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CHAMBER ACTION

Senate

House

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Floor: 7/AD/2R
4/17/2008 10:24 AM



1 Senator Constantine moved the following **amendment**:

2 Senate Amendment (with title amendment)

3 Delete line(s) 578-711

4 and insert:

5 Section 4. Paragraphs (a), (b), (d), (f), and (j) of
6 subsection (6) of section 163.3177, Florida Statutes, are amended
7 to read:

8 163.3177 Required and optional elements of comprehensive
9 plan; studies and surveys.--

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

13 (a) A future land use plan element designating proposed
14 future general distribution, location, and extent of the uses of
15 land for residential uses, commercial uses, industry,
16 agriculture, recreation, conservation, education, public
17



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18 buildings and grounds, other public facilities, and other  
19 categories of the public and private uses of land. Counties are  
20 encouraged to designate rural land stewardship areas, pursuant to  
21 ~~the provisions of~~ paragraph (11) (d), as overlays on the future  
22 land use map. Each future land use category must be defined in  
23 terms of uses included, and must include standards for to be  
24 ~~followed in~~ the control and distribution of population densities  
25 and building and structure intensities. The proposed  
26 distribution, location, and extent of the various categories of  
27 land use shall be shown on a land use map or map series which  
28 shall be supplemented by goals, policies, and measurable  
29 objectives. The future land use plan shall be based upon surveys,  
30 studies, and data regarding the area, including the amount of  
31 land required to accommodate anticipated growth; the projected  
32 population of the area; the character of undeveloped land; the  
33 availability of water supplies, public facilities, and services;  
34 the need for redevelopment, including the renewal of blighted  
35 areas and the elimination of nonconforming uses which are  
36 inconsistent with the character of the community; the  
37 compatibility of uses on lands adjacent to or closely proximate  
38 to military installations; the discouragement of urban sprawl;  
39 energy-efficient land use patterns accounting for existing and  
40 future electric power generation and transmission systems;  
41 greenhouse gas reduction strategies; and, in rural communities,  
42 the need for job creation, capital investment, and economic  
43 development that will strengthen and diversify the community's  
44 economy. The future land use plan may designate areas for future  
45 planned development ~~use~~ involving combinations of types of uses  
46 for which special regulations may be necessary to ensure  
47 development in accord with the principles and standards of the

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48 | comprehensive plan and this act. The future land use plan element  
49 | shall include criteria to be used to achieve the compatibility of  
50 | adjacent or closely proximate lands with military installations.  
51 | In addition, for rural communities, the amount of land designated  
52 | for future planned industrial use shall be based upon surveys and  
53 | studies that reflect the need for job creation, capital  
54 | investment, and the necessity to strengthen and diversify the  
55 | local economies, and may ~~shall~~ not be limited solely by the  
56 | projected population of the rural community. The future land use  
57 | plan of a county may also designate areas for possible future  
58 | municipal incorporation. The land use maps or map series shall  
59 | generally identify and depict historic district boundaries and  
60 | ~~shall~~ designate historically significant properties meriting  
61 | protection. For coastal counties, the future land use element  
62 | must include, without limitation, regulatory incentives and  
63 | criteria that encourage the preservation of recreational and  
64 | commercial working waterfronts as defined in s. 342.07. The  
65 | future land use element must clearly identify the land use  
66 | categories in which public schools are an allowable use. When  
67 | delineating the land use categories in which public schools are  
68 | an allowable use, a local government shall include in the  
69 | categories sufficient land proximate to residential development  
70 | to meet the projected needs for schools in coordination with  
71 | public school boards and may establish differing criteria for  
72 | schools of different type or size. Each local government shall  
73 | include lands contiguous to existing school sites, to the maximum  
74 | extent possible, within the land use categories in which public  
75 | schools are an allowable use. The failure by a local government  
76 | to comply with these school siting requirements will result in  
77 | the prohibition of the local government's ability to amend the

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78 | local comprehensive plan, except for plan amendments described in  
79 | s. 163.3187(1) (b), until the school siting requirements are met.  
80 | Amendments proposed by a local government for purposes of  
81 | identifying the land use categories in which public schools are  
82 | an allowable use are exempt from the limitation on the frequency  
83 | of plan amendments provided ~~contained~~ in s. 163.3187. The future  
84 | land use element shall include criteria that encourage the  
85 | location of schools proximate to urban residential areas to the  
86 | extent possible and shall require that the local government seek  
87 | to collocate public facilities, such as parks, libraries, and  
88 | community centers, with schools to the extent possible and to  
89 | encourage the use of elementary schools as focal points for  
90 | neighborhoods. For schools serving predominantly rural counties,  
91 | defined as a county with a population of 100,000 or fewer, an  
92 | agricultural land use category is ~~shall be~~ eligible for the  
93 | location of public school facilities if the local comprehensive  
94 | plan contains school siting criteria and the location is  
95 | consistent with such criteria. Local governments required to  
96 | update or amend their comprehensive plan to include criteria and  
97 | address compatibility of adjacent or closely proximate lands with  
98 | existing military installations in their future land use plan  
99 | element shall transmit the update or amendment to the department  
100 | by June 30, 2006.

101 |       (b) A traffic circulation element consisting of the types,  
102 | locations, and extent of existing and proposed major  
103 | thoroughfares and transportation routes, including bicycle and  
104 | pedestrian ways. Transportation corridors, as defined in s.  
105 | 334.03, may be designated in the traffic circulation element  
106 | pursuant to s. 337.273. If the transportation corridors are  
107 | designated, the local government may adopt a transportation



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108 | corridor management ordinance. The traffic circulation element  
109 | shall incorporate transportation strategies to address reduction  
110 | in greenhouse gas emissions from the transportation sector.

111 |       (d) A conservation element for the conservation, use, and  
112 | protection of natural resources in the area, including air,  
113 | water, water recharge areas, wetlands, waterwells, estuarine  
114 | marshes, soils, beaches, shores, flood plains, rivers, bays,  
115 | lakes, harbors, forests, fisheries and wildlife, marine habitat,  
116 | minerals, and other natural and environmental resources,  
117 | including factors that affect energy conservation. Local  
118 | governments shall assess their current, as well as projected,  
119 | water needs and sources for at least a 10-year period,  
120 | considering the appropriate regional water supply plan approved  
121 | pursuant to s. 373.0361, or, in the absence of an approved  
122 | regional water supply plan, the district water management plan  
123 | approved pursuant to s. 373.036(2). This information shall be  
124 | submitted to the appropriate agencies. The land use map or map  
125 | series contained in the future land use element shall generally  
126 | identify and depict the following:

- 127 |       1. Existing and planned waterwells and cones of influence  
128 | where applicable.
- 129 |       2. Beaches and shores, including estuarine systems.
- 130 |       3. Rivers, bays, lakes, flood plains, and harbors.
- 131 |       4. Wetlands.
- 132 |       5. Minerals and soils.
- 133 |       6. Energy conservation.
- 134 |

135 | The land uses identified on such maps shall be consistent with  
136 | applicable state law and rules.

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137 (f)1. A housing element consisting of standards, plans, and  
138 principles to be followed in:

139 a. The provision of housing for all current and anticipated  
140 future residents of the jurisdiction.

141 b. The elimination of substandard dwelling conditions.

142 c. The structural and aesthetic improvement of existing  
143 housing.

144 d. The provision of adequate sites for future housing,  
145 including affordable workforce housing as defined in s.  
146 380.0651(3)(j), housing for low-income, very low-income, and  
147 moderate-income families, mobile homes, and group home facilities  
148 and foster care facilities, with supporting infrastructure and  
149 public facilities.

150 e. Provision for relocation housing and identification of  
151 historically significant and other housing for purposes of  
152 conservation, rehabilitation, or replacement.

153 f. The formulation of housing implementation programs.

154 g. The creation or preservation of affordable housing to  
155 minimize the need for additional local services and avoid the  
156 concentration of affordable housing units only in specific areas  
157 of the jurisdiction.

158 h. Energy efficiency in the design and construction of new  
159 housing ~~By July 1, 2008, each county in which the gap between the~~  
160 ~~buying power of a family of four and the median county home sale~~  
161 ~~price exceeds \$170,000, as determined by the Florida Housing~~  
162 ~~Finance Corporation, and which is not designated as an area of~~  
163 ~~critical state concern shall adopt a plan for ensuring affordable~~  
164 ~~workforce housing. At a minimum, the plan shall identify adequate~~  
165 ~~sites for such housing. For purposes of this sub-subparagraph,~~  
166 ~~the term "workforce housing" means housing that is affordable to~~

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167 ~~natural persons or families whose total household income does not~~  
168 ~~exceed 140 percent of the area median income, adjusted for~~  
169 ~~household size.~~

170 i. Use of renewable energy resources ~~Failure by a local~~  
171 ~~government to comply with the requirement in sub-subparagraph h.~~  
172 ~~will result in the local government being ineligible to receive~~  
173 ~~any state housing assistance grants until the requirement of sub-~~  
174 ~~subparagraph h. is met.~~

175  
176 The goals, objectives, and policies of the housing element must  
177 be based on the data and analysis prepared on housing needs,  
178 including the affordable housing needs assessment. State and  
179 federal housing plans prepared on behalf of the local government  
180 must be consistent with the goals, objectives, and policies of  
181 the housing element. Local governments are encouraged to use  
182 utilize job training, job creation, and economic solutions to  
183 address a portion of their affordable housing concerns. By July  
184 1, 2008, each county in which the gap between the buying power of  
185 a family of four and the median county home sale price exceeds  
186 \$170,000, as determined by the Florida Housing Finance  
187 Corporation, and which is not designated as an area of critical  
188 state concern, shall adopt a plan for ensuring affordable  
189 workforce housing. At a minimum, the plan shall identify adequate  
190 sites for such housing. For purposes of this subparagraph, the  
191 term "workforce housing" means housing that is affordable to  
192 natural persons or families whose total household income does not  
193 exceed 140 percent of the area median income, adjusted for  
194 household size. Failure by a local government to comply with this  
195 requirement to adopt a plan for ensuring affordable workforce  
196 housing will result in the local government being ineligible to

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197 | receive any state housing assistance grants until this  
198 | requirement is met.

199 |       2. To assist local governments in housing data collection  
200 | and analysis and assure uniform and consistent information  
201 | regarding the state's housing needs, the state land planning  
202 | agency shall conduct an affordable housing needs assessment for  
203 | all local jurisdictions on a schedule that coordinates the  
204 | implementation of the needs assessment with the evaluation and  
205 | appraisal reports required by s. 163.3191. Each local government  
206 | shall utilize the data and analysis from the needs assessment as  
207 | one basis for the housing element of its local comprehensive  
208 | plan. The agency shall allow a local government the option to  
209 | perform its own needs assessment, if it uses the methodology  
210 | established by the agency by rule.

211 |       (j) For each unit of local government within an urbanized  
212 | area designated for purposes of s. 339.175, a transportation  
213 | element, which shall be prepared and adopted in lieu of the  
214 | requirements of paragraph (b) and paragraphs (7)(a), (b), (c),  
215 | and (d) and which shall address the following issues:

216 |           1. Traffic circulation, including major thoroughfares and  
217 | other routes, including bicycle and pedestrian ways.

218 |           2. All alternative modes of travel, such as public  
219 | transportation, pedestrian, and bicycle travel.

220 |           3. Parking facilities.

221 |           4. Aviation, rail, seaport facilities, access to those  
222 | facilities, and intermodal terminals.

223 |           5. The availability of facilities and services to serve  
224 | existing land uses and the compatibility between future land use  
225 | and transportation elements.





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

228 7. Airports, projected airport and aviation development,  
229 and land use compatibility around airports.

230 8. An identification of land use densities, building  
231 intensities, and transportation management programs to promote  
232 public transportation systems in designated public transportation  
233 corridors so as to encourage population densities sufficient to  
234 support such systems.

235 9. May include transportation corridors, as defined in s.  
236 334.03, intended for future transportation facilities designated  
237 pursuant to s. 337.273. If transportation corridors are  
238 designated, the local government may adopt a transportation  
239 corridor management ordinance.

240 10. The incorporation of transportation strategies to  
241 address reduction in greenhouse gas emissions from the  
242 transportation sector.

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

245 And the title is amended as follows:

246 Delete line(s) 17-25

247 and insert:

248 amending s. 163.3177, F.S.; revising requirements for the  
249 future land use element of a local comprehensive plan;  
250 requiring that the traffic-circulation element incorporate  
251 transportation strategies to reduce greenhouse gas  
252 emissions; revising the conservation element of a local  
253 comprehensive plan to include factors that affect energy  
254 conservation; requiring a land use map of future land use  
255 to depict energy conservation; revising the standards,

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256 | plans, and principles of the housing element of a local  
257 | comprehensive plan; requiring each unit of local  
258 | government within an urbanized area to amend the  
259 | transportation element to incorporate transportation  
260 | strategies addressing reduction in greenhouse gas  
261 | emissions; amending s. 186.007, F.S.;