 regulation shall be consistent with the comprehensive plan if
31 the land uses, densities or intensities, and other aspects of

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1 development permitted by such order or regulation are
2 compatible with and further the objectives, policies, land
3 uses, and densities or intensities in the comprehensive plan
4 and if it meets all other criteria enumerated by the local
5 government.

6 (b) A development approved or undertaken by a local
7 government shall be consistent with the comprehensive plan if
8 the land uses, densities or intensities, capacity or size,
9 timing, and other aspects of the development are compatible
10 with and further the objectives, policies, land uses, and
11 densities or intensities in the comprehensive plan and if it
12 meets all other criteria enumerated by the local government.

13 (4)(a) A court, in reviewing local governmental action
14 or development regulations under this act, may consider, among
15 other things, the reasonableness of the comprehensive plan, or
16 element or elements thereof, relating to the issue justiciably
17 raised or the appropriateness and completeness of the
18 comprehensive plan, or element or elements thereof, in
19 relation to the governmental action or development regulation
20 under consideration. The court may consider the relationship
21 of the comprehensive plan, or element or elements thereof, to
22 the governmental action taken or the development regulation
23 involved in litigation, but private property shall not be
24 taken without due process of law and the payment of just
25 compensation.

26 (b) It is the intent of this act that the
27 comprehensive plan set general guidelines and principles
28 concerning its purposes and contents and that this act shall
29 be construed broadly to accomplish its stated purposes and
30 objectives.

31 (5) The tax-exempt status of lands classified as

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1 agricultural under s. 193.461 shall not be affected by any
2 comprehensive plan adopted under this act as long as the land
3 meets the criteria set forth in s. 193.461.

4 (6) If a proposed solid waste management facility is
5 permitted by the Department of Environmental Protection to
6 receive materials from the construction or demolition of a
7 road or other transportation facility, a local government may
8 not deny an application for a development approval for a
9 requested land use that would accommodate such a facility,
10 provided the local government previously approved a land use
11 classification change to a local comprehensive plan or
12 approved a rezoning to a category allowing such land use on
13 the parcel, and the requested land use was disclosed during
14 the previous comprehensive plan or rezoning hearing as being
15 an express purpose of the land use changes.

16
17 (Redesignate subsequent sections.)

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 132, line 27, after semicolon

23

24 insert:

25 amending s.163.3194, F.S.; providing that a
26 local government shall not deny an application
27 for a development approval for a requested land
28 use for certain approved solid waste management
29 facilities that have previously received a land
30 use classification change allowing the
31 requested land use on the same property;