



482258

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/06/2009	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Between lines 469 and 470
insert:

Section 5. Subsections (12), (13), and (14) of section 163.3246, Florida Statutes, are amended, and a new subsection (12) is added to that section, to read:

163.3246 Local government comprehensive planning certification program.—

(12) Notwithstanding subsections (2), (4), (5), (6), and (7), the unincorporated areas of any county that has an average



482258

12 population density of at least 3,000 residents per square mile
13 and municipalities that have a population greater than 100,000
14 and an average population density of at least 3,000 residents
15 per square mile shall be considered certified.

16 (a) The population and density needed to identify local
17 governments that qualify for certification under this subsection
18 shall be determined annually by the Office of Economic and
19 Demographic Research using the most recent land area data from
20 the decennial census conducted by the Bureau of the Census of
21 the United States Department of Commerce and the latest
22 available population estimates determined pursuant to s.
23 186.901. The office shall annually submit to the state land
24 planning agency a list of jurisdictions that meet the total
25 population and density criteria necessary to qualify for
26 certification. For each local government identified by the
27 Office of Economic and Demographic Research as meeting the
28 certification criteria in this subsection, the state land
29 planning agency shall provide a written notice of certification
30 to the local government. The notice of certification shall
31 include a requirement that the local government submit a
32 monitoring report at least every 2 years according to the
33 schedule provided in the written notice. The monitoring report
34 shall include the number of amendments to the comprehensive plan
35 adopted by the local government, the number of plan amendments
36 challenged by an affected person, and the disposition of those
37 challenges.

38 (b) The state land planning agency may issue a notice to
39 the local government to show cause why sanctions should not be
40 enforced for failure to submit a monitoring report. The state



482258

41 land planning agency may recommend to the Administration
42 Commission that the certification provided by this subsection be
43 revoked for failure by the local government to submit the
44 monitoring report within 90 days after the issuance of a notice
45 to show cause. Additionally, the state land planning agency may
46 recommend to the Administration Commission that the
47 certification be revoked for any local government certified
48 pursuant to this subsection where the agency finds an excessive
49 number of plan amendments have had a determination that the plan
50 is not in compliance. The Administration Commission's decision
51 to revoke certification shall be considered agency action
52 subject to challenge under s. 120.569.

53 (13)-(12) A local government's certification shall be
54 reviewed by the local government and the ~~department~~ state land
55 planning agency as part of the evaluation and appraisal process
56 pursuant to s. 163.3191. Within 1 year after the deadline for
57 the local government to update its comprehensive plan based on
58 the evaluation and appraisal report, the ~~department~~ state land
59 planning agency shall renew or revoke the certification. The
60 local government's failure to adopt a timely evaluation and
61 appraisal report, failure to adopt an evaluation and appraisal
62 report found to be sufficient, or failure to timely adopt
63 amendments based on an evaluation and appraisal report found to
64 be in compliance by the ~~department~~ state land planning agency
65 shall be cause for revoking the certification agreement. The
66 ~~department's~~ state land planning agency decision to renew or
67 revoke shall be considered agency action subject to challenge
68 under s. 120.569.

69 (14)-(13) The ~~department~~ state land planning agency shall,



482258

70 by October ~~July~~ 1 of each odd-numbered year, submit to the
71 Governor, the President of the Senate, and the Speaker of the
72 House of Representatives a report listing certified local
73 governments, evaluating the effectiveness of the certification,
74 and including any recommendations for legislative actions.
75 ~~(14) The Office of Program Policy Analysis and Government~~
76 ~~Accountability shall prepare a report evaluating the~~
77 ~~certification program, which shall be submitted to the Governor,~~
78 ~~the President of the Senate, and the Speaker of the House of~~
79 ~~Representatives by December 1, 2007.~~

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Between lines 50 and 51

84 insert:

85 amending s. 163.3246, F.S.; providing certain counties and
86 municipalities are certified under the Local Government
87 Comprehensive Planning Certification Program; providing
88 requirements and procedures for identifying and designating
89 local governments; changing the date the state land planning
90 agency reports to the Legislature; deleting an obsolete
91 reporting requirement;