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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
3/26/2008	.	
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1 The Committee on Finance and Tax (Storms) recommended the  
2 following **amendment**:

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4 **Senate Amendment (with title amendment)**

5 Between line(s) 487 and 488,  
6 insert:

7 Section 13. Paragraphs (a), (h), and (j) of subsection (6)  
8 of section 163.3177, Florida Statutes, are amended to read:

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

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

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



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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 to be followed  
24 in the control and distribution of population densities and  
25 building and structure intensities. The proposed distribution,  
26 location, and extent of the various categories of land use shall  
27 be shown on a land use map or map series which shall be  
28 supplemented by goals, policies, and measurable objectives. The  
29 future land use plan shall be based upon surveys, studies, and  
30 data regarding the area, including the amount of land required to  
31 accommodate anticipated growth; the projected population of the  
32 area; the character of undeveloped land; the availability of  
33 water supplies, public facilities, and services; the need for  
34 redevelopment, including the renewal of blighted areas and the  
35 elimination of nonconforming uses which are inconsistent with the  
36 character of the community; the compatibility of uses on lands  
37 adjacent to or closely proximate to military installations and  
38 airports, as defined in s. 330.35 and consistent with s. 333.02;  
39 and, in rural communities, the need for job creation, capital  
40 investment, and economic development that will strengthen and  
41 diversify the community's economy. The future land use plan may  
42 designate areas for future planned development use involving  
43 combinations of types of uses for which special regulations may  
44 be necessary to ensure development in accord with the principles  
45 and standards of the comprehensive plan and this act. The future  
46 land use plan element shall include criteria to be used to  
47 achieve the compatibility of adjacent or closely proximate lands



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48 | with military installations and airports, as defined in s. 330.35  
49 | and consistent with s. 333.02. In addition, for rural  
50 | communities, the amount of land designated for future planned  
51 | industrial use shall be based upon surveys and studies that  
52 | reflect the need for job creation, capital investment, and the  
53 | necessity to strengthen and diversify the local economies, and  
54 | shall not be limited solely by the projected population of the  
55 | rural community. The future land use plan of a county may also  
56 | designate areas for possible future municipal incorporation. The  
57 | land use maps or map series shall generally identify and depict  
58 | historic district boundaries and shall designate historically  
59 | significant properties meriting protection. For coastal counties,  
60 | the future land use element must include, without limitation,  
61 | regulatory incentives and criteria that encourage the  
62 | preservation of recreational and commercial working waterfronts  
63 | as defined in s. 342.07. The future land use element must clearly  
64 | identify the land use categories in which public schools are an  
65 | allowable use. When delineating the land use categories in which  
66 | public schools are an allowable use, a local government shall  
67 | include in the categories sufficient land proximate to  
68 | residential development to meet the projected needs for schools  
69 | in coordination with public school boards and may establish  
70 | differing criteria for schools of different type or size. Each  
71 | local government shall include lands contiguous to existing  
72 | school sites, to the maximum extent possible, within the land use  
73 | categories in which public schools are an allowable use. The  
74 | failure by a local government to comply with these school siting  
75 | requirements will result in the prohibition of the local  
76 | government's ability to amend the local comprehensive plan,  
77 | except for plan amendments described in s. 163.3187(1)(b), until



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78 | the school siting requirements are met. Amendments proposed by a  
79 | local government for purposes of identifying the land use  
80 | categories in which public schools are an allowable use are  
81 | exempt from the limitation on the frequency of plan amendments  
82 | contained in s. 163.3187. The future land use element shall  
83 | include criteria that encourage the location of schools proximate  
84 | to urban residential areas to the extent possible and shall  
85 | require that the local government seek to collocate public  
86 | facilities, such as parks, libraries, and community centers, with  
87 | schools to the extent possible and to encourage the use of  
88 | elementary schools as focal points for neighborhoods. For schools  
89 | serving predominantly rural counties, defined as a county with a  
90 | population of 100,000 or fewer, an agricultural land use category  
91 | shall be eligible for the location of public school facilities if  
92 | the local comprehensive plan contains school siting criteria and  
93 | the location is consistent with such criteria. Local governments  
94 | required to update or amend their comprehensive plan to include  
95 | criteria and address compatibility of adjacent or closely  
96 | proximate lands with existing or new airports, as defined in s.  
97 | 330.35 and consistent with s. 333.02, ~~military installations~~ in  
98 | their future land use plan element shall transmit the update or  
99 | amendment to the department by June 30, 2010 ~~2006~~.

100 | (h)1. An intergovernmental coordination element showing  
101 | relationships and stating principles and guidelines to be used in  
102 | the accomplishment of coordination of the adopted comprehensive  
103 | plan with the plans of school boards, regional water supply  
104 | authorities, and other units of local government providing  
105 | services but not having regulatory authority over the use of  
106 | land, with the comprehensive plans of adjacent municipalities,  
107 | the county, adjacent counties, or the region, with the state



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108 comprehensive plan and with the applicable regional water supply  
109 plan approved pursuant to s. 373.0361, as the case may require  
110 and as such adopted plans or plans in preparation may exist. This  
111 element of the local comprehensive plan shall demonstrate  
112 consideration of the particular effects of the local plan, when  
113 adopted, upon the development of adjacent municipalities, the  
114 county, adjacent counties, or the region, or upon the state  
115 comprehensive plan, as the case may require.

116 a. The intergovernmental coordination element shall provide  
117 for procedures to identify and implement joint planning areas,  
118 especially for the purpose of annexation, municipal  
119 incorporation, and joint infrastructure service areas.

120 b. The intergovernmental coordination element shall provide  
121 for recognition of campus master plans prepared pursuant to s.  
122 1013.30 and airport master plans pursuant to paragraph (k).

123 c. The intergovernmental coordination element may provide  
124 for a voluntary dispute resolution process as established  
125 pursuant to s. 186.509 for bringing to closure in a timely manner  
126 intergovernmental disputes. A local government may develop and  
127 use an alternative local dispute resolution process for this  
128 purpose.

129 d. The intergovernmental coordination element shall provide  
130 for interlocal agreements, as established pursuant to s.  
131 333.03(1)(b).

132 2. The intergovernmental coordination element shall further  
133 state principles and guidelines to be used in the accomplishment  
134 of coordination of the adopted comprehensive plan with the plans  
135 of school boards and other units of local government providing  
136 facilities and services but not having regulatory authority over  
137 the use of land. In addition, the intergovernmental coordination



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138 element shall describe joint processes for collaborative planning  
139 and decisionmaking on population projections and public school  
140 siting, the location and extension of public facilities subject  
141 to concurrency, and siting facilities with countywide  
142 significance, including locally unwanted land uses whose nature  
143 and identity are established in an agreement. Within 1 year of  
144 adopting their intergovernmental coordination elements, each  
145 county, all the municipalities within that county, the district  
146 school board, and any unit of local government service providers  
147 in that county shall establish by interlocal or other formal  
148 agreement executed by all affected entities, the joint processes  
149 described in this subparagraph consistent with their adopted  
150 intergovernmental coordination elements.

151 3. To foster coordination between special districts and  
152 local general-purpose governments as local general-purpose  
153 governments implement local comprehensive plans, each independent  
154 special district must submit a public facilities report to the  
155 appropriate local government as required by s. 189.415.

156 4.a. Local governments must execute an interlocal agreement  
157 with the district school board, the county, and nonexempt  
158 municipalities pursuant to s. 163.31777. The local government  
159 shall amend the intergovernmental coordination element to provide  
160 that coordination between the local government and school board  
161 is pursuant to the agreement and shall state the obligations of  
162 the local government under the agreement.

163 b. Plan amendments that comply with this subparagraph are  
164 exempt from the provisions of s. 163.3187(1).

165 5. The state land planning agency shall establish a  
166 schedule for phased completion and transmittal of plan amendments  
167 to implement subparagraphs 1., 2., and 3. from all jurisdictions



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168 | so as to accomplish their adoption by December 31, 1999. A local  
169 | government may complete and transmit its plan amendments to carry  
170 | out these provisions prior to the scheduled date established by  
171 | the state land planning agency. The plan amendments are exempt  
172 | from the provisions of s. 163.3187(1).

173 |         6. By January 1, 2004, any county having a population  
174 | greater than 100,000, and the municipalities and special  
175 | districts within that county, shall submit a report to the  
176 | Department of Community Affairs which:

177 |             a. Identifies all existing or proposed interlocal service  
178 | delivery agreements regarding the following: education; sanitary  
179 | sewer; public safety; solid waste; drainage; potable water; parks  
180 | and recreation; and transportation facilities.

181 |             b. Identifies any deficits or duplication in the provision  
182 | of services within its jurisdiction, whether capital or  
183 | operational. Upon request, the Department of Community Affairs  
184 | shall provide technical assistance to the local governments in  
185 | identifying deficits or duplication.

186 |         7. Within 6 months after submission of the report, the  
187 | Department of Community Affairs shall, through the appropriate  
188 | regional planning council, coordinate a meeting of all local  
189 | governments within the regional planning area to discuss the  
190 | reports and potential strategies to remedy any identified  
191 | deficiencies or duplications.

192 |         8. Each local government shall update its intergovernmental  
193 | coordination element based upon the findings in the report  
194 | submitted pursuant to subparagraph 6. The report may be used as  
195 | supporting data and analysis for the intergovernmental  
196 | coordination element.



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

202 1. Traffic circulation, including major thoroughfares and  
203 other routes, including bicycle and pedestrian ways.

204 2. All alternative modes of travel, such as public  
205 transportation, pedestrian, and bicycle travel.

206 3. Parking facilities.

207 4. Aviation, rail, seaport facilities, access to those  
208 facilities, and intermodal terminals.

209 5. The availability of facilities and services to serve  
210 existing land uses and the compatibility between future land use  
211 and transportation elements.

212 6. The capability to evacuate the coastal population prior  
213 to an impending natural disaster.

214 7. Airports, projected airport and aviation development,  
215 and land use compatibility around airports, including airport  
216 hazard areas, as defined in ss. 333.01 and 333.02.

217 8. An identification of land use densities, building  
218 intensities, and transportation management programs to promote  
219 public transportation systems in designated public transportation  
220 corridors so as to encourage population densities sufficient to  
221 support such systems.

222 9. May include transportation corridors, as defined in s.  
223 334.03, intended for future transportation facilities designated  
224 pursuant to s. 337.273. If transportation corridors are  
225 designated, the local government may adopt a transportation  
226 corridor management ordinance.





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228 ===== T I T L E A M E N D M E N T =====  
229 And the title is amended as follows:  
230       On line 48, after the semicolon,  
231 insert:  
232       amending s. 163.3177, F.S.; revising land use and  
233       intergovernmental comprehensive plan provisions to include  
234       provisions that relate to airport land use compatibility  
235       planning;