

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Cannon offered the following:

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

4 Between lines 2740 and 2741, insert:

5 Section 10. Section 163.3246, Florida Statutes, is amended  
6 to read:

7 163.3246 Local Government Comprehensive Planning  
8 Certification Program.--

9 (1) The Legislature finds that ~~There is created~~ the Local  
10 Government Comprehensive Planning Certification Program has had  
11 a low level of interest from and participation by local  
12 governments. New approaches, such as the Alternative State  
13 Review Process Pilot Program, provide a more effective approach  
14 to expediting and streamlining comprehensive plan amendment  
15 review. Therefore, the Local Government Comprehensive Planning  
16 Certification Program is discontinued and no additional local

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17 governments may be certified. The municipalities of Freeport,  
18 Lakeland, Miramar, and Orlando may continue to adopt amendments  
19 in accordance with this section and their certification  
20 agreement or certification notice. to be administered by the  
21 Department of Community Affairs. The purpose of the program is  
22 to create a certification process for local governments who  
23 identify a geographic area for certification within which they  
24 commit to directing growth and who, because of a demonstrated  
25 record of effectively adopting, implementing, and enforcing its  
26 comprehensive plan, the level of technical planning experience  
27 exhibited by the local government, and a commitment to implement  
28 exemplary planning practices, require less state and regional  
29 oversight of the comprehensive plan amendment process. The  
30 purpose of the certification area is to designate areas that are  
31 contiguous, compact, and appropriate for urban growth and  
32 development within a 10 year planning timeframe. Municipalities  
33 and counties are encouraged to jointly establish the  
34 certification area, and subsequently enter into joint  
35 certification agreement with the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

75           ~~8. Redevelop blighted areas.~~

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

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

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

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

92           ~~a. Wildlife corridors.~~

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

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96 ~~e. Significant surface waters and springs, aquatic~~  
97 ~~preserves, wetlands, and outstanding Florida waters.~~

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

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

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

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

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

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

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

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- 124           (a) The basis for certification.
- 125           (b) The boundary of the certification area, which  
126 encompasses areas that are contiguous, compact, appropriate for  
127 urban growth and development, and in which public infrastructure  
128 exists ~~is existing~~ or is planned within a 10-year planning  
129 timeframe. The certification area must ~~is required to~~ include  
130 sufficient land to accommodate projected population growth,  
131 housing demand, including choice in housing types and  
132 affordability, job growth and employment, appropriate densities  
133 and intensities of use to be achieved in new development and  
134 redevelopment, existing or planned infrastructure, including  
135 transportation and central water and sewer facilities. The  
136 certification area must be adopted as part of the local  
137 government's comprehensive plan.
- 138           (c) A demonstration that the capital improvements plan  
139 governing the certified area is updated annually.
- 140           (d) A visioning plan or a schedule for the development of  
141 a visioning plan.
- 142           (e) A description of baseline conditions related to the  
143 evaluation criteria in paragraph (g) in the certified area.
- 144           (f) A work program setting forth specific planning  
145 strategies and projects that will be undertaken to achieve  
146 improvement in the baseline conditions as measured by the  
147 criteria identified in paragraph (g).
- 148           (g) Criteria to evaluate the effectiveness of the  
149 certification process in achieving the community-development  
150 goals for the certification area including:

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

153 2. Increasing residential density and intensities of use;

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

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

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

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

165 7. Promoting clustered development having dedicated open  
166 space;

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

169 9. Reducing per capita water and energy consumption;

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

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

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

177 (h) A commitment to change any land development  
178 regulations that restrict compact development and adopt

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179 alternative design codes that encourage desirable densities and  
180 intensities of use and patterns of compact development  
181 identified in the agreement.

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

186 (j) A demonstration that the intergovernmental  
187 coordination element of the local government's comprehensive  
188 plan includes joint processes for coordination between the  
189 school board and local government pursuant to s.  
190 163.3177(6)(h)2. and other requirements of law.

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

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

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

205 ~~(6) The department may enter up to eight new certification~~  
206 ~~agreements each fiscal year. The department shall adopt~~

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~~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) For the municipality of Freeport, the notice of certification shall include the following components:

(a) The boundary of the certification area.

(b) A 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.

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

(5) If the municipality of Freeport 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 that has jurisdiction.

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

238        (6)~~(7)~~ The state land planning agency ~~department~~ shall  
239 revoke the local government's certification if it determines  
240 that the local government is not substantially complying with  
241 the terms of the agreement.

242        (7)~~(8)~~ An affected person, as defined in s. 163.3184(1) ~~by~~  
243 ~~s. 163.3184(1)(a)~~, may petition for an administrative hearing  
244 alleging that a local government is not substantially complying  
245 with the terms of the agreement, using the procedures and  
246 timeframes for notice and conditions precedent described in s.  
247 163.3213. Such ~~a~~ petition must be filed within 30 days after the  
248 annual public hearing required by paragraph (2)(1) ~~(5)(1)~~.

249        (8)~~(9)~~(a) ~~Upon certification~~ All comprehensive plan  
250 amendments associated with the area certified must be adopted  
251 and reviewed in the manner described in ss. 163.3184(1), (2),  
252 (7), (14), (15), and (16) and 163.3187, such that state and  
253 regional agency review is eliminated. The state land planning  
254 agency ~~department~~ may not issue any objections, recommendations,  
255 and comments report on proposed plan amendments or a notice of  
256 intent on adopted plan amendments; however, affected persons, as  
257 defined in s. 163.3184(1) ~~by s. 163.3184(1)(a)~~, may file a  
258 petition for administrative review pursuant to ~~the requirements~~  
259 ~~of~~ s. 163.3187(3)(a) to challenge the compliance of an adopted  
260 plan amendment.

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261 (b) Plan amendments that change the boundaries of the  
262 certification area; propose a rural land stewardship area  
263 pursuant to s. 163.3177(11) (d); propose an optional sector plan  
264 pursuant to s. 163.3245; propose a school facilities element;  
265 update a comprehensive plan based on an evaluation and appraisal  
266 report; impact lands outside the certification boundary;  
267 implement new statutory requirements that require specific  
268 comprehensive plan amendments; or increase hurricane evacuation  
269 times or the need for shelter capacity on lands within the  
270 coastal high-hazard area shall be reviewed pursuant to ss.  
271 163.3184 and 163.3187.

272 ~~(10) Notwithstanding subsections (2), (4), (5), (6), and~~  
273 ~~(7), any municipality designated as a rural area of critical~~  
274 ~~economic concern pursuant to s. 288.0656 which is located within~~  
275 ~~a county eligible to levy the Small County Surtax under s.~~  
276 ~~212.055(3) shall be considered certified during the~~  
277 ~~effectiveness of the designation of rural area of critical~~  
278 ~~economic concern. The state land planning agency shall provide a~~  
279 ~~written notice of certification to the local government of the~~  
280 ~~certified area, which shall be considered final agency action~~  
281 ~~subject to challenge under s. 120.569. The notice of~~  
282 ~~certification shall include the following components:~~

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

284 ~~(b) A requirement that the local government submit either~~  
285 ~~an annual or biennial monitoring report to the state land~~  
286 ~~planning agency according to the schedule provided in the~~  
287 ~~written notice. The monitoring report shall, at a minimum,~~  
288 ~~include the number of amendments to the comprehensive plan~~

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289 ~~adopted by the local government, the number of plan amendments~~  
290 ~~challenged by an affected person, and the disposition of those~~  
291 ~~challenges.~~

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

298 ~~(a) Concurrent with filing an application for development~~  
299 ~~approval with the local government, a developer proposing a~~  
300 ~~project that would have been subject to review pursuant to s.~~  
301 ~~380.06 shall notify in writing the regional planning council~~  
302 ~~with jurisdiction.~~

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

307 ~~(9)(12)~~ A local government's certification shall be  
308 reviewed by the local government and the state land planning  
309 agency department as part of the evaluation and appraisal  
310 process pursuant to s. 163.3191. Within 1 year after the  
311 deadline for the local government to update its comprehensive  
312 plan based on the evaluation and appraisal report, the state  
313 land planning agency department shall renew or revoke the  
314 certification. The local government's failure to adopt a timely  
315 evaluation and appraisal report, ~~failure to~~ adopt an evaluation  
316 and appraisal report found to be sufficient, or ~~failure to~~

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317 timely adopt amendments based on an evaluation and appraisal  
318 report found to be in compliance by the state land planning  
319 agency department shall be cause for revoking the certification  
320 agreement. The state land planning agency's department's  
321 decision to renew or revoke is shall be considered agency action  
322 subject to challenge under s. 120.569.

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

329 ~~(14) The Office of Program Policy Analysis and Government~~  
330 ~~Accountability shall prepare a report evaluating the~~  
331 ~~certification program, which shall be submitted to the Governor,~~  
332 ~~the President of the Senate, and the Speaker of the House of~~  
333 ~~Representatives by December 1, 2007.~~

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337 **T I T L E A M E N D M E N T**

338 Remove line 99 and insert:  
339 pilot projects; amending s. 163.3246, F.S.; discontinuing the  
340 Local Government Comprehensive Planning Certification Program  
341 except for currently certified local governments; retaining an  
342 exemption from DRI review for a certified community in certain  
343 circumstances; amending s. 163.32465, F.S.; revising