CHAMBER ACTION

Senate | House

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Representative Hukill offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Community Renewal Act."

Section 1. Subsection (29) of section 163.3164, Florida Statutes, is amended, and subsection (34) is added to that section, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.--As used in this act:

(29) "~~Existing~~ Urban service area" means built-up areas where public facilities and services, including, but not limited to, central water and sewer capacity and ~~such as sewage treatment systems,~~ roads~~, schools, and recreation areas~~ are already in place or are committed in the first 3 years of the

17 capital improvement schedule. In addition, for counties that
18 qualify as dense urban land areas under subsection (34), the
19 nonrural area of a county which has adopted into the county
20 charter a rural area designation or areas identified in the
21 comprehensive plan as urban service areas or urban growth
22 boundaries on or before July 1, 2009, are also urban service
23 areas under this definition.
24 (34) "Dense urban land area" means:
25 (a) A municipality that has an average of at least 1,000
26 people per square mile of land area and a minimum total
27 population of at least 5,000;
28 (b) A county, including the municipalities located
29 therein, which has an average of at least 1,000 people per
30 square mile of land area; or
31 (c) A county, including the municipalities located
32 therein, which has a population of at least 1 million.
33
34 The Office of Economic and Demographic Research within the
35 Legislature shall annually calculate the population and density
36 criteria needed to determine which jurisdictions qualify as
37 dense urban land areas by using the most recent land area data
38 from the decennial census conducted by the Bureau of the Census
39 of the United States Department of Commerce and the latest
40 available population estimates determined pursuant to s.
41 186.901. If any local government has had an annexation,
42 contraction, or new incorporation, the Office of Economic and
43 Demographic Research shall determine the population density
44 using the new jurisdictional boundaries as recorded in

45 accordance with s. 171.091. The Office of Economic and
46 Demographic Research shall submit to the state land planning
47 agency a list of jurisdictions that meet the total population
48 and density criteria necessary for designation as a dense urban
49 land area by July 1, 2009, and every year thereafter. The state
50 land planning agency shall publish the list of jurisdictions on
51 its Internet website within 7 days after the list is received.
52 The designation of jurisdictions that qualify or do not qualify
53 as a dense urban land area is effective upon publication on the
54 state land planning agency's Internet website.
55 Section 2. Paragraph (b) of subsection (3), paragraphs (a)
56 and (h) of subsection (6), and paragraphs (a), (j), and (k) of
57 subsection (12) of section 163.3177, Florida Statutes, are
58 amended, and paragraph (f) is added to subsection (3) of that
59 section, to read:
60 163.3177 Required and optional elements of comprehensive
61 plan; studies and surveys.--
62 (3)
63 (b)1. The capital improvements element must be reviewed on
64 an annual basis and modified as necessary in accordance with s.
65 163.3187 or s. 163.3189 in order to maintain a financially
66 feasible 5-year schedule of capital improvements. Corrections
67 and modifications concerning costs; revenue sources; or
68 acceptance of facilities pursuant to dedications which are
69 consistent with the plan may be accomplished by ordinance and
70 shall not be deemed to be amendments to the local comprehensive
71 plan. A copy of the ordinance shall be transmitted to the state
72 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. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. ~~Amendments to implement this section must be adopted and transmitted no later than December 1, 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)(a), after December 1, 2011 ~~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).

(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.

99 (6) In addition to the requirements of subsections (1)-(5)
100 and (12), the comprehensive plan shall include the following
101 elements:
102 (a) A future land use plan element designating proposed
103 future general distribution, location, and extent of the uses of
104 land for residential uses, commercial uses, industry,
105 agriculture, recreation, conservation, education, public
106 buildings and grounds, other public facilities, and other
107 categories of the public and private uses of land. Counties are
108 encouraged to designate rural land stewardship areas, pursuant
109 to the provisions of paragraph (11)(d), as overlays on the
110 future land use map. Each future land use category must be
111 defined in terms of uses included, and must include standards to
112 be followed in the control and distribution of population
113 densities and building and structure intensities. The proposed
114 distribution, location, and extent of the various categories of
115 land use shall be shown on a land use map or map series which
116 shall be supplemented by goals, policies, and measurable
117 objectives. The future land use plan shall be based upon
118 surveys, studies, and data regarding the area, including the
119 amount of land required to accommodate anticipated growth; the
120 projected population of the area; the character of undeveloped
121 land; the availability of water supplies, public facilities, and
122 services; the need for redevelopment, including the renewal of
123 blighted areas and the elimination of nonconforming uses which
124 are inconsistent with the character of the community; the
125 compatibility of uses on lands adjacent to or closely proximate
126 to military installations; the discouragement of urban sprawl;

127 energy-efficient land use patterns accounting for existing and
128 future electric power generation and transmission systems;
129 greenhouse gas reduction strategies; and, in rural communities,
130 the need for job creation, capital investment, and economic
131 development that will strengthen and diversify the community's
132 economy. The future land use plan may designate areas for future
133 planned development use involving combinations of types of uses
134 for which special regulations may be necessary to ensure
135 development in accord with the principles and standards of the
136 comprehensive plan and this act. The future land use plan
137 element shall include criteria to be used to achieve the
138 compatibility of adjacent or closely proximate lands with
139 military installations. In addition, for rural communities and
140 counties designated as a rural area of critical economic concern
141 pursuant to s. 288.0656, the amount of land designated for
142 future planned land uses ~~industrial use~~ shall be based upon
143 surveys and studies that reflect the need for job creation,
144 capital investment, and the necessity to strengthen and
145 diversify the local economies, and shall not be limited ~~solely~~
146 by the projected population of the rural community or rural area
147 of critical economic concern. The future land use plan of a
148 county may also designate areas for possible future municipal
149 incorporation. The land use maps or map series shall generally
150 identify and depict historic district boundaries and shall
151 designate historically significant properties meriting
152 protection. For coastal counties, the future land use element
153 must include, without limitation, regulatory incentives and
154 criteria that encourage the preservation of recreational and

155 commercial working waterfronts as defined in s. 342.07. The
156 future land use element must clearly identify the land use
157 categories in which public schools are an allowable use. When
158 delineating the land use categories in which public schools are
159 an allowable use, a local government shall include in the
160 categories sufficient land proximate to residential development
161 to meet the projected needs for schools in coordination with
162 public school boards and may establish differing criteria for
163 schools of different type or size. Each local government shall
164 include lands contiguous to existing school sites, to the
165 maximum extent possible, within the land use categories in which
166 public schools are an allowable use. The failure by a local
167 government to comply with these school siting requirements will
168 result in the prohibition of the local government's ability to
169 amend the local comprehensive plan, except for plan amendments
170 described in s. 163.3187(1)(b), until the school siting
171 requirements are met. Amendments proposed by a local government
172 for purposes of identifying the land use categories in which
173 public schools are an allowable use are exempt from the
174 limitation on the frequency of plan amendments contained in s.
175 163.3187. The future land use element shall include criteria
176 that encourage the location of schools proximate to urban
177 residential areas to the extent possible and shall require that
178 the local government seek to collocate public facilities, such
179 as parks, libraries, and community centers, with schools to the
180 extent possible and to encourage the use of elementary schools
181 as focal points for neighborhoods. For schools serving
182 predominantly rural counties, defined as a county with a

183 population of 100,000 or fewer, an agricultural land use
184 category shall be eligible for the location of public school
185 facilities if the local comprehensive plan contains school
186 siting criteria and the location is consistent with such
187 criteria. Local governments required to update or amend their
188 comprehensive plan to include criteria and address compatibility
189 of adjacent or closely proximate lands with existing military
190 installations in their future land use plan element shall
191 transmit the update or amendment to the department by June 30,
192 2006.
193 (h)1. An intergovernmental coordination element showing
194 relationships and stating principles and guidelines to be used
195 in the accomplishment of coordination of the adopted
196 comprehensive plan with the plans of school boards, regional
197 water supply authorities, and other units of local government
198 providing services but not having regulatory authority over the
199 use of land, with the comprehensive plans of adjacent
200 municipalities, the county, adjacent counties, or the region,
201 with the state comprehensive plan and with the applicable
202 regional water supply plan approved pursuant to s. 373.0361, as
203 the case may require and as such adopted plans or plans in
204 preparation may exist. This element of the local comprehensive
205 plan shall demonstrate consideration of the particular effects
206 of the local plan, when adopted, upon the development of
207 adjacent municipalities, the county, adjacent counties, or the
208 region, or upon the state comprehensive plan, as the case may
209 require.

210 a. The intergovernmental coordination element shall
211 provide for procedures to identify and implement joint planning
212 areas, especially for the purpose of annexation, municipal
213 incorporation, and joint infrastructure service areas.

214 b. The intergovernmental coordination element shall
215 provide for recognition of campus master plans prepared pursuant
216 to s. 1013.30.

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

223 2. The intergovernmental coordination element shall
224 further state principles and guidelines to be used in the
225 accomplishment of coordination of the adopted comprehensive plan
226 with the plans of school boards and other units of local
227 government providing facilities and services but not having
228 regulatory authority over the use of land. In addition, the
229 intergovernmental coordination element shall describe joint
230 processes for collaborative planning and decisionmaking on
231 population projections and public school siting, the location
232 and extension of public facilities subject to concurrency, and
233 siting facilities with countywide significance, including
234 locally unwanted land uses whose nature and identity are
235 established in an agreement. Within 1 year of adopting their
236 intergovernmental coordination elements, each county, all the
237 municipalities within that county, the district school board,

238 and any unit of local government service providers in that
239 county shall establish by interlocal or other formal agreement
240 executed by all affected entities, the joint processes described
241 in this subparagraph consistent with their adopted
242 intergovernmental coordination elements.
243 3. To foster coordination between special districts and
244 local general-purpose governments as local general-purpose
245 governments implement local comprehensive plans, each
246 independent special district must submit a public facilities
247 report to the appropriate local government as required by s.
248 189.415.
249 4.a. Local governments must execute an interlocal
250 agreement with the district school board, the county, and
251 nonexempt municipalities pursuant to s. 163.31777. The local
252 government shall amend the intergovernmental coordination
253 element to provide that coordination between the local
254 government and school board is pursuant to the agreement and
255 shall state the obligations of the local government under the
256 agreement.
257 b. Plan amendments that comply with this subparagraph are
258 exempt from the provisions of s. 163.3187(1).
259 5. The state land planning agency shall establish a
260 schedule for phased completion and transmittal of plan
261 amendments to implement subparagraphs 1., 2., and 3. from all
262 jurisdictions so as to accomplish their adoption by December 31,
263 1999. A local government may complete and transmit its plan
264 amendments to carry out these provisions prior to the scheduled

265 date established by the state land planning agency. The plan
266 amendments are exempt from the provisions of s. 163.3187(1).
267 6. By January 1, 2004, any county having a population
268 greater than 100,000, and the municipalities and special
269 districts within that county, shall submit a report to the
270 Department of Community Affairs which:
271 a. Identifies all existing or proposed interlocal service
272 delivery agreements regarding the following: education; sanitary
273 sewer; public safety; solid waste; drainage; potable water;
274 parks and recreation; and transportation facilities.
275 b. Identifies any deficits or duplication in the provision
276 of services within its jurisdiction, whether capital or
277 operational. Upon request, the Department of Community Affairs
278 shall provide technical assistance to the local governments in
279 identifying deficits or duplication.
280 7. Within 6 months after submission of the report, the
281 Department of Community Affairs shall, through the appropriate
282 regional planning council, coordinate a meeting of all local
283 governments within the regional planning area to discuss the
284 reports and potential strategies to remedy any identified
285 deficiencies or duplications.
286 8. Each local government shall update its
287 intergovernmental coordination element based upon the findings
288 in the report submitted pursuant to subparagraph 6. The report
289 may be used as supporting data and analysis for the
290 intergovernmental coordination element.
291 (12) A public school facilities element adopted to
292 implement a school concurrency program shall meet the

293 requirements of this subsection. Each county and each
294 municipality within the county, unless exempt or subject to a
295 waiver, must adopt a public school facilities element that is
296 consistent with those adopted by the other local governments
297 within the county and enter the interlocal agreement pursuant to
298 s. 163.31777.

299 (a) The state land planning agency may provide a waiver to
300 a county and to the municipalities within the county if the
301 capacity rate for all schools within the school district is no
302 greater than 100 percent and the projected 5-year capital outlay
303 full-time equivalent student growth rate is less than 10
304 percent. The state land planning agency may allow for a
305 projected 5-year capital outlay full-time equivalent student
306 growth rate to exceed 10 percent when the projected 10-year
307 capital outlay full-time equivalent student enrollment is less
308 than 2,000 students and the capacity rate for all schools within
309 the school district in the tenth year will not exceed the 100-
310 percent limitation. The state land planning agency may allow for
311 a single school to exceed the 100-percent limitation if it can
312 be demonstrated that the capacity rate for that single school is
313 not greater than 105 percent. In making this determination, the
314 state land planning agency shall consider the following
315 criteria:

316 1. Whether the exceedance is due to temporary
317 circumstances;

318 2. Whether the projected 5-year capital outlay full time
319 equivalent student growth rate for the school district is
320 approaching the 10-percent threshold;

321 3. Whether one or more additional schools within the
322 school district are at or approaching the 100-percent threshold;
323 and
324 4. The adequacy of the data and analysis submitted to
325 support the waiver request.
326 ~~(j) Failure to adopt the public school facilities element,~~
327 ~~to enter into an approved interlocal agreement as required by~~
328 ~~subparagraph (6)(h)2. and s. 163.31777, or to amend the~~
329 ~~comprehensive plan as necessary to implement school concurrency,~~
330 ~~according to the phased schedule, shall result in a local~~
331 ~~government being prohibited from adopting amendments to the~~
332 ~~comprehensive plan which increase residential density until the~~
333 ~~necessary amendments have been adopted and transmitted to the~~
334 ~~state land planning agency.~~
335 <u>(j)</u>~~(k)~~ The state land planning agency may issue ~~the school~~
336 ~~board~~ a notice to <u>the school board and the local government to</u>
337 show cause why sanctions should not be enforced for failure to
338 enter into an approved interlocal agreement as required by s.
339 163.31777 or for failure to implement ~~the~~ provisions ~~of this act~~
340 relating to public school concurrency. <u>If the state land</u>
341 <u>planning agency finds that insufficient cause exists for the</u>
342 <u>school board's or local government's failure to enter into an</u>
343 <u>approved interlocal agreement as required by s. 163.31777 or for</u>
344 <u>the school board's or local government's failure to implement</u>
345 <u>the provisions relating to public school concurrency, the state</u>
346 <u>land planning agency shall submit its finding to the</u>
347 <u>Administration Commission which may impose on the local</u>
348 <u>government any of the sanctions set forth in s. 163.3184(11)(a)</u>

349 and (b) and may impose on the district school board any of the
350 sanctions set forth in s. 1008.32(4). ~~The school board may be~~
351 ~~subject to sanctions imposed by the Administration Commission~~
352 ~~directing the Department of Education to withhold from the~~
353 ~~district school board an equivalent amount of funds for school~~
354 ~~construction available pursuant to ss. 1013.65, 1013.68,~~
355 ~~1013.70, and 1013.72.~~
356 Section 3. Subsections (5) and (10), and paragraphS (b)
357 and (e) of subsection (13) of section 163.3180, Florida
358 Statutes, are amended to read:
359 163.3180 Concurrency.--
360 (5)(a) The Legislature finds that under limited
361 circumstances ~~dealing with transportation facilities~~,
362 countervailing planning and public policy goals may come into
363 conflict with the requirement that adequate public
364 transportation facilities and services be available concurrent
365 with the impacts of such development. The Legislature further
366 finds that ~~often~~ the unintended result of the concurrency
367 requirement for transportation facilities is often the
368 discouragement of urban infill development and redevelopment.
369 Such unintended results directly conflict with the goals and
370 policies of the state comprehensive plan and the intent of this
371 part. The Legislature also finds that in urban centers
372 transportation cannot be effectively managed and mobility cannot
373 be improved solely through the expansion of roadway capacity,
374 that the expansion of roadway capacity is not always physically
375 or financially possible, and that a range of transportation
376 alternatives are essential to satisfy mobility needs, reduce

377 congestion, and achieve healthy, vibrant centers. ~~Therefore,~~
378 ~~exceptions from the concurrency requirement for transportation~~
379 ~~facilities may be granted as provided by this subsection.~~
380 (b)1. The following are transportation concurrency
381 exception areas:
382 a. A municipality that qualifies as a dense urban land
383 area under s. 163.3164;
384 b. An urban service area under s. 163.3164 that has been
385 adopted into the local comprehensive plan and is located within
386 a county that qualifies as a dense urban land area under s.
387 163.3164, except a limited urban service area may not be
388 included as an urban service area unless the parcel is defined
389 as provided in s. 163.3164(33); and
390 c. A county, including the municipalities located therein,
391 which has a population of at least 900,000 and qualifies as a
392 dense urban land area under s. 163.3164, but does not have an
393 urban service area designated in the local comprehensive plan.
394 2. A municipality that does not qualify as a dense urban
395 land area pursuant to s. 163.3164 may designate in its local
396 comprehensive plan the following areas as transportation
397 concurrency exception areas:
398 a. Urban infill as defined in s. 163.3164;
399 b. Community redevelopment areas as defined in s. 163.340;
400 c. Downtown revitalization areas as defined in s.
401 163.3164;
402 d. Urban infill and redevelopment under s. 163.2517; or
403 e. Urban service areas as defined in s. 163.3164 or areas
404 within a designated urban service boundary under s.

405 163.3177(14).
406 3. A county that does not qualify as a dense urban land
407 area pursuant to s. 163.3164 may designate in its local
408 comprehensive plan the following areas as transportation
409 concurrency exception areas:
410 a. Urban infill as defined in s. 163.3164;
411 b. Urban infill and redevelopment under s. 163.2517; or
412 c. Urban service areas as defined in s. 163.3164.
413 4. A local government that has a transportation
414 concurrency exception area designated pursuant to subparagraph
415 1., subparagraph 2., or subparagraph 3. shall, within 2 years
416 after the designated area becomes exempt, adopt into its local
417 comprehensive plan land use and transportation strategies to
418 support and fund mobility within the exception area, including
419 alternative modes of transportation. Local governments are
420 encouraged to adopt complementary land use and transportation
421 strategies that reflect the region's shared vision for its
422 future. If the state land planning agency finds insufficient
423 cause for the failure to adopt into its comprehensive plan land
424 use and transportation strategies to support and fund mobility
425 within the designated exception area after 2 years, it shall
426 submit the finding to the Administration Commission, which may
427 impose any of the sanctions set forth in s. 163.3184(11)(a) and
428 (b) against the local government.
429 5. Transportation concurrency exception areas designated
430 pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.
431 do not apply to designated transportation concurrency districts
432 located within a county that has a population of at least 1.5

433 million, has implemented and uses a transportation-related
434 concurrency assessment to support alternative modes of
435 transportation, including, but not limited to, mass transit, and
436 does not levy transportation impact fees within the concurrency
437 district.
438 6. A local government that does not have a transportation
439 concurrency exception area designated pursuant to subparagraph
440 1., subparagraph 2., or subparagraph 3. may grant an exception
441 from the concurrency requirement for transportation facilities
442 if the proposed development is otherwise consistent with the
443 adopted local government comprehensive plan and is a project
444 that promotes public transportation or is located within an area
445 designated in the comprehensive plan for:
446 a.~~1.~~ Urban infill development;
447 b.~~2.~~ Urban redevelopment;
448 c.~~3.~~ Downtown revitalization;
449 d.~~4.~~ Urban infill and redevelopment under s. 163.2517; or
450 e.~~5.~~ An urban service area specifically designated as a
451 transportation concurrency exception area which includes lands
452 appropriate for compact, contiguous urban development, which
453 does not exceed the amount of land needed to accommodate the
454 projected population growth at densities consistent with the
455 adopted comprehensive plan within the 10-year planning period,
456 and which is served or is planned to be served with public
457 facilities and services as provided by the capital improvements
458 element.
459 (c) The Legislature also finds that developments located
460 within urban infill, urban redevelopment, ~~existing~~ urban

461 service, or downtown revitalization areas or areas designated as
462 urban infill and redevelopment areas under s. 163.2517, which
463 pose only special part-time demands on the transportation
464 system, are exempt ~~should be excepted~~ from the concurrency
465 requirement for transportation facilities. A special part-time
466 demand is one that does not have more than 200 scheduled events
467 during any calendar year and does not affect the 100 highest
468 traffic volume hours.
469 (d) Except for transportation concurrency exception areas
470 designated pursuant to subparagraph (b)1., subparagraph (b)2.,
471 or subparagraph (b)3., the following requirements apply: ~~A local~~
472 ~~government shall establish guidelines in the comprehensive plan~~
473 ~~for granting the exceptions authorized in paragraphs (b) and (c)~~
474 ~~and subsections (7) and (15) which must be consistent with and~~
475 ~~support a comprehensive strategy adopted in the plan to promote~~
476 ~~the purpose of the exceptions.~~
477 1.~~(e)~~ The local government shall both adopt into the
478 comprehensive plan and implement long-term strategies to support
479 and fund mobility within the designated exception area,
480 including alternative modes of transportation. The plan
481 amendment must also demonstrate how strategies will support the
482 purpose of the exception and how mobility within the designated
483 exception area will be provided.
484 2. ~~In addition,~~ The strategies must address urban design;
485 appropriate land use mixes, including intensity and density; and
486 network connectivity plans needed to promote urban infill,
487 redevelopment, or downtown revitalization. The comprehensive
488 plan amendment designating the concurrency exception area must

489 be accompanied by data and analysis supporting the local
490 government's determination of the boundaries of the
491 transportation concurrency exception ~~justifying the size of the~~
492 area.
493 (e) ~~(f)~~ Before designating ~~Prior to the designation of~~ a
494 concurrency exception area pursuant to subparagraph (b)6., the
495 state land planning agency and the Department of Transportation
496 shall be consulted by the local government to assess the impact
497 that the proposed exception area is expected to have on the
498 adopted level-of-service standards established for regional
499 transportation facilities identified pursuant to s. 186.507,
500 including the Strategic Intermodal System ~~facilities, as defined~~
501 ~~in s. 339.64,~~ and roadway facilities funded in accordance with
502 s. 339.2819. Further, the local government shall provide a plan
503 for the mitigation of~~, in consultation with the state land~~
504 ~~planning agency and the Department of Transportation, develop a~~
505 ~~plan to mitigate any~~ impacts to the Strategic Intermodal System,
506 including, if appropriate, access management, parallel reliever
507 roads, transportation demand management, and other measures ~~the~~
508 ~~development of a long-term concurrency management system~~
509 ~~pursuant to subsection (9) and s. 163.3177(3)(d)~~. ~~The exceptions~~
510 ~~may be available only within the specific geographic area of the~~
511 ~~jurisdiction designated in the plan. Pursuant to s. 163.3184,~~
512 ~~any affected person may challenge a plan amendment establishing~~
513 ~~these guidelines and the areas within which an exception could~~
514 ~~be granted.~~
515 ~~(g) Transportation concurrency exception areas existing~~
516 ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~

517 ~~of this section by July 1, 2006, or at the time of the~~
518 ~~comprehensive plan update pursuant to the evaluation and~~
519 ~~appraisal report, whichever occurs last.~~
520 (f) The designation of a transportation concurrency
521 exception area does not limit a local government's home rule
522 power to adopt ordinances or impose fees. This subsection does
523 not affect any contract or agreement entered into or development
524 order rendered before the creation of the transportation
525 concurrency exception area except as provided in s.
526 380.06(29)(e).
527 (g) The Office of Program Policy Analysis and Government
528 Accountability shall submit to the President of the Senate and
529 the Speaker of the House of Representatives by February 1, 2015,
530 a report on transportation concurrency exception areas created
531 pursuant to this subsection. At a minimum, the report shall
532 address the methods that local governments have used to
533 implement and fund transportation strategies to achieve the
534 purposes of designated transportation concurrency exception
535 areas, and the effects of the strategies on mobility,
536 congestion, urban design, the density and intensity of land use
537 mixes, and network connectivity plans used to promote urban
538 infill, redevelopment, or downtown revitalization.
539 (10) Except in transportation concurrency exception areas,
540 with regard to roadway facilities on the Strategic Intermodal
541 System designated in accordance with s. ~~ss.~~ ~~339.61, 339.62,~~
542 339.63 ~~, and 339.64, the Florida Intrastate Highway System as~~
543 ~~defined in s. 338.001, and roadway facilities funded in~~
544 ~~accordance with s. 339.2819~~, local governments shall adopt the

545 level-of-service standard established by the Department of
546 Transportation by rule. However, if the Office of Tourism,
547 Trade, and Economic Development concurs in writing with the
548 local government that the proposed development is for a
549 qualified job creation project under s. 288.0656 or s. 403.973,
550 the affected local government, after consulting with the
551 Department of Transportation, may provide for a waiver of
552 transportation concurrency for the project. For all other roads
553 on the State Highway System, local governments shall establish
554 an adequate level-of-service standard that need not be
555 consistent with any level-of-service standard established by the
556 Department of Transportation. In establishing adequate level-of-
557 service standards for any arterial roads, or collector roads as
558 appropriate, which traverse multiple jurisdictions, local
559 governments shall consider compatibility with the roadway
560 facility's adopted level-of-service standards in adjacent
561 jurisdictions. Each local government within a county shall use a
562 professionally accepted methodology for measuring impacts on
563 transportation facilities for the purposes of implementing its
564 concurrency management system. Counties are encouraged to
565 coordinate with adjacent counties, and local governments within
566 a county are encouraged to coordinate, for the purpose of using
567 common methodologies for measuring impacts on transportation
568 facilities for the purpose of implementing their concurrency
569 management systems.
570 (13) School concurrency shall be established on a
571 districtwide basis and shall include all public schools in the
572 district and all portions of the district, whether located in a

573 municipality or an unincorporated area unless exempt from the
574 public school facilities element pursuant to s. 163.3177(12).
575 The application of school concurrency to development shall be
576 based upon the adopted comprehensive plan, as amended. All local
577 governments within a county, except as provided in paragraph
578 (f), shall adopt and transmit to the state land planning agency
579 the necessary plan amendments, along with the interlocal
580 agreement, for a compliance review pursuant to s. 163.3184(7)
581 and (8). The minimum requirements for school concurrency are the
582 following:
583 (b) Level-of-service standards.--The Legislature
584 recognizes that an essential requirement for a concurrency
585 management system is the level of service at which a public
586 facility is expected to operate.
587 1. Local governments and school boards imposing school
588 concurrency shall exercise authority in conjunction with each
589 other to establish jointly adequate level-of-service standards,
590 as defined in chapter 9J-5, Florida Administrative Code,
591 necessary to implement the adopted local government
592 comprehensive plan, based on data and analysis.
593 2. Public school level-of-service standards shall be
594 included and adopted into the capital improvements element of
595 the local comprehensive plan and shall apply districtwide to all
596 schools of the same type. Types of schools may include
597 elementary, middle, and high schools as well as special purpose
598 facilities such as magnet schools.
599 3. Local governments and school boards shall have the
600 option to utilize tiered level-of-service standards to allow

601 time to achieve an adequate and desirable level of service as
602 circumstances warrant.
603 4. For the purpose of determining whether levels of
604 service have been achieved, for the first 3 years of school
605 concurrency implementation, a school district that includes
606 relocatable facilities in its inventory of student stations
607 shall include the capacity of such relocatable facilities as
608 provided in s. 1013.35(2)(b)2.f., provided the relocatable
609 facilities were purchased after 1998 and the relocatable
610 facilities meet the standards for long-term use pursuant to s.
611 1013.20.
612 (e) Availability standard.--Consistent with the public
613 welfare, a local government may not deny an application for site
614 plan, final subdivision approval, or the functional equivalent
615 for a development or phase of a development authorizing
616 residential development for failure to achieve and maintain the
617 level-of-service standard for public school capacity in a local
618 school concurrency management system where adequate school
619 facilities will be in place or under actual construction within
620 3 years after the issuance of final subdivision or site plan
621 approval, or the functional equivalent. School concurrency is
622 satisfied if the developer executes a legally binding commitment
623 to provide mitigation proportionate to the demand for public
624 school facilities to be created by actual development of the
625 property, including, but not limited to, the options described
626 in subparagraph 1. Options for proportionate-share mitigation of
627 impacts on public school facilities must be established in the

628 public school facilities element and the interlocal agreement
629 pursuant to s. 163.31777.
630 1. Appropriate mitigation options include the contribution
631 of land; the construction, expansion, or payment for land
632 acquisition or construction of a public school facility; the
633 construction of a charter school that complies with the
634 requirements of s. 1002.33(18)(f); or the creation of mitigation
635 banking based on the construction of a public school facility in
636 exchange for the right to sell capacity credits. Such options
637 must include execution by the applicant and the local government
638 of a development agreement that constitutes a legally binding
639 commitment to pay proportionate-share mitigation for the
640 additional residential units approved by the local government in
641 a development order and actually developed on the property,
642 taking into account residential density allowed on the property
643 prior to the plan amendment that increased the overall
644 residential density. The district school board must be a party
645 to such an agreement. As a condition of its entry into such a
646 development agreement, the local government may require the
647 landowner to agree to continuing renewal of the agreement upon
648 its expiration.
649 2. If the education facilities plan and the public
650 educational facilities element authorize a contribution of land;
651 the construction, expansion, or payment for land acquisition; ~~or~~
652 the construction or expansion of a public school facility, or a
653 portion thereof; or the construction of a charter school that
654 complies with the requirements of s. 1002.33(18)(f), as
655 proportionate-share mitigation, the local government shall

656 credit such a contribution, construction, expansion, or payment
657 toward any other impact fee or exaction imposed by local
658 ordinance for the same need, on a dollar-for-dollar basis at
659 fair market value.
660 3. Any proportionate-share mitigation must be directed by
661 the school board toward a school capacity improvement identified
662 in a financially feasible 5-year district work plan that
663 satisfies the demands created by the development in accordance
664 with a binding developer's agreement.
665 4. If a development is precluded from commencing because
666 there is inadequate classroom capacity to mitigate the impacts
667 of the development, the development may nevertheless commence if
668 there are accelerated facilities in an approved capital
669 improvement element scheduled for construction in year four or
670 later of such plan which, when built, will mitigate the proposed
671 development, or if such accelerated facilities will be in the
672 next annual update of the capital facilities element, the
673 developer enters into a binding, financially guaranteed
674 agreement with the school district to construct an accelerated
675 facility within the first 3 years of an approved capital
676 improvement plan, and the cost of the school facility is equal
677 to or greater than the development's proportionate share. When
678 the completed school facility is conveyed to the school
679 district, the developer shall receive impact fee credits usable
680 within the zone where the facility is constructed or any
681 attendance zone contiguous with or adjacent to the zone where
682 the facility is constructed.

683 5. This paragraph does not limit the authority of a local
684 government to deny a development permit or its functional
685 equivalent pursuant to its home rule regulatory powers, except
686 as provided in this part.
687 Section 4. Paragraph (d) of subsection (3) of section
688 163.31801, Florida Statutes, is amended to read:
689 163.31801 Impact fees; short title; intent; definitions;
690 ordinances levying impact fees.--
691 (3) An impact fee adopted by ordinance of a county or
692 municipality or by resolution of a special district must, at
693 minimum:
694 (d) Require that notice be provided no less than 90 days
695 before the effective date of an ordinance or resolution imposing
696 a new or increased ~~amended~~ impact fee. A county or municipality
697 is not required to wait 90 days to decrease, suspend, or
698 eliminate an impact fee.
699 Section 5. Section 163.31802, Florida Statutes, is created
700 to read:
701 163.31802 Prohibited standards for security devices.--A
702 county, municipality, or other entity of local government may
703 not adopt or maintain in effect an ordinance or rule that
704 establishes standards for security cameras that require a lawful
705 business to expend funds to enhance the services or functions
706 provided by local government unless specifically provided by
707 general law. Nothing in this section shall be construed to limit
708 the ability of a county, municipality, airport, seaport, or
709 other local governmental entity to adopt standards for security
710 cameras in publicly operated facilities, including standards for

711 private businesses operating within such public facilities
712 pursuant to a lease or other contractual arrangement.
713 Section 6. Paragraph (b) of subsection (1) of section
714 163.3184, Florida Statutes, is amended, and paragraph (e) is
715 added to subsection (3) of that section, to read:
716 163.3184 Process for adoption of comprehensive plan or
717 plan amendment.--
718 (1) DEFINITIONS.--As used in this section, the term:
719 (b) "In compliance" means consistent with the requirements
720 of ss. 163.3177, ~~when a local government adopts an educational~~
721 ~~facilities element,~~ 163.3178, 163.3180, 163.3191, and 163.3245,
722 with the state comprehensive plan, with the appropriate
723 strategic regional policy plan, and with chapter 9J-5, Florida
724 Administrative Code, where such rule is not inconsistent with
725 this part and with the principles for guiding development in
726 designated areas of critical state concern and with part III of
727 chapter 369, where applicable.
728 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
729 AMENDMENT.--
730 (e) At the request of an applicant, a local government
731 shall consider an application for zoning changes that would be
732 required to properly enact the provisions of any proposed plan
733 amendment transmitted pursuant to this subsection. Zoning
734 changes approved by the local government are contingent upon the
735 state land planning agency issuing a notice of intent to find
736 that the comprehensive plan or plan amendment transmitted is in
737 compliance with this act.
738 Section 7. Paragraphs (b) and (f) of subsection (1) of

739 section 163.3187, Florida Statutes, are amended, and paragraph
740 (q) is added to that subsection, to read:
741 163.3187 Amendment of adopted comprehensive plan.--
742 (1) Amendments to comprehensive plans adopted pursuant to
743 this part may be made not more than two times during any
744 calendar year, except:
745 (b) Any local government comprehensive plan amendments
746 directly related to a proposed development of regional impact,
747 including changes which have been determined to be substantial
748 deviations and including Florida Quality Developments pursuant
749 to s. 380.061, may be initiated by a local planning agency and
750 considered by the local governing body at the same time as the
751 application for development approval using the procedures
752 provided for local plan amendment in this section and applicable
753 local ordinances~~, without regard to statutory or local ordinance~~
754 ~~limits on the frequency of consideration of amendments to the~~
755 ~~local comprehensive plan~~. ~~Nothing in this subsection shall be~~
756 ~~deemed to require favorable consideration of a plan amendment~~
757 ~~solely because it is related to a development of regional~~
758 ~~impact.~~
759 (f) ~~Any comprehensive plan amendment that changes the~~
760 ~~schedule in~~ The capital improvements element annual update
761 required in s. 163.3177(3)(b)1.~~,~~ and any amendments directly
762 related to the schedule~~, may be made once in a calendar year on~~
763 ~~a date different from the two times provided in this subsection~~
764 ~~when necessary to coincide with the adoption of the local~~
765 ~~government's budget and capital improvements program~~.
766 (q) Any local government plan amendment to designate an

767 urban service area as a transportation concurrency exception
768 area under s. 163.3180(5)(b)2. or 3. and an area exempt from the
769 development-of-regional-impact process under s. 380.06(29).
770 Section 9. Subsections (12), (13), and (14) of section
771 163.3246, Florida Statutes, are amended, and a new subsection
772 (12) is added to that section, to read:
773 163.3246 Local government comprehensive planning
774 certification program.--
775 (12) Notwithstanding subsections (2), (4), (5), (6), and
776 (7), any county that has an average population density of at
777 least 3,000 residents per square mile and any municipality that
778 has a population greater than 100,000 and an average of at least
779 3,000 residents per square mile shall be considered certified.
780 For any plan amendment within a qualified municipality that also
781 requires an amendment of the comprehensive plan of the county,
782 the associated county plan amendment shall also be subject to
783 this section.
784 (a) The population and density needed to identify local
785 governments that qualify for certification under this subsection
786 shall be determined annually by the Office of Economic and
787 Demographic Research using the most recent land area data from
788 the decennial census conducted by the Bureau of the Census of
789 the United States Department of Commerce and the latest
790 available population estimates determined pursuant to s.
791 186.901. The office shall annually submit to the state land
792 planning agency a list of jurisdictions that meet the total
793 population and density criteria necessary to qualify for
794 certification. For each local government identified by the

795 Office of Economic and Demographic Research as meeting the
796 certification criteria in this subsection, the state land
797 planning agency shall provide a written notice of certification
798 to the local government, which shall be considered final agency
799 action subject to challenge under s. 120.569. The notice of
800 certification shall include a requirement that the local
801 government submit a monitoring report at least every 2 years
802 according to the schedule provided in the written notice. The
803 monitoring report shall include the number of amendments to the
804 comprehensive plan adopted by the local government, the number
805 of plan amendments challenged by an affected person, and the
806 disposition of those challenges.
807 (b) The state land planning agency may issue a notice to
808 the local government to show cause why sanctions should not be
809 enforced for failure to submit the required monitoring report
810 pursuant to paragraph (a). The state land planning agency may
811 recommend to the Administration Commission that the
812 certification provided by this subsection be revoked for failure
813 by the local government to submit the monitoring report within
814 90 days after the issuance of a notice to show cause.
815 Additionally, the state land planning agency may recommend to
816 the Administration Commission that the certification be revoked
817 for any local government certified pursuant to this subsection
818 when the agency finds an excessive number of plan amendments
819 have had a determination that the plan is not in compliance. The
820 Administration Commission's decision to revoke certification
821 shall be considered agency action subject to challenge under s.
822 120.569.

823 (13)~~(12)~~ A local government's certification shall be
824 reviewed by the local government and the state land planning
825 agency ~~department~~ as part of the evaluation and appraisal
826 process pursuant to s. 163.3191. Within 1 year after the
827 deadline for the local government to update its comprehensive
828 plan based on the evaluation and appraisal report, the state
829 land planning agency ~~department~~ shall renew or revoke the
830 certification. The local government's failure to adopt a timely
831 evaluation and appraisal report, failure to adopt an evaluation
832 and appraisal report found to be sufficient, or failure to
833 timely adopt amendments based on an evaluation and appraisal
834 report found to be in compliance by the state land planning
835 agency ~~department~~ shall be cause for revoking the certification
836 agreement. The state land planning agency's ~~department's~~
837 decision to renew or revoke shall be considered agency action
838 subject to challenge under s. 120.569.

839 (14)~~(13)~~ The state land planning agency ~~department~~ shall,
840 by October ~~July~~ 1 of each odd-numbered year, submit to the
841 Governor, the President of the Senate, and the Speaker of the
842 House of Representatives a report listing certified local
843 governments, evaluating the effectiveness of the certification,
844 and including any recommendations for legislative actions.

845 ~~(14) The Office of Program Policy Analysis and Government~~
846 ~~Accountability shall prepare a report evaluating the~~
847 ~~certification program, which shall be submitted to the Governor,~~
848 ~~the President of the Senate, and the Speaker of the House of~~
849 ~~Representatives by December 1, 2007.~~

850 Section 10. Subsection (2) of section 163.32465, Florida

851 Statutes, is amended to read:

852 163.32465 State review of local comprehensive plans in
853 urban areas.--

854 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT
855 PROGRAM.--~~Pinellas and~~ Broward County ~~Counties~~, ~~and~~ the
856 municipalities within Broward and Pinellas Counties ~~these~~
857 ~~counties~~, and the City of Jacksonville~~, Miami, Tampa, and~~
858 ~~Hialeah~~ shall follow an alternative state review process
859 provided in this section. Municipalities within the pilot
860 counties may elect, by super majority vote of the governing
861 body, not to participate in the pilot program. In addition to
862 the pilot program jurisdictions, any local government may use
863 the alternative state review process to designate an urban
864 service area as defined in s. 163.3164(29) in its comprehensive
865 plan.

866 Section 11. Section 171.091, Florida Statutes, is amended
867 to read:

868 171.091 Recording.--Any change in the municipal boundaries
869 through annexation or contraction shall revise the charter
870 boundary article and shall be filed as a revision of the charter
871 with the Department of State within 30 days. A copy of such
872 revision must be submitted to the Office of Economic and
873 Demographic Research along with a statement specifying the
874 population census effect and the affected land area.

875 Section 12. Section 186.509, Florida Statutes, is amended
876 to read:

877 186.509 Dispute resolution process.--Each regional
878 planning council shall establish by rule a dispute resolution

879 process to reconcile differences on planning and growth
880 management issues between local governments, regional agencies,
881 and private interests. The dispute resolution process shall,
882 within a reasonable set of timeframes, provide for: voluntary
883 meetings among the disputing parties; if those meetings fail to
884 resolve the dispute, initiation of mandatory ~~voluntary~~ mediation
885 or a similar process; if that process fails, initiation of
886 arbitration or administrative or judicial action, where
887 appropriate. The council shall not utilize the dispute
888 resolution process to address disputes involving environmental
889 permits or other regulatory matters unless requested to do so by
890 the parties. The resolution of any issue through the dispute
891 resolution process shall not alter any person's right to a
892 judicial determination of any issue if that person is entitled
893 to such a determination under statutory or common law.

894 Section 13. Subsections (24) and (28) of section 380.06,
895 Florida Statutes, are amended, and subsection (29) is added to
896 that section, to read:

897 380.06 Developments of regional impact.--

898 (24) STATUTORY EXEMPTIONS.--

899 (a) Any proposed hospital is exempt from the provisions of
900 this section.

901 (b) Any proposed electrical transmission line or
902 electrical power plant is exempt from the provisions of this
903 section.

904 (c) Any proposed addition to an existing sports facility
905 complex is exempt from the provisions of this section if the
906 addition meets the following characteristics:

907 1. It would not operate concurrently with the scheduled
908 hours of operation of the existing facility.
909 2. Its seating capacity would be no more than 75 percent
910 of the capacity of the existing facility.
911 3. The sports facility complex property is owned by a
912 public body prior to July 1, 1983.
913
914 This exemption does not apply to any pari-mutuel facility.
915 (d) Any proposed addition or cumulative additions
916 subsequent to July 1, 1988, to an existing sports facility
917 complex owned by a state university is exempt if the increased
918 seating capacity of the complex is no more than 30 percent of
919 the capacity of the existing facility.
920 (e) Any addition of permanent seats or parking spaces for
921 an existing sports facility located on property owned by a
922 public body prior to July 1, 1973, is exempt from the provisions
923 of this section if future additions do not expand existing
924 permanent seating or parking capacity more than 15 percent
925 annually in excess of the prior year's capacity.
926 (f) Any increase in the seating capacity of an existing
927 sports facility having a permanent seating capacity of at least
928 50,000 spectators is exempt from the provisions of this section,
929 provided that such an increase does not increase permanent
930 seating capacity by more than 5 percent per year and not to
931 exceed a total of 10 percent in any 5-year period, and provided
932 that the sports facility notifies the appropriate local
933 government within which the facility is located of the increase
934 at least 6 months prior to the initial use of the increased

935 seating, in order to permit the appropriate local government to
936 develop a traffic management plan for the traffic generated by
937 the increase. Any traffic management plan shall be consistent
938 with the local comprehensive plan, the regional policy plan, and
939 the state comprehensive plan.
940 (g) Any expansion in the permanent seating capacity or
941 additional improved parking facilities of an existing sports
942 facility is exempt from the provisions of this section, if the
943 following conditions exist:
944 1.a. The sports facility had a permanent seating capacity
945 on January 1, 1991, of at least 41,000 spectator seats;
946 b. The sum of such expansions in permanent seating
947 capacity does not exceed a total of 10 percent in any 5-year
948 period and does not exceed a cumulative total of 20 percent for
949 any such expansions; or
950 c. The increase in additional improved parking facilities
951 is a one-time addition and does not exceed 3,500 parking spaces
952 serving the sports facility; and
953 2. The local government having jurisdiction of the sports
954 facility includes in the development order or development permit
955 approving such expansion under this paragraph a finding of fact
956 that the proposed expansion is consistent with the
957 transportation, water, sewer and stormwater drainage provisions
958 of the approved local comprehensive plan and local land
959 development regulations relating to those provisions.
960
961 Any owner or developer who intends to rely on this statutory
962 exemption shall provide to the department a copy of the local

963 government application for a development permit. Within 45 days
964 of receipt of the application, the department shall render to
965 the local government an advisory and nonbinding opinion, in
966 writing, stating whether, in the department's opinion, the
967 prescribed conditions exist for an exemption under this
968 paragraph. The local government shall render the development
969 order approving each such expansion to the department. The
970 owner, developer, or department may appeal the local government
971 development order pursuant to s. 380.07, within 45 days after
972 the order is rendered. The scope of review shall be limited to
973 the determination of whether the conditions prescribed in this
974 paragraph exist. If any sports facility expansion undergoes
975 development-of-regional-impact review, all previous expansions
976 which were exempt under this paragraph shall be included in the
977 development-of-regional-impact review.
978 (h) Expansion to port harbors, spoil disposal sites,
979 navigation channels, turning basins, harbor berths, and other
980 related inwater harbor facilities of ports listed in s.
981 403.021(9)(b), port transportation facilities and projects
982 listed in s. 311.07(3)(b), and intermodal transportation
983 facilities identified pursuant to s. 311.09(3) are exempt from
984 the provisions of this section when such expansions, projects,
985 or facilities are consistent with comprehensive master plans
986 that are in compliance with the provisions of s. 163.3178.
987 (i) Any proposed facility for the storage of any petroleum
988 product or any expansion of an existing facility is exempt from
989 the provisions of this section.
990 (j) Any renovation or redevelopment within the same land

991 parcel which does not change land use or increase density or
992 intensity of use.
993 (k) Waterport and marina development, including dry
994 storage facilities, are exempt from the provisions of this
995 section.
996 (l) Any proposed development within an urban service
997 boundary established under s. 163.3177(14), which is not
998 otherwise exempt pursuant to subsection (29), is exempt from the
999 provisions of this section if the local government having
1000 jurisdiction over the area where the development is proposed has
1001 adopted the urban service boundary, has entered into a binding
1002 agreement with jurisdictions that would be impacted and with the
1003 Department of Transportation regarding the mitigation of impacts
1004 on state and regional transportation facilities, and has adopted
1005 a proportionate share methodology pursuant to s. 163.3180(16).
1006 (m) Any proposed development within a rural land
1007 stewardship area created under s. 163.3177(11)(d) is exempt from
1008 the provisions of this section if the local government that has
1009 adopted the rural land stewardship area has entered into a
1010 binding agreement with jurisdictions that would be impacted and
1011 the Department of Transportation regarding the mitigation of
1012 impacts on state and regional transportation facilities, and has
1013 adopted a proportionate share methodology pursuant to s.
1014 163.3180(16).
1015 ~~(n) Any proposed development or redevelopment within an~~
1016 ~~area designated as an urban infill and redevelopment area under~~
1017 ~~s. 163.2517 is exempt from this section if the local government~~
1018 ~~has entered into a binding agreement with jurisdictions that~~

1019 ~~would be impacted and the Department of Transportation regarding~~
1020 ~~the mitigation of impacts on state and regional transportation~~
1021 ~~facilities, and has adopted a proportionate share methodology~~
1022 ~~pursuant to s. 163.3180(16).~~
1023 (n) ~~(o)~~ The establishment, relocation, or expansion of any
1024 military installation as defined in s. 163.3175, is exempt from
1025 this section.
1026 (o) ~~(p)~~ Any self-storage warehousing that does not allow
1027 retail or other services is exempt from this section.
1028 (p) ~~(q)~~ Any proposed nursing home or assisted living
1029 facility is exempt from this section.
1030 (q) ~~(r)~~ Any development identified in an airport master
1031 plan and adopted into the comprehensive plan pursuant to s.
1032 163.3177(6)(k) is exempt from this section.
1033 (r) ~~(s)~~ Any development identified in a campus master plan
1034 and adopted pursuant to s. 1013.30 is exempt from this section.
1035 (s) ~~(t)~~ Any development in a specific area plan which is
1036 prepared pursuant to s. 163.3245 and adopted into the
1037 comprehensive plan is exempt from this section.
1038 (t) ~~(u)~~ Any development within a county with a research and
1039 education authority created by special act and that is also
1040 within a research and development park that is operated or
1041 managed by a research and development authority pursuant to part
1042 V of chapter 159 is exempt from this section.
1043
1044 If a use is exempt from review as a development of regional
1045 impact under paragraphs (a)-(s) ~~(t)~~, but will be part of a larger
1046 project that is subject to review as a development of regional

1047 impact, the impact of the exempt use must be included in the
1048 review of the larger project, unless such exempt use involves a
1049 development of regional impact for a landowner, tenant, or user
1050 that has entered into a funding agreement with the Office of
1051 Tourism, Trade, and Economic Development under the Innovation
1052 Incentive Program and the agreement contemplates a state award
1053 of at least $50 million.
1054 (28) PARTIAL STATUTORY EXEMPTIONS.--
1055 (a) If the binding agreement referenced under paragraph
1056 (24)(l) for urban service boundaries is not entered into within
1057 12 months after establishment of the urban service boundary, the
1058 development-of-regional-impact review for projects within the
1059 urban service boundary must address transportation impacts only.
1060 (b) If the binding agreement referenced under paragraph
1061 (24)(m) for rural land stewardship areas is not entered into
1062 within 12 months after the designation of a rural land
1063 stewardship area, the development-of-regional-impact review for
1064 projects within the rural land stewardship area must address
1065 transportation impacts only.
1066 (c) If the binding agreement ~~referenced under paragraph~~
1067 ~~(24)(n)~~ for designated urban infill and redevelopment areas is
1068 not entered into within 12 months after the designation of the
1069 area or July 1, 2007, whichever occurs later, the development-
1070 of-regional-impact review for projects within the urban infill
1071 and redevelopment area must address transportation impacts only.
1072 (d) A local government that does not wish to enter into a
1073 binding agreement or that is unable to agree on the terms of the
1074 agreement referenced under paragraph (24)(l) or~~,~~ paragraph

1075 (24)(m)~~, or paragraph (24)(n)~~ shall provide written notification
1076 to the state land planning agency of the decision to not enter
1077 into a binding agreement or the failure to enter into a binding
1078 agreement within the 12-month period referenced in paragraphs
1079 (a), (b) and (c). Following the notification of the state land
1080 planning agency, development-of-regional-impact review for
1081 projects within an urban service boundary under paragraph
1082 (24)(l), <u>or</u> a rural land stewardship area under paragraph
1083 (24)(m)~~, or an urban infill and redevelopment area under~~
1084 ~~paragraph (24)(n)~~, must address transportation impacts only.
1085 (e) The vesting provision of s. 163.3167(8) relating to an
1086 authorized development of regional impact shall not apply to
1087 those projects partially exempt from the development-of-
1088 regional-impact review process under paragraphs (a)-(d).
1089 <u>(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.--</u>
1090 <u>(a) The following are exempt from this section:</u>
1091 <u>1. Any proposed development in a municipality that</u>
1092 <u>qualifies as a dense urban land area as defined in s. 163.3164;</u>
1093 <u>2. Any proposed development within a county that qualifies</u>
1094 <u>as a dense urban land area as defined in s. 163.3164 and that is</u>
1095 <u>located within an urban service area defined in s. 163.3164</u>
1096 <u>which has been adopted into the comprehensive plan; or</u>
1097 <u>3. Any proposed development within a county, including the</u>
1098 <u>municipalities located therein, which has a population of at</u>
1099 <u>least 900,000, which qualifies as a dense urban land area under</u>
1100 <u>s. 163.3164, but which does not have an urban service area</u>
1101 <u>designated in the comprehensive plan.</u>
1102 <u>(b) If a municipality that does not qualify as a dense</u>

1103 urban land area pursuant to s. 163.3164 designates any of the
1104 following areas in its comprehensive plan, any proposed
1105 development within the designated area is exempt from the
1106 development-of-regional-impact process:
1107 1. Urban infill as defined in s. 163.3164;
1108 2. Community redevelopment areas as defined in s. 163.340;
1109 3. Downtown revitalization areas as defined in s.
1110 163.3164;
1111 4. Urban infill and redevelopment under s. 163.2517; or
1112 5. Urban service areas as defined in s. 163.3164 or areas
1113 within a designated urban service boundary under s.
1114 163.3177(14).
1115 (c) If a county that does not qualify as a dense urban
1116 land area pursuant to s. 163.3164 designates any of the
1117 following areas in its comprehensive plan, any proposed
1118 development within the designated area is exempt from the
1119 development-of-regional-impact process:
1120 1. Urban infill as defined in s. 163.3164;
1121 2. Urban infill and redevelopment under s. 163.2517; or
1122 3. Urban service areas as defined in s. 163.3164.
1123 (d) A development that is located partially outside an
1124 area that is exempt from the development-of-regional-impact
1125 program must undergo development-of-regional-impact review
1126 pursuant to this section.
1127 (e) In an area that is exempt under paragraphs (a)-(c),
1128 any previously approved development-of-regional-impact
1129 development orders shall continue to be effective, but the
1130 developer has the option to be governed by s. 380.115(1). A

1131 pending application for development approval shall be governed
1132 by s. 380.115(2). A development that has a pending application
1133 for a comprehensive plan amendment and that elects not to
1134 continue development-of-regional-impact review is exempt from
1135 the limitation on plan amendments set forth in s. 163.3187(1)
1136 for the year following the effective date of the exemption.
1137 (f) Local governments must submit by mail a development
1138 order to the state land planning agency for projects that would
1139 be larger than 120 percent of any applicable development-of
1140 regional-impact threshold and would require development-of-
1141 regional-impact review but for the exemption from the program
1142 under paragraphs (a)-(c). For such development orders, the state
1143 land planning agency may appeal the development order pursuant
1144 to s. 380.07 for inconsistency with the comprehensive plan
1145 adopted under chapter 163.
1146 (g) If a local government that qualifies as a dense urban
1147 land area under this subsection is subsequently found to be
1148 ineligible for designation as a dense urban land area, any
1149 development located within that area which has a complete,
1150 pending application for authorization to commence development
1151 may maintain the exemption if the developer is continuing the
1152 application process in good faith or the development is
1153 approved.
1154 (h) This subsection does not limit or modify the rights of
1155 any person to complete any development that has been authorized
1156 as a development of regional impact pursuant to this chapter.
1157 (i) This subsection does not apply to areas:
1158 1. Within the boundary of any area of critical state

1159 concern designated pursuant to s. 380.05;
1160 2. Within the boundary of the Wekiva Study Area as
1161 described in s. 369.316; or
1162 3. Within 2 miles of the boundary of the Everglades
1163 Protection Area as described in s. 373.4592(2).
1164 Section 14. (1)(a) The Legislature finds that the
1165 existing transportation concurrency system has not adequately
1166 addressed the transportation needs of this state in an
1167 effective, predictable, and equitable manner and is not
1168 producing a sustainable transportation system for the state. The
1169 Legislature finds that the current system is complex,
1170 inequitable, lacks uniformity among jurisdictions, is too
1171 focused on roadways to the detriment of desired land use
1172 patterns and transportation alternatives, and frequently
1173 prevents the attainment of important growth management goals.
1174 (b) The Legislature determines that the state shall
1175 evaluate and consider the implementation of a mobility fee to
1176 replace the existing transportation concurrency system. The
1177 mobility fee should be designed to provide for mobility needs,
1178 ensure that development provides mitigation for its impacts on
1179 the transportation system in approximate proportionality to
1180 those impacts, fairly distribute the fee among the governmental
1181 entities responsible for maintaining the impacted roadways, and
1182 promote compact, mixed-use, and energy-efficient development.
1183 (2) The state land planning agency and the Department of
1184 Transportation shall continue their respective current mobility
1185 fee studies and develop and submit to the President of the
1186 Senate and the Speaker of the House of Representatives, no later

1187 than December 1, 2009, a final joint report on the mobility fee
1188 methodology study, complete with recommended legislation and a
1189 plan to implement the mobility fee as a replacement for the
1190 existing local government adopted and implemented transportation
1191 concurrency management systems. The final joint report shall
1192 also contain, but is not limited to, an economic analysis of
1193 implementation of the mobility fee, activities necessary to
1194 implement the fee, and potential costs and benefits at the state
1195 and local levels and to the private sector.
1196 Section 15. (1) Except as provided in subsection (4), and
1197 in recognition of 2009 real estate market conditions, any permit
1198 issued by the Department of Environmental Protection or a water
1199 management district pursuant to part IV of chapter 373, Florida
1200 Statutes, that has an expiration date of September 1, 2008,
1201 through January 1, 2012, is extended and renewed for a period of
1202 2 years following its date of expiration. This extension
1203 includes any local government-issued development order or
1204 building permit. The 2-year extension also applies to build out
1205 dates including any build out date extension previously granted
1206 under s. 380.06(19)(c). This section shall not be construed to
1207 prohibit conversion from the construction phase to the operation
1208 phase upon completion of construction.
1209 (2) The commencement and completion dates for any required
1210 mitigation associated with a phased construction project shall
1211 be extended such that mitigation takes place in the same
1212 timeframe relative to the phase as originally permitted.
1213 (3) The holder of a valid permit or other authorization
1214 that is eligible for the 2-year extension shall notify the

1215 authorizing agency in writing no later than December 31, 2009,
1216 identifying the specific authorization for which the holder
1217 intends to use the extension and the anticipated timeframe for
1218 acting on the authorization.
1219 (4) The extension provided for in subsection (1) does not
1220 apply to:
1221 (a) A permit or other authorization under any programmatic
1222 or regional general permit issued by the Army Corps of
1223 Engineers.
1224 (b) A permit or other authorization held by an owner or
1225 operator determined to be in significant noncompliance with the
1226 conditions of the permit or authorization as established through
1227 the issuance of a warning letter or notice of violation, the
1228 initiation of formal enforcement, or other equivalent action by
1229 the authorizing agency.
1230 (c) A permit or other authorization, if granted an
1231 extension, that would delay or prevent compliance with a court
1232 order.
1233 (5) Permits extended under this section shall continue to
1234 be governed by rules in effect at the time the permit was
1235 issued, except when it can be demonstrated that the rules in
1236 effect at the time the permit was issued would create an
1237 immediate threat to public safety or health. This provision
1238 shall apply to any modification of the plans, terms, and
1239 conditions of the permit that lessens the environmental impact,
1240 except that any such modification shall not extend the time
1241 limit beyond 2 additional years.

1242 (6) Nothing in this section shall impair the authority of
1243 a county or municipality to require the owner of a property,
1244 that has notified the county or municipality of the owner's
1245 intention to receive the extension of time granted by this
1246 section, to maintain and secure the property in a safe and
1247 sanitary condition in compliance with applicable laws and
1248 ordinances.
1249 Section 16. The Legislature finds that this act fulfills
1250 an important state interest.
1251 Section 17. This act shall take effect upon becoming a
1252 law.
1253
1254 -----------------------------------------------------
1255 **T I T L E A M E N D M E N T**
1256 Remove the entire title and insert:
1257 A bill to be entitled
1258 An act relating to growth management; providing a short
1259 title; amending s. 163.3164, F.S.; revising the definition
1260 of the term "existing urban service area"; providing a
1261 definition for the term "dense urban land area" and
1262 providing requirements of the Office of Economic and
1263 Demographic Research and the state land planning agency
1264 with respect thereto; amending s. 163.3177, F.S.; revising
1265 requirements for adopting amendments to the capital
1266 improvements element of a local comprehensive plan;
1267 revising requirements for future land use plan elements
1268 and intergovernmental coordination elements of a local
1269 comprehensive plan; revising requirements for the public

1270 school facilities element implementing a school
1271 concurrency program; deleting a penalty for local
1272 governments that fail to adopt a public school facilities
1273 element and interlocal agreement; authorizing the
1274 Administration Commission to impose sanctions; deleting
1275 authority of the Administration Commission to impose
1276 sanctions on a school board; amending s. 163.3180, F.S.;
1277 revising concurrency requirements; providing legislative
1278 findings relating to transportation concurrency exception
1279 areas; providing for the applicability of transportation
1280 concurrency exception areas; deleting certain requirements
1281 for transportation concurrency exception areas; providing
1282 that the designation of a transportation concurrency
1283 exception area does not limit a local government's home
1284 rule power to adopt ordinances or impose fees and does not
1285 affect any contract or agreement entered into or
1286 development order rendered before such designation;
1287 requiring the Office of Program Policy Analysis and
1288 Government Accountability to submit a report to the
1289 Legislature concerning the effects of the transportation
1290 concurrency exception areas; authorizing local governments
1291 to provide for a waiver of transportation concurrency
1292 requirements for certain projects under certain
1293 circumstances; revising school concurrency requirements;
1294 requiring charter schools to be considered as a mitigation
1295 option under certain circumstances; amending s. 163.31801,
1296 F.S.; revising requirements for adoption of impact fees;
1297 creating s. 163.31802, F.S.; prohibiting establishment of

1298 local standards for security cameras requiring businesses
1299 to expend funds to enhance local governmental services or
1300 functions under certain circumstances; amending s.
1301 163.3184, F.S.; revising a definition; requiring local
1302 governments to consider applications for certain zoning
1303 changes required to comply with proposed plan amendments;
1304 amending s. 163.3187, F.S.; revising certain comprehensive
1305 plan amendments that are exempt from the twice-per-year
1306 limitation; exempting certain additional comprehensive
1307 plan amendments from the twice-per-year limitation;
1308 amending s. 163.3246, F.S.; specifying certain counties
1309 and municipalities as certified under the local government
1310 comprehensive planning certification program; providing
1311 duties and responsibilities of the Office of Economic and
1312 Demographic Research; providing certification
1313 requirements; requiring such local governments to submit
1314 monitoring reports; providing report requirements;
1315 providing duties and responsibilities of the state land
1316 planning agency; providing authority to enforce sanctions
1317 and revoke certifications; deleting a reporting
1318 requirement for the Office of Program Policy Analysis and
1319 Government Accountability; amending s. 163.32465, F.S.;
1320 revising alternative state review process pilot program
1321 jurisdictions; authorizing local governments to use the
1322 alternative state review process to designate urban
1323 service areas; amending s. 171.091, F.S.; requiring that a
1324 municipality submit a copy of any revision to the charter
1325 boundary article which results from an annexation or

1326 contraction to the Office of Economic and Demographic
1327 Research; amending s. 186.509, F.S.; revising provisions
1328 relating to a dispute resolution process to reconcile
1329 differences on planning and growth management issues
1330 between certain parties of interest; providing for
1331 mandatory mediation; amending s. 380.06, F.S.; revising
1332 statutory exemptions from the development of the regional
1333 impact review process; providing exemptions for dense
1334 urban land areas from the development-of-regional-impact
1335 program; providing exceptions; providing legislative
1336 findings and determinations relating to replacing the
1337 existing transportation concurrency system with a mobility
1338 fee system; requiring the state land planning agency and
1339 the Department of Transportation to continue mobility fee
1340 studies; requiring a joint report on a mobility fee
1341 methodology study to the Legislature; specifying report
1342 requirements; correcting cross-references; providing for
1343 extending and renewing certain permits subject to certain
1344 expiration dates; providing for application of the
1345 extension to certain related activities; providing for
1346 extension of commencement and completion dates; requiring
1347 permitholders to notify authorizing agencies of intent to
1348 use the extension and anticipated time of the extension;
1349 specifying nonapplication to certain permits; providing
1350 for application of certain rules to extended permits;
1351 preserving the authority of counties and municipalities to
1352 impose certain security and sanitary requirements on
1353 property owners under certain circumstances; requiring

1354 permitholders to notify permitting agencies of intent to
1355 use the extension; providing a legislative declaration of
1356 important state interest; providing an effective date.