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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2009	.	
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The Committee on Transportation (Baker) recommended the following:

Senate Amendment (with title amendment)

Delete lines 8 - 9
and insert:

Section 1. Paragraphs (a), (h), and (j) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

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

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



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12 (a) A future land use plan element designating proposed
13 future general distribution, location, and extent of the uses of
14 land for residential uses, commercial uses, industry,
15 agriculture, recreation, conservation, education, public
16 buildings and grounds, other public facilities, and other
17 categories of the public and private uses of land. Counties are
18 encouraged to designate rural land stewardship areas, pursuant
19 to ~~the provisions of~~ paragraph (11)(d), as overlays on the
20 future land use map. Each future land use category must be
21 defined in terms of uses included, and must include standards to
22 be followed in the control and distribution of population
23 densities and building and structure intensities. The proposed
24 distribution, location, and extent of the various categories of
25 land use shall be shown on a land use map or map series which
26 shall be supplemented by goals, policies, and measurable
27 objectives. The future land use plan shall be based upon
28 surveys, studies, and data regarding the area, including the
29 amount of land required to accommodate anticipated growth; the
30 projected population of the area; the character of undeveloped
31 land; the availability of water supplies, public facilities, and
32 services; the need for redevelopment, including the renewal of
33 blighted areas and the elimination of nonconforming uses which
34 are inconsistent with the character of the community; the
35 compatibility of uses on lands adjacent to or closely proximate
36 to military installations; lands adjacent to an airport as
37 defined in s. 330.35 and consistent with s. 333.02; the
38 discouragement of urban sprawl; energy-efficient land use
39 patterns accounting for existing and future electric power
40 generation and transmission systems; greenhouse gas reduction



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41 strategies; and, in rural communities, the need for job
42 creation, capital investment, and economic development that will
43 strengthen and diversify the community's economy. The future
44 land use plan may designate areas for future planned development
45 use involving combinations of types of uses for which special
46 regulations may be necessary to ensure development in accord
47 with the principles and standards of the comprehensive plan and
48 this act. The future land use plan element shall include
49 criteria to be used to achieve the compatibility of lands
50 adjacent or closely proximate to lands with military
51 installations; and lands adjacent to an airport as defined in s.
52 330.35 and consistent with s. 333.02. In addition, for rural
53 communities, the amount of land designated for future planned
54 industrial use shall be based upon surveys and studies that
55 reflect the need for job creation, capital investment, and the
56 necessity to strengthen and diversify the local economies, and
57 may shall not be limited solely by the projected population of
58 the rural community. The future land use plan of a county may
59 also designate areas for possible future municipal
60 incorporation. The land use maps or map series shall generally
61 identify and depict historic district boundaries and shall
62 designate historically significant properties meriting
63 protection. For coastal counties, the future land use element
64 must include, without limitation, regulatory incentives and
65 criteria that encourage the preservation of recreational and
66 commercial working waterfronts as defined in s. 342.07. The
67 future land use element must clearly identify the land use
68 categories in which public schools are an allowable use. When
69 delineating the land use categories in which public schools are



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70 an allowable use, a local government shall include in the
71 categories sufficient land proximate to residential development
72 to meet the projected needs for schools in coordination with
73 public school boards and may establish differing criteria for
74 schools of different type or size. Each local government shall
75 include lands contiguous to existing school sites, to the
76 maximum extent possible, within the land use categories in which
77 public schools are an allowable use. The failure by a local
78 government to comply with these school siting requirements will
79 result in the prohibition of the local government's ability to
80 amend the local comprehensive plan, except for plan amendments
81 described in s. 163.3187(1)(b), until the school siting
82 requirements are met. Amendments proposed by a local government
83 for purposes of identifying the land use categories in which
84 public schools are an allowable use are exempt from the
85 limitation on the frequency of plan amendments contained in s.
86 163.3187. The future land use element shall include criteria
87 that encourage the location of schools proximate to urban
88 residential areas to the extent possible and shall require that
89 the local government seek to collocate public facilities, such
90 as parks, libraries, and community centers, with schools to the
91 extent possible and to encourage the use of elementary schools
92 as focal points for neighborhoods. For schools serving
93 predominantly rural counties, defined as a county with a
94 population of 100,000 or fewer, an agricultural land use
95 category is ~~shall be~~ eligible for the location of public school
96 facilities if the local comprehensive plan contains school
97 siting criteria and the location is consistent with such
98 criteria. Local governments required to update or amend their



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99 comprehensive plan to include criteria and address compatibility
100 of lands adjacent or closely proximate lands with to existing
101 military installations; or lands adjacent to an airport as
102 defined in s. 330.35 and consistent with s. 333.02, in their
103 future land use plan element shall transmit the update or
104 amendment to the state land planning agency ~~department~~ by June
105 30, 2012-2006.

106 (h)1. An intergovernmental coordination element showing
107 relationships and stating principles and guidelines to be used
108 in the accomplishment of coordination of the adopted
109 comprehensive plan with the plans of school boards, regional
110 water supply authorities, and other units of local government
111 providing services but not having regulatory authority over the
112 use of land, with the comprehensive plans of adjacent
113 municipalities, the county, adjacent counties, or the region,
114 with the state comprehensive plan and with the applicable
115 regional water supply plan approved pursuant to s. 373.0361, as
116 the case may require and as such adopted plans or plans in
117 preparation may exist. This element of the local comprehensive
118 plan shall demonstrate consideration of the particular effects
119 of the local plan, when adopted, upon the development of
120 adjacent municipalities, the county, adjacent counties, or the
121 region, or upon the state comprehensive plan, as the case may
122 require.

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

127 b. The intergovernmental coordination element shall provide



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128 for recognition of campus master plans prepared pursuant to s.
129 1013.30 and airport master plans under paragraph (k).

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

136 d. The intergovernmental coordination element shall provide
137 for interlocal agreements as established pursuant to s.
138 333.03(1)(b).

139 2. The intergovernmental coordination element shall further
140 state principles and guidelines to be used in the accomplishment
141 of coordination of the adopted comprehensive plan with the plans
142 of school boards and other units of local government providing
143 facilities and services but not having regulatory authority over
144 the use of land. In addition, the intergovernmental coordination
145 element shall describe joint processes for collaborative
146 planning and decisionmaking on population projections and public
147 school siting, the location and extension of public facilities
148 subject to concurrency, and siting facilities with countywide
149 significance, including locally unwanted land uses whose nature
150 and identity are established in an agreement. Within 1 year of
151 adopting their intergovernmental coordination elements, each
152 county, all the municipalities within that county, the district
153 school board, and any unit of local government service providers
154 in that county shall establish by interlocal or other formal
155 agreement executed by all affected entities, the joint processes
156 described in this subparagraph consistent with their adopted



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157 intergovernmental coordination elements.

158 3. To foster coordination between special districts and
159 local general-purpose governments as local general-purpose
160 governments implement local comprehensive plans, each
161 independent special district must submit a public facilities
162 report to the appropriate local government as required by s.
163 189.415.

164 4.a. Local governments shall ~~must~~ execute an interlocal
165 agreement with the district school board, the county, and
166 nonexempt municipalities pursuant to s. 163.31777. The local
167 government shall amend the intergovernmental coordination
168 element to provide that coordination between the local
169 government and school board is pursuant to the agreement and
170 shall state the obligations of the local government under the
171 agreement.

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

174 5. The state land planning agency shall establish a
175 schedule for phased completion and transmittal of plan
176 amendments to implement subparagraphs 1., 2., and 3. from all
177 jurisdictions so as to accomplish their adoption by December 31,
178 1999. A local government may complete and transmit its plan
179 amendments to carry out these provisions prior to the scheduled
180 date established by the state land planning agency. The plan
181 amendments are exempt from the provisions of s. 163.3187(1).

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



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

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

195 7. Within 6 months after submission of the report, the
196 Department of Community Affairs shall, through the appropriate
197 regional planning council, coordinate a meeting of all local
198 governments within the regional planning area to discuss the
199 reports and potential strategies to remedy any identified
200 deficiencies or duplications.

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

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

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

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



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- 215 3. Parking facilities.
- 216 4. Aviation, rail, seaport facilities, access to those
217 facilities, and intermodal terminals.
- 218 5. The availability of facilities and services to serve
219 existing land uses and the compatibility between future land use
220 and transportation elements.
- 221 6. The capability to evacuate the coastal population prior
222 to an impending natural disaster.
- 223 7. Airports, projected airport and aviation development,
224 and land use compatibility around airports, which includes areas
225 defined in ss. 333.01 and 333.02.
- 226 8. An identification of land use densities, building
227 intensities, and transportation management programs to promote
228 public transportation systems in designated public
229 transportation corridors so as to encourage population densities
230 sufficient to support such systems.
- 231 9. May include transportation corridors, as defined in s.
232 334.03, intended for future transportation facilities designated
233 pursuant to s. 337.273. If transportation corridors are
234 designated, the local government may adopt a transportation
235 corridor management ordinance.
- 236 10. The incorporation of transportation strategies to
237 address reduction in greenhouse gas emissions from the
238 transportation sector.

239
240 ===== T I T L E A M E N D M E N T =====

241 And the title is amended as follows:

242 Delete lines 2 - 4

243 and insert:



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244 An act relating to transportation; amending s. 163.3177,
245 F.S.; revising requirements for comprehensive plans; providing a
246 timeframe for submission of certain information to the state
247 land planning agency; providing for airports, land adjacent to
248 airports, and certain interlocal agreements relating thereto in
249 certain elements of the plan; providing an effective date.