

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3164, F.S.; revising definitions; amending s.
4 163.3177, F.S.; revising certain criteria and requirements
5 for elements of comprehensive plans; providing criteria
6 for determining financial feasibility of comprehensive
7 plans; amending s. 163.3180, F.S.; revising application of
8 concurrency requirements to public transit facilities;
9 revising certain transportation concurrency requirements
10 relating to concurrency exception areas, developments of
11 regional impact, and schools; providing application to
12 Florida Quality Developments and certain areas; revising
13 proportionate fair-share mitigation criteria; creating s.
14 163.3182, F.S.; providing for the creation of
15 transportation concurrency backlog authorities; providing
16 definitions; providing powers and responsibilities of such
17 authorities; providing for transportation concurrency
18 backlog plans; providing for the issuance of revenue bonds
19 for certain purposes; providing for the establishment of a
20 local trust fund within each county or municipality with
21 an identified transportation concurrency backlog;
22 providing exemptions from transportation concurrency
23 requirements; providing for the satisfaction of
24 concurrency requirements; providing for dissolution of
25 transportation concurrency backlog authorities; amending
26 s. 163.3187, F.S.; revising a criterion for application of
27 amendments to certain small scale developments; amending
28 s. 163.3191, F.S.; providing for nonapplication of a

29 prohibition against certain proposed plan amendments to
30 allow for integration of a port master plan in the coastal
31 management plan element under certain conditions; amending
32 s. 163.3229, F.S.; extending a time limitation on duration
33 of development agreements; creating s. 163.32465, F.S.;
34 providing for a pilot program to provide a plan review
35 process for certain densely developed areas; providing
36 legislative findings; providing for exempting certain
37 local governments from compliance review by the state land
38 planning agency; authorizing certain municipalities to not
39 participate in the program; providing procedures and
40 requirements for adopting comprehensive plan amendments in
41 such areas; requiring public hearings; providing hearing
42 requirements; providing requirements for local government
43 transmittal of proposed plan amendments; providing for
44 intergovernmental review; providing for regional, county,
45 and municipal review; providing requirements for local
46 government review of certain comments; providing
47 requirements for adoption and transmittal of plan
48 amendments; providing procedures and requirements for
49 challenges to compliance of adopted plan amendments;
50 providing for administrative hearings; providing for
51 applicability of program provisions; providing for
52 technical assistance by the state land planning agency;
53 requiring the Legislative Committee on Intergovernmental
54 Relations to evaluate the pilot program and prepare and
55 submit a report to the Governor and Legislature; providing
56 report requirements; amending s. 380.06, F.S.; extending

57 development-of-regional-impact phase and buildout dates
 58 for certain projects under construction; providing that
 59 such extensions are not substantial deviations and do not
 60 subject such projects to further review; providing an
 61 effective date.

62
 63 Be It Enacted by the Legislature of the State of Florida:

64
 65 Section 1. Subsections (26) and (32) of section 163.3164,
 66 Florida Statutes, are amended to read:

67 163.3164 Local Government Comprehensive Planning and Land
 68 Development Regulation Act; definitions.--As used in this act:

69 (26) "Urban redevelopment" means demolition and
 70 reconstruction or substantial renovation of existing buildings
 71 or infrastructure within urban infill areas, ~~or~~ existing urban
 72 service areas, or community redevelopment areas created pursuant
 73 to part III of this chapter.

74 (32) "Financial feasibility" means that sufficient
 75 revenues are currently available or will be available from
 76 committed funding sources for the first 3 years, or will be
 77 available from committed or planned funding sources for years 4
 78 and 5, of a 5-year capital improvement schedule for financing
 79 capital improvements, such as ad valorem taxes, bonds, state and
 80 federal funds, tax revenues, impact fees, and developer
 81 contributions, which are adequate to fund the projected costs of
 82 the capital improvements identified in the comprehensive plan
 83 necessary to ensure that adopted level-of-service standards are
 84 achieved and maintained within the period covered by the 5-year

85 | schedule of capital improvements. A comprehensive plan shall be
86 | deemed financially feasible for transportation and school
87 | facilities throughout the planning period addressed by the
88 | capital improvements schedule if it can be demonstrated that the
89 | level of service standards will be achieved and maintained by
90 | the end of the planning period even if in a particular year such
91 | improvements are not concurrent as required by s. 163.3180. The
92 | ~~requirement that level of service standards be achieved and~~
93 | ~~maintained shall not apply if the proportionate share process~~
94 | ~~set forth in s. 163.3180(12) and (16) is used.~~

95 | Section 2. Subsections (2) and (3) of section 163.3177,
96 | Florida Statutes, are amended to read:

97 | 163.3177 Required and optional elements of comprehensive
98 | plan; studies and surveys.--

99 | (2) Coordination of the several elements of the local
100 | comprehensive plan shall be a major objective of the planning
101 | process. The several elements of the comprehensive plan shall be
102 | consistent, and the comprehensive plan shall be financially
103 | feasible. Financial feasibility shall be determined using
104 | professionally accepted methodologies and shall apply to the 5-
105 | year planning period, except in the case of a long-term
106 | transportation or school concurrency management system, in which
107 | case financial feasibility requirements shall apply to the 10-
108 | year period or 15-year period.

109 | (3) (a) The comprehensive plan shall contain a capital
110 | improvements element designed to consider the need for and the
111 | location of public facilities in order to encourage the
112 | efficient utilization of such facilities and set forth:

113 1. A component which outlines principles for construction,
114 extension, or increase in capacity of public facilities, as well
115 as a component which outlines principles for correcting existing
116 public facility deficiencies, which are necessary to implement
117 the comprehensive plan. The components shall cover at least a 5-
118 year period.

119 2. Estimated public facility costs, including a
120 delineation of when facilities will be needed, the general
121 location of the facilities, and projected revenue sources to
122 fund the facilities.

123 3. Standards to ensure the availability of public
124 facilities and the adequacy of those facilities including
125 acceptable levels of service.

126 4. Standards for the management of debt.

127 5. A schedule of capital improvements which includes
128 publicly funded projects, and which may include privately funded
129 projects for which the local government has no fiscal
130 responsibility, necessary to ensure that adopted level-of-
131 service standards are achieved and maintained. For capital
132 improvements that will be funded by the developer, financial
133 feasibility shall be demonstrated by being guaranteed in an
134 enforceable development agreement or interlocal agreement
135 pursuant to paragraph (10)(h), or other enforceable agreement.
136 These development agreements and interlocal agreements shall be
137 reflected in the schedule of capital improvements if the capital
138 improvement is necessary to serve development within the 5-year
139 schedule. If the local government uses planned revenue sources
140 that require referenda or other actions to secure the revenue

141 source, the plan must, in the event the referenda are not passed
142 or actions do not secure the planned revenue source, identify
143 other existing revenue sources that will be used to fund the
144 capital projects or otherwise amend the plan to ensure financial
145 feasibility.

146 6. The schedule must include transportation improvements
147 included in the applicable metropolitan planning organization's
148 transportation improvement program adopted pursuant to s.
149 339.175(7) to the extent that such improvements are relied upon
150 to ensure concurrency and financial feasibility. The schedule
151 must also be coordinated with the applicable metropolitan
152 planning organization's long-range transportation plan adopted
153 pursuant to s. 339.175(6).

154 (b)1. The capital improvements element shall be reviewed
155 on an annual basis and modified as necessary in accordance with
156 s. 163.3187 or s. 163.3189 in order to maintain a financially
157 feasible 5-year schedule of capital improvements. Corrections
158 and modifications concerning costs; revenue sources; or
159 acceptance of facilities pursuant to dedications which are
160 consistent with the plan may be accomplished by ordinance and
161 shall not be deemed to be amendments to the local comprehensive
162 plan. A copy of the ordinance shall be transmitted to the state
163 land planning agency. An amendment to the comprehensive plan is
164 required to update the schedule on an annual basis or to
165 eliminate, defer, or delay the construction for any facility
166 listed in the 5-year schedule. All public facilities shall be
167 consistent with the capital improvements element. Amendments to
168 implement this section must be adopted and transmitted no later

169 than December 1, 2008 ~~2007~~. Thereafter, a local government may
170 not amend its future land use map, except for plan amendments to
171 meet new requirements under this part and emergency amendments
172 pursuant to s. 163.3187(1)(a), after December 1, 2008 ~~2007~~, and
173 every year thereafter, unless and until the local government has
174 adopted the annual update and it has been transmitted to the
175 state land planning agency.

176 2. Capital improvements element amendments adopted after
177 the effective date of this act shall require only a single
178 public hearing before the governing board which shall be an
179 adoption hearing as described in s. 163.3184(7). Such amendments
180 are not subject to the requirements of s. 163.3184(3)-(6).

181 (c) If the local government does not adopt the required
182 annual update to the schedule of capital improvements ~~or the~~
183 ~~annual update is found not in compliance~~, the state land
184 planning agency must notify the Administration Commission. A
185 local government that has a demonstrated lack of commitment to
186 meeting its obligations identified in the capital improvements
187 element may be subject to sanctions by the Administration
188 Commission pursuant to s. 163.3184(11).

189 (d) If a local government adopts a long-term concurrency
190 management system pursuant to s. 163.3180(9), it must also adopt
191 a long-term capital improvements schedule covering up to a 10-
192 year or 15-year period, and must update the long-term schedule
193 annually. The long-term schedule of capital improvements must be
194 financially feasible.

195 (e) At the discretion of the local government and
196 notwithstanding the requirements of this subsection, a

197 comprehensive plan, as revised by an amendment to the plan's
 198 future land use map, shall be deemed to be financially feasible
 199 and to have achieved and maintained level-of-service standards
 200 with respect to transportation facilities as required by this
 201 section if the amendment to the future land use map is supported
 202 by:

203 1. A condition in a development order for a development-
 204 of-regional impact or binding agreement that addresses
 205 proportionate-share mitigation consistent with s. 163.3180(12);
 206 or

207 2. A binding agreement addressing proportionate fair-share
 208 mitigation consistent with s. 163.3180(16)(f) and the property
 209 subject to the amendment to the future land use map is located
 210 within an area designated in the comprehensive plan for urban
 211 infill, urban redevelopment, downtown revitalization, urban
 212 infill and redevelopment, or an urban service area. The binding
 213 agreement must be based on the maximum amount of development
 214 identified by the future land use map amendment or as may be
 215 otherwise restricted through a special area plan policy or map
 216 notation in the comprehensive plan.

217 Section 3. Paragraph (b) of subsection (4), subsections
 218 (5) and (12), paragraph (e) of subsection (13), and subsection
 219 (16) of section 163.3180, Florida Statutes, are amended to read:

220 163.3180 Concurrency.--

221 (4)

222 (b) The concurrency requirement as implemented in local
 223 comprehensive plans does not apply to public transit facilities.
 224 For the purposes of this paragraph, public transit facilities

225 include transit stations and terminals;; transit station
 226 parking;; park-and-ride lots;; intermodal public transit
 227 connection or transfer facilities;; ~~and~~ fixed bus, guideway, and
 228 rail stations; and airport passenger terminals and concourses,
 229 air cargo facilities, and hangars for the maintenance or storage
 230 of aircraft. As used in this paragraph, the terms "terminals"
 231 and "transit facilities" do not include ~~airports or~~ seaports or
 232 commercial or residential development constructed in conjunction
 233 with a public transit facility.

234 (5) (a) The Legislature finds that under limited
 235 circumstances dealing with transportation facilities,
 236 countervailing planning and public policy goals may come into
 237 conflict with the requirement that adequate public facilities
 238 and services be available concurrent with the impacts of such
 239 development. The Legislature further finds that often the
 240 unintended result of the concurrency requirement for
 241 transportation facilities is the discouragement of urban infill
 242 development and redevelopment. Such unintended results directly
 243 conflict with the goals and policies of the state comprehensive
 244 plan and the intent of this part. Therefore, exceptions from the
 245 concurrency requirement for transportation facilities may be
 246 granted as provided by this subsection.

247 (b) A local government may grant an exception from the
 248 concurrency requirement for transportation facilities if the
 249 proposed development is otherwise consistent with the adopted
 250 local government comprehensive plan and is a project that
 251 promotes public transportation or is located within an area
 252 designated in the comprehensive plan for:

- 253 1. Urban infill development,
- 254 2. Urban redevelopment,
- 255 3. Downtown revitalization, ~~or~~
- 256 4. Urban infill and redevelopment under s. 163.2517, or
- 257 5. An urban service area specifically designated as a
- 258 transportation concurrency exception area that includes lands
- 259 appropriate for compact, contiguous urban development, does not
- 260 exceed the amount of land needed to accommodate the projected
- 261 population growth at densities consistent with the adopted
- 262 comprehensive plan within the 10-year planning period, and is
- 263 served or is planned to be served with public facilities and
- 264 services as provided by the capital improvement element.

265 (c) The Legislature also finds that developments located
 266 within urban infill, urban redevelopment, existing urban
 267 service, or downtown revitalization areas or areas designated as
 268 urban infill and redevelopment areas under s. 163.2517 which
 269 pose only special part-time demands on the transportation system
 270 should be excepted from the concurrency requirement for
 271 transportation facilities. A special part-time demand is one
 272 that does not have more than 200 scheduled events during any
 273 calendar year and does not affect the 100 highest traffic volume
 274 hours.

275 (d) A local government shall establish guidelines in the
 276 comprehensive plan for granting the exceptions authorized in
 277 paragraphs (b) and (c) and subsections (7) and (15) which must
 278 be consistent with and support a comprehensive strategy adopted
 279 in the plan to promote the purpose of the exceptions.

280 (e) The local government shall adopt into the plan and
281 implement long-term strategies to support and fund mobility
282 within the designated exception area, including alternative
283 modes of transportation. The plan amendment shall also
284 demonstrate how strategies will support the purpose of the
285 exception and how mobility within the designated exception area
286 will be provided. In addition, the strategies must address urban
287 design; appropriate land use mixes, including intensity and
288 density; and network connectivity plans needed to promote urban
289 infill, redevelopment, or downtown revitalization. The
290 comprehensive plan amendment designating the concurrency
291 exception area shall be accompanied by data and analysis
292 justifying the size of the area.

293 (f) Prior to the designation of a concurrency exception
294 area, the state land planning agency and the Department of
295 Transportation shall be consulted by the local government to
296 assess the impact that the proposed exception area is expected
297 to have on the adopted level-of-service standards established
298 for Strategic Intermodal System facilities, as defined in s.
299 339.64, and roadway facilities funded in accordance with s.
300 339.2819. Further, the local government shall, in consultation
301 ~~cooperation~~ with the state land planning agency and the
302 Department of Transportation, develop a plan to mitigate any
303 impacts to the Strategic Intermodal System, including, if
304 appropriate, the development of a long-term concurrency
305 management system pursuant to subsection (9) and s.
306 163.3177(3)(d). The exceptions may be available only within the
307 specific geographic area of the jurisdiction designated in the

308 plan. Pursuant to s. 163.3184, any affected person may challenge
 309 a plan amendment establishing these guidelines and the areas
 310 within which an exception could be granted.

311 (g) Transportation concurrency exception areas existing
 312 prior to July 1, 2005, shall meet, at a minimum, the provisions
 313 of this section ~~by July 1, 2006, or~~ at the time of the
 314 comprehensive plan update pursuant to the evaluation and
 315 appraisal report, ~~whichever occurs last.~~

316 (12) ~~When authorized by a local comprehensive plan, A~~
 317 ~~multiuse~~ development of regional impact may satisfy the
 318 transportation concurrency requirements of the local
 319 comprehensive plan, the local government's concurrency
 320 management system, and s. 380.06 by payment of a proportionate-
 321 share contribution for local and regionally significant traffic
 322 impacts, if:

323 ~~(a) The development of regional impact meets or exceeds~~
 324 ~~the guidelines and standards of s. 380.0651(3)(h) and rule 28-~~
 325 ~~24.032(2), Florida Administrative Code, and includes a~~
 326 ~~residential component that contains at least 100 residential~~
 327 ~~dwelling units or 15 percent of the applicable residential~~
 328 ~~guideline and standard, whichever is greater;~~

329 (a)(b) The development of regional impact, based upon its
 330 location or contains an integrated mix of land uses, and is
 331 designed to encourage pedestrian or other nonautomotive modes of
 332 transportation;

333 (b)(e) The proportionate-share contribution for local and
 334 regionally significant traffic impacts is sufficient to pay for

335 one or more required mobility improvements that will benefit a
336 regionally significant transportation facility;

337 ~~(c)-(d)~~ The owner and developer of the development of
338 regional impact pays or assures payment of the proportionate-
339 share contribution; and

340 ~~(d)-(e)~~ If the regionally significant transportation
341 facility to be constructed or improved is under the maintenance
342 authority of a governmental entity, as defined by s. 334.03(12),
343 other than the local government with jurisdiction over the
344 development of regional impact, the developer is required to
345 enter into a binding and legally enforceable commitment to
346 transfer funds to the governmental entity having maintenance
347 authority or to otherwise assure construction or improvement of
348 the facility.

349
350 The proportionate-share contribution may be applied to any
351 transportation facility to satisfy the provisions of this
352 subsection and the local comprehensive plan, but, for the
353 purposes of this subsection, the amount of the proportionate-
354 share contribution shall be calculated based upon the cumulative
355 number of trips from the proposed development expected to reach
356 roadways during the peak hour from the complete buildout of a
357 stage or phase being approved, divided by the change in the peak
358 hour maximum service volume of roadways resulting from
359 construction of an improvement necessary to maintain the adopted
360 level of service, multiplied by the construction cost, at the
361 time of developer payment, of the improvement necessary to
362 maintain the adopted level of service. For purposes of this

363 subsection, "construction cost" includes all associated costs of
 364 the improvement. Proportionate-share mitigation shall be limited
 365 to ensure that a development of regional impact meeting the
 366 requirements of this subsection mitigates its impact on the
 367 transportation system but is not responsible for the cost of
 368 reducing or eliminating backlogs. This subsection applies to
 369 Florida Quality Developments pursuant to s. 380.061 and to
 370 detailed specific area plans implementing optional sector plans
 371 pursuant to s. 163.3245.

372 (13) School concurrency shall be established on a
 373 districtwide basis and shall include all public schools in the
 374 district and all portions of the district, whether located in a
 375 municipality or an unincorporated area unless exempt from the
 376 public school facilities element pursuant to s. 163.3177(12).
 377 The application of school concurrency to development shall be
 378 based upon the adopted comprehensive plan, as amended. All local
 379 governments within a county, except as provided in paragraph
 380 (f), shall adopt and transmit to the state land planning agency
 381 the necessary plan amendments, along with the interlocal
 382 agreement, for a compliance review pursuant to s. 163.3184(7)
 383 and (8). The minimum requirements for school concurrency are the
 384 following:

385 (e) Availability standard.--Consistent with the public
 386 welfare, a local government may not deny an application for site
 387 plan, final subdivision approval, or the functional equivalent
 388 for a development or phase of a development authorizing
 389 residential development for failure to achieve and maintain the
 390 level-of-service standard for public school capacity in a local

391 school concurrency management system where adequate school
392 facilities will be in place or under actual construction within
393 3 years after the issuance of final subdivision or site plan
394 approval, or the functional equivalent. School concurrency shall
395 be satisfied if the developer executes a legally binding
396 commitment to provide mitigation proportionate to the demand for
397 public school facilities to be created by actual development of
398 the property, including, but not limited to, the options
399 described in subparagraph 1. Options for proportionate-share
400 mitigation of impacts on public school facilities shall be
401 established in the public school facilities element and the
402 interlocal agreement pursuant to s. 163.31777.

403 1. Appropriate mitigation options include the contribution
404 of land; the construction, expansion, or payment for land
405 acquisition or construction of a public school facility; or the
406 creation of mitigation banking based on the construction of a
407 public school facility in exchange for the right to sell
408 capacity credits. Such options must include execution by the
409 applicant and the local government of a binding development
410 agreement that constitutes a legally binding commitment to pay
411 proportionate-share mitigation for the additional residential
412 units approved by the local government in a development order
413 and actually developed on the property, taking into account
414 residential density allowed on the property prior to the plan
415 amendment that increased overall residential density. The
416 district school board shall be a party to such an agreement. As
417 a condition of its entry into such a development agreement, the

418 local government may require the landowner to agree to
419 continuing renewal of the agreement upon its expiration.

420 2. If the education facilities plan and the public
421 educational facilities element authorize a contribution of land;
422 the construction, expansion, or payment for land acquisition; or
423 the construction or expansion of a public school facility, or a
424 portion thereof, as proportionate-share mitigation, the local
425 government shall credit such a contribution, construction,
426 expansion, or payment toward any other impact fee or exaction
427 imposed by local ordinance for the same need, on a dollar-for-
428 dollar basis at fair market value. Proportionate fair-share
429 mitigation shall be limited to ensure that a development meeting
430 the requirements of this subsection mitigates its impact on the
431 school system but is not responsible for the additional cost of
432 reducing or eliminating backlogs.

433 3. Any proportionate-share mitigation must be directed by
434 the school board toward a school capacity improvement identified
435 in a financially feasible 5-year district work plan and which
436 satisfies the demands created by that development in accordance
437 with a binding developer's agreement. Upon agreement that the
438 school board will include the facility in its next regularly
439 scheduled update of the work program, the developer may
440 accelerate the provision of one of more schools that serve the
441 development's capacity needs.

442 4. This paragraph does not limit the authority of a local
443 government to deny a development permit or its functional
444 equivalent pursuant to its home rule regulatory powers, except
445 as provided in this part.

446 (16) It is the intent of the Legislature to provide a
447 method by which the impacts of development on transportation
448 facilities can be mitigated by the cooperative efforts of the
449 public and private sectors. The methodology used to calculate
450 proportionate fair-share mitigation under this section shall be
451 as provided for in subsection (12).

452 (a) By December 1, 2006, each local government shall adopt
453 by ordinance a methodology for assessing proportionate fair-
454 share mitigation options. By December 1, 2005, the Department of
455 Transportation shall develop a model transportation concurrency
456 management ordinance with methodologies for assessing
457 proportionate fair-share mitigation options.

458 (b)1. In its transportation concurrency management system,
459 a local government shall, by December 1, 2006, include
460 methodologies that will be applied to calculate proportionate
461 fair-share mitigation. A developer may choose to satisfy all
462 transportation concurrency requirements by contributing or
463 paying proportionate fair-share mitigation if transportation
464 facilities or facility segments identified as mitigation for
465 traffic impacts are specifically identified for funding in the
466 5-year schedule of capital improvements in the capital
467 improvements element of the local plan or the long-term
468 concurrency management system or if such contributions or
469 payments to such facilities or segments are reflected in the 5-
470 year schedule of capital improvements in the next regularly
471 scheduled update of the capital improvements element. Updates to
472 the 5-year capital improvements element which reflect
473 proportionate fair-share contributions may not be found not in

474 compliance based on ss. 163.3164(32) and 163.3177(3) if
475 additional contributions, payments or funding sources are
476 reasonably anticipated during a period not to exceed 10 years to
477 fully mitigate impacts on the transportation facilities.

478 2. Proportionate fair-share mitigation shall be applied as
479 a credit against impact fees to the extent that all or a portion
480 of the proportionate fair-share mitigation is used to address
481 the same capital infrastructure improvements contemplated by the
482 local government's impact fee ordinance.

483 (c) Proportionate fair-share mitigation includes, without
484 limitation, separately or collectively, private funds,
485 contributions of land, and construction and contribution of
486 facilities and may include public funds as determined by the
487 local government. Proportionate fair-share mitigation may be
488 directed toward one or more specific transportation improvements
489 reasonably related to the mobility demands created by the
490 development, and such improvements may address one or more modes
491 of travel. The fair market value of the proportionate fair-share
492 mitigation shall not differ based on the form of mitigation. A
493 local government may not require a development to pay more than
494 its proportionate fair-share contribution regardless of the
495 method of mitigation. Proportionate fair-share mitigation shall
496 be limited to ensure that a development meeting the requirements
497 of this subsection mitigates its impact on the transportation
498 system but is not responsible for the additional cost of
499 reducing or eliminating backlogs.

500 (d) Nothing in this subsection shall require a local
501 government to approve a development that is not otherwise

502 qualified for approval pursuant to the applicable local
503 comprehensive plan and land development regulations.

504 (e) Mitigation for development impacts to facilities on
505 the Strategic Intermodal System made pursuant to this subsection
506 requires the concurrence of the Department of Transportation.

507 (f) In the event the funds in an adopted 5-year capital
508 improvements element are insufficient to fully fund construction
509 of a transportation improvement required by the local
510 government's concurrency management system, a local government
511 and a developer may still enter into a binding proportionate-
512 share agreement authorizing the developer to construct that
513 amount of development on which the proportionate share is
514 calculated if the proportionate-share amount in such agreement
515 is sufficient to pay for one or more improvements which will, in
516 the opinion of the governmental entity or entities maintaining
517 the transportation facilities, significantly benefit the
518 impacted transportation system. The improvement or improvements
519 funded by the proportionate-share component must be adopted into
520 the 5-year capital improvements schedule of the comprehensive
521 plan at the next annual capital improvements element update. The
522 funding of any improvements that significantly benefit the
523 impacted transportation system satisfies concurrency
524 requirements as a mitigation of the development's impact upon
525 the overall transportation system even if there remains a
526 failure of concurrency on other impacted facilities.

527 (g) Except as provided in subparagraph (b)1., nothing in
528 this section shall prohibit the Department of Community Affairs

529 from finding other portions of the capital improvements element
 530 amendments not in compliance as provided in this chapter.

531 (h) The provisions of this subsection do not apply to a
 532 ~~multiuse~~ development of regional impact satisfying the
 533 requirements of subsection (12).

534 Section 4. Section 163.3182, Florida Statutes, is created
 535 to read:

536 163.3182 Transportation concurrency backlogs.--

537 (1) DEFINITIONS.--For purposes of this section, the term:

538 (a) "Transportation construction backlog area" means the
 539 geographic area within the unincorporated portion of a county or
 540 within the municipal boundary of a municipality designated in a
 541 local government comprehensive plan for which a transportation
 542 concurrency backlog authority is created pursuant to this
 543 section.

544 (b) "Authority" or "transportation concurrency backlog
 545 authority" means the governing body of a county or municipality
 546 within which an authority is created.

547 (c) "Governing body" means the council, commission, or
 548 other legislative body charged with governing the county or
 549 municipality within which a transportation concurrency backlog
 550 authority is created pursuant to this section.

551 (d) "Transportation concurrency backlog" means an
 552 identified deficiency where the existing extent of traffic
 553 volume exceeds the level of service standard adopted in a local
 554 government comprehensive plan for a transportation facility.

555 (e) "Transportation concurrency backlog plan" means the
 556 plan adopted as part of a local government comprehensive plan by

557 the governing body of a county or municipality acting as a
 558 transportation concurrency backlog authority.

559 (f) "Transportation concurrency backlog project" means any
 560 designated transportation project identified for construction
 561 within the jurisdiction of a transportation construction backlog
 562 authority.

563 (g) "Debt service millage" means any millage levied
 564 pursuant to s. 12, Art. VII of the State Constitution.

565 (h) "Increment revenue" means the amount calculated
 566 pursuant to subsection (5).

567 (i) "Taxing authority" means a public body that levies or
 568 is authorized to levy an ad valorem tax on real property located
 569 within a transportation concurrency backlog area, except a
 570 school district.

571 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 572 AUTHORITIES.--

573 (a) A county or municipality may create a transportation
 574 concurrency backlog authority if it has an identified
 575 transportation concurrency backlog.

576 (b) Acting as the transportation concurrency backlog
 577 authority within its jurisdictional boundary, the governing body
 578 of a county or municipality shall adopt and implement a plan to
 579 eliminate all identified transportation concurrency backlogs
 580 within its jurisdiction using funds provided pursuant to
 581 subsection (5) and as otherwise provided pursuant to this
 582 section.

583 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 584 AUTHORITY.--Each transportation concurrency backlog authority

585 has the powers necessary or convenient to carry out the purposes
586 of this section, including the following powers in addition to
587 others granted in this section:

588 (a) To make and execute contracts and other instruments
589 necessary or convenient to the exercise of its powers under this
590 section.

591 (b) To undertake and carry out transportation concurrency
592 backlog projects for all transportation facilities that have a
593 concurrency backlog within the authority's jurisdiction.
594 Concurrency backlog projects may include transportation
595 facilities that provide for alternative modes of travel
596 including sidewalks, bikeways, and mass transit which are
597 related to a backlogged transportation facility.

598 (c) To invest any transportation concurrency backlog funds
599 held in reserve, sinking funds, or any such funds not required
600 for immediate disbursement in property or securities in which
601 savings banks may legally invest funds subject to the control of
602 the authority and to redeem such bonds as have been issued
603 pursuant to this section at the redemption price established
604 therein, or to purchase such bonds at less than redemption
605 price. All such bonds redeemed or purchased shall be canceled.

606 (d) To borrow money, apply for and accept advances, loans,
607 grants, contributions, and any other forms of financial
608 assistance from the Federal Government or the state, county, or
609 any other public body or from any sources, public or private,
610 for the purposes of this part, to give such security as may be
611 required, to enter into and carry out contracts or agreements,
612 and to include in any contracts for financial assistance with

613 the Federal Government for or with respect to a transportation
 614 concurrency backlog project and related activities such
 615 conditions imposed pursuant to federal laws as the
 616 transportation concurrency backlog authority considers
 617 reasonable and appropriate and which are not inconsistent with
 618 the purposes of this section.

619 (e) To make or have made all surveys and plans necessary
 620 to the carrying out of the purposes of this section, to contract
 621 with any persons, public or private, in making and carrying out
 622 such plans, and to adopt, approve, modify, or amend such
 623 transportation concurrency backlog plans.

624 (f) To appropriate such funds and make such expenditures
 625 as are necessary to carry out the purposes of this section, and
 626 to enter into agreements with other public bodies, which
 627 agreements may extend over any period notwithstanding any
 628 provision or rule of law to the contrary.

629 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

630 (a) Each transportation concurrency backlog authority
 631 shall adopt a transportation concurrency backlog plan as a part
 632 of the local government comprehensive plan within 6 months after
 633 the creation of the authority. The plan shall:

634 1. Identify all transportation facilities that have been
 635 designated as deficient and require the expenditure of moneys to
 636 upgrade, modify, or mitigate the deficiency.

637 2. Include a priority listing of all transportation
 638 facilities that have been designated as deficient and do not
 639 satisfy concurrency requirements pursuant to s. 163.3180, and
 640 the applicable local government comprehensive plan.

641 3. Establish a schedule for financing and construction of
642 transportation concurrency backlog projects that will eliminate
643 transportation concurrency backlogs within the jurisdiction of
644 the authority within 10 years after the transportation
645 concurrency backlog plan adoption. The schedule shall be adopted
646 as part of the local government comprehensive plan.

647 (b) The adoption of the transportation concurrency backlog
648 plan shall be exempt from the provisions of s. 163.3187(1).

649 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
650 concurrency backlog authority shall establish a local
651 transportation concurrency backlog trust fund upon creation of
652 the authority. Each local trust fund shall be administered by
653 the transportation concurrency backlog authority within which a
654 transportation concurrency backlog has been identified.
655 Beginning in the first fiscal year after the creation of the
656 authority, each local trust fund shall be funded by the proceeds
657 of an ad valorem tax increment collected within each
658 transportation concurrency backlog area to be determined
659 annually and shall be 25 percent of the difference between:

660 (a) The amount of ad valorem tax levied each year by each
661 taxing authority, exclusive of any amount from any debt service
662 millage, on taxable real property contained within the
663 jurisdiction of the transportation concurrency backlog authority
664 and within the transportation backlog area; and

665 (b) The amount of ad valorem taxes which would have been
666 produced by the rate upon which the tax is levied each year by
667 or for each taxing authority, exclusive of any debt service
668 millage, upon the total of the assessed value of the taxable

669 real property within the transportation concurrency backlog area
 670 as shown on the most recent assessment roll used in connection
 671 with the taxation of such property of each taxing authority
 672 prior to the effective date of the ordinance funding the trust
 673 fund.

674 (6) EXEMPTIONS.--

675 (a) The following public bodies or taxing authorities are
 676 exempt from the provision of this section:

677 1. A special district that levies ad valorem taxes on
 678 taxable real property in more than one county.

679 2. A special district for which the sole available source
 680 of revenue is the authority to levy ad valorem taxes at the time
 681 an ordinance is adopted under this section. However, revenues or
 682 aid that may be dispensed or appropriated to a district as
 683 defined in s. 388.011 at the discretion of an entity other than
 684 such district shall not be deemed available.

685 3. A library district.

686 4. A neighborhood improvement district created under the
 687 Safe Neighborhoods Act.

688 5. A metropolitan transportation authority.

689 6. A water management district created under s. 373.069.

690 (b) A transportation concurrency exemption authority may
 691 also exempt from this section a special district that levies ad
 692 valorem taxes within the transportation concurrency backlog area
 693 pursuant to s. 163.387(2)(d).

694 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
 695 adoption of a transportation concurrency backlog plan as a part
 696 of the local government comprehensive plan, and the plan going

697 into effect, the area subject to the plan shall be deemed to
 698 have achieved and maintained transportation level of service
 699 standards, and to have met requirements for financial
 700 feasibility for transportation facilities, and for the purpose
 701 of proposed development transportation concurrency has been
 702 satisfied. Proportionate fair share mitigation shall be limited
 703 to ensure that a development inside a transportation concurrency
 704 backlog area is not responsible for the additional costs of
 705 eliminating backlogs.

706 (8) DISSOLUTION.--Upon completion of all transportation
 707 concurrency backlog projects, a transportation concurrency
 708 backlog authority shall be dissolved and its assets and
 709 liabilities shall be transferred to the county or municipality
 710 within which the authority is located. All remaining assets of
 711 the authority must be used for implementation of transportation
 712 projects within the jurisdiction of the authority. The local
 713 government comprehensive plan shall be amended to remove the
 714 transportation concurrency backlog plan.

715 Section 5. Paragraph (c) of subsection (1) of section
 716 163.3187, Florida Statutes, is amended to read:

717 163.3187 Amendment of adopted comprehensive plan.--

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

721 (c) Any local government comprehensive plan amendments
 722 directly related to proposed small scale development activities
 723 may be approved without regard to statutory limits on the
 724 frequency of consideration of amendments to the local

725 comprehensive plan. A small scale development amendment may be
 726 adopted only under the following conditions:

727 1. The proposed amendment involves a use of 10 acres or
 728 fewer and:

729 a. The cumulative annual effect of the acreage for all
 730 small scale development amendments adopted by the local
 731 government shall not exceed:

732 (I) A maximum of 120 acres in a local government that
 733 contains areas specifically designated in the local
 734 comprehensive plan for urban infill, urban redevelopment, or
 735 downtown revitalization as defined in s. 163.3164, urban infill
 736 and redevelopment areas designated under s. 163.2517,
 737 transportation concurrency exception areas approved pursuant to
 738 s. 163.3180(5), or regional activity centers and urban central
 739 business districts approved pursuant to s. 380.06(2)(e);
 740 however, amendments under this paragraph may be applied to no
 741 more than 60 acres annually of property outside the designated
 742 areas listed in this sub-sub-subparagraph. Amendments adopted
 743 pursuant to paragraph (k) shall not be counted toward the
 744 acreage limitations for small scale amendments under this
 745 paragraph.

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

749 (III) A maximum of 720 ~~120~~ acres in a county established
 750 pursuant to s. 9, Art. VIII of the State Constitution; however,
 751 amendments under this paragraph may be applied to no more than

752 120 acres annually to property outside the designated areas
753 specifically identified in sub-sub-subparagraph (I).

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

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

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

764 e. The property that is the subject of the proposed
765 amendment is not located within an area of critical state
766 concern, unless the project subject to the proposed amendment
767 involves the construction of affordable housing units meeting
768 the criteria of s. 420.0004(3), and is located within an area of
769 critical state concern designated by s. 380.0552 or by the
770 Administration Commission pursuant to s. 380.05(1). Such
771 amendment is not subject to the density limitations of sub-
772 subparagraph f., and shall be reviewed by the state land
773 planning agency for consistency with the principles for guiding
774 development applicable to the area of critical state concern
775 where the amendment is located and shall not become effective
776 until a final order is issued under s. 380.05(6).

777 f. If the proposed amendment involves a residential land
778 use, the residential land use has a density of 10 units or less
779 per acre or the proposed future land use category allows a

780 maximum residential density of the same or less than the maximum
781 residential density allowable under the existing future land use
782 category, except that this limitation does not apply to small
783 scale amendments involving the construction of affordable
784 housing units meeting the criteria of s. 420.0004(3) on property
785 which will be the subject of a land use restriction agreement,
786 or small scale amendments described in sub-sub-subparagraph
787 a.(I) that are designated in the local comprehensive plan for
788 urban infill, urban redevelopment, or downtown revitalization as
789 defined in s. 163.3164, urban infill and redevelopment areas
790 designated under s. 163.2517, transportation concurrency
791 exception areas approved pursuant to s. 163.3180(5), or regional
792 activity centers and urban central business districts approved
793 pursuant to s. 380.06(2)(e).

794 2.a. A local government that proposes to consider a plan
795 amendment pursuant to this paragraph is not required to comply
796 with the procedures and public notice requirements of s.
797 163.3184(15)(c) for such plan amendments if the local government
798 complies with the provisions in s. 125.66(4)(a) for a county or
799 in s. 166.041(3)(c) for a municipality. If a request for a plan
800 amendment under this paragraph is initiated by other than the
801 local government, public notice is required.

802 b. The local government shall send copies of the notice
803 and amendment to the state land planning agency, the regional
804 planning council, and any other person or entity requesting a
805 copy. This information shall also include a statement
806 identifying any property subject to the amendment that is

807 | located within a coastal high-hazard area as identified in the
808 | local comprehensive plan.

809 | 3. Small scale development amendments adopted pursuant to
810 | this paragraph require only one public hearing before the
811 | governing board, which shall be an adoption hearing as described
812 | in s. 163.3184(7), and are not subject to the requirements of s.
813 | 163.3184(3)-(6) unless the local government elects to have them
814 | subject to those requirements.

815 | 4. If the small scale development amendment involves a
816 | site within an area that is designated by the Governor as a
817 | rural area of critical economic concern under s. 288.0656(7) for
818 | the duration of such designation, the 10-acre limit listed in
819 | subparagraph 1. shall be increased by 100 percent to 20 acres.
820 | The local government approving the small scale plan amendment
821 | shall certify to the Office of Tourism, Trade, and Economic
822 | Development that the plan amendment furthers the economic
823 | objectives set forth in the executive order issued under s.
824 | 288.0656(7), and the property subject to the plan amendment
825 | shall undergo public review to ensure that all concurrency
826 | requirements and federal, state, and local environmental permit
827 | requirements are met.

828 | Section 6. Subsection (14) is added to section 163.3191,
829 | Florida Statutes, to read:

830 | 163.3191 Evaluation and appraisal of comprehensive plan.--

831 | (14) The prohibition on plan amendments in subsection (10)
832 | does not apply to a proposed plan amendment adopted by a local
833 | government in order to integrate a port master plan with the
834 | coastal management plan element of the local comprehensive plan,

835 which is required under s. 163.3178(2)(k), if the port master
 836 plan or proposed plan amendment does not cause or contribute to
 837 the local government's failure to comply with the requirements
 838 of the evaluation and appraisal report.

839 Section 7. Section 163.3229, Florida Statutes, is amended
 840 to read:

841 163.3229 Duration of a development agreement and
 842 relationship to local comprehensive plan.--The duration of a
 843 development agreement shall not exceed 20 ~~10~~ years. It may be
 844 extended by mutual consent of the governing body and the
 845 developer, subject to a public hearing in accordance with s.
 846 163.3225. No development agreement shall be effective or be
 847 implemented by a local government unless the local government's
 848 comprehensive plan and plan amendments implementing or related
 849 to the agreement are found in compliance by the state land
 850 planning agency in accordance with s. 163.3184, s. 163.3187, or
 851 s. 163.3189.

852 Section 8. Section 163.32465, Florida Statutes, is created
 853 to read:

854 163.32465 Pilot program providing a plan review process
 855 for densely developed areas.--

856 (1) LEGISLATIVE FINDINGS.--The Legislature finds that
 857 local governments in this state have a wide diversity of
 858 resources, conditions, abilities, and needs. The state role in
 859 overseeing growth management should reflect these varied needs.
 860 State oversight should focus on areas in which that oversight
 861 provides the most value to the state and each local area. State
 862 efforts should include technical assistance and advice to

863 improve the state's and local governments' ability to respond to
864 growth-related issues. The state should also provide oversight
865 to ensure compliance with chapter 163 comprehensive planning
866 issues in those areas in which the patterns of development are
867 being established. As such, the state's role should vary based
868 on local government conditions and capabilities. Section
869 163.3246 provides a certification process for areas in which
870 local governments have committed to directing growth in the next
871 10 years and using exemplary planning practices. The pilot
872 program provided under this section recognizes that some areas
873 of the state should be exempt from unnecessary state oversight
874 based on established patterns of development.

875 (2) COMPLIANCE REVIEW EXEMPTIONS.--Pinellas and Broward
876 Counties, as examples of highly developed counties, and
877 Jacksonville, Miami, Tampa, Hialeah, and Tallahassee, as
878 examples of highly populated municipalities, with processes in
879 place to allow for coordination of planning activities with
880 local oversight are exempt from compliance reviews by the state
881 land planning agency. Municipalities within exempt counties may
882 elect, by supermajority vote of the governing body, not to
883 participate in the pilot program.

884 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
885 FOR EXEMPT COUNTIES AND MUNICIPALITIES.--

886 (a) Plan amendments proposed and adopted under this
887 section shall follow the procedures of this section and are not
888 subject to state land planning agency review pursuant to ss.
889 163.3184 and 163.3187, unless otherwise provided in this
890 section.

891 (b) Small scale amendments shall be adopted pursuant to s.
 892 163.3187.

893 (c) Plan amendments that propose a rural land stewardship
 894 area pursuant to s. 163.3177(11) (d), update a comprehensive plan
 895 based on an evaluation and appraisal report, or are the initial
 896 implementation of new statutory requirements that require
 897 specific comprehensive plan amendments shall be reviewed
 898 pursuant to s. 163.3184.

899 (4) DEFINITIONS.--The definitions of s. 163.3184(1) apply
 900 for purposes of this section.

901 (5) PUBLIC HEARINGS.--

902 (a) The procedure for transmittal of a complete proposed
 903 comprehensive plan amendment pursuant to subsection (6) and for
 904 adoption of a comprehensive plan amendment pursuant to
 905 subsection (9) shall be by affirmative vote of at least a
 906 majority of the members of the governing body present at the
 907 hearing. The adoption of a comprehensive plan amendment shall be
 908 by ordinance. For the purposes of transmitting or adopting a
 909 comprehensive plan or plan amendment, the notice requirements in
 910 chapters 125 and 166 are superseded by this subsection, except
 911 as provided in this part.

912 (b) The local governing body shall hold at least two
 913 advertised public hearings on a proposed comprehensive plan
 914 amendment as follows:

915 1. The first public hearing shall be held at the
 916 transmittal stage pursuant to subsection (6). The hearing shall
 917 be held on a weekday at least 7 days after the day the first
 918 advertisement is published.

919 2. The second public hearing shall be held at the adoption
 920 stage pursuant to subsection (9). The hearing shall be held on a
 921 weekday at least 5 days after the day the second advertisement
 922 is published.

923 (c) The local government shall provide a sign-in form at
 924 each hearing for persons to provide their names and mailing
 925 addresses. The local government shall add to the sign-in form
 926 the name and address of any person or governmental agency that
 927 submits written comments concerning the proposed plan amendment
 928 during the time period between the commencement of the
 929 transmittal hearing and the end of the adoption hearing.

930 (d) If a proposed comprehensive plan amendment changes the
 931 actual list of permitted, conditional, or prohibited uses within
 932 a future land use category or changes the actual future land use
 933 map designation of any parcel of land, the required
 934 advertisements shall be in the format prescribed by s.
 935 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a
 936 municipality.

937 (6) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN
 938 AMENDMENT.--Each local governing body shall transmit a complete
 939 proposed comprehensive plan amendment to the state land planning
 940 agency; the appropriate regional planning council and water
 941 management district; the Department of Environmental Protection;
 942 the Department of State; the Department of Transportation; in
 943 the case of municipal plans, to the appropriate county; and, in
 944 the case of county plans, to the Fish and Wildlife Conservation
 945 Commission and the Department of Agriculture and Consumer
 946 Services immediately following a public hearing pursuant to

947 subsection (5) as specified in the state land planning agency's
 948 procedural rules. If the plan amendment includes or impacts the
 949 public school facilities element pursuant to s. 163.3177(12),
 950 the local government shall submit a copy to the Office of
 951 Educational Facilities of the Commissioner of Education for
 952 review and comment. The local governing body shall also transmit
 953 a copy of the complete proposed comprehensive plan amendment to
 954 any other unit of local government or government agency in the
 955 state that has filed a written request with the governing body
 956 for a copy of the plan amendment. Local governing bodies shall
 957 consolidate all proposed plan amendments into a single
 958 submission for each of the two plan amendment adoption dates
 959 during the calendar year pursuant to s. 163.3187.

960 (7) INTERGOVERNMENTAL REVIEW.--The governmental agencies
 961 specified in subsection (6) may provide comments to the local
 962 government. Comments, if provided, shall be submitted within 30
 963 days after receipt of the proposed plan amendment.

964 (8) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.--The review of
 965 the regional planning council pursuant to subsection (7) shall
 966 be limited to effects on regional resources or facilities
 967 identified in the strategic regional policy plan and
 968 extrajurisdictional impacts that would be inconsistent with the
 969 comprehensive plan of the affected local government. A regional
 970 planning council shall not review and comment on a proposed
 971 comprehensive plan amendment prepared by such council. The
 972 review by the county land planning agency pursuant to subsection
 973 (7) shall be primarily in the context of the relationship and
 974 effect of the proposed plan amendment on any county

975 comprehensive plan element. Any review by municipalities must be
 976 primarily in the context of the relationship and effect on the
 977 municipal plan.

978 (9) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
 979 AMENDMENTS AND TRANSMITTAL.--

980 (a) The local government shall review any submitted
 981 written comments and testimony provided by any person or
 982 governmental agency. Any comments or recommendations and any
 983 reply to comments or recommendations are public documents, a
 984 part of the permanent record in the matter, and admissible in
 985 any proceeding in which the comprehensive plan amendment may be
 986 at issue. The adoption of the proposed plan amendment or the
 987 determination not to adopt a plan amendment, other than a plan
 988 amendment proposed pursuant to s. 163.3191, shall be made in the
 989 course of a public hearing pursuant to subsection (5). The local
 990 government shall transmit the complete adopted comprehensive
 991 plan amendment, including the names and addresses of persons
 992 compiled pursuant to paragraph (5)(c), to the state land
 993 planning agency within 10 working days after the amendment is
 994 adopted. The local governing body shall also transmit a copy of
 995 the adopted comprehensive plan amendment to the regional
 996 planning agency and to any other unit of local government or
 997 governmental agency in the state that has filed a written
 998 request with the governing body for a copy of the plan
 999 amendment.

1000 (b) If the adopted plan amendment is unchanged from the
 1001 proposed plan amendment transmitted pursuant to subsection (6),

1002 the local government may state in the transmittal letter that
 1003 the plan amendment is unchanged.

1004 (10) CHALLENGES TO THE COMPLIANCE OF AN ADOPTED PLAN
 1005 AMENDMENT.--

1006 (a) Any affected person as defined by s. 163.3184(1)(a),
 1007 the state land planning agency, the Department of Environmental
 1008 Protection, or the Department of Transportation may file a
 1009 petition with the Division of Administrative Hearings pursuant
 1010 to ss. 120.569 and 120.57 to request a hearing to challenge the
 1011 compliance of an amendment with this section within 30 days
 1012 after the local government adopts the amendment and shall serve
 1013 a copy of the petition on the local government. The state land
 1014 planning agency may intervene in any proceeding initiated
 1015 pursuant to this subsection. A state agency challenge shall be
 1016 limited to significant regional or statewide impacts within the
 1017 agency's jurisdiction as it relates to consistency with the
 1018 requirements of this part and shall be limited to those issues
 1019 raised in comments provided to the local government during the
 1020 transmittal review pursuant to subsection (7).

1021 (b) An administrative law judge shall hold a hearing in
 1022 the affected jurisdiction not less than 30 days nor more than 60
 1023 days after a petition is filed and an administrative law judge
 1024 is assigned. The parties to a hearing held pursuant to this
 1025 subsection shall be the petitioner, the local government, and
 1026 any intervenor. In the proceeding, the local government's
 1027 determination that the amendment is in compliance is presumed to
 1028 be correct. The local government's determination shall be
 1029 sustained unless it is shown by a preponderance of the evidence

1030 that the amendment is not in compliance with the requirements of
 1031 this section.

1032 (c)1. If the administrative law judge recommends that the
 1033 amendment be found to be not in compliance, the administrative
 1034 law judge shall submit the recommended order to the
 1035 Administration Commission for final agency action. If the
 1036 administrative law judge recommends that the amendment be found
 1037 to be in compliance, the administrative law judge shall submit
 1038 the recommended order to the state land planning agency.

1039 2. If the state land planning agency determines that the
 1040 plan amendment is not in compliance, the agency shall submit,
 1041 within 30 days after receiving a recommended order, the
 1042 recommended order to the Administration Commission for final
 1043 agency action. If the state land planning agency determines that
 1044 the plan amendment is in compliance, the agency shall enter a
 1045 final order within 30 days following its receipt of the
 1046 recommended order.

1047 (d) An amendment shall not become effective until 31 days
 1048 after adoption. If challenged within 30 days after adoption, an
 1049 amendment shall not become effective until the state land
 1050 planning agency or the Administration Commission, respectively,
 1051 issues a final order determining the adopted amendment is in
 1052 compliance.

1053 (11) APPLICABILITY.--

1054 (a) This section does not supersede the provisions of s.
 1055 163.3187(6).

1056 (b) Local governments and specific areas that have been
 1057 designated for alternate review process pursuant to ss. 163.3246
 1058 and 163.3184(17) and (18) are not subject to this section.

1059 (12) ASSISTANCE.--A local government may seek technical
 1060 assistance from the state land planning agency on planning
 1061 issues relating to its comprehensive plan regardless of its
 1062 status in this program.

1063 (13) REPORTS.--The Legislative Committee on
 1064 Intergovernmental Relations shall evaluate the pilot program
 1065 provided in this section and prepare and submit a report to the
 1066 Governor, the President of the Senate, and the Speaker of the
 1067 House of Representatives by November 30, 2010. In evaluating the
 1068 pilot program, the committee shall solicit comments from local
 1069 governments, citizens, and reviewing agencies. The report shall
 1070 include a discussion of local, regional, and state issues of
 1071 significance that have occurred within the designated local
 1072 governments and how the designation has affected these issues.
 1073 The report shall include, if applicable, extrajurisdictional
 1074 conflicts and resolutions, development patterns and their
 1075 effects on infrastructure capacity, and environmental and
 1076 resource issues as such issues pertain to the pilot program. The
 1077 report shall identify benefits and concerns relating to the
 1078 exemptions from state review, as appropriate.

1079 Section 9. Paragraph (c) of subsection (19) of section
 1080 380.06, Florida Statutes, is amended to read:

1081 380.06 Developments of regional impact.--

1082 (19) SUBSTANTIAL DEVIATIONS.--

1083 (c) An extension of the date of buildout of a development,
1084 or any phase thereof, by more than 7 years shall be presumed to
1085 create a substantial deviation subject to further development-
1086 of-regional-impact review. An extension of the date of buildout,
1087 or any phase thereof, of more than 5 years but not more than 7
1088 years shall be presumed not to create a substantial deviation.
1089 The extension of the date of buildout of an areawide development
1090 of regional impact by more than 5 years but less than 10 years
1091 is presumed not to create a substantial deviation. These
1092 presumptions may be rebutted by clear and convincing evidence at
1093 the public hearing held by the local government. An extension of
1094 5 years or less is not a substantial deviation. For the purpose
1095 of calculating when a buildout or phase date has been exceeded,
1096 the time shall be tolled during the pendency of administrative
1097 or judicial proceedings relating to development permits. Any
1098 extension of the buildout date of a project or a phase thereof
1099 shall automatically extend the commencement date of the project,
1100 the termination date of the development order, the expiration
1101 date of the development of regional impact, and the phases
1102 thereof if applicable by a like period of time. All development-
1103 of-regional-impact phase and buildout dates for projects under
1104 construction as of July 1, 2007, are extended for a total of 3
1105 years, regardless of any prior extensions. Such 3-year extension
1106 is not a substantial deviation, shall not be subject to further
1107 development-or-regional impact review, and shall not be
1108 considered when determining whether any subsequent extension is
1109 a substantial deviation pursuant to this paragraph.

1110 Section 10. This act shall take effect July 1, 2007.