By the Policy and Steering Committee on Ways and Means; the Committee on Community Affairs; and Senators Bennett, Gaetz, Ring, Pruitt, Haridopolos, Richter, Hill, King, and Lynn

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1 A bill to be entitled
2 An act relating to growth management; providing a
3 short title; amending s. 163.3164, F.S.; revising
4 definitions; providing a definition for the term
5 "dense urban land area"; amending s. 163.3177, F.S.;
6 extending dates relating to requirements for adopting
7 amendments to the capital improvements element of a
8 local comprehensive plan; deleting a penalty for local
9 governments that fail to adopt a public school
10 facilities element and interlocal agreement;
11 authorizing the state land planning agency to issue a
12 notice to a school board or local government to show
13 cause for not imposing sanctions; requiring that the
14 state land planning agency submit its findings to the
15 Administration Commission within the Executive Office
16 of the Governor if the agency finds insufficient cause
17 to impose sanctions; authorizing the Administration
18 Commission to impose certain sanctions; amending s.
19 163.3180, F.S.; revising concurrency requirements;
20 providing legislative findings relating to
21 transportation concurrency exception areas; providing
22 for the applicability of transportation concurrency
23 exception areas; deleting certain requirements for
24 transportation concurrency exception areas; providing
25 that the designation of a transportation concurrency
26 exception area does not limit a local government's
27 home rule power to adopt ordinances or impose fees and
28 does not affect any contract or agreement entered into
29 or development order rendered before such designation;

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30 requiring the Office of Program Policy Analysis and
31 Government Accountability to submit a report to the
32 Legislature concerning the effects of the
33 transportation concurrency exception areas; providing
34 for an exemption from level-of-service standards for
35 proposed development related to qualified job-creation
36 projects; amending s. 163.3184, F.S.; clarifying the
37 definition of the term “in compliance”; conforming
38 cross-references; amending s. 163.3187, F.S.;
39 exempting certain additional comprehensive plan
40 amendments from the twice-per-year limitation;
41 limiting the adoption of certain amendments to the
42 text of a plan to once per calendar year; amending s.
43 163.3246, F.S.; conforming a cross-reference; amending
44 s. 163.32465, F.S.; revising provisions relating to
45 the state review of comprehensive plans; providing for
46 additional types of amendments to which the alternate
47 state review applies; requiring that agencies submit
48 comments within a specified period after the state
49 land planning agency notifies the local government
50 that the plan amendment package is complete; requiring
51 that the local government adopt a plan amendment
52 within a specified period after comments are received;
53 requiring that the state land planning agency adopt
54 rules; deleting provisions relating to reporting
55 requirements for the Office of Program Policy Analysis
56 and Government Accountability; amending s. 380.06,
57 F.S.; providing exemptions for dense urban land areas
58 from the development-of-regional-impact program;

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59 providing exceptions; amending s. 163.31801, F.S.;
60 revising provisions relating to impact fees; providing
61 that notice is not required if an impact fee is
62 decreased, suspended, or eliminated; amending s.
63 171.091, F.S.; requiring that a municipality submit a
64 copy of any revision to the charter boundary article
65 which results from an annexation or contraction to the
66 Office of Economic and Demographic Research within the
67 Legislature; amending s. 186.509, F.S.; revising
68 provisions relating to a dispute resolution process to
69 reconcile differences on planning and growth
70 management issues between certain parties of interest;
71 providing for mandatory mediation; providing that the
72 act fulfills an important state interest; providing an
73 effective date.
74
75 Be It Enacted by the Legislature of the State of Florida:
76
77 Section 1. This act may be cited as the "Community Renewal
78 Act."
79 Section 2. Subsection (29) of section 163.3164, Florida
80 Statutes, is amended, and subsection (34) is added to that
81 section, to read:
82 163.3164 Local Government Comprehensive Planning and Land
83 Development Regulation Act; definitions.—As used in this act:
84 (29) "~~Existing~~ Urban service area" means built-up areas
85 where public facilities and services, including, but not limited
86 to, central water and sewer ~~such as sewage treatment systems~~,
87 roads, schools, and recreation areas, are already in place. In

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88 addition, areas identified in the comprehensive plan as urban
89 service areas or urban growth boundaries on or before July 1,
90 2009, which are located within counties that qualify as dense
91 urban land areas under subsection (34) by July 1, 2009, are also
92 urban service areas under this definition.
93 (34) "Dense urban land area" means:
94 (a) A municipality that has an average of at least 1,000
95 people per square mile of land area and a minimum total
96 population of at least 5,000;
97 (b) A county, including the municipalities located therein,
98 which has an average of at least 1,000 people per square mile of
99 land area; or
100 (c) A county, including the municipalities located therein,
101 which has a population of at least 1 million.
102
103 The Office of Economic and Demographic Research within the
104 Legislature shall annually calculate the population and density
105 criteria needed to determine which jurisdictions qualify as
106 dense urban land areas by using the most recent land area data
107 from the decennial census conducted by the Bureau of the Census
108 of the United States Department of Commerce and the latest
109 available population estimates determined pursuant to s.
110 186.901. If any local government has had an annexation,
111 contraction, or new incorporation, the Office of Economic and
112 Demographic Research shall determine the population density
113 using the new jurisdictional boundaries as recorded in
114 accordance with s. 171.091. The Office of Economic and
115 Demographic Research shall submit to the state land planning
116 agency a list of jurisdictions that meet the total population

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117 and density criteria necessary for designation as a dense urban
118 land area by July 1, 2009, and every year thereafter. The state
119 land planning agency shall publish the list of jurisdictions on
120 its Internet website within 7 days after the list is received.
121 The designation of jurisdictions that qualify or do not qualify
122 as a dense urban land area is effective upon publication on the
123 state land planning agency's Internet website.
124 Section 3. Paragraph (b) of subsection (3), paragraph (a)
125 of subsection (4), paragraph (h) of subsection (6), and
126 paragraphs (j) and (k) of subsection (12) of section 163.3177
127 Florida Statutes, are amended to read:
128 163.3177 Required and optional elements of comprehensive
129 plan; studies and surveys.—
130 (3)
131 (b)1. The capital improvements element must be reviewed on
132 an annual basis and modified as necessary in accordance with s.
133 163.3187 or s. 163.3189 in order to maintain a financially
134 feasible 5-year schedule of capital improvements. Corrections
135 and modifications concerning costs; revenue sources; or
136 acceptance of facilities pursuant to dedications which are
137 consistent with the plan may be accomplished by ordinance and
138 shall not be deemed to be amendments to the local comprehensive
139 plan. A copy of the ordinance shall be transmitted to the state
140 land planning agency. An amendment to the comprehensive plan is
141 required to update the schedule on an annual basis or to
142 eliminate, defer, or delay the construction for any facility
143 listed in the 5-year schedule. All public facilities must be
144 consistent with the capital improvements element. The annual
145 update to the capital improvements element of the comprehensive

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146 plan need not comply with the financial feasibility requirement
147 until December 1, 2011. ~~Amendments to implement this section~~
148 ~~must be adopted and transmitted no later than December 1, 2008.~~
149 Thereafter, a local government may not amend its future land use
150 map, except for plan amendments to meet new requirements under
151 this part and emergency amendments pursuant to s.
152 163.3187(1)(a), after December 1, 2011 ~~2008~~, and every year
153 thereafter, unless and until the local government has adopted
154 the annual update and it has been transmitted to the state land
155 planning agency.
156 2. Capital improvements element amendments adopted after
157 the effective date of this act shall require only a single
158 public hearing before the governing board which shall be an
159 adoption hearing as described in s. 163.3184(7). Such amendments
160 are not subject to the requirements of s. 163.3184(3)-(6).
161 (4)(a) Coordination of the local comprehensive plan with
162 the comprehensive plans of adjacent municipalities, the county,
163 adjacent counties, or the region; with the appropriate water
164 management district's regional water supply plans approved
165 pursuant to s. 373.0361; with adopted rules pertaining to
166 designated areas of critical state concern; and with the state
167 comprehensive plan shall be a major objective of the local
168 comprehensive planning process. To that end, in the preparation
169 of a comprehensive plan or element thereof, and in the
170 comprehensive plan or element as adopted, the governing body
171 shall include a specific policy statement indicating the
172 relationship of the proposed development of the area to the
173 comprehensive plans of adjacent municipalities, the county,
174 adjacent counties, or the region and to the state comprehensive

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175 plan, as the case may require and as such adopted plans or plans
176 in preparation may exist.
177 (6) In addition to the requirements of subsections (1)-(5)
178 and (12), the comprehensive plan shall include the following
179 elements:
180 (h)1. An intergovernmental coordination element showing
181 relationships and stating principles and guidelines to be used
182 in the accomplishment of coordination of the adopted
183 comprehensive plan with the plans of school boards, regional
184 water supply authorities, and other units of local government
185 providing services but not having regulatory authority over the
186 use of land, with the comprehensive plans of adjacent
187 municipalities, the county, adjacent counties, or the region,
188 with the state comprehensive plan and with the applicable
189 regional water supply plan approved pursuant to s. 373.0361, as
190 the case may require and as such adopted plans or plans in
191 preparation may exist. This element of the local comprehensive
192 plan shall demonstrate consideration of the particular effects
193 of the local plan, when adopted, upon the development of
194 adjacent municipalities, the county, adjacent counties, or the
195 region, or upon the state comprehensive plan, as the case may
196 require.
197 a. The intergovernmental coordination element shall provide
198 for procedures to identify and implement joint planning areas,
199 especially for the purpose of annexation, municipal
200 incorporation, and joint infrastructure service areas.
201 b. The intergovernmental coordination element shall provide
202 for recognition of campus master plans prepared pursuant to s.
203 1013.30.

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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.

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

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233 report to the appropriate local government as required by s.
234 189.415.
235 4.a. Local governments must execute an interlocal agreement
236 with the district school board, the county, and nonexempt
237 municipalities pursuant to s. 163.31777. The local government
238 shall amend the intergovernmental coordination element to
239 provide that coordination between the local government and
240 school board is pursuant to the agreement and shall state the
241 obligations of the local government under the agreement.
242 b. Plan amendments that comply with this subparagraph are
243 exempt from the provisions of s. 163.3187(1).
244 5. The state land planning agency shall establish a
245 schedule for phased completion and transmittal of plan
246 amendments to implement subparagraphs 1., 2., and 3. from all
247 jurisdictions so as to accomplish their adoption by December 31,
248 1999. A local government may complete and transmit its plan
249 amendments to carry out these provisions prior to the scheduled
250 date established by the state land planning agency. The plan
251 amendments are exempt from the provisions of s. 163.3187(1).
252 6. By January 1, 2004, any county having a population
253 greater than 100,000, and the municipalities and special
254 districts within that county, shall submit a report to the
255 Department of Community Affairs which:
256 a. Identifies all existing or proposed interlocal service
257 delivery agreements regarding the following: education; sanitary
258 sewer; public safety; solid waste; drainage; potable water;
259 parks and recreation; and transportation facilities.
260 b. Identifies any deficits or duplication in the provision
261 of services within its jurisdiction, whether capital or

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262 operational. Upon request, the Department of Community Affairs
263 shall provide technical assistance to the local governments in
264 identifying deficits or duplication.
265 7. Within 6 months after submission of the report, the
266 Department of Community Affairs shall, through the appropriate
267 regional planning council, coordinate a meeting of all local
268 governments within the regional planning area to discuss the
269 reports and potential strategies to remedy any identified
270 deficiencies or duplications.
271 8. Each local government shall update its intergovernmental
272 coordination element based upon the findings in the report
273 submitted pursuant to subparagraph 6. The report may be used as
274 supporting data and analysis for the intergovernmental
275 coordination element.
276 (12) A public school facilities element adopted to
277 implement a school concurrency program shall meet the
278 requirements of this subsection. Each county and each
279 municipality within the county, unless exempt or subject to a
280 waiver, must adopt a public school facilities element that is
281 consistent with those adopted by the other local governments
282 within the county and enter the interlocal agreement pursuant to
283 s. 163.31777.
284 ~~(j) Failure to adopt the public school facilities element,~~
285 ~~to enter into an approved interlocal agreement as required by~~
286 ~~subparagraph (6)(h)2. and s. 163.31777, or to amend the~~
287 ~~comprehensive plan as necessary to implement school concurrency,~~
288 ~~according to the phased schedule, shall result in a local~~
289 ~~government being prohibited from adopting amendments to the~~
290 ~~comprehensive plan which increase residential density until the~~

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291 ~~necessary amendments have been adopted and transmitted to the~~
292 ~~state land planning agency.~~
293 (j) ~~(k)~~ The state land planning agency may issue ~~the school~~
294 ~~board~~ a notice to a school board or local government to show
295 cause why sanctions should not be enforced for failure to enter
296 into an approved interlocal agreement as required by s.
297 163.31777 or for failure to implement ~~the~~ provisions ~~of this act~~
298 relating to public school concurrency. If the state land
299 planning agency finds that insufficient cause exists for the
300 school board's or local government's failure to enter into an
301 approved interlocal agreement required by s. 163.31777 or for
302 the school board's or local government's failure to implement
303 the provisions relating to public school concurrency, the state
304 land planning agency shall submit its finding to the
305 Administration Commission, which may impose on the local
306 government any of the sanctions set forth in s. 163.3184(11)(a)
307 and (b) and may impose on the district school board any of the
308 sanctions set forth in s. 1008.32(4). ~~The school board may be~~
309 ~~subject to sanctions imposed by the Administration Commission~~
310 ~~directing the Department of Education to withhold from the~~
311 ~~district school board an equivalent amount of funds for school~~
312 ~~construction available pursuant to ss. 1013.65, 1013.68,~~
313 ~~1013.70, and 1013.72.~~
314 Section 4. Paragraph (c) of subsection (4) and subsections
315 (5) and (10) of section 163.3180, Florida Statutes, are amended
316 to read:
317 163.3180 Concurrency.—
318 (4)
319 (c) The concurrency requirement, except as it relates to

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320 transportation facilities and public schools, as implemented in
321 local government comprehensive plans, may be waived by a local
322 government for urban infill and redevelopment areas designated
323 pursuant to s. 163.2517 if such a waiver does not endanger
324 public health or safety as defined by the local government in
325 its local government comprehensive plan. The waiver shall be
326 adopted as a plan amendment pursuant to the process set forth in
327 s. 163.3187(4)(a) ~~s. 163.3187(3)(a)~~. A local government may
328 grant a concurrency exception pursuant to subsection (5) for
329 transportation facilities located within these urban infill and
330 redevelopment areas.
331 (5)
332 (a) The Legislature finds that under limited circumstances
333 ~~dealing with transportation facilities,~~ countervailing planning
334 and public policy goals may come into conflict with the
335 requirement that adequate public transportation facilities and
336 services be available concurrent with the impacts of such
337 development. The Legislature further finds that ~~often~~ the
338 unintended result of the concurrency requirement for
339 transportation facilities is often the discouragement of urban
340 infill development and redevelopment. Such unintended results
341 directly conflict with the goals and policies of the state
342 comprehensive plan and the intent of this part. The Legislature
343 also finds that in urban centers transportation cannot be
344 effectively managed and mobility cannot be improved solely
345 through the expansion of roadway capacity, that the expansion of
346 roadway capacity is not always physically or financially
347 possible, and that a range of transportation alternatives are
348 essential to satisfy mobility needs, reduce congestion, and

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349 achieve healthy, vibrant centers. ~~Therefore, exceptions from the~~
350 ~~concurrency requirement for transportation facilities may be~~
351 ~~granted as provided by this subsection.~~
352 (b)1. The following are transportation concurrency
353 exception areas:
354 a. A municipality that qualifies as a dense urban land area
355 under s. 163.3164(34);
356 b. An urban service area under s. 163.3164(29) which has
357 been adopted into the local comprehensive plan and is located
358 within a county that qualifies as a dense urban land area under
359 s. 163.3164(34); and
360 c. A county, including the municipalities located therein,
361 which has a population of at least 900,000 and qualifies as a
362 dense urban land area under s. 163.3164(34), but does not have
363 an urban service area designated in the local comprehensive
364 plan.
365 2. A municipality that does not qualify as a dense urban
366 land area pursuant to s. 163.3164(34) may designate in its local
367 comprehensive plan the following areas as transportation
368 concurrency exception areas:
369 a. Urban infill as defined in s. 163.3164(27);
370 b. Community redevelopment areas as defined in s.
371 163.340(10);
372 c. Downtown revitalization areas as defined in s.
373 163.3164(25);
374 d. Urban infill and redevelopment under s. 163.2517; or
375 e. Urban service areas as defined in s. 163.3164(29) or
376 areas within a designated urban service boundary under s.
377 163.3177(14).

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378 3. A county that does not qualify as a dense urban land
379 area pursuant to s. 163.3164(34) may designate in its local
380 comprehensive plan the following areas as transportation
381 concurrency exception areas:
382 a. Urban infill as defined in s. 163.3164(27);
383 b. Urban infill and redevelopment under s. 163.2517; or
384 c. Urban service areas as defined in s. 163.3164(29).
385 4. A local government that has a transportation concurrency
386 exception area designated pursuant to subparagraph 1.,
387 subparagraph 2., or subparagraph 3. must, within 2 years after
388 the designated area becomes exempt, adopt into its local
389 comprehensive plan land use and transportation strategies to
390 support and fund mobility within the exception area, including
391 alternative modes of transportation. Local governments are
392 encouraged to adopt complementary land use and transportation
393 strategies that reflect the region's shared vision for its
394 future. If the state land planning agency finds insufficient
395 cause for the failure to adopt into its comprehensive plan land
396 use and transportation strategies to support and fund mobility
397 within the designated exception area after 2 years, it shall
398 submit the finding to the Administration Commission, which may
399 impose any of the sanctions set forth in s. 163.3184(11)(a) and
400 (b) against the local government.
401 5. Transportation concurrency exception areas designated
402 under subparagraph 1., subparagraph 2., or subparagraph 3. do
403 not apply to designated transportation concurrency districts
404 located within a county that has a population of at least 1.5
405 million, has implemented and uses a transportation-related
406 concurrency assessment to support alternative modes of

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407 transportation, including, but not limited to, mass transit, and
408 does not levy transportation impact fees within the concurrency
409 district.
410 6. A local government that does not qualify as a dense
411 urban land area as defined in s. 163.3164(34) ~~A local government~~
412 may grant an exception from the concurrency requirement for
413 transportation facilities if the proposed development is
414 otherwise consistent with the adopted local government
415 comprehensive plan and is a project that promotes public
416 transportation or is located within an area designated in the
417 comprehensive plan for:
418 a.~~1.~~ Urban infill development;
419 b.~~2.~~ Urban redevelopment;
420 c.~~3.~~ Downtown revitalization;
421 d.~~4.~~ Urban infill and redevelopment under s. 163.2517; or
422 e.~~5.~~ An urban service area specifically designated as a
423 transportation concurrency exception area which includes lands
424 appropriate for compact, contiguous urban development, which
425 does not exceed the amount of land needed to accommodate the
426 projected population growth at densities consistent with the
427 adopted comprehensive plan within the 10-year planning period,
428 and which is served or is planned to be served with public
429 facilities and services as provided by the capital improvements
430 element.
431 (c) The Legislature also finds that developments located
432 within urban infill, urban redevelopment, ~~existing~~ urban
433 service, or downtown revitalization areas or areas designated as
434 urban infill and redevelopment areas under s. 163.2517, which
435 pose only special part-time demands on the transportation

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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.~~(e)~~ 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 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

465 state land planning agency and the Department of Transportation
466 shall be consulted by the local government to assess the impact
467 that the proposed exception area is expected to have on the
468 adopted level-of-service standards established for regional
469 transportation facilities identified pursuant to s. 186.507,
470 including the Strategic Intermodal System ~~facilities, as defined~~
471 ~~in s. 339.64,~~ and roadway facilities funded in accordance with
472 s. 339.2819. Further, the local government shall provide a plan
473 for the mitigation of~~, in consultation with the state land~~
474 ~~planning agency and the Department of Transportation, develop a~~
475 ~~plan to mitigate any~~ impacts to the Strategic Intermodal System,
476 including, if appropriate, access management, parallel reliever
477 roads, transportation demand management, and other measures ~~the~~
478 ~~development of a long-term concurrency management system~~
479 ~~pursuant to subsection (9) and s. 163.3177(3)(d)~~. ~~The exceptions~~
480 ~~may be available only within the specific geographic area of the~~
481 ~~jurisdiction designated in the plan. Pursuant to s. 163.3184,~~
482 ~~any affected person may challenge a plan amendment establishing~~
483 ~~these guidelines and the areas within which an exception could~~
484 ~~be granted.~~
485 ~~(g) Transportation concurrency exception areas existing~~
486 ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~
487 ~~of this section by July 1, 2006, or at the time of the~~
488 ~~comprehensive plan update pursuant to the evaluation and~~
489 ~~appraisal report, whichever occurs last.~~
490 (f) The designation of a transportation concurrency
491 exception area does not limit a local government's home rule
492 power to adopt ordinances or impose fees. This subsection does
493 not affect any contract or agreement entered into or development

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494 order rendered before the creation of the transportation
495 concurrency exception area except as provided in s.
496 380.06(29)(e).
497 (g) The Office of Program Policy Analysis and Government
498 Accountability shall submit to the President of the Senate and
499 the Speaker of the House of Representatives by February 1, 2015,
500 a report on transportation concurrency exception areas created
501 pursuant to this subsection. At a minimum, the report shall
502 address the methods that local governments have used to
503 implement and fund transportation strategies to achieve the
504 purposes of designated transportation concurrency exception
505 areas, and the effects of the strategies on mobility,
506 congestion, urban design, the density and intensity of land use
507 mixes, and network connectivity plans used to promote urban
508 infill, redevelopment or downtown revitalization.
509 (10) Except in transportation concurrency exception areas,
510 with regard to roadway facilities on the Strategic Intermodal
511 System designated in accordance with s. 339.63 ~~ss. 339.61,~~
512 ~~339.62, 339.63, and 339.64, the Florida Intrastate Highway~~
513 ~~System as defined in s. 338.001, and roadway facilities funded~~
514 ~~in accordance with s. 339.2819~~, local governments shall adopt
515 the level-of-service standard established by the Department of
516 Transportation by rule. However, if the Office of Tourism,
517 Trade, and Economic Development concurs in writing with the
518 local government that the proposed development is for a
519 qualified job creation project under s. 288.0656 or s. 403.973,
520 the affected local government, after consulting with the
521 Department of Transportation, may allow for a waiver of
522 transportation concurrency for the project. For all other roads

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523 on the State Highway System, local governments shall establish
524 an adequate level-of-service standard that need not be
525 consistent with any level-of-service standard established by the
526 Department of Transportation. In establishing adequate level-of-
527 service standards for any arterial roads, or collector roads as
528 appropriate, which traverse multiple jurisdictions, local
529 governments shall consider compatibility with the roadway
530 facility's adopted level-of-service standards in adjacent
531 jurisdictions. Each local government within a county shall use a
532 professionally accepted methodology for measuring impacts on
533 transportation facilities for the purposes of implementing its
534 concurrency management system. Counties are encouraged to
535 coordinate with adjacent counties, and local governments within
536 a county are encouraged to coordinate, for the purpose of using
537 common methodologies for measuring impacts on transportation
538 facilities for the purpose of implementing their concurrency
539 management systems.
540 Section 5. Paragraph (b) of subsection (1), paragraph (b)
541 of subsection (8), and subsections (17) and (18) of section
542 163.3184, Florida Statutes, are amended to read:
543 163.3184 Process for adoption of comprehensive plan or plan
544 amendment.—
545 (1) DEFINITIONS.—As used in this section, the term:
546 (b) "In compliance" means consistent with the requirements
547 of ss. 163.3177, ~~when a local government adopts an educational~~
548 ~~facilities element,~~ 163.3178, 163.3180, 163.3191, and 163.3245,
549 with the state comprehensive plan, with the appropriate
550 strategic regional policy plan, and with chapter 9J-5, Florida
551 Administrative Code, where such rule is not inconsistent with

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552 this part and with the principles for guiding development in
553 designated areas of critical state concern and with part III of
554 chapter 369, where applicable.
555 (8) NOTICE OF INTENT.—
556 (b) Except as provided in paragraph (a) or in <u>s.</u>
557 <u>163.3187(4)</u> ~~s. 163.3187(3)~~, the state land planning agency, upon
558 receipt of a local government’s complete adopted comprehensive
559 plan or plan amendment, shall have 45 days for review and to
560 determine if the plan or plan amendment is in compliance with
561 this act, unless the amendment is the result of a compliance
562 agreement entered into under subsection (16), in which case the
563 time period for review and determination shall be 30 days. If
564 review was not conducted under subsection (6), the agency’s
565 determination must be based upon the plan amendment as adopted.
566 If review was conducted under subsection (6), the agency’s
567 determination of compliance must be based only upon one or both
568 of the following:
569 1. The state land planning agency’s written comments to the
570 local government pursuant to subsection (6); or
571 2. Any changes made by the local government to the
572 comprehensive plan or plan amendment as adopted.
573 (17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A
574 local government that has adopted a community vision and urban
575 service boundary under s. 163.3177(13) and (14) may adopt a plan
576 amendment related to map amendments solely to property within an
577 urban service boundary in the manner described in subsections
578 (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.
579 and e., 2., and 3., such that state and regional agency review
580 is eliminated. The department may not issue an objections,

581 recommendations, and comments report on proposed plan amendments
582 or a notice of intent on adopted plan amendments; however,
583 affected persons, as defined by paragraph (1)(a), may file a
584 petition for administrative review pursuant to the requirements
585 of s. 163.3187(4)(a) ~~s. 163.3187(3)(a)~~ to challenge the
586 compliance of an adopted plan amendment. This subsection does
587 not apply to any amendment within an area of critical state
588 concern, to any amendment that increases residential densities
589 allowable in high-hazard coastal areas as defined in s.
590 163.3178(2)(h), or to a text change to the goals, policies, or
591 objectives of the local government's comprehensive plan.
592 Amendments submitted under this subsection are exempt from the
593 limitation on the frequency of plan amendments in s. 163.3187.
594 (18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A
595 municipality that has a designated urban infill and
596 redevelopment area under s. 163.2517 may adopt a plan amendment
597 related to map amendments solely to property within a designated
598 urban infill and redevelopment area in the manner described in
599 subsections (1), (2), (7), (14), (15), and (16) and s.
600 163.3187(1)(c)1.d. and e., 2., and 3., such that state and
601 regional agency review is eliminated. The department may not
602 issue an objections, recommendations, and comments report on
603 proposed plan amendments or a notice of intent on adopted plan
604 amendments; however, affected persons, as defined by paragraph
605 (1)(a), may file a petition for administrative review pursuant
606 to the requirements of s. 163.3187(4)(a) ~~s. 163.3187(3)(a)~~ to
607 challenge the compliance of an adopted plan amendment. This
608 subsection does not apply to any amendment within an area of
609 critical state concern, to any amendment that increases

610 residential densities allowable in high-hazard coastal areas as
611 defined in s. 163.3178(2)(h), or to a text change to the goals,
612 policies, or objectives of the local government's comprehensive
613 plan. Amendments submitted under this subsection are exempt from
614 the limitation on the frequency of plan amendments in s.
615 163.3187.
616 Section 6. Paragraphs (b) and (f) of subsection (1) of
617 section 163.3187, Florida Statutes, are amended, paragraph (q)
618 is added to that subsection, present subsections (2) through (6)
619 of that section are redesignated as subsections (3) through (7),
620 respectively, and a new subsection (2) is added to that section,
621 to read:
622 163.3187 Amendment of adopted comprehensive plan.—
623 (1) Amendments to comprehensive plans adopted pursuant to
624 this part may be made not more than two times during any
625 calendar year, except:
626 (b) Any local government comprehensive plan amendments
627 directly related to a proposed development of regional impact,
628 including changes which have been determined to be substantial
629 deviations and including Florida Quality Developments pursuant
630 to s. 380.061, may be initiated by a local planning agency and
631 considered by the local governing body at the same time as the
632 application for development approval using the procedures
633 provided for local plan amendment in this section and applicable
634 local ordinances~~, without regard to statutory or local ordinance~~
635 ~~limits on the frequency of consideration of amendments to the~~
636 ~~local comprehensive plan~~. ~~Nothing in this subsection shall be~~
637 ~~deemed to require favorable consideration of a plan amendment~~
638 ~~solely because it is related to a development of regional~~

639 ~~impact.~~
640 (f) ~~Any comprehensive plan amendment that changes the~~
641 ~~schedule in~~ The capital improvements element annual update
642 required in s. 163.3177(3)(b)2.~~,~~ and any amendments directly
643 related to the schedule~~, may be made once in a calendar year on~~
644 ~~a date different from the two times provided in this subsection~~
645 ~~when necessary to coincide with the adoption of the local~~
646 ~~government’s budget and capital improvements program~~.
647 (g) Any local government plan amendment to designate an
648 urban service area, which exists in the local government’s
649 comprehensive plan as of July 1, 2009, as a transportation
650 concurrency exception area under s. 163.3180(5)(b)2. or 3., an
651 area eligible for expedited comprehensive plan amendment review
652 under s. 163.32465, and an area exempt from the development-of-
653 regional-impact process under s. 380.06(29).
654 (2) Other than the exceptions listed in subsection (1),
655 text amendments to the goals, objectives, or policies of the
656 local government’s comprehensive plan may be adopted only once a
657 year, unless the text amendment is directly related to, and
658 applies only to, a future land use map amendment.
659 Section 7. Paragraph (a) of subsection (9) of section
660 163.3246, Florida Statutes, is amended to read:
661 163.3246 Local government comprehensive planning
662 certification program.—
663 (9)(a) Upon certification all comprehensive plan amendments
664 associated with the area certified must be adopted and reviewed
665 in the manner described in ss. 163.3184(1), (2), (7), (14),
666 (15), and (16) and 163.3187, such that state and regional agency
667 review is eliminated. The department may not issue any

668 objections, recommendations, and comments report on proposed
669 plan amendments or a notice of intent on adopted plan
670 amendments; however, affected persons, as defined by s.
671 163.3184(1)(a), may file a petition for administrative review
672 pursuant to the requirements of s. 163.3187(4)(a) ~~s.~~
673 ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan
674 amendment.
675 Section 8. Section 163.32465, Florida Statutes, is amended
676 to read:
677 163.32465 State review of local comprehensive plans in
678 urban areas.—
679 (1) LEGISLATIVE FINDINGS.—
680 (a) The Legislature finds that local governments in this
681 state have a wide diversity of resources, conditions, abilities,
682 and needs. The Legislature also finds that the needs and
683 resources of urban areas are different from those of rural areas
684 and that different planning and growth management approaches,
685 strategies, and techniques are required in urban areas. The
686 state role in overseeing growth management should reflect this
687 diversity and should vary based on local government conditions,
688 capabilities, needs, and the extent and type of development.
689 Therefore ~~Thus~~, the Legislature recognizes ~~and finds~~ that
690 reduced state oversight of local comprehensive planning is
691 justified for some local governments in urban areas and for
692 certain types of development.
693 (b) The Legislature finds and declares that this state’s
694 urban areas require a reduced level of state oversight because
695 of their high degree of urbanization and the planning
696 capabilities and resources of many of their local governments.

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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. 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

726 comprehensive plan as urban service areas under s. 163.3164(29);
727 (c) Future land use map amendments for counties, including
728 the municipalities located therein, which have a population of
729 at least 900,000, qualify as dense urban land areas under s.
730 163.3164(34), but do not have an urban service area designated
731 in the comprehensive plan;
732 (d) Future land use map amendments by municipalities that
733 do not qualify as dense urban land areas pursuant to s.
734 163.3164(34) and that are located within areas designated in the
735 comprehensive plan as:
736 1. Urban infill as defined in s. 163.3164(27);
737 2. Community redevelopment areas as defined in s.
738 163.340(10);
739 3. Downtown revitalization areas as defined in s.
740 163.3164(25); or
741 4. Urban service areas as defined in s. 163.3164(29) or
742 areas within a designated urban service boundary under s.
743 163.3177(14);
744 (e) Future land use map amendments by counties that do not
745 qualify as dense urban land areas pursuant to s. 163.3164(34)
746 which are within areas designated in the comprehensive plan as:
747 1. Urban infill development as defined in s. 163.3164(27);
748 2. Urban infill and redevelopment under s. 163.2517; or
749 3. Urban service areas as defined in s. 163.3164(29); and
750 (f) Future land use map amendments within an area
751 designated by the Governor as a rural area of critical economic
752 concern under s. 288.0656(7) if the Office of Tourism, Trade,
753 and Economic Development states in writing that the amendment
754 supports a regional target industry that is identified in an

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755 economic development plan prepared for one of the economic
756 development programs identified in s. 288.0656(7).
757 (g) Any local government plan amendment to designate an
758 urban service area, which exists in the local government's
759 comprehensive plan as of July 1, 2009, as a transportation
760 concurrency exception area under s. 163.3180(5)(b)2. or 3., an
761 area eligible for expedited comprehensive plan amendment review
762 under s. 163.32465, and an area exempt from the development-of-
763 regional-impact process under s. 380.06(29).
764 (h) Any text amendment that directly relates to, and
765 applies only to, a future land use map amendment.
766 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
767 UNDER THE PILOT PROGRAM.—
768 (a) Plan amendments adopted under this section by the pilot
769 program jurisdictions shall follow the alternate, expedited
770 process in subsections (4) and (5), except as set forth in
771 paragraphs (b)-(e) of this subsection.
772 (b) Amendments that qualify as small-scale development
773 amendments may continue to be adopted in by the pilot program
774 jurisdictions that use the alternative review process pursuant
775 to s. 163.3187(1)(c) and (4)(3).
776 (c) An amendment to a comprehensive plan is not eligible
777 for alternative state review and must go through the state
778 review process under s. 163.3184 if the amendment:
779 1. Designates or implements a rural land stewardship area
780 pursuant to s. 163.3177(11)(d);
781 2. Designates or implements an optional sector plan;
782 3. Applies within an area of critical state concern or a
783 coastal high-hazard area;

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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 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

813 of the governing body present at the hearing, the local
814 government shall immediately transmit the amendment or
815 amendments and appropriate supporting data and analyses to the
816 state land planning agency; the appropriate regional planning
817 council and water management district; the Department of
818 Environmental Protection; the Department of State; the
819 Department of Transportation; in the case of municipal plans, to
820 the appropriate county; the Fish and Wildlife Conservation
821 Commission; the Department of Agriculture and Consumer Services;
822 and in the case of amendments that include or impact the public
823 school facilities element, the Office of Educational Facilities
824 of the Commissioner of Education. The local governing body shall
825 also transmit a copy of the amendments and supporting data and
826 analyses to any other local government or governmental agency
827 that has filed a written request with the governing body. The
828 local government may request that the state land planning agency
829 issue a report containing its objections, recommendations, and
830 comments on the amendments and supporting data and analyses. A
831 local government that makes such request must notify all of the
832 agencies and local governments listed in this paragraph of the
833 request.
834 (b) The agencies and local governments specified in
835 paragraph (a) may provide comments regarding the amendment or
836 amendments to the local government. The regional planning
837 council review and comment shall be limited to effects on
838 regional resources or facilities identified in the strategic
839 regional policy plan and extrajurisdictional impacts that would
840 be inconsistent with the comprehensive plan of the affected
841 local government. A regional planning council shall not review

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842 and comment on a proposed comprehensive plan amendment prepared
843 by such council unless the plan amendment has been changed by
844 the local government subsequent to the preparation of the plan
845 amendment by the regional planning council. County comments on
846 municipal comprehensive plan amendments shall be primarily in
847 the context of the relationship and effect of the proposed plan
848 amendments on the county plan. Municipal comments on county plan
849 amendments shall be primarily in the context of the relationship
850 and effect of the amendments on the municipal plan. State agency
851 comments may include technical guidance on issues of agency
852 jurisdiction as it relates to the requirements of this part.
853 Such comments must ~~shall~~ clearly identify issues that, if not
854 resolved, may result in a ~~an agency~~ challenge to the plan
855 amendment from the state land planning agency. ~~For the purposes~~
856 ~~of this pilot program,~~ Agencies are encouraged to focus
857 potential challenges on issues of regional or statewide
858 importance. Agencies and local governments must transmit their
859 comments to the affected local government, if issued, within 30
860 days after ~~such that they are received by the local government~~
861 ~~not later than thirty days from the date on which~~ the state land
862 planning agency notifies the affected local government that the
863 plan amendment package is complete ~~or government received the~~
864 ~~amendment or amendments~~. Any comments from the agencies and
865 local governments must also be transmitted to the state land
866 planning agency. If the local government requested a report from
867 the state planning agency listing objections, recommendations,
868 and comments, the state planning agency has 15 days after
869 receiving all of the comments from the agencies and local
870 governments to issue the report.

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871 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR
872 ALTERNATIVE REVIEW JURISDICTIONS ~~PILOT AREAS~~.—
873 (a) The local government shall hold its second public
874 hearing, which shall be a hearing on whether to adopt one or
875 more comprehensive plan amendments, on a weekday at least 5 days
876 after the day the second advertisement is published pursuant to
877 ~~the requirements of~~ chapter 125 or chapter 166. Adoption of
878 comprehensive plan amendments must be by ordinance ~~and requires~~
879 ~~an affirmative vote of a majority of the members of the~~
880 ~~governing body present at the second hearing~~. The hearing must
881 be conducted and the amendment must be adopted, adopted with
882 changes, or not adopted within 120 days after the agency
883 comments are received pursuant to paragraph (4)(b). If a local
884 government fails to adopt the plan amendment within the
885 timeframe set forth in this paragraph, the plan amendment is
886 deemed abandoned and the plan amendment may not be considered
887 until the next available amendment cycle pursuant to s.
888 163.3187.
889 (b) All comprehensive plan amendments adopted by the
890 governing body along with the supporting data and analysis shall
891 be transmitted within 10 days of the second public hearing to
892 the state land planning agency and any other agency or local
893 government that provided timely comments under paragraph (4)(b).
894 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR
895 ALTERNATIVE REVIEW JURISDICTIONS ~~PILOT PROGRAM~~.—
896 (a) Any “affected person” as defined in s. 163.3184(1)(a)
897 may file a petition with the Division of Administrative Hearings
898 pursuant to ss. 120.569 and 120.57, with a copy served on the
899 affected local government, to request a formal hearing to

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900 challenge whether the amendments are "in compliance" as defined
901 in s. 163.3184(1)(b). This petition must be filed with the
902 Division within 30 days after the local government adopts the
903 amendment. The state land planning agency may intervene in a
904 proceeding instituted by an affected person.
905 (b) The state land planning agency may file a petition with
906 the Division of Administrative Hearings pursuant to ss. 120.569
907 and 120.57, with a copy served on the affected local government,
908 to request a formal hearing. This petition must be filed with
909 the Division within 30 days after the state land planning agency
910 notifies the local government that the plan amendment package is
911 complete. For purposes of this section, an amendment shall be
912 deemed complete if it contains a full, executed copy of the
913 adoption ordinance or ordinances; in the case of a text
914 amendment, a full copy of the amended language in legislative
915 format with new words inserted in the text underlined, and words
916 to be deleted lined through with hyphens; in the case of a
917 future land use map amendment, a copy of the future land use map
918 clearly depicting the parcel, its existing future land use
919 designation, and its adopted designation; and a copy of any data
920 and analyses the local government deems appropriate. The state
921 land planning agency shall notify the local government of any
922 deficiencies within 5 working days of receipt of an amendment
923 package.
924 (c) The state land planning agency's challenge shall be
925 limited to those issues raised in the comments provided by the
926 reviewing agencies pursuant to paragraph (4)(b) or, if issued,
927 the objections, recommendations, and comments report. The state
928 land planning agency may challenge a plan amendment that has

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929 substantially changed from the version on which the agencies
930 provided comments. For alternative review jurisdictions ~~the~~
931 ~~purposes of this pilot program~~, the Legislature strongly
932 encourages the state land planning agency to focus any challenge
933 on issues of regional or statewide importance.
934 (d) An administrative law judge shall hold a hearing in the
935 affected local jurisdiction. The local government's
936 determination that the amendment is "in compliance" is presumed
937 to be correct and shall be sustained unless it is shown by a
938 preponderance of the evidence that the amendment is not "in
939 compliance."
940 (e) If the administrative law judge recommends that the
941 amendment be found not in compliance, the judge shall submit the
942 recommended order to the Administration Commission for final
943 agency action. The Administration Commission shall enter a final
944 order within 45 days after its receipt of the recommended order.
945 (f) If the administrative law judge recommends that the
946 amendment be found in compliance, the judge shall submit the
947 recommended order to the state land planning agency.
948 1. If the state land planning agency determines that the
949 plan amendment should be found not in compliance, the agency
950 shall refer, within 30 days of receipt of the recommended order,
951 the recommended order and its determination to the
952 Administration Commission for final agency action. If the
953 commission determines that the amendment is not in compliance,
954 it may sanction the local government as set forth in s.
955 163.3184(11).
956 2. If the state land planning agency determines that the
957 plan amendment should be found in compliance, the agency shall

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958 enter its final order not later than 30 days from receipt of the
959 recommended order.
960 (g) An amendment adopted under the expedited provisions of
961 this section shall not become effective until the completion of
962 the time period available to the state land planning agency for
963 administrative challenge under paragraph (a) ~~31 days after~~
964 ~~adoption~~. If timely challenged, an amendment shall not become
965 effective until the state land planning agency or the
966 Administration Commission enters a final order determining that
967 the adopted amendment is ~~to be~~ in compliance.
968 (h) Parties to a proceeding under this section may enter
969 into compliance agreements using the process in s. 163.3184(16).
970 Any remedial amendment adopted pursuant to a settlement
971 agreement shall be provided to the agencies and governments
972 listed in paragraph (4)(a).
973 (7) APPLICABILITY OF ALTERNATIVE REVIEW ~~PILOT PROGRAM~~ IN
974 CERTAIN LOCAL GOVERNMENTS.—Local governments and specific areas
975 that are ~~have been~~ designated for alternate review process
976 pursuant to ss. 163.3246 and 163.3184(17) and (18) are not
977 subject to this section.
978 (8) RULEMAKING AUTHORITY ~~FOR PILOT PROGRAM~~.—The state land
979 planning agency may adopt procedural ~~Agencies shall not~~
980 ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
981 ~~program~~.
982 ~~(9) REPORT.—The Office of Program Policy Analysis and~~
983 ~~Government Accountability shall submit to the Governor, the~~
984 ~~President of the Senate, and the Speaker of the House of~~
985 ~~Representatives by December 1, 2008, a report and~~
986 ~~recommendations for implementing a statewide program that~~

987 ~~addresses the legislative findings in subsection (1) in areas~~
988 ~~that meet urban criteria. The Office of Program Policy Analysis~~
989 ~~and Government Accountability in consultation with the state~~
990 ~~land planning agency shall develop the report and~~
991 ~~recommendations with input from other state and regional~~
992 ~~agencies, local governments, and interest groups. Additionally,~~
993 ~~the office shall review local and state actions and~~
994 ~~correspondence relating to the pilot program to identify issues~~
995 ~~of process and substance in recommending changes to the pilot~~
996 ~~program. At a minimum, the report and recommendations shall~~
997 ~~include the following:~~
998 ~~(a) Identification of local governments beyond those~~
999 ~~participating in the pilot program that should be subject to the~~
1000 ~~alternative expedited state review process. The report may~~
1001 ~~recommend that pilot program local governments may no longer be~~
1002 ~~appropriate for such alternative review process.~~
1003 ~~(b) Changes to the alternative expedited state review~~
1004 ~~process for local comprehensive plan amendments identified in~~
1005 ~~the pilot program.~~
1006 ~~(c) Criteria for determining issues of regional or~~
1007 ~~statewide importance that are to be protected in the alternative~~
1008 ~~state review process.~~
1009 ~~(d) In preparing the report and recommendations, the Office~~
1010 ~~of Program Policy Analysis and Government Accountability shall~~
1011 ~~consult with the state land planning agency, the Department of~~
1012 ~~Transportation, the Department of Environmental Protection, and~~
1013 ~~the regional planning agencies in identifying highly developed~~
1014 ~~local governments to participate in the alternative expedited~~
1015 ~~state review process. The Office of Program Policy Analysis and~~

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1016 ~~Governmental Accountability shall also solicit citizen input in~~
1017 ~~the potentially affected areas and consult with the affected~~
1018 ~~local governments and stakeholder groups.~~
1019 Section 9. Subsection (29) is added to section 380.06,
1020 Florida Statutes, to read:
1021 380.06 Developments of regional impact.—
1022 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—
1023 (a) The following are exempt from this section:
1024 1. Any proposed development in a municipality that
1025 qualifies as a dense urban land area as defined in s.
1026 163.3164(34);
1027 2. Any proposed development within a county that qualifies
1028 as a dense urban land area as defined in s. 163.3164(34) and
1029 that is located within an urban service area defined s.
1030 163.3164(29) which has been adopted into the comprehensive plan;
1031 or
1032 3. Any proposed development within a county, including the
1033 municipalities located therein, which has a population of at
1034 least 900,000, which qualifies as a dense urban land area under
1035 s. 163.3164(34), but which does not have an urban service area
1036 designated in the comprehensive plan.
1037 (b) If a municipality that does not qualify as a dense
1038 urban land area pursuant to s. 163.3164(34) designates any of
1039 the following areas in its comprehensive plan, any proposed
1040 development within the designated area is exempt from the
1041 development-of-regional-impact process:
1042 1. Urban infill as defined in s. 163.3164(27);
1043 2. Community redevelopment areas as defined in s.
1044 163.340(10);

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1045 3. Downtown revitalization areas as defined in s.
1046 163.3164(25);
1047 4. Urban infill and redevelopment under s. 163.2517; or
1048 5. Urban service areas as defined in s. 163.3164(29) or
1049 areas within a designated urban service boundary under s.
1050 163.3177(14).
1051 (c) If a county that does not qualify as a dense urban land
1052 area pursuant to s. 163.3164(34) designates any of the following
1053 areas in its comprehensive plan, any proposed development within
1054 the designated area is exempt from the development-of-regional-
1055 impact process:
1056 1. Urban infill as defined in s. 163.3164(27);
1057 2. Urban infill and redevelopment under s. 163.2517; or
1058 3. Urban service areas as defined in s. 163.3164(29).
1059 (d) A development that is located partially outside an area
1060 that is exempt from the development-of-regional-impact program
1061 must undergo development-of-regional-impact review pursuant to
1062 this section.
1063 (e) In an area that is exempt under paragraphs (a)-(c), any
1064 previously approved development-of-regional-impact development
1065 orders shall continue to be effective, but the developer has the
1066 option to be governed by s. 380.115(1). A pending application
1067 for development approval shall be governed by s. 380.115(2). A
1068 development that has a pending application for a comprehensive
1069 plan amendment and that elects not to continue development-of-
1070 regional-impact review is exempt from the limitation on plan
1071 amendments set forth in s. 163.3187(1) for the year following
1072 the effective date of the exemption.
1073 (f) Local governments must submit by mail a development

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1074 order to the state land planning agency for projects that would
1075 be larger than 120 percent of any applicable development-of
1076 regional-impact threshold and would require development-of-
1077 regional-impact review but for the exemption from the program
1078 under paragraph (a). For such development orders, the state land
1079 planning agency may appeal the development order pursuant to s.
1080 380.07 for inconsistency with the comprehensive plan adopted
1081 under chapter 163.
1082 (g) If a local government that qualifies as a dense urban
1083 land area under this subsection is subsequently found to be
1084 ineligible for designation as a dense urban land area, any
1085 development located within that area which has a complete,
1086 pending application for authorization to commence development
1087 may maintain the exemption if the developer is continuing the
1088 application process in good faith or the development is
1089 approved.
1090 (h) This subsection does not limit or modify the rights of
1091 any person to complete any development that has been authorized
1092 as a development of regional impact pursuant to this chapter.
1093 (i) This subsection does not apply to areas:
1094 1. Within the boundary of any area of critical state
1095 concern designated pursuant to s. 380.05;
1096 2. Within the boundary of the Wekiva Study Area as
1097 described in s. 369.316; or
1098 3. Within 2 miles of the boundary of the Everglades
1099 Protection Area as described in s. 373.4592(2).
1100 Section 10. Paragraph (d) of subsection (3) of section
1101 163.31801, Florida Statutes, is amended to read:
1102 163.31801 Impact fees; short title; intent; definitions;

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

1103 ordinances levying impact fees.—
1104 (3) An impact fee adopted by ordinance of a county or
1105 municipality or by resolution of a special district must, at
1106 minimum:
1107 (d) Require that notice be provided no less than 90 days
1108 before the effective date of an ordinance or resolution imposing
1109 a new or increased ~~amended~~ impact fee. A county or municipality
1110 is not required to wait 90 days to decrease, suspend, or
1111 eliminate an impact fee.
1112 Section 11. Section 171.091, Florida Statutes, is amended
1113 to read:
1114 171.091 Recording.—Any change in the municipal boundaries
1115 through annexation or contraction shall revise the charter
1116 boundary article and shall be filed as a revision of the charter
1117 with the Department of State within 30 days. A copy of such
1118 revision must be submitted to the Office of Economic and
1119 Demographic Research along with a statement specifying the
1120 population census effect and the affected land area.
1121 Section 12. Section 186.509, Florida Statutes, is amended
1122 to read:
1123 186.509 Dispute resolution process.—Each regional planning
1124 council shall establish by rule a dispute resolution process to
1125 reconcile differences on planning and growth management issues
1126 between local governments, regional agencies, and private
1127 interests. The dispute resolution process shall, within a
1128 reasonable set of timeframes, provide for: voluntary meetings
1129 among the disputing parties; if those meetings fail to resolve
1130 the dispute, initiation of mandatory ~~voluntary~~ mediation or a
1131 similar process; if that process fails, initiation of

1132 arbitration or administrative or judicial action, where
1133 appropriate. The council shall not utilize the dispute
1134 resolution process to address disputes involving environmental
1135 permits or other regulatory matters unless requested to do so by
1136 the parties. The resolution of any issue through the dispute
1137 resolution process shall not alter any person's right to a
1138 judicial determination of any issue if that person is entitled
1139 to such a determination under statutory or common law.
1140 Section 13. The Legislature finds that this act fulfills an
1141 important state interest.
1142 Section 14. This act shall take effect upon becoming a law.