1 A bill to be entitled
2 An act relating to comprehensive planning; amending s.
3 163.3164, F.S.; redefining the terms "urban redevelopment"
4 and "financial feasibility" for purposes of the Local
5 Government Comprehensive Planning and Land Development
6 Regulation Act; amending s. 163.3177, F.S.; providing for
7 application of requirements for financial feasibility with
8 respect to the elements of a comprehensive plan; delaying
9 the deadline for amendments conforming public facilities
10 with the capital improvements element; specifying
11 circumstances under which transportation and school
12 facilities shall be deemed to be financially feasible and
13 to have achieved level-of-service standards; amending s.
14 163.3180, F.S.; providing an exception from concurrency
15 requirements for certain airport facilities; providing an
16 additional exemption from concurrency requirements for an
17 urban service area under specified circumstances;
18 requiring that a local government consult with the state
19 land planning agency regarding the designation of a
20 concurrency exception area; revising provisions providing
21 an exception from transportation concurrency requirements
22 for a multiuse development of regional impact; providing
23 for the application of provisions that authorize payment
24 of a proportionate-share contribution to Florida Quality
25 Developments and certain plans implementing optional
26 sector plans; revising the availability standard for
27 achieving school concurrency; authorizing a development to
28 proceed under certain circumstances; providing

29 requirements for proportionate-share mitigation and
30 proportionate fair-share mitigation with respect to
31 transportation improvements; amending s. 163.3191, F.S.;
32 exempting from a prohibition on plan amendments certain
33 amendments to local comprehensive plans concerning the
34 integration of port master plans; amending s. 163.3229,
35 F.S.; extending the duration of a development agreement
36 from 10 years to 20 years; amending s. 380.06, F.S.;
37 extending the buildout and expiration dates for certain
38 projects that are developments of regional impact;
39 amending s. 704.06, F.S.; providing that all provisions of
40 a conservation easement shall survive and remain
41 enforceable after the issuance of a tax deed; authorizing
42 two or more counties, or a combination of at least one
43 county and municipality, to establish a tax increment area
44 for conservation lands by interlocal agreement; providing
45 requirements for such an interlocal agreement; requiring
46 that a tax increment be determined annually; limiting the
47 amount of the tax increment; requiring the establishment
48 of a separate reserve account for each tax increment area;
49 providing for a refund; requiring an annual audit of the
50 separate reserve account; providing for the administration
51 of the separate reserve account; providing that the
52 governmental body that administers the separate reserve
53 account may spend revenues from the tax increment to
54 purchase real property only if all parties to the
55 interlocal agreement adopt a resolution that approves the
56 purchase price; providing that a water management district

57 may be a party to the interlocal agreement; requiring
58 certain approvals from the Department of Environmental
59 Protection and the Department of Community Affairs;
60 providing a comparative standard on which the minimum
61 annual funding of the separate reserve account must be
62 based; requiring a taxing authority that does not pay tax
63 increment revenues to the separate reserve account before
64 a specified date to pay a specified amount of interest on
65 the amount of unpaid increment revenues; providing
66 exemptions for certain public bodies, taxing authorities,
67 school districts and special districts; providing that
68 revenue bonds may be paid only from revenues deposited
69 into the separate reserve account; providing that such
70 revenue bonds are not a debt, liability, or obligation of
71 the state or any public body; providing legislative
72 findings; creating s. 163.3182, F.S.; providing for the
73 creation of transportation concurrency backlog
74 authorities; providing powers and responsibilities of such
75 authorities; providing for transportation concurrency
76 backlog plans; providing for the issuance of revenue bonds
77 for certain purposes; providing for the establishment of a
78 local trust fund within each county or municipality having
79 an identified transportation concurrency backlog;
80 providing exemptions from transportation concurrency
81 requirements; providing for the satisfaction of
82 concurrency requirements; providing for dissolution of
83 transportation concurrency backlog authorities;
84 designating the Community Workforce Housing Innovation

85 Pilot Program as the "Representative Mike Davis Community
86 Workforce Housing Innovation Pilot Program"; providing
87 rulemaking authority to the Department of Community
88 Affairs; creating s. 163.32465, F.S.; providing for a
89 pilot program to provide a plan review process for certain
90 densely developed areas; providing legislative findings;
91 providing for exempting certain local governments from
92 compliance review by the state land planning agency;
93 authorizing certain municipalities to not participate in
94 the program; providing procedures and requirements for
95 adopting comprehensive plan amendments in such areas;
96 requiring public hearings; providing hearing requirements;
97 providing requirements for local government transmittal of
98 proposed plan amendments; providing for intergovernmental
99 review; providing for regional, county, and municipal
100 review; providing requirements for local government review
101 of certain comments; providing requirements for adoption
102 and transmittal of plan amendments; providing procedures
103 and requirements for challenges to compliance of adopted
104 plan amendments; providing for administrative hearings;
105 providing for applicability of program provisions;
106 requiring the Office of Program Policy Analysis and
107 Governmental Accountability to evaluate the pilot program
108 and prepare and submit a report to the Governor and
109 Legislature; providing report requirements; establishing
110 four full-time equivalent planning positions; providing an
111 appropriation; providing an effective date.
112

113 Be It Enacted by the Legislature of the State of Florida:
114
115 Section 1. Subsections (26) and (32) of section 163.3164,
116 Florida Statutes, are amended to read:
117 163.3164 Local Government Comprehensive Planning and Land
118 Development Regulation Act; definitions.--As used in this act:
119 (26) "Urban redevelopment" means demolition and
120 reconstruction or substantial renovation of existing buildings
121 or infrastructure within urban infill areas, ~~or~~ existing urban
122 service areas, or community redevelopment areas created pursuant
123 to part III.
124 (32) "Financial feasibility" means that sufficient
125 revenues are currently available or will be available from
126 committed funding sources for the first 3 years, or will be
127 available from committed or planned funding sources for years 4
128 and 5, of a 5-year capital improvement schedule for financing
129 capital improvements, such as ad valorem taxes, bonds, state and
130 federal funds, tax revenues, impact fees, and developer
131 contributions, which are adequate to fund the projected costs of
132 the capital improvements identified in the comprehensive plan
133 necessary to ensure that adopted level-of-service standards are
134 achieved and maintained within the period covered by the 5-year
135 schedule of capital improvements. A comprehensive plan shall be
136 deemed financially feasible for transportation and school
137 facilities throughout the planning period addressed by the
138 capital improvements schedule if it can be demonstrated that the
139 level-of-service standards will be achieved and maintained by
140 the end of the planning period even if in a particular year such

141 improvements are not concurrent as required by s. 163.3180. ~~The~~
142 ~~requirement that level-of-service standards be achieved and~~
143 ~~maintained shall not apply if the proportionate-share process~~
144 ~~set forth in s. 163.3180(12) and (16) is used.~~
145 Section 2. Subsections (2) and (3) of section 163.3177, Florida Statutes, are amended to read:
147 163.3177 Required and optional elements of comprehensive plan; studies and surveys.--
149 (2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies and applies to the 5-year planning period, except in the case of a long-term transportation or school concurrency management system, in which case a 10-year or 15-year period applies.
158 (3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use ~~utilization~~ of such facilities and set forth:
162 1. A component that ~~which~~ outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that ~~which~~ outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.
168 2. Estimated public facility costs, including a

169 delineation of when facilities will be needed, the general
170 location of the facilities, and projected revenue sources to
171 fund the facilities.
172 3. Standards to ensure the availability of public
173 facilities and the adequacy of those facilities including
174 acceptable levels of service.
175 4. Standards for the management of debt.
176 5. A schedule of capital improvements which includes
177 publicly funded projects, and which may include privately funded
178 projects for which the local government has no fiscal
179 responsibility, necessary to ensure that adopted level-of-
180 service standards are achieved and maintained. For capital
181 improvements that will be funded by the developer, financial
182 feasibility shall be demonstrated by being guaranteed in an
183 enforceable development agreement or interlocal agreement
184 pursuant to paragraph (10)(h), or other enforceable agreement.
185 These development agreements and interlocal agreements shall be
186 reflected in the schedule of capital improvements if the capital
187 improvement is necessary to serve development within the 5-year
188 schedule. If the local government uses planned revenue sources
189 that require referenda or other actions to secure the revenue
190 source, the plan must, in the event the referenda are not passed
191 or actions do not secure the planned revenue source, identify
192 other existing revenue sources that will be used to fund the
193 capital projects or otherwise amend the plan to ensure financial
194 feasibility.
195 6. The schedule must include transportation improvements
196 included in the applicable metropolitan planning organization's

197 transportation improvement program adopted pursuant to s.
198 339.175(7) to the extent that such improvements are relied upon
199 to ensure concurrency and financial feasibility. The schedule
200 must also be coordinated with the applicable metropolitan
201 planning organization's long-range transportation plan adopted
202 pursuant to s. 339.175(6).
203 (b)1. The capital improvements element must ~~shall~~ be
204 reviewed on an annual basis and modified as necessary in
205 accordance with s. 163.3187 or s. 163.3189 in order to maintain
206 a financially feasible 5-year schedule of capital improvements.
207 Corrections and modifications concerning costs; revenue sources;
208 or acceptance of facilities pursuant to dedications which are
209 consistent with the plan may be accomplished by ordinance and
210 shall not be deemed to be amendments to the local comprehensive
211 plan. A copy of the ordinance shall be transmitted to the state
212 land planning agency. An amendment to the comprehensive plan is
213 required to update the schedule on an annual basis or to
214 eliminate, defer, or delay the construction for any facility
215 listed in the 5-year schedule. All public facilities must ~~shall~~
216 be consistent with the capital improvements element. Amendments
217 to implement this section must be adopted and transmitted no
218 later than December 1, 2008 ~~2007~~. Thereafter, a local government
219 may not amend its future land use map, except for plan
220 amendments to meet new requirements under this part and
221 emergency amendments pursuant to s. 163.3187(1)(a), after
222 December 1, 2008 ~~2007~~, and every year thereafter, unless and
223 until the local government has adopted the annual update and it
224 has been transmitted to the state land planning agency.

225 2. Capital improvements element amendments adopted after
226 the effective date of this act shall require only a single
227 public hearing before the governing board which shall be an
228 adoption hearing as described in s. 163.3184(7). Such amendments
229 are not subject to the requirements of s. 163.3184(3)-(6).
230 (c) If the local government does not adopt the required
231 annual update to the schedule of capital improvements ~~or the~~
232 ~~annual update is found not in compliance~~, the state land
233 planning agency must notify the Administration Commission. A
234 local government that has a demonstrated lack of commitment to
235 meeting its obligations identified in the capital improvements
236 element may be subject to sanctions by the Administration
237 Commission pursuant to s. 163.3184(11).
238 (d) If a local government adopts a long-term concurrency
239 management system pursuant to s. 163.3180(9), it must also adopt
240 a long-term capital improvements schedule covering up to a 10-
241 year or 15-year period, and must update the long-term schedule
242 annually. The long-term schedule of capital improvements must be
243 financially feasible.
244 (e) At the discretion of the local government and
245 notwithstanding the requirements of this subsection, a
246 comprehensive plan, as revised by an amendment to the plan's
247 future land use map, shall be deemed to be financially feasible
248 and to have achieved and maintained level-of-service standards
249 as required by this section with respect to transportation
250 facilities if the amendment to the future land use map is
251 supported by a:
252 1. Condition in a development order for a development of

253 regional impact or binding agreement that addresses
254 proportionate-share mitigation consistent with s. 163.3180(12);
255 or
256 2. Binding agreement addressing proportionate fair-share
257 mitigation consistent with s. 163.3180(16)(f) and the property
258 subject to the amendment to the future land use map is located
259 within an area designated in a comprehensive plan for urban
260 infill, urban redevelopment, downtown revitalization, urban
261 infill and redevelopment, or an urban service area. The binding
262 agreement must be based on the maximum amount of development
263 identified by the future land use map amendment or as may be
264 otherwise restricted through a special area plan policy or map
265 notation in the comprehensive plan.
266 Section 3. Paragraph (b) of subsection (4), subsections
267 (5), (12), paragraph (e) of subsection (13), and subsection (16)
268 of section 163.3180, Florida Statutes, are amended to read:
269 163.3180 Concurrency.--
270 (4)
271 (b) The concurrency requirement as implemented in local
272 comprehensive plans does not apply to public transit facilities.
273 For the purposes of this paragraph, public transit facilities
274 include transit stations and terminals;, transit station
275 parking;, park-and-ride lots;, intermodal public transit
276 connection or transfer facilities;, and fixed bus, guideway, and
277 rail stations; and airport passenger terminals and concourses,
278 air cargo facilities, and hangars for the maintenance or storage
279 of aircraft. As used in this paragraph, the terms "terminals"
280 and "transit facilities" do not include airports or seaports or

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

281 commercial or residential development constructed in conjunction
282 with a public transit facility.
283 (5)(a) The Legislature finds that under limited
284 circumstances dealing with transportation facilities,
285 countervailing planning and public policy goals may come into
286 conflict with the requirement that adequate public facilities
287 and services be available concurrent with the impacts of such
288 development. The Legislature further finds that often the
289 unintended result of the concurrency requirement for
290 transportation facilities is the discouragement of urban infill
291 development and redevelopment. Such unintended results directly
292 conflict with the goals and policies of the state comprehensive
293 plan and the intent of this part. Therefore, exceptions from the
294 concurrency requirement for transportation facilities may be
295 granted as provided by this subsection.
296 (b) A local government may grant an exception from the
297 concurrency requirement for transportation facilities if the
298 proposed development is otherwise consistent with the adopted
299 local government comprehensive plan and is a project that
300 promotes public transportation or is located within an area
301 designated in the comprehensive plan for:
302 1. Urban infill development;,
303 2. Urban redevelopment;,
304 3. Downtown revitalization;, or
305 4. Urban infill and redevelopment under s. 163.2517; or.
306 5. An urban service area specifically designated as a
307 transportation-concurrency-exception area which includes lands
308 appropriate for compact, contiguous urban development, which

309 does not exceed the amount of land needed to accommodate the
310 projected population growth at densities consistent with the
311 adopted comprehensive plan within the 10-year planning period,
312 and which is served or is planned to be served with public
313 facilities and services as provided by the capital improvements
314 element.
315 (c) The Legislature also finds that developments located
316 within urban infill, urban redevelopment, existing urban
317 service, or downtown revitalization areas or areas designated as
318 urban infill and redevelopment areas under s. 163.2517 which
319 pose only special part-time demands on the transportation system
320 should be excepted from the concurrency requirement for
321 transportation facilities. A special part-time demand is one
322 that does not have more than 200 scheduled events during any
323 calendar year and does not affect the 100 highest traffic volume
324 hours.
325 (d) A local government shall establish guidelines in the
326 comprehensive plan for granting the exceptions authorized in
327 paragraphs (b) and (c) and subsections (7) and (15) which must
328 be consistent with and support a comprehensive strategy adopted
329 in the plan to promote the purpose of the exceptions.
330 (e) The local government shall adopt into the plan and
331 implement long-term strategies to support and fund mobility
332 within the designated exception area, including alternative
333 modes of transportation. The plan amendment must ~~shall~~ also
334 demonstrate how strategies will support the purpose of the
335 exception and how mobility within the designated exception area
336 will be provided. In addition, the strategies must address

337 urban design; appropriate land use mixes, including intensity
338 and density; and network connectivity plans needed to promote
339 urban infill, redevelopment, or downtown revitalization. The
340 comprehensive plan amendment designating the concurrency
341 exception area must ~~shall~~ be accompanied by data and analysis
342 justifying the size of the area.
343 (f) Prior to the designation of a concurrency exception
344 area, the state land planning agency and the Department of
345 Transportation shall be consulted by the local government to
346 assess the impact that the proposed exception area is expected
347 to have on the adopted level-of-service standards established
348 for Strategic Intermodal System facilities, as defined in s.
349 339.64, and roadway facilities funded in accordance with s.
350 339.2819. Further, the local government shall, in consultation
351 ~~cooperation~~ with the state land planning agency and the
352 Department of Transportation, develop a plan to mitigate any
353 impacts to the Strategic Intermodal System, including, if
354 appropriate, the development of a long-term concurrency
355 management system pursuant to subsection (9) and s.
356 163.3177(3)(d). The exceptions may be available only within the
357 specific geographic area of the jurisdiction designated in the
358 plan. Pursuant to s. 163.3184, any affected person may challenge
359 a plan amendment establishing these guidelines and the areas
360 within which an exception could be granted.
361 (g) Transportation concurrency exception areas existing
362 prior to July 1, 2005, must ~~shall meet~~, at a minimum, meet the
363 provisions of this section by July 1, 2006, or at the time of
364 the comprehensive plan update pursuant to the evaluation and

365 appraisal report, whichever occurs last.
366 (12) ~~When authorized by a local comprehensive plan,~~ A
367 ~~multiuse~~ development of regional impact may satisfy the
368 transportation concurrency requirements of the local
369 comprehensive plan, the local government's concurrency
370 management system, and s. 380.06 by payment of a proportionate-
371 share contribution for local and regionally significant traffic
372 impacts, if:
373 ~~(a) The development of regional impact meets or exceeds~~
374 ~~the guidelines and standards of s. 380.0651(3)(h) and rule 28-~~
375 ~~24.032(2), Florida Administrative Code, and includes a~~
376 ~~residential component that contains at least 100 residential~~
377 ~~dwelling units or 15 percent of the applicable residential~~
378 ~~guideline and standard, whichever is greater;~~
379 (a)~~(b)~~ The development of regional impact which, based on
380 its location or mix of land uses, ~~contains an integrated mix of~~
381 ~~land uses and~~ is designed to encourage pedestrian or other
382 nonautomotive modes of transportation;
383 (b)~~(c)~~ The proportionate-share contribution for local and
384 regionally significant traffic impacts is sufficient to pay for
385 one or more required mobility improvements that will benefit a
386 regionally significant transportation facility;
387 (c)~~(d)~~ The owner and developer of the development of
388 regional impact pays or assures payment of the proportionate-
389 share contribution; and
390 (d)~~(e)~~ If the regionally significant transportation
391 facility to be constructed or improved is under the maintenance
392 authority of a governmental entity, as defined by s. 334.03(12),

393 other than the local government with jurisdiction over the
394 development of regional impact, the developer is required to
395 enter into a binding and legally enforceable commitment to
396 transfer funds to the governmental entity having maintenance
397 authority or to otherwise assure construction or improvement of
398 the facility.
399
400 The proportionate-share contribution may be applied to any
401 transportation facility to satisfy the provisions of this
402 subsection and the local comprehensive plan, but, for the
403 purposes of this subsection, the amount of the proportionate-
404 share contribution shall be calculated based upon the cumulative
405 number of trips from the proposed development expected to reach
406 roadways during the peak hour from the complete buildout of a
407 stage or phase being approved, divided by the change in the peak
408 hour maximum service volume of roadways resulting from
409 construction of an improvement necessary to maintain the adopted
410 level of service, multiplied by the construction cost, at the
411 time of developer payment, of the improvement necessary to
412 maintain the adopted level of service. For purposes of this
413 subsection, "construction cost" includes all associated costs of
414 the improvement. Proportionate-share mitigation shall be limited
415 to ensure that a development of regional impact meeting the
416 requirements of this subsection mitigates its impact on the
417 transportation system but is not responsible for the additional
418 cost of reducing or eliminating backlogs. This subsection also
419 applies to Florida Quality Developments pursuant to s. 380.061
420 and to detailed specific area plans implementing optional sector

421 plans pursuant to s. 163.3245.
422 (13) School concurrency shall be established on a
423 districtwide basis and shall include all public schools in the
424 district and all portions of the district, whether located in a
425 municipality or an unincorporated area unless exempt from the
426 public school facilities element pursuant to s. 163.3177(12).
427 The application of school concurrency to development shall be
428 based upon the adopted comprehensive plan, as amended. All local
429 governments within a county, except as provided in paragraph
430 (f), shall adopt and transmit to the state land planning agency
431 the necessary plan amendments, along with the interlocal
432 agreement, for a compliance review pursuant to s. 163.3184(7)
433 and (8). The minimum requirements for school concurrency are the
434 following:
435 (e) Availability standard.--Consistent with the public
436 welfare, a local government may not deny an application for site
437 plan, final subdivision approval, or the functional equivalent
438 for a development or phase of a development authorizing
439 residential development for failure to achieve and maintain the
440 level-of-service standard for public school capacity in a local
441 school concurrency management system where adequate school
442 facilities will be in place or under actual construction within
443 3 years after the issuance of final subdivision or site plan
444 approval, or the functional equivalent. School concurrency is
445 shall be satisfied if the developer executes a legally binding
446 commitment to provide mitigation proportionate to the demand for
447 public school facilities to be created by actual development of
448 the property, including, but not limited to, the options

449 described in subparagraph 1. Options for proportionate-share
450 mitigation of impacts on public school facilities must ~~shall~~ be
451 established in the public school facilities element and the
452 interlocal agreement pursuant to s. 163.31777.
453 1. Appropriate mitigation options include the contribution
454 of land; the construction, expansion, or payment for land
455 acquisition or construction of a public school facility; or the
456 creation of mitigation banking based on the construction of a
457 public school facility in exchange for the right to sell
458 capacity credits. Such options must include execution by the
459 applicant and the local government of a ~~binding~~ development
460 agreement that constitutes a legally binding commitment to pay
461 proportionate-share mitigation for the additional residential
462 units approved by the local government in a development order
463 and actually developed on the property, taking into account
464 residential density allowed on the property prior to the plan
465 amendment that increased the overall residential density. The
466 district school board must ~~shall~~ be a party to such an
467 agreement. As a condition of its entry into such a development
468 agreement, the local government may require the landowner to
469 agree to continuing renewal of the agreement upon its
470 expiration.
471 2. If the education facilities plan and the public
472 educational facilities element authorize a contribution of land;
473 the construction, expansion, or payment for land acquisition; or
474 the construction or expansion of a public school facility, or a
475 portion thereof, as proportionate-share mitigation, the local
476 government shall credit such a contribution, construction,

477 expansion, or payment toward any other impact fee or exaction
478 imposed by local ordinance for the same need, on a dollar-for-
479 dollar basis at fair market value.
480 3. Any proportionate-share mitigation must be directed by
481 the school board toward a school capacity improvement identified
482 in a financially feasible 5-year district work plan that ~~and~~
483 ~~which~~ satisfies the demands created by the ~~that~~ development in
484 accordance with a binding developer's agreement.
485 4. If a development is precluded from commencing because
486 there is inadequate classroom capacity to mitigate the impacts
487 of the development, the development may nevertheless commence if
488 there are accelerated facilities in an approved capital
489 improvement element scheduled for construction in year four or
490 later of such plan which, when built, will mitigate the proposed
491 development, or if such accelerated facilities will be in the
492 next annual update of the capital facilities element, the
493 developer enters into a binding, financially guaranteed
494 agreement with the school district to construct an accelerated
495 facility within the first 3 years of an approved capital
496 improvement plan, and the cost of the school facility is equal
497 to or greater than the development's proportionate share. When
498 the completed school facility is conveyed to the school
499 district, the developer shall receive impact fee credits usable
500 within the zone where the facility is constructed or any
501 attendance zone contiguous with or adjacent to the zone where
502 the facility is constructed.
503 5.~~4.~~ This paragraph does not limit the authority of a
504 local government to deny a development permit or its functional

505 equivalent pursuant to its home rule regulatory powers, except
506 as provided in this part.
507 (16) It is the intent of the Legislature to provide a
508 method by which the impacts of development on transportation
509 facilities can be mitigated by the cooperative efforts of the
510 public and private sectors. The methodology used to calculate
511 proportionate fair-share mitigation under this section shall be
512 as provided for in subsection (12).
513 (a) By December 1, 2006, each local government shall adopt
514 by ordinance a methodology for assessing proportionate fair-
515 share mitigation options. By December 1, 2005, the Department of
516 Transportation shall develop a model transportation concurrency
517 management ordinance with methodologies for assessing
518 proportionate fair-share mitigation options.
519 (b)1. In its transportation concurrency management system,
520 a local government shall, by December 1, 2006, include
521 methodologies that will be applied to calculate proportionate
522 fair-share mitigation. A developer may choose to satisfy all
523 transportation concurrency requirements by contributing or
524 paying proportionate fair-share mitigation if transportation
525 facilities or facility segments identified as mitigation for
526 traffic impacts are specifically identified for funding in the
527 5-year schedule of capital improvements in the capital
528 improvements element of the local plan or the long-term
529 concurrency management system or if such contributions or
530 payments to such facilities or segments are reflected in the 5-
531 year schedule of capital improvements in the next regularly
532 scheduled update of the capital improvements element. Updates to

533 the 5-year capital improvements element which reflect
534 proportionate fair-share contributions may not be found not in
535 compliance based on ss. 163.3164(32) and 163.3177(3) if
536 additional contributions, payments or funding sources are
537 reasonably anticipated during a period not to exceed 10 years to
538 fully mitigate impacts on the transportation facilities.
539 2. Proportionate fair-share mitigation shall be applied as
540 a credit against impact fees to the extent that all or a portion
541 of the proportionate fair-share mitigation is used to address
542 the same capital infrastructure improvements contemplated by the
543 local government's impact fee ordinance.
544 (c) Proportionate fair-share mitigation includes, without
545 limitation, separately or collectively, private funds,
546 contributions of land, and construction and contribution of
547 facilities and may include public funds as determined by the
548 local government. Proportionate fair-share mitigation may be
549 directed toward one or more specific transportation improvements
550 reasonably related to the mobility demands created by the
551 development and such improvements may address one or more modes
552 of travel. The fair market value of the proportionate fair-share
553 mitigation shall not differ based on the form of mitigation. A
554 local government may not require a development to pay more than
555 its proportionate fair-share contribution regardless of the
556 method of mitigation. Proportionate fair-share mitigation shall
557 be limited to ensure that a development meeting the requirements
558 of this section mitigates its impact on the transportation
559 system but is not responsible for the additional cost of
560 reducing or eliminating backlogs.

561 (d) ~~Nothing in~~ This subsection does not ~~shall~~ require a
562 local government to approve a development that is not otherwise
563 qualified for approval pursuant to the applicable local
564 comprehensive plan and land development regulations.
565 (e) Mitigation for development impacts to facilities on
566 the Strategic Intermodal System made pursuant to this subsection
567 requires the concurrence of the Department of Transportation.
568 (f) If ~~In the event~~ the funds in an adopted 5-year capital
569 improvements element are insufficient to fully fund construction
570 of a transportation improvement required by the local
571 government's concurrency management system, a local government
572 and a developer may still enter into a binding proportionate-
573 share agreement authorizing the developer to construct that
574 amount of development on which the proportionate share is
575 calculated if the proportionate-share amount in such agreement
576 is sufficient to pay for one or more improvements which will, in
577 the opinion of the governmental entity or entities maintaining
578 the transportation facilities, significantly benefit the
579 impacted transportation system. The ~~improvement or~~ improvements
580 funded by the proportionate-share component must be adopted into
581 the 5-year capital improvements schedule of the comprehensive
582 plan at the next annual capital improvements element update. The
583 funding of any improvements that significantly benefit the
584 impacted transportation system satisfies concurrency
585 requirements as a mitigation of the development's impact upon
586 the overall transportation system even if there remains a
587 failure of concurrency on other impacted facilities.
588 (g) Except as provided in subparagraph (b)1., ~~nothing in~~

589 this section may not ~~shall~~ prohibit the Department of Community
590 Affairs from finding other portions of the capital improvements
591 element amendments not in compliance as provided in this
592 chapter.
593 (h) The provisions of this subsection do not apply to a
594 ~~multiuse~~ development of regional impact satisfying the
595 requirements of subsection (12).
596 Section 4. Subsection (14) is added to section 163.3191,
597 Florida Statutes, to read:
598 163.3191 Evaluation and appraisal of comprehensive plan.--
599 (14) The requirement of subsection (10) prohibiting a
600 local government from adopting amendments to the local
601 comprehensive plan until the evaluation and appraisal report
602 update amendments have been adopted and transmitted to the state
603 land planning agency does not apply to a plan amendment proposed
604 for adoption by the appropriate local government as defined in
605 s. 163.3178(2)(k) in order to integrate a port comprehensive
606 master plan with the coastal management element of the local
607 comprehensive plan as required by s. 163.3178(2)(k) if the port
608 comprehensive master plan or the proposed plan amendment does
609 not cause or contribute to the failure of the local government
610 to comply with the requirements of the evaluation and appraisal
611 report.
612 Section 5. Section 163.3229, Florida Statutes, is amended
613 to read:
614 163.3229 Duration of a development agreement and
615 relationship to local comprehensive plan.--The duration of a
616 development agreement shall not exceed 20 ~~10~~ years. It may be

617 extended by mutual consent of the governing body and the
618 developer, subject to a public hearing in accordance with s.
619 163.3225. No development agreement shall be effective or be
620 implemented by a local government unless the local government's
621 comprehensive plan and plan amendments implementing or related
622 to the agreement are found in compliance by the state land
623 planning agency in accordance with s. 163.3184, s. 163.3187, or
624 s. 163.3189.
625 Section 6. Paragraph (c) of subsection (19) of section
626 380.06, Florida Statutes, is amended to read:
627 380.06 Developments of regional impact.--
628 (19) SUBSTANTIAL DEVIATIONS.--
629 (c) An extension of the date of buildout of a development,
630 or any phase thereof, by more than 7 years is ~~shall be~~ presumed
631 to create a substantial deviation subject to further
632 development-of-regional-impact review. An extension of the date
633 of buildout, or any phase thereof, of more than 5 years but not
634 more than 7 years is ~~shall be~~ presumed not to create a
635 substantial deviation. The extension of the date of buildout of
636 an areawide development of regional impact by more than 5 years
637 but less than 10 years is presumed not to create a substantial
638 deviation. These presumptions may be rebutted by clear and
639 convincing evidence at the public hearing held by the local
640 government. An extension of 5 years or less is not a substantial
641 deviation. For the purpose of calculating when a buildout or
642 phase date has been exceeded, the time shall be tolled during
643 the pendency of administrative or judicial proceedings relating
644 to development permits. Any extension of the buildout date of a

645 project or a phase thereof shall automatically extend the
646 commencement date of the project, the termination date of the
647 development order, the expiration date of the development of
648 regional impact, and the phases thereof if applicable by a like
649 period of time. In recognition of the 2007 real estate market
650 conditions, all phase, buildout, and expiration dates for
651 projects that are developments of regional impact and under
652 active construction on July 1, 2007, are extended for 3 years
653 regardless of any prior extension. The 3-year extension is not a
654 substantial deviation, is not subject to further development-of-
655 regional-impact review, and may not be considered when
656 determining whether a subsequent extension is a substantial
657 deviation under this subsection.
658 Section 7. Subsection (4) of section 704.06, Florida
659 Statutes, is amended to read:
660 704.06 Conservation easements; creation; acquisition;
661 enforcement.--
662 (4) Conservation easements shall run with the land and be
663 binding on all subsequent owners of the servient estate.
664 Notwithstanding the provisions of s. 197.552, all provisions of
665 a conservation easement shall survive and are enforceable after
666 the issuance of a tax deed. No conservation easement shall be
667 unenforceable on account of lack of privity of contract or lack
668 of benefit to particular land or on account of the benefit being
669 assignable. Conservation easements may be enforced by injunction
670 or proceeding in equity or at law, and shall entitle the holder
671 to enter the land in a reasonable manner and at reasonable times
672 to assure compliance. A conservation easement may be released

673 by the holder of the easement to the holder of the fee even
674 though the holder of the fee may not be a governmental body or a
675 charitable corporation or trust.
676 Section 8. Tax increment financing for conservation
677 lands.--
678 (1) Two or more counties, or a combination of at least one
679 county and one or more municipalities, may establish, through an
680 interlocal agreement, a tax increment area for conservation
681 lands. The interlocal agreement, at a minimum, must:
682 (a) Identify the geographic boundaries of the tax
683 increment area;
684 (b) Identify the real property to be acquired as
685 conservation land within the tax increment area;
686 (c) Establish the percentage of tax increment financing
687 for each jurisdiction in the tax increment area which is a party
688 to the interlocal agreement;
689 (d) Identify the governing body of the jurisdiction that
690 will administer a separate reserve account in which the tax
691 increment will be deposited;
692 (e) Require that any tax increment revenues not used to
693 purchase conservation lands by a date certain be refunded to the
694 parties to the interlocal agreement. Any refund shall be
695 proportionate to the parties' payment of tax increment revenues
696 into the separate reserve account;
697 (f) Provide for an annual audit of the separate reserve
698 account;
699 (g) Designate an entity to hold title to any conservation
700 lands purchased using the tax increment revenues;

701 (h) Provide for a continuing management plan for the
702 conservation lands; and
703 (i) Identify the entity that will manage these
704 conservation lands.
705 (2) The water management district in which conservation
706 lands proposed for purchase under this section are located may
707 also enter into the interlocal agreement if the district
708 provides any funds for the purchase of the conservation lands.
709 The water management districts may only use ad valorem tax
710 revenues for agreements described within this section.
711 (3) The governing body of the jurisdiction that will
712 administer the separate reserve account shall provide
713 documentation to the Department of Community Affairs identifying
714 the boundary of the tax increment area. The department shall
715 determine whether the boundary is appropriate in that property
716 owners within the boundary will receive a benefit from the
717 proposed purchase of identified conservation lands. The
718 department must issue a letter of approval stating that the
719 establishment of the tax increment area and the proposed
720 purchases would benefit property owners within the boundary and
721 serve a public purpose before any tax increment funds are
722 deposited into the separate reserve account. If the department
723 fails to provide the required letter within 90 days after
724 receiving sufficient documentation of the boundary, the
725 establishment of the area and the proposed purchases are deemed
726 to provide such benefit and serve a public purpose.
727 (4) Prior to the purchase of conservation lands under this
728 section, the Department of Environmental Protection must

729 determine whether the proposed purchase is sufficient to provide
730 additional recreational and ecotourism opportunities for
731 residents in the tax increment area. If the department fails to
732 provide a letter of approval within 90 days after receipt of the
733 request for such a letter, the purchase is deemed sufficient to
734 provide recreation and ecotourism opportunities.
735 (5) The tax increment authorized under this section shall
736 be determined annually and may not exceed 95 percent of the
737 difference in ad valorem taxes as provided in s. 163.387(1)(a),
738 Florida Statutes.
739 (6) A separate reserve account must be established for
740 each tax increment area for conservation lands which is created
741 under this section. The separate reserve account must be
742 administered pursuant to the terms of the interlocal agreement.
743 Tax increment funds allocated to this separate reserve account
744 shall be used to acquire the real property identified for
745 purchase in the interlocal agreement. Pursuant to the interlocal
746 agreement, the governing body of the local government that will
747 administer the separate reserve account may spend increment
748 revenues to purchase the real property only if all parties to
749 the interlocal agreement adopt a resolution approving the
750 purchase price.
751 (7) The annual funding of the separate reserve account may
752 not be less than the increment income of each taxing authority
753 which is held as provided in the interlocal agreement for the
754 purchase of conservation lands.
755 (8) Unless otherwise provided in the interlocal agreement,
756 a taxing authority that does not pay the tax increment revenues

757 to the separate reserve account by January 1 shall pay interest
758 on the amount of unpaid increment revenues equal to 1 percent
759 for each month that the increment revenue remains outstanding.
760 (9) The public bodies and taxing authorities listed in s.
761 163.387(2)(c), Florida Statutes, school districts and special
762 districts that levy ad valorem taxes within a tax increment area
763 are exempt from this section.
764 (10) Revenue bonds under this section are payable solely
765 out of revenues pledged to and received by the local government
766 administering the separate reserve account and deposited into
767 the separate reserve account. The revenue bonds issued under
768 this section do not constitute a debt, liability, or obligation
769 of a public body, the state, or any of the state's political
770 subdivisions.
771 Section 9. The Legislature finds that an inadequate supply
772 of conservation lands limits recreational opportunities and
773 negatively impacts the economy, health, and welfare of the
774 surrounding community. The Legislature also finds that acquiring
775 conservation lands for recreational opportunities and ecotourism
776 serves a valid public purpose.
777 Section 10. Section 163.3182, Florida Statutes, is created
778 to read:
779 163.3182 Transportation concurrency backlogs.--
780 (1) DEFINITIONS.--For purposes of this section, the term:
781 (a) "Transportation concurrency backlog area" means the
782 geographic area within the unincorporated portion of a county or
783 within the municipal boundary of a municipality designated in a
784 local government comprehensive plan for which a transportation

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785 concurrency backlog authority is created pursuant to this
786 section. A transportation concurrency backlog area created
787 within the corporate boundary of a municipality shall be made
788 pursuant to an interlocal agreement between a county, a
789 municipality or municipalities, and any affected taxing
790 authority or authorities.
791 (b) "Authority" or "transportation concurrency backlog
792 authority" means the governing body of a county or municipality
793 within which an authority is created.
794 (c) "Governing body" means the council, commission, or
795 other legislative body charged with governing the county or
796 municipality within which a transportation concurrency backlog
797 authority is created pursuant to this section.
798 (d) "Transportation concurrency backlog" means an
799 identified deficiency where the existing extent of traffic
800 volume exceeds the level of service standard adopted in a local
801 government comprehensive plan for a transportation facility.
802 (e) "Transportation concurrency backlog plan" means the
803 plan adopted as part of a local government comprehensive plan by
804 the governing body of a county or municipality acting as a
805 transportation concurrency backlog authority.
806 (f) "Transportation concurrency backlog project" means any
807 designated transportation project identified for construction
808 within the jurisdiction of a transportation concurrency backlog
809 authority.
810 (g) "Debt service millage" means any millage levied
811 pursuant to s. 12, Art. VII of the State Constitution.
812 (h) "Increment revenue" means the amount calculated

813 pursuant to subsection (5).

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

818 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
819 AUTHORITIES.--

820 (a) A county or municipality may create a transportation
821 concurrency backlog authority if it has an identified
822 transportation concurrency backlog.

823 (b) Acting as the transportation concurrency backlog
824 authority within the authority's jurisdictional boundary, the
825 governing body of a county or municipality shall adopt and
826 implement a plan to eliminate all identified transportation
827 concurrency backlogs within the authority's jurisdiction using
828 funds provided pursuant to subsection (5) and as otherwise
829 provided pursuant to this section.

830 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
831 AUTHORITY.--Each transportation concurrency backlog authority
832 has the powers necessary or convenient to carry out the purposes
833 of this section, including the following powers in addition to
834 others granted in this section:

835 (a) To make and execute contracts and other instruments
836 necessary or convenient to the exercise of its powers under this
837 section.

838 (b) To undertake and carry out transportation concurrency
839 backlog projects for transportation facilities that have a
840 concurrency backlog within the authority's jurisdiction.

841 Concurrency backlog projects may include transportation
842 facilities that provide for alternative modes of travel
843 including sidewalks, bikeways, and mass transit which are
844 related to a backlogged transportation facility.
845 (c) To invest any transportation concurrency backlog funds
846 held in reserve, sinking funds, or any such funds not required
847 for immediate disbursement in property or securities in which
848 savings banks may legally invest funds subject to the control of
849 the authority and to redeem such bonds as have been issued
850 pursuant to this section at the redemption price established
851 therein, or to purchase such bonds at less than redemption
852 price. All such bonds redeemed or purchased shall be canceled.
853 (d) To borrow money, apply for and accept advances, loans,
854 grants, contributions, and any other forms of financial
855 assistance from the Federal Government or the state, county, or
856 any other public body or from any sources, public or private,
857 for the purposes of this part, to give such security as may be
858 required, to enter into and carry out contracts or agreements,
859 and to include in any contracts for financial assistance with
860 the Federal Government for or with respect to a transportation
861 concurrency backlog project and related activities such
862 conditions imposed pursuant to federal laws as the
863 transportation concurrency backlog authority considers
864 reasonable and appropriate and which are not inconsistent with
865 the purposes of this section.
866 (e) To make or have made all surveys and plans necessary
867 to the carrying out of the purposes of this section, to contract
868 with any persons, public or private, in making and carrying out

869 such plans, and to adopt, approve, modify, or amend such
870 transportation concurrency backlog plans.
871 (f) To appropriate such funds and make such expenditures
872 as are necessary to carry out the purposes of this section, and
873 to enter into agreements with other public bodies, which
874 agreements may extend over any period notwithstanding any
875 provision or rule of law to the contrary.
876 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--
877 (a) Each transportation concurrency backlog authority
878 shall adopt a transportation concurrency backlog plan as a part
879 of the local government comprehensive plan within 6 months after
880 the creation of the authority. The plan shall:
881 1. Identify all transportation facilities that have been
882 designated as deficient and require the expenditure of moneys to
883 upgrade, modify, or mitigate the deficiency.
884 2. Include a priority listing of all transportation
885 facilities that have been designated as deficient and do not
886 satisfy concurrency requirements pursuant to s. 163.3180, and
887 the applicable local government comprehensive plan.
888 3. Establish a schedule for financing and construction of
889 transportation concurrency backlog projects that will eliminate
890 transportation concurrency backlogs within the jurisdiction of
891 the authority within 10 years after the transportation
892 concurrency backlog plan adoption. The schedule shall be adopted
893 as part of the local government comprehensive plan.
894 (b) The adoption of the transportation concurrency backlog
895 plan shall be exempt from the provisions of s. 163.3187(1).
896 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation

897 concurrency backlog authority shall establish a local
898 transportation concurrency backlog trust fund upon creation of
899 the authority. Each local trust fund shall be administered by
900 the transportation concurrency backlog authority within which a
901 transportation concurrency backlog has been identified.
902 Beginning in the first fiscal year after the creation of the
903 authority, each local trust fund shall be funded by the proceeds
904 of an ad valorem tax increment collected within each
905 transportation concurrency backlog area to be determined
906 annually and shall be 25 percent of the difference between:
907 (a) The amount of ad valorem tax levied each year by each
908 taxing authority, exclusive of any amount from any debt service
909 millage, on taxable real property contained within the
910 jurisdiction of the transportation concurrency backlog authority
911 and within the transportation backlog area; and
912 (b) The amount of ad valorem taxes which would have been
913 produced by the rate upon which the tax is levied each year by
914 or for each taxing authority, exclusive of any debt service
915 millage, upon the total of the assessed value of the taxable
916 real property within the transportation concurrency backlog area
917 as shown on the most recent assessment roll used in connection
918 with the taxation of such property of each taxing authority
919 prior to the effective date of the ordinance funding the trust
920 fund.
921 (6) EXEMPTIONS.--
922 (a) The following public bodies or taxing authorities are
923 exempt from the provision of this section:
924 1. A special district that levies ad valorem taxes on

925 taxable real property in more than one county.
926 2. Special district for which the sole available source of
927 revenue is the authority to levy ad valorem taxes at the time an
928 ordinance is adopted under this section. However, revenues or
929 aid that may be dispensed or appropriated to a district as
930 defined in s. 388.011 at the discretion of an entity other than
931 such district shall not be deemed available.
932 3. A library district.
933 4. A neighborhood improvement district created under the
934 Safe Neighborhoods Act.
935 5. A metropolitan transportation authority.
936 6. A water management district created under s. 373.069.
937 7. A community redevelopment agency.
938 (b) A transportation concurrency exemption authority may
939 also exempt from this section a special district that levies ad
940 valorem taxes within the transportation concurrency backlog area
941 pursuant to s. 163.387(2)(d).
942 Section 11. The Community Workforce Housing Innovation
943 Pilot Program created under s. 420.5095, Florida Statutes, shall
944 be known as the "Representative Mike Davis Community Workforce
945 Housing Innovation Pilot Program."
946 Section 12. For the purpose of implementing Specific
947 Appropriation 1661A of the 2007-2008 General Appropriations Act,
948 the Department of Community Affairs may use expedited rulemaking
949 authority in order to implement the distribution of the Local
950 Update Census Addresses (LUCA) technical assistance grants.
951 Section 13. Section 163.32465, Florida Statutes, is
952 created to read:

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953 163.32465 State review of local comprehensive plans in
954 urban areas.--
955 (1) LEGISLATIVE FINDINGS.--
956 (a) The Legislature finds that local governments in this
957 state have a wide diversity of resources, conditions, abilities,
958 and needs. The Legislature also finds that the needs and
959 resources of urban areas are different from those of rural areas
960 and that different planning and growth management approaches,
961 strategies, and techniques are required in urban areas. The
962 state role in overseeing growth management should reflect this
963 diversity and should vary based on local government conditions,
964 capabilities, needs, and extent of development. Thus, the
965 Legislature recognizes and finds that reduced state oversight of
966 local comprehensive planning is justified for some local
967 governments in urban areas.
968 (b) The Legislature finds and declares that this state's
969 urban areas require a reduced level of state oversight because
970 of their high degree of urbanization and the planning
971 capabilities and resources of many of their local governments.
972 An alternative state review process that is adequate to protect
973 issues of regional or statewide importance should be created for
974 appropriate local governments in these areas. Further, the
975 Legislature finds that development, including urban infill and
976 redevelopment, should be encouraged in these urban areas. The
977 Legislature finds that an alternative process for amending local
978 comprehensive plans in these areas should be established with an
979 objective of streamlining the process and recognizing local
980 responsibility and accountability.

981 (c) The Legislature finds a pilot program will be
982 beneficial in evaluating an alternative, expedited plan
983 amendment adoption and review process. Pilot local governments
984 shall represent highly developed counties and the municipalities
985 within these counties and highly populated municipalities.
986 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.--
987 Pinellas and Broward Counties, and the municipalities within
988 these counties, and Jacksonville, Miami, Tampa, and Hialeah,
989 shall follow an alternative state review process provided in
990 this section. Municipalities within the pilot counties may
991 elect, by super majority vote of the governing body, not to
992 participate in the pilot program.
993 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
994 UNDER THE PILOT PROGRAM.--
995 (a) Plan amendments adopted by the pilot program
996 jurisdictions shall follow the alternate, expedited process in
997 subsections (4) and (5), except as set forth in paragraphs (b)
998 through (e) of this subsection.
999 (b) Amendments that qualify as small-scale development
1000 amendments may continue to be adopted by the pilot program
1001 jurisdictions pursuant to ss. 163.3187(1)(c) and (3).
1002 (c) Plan amendments that propose a rural land stewardship
1003 area pursuant to s. 163.3177(11)(d); propose an optional sector
1004 plan; update a comprehensive plan based on an evaluation and
1005 appraisal report; implement new statutory requirements; or new
1006 plans for newly incorporated municipalities are subject to state
1007 review as set forth in s. 163.3184.
1008 (d) Pilot program jurisdictions shall be subject to the

1009 frequency and timing requirements for plan amendments set forth
1010 in ss. 163.3187 and 163.3191, except where otherwise stated in
1011 this section.
1012 (e) The mediation and expedited hearing provisions in s.
1013 163.3189(3) apply to all plan amendments adopted by the pilot
1014 program jurisdictions.
1015 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
1016 PILOT PROGRAM.--
1017 (a) The local government shall hold its first public
1018 hearing on a comprehensive plan amendment on a weekday at least
1019 seven days after the day the first advertisement is published
1020 pursuant to the requirements of chapters 125 or 166. Upon an
1021 affirmative vote of not less than a majority of the members of
1022 the governing body present at the hearing, the local government
1023 shall immediately transmit the amendment or amendments and
1024 appropriate supporting data and analyses to the state land
1025 planning agency; the appropriate regional planning council and
1026 water management district; the Department of Environmental
1027 Protection; the Department of State; the Department of
1028 Transportation; in the case of municipal plans, to the
1029 appropriate county; the Fish and Wildlife Conservation
1030 Commission; the Department of Agriculture and Consumer Services;
1031 and in the case of amendments that include or impact the public
1032 school facilities element, the Office of Educational Facilities
1033 of the Commissioner of Education. The local governing body shall
1034 also transmit a copy of the amendments and supporting data and
1035 analyses to any other local government or governmental agency
1036 that has filed a written request with the governing body.

1037 (b) The agencies and local governments specified in
1038 paragraph (a) may provide comments regarding the amendment or
1039 amendments to the local government. The regional planning
1040 council review and comment shall be limited to effects on
1041 regional resources or facilities identified in the strategic
1042 regional policy plan and extrajurisdictional impacts that would
1043 be inconsistent with the comprehensive plan of the affected
1044 local government. A regional planning council shall not review
1045 and comment on a proposed comprehensive plan amendment prepared
1046 by such council unless the plan amendment has been changed by
1047 the local government subsequent to the preparation of the plan
1048 amendment by the regional planning council. County comments on
1049 municipal comprehensive plan amendments shall be primarily in
1050 the context of the relationship and effect of the proposed plan
1051 amendments on the county plan. Municipal comments on county plan
1052 amendments shall be primarily in the context of the relationship
1053 and effect of the amendments on the municipal plan. State agency
1054 comments may include technical guidance on issues of agency
1055 jurisdiction as it relates to the requirements of this part.
1056 Such comments shall clearly identify issues that, if not
1057 resolved, may result in an agency challenge to the plan
1058 amendment. For the purposes of this pilot program, agencies are
1059 encouraged to focus potential challenges on issues of regional
1060 or statewide importance. Agencies and local governments must
1061 transmit their comments to the affected local government such
1062 that they are received by the local government not later than
1063 thirty days from the date on which the agency or government
1064 received the amendment or amendments.

1065 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT
1066 AREAS.--
1067 (a) The local government shall hold its second public
1068 hearing, which shall be a hearing on whether to adopt one or
1069 more comprehensive plan amendments, on a weekday at least five
1070 days after the day the second advertisement is published
1071 pursuant to the requirements of chapters 125 or 166. Adoption of
1072 comprehensive plan amendments must be by ordinance and requires
1073 an affirmative vote of a majority of the members of the
1074 governing body present at the second hearing.
1075 (b) All comprehensive plan amendments adopted by the
1076 governing body along with the supporting data and analysis shall
1077 be transmitted within ten days of the second public hearing to
1078 the state land planning agency and any other agency or local
1079 government that provided timely comments under subsection 4(b).
1080 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
1081 PROGRAM.--
1082 (a) Any "affected person" as defined in s. 163.3184(1)(a)
1083 may file a petition with the Division of Administrative Hearings
1084 pursuant to ss. 120.569 and 120.57, with a copy served on the
1085 affected local government, to request a formal hearing to
1086 challenge whether the amendments are "in compliance" as defined
1087 in s. 163.3184(1)(b). This petition must be filed with the
1088 Division within 30 days after the local government adopts the
1089 amendment. The state land planning may intervene in a proceeding
1090 instituted by an affected person.
1091 (b) The state land planning agency may file a petition
1092 with the Division of Administrative Hearings pursuant to ss.

1093 120.569 and 120.57, with a copy served on the affected local
1094 government, to request a formal hearing. This petition must be
1095 filed with the Division within 30 days after the state land
1096 planning agency notifies the local government that the plan
1097 amendment package is complete. For purposes of this section, an
1098 amendment shall be deemed complete if it contains a full,
1099 executed copy of the adoption ordinance or ordinances; in the
1100 case of a text amendment, a full copy of the amended language in
1101 legislative format with new words inserted in the text
1102 underlined, and words to be deleted lined through with hyphens;
1103 in the case of a future land use map amendment, a copy of the
1104 future land use map clearly depicting the parcel, its existing
1105 future land use designation, and its adopted designation; and a
1106 copy of any data and analyses the local government deems
1107 appropriate. The state land planning agency shall notify the
1108 local government of any deficiencies within five working days of
1109 receipt of amendment package.
1110 (c) The state land planning agency's challenge shall be
1111 limited to those issues raised in the comments provided by the
1112 reviewing agencies pursuant to subsection (4)(b). The state land
1113 planning agency may challenge a plan amendment that has
1114 substantially changed from the version on which the agencies
1115 provided comments. For the purposes of this pilot program, the
1116 Legislature strongly encourages the state land planning agency
1117 to focus any challenge on issues of regional or statewide
1118 importance.
1119 (d) An administrative law judge shall hold a hearing in
1120 the affected local jurisdiction. The local government's

1121 determination that the amendment is "in compliance" is presumed
1122 to be correct and shall be sustained unless it is shown by a
1123 preponderance of the evidence that the amendment is not "in
1124 compliance."
1125 (e) If the administrative law judge recommends that the
1126 amendment be found not in compliance, the judge shall submit the
1127 recommended order to the Administration Commission for final
1128 agency action. The Administration Commission shall enter a final
1129 order within 45 days after its receipt of the recommended order.
1130 (f) If the administrative law judge recommends that the
1131 amendment be found in compliance, the judge shall submit the
1132 recommended order to the state land planning agency.
1133 1. If the state land planning agency determines that the
1134 plan amendment should be found not in compliance, the agency
1135 shall refer, within 30 days of receipt of the recommended order,
1136 the recommended order and its determination to the
1137 Administration Commission for final agency action. If the
1138 commission determines that the amendment is not in compliance,
1139 it may sanction the local government as set forth in s.
1140 163.3184(11).
1141 2. If the state land planning agency determines that the
1142 plan amendment should be found in compliance, the agency shall
1143 enter its final order not later than 30 days from receipt of the
1144 recommended order.
1145 (g) An amendment adopted under the expedited provisions of
1146 this section shall not become effective until 31 days after
1147 adoption. If timely challenged, an amendment shall not become
1148 effective until the state land planning agency or the

1149 Administration Commission enters a final order determining the
1150 adopted amendment to be in compliance.
1151 (h) Parties to a proceeding under this section may enter
1152 into compliance agreements using the process in s. 163.3184(16).
1153 Any remedial amendment adopted pursuant to a settlement
1154 agreement shall be provided to the agencies and governments
1155 listed in paragraph (4)(a).
1156 (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
1157 GOVERNMENTS.--Local governments and specific areas that have
1158 been designated for alternate review process pursuant to ss.
1159 163.3246 and 163.3184(17) and (18) are not subject to this
1160 section.
1161 (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--Agencies
1162 shall not promulgate rules to implement this pilot program.
1163 (9) REPORT.--The Office of Program Policy Analysis and
1164 Government Accountability shall submit to the Governor, the
1165 President of the Senate, and the Speaker of the House of
1166 Representatives by December 1, 2008, a report and
1167 recommendations for implementing a statewide program that
1168 addresses the legislative findings in subsection (1) in areas
1169 that meet urban criteria. The Office of Program Policy Analysis
1170 and Government Accountability in consultation with the state
1171 land planning agency shall develop the report and
1172 recommendations with input from other state and regional
1173 agencies, local governments and interest groups. Additionally,
1174 the office shall review local and state actions and
1175 correspondence relating to the pilot program to identify issues
1176 of process and substance in recommending changes to the pilot

1177 program. At a minimum, the report and recommendations shall
1178 include the following:
1179 (a) Identification of local governments beyond those
1180 participating in the pilot program that should be subject to the
1181 alternative expedited state review process. The report may
1182 recommend that pilot program local governments may no longer be
1183 appropriate for such alternative review process.
1184 (b) Changes to the alternative expedited state review
1185 process for local comprehensive plan amendments identified in
1186 the pilot program.
1187 (c) Criteria for determining issues of regional or
1188 statewide importance that are to be protected in the alternative
1189 state review process.
1190 (d) In preparing the report and recommendations, the
1191 Office of Program Policy Analysis and Government Accountability
1192 shall consult with the state land planning agency, the
1193 Department of Transportation, the Department of Environmental
1194 Protection, and the regional planning agencies in identifying
1195 highly developed local governments to participate in the
1196 alternative expedited state review process. The Office of
1197 Program Policy Analysis and Governmental Accountability shall
1198 also solicit citizen input in the potentially affected areas and
1199 consult with the affected local governments, and stakeholder
1200 groups.
1201 Section 14. There is established four full-time equivalent
1202 planning positions and appropriated rate in the amount of
1203 $220,000 and salary budget authority in the amount of $326,620
1204 from the Grants and Donations Trust Fund in the Division of

1205 Community Planning for the purposes of providing technical
1206 assistance and advice to state and local governments in their
1207 ability to respond to growth-related issues, and to ensure
1208 compliance with chapter 163 comprehensive planning issues.
1209 Section 15. This act shall take effect July 1, 2007.