



223482

CHAMBER ACTION

Senate

House

.
. .
. .
. .

Floor: 2/AD/2R
5/2/2008 2:08 PM

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

2
3 **Senate Amendment (with title amendment)**

4 Delete line(s) 1115-3943

5 and insert:

6 Section 7. Paragraph (d) of subsection (3) of section
7 163.31801, Florida Statutes, is amended to read:

8 163.31801 Impact fees; short title; intent; definitions;
9 ordinances levying impact fees.--

10 (3) An impact fee adopted by ordinance of a county or
11 municipality or by resolution of a special district must, at
12 minimum:

13 (d) Require that notice be provided no less than 90 days
14 before the effective date of an ordinance or resolution imposing
15 a new or increased ~~amended~~ impact fee. Notice is not required
16 under this paragraph if an impact fee is decreased or eliminated.



223482

17 Section 8. Subsections (3) and (4), paragraphs (a) and (d)
18 of subsection (6), paragraph (a) of subsection (7), paragraphs
19 (b) and (c) of subsection (15), and subsections (17), (18), and
20 (19) of section 163.3184, Florida Statutes, are amended to read:

21 163.3184 Process for adoption of comprehensive plan or plan
22 amendment.--

23 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
24 AMENDMENT.--

25 (a) Before filing an application for a future land use map
26 amendment that applies to 50 acres or more, the applicant must
27 conduct a neighborhood meeting to present, discuss, and solicit
28 public comment on the proposed amendment. Such meeting shall be
29 conducted at least 30 days but no more than 60 days before the
30 application for the amendment is filed with the local government.
31 At a minimum, the meeting shall be noticed and conducted in
32 accordance with each of the following requirements:

33 1. Notice of the meeting shall be:

34 a. Mailed at least 10 days but no more than 14 days before
35 the date of the meeting to all property owners owning property
36 within 500 feet of the property subject to the proposed
37 amendment, according to information maintained by the county tax
38 assessor. Such information shall conclusively establish the
39 required recipients;

40 b. Published in accordance with s. 125.66(4)(b)2. or s.
41 166.041(3)(c)2.b.;

42 c. Posted on the jurisdiction's website, if available; and

43 d. Mailed to all persons on the list of homeowners or
44 condominium associations maintained by the jurisdiction, if any.

45 2. The meeting shall be conducted at an accessible and
46 convenient location.



223482

47 | 3. A sign-in list of all attendees at each meeting must be
48 | maintained.

49 |
50 | An application for a future land use map amendment that is
51 | subject to this paragraph shall include a written certification
52 | or verification that the first meeting has been noticed and
53 | conducted in accordance with this section.

54 | (b) At least 15 days but no more than 45 days before the
55 | local governing body's scheduled adoption hearing, the applicant
56 | for a future land use map amendment that applies to 50 acres or
57 | more shall conduct a second noticed community or neighborhood
58 | meeting for the purpose of presenting and discussing the map
59 | amendment application, including any changes made to the proposed
60 | amendment following the first community or neighborhood meeting.
61 | Notice by United States mail at least 10 days but no more than 14
62 | days before the meeting is required only for persons who signed
63 | in at the preapplication meeting and persons whose names are on
64 | the sign-in sheet from the transmittal hearing conducted pursuant
65 | to paragraph (15)(c). Otherwise, notice shall be given by
66 | newspaper advertisement in accordance with ss. 125.66(4)(b)2. and
67 | 166.041(3)(c)2.b. Before the adoption hearing, the applicant
68 | shall file with the local government a written certification or
69 | verification that the second meeting has been noticed and
70 | conducted in accordance with this section.

71 | (c) Before filing an application for a future land use map
72 | amendment that applies to more than 10 acres but less than 50
73 | acres, the applicant must conduct a community or neighborhood
74 | meeting in compliance with paragraph (a). An application for a
75 | future land use map amendment that is subject to this paragraph
76 | shall include a written certification or verification that the



223482

77 first meeting has been noticed and conducted in accordance with
78 this section. At least 15 days but no more than 45 days before
79 the local governing body's scheduled adoption hearing, the
80 applicant for a future land use map amendment that applies to
81 more than 10 but less than 50 acres is encouraged to hold a
82 second meeting using the provisions in paragraph (b).

83 (d) The requirement for neighborhood meetings as provided
84 in this section does not apply to small-scale amendments as
85 defined in s. 163.3187(2) (d) unless a local government, by
86 ordinance, adopts a procedure for holding a neighborhood meeting
87 as part of the small-scale amendment process. In no event shall
88 more than one such meeting be required.

89 (e) ~~(a)~~ Each local governing body shall transmit the
90 complete proposed comprehensive plan or plan amendment to the
91 state land planning agency, the appropriate regional planning
92 council and water management district, the Department of
93 Environmental Protection, the Department of State, and the
94 Department of Transportation, and, in the case of municipal
95 plans, to the appropriate county, and, in the case of county
96 plans, to the Fish and Wildlife Conservation Commission and the
97 Department of Agriculture and Consumer Services, immediately
98 following a public hearing pursuant to subsection (15) as
99 specified in the state land planning agency's procedural rules.
100 The local governing body shall also transmit a copy of the
101 complete proposed comprehensive plan or plan amendment to any
102 other unit of local government or government agency in the state
103 that has filed a written request with the governing body for the
104 plan or plan amendment. The local government may request a review
105 by the state land planning agency pursuant to subsection (6) at
106 the time of the transmittal of an amendment.



223482

107 | (f)~~(b)~~ A local governing body shall not transmit portions
108 | of a plan or plan amendment unless it has previously provided to
109 | all state agencies designated by the state land planning agency a
110 | complete copy of its adopted comprehensive plan pursuant to
111 | subsection (7) and as specified in the agency's procedural rules.
112 | In the case of comprehensive plan amendments, the local governing
113 | body shall transmit to the state land planning agency, the
114 | appropriate regional planning council and water management
115 | district, the Department of Environmental Protection, the
116 | Department of State, and the Department of Transportation, and,
117 | in the case of municipal plans, to the appropriate county and, in
118 | the case of county plans, to the Fish and Wildlife Conservation
119 | Commission and the Department of Agriculture and Consumer
120 | Services the materials specified in the state land planning
121 | agency's procedural rules and, in cases in which the plan
122 | amendment is a result of an evaluation and appraisal report
123 | adopted pursuant to s. 163.3191, a copy of the evaluation and
124 | appraisal report. Local governing bodies shall consolidate all
125 | proposed plan amendments into a single submission for each of the
126 | two plan amendment adoption dates during the calendar year
127 | pursuant to s. 163.3187.

128 | (g)~~(e)~~ A local government may adopt a proposed plan
129 | amendment previously transmitted pursuant to this subsection,
130 | unless review is requested or otherwise initiated pursuant to
131 | subsection (6).

132 | (h)~~(d)~~ In cases in which a local government transmits
133 | multiple individual amendments that can be clearly and legally
134 | separated and distinguished for the purpose of determining
135 | whether to review the proposed amendment, and the state land
136 | planning agency elects to review several or a portion of the



223482

137 amendments and the local government chooses to immediately adopt
138 the remaining amendments not reviewed, the amendments immediately
139 adopted and any reviewed amendments that the local government
140 subsequently adopts together constitute one amendment cycle in
141 accordance with s. 163.3187(1).

142

143 Paragraphs (a)-(d) apply to applications for a map amendment
144 filed after January 1, 2009.

145 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
146 specified in paragraph (3)(a) shall provide comments to the state
147 land planning agency within 30 days after receipt by the state
148 land planning agency of the complete proposed plan amendment. If
149 the plan or plan amendment includes or relates to the public
150 school facilities element pursuant to s. 163.3177(12), the state
151 land planning agency shall submit a copy to the Office of
152 Educational Facilities of the Commissioner of Education for
153 review and comment. The appropriate regional planning council
154 shall also provide its written comments to the state land
155 planning agency within 45 ~~30~~ days after receipt by the state land
156 planning agency of the complete proposed plan amendment and shall
157 specify any objections, recommendations for modifications, and
158 comments of any other regional agencies to which the regional
159 planning council may have referred the proposed plan amendment.
160 Written comments submitted by the public within 30 days after
161 notice of transmittal by the local government of the proposed
162 plan amendment will be considered as if submitted by governmental
163 agencies. All written agency and public comments must be made
164 part of the file maintained under subsection (2).

165 (6) STATE LAND PLANNING AGENCY REVIEW.--



223482

166 (a) The state land planning agency shall review a proposed
167 plan amendment upon request of a regional planning council,
168 affected person, or local government transmitting the plan
169 amendment. The request from the regional planning council or
170 affected person must be received within 45 ~~30~~ days after
171 transmittal of the proposed plan amendment pursuant to subsection
172 (3). A regional planning council or affected person requesting a
173 review shall do so by submitting a written request to the agency
174 with a notice of the request to the local government and any
175 other person who has requested notice.

176 (d) The state land planning agency review shall identify
177 all written communications with the agency regarding the proposed
178 plan amendment. If the state land planning agency does not issue
179 such a review, it shall identify in writing to the local
180 government all written communications received 45 ~~30~~ days after
181 transmittal. The written identification must include a list of
182 all documents received or generated by the agency, which list
183 must be of sufficient specificity to enable the documents to be
184 identified and copies requested, if desired, and the name of the
185 person to be contacted to request copies of any identified
186 document. The list of documents must be made a part of the public
187 records of the state land planning agency.

188 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
189 OR AMENDMENTS AND TRANSMITTAL.--

190 (a) The local government shall review the written comments
191 submitted to it by the state land planning agency, and any other
192 person, agency, or government. Any comments, recommendations, or
193 objections and any reply to them are ~~shall be~~ public documents, a
194 part of the permanent record in the matter, and admissible in any
195 proceeding in which the comprehensive plan or plan amendment may



223482

196 be at issue. The local government, upon receipt of written
197 comments from the state land planning agency, shall have 120 days
198 to adopt, or adopt with changes, the proposed comprehensive plan
199 or ~~s. 163.3191~~ plan amendments. ~~In the case of comprehensive plan~~
200 ~~amendments other than those proposed pursuant to s. 163.3191, the~~
201 ~~local government shall have 60 days to adopt the amendment, adopt~~
202 ~~the amendment with changes, or determine that it will not adopt~~
203 ~~the amendment.~~ The adoption of the proposed plan or plan
204 amendment or the determination not to adopt a plan amendment,
205 other than a plan amendment proposed pursuant to ~~s. 163.3191,~~
206 shall be made in the course of a public hearing pursuant to
207 subsection (15). If a local government fails to adopt the
208 comprehensive plan or plan amendment within the period set forth
209 in this subsection, the plan or plan amendment shall be deemed
210 abandoned and may not be considered until the next available
211 amendment cycle pursuant to this section and s. 163.3187.
212 However, if the applicant or local government, before the
213 expiration of the period, certifies in writing to the state land
214 planning agency that the applicant is proceeding in good faith to
215 address the items raised in the agency report issued pursuant to
216 paragraph (6) (f) or agency comments issued pursuant to s.
217 163.32465(4), and such certification specifically identifies the
218 items being addressed, the state land planning agency may grant
219 one or more extensions not to exceed a total of 360 days
220 following the date of the issuance of the agency report or
221 comments if the request is justified by good and sufficient cause
222 as determined by the agency. When any such extension is pending,
223 the applicant shall file with the local government and state land
224 planning agency a status report every 60 days specifically
225 identifying the items being addressed and the manner in which



223482

226 such items are being addressed. The local government shall
227 transmit the complete adopted comprehensive plan or plan
228 amendment, including the names and addresses of persons compiled
229 pursuant to paragraph (15)(c), to the state land planning agency
230 as specified in the agency's procedural rules within 10 working
231 days after adoption. The local governing body shall also transmit
232 a copy of the adopted comprehensive plan or plan amendment to the
233 regional planning agency and to any other unit of local
234 government or governmental agency in the state that has filed a
235 written request with the governing body for a copy of the plan or
236 plan amendment.

237 (15) PUBLIC HEARINGS.--

238 (b) The local governing body shall hold at least two
239 advertised public hearings on the proposed comprehensive plan or
240 plan amendment as follows:

241 1. The first public hearing shall be held at the
242 transmittal stage pursuant to subsection (3). It shall be held on
243 a weekday at least 7 days after the day that the first
244 advertisement is published.

245 2. The second public hearing shall be held at the adoption
246 stage pursuant to subsection (7). It shall be held on a weekday
247 at least 5 days after the day that the second advertisement is
248 published. The comprehensive plan or plan amendment to be
249 considered for adoption must be available to the public at least
250 5 days before the date of the hearing, and must be posted at
251 least 5 days before the date of the hearing on the local
252 government's website if one is maintained. The proposed
253 comprehensive plan amendment may not be altered during the 5 days
254 before the hearing if such alteration increases the permissible
255 density, intensity, or height, or decreases the minimum buffers,



223482

256 setbacks, or open space. If the amendment is altered in this
257 manner during the 5-day period or at the public hearing, the
258 public hearing shall be continued to the next meeting of the
259 local governing body. As part of the adoption package, the local
260 government shall certify in writing to the state land planning
261 agency that it has complied with this subsection.

262 (c) The local government shall provide a sign-in form at
263 the transmittal hearing and at the adoption hearing for persons
264 to provide their names, and mailing and electronic addresses. The
265 sign-in form must advise that any person providing the requested
266 information will receive a courtesy informational statement
267 concerning publications of the state land planning agency's
268 notice of intent. The local government shall add to the sign-in
269 form the name and address of any person who submits written
270 comments concerning the proposed plan or plan amendment during
271 the time period between the commencement of the transmittal
272 hearing and the end of the adoption hearing. It is the
273 responsibility of the person completing the form or providing
274 written comments to accurately, completely, and legibly provide
275 all information needed in order to receive the courtesy
276 informational statement.

277 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~
278 ~~AMENDMENTS. A local government that has adopted a community~~
279 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~
280 ~~may adopt a plan amendment related to map amendments solely to~~
281 ~~property within an urban service boundary in the manner described~~
282 ~~in subsections (1), (2), (7), (14), (15), and (16) and s.~~
283 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
284 ~~regional agency review is eliminated. The department may not~~
285 ~~issue an objections, recommendations, and comments report on~~



223482

286 ~~proposed plan amendments or a notice of intent on adopted plan~~
287 ~~amendments; however, affected persons, as defined by paragraph~~
288 ~~(1) (a), may file a petition for administrative review pursuant to~~
289 ~~the requirements of s. 163.3187(3) (a) to challenge the compliance~~
290 ~~of an adopted plan amendment. This subsection does not apply to~~
291 ~~any amendment within an area of critical state concern, to any~~
292 ~~amendment that increases residential densities allowable in high-~~
293 ~~hazard coastal areas as defined in s. 163.3178(2) (h), or to a~~
294 ~~text change to the goals, policies, or objectives of the local~~
295 ~~government's comprehensive plan. Amendments submitted under this~~
296 ~~subsection are exempt from the limitation on the frequency of~~
297 ~~plan amendments in s. 163.3187.~~

298 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.--A~~
299 ~~municipality that has a designated urban infill and redevelopment~~
300 ~~area under s. 163.2517 may adopt a plan amendment related to map~~
301 ~~amendments solely to property within a designated urban infill~~
302 ~~and redevelopment area in the manner described in subsections~~
303 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1) (c) 1.d. and~~
304 ~~e., 2., and 3., such that state and regional agency review is~~
305 ~~eliminated. The department may not issue an objections,~~
306 ~~recommendations, and comments report on proposed plan amendments~~
307 ~~or a notice of intent on adopted plan amendments; however,~~
308 ~~affected persons, as defined by paragraph (1) (a), may file a~~
309 ~~petition for administrative review pursuant to the requirements~~
310 ~~of s. 163.3187(3) (a) to challenge the compliance of an adopted~~
311 ~~plan amendment. This subsection does not apply to any amendment~~
312 ~~within an area of critical state concern, to any amendment that~~
313 ~~increases residential densities allowable in high-hazard coastal~~
314 ~~areas as defined in s. 163.3178(2) (h), or to a text change to the~~
315 ~~goals, policies, or objectives of the local government's~~



223482

316 ~~comprehensive plan. Amendments submitted under this subsection~~
317 ~~are exempt from the limitation on the frequency of plan~~
318 ~~amendments in s. 163.3187.~~

319 (17)~~(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any
320 local government that identifies in its comprehensive plan the
321 types of housing developments and conditions for which it will
322 consider plan amendments that are consistent with the local
323 housing incentive strategies identified in s. 420.9076 and
324 authorized by the local government may expedite consideration of
325 such plan amendments. At least 30 days before ~~prior to~~ adopting a
326 plan amendment pursuant to this subsection, the local government
327 shall notify the state land planning agency of its intent to
328 adopt such an amendment, and the notice shall include the local
329 government's evaluation of site suitability and availability of
330 facilities and services. A plan amendment considered under this
331 subsection shall require only a single public hearing before the
332 local governing body, which shall be a plan amendment adoption
333 hearing as described in subsection (7). The public notice of the
334 hearing required under subparagraph (15)(b)2. must include a
335 statement that the local government intends to use the expedited
336 adoption process authorized under this subsection. The state land
337 planning agency shall issue its notice of intent required under
338 subsection (8) within 30 days after determining that the
339 amendment package is complete. Any further proceedings shall be
340 governed by subsections (9)-(16).

341 Section 9. Section 163.3187, Florida Statutes, is amended
342 to read:

343 163.3187 Amendment of adopted comprehensive plan.--

344 (1)(a)1. Amendments to comprehensive plans applying to
345 lands within an area designated in the plan as an urban service



223482

346 area under s. 163.3180(5)(b)2.e. may be transmitted and adopted
347 not more than two times during any calendar year. Until such time
348 as an urban service area has been adopted into the comprehensive
349 plan and takes effect, a local government may transmit and adopt
350 comprehensive plan amendments only once per calendar year. A
351 local government that has adopted an urban service area before
352 July 1, 2008, which meets the requirements of s.
353 163.3180(5)(b)2.e., shall secure a determination from the state
354 land planning agency that the urban service area meets the
355 requirements of s. 163.3180(5)(b)2.e. based on data and analysis
356 submitted by the local government to support this determination.
357 The determination by the state land planning agency is not
358 subject to administrative challenge.

359 2. Amendments to comprehensive plans applying to lands
360 outside an area designated in the plan as an urban service area
361 under s. 163.3180(5)(b)2.e. ~~adopted pursuant to this part~~ may be
362 transmitted and adopted ~~made~~ not more than once ~~two times~~ during
363 any calendar year., ~~except:~~

364 (b) ~~(a)~~ The following amendments may be adopted by a local
365 government at any time during a calendar year without regard for
366 the frequency restrictions set forth in this subsection:

367 1. Any local government comprehensive plan ~~In the case of~~
368 an emergency, comprehensive plan amendments may be made more
369 often than twice during the calendar year if the additional plan
370 amendment enacted in case of emergency which receives the
371 approval of all of the members of the governing body. "Emergency"
372 means any occurrence or threat ~~thereof~~ whether accidental or
373 natural, caused by humankind, in war or peace, which results or
374 may result in substantial injury or harm to the population or
375 substantial damage to or loss of property or public funds.



223482

376 ~~2.(b)~~ Any local government comprehensive plan amendments
377 directly related to a proposed development of regional impact,
378 including changes which have been determined to be substantial
379 deviations and including Florida Quality Developments pursuant to
380 s. 380.061, may be initiated by a local planning agency and
381 considered by the local governing body at the same time as the
382 application for development approval using the procedures
383 provided for local plan amendment in this section and applicable
384 local ordinances, ~~without regard to statutory or local ordinance~~
385 ~~limits on the frequency of consideration of amendments to the~~
386 ~~local comprehensive plan. Nothing in this subsection shall be~~
387 ~~deemed to require favorable consideration of a plan amendment~~
388 ~~solely because it is related to a development of regional impact.~~

389 ~~3.(c)~~ Any Local government comprehensive plan amendments
390 directly related to proposed small scale development activities
391 ~~may be approved without regard to statutory limits on the~~
392 ~~frequency of consideration of amendments to the local~~
393 ~~comprehensive plan.~~ A small scale development amendment may be
394 adopted only under the following conditions:

395 ~~a.1.~~ The proposed amendment involves a use of 10 acres or
396 fewer and:

397 ~~(I)a.~~ The cumulative annual effect of the acreage for all
398 small scale development amendments adopted by the local
399 government shall not exceed:

400 ~~(A)(i)~~ A maximum of 120 acres in a local government that
401 contains areas specifically designated in the local comprehensive
402 plan for urban infill, urban redevelopment, or downtown
403 revitalization as defined in s. 163.3164, urban infill and
404 redevelopment areas designated under s. 163.2517, transportation
405 concurrency exception areas approved pursuant to s. 163.3180(5),



223482

406 or regional activity centers and urban central business districts
407 approved pursuant to s. 380.06(2) (e); however, amendments under
408 this ~~subparagraph~~ ~~paragraph~~ may be applied to no more than 60
409 acres annually of property outside the designated areas listed in
410 this ~~sub-sub-sub-subparagraph~~ ~~sub-sub-subparagraph~~. Amendments
411 ~~adopted pursuant to paragraph (k) shall not be counted toward the~~
412 ~~acreage limitations for small scale amendments under this~~
413 ~~paragraph.~~

414 ~~(B) (II)~~ A maximum of 80 acres in a local government that
415 does not contain any of the designated areas set forth in sub-
416 sub-sub-subparagraph (A) ~~sub-sub-subparagraph (I)~~.

417 ~~(C) (III)~~ A maximum of 120 acres in a county established
418 pursuant to s. 9, Art. VIII of the State Constitution.

419 ~~(II) b.~~ The proposed amendment does not involve the same
420 property granted a change within the prior 12 months.

421 ~~(III) e.~~ The proposed amendment does not involve the same
422 owner's property within 200 feet of property granted a change
423 within the prior 12 months.

424 ~~(IV) d.~~ The proposed amendment does not involve a text
425 change to the goals, policies, and objectives of the local
426 government's comprehensive plan, but only proposes a land use
427 change to the future land use map for a site-specific small scale
428 development activity.

429 ~~(V) e.~~ The property that is the subject of the proposed
430 amendment is not located within an area of critical state
431 concern, unless the project subject to the proposed amendment
432 involves the construction of affordable housing units meeting the
433 criteria of s. 420.0004(3), and is located within an area of
434 critical state concern designated by s. 380.0552 or by the
435 Administration Commission pursuant to s. 380.05(1). Such



223482

436 amendment is not subject to the density limitations of sub-sub-
437 subparagraph VI ~~sub-subparagraph f.~~, and shall be reviewed by the
438 state land planning agency for consistency with the principles
439 for guiding development applicable to the area of critical state
440 concern where the amendment is located and is ~~shall~~ not ~~become~~
441 effective until a final order is issued under s. 380.05(6).

442 (VI) f. If the proposed amendment involves a residential
443 land use, the residential land use has a density of 10 units or
444 less per acre or the proposed future land use category allows a
445 maximum residential density of the same or less than the maximum
446 residential density allowable under the existing future land use
447 category, except that this limitation does not apply to small
448 scale amendments involving the construction of affordable housing
449 units meeting the criteria of s. 420.0004(3) on property which
450 will be the subject of a land use restriction agreement, or small
451 scale amendments described in sub-sub-sub-subparagraph (I) (A)
452 which ~~sub-sub-subparagraph a. (I)~~ that are designated in the local
453 comprehensive plan for urban infill, urban redevelopment, or
454 downtown revitalization as defined in s. 163.3164, urban infill
455 and redevelopment areas designated under s. 163.2517,
456 transportation concurrency exception areas approved pursuant to
457 s. 163.3180(5), or regional activity centers and urban central
458 business districts approved pursuant to s. 380.06(2)(e).

459 b. (I) 2. a. A local government that proposes to consider a
460 plan amendment pursuant to this subparagraph ~~paragraph~~ is not
461 required to comply with the procedures and public notice
462 requirements of s. 163.3184(15)(c) for such plan amendments if
463 the local government complies with the provisions in s.
464 125.66(4)(a) for a county or in s. 166.041(3)(c) for a
465 municipality. If a request for a plan amendment under this



223482

466 ~~subparagraph paragraph~~ is initiated by other than the local
467 government, public notice is required.

468 ~~(II)b.~~ The local government shall send copies of the notice
469 and amendment to the state land planning agency, the regional
470 planning council, and any other person or entity requesting a
471 copy. This information shall also include a statement identifying
472 any property subject to the amendment that is located within a
473 coastal high-hazard area as identified in the local comprehensive
474 plan.

475 ~~c.3.~~ Small scale development amendments adopted pursuant to
476 this ~~subparagraph paragraph~~ require only one public hearing
477 before the governing board, which shall be an adoption hearing as
478 described in s. 163.3184(7), and are not subject to the
479 requirements of s. 163.3184(3)-(6) unless the local government
480 elects to have them subject to those requirements.

481 ~~d.4.~~ If the small scale development amendment involves a
482 site within an area that is designated by the Governor as a rural
483 area of critical economic concern under s. 288.0656(7) for the
484 duration of such designation, the 10-acre limit listed in ~~sub-~~
485 ~~subparagraph a. subparagraph 1.~~ shall be increased by 100 percent
486 to 20 acres. The local government approving the small scale plan
487 amendment shall certify to the Office of Tourism, Trade, and
488 Economic Development that the plan amendment furthers the
489 economic objectives set forth in the executive order issued under
490 s. 288.0656(7), and the property subject to the plan amendment
491 shall undergo public review to ensure that all concurrency
492 requirements and federal, state, and local environmental permit
493 requirements are met.

494 ~~4.(d)~~ Any comprehensive plan amendment required by a
495 compliance agreement pursuant to s. 163.3184(16) ~~may be approved~~



223482

496 ~~without regard to statutory limits on the frequency of adoption~~
497 ~~of amendments to the comprehensive plan.~~

498 ~~(e) A comprehensive plan amendment for location of a state~~
499 ~~correctional facility. Such an amendment may be made at any time~~
500 ~~and does not count toward the limitation on the frequency of plan~~
501 ~~amendments.~~

502 5.(f) Any comprehensive plan amendment that changes the
503 schedule in the capital improvements element, and any amendments
504 directly related to the schedule, ~~may be made once in a calendar~~
505 ~~year on a date different from the two times provided in this~~
506 ~~subsection~~ when necessary to coincide with the adoption of the
507 local government's budget and capital improvements program.

508 ~~(g) Any local government comprehensive plan amendments~~
509 ~~directly related to proposed redevelopment of brownfield areas~~
510 ~~designated under s. 376.80 may be approved without regard to~~
511 ~~statutory limits on the frequency of consideration of amendments~~
512 ~~to the local comprehensive plan.~~

513 6.(h) Any comprehensive plan amendments for port
514 transportation facilities and projects that are eligible for
515 funding by the Florida Seaport Transportation and Economic
516 Development Council pursuant to s. 311.07.

517 ~~(i) A comprehensive plan amendment for the purpose of~~
518 ~~designating an urban infill and redevelopment area under s.~~
519 ~~163.2517 may be approved without regard to the statutory limits~~
520 ~~on the frequency of amendments to the comprehensive plan.~~

521 7.(j) Any comprehensive plan amendment to establish public
522 school concurrency pursuant to s. 163.3180(13), including, but
523 not limited to, adoption of a public school facilities element
524 pursuant to s. 163.3177(12) and adoption of amendments to the
525 capital improvements element and intergovernmental coordination



223482

526 element. In order to ensure the consistency of local government
527 public school facilities elements within a county, such elements
528 must ~~shall~~ be prepared and adopted on a similar time schedule.

529 ~~(k) A local comprehensive plan amendment directly related~~
530 ~~to providing transportation improvements to enhance life safety~~
531 ~~on Controlled Access Major Arterial Highways identified in the~~
532 ~~Florida Intrastate Highway System, in counties as defined in s.~~
533 ~~125.011, where such roadways have a high incidence of traffic~~
534 ~~accidents resulting in serious injury or death. Any such~~
535 ~~amendment shall not include any amendment modifying the~~
536 ~~designation on a comprehensive development plan land use map nor~~
537 ~~any amendment modifying the allowable densities or intensities of~~
538 ~~any land.~~

539 ~~(l) A comprehensive plan amendment to adopt a public~~
540 ~~educational facilities element pursuant to s. 163.3177(12) and~~
541 ~~future land-use map amendments for school siting may be approved~~
542 ~~notwithstanding statutory limits on the frequency of adopting~~
543 ~~plan amendments.~~

544 ~~(m) A comprehensive plan amendment that addresses criteria~~
545 ~~or compatibility of land uses adjacent to or in close proximity~~
546 ~~to military installations in a local government's future land use~~
547 ~~element does not count toward the limitation on the frequency of~~
548 ~~the plan amendments.~~

549 ~~(n) Any local government comprehensive plan amendment~~
550 ~~establishing or implementing a rural land stewardship area~~
551 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

552 ~~(o) A comprehensive plan amendment that is submitted by an~~
553 ~~area designated by the Governor as a rural area of critical~~
554 ~~economic concern under s. 288.0656(7) and that meets the economic~~
555 ~~development objectives may be approved without regard to the~~



223482

556 ~~statutory limits on the frequency of adoption of amendments to~~
557 ~~the comprehensive plan.~~

558 ~~(p) Any local government comprehensive plan amendment that~~
559 ~~is consistent with the local housing incentive strategies~~
560 ~~identified in s. 420.9076 and authorized by the local government.~~

561 8. Any local government comprehensive plan amendment
562 adopted pursuant to a final order issued by the Administration
563 Commission or the Florida Land and Water Adjudicatory Commission.

564 9. A future land use map amendment within an area
565 designated by the Governor as a rural area of critical economic
566 concern under s. 288.0656(7) for the duration of such
567 designation. Before the adoption of such an amendment, the local
568 government shall obtain from the Office of Tourism, Trade, and
569 Economic Development written certification that the plan
570 amendment furthers the economic objectives set forth in the
571 executive order issued under s. 288.0656(7). The property subject
572 to the plan amendment is subject to all concurrency requirements
573 and federal, state, and local environmental permit requirements.

574 10. Any local government comprehensive plan amendment
575 establishing or implementing a rural land stewardship area
576 pursuant to the provisions of s. 163.3177(11)(d) or a sector plan
577 pursuant to the provisions of s. 163.3245.

578 (2) Comprehensive plans may only be amended in such a way
579 as to preserve the internal consistency of the plan pursuant to
580 s. 163.3177(2). Corrections, updates, or modifications of current
581 costs which were set out as part of the comprehensive plan shall
582 not, for the purposes of this act, be deemed to be amendments.

583 (3)(a) The state land planning agency shall not review or
584 issue a notice of intent for small scale development amendments
585 which satisfy the requirements of subparagraph (1)(b)3. paragraph



223482

586 ~~(1)(e)~~. Any affected person may file a petition with the Division
587 of Administrative Hearings pursuant to ss. 120.569 and 120.57 to
588 request a hearing to challenge the compliance of a small scale
589 development amendment with this act within 30 days following the
590 local government's adoption of the amendment, shall serve a copy
591 of the petition on the local government, and shall furnish a copy
592 to the state land planning agency. An administrative law judge
593 shall hold a hearing in the affected jurisdiction not less than
594 30 days nor more than 60 days following the filing of a petition
595 and the assignment of an administrative law judge. The parties to
596 a hearing held pursuant to this subsection shall be the
597 petitioner, the local government, and any intervenor. In the
598 proceeding, the local government's determination that the small
599 scale development amendment is in compliance is presumed to be
600 correct. The local government's determination shall be sustained
601 unless it is shown by a preponderance of the evidence that the
602 amendment is not in compliance with the requirements of this act.
603 In any proceeding initiated pursuant to this subsection, the
604 state land planning agency may intervene.

605 (b)1. If the administrative law judge recommends that the
606 small scale development amendment be found not in compliance, the
607 administrative law judge shall submit the recommended order to
608 the Administration Commission for final agency action. If the
609 administrative law judge recommends that the small scale
610 development amendment be found in compliance, the administrative
611 law judge shall submit the recommended order to the state land
612 planning agency.

613 2. If the state land planning agency determines that the
614 plan amendment is not in compliance, the agency shall submit,
615 within 30 days following its receipt, the recommended order to



223482

616 the Administration Commission for final agency action. If the
617 state land planning agency determines that the plan amendment is
618 in compliance, the agency shall enter a final order within 30
619 days following its receipt of the recommended order.

620 (c) Small scale development amendments shall not become
621 effective until 31 days after adoption. If challenged within 30
622 days after adoption, small scale development amendments shall not
623 become effective until the state land planning agency or the
624 Administration Commission, respectively, issues a final order
625 determining that the adopted small scale development amendment is
626 in compliance. However, a small-scale amendment shall not become
627 effective until it has been rendered to the state land planning
628 agency as required by sub-sub-subparagraph (1)(b)5.b.(I) and the
629 state land planning agency has certified to the local government
630 in writing that the amendment qualifies as a small-scale
631 amendment.

632 (5)(4) Each governing body shall transmit to the state land
633 planning agency a current copy of its comprehensive plan not
634 later than December 1, 1985. Each governing body shall also
635 transmit copies of any amendments it adopts to its comprehensive
636 plan so as to continually update the plans on file with the state
637 land planning agency.

638 (6)(5) Nothing in this part is intended to prohibit or
639 limit the authority of local governments to require that a person
640 requesting an amendment pay some or all of the cost of public
641 notice.

642 (7)(6)(a) A ~~No~~ local government may not amend its
643 comprehensive plan after the date established by the state land
644 planning agency for adoption of its evaluation and appraisal
645 report unless it has submitted its report or addendum to the



223482

646 state land planning agency as prescribed by s. 163.3191, except
647 for plan amendments described in subparagraph (1)(b)2. ~~paragraph~~
648 ~~(1)(b)~~ or subparagraph (1)(b)6. ~~paragraph (1)(h).~~

649 (b) A local government may amend its comprehensive plan
650 after it has submitted its adopted evaluation and appraisal
651 report and for a period of 1 year after the initial determination
652 of sufficiency regardless of whether the report has been
653 determined to be insufficient.

654 (c) A local government may not amend its comprehensive
655 plan, except for plan amendments described in subparagraph
656 (1)(b)2. ~~paragraph (1)(b)~~, if the 1-year period after the initial
657 sufficiency determination of the report has expired and the
658 report has not been determined to be sufficient.

659 (d) When the state land planning agency has determined that
660 the report has sufficiently addressed all pertinent provisions of
661 s. 163.3191, the local government may amend its comprehensive
662 plan without the limitations imposed by paragraph (a) or
663 paragraph (c).

664 (e) Any plan amendment which a local government attempts to
665 adopt in violation of paragraph (a) or paragraph (c) is invalid,
666 but such invalidity may be overcome if the local government
667 readopts the amendment and transmits the amendment to the state
668 land planning agency pursuant to s. 163.3184(7) after the report
669 is determined to be sufficient.

670 Section 10. Section 163.3245, Florida Statutes, is amended
671 to read:

672 163.3245 Optional sector plans.--

673 (1) In recognition of the benefits of large-scale
674 ~~conceptual long-range planning for the buildout of an area, and~~
675 ~~detailed planning for specific areas, as a demonstration project,~~



223482

676 ~~the requirements of s. 380.06 may be addressed as identified by~~
677 ~~this section for up to five~~ local governments or combinations of
678 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
679 plans ~~plan~~ an optional sector plan in accordance with this
680 section. This section is intended to further the intent of s.
681 163.3177(11), ~~7~~ which supports innovative and flexible planning and
682 development strategies, ~~and~~ the purposes of this part, ~~7~~ and part I
683 of chapter 380, and to avoid duplication of effort in terms of
684 the level of data and analysis required for a development of
685 regional impact, ~~7~~ while ensuring the adequate mitigation of
686 impacts to applicable regional resources and facilities,
687 including those within the jurisdiction of other local
688 governments, as would otherwise be provided. Optional sector
689 plans are intended for substantial geographic areas that include
690 ~~including~~ at least 10,000 contiguous ~~5,000~~ acres of one or more
691 local governmental jurisdictions and ~~are~~ to emphasize urban form
692 and protection of regionally significant resources and
693 facilities. ~~The state land planning agency may approve optional~~
694 ~~sector plans of less than 5,000 acres based on local~~
695 ~~circumstances if it is determined that the plan would further the~~
696 ~~purposes of this part and part I of chapter 380. Preparation of~~
697 ~~an optional sector plan is authorized by agreement between the~~
698 ~~state land planning agency and the applicable local governments~~
699 ~~under s. 163.3171(4). An optional sector plan may be adopted~~
700 ~~through one or more comprehensive plan amendments under s.~~
701 ~~163.3184. However, an optional sector plan may not be authorized~~
702 ~~in an area of critical state concern.~~

703 (2) ~~The state land planning agency may enter into an~~
704 ~~agreement to authorize preparation of an optional sector plan~~
705 ~~upon the request of one or more local governments based on~~



223482

706 ~~consideration of problems and opportunities presented by existing~~
707 ~~development trends; the effectiveness of current comprehensive~~
708 ~~plan provisions; the potential to further the state comprehensive~~
709 ~~plan, applicable strategic regional policy plans, this part, and~~
710 ~~part I of chapter 380; and those factors identified by s.~~
711 ~~163.3177(10)(i).~~ The applicable regional planning council shall
712 conduct a scoping meeting with affected local governments and
713 those agencies identified in s. 163.3184(4) before the local
714 government may consider the sector plan amendments for
715 transmittal ~~execution of the agreement authorized by this~~
716 ~~section.~~ The purpose of this meeting is to assist the state land
717 planning agency and the local government in identifying the
718 ~~identification of~~ the relevant planning issues to be addressed
719 and the data and resources available to assist in the preparation
720 of the subsequent plan amendments. The regional planning council
721 shall make written recommendations to the state land planning
722 agency and affected local governments relating to, ~~including~~
723 ~~whether a sustainable sector plan would be appropriate. The~~
724 ~~agreement must define~~ the geographic area to be subject to the
725 sector plan, the planning issues that will be emphasized,
726 requirements for intergovernmental coordination to address
727 extrajurisdictional impacts, supporting application materials
728 including data and analysis, and procedures for public
729 participation. ~~An agreement may address previously adopted sector~~
730 ~~plans that are consistent with the standards in this section.~~
731 ~~Before executing an agreement under this subsection, the local~~
732 ~~government shall hold a duly noticed public workshop to review~~
733 ~~and explain to the public the optional sector planning process~~
734 ~~and the terms and conditions of the proposed agreement. The local~~
735 ~~government shall hold a duly noticed public hearing to execute~~



223482

736 ~~the agreement.~~ All meetings between the state land planning
737 agency department and the local government must be open to the
738 public.

739 (3) Optional sector planning encompasses two levels:
740 adoption under s. 163.3184 of a conceptual long-term overlay plan
741 as part of buildout overlay to the comprehensive plan, ~~having no~~
742 ~~immediate effect on the issuance of development orders or the~~
743 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
744 detailed specific area plans that implement the conceptual long-
745 term overlay plan ~~buildout overlay~~ and authorize issuance of
746 development orders, and within which s. 380.06 is waived. Upon
747 adoption of a conceptual long-term overlay plan, the underlying
748 future land use designations may be used only if consistent with
749 the plan and its implementing goals, objectives, and policies.
750 The overlay plan may provide for all or a portion of the lands
751 addressed by the overlay plan to be used primarily for bona fide
752 agricultural purposes as appropriate interim uses until
753 implementation of all or a portion of the overlay plan. Until
754 ~~such time as a detailed specific area plan is adopted, the~~
755 ~~underlying future land use designations apply.~~

756 (a) In addition to the other requirements of this chapter,
757 a conceptual long-term overlay plan adopted pursuant to s.
758 163.3184 ~~buildout overlay~~ must include maps and text supported by
759 data and analysis that address the following:

760 1. A ~~long-range~~ conceptual long-term overlay plan ~~framework~~
761 map that, at a minimum, identifies the maximum and minimum
762 amounts, densities, intensities, and types of allowable
763 development and generally depicts ~~anticipated~~ areas of urban,
764 agricultural, rural, and conservation land use.



223482

765 2. A general identification of regionally significant
766 public facilities ~~consistent with chapter 9J-2, Florida~~
767 ~~Administrative Code~~, irrespective of local governmental
768 jurisdiction, necessary to support buildout of the anticipated
769 future land uses, and policies setting forth the procedures to be
770 used to address and mitigate these impacts as part of the
771 adoption of detailed specific area plans.

772 3. A general identification of regionally significant
773 natural resources and policies ensuring the protection and
774 conservation of these resources ~~consistent with chapter 9J-2,~~
775 ~~Florida Administrative Code.~~

776 4. Principles and guidelines that address the urban form
777 and interrelationships of anticipated future land uses, and a
778 ~~discussion, at the applicant's option, of the extent, if any, to~~
779 ~~which the plan will address~~ restoring key ecosystems, achieving a
780 more clean, healthy environment, limiting urban sprawl within the
781 sector plan and surrounding area, providing affordable and
782 workforce housing, promoting energy-efficient land use patterns,
783 protecting wildlife and natural areas, advancing the efficient
784 use of land and other resources, and creating quality communities
785 and jobs.

786 5. Identification of general procedures to ensure
787 intergovernmental coordination to address extrajurisdictional
788 impacts from the ~~long-range~~ conceptual long-range overlay plan
789 ~~framework map.~~

790 (b) In addition to the other requirements of this chapter,
791 including those in paragraph (a), the detailed specific area
792 plans must include:

793 1. An area of adequate size to accommodate a level of
794 development which achieves a functional relationship between a



223482

795 ~~full~~ range of land uses within the area and encompasses ~~to~~
796 ~~encompass~~ at least 1,000 acres. ~~The state land planning agency~~
797 ~~may approve detailed specific area plans of less than 1,000 acres~~
798 ~~based on local circumstances if it is determined that the plan~~
799 ~~furtheres the purposes of this part and part I of chapter 380.~~

800 2. Detailed identification and analysis of the minimum and
801 maximum amounts, densities, intensities, distribution, extent,
802 and location of future land uses.

803 3. Detailed identification of regionally significant public
804 facilities, including public facilities outside the jurisdiction
805 of the host local government, anticipated impacts of future land
806 uses on those facilities, and required improvements consistent
807 with the policies accompanying the plan and, for transportation,
808 with rule 9J-2.045 chapter 9J-2, Florida Administrative Code.

809 4. Public facilities necessary for the short term,
810 including developer contributions in a financially feasible 5-
811 year capital improvement schedule of the affected local
812 government.

813 5. Detailed analysis and identification of specific
814 measures to assure the protection of regionally significant
815 natural resources and other important resources both within and
816 outside the host jurisdiction, ~~including those regionally~~
817 ~~significant resources identified in chapter 9J-2, Florida~~
818 ~~Administrative Code.~~

819 6. Principles and guidelines that address the urban form
820 and interrelationships of anticipated future land uses ~~and a~~
821 ~~discussion, at the applicant's option, of the extent, if any, to~~
822 ~~which the plan will address~~ restoring key ecosystems, achieving a
823 more clean, healthy environment, limiting urban sprawl, providing
824 affordable and workforce housing, promoting energy-efficient land



223482

825 use patterns, protecting wildlife and natural areas, advancing
826 the efficient use of land and other resources, and creating
827 quality communities and jobs.

828 7. Identification of specific procedures to ensure
829 intergovernmental coordination and which address ~~to address~~
830 extrajurisdictional impacts of the detailed specific area plan.

831 (c) This subsection does ~~may not be construed to~~ prevent
832 preparation and approval of the conceptual long-term overlay
833 ~~optional sector~~ plan and detailed specific area plan concurrently
834 or in the same submission.

835 ~~(4) The host local government shall submit a monitoring~~
836 ~~report to the state land planning agency and applicable regional~~
837 ~~planning council on an annual basis after adoption of a detailed~~
838 ~~specific area plan. The annual monitoring report must provide~~
839 ~~summarized information on development orders issued, development~~
840 ~~that has occurred, public facility improvements made, and public~~
841 ~~facility improvements anticipated over the upcoming 5 years.~~

842 ~~(4)(5)~~ If ~~When~~ a plan amendment adopting a detailed
843 specific area plan has become effective under ss. 163.3184 and
844 163.3189(2), the provisions of s. 380.06 do not apply to
845 development within the geographic area of the detailed specific
846 area plan. However, any development-of-regional-impact
847 development order that is vested from the detailed specific area
848 plan may be enforced under s. 380.11.

849 (a) The local government adopting the detailed specific
850 area plan is primarily responsible for monitoring and enforcing
851 the detailed specific area plan. Local governments may ~~shall~~ not
852 issue any permits or approvals or provide any extensions of
853 services to development that are not consistent with the detailed
854 sector area plan.



223482

855 (b) If the state land planning agency has reason to believe
856 that a violation of any detailed specific area plan, or of any
857 agreement entered into under this section, has occurred or is
858 about to occur, it may institute an administrative or judicial
859 proceeding to prevent, abate, or control the conditions or
860 activity creating the violation, using the procedures in s.
861 380.11.

862 ~~(c) In instituting an administrative or judicial proceeding~~
863 ~~involving an optional sector plan or detailed specific area plan,~~
864 ~~including a proceeding pursuant to paragraph (b), the complaining~~
865 ~~party shall comply with the requirements of s. 163.3215(4), (5),~~
866 ~~(6), and (7).~~

867 (5) Each local government that is identified as a
868 demonstration project and that has entered into an agreement with
869 the state land planning agency to authorize preparation of an
870 optional sector plan prior to July 1, 2008, is entitled to
871 continue processing the proposed optional sector plan, and the
872 proposed optional sector plan shall be reviewed and may be
873 challenged under the laws and rules in effect at the time of the
874 transmittal of a proposed plan amendment application to the state
875 land planning agency; however, the owner of the property may
876 elect, by giving notice to the local government and the state
877 land planning agency, to be governed under any laws and rules
878 effective after July 1, 2008.

879 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
880 ~~the department shall provide a status report to the Legislative~~
881 ~~Committee on Intergovernmental Relations regarding each optional~~
882 ~~sector plan authorized under this section.~~

883 (6)(7) This section does may not be construed to abrogate
884 the rights of any person under this chapter.



223482

885 Section 11. Section 163.3246, Florida Statutes, is amended
886 to read:

887 163.3246 Local Government Comprehensive Planning
888 Certification Program.--

889 (1) The Legislature finds that ~~There is created~~ the Local
890 Government Comprehensive Planning Certification Program has had a
891 low level of interest from and participation by local
892 governments. New approaches, such as the Alternative State Review
893 Process Pilot Program, provide a more effective approach to
894 expediting and streamlining comprehensive plan amendment review.
895 Therefore, the Local Government Comprehensive Planning
896 Certification Program is discontinued and no additional local
897 governments may be certified. The municipalities of Freeport,
898 Lakeland, Miramar, and Orlando may continue to adopt amendments
899 in accordance with this section and their certification agreement
900 or certification notice. ~~to be administered by the Department of~~
901 ~~Community Affairs. The purpose of the program is to create a~~
902 ~~certification process for local governments who identify a~~
903 ~~geographic area for certification within which they commit to~~
904 ~~directing growth and who, because of a demonstrated record of~~
905 ~~effectively adopting, implementing, and enforcing its~~
906 ~~comprehensive plan, the level of technical planning experience~~
907 ~~exhibited by the local government, and a commitment to implement~~
908 ~~exemplary planning practices, require less state and regional~~
909 ~~oversight of the comprehensive plan amendment process. The~~
910 ~~purpose of the certification area is to designate areas that are~~
911 ~~contiguous, compact, and appropriate for urban growth and~~
912 ~~development within a 10-year planning timeframe. Municipalities~~
913 ~~and counties are encouraged to jointly establish the~~



223482

914 ~~certification area, and subsequently enter into joint~~
915 ~~certification agreement with the department.~~

916 ~~(2) In order to be eligible for certification under the~~
917 ~~program, the local government must:~~

918 ~~(a) Demonstrate a record of effectively adopting,~~
919 ~~implementing, and enforcing its comprehensive plan;~~

920 ~~(b) Demonstrate technical, financial, and administrative~~
921 ~~expertise to implement the provisions of this part without state~~
922 ~~oversight;~~

923 ~~(c) Obtain comments from the state and regional review~~
924 ~~agencies regarding the appropriateness of the proposed~~
925 ~~certification;~~

926 ~~(d) Hold at least one public hearing soliciting public~~
927 ~~input concerning the local government's proposal for~~
928 ~~certification; and~~

929 ~~(e) Demonstrate that it has adopted programs in its local~~
930 ~~comprehensive plan and land development regulations which:~~

931 ~~1. Promote infill development and redevelopment, including~~
932 ~~prioritized and timely permitting processes in which applications~~
933 ~~for local development permits within the certification area are~~
934 ~~acted upon expeditiously for proposed development that is~~
935 ~~consistent with the local comprehensive plan.~~

936 ~~2. Promote the development of housing for low income and~~
937 ~~very low income households or specialized housing to assist~~
938 ~~elderly and disabled persons to remain at home or in independent~~
939 ~~living arrangements.~~

940 ~~3. Achieve effective intergovernmental coordination and~~
941 ~~address the extrajurisdictional effects of development within the~~
942 ~~certified area.~~



223482

943 4. ~~Promote economic diversity and growth while encouraging~~
944 ~~the retention of rural character, where rural areas exist, and~~
945 ~~the protection and restoration of the environment.~~

946 5. ~~Provide and maintain public urban and rural open space~~
947 ~~and recreational opportunities.~~

948 6. ~~Manage transportation and land uses to support public~~
949 ~~transit and promote opportunities for pedestrian and nonmotorized~~
950 ~~transportation.~~

951 7. ~~Use design principles to foster individual community~~
952 ~~identity, create a sense of place, and promote pedestrian-~~
953 ~~oriented safe neighborhoods and town centers.~~

954 8. ~~Redevelop blighted areas.~~

955 9. ~~Adopt a local mitigation strategy and have programs to~~
956 ~~improve disaster preparedness and the ability to protect lives~~
957 ~~and property, especially in coastal high-hazard areas.~~

958 10. ~~Encourage clustered, mixed-use development that~~
959 ~~incorporates greenspace and residential development within~~
960 ~~walking distance of commercial development.~~

961 11. ~~Encourage urban infill at appropriate densities and~~
962 ~~intensities and separate urban and rural uses and discourage~~
963 ~~urban sprawl while preserving public open space and planning for~~
964 ~~buffer-type land uses and rural development consistent with their~~
965 ~~respective character along and outside the certification area.~~

966 12. ~~Assure protection of key natural areas and agricultural~~
967 ~~lands that are identified using state and local inventories of~~
968 ~~natural areas. Key natural areas include, but are not limited to:~~

969 a. ~~Wildlife corridors.~~

970 b. ~~Lands with high native biological diversity, important~~
971 ~~areas for threatened and endangered species, species of special~~
972 ~~concern, migratory bird habitat, and intact natural communities.~~



223482

973 ~~e. Significant surface waters and springs, aquatic~~
974 ~~preserves, wetlands, and outstanding Florida waters.~~

975 ~~d. Water resources suitable for preservation of natural~~
976 ~~systems and for water resource development.~~

977 ~~e. Representative and rare native Florida natural systems.~~

978 ~~13. Ensure the cost efficient provision of public~~
979 ~~infrastructure and services.~~

980 ~~(3) Portions of local governments located within areas of~~
981 ~~critical state concern cannot be included in a certification~~
982 ~~area.~~

983 ~~(4) A local government or group of local governments~~
984 ~~seeking certification of all or part of a jurisdiction or~~
985 ~~jurisdictions must submit an application to the department which~~
986 ~~demonstrates that the area sought to be certified meets the~~
987 ~~criteria of subsections (2) and (5). The application shall~~
988 ~~include copies of the applicable local government comprehensive~~
989 ~~plan, land development regulations, interlocal agreements, and~~
990 ~~other relevant information supporting the eligibility criteria~~
991 ~~for designation. Upon receipt of a complete application, the~~
992 ~~department must provide the local government with an initial~~
993 ~~response to the application within 90 days after receipt of the~~
994 ~~application.~~

995 ~~(5) If the local government meets the eligibility criteria~~
996 ~~of subsection (2), the department shall certify all or part of a~~
997 ~~local government by written agreement, which shall be considered~~
998 ~~final agency action subject to challenge under s. 120.569.~~

999 (2) The agreement for the municipalities of Lakeland,
1000 Miramar, and Orlando must include the following components:

1001 (a) The basis for certification.



223482

1002 (b) The boundary of the certification area, which
1003 encompasses areas that are contiguous, compact, appropriate for
1004 urban growth and development, and in which public infrastructure
1005 exists ~~is existing~~ or is planned within a 10-year planning
1006 timeframe. The certification area must ~~is required to~~ include
1007 sufficient land to accommodate projected population growth,
1008 housing demand, including choice in housing types and
1009 affordability, job growth and employment, appropriate densities
1010 and intensities of use to be achieved in new development and
1011 redevelopment, existing or planned infrastructure, including
1012 transportation and central water and sewer facilities. The
1013 certification area must be adopted as part of the local
1014 government's comprehensive plan.

1015 (c) A demonstration that the capital improvements plan
1016 governing the certified area is updated annually.

1017 (d) A visioning plan or a schedule for the development of a
1018 visioning plan.

1019 (e) A description of baseline conditions related to the
1020 evaluation criteria in paragraph (g) in the certified area.

1021 (f) A work program setting forth specific planning
1022 strategies and projects that will be undertaken to achieve
1023 improvement in the baseline conditions as measured by the
1024 criteria identified in paragraph (g).

1025 (g) Criteria to evaluate the effectiveness of the
1026 certification process in achieving the community-development
1027 goals for the certification area including:

- 1028 1. Measuring the compactness of growth, expressed as the
1029 ratio between population growth and land consumed;
1030 2. Increasing residential density and intensities of use;



223482

- 1031 3. Measuring and reducing vehicle miles traveled and
1032 increasing the interconnectedness of the street system,
1033 pedestrian access, and mass transit;
- 1034 4. Measuring the balance between the location of jobs and
1035 housing;
- 1036 5. Improving the housing mix within the certification area,
1037 including the provision of mixed-use neighborhoods, affordable
1038 housing, and the creation of an affordable housing program if
1039 ~~such~~ a program is not already in place;
- 1040 6. Promoting mixed-use developments as an alternative to
1041 single-purpose centers;
- 1042 7. Promoting clustered development having dedicated open
1043 space;
- 1044 8. Linking commercial, educational, and recreational uses
1045 directly to residential growth;
- 1046 9. Reducing per capita water and energy consumption;
- 1047 10. Prioritizing environmental features to be protected and
1048 adopting measures or programs to protect identified features;
- 1049 11. Reducing hurricane shelter deficits and evacuation
1050 times and implementing the adopted mitigation strategies; and
- 1051 12. Improving coordination between the local government and
1052 school board.
- 1053 (h) A commitment to change any land development regulations
1054 that restrict compact development and adopt alternative design
1055 codes that encourage desirable densities and intensities of use
1056 and patterns of compact development identified in the agreement.
- 1057 (i) A plan for increasing public participation in
1058 comprehensive planning and land use decisionmaking which includes
1059 outreach to neighborhood and civic associations through community
1060 planning initiatives.



223482

1061 (j) A demonstration that the intergovernmental coordination
1062 element of the local government's comprehensive plan includes
1063 joint processes for coordination between the school board and
1064 local government pursuant to s. 163.3177(6) (h)2. and other
1065 requirements of law.

1066 (k) A method of addressing the extrajurisdictional effects
1067 of development within the certified area, which is integrated by
1068 amendment into the intergovernmental coordination element of the
1069 local government comprehensive plan.

1070 (l) A requirement for the annual reporting to the state
1071 land planning agency ~~department~~ of plan amendments adopted during
1072 the year, and the progress of the local government in meeting the
1073 terms and conditions of the certification agreement. Prior to the
1074 deadline for the annual report, the local government must hold a
1075 public hearing soliciting public input on the progress of the
1076 local government in satisfying the terms of the certification
1077 agreement.

1078 (m) An expiration date that is within ~~no later than~~ 10
1079 years after execution of the agreement.

1080 ~~(6) The department may enter up to eight new certification~~
1081 ~~agreements each fiscal year. The department shall adopt~~
1082 ~~procedural rules governing the application and review of local~~
1083 ~~government requests for certification. Such procedural rules may~~
1084 ~~establish a phased schedule for review of local government~~
1085 ~~requests for certification.~~

1086 (3) For the municipality of Freeport, the notice of
1087 certification shall include the following components:

1088 (a) The boundary of the certification area.

1089 (b) A report to the state land planning agency according to
1090 the schedule provided in the written notice. The monitoring



223482

1091 report shall, at a minimum, include the number of amendments to
1092 the comprehensive plan adopted by the local government, the
1093 number of plan amendments challenged by an affected person, and
1094 the disposition of those challenges.

1095 (4) Notwithstanding any other subsections, the municipality
1096 of Freeport shall remain certified for as long as it is
1097 designated as a rural area of critical economic concern.

1098 (5) If the municipality of Freeport does not request that
1099 the state land planning agency review the developments of
1100 regional impact that are proposed within the certified area, an
1101 application for approval of a development order within the
1102 certified area shall be exempt from review under s. 380.06,
1103 subject to the following:

1104 (a) Concurrent with filing an application for development
1105 approval with the local government, a developer proposing a
1106 project that would have been subject to review pursuant to s.
1107 380.06 shall notify in writing the regional planning council that
1108 has jurisdiction.

1109 (b) The regional planning council shall coordinate with the
1110 developer and the local government to ensure that all concurrency
1111 requirements as well as federal, state, and local environmental
1112 permit requirements are met.

1113 (6)-(7) The state land planning agency ~~department~~ shall
1114 revoke the local government's certification if it determines that
1115 the local government is not substantially complying with the
1116 terms of the agreement.

1117 (7)-(8) An affected person, as defined in s. 163.3184(1) ~~by~~
1118 s. 163.3184(1)(a), may petition for an administrative hearing
1119 alleging that a local government is not substantially complying
1120 with the terms of the agreement, using the procedures and



223482

1121 | timeframes for notice and conditions precedent described in s.
1122 | 163.3213. Such a petition must be filed within 30 days after the
1123 | annual public hearing required by paragraph (2) (1) ~~(5) (1)~~.

1124 | ~~(8) (9)~~ (a) ~~Upon certification~~ All comprehensive plan
1125 | amendments associated with the area certified must be adopted and
1126 | reviewed in the manner described in ss. 163.3184(1), (2), (7),
1127 | (14), (15), and (16) and 163.3187, such that state and regional
1128 | agency review is eliminated. The state land planning agency
1129 | ~~department~~ may not issue any objections, recommendations, and
1130 | comments report on proposed plan amendments or a notice of intent
1131 | on adopted plan amendments; however, affected persons, as defined
1132 | in s. 163.3184(1) ~~by s. 163.3184(1)(a)~~, may file a petition for
1133 | administrative review pursuant to ~~the requirements of~~ s.
1134 | 163.3187(3) (a) to challenge the compliance of an adopted plan
1135 | amendment.

1136 | (b) Plan amendments that change the boundaries of the
1137 | certification area; propose a rural land stewardship area
1138 | pursuant to s. 163.3177(11) (d); propose an optional sector plan
1139 | pursuant to s. 163.3245; propose a school facilities element;
1140 | update a comprehensive plan based on an evaluation and appraisal
1141 | report; impact lands outside the certification boundary;
1142 | implement new statutory requirements that require specific
1143 | comprehensive plan amendments; or increase hurricane evacuation
1144 | times or the need for shelter capacity on lands within the
1145 | coastal high-hazard area shall be reviewed pursuant to ss.
1146 | 163.3184 and 163.3187.

1147 | ~~(10)~~ ~~Notwithstanding subsections (2), (4), (5), (6), and~~
1148 | ~~(7), any municipality designated as a rural area of critical~~
1149 | ~~economic concern pursuant to s. 288.0656 which is located within~~
1150 | ~~a county eligible to levy the Small County Surtax under s.~~



223482

1151 ~~212.055(3) shall be considered certified during the effectiveness~~
1152 ~~of the designation of rural area of critical economic concern.~~
1153 ~~The state land planning agency shall provide a written notice of~~
1154 ~~certification to the local government of the certified area,~~
1155 ~~which shall be considered final agency action subject to~~
1156 ~~challenge under s. 120.569. The notice of certification shall~~
1157 ~~include the following components:~~

1158 ~~(a) The boundary of the certification area.~~

1159 ~~(b) A requirement that the local government submit either~~
1160 ~~an annual or biennial monitoring report to the state land~~
1161 ~~planning agency according to the schedule provided in the written~~
1162 ~~notice. The monitoring report shall, at a minimum, include the~~
1163 ~~number of amendments to the comprehensive plan adopted by the~~
1164 ~~local government, the number of plan amendments challenged by an~~
1165 ~~affected person, and the disposition of those challenges.~~

1166 ~~(11) If the local government of an area described in~~
1167 ~~subsection (10) does not request that the state land planning~~
1168 ~~agency review the developments of regional impact that are~~
1169 ~~proposed within the certified area, an application for approval~~
1170 ~~of a development order within the certified area shall be exempt~~
1171 ~~from review under s. 380.06, subject to the following:~~

1172 ~~(a) Concurrent with filing an application for development~~
1173 ~~approval with the local government, a developer proposing a~~
1174 ~~project that would have been subject to review pursuant to s.~~
1175 ~~380.06 shall notify in writing the regional planning council with~~
1176 ~~jurisdiction.~~

1177 ~~(b) The regional planning council shall coordinate with the~~
1178 ~~developer and the local government to ensure that all concurrency~~
1179 ~~requirements as well as federal, state, and local environmental~~
1180 ~~permit requirements are met.~~



223482

1181 ~~(9)-(12)~~ A local government's certification shall be
1182 reviewed by the local government and the state land planning
1183 agency department as part of the evaluation and appraisal process
1184 pursuant to s. 163.3191. Within 1 year after the deadline for the
1185 local government to update its comprehensive plan based on the
1186 evaluation and appraisal report, the state land planning agency
1187 ~~department~~ shall renew or revoke the certification. The local
1188 government's failure to adopt a timely evaluation and appraisal
1189 report, ~~failure to~~ adopt an evaluation and appraisal report found
1190 to be sufficient, or ~~failure to~~ timely adopt amendments based on
1191 an evaluation and appraisal report found to be in compliance by
1192 the state land planning agency department shall be cause for
1193 revoking the certification agreement. The state land planning
1194 agency's department's decision to renew or revoke is shall be
1195 considered agency action subject to challenge under s. 120.569.

1196 ~~(13)~~ ~~The department shall, by July 1 of each odd-numbered~~
1197 ~~year, submit to the Governor, the President of the Senate, and~~
1198 ~~the Speaker of the House of Representatives a report listing~~
1199 ~~certified local governments, evaluating the effectiveness of the~~
1200 ~~certification, and including any recommendations for legislative~~
1201 ~~actions.~~

1202 ~~(14)~~ ~~The Office of Program Policy Analysis and Government~~
1203 ~~Accountability shall prepare a report evaluating the~~
1204 ~~certification program, which shall be submitted to the Governor,~~
1205 ~~the President of the Senate, and the Speaker of the House of~~
1206 ~~Representatives by December 1, 2007.~~

1207 Section 12. Paragraphs (a) and (b) of subsection (1),
1208 subsections (2) and (3), paragraph (b) of subsection (4),
1209 paragraph (a) of subsection (5), paragraph (g) of subsection (6),



223482

1210 and subsections (7) and (8) of section 163.32465, Florida
1211 Statutes, are amended to read:
1212 163.32465 State review of local comprehensive plans in
1213 urban areas.--
1214 (1) LEGISLATIVE FINDINGS.--
1215 (a) The Legislature finds that local governments in this
1216 state have a wide diversity of resources, conditions, abilities,
1217 and needs. The Legislature also finds that the needs and
1218 resources of urban areas are different from those of rural areas
1219 and that different planning and growth management approaches,
1220 strategies, and techniques are required in urban areas. The state
1221 role in overseeing growth management should reflect this
1222 diversity and should vary based on local government conditions,
1223 capabilities, needs, and the extent and type of development.
1224 Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced
1225 state oversight of local comprehensive planning is justified for
1226 some local governments in urban areas and for certain types of
1227 development.
1228 (b) The Legislature finds and declares that the ~~this~~
1229 state's urban areas require a reduced level of state oversight
1230 because of their high degree of urbanization and the planning
1231 capabilities and resources of many of their local governments. An
1232 alternative state review process that is adequate to protect
1233 issues of regional or statewide importance should be created for
1234 appropriate local governments in these areas and for certain
1235 types of development. Further, the Legislature finds that
1236 development, including urban infill and redevelopment, should be
1237 encouraged in these urban areas. The Legislature finds that an
1238 alternative process for amending local comprehensive plans in
1239 these areas should be established with an objective of



223482

1240 streamlining the process and recognizing local responsibility and
1241 accountability.

1242 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT
1243 PROGRAM.--Pinellas and Broward Counties, and the municipalities
1244 within these counties, and Jacksonville, Miami, Tampa, and
1245 Hialeah shall follow the an alternative state review process
1246 provided in this section. Municipalities within the pilot
1247 counties may elect, by super majority vote of the governing body,
1248 not to participate in the pilot program. The alternative state
1249 review process shall also apply to:

1250 (a) Future land use map amendments and associated special
1251 area policies within areas designated in a comprehensive plan for
1252 downtown revitalization pursuant to s. 163.3164(25), urban
1253 redevelopment pursuant to s. 163.3164(26), urban infill
1254 development pursuant to s. 163.3164(27), urban infill and
1255 redevelopment pursuant to s. 163.2517, a multimodal
1256 transportation district pursuant to s. 163.3180(15), or an urban
1257 service area pursuant to s. 163.3180(5)(b)2.e.;

1258 (b) Future land use map amendments for a proposed
1259 development in which at least 15 percent of the residential units
1260 are affordable to individuals or families whose total annual
1261 household income does not exceed 120 percent of the area median
1262 income adjusted for household size or, if located in a county in
1263 which the median purchase price for an existing single-family
1264 home exceeds the statewide median purchase price for such home,
1265 does not exceed 140 percent of the area median income adjusted
1266 for family size. Each such residential unit shall be subject to a
1267 rental, deed, or other restriction to ensure that it meets the
1268 income limits provided in this paragraph for at least 30 years;
1269 and



223482

1270 (c) Future land use map amendments within an area
1271 designated by the Governor as a rural area of critical economic
1272 concern under s. 288.0656(7) for the duration of such
1273 designation. Before the adoption of such an amendment, the local
1274 government must obtain written certification from the Office of
1275 Tourism, Trade, and Economic Development that the plan amendment
1276 furtheres the economic objectives set forth in the executive order
1277 issued under s. 288.0656(7).

1278 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
1279 UNDER THE PILOT PROGRAM.--

1280 (a) Plan amendments adopted by the pilot program
1281 jurisdictions shall follow the alternate, expedited process in
1282 subsections (4) and (5), except as set forth in paragraphs (b)-
1283 (f) ~~(b)-(e)~~ of this subsection.

1284 (b) Amendments that qualify as small-scale development
1285 amendments may continue to be adopted by the pilot program
1286 jurisdictions pursuant to s. 163.3187(1)(d) ~~163.3187(1)(e)~~ and
1287 (3).

1288 (c) Plan amendments that propose a rural land stewardship
1289 area pursuant to s. 163.3177(11)(d); propose an optional sector
1290 plan; update a comprehensive plan based on an evaluation and
1291 appraisal report; implement ~~new~~ statutory requirements not
1292 previously incorporated into a comprehensive plan; or new plans
1293 for newly incorporated municipalities are subject to state review
1294 as set forth in s. 163.3184.

1295 (d) Pilot program jurisdictions are ~~shall be~~ subject to the
1296 frequency and timing requirements for plan amendments set forth
1297 in ss. 163.3187 and 163.3191, except as ~~where~~ otherwise stated in
1298 this section.



223482

1299 (e) The mediation and expedited hearing provisions in s.
1300 163.3189(3) apply to all plan amendments adopted by the pilot
1301 program jurisdictions.

1302 (f) All amendments adopted under this section must comply
1303 with ss. 163.3184(3) (a) and 163.3184(15) (b) 2.

1304 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
1305 PILOT PROGRAM.--

1306 (b) The agencies and local governments specified in
1307 paragraph (a) may provide comments regarding the amendment or
1308 amendments to the local government. The regional planning council
1309 review and comment shall be limited to effects on regional
1310 resources or facilities identified in the strategic regional
1311 policy plan and extrajurisdictional impacts that would be
1312 inconsistent with the comprehensive plan of the affected local
1313 government. A regional planning council may ~~shall~~ not review and
1314 comment on a proposed comprehensive plan amendment prepared by
1315 such council unless the plan amendment has been changed by the
1316 local government subsequent to the preparation of the plan
1317 amendment by the regional planning council. County comments on
1318 municipal comprehensive plan amendments shall be primarily in the
1319 context of the relationship and effect of the proposed plan
1320 amendments on the county plan. Municipal comments on county plan
1321 amendments shall be primarily in the context of the relationship
1322 and effect of the amendments on the municipal plan. State agency
1323 comments may include technical guidance on issues of agency
1324 jurisdiction as it relates to the requirements of this part. Such
1325 comments must ~~shall~~ clearly identify issues that, if not
1326 resolved, may result in an agency challenge to the plan
1327 amendment. For the purposes of this pilot program, agencies are
1328 encouraged to focus potential challenges on issues of regional or



223482

1329 statewide importance. Agencies and local governments must
1330 transmit their comments to the affected local government, if
1331 issued, within 30 days after such that they are received by the
1332 local government not later than thirty days from the date on
1333 which the state land planning agency notifies the affected local
1334 government that the plan amendment package is complete agency or
1335 government received the amendment or amendments. Any comments
1336 from the agencies and local governments must also be transmitted
1337 to the state land planning agency.

1338 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT
1339 AREAS.--

1340 (a) The local government shall hold its second public
1341 hearing, which shall be a hearing on whether to adopt one or more
1342 comprehensive plan amendments, on a weekday at least 5 days after
1343 the day the second advertisement is published pursuant to ~~the~~
1344 ~~requirements of~~ chapter 125 or chapter 166. Adoption of
1345 comprehensive plan amendments must be by ordinance ~~and requires~~
1346 ~~an affirmative vote of a majority of the members of the governing~~
1347 ~~body present at the second hearing. The hearing must be conducted~~
1348 and the amendment adopted within 120 days after receipt of the
1349 agency comments pursuant to s. 163.3246(4)(b). If a local
1350 government fails to adopt the plan amendment within the timeframe
1351 set forth in this subsection, the plan amendment is deemed
1352 abandoned and the plan amendment may not be considered until the
1353 next available amendment cycle pursuant to s. 163.3187.

1354 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
1355 PROGRAM.--

1356 (g) An amendment adopted under the expedited provisions of
1357 this section shall not become effective until completion of the
1358 time period available to the state land planning agency for



223482

1359 administrative challenge under paragraph (a) 31 days after
1360 ~~adoption~~. If timely challenged, an amendment shall not become
1361 effective until the state land planning agency or the
1362 Administration Commission enters a final order determining that
1363 the adopted amendment is to be in compliance.

1364 (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
1365 GOVERNMENTS.--Local governments and specific areas that are have
1366 ~~been~~ designated for alternate review process pursuant to ss.
1367 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this
1368 section.

1369 (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state land
1370 planning agency may adopt procedural ~~Agencies shall not~~
1371 ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
1372 ~~program~~.

1373 Section 13. Subsection (8) of section 163.340, Florida
1374 Statutes, is amended to read:

1375 163.340 Definitions.--The following terms, wherever used or
1376 referred to in this part, have the following meanings:

1377 (8) "Blighted area" means an area in which there are a
1378 substantial number of deteriorated, or deteriorating structures,
1379 in which conditions, as indicated by government-maintained
1380 statistics or other studies, are leading to economic distress or
1381 endanger life or property, and in which two or more of the
1382 following factors are present:

1383 (a) Predominance of defective or inadequate street layout,
1384 parking facilities, roadways, bridges, or public transportation
1385 facilities;

1386 (b) Aggregate assessed values of real property in the area
1387 for ad valorem tax purposes have failed to show any appreciable



223482

- 1388 | increase over the 5 years prior to the finding of such
1389 | conditions;
- 1390 | (c) Faulty lot layout in relation to size, adequacy,
1391 | accessibility, or usefulness;
- 1392 | (d) Unsanitary or unsafe conditions;
- 1393 | (e) Deterioration of site or other improvements;
- 1394 | (f) Inadequate and outdated building density patterns;
- 1395 | (g) Falling lease rates per square foot of office,
1396 | commercial, or industrial space compared to the remainder of the
1397 | county or municipality;
- 1398 | (h) Tax or special assessment delinquency exceeding the
1399 | fair value of the land;
- 1400 | (i) Residential and commercial vacancy rates higher in the
1401 | area than in the remainder of the county or municipality;
- 1402 | (j) Incidence of crime in the area higher than in the
1403 | remainder of the county or municipality;
- 1404 | (k) Fire and emergency medical service calls to the area
1405 | proportionately higher than in the remainder of the county or
1406 | municipality;
- 1407 | (l) A greater number of violations of the Florida Building
1408 | Code in the area than the number of violations recorded in the
1409 | remainder of the county or municipality;
- 1410 | (m) Diversity of ownership or defective or unusual
1411 | conditions of title which prevent the free alienability of land
1412 | within the deteriorated or hazardous area; or
- 1413 | (n) Governmentally owned property with adverse
1414 | environmental conditions caused by a public or private entity.

1415 |
1416 | However, the term "blighted area" also means any area in which at
1417 | least one of the factors identified in paragraphs (a) through (n)



223482

1418 are present and all taxing authorities subject to s.
1419 163.387(2)(a) agree, either by interlocal agreement or agreements
1420 with the agency or by resolution, that the area is blighted, or
1421 that the area was previously used as a military facility, is
1422 undeveloped, and consists of land that the Federal Government
1423 declared surplus within the preceding 20 years, not including any
1424 such area that is currently being used by the military in an
1425 active-duty, reserve, or National Guard capacity. Such agreement
1426 or resolution shall only determine that the area is blighted. For
1427 purposes of qualifying for the tax credits authorized in chapter
1428 220, "blighted area" means an area as defined in this subsection.

1429 Section 14. Section 166.0451, Florida Statutes, is
1430 renumbered as section 163.32432, Florida Statutes, and amended to
1431 read:

1432 163.32432 ~~166.0451~~ Disposition of municipal property for
1433 affordable housing.--

1434 (1) By July 1, 2007, and every 3 years thereafter, each
1435 municipality shall prepare an inventory list of all real property
1436 within its jurisdiction to which the municipality holds fee
1437 simple title that is appropriate for use as affordable housing.
1438 The inventory list must include the address and legal description
1439 of each ~~such~~ property and specify whether the property is vacant
1440 or improved. The governing body of the municipality must review
1441 the inventory list at a public hearing and may revise it at the
1442 conclusion of the public hearing. Following the public hearing,
1443 the governing body of the municipality shall adopt a resolution
1444 that includes an inventory list of such property.

1445 (2) The properties identified as appropriate for use as
1446 affordable housing on the inventory list adopted by the
1447 municipality may be offered for sale and the proceeds may be used



223482

1448 to purchase land for the development of affordable housing or to
1449 increase the local government fund earmarked for affordable
1450 housing, or may be sold with a restriction that requires the
1451 development of the property as permanent affordable housing, or
1452 may be donated to a nonprofit housing organization for the
1453 construction of permanent affordable housing. Alternatively, the
1454 municipality may otherwise make the property available for use
1455 for the production and preservation of permanent affordable
1456 housing. For purposes of this section, the term "affordable" has
1457 the same meaning as in s. 420.0004(3).

1458 (3) As a precondition to receiving any state affordable
1459 housing funding or allocation for any project or program within
1460 the municipality's jurisdiction, a municipality must, by July 1
1461 of each year, provide certification that the inventory and any
1462 update required by this section is complete.

1463 Section 15. Subsection (5) and paragraph (d) of subsection
1464 (12) of section 288.975, Florida Statutes, are amended to read:
1465 288.975 Military base reuse plans.--

1466 (5) At the discretion of the host local government, the
1467 provisions of this act may be complied with through the adoption
1468 of the military base reuse plan as a separate component of the
1469 local government comprehensive plan or through simultaneous
1470 amendments to all pertinent portions of the local government
1471 comprehensive plan. Once adopted and approved in accordance with
1472 this section, the military base reuse plan shall be considered to
1473 be part of the host local government's comprehensive plan and
1474 shall be thereafter implemented, amended, and reviewed in
1475 accordance with ~~the provisions of part II of chapter 163. Local~~
1476 ~~government comprehensive plan amendments necessary to initially~~
1477 ~~adopt the military base reuse plan shall be exempt from the~~



223482

1478 ~~limitation on the frequency of plan amendments contained in s.~~
1479 ~~163.3187(2).~~

1480 (12) Following receipt of a petition, the petitioning party
1481 or parties and the host local government shall seek resolution of
1482 the issues in dispute. The issues in dispute shall be resolved as
1483 follows:

1484 (d) Within 45 days after receiving the report from the
1485 state land planning agency, the Administration Commission shall
1486 take action to resolve the issues in dispute. In deciding upon a
1487 proper resolution, the Administration Commission shall consider
1488 the nature of the issues in dispute, any requests for a formal
1489 administrative hearing pursuant to chapter 120, the compliance of
1490 the parties with this section, the extent of the conflict between
1491 the parties, the comparative hardships and the public interest
1492 involved. If the Administration Commission incorporates in its
1493 final order a term or condition that requires any local
1494 government to amend its local government comprehensive plan, the
1495 local government shall amend its plan within 60 days after the
1496 issuance of the order. ~~Such amendment or amendments shall be~~
1497 ~~exempt from the limitation of the frequency of plan amendments~~
1498 ~~contained in s. 163.3187(2), and~~ A public hearing on such
1499 amendment or amendments pursuant to s. 163.3184(15)(b)1. is ~~shall~~
1500 not ~~be~~ required. The final order of the Administration Commission
1501 is subject to appeal pursuant to s. 120.68. If the order of the
1502 Administration Commission is appealed, the time for the local
1503 government to amend its plan is ~~shall be~~ tolled during the
1504 pendency of any local, state, or federal administrative or
1505 judicial proceeding relating to the military base reuse plan.

1506 Section 16. Subsection (5) is added to section 342.201,
1507 Florida Statutes, to read:



223482

1508 | 342.201 Waterfronts Florida Program.--
1509 | (5) The Department of Community Affairs may adopt rules
1510 | necessary to implement the provisions of this section.
1511 | Section 17. Subsection (7), paragraph (c) of subsection
1512 | (19), and paragraph (1) of subsection (24) of section 380.06,
1513 | Florida Statutes, are amended, and present paragraph (u) is
1514 | redesignated as paragraph (v) and a new paragraphs (u) is added
1515 | to subsection (24) of that section, to read:
1516 | 380.06 Developments of regional impact.--
1517 | (7) PREAPPLICATION PROCEDURES.--
1518 | (a) Before filing an application for development approval,
1519 | the developer shall contact the regional planning agency with
1520 | jurisdiction over the proposed development to arrange a
1521 | preapplication conference. Upon the request of the developer or
1522 | the regional planning agency, other affected state and regional
1523 | agencies shall participate in this conference and shall identify
1524 | the types of permits issued by the agencies, the level of
1525 | information required, and the permit issuance procedures as
1526 | applied to the proposed development. The levels of service
1527 | required in the transportation methodology shall be the same
1528 | levels of service used to evaluate concurrency in accordance with
1529 | s. 163.3180. The regional planning agency shall provide the
1530 | developer information about the development-of-regional-impact
1531 | process and the use of preapplication conferences to identify
1532 | issues, coordinate appropriate state and local agency
1533 | requirements, and otherwise promote a proper and efficient review
1534 | of the proposed development. If agreement is reached regarding
1535 | assumptions and methodology to be used in the application for
1536 | development approval, the reviewing agencies may not subsequently
1537 | object to those assumptions and methodologies unless subsequent



223482

1538 changes to the project or information obtained during the review
1539 make those assumptions and methodologies inappropriate.

1540 (19) SUBSTANTIAL DEVIATIONS.--

1541 (c) An extension of the date of buildout of a development,
1542 or any phase thereof, by more than 7 years is presumed to create
1543 a substantial deviation subject to further development-of-
1544 regional-impact review. An extension of the date of buildout, or
1545 any phase thereof, of more than 5 years but not more than 7 years
1546 is presumed not to create a substantial deviation. The extension
1547 of the date of buildout of an areawide development of regional
1548 impact by more than 5 years but less than 10 years is presumed
1549 not to create a substantial deviation. These presumptions may be
1550 rebutted by clear and convincing evidence at the public hearing
1551 held by the local government. An extension of 5 years or less is
1552 not a substantial deviation. For the purpose of calculating when
1553 a buildout or phase date has been exceeded, the time shall be
1554 tolled during the pendency of administrative or judicial
1555 proceedings relating to development permits. Any extension of the
1556 buildout date of a project or a phase thereof shall automatically
1557 extend the commencement date of the project, the termination date
1558 of the development order, the expiration date of the development
1559 of regional impact, and the phases thereof if applicable by a
1560 like period of time. In recognition of the 2007 real estate
1561 market conditions, all development order phase, buildout,
1562 commencement, and expiration dates and all related local
1563 government approvals for projects that are developments of
1564 regional impact or Florida Quality Developments and under active
1565 construction on July 1, 2007, or for which a development order
1566 was adopted between January 1, 2006, and July 1, 2007, regardless
1567 of whether or not active construction has commenced, are extended



223482

1568 | for 3 years regardless of any prior extension. The 3-year
1569 | extension is not a substantial deviation, is not subject to
1570 | further development-of-regional-impact review, and may not be
1571 | considered when determining whether a subsequent extension is a
1572 | substantial deviation under this subsection. This extension also
1573 | applies to all associated local government approvals, including,
1574 | but not limited to, agreements, certificates, and permits related
1575 | to the project.

1576 | (24) STATUTORY EXEMPTIONS.--

1577 | (1) Any proposed development or redevelopment within an
1578 | area designated in the comprehensive plan as an urban
1579 | redevelopment area, a downtown revitalization area, an urban
1580 | infill area, or an urban infill and redevelopment area under s
1581 | 163.2517 is exempt from this section. ~~within an urban service~~
1582 | ~~boundary established under s. 163.3177(14) is exempt from the~~
1583 | ~~provisions of this section if the local government having~~
1584 | ~~jurisdiction over the area where the development is proposed has~~
1585 | ~~adopted the urban service boundary, has entered into a binding~~
1586 | ~~agreement with jurisdictions that would be impacted and with the~~
1587 | ~~Department of Transportation regarding the mitigation of impacts~~
1588 | ~~on state and regional transportation facilities, and has adopted~~
1589 | ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

1590 | (u) Any development within a county having a population
1591 | greater than 1.25 million which is proposed for at least two
1592 | uses, one of which is for use as an office or laboratory
1593 | appropriate for the research and development of medical
1594 | technology, biotechnology, or life science applications, is
1595 | exempt from this section if:

1596 | 1. The land is located in a designated urban infill area or
1597 | within 5 miles of a state-supported biotechnical research



223482

1598 facility or if a local government having jurisdiction recognizes,
1599 by resolution, that the land is located in a compact, high-
1600 intensity, and high-density multiuse area that is appropriate for
1601 intensive growth.

1602 2. The land is located within three-fourths of 1 mile from
1603 one or more bus or light rail transit stops.

1604 3. The development is registered with the United States
1605 Green Building Council and there is an intent to apply for
1606 certification of each building under the Leadership in Energy and
1607 Environmental Design rating program, or the development is
1608 registered by an alternate green building rating system that a
1609 local government having jurisdiction finds appropriate, by
1610 resolution.

1611 (v) ~~(u)~~ Any development within a county with a research and
1612 education authority created by special act and that is also
1613 within a research and development park that is operated or
1614 managed by a research and development authority pursuant to part
1615 V of chapter 159 is exempt from this section.

1616
1617 If a use is exempt from review as a development of regional
1618 impact under paragraphs (a)-(u) ~~(a)-(t)~~, but will be part of a
1619 larger project that is subject to review as a development of
1620 regional impact, the impact of the exempt use must be included in
1621 the review of the larger project.

1622 Section 18. Paragraph (f) of subsection (3) of section
1623 380.0651, Florida Statutes, is amended to read:

1624 380.0651 Statewide guidelines and standards.--

1625 (3) The following statewide guidelines and standards shall
1626 be applied in the manner described in s. 380.06(2) to determine



223482

1627 whether the following developments shall be required to undergo
1628 development-of-regional-impact review:

1629 (f) Hotel or motel development.--

1630 1. Any proposed hotel or motel development that is planned
1631 to create or accommodate 350 or more units; ~~or~~

1632 2. Any proposed hotel or motel development that is planned
1633 to create or accommodate 750 or more units, in a county with a
1634 population greater than 500,000 but not exceeding 1.5 million; or

1635 3. Any proposed hotel or motel development that is planned
1636 to create or accommodate 750 or more units, in a county that has
1637 a population greater than 1.5 million, and only in a geographic
1638 area specifically designated as highly suitable for increased
1639 threshold intensity in the approved local comprehensive plan and
1640 in the strategic regional policy plan.

1641 Section 19. Paragraph (c) of subsection (18) of section
1642 1002.33, Florida Statutes, is amended to read:

1643 1002.33 Charter schools.--

1644 (18) FACILITIES.--

1645 (c) Any facility, or portion thereof, used to house a
1646 charter school whose charter has been approved by the sponsor and
1647 the governing board, pursuant to subsection (7), ~~is shall be~~
1648 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
1649 community service, museum, performing arts, theatre, cinema,
1650 church, community college, college, and university facilities may
1651 provide space to charter schools within their facilities if such
1652 use is consistent with the local comprehensive plan and
1653 applicable land development regulations under their preexisting
1654 zoning and land use designations. No expansion of the facilities
1655 shall be allowed to accommodate a charter school unless the



223482

1656 expansion would be in compliance with the local comprehensive
1657 plan and applicable land development regulations.

1658 Section 20. Paragraph (b) of subsection (2) of section
1659 163.3217, Florida Statutes, is amended to read:

1660 163.3217 Municipal overlay for municipal incorporation.--

1661 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
1662 OVERLAY.--

1663 (b)~~1~~. A municipal overlay shall be adopted as an amendment
1664 to the local government comprehensive plan as prescribed by s.
1665 163.3184.

1666 ~~2. A county may consider the adoption of a municipal~~
1667 ~~overlay without regard to the provisions of s. 163.3187(1)~~
1668 ~~regarding the frequency of adoption of amendments to the local~~
1669 ~~comprehensive plan.~~

1670 Section 21. Subsection (4) of section 163.3182, Florida
1671 Statutes, is amended to read:

1672 163.3182 Transportation concurrency backlogs.--

1673 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

1674 ~~(a)~~ Each transportation concurrency backlog authority shall
1675 adopt a transportation concurrency backlog plan as a part of the
1676 local government comprehensive plan within 6 months after the
1677 creation of the authority. The plan shall:

1678 (a)~~1~~. Identify all transportation facilities that have been
1679 designated as deficient and require the expenditure of moneys to
1680 upgrade, modify, or mitigate the deficiency.

1681 (b)~~2~~. Include a priority listing of all transportation
1682 facilities that have been designated as deficient and do not
1683 satisfy concurrency requirements pursuant to s. 163.3180, and the
1684 applicable local government comprehensive plan.



223482

1685 ~~(c)3.~~ Establish a schedule for financing and construction
1686 of transportation concurrency backlog projects that will
1687 eliminate transportation concurrency backlogs within the
1688 jurisdiction of the authority within 10 years after the
1689 transportation concurrency backlog plan adoption. The schedule
1690 shall be adopted as part of the local government comprehensive
1691 plan.

1692 ~~(b) The adoption of the transportation concurrency backlog~~
1693 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

1694 Section 22. Subsection (11) of section 171.203, Florida
1695 Statutes, is amended to read:

1696 171.203 Interlocal service boundary agreement.--The
1697 governing body of a county and one or more municipalities or
1698 independent special districts within the county may enter into an
1699 interlocal service boundary agreement under this part. The
1700 governing bodies of a county, a municipality, or an independent
1701 special district may develop a process for reaching an interlocal
1702 service boundary agreement which provides for public
1703 participation in a manner that meets or exceeds the requirements
1704 of subsection (13), or the governing bodies may use the process
1705 established in this section.

1706 (11) (a) A municipality that is a party to an interlocal
1707 service boundary agreement that identifies an unincorporated area
1708 for municipal annexation under s. 171.202(11) (a) shall adopt a
1709 municipal service area as an amendment to its comprehensive plan
1710 to address future possible municipal annexation. The state land
1711 planning agency shall review the amendment for compliance with
1712 part II of chapter 163. The proposed plan amendment must contain:

- 1713 1. A boundary map of the municipal service area.
1714 2. Population projections for the area.



223482

1715 3. Data and analysis supporting the provision of public
1716 facilities for the area.

1717 (b) This part does not authorize the state land planning
1718 agency to review, evaluate, determine, approve, or disapprove a
1719 municipal ordinance relating to municipal annexation or
1720 contraction.

1721 ~~(c) Any amendment required by paragraph (a) is exempt from~~
1722 ~~the twice per year limitation under s. 163.3187.~~

1723 Section 23. There is appropriated to the Division of
1724 Community Planning within the Department of Community Affairs
1725 eight full-time equivalent positions and \$431,299 in recurring
1726 general revenue for the 2008-2009 fiscal year.

1727 Section 24. This act shall take effect July 1, 2008.

1728
1729 ===== T I T L E A M E N D M E N T =====

1730 And the title is amended as follows:

1731 Delete line(s) 92-219

1732 and insert:

1733 system; amending s. 163.31801, F.S.; requiring the
1734 provision of notice before the imposition of an increased
1735 impact fee; providing that the provision of notice is not
1736 required before decreasing or eliminating an impact fee;
1737 amending s. 163.3184, F.S.; requiring that potential
1738 applicants for a future land use map amendment applying to
1739 50 or more acres conduct two meetings to present, discuss,
1740 and solicit public comment on the proposed amendment;
1741 requiring that one such meeting be conducted before the
1742 application is filed and the second meeting be conducted
1743 before adoption of the plan amendment; providing notice
1744 and procedure requirements for such meetings; requiring



223482

1745 that applicants for a plan amendment applying to more than
1746 10 acres but less than 50 acres conduct a meeting before
1747 the application is filed and encouraging a second meeting
1748 within a specified period before the local government's
1749 scheduled adoption hearing; providing for notice of such
1750 meeting; requiring that an applicant file with the local
1751 government a written certification attesting to certain
1752 information; exempting small-scale amendments from
1753 requirements related to meetings; revising a time period
1754 for comments on plan amendments; revising a time period
1755 for requesting state planning agency review of plan
1756 amendments; revising a time period for the state land
1757 planning agency to identify written comments on plan
1758 amendments for local governments; providing that an
1759 amendment is deemed abandoned under certain circumstances;
1760 authorizing the state land planning agency to grant
1761 extensions; requiring that a comprehensive plan or
1762 amendment to be adopted be available to the public;
1763 prohibiting certain types of changes to a plan amendment
1764 during a specified period before the hearing thereupon;
1765 requiring that the local government certify certain
1766 information to the state land planning agency; deleting
1767 exemptions from the limitation on the frequency of
1768 amendments of comprehensive plans; deleting provisions
1769 relating to community vision and urban boundary amendments
1770 to conform to changes made by the act; amending s.
1771 163.3187, F.S.; limiting the adoption of certain plan
1772 amendments to twice per calendar year; limiting the
1773 adoption of certain plan amendments to once per calendar
1774 year; authorizing local governments to adopt certain plan



223482

1775 amendments at any time during a calendar year without
1776 regard for restrictions on frequency; deleting certain
1777 types of amendments from the list of amendments eligible
1778 for adoption at any time during a calendar year; deleting
1779 exemptions from frequency limitations; providing
1780 circumstances under which small-scale amendments become
1781 effective; amending s. 163.3245, F.S.; revising provisions
1782 relating to optional sector plans; authorizing all local
1783 government to adopt optional sector plans into their
1784 comprehensive plan; increasing the size of the area to
1785 which sector plans apply; deleting certain restrictions on
1786 a local government upon entering into sector plans;
1787 deleting an annual monitoring report submitted by a host
1788 local government that has adopted a sector plan and a
1789 status report submitted by the department on optional
1790 sector plans; amending s. 163.3246, F.S.; discontinuing
1791 the Local Government Comprehensive Planning Certification
1792 Program except for currently certified local governments;
1793 retaining an exemption from DRI review for a certified
1794 community in certain circumstances; amending s. 163.32465,
1795 F.S.; revising provisions relating to the state review of
1796 comprehensive plans; providing additional types of
1797 amendments to which the alternative state review applies;
1798 providing that a 30-day period for agency comments begins
1799 when the state land planning agency notifies the local
1800 government that the plan amendment package is complete;
1801 requiring adoption of a plan amendment within 120 days
1802 after receipt of agency comments or the plan amendment is
1803 deemed abandoned; revising the effective date of adopted
1804 plan amendments; providing procedural rulemaking authority



223482

1805 to the state land planning agency; amending s. 163.340,
1806 F.S.; defining the term "blighted area" to include land
1807 previously used as a military facility; renumbering and
1808 amending s. 166.0451, F.S.; requiring municipalities to
1809 certify that they have prepared a list of county-owned
1810 property appropriate for affordable housing before
1811 obtaining certain funding; amending s. 288.975, F.S.;
1812 deleting exemptions from the frequency limitations on
1813 comprehensive plan amendments; amending s. 342.201, F.S.;
1814 authorizing the Department of Community Affairs to adopt
1815 rules to implement the Waterfronts Florida Program;
1816 amending s. 380.06, F.S.; requiring a specified level of
1817 service for certain transportation methodologies; revising
1818 criteria for extending application of certain deadline
1819 dates and approvals for developments of regional impact;
1820 providing an additional statutory exemption for certain
1821 developments in certain counties; providing requirements
1822 and limitations; providing an additional statutory
1823 exemption for certain redevelopment; amending s. 380.0651,
1824 F.S.; expanding the criteria for determining whether
1825 certain additional hotel or motel developments are
1826 required to undergo development-of-regional impact review;
1827 amending s. 1002.33, F.S.; restricting facilities from
1828 providing space to charter schools unless such use is
1829 consistent with the local comprehensive plan; prohibiting
1830 the expansion of certain facilities to accommodate for a
1831 charter school unless such use is consistent with the
1832 local comprehensive plan; amending ss. 163.3217, 163.3182,
1833 and 171.203, F.S.; deleting exemptions from the limitation
1834 on the frequency of amendments of comprehensive plans;

Bill No. CS for CS for SB 474



223482

1835

providing an appropriation and authorizing additional

1836

positions; providing an effective date.