1 A bill to be entitled
2 An act relating to the Local Government Comprehensive
3 Planning and Land Development Regulation Act; amending s.
4 125.66, F.S.; applying certain enactment procedures to
5 ordinances adopting a comprehensive plan or plan
6 amendment; revising such procedures; amending s. 163.3164,
7 F.S.; revising definitions; amending s. 163.3167, F.S.;
8 requiring certain municipalities to establish a local
9 planning agency and prepare and adopt a comprehensive
10 plan; providing for application of the county plan;
11 revising requirements for a vision plan component;
12 deleting a water supply sources requirement; amending s.
13 163.3174, F.S.; specifying requirements of local planning
14 agencies and governing bodies relating to adopting
15 proposed plans and plan amendments; creating s. 163.3176,
16 F.S.; providing legislative findings; specifying
17 legislatively declared priority state interests; providing
18 for challenges to plan amendments impacting priority state
19 interests; providing requirements, procedures, and
20 limitations; amending s. 163.3177, F.S.; revising required
21 and optional comprehensive plan elements; authorizing
22 local governments to elect to use a certain certified
23 fiscal impact model to demonstrate plan financial
24 feasibility; authorizing the state land planning agency to
25 certify use of alternative methodologies for determining
26 financial feasibility; authorizing local governments to
27 adopt comprehensive plan enhancements; providing
28 requirements; providing for adoption of transportation

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29 corridor management ordinances, long-range facility plans,
30 local mitigation strategies, buildout plans, and rural
31 land stewardship areas; providing requirements;
32 authorizing local governments to adopt certified
33 comprehensive plans; providing plan requirements; amending
34 s. 163.31777, F.S.; providing additional requirements for
35 interlocal agreement issues relating to additional school
36 capacity; creating s. 163.31778, F.S.; specifying
37 requirements for plan amendments impacting demand on
38 public school capacities; requiring school capacity
39 reports; providing report requirements; authorizing local
40 governments to deny plan amendment requests impacting
41 public school facilities demands under certain
42 circumstances; providing for proportionate-share
43 mitigation options in educational facilities plans;
44 providing for development agreements for proportionate-
45 share mitigation of impacts; providing requirements and
46 limitations; providing legislative findings; amending s.
47 163.3181, F.S.; revising legislative intent relating to
48 public participation in the comprehensive planning
49 process; amending s. 163.3184, F.S.; revising process
50 requirements and procedures for adopting comprehensive
51 plans or plan amendments; revising definitions; providing
52 a coordination requirement between the state land planning
53 agency and local governments; providing requirements and
54 procedures for local government transmittal and adoption
55 of proposed plans or plan amendments; providing
56 requirements and procedures for intergovernmental,

57 regional, county, municipal, and state land planning
58 review; providing requirements and procedures for local
59 government review of comments, adoption of a comprehensive
60 plan or plan amendments, and transmittal; providing
61 requirements and procedures for challenges to plan
62 amendments; providing for effective dates of plan
63 amendments; providing requirements and procedures for
64 proposed plans or plan amendments based upon evaluation
65 and appraisal reports; providing certain compliance notice
66 requirements; providing requirements and procedures for
67 challenges to such amendments; providing for
68 administrative hearings; providing requirements and
69 procedures for mediation and expeditious resolution of
70 amendment proceedings; providing notice requirements;
71 providing requirements for good faith filings; providing
72 for award of expenses and attorney fees under certain
73 circumstances; specifying exclusivity of certain
74 proceedings; specifying application of plans or plan
75 amendments to areas of critical state concern; amending s.
76 163.3187, F.S.; revising provisions regulating frequency
77 of amendments; providing procedures and limitations for
78 small-scale development plan amendments; amending s.
79 163.3191, F.S.; revising requirements and procedures for
80 evaluating and appraising comprehensive plans and
81 preparing and submitting evaluation and appraisal reports;
82 providing for communitywide assessments; providing for
83 evaluating major community planning issues and special
84 planning issues; providing for scoping meetings for

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85 certain purposes; providing requirements and procedures
86 for such meetings; revising time periods for providing
87 certain reports to certain entities for review; revising
88 review requirements; deleting a provision authorizing the
89 Administration Commission to impose sanctions against
90 local governments under certain circumstances; amending s.
91 163.3245, F.S.; revising provisions relating to optional
92 sector plans to delete demonstration project limitations;
93 deleting a reporting requirement; amending s. 166.041,
94 F.S.; revising procedures for municipalities adopting
95 ordinances and resolutions to conform; amending ss. 70.51,
96 163.3178, 163.3180, 163.3213, 163.3229, 163.3246, 163.516,
97 186.515, 287.042, 288.975, 369.303, 380.06, 380.061,
98 403.973, 420.9071, 420.9076, 1013.30, and 1013.33, F.S.;
99 correcting cross references and revising provisions to
100 conform; repealing s. 163.3189, F.S., relating to a
101 process for amending an adopted comprehensive plan;
102 providing an effective date.
103
104 Be It Enacted by the Legislature of the State of Florida:
105
106 Section 1. Subsection (4) of section 125.66, Florida
107 Statutes, is amended to read:
108 125.66 Ordinances; enactment procedure; emergency
109 ordinances; rezoning or change of land use ordinances or
110 resolutions.--
111 (4) Ordinances or resolutions, initiated by other than the
112 county, that change the actual zoning map designation of a

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113 parcel or parcels of land shall be enacted pursuant to
114 subsection (2). Ordinances or resolutions that change the actual
115 list of permitted, conditional, or prohibited uses within a
116 zoning category, or ordinances or resolutions initiated by the
117 county that change the actual zoning map designation of a parcel
118 or parcels of land, and ordinances which adopt a comprehensive
119 plan or plan amendment, shall be enacted pursuant to the
120 following procedure:
121 (a) In cases in which the proposed ordinance or resolution
122 changes the actual zoning map designation for a parcel or
123 parcels of land involving less than 10 contiguous acres, or in
124 which the proposed ordinance approves a small-scale
125 comprehensive plan amendment, the board of county commissioners,
126 in addition to following the general notice requirements of
127 subsection (2), shall direct its clerk to notify by mail each
128 real property owner whose land the governmental agency will
129 redesignate by enactment of the ordinance or resolution and
130 whose address is known by reference to the latest ad valorem tax
131 records. The notice shall state the substance of the proposed
132 ordinance or resolution as it affects that property owner and
133 shall set a time and place for one or more public hearings on
134 such ordinance or resolution. Such notice shall be given at
135 least 30 days prior to the date set for the public hearing, and
136 a copy of such notice shall be kept available for public
137 inspection during the regular business hours of the office of
138 the clerk of the board of county commissioners. The board of
139 county commissioners shall hold a public hearing on the proposed

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140 ordinance or resolution and may, upon the conclusion of the
141 hearing, immediately adopt the ordinance or resolution.
142 (b) In cases in which the proposed ordinance or resolution
143 changes the actual list of permitted, conditional, or prohibited
144 uses within a zoning category, or changes the actual zoning map
145 designation of a parcel or parcels of land involving 10
146 contiguous acres or more, <u>or adopts a comprehensive plan or plan</u>
147 <u>amendment which is not small scale,</u> the board of county
148 commissioners shall provide for public notice and hearings as
149 follows:
150 1. The board of county commissioners shall hold two
151 advertised public hearings on the proposed ordinance or
152 resolution. At least one hearing shall be held after 5 p.m. on a
153 weekday, unless the board of county commissioners, by a majority
154 plus one vote, elects to conduct that hearing at another time of
155 day. The first public hearing shall be held at least 7 days
156 after the day that the first advertisement is published. The
157 second hearing shall be held at least 10 days after the first
158 hearing and shall be advertised at least 5 days prior to the
159 public hearing.
160 2. The required advertisements shall be no less than 2
161 columns wide by 10 inches long in a standard size or a tabloid
162 size newspaper, and the headline in the advertisement shall be
163 in a type no smaller than 18 point. The advertisement shall not
164 be placed in that portion of the newspaper where legal notices
165 and classified advertisements appear. The advertisement shall be
166 placed in a newspaper of general paid circulation in the county
167 and of general interest and readership in the community pursuant

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168 to chapter 50, not one of limited subject matter. It is the
169 legislative intent that, whenever possible, the advertisement
170 shall appear in a newspaper that is published at least 5 days a
171 week unless the only newspaper in the community is published
172 less than 5 days a week. The advertisement shall be in
173 substantially the following form:
174
175 NOTICE OF (TYPE OF) CHANGE
176
177 The (name of local governmental unit) proposes to adopt
178 the following by ordinance or resolution: (title of ordinance
179 or resolution) .
180 A public hearing on the ordinance or resolution will be
181 held on (date and time) at (meeting place) .
182
183 Except for amendments which change the actual list of permitted,
184 conditional, or prohibited uses within a zoning category or
185 amend the text of the comprehensive plan, the advertisement
186 shall contain a geographic location map which clearly indicates
187 the area within the local government covered by the proposed
188 ordinance or resolution. The map shall include major street
189 names as a means of identification of the general area.
190 3. In lieu of publishing the advertisements set out in
191 this paragraph, the board of county commissioners may mail a
192 notice to each person owning real property within the area
193 covered by the ordinance or resolution. Such notice shall
194 clearly explain the proposed ordinance or resolution and shall

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195 notify the person of the time, place, and location of both
196 public hearings on the proposed ordinance or resolution.
197 Section 2. Subsection (1) of section 163.3164, Florida
198 Statutes, is amended, subsections (2) through (31) of said
199 section are renumbered as subsections (1) through (30),
200 respectively, and subsections (31) and (32) are added to said
201 section, to read:
202 163.3164 Local Government Comprehensive Planning and Land
203 Development Regulation Act; definitions.--As used in this act:
204 ~~(1) "Administration Commission" means the Governor and the~~
205 ~~Cabinet, and for purposes of this chapter the commission shall~~
206 ~~act on a simple majority vote, except that for purposes of~~
207 ~~imposing the sanctions provided in s. 163.3184(11), affirmative~~
208 ~~action shall require the approval of the Governor and at least~~
209 ~~three other members of the commission.~~
210 (31) "Financial feasibility" means sufficient revenues are
211 currently available or will be available from committed funding
212 sources available for capital improvements financing, such as ad
213 valorem taxes, bonds, state funds, federal funds, tax revenues,
214 impact fees, and developer contributions, adequate to fund the
215 projected costs of the capital improvements. The revenue sources
216 must be included in the 5-year schedule of capital improvements
217 and be available during the long-range planning period. The
218 revenue sources must apply to capital improvements for which the
219 local government has fiscal responsibility. If the local
220 government uses planned revenue sources that require referenda
221 or other actions to secure the revenue source, the plan must, in
222 the event the referenda are not passed or actions are not taken

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223 which would secure the planned revenue source, identify other
224 existing revenue sources that will be used to fund the capital
225 projects or otherwise amend the plan to ensure financial
226 feasibility.
227 (32) "Infrastructure development encouragement areas"
228 means areas where local governments have committed to encourage
229 development through the provision of adequate supporting
230 infrastructure consistent with the adopted comprehensive plan.
231 Section 3. Subsections (2), (3), (11), and (13) of section
232 163.3167, Florida Statutes, are amended, and subsection (14) of
233 said section is renumbered as subsection (13), to read:
234 163.3167 Scope of act.--
235 (2) Each local government shall prepare a comprehensive
236 plan of the type and in the manner set out in this act or shall
237 prepare amendments to its existing comprehensive plan to conform
238 it to the requirements of this part in the manner set out in
239 this part. A municipality established after July 1, 2005, shall,
240 within one year after incorporation, establish a local planning
241 agency, pursuant to s. 163.3174, and prepare and adopt a
242 comprehensive plan of the type and in the manner set out in this
243 act within 3 years after the date of such incorporation. The
244 county comprehensive plan in effect on the date of such
245 incorporation shall control until the municipality adopts a
246 comprehensive plan in accord with the provisions of this act.
247 Subsequent changes to the county comprehensive plan shall not
248 apply to the municipality. However, the municipality may adopt
249 amendments to the interim county comprehensive plan that apply
250 to the municipality. Each local government, in accordance with

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251 the procedures in s. 163.3184, shall submit its complete
252 proposed comprehensive plan or its complete comprehensive plan
253 as proposed to be amended to the state land planning agency by
254 the date specified in the rule adopted by the state land
255 planning agency pursuant to this subsection. The state land
256 planning agency shall, prior to October 1, 1987, adopt a
257 schedule of local governments required to submit complete
258 proposed comprehensive plans or comprehensive plans as proposed
259 to be amended. Such schedule shall specify the exact date of
260 submission for each local government, shall establish equal,
261 staggered submission dates, and shall be consistent with the
262 following time periods:
263 (a) Beginning on July 1, 1988, and on or before July 1,
264 1990, each county that is required to include a coastal
265 management element in its comprehensive plan and each
266 municipality in such a county; and
267 (b) Beginning on July 1, 1989, and on or before July 1,
268 1991, all other counties or municipalities.
269
270 Nothing herein shall preclude the state land planning agency
271 from permitting by rule a county together with each municipality
272 in the county from submitting a proposed comprehensive plan
273 earlier than the dates established in paragraphs (a) and (b).
274 ~~Any county or municipality that fails to meet the schedule set~~
275 ~~for submission of its proposed comprehensive plan by more than~~
276 ~~90 days shall be subject to the sanctions described in s.~~
277 ~~163.3184(11)(a) imposed by the Administration Commission.~~
278 Notwithstanding the time periods established in this subsection,

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279 the state land planning agency may establish later deadlines for
280 the submission of proposed comprehensive plans or comprehensive
281 plans as proposed to be amended for a county or municipality
282 which has all or a part of a designated area of critical state
283 concern within its boundaries; however, such deadlines shall not
284 be extended to a date later than July 1, 1991, or the time of
285 de-designation, whichever is earlier.
286 (3) When a local government has not prepared all of the
287 required elements or has not amended its plan as required by
288 subsection (2), the regional planning agency having
289 responsibility for the area in which the local government lies
290 shall prepare and adopt by rule, pursuant to chapter 120, the
291 missing elements or adopt by rule amendments to the existing
292 plan in accordance with this act by July 1, 1989, or within 1
293 year after the dates specified or provided in subsection (2) and
294 the state land planning agency review schedule, whichever is
295 later. The regional planning agency shall provide at least 90
296 days' written notice to any local government whose plan it is
297 required by this subsection to prepare, prior to initiating the
298 planning process. At least 90 days before the adoption by the
299 regional planning agency of a comprehensive plan, or element or
300 portion thereof, pursuant to this subsection, the regional
301 planning agency shall transmit a copy of the proposed
302 comprehensive plan, or element or portion thereof, to the local
303 government and the state land planning agency for written
304 comment. The state land planning agency shall review and comment
305 on such plan, or element or portion thereof, in accordance with
306 s. 163.3184~~(6)~~. Section 163.3184~~(6), (7), and (8)~~ shall be

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307 applicable to the regional planning agency as if it were a
308 governing body. Existing comprehensive plans shall remain in
309 effect until they are amended pursuant to subsection (2), this
310 subsection, or s. 163.3187, or s. 163.3189.
311 (11) Each local government is encouraged to articulate a
312 vision of the future physical appearance and qualities of its
313 community as a component of its local comprehensive plan. The
314 vision component should address the priority issues of the
315 community, be based upon community values, and reflect the
316 community's shared concept for growth and development of the
317 community, including visual representations depicting the
318 desired land use patterns and character for the community during
319 the long-range planning period. The vision may be developed
320 communitywide or at the district or neighborhood level. The
321 vision may include a map of the places, such as neighborhoods,
322 districts, corridors, or sectors, that will be addressed or
323 created by the community's comprehensive plan, together with the
324 desired spatial, visual, and functional characteristics that are
325 desired for the future of those places. The vision should be
326 developed through a collaborative planning process with
327 meaningful public participation and shall be adopted by the
328 governing body of the jurisdiction. The collaborative planning
329 process should ensure the broad-based involvement of stakeholder
330 groups, including, but not limited to, community organizations,
331 neighborhood associations, business, housing, and development
332 interests, environmental organizations, property owners, and
333 residents. With the assistance of the applicable regional
334 planning council, neighboring communities, especially those

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335 sharing natural resources or physical or economic
336 infrastructure, are encouraged to create <u>regional</u> ~~collective~~
337 visions for greater-than-local areas. Such <u>regional</u> ~~collective~~
338 visions shall apply in each city or county only to the extent
339 that each local government chooses to make them applicable. The
340 state land planning agency shall serve as a clearinghouse for
341 creating a community vision of the future and may utilize ~~the~~
342 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~
343 grants to help pay the costs of local visioning programs. When a
344 local vision of the future has been created, a local government
345 should review its comprehensive plan, land development
346 regulations, and capital improvement program to ensure that
347 these instruments will help to move the community toward its
348 vision in a manner consistent with this act ~~and with the state~~
349 ~~comprehensive plan~~. A local or regional vision must <u>protect the</u>
350 <u>priority state interests</u> ~~be consistent with the state vision~~,
351 when adopted, and be internally consistent with the local or
352 regional plan of which it is a component. <u>A comprehensive plan</u>
353 <u>or plan amendment may not be found not in compliance based</u>
354 <u>solely on inconsistency with a locally adopted vision.</u> The state
355 land planning agency shall not adopt minimum criteria for
356 evaluating or judging the form or content of a local or regional
357 vision.
358 ~~(13) Each local government shall address in its~~
359 ~~comprehensive plan, as enumerated in this chapter, the water~~
360 ~~supply sources necessary to meet and achieve the existing and~~
361 ~~projected water use demand for the established planning period,~~

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362 ~~considering the applicable plan developed pursuant to s.~~
363 ~~373.0361.~~
364 Section 4. Paragraph (a) of subsection (4) of section
365 163.3174, Florida Statutes, is amended to read:
366 163.3174 Local planning agency.--
367 (4) The local planning agency shall have the general
368 responsibility for the conduct of the comprehensive planning
369 program. Specifically, the local planning agency shall:
370 (a) Be the agency responsible for the preparation of the
371 comprehensive plan or plan amendment and shall make
372 recommendations to the governing body regarding the adoption or
373 amendment of such plan. During the preparation of the plan or
374 plan amendment and prior to any recommendation to the governing
375 body, the local planning agency shall hold at least one public
376 hearing, with public notice, on the proposed plan or plan
377 amendment. The governing body in cooperation with the local
378 planning agency may designate any agency, committee, department,
379 or person to prepare the comprehensive plan or plan amendment,
380 but final recommendation of the adoption of such plan or plan
381 amendment to the governing body shall be the responsibility of
382 the local planning agency. <u>The local planning agency shall</u>
383 <u>certify to the governing body and the governing body shall</u>
384 <u>affirm in the adoption ordinance that a proposed plan or plan</u>
385 <u>amendment is supported by relevant and appropriate data and</u>
386 <u>analysis and that the plan amendment is compatible with and</u>
387 <u>furthers applicable priority state interests and the local</u>
388 <u>government's comprehensive plan.</u>

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389 Section 5. Section 163.3176, Florida Statutes, is created
390 to read:
391 163.3176 Priority state interests; state or regional
392 review of comprehensive plans and plan amendments.--
393 (1) The Legislature finds that certain public facilities,
394 natural resources, and critical issues are essential to the
395 state's economic development, natural heritage, and quality of
396 life and that local governments should protect those priority
397 state interests in local land use decisions. To this end, the
398 Legislature directs the state land planning agency to work with
399 local governments to ensure that statutorily defined priority
400 state interests are appropriately protected. Where priority
401 state interests may be impacted by the land use decisions of
402 local governments, the Legislature specifically authorizes the
403 state land planning agency to protect and further those
404 interests as authorized in this chapter.
405 (2) As further defined in subsection (3), the Legislature
406 hereby declares that the following are priority state interests:
407 (a) Adequate functioning of Strategic Intermodal System
408 facilities.
409 (b) Adequate capacity and siting of public educational
410 facilities.
411 (c) Protection of significant conservation and recreation
412 lands.
413 (d) Protection of the viability of listed plant and animal
414 species, strategic habitat, and important natural communities.
415 (e) Adequacy and protection of water supply.
416 (f) Protection of significant wetlands and surface waters.

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417 (3) The state land planning agency may petition to
418 challenge plan amendments pursuant to s. 163.3184(8) that impact
419 priority state interests. Impact on any priority state interest
420 shall be the sole basis for petition by the state land planning
421 agency of plan amendments, except comprehensive plans for new
422 municipalities, evaluation and appraisal report based plan
423 amendments, and plan amendments applicable to a designated area
424 of critical state concern. The state land planning agency may
425 file a petition challenging a plan amendment as impacting
426 priority state interests to:
427 (a) Ensure adequate capacity of Strategic Intermodal
428 System roads at acceptable levels of service established by the
429 Department of Transportation or the agency with responsibility
430 for operating the individual facilities.
431 (b) Ensure the protection of the adequate functioning of
432 Strategic Intermodal System airports, ports, railroads, freight
433 and passenger terminals, and navigation waterways.
434 (c) Ensure that land uses, densities, and intensities do
435 not impair the functioning of existing or planned Strategic
436 Intermodal System facilities. Adopted local government
437 comprehensive plan amendments whose geographical boundaries are
438 within or abut the Strategic Intermodal System area of influence
439 or have a significant impact on the Strategic Intermodal System
440 may be petitioned on the basis of protecting the Strategic
441 Intermodal System. The areas of influence shall encompass one-
442 half mile from the right-of-way boundary of a Strategic
443 Intermodal System corridor or connector in urban areas, and one
444 mile from the right-of-way boundary of a corridor or connector

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445 within rural areas. Areas of influence surrounding Strategic
446 Intermodal System facilities shall be one mile from the
447 jurisdictional boundaries of the hub or consistent with the
448 delineated impact areas as defined in the hub master plan,
449 whichever is less.
450 (d) Ensure adequate public school capacity consistent with
451 the requirements of s. 163.31778 for the public school demand
452 created by increased residential land use density and intensity.
453 (e) Ensure the availability of adequate sites for new
454 public schools and public school expansions.
455 (f) Ensure that land uses, densities, and intensities are
456 compatible with the protection of state, water management
457 district, and federal conservation and recreation lands, whether
458 such lands are held in fee simple or less-than-fee simple
459 interests.
460 (g) Ensure that land uses, densities, and intensities are
461 compatible with protection of the following significant habitat
462 areas: strategic habitat conservation areas, areas with a rating
463 value of 7 or more for habitat quality based on the Integrated
464 Wildlife Habitat Ranking System, and priority wetlands use areas
465 for four or more listed species as identified by Florida Fish
466 and Wildlife Conservation Commission, and natural communities
467 classified as imperiled or critically imperiled by the Florida
468 Natural Areas Inventory.
469 (h) Ensure that land uses, densities, and intensities are
470 coordinated and consistent with the availability of adequate and
471 sustainable water supplies, as determined by the applicable

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472 water management district, necessary to meet current and
473 projected demand.
474 (i) Ensure that land uses, densities, and intensities are
475 compatible with the protection of public water supplies, such as
476 Class I waterbodies, wellfields, and reservoirs.
477 (j) Ensure that land uses, densities, and intensities are
478 compatible with the protection of water quality of first-
479 magnitude springs.
480 (k) Ensure that land uses, densities, and intensities and
481 other land development activities are compatible with the
482 protection of significant wetland areas within 100-year flood
483 zones, as depicted on the flood insurance rate maps published by
484 the Federal Emergency Management Agency.
485 (4) The state land planning agency petition of plan
486 amendments shall be limited to issues that impact priority state
487 interests consistent with this part. In its review, the state
488 land planning agency shall ensure that plan amendments are
489 compatible with, further, and adequately protect such interests.
490 However, in its petition of plan amendments, the state land
491 planning agency shall not require a local government to
492 duplicate or exceed the specific regulatory standards
493 established in federal, state, or regional permitting programs.
494 Although the state land planning agency petition is limited to
495 priority state interests, local government comprehensive plans
496 and plan amendments shall meet the minimum requirements for
497 compliance pursuant to s. 163.3184(1)(b).
498 Section 6. Subsection (2), paragraph (b) of subsection
499 (3), paragraphs (a) and (c) of subsection (6), and paragraph (b)

500 of subsection (11) of section 163.3177, Florida Statutes, are
501 amended, and subsections (13), (14), and (15) are added to said
502 section, to read:
503 163.3177 Required and optional elements of comprehensive
504 plan; studies and surveys.--
505 (2) Coordination of the several elements of the local
506 comprehensive plan shall be a major objective of the planning
507 process. The several elements of the comprehensive plan shall be
508 consistent, and the comprehensive plan shall be financially
509 ~~economically~~ feasible. Financial feasibility shall be determined
510 using professionally accepted methodologies certified in writing
511 by the state land planning agency. The requirement that a local
512 government demonstrate the financial feasibility of its
513 comprehensive plan shall not relieve a community from its
514 obligation to plan for and facilitate the creation of a housing
515 stock that is affordable to its citizens of all economic levels,
516 including those of very low income, low income, and moderate
517 income.
518 (3)
519 (b) The capital improvements element shall be reviewed on
520 an annual basis and modified as necessary in accordance with s.
521 163.3187 to maintain a financially feasible 5-year schedule of
522 capital improvements necessary to ensure that level of service
523 standards are achieved and maintained ~~or s. 163.3189~~, except
524 that corrections, updates, and modifications concerning costs;
525 revenue sources; acceptance of facilities pursuant to
526 dedications which are consistent with the plan; or the date of
527 construction of any facility enumerated in the capital

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528 improvements element may be accomplished by ordinance and shall
529 not be deemed to be amendments to the local comprehensive plan.
530 All public facilities shall be consistent with the capital
531 improvements element.
532 (6) In addition to the requirements of subsections (1)-
533 (5), the comprehensive plan shall include the following
534 elements:
535 (a) A future land use plan element designating proposed
536 future general distribution, location, and extent of the uses of
537 land for residential uses, commercial uses, industry,
538 agriculture, recreation, conservation, education, public
539 buildings and grounds, other public facilities, and other
540 categories of the public and private uses of land. The proposed
541 distribution, location, and extent of the various categories of
542 land use shall be shown on a land use map or map series which
543 shall be supplemented by goals, policies, and measurable
544 objectives. Counties are encouraged to designate rural land
545 stewardship areas, pursuant to the provisions of paragraph
546 (11)(d), as overlays on the future land use map.
547 1. Each future land use category must be defined in terms
548 of uses included, and must include standards to be followed in
549 the control and distribution of population densities and
550 building and structure intensities.
551 2. ~~The proposed distribution, location, and extent of the~~
552 ~~various categories of land use shall be shown on a land use map~~
553 ~~or map series which shall be supplemented by goals, policies,~~
554 ~~and measurable objectives.~~ The future land use plan shall be
555 based upon surveys, studies, and data regarding the area,

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556 including the amount of land required to accommodate anticipated
557 growth; the projected population of the area; the character of
558 undeveloped land; the availability of public services; the need
559 for redevelopment, including the renewal of blighted areas and
560 the elimination of nonconforming uses which are inconsistent
561 with the character of the community; the compatibility of uses
562 on lands adjacent to or closely proximate to military
563 installations; and, in rural communities, the need for job
564 creation, capital investment, and economic development that will
565 strengthen and diversify the community's economy.

566 3. The future land use plan may designate areas for future
567 planned development use involving combinations of types of uses
568 for which special regulations may be necessary to ensure
569 development in accord with the principles and standards of the
570 comprehensive plan and this act.

571 4. The future land use plan element shall include criteria
572 to be used to achieve the compatibility of adjacent or closely
573 proximate lands with military installations. Local governments
574 are encouraged to participate with a military installation in
575 the development of joint land use studies and provide that land
576 use and development be regulated in accordance with the
577 recommendations contained in the applicable joint land use
578 study. Each local government required to update or amend its
579 comprehensive plan to include criteria and address compatibility
580 of adjacent or closely proximate lands with existing military
581 installations in its future land use plan element shall transmit
582 the update or amendment to the state land planning agency by
583 June 30, 2006.

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584 5. ~~In addition,~~ For rural communities, the amount of land
585 designated for future planned industrial use shall be based upon
586 surveys and studies that reflect the need for job creation,
587 capital investment, and the necessity to strengthen and
588 diversify the local economies, and shall not be limited solely
589 by the projected population of the rural community.
590 6. The future land use plan of a county may also designate
591 areas for possible future municipal incorporation.
592 7. The land use maps or map series shall generally
593 identify and depict historic district boundaries and shall
594 designate historically significant properties meriting
595 protection. The future land use element must clearly identify
596 the land use categories in which public schools are an allowable
597 use. When delineating the land use categories in which public
598 schools are an allowable use, a local government shall include
599 in the categories sufficient land proximate to residential
600 development to meet the projected needs for schools in
601 coordination with public school boards and may establish
602 differing criteria for schools of different type or size. When
603 reviewing comprehensive plan amendments, the future land use
604 element must take into consideration the impact of any
605 amendments that are likely to result in an increase in the
606 demand for public school facilities. A local government shall
607 ensure adequate school capacity and, in coordination with the
608 applicable school board, provide appropriate measures to
609 accommodate the impact consistent with the requirements of s.
610 163.31778. Each local government shall include lands contiguous
611 to existing school sites, to the maximum extent possible, within

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612 the land use categories in which public schools are an allowable
613 use. All comprehensive plans must comply with the school siting
614 requirements of this paragraph no later than October 1, 1999.
615 The failure by a local government to comply with these school
616 siting requirements by October 1, 1999, will result in the
617 prohibition of the local government's ability to amend the local
618 comprehensive plan, except for plan amendments described in s.
619 163.3187(1)(b), until the school siting requirements are met.
620 Amendments proposed by a local government for purposes of
621 identifying the land use categories in which public schools are
622 an allowable use or for adopting or amending the school-siting
623 maps pursuant to s. 163.31776(3) are exempt from the limitation
624 on the frequency of plan amendments contained in s. 163.3187.
625 The future land use element shall include criteria that
626 encourage the location of schools proximate to urban residential
627 areas to the extent possible and shall require that the local
628 government seek to collocate public facilities, such as parks,
629 libraries, and community centers, with schools to the extent
630 possible and to encourage the use of elementary schools as focal
631 points for neighborhoods. For schools serving predominantly
632 rural counties, defined as a county with a population of 100,000
633 or fewer, an agricultural land use category shall be eligible
634 for the location of public school facilities if the local
635 comprehensive plan contains school siting criteria and the
636 location is consistent with such criteria. ~~Local governments~~
637 ~~required to update or amend their comprehensive plan to include~~
638 ~~criteria and address compatibility of adjacent or closely~~
639 ~~proximate lands with existing military installations in their~~

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640 ~~future land use plan element shall transmit the update or~~
641 ~~amendment to the department by June 30, 2006.~~
642 (c) A general sanitary sewer, solid waste, drainage,
643 potable water, and natural groundwater aquifer recharge element
644 correlated to principles and guidelines for future land use,
645 indicating ways to provide for future potable water, drainage,
646 sanitary sewer, solid waste, and aquifer recharge protection
647 requirements for the area. The element may be a detailed
648 engineering plan including a topographic map depicting areas of
649 prime groundwater recharge. The element shall describe the
650 problems and needs and the general facilities that will be
651 required for solution of the problems and needs. The element
652 shall also include a topographic map depicting any areas adopted
653 by a regional water management district as prime groundwater
654 recharge areas for the Floridan or Biscayne aquifers, pursuant
655 to s. 373.0395. These areas shall be given special consideration
656 when the local government is engaged in zoning or considering
657 future land use for said designated areas. For areas served by
658 septic tanks, soil surveys shall be provided which indicate the
659 suitability of soils for septic tanks.
660 1. By December 1, 2006, the element must consider the
661 appropriate water management district's regional water supply
662 plan approved pursuant to s. 373.0361. The element must include
663 a work plan, covering the comprehensive plan's established ~~at~~
664 ~~least a 10-year~~ planning period, for building water supply
665 facilities that are identified in the element as necessary to
666 serve existing and new development and for which the local
667 government is responsible. The work plan shall be updated, at a

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668 minimum, every 5 years within 12 months after the governing
669 board of a water management district approves an updated
670 regional water supply plan. Amendments to incorporate the work
671 plan do not count toward the limitation on the frequency of
672 adoption of amendments to the comprehensive plan. Each local
673 government shall address in its comprehensive plan, as
674 enumerated in this chapter, the water supply sources necessary
675 to meet and achieve the existing and projected water use demand
676 for the established planning period, considering the applicable
677 plan developed pursuant to s. 373.0361.
678 (11)
679 (b) It is the intent of the Legislature that the local
680 government comprehensive plans and plan amendments adopted
681 pursuant to the provisions of this part provide for a planning
682 process which encourages and promotes ~~allows for~~ land use
683 efficiencies within existing urban areas and which also allows
684 for the conversion of rural lands to other uses, where
685 appropriate and consistent with the other provisions of this
686 part and the affected local comprehensive plans, through the
687 application of innovative and flexible planning and development
688 strategies and creative land use planning techniques, which may
689 include, but not be limited to, enhanced comprehensive plan
690 options under subsections (13) and (14), urban villages, new
691 towns, satellite communities, area-based allocations, clustering
692 and open space provisions, mixed-use development, and sector
693 planning.
694 (13) A local government may elect to use a fiscal impact
695 analysis model that has been certified by the state land

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696 planning agency as an accepted methodology for demonstrating
697 financial feasibility of the comprehensive plan when updating
698 the annual schedule of capital improvements and at the time of
699 the evaluation and appraisal report and associated amendments.
700 The state land planning agency may also certify the use of
701 alternative methodologies for determining financial feasibility.
702 (14) A local government may adopt the following
703 enhancements to the comprehensive plan. Single or multiple
704 enhancements may be adopted and shall meet the following
705 criteria:
706 (a)1. Infrastructure development encouragement areas.--A
707 local government may identify in its comprehensive plan areas of
708 its community where it wants to encourage appropriate
709 development and redevelopment. Infrastructure development
710 encouragement areas would consist of one or more specific
711 geographic areas of the community that are most appropriate for
712 future development or redevelopment and where the local
713 government will encourage the provision of infrastructure. The
714 purpose of identifying such areas is to promote an orderly
715 expansion of growth and the efficient use of land and public
716 services and to discourage the proliferation of urban sprawl.
717 Once established, such area shall be periodically evaluated
718 through the regular evaluation and appraisal report process to
719 determine if it should remain as an infrastructure development
720 encouragement area. In order to qualify as an infrastructure
721 development encouragement area, the geographic area shall meet
722 the following criteria:
723 a. The area must promote compact urban development.

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724 b. The area must contain existing or committed adequate
725 infrastructure consistent with the adopted plan, such as potable
726 water, sanitary sewer, roads, and schools, to support
727 appropriate development or redevelopment.
728 c. The area must promote the financial feasibility of the
729 local government comprehensive plan.
730 d. Designation of the area must consider impacts on
731 priority state interests.
732 2. The comprehensive plan must take the appropriate steps
733 to promote and encourage development in the infrastructure
734 development encouragement areas, including the use of broad-
735 based sources of funding for infrastructure. Local governments
736 shall adopt appropriate measures to ensure the success of this
737 effort. These may include, but are not limited to:
738 a. A fast-track permitting system for local government
739 permits.
740 b. Evaluation of existing development standards to
741 consider a performance-based rather than a prescriptive approach
742 to development standards.
743 c. Exemption from transportation concurrency requirements
744 consistent with s. 163.3180.
745 d. Appropriate financial incentives.
746 e. Reduction of local development fees.
747 f. Target densities and intensities for land use.
748 3. Plan amendments within the boundaries of an
749 infrastructure development encouragement area shall not be
750 appealed by the state land planning agency or other parties
751 based on a failure to promote orderly growth and efficient use

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752 of land and public facilities and a failure to discourage urban
753 sprawl. Infrastructure development encouragement areas
754 corresponding to a maximum 20-year supply of land may be
755 delineated in local government comprehensive plans. Additional
756 vacant land beyond that which is needed for a 20-year supply may
757 be included based on the pattern of existing and vested
758 development, in order to create a reasonably compact and
759 contiguous urban area and promote the efficient use of public
760 facilities. Infrastructure development encouragement areas may
761 include areas designated in the comprehensive plan where growth
762 should be guided into rural villages or rural growth centers,
763 areas of employment or industrial use, existing communities, and
764 municipal boundaries corresponding to a 20-year supply of land,
765 and where the criteria outlined in this paragraph are met.
766 (b) Transportation corridor management ordinance.--Local
767 governments are encouraged to adopt transportation corridor
768 management ordinances pursuant to s. 337.273(6) for designated
769 transportation corridors and Strategic Intermodal System
770 facilities located within or abutting a Strategic Intermodal
771 System's area of influence. Plan amendments consistent with a
772 corridor management plan approved by the state land planning
773 agency in consultation with the Department of Transportation and
774 included within an adopted transportation corridor management
775 ordinance shall not be subject to petition by the state land
776 planning agency based on impact on the relevant Strategic
777 Intermodal System facility.
778 (c) Long-range facility plans.--Local governments are
779 encouraged to adopt comprehensive plans that address long-range

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780 facility plans for public facilities and services for a 20-year
781 planning period or that time period necessary to coincide with
782 the applicable metropolitan planning organization's cost-
783 feasible portion of the long-range transportation plan or, for
784 nonmetropolitan planning organization areas, the applicable
785 Department of Transportation cost-feasible portion of the long-
786 range transportation plan, whichever time period is longer. To
787 ensure the financial feasibility of the comprehensive plan, on
788 an annual basis local governments shall review and modify as
789 necessary the long-range facility plan for capital improvements,
790 including a listing of facilities, anticipated costs, and
791 anticipated revenues necessary to ensure that level-of-service
792 standards will be achieved and maintained for the established
793 planning timeframe of the comprehensive plan.
794 (d) Local mitigation strategies.--Local governments are
795 encouraged to adopt into the future land use element of the
796 comprehensive plan the relevant components of the local
797 government's local mitigation strategy, postdisaster
798 redevelopment plan, and comprehensive emergency management plan
799 provisions related to land use, provision or improvement of
800 public facilities, site development standards, and redevelopment
801 or postdisaster redevelopment. Within areas with a significant
802 risk of wildfire susceptibility, the element must address
803 measures for the mitigation of the risks of wildfire damage.
804 (e) Buildout plans.--Local governments are encouraged to
805 adopt conceptual buildout plans that reflect the community's
806 vision for a sustainable future that ensures economic prosperity
807 and social well-being and conserves natural systems and

808 resources for future generations consistent with priority state
809 interests. The conceptual buildout plans may look beyond the
810 planning time period of the future land use map and include the
811 following components:
812 1. The buildout plan shall include a vision meeting the
813 criteria in s. 163.3167(11).
814 2. The buildout plan shall identify anticipated areas for
815 urban, agricultural, rural, and conservation land uses,
816 including visual representations depicting desired land use
817 patterns and character for the community at buildout for a
818 sustainable future consistent with the protection of priority
819 state interests.
820 3. The buildout plan shall depict the major infrastructure
821 needed to support the anticipated land uses.
822 4. The buildout plan shall support the major
823 infrastructure with a demonstration of financial feasibility
824 over the long term.
825 5. The conceptual buildout plan does not establish
826 development rights. Subsequent, more specific approvals are
827 required to realize the development depicted on the map.
828 (f) Rural land stewardship area.--Local governments are
829 encouraged to adopt rural land stewardship areas pursuant to s.
830 subsection (11).
831 (15) A local government may adopt a certified
832 comprehensive plan. Such plan shall address the requirements of
833 subsections (13) and (14) and shall specifically address and
834 include measures to adequately protect priority state interests.
835 Local government plan amendments shall not be subject to state

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836 review or petition except for plan amendments based upon an
837 evaluation and appraisal report. The state land planning agency
838 may revoke the certification if the agency determines the local
839 government has not complied with this part.
840 Section 7. Paragraph (e) of subsection (2), paragraph (c)
841 of subsection (3), and subsection (4) of section 163.31777,
842 Florida Statutes, are amended to read:
843 163.31777 Public schools interlocal agreement.--
844 (2) At a minimum, the interlocal agreement must address
845 the following issues:
846 (e) A process for the school board to inform the local
847 government regarding school capacity. The capacity reporting
848 must be consistent with laws and rules relating to measurement
849 of school facility capacity and must also identify how the
850 district school board will meet the public school demand based
851 on the facilities work program adopted pursuant to s. 1013.35.
852 For those plan amendments that create additional school capacity
853 demand because of increased densities or intensities, the school
854 board shall submit, at a minimum, capacity reporting information
855 to the local government that identifies the affected schools and
856 service areas, the impact to the utilization rates of those
857 schools, and the appropriate measures available to provide
858 sufficient capacity. The interlocal agreement must also set
859 forth the process and uniform methodology for determining
860 proportionate-share mitigation pursuant to s. 163.31778.
861
862 A signatory to the interlocal agreement may elect not to include
863 a provision meeting the requirements of paragraph (e); however,

864 such a decision may be made only after a public hearing on such
865 election, which may include the public hearing in which a
866 district school board or a local government adopts the
867 interlocal agreement. An interlocal agreement entered into
868 pursuant to this section must be consistent with the adopted
869 comprehensive plan and land development regulations of any local
870 government that is a signatory.
871 (3)
872 (c) If the state land planning agency enters a final order
873 that finds that the interlocal agreement is inconsistent with
874 the requirements of subsection (2) or this subsection, it shall
875 forward it to the Administration Commission, which may impose
876 sanctions against the ~~local government pursuant to s.~~
877 ~~163.3184(11) and may impose sanctions against the~~ district
878 school board by directing the Department of Education to
879 withhold from the district school board an equivalent amount of
880 funds for school construction available pursuant to ss. 1013.65,
881 1013.68, 1013.70, and 1013.72.
882 (4) If an executed interlocal agreement is not timely
883 submitted to the state land planning agency for review, the
884 state land planning agency shall, within 15 working days after
885 the deadline for submittal, issue to the local government and
886 the district school board a Notice to Show Cause why sanctions
887 should not be imposed for failure to submit an executed
888 interlocal agreement by the deadline established by the agency.
889 The agency shall forward the notice and the responses to the
890 Administration Commission, which may enter a final order citing
891 the failure to comply and imposing sanctions against the ~~local~~

892 ~~government and~~ district school board ~~by directing the~~
893 ~~appropriate agencies to withhold at least 5 percent of state~~
894 ~~funds pursuant to s. 163.3184(11) and~~ by directing the
895 Department of Education to withhold from the district school
896 board at least 5 percent of funds for school construction
897 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
898 1013.72.
899 Section 8. Section 163.31778, Florida Statutes, is created
900 to read:
901 <u>163.31778 Public school capacity for plan amendments.--</u>
902 <u>(1) Each local government shall consider public school</u>
903 <u>facilities when reviewing proposed comprehensive plan amendments</u>
904 <u>that increase residential densities and that are reasonably</u>
905 <u>expected to have an impact on the demand for public school</u>
906 <u>facilities.</u>
907 <u>(2) For each proposed comprehensive plan amendment that</u>
908 <u>increases residential densities and is reasonably expected to</u>
909 <u>have an impact on the demand for public school facilities, the</u>
910 <u>school board shall provide the local government with a school-</u>
911 <u>capacity report based on the district educational facilities</u>
912 <u>plan adopted by the school board pursuant to s. 1013.35. The</u>
913 <u>school capacity report must provide data and analysis on the</u>
914 <u>capacity and enrollment of affected schools based on standards</u>
915 <u>established by state or federal law or judicial orders,</u>
916 <u>projected additional enrollment attributable to the density</u>
917 <u>increase resulting from the amendment, programmed and</u>
918 <u>financially feasible new public school facilities or</u>
919 <u>improvements for affected schools identified in the educational</u>

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920 facilities plan of the school board and the expected date of
921 availability of such facilities or improvements, and available
922 reasonable options for providing public school facilities to
923 students if the comprehensive plan amendment is approved. The
924 options that must be considered include, but need not be limited
925 to, the school board's evaluation of school schedule
926 modification, school attendance zones modification, school
927 facility modification, and the creation of charter schools. The
928 report must be consistent with this section, any adopted
929 interlocal agreement, and the public educational facilities
930 element.
931 (3) A local government shall deny a request for a
932 comprehensive plan amendment which would increase the density of
933 residential development allowed on the property subject to the
934 amendment and is reasonably expected to have an increased impact
935 on the demand for public school facilities, if the school
936 facility capacity will not be reasonably available at the time
937 of projected school impacts as determined by the methodology
938 established in the public educational facilities element.
939 However, the application for a comprehensive plan amendment may
940 be approved if the applicant executes a legally binding
941 commitment to provide mitigation proportionate to the demand for
942 public school facilities to be created by actual development of
943 the property, including, but not limited to, the options
944 described in subsection (4).
945 (4)(a) Options for proportionate-share mitigation of
946 public school facility impacts from actual development of
947 property subject to a plan amendment that increases residential

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948 density shall be established in the educational facilities plan
949 and the public educational facilities element. Appropriate
950 mitigation options include the contribution of land; the
951 construction, expansion, or payment for land acquisition or
952 construction of a public school facility; or the creation of
953 mitigation banking based on the construction of a public school
954 facility in exchange for the right to sell capacity credits.
955 Such options must include execution by the applicant and the
956 local government of a binding development agreement pursuant to
957 ss. 163.3220-163.3243 which constitutes a legally binding
958 commitment to pay proportionate-share mitigation for the
959 additional residential units approved by the local government in
960 a development order and actually developed on the property,
961 taking into account residential density allowed on the property
962 prior to the plan amendment that increased overall residential
963 density. The district school board may be a party to such an
964 agreement. As a condition of its entry into such a development
965 agreement, a local government may require the landowner to agree
966 to continuing renewal of the agreement upon its expiration.
967 (b) If the educational facilities plan and the public
968 educational facilities element authorize a contribution of land;
969 the construction, expansion, or payment for land acquisition; or
970 the construction or expansion of a public school facility, or a
971 portion thereof, as proportionate-share mitigation, the local
972 government shall credit such a contribution, construction,
973 expansion, or payment toward any other impact fee or exaction
974 imposed by local ordinance for the same need, on a dollar-for-
975 dollar basis at fair market value.

976 (c) Any proportionate-share mitigation must be directed by
977 the school board toward a school capacity improvement that is
978 identified in the financially feasible 5-year district work plan
979 and that must be provided in accordance with a binding
980 development agreement.
981 (5) The Legislature finds that, under limited
982 circumstances dealing with educational facilities,
983 countervailing planning and public policy goals may conflict
984 with the requirements of subsections (3) and (4) and often the
985 unintended results directly conflict with the goals and policies
986 of the state comprehensive plan and the intent of this part.
987 Therefore, a local government may grant an exception from the
988 requirements of subsections (3) and (4) if the proposed
989 development is otherwise consistent with the adopted local
990 government comprehensive plan and is a project located within an
991 area designated in the comprehensive plan for:
992 (a) Urban infill development;
993 (b) Urban redevelopment;
994 (c) Downtown revitalization;
995 (d) Urban infill and redevelopment under s. 163.2517; or
996 (e) Infrastructure development encouragement areas under
997 s. 163.3177(14).
998 (6) This section does not prohibit a local government from
999 using its home rule powers to deny a comprehensive plan
1000 amendment.
1001 Section 9. Subsection (1) of section 163.3181, Florida
1002 Statutes, is amended to read:

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1003 163.3181 Public participation in the comprehensive
1004 planning process; intent; alternative dispute resolution.--
1005 (1) It is the intent of the Legislature that the public
1006 participate in the comprehensive planning process to the fullest
1007 extent possible. Towards this end, local planning agencies and
1008 local governmental units are directed to adopt procedures
1009 designed to provide effective public participation in the
1010 comprehensive planning process and to provide real property
1011 owners with notice of all official actions which will regulate
1012 the use of their property. Local governments are encouraged to
1013 obtain public comment through visioning and neighborhood
1014 meetings that are conducted prior to formal consideration of an
1015 amendment to the future land use map. The provisions and
1016 procedures required in this act are set out as the minimum
1017 requirements towards this end.
1018 Section 10. Section 163.3184, Florida Statutes, is amended
1019 to read:
1020 (Substantial rewording of section. See
1021 s. 163.3184, F.S., for current text.)
1022 163.3184 Process for adoption of comprehensive plan or
1023 plan amendment.--
1024 (1) DEFINITIONS.--As used in this section, the term:
1025 (a) "Affected person" includes the affected local
1026 government; any person owning property, residing, or owning or
1027 operating a business within the boundaries of the local
1028 government whose plan is the subject of the review; a military
1029 base installation affected by proposed comprehensive plan
1030 amendments; an owner of real property abutting real property

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1031 that is the subject of a proposed change to a future land use
1032 map; and adjoining local governments that can demonstrate that
1033 the plan or plan amendment will produce substantial impacts on
1034 the increased need for publicly funded infrastructure or
1035 substantial impacts on areas designated for protection or
1036 special treatment within their jurisdiction. Each person, other
1037 than an adjoining local government, in order to qualify under
1038 this definition, shall also have submitted oral or written
1039 comments, recommendations, or objections to the local government
1040 during the period of time beginning with the transmittal hearing
1041 for the plan or plan amendment and ending with the adoption of
1042 the plan or plan amendment.
1043 (b) "In compliance" means being consistent with the
1044 requirements of ss. 163.3177 and 163.31776 when a local
1045 government adopts an educational facilities element; ss.
1046 163.3178, 163.3180, 163.3191, and 163.3245; s. 163.3176 relating
1047 to priority state interests; the appropriate strategic regional
1048 policy plan; chapter 9J-5, Florida Administrative Code, when
1049 such rule is not inconsistent with this part; the principles for
1050 guiding development in designated areas of critical state
1051 concern; and part III of chapter 369, where applicable.
1052 (2) COORDINATION.--Each comprehensive plan or plan
1053 amendment proposed to be adopted pursuant to this part shall be
1054 transmitted, adopted, and reviewed in the manner prescribed in
1055 this section. The state land planning agency shall have
1056 responsibility for plan review, coordination, and preparation
1057 and transmission of comments, pursuant to this section, to the
1058 local governing body responsible for the comprehensive plan.

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1059 (3) LOCAL GOVERNMENT TRANSMITTAL AND ADOPTION OF PROPOSED
1060 PLAN OR AMENDMENT.--
1061 (a) The transmittal and adoption of a complete proposed
1062 comprehensive plan or plan amendment shall be by affirmative
1063 vote of not less than a majority of the members of the governing
1064 body present at the hearing. The adoption of a comprehensive
1065 plan or plan amendment shall be by ordinance. For the purposes
1066 of transmitting or adopting a comprehensive plan or plan
1067 amendment, the notice requirements in chapters 125 and 166 are
1068 superseded by this subsection, except as provided in this part.
1069 (b) The local governing body shall hold at least two
1070 advertised public hearings on the proposed comprehensive plan
1071 amendments as follows:
1072 1. The first public hearing shall be held on a weekday at
1073 least 7 days after the day that the first advertisement is
1074 published and no more than 90 days before the adoption public
1075 hearing. Plan amendments must be received by the governmental
1076 review agencies identified in paragraph (e) at least 60 days
1077 before the adoption public hearing as specified in the state
1078 land planning agency's procedural rules.
1079 2. The second public hearing shall be held on a weekday at
1080 least 5 days after the day that the second advertisement is
1081 published.
1082 (c) For evaluation and appraisal-based amendments and new
1083 comprehensive plans, the local governing body shall hold at
1084 least two advertised public hearings on the proposed
1085 comprehensive plan or evaluation and appraisal report-based plan
1086 amendment as follows:

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1087 1. The first public hearing shall be on a weekday at least
1088 7 days after the day that the first advertisement is published.
1089 Plan amendments based upon an evaluation and appraisal report
1090 and new comprehensive plans shall be submitted to the
1091 governmental review agencies identified in paragraph (e) within
1092 10 days after the first public hearing as specified in the state
1093 land planning agency's procedural rules.
1094 2. The second public hearing shall be held at the adoption
1095 stage on a weekday at least 5 days after the day that the second
1096 advertisement is published.
1097 (d) The required advertisements shall be in the format
1098 prescribed by s. 125.66(4)(b)2. for a county or by s.
1099 166.041(3)(c)2.b. for a municipality.
1100 (e) Each local governing body shall transmit the complete
1101 proposed comprehensive plan or plan amendment and supporting
1102 data and analysis to:
1103 1. The state land planning agency, the appropriate
1104 regional planning council and water management district, the
1105 Department of Environmental Protection, the Department of State,
1106 and the Department of Transportation.
1107 2. The Office of Educational Facilities of the
1108 Commissioner of Education if the amendment includes or relates
1109 to the public facilities element pursuant to s. 163.31776.
1110 3. In the case of municipal plans, to the appropriate
1111 county.
1112 4. In the case of county plans, to the Fish and Wildlife
1113 Conservation Commission and the Department of Agriculture and

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1114 Consumer Services as specified in the state land planning
1115 agency's procedural rules.
1116
1117 In cases in which the plan amendment is a result of an
1118 evaluation and appraisal report adopted pursuant to s. 163.3191,
1119 the local governing body shall include a copy of the evaluation
1120 and appraisal report. The local governing body shall also
1121 transmit a copy of the complete proposed comprehensive plan or
1122 plan amendment to any other unit of local government or
1123 government agency in the state that has filed a written request
1124 with the governing body for the plan or plan amendment. Local
1125 governing bodies shall consolidate all proposed plan amendments
1126 into a single submission for each of the two plan amendment
1127 adoption dates during the calendar year pursuant to s. 163.3187.
1128 (4) INTERGOVERNMENTAL REVIEW.--For new comprehensive
1129 plans, plan amendments based upon an evaluation and appraisal
1130 report, and plan amendments where applicable to an area of
1131 critical state concern or applicable to part III, chapter 369,
1132 the governmental review agencies specified in paragraph (3)(e)
1133 shall provide comments to the state land planning agency within
1134 30 days after receipt by the state land planning agency of the
1135 complete proposed plan or plan amendment. The appropriate
1136 regional planning council shall also provide its written
1137 comments to the state land planning agency within 30 days after
1138 receipt by the state land planning agency of the complete
1139 proposed plan or plan amendment and shall include comments of
1140 any other regional agencies to which the regional planning
1141 council may have referred the proposed plan amendment. For all

1142 other plan amendments, the governmental review agencies may
1143 provide written comments to the state land planning agencies.
1144 For plan amendments, written comments submitted by the public
1145 within 30 days after receipt by the state land planning agency
1146 shall be considered as if submitted by governmental agencies.
1147 (5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.--The review by
1148 the regional planning council pursuant to subsection (4) shall
1149 be limited to effects on regional resources or facilities
1150 identified in the strategic regional policy plan and extra-
1151 jurisdictional impacts which would be inconsistent with the
1152 comprehensive plan of the affected local government. However,
1153 any inconsistency between a local plan or plan amendment and a
1154 strategic regional policy plan must not be the sole basis for a
1155 notice of intent to find a local plan or plan amendment not in
1156 compliance with this section. A regional planning council shall
1157 not review and comment on a proposed comprehensive plan prepared
1158 by the council unless the plan has been changed by the local
1159 government subsequent to the preparation of the plan by the
1160 regional planning council. The review of the county land
1161 planning agency pursuant to subsection (4) shall be primarily in
1162 the context of the relationship and effect of the proposed plan
1163 amendment on any county comprehensive plan element. Any review
1164 by a municipality shall be primarily in the context of the
1165 relationship and effect on the municipal plan.
1166 (6) STATE LAND PLANNING AGENCY REVIEW.--
1167 (a) The state land planning agency shall establish by rule
1168 a schedule for receipt of comments from the various government

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1169 agencies, as well as written public comments, pursuant to
1170 subsection (4).
1171 (b) Within 45 days after receipt of plan amendments, the
1172 state land planning agency may provide comments on the proposed
1173 plan amendment.
1174 (c) Within 60 days after receipt of new plans, amendments
1175 based upon an evaluation and appraisal report, and plan
1176 amendments applicable to an area of critical state concern or
1177 applicable to part III, chapter 369, by the state land planning
1178 agency, the agency shall review the plan or amendment and shall
1179 issue a community planning assessment report to provide comments
1180 regarding the proposed plan or amendment.
1181 (d) For plan amendments, the state land planning agency's
1182 comments shall be limited to priority state interest issues as
1183 provided in s. 163.3176.
1184 (e) For new plans and amendments based upon an evaluation
1185 and appraisal report, and plan amendments, where applicable, to
1186 an area of critical state concern or to the Wekiva Study Area,
1187 the community planning assessment report shall be reviewed for
1188 consistency with part II, chapter 163, and Rule 9J-5, Florida
1189 Administrative Code, and where applicable, the guiding
1190 principles for areas of critical state concern or part III,
1191 chapter 369.
1192 (f) When a federal, state, or regional agency has
1193 implemented a permitting program, the state land planning agency
1194 shall not require a local government to duplicate or exceed that
1195 permitting program in its comprehensive plan or to implement
1196 such a permitting program in its land development regulations.

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1197 Nothing contained in this paragraph prohibits the state land
1198 planning agency, in conducting its review of local plans or plan
1199 amendments, from commenting or filing a petition regarding
1200 densities and intensities consistent with the provisions of this
1201 part.
1202 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF
1203 COMPREHENSIVE PLAN OR AMENDMENTS; TRANSMITTAL.--
1204 (a) The local government shall review the written comments
1205 submitted to it by the state land planning agency and any other
1206 person, agency, or government. Any written comments and any
1207 reply to them shall be public documents, a part of the permanent
1208 record in the matter, and admissible in any proceeding in which
1209 the comprehensive plan or plan amendment may be at issue.
1210 (b) The local government may adopt the plan amendments,
1211 adopt the amendments with changes, or refuse to adopt the plan
1212 amendments.
1213 (c) For amendments based upon an evaluation and appraisal
1214 report and new comprehensive plans, the local government, upon
1215 receipt of written comments from the state land planning agency,
1216 shall have 120 days to adopt or adopt with changes the proposed
1217 comprehensive plan or plan amendments based upon an evaluation
1218 and appraisal report.
1219 (d) The local government shall transmit the complete
1220 adopted comprehensive plan or plan amendment to the state land
1221 planning agency as specified in the agency's procedural rules
1222 within 10 working days after adoption. The local governing body
1223 shall also transmit a copy of the adopted comprehensive plan or
1224 plan amendment to the governmental review agencies and regional

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1225 planning agency and to any other unit of local government or
1226 governmental agency in the state that has filed a written
1227 request with the governing body for a copy of the plan or plan
1228 amendment.
1229 (8) PLAN AMENDMENT CHALLENGES; EFFECTIVE DATE.--
1230 (a) For plan amendments that are not based upon an
1231 evaluation and appraisal report, the state land planning agency
1232 or any affected person may file a petition with the Division of
1233 Administrative Hearings pursuant to ss. 120.569 and 120.57 to
1234 request a hearing to challenge an amendment for compliance with
1235 this section within 45 days following the state land planning
1236 agency's receipt of the adopted amendment. The petitioning party
1237 shall serve a copy of the petition on the local government and
1238 shall furnish a copy to the state land planning agency. An
1239 administrative law judge shall hold a hearing in the affected
1240 jurisdiction. The parties to a proceeding held pursuant to this
1241 subsection shall be the petitioner, the local government, and
1242 any intervenor. In the proceeding, the local government's
1243 determination that the amendment is in compliance is presumed to
1244 be correct. The local government's determination shall be
1245 sustained unless it is shown by a preponderance of the evidence
1246 that the amendment is not in compliance with the requirements of
1247 this section. In any proceeding initiated pursuant to this
1248 subsection, the state land planning agency may petition or
1249 intervene only regarding state priority interests, except for
1250 plan amendments required pursuant to part III of chapter 369,
1251 where applicable.

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1252 (b) The administrative law judge's recommended order shall
1253 be forwarded to the state land planning agency for final agency
1254 action.
1255 (c) A plan amendment shall become effective 46 days after
1256 adoption if not challenged under this subsection. If challenged
1257 within 45 days after adoption, an amendment shall not become
1258 effective until and unless the state land planning agency enters
1259 a final order determining the amendment is in compliance. If the
1260 state land planning agency enters a final order determining that
1261 an adopted plan amendment is not in compliance, that amendment
1262 shall not become effective and shall not be deemed part of the
1263 adopted comprehensive plan.
1264 (9) PROPOSED PLANS OR AMENDMENTS BASED UPON AN EVALUATION
1265 AND APPRAISAL REPORT; NOTICES OF INTENT; CHALLENGES.--
1266 (a) Upon receipt of a local government's complete adopted
1267 comprehensive plan or plan amendment based upon an evaluation
1268 and appraisal report, the state land planning agency shall have
1269 45 days for review and to determine if the comprehensive plan or
1270 plan amendment is in compliance with this section. The agency's
1271 determination of compliance must be based solely upon the state
1272 land planning agency's written comments to the local government
1273 pursuant to subsection (6) or the comprehensive plan or plan
1274 amendment as adopted, or both.
1275 (b)1. During the time period provided for in this
1276 subsection, the state land planning agency shall issue, through
1277 a senior administrator or the secretary, as specified in the
1278 agency's procedural rules, a notice of intent to find that the
1279 comprehensive plan or plan amendment is in compliance or not in

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1280 compliance. A notice of intent shall be issued by publication in
1281 the manner provided by this paragraph and by mailing a copy to
1282 the local government. The advertisement shall be placed in that
1283 portion of the newspaper in which legal notices appear. The
1284 advertisement shall be published in a newspaper that meets the
1285 size and circulation requirements set forth in paragraph (3)(d)
1286 and that has been designated in writing by the affected local
1287 government at the time of transmittal of the plan amendment.
1288 Publication by the state land planning agency of a notice of
1289 intent in the newspaper designated by the local government shall
1290 be prima facie evidence of compliance with the publication
1291 requirements of this section. The state land planning agency
1292 shall post a copy of the notice of intent on the agency's
1293 Internet site.
1294 2. A local government that has an Internet site shall post
1295 a copy of the state land planning agency's notice of intent on
1296 the site within 5 days after receipt of the mailed copy of the
1297 agency's notice of intent.
1298 (c) If the state land planning agency issues a notice of
1299 intent to find that the comprehensive plan or plan amendment is
1300 in compliance with this act, any affected person may file a
1301 petition with the agency pursuant to ss. 120.569 and 120.57
1302 within 21 days after the publication of notice. In such
1303 proceeding, the local plan or plan amendment shall be determined
1304 to be in compliance if the local government's determination of
1305 compliance is fairly debatable.
1306 (d) If the state land planning agency issues a notice of
1307 intent to find the comprehensive plan or plan amendment not in

1308 compliance with this section, the notice of intent shall be
1309 forwarded to the Division of Administrative Hearings of the
1310 Department of Management Services, which shall conduct a
1311 proceeding under ss. 120.569 and 120.57 in the county of and
1312 convenient to the affected local jurisdiction. The parties to
1313 the proceeding shall be the state land planning agency, the
1314 affected local government, and any affected person who
1315 intervenes. In the proceeding, the local government's
1316 determination that the comprehensive plan or plan amendment is
1317 in compliance is presumed to be correct. The local government's
1318 determination shall be sustained unless it is shown by a
1319 preponderance of the evidence that the comprehensive plan or
1320 plan amendment is not in compliance. The local government's
1321 determination that elements of its plans are related to and
1322 consistent with each other shall be sustained if the
1323 determination is fairly debatable.
1324 (e) No new issue may be alleged as a reason to find a plan
1325 or plan amendment not in compliance in an administrative
1326 pleading filed more than 21 days after publication of notice
1327 unless the party seeking that issue establishes good cause for
1328 not alleging the issue within that time period. Good cause shall
1329 not include excusable neglect.
1330 (f) The hearing shall be conducted by an administrative
1331 law judge of the Division of Administrative Hearings, who shall
1332 hold the hearing in the county of and convenient to the affected
1333 local jurisdiction and submit a recommended order to the state
1334 land planning agency. The state land planning agency shall allow

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1335 for the filing of exceptions to the recommended order and shall
1336 issue a final order.
1337 (g) A comprehensive plan or plan amendment shall become
1338 effective 22 days after publication of notice if not challenged
1339 under this subsection. If challenged within 21 days after
1340 publication of notice, a comprehensive plan or plan amendment
1341 shall not become effective until and unless the state land
1342 planning agency enters a final order determining the amendment
1343 is in compliance. If the state land planning agency enters a
1344 final order determining that an adopted comprehensive plan or
1345 plan amendment is not in compliance, that plan or plan amendment
1346 shall not become effective and shall not be deemed part of the
1347 adopted comprehensive plan.
1348 (10) MEDIATION; EXPEDITIOUS RESOLUTION.--
1349 (a) At any time after a matter has been forwarded to the
1350 Division of Administrative Hearings, the local government
1351 proposing the amendment or an affected person who is a party to
1352 the proceeding may demand mediation or expeditious resolution of
1353 the amendment proceedings by serving written notice on the state
1354 land planning agency, all other parties to the proceeding, and
1355 the administrative law judge.
1356 (b) Upon filing of a notice demanding mediation, the
1357 hearing may not be held until the state land planning agency
1358 advises the administrative law judge in writing of the results
1359 of the mediation or other alternative dispute resolution.
1360 However, the hearing may not be delayed for longer than 90 days
1361 for mediation or other alternative dispute resolution unless a
1362 longer delay is agreed to by the parties to the proceeding. The

1363 costs of the mediation or other alternative dispute resolution
1364 shall be borne equally by all of the parties to the proceeding.
1365 (c) Upon filing of a notice demanding expeditious
1366 resolution, the administrative law judge shall set the matter
1367 for final hearing no more than 60 days after receipt of the
1368 notice. However, if a demand for mediation pursuant to paragraph
1369 (b) was filed before the notice demanding expeditious
1370 resolution, the final hearing shall be set no more than 60 days
1371 after completion of the mediation.
1372 1. After a final hearing pursuant to this paragraph has
1373 been set, no continuance in the hearing, and no additional time
1374 for posthearing submittals, may be granted without the written
1375 agreement of the parties absent a finding by the administrative
1376 law judge of extraordinary circumstances. Extraordinary
1377 circumstances do not include matters relating to workload or
1378 need for additional time for preparation or negotiation.
1379 2. The administrative law judge shall forward a
1380 recommended order to the state land planning agency for final
1381 agency action within 30 days after the filing of the parties'
1382 proposed recommended orders. If no exceptions to the recommended
1383 final order are filed, the state land planning agency shall take
1384 final agency action no later than 45 days after receipt of the
1385 recommended order. If exceptions are filed, the state land
1386 planning agency shall take final agency action no later than 45
1387 days after the receipt of the exceptions or responses to the
1388 exceptions, whichever is later. These deadlines may be extended
1389 upon a showing of extraordinary circumstances, or upon agreement
1390 of all the parties in writing to a longer time.

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1391 (11) GOOD FAITH FILING.--The signature of an attorney or
1392 party constitutes a certificate that he or she has read the
1393 pleading, motion, or other paper and that, to the best of his or
1394 her knowledge, information, and belief formed after reasonable
1395 inquiry, it is not interposed for any improper purpose, such as
1396 to harass or to cause unnecessary delay, or for economic
1397 advantage, competitive reasons, or frivolous purposes or
1398 needless increase in the cost of litigation. If a pleading,
1399 motion, or other paper is signed in violation of these
1400 requirements, the administrative law judge, upon motion or his
1401 or her own initiative, shall impose upon the person who signed
1402 it, a represented party, or both, an appropriate sanction, which
1403 may include an order to pay to the other party or parties the
1404 amount of reasonable expenses incurred because of the filing of
1405 the pleading, motion, or other paper, including a reasonable
1406 attorney's fee.
1407 (12) EXCLUSIVE PROCEEDINGS.--The proceedings under this
1408 section shall be the sole proceeding or action for a
1409 determination of whether a local government's plan, element, or
1410 plan amendment, except as provided in s. 163.3189, is in
1411 compliance with this section.
1412 (13) AREAS OF CRITICAL STATE CONCERN.--No proposed local
1413 government comprehensive plan or plan amendment which is
1414 applicable to a designated area of critical state concern shall
1415 be effective until a final order is issued finding the plan or
1416 amendment to be in compliance as defined in this section.
1417 Section 11. Paragraphs (c) and (d) of subsection (1) and
1418 subsection (3) of section 163.3187, Florida Statutes, are

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1419 amended, and paragraphs (e) through (n) of subsection (1) of
1420 said section are redesignated as paragraphs (d) through (m),
1421 respectively, to read:
1422 163.3187 Frequency of amendment; procedure for small-scale
1423 development plan amendments ~~of adopted comprehensive plan~~.--
1424 (1) Amendments to comprehensive plans adopted pursuant to
1425 this part may be made not more than two times during any
1426 calendar year, except:
1427 (c) Any local government comprehensive plan amendments
1428 directly related to proposed small scale development activities
1429 may be approved without regard to statutory limits on the
1430 frequency of consideration of amendments to the local
1431 comprehensive plan. A small scale development amendment may be
1432 adopted only under the following conditions:
1433 1. The proposed amendment involves a use of 10 acres or
1434 fewer and:
1435 a. The cumulative annual effect of the acreage for all
1436 small scale development amendments adopted by the local
1437 government shall not exceed:
1438 (I) A maximum of 120 acres in a local government that
1439 contains areas specifically designated in the local
1440 comprehensive plan for urban infill, urban redevelopment, or
1441 downtown revitalization as defined in s. 163.3164, urban infill
1442 and redevelopment areas designated under s. 163.2517,
1443 transportation concurrency exception areas approved pursuant to
1444 s. 163.3180(5), or regional activity centers and urban central
1445 business districts approved pursuant to s. 380.06(2)(e);
1446 however, amendments under this paragraph may be applied to no

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1447 more than 60 acres annually of property outside the designated
1448 areas listed in this sub-sub-subparagraph. Amendments adopted
1449 pursuant to paragraph (k) shall not be counted toward the
1450 acreage limitations for small scale amendments under this
1451 paragraph.
1452 (II) A maximum of 80 acres in a local government that does
1453 not contain any of the designated areas set forth in sub-sub-
1454 subparagraph (I).
1455 (III) A maximum of 120 acres in a county established
1456 pursuant to s. 9, Art. VIII of the State Constitution.
1457 b. The proposed amendment does not involve the same
1458 property granted a change within the prior 12 months.
1459 c. The proposed amendment does not involve the same
1460 owner's property within 200 feet of property granted a change
1461 within the prior 12 months.
1462 d. The proposed amendment does not involve a text change
1463 to the goals, policies, and objectives of the local government's
1464 comprehensive plan, but only proposes a land use change to the
1465 future land use map for a site-specific small scale development
1466 activity.
1467 e. The property that is the subject of the proposed
1468 amendment is not located within an area of critical state
1469 concern, unless the project subject to the proposed amendment
1470 involves the construction of affordable housing units meeting
1471 the criteria of s. 420.0004(3), and is located within an area of
1472 critical state concern designated by s. 380.0552 or by the
1473 Administration Commission pursuant to s. 380.05(1). Such
1474 amendment is not subject to the density limitations of sub-

1475 subparagraph f., and shall be reviewed by the state land
1476 planning agency for consistency with the principles for guiding
1477 development applicable to the area of critical state concern
1478 where the amendment is located and shall not become effective
1479 until a final order is issued under s. 380.05(6).
1480 f. If the proposed amendment involves a residential land
1481 use, the residential land use has a density of 10 units or less
1482 per acre, except that this limitation does not apply to small
1483 scale amendments described in sub-sub-subparagraph a.(I) that
1484 are designated in the local comprehensive plan for urban infill,
1485 urban redevelopment, or downtown revitalization as defined in s.
1486 163.3164, urban infill and redevelopment areas designated under
1487 s. 163.2517, transportation concurrency exception areas approved
1488 pursuant to s. 163.3180(5), or regional activity centers and
1489 urban central business districts approved pursuant to s.
1490 380.06(2)(e).
1491 2.a. A local government that proposes to consider a plan
1492 amendment pursuant to this paragraph is not required to comply
1493 with the procedures and public notice requirements of s.
1494 163.3184~~(15)(c)~~ for such plan amendments if the local government
1495 complies with the provisions in s. 125.66(4)(a) for a county or
1496 in s. 166.041(3)(c) for a municipality. If a request for a plan
1497 amendment under this paragraph is initiated by other than the
1498 local government, public notice is required.
1499 b. The local government shall send copies of the notice
1500 and amendment to the state land planning agency, the regional
1501 planning council, and any other person or entity requesting a
1502 copy. This information shall also include a statement

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1503 identifying any property subject to the amendment that is
1504 located within a coastal high hazard area as identified in the
1505 local comprehensive plan.
1506 3. Small scale development amendments adopted pursuant to
1507 this paragraph require only one public hearing before the
1508 governing board, which shall be an adoption hearing as described
1509 in s. 163.3184~~(7)~~, and are not subject to the requirements of s.
1510 163.3184~~(3)-(6)~~ unless the local government elects to have them
1511 subject to those requirements.
1512 ~~(d) Any comprehensive plan amendment required by a~~
1513 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~
1514 ~~without regard to statutory limits on the frequency of adoption~~
1515 ~~of amendments to the comprehensive plan.~~
1516 (3)(a) The state land planning agency shall not review or
1517 issue a notice of intent for small scale development amendments
1518 which satisfy the requirements of paragraph (1)(c). Any affected
1519 person may file a petition with the Division of Administrative
1520 Hearings pursuant to ss. 120.569 and 120.57 to request a hearing
1521 to challenge the compliance of a small scale development
1522 amendment with this act within 30 days following the local
1523 government's adoption of the amendment, shall serve a copy of
1524 the petition on the local government, and shall furnish a copy
1525 to the state land planning agency. An administrative law judge
1526 shall hold a hearing in the affected jurisdiction not less than
1527 30 days nor more than 60 days following the filing of a petition
1528 and the assignment of an administrative law judge. The parties
1529 to a <u>proceeding</u> ~~hearing~~ held pursuant to this subsection shall
1530 be the petitioner, the local government, and any intervenor. In

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1531 the proceeding, the local government's determination that the
1532 small scale development amendment is in compliance is presumed
1533 to be correct. The local government's determination shall be
1534 sustained unless it is shown by a preponderance of the evidence
1535 that the amendment is not in compliance with the requirements of
1536 this act. In any proceeding initiated pursuant to this
1537 subsection, the state land planning agency may petition or
1538 intervene regarding priority state interests.
1539 (b) The administrative law judge's recommended order shall
1540 be forwarded to the state land planning agency for final agency
1541 action. If no exceptions to the recommended order are filed, the
1542 state land planning agency shall take final agency action no
1543 later than 45 days after receipt of the recommended order. If
1544 exceptions are filed, the state land planning agency shall take
1545 final agency action no later than 45 days after the receipt of
1546 the exceptions or responses to the exceptions, whichever is
1547 later. ~~1. If the administrative law judge recommends that the~~
1548 ~~small scale development amendment be found not in compliance,~~
1549 ~~the administrative law judge shall submit the recommended order~~
1550 ~~to the Administration Commission for final agency action. If the~~
1551 ~~administrative law judge recommends that the small scale~~
1552 ~~development amendment be found in compliance, the administrative~~
1553 ~~law judge shall submit the recommended order to the state land~~
1554 ~~planning agency.~~
1555 ~~2. If the state land planning agency determines that the~~
1556 ~~plan amendment is not in compliance, the agency shall submit,~~
1557 ~~within 30 days following its receipt, the recommended order to~~
1558 ~~the Administration Commission for final agency action. If the~~

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1559 ~~state land planning agency determines that the plan amendment is~~
1560 ~~in compliance, the agency shall enter a final order within 30~~
1561 ~~days following its receipt of the recommended order.~~
1562 (c) <u>A small-scale amendment shall become effective 31 days</u>
1563 <u>after adoption if not challenged under this subsection. If</u>
1564 <u>challenged within 30 days after adoption, a small-scale</u>
1565 <u>amendment shall not become effective until and unless the state</u>
1566 <u>land planning agency enters a final order determining the</u>
1567 <u>amendment is in compliance. If the state land planning agency</u>
1568 <u>enters a final order determining that an adopted small-scale</u>
1569 <u>plan amendment is not in compliance, that amendment shall not</u>
1570 <u>become effective and shall not be deemed part of the adopted</u>
1571 <u>comprehensive plan.</u> ~~Small scale development amendments shall not~~
1572 ~~become effective until 31 days after adoption. If challenged~~
1573 ~~within 30 days after adoption, small scale development~~
1574 ~~amendments shall not become effective until the state land~~
1575 ~~planning agency or the Administration Commission, respectively,~~
1576 ~~issues a final order determining the adopted small scale~~
1577 ~~development amendment is in compliance.~~
1578 Section 12. Section 163.3191, Florida Statutes, is amended
1579 to read:
1580 163.3191 Evaluation and appraisal of comprehensive plan.--
1581 (1) The planning program shall be a continuous and ongoing
1582 process. Each local government shall adopt an evaluation and
1583 appraisal report once every <u>5</u> ~~7~~ years <u>as the first step in</u>
1584 <u>adopting an updated comprehensive plan. The evaluation shall be</u>
1585 <u>based upon a summary of the actions taken to implement the</u>
1586 <u>comprehensive plan, an analysis of the extent to which the</u>

1587 community's objectives have been achieved, and an assessment of
1588 the degree to which the comprehensive plan reflects and furthers
1589 the community's current goals. Based on this evaluation and
1590 assessment, the report shall identify changes that should be
1591 made to the plan to reflect changes in the community's goals,
1592 respond to changing trends and conditions, and reflect the
1593 availability of new information assessing the progress in
1594 implementing the local government's comprehensive plan.
1595 Furthermore, it is the intent of this section that:
1596 (a) Adopted comprehensive plans be reviewed through such
1597 evaluation process to respond to changes in state, regional, and
1598 local policies on planning and growth management and changing
1599 conditions and trends, to ensure effective intergovernmental
1600 coordination, and to identify major issues regarding the
1601 community's achievement of its goals.
1602 (b) After completion of the initial evaluation and
1603 appraisal report and any supporting plan amendments, each
1604 subsequent evaluation and appraisal report must evaluate the
1605 comprehensive plan as amended by the most recent evaluation and
1606 appraisal report update amendments, including any additional
1607 subsequent amendments in effect at the time of the initiation of
1608 the evaluation and appraisal report process.
1609 (c) Local governments identify the major issues, if
1610 applicable, with input from state agencies, regional agencies,
1611 adjacent local governments, and the public in the evaluation and
1612 appraisal report process. It is the Legislature's intent that
1613 public participation be a hallmark of the evaluation and
1614 appraisal process and that innovative means be used at each step

1615 to solicit public input from a broad range of interests. The
1616 Legislature encourages local governments to incorporate
1617 visioning, as set forth at s. 163.3167(11), or other similar
1618 techniques, as part of the process to foster public
1619 participation and to aid in identifying the major issues.
1620 (d) ~~It is also the intent of this section to establish~~
1621 That minimum requirements be established for information to
1622 ensure predictability, certainty, and integrity in the growth
1623 management process. The report is intended to serve as a summary
1624 audit of the actions that a local government has undertaken and
1625 identify changes that it may need to make. The report should be
1626 based on the local government's analysis of major issues to
1627 further the community's goals consistent with statewide minimum
1628 standards. The report is not intended to require a comprehensive
1629 rewrite of the elements within the local plan, unless a local
1630 government chooses to do so.
1631 (2) The report shall present an evaluation and assessment
1632 of the comprehensive plan and shall contain appropriate
1633 statements to update the comprehensive plan~~, including, but not~~
1634 ~~limited to, words, maps, illustrations, or other media,~~ related
1635 to:
1636 (a) Communitywide assessment.--
1637 1. Population growth and changes in land area, including
1638 annexation, since the adoption of the original plan or the most
1639 recent evaluation and appraisal report update amendments.
1640 2.~~(b)~~ The extent of vacant and developable land for each
1641 future land use category included in the plan, including an
1642 evaluation of the extent to which the target densities within

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1643 infrastructure development encouragement areas, when adopted,
1644 have been achieved. The report shall include an assessment of
1645 the effectiveness of the community's strategies for directing
1646 growth and development to infrastructure development
1647 encouragement areas.
1648 3. ~~(c)~~ An evaluation of the extent to which ~~The financial~~
1649 ~~feasibility of implementing the comprehensive plan and of~~
1650 ~~providing~~ needed infrastructure was provided during the
1651 evaluation period, as well as the extent to which needed
1652 infrastructure will be provided for the next planning period to
1653 achieve and maintain adopted level-of-service standards and
1654 sustain concurrency management systems through the capital
1655 improvements element, and long-range facilities work plans. The
1656 evaluation shall also consider ~~as well as~~ the ability to address
1657 infrastructure backlogs and meet the demands of growth on public
1658 services and facilities.
1659 4. ~~(d)~~ The location of existing development in relation to
1660 the location of development as anticipated in the original plan,
1661 or in the plan as amended by the most recent evaluation and
1662 appraisal report update amendments, such as within areas
1663 designated for urban growth.
1664 5. ~~(h)~~ A brief assessment of successes and shortcomings
1665 related to each element of the plan.
1666 6. ~~(f)~~ Relevant changes to the state comprehensive plan,
1667 the requirements of this part, the minimum criteria contained in
1668 chapter 9J-5, Florida Administrative Code, and the appropriate
1669 strategic regional policy plan since the adoption of the
1670 original plan or the most recent evaluation and appraisal report

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1671 update amendments. The state land planning agency shall provide
1672 local governments with a list of the changes to this chapter and
1673 Rule 9J-5 of the Florida Administrative Code. The regional
1674 planning councils shall provide local governments with a list of
1675 the changes to the strategic regional policy plan.
1676 7. The extent to which growth, development, land use
1677 changes, and implementation of the comprehensive plan have
1678 adequately protected priority state interests.
1679 8.(j) A summary of the public participation program and
1680 activities undertaken by the local government in preparing the
1681 report.
1682 (b) Evaluation of major community planning issues.--
1683 1.(e) An identification of the major issues for the
1684 jurisdiction and, where pertinent, the potential social,
1685 economic, and environmental impacts.
1686 2.(g) An assessment of whether the plan objectives within
1687 each element, as they relate to major issues, have been
1688 achieved. The report shall include, as appropriate, an
1689 identification as to whether unforeseen or unanticipated changes
1690 in circumstances have resulted in problems or opportunities with
1691 respect to major issues identified in each element and the
1692 social, economic, and environmental impacts of the issue.
1693 3.(i) The identification of any actions or corrective
1694 measures, including whether plan amendments are anticipated to
1695 address the major issues identified and analyzed in the report.
1696 Such identification shall include, as appropriate, new
1697 population projections, new revised planning timeframes, a
1698 revised future conditions map or map series, an updated capital

1699 improvements element, and any new and revised goals, objectives,
1700 and policies for major issues identified within each element.
1701 Recommended changes to the comprehensive plan shall be
1702 summarized in a single section of the report. This paragraph
1703 shall not require the submittal of the plan amendments with the
1704 evaluation and appraisal report.
1705 (c) Evaluation of special planning issues.--
1706 1.(k) An evaluation of whether the local government has
1707 been successful in coordinating The coordination of the
1708 comprehensive plan with existing public schools and those
1709 identified in the applicable educational facilities plan adopted
1710 pursuant to s. 1013.35. The assessment shall address, where
1711 relevant, the success or failure of the coordination of the
1712 future land use map and associated planned residential
1713 development with public schools and their capacities, as well as
1714 the joint decisionmaking processes engaged in by the local
1715 government and the school board in regard to establishing
1716 appropriate population projections and the planning and siting
1717 of public school facilities. If the issues are not relevant, the
1718 local government shall demonstrate that they are not relevant.
1719 2.(l) An The evaluation of whether the local government
1720 has been successful in coordinating its land use planning
1721 activities with the water supply planning activities of its
1722 potable water supplier and with the resource development
1723 activities of the appropriate water management district. The
1724 evaluation shall address the coordinated use of population,
1725 demand, and service area projections and the utilization of
1726 water sources consistent with must consider the appropriate

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1727 water management district's regional water supply plan approved
1728 pursuant to s. 373.0361. In addition, for local governments
1729 which have adopted a water supply facilities work plan, the
1730 report must evaluate the degree to which the local government
1731 has implemented the work plan included in the potable water
1732 element must be revised to include a work plan, covering at
1733 least a 10-year planning period, for building any water supply
1734 facilities that are identified in the element as necessary to
1735 serve existing and new development and for which the local
1736 government is responsible.
1737 3.(m) If any of the jurisdiction of the local government
1738 is located within the coastal high-hazard area, an evaluation of
1739 whether any past reduction in land use density impairs the
1740 property rights of current property owners residents when
1741 redevelopment occurs, including, but not limited to,
1742 redevelopment following a natural disaster. The property rights
1743 of current property owners residents shall be balanced with
1744 public safety considerations. The local government must identify
1745 strategies to address redevelopment feasibility and the property
1746 rights of affected property owners residents. These strategies
1747 may include the authorization of redevelopment up to the actual
1748 built density in existence on the property prior to the natural
1749 disaster or redevelopment. In addition, the report shall
1750 identify and evaluate the actions that have been undertaken
1751 during the evaluation period to limit public expenditures that
1752 subsidize development in coastal high hazard areas, protect
1753 human life against the effects of natural disasters, protect
1754 property against the effects of natural disasters, including the

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1755 implementation of local mitigation strategies, and safely
1756 evacuate the density of coastal population proposed in the
1757 future land use plan element.
1758 4.(n) An assessment of whether the criteria adopted
1759 pursuant to s. 163.3177(6)(a) were successful in achieving
1760 compatibility with military installations.
1761 5. Where applicable, the assessments required by s.
1762 163.2517(6) for urban infill and redevelopment areas, s.
1763 163.31777(7) for public schools interlocal agreements, and s.
1764 163.3246(10) for the Local Government Comprehensive Planning
1765 Certification Program.
1766 (3)(a) As part of the process for identifying the major
1767 community planning issues on which to focus the evaluation and
1768 appraisal report, each county shall and all municipalities are
1769 encouraged to convene a scoping meeting of state and regional
1770 review agencies, as well as adjacent and other affected local
1771 governments. Each county shall invite the municipalities in the
1772 county. The scoping meeting should be held at least 1 year prior
1773 to the established adoption date of the report. Prior to the
1774 meeting, the local government shall send each invitee a
1775 preliminary list of major issues. At the meeting, attendees may
1776 advise the local government of the extent to which the
1777 preliminary list includes issues which, from the perspective of
1778 the attendee, should be addressed in the report. Attendees may
1779 also advise the local government of the availability of data,
1780 resources, and contacts that may be useful to the local
1781 government during the analysis of major issues and preparation
1782 of the report. In addition, the meeting shall include discussion

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1783 of the extent to which the components in subsection (2) should
1784 be addressed in the report, including an identification of those
1785 components that are of minor importance to local circumstances
1786 and therefore need not be addressed in the same degree of
1787 detail. Counties are encouraged to discuss with municipalities
1788 the extent to which major county issues apply within each
1789 municipality and share with municipalities data and analyses
1790 developed by the county on the applicable issues.
1791 (b) Prior to finalizing the list of major issues, the
1792 local government shall hold at least one workshop to solicit
1793 input from citizens, community leaders, and elected officials.
1794 At the conclusion of the major issues identification process,
1795 the governing body, or its designee, is encouraged to seek
1796 concurrence from the state land planning agency regarding the
1797 list of major community planning issues on which the local
1798 government intends to focus its evaluation and appraisal report,
1799 as well as the work program that will be followed to address
1800 each component in subsection (2), through a letter of
1801 understanding or similar instrument. Voluntary scoping meetings
1802 may be conducted by each local government or several local
1803 governments within the same county that agree to meet together.
1804 Joint meetings among all local governments in a county are
1805 encouraged. All scoping meetings shall be completed at least 1
1806 year prior to the established adoption date of the report. The
1807 purpose of the meetings shall be to distribute data and
1808 resources available to assist in the preparation of the report,
1809 to provide input on major issues in each community that should
1810 be addressed in the report, and to advise on the extent of the

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1811 ~~effort for the components of subsection (2). If scoping meetings~~
1812 ~~are held, the local government shall invite each state and~~
1813 ~~regional reviewing agency, as well as adjacent and other~~
1814 ~~affected local governments. A preliminary list of new data and~~
1815 ~~major issues that have emerged since the adoption of the~~
1816 ~~original plan, or the most recent evaluation and appraisal~~
1817 ~~report-based update amendments, should be developed by state and~~
1818 ~~regional entities and involved local governments for~~
1819 ~~distribution at the scoping meeting. For purposes of this~~
1820 ~~subsection, a "scoping meeting" is a meeting conducted to~~
1821 ~~determine the scope of review of the evaluation and appraisal~~
1822 ~~report by parties to which the report relates.~~
1823 (4) The local planning agency shall prepare the evaluation
1824 and appraisal report and shall make recommendations to the
1825 governing body regarding adoption of the proposed report. The
1826 local planning agency shall prepare the report in conformity
1827 with its public participation procedures adopted as required by
1828 s. 163.3181. During the preparation of the proposed report and
1829 prior to making any recommendation to the governing body, the
1830 local planning agency shall hold at least one public hearing,
1831 with public notice, on the proposed report. At a minimum, the
1832 format and content of the proposed report shall include a table
1833 of contents; numbered pages; element headings; section headings
1834 within elements; a list of included tables, maps, and figures; a
1835 title and sources for all included tables; a preparation date;
1836 and the name of the preparer. Where applicable, maps shall
1837 include major natural and artificial geographic features; city,

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1838 county, and state lines; and a legend indicating a north arrow,
1839 map scale, and the date.
1840 (5) One hundred twenty ~~Ninety~~ days prior to the scheduled
1841 adoption date, the governing body or, if designated, the local
1842 planning agency shall ~~local government may~~ provide, after a
1843 public hearing with public notice, the ~~a~~ proposed evaluation and
1844 appraisal report to the state land planning agency and
1845 distribute copies to state and regional commenting agencies as
1846 prescribed by rule, adjacent jurisdictions, and interested
1847 citizens for review. Each county shall provide a copy of its
1848 proposed report to its municipalities. All review comments,
1849 including comments by the state land planning agency, shall be
1850 transmitted to the local government and state land planning
1851 agency within 30 days after receipt of the proposed report.
1852 (6) The governing body, after considering the review
1853 comments and recommended changes, if any, shall adopt the
1854 evaluation and appraisal report by resolution or ordinance at a
1855 public hearing with public notice. The governing body shall
1856 adopt the report in conformity with its public participation
1857 procedures adopted as required by s. 163.3181. The local
1858 government shall submit to the state land planning agency three
1859 copies of the report, a transmittal letter indicating the dates
1860 of public hearings, and a copy of the adoption resolution or
1861 ordinance. The local government shall provide a copy of the
1862 report to the reviewing agencies as prescribed by rule ~~which~~
1863 ~~provided comments for the proposed report, or to all the~~
1864 ~~reviewing agencies if a proposed report was not provided~~
1865 ~~pursuant to subsection (5), including the adjacent local~~

1866 ~~governments~~. Within 60 days after receipt, the state land
1867 planning agency shall review the adopted report and ~~make a~~
1868 ~~preliminary sufficiency determination that shall be forwarded by~~
1869 ~~the agency to the local government for its consideration. The~~
1870 ~~state land planning agency shall~~ issue a final sufficiency
1871 determination ~~within 90 days after receipt of the adopted~~
1872 ~~evaluation and appraisal report~~.
1873 (7) The intent of the evaluation and appraisal process is
1874 the preparation of a plan update that clearly and concisely
1875 achieves the purpose of this section. Toward this end, the
1876 sufficiency review of the state land planning agency shall
1877 concentrate on whether the evaluation and appraisal report
1878 sufficiently fulfills the components of subsection (2). During
1879 the sufficiency review, the state land planning agency shall
1880 take into account the circumstances of the local government,
1881 such as size, growth rate, and buildout status, regarding the
1882 level of effort that is sufficient to address the components of
1883 subsection (2). If the state land planning agency determines
1884 that the report is insufficient, the governing body shall adopt
1885 a revision of the report and submit the revised report for
1886 review pursuant to subsection (6).
1887 (8) The state land planning agency may delegate the review
1888 of evaluation and appraisal reports, including all state land
1889 planning agency duties under subsections (4)-(7), to the
1890 appropriate regional planning council. When the review has been
1891 delegated to a regional planning council, any local government
1892 in the region may elect to have its report reviewed by the
1893 regional planning council rather than the state land planning

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1894 agency. The state land planning agency shall by agreement
1895 provide for uniform and adequate review of reports and shall
1896 retain oversight for any delegation of review to a regional
1897 planning council. Regional planning councils are encouraged to
1898 provide technical assistance to the smaller and rural local
1899 governments within their region by helping them identify major
1900 issues, hold scoping meetings, provide updated data, and
1901 identify changes in state law and rule and by assisting them in
1902 the preparation of comprehensive plan amendments which reflect
1903 the recommendations of the report.
1904 (9) The state land planning agency may establish a phased
1905 schedule for adoption of reports. The schedule shall provide
1906 each local government at least 7 years from plan adoption or
1907 last established adoption date for a report and shall allot
1908 approximately one-seventh of the reports to any 1 year. In order
1909 to allow the municipalities to use data and analyses gathered by
1910 the counties, the state land planning agency shall schedule
1911 municipal report adoption dates between 1 year and 18 months
1912 later than the report adoption date for the county in which
1913 those municipalities are located. The due date for newly
1914 incorporated municipalities shall be consistent with the due
1915 dates of other municipalities within the county but no sooner
1916 than 5 years after the adoption of the comprehensive plan. A
1917 local government may adopt its report no earlier than 90 days
1918 prior to the established adoption date. The state land planning
1919 agency shall revise the schedule of due dates for the evaluation
1920 and appraisal report. ~~Small municipalities which were scheduled~~
1921 ~~by chapter 9J-33, Florida Administrative Code, to adopt their~~

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1922 ~~evaluation and appraisal report after February 2, 1999, shall be~~
1923 ~~rescheduled to adopt their report together with the other~~
1924 ~~municipalities in their county as provided in this subsection.~~
1925 (10) The governing body shall amend its comprehensive plan
1926 based on the recommendations in the report and shall update the
1927 comprehensive plan based on the components of subsection (2),
1928 pursuant to the provisions of ss. 163.3184 and~~,~~ 163.3187~~, and~~
1929 ~~163.3189~~. Amendments to update a comprehensive plan based on the
1930 evaluation and appraisal report shall be adopted during a single
1931 amendment cycle within 18 months after the report is determined
1932 to be sufficient by the state land planning agency, except the
1933 state land planning agency may grant an extension for adoption
1934 of a portion of such amendments. The state land planning agency
1935 may grant a 6-month extension for the adoption of such
1936 amendments if the request is justified by good and sufficient
1937 cause as determined by the agency. An additional extension may
1938 also be granted if the request will result in greater
1939 coordination between transportation and land use, for the
1940 purposes of improving Florida's transportation system, as
1941 determined by the agency in coordination with the Metropolitan
1942 Planning Organization program. Failure to timely adopt update
1943 amendments to the comprehensive plan based on the evaluation and
1944 appraisal report shall result in a local government being
1945 prohibited from adopting amendments to the comprehensive plan
1946 until the evaluation and appraisal report update amendments have
1947 been adopted and found in compliance by the state land planning
1948 agency. The prohibition on plan amendments shall commence when
1949 the update amendments to the comprehensive plan are past due.

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1950 The comprehensive plan as amended shall be in compliance as
1951 defined in s. 163.3184~~(1)(b)~~. Within 6 months after the
1952 effective date of the update amendments to the comprehensive
1953 plan, the local government shall provide to the state land
1954 planning agency and all agencies designated by rule a complete
1955 copy of the updated comprehensive plan.
1956 ~~(11) The Administration Commission may impose the~~
1957 ~~sanctions provided by s. 163.3184(11) against any local~~
1958 ~~government that fails to adopt and submit a report, or that~~
1959 ~~fails to implement its report through timely and sufficient~~
1960 ~~amendments to its local plan, except for reasons of excusable~~
1961 ~~delay or valid planning reasons agreed to by the state land~~
1962 ~~planning agency or found present by the Administration~~
1963 ~~Commission. Sanctions for untimely or insufficient plan~~
1964 ~~amendments shall be prospective only and shall begin after a~~
1965 ~~final order has been issued by the Administration Commission and~~
1966 ~~a reasonable period of time has been allowed for the local~~
1967 ~~government to comply with an adverse determination by the~~
1968 ~~Administration Commission through adoption of plan amendments~~
1969 ~~that are in compliance. The state land planning agency may~~
1970 ~~initiate, and an affected person may intervene in, such a~~
1971 ~~proceeding by filing a petition with the Division of~~
1972 ~~Administrative Hearings, which shall appoint an administrative~~
1973 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~
1974 ~~120.57(1) and shall submit a recommended order to the~~
1975 ~~Administration Commission. The affected local government shall~~
1976 ~~be a party to any such proceeding. The commission may implement~~
1977 ~~this subsection by rule.~~

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1978 (11)~~(12)~~ The state land planning agency shall not adopt
1979 rules to implement this section, other than procedural rules.
1980 (12)~~(13)~~ The state land planning agency shall regularly
1981 review the evaluation and appraisal report process and submit a
1982 report to the Governor, the Administration Commission, the
1983 Speaker of the House of Representatives, the President of the
1984 Senate, and the respective community affairs committees of the
1985 Senate and the House of Representatives. The first report shall
1986 be submitted by December 31, 2004, and subsequent reports shall
1987 be submitted every 5 years thereafter. At least 9 months before
1988 the due date of each report, the Secretary of Community Affairs
1989 shall appoint a technical committee of at least 15 members to
1990 assist in the preparation of the report. The membership of the
1991 technical committee shall consist of representatives of local
1992 governments, regional planning councils, the private sector, and
1993 environmental organizations. The report shall assess the
1994 effectiveness of the evaluation and appraisal report process.
1995 Section 13. Subsections (1), (6), and (7) of section
1996 163.3245, Florida Statutes, are amended to read:
1997 163.3245 Optional sector plans.--
1998 (1) In recognition of the benefits of conceptual long-
1999 range planning for the buildout of an area, and detailed
2000 planning for specific areas, ~~as a demonstration project,~~ the
2001 requirements of s. 380.06 may be addressed as identified by this
2002 section for ~~up to five~~ local governments or combinations of
2003 local governments which adopt into the comprehensive plan an
2004 optional sector plan in accordance with this section. This
2005 section is intended to further the intent of s. 163.3177(11),

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2006 which supports innovative and flexible planning and development
2007 strategies, and the purposes of this part, and part I of chapter
2008 380, and to avoid duplication of effort in terms of the level of
2009 data and analysis required for a development of regional impact,
2010 while ensuring the adequate mitigation of impacts to applicable
2011 regional resources and facilities, including those within the
2012 jurisdiction of other local governments, as would otherwise be
2013 provided. Optional sector plans are intended for substantial
2014 geographic areas including at least 5,000 acres of one or more
2015 local governmental jurisdictions and are to emphasize urban form
2016 and protection of regionally significant resources and
2017 facilities. The state land planning agency may approve optional
2018 sector plans of less than 5,000 acres based on local
2019 circumstances if it is determined that the plan would further
2020 the purposes of this part and part I of chapter 380. Preparation
2021 of an optional sector plan is authorized by agreement between
2022 the state land planning agency and the applicable local
2023 governments under s. 163.3171(4). An optional sector plan may be
2024 adopted through one or more comprehensive plan amendments under
2025 s. 163.3184. However, an optional sector plan may not be
2026 authorized in an area of critical state concern.
2027 (6) ~~Beginning December 1, 1999, and each year thereafter,~~
2028 ~~the department shall provide a status report to the Legislative~~
2029 ~~Committee on Intergovernmental Relations regarding each optional~~
2030 ~~sector plan authorized under this section.~~
2031 ~~(7)~~ This section may not be construed to abrogate the
2032 rights of any person under this chapter.

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2033 Section 14. Paragraph (c) of subsection (3) of section
2034 166.041, Florida Statutes, is amended to read:
2035 166.041 Procedures for adoption of ordinances and
2036 resolutions.--
2037 (3)
2038 (c) Ordinances initiated by other than the municipality
2039 that change the actual zoning map designation of a parcel or
2040 parcels of land shall be enacted pursuant to paragraph (a).
2041 Ordinances that change the actual list of permitted,
2042 conditional, or prohibited uses within a zoning category, or
2043 ordinances initiated by the municipality that change the actual
2044 zoning map designation of a parcel or parcels of land, and
2045 ordinances which adopt or amend the comprehensive plan shall be
2046 enacted pursuant to the following procedure:
2047 1. In cases in which the proposed ordinance changes the
2048 actual zoning map designation for a parcel or parcels of land
2049 involving less than 10 contiguous acres, or in which the
2050 proposed ordinance adopts a small-scale comprehensive plan
2051 amendment, the governing body shall direct the clerk of the
2052 governing body to notify by mail each real property owner whose
2053 land the municipality will redesignate by enactment of the
2054 ordinance and whose address is known by reference to the latest
2055 ad valorem tax records. The notice shall state the substance of
2056 the proposed ordinance as it affects that property owner and
2057 shall set a time and place for one or more public hearings on
2058 such ordinance. Such notice shall be given at least 30 days
2059 prior to the date set for the public hearing, and a copy of the
2060 notice shall be kept available for public inspection during the

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2061 regular business hours of the office of the clerk of the
2062 governing body. The governing body shall hold a public hearing
2063 on the proposed ordinance and may, upon the conclusion of the
2064 hearing, immediately adopt the ordinance.
2065 2. In cases in which the proposed ordinance changes the
2066 actual list of permitted, conditional, or prohibited uses within
2067 a zoning category, or changes the actual zoning map designation
2068 of a parcel or parcels of land involving 10 contiguous acres or
2069 more, or adopts a comprehensive plan amendment which is not
2070 small scale, the governing body shall provide for public notice
2071 and hearings as follows:
2072 a. The local governing body shall hold two advertised
2073 public hearings on the proposed ordinance. At least one hearing
2074 shall be held after 5 p.m. on a weekday, unless the local
2075 governing body, by a majority plus one vote, elects to conduct
2076 that hearing at another time of day. The first public hearing
2077 shall be held at least 7 days after the day that the first
2078 advertisement is published. The second hearing shall be held at
2079 least 10 days after the first hearing and shall be advertised at
2080 least 5 days prior to the public hearing.
2081 b. The required advertisements shall be no less than 2
2082 columns wide by 10 inches long in a standard size or a tabloid
2083 size newspaper, and the headline in the advertisement shall be
2084 in a type no smaller than 18 point. The advertisement shall not
2085 be placed in that portion of the newspaper where legal notices
2086 and classified advertisements appear. The advertisement shall be
2087 placed in a newspaper of general paid circulation in the
2088 municipality and of general interest and readership in the

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2089 municipality, not one of limited subject matter, pursuant to
2090 chapter 50. It is the legislative intent that, whenever
2091 possible, the advertisement appear in a newspaper that is
2092 published at least 5 days a week unless the only newspaper in
2093 the municipality is published less than 5 days a week. The
2094 advertisement shall be in substantially the following form:
2095
2096 NOTICE OF (TYPE OF) CHANGE
2097
2098 The (name of local governmental unit) proposes to adopt
2099 the following ordinance: (title of the ordinance) .
2100 A public hearing on the ordinance will be held on (date
2101 and time) at (meeting place) .
2102
2103 Except for amendments which change the actual list of permitted,
2104 conditional, or prohibited uses within a zoning category <u>or</u>
2105 <u>amend the text of the comprehensive plan</u>, the advertisement
2106 shall contain a geographic location map which clearly indicates
2107 the area covered by the proposed ordinance. The map shall
2108 include major street names as a means of identification of the
2109 general area.
2110 c. In lieu of publishing the advertisement set out in this
2111 paragraph, the municipality may mail a notice to each person
2112 owning real property within the area covered by the ordinance.
2113 Such notice shall clearly explain the proposed ordinance and
2114 shall notify the person of the time, place, and location of any
2115 public hearing on the proposed ordinance.

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2116 Section 15. Subsection (26) of section 70.51, Florida
2117 Statutes, is amended to read:
2118 70.51 Land use and environmental dispute resolution.--
2119 (26) A special magistrate's recommendation under this
2120 section constitutes data in support of, and a support document
2121 for, a comprehensive plan or comprehensive plan amendment, but
2122 is not, in and of itself, dispositive of a determination of
2123 compliance with chapter 163. Any comprehensive plan amendment
2124 necessary to carry out the approved recommendation of a special
2125 magistrate under this section is exempt from the twice-a-year
2126 limit on plan amendments ~~and may be adopted by the local~~
2127 ~~government amendments in s. 163.3184(16)(d)~~.
2128 Section 16. Paragraph (k) of subsection (2) of section
2129 163.3178, Florida Statutes, is amended to read:
2130 163.3178 Coastal management.--
2131 (2) Each coastal management element required by s.
2132 163.3177(6)(g) shall be based on studies, surveys, and data; be
2133 consistent with coastal resource plans prepared and adopted
2134 pursuant to general or special law; and contain:
2135 (k) A component which includes the comprehensive master
2136 plan prepared by each deepwater port listed in s. 311.09(1),
2137 which addresses existing port facilities and any proposed
2138 expansions, and which adequately addresses the applicable
2139 requirements of paragraphs (a)-(k) for areas within the port and
2140 proposed expansion areas. Such component shall be submitted to
2141 the appropriate local government at least 6 months prior to the
2142 due date of the local plan and shall be integrated with, and
2143 shall meet all criteria specified in, the coastal management

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2144 element. "The appropriate local government" means the
2145 municipality having the responsibility for the area in which the
2146 deepwater port lies, except that where no municipality has
2147 responsibility, where a municipality and a county each have
2148 responsibility, or where two or more municipalities each have
2149 responsibility for the area in which the deepwater port lies,
2150 "the appropriate local government" means the county which has
2151 responsibility for the area in which the deepwater port lies.
2152 Failure by a deepwater port which is not part of a local
2153 government to submit its component to the appropriate local
2154 government shall not result in a local government being subject
2155 to sanctions pursuant to s. ~~ss.~~ 163.3167 ~~and 163.3184~~. ~~However,~~
2156 ~~a deepwater port which is not part of a local government shall~~
2157 ~~be subject to sanctions pursuant to s. 163.3184.~~
2158 Section 17. Subsection (13) of section 163.3180, Florida
2159 Statutes, is amended to read:
2160 163.3180 Concurrency.--
2161 (13) School concurrency, if imposed by local option, shall
2162 be established on a districtwide basis and shall include all
2163 public schools in the district and all portions of the district,
2164 whether located in a municipality or an unincorporated area. The
2165 application of school concurrency to development shall be based
2166 upon the adopted comprehensive plan, as amended. All local
2167 governments within a county, except as provided in paragraph
2168 (f), shall adopt and transmit to the state land planning agency
2169 the necessary plan amendments, along with the interlocal
2170 agreement, for a compliance review pursuant to s. 163.3184~~(7)~~
2171 ~~and (8)~~. School concurrency shall not become effective in a

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2172 county until all local governments, except as provided in
2173 paragraph (f), have adopted the necessary plan amendments, which
2174 together with the interlocal agreement, are determined to be in
2175 compliance with the requirements of this part. The minimum
2176 requirements for school concurrency are the following:
2177 (a) Public school facilities element.--A local government
2178 shall adopt and transmit to the state land planning agency a
2179 plan or plan amendment which includes a public school facilities
2180 element which is consistent with the requirements of s.
2181 163.3177(12) and which is determined to be in compliance as
2182 defined in s. 163.3184(1)(b). All local government public school
2183 facilities plan elements within a county must be consistent with
2184 each other as well as the requirements of this part.
2185 (b) Level-of-service standards.--The Legislature
2186 recognizes that an essential requirement for a concurrency
2187 management system is the level of service at which a public
2188 facility is expected to operate.
2189 1. Local governments and school boards imposing school
2190 concurrency shall exercise authority in conjunction with each
2191 other to establish jointly adequate level-of-service standards,
2192 as defined in chapter 9J-5, Florida Administrative Code,
2193 necessary to implement the adopted local government
2194 comprehensive plan, based on data and analysis.
2195 2. Public school level-of-service standards shall be
2196 included and adopted into the capital improvements element of
2197 the local comprehensive plan and shall apply districtwide to all
2198 schools of the same type. Types of schools may include

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2199 elementary, middle, and high schools as well as special purpose
2200 facilities such as magnet schools.
2201 3. Local governments and school boards shall have the
2202 option to utilize tiered level-of-service standards to allow
2203 time to achieve an adequate and desirable level of service as
2204 circumstances warrant.
2205 (c) Service areas.--The Legislature recognizes that an
2206 essential requirement for a concurrency system is a designation
2207 of the area within which the level of service will be measured
2208 when an application for a residential development permit is
2209 reviewed for school concurrency purposes. This delineation is
2210 also important for purposes of determining whether the local
2211 government has a financially feasible public school capital
2212 facilities program that will provide schools which will achieve
2213 and maintain the adopted level-of-service standards.
2214 1. In order to balance competing interests, preserve the
2215 constitutional concept of uniformity, and avoid disruption of
2216 existing educational and growth management processes, local
2217 governments are encouraged to apply school concurrency to
2218 development on a districtwide basis so that a concurrency
2219 determination for a specific development will be based upon the
2220 availability of school capacity districtwide.
2221 2. For local governments applying school concurrency on a
2222 less than districtwide basis, such as utilizing school
2223 attendance zones or larger school concurrency service areas,
2224 local governments and school boards shall have the burden to
2225 demonstrate that the utilization of school capacity is maximized
2226 to the greatest extent possible in the comprehensive plan and

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2227 amendment, taking into account transportation costs and court-
2228 approved desegregation plans, as well as other factors. In
2229 addition, in order to achieve concurrency within the service
2230 area boundaries selected by local governments and school boards,
2231 the service area boundaries, together with the standards for
2232 establishing those boundaries, shall be identified, included,
2233 and adopted as part of the comprehensive plan. Any subsequent
2234 change to the service area boundaries for purposes of a school
2235 concurrency system shall be by plan amendment and shall be
2236 exempt from the limitation on the frequency of plan amendments
2237 in s. 163.3187(1).
2238 3. Where school capacity is available on a districtwide
2239 basis but school concurrency is applied on a less than
2240 districtwide basis in the form of concurrency service areas, if
2241 the adopted level-of-service standard cannot be met in a
2242 particular service area as applied to an application for a
2243 development permit and if the needed capacity for the particular
2244 service area is available in one or more contiguous service
2245 areas, as adopted by the local government, then the development
2246 order shall be issued and mitigation measures shall not be
2247 exacted.
2248 (d) Financial feasibility.--The Legislature recognizes
2249 that financial feasibility is an important issue because the
2250 premise of concurrency is that the public facilities will be
2251 provided in order to achieve and maintain the adopted level-of-
2252 service standard. This part and chapter 9J-5, Florida
2253 Administrative Code, contain specific standards to determine the
2254 financial feasibility of capital programs. These standards were

2255 adopted to make concurrency more predictable and local
2256 governments more accountable.
2257 1. A comprehensive plan amendment seeking to impose school
2258 concurrency shall contain appropriate amendments to the capital
2259 improvements element of the comprehensive plan, consistent with
2260 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida
2261 Administrative Code. The capital improvements element shall set
2262 forth a financially feasible public school capital facilities
2263 program, established in conjunction with the school board, that
2264 demonstrates that the adopted level-of-service standards will be
2265 achieved and maintained.
2266 2. Such amendments shall demonstrate that the public
2267 school capital facilities program meets all of the financial
2268 feasibility standards of this part and chapter 9J-5, Florida
2269 Administrative Code, that apply to capital programs which
2270 provide the basis for mandatory concurrency on other public
2271 facilities and services.
2272 3. When the financial feasibility of a public school
2273 capital facilities program is evaluated by the state land
2274 planning agency for purposes of a compliance determination, the
2275 evaluation shall be based upon the service areas selected by the
2276 local governments and school board.
2277 (e) Availability standard.--Consistent with the public
2278 welfare, a local government may not deny a development permit
2279 authorizing residential development for failure to achieve and
2280 maintain the level-of-service standard for public school
2281 capacity in a local option school concurrency system where

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2282 adequate school facilities will be in place or under actual
2283 construction within 3 years after permit issuance.
2284 (f) Intergovernmental coordination.--
2285 1. When establishing concurrency requirements for public
2286 schools, a local government shall satisfy the requirements for
2287 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
2288 and 2., except that a municipality is not required to be a
2289 signatory to the interlocal agreement required by s.
2290 163.3177(6)(h)2. as a prerequisite for imposition of school
2291 concurrency, and as a nonsignatory, shall not participate in the
2292 adopted local school concurrency system, if the municipality
2293 meets all of the following criteria for having no significant
2294 impact on school attendance:
2295 a. The municipality has issued development orders for
2296 fewer than 50 residential dwelling units during the preceding 5
2297 years, or the municipality has generated fewer than 25
2298 additional public school students during the preceding 5 years.
2299 b. The municipality has not annexed new land during the
2300 preceding 5 years in land use categories which permit
2301 residential uses that will affect school attendance rates.
2302 c. The municipality has no public schools located within
2303 its boundaries.
2304 d. At least 80 percent of the developable land within the
2305 boundaries of the municipality has been built upon.
2306 2. A municipality which qualifies as having no significant
2307 impact on school attendance pursuant to the criteria of
2308 subparagraph 1. must review and determine at the time of its
2309 evaluation and appraisal report pursuant to s. 163.3191 whether

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2310 it continues to meet the criteria. If the municipality
2311 determines that it no longer meets the criteria, it must adopt
2312 appropriate school concurrency goals, objectives, and policies
2313 in its plan amendments based on the evaluation and appraisal
2314 report, and enter into the existing interlocal agreement
2315 required by s. 163.3177(6)(h)2., in order to fully participate
2316 in the school concurrency system. If such a municipality fails
2317 to do so, it will be subject to the enforcement provisions of s.
2318 163.3191.
2319 (g) Interlocal agreement for school concurrency.--When
2320 establishing concurrency requirements for public schools, a
2321 local government must enter into an interlocal agreement which
2322 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the
2323 requirements of this subsection. The interlocal agreement shall
2324 acknowledge both the school board's constitutional and statutory
2325 obligations to provide a uniform system of free public schools
2326 on a countywide basis, and the land use authority of local
2327 governments, including their authority to approve or deny
2328 comprehensive plan amendments and development orders. The
2329 interlocal agreement shall be submitted to the state land
2330 planning agency by the local government as a part of the
2331 compliance review, along with the other necessary amendments to
2332 the comprehensive plan required by this part. In addition to the
2333 requirements of s. 163.3177(6)(h), the interlocal agreement
2334 shall meet the following requirements:
2335 1. Establish the mechanisms for coordinating the
2336 development, adoption, and amendment of each local government's
2337 public school facilities element with each other and the plans

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2338 of the school board to ensure a uniform districtwide school
2339 concurrency system.
2340 2. Establish a process by which each local government and
2341 the school board shall agree and base their plans on consistent
2342 projections of the amount, type, and distribution of population
2343 growth and coordinate and share information relating to existing
2344 and planned public school facilities projections and proposals
2345 for development and redevelopment, and infrastructure required
2346 to support public school facilities.
2347 3. Establish a process for the development of siting
2348 criteria which encourages the location of public schools
2349 proximate to urban residential areas to the extent possible and
2350 seeks to collocate schools with other public facilities such as
2351 parks, libraries, and community centers to the extent possible.
2352 4. Specify uniform, districtwide level-of-service
2353 standards for public schools of the same type and the process
2354 for modifying the adopted levels-of-service standards.
2355 5. Establish a process for the preparation, amendment, and
2356 joint approval by each local government and the school board of
2357 a public school capital facilities program which is financially
2358 feasible, and a process and schedule for incorporation of the
2359 public school capital facilities program into the local
2360 government comprehensive plans on an annual basis.
2361 6. Define the geographic application of school
2362 concurrency. If school concurrency is to be applied on a less
2363 than districtwide basis in the form of concurrency service
2364 areas, the agreement shall establish criteria and standards for
2365 the establishment and modification of school concurrency service

2366 areas. The agreement shall also establish a process and schedule
2367 for the mandatory incorporation of the school concurrency
2368 service areas and the criteria and standards for establishment
2369 of the service areas into the local government comprehensive
2370 plans. The agreement shall ensure maximum utilization of school
2371 capacity, taking into account transportation costs and court-
2372 approved desegregation plans, as well as other factors. The
2373 agreement shall also ensure the achievement and maintenance of
2374 the adopted level-of-service standards for the geographic area
2375 of application throughout the 5 years covered by the public
2376 school capital facilities plan and thereafter by adding a new
2377 fifth year during the annual update.
2378 7. Establish a uniform districtwide procedure for
2379 implementing school concurrency which provides for:
2380 a. The evaluation of development applications for
2381 compliance with school concurrency requirements;
2382 b. An opportunity for the school board to review and
2383 comment on the effect of comprehensive plan amendments and
2384 rezonings on the public school facilities plan; and
2385 c. The monitoring and evaluation of the school concurrency
2386 system.
2387 8. Include provisions relating to termination, suspension,
2388 and amendment of the agreement. The agreement shall provide that
2389 if the agreement is terminated or suspended, the application of
2390 school concurrency shall be terminated or suspended.
2391 Section 18. Subsection (6) of section 163.3213, Florida
2392 Statutes, is amended to read:

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2393 163.3213 Administrative review of land development
2394 regulations.--
2395 (6) If the administrative law judge in his or her order
2396 finds the land development regulation to be inconsistent with
2397 the local comprehensive plan, the order will be submitted to the
2398 Administration Commission. An appeal pursuant to s. 120.68 may
2399 not be taken until the Administration Commission acts pursuant
2400 to this subsection. The Administration Commission shall hold a
2401 hearing no earlier than 30 days or later than 60 days after the
2402 administrative law judge renders his or her final order. ~~The~~
2403 ~~sole issue before the Administration Commission shall be the~~
2404 ~~extent to which any of the sanctions described in s.~~
2405 ~~163.3184(11)(a) or (b) shall be applicable to the local~~
2406 ~~government whose land development regulation has been found to~~
2407 ~~be inconsistent with its comprehensive plan.~~ If a land
2408 development regulation is not challenged within 12 months, it
2409 shall be deemed to be consistent with the adopted local plan.
2410 Section 19. Section 163.3229, Florida Statutes, is amended
2411 to read:
2412 163.3229 Duration of a development agreement and
2413 relationship to local comprehensive plan.--The duration of a
2414 development agreement shall not exceed 10 years. It may be
2415 extended by mutual consent of the governing body and the
2416 developer, subject to a public hearing in accordance with s.
2417 163.3225. No development agreement shall be effective or be
2418 implemented by a local government unless the local government's
2419 comprehensive plan and plan amendments implementing or related
2420 to the agreement are found in compliance by the state land

2421 planning agency in accordance with s. 163.3184 or~~,~~ s. 163.3187~~,~~
2422 ~~or s. 163.3189~~.
2423 Section 20. Paragraph (a) of subsection (9) of section
2424 163.3246, Florida Statutes, is amended to read:
2425 163.3246 Local government comprehensive planning
2426 certification program.--
2427 (9)(a) Upon certification all comprehensive plan
2428 amendments associated with the area certified must be adopted
2429 and reviewed in the manner described in ss. 163.3184~~(1), (2),~~
2430 ~~(7), (14), (15), and (16)~~ and 163.3187, such that state and
2431 regional agency review is eliminated. The department may not
2432 issue any objections, recommendations, and comments report on
2433 proposed plan amendments or a notice of intent on adopted plan
2434 amendments; however, affected persons, as defined by s.
2435 163.3184(1)(a), may file a petition for administrative review
2436 pursuant to the requirements of s. 163.3187(3)(a) to challenge
2437 the compliance of an adopted plan amendment.
2438 Section 21. Subsection (8) of section 163.516, Florida
2439 Statutes, is amended to read:
2440 163.516 Safe neighborhood improvement plans.--
2441 (8) Pursuant to ss. 163.3184 and~~,~~ 163.3187, ~~and 163.3189,~~
2442 the governing body of a municipality or county shall hold two
2443 public hearings to consider the board-adopted safe neighborhood
2444 improvement plan as an amendment or modification to the
2445 municipality's or county's adopted local comprehensive plan.
2446 Section 22. Section 186.515, Florida Statutes, is amended
2447 to read:

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2448 186.515 Creation of regional planning councils under
2449 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and
2450 186.515 is intended to repeal or limit the provisions of chapter
2451 163; however, the local general-purpose governments serving as
2452 voting members of the governing body of a regional planning
2453 council created pursuant to ss. 186.501-186.507, 186.513, and
2454 186.515 are not authorized to create a regional planning council
2455 pursuant to chapter 163 unless an agency, other than a regional
2456 planning council created pursuant to ss. 186.501-186.507,
2457 186.513, and 186.515, is designated to exercise the powers and
2458 duties in any one or more of ss. 163.3164(18)~~(19)~~ and
2459 380.031(15); in which case, such a regional planning council is
2460 also without authority to exercise the powers and duties in s.
2461 163.3164(18)~~(19)~~ or s. 380.031(15).
2462 Section 23. Paragraph (a) of subsection (15) of section
2463 287.042, Florida Statutes, is amended to read:
2464 287.042 Powers, duties, and functions.--The department
2465 shall have the following powers, duties, and functions:
2466 (15)(a) To enter into joint agreements with governmental
2467 agencies, as defined in s. 163.3164~~(10)~~, for the purpose of
2468 pooling funds for the purchase of commodities or information
2469 technology that can be used by multiple agencies. However, the
2470 department shall consult with the State Technology Office on
2471 joint agreements that involve the purchase of information
2472 technology. Agencies entering into joint purchasing agreements
2473 with the department or the State Technology Office shall
2474 authorize the department or the State Technology Office to
2475 contract for such purchases on their behalf.

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2476 Section 24. Paragraph (a) of subsection (2), subsection
2477 (10), and paragraph (d) of subsection (12) of section 288.975,
2478 Florida Statutes, are amended to read:
2479 288.975 Military base reuse plans.--
2480 (2) As used in this section, the term:
2481 (a) "Affected local government" means a local government
2482 adjoining the host local government and any other unit of local
2483 government that is not a host local government but that is
2484 identified in a proposed military base reuse plan as providing,
2485 operating, or maintaining one or more public facilities as
2486 defined in s. 163.3164~~(24)~~ on lands within or serving a military
2487 base designated for closure by the Federal Government.
2488 (10) Within 60 days after receipt of a proposed military
2489 base reuse plan, these entities shall review and provide
2490 comments to the host local government. The commencement of this
2491 review period shall be advertised in newspapers of general
2492 circulation within the host local government and any affected
2493 local government to allow for public comment. No later than 180
2494 days after receipt and consideration of all comments, and the
2495 holding of at least two public hearings, the host local
2496 government shall adopt the military base reuse plan. The host
2497 local government shall comply with the notice requirements set
2498 forth in s. 163.3184~~(15)~~ to ensure full public participation in
2499 this planning process.
2500 (12) Following receipt of a petition, the petitioning
2501 party or parties and the host local government shall seek
2502 resolution of the issues in dispute. The issues in dispute shall
2503 be resolved as follows:

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2504 (d) Within 45 days after receiving the report from the
2505 state land planning agency, <u>an administrative law judge of</u> the
2506 <u>Division of Administrative Hearings</u> ~~Administration Commission~~
2507 shall take action to resolve the issues in dispute. In deciding
2508 upon a proper resolution, the <u>administrative law judge</u>
2509 ~~Administration Commission~~ shall consider the nature of the
2510 issues in dispute, any requests for a formal administrative
2511 hearing pursuant to chapter 120, the compliance of the parties
2512 with this section, the extent of the conflict between the
2513 parties, the comparative hardships and the public interest
2514 involved. If the <u>administrative law judge</u> ~~Administration~~
2515 ~~Commission~~ incorporates in its final order a term or condition
2516 that requires any local government to amend its local government
2517 comprehensive plan, the local government shall amend its plan
2518 within 60 days after the issuance of the order. Such amendment
2519 or amendments shall be exempt from the limitation of the
2520 frequency of plan amendments contained in s. 163.3187(2)~~, and a~~
2521 ~~public hearing on such amendment or amendments pursuant to s.~~
2522 ~~163.3184(15)(b)1. shall not be required~~. The final order of the
2523 <u>administrative law judge</u> ~~Administration Commission~~ is subject to
2524 appeal pursuant to s. 120.68. If the order of the <u>administrative</u>
2525 <u>law judge</u> ~~Administration Commission~~ is appealed, the time for
2526 the local government to amend its plan shall be tolled during
2527 the pendency of any local, state, or federal administrative or
2528 judicial proceeding relating to the military base reuse plan.
2529 Section 25. Subsection (5) of section 369.303, Florida
2530 Statutes, is amended to read:
2531 369.303 Definitions.--As used in this part:

2532 (5) "Land development regulation" means a regulation
2533 covered by the definition in s. 163.3164~~(23)~~ and any of the
2534 types of regulations described in s. 163.3202.
2535 Section 26. Paragraph (b) of subsection (6) of section
2536 380.06, Florida Statutes, is amended to read:
2537 380.06 Developments of regional impact.--
2538 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
2539 PLAN AMENDMENTS.--
2540 (b) Any local government comprehensive plan amendments
2541 related to a proposed development of regional impact, including
2542 any changes proposed under subsection (19), may be initiated by
2543 a local planning agency or the developer and must be considered
2544 by the local governing body at the same time as the application
2545 for development approval using the procedures provided for local
2546 plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable
2547 local ordinances, without regard to statutory or local ordinance
2548 limits on the frequency of consideration of amendments to the
2549 local comprehensive plan. Nothing in this paragraph shall be
2550 deemed to require favorable consideration of a plan amendment
2551 solely because it is related to a development of regional
2552 impact. The procedure for processing such comprehensive plan
2553 amendments is as follows:
2554 1. If a developer seeks a comprehensive plan amendment
2555 related to a development of regional impact, the developer must
2556 so notify in writing the regional planning agency, the
2557 applicable local government, and the state land planning agency
2558 no later than the date of preapplication conference or the
2559 submission of the proposed change under subsection (19).

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2560 2. When filing the application for development approval or
2561 the proposed change, the developer must include a written
2562 request for comprehensive plan amendments that would be
2563 necessitated by the development-of-regional-impact approvals
2564 sought. That request must include data and analysis upon which
2565 the applicable local government can determine whether to
2566 transmit the comprehensive plan amendment pursuant to s.
2567 163.3184.
2568 3. The local government must advertise a public hearing on
2569 the transmittal within 30 days after filing the application for
2570 development approval or the proposed change and must make a
2571 determination on the transmittal within 60 days after the
2572 initial filing unless that time is extended by the developer.
2573 4. If the local government approves the transmittal,
2574 procedures set forth in s. 163.3184~~(3)-(6)~~ must be followed.
2575 5. Notwithstanding subsection (11) or subsection (19), the
2576 local government may not hold a public hearing on the
2577 application for development approval or the proposed change or
2578 on the comprehensive plan amendments sooner than 30 days from
2579 receipt of the response from the state land planning agency
2580 pursuant to s. 163.3184~~(6)~~. The 60-day time period for local
2581 governments to adopt, adopt with changes, or not adopt plan
2582 amendments pursuant to s. 163.3184~~(7)~~ shall not apply to
2583 concurrent plan amendments provided for in this subsection.
2584 6. The local government must hear both the application for
2585 development approval or the proposed change and the
2586 comprehensive plan amendments at the same hearing. However, the
2587 local government must take action separately on the application

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2588 for development approval or the proposed change and on the
2589 comprehensive plan amendments.
2590 7. Thereafter, the appeal process for the local government
2591 development order must follow the provisions of s. 380.07, and
2592 the compliance process for the comprehensive plan amendments
2593 must follow the provisions of s. 163.3184.
2594 Section 27. Paragraph (a) of subsection (8) of section
2595 380.061, Florida Statutes, is amended to read:
2596 380.061 The Florida Quality Developments program.--
2597 (8)(a) Any local government comprehensive plan amendments
2598 related to a Florida Quality Development may be initiated by a
2599 local planning agency and considered by the local governing body
2600 at the same time as the application for development approval,
2601 using the procedures provided for local plan amendment in s.
2602 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without
2603 regard to statutory or local ordinance limits on the frequency
2604 of consideration of amendments to the local comprehensive plan.
2605 Nothing in this subsection shall be construed to require
2606 favorable consideration of a Florida Quality Development solely
2607 because it is related to a development of regional impact.
2608 Section 28. Paragraph (a) of subsection (15) of section
2609 403.973, Florida Statutes, is amended to read:
2610 403.973 Expedited permitting; comprehensive plan
2611 amendments.--
2612 (15)(a) Challenges to state agency action in the expedited
2613 permitting process for projects processed under this section are
2614 subject to the summary hearing provisions of s. 120.574, except
2615 that the administrative law judge's decision, as provided in s.

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2616 120.574(2)(f), shall be in the form of a recommended order and
2617 shall not constitute the final action of the state agency. In
2618 those proceedings where the action of only one agency of the
2619 state is challenged, the agency of the state shall issue the
2620 final order within 10 working days of receipt of the
2621 administrative law judge's recommended order. In those
2622 proceedings where the actions of more than one agency of the
2623 state are challenged, the Governor shall issue the final order
2624 within 10 working days of receipt of the administrative law
2625 judge's recommended order. The participating agencies of the
2626 state may opt at the preliminary hearing conference to allow the
2627 administrative law judge's decision to constitute the final
2628 agency action. ~~If a participating local government agrees to~~
2629 ~~participate in the summary hearing provisions of s. 120.574 for~~
2630 ~~purposes of review of local government comprehensive plan~~
2631 ~~amendments, s. 163.3184(9) and (10) apply.~~
2632 Section 29. Subsection (16) of section 420.9071, Florida
2633 Statutes, is amended to read:
2634 420.9071 Definitions.--As used in ss. 420.907-420.9079,
2635 the term:
2636 (16) "Local housing incentive strategies" means local
2637 regulatory reform or incentive programs to encourage or
2638 facilitate affordable housing production, which include at a
2639 minimum, assurance that permits as defined in s. 163.3164~~(7) and~~
2640 ~~(8)~~ for affordable housing projects are expedited to a greater
2641 degree than other projects; an ongoing process for review of
2642 local policies, ordinances, regulations, and plan provisions
2643 that increase the cost of housing prior to their adoption; and a

2644 schedule for implementing the incentive strategies. Local
2645 housing incentive strategies may also include other regulatory
2646 reforms, such as those enumerated in s. 420.9076 and adopted by
2647 the local governing body.
2648 Section 30. Paragraph (a) of subsection (4) of section
2649 420.9076, Florida Statutes, is amended to read:
2650 420.9076 Adoption of affordable housing incentive
2651 strategies; committees.--
2652 (4) The advisory committee shall review the established
2653 policies and procedures, ordinances, land development
2654 regulations, and adopted local government comprehensive plan of
2655 the appointing local government and shall recommend specific
2656 initiatives to encourage or facilitate affordable housing while
2657 protecting the ability of the property to appreciate in value.
2658 Such recommendations may include the modification or repeal of
2659 existing policies, procedures, ordinances, regulations, or plan
2660 provisions; the creation of exceptions applicable to affordable
2661 housing; or the adoption of new policies, procedures,
2662 regulations, ordinances, or plan provisions. At a minimum, each
2663 advisory committee shall make recommendations on affordable
2664 housing incentives in the following areas:
2665 (a) The processing of approvals of development orders or
2666 permits, as defined in s. 163.3164~~(7) and (8)~~, for affordable
2667 housing projects is expedited to a greater degree than other
2668 projects.
2669

2670 The advisory committee recommendations must also include other
2671 affordable housing incentives identified by the advisory
2672 committee.
2673 Section 31. Subsection (6) of section 1013.30, Florida
2674 Statutes, is amended to read:
2675 1013.30 University campus master plans and campus
2676 development agreements.--
2677 (6) Before a campus master plan is adopted, a copy of the
2678 draft master plan must be sent for review to the host and any
2679 affected local governments, the state land planning agency, the
2680 Department of Environmental Protection, the Department of
2681 Transportation, the Department of State, the Fish and Wildlife
2682 Conservation Commission, and the applicable water management
2683 district and regional planning council. These agencies must be
2684 given 90 days after receipt of the campus master plans in which
2685 to conduct their review and provide comments to the university
2686 board of trustees. The commencement of this review period must
2687 be advertised in newspapers of general circulation within the
2688 host local government and any affected local government to allow
2689 for public comment. Following receipt and consideration of all
2690 comments, and the holding of at least two public hearings within
2691 the host jurisdiction, the university board of trustees shall
2692 adopt the campus master plan. It is the intent of the
2693 Legislature that the university board of trustees comply with
2694 the notice requirements set forth in s. 163.3184~~(15)~~ to ensure
2695 full public participation in this planning process. Campus
2696 master plans developed under this section are not rules and are

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2697 not subject to chapter 120 except as otherwise provided in this
2698 section.
2699 Section 32. Paragraph (c) of subsection (4) and subsection
2700 (5) of section 1013.33, Florida Statutes, are amended to read:
2701 1013.33 Coordination of planning with local governing
2702 bodies.--
2703 (4)
2704 (c) If the state land planning agency enters a final order
2705 that finds that the interlocal agreement is inconsistent with
2706 the requirements of subsection (3) or this subsection, the state
2707 land planning agency shall forward it to the Administration
2708 Commission, which may impose sanctions against ~~the local~~
2709 ~~government pursuant to s. 163.3184(11) and may impose sanctions~~
2710 ~~against~~ the district school board by directing the Department of
2711 Education to withhold an equivalent amount of funds for school
2712 construction available pursuant to ss. 1013.65, 1013.68,
2713 1013.70, and 1013.72.
2714 (5) If an executed interlocal agreement is not timely
2715 submitted to the state land planning agency for review, the
2716 state land planning agency shall, within 15 working days after
2717 the deadline for submittal, issue to the local government and
2718 the district school board a notice to show cause why sanctions
2719 should not be imposed for failure to submit an executed
2720 interlocal agreement by the deadline established by the agency.
2721 The agency shall forward the notice and the responses to the
2722 Administration Commission, which may enter a final order citing
2723 the failure to comply ~~and imposing sanctions against the local~~
2724 ~~government and district school board by directing the~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

2725 ~~appropriate agencies to withhold at least 5 percent of state~~
2726 ~~funds pursuant to s. 163.3184(11)~~ and by directing the
2727 Department of Education to withhold from the district school
2728 board at least 5 percent of funds for school construction
2729 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
2730 1013.72.
2731 Section 33. Section 163.3189, Florida Statutes, is
2732 repealed.
2733 Section 34. This act shall take effect July 1, 2005.