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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2009	.	
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The Policy and Steering Committee on Ways and Means (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

Section 2. 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:

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(29) "~~Existing~~ Urban service area" means built-up areas where public facilities and services, including, but not limited to, central water and sewer ~~such as sewage treatment systems~~, roads, schools, and recreation areas, are already in place. In addition, areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, which are located within counties that qualify as dense urban land areas under subsection (34) by July 1, 2009, are also urban service areas under this definition.

(34) "Dense urban land area" means:

(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or

(c) A county, including the municipalities located therein, which has a population of at least 1 million.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density

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using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.

Section 3. Paragraph (b) of subsection (3), paragraph (a) of subsection (4), paragraph (h) of subsection (6), and paragraphs (j) and (k) of subsection (12) 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


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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).

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.0361; with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body

shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

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

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in 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 to identify and implement joint planning areas, especially for the purpose of annexation, municipal


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incorporation, and joint infrastructure service areas.

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

c. The intergovernmental coordination element shall ~~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. ~~A local government may develop and use an alternative local dispute resolution process for this purpose.~~

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.


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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

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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.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.

~~(j) Failure to adopt the public school facilities element, to enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and s. 163.31777, or to amend the~~

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~~comprehensive plan as necessary to implement school concurrency, according to the phased schedule, shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.~~

(j) ~~(k)~~ The state land planning agency may issue ~~the school board~~ a notice to a school board or local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement ~~the~~ provisions ~~of this act~~ relating to public school concurrency. If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission, which may impose on the local government any of the sanctions set forth in s. 163.3184(11)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4). ~~The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

Section 4. Paragraph (c) of subsection (4) and subsections (5) and (10) of section 163.3180, Florida Statutes, are amended


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to read:

163.3180 Concurrency.—

(4)

(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(4)(a) ~~s. 163.3187(3)(a)~~. A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.

(5)

(a) The Legislature finds that under limited circumstances ~~dealing with transportation facilities,~~ countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that ~~often~~ the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely


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through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives are essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers. ~~Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.~~

(b)1. The following are transportation concurrency exception areas:

a. A municipality that qualifies as a dense urban land area under s. 163.3164(34);

b. An urban service area under s. 163.3164(29) which has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164(34); and

c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164(34), but does not have an urban service area designated in the local comprehensive plan.

2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164(34) may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164(27);

b. Community redevelopment areas as defined in s. 163.340(10);

c. Downtown revitalization areas as defined in s. 163.3164(25);

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

e. Urban service areas as defined in s. 163.3164(29) or areas within a designated urban service boundary under s. 163.3177(14).

3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164(34) may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164(27);

b. Urban infill and redevelopment under s. 163.2517; or

c. Urban service areas as defined in s. 163.3164(29).

4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. must, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region’s shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.

5. Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do

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not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.

6. A local government that does not qualify as a dense urban land area as defined in s. 163.3164(34) ~~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 for:

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

b.~~2.~~ Urban redevelopment;

c.~~3.~~ Downtown revitalization;

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

e.~~5.~~ An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.

(c) The Legislature also finds that developments located

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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, are exempt ~~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) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply: ~~A local government shall establish guidelines in the comprehensive plan for granting the exceptions authorized in paragraphs (b) and (c) and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions.~~

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

2. ~~In addition,~~ The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must


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be accompanied by data and analysis justifying the size of the area.

(e) ~~(f)~~ Before designating ~~Prior to the designation of~~ a concurrency exception area pursuant to subparagraph (b)6., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level-of-service standards established for regional transportation facilities identified pursuant to s. 186.507, including the 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 provide a plan for the mitigation of~~, in consultation with the state land planning agency and the Department of Transportation, develop a plan to mitigate any~~ impacts to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures ~~the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d)~~. ~~The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.~~

~~(g) Transportation concurrency exception areas existing prior to July 1, 2005, must, at a minimum, meet the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~


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(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(29)(e).

(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment or downtown revitalization.

(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63 ~~ss. 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a

qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may allow for a waiver of transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

Section 5. Paragraph (b) of subsection (1), paragraph (b) of subsection (8), and subsections (17) and (18) of section 163.3184, Florida Statutes, are amended to read:

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

(1) DEFINITIONS.—As used in this section, the term:

(b) "In compliance" means consistent with the requirements of ss. 163.3177, ~~when a local government adopts an educational~~

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~~facilities element,~~ 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(8) NOTICE OF INTENT.—

(b) Except as provided in paragraph (a) or in s. 163.3187(4) ~~s. 163.3187(3)~~, the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(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

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urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(4)(a) ~~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)(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

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to the requirements of s. 163.3187(4)(a) ~~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.

Section 6. Paragraphs (b) and (f) of subsection (1) of section 163.3187, Florida Statutes, are amended, paragraph (q) is added to that subsection, present subsections (2) through (6) of that section are redesignated as subsections (3) through (7), respectively, and a new subsection (2) is added to that section, to read:

163.3187 Amendment of adopted comprehensive plan.—

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

(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~~

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~~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.~~

(f) ~~Any comprehensive plan amendment that changes the schedule in~~ The capital improvements element annual update required in s. 163.3177(3)(b)2.~~,~~ 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 plan amendment to designate an urban service area, which exists in the local government's comprehensive plan as of July 1, 2009, as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3., an area eligible for expedited comprehensive plan amendment review under s. 163.32465, and an area exempt from the development-of-regional-impact process under s. 380.06(29).

(2) Other than the exceptions listed in subsection (1), text amendments to the goals, objectives, or policies of the local government's comprehensive plan may be adopted only once a year, unless the text amendment is directly related to, and applies only to, a future land use map amendment.

Section 7. Paragraph (a) of subsection (9) of section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments

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associated with the area certified must be adopted and reviewed in the manner described in ss. 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such that state and regional agency review is eliminated. The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(4)(a) ~~s. 163.3187(3)(a)~~ to challenge the compliance of an adopted plan amendment.

Section 8. Section 163.32465, Florida Statutes, is amended to read:

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

(1) LEGISLATIVE FINDINGS.—

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

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

~~(c) The Legislature finds a pilot program will be beneficial in evaluating an alternative, expedited plan amendment adoption and review process. Pilot local governments shall represent highly developed counties and the municipalities within these counties and highly populated municipalities.~~

(2) ALTERNATIVE STATE REVIEW PROCESS ~~PILOT PROGRAM~~.—The alternative state review process provided in this section applies to: ~~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.~~

(a) Future land use map amendments within a municipality that qualifies as a dense urban land area, as defined in s.

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163.3164(34);

(b) Future land use map amendments for areas within a county that qualifies as a dense urban land area as defined in s. 163.3164(34) which are designated in the county's comprehensive plan as urban service areas under s. 163.3164(29);

(c) Future land use map amendments for counties, including the municipalities located therein, which have a population of at least 900,000, qualify as dense urban land areas under s. 163.3164(34), but do not have an urban service area designated in the comprehensive plan;

(d) Future land use map amendments by municipalities that do not qualify as dense urban land areas pursuant to s. 163.3164(34) and that are located within areas designated in the comprehensive plan as:

1. Urban infill as defined in s. 163.3164(27);

2. Community redevelopment areas as defined in s. 163.340(10);

3. Downtown revitalization areas as defined in s. 163.3164(25); or

4. Urban service areas as defined in s. 163.3164(29) or areas within a designated urban service boundary under s. 163.3177(14);

(e) Future land use map amendments by counties that do not qualify as dense urban land areas pursuant to s. 163.3164(34) which are within areas designated in the comprehensive plan as:

1. Urban infill development as defined in s. 163.3164(27);

2. Urban infill and redevelopment under s. 163.2517; or

3. Urban service areas as defined in s. 163.3164(29); and

(f) Future land use map amendments within an area

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designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) if the Office of Tourism, Trade, and Economic Development states in writing that the amendment supports a regional target industry that is identified in an economic development plan prepared for one of the economic development programs identified in s. 288.0656(7).

(g) Any local government plan amendment to designate an urban service area, which exists in the local government's comprehensive plan as of July 1, 2009, as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3., an area eligible for expedited comprehensive plan amendment review under s. 163.32465, and an area exempt from the development-of-regional-impact process under s. 380.06(29).

(h) Any text amendment that directly relates to, and applies only to, a future land use map amendment.

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

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

(b) Amendments that qualify as small-scale development amendments may continue to be adopted in ~~by the pilot program~~ jurisdictions that use the alternative review process pursuant to s. 163.3187(1)(c) and (4) ~~(3)~~.

(c) An amendment to a comprehensive plan is not eligible for alternative state review and must go through the state review process under s. 163.3184 if the amendment:

1. Designates or implements a rural land stewardship area

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pursuant to s. 163.3177(11)(d);

2. Designates or implements an optional sector plan;

3. Applies within an area of critical state concern or a coastal high-hazard area;

4. Incorporates into a municipal comprehensive plan lands that have been annexed;

5. Updates a comprehensive plan based on an evaluation and appraisal report;

6. Implements statutory requirements that were not previously incorporated into the comprehensive plan;

7. Changes the boundary of a jurisdiction's urban service area as defined in s. 163.3164(29); or

8. Implements new plans for a newly incorporated municipality. ~~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; or new plans for newly incorporated municipalities are subject to state review as set forth in s. 163.3184.~~

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

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

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

(a) The local government shall hold its first public

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hearing on a comprehensive plan amendment on a weekday at least 7 days after the day the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. Upon an affirmative vote of not less than a majority of the members of the governing body present at the hearing, the local government shall immediately transmit the amendment or amendments and appropriate supporting data and analyses to the state land planning agency; the appropriate regional planning council and water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of municipal plans, to the appropriate county; the Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; and in the case of amendments that include or impact the public school facilities element, the Office of Educational Facilities of the Commissioner of Education. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body. The local government may request that the state land planning agency issue a report containing its objections, recommendations, and comments on the amendments and supporting data and analyses. A local government that makes such request must notify all of the agencies and local governments listed in this paragraph of the request.

(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

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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 must ~~shall~~ clearly identify issues that, if not resolved, may result in a ~~an agency~~ challenge to the plan amendment from the state land planning agency. ~~For the purposes of this pilot program,~~ Agencies are encouraged to focus potential challenges on issues of regional or statewide importance. Agencies and local governments must transmit their comments to the affected local government, if issued, within 30 days after ~~such that they are received by the local government not later than thirty days from the date on which~~ the state land planning agency notifies the affected local government that the plan amendment package is complete ~~or government received the amendment or amendments~~. Any comments from the agencies and local governments must also be transmitted to the state land planning agency. If the local government requested a report from

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the state planning agency listing objections, recommendations, and comments, the state planning agency has 15 days after receiving all of the comments from the agencies and local governments to issue the report.

(5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR ALTERNATIVE REVIEW JURISDICTIONS ~~PILOT AREAS~~.—

(a) The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least 5 days after the day the second advertisement is published pursuant to ~~the requirements of~~ chapter 125 or chapter 166. Adoption of comprehensive plan amendments must be by ordinance ~~and requires an affirmative vote of a majority of the members of the governing body present at the second hearing~~. The hearing must be conducted and the amendment must be adopted, adopted with changes, or not adopted within 120 days after the agency comments are received pursuant to paragraph (4)(b). If a local government fails to adopt the plan amendment within the timeframe set forth in this paragraph, the plan amendment is deemed abandoned and the plan amendment may not be considered until the next available amendment cycle pursuant to s. 163.3187.

(b) All comprehensive plan amendments adopted by the governing body along with the supporting data and analysis shall be transmitted within 10 days of the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (4)(b).

(6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR ALTERNATIVE REVIEW JURISDICTIONS ~~PILOT PROGRAM~~.—

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(a) Any "affected person" as defined in s. 163.3184(1)(a) 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 to challenge whether the amendments are "in compliance" as defined in s. 163.3184(1)(b). This petition must be filed with the Division within 30 days after the local government adopts the amendment. The state land planning agency may intervene in a proceeding instituted by an affected person.

(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.

(c) The state land planning agency's challenge shall be

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limited to those issues raised in the comments provided by the reviewing agencies pursuant to paragraph (4)(b) or, if issued, the objections, recommendations, and comments report. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments. For alternative review jurisdictions ~~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.

(d) An administrative law judge shall hold a hearing in the affected local jurisdiction. The local government's determination that the amendment is "in compliance" is presumed to be correct and shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not "in compliance."

(e) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(f) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days of receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action. If the commission determines that the amendment is not in compliance,


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it may sanction the local government as set forth in s. 163.3184(11).

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days from receipt of the recommended order.

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

(h) Parties to a proceeding under this section may enter into compliance agreements using the process in s. 163.3184(16). Any remedial amendment adopted pursuant to a settlement agreement shall be provided to the agencies and governments listed in paragraph (4)(a).

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

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

~~(9) REPORT.—The Office of Program Policy Analysis and~~


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~~Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2008, a report and recommendations for implementing a statewide program that addresses the legislative findings in subsection (1) in areas that meet urban criteria. The Office of Program Policy Analysis and Government Accountability in consultation with the state land planning agency shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. Additionally, the office shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations shall include the following:~~

~~(a) Identification of local governments beyond those participating in the pilot program that should be subject to the alternative expedited state review process. The report may recommend that pilot program local governments may no longer be appropriate for such alternative review process.~~

~~(b) Changes to the alternative expedited state review process for local comprehensive plan amendments identified in the pilot program.~~

~~(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.~~

~~(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of~~

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~~Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Governmental Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments and stakeholder groups.~~

Section 9. Subsection (29) is added to section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.-

(a) The following are exempt from this section:

1. Any proposed development in a municipality that qualifies as a dense urban land area as defined in s. 163.3164(34);

2. Any proposed development within a county that qualifies as a dense urban land area as defined in s. 163.3164(34) and that is located within an urban service area defined s. 163.3164(29) which has been adopted into the comprehensive plan; or

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, which qualifies as a dense urban land area under s. 163.3164(34), but which does not have an urban service area designated in the comprehensive plan.

(b) If a municipality that does not qualify as a dense urban land area pursuant to s. 163.3164(34) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the

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development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164(27);

2. Community redevelopment areas as defined in s. 163.340(10);

3. Downtown revitalization areas as defined in s. 163.3164(25);

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

5. Urban service areas as defined in s. 163.3164(29) or areas within a designated urban service boundary under s. 163.3177(14).

(c) If a county that does not qualify as a dense urban land area pursuant to s. 163.3164(34) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164(27);

2. Urban infill and redevelopment under s. 163.2517; or

3. Urban service areas as defined in s. 163.3164(29).

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section.

(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). A development that has a pending application for a comprehensive plan amendment and that elects not to continue development-of-

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regional-impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.

(f) Local governments must submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable development-of regional-impact threshold and would require development-of-regional-impact review but for the exemption from the program under paragraph (a). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.

(g) If a local government that qualifies as a dense urban land area under this subsection is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.

(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(i) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades


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Protection Area as described in s. 373.4592(2).

Section 10. Paragraph (d) of subsection (3) of section 163.31801, Florida Statutes, is amended 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:

(d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased ~~amended~~ impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

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

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

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

186.509 Dispute resolution process.—Each regional planning council shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The dispute resolution process shall, within a

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reasonable set of timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of mandatory ~~voluntary~~ mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate. The council shall not utilize the dispute resolution process to address disputes involving environmental permits or other regulatory matters unless requested to do so by the parties. The resolution of any issue through the dispute resolution process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

Section 13. The Legislature finds that this act fulfills an important state interest.

Section 14. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to growth management; providing a short title; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term "dense urban land area"; amending s. 163.3177, F.S.; extending dates relating to requirements for adopting amendments to the capital improvements element of a local comprehensive plan; deleting a penalty for local governments that fail to adopt a public school

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facilities element and interlocal agreement; authorizing the state land planning agency to issue a notice to a school board or local government to show cause for not imposing sanctions; requiring that the state land planning agency submit its findings to the Administration Commission within the Executive Office of the Governor if the agency finds insufficient cause to impose sanctions; authorizing the Administration Commission to impose certain sanctions; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job-creation projects; amending s. 163.3184, F.S.; clarifying the definition of the term "in compliance"; conforming cross-references; amending s. 163.3187, F.S.;

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exempting certain additional comprehensive plan amendments from the twice-per-year limitation; limiting the adoption of certain amendments to the text of a plan to once per calendar year; amending s. 163.3246, F.S.; conforming a cross-reference; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing for additional types of amendments to which the alternate state review applies; requiring that agencies submit comments within a specified period after the state land planning agency notifies the local government that the plan amendment package is complete; requiring that the local government adopt a plan amendment within a specified period after comments are received; requiring that the state land planning agency adopt rules; deleting provisions relating to reporting requirements for the Office of Program Policy Analysis and Government Accountability; amending s. 380.06, F.S.; providing exemptions for dense urban land areas from the development-of-regional-impact program; providing exceptions; amending s. 163.31801, F.S.; revising provisions relating to impact fees; providing that notice is not required if an impact fee is decreased, suspended, or eliminated; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research within the Legislature; amending s. 186.509, F.S.; revising

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provisions relating to a dispute resolution process to reconcile differences on planning and growth management issues between certain parties of interest; providing for mandatory mediation; providing that the act fulfills an important state interest; providing an effective date.