



164922

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
3/19/2008	.	
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	.	

1 The Committee on Environmental Preservation and Conservation
 2 (Dockery) recommended the following **amendment to amendment**
 3 **(223658)** :

Senate Amendment (with title amendment)

6 Between line(s) 127-128,
7 insert:

8 Section 2. Subsection (2) of section 163.04, Florida
9 Statutes, is amended to read:

10 163.04 Energy devices based on renewable resources.--

11 (2) A deed restriction, covenant, declaration, or similar
 12 binding agreement may not ~~No deed restrictions, covenants, or~~
 13 ~~similar binding agreements running with the land shall prohibit~~
 14 or have the effect of prohibiting solar collectors, clotheslines,
 15 or other energy devices based on renewable resources from being
 16 installed on buildings erected on the lots or parcels covered by
 17 the deed restriction, covenant, declaration, or binding agreement

Bill No. SB 1544



164922

18 ~~restrictions, covenants, or binding agreements.~~ A property owner
19 may not be denied permission to install solar collectors or other
20 energy devices ~~based on renewable resources~~ by any entity granted
21 the power or right in any deed restriction, covenant,
22 declaration, or similar binding agreement to approve, forbid,
23 control, or direct alteration of property with respect to
24 residential dwellings including condominiums. ~~not exceeding three~~
25 ~~stories in height. For purposes of this subsection,~~ Such entity
26 may determine the specific location where solar collectors may be
27 installed on the roof within an orientation to the south or
28 within 45° east or west of due south if provided ~~that~~ such
29 determination does not impair the effective operation of the
30 solar collectors.

31 Section 3. Paragraphs (a), (b), and (j) of subsection (6)
32 of section 163.3177, Florida Statutes, are amended to read:

33 163.3177 Required and optional elements of comprehensive
34 plan; studies and surveys.--

35 (6) In addition to the requirements of subsections (1)-(5)
36 and (12), the comprehensive plan shall include the following
37 elements:

38 (a) A future land use plan element designating proposed
39 future general distribution, location, and extent of the uses of
40 land for residential uses, commercial uses, industry,
41 agriculture, recreation, conservation, education, public
42 buildings and grounds, other public facilities, and other
43 categories of the public and private uses of land. Counties are
44 encouraged to designate rural land stewardship areas, pursuant to
45 ~~the provisions of~~ paragraph (11) (d), as overlays on the future
46 land use map. Each future land use category must be defined in
47 terms of uses included, and must include standards for ~~to be~~

Bill No. SB 1544



164922

48 | ~~followed in~~ the control and distribution of population densities
49 | and building and structure intensities. The proposed
50 | distribution, location, and extent of the various categories of
51 | land use shall be shown on a land use map or map series which
52 | shall be supplemented by goals, policies, and measurable
53 | objectives. The future land use plan shall be based upon surveys,
54 | studies, and data regarding the area, including the amount of
55 | land required to accommodate anticipated growth; the projected
56 | population of the area; the character of undeveloped land; the
57 | availability of water supplies, public facilities, and services;
58 | the need for redevelopment, including the renewal of blighted
59 | areas and the elimination of nonconforming uses which are
60 | inconsistent with the character of the community; the
61 | compatibility of uses on lands adjacent to or closely proximate
62 | to military installations; the discouragement of urban sprawl;
63 | energy-efficient land use patterns; and, in rural communities,
64 | the need for job creation, capital investment, and economic
65 | development that will strengthen and diversify the community's
66 | economy. The future land use plan may designate areas for future
67 | planned development ~~use~~ involving combinations of types of uses
68 | for which special regulations may be necessary to ensure
69 | development in accord with the principles and standards of the
70 | comprehensive plan and this act. The future land use plan element
71 | shall include criteria to be used to achieve the compatibility of
72 | adjacent or closely proximate lands with military installations.
73 | In addition, for rural communities, the amount of land designated
74 | for future planned industrial use shall be based upon surveys and
75 | studies that reflect the need for job creation, capital
76 | investment, and the necessity to strengthen and diversify the
77 | local economies, and may shall not be limited solely by the



164922

78 | projected population of the rural community. The future land use
79 | plan of a county may also designate areas for possible future
80 | municipal incorporation. The land use maps or map series shall
81 | generally identify and depict historic district boundaries and
82 | ~~shall~~ designate historically significant properties meriting
83 | protection. For coastal counties, the future land use element
84 | must include, without limitation, regulatory incentives and
85 | criteria that encourage the preservation of recreational and
86 | commercial working waterfronts as defined in s. 342.07. The
87 | future land use element must clearly identify the land use
88 | categories in which public schools are an allowable use. When
89 | delineating the land use categories in which public schools are
90 | an allowable use, a local government shall include in the
91 | categories sufficient land proximate to residential development
92 | to meet the projected needs for schools in coordination with
93 | public school boards and may establish differing criteria for
94 | schools of different type or size. Each local government shall
95 | include lands contiguous to existing school sites, to the maximum
96 | extent possible, within the land use categories in which public
97 | schools are an allowable use. The failure by a local government
98 | to comply with these school siting requirements will result in
99 | the prohibition of the local government's ability to amend the
100 | local comprehensive plan, except for plan amendments described in
101 | s. 163.3187(1)(b), until the school siting requirements are met.
102 | Amendments proposed by a local government for purposes of
103 | identifying the land use categories in which public schools are
104 | an allowable use are exempt from the limitation on the frequency
105 | of plan amendments provided ~~contained~~ in s. 163.3187. The future
106 | land use element shall include criteria that encourage the
107 | location of schools proximate to urban residential areas to the

Bill No. SB 1544



164922

108 extent possible and shall require that the local government seek
109 to collocate public facilities, such as parks, libraries, and
110 community centers, with schools to the extent possible and to
111 encourage the use of elementary schools as focal points for
112 neighborhoods. For schools serving predominantly rural counties,
113 defined as a county with a population of 100,000 or fewer, an
114 agricultural land use category is ~~shall be~~ eligible for the
115 location of public school facilities if the local comprehensive
116 plan contains school siting criteria and the location is
117 consistent with such criteria. Local governments required to
118 update or amend their comprehensive plan to include criteria and
119 address compatibility of adjacent or closely proximate lands with
120 existing military installations in their future land use plan
121 element shall transmit the update or amendment to the department
122 by June 30, 2006.

123 (b) A traffic circulation element consisting of the types,
124 locations, and extent of existing and proposed major
125 thoroughfares and transportation routes, including bicycle and
126 pedestrian ways. Transportation corridors, as defined in s.
127 334.03, may be designated in the traffic circulation element
128 pursuant to s. 337.273. If the transportation corridors are
129 designated, the local government may adopt a transportation
130 corridor management ordinance. The traffic circulation element
131 shall incorporate transportation strategies to address reduction
132 in greenhouse gas emissions from the transportation sector.

133 (j) For each unit of local government within an urbanized
134 area designated for purposes of s. 339.175, a transportation
135 element, which shall be prepared and adopted in lieu of the
136 requirements of paragraph (b) and paragraphs (7) (a), (b), (c),
137 and (d) and which shall address the following issues:



164922

138 1. Traffic circulation, including major thoroughfares and
139 other routes, including bicycle and pedestrian ways.

140 2. All alternative modes of travel, such as public
141 transportation, pedestrian, and bicycle travel.

142 3. Parking facilities.

143 4. Aviation, rail, seaport facilities, access to those
144 facilities, and intermodal terminals.

145 5. The availability of facilities and services to serve
146 existing land uses and the compatibility between future land use
147 and transportation elements.

148 6. The capability to evacuate the coastal population before
149 ~~prior to~~ an impending natural disaster.

150 7. Airports, projected airport and aviation development,
151 and land use compatibility around airports.

152 8. An identification of land use densities, building
153 intensities, and transportation management programs to promote
154 public transportation systems in designated public transportation
155 corridors so as to encourage population densities sufficient to
156 support such systems.

157 9. May include transportation corridors, as defined in s.
158 334.03, intended for future transportation facilities designated
159 pursuant to s. 337.273. If transportation corridors are
160 designated, the local government may adopt a transportation
161 corridor management ordinance.

162 10. The incorporation of transportation strategies to
163 address reduction in greenhouse gas emissions from the
164 transportation sector.

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

167 And the title is amended as follows:

Bill No. SB 1544



164922

168 On line(s) 2174, after the first semicolon,
169 insert:
170 amending s. 163.04, F.S.; revising provisions prohibiting
171 restrictions on the use of energy devices based on
172 renewable resources; amending s. 163.3177, F.S.; revising
173 requirements for the future land use element of a local
174 comprehensive plan to include energy-efficient land use
175 patterns; requiring that the traffic-circulation element
176 of incorporate transportation strategies to reduce
177 greenhouse gas emissions; requiring each unit of local
178 government within an urbanized area to amend the
179 transportation element to incorporate transportation
180 strategies addressing reduction in greenhouse gas
181 emissions;