Proposed Committee Substitute by the Committee on Community Affairs

A bill to be entitled

An act relating to growth management; renumbering and amending s. 125.379, F.S.; requiring counties to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; amending s. 163.3177, F.S.; including a provision encouraging rural counties to adopt a rural sub-element as part of their future land use plan; requiring local governments near certain environmentally sensitive areas relating to the Everglades ecosystem to amend their comprehensive plans by a certain date; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; requiring the housing element of the comprehensive plan to include a provision addressing senior affordable housing; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting provisions encouraging local governments to develop a community vision and to designate an urban service boundary; amending s. 163.31771, F.S.; requiring a local government to amend its comprehensive plan to allow accessory dwelling units in an area zoned for single-family residential use; prohibiting such units from being treated as new units if there is a land use restriction agreement that restricts use to affordable

housing; prohibiting accessory dwelling units from being located on certain land; amending s. 163.3178, F.S.; revising provisions relating to coastal management and coastal high-hazard areas; providing factors for demonstrating the compliance of a comprehensive plan amendment with rule provisions relating to coastal areas; amending s. 163.3180, F.S.; revising concurrency requirements; specifying municipal projects that are eligible for transportation concurrency exception areas; revising provisions relating to the Strategic Intermodal System; deleting a requirement for local governments to annually submit a summary of de minimus records; authorizing a methodology based on vehicle and miles traveled for calculating proportionate fair-share methodology; providing transportation concurrency incentives for private developers; deleting an exemption from transportation concurrency provided to certain workforce housing; providing for recommendations for the establishment of a uniform mobility fee methodology to replace the current transportation concurrency management system; amending s. 163.3181, F.S.; requiring an applicant for a future land use map amendment to hold community or neighborhood meetings before filing the application for and the hearing on the amendment; amending s. 163.3184, F.S.; revising the timeframe for a local government to adopt comprehensive plan amendments; providing that if the amendment is not adopted it may not be considered again until the next amendment cycle; requiring a material change to the comprehensive plan or amendment to be filed and made available to the public within a certain

timeframe; providing for submission of electronic addresses; deleting provision relating to community vision and urban boundary amendments to conform to changes made by the act; amending s. 163.3187, F.S.; revising the governing body voting requirements for passage of certain comprehensive plan amendments; revising how often certain plan amendments may be proposed; revising when small scale development amendments become effective; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing all local government to adopt optional sector plans into their comprehensive plan; increasing the size of the area to which sector plans apply; deleting certain restrictions on a local government upon entering into sector plans; deleting an annual monitoring report submitted by a host local government that has adopted a sector plan and a status report submitted by the department on optional sector plans; amending s. 163.3246, F.S.; discontinuing the Local Government Comprehensive Planning Certification Program except for currently certified local governments; creating s. 163.32461, F.S.; providing expedited affordable housing growth strategies; providing legislative intent; providing definitions; providing an optional expedited review for future land use map amendments; providing procedures for such review; providing for the expedited review of subdivision, site plans, and building permits; providing for density bonuses for certain land use; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing additional types of amendments to which the alternative state review

applies; renumbering and amending s. 166.0451, F.S.; requiring municipalities to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 1002.33, F.S.; restricting facilities from providing space to charter schools unless such use is consistent with the local comprehensive plan; amending ss. 163.32465, 288.975, and 380.06, F.S.; conforming cross-references; repealing s. 339.282, F.S., relating to transportation concurrency incentives; repealing s. 420.615, F.S., relating to affordable housing land donation density bonus incentives; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 125.379, Florida Statutes, is renumbered as section 163.32431, Florida Statutes, and amended to read:

163.32431 ~~125.379~~ Disposition of county property for affordable housing.--

(1) By July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each ~~such~~ real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the

county shall adopt a resolution that includes an inventory list of the ~~such~~ property following the public hearing.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

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

Section 2. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.--

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality

and county shall include a representative of the school district appointed by the school board as a nonvoting member ~~of the local planning agency or equivalent agency~~ to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the ~~governing body of the~~ local government from granting voting status to the school board member. Members of the local governing body may not serve on ~~designate itself as~~ the local planning agency pursuant to this subsection ~~with the addition of a nonvoting school board representative~~. The local governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings ~~to be~~ held after public notice and shall make recommendations to the local governing body regarding the adoption or amendment of the plan. The local planning agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity was ~~is~~ in existence on July 1, 1975 ~~the effective date of this act which authorizes the~~

~~governing bodies to adopt and enforce a land use plan effective throughout the joint planning area~~, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 3. Paragraphs (a), (d), and (f) of subsection (6), paragraph (i) of subsection (10), and subsections (13) and (14) of section 163.3177, Florida Statutes, are amended to read:

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

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to ~~the provisions of~~ paragraph (11)(d), as overlays on the future land use map.

1. Each future land use category must be defined in terms of uses included, and must include standards for ~~to be followed in~~ the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall

be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; the discouragement of urban sprawl; energy efficient land use patterns; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

3. The future land use plan may designate areas for future planned development ~~use~~ involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act.

4. The future land use plan ~~element~~ shall include criteria ~~to be used~~ to achieve the compatibility of adjacent or closely proximate lands with military installations.

5. Counties are encouraged to adopt a rural sub-element as a part of the future land use plan. The sub-element shall apply to all lands classified in the future land use plan as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use. The rural sub-element shall include goals, objectives, and policies that enhance rural

economies, promote the viability of agriculture, provide for appropriate economic development, discourage urban sprawl, and ensure the protection of natural resources. The rural sub-element shall generally identify anticipated areas of rural, agricultural, and conservation areas that may be considered for conversion to urban land use and appropriate sites for affordable housing. The rural sub-element shall also generally identify areas that may be considered for rural land stewardship areas, sector planning, or new communities or towns in accordance with ss. 163.3177(11) and 163.3245(2). ~~In addition,~~ For rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and may ~~shall~~ not be limited solely by the projected population of the rural community.

6. The future land use plan of a county may also designate areas for possible future municipal incorporation.

7. The land use maps or map series shall generally identify and depict historic district boundaries and ~~shall~~ designate historically significant properties meriting protection.

8. For coastal counties, the future land use plan ~~element~~ must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07.

9. The future land use plan ~~element~~ must clearly identify the land use categories in which public schools are an allowable use. When delineating such ~~the~~ land use categories ~~in which public schools are an allowable use~~, a local government shall include in the categories sufficient land proximate to

residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~The failure by a local government to comply with these school siting requirements will result in the prohibition of~~ The local government may not ~~government's ability to~~ amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments provided ~~contained~~ in s. 163.3187. The future land use plan ~~element~~ shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county having ~~with~~ a population of 100,000 or fewer, an agricultural land use category is ~~shall be~~ eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan

element shall transmit the update or amendment to the department by June 30, 2006.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs and sources for at least a 10-year period, considering the appropriate regional water supply plan approved pursuant to s. 373.0361, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies.

1. The land use map or map series contained in the future land use element must comply with applicable state law and rules and shall generally identify and depict the following:

a.~~1.~~ Existing and planned waterwells and cones of influence where applicable.

b.~~2.~~ Beaches and shores~~,~~ including estuarine systems.

c.~~3.~~ Rivers, bays, lakes, flood plains, and harbors.

d.~~4.~~ Wetlands.

e ~~5.~~ Minerals and soils.

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

2. By December 31, 2009, local governments lying in whole or in part, within or adjacent to the Everglades Protection Area as described in s. 373.4592; within the Lake Okeechobee

watershed, the Caloosahatchee River watershed, or the St. Lucie River watershed as those areas are described in s. 373.4595; or within the Kissimmee River basin watershed shall amend their comprehensive plans to adopt goals, objectives, and policies that further the restoration and protection of the Everglades ecosystem. The amendments must be supported by an analysis demonstrating consistency with the Everglades Forever Act, the Northern Everglades and Estuaries Protection Program, and the Comprehensive Everglades Restoration Plan.

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

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

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(j), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities. This includes compliance with the applicable public lands provision under s. 163.32431 or s. 163.32432.

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

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the

concentration of affordable housing units only in specific areas of the jurisdiction.

(I)~~h.~~ By July 1, 2008, each county in which the gap between the buying power of a family of four and the median county home sale price exceeds $170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-subparagraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.

(II)~~i.~~ As a precondition to receiving any state affordable housing funding or allocation for any project or program within the jurisdiction of a county that is subject to sub-sub-subparagraph (I), a county must, by July 1 of each year, provide certification that the county has complied with the requirements of sub-sub-subparagraph (I). ~~Failure by a local government to comply with the requirement in sub-subparagraph h. will result in the local government being ineligible to receive any state housing assistance grants until the requirement of sub-subparagraph h. is met.~~

h. The provision of senior affordable housing that has supporting infrastructure and public facilities.

2. The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and

policies of the housing element. Local governments are encouraged to use ~~utilize~~ job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

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

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(i) The Legislature recognizes that due to varying local conditions, local governments have different planning needs that cannot be addressed by one uniform set of minimum planning criteria. Therefore, the state land planning agency may amend

chapter 9J-5, Florida Administrative Code, to establish different minimum criteria that are applicable to local governments based on the following factors:

1. Current and projected population.

2. Size of the local jurisdiction.

3. Amount and nature of undeveloped land.

4. The scale of public services provided by the local government.

The state land planning agency ~~department~~ shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.

~~(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.~~

~~(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):~~

~~1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;~~

~~2. Priorities for economic development;~~

~~3. Preservation of open space, environmentally sensitive lands, and agricultural lands;~~

~~4. Appropriate areas and standards for mixed-use development;~~

~~5. Appropriate areas and standards for high-density commercial and residential development;~~

~~6. Appropriate areas and standards for economic development opportunities and employment centers;~~

~~7. Provisions for adequate workforce housing;~~

~~8. An efficient, interconnected multimodal transportation system; and~~

~~9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1.-8.~~

~~(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:~~

~~1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;~~

~~2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;~~

~~3. Incentives for workforce housing;~~

~~4. Designation of an urban service boundary pursuant to subsection (2); and~~

~~5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.~~

~~(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.~~

~~(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).~~

~~(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(g) A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a~~

~~component has been found in compliance is eligible for the incentives in s. 163.3184(17).~~

~~(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level-of-service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.~~

~~(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

~~(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the~~

~~procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).~~

~~2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full-cost-accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.~~

~~(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.~~

Section 4. Subsections (3), (4), (5), and (6) of section 163.31771, Florida Statutes, are amended to read:

163.31771 Accessory dwelling units.--

(3) Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the local government may amend its comprehensive plan ~~adopt an ordinance~~ to

allow accessory dwelling units in any area zoned for single-family residential use.

(4) If the local government amends its comprehensive plan pursuant to ~~adopts an ordinance under~~ this section, an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.

(5) Each accessory dwelling unit allowed by the comprehensive plan ~~an ordinance adopted under this section~~ shall apply toward satisfying the affordable housing component of the housing element in the local government's comprehensive plan under s. 163.3177(6)(f), and if such unit is subject to a recorded land use restriction agreement restricting its use to affordable housing, the unit may not be treated as a new unit for purposes of transportation concurrency or impact fees. Accessory dwelling units may not be located on land within a coastal high-hazard area, an area of critical state concern, or on lands identified as environmentally sensitive in the local comprehensive plan.

~~(6) The Department of Community Affairs shall evaluate the effectiveness of using accessory dwelling units to address a local government's shortage of affordable housing and report to the Legislature by January 1, 2007. The report must specify the number of ordinances adopted by a local government under this section and the number of accessory dwelling units that were created under these ordinances.~~

Section 5. Paragraph (h) of subsection (2) and subsection (9) of section 163.3178, Florida Statutes, are amended to read:

163.3178 Coastal management.--

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as provided ~~defined~~ in subsection (9). The coastal high-hazard area is the area seaward of ~~below~~ the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. It includes all lands within the area, regardless of elevation, from the mean low-water line to the inland extent of the category 1 storm surge area. It is depicted by, but not limited to, the areas illustrated in the most current SLOSH Storm Surge Atlas. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any adopted rules ~~adopted thereunder~~, are ~~shall be~~ at the discretion of the local government.

(9)~~(a)~~ Local governments may elect to comply with state coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section.

(a) A proposed comprehensive plan amendment is ~~shall be found~~ in compliance ~~with state coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ if:

1. The area subject to the amendment is not:

a. Within a designated area of critical state concern;

b. Inclusive of areas within the FEMA velocity zones;

c. Subject to coastal erosion;

d. Seaward of the coastal construction control line; or

e. Subject to repetitive damage from coastal storms and floods.

2. The local government has adopted the following as a part of its comprehensive plan:

a. Hazard mitigation strategies that reduce, replace, or eliminate unsafe structures and properties subject to repetitive losses from coastal storms or floods.

b. Measures that reduce exposure to hazards including:

(I) Relocation;

(II) Structural modifications of threatened infrastructure;

(III) Provisions for operational or capacity improvements to maintain hurricane evacuation clearance times within established limits; and

(IV) Prohibiting public expenditures for capital improvements that subsidize increased densities and intensities of development within the coastal high-hazard area.

c. A post disaster redevelopment plan.

3.a. The adopted level of service for out-of-county hurricane evacuation clearance time is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and the adopted out-of-county hurricane evacuation clearance time does not exceed 16 hours and is based upon the time necessary to reach shelter space;

b.~~2.~~ A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the

residents of the development contemplated by a proposed comprehensive plan amendment is available; or

c.~~3.~~ Appropriate mitigation is provided to ensure that the requirements of sub-subparagraph a. or sub-subparagraph b. are achieved. ~~will satisfy the provisions of subparagraph 1. or subparagraph 2.~~ Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may ~~shall~~ not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to establish ~~memorialize~~ the mitigation plan. The executed agreement must be submitted along with the adopted plan amendment.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply ~~with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ by following the process in paragraph (a), the level of service may not exceed ~~shall be no greater than~~ 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale based upon the time necessary to reach shelter space.

(c) This subsection applies ~~shall become effective immediately and shall apply~~ to all local governments. By ~~No later than~~ July 1, 2009 ~~2008~~, local governments shall amend their future land use map and coastal management element to include the ~~new~~ definition of coastal high-hazard area provided in paragraph (2)(h) and to depict the coastal high-hazard area on the future land use map.

Section 6. Section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.--

(1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

(a) Public facility types.--Sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement ~~so that it applies~~ to apply to additional public facilities within its jurisdiction.

(b) Transportation methodologies.--Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The state land planning agency and the Department of Transportation shall develop methodologies to assist local governments in implementing this multimodal level-of-service analysis and~~. The Department of Community Affairs and the Department of Transportation~~ shall provide technical assistance to local governments in applying the ~~these~~ methodologies.

(2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

(a) Sanitary sewer, solid waste, drainage, adequate water supply, and potable water facilities.--Consistent with public health and safety, sanitary sewer, solid waste, drainage,

adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available by ~~no later than~~ the anticipated date of issuance ~~by the local government~~ of the ~~a~~ certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

(b) Parks and recreation facilities.--Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction within ~~no later than~~ 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities must ~~shall~~ be dedicated or be acquired by the local government prior to issuance ~~by the local government~~ of the ~~a~~ certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.

(c) Transportation facilities.--Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development must ~~shall~~ be in place or under actual construction within 3 years

after the local government approves a building permit or its functional equivalent that results in traffic generation.

(3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.

(4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.--

(a) State and other public facilities.--The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) Public transit facilities.--The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the maintenance or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) Infill and redevelopment areas.--The concurrency requirement, except as it relates to transportation facilities

and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such ~~a~~ waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver must ~~shall~~ be adopted as a plan amendment pursuant to ~~the process set forth in~~ s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within ~~these~~ urban infill and redevelopment areas.

(5) TRANSPORTATION CONCURRENCY EXCEPTION AREAS.--

(a) Countervailing planning and public policy goals.--The Legislature finds that under limited circumstances ~~dealing with transportation facilities,~~ countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that ~~often~~ the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives are essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers. Therefore, transportation concurrency exception areas are necessary to

achieve the goals and objectives of this part ~~exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection~~.

(b) Geographic applicability.--

1. Within municipalities, transportation concurrency exception areas are established for geographic areas identified in the adopted portion of the comprehensive plan as of July 1, 2008, for:

a. Urban infill development;

b. Urban redevelopment;

c. Downtown revitalization; and

d. Urban infill and redevelopment under s. 163.2517.

2. In other portions of the state, including municipalities and unincorporated areas of counties, a local government may adopt a comprehensive plan amendment establishing a transportation concurrency exception area ~~grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located~~ within an area designated in the comprehensive plan for:

a.~~1.~~ Urban infill development;

b.~~2.~~ Urban redevelopment;

c.~~3.~~ Downtown revitalization;

d.~~4.~~ Urban infill and redevelopment under s. 163.2517; or

e.~~5.~~ An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact~~,~~ contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted

comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.

(c) Projects that have special part-time demands.--The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) Long-term strategies within transportation concurrency exception areas.--Except for transportation concurrency exception areas established pursuant to s. 163.3180(5)(b)1., the following requirements apply: ~~A local government shall establish guidelines in the comprehensive plan for granting the exceptions authorized in paragraphs (b) and (c) and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions.~~

1.~~(c)~~ The local government shall adopt into the plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment must ~~also~~ demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided.

2. ~~In addition,~~ The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill,

redevelopment, or downtown revitalization. The comprehensive plan amendment designating the ~~concurrency~~ exception area must be accompanied by data and analysis justifying the size of the area.

(e)~~(f)~~ Strategic Intermodal System.-- Prior to the designation of a concurrency exception area pursuant to subparagraph (b)2., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the effect ~~impact~~ that the proposed exception area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities~~, as defined in s. 339.64,~~ and roadway facilities funded in accordance with s. 339.2819. Further, as a part of the comprehensive plan amendment establishing the exception area, the local government shall provide for mitigation of impacts ~~, in consultation with the state land planning agency and the Department of Transportation, develop a plan to mitigate any impacts~~ to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures ~~the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d)~~. ~~The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted~~.

~~(g) Transportation concurrency exception areas existing prior to July 1, 2005, must, at a minimum, meet the provisions of this section by July 1, 2006, or at the time of the comprehensive~~

~~plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

(6) DE MINIMIS IMPACT.--The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that does ~~would~~ not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility exceeds ~~would exceed~~ 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; ~~provided~~ however, the ~~that an~~ impact of a single family home on an existing lot is ~~will constitute~~ a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, an ~~no~~ impact is not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted level-of-service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110-percent criterion is not exceeded. ~~Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110-percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.~~

(7) CONCURRENCY MANAGEMENT AREAS.--In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area is ~~must be~~ a compact geographic area that has ~~with~~ an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for ~~such~~ a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the local government shall consult with the state land planning agency and the Department of Transportation ~~shall be consulted by the local government~~ to assess the impact that the proposed concurrency management area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities~~, as defined in s. 339.64,~~ and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the state land planning agency and the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). ~~Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and~~

~~appraisal report, whichever occurs last.~~ The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(8) URBAN REDEVELOPMENT.--When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 150 ~~110~~ percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexisting impact pursuant to the calculations of the local government. Redevelopment requiring less than 150 ~~110~~ percent of the previously existing capacity may ~~shall~~ not be prohibited due to the reduction of transportation levels of service below the adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.

(9) LONG-TERM CONCURRENCY MANAGEMENT.--

(a) Each local government may adopt ~~as a part of its plan,~~ long-term transportation and school concurrency management systems that have ~~with~~ a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist as a part of its plan. The plan may include interim level-of-service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management

system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities and be coordinated with the appropriate metropolitan planning organization. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering up to 15 years for good and sufficient cause, based on a general comparison between the ~~that~~ local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.

2. For roads, whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding this section, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal

report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. ~~ss. 339.61, 339.62,~~ 339.63, ~~and 339.64,~~ the Florida Intrastate Highway System ~~as defined in s. 338.001~~, and roadway facilities funded in accordance with s. 339.2819, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, in ~~for the purpose of~~ using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

(11) LIMITATION OF LIABILITY.--In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy

transportation concurrency, if ~~when~~ all the following factors ~~are shown to~~ exist:

(a) The local government that has ~~with~~ jurisdiction over the property has adopted a local comprehensive plan that is in compliance.

(b) The proposed development is ~~would be~~ consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

(c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.

(d) The local government has provided a means for assessing ~~by which~~ the landowner for ~~will be assessed~~ a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.

(e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.

(12) REGIONAL IMPACT PROPORTIONATE SHARE.--A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

(a) The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

(b) The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit the network of ~~a~~ regionally significant transportation facilities if impacts on the Strategic Intermodal System, the Florida Intrastate Highway System, and other regionally significant roadways outside of the jurisdiction of the local government are mitigated based on the prioritization of needed improvements recommended by the regional planning council ~~facility~~;

(c) The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and

(d) ~~If~~ The regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03 ~~334.03(12)~~, other than the local government that has ~~with~~ jurisdiction over the development of regional impact, the developer must ~~is required to~~ enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan.~~, but,~~ For the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak

hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

(13) SCHOOL CONCURRENCY.--School concurrency shall be established on a districtwide basis and ~~shall~~ include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(a) Public school facilities element.--A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities

element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level-of-service standards.--The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards may use ~~shall have the option to utilize~~ tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.--The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is

also important for ~~purposes of~~ determining whether the local government has a financially feasible public school capital facilities program for ~~that will provide~~ schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to initially apply school concurrency to development only on a districtwide basis so that a concurrency determination for a specific development is ~~will be~~ based upon the availability of school capacity districtwide. To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency, local governments shall apply school concurrency on a less than districtwide basis~~, such as using school attendance zones or concurrency service areas,~~ as provided in subparagraph 2.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden of demonstrating ~~to demonstrate~~ that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, ~~then~~ the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be shifted to contiguous service areas with schools having available capacity.

(d) Financial feasibility.--The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that ~~the~~ public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards for determining ~~to determine~~ the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency must ~~shall~~ contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element must ~~shall~~ set forth a financially feasible public school capital facilities program, established in conjunction with the

school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. ~~Such~~ Amendments to the capital improvements element must ~~shall~~ demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. If ~~When~~ the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation must ~~shall~~ be based upon the service areas selected by the local governments and school board.

(e) Availability standard.--Consistent with the public welfare, a local government may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities must be established in the

public school facilities element and the interlocal agreement pursuant to s. 163.31777.

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such ~~a~~ contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified

in a financially feasible 5-year district work plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

4. If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the effects ~~impacts~~ of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated facility within the first 3 years of an approved capital improvement plan, and the cost of the school facility is equal to or greater than the development's proportionate share. When the completed school facility is conveyed to the school district, the developer shall receive impact fee credits usable within the zone where the facility is constructed or any attendance zone contiguous with or adjacent to the zone where the facility is constructed.

5. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

(f) Intergovernmental coordination.--

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by ss.

163.3177(6)(h)2. and 163.31777(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, may ~~shall~~ not participate in the adopted local school concurrency system~~,~~ if the municipality meets all of the following criteria for not having a ~~no~~ significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that ~~will~~ affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality that ~~which~~ qualifies as not having a ~~no~~ significant impact on school attendance pursuant to ~~the criteria of~~ subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it is ~~will be~~ subject to the enforcement provisions of s. 163.3191.

(g) Interlocal agreement for school concurrency.--When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement must ~~shall~~ acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.31777, the interlocal agreement must ~~shall~~ meet the following requirements:

1. Establish ~~the~~ mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

2. Establish a process for developing ~~the development of~~ siting criteria that ~~which~~ encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

3. Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.

4. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program that ~~which~~ is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

5. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement must ~~shall~~ establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement must ~~shall~~ also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement must ~~shall~~ ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement must ~~shall~~ also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

6. Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, ~~and~~ programmed improvements for affected schools, and any options to provide sufficient capacity;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

7. Include provisions relating to amendment of the agreement.

8. A process and uniform methodology for determining proportionate-share mitigation pursuant to subparagraph (e)1.

(h) Local government authority.--This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

(14) RULEMAKING AUTHORITY.--The state land planning agency shall~~, by October 1, 1998,~~ adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.

(15) MULTIMODAL DISTRICTS.--

(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that ~~will~~ reduce the number of automobile trips or vehicle miles of travel and ~~will~~ support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the Department of

Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as designated in s. 339.63 ~~defined in s. 339.64~~, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). ~~Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

(b) Community design elements of ~~such~~ a multimodal transportation district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, if ~~when~~ justified by an

analysis demonstrating that the existing and planned community design provides ~~will provide~~ an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.

(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.

(e) By December 1, 2007, the Department of Transportation, in consultation with the state land planning agency and interested local governments, may designate a study area for conducting a pilot project to determine the benefits of and barriers to establishing a regional multimodal transportation concurrency district that extends over more than one local government jurisdiction. If designated:

1. The study area must be in a county that has a population of at least 1,000 persons per square mile, be within an urban service area, and have the consent of the local governments within the study area. The Department of Transportation and the state land planning agency shall provide technical assistance.

2. The local governments within the study area and the Department of Transportation, in consultation with the state land planning agency, shall cooperatively create a multimodal transportation plan that meets the requirements of this section. The multimodal transportation plan must include viable local funding options and incorporate community design features, including a range of mixed land uses and densities and intensities, which will reduce the number of automobile trips or vehicle miles of travel while supporting an integrated, multimodal transportation system.

3. To effectuate the multimodal transportation concurrency district, participating local governments may adopt appropriate comprehensive plan amendments.

4. The Department of Transportation, in consultation with the state land planning agency, shall submit a report by March 1, 2009, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the pilot project. The report must identify any factors that support or limit the creation and success of a regional multimodal transportation district including intergovernmental coordination.

(16) FAIR-SHARE MITIGATION.--It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation

under this section shall be as provided for in subsection (12), or a vehicle and people miles traveled methodology or an alternative methodology identified by the local government as a part of its comprehensive plan and that ensures that development impacts on transportation facilities are mitigated.

(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair-share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance that has ~~with~~ methodologies for assessing proportionate fair-share mitigation options.

(b)~~1.~~ In its transportation concurrency management system, a local government shall~~, by December 1, 2006,~~ include methodologies to be applied in calculating ~~that will be applied to calculate~~ proportionate fair-share mitigation.

1. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on ss. 163.3164(32) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated ~~during a period not to exceed 10 years~~ to

fully mitigate impacts on the transportation facilities within 10 years.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. Proportionate fair-share mitigation may be directed toward one or more specific transportation improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel. The fair market value of the proportionate fair-share mitigation may ~~shall~~ not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation. Proportionate fair-share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.

(d) This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

(f) If the funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may ~~still~~ enter into a binding proportionate-share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate-share amount in the ~~such~~ agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvements funded by the proportionate-share component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update. The funding of any improvements that significantly benefit the impacted transportation system satisfies concurrency requirements as a mitigation of the development's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.

(g) Except as provided in subparagraph (b)1., this section does ~~may~~ not prohibit the state land planning agency ~~Department of Community Affairs~~ from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.

(h) ~~The provisions of~~ This subsection does ~~do not~~ apply to a development of regional impact satisfying the requirements of subsection (12).

(17) TRANSPORTATION CONCURRENCY INCENTIVES.--The Legislature finds that allowing private-sector entities to finance, construct, and improve public transportation facilities can provide significant benefits to the public by facilitating transportation without the need for additional public tax revenues. In order to encourage the more efficient and proactive provision of transportation improvements by the private sector, if a developer or property owner voluntarily contributes right-of-way and physically constructs or expands a state transportation facility or segment, and such construction or expansion:

(a) Improves traffic flow, capacity, or safety, the voluntary contribution may be applied as a credit for that property owner or developer against any future transportation concurrency requirements pursuant to chapter if the transportation improvement is identified in the 5-year work plan of the Department of Transportation, and such contributions and credits are set forth in a legally binding agreement executed by the property owner or developer, the local government of the jurisdiction in which the facility is located, and the Department of Transportation.

(b) Is identified in the capital improvement schedule, meets the requirements in this section, and is set forth in a legally binding agreement between the property owner or developer and the applicable local government, the contribution to the local government collector and the arterial system may be applied

as credit against any future transportation concurrency requirements under this chapter.

(18) TRANSPORTATION MOBILITY FEE.--The Legislature finds that the existing transportation concurrency system has not adequately addressed the state's transportation needs in an effective, predictable, and equitable manner and is not producing a sustainable transportation system for the state. The current system is complex, lacks uniformity among jurisdictions, is too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevents the attainment of important growth management goals. The state, therefore, should consider a different transportation concurrency approach that uses a mobility fee based on vehicle and people miles traveled. Therefore, the Legislature directs the state land planning agency to study and develop a methodology for a mobility fee system as follows:

(a) The state land planning agency, in consultation with the Department of Transportation, shall convene a study group that includes representatives from the Department of Transportation, regional planning councils, local governments, the development community, land use and transportation professionals, and the Legislature to develop a uniform mobility fee methodology for statewide application to replace the existing transportation concurrency management system. The methodology shall be based on the amount, distribution, and timing of the vehicle and people miles traveled, professionally accepted standards and practices in the fields of land use and transportation planning, and the requirements of constitutional and statutory law. The mobility fee shall be designed to provide for mobility needs, ensure that development provides mitigation

for its impacts on the transportation system, and promote compact, mixed-use, and energy efficient development. The mobility fee shall be used to fund improvements to the transportation system.

(b) By February 15, 2009, the state land planning agency shall provide a report to the Legislature with recommendations on an appropriate uniform mobility fee methodology and whether a mobility fee system should be applied statewide or to more limited geographic areas, for a schedule to amend comprehensive plans and land development rules to incorporate the mobility fee, for a system for collecting and allocating mobility fees among state and local transportation facilities, and whether and how mobility fees should replace, revise, or supplement transportation impact fees.

(19) ~~(17)~~ A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip-generation entitlements of an approved development-of-regional-impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full-time employees.

Section 7. Subsection (1) of section 163.3181, Florida Statutes, is amended to read:

163.3181 Public participation in the comprehensive planning process; intent; alternative dispute resolution.--

(1) It is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. Each local government shall adopt by ordinance requirements for the holding of a community or neighborhood meeting prior to the filing of applications for future land use map amendments consistent with the provisions of s. 163.3184(3). The provisions and procedures required in this act are set out as the minimum requirements towards this end.

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

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

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

(a) Before the filing of an application for an amendment to the future land use map, the applicant shall conduct a noticed community or neighborhood meeting to present, discuss, and solicit public comment on the proposed map amendment. The meeting

shall be noticed and conducted by the applicant in accordance with the local government's adopted regulations for such meetings and shall be held at least 30 calendar days before the filing of the application for the amendment. The application shall contain a written certification or verification that the meeting has been held and that the required notice was given. At least 15 calendar days before the local governing body holds an adoption hearing on a map amendment, the applicant shall conduct a second noticed community or neighborhood meeting to present and discuss the map amendment application as filed, including any changes made to the proposed amendment following the first community or neighborhood meeting and any additional proposed changes. Prior to the adoption hearing, the applicant shall file with the local government a written certification or verification that the second meeting has been held and noticed in accordance with the local government's adopted regulations for such meetings. This section shall be applicable to every application for a map amendment filed after January 1, 2009.

(b) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive

plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.

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

(d) ~~(c)~~ A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection,

unless review is requested or otherwise initiated pursuant to subsection (6).

(e) ~~(d)~~ In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

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

(a) The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them are ~~shall be~~ public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt, or adopt with changes, the proposed comprehensive plan or ~~s. 163.3191~~ plan amendments. ~~In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment.~~ The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, ~~other than a plan amendment proposed pursuant to s. 163.3191,~~

shall be made in the course of a public hearing pursuant to subsection (15). If a local government fails to adopt the comprehensive plan or plan amendment within the timeframe set forth in this subsection, the plan or plan amendment shall be deemed abandoned and may not be considered until the next available amendment cycle pursuant to ss. 163.3184 and 163.3187 unless the state land planning agency grants a request for an extension of up to 60 days based on good and sufficient cause as determined by the agency. The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(c), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(15) PUBLIC HEARINGS.--

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

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

2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published. Any proposed substantial or material change to the

plan or amendment to be considered by the local government must be filed with the local government and made available to the public at least 5 business days before the hearing, including through the local government's website if one is maintained, as part of the adoption package. However, the local government may consider and take action on any change to the plan or amendment if the applicant and affected parties at the public hearing do not oppose the change. As part of the adoption package, the local government shall certify in writing to the state land planning agency that it has complied with this subsection.

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

~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.--A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described~~

~~in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

(17)~~(18)~~ URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.--A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(d)1.d. ~~163.3187(1)(c)1.d.~~ and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined in subsection (1) ~~by paragraph (1)(a)~~, may file a petition for administrative review pursuant to ~~the requirements of~~ s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This

subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

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

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

163.3187 Amendment of adopted comprehensive plan.--

(1) Comprehensive plan amendments may be adopted by simple majority vote of the governing body of the local government except:

(a) A super majority vote of the members of the governing body of the local government present at the hearing is required to adopt a future land use map amendment that the local planning agency has recommended not be adopted; and

(b) A super majority vote of the members of the governing body of the local government present at the hearing is required to adopt any text amendment except for special area text policies associated with a future land use map amendment, text amendments to the schedule of capital improvements, and text amendments that implement recommendations in an evaluation and appraisal report, or implement a new statutory requirement.

(2) Amendments to comprehensive plans adopted pursuant to this part may not be made ~~not~~ more than once ~~two times~~ during any calendar year, except:

(a) A local government may adopt the following comprehensive plan amendments once per calendar year in addition to the once-per-year adoption referenced immediately above:

1. Future land use map amendments and special area policies associated with those map amendments for land within areas designated in the comprehensive plan for downtown revitalization pursuant to s. 163.3164(25), urban redevelopment pursuant to s. 163.3164(26), urban infill development pursuant to s. 163.3164(27), urban infill and redevelopment pursuant to s.

163.2517, or an urban service area pursuant to s. 163.3180(5)(b)5.

2. Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to s.163.3177(11)(d) or a sector plan pursuant to s. 163.3245.

(b) ~~(a)~~ In the case of an emergency, comprehensive plan amendments may be made more often than once ~~twice~~ during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat ~~thereof~~ whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

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

(d) ~~(c)~~ ~~Any~~ Local government comprehensive plan amendments directly related to proposed small scale development activities

may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

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

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does ~~shall~~ not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. ~~Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.~~

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

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

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

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

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and is ~~shall~~ not ~~become~~ effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small

scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) ~~for such plan amendments~~ if the local government complies with ~~the provisions in~~ s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

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

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

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

(e) ~~(d)~~ Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.

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

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

(g) ~~Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas~~

~~designated under s. 376.80 may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.~~

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

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

(h)~~(j)~~ Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element pursuant to s. 163.3177(12) and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements must ~~shall~~ be prepared and adopted on a similar time schedule.

(i) A local government comprehensive plan amendment adopted pursuant to a final order issued by the Administration Commission or Florida Land and Water Adjudicatory Commission.

(j) A future land use map amendment of up to 20 acres within an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation. Before the adoption of such an amendment, the local government shall obtain from the Office of Tourism, Trade, and Economic Development written certification that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7). The property subject

to the plan amendment is subject to all concurrency requirements and federal, state, and local environmental permit requirements.

(k) A future land use map amendment and any associated special area policies that are for affordable housing and qualify for expedited review under s. 163.32461.

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

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

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

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

~~(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical~~

~~economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

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

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

(4) ~~(3)~~(a) The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy the requirements of paragraph (2)(d) ~~(1)(c)~~. Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment, shall serve a copy of the petition on the local government, and shall furnish a copy to the state land planning agency. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection are ~~shall be~~ the petitioner, the local government, and any intervenor. In the proceeding, the local government's determination that the small scale development amendment is in compliance is presumed to be

correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection, the state land planning agency may intervene.

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

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments are ~~shall~~ not ~~become~~ effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments are ~~shall~~ not ~~become~~ effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance. However, such an amendment is not effective until the state land planning agency has certified to the local government that the amendment qualifies as a small scale development amendment under this subsection. The state land

planning agency must provide this certification or the reason why the amendment does not qualify to the local government in writing within 30 days after receipt of the amendment from the local government pursuant to s. 163.3187(1)(d)2.b.

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

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

(7) ~~(6)~~ (a) A ~~No~~ local government may not amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (2)(c) ~~(1)(b)~~ or paragraph (2)(g) ~~(1)(h)~~.

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

(c) A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (2)(c) ~~(1)(b)~~, if the 1-year period after the initial sufficiency

determination of the report has expired and the report has not been determined to be sufficient.

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

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

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

163.3245 Optional sector plans.--

(1) In recognition of the benefits of large-scale ~~conceptual long-range~~ planning ~~for the buildout of an area, and detailed planning~~ for specific areas, ~~as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five~~ local governments or combinations of local governments may ~~which~~ adopt into their ~~the~~ comprehensive plans ~~plan~~ an optional sector plan in accordance with this section. This section is intended to further the intent of s. 163.3177(11)~~,~~ which supports innovative and flexible planning and development strategies, ~~and~~ the purposes of this part~~,~~ and part I of chapter 380, and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact~~,~~ while ensuring the adequate mitigation of impacts to applicable regional resources and facilities,

including those within the jurisdiction of other local governments, as would otherwise be provided. Optional sector plans are intended for substantial geographic areas which include ~~including~~ at least 10,000 contiguous ~~5,000~~ acres of one or more local governmental jurisdictions and ~~are~~ to emphasize urban form and protection of regionally significant resources and facilities. ~~The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional sector plan may not be authorized in an area of critical state concern.~~

(2) ~~The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i).~~ The applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(4) before the local government may consider the sector plan amendments for transmittal ~~execution of the agreement authorized by this section~~. The purpose of this meeting is to assist the state land

planning agency and the local government in identifying ~~the identification of~~ the relevant planning issues to be addressed and the data and resources available to assist in the preparation of the ~~subsequent~~ plan amendments. The regional planning council shall make written recommendations to the state land planning agency and affected local governments relating to ~~, including whether a sustainable sector plan would be appropriate. The agreement must define~~ the geographic area to be subject to the sector plan, the planning issues that will be emphasized, requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation. ~~An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement.~~ All meetings between the state land planning agency ~~department~~ and the local government must be open to the public.

(3) Optional sector planning encompasses two levels: adoption under s. 163.3184 of a conceptual long-term overlay plan as part of ~~buildout overlay to~~ the comprehensive plan, ~~having no immediate effect on the issuance of development orders or the applicability of s. 380.06,~~ and ~~adoption under s. 163.3184 of~~ detailed specific area plans that implement the conceptual long-term overlay plan ~~buildout overlay~~ and authorize issuance of development orders, and within which s. 380.06 is waived. Upon

adoption of a conceptual long-term overlay plan, the underlying future land use designations may be used only if consistent with the plan and its implementing goals, objectives, and policies. ~~Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.~~

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

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

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

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

4. Principles and guidelines that address the urban form and interrelationships of anticipated future land uses, ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address~~ restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl within the

sector plan and surrounding area, providing affordable and workforce housing, promoting energy efficient land use patterns, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities and jobs.

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

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

1. An area of adequate size to accommodate a level of development which achieves a functional relationship between a ~~full~~ range of land uses within the area and encompasses ~~to encompass~~ at least 1,000 acres. ~~The state land planning agency may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the plan furthers the purposes of this part and part I of chapter 380.~~

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

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

4. Public facilities necessary for the short term, including developer contributions in a financially feasible 5-

year capital improvement schedule of the affected local government.

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

6. Principles and guidelines that address the urban form and interrelationships of anticipated future land uses ~~and a discussion, at the applicant's option, of the extent, if any, to which the plan will address~~ restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl, providing affordable and workforce housing, promoting energy efficient land use patterns, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities and jobs.

7. Identification of specific procedures to ensure intergovernmental coordination that addresses ~~to address~~ extrajurisdictional impacts of the detailed specific area plan.

(c) This subsection does ~~may~~ not ~~be construed to~~ prevent preparation and approval of the optional sector plan and detailed specific area plan concurrently or in the same submission.

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

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

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

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

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

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

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

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

163.3246 Local Government Comprehensive Planning Certification Program.--

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

~~and counties are encouraged to jointly establish the certification area, and subsequently enter into joint certification agreement with the department.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~8. Redevelop blighted areas.~~

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

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

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

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

~~a. Wildlife corridors.~~

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

~~c. Significant surface waters and springs, aquatic preserves, wetlands, and outstanding Florida waters.~~

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

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

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

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

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

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

(1) The agreement or notice must include the following components:

(a) The basis for certification.

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

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

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

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

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

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

1. Measuring the compactness of growth, expressed as the ratio between population growth and land consumed;

2. Increasing residential density and intensities of use;

3. Measuring and reducing vehicle miles traveled and increasing the interconnectedness of the street system, pedestrian access, and mass transit;

4. Measuring the balance between the location of jobs and housing;

5. Improving the housing mix within the certification area, including the provision of mixed-use neighborhoods, affordable housing, and the creation of an affordable housing program if ~~such~~ a program is not already in place;

6. Promoting mixed-use developments as an alternative to single-purpose centers;

7. Promoting clustered development having dedicated open space;

8. Linking commercial, educational, and recreational uses directly to residential growth;

9. Reducing per capita water and energy consumption;

10. Prioritizing environmental features to be protected and adopting measures or programs to protect identified features;

11. Reducing hurricane shelter deficits and evacuation times and implementing the adopted mitigation strategies; and

12. Improving coordination between the local government and school board.

(h) A commitment to change any land development regulations that restrict compact development and adopt alternative design codes that encourage desirable densities and intensities of use and patterns of compact development identified in the agreement.

(i) A plan for increasing public participation in comprehensive planning and land use decisionmaking which includes outreach to neighborhood and civic associations through community planning initiatives.

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

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

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

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

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

(3)~~(7)~~ The state land planning agency ~~department~~ shall revoke the local government's certification if it determines that the local government is not substantially complying with the terms of the agreement or notice.

(4)~~(8)~~ An affected person, as defined in s. 163.3184(1) ~~by s. 163.3184(1)(a)~~, may petition for an administrative hearing alleging that a local government is not substantially complying with the terms of the agreement or notice, using the procedures and timeframes for notice and conditions precedent described in s. 163.3213. Such ~~a~~ petition must be filed within 30 days after the annual public hearing required by paragraph (2)(l) ~~(5)(l)~~.

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

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

~~(10) Notwithstanding subsections (2), (4), (5), (6), and (7), any municipality designated as a rural area of critical economic concern pursuant to s. 288.0656 which is located within a county eligible to levy the Small County Surtax under s. 212.055(3) shall be considered certified during the effectiveness of the designation of rural area of critical economic concern. The state land planning agency shall provide a written notice of certification to the local government of the certified area, which shall be considered final agency action subject to challenge under s. 120.569. The notice of certification shall include the following components:~~

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

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

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

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

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

(6)~~(12)~~ A local government's certification shall be reviewed by the local government and the state land planning agency ~~department~~ as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the state land planning agency ~~department~~ shall renew or revoke the certification. The local government's failure to adopt a timely evaluation and appraisal report, ~~failure to~~ adopt an evaluation and appraisal report found to be sufficient, or ~~failure~~ to timely adopt amendments based on an evaluation and appraisal report found to be in compliance by the state land planning agency ~~department~~ shall be cause for revoking the certification agreement or notice. The state land planning agency's ~~department's~~ decision to renew or revoke is ~~shall be~~ considered agency action subject to challenge under s. 120.569.

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

~~(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor,~~

~~the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.~~

Section 12. Section 163.32461, Florida Statutes, is created to read:

163.32461 Affordable housing growth strategies.--

(1) LEGISLATIVE INTENT.--The Legislature recognizes the acute need to increase the availability of affordable housing in the state consistent this section, the state comprehensive plan, and the State Housing Strategy Act. The Legislature also recognizes that construction costs increase as the result of regulatory delays in approving the development of affordable housing. The Legislature further recognizes that the state's growth management laws can be amended in a manner that encourages the development of affordable housing. Therefore, it is the intent of the Legislature that state review of comprehensive plan amendments and local government review of development proposals that provide for affordable housing be streamlined and expedited.

(2) DEFINITIONS.--For purposes of this section, the term:

(a) "Density bonus" means an increase in the number of on-site, market-rate units that provide an incentive for the construction of affordable housing.

(b) "Development" has the same meaning as in s. 380.04.

(c) "Long-term affordable housing unit" means housing that is affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size or, if located in a county in which the median purchase price for an existing single-family home exceeds the statewide median purchase price for such home, does not exceed 140 percent of the area median income adjusted for family size. The unit shall be subject to a rental, deed, or

other restriction to ensure that it meets the income limits provided in this paragraph for at least 30 years.

(3) EXPEDITED REVIEW IN COUNTIES HAVING A POPULATION GREATER THAN 75,000.--In counties having a population greater than 75,000 and municipalities within those counties, a future land use map amendment for a proposed residential development or mixed-use development requiring that at least 15 percent of the residential units are long-term affordable housing units is subject to the alternative state review process in s. 163.32465(3)-(6). Any special area plan policies or map notations directly related to the map amendment may be adopted at the same time and in the same manner as the map amendment.

(4) OPTIONAL EXPEDITED REVIEW IN COUNTIES HAVING A POPULATION OF FEWER THAN 75,000.--In a county having a population of fewer than 75,000, a future land use map amendment for a proposed residential development or mixed-use development is subject to the alternative state review process in s. 163.32465(3)-(6) if:

(a) The development is located in an area identified as appropriate for affordable housing in an adopted rural sub-element that meets the requirements of s. 163.3177(6)(a); and

(b) The amendment requires that at least 15 percent of the residential units are long-term affordable housing units. Any special area plan policies or map notations directly related to the map amendment may be adopted at the same time and in the same manner as the map amendment. The state land planning agency shall provide funding, contingent upon a legislative appropriation, to counties that undertake the process of preparing a rural sub-element that satisfies the requirements of s. 163.3177(6)(a).

(5) UNIFIED APPLICATION AND EXPEDITED REVIEW.--

(a) Each local government shall by July 1, 2009, establish a process for the unified and expedited review of an application for development approval for a residential development or mixed-use development in which at least 15 percent of the residential units are long-term affordable housing units. The process shall combine plan amendment and rezoning approval at the local level and shall include, at a minimum:

1. A unified application. Each local government shall provide for a unified application for all comprehensive plan amendments and rezonings related to a residential development or mixed-use development in which at least 15 percent of the residential units are long-term affordable housing units. Local governments are encouraged to adopt requirements for a preapplication conference with an applicant to coordinate the completion and submission of the application. Local governments are also encouraged to assign the coordination for review of a unified application to one employee.

2. Procedures for expedited review. Each local government shall adopt procedures that require an expedited review of a unified application. At a minimum, these procedures must ensure that:

a. Within 10 days after receiving a unified application, the local government provides written notification to an applicant stating the application is complete or requests in writing any specific information needed to complete the application.

b. The local planning agency holds its hearing on a unified application and the governing body of the local government holds its first public hearing on whether to transmit the comprehensive plan amendment portion of a unified application under s.

163.32465(4)(a) within 45 days after the application is determined to be complete.

c. For plan amendments that have been transmitted to the state land planning agency under sub-subparagraph b., the governing body of a local government shall hold its second public hearing on whether to adopt the comprehensive plan amendment simultaneously with a hearing on any necessary rezoning ordinance within 30 days after the expiration of the 30-day period allowed for receipt of agency comments under s. 163.32465(4)(b).

(b) This subsection does not apply to development within a rural land-stewardship area, coastal high-hazard area, an area of critical state concern, or on lands identified as environmentally sensitive in the local comprehensive plan.

(6) EXPEDITED SUBDIVISIONS, SITE PLANS, AND BUILDING PERMITS.--Each local government shall adopt procedures to ensure that applications for subdivision, site plan approval, and building permits for a development in which 15 percent of the units are long-term affordable housing units are approved, approved with conditions, or denied within a specified number of days that is 50 percent of the average number of days the local government normally takes to process such application.

(7) REQUIRED DENSITY BONUSES FOR DONATED LAND.--Each local government shall amend its comprehensive plan by July 1, 2009, to provide a 15-percent density bonus if the land is donated for the development of affordable housing. The comprehensive plan shall establish a minimum number of acres that must be donated in order to receive the bonus.

(a) The density bonus:

1. Must be a 15 percent increase above the allowable number of residential units and shall apply to land identified by the developer and approved by the local government;

2. May be used only on land within an area designated as an urban service area in the local comprehensive plan; and

3. May not be used on land within a coastal high-hazard area or an area of critical state concern or on lands identified as environmentally sensitive in the local comprehensive plan.

(b) The land donated for affordable housing does not have to be collocated with the land receiving the density bonus, but both parcels must be located within the local government's jurisdiction for the density bonus to apply. The donated land must be suitable for development as housing and must be conveyed to the local government in fee simple. The local government may transfer all or a portion of the donated land to a nonprofit organization, such as a community land trust, housing authority, or community redevelopment agency to be used for the development and preservation of permanently affordable housing in a project in which at least 30 percent of the residential units are affordable.

(8) REQUIRED DENSITY BONUSES.--Each local government shall amend its comprehensive plan by July 1, 2009, to provide a 15-percent density bonus above the allowable number of residential units for a residential development or a mixed-use development that is located within 2 miles of an existing employment center or an employment center that has received site plan approval. At least 15 percent of any residential units allowed under the density bonus must be long-term affordable housing units.

(a) The density bonus:

1. May be used only on land within an area designated as an urban service area in the local comprehensive plan; and

2. May not be used on land within a coastal high-hazard area or an area of critical state concern or on lands identified as environmentally sensitive in the local comprehensive plan.

(b) For purposes of this subsection, the term "employment center" means a place of employment, or multiple places of employment that are contiguously located, which employ 100 or more full-time employees and is located within an urban service area, approved sector plan, or area designated as a rural area of critical economic concern under s. 288.0656.

(9) CALCULATION OF AFFORDABLE UNITS.--When calculating the number of long-term affordable housing units under this section, a fraction of 0.5 or more shall be rounded up to the next whole number and a fraction of less than 0.5 shall be rounded down to the next lower whole number.

(10) PENALTY.-- As a precondition to receiving any state affordable housing funding or allocation for any project or program within the local government's jurisdiction, a local government must, by July 1 of each year, provide certification that the local government is in compliance with this section.

Section 13. Paragraphs (a) and (b) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), paragraph (a) of subsection (5), paragraph (g) of subsection (6), and subsection (8) of section 163.32465, Florida Statutes, are amended to read:

163.32465 State review of local comprehensive plans in urban areas.--

(1) LEGISLATIVE FINDINGS.--

(a) The Legislature finds that local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that the needs and resources of urban areas are different from those of rural areas and that different planning and growth management approaches, strategies, and techniques are required in urban areas. The state role in overseeing growth management should reflect this diversity and should vary based on local government conditions, capabilities, needs, and the extent and type of development. Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that reduced state oversight of local comprehensive planning is justified for some local governments in urban areas and for certain types of development.

(b) The Legislature finds and declares that ~~this~~ state's urban areas require a reduced level of state oversight because of their high degree of urbanization and the planning capabilities and resources of many of their local governments. An alternative state review process that is adequate to protect issues of regional or statewide importance should be created for appropriate local governments in these areas and for certain types of development. Further, the Legislature finds that development, including urban infill and redevelopment, should be encouraged in these urban areas. The Legislature finds that an alternative process for amending local comprehensive plans in these areas should be established with an objective of streamlining the process and recognizing local responsibility and accountability.

(2) ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.--Pinellas and Broward Counties, and the municipalities within these counties, and Jacksonville, Miami, Tampa, and

Hialeah shall follow the ~~an~~ alternative state review process provided in this section. Municipalities within the pilot counties may elect, by super majority vote of the governing body, not to participate in the pilot program. The alternative state review process shall also apply to:

(a) Future land use map amendments and associated special area policies within areas designated in a comprehensive plan for downtown revitalization pursuant to s. 163.3164(25), urban redevelopment pursuant to s. 163.3164(26), urban infill development pursuant to s. 163.3164(27), urban infill and redevelopment pursuant to s. 163.2517, or an urban service area pursuant to s. 163.3180(5)(b)5;

(b) Affordable housing amendments that qualify under s. 163.32461; and

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

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

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

(b) Amendments that qualify as small-scale development amendments may continue to be adopted by the pilot program

jurisdictions pursuant to s. 163.3187(1)(d) ~~163.3187(1)(c)~~ and (3).

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

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

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

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

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

(b) The agencies and local governments specified in paragraph (a) may provide comments regarding the amendment or amendments to the local government. The regional planning council review and comment shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of the affected local government. A regional planning council may ~~shall~~ not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the

local government subsequent to the preparation of the plan amendment by the regional planning council. County comments on municipal comprehensive plan amendments shall be primarily in the context of the relationship and effect of the proposed plan amendments on the county plan. Municipal comments on county plan amendments shall be primarily in the context of the relationship and effect of the amendments on the municipal plan. State agency comments may include technical guidance on issues of agency jurisdiction as it relates to the requirements of this part. Such comments must ~~shall~~ clearly identify issues that, if not resolved, may result in an agency challenge to the plan amendment. For the purposes of this pilot program, agencies are encouraged to focus potential challenges on issues of regional or statewide importance. Agencies and local governments must transmit their comments to the affected local government, if issued, within 30 days after ~~such that they are received by the local government not later than thirty days from~~ the date ~~on which~~ the state land planning agency notifies the affected local government that the plan amendment package is complete ~~agency or government received the amendment or amendments~~. Any comments from the agencies and local governments must also be transmitted to the state land planning agency.

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

(a) The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least 5 days after the day the second advertisement is published pursuant to ~~the requirements of~~ chapter 125 or chapter 166. Adoption of comprehensive plan amendments must be by ordinance ~~and requires~~

~~an affirmative vote of a majority of the members of the governing body present at the second hearing~~. The hearing must be conducted and the amendment adopted within 120 days after receipt of the agency comments pursuant to s. 163.3246(4)(b). If a local government fails to adopt the plan amendment within the timeframe set forth in this subsection, the plan amendment is deemed abandoned and the plan amendment may not be considered until the next available amendment cycle pursuant to s. 163.3187.

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

(g) An amendment adopted under the expedited provisions of this section shall not become effective until completion of the time period available to the state land planning agency for administrative challenge under s. 163.32465(6)(a) ~~31 days after adoption~~. If timely challenged, an amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted amendment is ~~to be~~ in compliance.

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

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

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

(1) By July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee

simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each ~~such~~ property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

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

Section 15. Paragraph (c) of subsection (18) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.--

(18) FACILITIES.--

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), is ~~shall be~~ exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, community college, college, and university facilities may provide space to charter schools within their facilities if such use is consistent with the local comprehensive plan ~~under their preexisting zoning and land use designations~~.

Section 16. Subsection (7) of section 163.32465, Florida Statutes, is amended to read:

163.32465 State review of local comprehensive plans in urban areas.--

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

Section 17. Subsection (5) and paragraph (d) of subsection (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.--

(5) At the discretion of the host local government, the provisions of this act may be complied with through the adoption of the military base reuse plan as a separate component of the local government comprehensive plan or through simultaneous amendments to all pertinent portions of the local government comprehensive plan. Once adopted and approved in accordance with this section, the military base reuse plan shall be considered to be part of the host local government's comprehensive plan and shall be thereafter implemented, amended, and reviewed in

accordance with ~~the provisions of~~ part II of chapter 163. ~~Local government comprehensive plan amendments necessary to initially adopt the military base reuse plan shall be exempt from the limitation on the frequency of plan amendments contained in s. 163.3187(2).~~

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

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, any requests for a formal administrative hearing pursuant to chapter 120, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. ~~Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(2), and~~ A public hearing on such amendment or amendments pursuant to s. 163.3184(15)(b)1. is ~~shall~~ not ~~be~~ required. The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan is ~~shall be~~ tolled during the

pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Section 18. Paragraph (l) of subsection (24) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.--

(24) STATUTORY EXEMPTIONS.--

(l) Any proposed development within an urban service boundary established as part of a local comprehensive plan under s. 163.3177 ~~s. 163.3177(14)~~ is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

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

Section 19. Sections 339.282 and 420.615, Florida Statutes, are repealed.

Section 20. This act shall take effect July 1, 2008.