A bill to be entitled

An act relating to growth management; amending s. 163.3167, F.S.; revising prohibited initiatives or referenda; amending s. 163.3177, F.S.; extending a date for adopting and transmitting certain required amendments; revising criteria and requirements for future land use plan elements of local government comprehensive plans; revising requirements for a housing element; revising requirements for an intergovernmental coordination element; revising requirements for a transportation element; amending s. 163.3180, F.S.; establishing certain transportation concurrency exception areas for certain purposes; providing requirements; establishing urban redevelopment impacts; revising long-term concurrency requirements; revising development of regional impact proportionate share requirements; providing a definition; specifying charter school mitigation options; revising multimodal transportation district requirements; providing definitions; providing a calculation methodology for certain developments' future mitigation costs; providing for an Urban Placemaking Initiative Pilot Project Program; providing for designating certain local governments as urban placemaking initiative pilot projects; providing purposes, requirements, criteria, procedures, and limitations for such local governments, the pilot projects, and the program; revising development proportionate fair-share requirements; providing a definition; providing legislative findings relating to

transportation concurrency; providing legislative intent relating to mobility fees for certain purposes; requiring the Legislative Committee on Intergovernmental Relations to study and develop a methodology for a mobility fee system; providing study and fee applicability requirements; providing for establishing a mobility fee pilot program in certain counties and municipalities in such counties; providing coordination requirements for the committee and such local governments; requiring implementation by a certain date; providing program requirements and criteria; providing mobility fee requirements and limitations; amending s. 163.31801, F.S.; specifying additional criteria for requirements for certain local government impact fees; imposing an evidentiary burden on persons or entities challenging an impact fee in impact fee validity challenge actions; amending s. 163.3184, F.S.; providing certain meeting and notice requirements for applications for future land use amendments; increasing the time period for agency review; providing circumstances for abandonment of a plan amendment; providing for extension and status reports; revising requirements for public hearings for comprehensive plans or plan amendments; providing procedures and requirements for assistance to local governments by the Rural Economic Development Initiative for plan amendments in rural areas of critical economic importance; providing limited application and exemptions for certain plan map amendments; authorizing affected

persons to file petitions for administrative review challenging compliance of certain plan amendments; providing legislative findings relating to rural centers of economic development; providing a declaration of compelling state interest; providing a definition; authorizing certain landowners to apply for amendments to comprehensive plans for certain rural centers of economic development; providing application requirements, procedures, and limitations; amending s. 163.3187, F.S.; authorizing plan amendments once a year; authorizing certain plan amendments twice a year; providing for exceptions; providing requirements for small scale amendment effective dates; amending s. 163.3245, F.S.; increasing the number of authorized optional sector plans pilot projects; amending s. 163.32465, F.S.; revising legislative findings; revising alternative state review process pilot program requirements and procedures; expanding application of the program; revising requirements for the initial hearing on comprehensive plan amendments for the program; revising requirements for administrative challenges to plan amendments for the program; creating s. 163.351, F.S.; revising requirements concerning reporting by community redevelopment agencies; requiring an annual report of progress and plans to the governing body; requiring that the agency and the county or municipality make such report available for public inspection; requiring that certain reports or information concerning dependent special districts be annually

provided to the Department of Community Affairs; requiring that certain financial reports or information be annually provided to the Department of Financial Services; amending s. 163.356, F.S.; eliminating the requirement that community redevelopment agencies file and make available to the public certain reports concerning finances; amending s. 163.370, F.S.; specifying additional projects that may not be paid for or financed with increment revenues; amending s. 163.387, F.S.; revising criteria for making expenditures from moneys in the redevelopment trust fund; specifying that the list is not exclusive; eliminating requirements concerning the auditing of a community redevelopment agency's redevelopment trust fund; amending s. 288.0655, F.S.; providing for a waiver of local match requirements for certain catalyst site funding applications; authorizing the office to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; amending s. 288.0656, F.S.; providing legislative intent; revising definitions; providing certain additional review and action requirements for REDI relating to rural communities; revising representation on REDI; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst project for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures

and requirements for such assistance; revising certain reporting requirements for REDI; amending s. 380.06, F.S.; requiring a specified level of service for certain transportation methodologies; revising criteria for extending application of certain deadline dates and approvals for developments of regional impact; expanding the exemption for certain proposed developments or redevelopments to include certain additional areas; providing an additional statutory exemption for certain developments in certain counties; providing requirements and limitations; amending s. 380.0651, F.S.; expanding the criteria for determining whether certain additional hotel or motel developments are required to undergo development-of-regional impact review; amending s. 403.121, F.S.; providing for limitations on building permits relating to consent orders; amending s. 420.615, F.S.; providing specified application and exemptions for certain comprehensive plan amendments relating to affordable housing land donation density bonus incentives; authorizing affected persons to file petitions for administrative review challenging compliance of such plan amendments; amending ss. 257.193, 288.019, 288.06561, 339.2819, and 627.6699, F.S.; correcting cross-references; providing an appropriation; providing an effective date.

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

Section 1. Subsection (12) of section 163.3167, Florida

Statutes, is amended to read:

163.3167 Scope of act.--

(12) An initiative or referendum process in regard to any of the following is prohibited:

(a) Any development order; or

(b) ~~in regard to~~ Any local comprehensive plan amendment or map amendment that applies to ~~affects~~ five or fewer parcels of land ~~is prohibited~~.

Section 2. Paragraph (b) of subsection (3) and paragraphs (a), (f), (h), and (j) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

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

(3)

(b)1. The capital improvements element must be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. Amendments to

implement this section must be adopted and transmitted no later than December 1, 2009 ~~2008~~. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(b) ~~163.3187(1)(a)~~, after December 1, 2009 ~~2008~~, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

(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 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; lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02; 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 and lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

5. ~~In addition,~~ For rural communities, the amount of land designated for future planned industrial use shall be based upon the need to mitigate conditions described in s. 288.0656(2)(c) and shall ~~surveys and studies that~~ reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and 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 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 element must clearly identify the land use categories in which public schools are an allowable use. When delineating 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's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b)2. ~~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 contained in s. 163.3187. The future land use 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 with a population of 100,000 or fewer, an agricultural land use category 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.

10. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of land adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02 ~~or closely proximate lands with existing military installations~~ in their future land use plan element shall transmit the update or amendment to the state land planning agency ~~department~~ by June 30, 2011 ~~2006~~.

(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.

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.

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 utilize

job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2.~~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.

3. As a precondition to receiving any state affordable housing funding or allocation for any project or program within a county's or municipality's jurisdiction, a county or municipality shall provide by July 1 of each year certification that the inventory required in s. 125.379 or s. 166.0451, respectively, and any update required by this section are complete.

~~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.~~

~~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 utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.~~

4.~~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 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.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating ~~the accomplishment of coordination of~~ the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s.

373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide ~~for~~ procedures for identifying and implementing ~~to identify and implement~~ joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

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

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

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

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan

with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

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

4.a. Local governments must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to provide that coordination between the local

government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

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

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

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

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

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

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate

regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

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

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

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

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

3. Parking facilities.

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

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

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

7. Airports, projected airport and aviation development, and land use compatibility around airports that includes areas

defined in s. 333.01 and described in s. 333.02.

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

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

Section 3. Subsections (5), (8), (9), and (12), paragraph (e) of subsection (13), and subsection (16) of section 163.3180, Florida Statutes, are amended, and paragraph (f) is added to subsection (15) of that section, to read:

163.3180 Concurrency.--

(5)(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

finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through expansion of roadway capacity, that in many urban areas 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, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) Geographic applicability of transportation concurrency exception areas.--

1. Transportation concurrency exception areas are established for those geographic areas identified in the comprehensive plan for urban infill development, urban redevelopment, downtown revitalization, or urban infill and redevelopment under s. 163.2517.

2. A local government may 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 as ~~for:~~

~~1. Urban infill development;~~

~~2. Urban redevelopment;~~

~~3. Downtown revitalization;~~

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

~~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 with 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) Establishment of concurrency exception areas.--For transportation concurrency exception areas adopted pursuant to subparagraph (b)2., the following requirements apply:

1. A local government shall establish guidelines in the comprehensive plan for granting the transportation concurrency exceptions that ~~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 and facilitate development consistent with the planning and public policy goals upon which the establishment of the concurrency exception areas was predicated ~~the purpose of the~~

~~exceptions~~.

2.~~(e)~~ 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. 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.

3.~~(f)~~ 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, the local government shall, 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.

4. Local governments shall also meet with adjacent

jurisdictions that may be impacted by the designation to discuss strategies to minimize impacts ~~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.~~

(8) 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)(a) Each local government may adopt as a part of its plan, long-term transportation and school concurrency management systems with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. 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. For a long-term transportation system, the local government shall consult with the appropriate metropolitan planning organization in setting priorities for addressing backlogged facilities. 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 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.

(12)(a) 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:

1.~~(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;

2.~~(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 a regionally significant transportation facility;

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

4.~~(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~~(12)~~, other than the local government with jurisdiction over the development of regional impact, the developer 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.

(b) 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.

(c) For purposes of this subsection, the term "backlogged transportation facility" means a facility on which the adopted level-of-service standard is exceeded by the existing trips plus committed trips. A developer may not be required to fund or construct proportionate-share mitigation for any backlogged transportation facility that is more extensive than mitigation necessary to offset the impact of the development project in question.

(d) If the cumulative number of trips used in the formula include the earlier stage or phase trips, calculation of the proposed development's future mitigation costs shall account for any previous stage or phase mitigation payments required by the development order and provided by the developer. At the time the later stage or phase calculations are made, previous mitigation payments shall be calculated in present day dollars. To the extent that previous mitigation included the donation of land or developer constructed improvement, for purposes of this subsection, the term "present day dollars" means the fair market value of the right-of-way at the time of donation or the actual dollar value of the construction improvements at the date of completion adjusted by the Consumer Price Index.

(13) 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:

(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; the construction of a charter school that complies with the requirements of s. 1002.33(18)(f); 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; or the construction of a charter school that complies with the requirements of s. 1002.33(18)(f), 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 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.

(15)

(f) The state land planning agency may designate up to five local governments as Urban Placemaking Initiative Pilot Projects. The purpose of the pilot project program is to assist local communities with redevelopment of primarily single-use suburban areas that surround strategic corridors and crossroads, to create livable, sustainable communities with a sense of place. Pilot communities must have a county population of at least 350,000, be able to demonstrate an ability to administer the pilot project, and have appropriate potential redevelopment areas suitable for the pilot project. Recognizing that both the form of existing development patterns and strict application of transportation concurrency requirements create obstacles to such redevelopment, the pilot project program shall further the ability of such communities to cultivate mixed-use and form-based communities that integrate all modes of transportation. The pilot project program shall provide an alternative regulatory framework that allows for the creation of a multimodal concurrency district that over the planning time period allows pilot project communities to incrementally realize the goals of the redevelopment area by guiding redevelopment of parcels and cultivating multimodal development in targeted transitional suburban areas. The Department of Transportation shall provide technical support to the state land planning agency and the department and the agency shall provide technical

assistance to the local governments in the implementation of the pilot projects.

1. Each pilot project community shall designate the criteria for designation of urban placemaking redevelopment areas in the future land use element of their comprehensive plan. Such redevelopment areas must be within an adopted urban service boundary or functional equivalent. Each pilot project community shall also adopt comprehensive plan amendments that set forth criteria for development of the urban placemaking areas that contain land use and transportation strategies, including, but not limited to, the community design elements set forth in paragraph (c). A pilot project community shall undertake a process of public engagement to coordinate community vision, citizen interest, and development goals for developments within the urban placemaking redevelopment areas.

2. Each pilot project community may assign transportation concurrency or trip generation credits and impact fee exemptions or reductions and establish concurrency exceptions for developments that meet the adopted comprehensive plan criteria for urban placemaking redevelopment areas. The provisions of paragraph (c) apply to designated urban placemaking redevelopment areas.

3. The state land planning agency shall submit a report by March 1, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of each approved pilot project. The report must identify factors that indicate whether or not the pilot project program has demonstrated any success in urban placemaking and redevelopment

initiatives and whether the pilot project should be expanded for use by other local governments.

(16) 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-miles-traveled or people-miles-traveled methodology or an alternative methodology, identified by the local government ordinance provided for in paragraph (a), that ensures that development impacts on transportation facilities are mitigated but that future development is not responsible for the additional cost of reducing or eliminating backlogs.

(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 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 that will be applied to calculate proportionate fair-share mitigation or a vehicle-miles-traveled or people-miles-traveled methodology or an alternative methodology, identified by the local government ordinance provided for in paragraph (a). 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.

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 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. For purposes of this subsection, the term "backlogged transportation facility" means a facility on which the adopted level-of-service standard is exceeded by the existing trips plus committed trips. A developer may not be required to fund or construct proportionate-share mitigation for any backlogged transportation facility that is more extensive than mitigation necessary to offset the impact of the development project in question.

(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 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 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 do not apply to a development of regional impact satisfying the requirements of subsection (12).

(i) If the cumulative number of trips used in the formula includes the earlier stage or phase trips, calculation of the proposed development's future mitigation costs shall account for any previous stage or phase mitigation payments required by the development order and provided by the developer. At the time the

later stage or phase calculations are made, previous mitigation payments shall be calculated in present day dollars. To the extent previous mitigation included the donation of land or developer constructed improvement, for purposes of this subsection, the term "present day dollars" means the fair market value of the right-of-way at the time of donation, or the actual dollar value of the construction improvements at the date of completion adjusted by the Consumer Price Index.

Section 4. (1) 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-miles or people-miles traveled. 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.

(2) The Legislative Committee on Intergovernmental Relations shall study and develop a methodology for a mobility fee system. The committee shall contract with a qualified

transportation engineering firm or with a state university for the purpose of studying and developing a uniform mobility fee for statewide application to replace the existing transportation concurrency management systems adopted and implemented by local governments.

(a) To assist the committee in its study, a mobility fee pilot program shall be authorized in Duval County, Nassau County, St. Johns County, and Clay County and the municipalities in such counties. The committee shall coordinate with participating local governments to implement a mobility fee on more than a single-jurisdiction basis. The local governments shall work with the committee to provide practical, field-tested experience in implementing this new approach to transportation concurrency, transportation impact fees, and proportionate-share mitigation. The committee and local governments shall make every effort to implement the pilot program no later than October 1, 2008. Data from the pilot program shall be provided to the committee and the contracted entity for review and consideration.

(b) No later than January 15, 2009, the committee shall provide an interim report to the President of the Senate and the Speaker of the House of Representatives reporting the status of the mobility fee study. The interim report shall discuss progress in the development of the fee, identify issues for which additional legislative guidance is needed, and recommend any interim measures that may need to be addressed to improve the current transportation concurrency system that could be taken prior to the final report in 2010.

(c) On or before November 15, 2009, the committee shall provide to the President of the Senate and the Speaker of the House of Representatives a final report and recommendations regarding the methodology, application, and implementation of a mobility fee.

(3) The study and mobility fees levied pursuant to the pilot program shall focus on and the fee shall implement, to the extent possible:

(a) The amount, distribution, and timing of vehicle miles and people miles traveled, applying professionally accepted standards and practices in the disciplines of land use and transportation planning and the requirements of constitutional and statutory law.

(b) The development of an equitable mobility fee that provides funding for future mobility needs whereby new development mitigates in approximate proportionality for its impacts on the transportation system yet is not delayed or held accountable for system backlogs or failures that are not directly attributable to the proposed development.

(c) The replacement of transportation financial feasibility obligations, proportionate fair-share contributions, and locally adopted transportation impact fees with the mobility fee such that a single transportation fee, whether or not based on number of trips or vehicle miles traveled, may be applied uniformly on a statewide basis.

(d) The ability for developer contributions of land for right-of-way or developer-funded improvements to the transportation network to be recognized as credits against the

mobility fee through mutually acceptable agreements reached with the impacted jurisdictions.

(e) An equitable methodology for distribution of mobility fee proceeds among those jurisdictions responsible for construction and maintenance of the impacted facilities such that 100 percent of the collected mobility fees are used for improvements to the overall transportation network of the impacted jurisdictions.

Section 5. Paragraphs (e) and (f) are added to subsection (3) of section 163.31801, Florida Statutes, and subsection (5) is added to that section, to read:

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

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

(e) Demonstrate a reasonable connection or a rational nexus between the anticipated need for the additional capital facilities and the growth generated by the new development.

(f) Demonstrate a reasonable connection or a rational nexus between how the collected funds are going to be spent and the benefits received by the new development from those funds.

(5) In any action challenging the validity of an impact fee, the challenger shall have the burden of proving the validity of the impact fee by a preponderance of the evidence that the impact fee was not adopted in accordance with the requirements established by this section.

Section 6. Subsections (3) and (4), paragraphs (a) and (d)

of subsection (6), paragraph (a) of subsection (7), paragraphs (b) and (c) of subsection (15), and subsections (17) and (18) of section 163.3184, Florida Statutes, are amended, and subsections (20) and (21) are added to that section, to read:

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

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

(a) Effective January 1, 2009, prior to filing an application for a future land use map amendment, an applicant must conduct a neighborhood meeting to present, discuss, and solicit public comment on a proposed amendment. The meeting shall be conducted at least 30 and no more than 60 days before the application for the amendment is filed with the local government. At a minimum, the meeting shall be noticed and conducted in accordance with the following:

1. Notification by the applicant must be mailed at least 10 but no more than 14 days prior to the meeting to all persons who own property within 500 feet of the property subject to the proposed amendment as such information is maintained by the county tax assessor, which list shall conclusively establish the required recipients.

2. Notice must be published by the applicant in accordance with s. 125.66(4)(b)2. or s. 166.041(3)(c)2.b.

3. Notice must be posted on the jurisdiction's web page, if available.

4. Notice must be mailed by the applicant to the list of home owner or condominium associations maintained by the jurisdiction, if any.

5. The meeting must be conducted by the applicant at an accessible and convenient location.

6. A sign-in list of all attendees must be maintained.

This paragraph applies to applications for a map amendment filed after January 1, 2009.

(b) At least 15 but no more than 45 days before the local governing body's scheduled adoption hearing, the applicant shall conduct a second noticed community or neighborhood meeting to present and discuss the map amendment application, including any changes made to the proposed amendment after the first community or neighborhood meeting. Direct mail notice by the applicant at least 10 but no more than 14 days prior to the meeting shall only be required for those who signed in at the preapplication meeting and those whose names are on the sign-in sheet from the transmittal hearing pursuant to paragraph (15)(c); otherwise, notice shall be by newspaper advertisement in accordance with s. 125.66(4)(b)2. and s. 166.041(3)(c)2.b. Prior to the adoption hearing, the applicant shall file with the local government a written certification or verification that the second meeting has been noticed and conducted in accordance with this paragraph. This paragraph applies to applications for a map amendment filed after January 1, 2009.

(c) The neighborhood meetings required in this subsection shall not apply to small scale amendments as described in s.

163.3187 unless a local government, by ordinance, adopts a procedure for holding a neighborhood meeting as part of the small scale amendment process. In no event shall more than one such meeting be required.

(d) ~~(a)~~ 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.

(e) ~~(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.

(f) ~~(e)~~ 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).

(g) ~~(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).

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

(6) STATE LAND PLANNING AGENCY REVIEW.--

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. The request from the regional planning council or affected person must be received within 45 ~~30~~ days after

transmittal of the proposed plan amendment pursuant to subsection (3). A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

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

(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 this section and s. 163.3187. However, if the applicant or local government, prior to the expiration of such timeframe, notifies the state land planning agency that the applicant or local government is proceeding in good faith to adopt the plan amendment, the state land planning agency shall grant one or more extensions not to exceed a total of 360 days from the issuance of the agency report or comments. During the pendency of any such extension, the applicant or local government shall provide to the state land planning agency a status report every 90 days identifying the items continuing to be addressed and the manners in which the items are being addressed. 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. The comprehensive plan or plan amendment to be considered for adoption must be available to the public at least 5 days before the hearing, including through the local government's website if one is maintained. The proposed comprehensive plan amendment may not be altered during the 5 days prior to the hearing if the alteration increases the permissible density, intensity, or height or decreases the minimum buffers, setbacks, or open space. If the amendment is altered in such manner during this time period or at the public hearing, the public hearing shall be continued to the next meeting of the local governing body. As part of the adoption

package, the local government shall certify in writing to the state land planning agency that the local government 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)(b)3.a.(IV) and (V), b., and c. ~~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.

(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)(b)3.a.(IV) and (V), b., and c. ~~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.

(20) PLAN AMENDMENTS IN RURAL AREAS OF CRITICAL ECONOMIC CONCERN.--

(a) A local government that is located in a rural area of critical economic concern designated pursuant to s. 288.0656(7) may request the Rural Economic Development Initiative to provide assistance in the preparation of plan amendments that will further economic activity consistent with the purpose of s. 288.0656.

(b) A plan map amendment related solely to property within a site selected for a designated catalyst project pursuant to s. 288.0656(7)(c) and that receives Rural Economic Development Initiative assistance pursuant to s. 288.0656(8) shall be deemed a small scale amendment, is subject only to the requirements of s. 163.3187(1)(b)3.b. and c., is not subject to the requirements of subsections (3)-(11), and is exempt from s. 163.3187(1)(b)3.a. and from the limitation on the frequency of plan amendments as provided in s. 163.3187. An affected person as defined in this section may file a petition for administrative review pursuant to s. 163.3187(3) to challenge the compliance of an adopted plan amendment.

(21) RURAL ECONOMIC DEVELOPMENT CENTERS.--

(a) The Legislature recognizes and finds that:

1. There are a number of facilities throughout the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, such as fruits, vegetables, timber, and other crops, as well as juices, paper, and building materials. These agricultural industrial facilities often have a significant amount of existing associated infrastructure that is used for the processing, production, or distribution of agricultural products.

2. Such rural centers of economic development often are located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. These rural centers of economic development significantly enhance the economy of such communities. However, such agriculturally based communities often are socioeconomically challenged and many such communities have been designated as rural areas of critical economic concern.

3. If these rural centers of economic development are lost and not replaced with other job-creating enterprises, these communities will lose a substantial amount of their economies. The economies and employment bases of such communities should be diversified in order to protect against changes in national and international agricultural markets, land use patterns, weather, pests, or diseases or other events that could result in existing facilities within rural centers of economic development being permanently closed or temporarily shut down, ultimately resulting in an economic crisis for these communities.

4. It is a compelling state interest to preserve the viability of agriculture in this state and to protect rural and

agricultural communities and the state from the economic upheaval that could result from short-term or long-term adverse changes in the agricultural economy. An essential part of protecting such communities while protecting viable agriculture for the long term is to encourage diversification of the employment base within rural centers of economic development for the purpose of providing jobs that are not solely dependent upon agricultural operations and to encourage the creation and expansion of industries that use agricultural products in innovative or new ways.

(b) For purposes of this subsection, the term "rural center of economic development" means a developed parcel or parcels of land in an unincorporated area:

1. On which there exists an operating facility or facilities, which employ at least 200 full-time employees, in the aggregate, used for processing and preparing for transport a farm product as defined in s. 163.3162 or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by state law.

2. Including all contiguous lands at the site which are not used for cultivation of crops, but are still associated with the operation of such a facility or facilities.

3. Located within rural areas of critical economic concern or located in a county any portion of which has been designated as an area of critical economic concern as of January 1, 2008.

(c) Landowners within a rural center of economic development may apply for an amendment to the local government

comprehensive plan for the purpose of expanding the industrial uses or facilities associated with the center or expanding the existing center to include industrial uses or facilities that are not dependent upon agriculture but that would diversify the local economy. An application for a comprehensive plan amendment under this paragraph may not increase the physical area of the rural center of economic development by more than 50 percent of the existing area unless the applicant demonstrates that infrastructure capacity exists or can be provided to support the improvements as required by the applicable sections of this chapter. Any single application may not increase the physical area of the existing rural center of economic development by more than 200 percent or 320 acres, whichever is less. Such amendment must propose projects that would create, upon completion, at least 50 new full-time jobs, and an applicant is encouraged to propose projects that would promote and further economic activity in the area consistent with the purpose of s. 288.0656. Such amendment is presumed to be consistent with rule 9J-5.006(5), Florida Administrative Code, and may include land uses and intensities of use consistent and compatible with the uses and intensities of use of the rural center of economic development. Such presumption may be rebutted by clear and convincing evidence.

Section 7. Section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans may be transmitted and adopted pursuant to this part ~~may be made~~ not more than once

~~two times~~ during any calendar year, with the following exceptions ~~except~~:

(a) Local governments may transmit and adopt the following comprehensive plan amendments twice during any calendar year:

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)2.

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) The following amendments may be adopted by the local government at any time during a calendar year without regard for the frequency restrictions set forth in subparagraph (a)1.:

1.~~(a)~~ Any local government comprehensive ~~In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional~~ plan amendment that is enacted in case of emergency and receives the approval of all of the members of the governing body. The term "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.

2.~~(b)~~ Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments 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~~.

3.~~(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:

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

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

(A)~~(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 subparagraph ~~paragraph~~ may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-sub-subparagraph ~~sub-sub-subparagraph~~. ~~Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.~~

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

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

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

(III) ~~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.

(IV) ~~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.

(V) ~~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-sub-subparagraph (VI) ~~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).

(VI)~~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-sub-subparagraph (I)(A) ~~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).

b.(I)~~2.a.~~ A local government that proposes to consider a plan amendment pursuant to this subparagraph ~~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 subparagraph ~~paragraph~~ is initiated by other than the local government, public notice is required.

(II)~~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.

c.~~3.~~ Small scale development amendments adopted pursuant to this subparagraph ~~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.

d.~~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

sub-subparagraph a. ~~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 shall certify that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7)(a) ~~288.0656(7)~~, and the local government shall certify that 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.

4.~~(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.~~

5.~~(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 two times provided in this subsection~~ 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.~~

6.~~(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.~~

7.~~(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 shall be prepared and adopted on a similar time schedule.

8. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use.

~~(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.~~

9.~~(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).~~

10.~~(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. 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) ~~may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan~~.

11.~~(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.

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

(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.

(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 subparagraph (1)(b)3. ~~paragraph (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 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 shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance. However, a small-scale amendment shall not become

effective until it has been submitted to the state land planning agency as required by sub-sub-subparagraph (1)(b)3.b.(I).

(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.

(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.

(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 subparagraph (1)(b)2. ~~paragraph (1)(b)~~ or subparagraph (1)(b)6. ~~paragraph (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 subparagraph (1)(b)2. ~~paragraph (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 8. Subsection (1) of section 163.3245, Florida Statutes, is amended to read:

163.3245 Optional sector plans.--

(1) In recognition of the benefits of 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 10 ~~five~~ local governments or combinations of local governments that ~~which~~ adopt into the comprehensive 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 that include ~~including~~ at least 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.

Section 9. Paragraph (a) of subsection (1), subsection (2), paragraphs (b) and (c) of subsection (3), paragraph (b) of subsection (4), and paragraphs (b), (c), and (g) of subsection (6) 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, and needs~~,~~ and the extent and type of development. Thus, the Legislature recognizes and finds that reduced state oversight of local comprehensive planning is justified for some local governments in urban areas.

(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 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. In addition, any local government may elect, by simple majority vote, for the alternative state review process to apply to 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, urban redevelopment pursuant to s. 163.3164, urban infill development pursuant to s. 163.3164, or an urban service area pursuant to s. 163.3180(5)(b)2. At the public meeting for the election of the alternative process, the local government shall adopt by ordinance standards for ensuring compatible uses the local government will consider in evaluating future land use amendments within such areas. Local governments shall provide the state land planning agency with notification as to their election to use the alternative state review process. The local government's determination to participate in

the pilot program shall be applied to all future amendments.

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

(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)(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.

(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 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 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 ~~such that they are received by the local government~~ not later than 30 ~~thirty~~ days from the date on which the agency or government received the amendment or amendments. Any comments from the agencies and local governments shall also be transmitted to the state land planning agency.

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

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing. This petition must be filed with the Division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete. For purposes of this section, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the

case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words to be deleted lined through with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate. The state land planning agency shall notify the local government ~~of any deficiencies~~ within 5 working days of receipt of an amendment package that the package is complete or identify any deficiencies regarding completeness.

(c) The state land planning agency's challenge shall be limited to those issues raised in the comments provided by the reviewing agencies pursuant to paragraph (4)(b) that were clearly identified in the agency comments as an issue that may result in an agency challenge. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments. For the purposes of this pilot program, the Legislature strongly encourages the state land planning agency to focus any challenge on issues of regional or statewide importance.

(g) An amendment adopted under the expedited provisions of this section shall not become effective until the time period for filing a challenge under paragraph (a) has expired ~~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 the adopted amendment to be in compliance.

Section 10. Section 163.351, Florida Statutes, is created to read:

163.351 Reporting requirements for community redevelopment agencies.--Each community redevelopment agency shall annually:

(1) By March 31, file with the governing body a report describing the progress made on each public project in the redevelopment plan which was funded during the preceding fiscal year and summarizing activities that, as of the end of the fiscal year, are planned for the upcoming fiscal year. On the date that the report is filed, the agency shall publish in a newspaper of general circulation in the community a notice that the report has been filed with the county or municipality and is available for inspection during business hours in the office of the clerk of the county or municipality and in the office of the agency.

(2) Provide the reports or information that a dependent special district is required to file under chapter 189 to the Department of Community Affairs.

(3) Provide the reports or information required under ss. 218.32, 218.38, and 218.39 to the Department of Financial Services.

Section 11. Paragraph (c) of subsection (3) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.--

(3)

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts,

and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. ~~An agency authorized to transact business and exercise powers under this part shall file with the governing body, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.~~

Section 12. Paragraph (d) is added to subsection (3) of section 163.370, Florida Statutes, to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.--

(3) The following projects may not be paid for or financed by increment revenues:

(d) The substitution of increment revenues as security or payment for existing debt currently committed to pay debt service on existing structures or projects that are completed and operating.

Section 13. Subsections (6) and (8) of section 163.387, Florida Statutes, are amended to read:

163.387 Redevelopment trust fund.--

(6) Moneys in the redevelopment trust fund may be expended from time to time for undertakings of a community redevelopment agency as described in the community redevelopment plan. Such expenditures may include ~~for the following purposes, including~~, but are not limited to:

(a) Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.

(b) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body, any taxing authority, or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

(c) Expenses related to the promotion or marketing of projects or activities in the redevelopment area which are sponsored by the community redevelopment agency.

(d) ~~(c)~~ The acquisition of real property in the redevelopment area.

(e) ~~(d)~~ The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370.

(f) ~~(e)~~ The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(g) ~~(f)~~ All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds,

bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(h) ~~(g)~~ The development of affordable housing within the community redevelopment area.

(i) ~~(h) The development of~~ Community policing innovations.

(j) The provision of law enforcement, fire rescue, or emergency medical services if the community redevelopment area has been in existence for at least 5 years.

This listing of types of expenditures is not an exclusive list of the expenditures that may be made under this subsection and is intended only to provide examples of some of the activities, projects, or expenses for which an expenditure may be made under this subsection.

~~(8) Each community redevelopment agency shall provide for an audit of the trust fund each fiscal year and a report of such audit to be prepared by an independent certified public accountant or firm. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which increment revenues are pledged and the remaining amount of such indebtedness. The agency shall provide by registered mail a copy of the report to each taxing authority.~~

Section 14. Paragraphs (b) and (e) of subsection (2) of

section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.--

(2)

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the office may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for a local match may be waived. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements

necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly owned self-powered nature-based tourism facilities; and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(e) To enable local governments to access the resources available pursuant to s. 403.973(19), the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed $75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. If an

application for funding is for a catalyst site, as defined in s. 288.0656, the office may award grants for up to 40 percent of the total infrastructure project cost. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

Section 15. Section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.--

(1)(a) Recognizing that rural communities and regions continue to face extraordinary challenges in their efforts to achieve significant improvements to their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases, it is the intent of the Legislature to encourage and facilitate the location and expansion in such rural communities of major economic development projects of significant scale.

(b) The Rural Economic Development Initiative, known as "REDI," is created within the Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.

(2) As used in this section, the term:

(a) "Catalyst project" means a business locating or expanding in a rural area of critical economic concern that is likely to serve as an economic growth opportunity of regional significance for the growth of a regional target industry cluster. The project shall provide capital investment of significant scale that will affect the entire region and that

will facilitate the development of high-wage and high-skill jobs.

(b) "Catalyst site" means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized by representatives of the jurisdictions within the rural area of critical economic concern, reviewed by REDI, and approved by the Office of Tourism, Trade, and Economic Development for purposes of locating a catalyst project.

(c) ~~(a)~~ "Economic distress" means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.

(d) "Rural area of critical economic concern" means a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.

(e) ~~(b)~~ "Rural community" means:

1. A county with a population of 75,000 or less.

2. A county with a population of 120,000 ~~100,000~~ or less that is contiguous to a county with a population of 75,000 or less.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (a) and verified by the Office of Tourism, Trade, and Economic Development.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(3) REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida's economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

(4) REDI shall review and evaluate the impact of laws ~~statutes~~ and rules on rural communities and ~~shall~~ work to minimize any adverse impact and undertake outreach and capacity building efforts.

(5) REDI shall facilitate better access to state resources by promoting direct access and referrals to appropriate state

and regional agencies and statewide organizations. REDI may undertake outreach, capacity-building, and other advocacy efforts to improve conditions in rural communities. These activities may include sponsorship of conferences and achievement awards.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a high-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Community Affairs.
2. The Department of Transportation.
3. The Department of Environmental Protection.
4. The Department of Agriculture and Consumer Services.
5. The Department of State.
6. The Department of Health.
7. The Department of Children and Family Services.
8. The Department of Corrections.
9. The Agency for Workforce Innovation.
10. The Department of Education.
11. The Department of Juvenile Justice.
12. The Fish and Wildlife Conservation Commission.
13. Each water management district.
14. Enterprise Florida, Inc.
15. Workforce Florida, Inc.
16. The Florida Commission on Tourism or VISIT Florida.
17. The Florida Regional Planning Council Association.
18. The Agency for Health Care Administration ~~Florida State Rural Development Council~~.

19. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of the Office of Tourism, Trade, and Economic Development.

(b) Each REDI representative must have comprehensive knowledge of his or her agency's functions, both regulatory and service in nature, and of the state's economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to economically distressed rural communities and with regard to expediting project review, shall ensure a prompt effective response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds and allowances and waiver of program requirements when necessary to encourage and facilitate long-term private capital investment and job creation.

(c) The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.

(d) Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed about the Rural Economic Development Initiative and for providing assistance throughout the agency in

the implementation of REDI activities.

(7)(a) REDI may recommend to the Governor up to three rural areas of critical economic concern. ~~A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5-year period.~~ The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the

designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of critical economic concern may designate catalyst projects provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and confirmed as a catalyst project by the Office of Tourism, Trade, and Economic Development. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

(8) REDI shall assist local governments within rural areas of critical economic concern with comprehensive planning needs pursuant to s. 163.3184(20) and that implement the provisions of this section. Such assistance shall reflect a multidisciplinary approach among all agencies and shall include economic development and planning objectives.

(a) A local government may request assistance in the preparation of plan amendments that will stimulate economic activity.

1. The local government must contact the Office of Tourism, Trade, and Economic Development to request assistance.

2. REDI representatives shall meet with the local government within 15 days after such request to develop the scope of assistance that will be provided to assist the

development, transmittal, and adoption of the proposed comprehensive plan amendment.

3. As part of the assistance provided, REDI representatives shall also identify other needed local and developer actions for approval of the project and recommend a timeline for the local government and developer that will minimize project delays.

(b) In addition, REDI shall solicit requests each year for assistance from local governments within a rural area of critical economic concern to update the future land use element and other associated elements of the local government's comprehensive plan to better position the community to respond to economic development potential within the county or municipality. REDI shall provide direct assistance to such local governments to update their comprehensive plans pursuant to this paragraph. At least one comprehensive planning technical assistance effort shall be selected each year.

(c) REDI shall develop and annually update a technical assistance manual based upon experiences learned in providing direct assistance under this subsection.

(9) ~~(8)~~ REDI shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before September ~~February~~ 1 on all REDI activities for the prior fiscal year. This report shall include a status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients. The report shall

also include a description of all waivers of program requirements granted. The report shall also include information as to the economic impact of the projects coordinated by REDI.

Section 16. Paragraph (a) of subsection (7), paragraph (c) of subsection (19), and paragraph (n) of subsection (24) of section 380.06, Florida Statutes, are amended, and paragraph (v) is added to subsection (24) of that section, to read:

380.06 Developments of regional impact.--

(7) PREAPPLICATION PROCEDURES.--

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The levels of service required in the transportation methodology shall be the same levels of service used to evaluate concurrency in accordance with s. 163.3180. The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may

not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate.

(19) SUBSTANTIAL DEVIATIONS.--

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all development order phase, buildout, commencement, and expiration dates and all related local government approvals for projects that are

developments of regional impact or Florida Quality Developments and under active construction on July 1, 2007, or for which a development order was adopted between January 1, 2006, and July 1, 2007, regardless of whether or not active construction has commenced, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. This extension also applies to all associated local government approvals, including, but not limited to, agreements, certificates, and permits related to the project.

(24) STATUTORY EXEMPTIONS.--

(n) Any proposed development or redevelopment within an area designated in the comprehensive plan as an urban redevelopment area, a downtown revitalization area, an urban infill development area, or an urban infill and redevelopment area under s. 163.2517 is exempt from this section ~~if the local government has entered into a binding agreement with jurisdictions that would be impacted and 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)~~.

(v) Any development or change to a previously approved development of regional impact that is proposed for at least two uses, one of which is for use as an office, university medical school, hospital, or laboratory appropriate for research and development of medical technology, biotechnology, or life

science applications is exempt from this section if:

1. The land is located in a designated urban infill area or within 5 miles of a state-supported biotechnical research facility or if a local government having jurisdiction recognizes, by resolution, that the land is located in a compact, high-intensity, and high-density multiuse area that is appropriate for intensive growth.

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

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

If a use is exempt from review as a development of regional impact under paragraphs (a)-(u) ~~(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 17. Paragraph (f) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.--

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

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

(f) Hotel or motel development.--

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

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

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

Section 18. Subsection (13) is added to section 403.121, Florida Statutes, to read:

403.121 Enforcement; procedure; remedies.--The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(13) Any party subject to an executed consent order of the Department of Environmental Protection under chapter 373 or this chapter, pursuant to which a building permit is necessary to comply with the consent order, shall not be required to undergo or obtain site plan approval or other zoning approvals as a condition to issuance of the building permit if the activities conducted on the parcel are, but for the specifics of the

consent order, consistent with local permits, zoning, and land use approvals.

Section 19. Subsection (5) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.--

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be deemed a small scale amendment, shall be subject only to the requirements of ~~adopted in the manner as required for small scale amendments pursuant to~~ s. 163.3187(1)(b)3.b. and c., is not subject to the requirements of s. 163.3184(3)-(11) ~~(3)-(6)~~, and is exempt from s. 163.3187(1)(b)3.a. and from the limitation on the frequency of plan amendments as provided in s. 163.3187. An affected person as defined in s. 163.3184 may file a petition for administrative review pursuant to s. 163.3187(3) to challenge the compliance of an adopted plan amendment.

Section 20. Subsection (2) of section 257.193, Florida Statutes, is amended to read:

257.193 Community Libraries in Caring Program.--

(2) The purpose of the Community Libraries in Caring Program is to assist libraries in rural communities, as defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~ and subject to the provisions of s. 288.06561, to strengthen their collections and services, improve literacy in their communities, and improve the economic viability of their communities.

Section 21. Section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.--

(1) Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~ to resources available throughout the state.

(2)~~(1)~~ Each REDI agency and organization shall review all evaluation and scoring procedures and develop modifications to those procedures which minimize the impact of a project within a rural area.

(a)~~(2)~~ Evaluation criteria and scoring procedures must provide for an appropriate ranking based on the proportionate impact that projects have on a rural area when compared with similar project impacts on an urban area.

(b)~~(3)~~ Evaluation criteria and scoring procedures must recognize the disparity of available fiscal resources for an equal level of financial support from an urban county and a rural county.

1.~~(a)~~ The evaluation criteria should weight contribution in proportion to the amount of funding available at the local level.

2.~~(b)~~ In-kind match should be allowed and applied as financial match when a county is experiencing financial distress

through elevated unemployment at a rate in excess of the state's average by 5 percentage points or because of the loss of its ad valorem base.

(c) ~~(4)~~ For existing programs, the modified evaluation criteria and scoring procedure must be delivered to the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state's resources.

Section 22. Section 288.06561, Florida Statutes, is amended to read:

288.06561 Reduction or waiver of financial match requirements.--

(1) Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~.

(2) ~~(1)~~ Each agency and organization shall develop a proposal to waive or reduce the match requirement for rural areas.

(3) ~~(2)~~ Agencies and organizations shall ensure that all proposals are submitted to the Office of Tourism, Trade, and Economic Development for review by the REDI agencies.

(4) ~~(3)~~ These proposals shall be delivered to the Office of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

(5) ~~(4)~~ Waivers and reductions must be requested by the county or community, and such county or community must have three or more of the factors identified in s. 288.0656(2)(c) ~~288.0656(2)(a)~~.

(6) ~~(5)~~ Any other funds available to the project may be used for financial match of federal programs when there is fiscal hardship, and the match requirements may not be waived or reduced.

(7) ~~(6)~~ When match requirements are not reduced or eliminated, donations of land, though usually not recognized as an in-kind match, may be permitted.

(8) ~~(7)~~ To the fullest extent possible, agencies and organizations shall expedite the rule adoption and amendment process if necessary to incorporate the reduction in match by rural areas in fiscal distress.

(9) ~~(8)~~ REDI shall include in its annual report an evaluation on the status of changes to rules, number of awards made with waivers, and recommendations for future changes.

Section 23. Paragraph (b) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.--

(4)

(b) In allocating Transportation Regional Incentive

Program funds, priority shall be given to projects that:

1. Provide connectivity to the Strategic Intermodal System developed under s. 339.64.

2. Support economic development and the movement of goods in rural areas of critical economic concern designated under s. 288.0656(7)(a) ~~288.0656(7)~~.

3. Are subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

4. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

Section 24. Paragraph (d) of subsection (15) of section 627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.--

(15) SMALL EMPLOYERS ACCESS PROGRAM.--

(d) Eligibility.--

1. Any small employer that is actively engaged in business, has its principal place of business in this state, employs up to 25 eligible employees on business days during the preceding calendar year, employs at least 2 employees on the first day of the plan year, and has had no prior coverage for the last 6 months may participate.

2. Any municipality, county, school district, or hospital employer located in a rural community as defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~ may participate.

3. Nursing home employers may participate.

4. Each dependent of a person eligible for coverage is also eligible to participate.

Any employer participating in the program must do so until the end of the term for which the carrier providing the coverage is obligated to provide such coverage to the program. Coverage for a small employer group that ceases to meet the eligibility requirements of this section may be terminated at the end of the policy period for which the necessary premiums have been paid.

Section 25. The sum of $300,000 is appropriated from nonrecurring revenue in the General Revenue Fund to the Legislative Committee on Intergovernmental Relations for the 2008-2009 fiscal year to pay for costs associated with the mobility fee study and pilot project program established in section 4.

Section 26. This act shall take effect July 1, 2008.