

Bill No. SB 1544



527310

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: TP	.	
3/13/2008	.	
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1 The Committee on Environmental Preservation and Conservation
 2 Saunders recommended the following **amendment to amendment**
 3 **(866008)** :

Senate Amendment (with title amendment)

Between lines 127 and 128

insert:

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

163.04 Energy devices based on renewable resources.--

(2) A deed restriction, covenant, declaration, or similar binding agreement may not ~~No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit~~ or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable

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

33 Section 3. Paragraphs (a), (b), and (j) of subsection (6)
34 of section 163.3177, Florida Statutes, are amended, and
35 subsection (l) is added to that subsection, to read:

36 163.3177 Required and optional elements of comprehensive
37 plan; studies and surveys.--

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

41 (a) A future land use plan element designating proposed
42 future general distribution, location, and extent of the uses of
43 land for residential uses, commercial uses, industry,

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44 agriculture, recreation, conservation, education, public
45 buildings and grounds, other public facilities, and other
46 categories of the public and private uses of land. Counties are
47 encouraged to designate rural land stewardship areas, pursuant
48 to the provisions of paragraph (11)(d), as overlays on the
49 future land use map. Each future land use category must be
50 defined in terms of uses included, and must include standards to
51 be followed in the control and distribution of population
52 densities and building and structure intensities. The proposed
53 distribution, location, and extent of the various categories of
54 land use shall be shown on a land use map or map series which
55 shall be supplemented by goals, policies, and measurable
56 objectives. The future land use plan shall be based upon
57 surveys, studies, and data regarding the area, including the
58 amount of land required to accommodate anticipated growth; the
59 projected population of the area; the character of undeveloped
60 land; the availability of water supplies, public facilities, and
61 services; the need for redevelopment, including the renewal of
62 blighted areas and the elimination of nonconforming uses which
63 are inconsistent with the character of the community; the
64 compatibility of uses on lands adjacent to or closely proximate
65 to military installations; the discouragement of urban sprawl;
66 energy-efficient land use patterns; and, in rural communities,
67 the need for job creation, capital investment, and economic
68 development that will strengthen and diversify the community's
69 economy. The future land use plan may designate areas for future
70 planned development use involving combinations of types of uses
71 for which special regulations may be necessary to ensure

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72 development in accord with the principles and standards of the
73 comprehensive plan and this act. The future land use plan
74 element shall include criteria to be used to achieve the
75 compatibility of adjacent or closely proximate lands with
76 military installations. In addition, for rural communities, the
77 amount of land designated for future planned industrial use
78 shall be based upon surveys and studies that reflect the need
79 for job creation, capital investment, and the necessity to
80 strengthen and diversify the local economies, and shall not be
81 limited solely by the projected population of the rural
82 community. The future land use plan of a county may also
83 designate areas for possible future municipal incorporation. The
84 land use maps or map series shall generally identify and depict
85 historic district boundaries and shall designate historically
86 significant properties meriting protection. For coastal
87 counties, the future land use element must include, without
88 limitation, regulatory incentives and criteria that encourage
89 the preservation of recreational and commercial working
90 waterfronts as defined in s. 342.07. The future land use element
91 must clearly identify the land use categories in which public
92 schools are an allowable use. When delineating the land use
93 categories in which public schools are an allowable use, a local
94 government shall include in the categories sufficient land
95 proximate to residential development to meet the projected needs
96 for schools in coordination with public school boards and may
97 establish differing criteria for schools of different type or
98 size. Each local government shall include lands contiguous to
99 existing school sites, to the maximum extent possible, within

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100 the land use categories in which public schools are an allowable
101 use. The failure by a local government to comply with these
102 school siting requirements will result in the prohibition of the
103 local government's ability to amend the local comprehensive
104 plan, except for plan amendments described in s. 163.3187(1)(b),
105 until the school siting requirements are met. Amendments
106 proposed by a local government for purposes of identifying the
107 land use categories in which public schools are an allowable use
108 are exempt from the limitation on the frequency of plan
109 amendments contained in s. 163.3187. The future land use element
110 shall include criteria that encourage the location of schools
111 proximate to urban residential areas to the extent possible and
112 shall require that the local government seek to collocate public
113 facilities, such as parks, libraries, and community centers,
114 with schools to the extent possible and to encourage the use of
115 elementary schools as focal points for neighborhoods. For
116 schools serving predominantly rural counties, defined as a
117 county with a population of 100,000 or fewer, an agricultural
118 land use category shall be eligible for the location of public
119 school facilities if the local comprehensive plan contains
120 school siting criteria and the location is consistent with such
121 criteria. Local governments required to update or amend their
122 comprehensive plan to include criteria and address compatibility
123 of adjacent or closely proximate lands with existing military
124 installations in their future land use plan element shall
125 transmit the update or amendment to the department by June 30,
126 2006.



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

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

142 1. Traffic circulation, including major thoroughfares and
143 other routes, including bicycle and pedestrian ways.

144 2. All alternative modes of travel, such as public
145 transportation, pedestrian, and bicycle travel.

146 3. Parking facilities.

147 4. Aviation, rail, seaport facilities, access to those
148 facilities, and intermodal terminals.

149 5. The availability of facilities and services to serve
150 existing land uses and the compatibility between future land use
151 and transportation elements.

152 6. The capability to evacuate the coastal population prior
153 to an impending natural disaster.

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154 7. Airports, projected airport and aviation development,
155 and land use compatibility around airports.

156 8. An identification of land use densities, building
157 intensities, and transportation management programs to promote
158 public transportation systems in designated public
159 transportation corridors so as to encourage population densities
160 sufficient to support such systems.

161 9. May include transportation corridors, as defined in s.
162 334.03, intended for future transportation facilities designated
163 pursuant to s. 337.273. If transportation corridors are
164 designated, the local government may adopt a transportation
165 corridor management ordinance.

166 10. The incorporation of transportation strategies to
167 address reduction in greenhouse gas emissions from the
168 transportation sector.

169 (1) On or before January 1, 2011, an energy element
170 consisting of existing and future electric power generation and
171 transmission systems. Additionally, the energy element must
172 address efforts to encourage the following:

- 173 1. Energy conservation;
- 174 2. Energy efficiency;
- 175 3. Use of renewable energy resources; and
- 176 4. Greenhouse-gas-reduction strategies.

177
178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 On line 1986, after the semicolon,
181 insert:

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182 amending s. 163.04, F.S.; revising provisions authorizing
183 the use of solar collectors and other energy devices;
184 providing for the installation of solar collectors on
185 certain condominium roofs; amending s. 163.3177, F.S.;
186 revising requirements for the future land use element of a
187 local comprehensive plan to include energy-efficient land
188 use patterns; requiring that the traffic-circulation
189 element of a local comprehensive plan incorporate
190 transportation strategies to reduce greenhouse gas
191 emissions; requiring that each unit of local government
192 within an urbanized area amend the transportation element
193 of a local comprehensive plan to incorporate
194 transportation strategies addressing reduction in
195 greenhouse gas emissions; requiring that local governments
196 adopt an energy element on or before a specified date as
197 part of a local comprehensive plan;