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Proposed Committee Substitute by the Committee on Environmental
Preservation and Conservation

1 A bill to be entitled
2 An act relating to growth management; amending s. 163.3161,
3 F.S.; redesignating the "Local Government Comprehensive Planning
4 and Land Development Regulation Act" as the "Community Planning
5 Act"; revising and providing intent and purpose of act; amending
6 163.3162, F.S.; revising provisions related to agricultural
7 enclaves; amending s. 163.3164, F.S.; revising definitions;
8 amending s. 163.3167, F.S.; revising scope of the act; revising
9 and providing duties of local governments and municipalities
10 relating to comprehensive plans; removing regional planning
11 agencies from the responsibility of preparing comprehensive
12 plans; prohibiting initiative or referendum processes in regard
13 to development orders, local comprehensive plan amendments, and
14 map amendments; prohibiting local governments from requiring a
15 super majority vote on comprehensive plan amendments; deleting
16 retroactive effect; creating s. 163.3168, F.S.; encouraging
17 local governments to apply for certain innovative planning
18 tools; authorizing the state land planning agency and other
19 appropriate state and regional agencies to use direct and
20 indirect technical assistance; amending s. 163.3171, F.S.;
21 providing legislative intent; amending s. 163.3174, F.S.;
22 deleting certain notice requirements relating to the
23 establishment of local planning agencies by a governing body;
24 amending s. 163.3175, F.S.; providing additional factors for
25 local government consideration in impacts to military
26 installations; clarifying requirements for adopting criteria to
27 address compatibility of lands relating to military



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28 installations; amending s. 163.3177, F.S.; revising and
29 providing duties of local governments; revising and providing
30 required and optional elements of comprehensive plans; revising
31 requirements of schedules of capital improvements; revising and
32 providing provisions relating to capital improvements elements;
33 revising and providing required sanitary sewer, solid waste,
34 drainage, potable water, and natural groundwater aquifer
35 recharge elements; revising and providing required conservation
36 elements; revising and providing required housing elements;
37 revising and providing required coastal management elements;
38 revising major objectives of, and procedures relating to, the
39 local comprehensive planning process; revising and providing
40 required and optional elements of future land use plans;
41 providing required transportation elements; revising and
42 providing required conservation elements; revising and providing
43 required housing elements; revising and providing required
44 coastal management elements; revising and providing required
45 intergovernmental coordination elements; amending s. 163.31777,
46 F.S.; revising requirements relating to public schools'
47 interlocal agreements; deleting duties of the Office of
48 Educational Facilities, the state land planning agency, and
49 local governments relating to such agreements; deleting an
50 exemption; amending s. 163.3178, F.S.; deleting a deadline for
51 local governments to amend coastal management elements and
52 future land use maps; amending s. 163.3180, F.S.; revising and
53 providing provisions relating to concurrency; revising
54 concurrency requirements; revising application and findings;
55 revising local government requirements; revising and providing
56 requirements relating to transportation concurrency,



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57 transportation concurrency exception areas, urban infill, urban
58 redevelopment, urban service, downtown revitalization areas,
59 transportation concurrency management areas, long-term
60 transportation and school concurrency management systems,
61 development of regional impact, school concurrency, service
62 areas, financial feasibility, interlocal agreements, and
63 multimodal transportation districts; revising duties of the
64 Office of Program Policy Analysis and the state land planning
65 agency; providing requirements for local plans; providing for
66 the limiting the liability of local governments under certain
67 conditions; reenacting s. 163.31801(5), F.S., and amending s.
68 163.31801, F.S.; prohibiting new impact fees by local
69 governments for a specified period of time; amending s.
70 163.3182, F.S.; revising definitions; revising provisions
71 relating to transportation deficiency plans and projects;
72 amending s. 163.3184, F.S.; providing a definition for
73 "reviewing agencies"; amending the definition of "in
74 compliance"; deleting provisions related to state land planning
75 agency review; removing references to procedural rules
76 established by the state land planning agency; deleting
77 provisions relating to community vision and urban boundary plan
78 amendments, urban infill and redevelopment plan amendments, and
79 housing incentive strategy plan amendments; amending s.
80 163.3187, F.S.; deleting provisions relating to the amendment of
81 adopted comprehensive plan and providing the process for
82 adoption of small-scale comprehensive plan amendments; amending
83 s. 163.3191, F.S.; relating to the evaluation and appraisal of
84 comprehensive plans; providing and revising local government
85 requirements including notice, amendments, compliance,



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86 mediation, reports, and scoping meetings; amending s. 163.3194,
87 F.S.; regulating development orders for signs authorized by s.
88 479.07, F.S.; providing definitions; amending s. 163.3235, F.S.;
89 revising requirements for periodic reviews of a development
90 agreements; amending s. 163.3239, F.S.; revising recording
91 requirements; amending s. 163.3243, F.S.; revising parties who
92 may file an action for injunctive relief; amending s. 163.3245,
93 F.S.; revising provisions relating to optional sector plans;
94 authorizing the adoption of sector plans under certain
95 circumstances; amending s. 163.3247, F.S.; revising provisions
96 relating to the Century Commission for a Sustainable Florida;
97 revising the findings and intent to include the necessity for a
98 specific strategic plan addressing the state's growth management
99 system; revising the planning timeframes to include a 10-year
100 horizon; revising membership of the commission; deleting
101 obsolete provisions regarding initial appointments; providing
102 for the election of a chair and excluding certain members from
103 serving as chair during a specified period; requiring that the
104 commission meet at least six times per fiscal year; deleting a
105 provision that requires the commission to meet in different
106 regions in the state; requiring that the executive director
107 establish a meeting calendar with the commission's approval;
108 authorizing the commission to form subcommittees by vote;
109 providing for a majority vote of members on commission actions;
110 providing for reimbursement for per diem and travel expenses;
111 revising provisions relating to the commission's powers and
112 duties; requiring that the commission, in cooperation with
113 interested state agencies, local governments, and
114 nongovernmental stakeholders, develop a strategic plan and



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115 submit the plan to the Governor and the Legislature by a
116 specified date; requiring that the commission also submit
117 progress reports by specified dates; requiring that the
118 commission make presentations to the Governor and the
119 Legislature; providing that an executive director be appointed
120 by the Secretary of Community Affairs and ratified by the
121 commission; requiring that the Department of Community Affairs
122 provide a specific line item in its annual legislative budget
123 request to fund the commission during a specified period;
124 authorizing the department to obtain additional funding through
125 external grants; requiring that the department provide
126 sufficient funding and staff support to assist the commission in
127 its duties; providing for future expiration and the abolishment
128 of the commission; creating s. 163.3248, F.S.; providing for the
129 designation of rural land stewardship areas; providing purposes
130 and requirements for the establishment of such areas; providing
131 for the creation of rural land stewardship overlay zoning
132 district and transferable rural land use credits; providing
133 certain limitation relating to such credits; providing for
134 incentives; providing legislative intent; amending s. 163.32465,
135 F.S.; revising legislative findings related to local government
136 comprehensive planning; revising the process for amending a
137 comprehensive plan; making the expedited review process
138 applicable statewide and removing its status as a pilot program;
139 revising the process and requirements for expedited review of
140 plan amendments; amending s. 186.504, F.S.; revising membership
141 requirements of regional planning councils; F.S.; amending s.
142 367.021, F.S.; providing definitions for the terms "large
143 landowner" and "need";, F.S.; amending s. 380.06, F.S.; revising



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144 exemptions; revising provisions to conform to changes made by
145 this act; repealing Rules 9J-5 and 9J-11.023, Florida
146 Administrative Code, relating to minimum criteria for review of
147 local government comprehensive plans and plan amendments,
148 evaluation and appraisal reports, land development regulations
149 and determinations of compliance; F.S.; amending s. 380.0685,
150 F.S.; revising the uses of the park admission surcharge;
151 amending ss. 70.51, 163.06, 163.2517, 163.3217, 163.3220,
152 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 186.515,
153 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975,
154 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321,
155 378.021, 380.031, 380.061, 380.065, 380.115, 403.50665,
156 420.9071, 403.973, 420.5095, 420.615, 420.9071, 420.9076,
157 720.403, 1013.30, 1013.33, F.S.; making conforming changes;
158 repealing administrative rules; expanding a permit extension;
159 providing a finding of important state interest; requiring the
160 state land planning agency to review certain administrative and
161 judicial proceedings; providing procedures for such review;
162 affirming statutory construction with respect to other
163 legislation passed at the same session; providing a directive of
164 the Division of Statutory Revision; providing an effective date.

165
166 Be It Enacted by the Legislature of the State of Florida:

167
168 Section 1. Subsection (26) of section 70.51, Florida
169 Statutes, is amended to read:

170 70.51 Land use and environmental dispute resolution.—

171 (26) A special magistrate's recommendation under this
172 section constitutes data in support of, and a support document



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173 for, a comprehensive plan or comprehensive plan amendment, but
174 is not, in and of itself, dispositive of a determination of
175 compliance with chapter 163. ~~Any comprehensive plan amendment~~
176 ~~necessary to carry out the approved recommendation of a special~~
177 ~~magistrate under this section is exempt from the twice-a-year~~
178 ~~limit on plan amendments and may be adopted by the local~~
179 ~~government amendments in s. 163.3184(16) (d).~~

180 Section 2. Paragraphs (h) through (l) of subsection (3) of
181 section 163.06, Florida Statutes, are redesignated as paragraphs
182 (g) through (k), respectively, and present paragraph (g) of that
183 subsection is amended to read:

184 163.06 Miami River Commission.—

185 (3) The policy committee shall have the following powers
186 and duties:

187 ~~(g) Coordinate a joint planning area agreement between the~~
188 ~~Department of Community Affairs, the city, and the county under~~
189 ~~the provisions of s. 163.3177(11) (a), (b), and (c).~~

190 Section 3. Subsection (4) of section 163.2517, Florida
191 Statutes, is amended to read:

192 163.2517 Designation of urban infill and redevelopment
193 area.—

194 (4) In order for a local government to designate an urban
195 infill and redevelopment area, it must amend its comprehensive
196 land use plan under s. 163.3187 to delineate the boundaries of
197 the urban infill and redevelopment area within the future land
198 use element of its comprehensive plan pursuant to its adopted
199 urban infill and redevelopment plan. The state land planning
200 agency shall review the boundary delineation of the urban infill
201 and redevelopment area in the future land use element under s.



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202 163.3184. However, an urban infill and redevelopment plan
203 adopted by a local government is not subject to review for
204 compliance as defined by s. 163.3184(1)(b), and the local
205 government is not required to adopt the plan as a comprehensive
206 plan amendment. ~~An amendment to the local comprehensive plan to~~
207 ~~designate an urban infill and redevelopment area is exempt from~~
208 ~~the twice a year amendment limitation of s. 163.3187.~~

209 Section 4. Section 163.3161, Florida Statutes, is amended
210 to read:

211 163.3161 Short title; intent and purpose.—

212 (1) This part ~~shall be known and~~ may be cited as the
213 "Community Local Government Comprehensive Planning and Land
214 Development Regulation Act."

215 (2) ~~In conformity with, and in furtherance of, the purpose~~
216 ~~of the Florida Environmental Land and Water Management Act of~~
217 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and
218 strengthen the existing role, processes, and powers of local
219 governments in the establishment and implementation of
220 comprehensive planning programs to guide and manage control
221 future development consistent with the proper role of local
222 government.

223 (3) It is the intent of this act to focus the state role in
224 managing growth under this act to protecting the functions of
225 important state resources and facilities.

226 (4) ~~(3)~~ It is the intent of this act that the ability of its
227 ~~adoption is necessary so that~~ local governments to ~~can~~ preserve
228 and enhance present advantages; encourage the most appropriate
229 use of land, water, and resources, consistent with the public
230 interest; overcome present handicaps; and deal effectively with



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231 future problems that may result from the use and development of
232 land within their jurisdictions. Through the process of
233 comprehensive planning, it is intended that units of local
234 government can preserve, promote, protect, and improve the
235 public health, safety, comfort, good order, appearance,
236 convenience, law enforcement and fire prevention, and general
237 welfare; ~~prevent the overcrowding of land and avoid undue~~
238 ~~concentration of population;~~ facilitate the adequate and
239 efficient provision of transportation, water, sewerage, schools,
240 parks, recreational facilities, housing, and other requirements
241 and services; and conserve, develop, utilize, and protect
242 natural resources within their jurisdictions.

243 (5)~~(4)~~ It is the intent of this act to encourage and ensure
244 ~~assure~~ cooperation between and among municipalities and counties
245 and to encourage and assure coordination of planning and
246 development activities of units of local government with the
247 planning activities of regional agencies and state government in
248 accord with applicable provisions of law.

249 (6)~~(5)~~ It is the intent of this act that adopted
250 comprehensive plans shall have the legal status set out in this
251 act and that no public or private development shall be permitted
252 except in conformity with comprehensive plans, or elements or
253 portions thereof, prepared and adopted in conformity with this
254 act.

255 (7)~~(6)~~ It is the intent of this act that the activities of
256 units of local government in the preparation and adoption of
257 comprehensive plans, or elements or portions therefor, shall be
258 conducted in conformity with the provisions of this act.

259 (8)~~(7)~~ The provisions of this act in their interpretation



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260 and application are declared to be the minimum requirements
261 necessary to accomplish the stated intent, purposes, and
262 objectives of this act; to protect human, environmental, social,
263 and economic resources; and to maintain, through orderly growth
264 and development, the character and stability of present and
265 future land use and development in this state.

266 (9)~~(8)~~ It is the intent of the Legislature that the repeal
267 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws
268 of Florida, and amendments to this part by this chapter law,
269 shall not be interpreted to limit or restrict the powers of
270 municipal or county officials, but shall be interpreted as a
271 recognition of their broad statutory and constitutional powers
272 to plan for and regulate the use of land. It is, further, the
273 intent of the Legislature to reconfirm that ss. 163.3161 through
274 163.3248 ~~163.3215~~ have provided and do provide the necessary
275 statutory direction and basis for municipal and county officials
276 to carry out their comprehensive planning and land development
277 regulation powers, duties, and responsibilities.

278 (10)~~(9)~~ It is the intent of the Legislature that all
279 governmental entities in this state recognize and respect
280 judicially acknowledged or constitutionally protected private
281 property rights. It is the intent of the Legislature that all
282 rules, ordinances, regulations, and programs adopted under the
283 authority of this act must be developed, promulgated,
284 implemented, and applied with sensitivity for private property
285 rights and not be unduly restrictive, and property owners must
286 be free from actions by others which would harm their property.
287 Full and just compensation or other appropriate relief must be
288 provided to any property owner for a governmental action that is



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289 determined to be an invalid exercise of the police power which
290 constitutes a taking, as provided by law. Any such relief must
291 be determined in a judicial action.

292 (11) It is the intent of this part that the traditional
293 economic base of this state, agriculture, tourism, and military
294 presence, be recognized and protected. Further, it is the intent
295 of this part to encourage economic diversification, workforce
296 development, and community planning.

297 (12) It is the intent of this part that new statutory
298 requirements created by the Legislature will not require a local
299 government whose plan has been found to be in compliance with
300 this part to adopt amendments implementing the new statutory
301 requirements until the evaluation and appraisal period provided
302 in s. 163.3191, unless otherwise specified in law. However, any
303 new amendments must comply with the requirements of this part.

304 Section 5. Subsections (2) through (5) of section 163.3162,
305 Florida Statutes, are renumbered as subsections (1) through (4),
306 respectively, and present subsections (1) and (5) of that
307 section are amended to read:

308 163.3162 Agricultural Lands and Practices Act.—

309 ~~(1) SHORT TITLE.—This section may be cited as the~~
310 ~~“Agricultural Lands and Practices Act.”~~

311 ~~(4)(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—~~

312 The owner of a parcel of land defined as an agricultural enclave
313 under s. 163.3164~~(33)~~ may apply for an amendment to the local
314 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.
315 Such amendment is presumed not to be urban sprawl as defined in
316 s. 163.3164 if it includes ~~consistent with rule 9J-5.006(5),~~
317 ~~Florida Administrative Code, and may include~~ land uses and



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318 intensities of use that are consistent with the uses and
319 intensities of use ~~of~~ existing or authorized for the industrial,
320 commercial, or residential areas that surround the parcel. This
321 presumption may be rebutted only by clear and convincing
322 evidence. Each application for a comprehensive plan amendment
323 under this subsection for a parcel larger than 640 acres must
324 include appropriate new urbanism concepts such as clustering,
325 mixed-use development, the creation of rural village and city
326 centers, and the transfer of development rights in order to
327 discourage urban sprawl while protecting landowner rights.

328 (a) Unless the parcel of land that is the subject of an
329 application for an amendment is abutted by only one land use
330 designation the local government and the land owner ~~of a parcel~~
331 ~~of land that is the subject of an application for an amendment~~
332 shall have 180 days following the date that the local government
333 receives a complete application to negotiate in good faith to
334 reach consensus on the land uses and intensities of use that are
335 consistent with the uses and intensities of use of the
336 industrial, commercial, or residential areas that surround the
337 parcel. Within 30 days after the local government's receipt of
338 such an application, the local government and owner must agree
339 in writing to a schedule for information submittal, public
340 hearings, negotiations, and final action on the amendment, which
341 schedule may thereafter be altered only with the written consent
342 of the local government and the owner. Compliance with the
343 schedule in the written agreement constitutes good faith
344 negotiations for purposes of paragraph (c). If the parcel is
345 abutted by only one land use designation, it shall be presumed
346 that the same land use designation is appropriate for the parcel



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347 and no negotiation is required.

348 (b) Upon conclusion of good faith negotiations under
349 paragraph (a), if such negotiations are required, and regardless
350 of whether the local government and owner reach consensus on the
351 land uses and intensities of use that are consistent with the
352 uses and intensities of use of the industrial, commercial, or
353 residential areas that surround the parcel, the amendment must
354 be transmitted to the state land planning agency for review
355 pursuant to s. 163.3184. If the local government fails to
356 transmit the amendment within 180 days after receipt of a
357 complete application, the amendment must be immediately
358 transferred to the state land planning agency for such review ~~at~~
359 ~~the first available transmittal cycle.~~ A plan amendment
360 transmitted to the state land planning agency submitted under
361 this subsection is presumed not to be urban sprawl as defined in
362 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~
363 ~~Administrative Code.~~ This presumption may be rebutted only by
364 clear and convincing evidence.

365 (c) If the owner fails to negotiate in good faith, a plan
366 amendment submitted under this subsection is not entitled to the
367 rebuttable presumption under this subsection in the negotiation
368 and amendment process.

369 (d) Nothing within this subsection relating to agricultural
370 enclaves shall preempt or replace any protection currently
371 existing for any property located within the boundaries of the
372 following areas:

- 373 1. The Wekiva Study Area, as described in s. 369.316; or
374 2. The Everglades Protection Area, as defined in s.
375 373.4592(2).



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376 Section 6. Section 163.3164, Florida Statutes, is amended
377 to read:

378 163.3164 Community ~~Local Government Comprehensive~~ Planning
379 ~~and Land Development Regulation~~ Act; definitions.—As used in
380 this act, the term:

381 (1) "Administration Commission" means the Governor and the
382 Cabinet, and for purposes of this chapter the commission shall
383 act on a simple majority vote, except that for purposes of
384 imposing the sanctions provided in s. 163.3184(11), affirmative
385 action shall require the approval of the Governor and at least
386 three other members of the commission.

387 (2) "Affordable housing" has the same meaning as in s.
388 420.0004(3).

389 (4) "Antiquated subdivision" means a subdivision that was
390 recorded or approved more than 20 years ago and that has
391 substantially failed to be built and the continued buildout of
392 the subdivision in accordance with the subdivision's zoning and
393 land use purposes would cause an imbalance of land uses and
394 would be detrimental to the local and regional economies and
395 environment, hinder current planning practices, and lead to
396 inefficient and fiscally irresponsible development patterns as
397 determined by the respective jurisdiction in which the
398 subdivision is located.

399 (5) ~~(2)~~ "Area" or "area of jurisdiction" means the total
400 area qualifying under the provisions of this act, whether this
401 be all of the lands lying within the limits of an incorporated
402 municipality, lands in and adjacent to incorporated
403 municipalities, all unincorporated lands within a county, or
404 areas comprising combinations of the lands in incorporated



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405 municipalities and unincorporated areas of counties.

406 (6) "Capital improvement" means physical assets constructed
407 or purchased to provide, improve, or replace a public facility
408 and which are typically large scale and high in cost. The cost
409 of a capital improvement is generally nonrecurring and may
410 require multiyear financing. For the purposes of this part,
411 physical assets that have been identified as existing or
412 projected needs in the individual comprehensive plan elements
413 shall be considered capital improvements.

414 (7)-(3) "Coastal area" means the 35 coastal counties and all
415 coastal municipalities within their boundaries designated
416 eastal by the state land planning agency.

417 (8) "Compatibility" means a condition in which land uses or
418 conditions can coexist in relative proximity to each other in a
419 stable fashion over time such that no use or condition is unduly
420 negatively impacted directly or indirectly by another use or
421 condition.

422 (9)-(4) "Comprehensive plan" means a plan that meets the
423 requirements of ss. 163.3177 and 163.3178.

424 (10) "Deepwater ports" means the ports identified in s.
425 403.021(9).

426 (11) "Density" means an objective measurement of the number
427 of people or residential units allowed per unit of land, such as
428 residents or employees per acre.

429 (12)-(5) "Developer" means any person, including a
430 governmental agency, undertaking any development as defined in
431 this act.

432 (13)-(6) "Development" has the same meaning as given it in
433 s. 380.04.



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434 (14)~~(7)~~ "Development order" means any order granting,
435 denying, or granting with conditions an application for a
436 development permit.

437 (15)~~(8)~~ "Development permit" includes any building permit,
438 zoning permit, subdivision approval, rezoning, certification,
439 special exception, variance, or any other official action of
440 local government having the effect of permitting the development
441 of land.

442 (17) "Floodprone areas" means areas inundated during a 100-
443 year flood event or areas identified by the National Flood
444 Insurance Program as an A Zone on flood insurance rate maps or
445 flood hazard boundary maps.

446 (18) "Goal" means the long-term end toward which programs
447 or activities are ultimately directed.

448 (19)~~(9)~~ "Governing body" means the board of county
449 commissioners of a county, the commission or council of an
450 incorporated municipality, or any other chief governing body of
451 a unit of local government, however designated, or the
452 combination of such bodies where joint utilization of the
453 provisions of this act is accomplished as provided herein.

454 (20)~~(10)~~ "Governmental agency" means:

455 (a) The United States or any department, commission,
456 agency, or other instrumentality thereof.

457 (b) This state or any department, commission, agency, or
458 other instrumentality thereof.

459 (c) Any local government, as defined in this section, or
460 any department, commission, agency, or other instrumentality
461 thereof.

462 (d) Any school board or other special district, authority,



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463 or governmental entity.

464 (21) "Intensity" means an objective measurement of the
465 extent to which land may be developed or used, including the
466 consumption or use of the space above, on, or below ground; the
467 measurement of the use of or demand on natural resources; and
468 the measurement of the use of or demand on facilities and
469 services.

470 (22) "Internal trip capture" means trips generated by a
471 mixed-use project which travel from one on-site land use to
472 another on-site land use without using the external road
473 network.

474 (23)~~(11)~~ "Land" means the earth, water, and air, above,
475 below, or on the surface, and includes any improvements or
476 structures customarily regarded as land.

477 (26)~~(12)~~ "Land use" means the development that has occurred
478 on the land, the development that is proposed by a developer on
479 the land, or the use that is permitted or permissible on the
480 land under an adopted comprehensive plan or element or portion
481 thereof, land development regulations, or a land development
482 code, as the context may indicate.

483 (27) "Level of service" means an indicator of the extent or
484 degree of service provided by, or proposed to be provided by, a
485 facility based on and related to the operational characteristics
486 of the facility. Level of service shall indicate the capacity
487 per unit of demand for each public facility.

488 (28)~~(13)~~ "Local government" means any county or
489 municipality.

490 (29)~~(14)~~ "Local planning agency" means the agency
491 designated to prepare the comprehensive plan or plan amendments



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492 required by this act.

493 (30) "Mobility plan" means an integrated land use and
494 transportation plan that promotes compact, mixed-use, and
495 interconnected development served by a multimodal transportation
496 system that includes roads, bicycle and pedestrian facilities,
497 and, where feasible and appropriate, frequent transit and rail
498 service, to provide individuals with viable transportation
499 options without sole reliance upon a motor vehicle for personal
500 mobility.

501 (31)-(15) A "Newspaper of general circulation" means a
502 newspaper published at least on a weekly basis and printed in
503 the language most commonly spoken in the area within which it
504 circulates, but does not include a newspaper intended primarily
505 for members of a particular professional or occupational group,
506 a newspaper whose primary function is to carry legal notices, or
507 a newspaper that is given away primarily to distribute
508 advertising.

509 (32) "New town" means an urban activity center and
510 community designated on the future land use map of sufficient
511 size, population and land use composition to support a variety
512 of economic and social activities consistent with an urban area
513 designation. New towns shall include basic economic activities;
514 all major land use categories, with the possible exception of
515 agricultural and industrial; and a centrally provided full range
516 of public facilities and services that demonstrate internal trip
517 capture. A new town shall be based on a master development plan.

518 (33) "Objective" means a specific, measurable, intermediate
519 end that is achievable and marks progress toward a goal.

520 (34)-(16) "Parcel of land" means any quantity of land



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521 capable of being described with such definiteness that its
522 locations and boundaries may be established, which is designated
523 by its owner or developer as land to be used, or developed as, a
524 unit or which has been used or developed as a unit.

525 (35)-(17) "Person" means an individual, corporation,
526 governmental agency, business trust, estate, trust, partnership,
527 association, two or more persons having a joint or common
528 interest, or any other legal entity.

529 (38) "Policy" means the way in which programs and
530 activities are conducted to achieve an identified goal.

531 (39)-(18) "Public notice" means notice as required by s.
532 125.66(2) for a county or by s. 166.041(3) (a) for a
533 municipality. The public notice procedures required in this part
534 are established as minimum public notice procedures.

535 (40)-(19) "Regional planning agency" means the council
536 created pursuant to chapter 186 ~~agency designated by the state~~
537 ~~land planning agency to exercise responsibilities under law in a~~
538 ~~particular region of the state.~~

539 (41) "Seasonal population" means part-time inhabitants who
540 use, or may be expected to use, public facilities or services,
541 but are not residents and includes tourists, migrant
542 farmworkers, and other short-term and long-term visitors.

543 (43)-(20) "State land planning agency" means the Department
544 of Community Affairs.

545 (44)-(21) "Structure" has the same meaning as in ~~given it by~~
546 s. 380.031(19).

547 (45) "Suitability" means the degree to which the existing
548 characteristics and limitations of land and water are compatible
549 with a proposed use or development.



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550 (46) "Transit-oriented development" means a project or
551 projects, in areas identified in a local government
552 comprehensive plan, which are or will be served by existing or
553 planned transit service. These designated areas shall be
554 compact, moderate to high density developments, of mixed-use
555 character, interconnected with other land uses, bicycle and
556 pedestrian friendly, and designed to support frequent transit
557 service operating through, collectively or separately, rail,
558 fixed guideway, streetcar, or bus systems on dedicated
559 facilities or available roadway connections.

560 ~~(24)-(22)~~ "Land development regulation commission" means a
561 commission designated by a local government to develop and
562 recommend, to the local governing body, land development
563 regulations that ~~which~~ implement the adopted comprehensive plan
564 and to review land development regulations, or amendments
565 thereto, for consistency with the adopted plan and report to the
566 governing body regarding its findings. The responsibilities of
567 the land development regulation commission may be performed by
568 the local planning agency.

569 ~~(25)-(23)~~ "Land development regulations" means ordinances
570 enacted by governing bodies for the regulation of any aspect of
571 development and includes any local government zoning, rezoning,
572 subdivision, building construction, or sign regulations or any
573 other regulations controlling the development of land, except
574 that this definition shall not apply in s. 163.3213.

575 ~~(38)-(24)~~ "Public facilities" means major capital
576 improvements, including ~~, but not limited to,~~ transportation,
577 sanitary sewer, solid waste, drainage, potable water,
578 educational, parks and recreational, ~~and health systems and~~



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579 facilities, and spoil disposal sites for maintenance dredging
580 located in the intracoastal waterways, except for spoil disposal
581 sites owned or used by ports listed in s. 403.021(9)(b).

582 (16)~~(25)~~ "Downtown revitalization" means the physical and
583 economic renewal of a central business district of a community
584 as designated by local government, and includes both downtown
585 development and redevelopment.

586 (49)~~(26)~~ "Urban redevelopment" means demolition and
587 reconstruction or substantial renovation of existing buildings
588 or infrastructure within urban infill areas, existing urban
589 service areas, or community redevelopment areas created pursuant
590 to part III.

591 (48)~~(27)~~ "Urban infill" means the development of vacant
592 parcels in otherwise built-up areas where public facilities such
593 as sewer systems, roads, schools, and recreation areas are
594 already in place and the average residential density is at least
595 five dwelling units per acre, the average nonresidential
596 intensity is at least a floor area ratio of 1.0 and vacant,
597 developable land does not constitute more than 10 percent of the
598 area.

599 (37)~~(28)~~ "Projects that promote public transportation"
600 means projects that directly affect the provisions of public
601 transit, including transit terminals, transit lines and routes,
602 separate lanes for the exclusive use of public transit services,
603 transit stops (shelters and stations), office buildings or
604 projects that include fixed-rail or transit terminals as part of
605 the building, and projects that ~~which~~ are transit oriented and
606 designed to complement reasonably proximate planned or existing
607 public facilities.



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608 ~~(50)-(29)~~ "Urban service area" means ~~built-up~~ areas
609 identified in the comprehensive plan where public facilities and
610 services, including, but not limited to, central water and sewer
611 capacity and roads, are already in place or are identified in
612 the capital improvements element. Urban service area includes
613 any areas identified in the comprehensive plan as urban service
614 areas, regardless of local government limitation. ~~committed in~~
615 ~~the first 3 years of the capital improvement schedule. In~~
616 ~~addition, for counties that qualify as dense urban land areas~~
617 ~~under subsection (34), the nonrural area of a county which has~~
618 ~~adopted into the county charter a rural area designation or~~
619 ~~areas identified in the comprehensive plan as urban service~~
620 ~~areas or urban growth boundaries on or before July 1, 2009, are~~
621 ~~also urban service areas under this definition.~~

622 (51) "Urban sprawl" means a development pattern
623 characterized by low density, automobile-dependent development
624 with either a single use or multiple uses that are not
625 functionally related, requiring the extension of public
626 facilities and services in an inefficient manner, and failing to
627 provide a clear separation between urban and rural uses.

628 ~~(47)-(30)~~ "Transportation corridor management" means the
629 coordination of the planning of designated future transportation
630 corridors with land use planning within and adjacent to the
631 corridor to promote orderly growth, to meet the concurrency
632 requirements of this chapter, and to maintain the integrity of
633 the corridor for transportation purposes.

634 ~~(42)-(31)~~ "Optional Sector plan" means the an optional
635 process authorized by s. 163.3245 in which one or more local
636 governments engage in long-term planning for a large area and by



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637 ~~agreement with the state land planning agency are allowed to~~
638 ~~address regional development-of-regional-impact issues through~~
639 ~~adoption of detailed specific area plans within the planning~~
640 ~~area within certain designated geographic areas identified in~~
641 ~~the local comprehensive plan as a means of fostering innovative~~
642 ~~planning and development strategies in s. 163.3177(11)(a) and~~
643 ~~(b), furthering the purposes of this part and part I of chapter~~
644 ~~380, reducing overlapping data and analysis requirements,~~
645 ~~protecting regionally significant resources and facilities, and~~
646 ~~addressing extrajurisdictional impacts. "Sector plan" includes~~
647 ~~an optional sector plan that was adopted pursuant to the~~
648 ~~Optional Sector Plan Pilot Program.~~

649 ~~(32) "Financial feasibility" means that sufficient revenues~~
650 ~~are currently available or will be available from committed~~
651 ~~funding sources for the first 3 years, or will be available from~~
652 ~~committed or planned funding sources for years 4 and 5, of a 5-~~
653 ~~year capital improvement schedule for financing capital~~
654 ~~improvements, such as ad valorem taxes, bonds, state and federal~~
655 ~~funds, tax revenues, impact fees, and developer contributions,~~
656 ~~which are adequate to fund the projected costs of the capital~~
657 ~~improvements identified in the comprehensive plan necessary to~~
658 ~~ensure that adopted level-of-service standards are achieved and~~
659 ~~maintained within the period covered by the 5-year schedule of~~
660 ~~capital improvements. A comprehensive plan shall be deemed~~
661 ~~financially feasible for transportation and school facilities~~
662 ~~throughout the planning period addressed by the capital~~
663 ~~improvements schedule if it can be demonstrated that the level-~~
664 ~~of-service standards will be achieved and maintained by the end~~
665 ~~of the planning period even if in a particular year such~~



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666 ~~improvements are not concurrent as required by s. 163.3180.~~

667 ~~(3)~~ ~~(33)~~ "Agricultural enclave" means an unincorporated,
668 undeveloped parcel that:

669 (a) Is owned by a single person or entity;

670 (b) Has been in continuous use for bona fide agricultural
671 purposes, as defined by s. 193.461, for a period of 5 years
672 prior to the date of any comprehensive plan amendment
673 application;

674 (c) 1. Is surrounded on at least 75 percent of its perimeter
675 by:

676 ~~1.~~ (i) Property that has existing industrial, commercial, or
677 residential development; or

678 ~~2.~~ (ii) Property that the local government has designated,
679 in the local government's comprehensive plan, zoning map, and
680 future land use map, as land that is to be developed for
681 industrial, commercial, or residential purposes, and at least 75
682 percent of such property is existing industrial, commercial, or
683 residential development; or

684 2. Is surrounded on at least 90 percent of its perimeter by
685 property that the local government has designated in the local
686 government's comprehensive plan and future land use map as land
687 that is to be developed for industrial, commercial, or
688 residential purposes; or

689 3. Is surrounded by existing or authorized residential
690 development that will result in a density at buildout of at
691 least 1,000 residents per square mile.

692 (d) Has public services, including water, wastewater,
693 transportation, schools, and recreation facilities, available or
694 such public services are scheduled in the capital improvement



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695 element to be provided by the local government or can be
696 provided by an alternative provider of local government
697 infrastructure in order to ensure consistency with applicable
698 concurrency provisions of s. 163.3180; and

699 (e) Does not exceed 1,280 acres; however, if the property
700 meets the criteria in section (c)3. above~~is surrounded by~~
701 ~~existing or authorized residential development that will result~~
702 ~~in a density at buildout of at least 1,000 residents per square~~
703 ~~mile,~~ then the area shall be determined to be urban and the
704 parcel may not exceed 4,480 acres.

705 ~~(34) "Dense urban land area" means:~~

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

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

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

714
715 ~~The Office of Economic and Demographic Research within the~~
716 ~~Legislature shall annually calculate the population and density~~
717 ~~criteria needed to determine which jurisdictions qualify as~~
718 ~~dense urban land areas by using the most recent land area data~~
719 ~~from the decennial census conducted by the Bureau of the Census~~
720 ~~of the United States Department of Commerce and the latest~~
721 ~~available population estimates determined pursuant to s.~~
722 ~~186.901. If any local government has had an annexation,~~
723 ~~contraction, or new incorporation, the Office of Economic and~~



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

736 Section 7. Section 163.3167, Florida Statutes, is amended
737 to read:

738 163.3167 Scope of act.—

739 (1) The several incorporated municipalities and counties
740 shall have power and responsibility:

741 (a) To plan for their future development and growth.

742 (b) To adopt and amend comprehensive plans, or elements or
743 portions thereof, to guide their future development and growth.

744 (c) To implement adopted or amended comprehensive plans by
745 the adoption of appropriate land development regulations or
746 elements thereof.

747 (d) To establish, support, and maintain administrative
748 instruments and procedures to carry out the provisions and
749 purposes of this act.

750
751 The powers and authority set out in this act may be employed by
752 municipalities and counties individually or jointly by mutual



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753 agreement in accord with the provisions of this act and in such
754 combinations as their common interests may dictate and require.

755 (2) Each local government shall maintain ~~prepare~~ a
756 comprehensive plan of the type and in the manner set out in this
757 part or prepare amendments to its existing comprehensive plan to
758 conform it to the requirements of this part and in the manner
759 set out in this part. In accordance with s. 163.3184, each local
760 government shall submit to the state land planning agency its
761 complete proposed comprehensive plan or its complete
762 comprehensive plan as proposed to be amended.

763 ~~(3) When a local government has not prepared all of the~~
764 ~~required elements or has not amended its plan as required by~~
765 ~~subsection (2), the regional planning agency having~~
766 ~~responsibility for the area in which the local government lies~~
767 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
768 ~~missing elements or adopt by rule amendments to the existing~~
769 ~~plan in accordance with this act by July 1, 1989, or within 1~~
770 ~~year after the dates specified or provided in subsection (2) and~~
771 ~~the state land planning agency review schedule, whichever is~~
772 ~~later. The regional planning agency shall provide at least 90~~
773 ~~days' written notice to any local government whose plan it is~~
774 ~~required by this subsection to prepare, prior to initiating the~~
775 ~~planning process. At least 90 days before the adoption by the~~
776 ~~regional planning agency of a comprehensive plan, or element or~~
777 ~~portion thereof, pursuant to this subsection, the regional~~
778 ~~planning agency shall transmit a copy of the proposed~~
779 ~~comprehensive plan, or element or portion thereof, to the local~~
780 ~~government and the state land planning agency for written~~
781 ~~comment. The state land planning agency shall review and comment~~



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782 ~~on such plan, or element or portion thereof, in accordance with~~
783 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~
784 ~~applicable to the regional planning agency as if it were a~~
785 ~~governing body. Existing comprehensive plans shall remain in~~
786 ~~effect until they are amended pursuant to subsection (2), this~~
787 ~~subsection, s. 163.3187, or s. 163.3189.~~

788 (3)~~(4)~~ A municipality established after the effective date
789 of this act shall, within 1 year after incorporation, establish
790 a local planning agency, pursuant to s. 163.3174, and prepare
791 and adopt a comprehensive plan of the type and in the manner set
792 out in this act within 3 years after the date of such
793 incorporation. A county comprehensive plan shall be deemed
794 controlling until the municipality adopts a comprehensive plan
795 in accord with the provisions of this act. ~~If, upon the~~
796 ~~expiration of the 3-year time limit, the municipality has not~~
797 ~~adopted a comprehensive plan, the regional planning agency shall~~
798 ~~prepare and adopt a comprehensive plan for such municipality.~~

799 (4)~~(5)~~ Any comprehensive plan, or element or portion
800 thereof, adopted pursuant to the provisions of this act, which
801 but for its adoption after the deadlines established pursuant to
802 previous versions of this act would have been valid, shall be
803 valid.

804 ~~(6) When a regional planning agency is required to prepare~~
805 ~~or amend a comprehensive plan, or element or portion thereof,~~
806 ~~pursuant to subsections (3) and (4), the regional planning~~
807 ~~agency and the local government may agree to a method of~~
808 ~~compensating the regional planning agency for any verifiable,~~
809 ~~direct costs incurred. If an agreement is not reached within 6~~
810 ~~months after the date the regional planning agency assumes~~



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811 ~~planning responsibilities for the local government pursuant to~~
812 ~~subsections (3) and (4) or by the time the plan or element, or~~
813 ~~portion thereof, is completed, whichever is earlier, the~~
814 ~~regional planning agency shall file invoices for verifiable,~~
815 ~~direct costs involved with the governing body. Upon the failure~~
816 ~~of the local government to pay such invoices within 90 days, the~~
817 ~~regional planning agency may, upon filing proper vouchers with~~
818 ~~the Chief Financial Officer, request payment by the Chief~~
819 ~~Financial Officer from unencumbered revenue or other tax sharing~~
820 ~~funds due such local government from the state for work actually~~
821 ~~performed, and the Chief Financial Officer shall pay such~~
822 ~~vouchers; however, the amount of such payment shall not exceed~~
823 ~~50 percent of such funds due such local government in any one~~
824 ~~year.~~

825 ~~(7) A local government that is being requested to pay costs~~
826 ~~may seek an administrative hearing pursuant to ss. 120.569 and~~
827 ~~120.57 to challenge the amount of costs and to determine if the~~
828 ~~statutory prerequisites for payment have been complied with.~~
829 ~~Final agency action shall be taken by the state land planning~~
830 ~~agency. Payment shall be withheld as to disputed amounts until~~
831 ~~proceedings under this subsection have been completed.~~

832 ~~(5)(8)~~ Nothing in this act shall limit or modify the rights
833 of any person to complete any development that has been
834 authorized as a development of regional impact pursuant to
835 chapter 380 or who has been issued a final local development
836 order and development has commenced and is continuing in good
837 faith.

838 ~~(6)(9)~~ The Reedy Creek Improvement District shall exercise
839 the authority of this part as it applies to municipalities,



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840 consistent with the legislative act under which it was
841 established, for the total area under its jurisdiction.

842 ~~(7)~~ ~~(10)~~ Nothing in this part shall supersede any provision
843 of ss. 341.8201-341.842.

844 ~~(11) Each local government is encouraged to articulate a~~
845 ~~vision of the future physical appearance and qualities of its~~
846 ~~community as a component of its local comprehensive plan. The~~
847 ~~vision should be developed through a collaborative planning~~
848 ~~process with meaningful public participation and shall be~~
849 ~~adopted by the governing body of the jurisdiction. Neighboring~~
850 ~~communities, especially those sharing natural resources or~~
851 ~~physical or economic infrastructure, are encouraged to create~~
852 ~~collective visions for greater than local areas. Such collective~~
853 ~~visions shall apply in each city or county only to the extent~~
854 ~~that each local government chooses to make them applicable. The~~
855 ~~state land planning agency shall serve as a clearinghouse for~~
856 ~~creating a community vision of the future and may utilize the~~
857 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~
858 ~~grants to help pay the costs of local visioning programs. When a~~
859 ~~local vision of the future has been created, a local government~~
860 ~~should review its comprehensive plan, land development~~
861 ~~regulations, and capital improvement program to ensure that~~
862 ~~these instruments will help to move the community toward its~~
863 ~~vision in a manner consistent with this act and with the state~~
864 ~~comprehensive plan. A local or regional vision must be~~
865 ~~consistent with the state vision, when adopted, and be~~
866 ~~internally consistent with the local or regional plan of which~~
867 ~~it is a component. The state land planning agency shall not~~
868 ~~adopt minimum criteria for evaluating or judging the form or~~



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869 ~~content of a local or regional vision.~~

870 (8) ~~(12)~~ An initiative or referendum process in regard to
871 any development order or in regard to any local comprehensive
872 plan amendment or map amendment ~~that affects five or fewer~~
873 ~~parcels of land~~ is prohibited. A local government may not adopt
874 any super majority voting requirement for the adoption of
875 amendments to the comprehensive plan.

876 (9) ~~(13)~~ Each local government shall address in its
877 comprehensive plan, as enumerated in this chapter, the water
878 supply sources necessary to meet and achieve the existing and
879 projected water use demand for the established planning period,
880 considering the applicable plan developed pursuant to s.
881 373.709.

882 (10) ~~(14)~~ (a) If a local government grants a development
883 order pursuant to its adopted land development regulations and
884 the order is not the subject of a pending appeal and the
885 timeframe for filing an appeal has expired, the development
886 order may not be invalidated by a subsequent judicial
887 determination that such land development regulations, or any
888 portion thereof that is relevant to the development order, are
889 invalid because of a deficiency in the approval standards.

890 (b) This subsection does not preclude or affect the timely
891 institution of any other remedy available at law or equity,
892 including a common law writ of certiorari proceeding pursuant to
893 Rule 9.190, Florida Rules of Appellate Procedure, or an original
894 proceeding pursuant to s. 163.3215, as applicable.

895 ~~(c) This subsection applies retroactively to any~~
896 ~~development order granted on or after January 1, 2002.~~

897 Section 8. Section 163.3168, Florida Statutes, is created



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898 to read:

899 163.3168 Planning innovations and technical assistance.-

900 (1) The Legislature recognizes the need for innovative
901 planning and development strategies to promote a diverse economy
902 and vibrant rural and urban communities, while protecting
903 environmentally sensitive areas. The Legislature further
904 recognizes the substantial advantages of innovative approaches
905 to development directed to meet the needs of urban, rural, and
906 suburban areas.

907 (2) Local governments are encouraged to apply innovative
908 planning tools, including, but not limited to, visioning, sector
909 planning, and rural land stewardship area designations to
910 address future new development areas, urban service area
911 designations, urban growth boundaries, and mixed-use, high-
912 density development in urban areas.

913 (3) The state land planning agency shall help communities
914 find creative solutions to fostering vibrant, healthy
915 communities, while protecting the functions of important state
916 resources and facilities. The state land planning agency and all
917 other appropriate state and regional agencies may use various
918 means to provide direct and indirect technical assistance within
919 available resources. If plan amendments may adversely impact
920 important state resources or facilities, upon request by the
921 local government, the state land planning agency shall
922 coordinate multiagency assistance, if needed, in developing an
923 amendment to minimize impacts on such resources or facilities.

924 Section 9. Subsection (4) of section 163.3171, Florida
925 Statutes, is amended to read:

926 163.3171 Areas of authority under this act.-



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927 ~~(4) The state land planning agency and a Local governments~~
928 ~~may government shall have the power to enter into agreements~~
929 ~~with each other and to agree together to enter into agreements~~
930 ~~with a landowner, developer, or governmental agency as may be~~
931 ~~necessary or desirable to effectuate the provisions and purposes~~
932 ~~of ss. 163.3177(6) (h), and (11) (a), (b), and (c), and 163.3245,~~
933 ~~and 163.3248. It is the Legislature's intent that joint~~
934 ~~agreements entered into under the authority of this section be~~
935 ~~liberally, broadly, and flexibly construed to facilitate~~
936 ~~intergovernmental cooperation between cities and counties and to~~
937 ~~encourage planning in advance of jurisdictional changes. Joint~~
938 ~~agreements, executed before or after the effective date of this~~
939 ~~act, include, but are not limited to, agreements that~~
940 ~~contemplate municipal adoption of plans or plan amendments for~~
941 ~~lands in advance of annexation of such lands into the~~
942 ~~municipality, and may permit municipalities and counties to~~
943 ~~exercise nonexclusive extrajurisdictional authority within~~
944 ~~incorporated and unincorporated areas. The state land planning~~
945 ~~agency shall not have authority to interpret, invalidate, or~~
946 ~~declare inoperative such joint agreements, and the validity of~~
947 ~~joint agreements may not be a basis for finding plans or plan~~
948 ~~amendments not in compliance pursuant to the provisions of~~
949 ~~chapter law.~~

950 Section 10. Subsection (1) of section 163.3174, Florida
951 Statutes, is amended to read:

952 163.3174 Local planning agency.—

953 (1) The governing body of each local government,
954 individually or in combination as provided in s. 163.3171, shall
955 designate and by ordinance establish a "local planning agency,"



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956 unless the agency is otherwise established by law.
957 Notwithstanding any special act to the contrary, all local
958 planning agencies or equivalent agencies that first review
959 rezoning and comprehensive plan amendments in each municipality
960 and county shall include a representative of the school district
961 appointed by the school board as a nonvoting member of the local
962 planning agency or equivalent agency to attend those meetings at
963 which the agency considers comprehensive plan amendments and
964 rezonings that would, if approved, increase residential density
965 on the property that is the subject of the application. However,
966 this subsection does not prevent the governing body of the local
967 government from granting voting status to the school board
968 member. The governing body may designate itself as the local
969 planning agency pursuant to this subsection with the addition of
970 a nonvoting school board representative. ~~The governing body~~
971 ~~shall notify the state land planning agency of the establishment~~
972 ~~of its local planning agency.~~ All local planning agencies shall
973 provide opportunities for involvement by applicable community
974 college boards, which may be accomplished by formal
975 representation, membership on technical advisory committees, or
976 other appropriate means. The local planning agency shall prepare
977 the comprehensive plan or plan amendment after hearings to be
978 held after public notice and shall make recommendations to the
979 governing body regarding the adoption or amendment of the plan.
980 The agency may be a local planning commission, the planning
981 department of the local government, or other instrumentality,
982 including a countywide planning entity established by special
983 act or a council of local government officials created pursuant
984 to s. 163.02, provided the composition of the council is fairly



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985 representative of all the governing bodies in the county or
986 planning area; however:

987 (a) If a joint planning entity is in existence on the
988 effective date of this act which authorizes the governing bodies
989 to adopt and enforce a land use plan effective throughout the
990 joint planning area, that entity shall be the agency for those
991 local governments until such time as the authority of the joint
992 planning entity is modified by law.

993 (b) In the case of chartered counties, the planning
994 responsibility between the county and the several municipalities
995 therein shall be as stipulated in the charter.

996 Section 11. Subsections (6) and (9) of section 163.3175,
997 Florida Statutes, are amended to read:

998 163.3175 Legislative findings on compatibility of
999 development with military installations; exchange of information
1000 between local governments and military installations.-

1001 (6) The affected local government shall take into
1002 consideration any comments provided by the commanding officer or
1003 his or her designee pursuant to subsection (4) and must also be
1004 sensitive to private property rights and not be unduly
1005 restrictive on those rights. The affected local government shall
1006 forward a copy of any comments regarding comprehensive plan
1007 amendments to the state land planning agency.

1008 (9) If a local government, as required under s.
1009 163.3177(6)(a), does not adopt criteria and address
1010 compatibility of lands adjacent to or closely proximate to
1011 existing military installations in its future land use plan
1012 element by June 30, 2012, the local government, the military
1013 installation, the state land planning agency, and other parties



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1014 as identified by the regional planning council, including, but
1015 not limited to, private landowner representatives, shall enter
1016 into mediation conducted pursuant to s. 186.509. If the local
1017 government comprehensive plan does not contain criteria
1018 addressing compatibility by December 31, 2013, the agency may
1019 notify the Administration Commission. The Administration
1020 Commission may impose sanctions pursuant to s. 163.3184(8~~11~~).
1021 Any local government that amended its comprehensive plan to
1022 address military installation compatibility requirements after
1023 2004 and was found in compliance, is deemed in compliance with
1024 the provisions of this subsection until the local government
1025 conducts its evaluation and appraisal review pursuant to s.
1026 163.3191 and determines that amendments are necessary to meet
1027 updated statutory requirements.

1028
1029 Section 12. Section 163.3177, Florida Statutes, is amended
1030 to read:

1031 163.3177 Required and optional elements of comprehensive
1032 plan; studies and surveys.-

1033 (1) The comprehensive plan shall provide the ~~consist of~~
1034 ~~materials in such descriptive form, written or graphic, as may~~
1035 ~~be appropriate to the prescription of principles, guidelines,~~
1036 ~~and standards,~~ and strategies for the orderly and balanced
1037 future economic, social, physical, environmental, and fiscal
1038 development of the area that reflects community commitments to
1039 implement the plan and its elements. These principles and
1040 strategies shall guide future decisions in a consistent manner
1041 and shall contain programs and activities to ensure
1042 comprehensive plans are implemented. The sections of the



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1043 comprehensive plan containing the principles and strategies,
1044 generally provided as goals, objectives, and policies, shall
1045 describe how the local government's programs, activities, and
1046 land development regulations will be initiated, modified, or
1047 continued to implement the comprehensive plan in a consistent
1048 manner. It is not the intent of this part to require the
1049 inclusion of implementing regulations in the comprehensive plan
1050 but rather to require identification of those programs,
1051 activities, and land development regulations that will be part
1052 of the strategy for implementing the comprehensive plan and the
1053 principles that describe how the programs, activities, and land
1054 development regulations will be carried out. The plan shall
1055 establish meaningful and predictable standards for the use and
1056 development of land and provide meaningful guidelines for the
1057 content of more detailed land development and use regulations.

1058 (a) The comprehensive plan shall consist of elements as
1059 described in this section, and may include optional elements.

1060 (b) A local government may include, as part of its adopted
1061 plan, documents adopted by reference but not incorporated
1062 verbatim into the plan. The adoption by reference must identify
1063 the title and author of the document and indicate clearly what
1064 provisions and edition of the document is being adopted.

1065 (c) The format of these principles and guidelines is at the
1066 discretion of the local government, but typically is expressed
1067 in goals, objectives, policies, and strategies.

1068 (d) Proposed elements shall identify procedures for
1069 monitoring, evaluating, and appraising implementation of the
1070 plan.

1071 (e) When a federal, state, or regional agency has



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1072 implemented a regulatory program, a local government is not
1073 required to duplicate or exceed that regulatory program in its
1074 local comprehensive plan.

1075 (f) All mandatory and optional elements of the
1076 comprehensive plan and plan amendments shall be based upon a
1077 justification by the local government that may include, but not
1078 be limited to, surveys, studies, community goals and vision, and
1079 other data available at the time of adoption of the
1080 comprehensive plan or plan amendment. To be based on data means
1081 to react to it in an appropriate way and to the extent necessary
1082 indicated by the data available on that particular subject at
1083 the time of adoption of the plan or plan amendment at issue.

1084 1. Surveys, studies, and data utilized in the preparation
1085 of the comprehensive plan shall not be deemed a part of the
1086 comprehensive plan unless adopted as a part of it. Copies of
1087 such studies, surveys, data, and supporting documents shall be
1088 made available for public inspection, and copies of such plans
1089 shall be made available to the public upon payment of reasonable
1090 charges for reproduction. Support data or summaries shall not be
1091 subject to the compliance review process, but the comprehensive
1092 plan must be clearly based on appropriate data. Support data or
1093 summaries may be used to aid in the determination of compliance
1094 and consistency.

1095 2. Data must be taken from professionally accepted sources.
1096 The application of a methodology utilized in data collection or
1097 whether a particular methodology is professionally accepted may
1098 be evaluated. However, the evaluation shall not include whether
1099 one accepted methodology is better than another. Original data
1100 collection by local governments is not required. However, local



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1101 governments may use original data so long as methodologies are
1102 professionally accepted.

1103 3. The comprehensive plan shall be based upon resident and
1104 seasonal population estimates and projections, which shall
1105 either be those provided by the Office of Economic and
1106 Demographic Research or generated by the local government based
1107 upon a professionally acceptable methodology. The plan must be
1108 based on at least the minimum amount of land required to
1109 accommodate the medium projections of the Office of Economic and
1110 Demographic Research unless otherwise limited under s. 380.05
1111 including related rules of the Administration Commission.

1112 (2) Coordination of the several elements of the local
1113 comprehensive plan shall be a major objective of the planning
1114 process. The several elements of the comprehensive plan shall be
1115 consistent. Where data is relevant to several elements,
1116 consistent data shall be used, including population estimates
1117 and projections unless alternative data can be justified for a
1118 plan amendment through new supporting data and analysis. Each
1119 map depicting future conditions must reflect the principles,
1120 guidelines, and standards within all elements and each such map
1121 must be contained within the comprehensive plan, and the
1122 comprehensive plan shall be financially feasible. Financial
1123 feasibility shall be determined using professionally accepted
1124 methodologies and applies to the 5-year planning period, except
1125 in the case of a long-term transportation or school concurrency
1126 management system, in which case a 10-year or 15-year period
1127 applies.

1128 (3) (a) The comprehensive plan shall contain a capital
1129 improvements element designed to consider the need for and the



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1130 location of public facilities in order to encourage the
1131 efficient use of such facilities and set forth:

1132 1. A component that outlines principles for construction,
1133 extension, or increase in capacity of public facilities, as well
1134 as a component that outlines principles for correcting existing
1135 public facility deficiencies, which are necessary to implement
1136 the comprehensive plan. The components shall cover at least a 5-
1137 year period.

1138 2. Estimated public facility costs, including a delineation
1139 of when facilities will be needed, the general location of the
1140 facilities, and projected revenue sources to fund the
1141 facilities.

1142 3. Standards to ensure the availability of public
1143 facilities and the adequacy of those facilities including
1144 acceptable levels of service.

1145 ~~4. Standards for the management of debt.~~

1146 ~~4.5.~~ A schedule of capital improvements which includes any
1147 publicly funded projects of federal, state, or local government,
1148 and which may include privately funded projects for which the
1149 local government has no fiscal responsibility. Projects,
1150 necessary to ensure that any adopted level-of-service standards
1151 are achieved and maintained for the 5-year period must be
1152 identified as either funded or unfunded and given a level of
1153 priority for funding. ~~For capital improvements that will be~~
1154 ~~funded by the developer, financial feasibility shall be~~
1155 ~~demonstrated by being guaranteed in an enforceable development~~
1156 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~
1157 ~~or other enforceable agreement. These development agreements and~~
1158 ~~interlocal agreements shall be reflected in the schedule of~~



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1159 ~~capital improvements if the capital improvement is necessary to~~
1160 ~~serve development within the 5-year schedule. If the local~~
1161 ~~government uses planned revenue sources that require referenda~~
1162 ~~or other actions to secure the revenue source, the plan must, in~~
1163 ~~the event the referenda are not passed or actions do not secure~~
1164 ~~the planned revenue source, identify other existing revenue~~
1165 ~~sources that will be used to fund the capital projects or~~
1166 ~~otherwise amend the plan to ensure financial feasibility.~~

1167 5.6. The schedule must include transportation improvements
1168 included in the applicable metropolitan planning organization's
1169 transportation improvement program adopted pursuant to s.
1170 339.175(8) to the extent that such improvements are relied upon
1171 to ensure concurrency or implementation of a mobility plan as
1172 defined in s. 163.3164 and financial feasibility. The schedule
1173 must ~~also~~ be coordinated with the applicable metropolitan
1174 planning organization's long-range transportation plan adopted
1175 pursuant to s. 339.175(7).

1176 (b)~~1.~~ The capital improvements element must be reviewed by
1177 the local government on an annual basis. Modifications and
1178 ~~modified as necessary in accordance with s. 163.3187 or s.~~
1179 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~
1180 5-year capital improvement schedule of capital improvements.
1181 ~~Corrections and modifications concerning costs; revenue sources;~~
1182 ~~or acceptance of facilities pursuant to dedications which are~~
1183 ~~consistent with the plan~~ may be accomplished by ordinance and
1184 shall not be deemed to be amendments to the local comprehensive
1185 plan. A copy of the ordinance shall be transmitted to the state
1186 land planning agency. An amendment to the comprehensive plan is
1187 required to update the schedule on an annual basis or to



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1188 ~~eliminate, defer, or delay the construction for any facility~~
1189 ~~listed in the 5-year schedule. All public facilities must be~~
1190 ~~consistent with the capital improvements element. The annual~~
1191 ~~update to the capital improvements element of the comprehensive~~
1192 ~~plan need not comply with the financial feasibility requirement~~
1193 ~~until December 1, 2011. Thereafter, a local government may not~~
1194 ~~amend its future land use map, except for plan amendments to~~
1195 ~~meet new requirements under this part and emergency amendments~~
1196 ~~pursuant to s. 163.3187(1)(a), after December 1, 2011, and every~~
1197 ~~year thereafter, unless and until the local government has~~
1198 ~~adopted the annual update and it has been transmitted to the~~
1199 ~~state land planning agency.~~

1200 ~~2. Capital improvements element amendments adopted after~~
1201 ~~the effective date of this act shall require only a single~~
1202 ~~public hearing before the governing board which shall be an~~
1203 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
1204 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1205 ~~(c) If the local government does not adopt the required~~
1206 ~~annual update to the schedule of capital improvements, the state~~
1207 ~~land planning agency must notify the Administration Commission.~~
1208 ~~A local government that has a demonstrated lack of commitment to~~
1209 ~~meeting its obligations identified in the capital improvements~~
1210 ~~element may be subject to sanctions by the Administration~~
1211 ~~Commission pursuant to s. 163.3184(11).~~

1212 ~~(d) If a local government adopts a long term concurrency~~
1213 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
1214 ~~a long-term capital improvements schedule covering up to a 10-~~
1215 ~~year or 15-year period, and must update the long-term schedule~~
1216 ~~annually. The long-term schedule of capital improvements must be~~



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1217 ~~financially feasible.~~

1218 ~~(c) At the discretion of the local government and~~
1219 ~~notwithstanding the requirements of this subsection, a~~
1220 ~~comprehensive plan, as revised by an amendment to the plan's~~
1221 ~~future land use map, shall be deemed to be financially feasible~~
1222 ~~and to have achieved and maintained level-of-service standards~~
1223 ~~as required by this section with respect to transportation~~
1224 ~~facilities if the amendment to the future land use map is~~
1225 ~~supported by a:~~

1226 ~~1. Condition in a development order for a development of~~
1227 ~~regional impact or binding agreement that addresses~~
1228 ~~proportionate-share mitigation consistent with s. 163.3180(12);~~
1229 ~~or~~

1230 ~~2. Binding agreement addressing proportionate fair-share~~
1231 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~
1232 ~~subject to the amendment to the future land use map is located~~
1233 ~~within an area designated in a comprehensive plan for urban~~
1234 ~~infill, urban redevelopment, downtown revitalization, urban~~
1235 ~~infill and redevelopment, or an urban service area. The binding~~
1236 ~~agreement must be based on the maximum amount of development~~
1237 ~~identified by the future land use map amendment or as may be~~
1238 ~~otherwise restricted through a special area plan policy or map~~
1239 ~~notation in the comprehensive plan.~~

1240 ~~(f) A local government's comprehensive plan and plan~~
1241 ~~amendments for land uses within all transportation concurrency~~
1242 ~~exception areas that are designated and maintained in accordance~~
1243 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~
1244 ~~achieve and maintain level-of-service standards for~~
1245 ~~transportation.~~



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1246 (4) (a) Coordination of the local comprehensive plan with
1247 the comprehensive plans of adjacent municipalities, the county,
1248 adjacent counties, or the region; with the appropriate water
1249 management district's regional water supply plans approved
1250 pursuant to s. 373.709; and with adopted rules pertaining to
1251 designated areas of critical state concern; ~~and with the state~~
1252 ~~comprehensive plan~~ shall be a major objective of the local
1253 comprehensive planning process. To that end, in the preparation
1254 of a comprehensive plan or element thereof, and in the
1255 comprehensive plan or element as adopted, the governing body
1256 shall include a specific policy statement indicating the
1257 relationship of the proposed development of the area to the
1258 comprehensive plans of adjacent municipalities, the county,
1259 adjacent counties, or the region ~~and to the state comprehensive~~
1260 ~~plan~~, as the case may require and as such adopted plans or plans
1261 in preparation may exist.

1262 (b) When all or a portion of the land in a local government
1263 jurisdiction is or becomes part of a designated area of critical
1264 state concern, the local government shall clearly identify those
1265 portions of the local comprehensive plan that shall be
1266 applicable to the critical area and shall indicate the
1267 relationship of the proposed development of the area to the
1268 rules for the area of critical state concern.

1269 (5) (a) Each local government comprehensive plan must
1270 include at least two planning periods, one covering at least the
1271 first 5-year period occurring after the plan's adoption and one
1272 covering at least a 10-year period. Additional planning periods
1273 for specific components, elements, land use amendments, or
1274 projects shall be permissible and accepted as part of the



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1275 planning process.

1276 (b) The comprehensive plan and its elements shall contain
1277 guidelines or policies ~~policy recommendations~~ for the
1278 implementation of the plan and its elements.

1279 (6) In addition to the requirements of subsections (1)-(5)
1280 ~~and (12)~~, the comprehensive plan shall include the following
1281 elements:

1282 (a) A future land use plan element designating proposed
1283 future general distribution, location, and extent of the uses of
1284 land for residential uses, commercial uses, industry,
1285 agriculture, recreation, conservation, education, ~~public~~
1286 ~~buildings and grounds, other~~ public facilities, and other
1287 categories of the public and private uses of land. The
1288 approximate acreage and the general range of density or
1289 intensity of use shall be provided for the gross land area
1290 included in each existing land use category. The element shall
1291 establish the long-term end toward which land use programs and
1292 activities are ultimately directed. ~~Counties are encouraged to~~
1293 ~~designate rural land stewardship areas, pursuant to paragraph~~
1294 ~~(11)(d), as overlays on the future land use map.~~

1295 1. Each future land use category must be defined in terms
1296 of uses included, and must include standards to be followed in
1297 the control and distribution of population densities and
1298 building and structure intensities. The proposed distribution,
1299 location, and extent of the various categories of land use shall
1300 be shown on a land use map or map series which shall be
1301 supplemented by goals, policies, and measurable objectives.

1302 2. The future land use plan and plan amendments shall be
1303 based upon surveys, studies, and data regarding the area, as



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- 1304 applicable, including:
- 1305 a. The amount of land required to accommodate anticipated
- 1306 growth.~~†~~
- 1307 b. The projected residential and seasonal population of the
- 1308 area.~~†~~
- 1309 c. The character of undeveloped land.~~†~~
- 1310 d. The availability of water supplies, public facilities,
- 1311 and services.~~†~~
- 1312 e. The need for redevelopment, including the renewal of
- 1313 blighted areas and the elimination of nonconforming uses which
- 1314 are inconsistent with the character of the community.~~†~~
- 1315 f. The compatibility of uses on lands adjacent to or
- 1316 closely proximate to military installations.~~†~~
- 1317 g. The compatibility of uses on lands adjacent to an
- 1318 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~
- 1319 h. The discouragement of urban sprawl.~~†~~ ~~energy efficient~~
- 1320 ~~land use patterns accounting for existing and future electric~~
- 1321 ~~power generation and transmission systems; greenhouse gas~~
- 1322 ~~reduction strategies; and, in rural communities,~~
- 1323 i. The need for job creation, capital investment, and
- 1324 economic development that will strengthen and diversify the
- 1325 community's economy.
- 1326 j. The need to modify land uses and development patterns
- 1327 within antiquated subdivisions. ~~The future land use plan may~~
- 1328 ~~designate areas for future planned development use involving~~
- 1329 ~~combinations of types of uses for which special regulations may~~
- 1330 ~~be necessary to ensure development in accord with the principles~~
- 1331 ~~and standards of the comprehensive plan and this act.~~
- 1332 3. The future land use plan element shall include criteria



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1333 to be used to:

1334 a. Achieve the compatibility of lands adjacent or closely
1335 proximate to military installations, considering factors
1336 identified in s. 163.3175(5), and

1337 b. Achieve the compatibility of lands adjacent to an
1338 airport as defined in s. 330.35 and consistent with s. 333.02.

1339 c. Encourage preservation of recreational and commercial
1340 working waterfronts for water dependent uses in coastal
1341 communities.

1342 d. Encourage the location of schools proximate to urban
1343 residential areas to the extent possible.

1344 e. Coordinate future land uses with the topography and soil
1345 conditions, and the availability of facilities and services.

1346 f. Ensure the protection of natural and historic resources.

1347 g. Provide for the compatibility of adjacent land uses.

1348 h. Provide guidelines for the implementation of mixed use
1349 development including the types of uses allowed, the percentage
1350 distribution among the mix of uses, or other standards, and the
1351 density and intensity of each use.

1352 4. In addition, for rural communities, The amount of land
1353 designated for future planned uses industrial use shall provide
1354 a balance of uses that foster vibrant, viable communities and
1355 economic development opportunities and address outdated
1356 development patterns, such as antiquated subdivisions. The
1357 amount of land designated for future land uses should allow the
1358 operation of real estate markets to provide adequate choices for
1359 permanent and seasonal residents and business and be based upon
1360 surveys and studies that reflect the need for job creation,
1361 capital investment, and the necessity to strengthen and



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1362 ~~diversify the local economies, and may not be limited solely by~~
1363 ~~the projected population of the rural community. The element~~
1364 ~~shall accommodate at least the minimum amount of land required~~
1365 ~~to accommodate the medium projections of the Office of Economic~~
1366 ~~and Demographic Research at least a 10-year planning period~~
1367 ~~unless otherwise limited under s. 380.05 including related rules~~
1368 ~~of the Administration Commission.~~

1369 5. The future land use plan of a county may ~~also~~ designate
1370 areas for possible future municipal incorporation.

1371 6. The land use maps or map series shall generally identify
1372 and depict historic district boundaries and shall designate
1373 historically significant properties meriting protection. ~~For~~
1374 ~~coastal counties, the future land use element must include,~~
1375 ~~without limitation, regulatory incentives and criteria that~~
1376 ~~encourage the preservation of recreational and commercial~~
1377 ~~working waterfronts as defined in s. 342.07.~~

1378 7. The future land use element must clearly identify the
1379 land use categories in which public schools are an allowable
1380 use. When delineating the land use categories in which public
1381 schools are an allowable use, a local government shall include
1382 in the categories sufficient land proximate to residential
1383 development to meet the projected needs for schools in
1384 coordination with public school boards and may establish
1385 differing criteria for schools of different type or size. Each
1386 local government shall include lands contiguous to existing
1387 school sites, to the maximum extent possible, within the land
1388 use categories in which public schools are an allowable use. ~~The~~
1389 ~~failure by a local government to comply with these school siting~~
1390 ~~requirements will result in the prohibition of the local~~



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1391 ~~government's ability to amend the local comprehensive plan,~~
1392 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
1393 ~~the school siting requirements are met. Amendments proposed by a~~
1394 ~~local government for purposes of identifying the land use~~
1395 ~~categories in which public schools are an allowable use are~~
1396 ~~exempt from the limitation on the frequency of plan amendments~~
1397 ~~contained in s. 163.3187. The future land use element shall~~
1398 ~~include criteria that encourage the location of schools~~
1399 ~~proximate to urban residential areas to the extent possible and~~
1400 ~~shall require that the local government seek to collocate public~~
1401 ~~facilities, such as parks, libraries, and community centers,~~
1402 ~~with schools to the extent possible and to encourage the use of~~
1403 ~~elementary schools as focal points for neighborhoods. For~~
1404 ~~schools serving predominantly rural counties, defined as a~~
1405 ~~county with a population of 100,000 or fewer, an agricultural~~
1406 ~~land use category is eligible for the location of public school~~
1407 ~~facilities if the local comprehensive plan contains school~~
1408 ~~siting criteria and the location is consistent with such~~
1409 ~~eriteria.~~

1410 8. Future land use map amendments shall be based upon the
1411 following analyses:

1412 a. An analysis of the availability of facilities and
1413 services.

1414 b. An analysis of the suitability of the plan amendment for
1415 its proposed use considering the character of the undeveloped
1416 land, soils, topography, natural resources, and historic
1417 resources on site.

1418 c. An analysis of the minimum amount of land needed as
1419 determined by the local government.



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1420 9. The future land use element and any amendment to the
1421 future land use element shall discourage the proliferation of
1422 urban sprawl.

1423 a. The primary indicators that a plan or plan amendment
1424 does not discourage the proliferation of urban sprawl are listed
1425 below. The evaluation of the presence of these indicators shall
1426 consist of an analysis of the plan or plan amendment within the
1427 context of features and characteristics unique to each locality
1428 in order to determine whether the plan or plan amendment:

1429 (I) Promotes, allows, or designates for development
1430 substantial areas of the jurisdiction to develop as low-
1431 intensity, low-density, or single-use development or uses.

1432 (II) Promotes, allows, or designates significant amounts of
1433 urban development to occur in rural areas at substantial
1434 distances from existing urban areas while not using undeveloped
1435 lands that are available and suitable for development.

1436 (III) Promotes, allows, or designates urban development in
1437 radial, strip, isolated, or ribbon patterns generally emanating
1438 from existing urban developments.

1439 (IV) Fails to adequately protect and conserve natural
1440 resources, such as wetlands, floodplains, native vegetation,
1441 environmentally sensitive areas, natural groundwater aquifer
1442 recharge areas, lakes, rivers, shorelines, beaches, bays,
1443 estuarine systems, and other significant natural systems.

1444 (V) Fails to adequately protect adjacent agricultural areas
1445 and activities, including silviculture, active agricultural and
1446 silvicultural activities, passive agricultural activities, and
1447 dormant, unique, and prime farmlands and soils.

1448 (VI) Fails to maximize use of existing public facilities



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1449 and services.

1450 (VII) Fails to maximize use of future public facilities and
1451 services.

1452 (VIII) Allows for land use patterns or timing which
1453 disproportionately increase the cost in time, money, and energy
1454 of providing and maintaining facilities and services, including
1455 roads, potable water, sanitary sewer, stormwater management, law
1456 enforcement, education, health care, fire and emergency
1457 response, and general government.

1458 (IX) Fails to provide a clear separation between rural and
1459 urban uses.

1460 (X) Discourages or inhibits infill development or the
1461 redevelopment of existing neighborhoods and communities.

1462 (XI) Fails to encourage a functional mix of uses.

1463 (XII) Results in poor accessibility among linked or related
1464 land uses.

1465 (XIII) Results in the loss of significant amounts of
1466 functional open space.

1467 b. The future land use element or plan amendment shall be
1468 determined to discourage the proliferation of urban sprawl if it
1469 incorporates a development pattern or urban form that achieves
1470 four or more of the following:

1471 (I) Directs or locates economic growth and associated land
1472 development to geographic areas of the community in a manner
1473 that does not have an adverse impact on and protects natural
1474 resources and ecosystems.

1475 (II) Promotes the efficient and cost-effective provision or
1476 extension of public infrastructure and services.

1477 (III) Promotes walkable and connected communities and



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1478 provides for compact development and a mix of uses at densities
1479 and intensities that will support a range of housing choices and
1480 a multimodal transportation system, including pedestrian,
1481 bicycle, and transit, if available.

1482 (IV) Promotes conservation of water and energy.

1483 (V) Preserves agricultural areas and activities, including
1484 silviculture, and dormant, unique, and prime farmlands and
1485 soils.

1486 (VI) Preserves open space and natural lands and provides
1487 for public open space and recreation needs.

1488 (VII) Creates a balance of land uses based upon demands of
1489 residential population for the nonresidential needs of an area.

1490 (VIII) Provides uses, densities, and intensities of use and
1491 urban form that would remediate an existing or planned
1492 development pattern in the vicinity that constitutes sprawl or
1493 if it provides for an innovative development pattern such as
1494 transit-oriented developments or new towns as defined in s.
1495 163.3164.

1496 10. The future land use element shall include a future land
1497 use map or map series.

1498 a. The proposed distribution, extent, and location of the
1499 following uses shall be shown on the future land use map or map
1500 series:

1501 (I) Residential.

1502 (II) Commercial.

1503 (III) Industrial.

1504 (IV) Agricultural.

1505 (V) Recreational.

1506 (VI) Conservation.



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1507 (VII) Educational.
1508 (VIII) Public.
1509 b. The following areas shall also be shown on the future
1510 land use map or map series, if applicable:
1511 (I) Historic district boundaries and designated
1512 historically significant properties.
1513 (II) Transportation concurrency management area boundaries
1514 or transportation concurrency exception area boundaries.
1515 (III) Multimodal transportation district boundaries.
1516 (IV) Mixed use categories.
1517 c. The following natural resources or conditions shall be
1518 shown on the future land use map or map series, if applicable:
1519 (I) Existing and planned public potable waterwells, cones
1520 of influence, and wellhead protection areas.
1521 (II) Beaches and shores, including estuarine systems.
1522 (III) Rivers, bays, lakes, floodplains, and harbors.
1523 (IV) Wetlands.
1524 (V) Minerals and soils.
1525 (VI) Coastal high-hazard areas.
1526 11. Local governments required to update or amend their
1527 comprehensive plan to include criteria and address compatibility
1528 of lands adjacent or closely proximate to existing military
1529 installations, or lands adjacent to an airport as defined in s.
1530 330.35 and consistent with s. 333.02, in their future land use
1531 plan element shall transmit the update or amendment to the state
1532 land planning agency by June 30, 2012.
1533 (b)1. A transportation element addressing mobility issues
1534 in relationship to the size and character of the local
1535 government. The purpose of the transportation element shall be



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1536 to plan for a multimodal transportation system that places
1537 emphasis on public transportation systems, where feasible. The
1538 element shall provide for a safe, convenient multimodal
1539 transportation system, coordinated with the future land use map
1540 or map series and designed to support all elements of the
1541 comprehensive plan. A local government that has all or part of
1542 its jurisdiction included within the metropolitan planning area
1543 of a metropolitan planning organization (M.P.O.) pursuant to s.
1544 339.175 shall prepare and adopt a transportation element
1545 consistent with this subsection. Local governments that are not
1546 located within the metropolitan planning area of an M.P.O. shall
1547 address traffic circulation, mass transit, and ports, and
1548 aviation and related facilities consistent with this subsection,
1549 except that local governments with a population of 50,000 or
1550 less shall only be required to address transportation
1551 circulation. The element shall be coordinated with the plans and
1552 programs of any applicable metropolitan planning organization,
1553 transportation authority, Florida Transportation Plan, and
1554 Department of Transportation's adopted work program. The
1555 transportation element shall address

1556 ~~(b) A traffic circulation, including element consisting of~~
1557 ~~the types, locations, and extent of existing and proposed major~~
1558 ~~thoroughfares and transportation routes, including bicycle and~~
1559 ~~pedestrian ways. Transportation corridors, as defined in s.~~
1560 ~~334.03, may be designated in the transportation traffic~~
1561 ~~circulation element pursuant to s. 337.273. If the~~
1562 ~~transportation corridors are designated, the local government~~
1563 ~~may adopt a transportation corridor management ordinance. The~~
1564 ~~element shall reflect the data, analysis, and associated~~



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- 1565 principles and strategies relating to:
- 1566 a. The existing transportation system levels of service and
- 1567 system needs and the availability of transportation facilities
- 1568 and services.
- 1569 b. The growth trends and travel patterns and interactions
- 1570 between land use and transportation.
- 1571 c. Existing and projected intermodal deficiencies and
- 1572 needs.
- 1573 d. The projected transportation system levels of service
- 1574 and system needs based upon the future land use map and the
- 1575 projected integrated transportation system.
- 1576 e. How the local government will correct existing facility
- 1577 deficiencies, meet the identified needs of the projected
- 1578 transportation system, and advance the purpose of this paragraph
- 1579 and the other elements of the comprehensive plan.
- 1580 2. Local governments within a metropolitan planning area
- 1581 designated as an M.P.O. pursuant to s. 339.175 shall also
- 1582 address:
- 1583 a. All alternative modes of travel, such as public
- 1584 transportation, pedestrian, and bicycle travel.
- 1585 b. Aviation, rail, seaport facilities, access to those
- 1586 facilities, and intermodal terminals.
- 1587 c. The capability to evacuate the coastal population before
- 1588 an impending natural disaster.
- 1589 d. Airports, projected airport and aviation development,
- 1590 and land use compatibility around airports, which includes areas
- 1591 defined in ss. 333.01 and 333.02.
- 1592 e. An identification of land use densities, building
- 1593 intensities, and transportation management programs to promote



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1594 public transportation systems in designated public
1595 transportation corridors so as to encourage population densities
1596 sufficient to support such systems.

1597 3. Mass-transit provisions showing proposed methods for the
1598 moving of people, rights-of-way, terminals, and related
1599 facilities shall address:

1600 a. The provision of efficient public transit services based
1601 upon existing and proposed major trip generators and attractors,
1602 safe and convenient public transit terminals, land uses, and
1603 accommodation of the special needs of the transportation
1604 disadvantaged.

1605 b. Plans for port, aviation, and related facilities
1606 coordinated with the general circulation and transportation
1607 element.

1608 c. Plans for the circulation of recreational traffic,
1609 including bicycle facilities, exercise trails, riding
1610 facilities, and such other matters as may be related to the
1611 improvement and safety of movement of all types of recreational
1612 traffic.

1613 4. An airport master plan, and any subsequent amendments to
1614 the airport master plan, prepared by a licensed publicly owned
1615 and operated airport under s. 333.06 may be incorporated into
1616 the local government comprehensive plan by the local government
1617 having jurisdiction under this act for the area in which the
1618 airport or projected airport development is located by the
1619 adoption of a comprehensive plan amendment. In the amendment to
1620 the local comprehensive plan that integrates the airport master
1621 plan, the comprehensive plan amendment shall address land use
1622 compatibility consistent with chapter 333 regarding airport



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1623 zoning; the provision of regional transportation facilities for
1624 the efficient use and operation of the transportation system and
1625 airport; consistency with the local government transportation
1626 circulation element and applicable M.P.O. long-range
1627 transportation plans; the execution of any necessary interlocal
1628 agreements for the purposes of the provision of public
1629 facilities and services to maintain the adopted level-of-service
1630 standards for facilities subject to concurrency; and may address
1631 airport-related or aviation-related development. Development or
1632 expansion of an airport consistent with the adopted airport
1633 master plan that has been incorporated into the local
1634 comprehensive plan in compliance with this part, and airport-
1635 related or aviation-related development that has been addressed
1636 in the comprehensive plan amendment that incorporates the
1637 airport master plan, shall not be a development of regional
1638 impact. Notwithstanding any other general law, an airport that
1639 has received a development-of-regional-impact development order
1640 pursuant to s. 380.06, but which is no longer required to
1641 undergo development-of-regional-impact review pursuant to this
1642 subsection, may rescind its development-of-regional-impact order
1643 upon written notification to the applicable local government.
1644 Upon receipt by the local government, the development-of-
1645 regional-impact development order shall be deemed rescinded.

1646 5. The transportation element shall include a map or map
1647 series showing the general location of the existing and proposed
1648 transportation system features and shall be coordinated with the
1649 future land use map or map series. ~~The traffic circulation~~
1650 ~~element shall incorporate transportation strategies to address~~
1651 ~~reduction in greenhouse gas emissions from the transportation~~



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1652 ~~sector.~~

1653 (c) A general sanitary sewer, solid waste, drainage,
1654 potable water, and natural groundwater aquifer recharge element
1655 correlated to principles and guidelines for future land use,
1656 indicating ways to provide for future potable water, drainage,
1657 sanitary sewer, solid waste, and aquifer recharge protection
1658 requirements for the area. The element may be a detailed
1659 engineering plan including a topographic map depicting areas of
1660 prime groundwater recharge.

1661 1. Each local government shall address in the data and
1662 analyses required by this section those facilities that provide
1663 service within the local government's jurisdiction. Local
1664 governments that provide facilities to serve areas within other
1665 local government jurisdictions shall also address those
1666 facilities in the data and analyses required by this section,
1667 using data from the comprehensive plan for those areas for the
1668 purpose of projecting facility needs as required in this
1669 subsection. For shared facilities, each local government shall
1670 indicate the proportional capacity of the systems allocated to
1671 serve its jurisdiction.

1672 2. The element shall describe the problems and needs and
1673 the general facilities that will be required for solution of the
1674 problems and needs, including correcting existing facility
1675 deficiencies. The element shall address coordinating the
1676 extension of, or increase in the capacity of, facilities to meet
1677 future needs while maximizing the use of existing facilities and
1678 discouraging urban sprawl; conservation of potable water
1679 resources; and protecting the functions of natural groundwater
1680 recharge areas and natural drainage features. The element shall



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1681 also include a topographic map depicting any areas adopted by a
1682 regional water management district as prime groundwater recharge
1683 areas for the Floridan or Biscayne aquifers. These areas shall
1684 be given special consideration when the local government is
1685 engaged in zoning or considering future land use for said
1686 designated areas. ~~For areas served by septic tanks, soil surveys~~
1687 ~~shall be provided which indicate the suitability of soils for~~
1688 ~~septic tanks.~~

1689 3. Within 18 months after the governing board approves an
1690 updated regional water supply plan, the element must incorporate
1691 the alternative water supply project or projects selected by the
1692 local government from those identified in the regional water
1693 supply plan pursuant to s. 373.709(2)(a) or proposed by the
1694 local government under s. 373.709(8)(b). If a local government
1695 is located within two water management districts, the local
1696 government shall adopt its comprehensive plan amendment within
1697 18 months after the later updated regional water supply plan.
1698 The element must identify such alternative water supply projects
1699 and traditional water supply projects and conservation and reuse
1700 necessary to meet the water needs identified in s. 373.709(2)(a)
1701 within the local government's jurisdiction and include a work
1702 plan, covering at least a 10-year planning period, for building
1703 public, private, and regional water supply facilities, including
1704 development of alternative water supplies, which are identified
1705 in the element as necessary to serve existing and new
1706 development. The work plan shall be updated, at a minimum, every
1707 5 years within 18 months after the governing board of a water
1708 management district approves an updated regional water supply
1709 plan. ~~Amendments to incorporate the work plan do not count~~



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1710 ~~toward the limitation on the frequency of adoption of amendments~~
1711 ~~to the comprehensive plan.~~ Local governments, public and private
1712 utilities, regional water supply authorities, special districts,
1713 and water management districts are encouraged to cooperatively
1714 plan for the development of multijurisdictional water supply
1715 facilities that are sufficient to meet projected demands for
1716 established planning periods, including the development of
1717 alternative water sources to supplement traditional sources of
1718 groundwater and surface water supplies.

1719 (d) A conservation element for the conservation, use, and
1720 protection of natural resources in the area, including air,
1721 water, water recharge areas, wetlands, waterwells, estuarine
1722 marshes, soils, beaches, shores, flood plains, rivers, bays,
1723 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1724 minerals, and other natural and environmental resources,
1725 including factors that affect energy conservation.

1726 1. The following natural resources, where present within
1727 the local government's boundaries, shall be identified and
1728 analyzed and existing recreational or conservation uses, known
1729 pollution problems, including hazardous wastes, and the
1730 potential for conservation, recreation, use, or protection shall
1731 also be identified:

1732 a. Rivers, bays, lakes, wetlands including estuarine
1733 marshes, groundwaters, and springs, including information on
1734 quality of the resource available.

1735 b. Floodplains.

1736 c. Known sources of commercially valuable minerals.

1737 d. Areas known to have experienced soil erosion problems.

1738 e. Areas that are the location of recreationally and



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1739 commercially important fish or shellfish, wildlife, marine
1740 habitats, and vegetative communities, including forests,
1741 indicating known dominant species present and species listed by
1742 federal, state, or local government agencies as endangered,
1743 threatened, or species of special concern.

1744 2. The element must contain principles, guidelines, and
1745 standards for conservation that provide long-term goals and
1746 which:

1747 a. Protects air quality.

1748 b. Conserves, appropriately uses, and protects the quality
1749 and quantity of current and projected water sources and waters
1750 that flow into estuarine waters or oceanic waters and protect
1751 from activities and land uses known to affect adversely the
1752 quality and quantity of identified water sources, including
1753 natural groundwater recharge areas, wellhead protection areas,
1754 and surface waters used as a source of public water supply.

1755 c. Provides for the emergency conservation of water sources
1756 in accordance with the plans of the regional water management
1757 district.

1758 d. Conserves, appropriately uses, and protects minerals,
1759 soils, and native vegetative communities, including forests,
1760 from destruction by development activities.

1761 e. Conserves, appropriately uses, and protects fisheries,
1762 wildlife, wildlife habitat, and marine habitat and restricts
1763 activities known to adversely affect the survival of endangered
1764 and threatened wildlife.

1765 f. Protects existing natural reservations identified in the
1766 recreation and open space element.

1767 g. Maintains cooperation with adjacent local governments to



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1768 conserve, appropriately use, or protect unique vegetative
1769 communities located within more than one local jurisdiction.

1770 h. Designates environmentally sensitive lands for
1771 protection based on locally determined criteria which further
1772 the goals and objectives of the conservation element.

1773 i. Manages hazardous waste to protect natural resources.

1774 j. Protects and conserves wetlands and the natural
1775 functions of wetlands.

1776 k. Directs future land uses that are incompatible with the
1777 protection and conservation of wetlands and wetland functions
1778 away from wetlands. The type, intensity or density, extent,
1779 distribution, and location of allowable land uses and the types,
1780 values, functions, sizes, conditions, and locations of wetlands
1781 are land use factors that shall be considered when directing
1782 incompatible land uses away from wetlands. Land uses shall be
1783 distributed in a manner that minimizes the effect and impact on
1784 wetlands. The protection and conservation of wetlands by the
1785 direction of incompatible land uses away from wetlands shall
1786 occur in combination with other principles, guidelines,
1787 standards, and strategies in the comprehensive plan. Where
1788 incompatible land uses are allowed to occur, mitigation shall be
1789 considered as one means to compensate for loss of wetlands
1790 functions.

1791 3. ~~Local governments shall assess their~~ Current and, as
1792 well as projected, ~~water~~ needs and sources for at least a 10-
1793 year period based on the demands for industrial, agricultural,
1794 and potable water use and the quality and quantity of water
1795 available to meet these demands shall be analyzed. The analysis
1796 shall consider the existing levels of water conservation, use,



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1797 and protection and applicable policies of the regional water
1798 management district and further must consider, ~~considering~~ the
1799 appropriate regional water supply plan approved pursuant to s.
1800 373.709, or, in the absence of an approved regional water supply
1801 plan, the district water management plan approved pursuant to s.
1802 373.036(2). This information shall be submitted to the
1803 appropriate agencies. ~~The land use map or map series contained~~
1804 ~~in the future land use element shall generally identify and~~
1805 ~~depict the following:~~

- 1806 ~~1. Existing and planned waterwells and cones of influence~~
1807 ~~where applicable.~~
- 1808 ~~2. Beaches and shores, including estuarine systems.~~
- 1809 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~
- 1810 ~~4. Wetlands.~~
- 1811 ~~5. Minerals and soils.~~
- 1812 ~~6. Energy conservation.~~

1813

1814 ~~The land uses identified on such maps shall be consistent with~~
1815 ~~applicable state law and rules.~~

1816 (e) A recreation and open space element indicating a
1817 comprehensive system of public and private sites for recreation,
1818 including, but not limited to, natural reservations, parks and
1819 playgrounds, parkways, beaches and public access to beaches,
1820 open spaces, waterways, and other recreational facilities.

1821 (f)1. A housing element consisting of standards, plans, and
1822 principles, guidelines, standards, and strategies to be followed
1823 in:

1824 a. The provision of housing for all current and anticipated
1825 future residents of the jurisdiction.



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- 1826 b. The elimination of substandard dwelling conditions.
- 1827 c. The structural and aesthetic improvement of existing
1828 housing.
- 1829 d. The provision of adequate sites for future housing,
1830 including affordable workforce housing as defined in s.
1831 380.0651(3)(j), housing for low-income, very low-income, and
1832 moderate-income families, mobile homes, and group home
1833 facilities and foster care facilities, with supporting
1834 infrastructure and public facilities.
- 1835 e. Provision for relocation housing and identification of
1836 historically significant and other housing for purposes of
1837 conservation, rehabilitation, or replacement.
- 1838 f. The formulation of housing implementation programs.
- 1839 g. The creation or preservation of affordable housing to
1840 minimize the need for additional local services and avoid the
1841 concentration of affordable housing units only in specific areas
1842 of the jurisdiction.
- 1843 ~~h. Energy efficiency in the design and construction of new~~
1844 ~~housing.~~
- 1845 ~~i. Use of renewable energy resources.~~
- 1846 ~~j. Each county in which the gap between the buying power of~~
1847 ~~a family of four and the median county home sale price exceeds~~
1848 ~~\$170,000, as determined by the Florida Housing Finance~~
1849 ~~Corporation, and which is not designated as an area of critical~~
1850 ~~state concern shall adopt a plan for ensuring affordable~~
1851 ~~workforce housing. At a minimum, the plan shall identify~~
1852 ~~adequate sites for such housing. For purposes of this sub-~~
1853 ~~paragraph, the term "workforce housing" means housing that is~~
1854 ~~affordable to natural persons or families whose total household~~



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1855 ~~income does not exceed 140 percent of the area median income,~~
1856 ~~adjusted for household size.~~

1857 ~~k. As a precondition to receiving any state affordable~~
1858 ~~housing funding or allocation for any project or program within~~
1859 ~~the jurisdiction of a county that is subject to sub-subparagraph~~
1860 ~~j., a county must, by July 1 of each year, provide certification~~
1861 ~~that the county has complied with the requirements of sub-~~
1862 ~~subparagraph j.~~

1863 2. The principles, guidelines, standards, and strategies
1864 goals, objectives, and policies of the housing element must be
1865 based on the data and analysis prepared on housing needs,
1866 including an inventory taken from the latest decennial United
1867 States Census or more recent estimates, which shall include the
1868 number and distribution of dwelling units by type, tenure, age,
1869 rent, value, monthly cost of owner-occupied units, and rent or
1870 cost to income ratio, and shall show the number of dwelling
1871 units that are substandard. The inventory shall also include the
1872 methodology used to estimate the condition of housing, a
1873 projection of the anticipated number of households by size,
1874 income range, and age of residents derived from the population
1875 projections, and the minimum housing need of the current and
1876 anticipated future residents of the jurisdiction ~~the affordable~~
1877 ~~housing needs assessment.~~

1878 3. The housing element must express principles, guidelines,
1879 standards, and strategies that reflect, as needed, the creation
1880 and preservation of affordable housing for all current and
1881 anticipated future residents of the jurisdiction, elimination of
1882 substandard housing conditions, adequate sites, and distribution
1883 of housing for a range of incomes and types, including mobile



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1884 and manufactured homes. The element must provide for specific
1885 programs and actions to partner with private and nonprofit
1886 sectors to address housing needs in the jurisdiction, streamline
1887 the permitting process, and minimize costs and delays for
1888 affordable housing, establish standards to address the quality
1889 of housing, stabilization of neighborhoods, and identification
1890 and improvement of historically significant housing.

1891 4. State and federal housing plans prepared on behalf of
1892 the local government must be consistent with the goals,
1893 objectives, and policies of the housing element. Local
1894 governments are encouraged to use job training, job creation,
1895 and economic solutions to address a portion of their affordable
1896 housing concerns.

1897 ~~2. To assist local governments in housing data collection~~
1898 ~~and analysis and assure uniform and consistent information~~
1899 ~~regarding the state's housing needs, the state land planning~~
1900 ~~agency shall conduct an affordable housing needs assessment for~~
1901 ~~all local jurisdictions on a schedule that coordinates the~~
1902 ~~implementation of the needs assessment with the evaluation and~~
1903 ~~appraisal reports required by s. 163.3191. Each local government~~
1904 ~~shall utilize the data and analysis from the needs assessment as~~
1905 ~~one basis for the housing element of its local comprehensive~~
1906 ~~plan. The agency shall allow a local government the option to~~
1907 ~~perform its own needs assessment, if it uses the methodology~~
1908 ~~established by the agency by rule.~~

1909 (g)~~1.~~ For those units of local government identified in s.
1910 380.24, a coastal management element, appropriately related to
1911 the particular requirements of paragraphs (d) and (e) and
1912 meeting the requirements of s. 163.3178(2) and (3). The coastal



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1913 management element shall set forth the principles, guidelines,
1914 standards, and strategies ~~policies~~ that shall guide the local
1915 government's decisions and program implementation with respect
1916 to the following objectives:

1917 ~~1.a. Maintain, restore, and enhance Maintenance,~~
1918 ~~restoration, and enhancement of~~ the overall quality of the
1919 coastal zone environment, including, but not limited to, its
1920 amenities and aesthetic values.

1921 ~~2.b. Preserve the~~ continued existence of viable populations
1922 of all species of wildlife and marine life.

1923 ~~3.e. Protect~~ the orderly and balanced utilization and
1924 preservation, consistent with sound conservation principles, of
1925 all living and nonliving coastal zone resources.

1926 ~~4.d. Avoid Avoidance of~~ irreversible and irretrievable loss
1927 of coastal zone resources.

1928 ~~5.e. Use~~ ecological planning principles and assumptions ~~to~~
1929 ~~be used~~ in the determination of the suitability ~~and extent~~ of
1930 permitted development.

1931 ~~f. Proposed management and regulatory techniques.~~

1932 ~~6.g. Limit Limitation of~~ public expenditures that subsidize
1933 development in ~~high-hazard~~ coastal high-hazard areas.

1934 ~~7.h. Protect Protection of~~ human life against the effects
1935 of natural disasters.

1936 ~~8.i. Direct~~ the orderly development, maintenance, and use
1937 of ports identified in s. 403.021(9) to facilitate deepwater
1938 commercial navigation and other related activities.

1939 ~~9.j. Preserve historic and archaeological resources, which~~
1940 include the ~~Preservation, including~~ sensitive adaptive use of
1941 these historic and archaeological resources.



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1942 ~~2. As part of this element, a local government that has a~~
1943 ~~coastal management element in its comprehensive plan is~~
1944 ~~encouraged to adopt recreational surface water use policies that~~
1945 ~~include applicable criteria for and consider such factors as~~
1946 ~~natural resources, manatee protection needs, protection of~~
1947 ~~working waterfronts and public access to the water, and~~
1948 ~~recreation and economic demands. Criteria for manatee protection~~
1949 ~~in the recreational surface water use policies should reflect~~
1950 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
1951 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
1952 ~~the local government elects to adopt recreational surface water~~
1953 ~~use policies by comprehensive plan amendment, such comprehensive~~
1954 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
1955 ~~Local governments that wish to adopt recreational surface water~~
1956 ~~use policies may be eligible for assistance with the development~~
1957 ~~of such policies through the Florida Coastal Management Program.~~
1958 ~~The Office of Program Policy Analysis and Government~~
1959 ~~Accountability shall submit a report on the adoption of~~
1960 ~~recreational surface water use policies under this subparagraph~~
1961 ~~to the President of the Senate, the Speaker of the House of~~
1962 ~~Representatives, and the majority and minority leaders of the~~
1963 ~~Senate and the House of Representatives no later than December~~
1964 ~~1, 2010.~~

1965 (h)1. An intergovernmental coordination element showing
1966 relationships and stating principles and guidelines to be used
1967 in coordinating the adopted comprehensive plan with the plans of
1968 school boards, regional water supply authorities, and other
1969 units of local government providing services but not having
1970 regulatory authority over the use of land, with the



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1971 comprehensive plans of adjacent municipalities, the county,
1972 adjacent counties, or the region, with the state comprehensive
1973 plan and with the applicable regional water supply plan approved
1974 pursuant to s. 373.709, as the case may require and as such
1975 adopted plans or plans in preparation may exist. This element of
1976 the local comprehensive plan must demonstrate consideration of
1977 the particular effects of the local plan, when adopted, upon the
1978 development of adjacent municipalities, the county, adjacent
1979 counties, or the region, or upon the state comprehensive plan,
1980 as the case may require.

1981 a. The intergovernmental coordination element must provide
1982 procedures for identifying and implementing joint planning
1983 areas, especially for the purpose of annexation, municipal
1984 incorporation, and joint infrastructure service areas.

1985 ~~b. The intergovernmental coordination element must provide~~
1986 ~~for recognition of campus master plans prepared pursuant to s.~~
1987 ~~1013.30 and airport master plans under paragraph (k).~~

1988 ~~b.e.~~ The intergovernmental coordination element shall
1989 provide for a dispute resolution process, as established
1990 pursuant to s. 186.509, for bringing intergovernmental disputes
1991 to closure in a timely manner.

1992 ~~c.d.~~ The intergovernmental coordination element shall
1993 provide for interlocal agreements as established pursuant to s.
1994 333.03(1) (b) .

1995 2. The intergovernmental coordination element shall also
1996 state principles and guidelines to be used in coordinating the
1997 adopted comprehensive plan with the plans of school boards and
1998 other units of local government providing facilities and
1999 services but not having regulatory authority over the use of



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2000 land. In addition, the intergovernmental coordination element
2001 must describe joint processes for collaborative planning and
2002 decisionmaking on population projections and public school
2003 siting, the location and extension of public facilities subject
2004 to concurrency, and siting facilities with countywide
2005 significance, including locally unwanted land uses whose nature
2006 and identity are established in an agreement.

2007 3. Within 1 year after adopting their intergovernmental
2008 coordination elements, each county, all the municipalities
2009 within that county, the district school board, and any unit of
2010 local government service providers in that county shall
2011 establish by interlocal or other formal agreement executed by
2012 all affected entities, the joint processes described in this
2013 subparagraph consistent with their adopted intergovernmental
2014 coordination elements. The element must:

2015 a. Ensure that the local government addresses through
2016 coordination mechanisms the impacts of development proposed in
2017 the local comprehensive plan upon development in adjacent
2018 municipalities, the county, adjacent counties, the region, and
2019 the state. The area of concern for municipalities shall include
2020 adjacent municipalities, the county, and counties adjacent to
2021 the municipality. The area of concern for counties shall include
2022 all municipalities within the county, adjacent counties, and
2023 adjacent municipalities.

2024 b. Ensure coordination in establishing level of service
2025 standards for public facilities with any state, regional, or
2026 local entity having operational and maintenance responsibility
2027 for such facilities.

2028 ~~3. To foster coordination between special districts and~~



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2029 ~~local general purpose governments as local general purpose~~
2030 ~~governments implement local comprehensive plans, each~~
2031 ~~independent special district must submit a public facilities~~
2032 ~~report to the appropriate local government as required by s.~~
2033 ~~189.415.~~

2034 ~~4. Local governments shall execute an interlocal agreement~~
2035 ~~with the district school board, the county, and nonexempt~~
2036 ~~municipalities pursuant to s. 163.31777. The local government~~
2037 ~~shall amend the intergovernmental coordination element to ensure~~
2038 ~~that coordination between the local government and school board~~
2039 ~~is pursuant to the agreement and shall state the obligations of~~
2040 ~~the local government under the agreement. Plan amendments that~~
2041 ~~comply with this subparagraph are exempt from the provisions of~~
2042 ~~s. 163.3187(1).~~

2043 ~~5. By January 1, 2004, any county having a population~~
2044 ~~greater than 100,000, and the municipalities and special~~
2045 ~~districts within that county, shall submit a report to the~~
2046 ~~Department of Community Affairs which identifies:~~

2047 ~~a. All existing or proposed interlocal service delivery~~
2048 ~~agreements relating to education; sanitary sewer; public safety;~~
2049 ~~solid waste; drainage; potable water; parks and recreation; and~~
2050 ~~transportation facilities.~~

2051 ~~b. Any deficits or duplication in the provision of services~~
2052 ~~within its jurisdiction, whether capital or operational. Upon~~
2053 ~~request, the Department of Community Affairs shall provide~~
2054 ~~technical assistance to the local governments in identifying~~
2055 ~~deficits or duplication.~~

2056 ~~6. Within 6 months after submission of the report, the~~
2057 ~~Department of Community Affairs shall, through the appropriate~~



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2058 ~~regional planning council, coordinate a meeting of all local~~
2059 ~~governments within the regional planning area to discuss the~~
2060 ~~reports and potential strategies to remedy any identified~~
2061 ~~deficiencies or duplications.~~

2062 ~~7. Each local government shall update its intergovernmental~~
2063 ~~coordination element based upon the findings in the report~~
2064 ~~submitted pursuant to subparagraph 5. The report may be used as~~
2065 ~~supporting data and analysis for the intergovernmental~~
2066 ~~coordination element.~~

2067 ~~(i) The optional elements of the comprehensive plan in~~
2068 ~~paragraphs (7) (a) and (b) are required elements for those~~
2069 ~~municipalities having populations greater than 50,000, and those~~
2070 ~~counties having populations greater than 75,000, as determined~~
2071 ~~under s. 186.901.~~

2072 ~~(j) For each unit of local government within an urbanized~~
2073 ~~area designated for purposes of s. 339.175, a transportation~~
2074 ~~element, which must be prepared and adopted in lieu of the~~
2075 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
2076 ~~and (d) and which shall address the following issues:~~

2077 ~~1. Traffic circulation, including major thoroughfares and~~
2078 ~~other routes, including bicycle and pedestrian ways.~~

2079 ~~2. All alternative modes of travel, such as public~~
2080 ~~transportation, pedestrian, and bicycle travel.~~

2081 ~~3. Parking facilities.~~

2082 ~~4. Aviation, rail, seaport facilities, access to those~~
2083 ~~facilities, and intermodal terminals.~~

2084 ~~5. The availability of facilities and services to serve~~
2085 ~~existing land uses and the compatibility between future land use~~
2086 ~~and transportation elements.~~



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2087 ~~6. The capability to evacuate the coastal population prior~~
2088 ~~to an impending natural disaster.~~

2089 ~~7. Airports, projected airport and aviation development,~~
2090 ~~and land use compatibility around airports, which includes areas~~
2091 ~~defined in ss. 333.01 and 333.02.~~

2092 ~~8. An identification of land use densities, building~~
2093 ~~intensities, and transportation management programs to promote~~
2094 ~~public transportation systems in designated public~~
2095 ~~transportation corridors so as to encourage population densities~~
2096 ~~sufficient to support such systems.~~

2097 ~~9. May include transportation corridors, as defined in s.~~
2098 ~~334.03, intended for future transportation facilities designated~~
2099 ~~pursuant to s. 337.273. If transportation corridors are~~
2100 ~~designated, the local government may adopt a transportation~~
2101 ~~corridor management ordinance.~~

2102 ~~10. The incorporation of transportation strategies to~~
2103 ~~address reduction in greenhouse gas emissions from the~~
2104 ~~transportation sector.~~

2105 ~~(k) An airport master plan, and any subsequent amendments~~
2106 ~~to the airport master plan, prepared by a licensed publicly~~
2107 ~~owned and operated airport under s. 333.06 may be incorporated~~
2108 ~~into the local government comprehensive plan by the local~~
2109 ~~government having jurisdiction under this act for the area in~~
2110 ~~which the airport or projected airport development is located by~~
2111 ~~the adoption of a comprehensive plan amendment. In the amendment~~
2112 ~~to the local comprehensive plan that integrates the airport~~
2113 ~~master plan, the comprehensive plan amendment shall address land~~
2114 ~~use compatibility consistent with chapter 333 regarding airport~~
2115 ~~zoning; the provision of regional transportation facilities for~~



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2116 ~~the efficient use and operation of the transportation system and~~
2117 ~~airport; consistency with the local government transportation~~
2118 ~~circulation element and applicable metropolitan planning~~
2119 ~~organization long-range transportation plans; and the execution~~
2120 ~~of any necessary interlocal agreements for the purposes of the~~
2121 ~~provision of public facilities and services to maintain the~~
2122 ~~adopted level of service standards for facilities subject to~~
2123 ~~concurrency; and may address airport-related or aviation-related~~
2124 ~~development. Development or expansion of an airport consistent~~
2125 ~~with the adopted airport master plan that has been incorporated~~
2126 ~~into the local comprehensive plan in compliance with this part,~~
2127 ~~and airport-related or aviation-related development that has~~
2128 ~~been addressed in the comprehensive plan amendment that~~
2129 ~~incorporates the airport master plan, shall not be a development~~
2130 ~~of regional impact. Notwithstanding any other general law, an~~
2131 ~~airport that has received a development of regional impact~~
2132 ~~development order pursuant to s. 380.06, but which is no longer~~
2133 ~~required to undergo development of regional impact review~~
2134 ~~pursuant to this subsection, may abandon its development of~~
2135 ~~regional impact order upon written notification to the~~
2136 ~~applicable local government. Upon receipt by the local~~
2137 ~~government, the development of regional impact development order~~
2138 ~~is void.~~

2139 ~~(7) The comprehensive plan may include the following~~
2140 ~~additional elements, or portions or phases thereof:~~

2141 ~~(a) As a part of the circulation element of paragraph~~
2142 ~~(6)(b) or as a separate element, a mass transit element showing~~
2143 ~~proposed methods for the moving of people, rights-of-way,~~
2144 ~~terminals, related facilities, and fiscal considerations for the~~



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2145 ~~accomplishment of the element.~~

2146 ~~(b) As a part of the circulation element of paragraph~~
2147 ~~(6) (b) or as a separate element, plans for port, aviation, and~~
2148 ~~related facilities coordinated with the general circulation and~~
2149 ~~transportation element.~~

2150 ~~(c) As a part of the circulation element of paragraph~~
2151 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
2152 ~~applicable, a plan element for the circulation of recreational~~
2153 ~~traffic, including bicycle facilities, exercise trails, riding~~
2154 ~~facilities, and such other matters as may be related to the~~
2155 ~~improvement and safety of movement of all types of recreational~~
2156 ~~traffic.~~

2157 ~~(d) As a part of the circulation element of paragraph~~
2158 ~~(6) (b) or as a separate element, a plan element for the~~
2159 ~~development of offstreet parking facilities for motor vehicles~~
2160 ~~and the fiscal considerations for the accomplishment of the~~
2161 ~~element.~~

2162 ~~(e) A public buildings and related facilities element~~
2163 ~~showing locations and arrangements of civic and community~~
2164 ~~centers, public schools, hospitals, libraries, police and fire~~
2165 ~~stations, and other public buildings. This plan element should~~
2166 ~~show particularly how it is proposed to effect coordination with~~
2167 ~~governmental units, such as school boards or hospital~~
2168 ~~authorities, having public development and service~~
2169 ~~responsibilities, capabilities, and potential but not having~~
2170 ~~land development regulatory authority. This element may include~~
2171 ~~plans for architecture and landscape treatment of their grounds.~~

2172 ~~(f) A recommended community design element which may~~
2173 ~~consist of design recommendations for land subdivision,~~



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2174 ~~neighborhood development and redevelopment, design of open space~~
2175 ~~locations, and similar matters to the end that such~~
2176 ~~recommendations may be available as aids and guides to~~
2177 ~~developers in the future planning and development of land in the~~
2178 ~~area.~~

2179 ~~(g) A general area redevelopment element consisting of~~
2180 ~~plans and programs for the redevelopment of slums and blighted~~
2181 ~~locations in the area and for community redevelopment, including~~
2182 ~~housing sites, business and industrial sites, public buildings~~
2183 ~~sites, recreational facilities, and other purposes authorized by~~
2184 ~~law.~~

2185 ~~(h) A safety element for the protection of residents and~~
2186 ~~property of the area from fire, hurricane, or manmade or natural~~
2187 ~~catastrophe, including such necessary features for protection as~~
2188 ~~evacuation routes and their control in an emergency, water~~
2189 ~~supply requirements, minimum road widths, clearances around and~~
2190 ~~elevations of structures, and similar matters.~~

2191 ~~(i) An historical and scenic preservation element setting~~
2192 ~~out plans and programs for those structures or lands in the area~~
2193 ~~having historical, archaeological, architectural, scenic, or~~
2194 ~~similar significance.~~

2195 ~~(j) An economic element setting forth principles and~~
2196 ~~guidelines for the commercial and industrial development, if~~
2197 ~~any, and the employment and personnel utilization within the~~
2198 ~~area. The element may detail the type of commercial and~~
2199 ~~industrial development sought, correlated to the present and~~
2200 ~~projected employment needs of the area and to other elements of~~
2201 ~~the plans, and may set forth methods by which a balanced and~~
2202 ~~stable economic base will be pursued.~~



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2203 ~~(k) Such other elements as may be peculiar to, and~~
2204 ~~necessary for, the area concerned and as are added to the~~
2205 ~~comprehensive plan by the governing body upon the recommendation~~
2206 ~~of the local planning agency.~~

2207 ~~(l) Local governments that are not required to prepare~~
2208 ~~coastal management elements under s. 163.3178 are encouraged to~~
2209 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
2210 ~~plans should, at a minimum, establish long-term policies~~
2211 ~~regarding redevelopment, infrastructure, densities,~~
2212 ~~nonconforming uses, and future land use patterns. Grants to~~
2213 ~~assist local governments in the preparation of these hazard~~
2214 ~~mitigation/postdisaster redevelopment plans shall be available~~
2215 ~~through the Emergency Management Preparedness and Assistance~~
2216 ~~Account in the Grants and Donations Trust Fund administered by~~
2217 ~~the department, if such account is created by law. The plans~~
2218 ~~must be in compliance with the requirements of this act and~~
2219 ~~chapter 252.~~

2220 ~~(8) All elements of the comprehensive plan, whether~~
2221 ~~mandatory or optional, shall be based upon data appropriate to~~
2222 ~~the element involved. Surveys and studies utilized in the~~
2223 ~~preparation of the comprehensive plan shall not be deemed a part~~
2224 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
2225 ~~of such studies, surveys, and supporting documents shall be made~~
2226 ~~available to public inspection, and copies of such plans shall~~
2227 ~~be made available to the public upon payment of reasonable~~
2228 ~~charges for reproduction.~~

2229 ~~(9) The state land planning agency shall, by February 15,~~
2230 ~~1986, adopt by rule minimum criteria for the review and~~
2231 ~~determination of compliance of the local government~~



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2232 ~~comprehensive plan elements required by this act. Such rules~~
2233 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
2234 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
2235 ~~become effective only after they have been submitted to the~~
2236 ~~President of the Senate and the Speaker of the House of~~
2237 ~~Representatives for review by the Legislature no later than 30~~
2238 ~~days prior to the next regular session of the Legislature. In~~
2239 ~~its review the Legislature may reject, modify, or take no action~~
2240 ~~relative to the rules. The agency shall conform the rules to the~~
2241 ~~changes made by the Legislature, or, if no action was taken, the~~
2242 ~~agency rules shall become effective. The rule shall include~~
2243 ~~criteria for determining whether:~~

2244 ~~(a) Proposed elements are in compliance with the~~
2245 ~~requirements of part II, as amended by this act.~~

2246 ~~(b) Other elements of the comprehensive plan are related to~~
2247 ~~and consistent with each other.~~

2248 ~~(c) The local government comprehensive plan elements are~~
2249 ~~consistent with the state comprehensive plan and the appropriate~~
2250 ~~regional policy plan pursuant to s. 186.508.~~

2251 ~~(d) Certain bays, estuaries, and harbors that fall under~~
2252 ~~the jurisdiction of more than one local government are managed~~
2253 ~~in a consistent and coordinated manner in the case of local~~
2254 ~~governments required to include a coastal management element in~~
2255 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2256 ~~(e) Proposed elements identify the mechanisms and~~
2257 ~~procedures for monitoring, evaluating, and appraising~~
2258 ~~implementation of the plan. Specific measurable objectives are~~
2259 ~~included to provide a basis for evaluating effectiveness as~~
2260 ~~required by s. 163.3191.~~



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2261 ~~(f) Proposed elements contain policies to guide future~~
2262 ~~decisions in a consistent manner.~~

2263 ~~(g) Proposed elements contain programs and activities to~~
2264 ~~ensure that comprehensive plans are implemented.~~

2265 ~~(h) Proposed elements identify the need for and the~~
2266 ~~processes and procedures to ensure coordination of all~~
2267 ~~development activities and services with other units of local~~
2268 ~~government, regional planning agencies, water management~~
2269 ~~districts, and state and federal agencies as appropriate.~~
2270

2271 ~~The state land planning agency may adopt procedural rules that~~
2272 ~~are consistent with this section and chapter 120 for the review~~
2273 ~~of local government comprehensive plan elements required under~~
2274 ~~this section. The state land planning agency shall provide model~~
2275 ~~plans and ordinances and, upon request, other assistance to~~
2276 ~~local governments in the adoption and implementation of their~~
2277 ~~revised local government comprehensive plans. The review and~~
2278 ~~comment provisions applicable prior to October 1, 1985, shall~~
2279 ~~continue in effect until the criteria for review and~~
2280 ~~determination are adopted pursuant to this subsection and the~~
2281 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2282 ~~(10) The Legislature recognizes the importance and~~
2283 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
2284 ~~Minimum Criteria for Review of Local Government Comprehensive~~
2285 ~~Plans and Determination of Compliance of the Department of~~
2286 ~~Community Affairs that will be used to determine compliance of~~
2287 ~~local comprehensive plans. The Legislature reserved unto itself~~
2288 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
2289 ~~and to reject, modify, or take no action relative to this rule.~~



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2290 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
2291 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
2292 ~~expresses the following legislative intent:~~

2293 ~~(a) The Legislature finds that in order for the department~~
2294 ~~to review local comprehensive plans, it is necessary to define~~
2295 ~~the term "consistency." Therefore, for the purpose of~~
2296 ~~determining whether local comprehensive plans are consistent~~
2297 ~~with the state comprehensive plan and the appropriate regional~~
2298 ~~policy plan, a local plan shall be consistent with such plans if~~
2299 ~~the local plan is "compatible with" and "furthers" such plans.~~
2300 ~~The term "compatible with" means that the local plan is not in~~
2301 ~~conflict with the state comprehensive plan or appropriate~~
2302 ~~regional policy plan. The term "furthers" means to take action~~
2303 ~~in the direction of realizing goals or policies of the state or~~
2304 ~~regional plan. For the purposes of determining consistency of~~
2305 ~~the local plan with the state comprehensive plan or the~~
2306 ~~appropriate regional policy plan, the state or regional plan~~
2307 ~~shall be construed as a whole and no specific goal and policy~~
2308 ~~shall be construed or applied in isolation from the other goals~~
2309 ~~and policies in the plans.~~

2310 ~~(b) Each local government shall review all the state~~
2311 ~~comprehensive plan goals and policies and shall address in its~~
2312 ~~comprehensive plan the goals and policies which are relevant to~~
2313 ~~the circumstances or conditions in its jurisdiction. The~~
2314 ~~decision regarding which particular state comprehensive plan~~
2315 ~~goals and policies will be furthered by the expenditure of a~~
2316 ~~local government's financial resources in any given year is a~~
2317 ~~decision which rests solely within the discretion of the local~~
2318 ~~government. Intergovernmental coordination, as set forth in~~



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2319 ~~paragraph (6) (h), shall be utilized to the extent required to~~
2320 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
2321 ~~Code.~~

2322 ~~(c) The Legislature declares that if any portion of chapter~~
2323 ~~9J-5, Florida Administrative Code, is found to be in conflict~~
2324 ~~with this part, the appropriate statutory provision shall~~
2325 ~~prevail.~~

2326 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
2327 ~~mandate the creation, limitation, or elimination of regulatory~~
2328 ~~authority, nor does it authorize the adoption or require the~~
2329 ~~repeal of any rules, criteria, or standards of any local,~~
2330 ~~regional, or state agency.~~

2331 ~~(e) It is the Legislature's intent that support data or~~
2332 ~~summaries thereof shall not be subject to the compliance review~~
2333 ~~process, but the Legislature intends that goals and policies be~~
2334 ~~clearly based on appropriate data. The department may utilize~~
2335 ~~support data or summaries thereof to aid in its determination of~~
2336 ~~compliance and consistency. The Legislature intends that the~~
2337 ~~department may evaluate the application of a methodology~~
2338 ~~utilized in data collection or whether a particular methodology~~
2339 ~~is professionally accepted. However, the department shall not~~
2340 ~~evaluate whether one accepted methodology is better than~~
2341 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
2342 ~~construed to require original data collection by local~~
2343 ~~governments; however, Local governments are not to be~~
2344 ~~discouraged from utilizing original data so long as~~
2345 ~~methodologies are professionally accepted.~~

2346 ~~(f) The Legislature recognizes that under this section,~~
2347 ~~local governments are charged with setting levels of service for~~



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2348 ~~public facilities in their comprehensive plans in accordance~~
2349 ~~with which development orders and permits will be issued~~
2350 ~~pursuant to s. 163.3202(2) (g). Nothing herein shall supersede~~
2351 ~~the authority of state, regional, or local agencies as otherwise~~
2352 ~~provided by law.~~

2353 ~~(g) Definitions contained in chapter 9J-5, Florida~~
2354 ~~Administrative Code, are not intended to modify or amend the~~
2355 ~~definitions utilized for purposes of other programs or rules or~~
2356 ~~to establish or limit regulatory authority. Local governments~~
2357 ~~may establish alternative definitions in local comprehensive~~
2358 ~~plans, as long as such definitions accomplish the intent of this~~
2359 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2360 ~~(h) It is the intent of the Legislature that public~~
2361 ~~facilities and services needed to support development shall be~~
2362 ~~available concurrent with the impacts of such development in~~
2363 ~~accordance with s. 163.3180. In meeting this intent, public~~
2364 ~~facility and service availability shall be deemed sufficient if~~
2365 ~~the public facilities and services for a development are phased,~~
2366 ~~or the development is phased, so that the public facilities and~~
2367 ~~those related services which are deemed necessary by the local~~
2368 ~~government to operate the facilities necessitated by that~~
2369 ~~development are available concurrent with the impacts of the~~
2370 ~~development. The public facilities and services, unless already~~
2371 ~~available, are to be consistent with the capital improvements~~
2372 ~~element of the local comprehensive plan as required by paragraph~~
2373 ~~(3) (a) or guaranteed in an enforceable development agreement.~~
2374 ~~This shall include development agreements pursuant to this~~
2375 ~~chapter or in an agreement or a development order issued~~
2376 ~~pursuant to chapter 380. Nothing herein shall be construed to~~



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2377 ~~require a local government to address services in its capital~~
2378 ~~improvements plan or to limit a local government's ability to~~
2379 ~~address any service in its capital improvements plan that it~~
2380 ~~deems necessary.~~

2381 ~~(i) The department shall take into account the factors~~
2382 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
2383 ~~it provides assistance to local governments and applies the rule~~
2384 ~~in specific situations with regard to the detail of the data and~~
2385 ~~analysis required.~~

2386 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
2387 ~~effective pursuant to subsection (9). The Legislature hereby~~
2388 ~~directs the department to adopt amendments as necessary which~~
2389 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
2390 ~~requirements of this legislative intent by October 1, 1986.~~

2391 ~~(k) In order for local governments to prepare and adopt~~
2392 ~~comprehensive plans with knowledge of the rules that are applied~~
2393 ~~to determine consistency of the plans with this part, there~~
2394 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
2395 ~~Florida Administrative Code, at the close of the 1986~~
2396 ~~legislative session. Therefore, the Legislature declares that~~
2397 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
2398 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
2399 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~
2400 ~~Florida Administrative Code, as amended, is subject to rule~~
2401 ~~challenges under s. 120.56(3), as nothing herein indicates~~
2402 ~~approval or disapproval of any portion of chapter 9J-5 not~~
2403 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
2404 ~~Florida Administrative Code, exclusive of the amendments adopted~~
2405 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~



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2406 ~~to the full chapter 120 process. All amendments shall have~~
2407 ~~effective dates as provided in chapter 120 and submission to the~~
2408 ~~President of the Senate and Speaker of the House of~~
2409 ~~Representatives shall not be required.~~

2410 ~~(1) The state land planning agency shall consider land use~~
2411 ~~compatibility issues in the vicinity of all airports in~~
2412 ~~coordination with the Department of Transportation and adjacent~~
2413 ~~to or in close proximity to all military installations in~~
2414 ~~coordination with the Department of Defense.~~

2415 ~~(11) (a) The Legislature recognizes the need for innovative~~
2416 ~~planning and development strategies which will address the~~
2417 ~~anticipated demands of continued urbanization of Florida's~~
2418 ~~coastal and other environmentally sensitive areas, and which~~
2419 ~~will accommodate the development of less populated regions of~~
2420 ~~the state which seek economic development and which have~~
2421 ~~suitable land and water resources to accommodate growth in an~~
2422 ~~environmentally acceptable manner. The Legislature further~~
2423 ~~recognizes the substantial advantages of innovative approaches~~
2424 ~~to development which may better serve to protect environmentally~~
2425 ~~sensitive areas, maintain the economic viability of agricultural~~
2426 ~~and other predominantly rural land uses, and provide for the~~
2427 ~~cost-efficient delivery of public facilities and services.~~

2428 ~~(b) It is the intent of the Legislature that the local~~
2429 ~~government comprehensive plans and plan amendments adopted~~
2430 ~~pursuant to the provisions of this part provide for a planning~~
2431 ~~process which allows for land use efficiencies within existing~~
2432 ~~urban areas and which also allows for the conversion of rural~~
2433 ~~lands to other uses, where appropriate and consistent with the~~
2434 ~~other provisions of this part and the affected local~~



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2435 ~~comprehensive plans, through the application of innovative and~~
2436 ~~flexible planning and development strategies and creative land~~
2437 ~~use planning techniques, which may include, but not be limited~~
2438 ~~to, urban villages, new towns, satellite communities, area-based~~
2439 ~~allocations, clustering and open space provisions, mixed-use~~
2440 ~~development, and sector planning.~~

2441 ~~(c) It is the further intent of the Legislature that local~~
2442 ~~government comprehensive plans and implementing land development~~
2443 ~~regulations shall provide strategies which maximize the use of~~
2444 ~~existing facilities and services through redevelopment, urban~~
2445 ~~infill development, and other strategies for urban~~
2446 ~~revitalization.~~

2447 ~~(d)1. The department, in cooperation with the Department of~~
2448 ~~Agriculture and Consumer Services, the Department of~~
2449 ~~Environmental Protection, water management districts, and~~
2450 ~~regional planning councils, shall provide assistance to local~~
2451 ~~governments in the implementation of this paragraph and rule 9J-~~
2452 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~
2453 ~~those provisions shall include a process by which the department~~
2454 ~~may authorize local governments to designate all or portions of~~
2455 ~~lands classified in the future land use element as predominantly~~
2456 ~~agricultural, rural, open, open-rural, or a substantively~~
2457 ~~equivalent land use, as a rural land stewardship area within~~
2458 ~~which planning and economic incentives are applied to encourage~~
2459 ~~the implementation of innovative and flexible planning and~~
2460 ~~development strategies and creative land use planning~~
2461 ~~techniques, including those contained herein and in rule 9J-~~
2462 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
2463 ~~include, but is not limited to:~~



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2464 ~~a. Assistance from the Department of Environmental~~
2465 ~~Protection and water management districts in creating the~~
2466 ~~geographic information systems land cover database and aerial~~
2467 ~~photogrammetry needed to prepare for a rural land stewardship~~
2468 ~~area;~~

2469 ~~b. Support for local government implementation of rural~~
2470 ~~land stewardship concepts by providing information and~~
2471 ~~assistance to local governments regarding land acquisition~~
2472 ~~programs that may be used by the local government or landowners~~
2473 ~~to leverage the protection of greater acreage and maximize the~~
2474 ~~effectiveness of rural land stewardship areas; and~~

2475 ~~e. Expansion of the role of the Department of Community~~
2476 ~~Affairs as a resource agency to facilitate establishment of~~
2477 ~~rural land stewardship areas in smaller rural counties that do~~
2478 ~~not have the staff or planning budgets to create a rural land~~
2479 ~~stewardship area.~~

2480 ~~2. The department shall encourage participation by local~~
2481 ~~governments of different sizes and rural characteristics in~~
2482 ~~establishing and implementing rural land stewardship areas. It~~
2483 ~~is the intent of the Legislature that rural land stewardship~~
2484 ~~areas be used to further the following broad principles of rural~~
2485 ~~sustainability: restoration and maintenance of the economic~~
2486 ~~value of rural land; control of urban sprawl; identification and~~
2487 ~~protection of ecosystems, habitats, and natural resources;~~
2488 ~~promotion of rural economic activity; maintenance of the~~
2489 ~~viability of Florida's agricultural economy; and protection of~~
2490 ~~the character of rural areas of Florida. Rural land stewardship~~
2491 ~~areas may be multicounty in order to encourage coordinated~~
2492 ~~regional stewardship planning.~~



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2493 ~~3. A local government, in conjunction with a regional~~
2494 ~~planning council, a stakeholder organization of private land~~
2495 ~~owners, or another local government, shall notify the department~~
2496 ~~in writing of its intent to designate a rural land stewardship~~
2497 ~~area. The written notification shall describe the basis for the~~
2498 ~~designation, including the extent to which the rural land~~
2499 ~~stewardship area enhances rural land values, controls urban~~
2500 ~~sprawl, provides necessary open space for agriculture and~~
2501 ~~protection of the natural environment, promotes rural economic~~
2502 ~~activity, and maintains rural character and the economic~~
2503 ~~viability of agriculture.~~

2504 ~~4. A rural land stewardship area shall be not less than~~
2505 ~~10,000 acres and shall be located outside of municipalities and~~
2506 ~~established urban growth boundaries, and shall be designated by~~
2507 ~~plan amendment. The plan amendment designating a rural land~~
2508 ~~stewardship area shall be subject to review by the Department of~~
2509 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
2510 ~~the following:~~

2511 ~~a. Criteria for the designation of receiving areas within~~
2512 ~~rural land stewardship areas in which innovative planning and~~
2513 ~~development strategies may be applied. Criteria shall at a~~
2514 ~~minimum provide for the following: adequacy of suitable land to~~
2515 ~~accommodate development so as to avoid conflict with~~
2516 ~~environmentally sensitive areas, resources, and habitats;~~
2517 ~~compatibility between and transition from higher density uses to~~
2518 ~~lower intensity rural uses; the establishment of receiving area~~
2519 ~~service boundaries which provide for a separation between~~
2520 ~~receiving areas and other land uses within the rural land~~
2521 ~~stewardship area through limitations on the extension of~~



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2522 ~~services; and connection of receiving areas with the rest of the~~
2523 ~~rural land stewardship area using rural design and rural road~~
2524 ~~corridors.~~

2525 ~~b. Goals, objectives, and policies setting forth the~~
2526 ~~innovative planning and development strategies to be applied~~
2527 ~~within rural land stewardship areas pursuant to the provisions~~
2528 ~~of this section.~~

2529 ~~e. A process for the implementation of innovative planning~~
2530 ~~and development strategies within the rural land stewardship~~
2531 ~~area, including those described in this subsection and rule 9J-~~
2532 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
2533 ~~functional mix of land uses, including adequate available~~
2534 ~~workforce housing, including low, very low and moderate income~~
2535 ~~housing for the development anticipated in the receiving area~~
2536 ~~and which are applied through the adoption by the local~~
2537 ~~government of zoning and land development regulations applicable~~
2538 ~~to the rural land stewardship area.~~

2539 ~~d. A process which encourages visioning pursuant to s.~~
2540 ~~163.3167(11) to ensure that innovative planning and development~~
2541 ~~strategies comply with the provisions of this section.~~

2542 ~~e. The control of sprawl through the use of innovative~~
2543 ~~strategies and creative land use techniques consistent with the~~
2544 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
2545 ~~Administrative Code.~~

2546 ~~5. A receiving area shall be designated by the adoption of~~
2547 ~~a land development regulation. Prior to the designation of a~~
2548 ~~receiving area, the local government shall provide the~~
2549 ~~Department of Community Affairs a period of 30 days in which to~~
2550 ~~review a proposed receiving area for consistency with the rural~~



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2551 ~~land stewardship area plan amendment and to provide comments to~~
2552 ~~the local government. At the time of designation of a~~
2553 ~~stewardship receiving area, a listed species survey will be~~
2554 ~~performed. If listed species occur on the receiving area site,~~
2555 ~~the developer shall coordinate with each appropriate local,~~
2556 ~~state, or federal agency to determine if adequate provisions~~
2557 ~~have been made to protect those species in accordance with~~
2558 ~~applicable regulations. In determining the adequacy of~~
2559 ~~provisions for the protection of listed species and their~~
2560 ~~habitats, the rural land stewardship area shall be considered as~~
2561 ~~a whole, and the impacts to areas to be developed as receiving~~
2562 ~~areas shall be considered together with the environmental~~
2563 ~~benefits of areas protected as sending areas in fulfilling this~~
2564 ~~criteria.~~

2565 ~~6. Upon the adoption of a plan amendment creating a rural~~
2566 ~~land stewardship area, the local government shall, by ordinance,~~
2567 ~~establish the methodology for the creation, conveyance, and use~~
2568 ~~of transferable rural land use credits, otherwise referred to as~~
2569 ~~stewardship credits, the application of which shall not~~
2570 ~~constitute a right to develop land, nor increase density of~~
2571 ~~land, except as provided by this section. The total amount of~~
2572 ~~transferable rural land use credits within the rural land~~
2573 ~~stewardship area must enable the realization of the long-term~~
2574 ~~vision and goals for the 25-year or greater projected population~~
2575 ~~of the rural land stewardship area, which may take into~~
2576 ~~consideration the anticipated effect of the proposed receiving~~
2577 ~~areas. Transferable rural land use credits are subject to the~~
2578 ~~following limitations:~~

2579 ~~a. Transferable rural land use credits may only exist~~



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2580 ~~within a rural land stewardship area.~~

2581 ~~b. Transferable rural land use credits may only be used on~~
2582 ~~lands designated as receiving areas and then solely for the~~
2583 ~~purpose of implementing innovative planning and development~~
2584 ~~strategies and creative land use planning techniques adopted by~~
2585 ~~the local government pursuant to this section.~~

2586 ~~e. Transferable rural land use credits assigned to a parcel~~
2587 ~~of land within a rural land stewardship area shall cease to~~
2588 ~~exist if the parcel of land is removed from the rural land~~
2589 ~~stewardship area by plan amendment.~~

2590 ~~d. Neither the creation of the rural land stewardship area~~
2591 ~~by plan amendment nor the assignment of transferable rural land~~
2592 ~~use credits by the local government shall operate to displace~~
2593 ~~the underlying density of land uses assigned to a parcel of land~~
2594 ~~within the rural land stewardship area; however, if transferable~~
2595 ~~rural land use credits are transferred from a parcel for use~~
2596 ~~within a designated receiving area, the underlying density~~
2597 ~~assigned to the parcel of land shall cease to exist.~~

2598 ~~e. The underlying density on each parcel of land located~~
2599 ~~within a rural land stewardship area shall not be increased or~~
2600 ~~decreased by the local government, except as a result of the~~
2601 ~~conveyance or use of transferable rural land use credits, as~~
2602 ~~long as the parcel remains within the rural land stewardship~~
2603 ~~area.~~

2604 ~~f. Transferable rural land use credits shall cease to exist~~
2605 ~~on a parcel of land where the underlying density assigned to the~~
2606 ~~parcel of land is utilized.~~

2607 ~~g. An increase in the density of use on a parcel of land~~
2608 ~~located within a designated receiving area may occur only~~



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2609 ~~through the assignment or use of transferable rural land use~~
2610 ~~credits and shall not require a plan amendment.~~

2611 ~~h. A change in the density of land use on parcels located~~
2612 ~~within receiving areas shall be specified in a development order~~
2613 ~~which reflects the total number of transferable rural land use~~
2614 ~~credits assigned to the parcel of land and the infrastructure~~
2615 ~~and support services necessary to provide for a functional mix~~
2616 ~~of land uses corresponding to the plan of development.~~

2617 ~~i. Land within a rural land stewardship area may be removed~~
2618 ~~from the rural land stewardship area through a plan amendment.~~

2619 ~~j. Transferable rural land use credits may be assigned at~~
2620 ~~different ratios of credits per acre according to the natural~~
2621 ~~resource or other beneficial use characteristics of the land and~~
2622 ~~according to the land use remaining following the transfer of~~
2623 ~~credits, with the highest number of credits per acre assigned to~~
2624 ~~the most environmentally valuable land or, in locations where~~
2625 ~~the retention of open space and agricultural land is a priority,~~
2626 ~~to such lands.~~

2627 ~~k. The use or conveyance of transferable rural land use~~
2628 ~~credits must be recorded in the public records of the county in~~
2629 ~~which the property is located as a covenant or restrictive~~
2630 ~~easement running with the land in favor of the county and either~~
2631 ~~the Department of Environmental Protection, Department of~~
2632 ~~Agriculture and Consumer Services, a water management district,~~
2633 ~~or a recognized statewide land trust.~~

2634 ~~7. Owners of land within rural land stewardship areas~~
2635 ~~should be provided incentives to enter into rural land~~
2636 ~~stewardship agreements, pursuant to existing law and rules~~
2637 ~~adopted thereto, with state agencies, water management~~



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2638 ~~districts, and local governments to achieve mutually agreed upon~~
2639 ~~conservation objectives. Such incentives may include, but not be~~
2640 ~~limited to, the following:~~

2641 ~~a. Opportunity to accumulate transferable mitigation~~
2642 ~~credits.~~

2643 ~~b. Extended permit agreements.~~

2644 ~~e. Opportunities for recreational leases and ecotourism.~~

2645 ~~d. Payment for specified land management services on~~
2646 ~~publicly owned land, or property under covenant or restricted~~
2647 ~~easement in favor of a public entity.~~

2648 ~~e. Option agreements for sale to public entities or private~~
2649 ~~land conservation entities, in either fee or easement, upon~~
2650 ~~achievement of conservation objectives.~~

2651 ~~8. The department shall report to the Legislature on an~~
2652 ~~annual basis on the results of implementation of rural land~~
2653 ~~stewardship areas authorized by the department, including~~
2654 ~~successes and failures in achieving the intent of the~~
2655 ~~Legislature as expressed in this paragraph.~~

2656 ~~(c) The Legislature finds that mixed-use, high-density~~
2657 ~~development is appropriate for urban infill and redevelopment~~
2658 ~~areas. Mixed-use projects accommodate a variety of uses,~~
2659 ~~including residential and commercial, and usually at higher~~
2660 ~~densities that promote pedestrian-friendly, sustainable~~
2661 ~~communities. The Legislature recognizes that mixed-use, high-~~
2662 ~~density development improves the quality of life for residents~~
2663 ~~and businesses in urban areas. The Legislature finds that mixed-~~
2664 ~~use, high-density redevelopment and infill benefits residents by~~
2665 ~~creating a livable community with alternative modes of~~
2666 ~~transportation. Furthermore, the Legislature finds that local~~



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2667 ~~zoning ordinances often discourage mixed-use, high-density~~
2668 ~~development in areas that are appropriate for urban infill and~~
2669 ~~redevelopment. The Legislature intends to discourage single-use~~
2670 ~~zoning in urban areas which often leads to lower-density, land-~~
2671 ~~intensive development outside an urban service area. Therefore,~~
2672 ~~the Department of Community Affairs shall provide technical~~
2673 ~~assistance to local governments in order to encourage mixed-use,~~
2674 ~~high-density urban infill and redevelopment projects.~~

2675 ~~(f) The Legislature finds that a program for the transfer~~
2676 ~~of development rights is a useful tool to preserve historic~~
2677 ~~buildings and create public open spaces in urban areas. A~~
2678 ~~program for the transfer of development rights allows the~~
2679 ~~transfer of density credits from historic properties and public~~
2680 ~~open spaces to areas designated for high-density development.~~
2681 ~~The Legislature recognizes that high-density development is~~
2682 ~~integral to the success of many urban infill and redevelopment~~
2683 ~~projects. The Legislature intends to encourage high-density~~
2684 ~~urban infill and redevelopment while preserving historic~~
2685 ~~structures and open spaces. Therefore, the Department of~~
2686 ~~Community Affairs shall provide technical assistance to local~~
2687 ~~governments in order to promote the transfer of development~~
2688 ~~rights within urban areas for high-density infill and~~
2689 ~~redevelopment projects.~~

2690 ~~(g) The implementation of this subsection shall be subject~~
2691 ~~to the provisions of this chapter, chapters 186 and 187, and~~
2692 ~~applicable agency rules.~~

2693 ~~(h) The department may adopt rules necessary to implement~~
2694 ~~the provisions of this subsection.~~

2695 ~~(12) A public school facilities element adopted to~~



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2696 ~~implement a school concurrency program shall meet the~~
2697 ~~requirements of this subsection. Each county and each~~
2698 ~~municipality within the county, unless exempt or subject to a~~
2699 ~~waiver, must adopt a public school facilities element that is~~
2700 ~~consistent with those adopted by the other local governments~~
2701 ~~within the county and enter the interlocal agreement pursuant to~~
2702 ~~s. 163.31777.~~

2703 ~~(a) The state land planning agency may provide a waiver to~~
2704 ~~a county and to the municipalities within the county if the~~
2705 ~~capacity rate for all schools within the school district is no~~
2706 ~~greater than 100 percent and the projected 5-year capital outlay~~
2707 ~~full-time equivalent student growth rate is less than 10~~
2708 ~~percent. The state land planning agency may allow for a~~
2709 ~~projected 5-year capital outlay full-time equivalent student~~
2710 ~~growth rate to exceed 10 percent when the projected 10-year~~
2711 ~~capital outlay full-time equivalent student enrollment is less~~
2712 ~~than 2,000 students and the capacity rate for all schools within~~
2713 ~~the school district in the tenth year will not exceed the 100-~~
2714 ~~percent limitation. The state land planning agency may allow for~~
2715 ~~a single school to exceed the 100-percent limitation if it can~~
2716 ~~be demonstrated that the capacity rate for that single school is~~
2717 ~~not greater than 105 percent. In making this determination, the~~
2718 ~~state land planning agency shall consider the following~~
2719 ~~criteria:~~

2720 ~~1. Whether the exceedance is due to temporary~~
2721 ~~circumstances;~~

2722 ~~2. Whether the projected 5-year capital outlay full time~~
2723 ~~equivalent student growth rate for the school district is~~
2724 ~~approaching the 10-percent threshold;~~



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2725 ~~3. Whether one or more additional schools within the school~~
2726 ~~district are at or approaching the 100-percent threshold; and~~

2727 ~~4. The adequacy of the data and analysis submitted to~~
2728 ~~support the waiver request.~~

2729 ~~(b) A municipality in a nonexempt county is exempt if the~~
2730 ~~municipality meets all of the following criteria for having no~~
2731 ~~significant impact on school attendance:~~

2732 ~~1. The municipality has issued development orders for fewer~~
2733 ~~than 50 residential dwelling units during the preceding 5 years,~~
2734 ~~or the municipality has generated fewer than 25 additional~~
2735 ~~public school students during the preceding 5 years.~~

2736 ~~2. The municipality has not annexed new land during the~~
2737 ~~preceding 5 years in land use categories that permit residential~~
2738 ~~uses that will affect school attendance rates.~~

2739 ~~3. The municipality has no public schools located within~~
2740 ~~its boundaries.~~

2741 ~~(c) A public school facilities element shall be based upon~~
2742 ~~data and analyses that address, among other items, how level-of-~~
2743 ~~service standards will be achieved and maintained. Such data and~~
2744 ~~analyses must include, at a minimum, such items as: the~~
2745 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
2746 ~~year school district facilities work program adopted pursuant to~~
2747 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
2748 ~~1013.31 and an existing educational and ancillary plant map or~~
2749 ~~map series; information on existing development and development~~
2750 ~~anticipated for the next 5 years and the long-term planning~~
2751 ~~period; an analysis of problems and opportunities for existing~~
2752 ~~schools and schools anticipated in the future; an analysis of~~
2753 ~~opportunities to collocate future schools with other public~~



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2754 ~~facilities such as parks, libraries, and community centers; an~~
2755 ~~analysis of the need for supporting public facilities for~~
2756 ~~existing and future schools; an analysis of opportunities to~~
2757 ~~locate schools to serve as community focal points; projected~~
2758 ~~future population and associated demographics, including~~
2759 ~~development patterns year by year for the upcoming 5-year and~~
2760 ~~long term planning periods; and anticipated educational and~~
2761 ~~ancillary plants with land area requirements.~~

2762 ~~(d) The element shall contain one or more goals which~~
2763 ~~establish the long term end toward which public school programs~~
2764 ~~and activities are ultimately directed.~~

2765 ~~(e) The element shall contain one or more objectives for~~
2766 ~~each goal, setting specific, measurable, intermediate ends that~~
2767 ~~are achievable and mark progress toward the goal.~~

2768 ~~(f) The element shall contain one or more policies for each~~
2769 ~~objective which establish the way in which programs and~~
2770 ~~activities will be conducted to achieve an identified goal.~~

2771 ~~(g) The objectives and policies shall address items such~~
2772 ~~as:~~

2773 ~~1. The procedure for an annual update process;~~

2774 ~~2. The procedure for school site selection;~~

2775 ~~3. The procedure for school permitting;~~

2776 ~~4. Provision for infrastructure necessary to support~~
2777 ~~proposed schools, including potable water, wastewater, drainage,~~
2778 ~~solid waste, transportation, and means by which to assure safe~~
2779 ~~access to schools, including sidewalks, bicycle paths, turn~~
2780 ~~lanes, and signalization;~~

2781 ~~5. Provision for colocation of other public facilities,~~
2782 ~~such as parks, libraries, and community centers, in proximity to~~



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2783 ~~public schools;~~
2784 ~~6. Provision for location of schools proximate to~~
2785 ~~residential areas and to complement patterns of development,~~
2786 ~~including the location of future school sites so they serve as~~
2787 ~~community focal points;~~
2788 ~~7. Measures to ensure compatibility of school sites and~~
2789 ~~surrounding land uses;~~
2790 ~~8. Coordination with adjacent local governments and the~~
2791 ~~school district on emergency preparedness issues, including the~~
2792 ~~use of public schools to serve as emergency shelters; and~~
2793 ~~9. Coordination with the future land use element.~~
2794 ~~(h) The element shall include one or more future conditions~~
2795 ~~maps which depict the anticipated location of educational and~~
2796 ~~ancillary plants, including the general location of improvements~~
2797 ~~to existing schools or new schools anticipated over the 5-year~~
2798 ~~or long-term planning period. The maps will of necessity be~~
2799 ~~general for the long-term planning period and more specific for~~
2800 ~~the 5-year period. Maps indicating general locations of future~~
2801 ~~schools or school improvements may not prescribe a land use on a~~
2802 ~~particular parcel of land.~~
2803 ~~(i) The state land planning agency shall establish a phased~~
2804 ~~schedule for adoption of the public school facilities element~~
2805 ~~and the required updates to the public schools interlocal~~
2806 ~~agreement pursuant to s. 163.31777. The schedule shall provide~~
2807 ~~for each county and local government within the county to adopt~~
2808 ~~the element and update to the agreement no later than December~~
2809 ~~1, 2008. Plan amendments to adopt a public school facilities~~
2810 ~~element are exempt from the provisions of s. 163.3187(1).~~
2811 ~~(j) The state land planning agency may issue a notice to~~



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2812 ~~the school board and the local government to show cause why~~
2813 ~~sanctions should not be enforced for failure to enter into an~~
2814 ~~approved interlocal agreement as required by s. 163.31777 or for~~
2815 ~~failure to implement provisions relating to public school~~
2816 ~~concurrency. If the state land planning agency finds that~~
2817 ~~insufficient cause exists for the school board's or local~~
2818 ~~government's failure to enter into an approved interlocal~~
2819 ~~agreement as required by s. 163.31777 or for the school board's~~
2820 ~~or local government's failure to implement the provisions~~
2821 ~~relating to public school concurrency, the state land planning~~
2822 ~~agency shall submit its finding to the Administration Commission~~
2823 ~~which may impose on the local government any of the sanctions~~
2824 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~
2825 ~~district school board any of the sanctions set forth in s.~~
2826 ~~1008.32(4).~~

2827 ~~(13) Local governments are encouraged to develop a~~
2828 ~~community vision that provides for sustainable growth,~~
2829 ~~recognizes its fiscal constraints, and protects its natural~~
2830 ~~resources. At the request of a local government, the applicable~~
2831 ~~regional planning council shall provide assistance in the~~
2832 ~~development of a community vision.~~

2833 ~~(a) As part of the process of developing a community vision~~
2834 ~~under this section, the local government must hold two public~~
2835 ~~meetings with at least one of those meetings before the local~~
2836 ~~planning agency. Before those public meetings, the local~~
2837 ~~government must hold at least one public workshop with~~
2838 ~~stakeholder groups such as neighborhood associations, community~~
2839 ~~organizations, businesses, private property owners, housing and~~
2840 ~~development interests, and environmental organizations.~~



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2841 ~~(b) The local government must, at a minimum, discuss five~~
2842 ~~of the following topics as part of the workshops and public~~
2843 ~~meetings required under paragraph (a):~~

2844 ~~1. Future growth in the area using population forecasts~~
2845 ~~from the Bureau of Economic and Business Research;~~

2846 ~~2. Priorities for economic development;~~

2847 ~~3. Preservation of open space, environmentally sensitive~~
2848 ~~lands, and agricultural lands;~~

2849 ~~4. Appropriate areas and standards for mixed-use~~
2850 ~~development;~~

2851 ~~5. Appropriate areas and standards for high-density~~
2852 ~~commercial and residential development;~~

2853 ~~6. Appropriate areas and standards for economic development~~
2854 ~~opportunities and employment centers;~~

2855 ~~7. Provisions for adequate workforce housing;~~

2856 ~~8. An efficient, interconnected multimodal transportation~~
2857 ~~system; and~~

2858 ~~9. Opportunities to create land use patterns that~~
2859 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2860 ~~(c) As part of the workshops and public meetings, the local~~
2861 ~~government must discuss strategies for addressing the topics~~
2862 ~~discussed under paragraph (b), including:~~

2863 ~~1. Strategies to preserve open space and environmentally~~
2864 ~~sensitive lands, and to encourage a healthy agricultural~~
2865 ~~economy, including innovative planning and development~~
2866 ~~strategies, such as the transfer of development rights;~~

2867 ~~2. Incentives for mixed-use development, including~~
2868 ~~increased height and intensity standards for buildings that~~
2869 ~~provide residential use in combination with office or commercial~~



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2870 ~~space;~~
2871 ~~3. Incentives for workforce housing;~~
2872 ~~4. Designation of an urban service boundary pursuant to~~
2873 ~~subsection (2); and~~
2874 ~~5. Strategies to provide mobility within the community and~~
2875 ~~to protect the Strategic Intermodal System, including the~~
2876 ~~development of a transportation corridor management plan under~~
2877 ~~s. 337.273.~~
2878 ~~(d) The community vision must reflect the community's~~
2879 ~~shared concept for growth and development of the community,~~
2880 ~~including visual representations depicting the desired land use~~
2881 ~~patterns and character of the community during a 10-year~~
2882 ~~planning timeframe. The community vision must also take into~~
2883 ~~consideration economic viability of the vision and private~~
2884 ~~property interests.~~
2885 ~~(e) After the workshops and public meetings required under~~
2886 ~~paragraph (a) are held, the local government may amend its~~
2887 ~~comprehensive plan to include the community vision as a~~
2888 ~~component in the plan. This plan amendment must be transmitted~~
2889 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
2890 ~~163.3189 at public hearings of the governing body other than~~
2891 ~~those identified in paragraph (a).~~
2892 ~~(f) Amendments submitted under this subsection are exempt~~
2893 ~~from the limitation on the frequency of plan amendments in s.~~
2894 ~~163.3187.~~
2895 ~~(g) A local government that has developed a community~~
2896 ~~vision or completed a visioning process after July 1, 2000, and~~
2897 ~~before July 1, 2005, which substantially accomplishes the goals~~
2898 ~~set forth in this subsection and the appropriate goals,~~



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2899 ~~policies, or objectives have been adopted as part of the~~
2900 ~~comprehensive plan or reflected in subsequently adopted land~~
2901 ~~development regulations and the plan amendment incorporating the~~
2902 ~~community vision as a component has been found in compliance is~~
2903 ~~eligible for the incentives in s. 163.3184(17).~~

2904 ~~(14) Local governments are also encouraged to designate an~~
2905 ~~urban service boundary. This area must be appropriate for~~
2906 ~~compact, contiguous urban development within a 10-year planning~~
2907 ~~timeframe. The urban service area boundary must be identified on~~
2908 ~~the future land use map or map series. The local government~~
2909 ~~shall demonstrate that the land included within the urban~~
2910 ~~service boundary is served or is planned to be served with~~
2911 ~~adequate public facilities and services based on the local~~
2912 ~~government's adopted level-of-service standards by adopting a~~
2913 ~~10-year facilities plan in the capital improvements element~~
2914 ~~which is financially feasible. The local government shall~~
2915 ~~demonstrate that the amount of land within the urban service~~
2916 ~~boundary does not exceed the amount of land needed to~~
2917 ~~accommodate the projected population growth at densities~~
2918 ~~consistent with the adopted comprehensive plan within the 10-~~
2919 ~~year planning timeframe.~~

2920 ~~(a) As part of the process of establishing an urban service~~
2921 ~~boundary, the local government must hold two public meetings~~
2922 ~~with at least one of those meetings before the local planning~~
2923 ~~agency. Before those public meetings, the local government must~~
2924 ~~hold at least one public workshop with stakeholder groups such~~
2925 ~~as neighborhood associations, community organizations,~~
2926 ~~businesses, private property owners, housing and development~~
2927 ~~interests, and environmental organizations.~~



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2928 ~~(b)1. After the workshops and public meetings required~~
2929 ~~under paragraph (a) are held, the local government may amend its~~
2930 ~~comprehensive plan to include the urban service boundary. This~~
2931 ~~plan amendment must be transmitted and adopted pursuant to the~~
2932 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
2933 ~~governing body other than those required under paragraph (a).~~

2934 ~~2. This subsection does not prohibit new development~~
2935 ~~outside an urban service boundary. However, a local government~~
2936 ~~that establishes an urban service boundary under this subsection~~
2937 ~~is encouraged to require a full-cost accounting analysis for any~~
2938 ~~new development outside the boundary and to consider the results~~
2939 ~~of that analysis when adopting a plan amendment for property~~
2940 ~~outside the established urban service boundary.~~

2941 ~~(c) Amendments submitted under this subsection are exempt~~
2942 ~~from the limitation on the frequency of plan amendments in s.~~
2943 ~~163.3187.~~

2944 ~~(d) A local government that has adopted an urban service~~
2945 ~~boundary before July 1, 2005, which substantially accomplishes~~
2946 ~~the goals set forth in this subsection is not required to comply~~
2947 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
2948 ~~to be eligible for the incentives under s. 163.3184(17). In~~
2949 ~~order to satisfy the provisions of this paragraph, the local~~
2950 ~~government must secure a determination from the state land~~
2951 ~~planning agency that the urban service boundary adopted before~~
2952 ~~July 1, 2005, substantially complies with the criteria of this~~
2953 ~~subsection, based on data and analysis submitted by the local~~
2954 ~~government to support this determination. The determination by~~
2955 ~~the state land planning agency is not subject to administrative~~
2956 ~~challenge.~~



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2957 (7) ~~(15)~~ (a) The Legislature finds that:

2958 1. There are a number of rural agricultural industrial
2959 centers in the state that process, produce, or aid in the
2960 production or distribution of a variety of agriculturally based
2961 products, including, but not limited to, fruits, vegetables,
2962 timber, and other crops, and juices, paper, and building
2963 materials. Rural agricultural industrial centers have a
2964 significant amount of existing associated infrastructure that is
2965 used for processing, producing, or distributing agricultural
2966 products.

2967 2. Such rural agricultural industrial centers are often
2968 located within or near communities in which the economy is
2969 largely dependent upon agriculture and agriculturally based
2970 products. The centers significantly enhance the economy of such
2971 communities. However, these agriculturally based communities are
2972 often socioeconomically challenged and designated as rural areas
2973 of critical economic concern. If such rural agricultural
2974 industrial centers are lost and not replaced with other job-
2975 creating enterprises, the agriculturally based communities will
2976 lose a substantial amount of their economies.

2977 3. The state has a compelling interest in preserving the
2978 viability of agriculture and protecting rural agricultural
2979 communities and the state from the economic upheaval that would
2980 result from short-term or long-term adverse changes in the
2981 agricultural economy. To protect these communities and promote
2982 viable agriculture for the long term, it is essential to
2983 encourage and permit diversification of existing rural
2984 agricultural industrial centers by providing for jobs that are
2985 not solely dependent upon, but are compatible with and



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2986 complement, existing agricultural industrial operations and to
2987 encourage the creation and expansion of industries that use
2988 agricultural products in innovative ways. However, the expansion
2989 and diversification of these existing centers must be
2990 accomplished in a manner that does not promote urban sprawl into
2991 surrounding agricultural and rural areas.

2992 (b) As used in this subsection, the term "rural
2993 agricultural industrial center" means a developed parcel of land
2994 in an unincorporated area on which there exists an operating
2995 agricultural industrial facility or facilities that employ at
2996 least 200 full-time employees in the aggregate and process and
2997 prepare for transport a farm product, as defined in s. 163.3162,
2998 or any biomass material that could be used, directly or
2999 indirectly, for the production of fuel, renewable energy,
3000 bioenergy, or alternative fuel as defined by law. The center may
3001 also include land contiguous to the facility site which is not
3002 used for the cultivation of crops, but on which other existing
3003 activities essential to the operation of such facility or
3004 facilities are located or conducted. The parcel of land must be
3005 located within, or within 10 miles of, a rural area of critical
3006 economic concern.

3007 (c)1. A landowner whose land is located within a rural
3008 agricultural industrial center may apply for an amendment to the
3009 local government comprehensive plan for the purpose of
3010 designating and expanding the existing agricultural industrial
3011 uses of facilities located within the center or expanding the
3012 existing center to include industrial uses or facilities that
3013 are not dependent upon but are compatible with agriculture and
3014 the existing uses and facilities. A local government



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3015 comprehensive plan amendment under this paragraph must:
3016 a. Not increase the physical area of the existing rural
3017 agricultural industrial center by more than 50 percent or 320
3018 acres, whichever is greater.
3019 b. Propose a project that would, upon completion, create at
3020 least 50 new full-time jobs.
3021 c. Demonstrate that sufficient infrastructure capacity
3022 exists or will be provided to support the expanded center at the
3023 level-of-service standards adopted in the local government
3024 comprehensive plan.
3025 d. Contain goals, objectives, and policies that will ensure
3026 that any adverse environmental impacts of the expanded center
3027 will be adequately addressed and mitigation implemented or
3028 demonstrate that the local government comprehensive plan
3029 contains such provisions.
3030 2. Within 6 months after receiving an application as
3031 provided in this paragraph, the local government shall transmit
3032 the application to the state land planning agency for review
3033 pursuant to this chapter together with any needed amendments to
3034 the applicable sections of its comprehensive plan to include
3035 goals, objectives, and policies that provide for the expansion
3036 of rural agricultural industrial centers and discourage urban
3037 sprawl in the surrounding areas. Such goals, objectives, and
3038 policies must promote and be consistent with the findings in
3039 this subsection. An amendment that meets the requirements of
3040 this subsection is presumed not to be urban sprawl as defined in
3041 s. 163.3164 consistent with rule 9J-5.006(5), Florida
3042 Administrative Code. This presumption may be rebutted by a
3043 preponderance of the evidence.



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3044 (d) This subsection does not apply to a ~~an optional~~ sector
3045 plan adopted pursuant to s. 163.3245, a rural land stewardship
3046 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
3047 comprehensive plan amendment that includes an inland port
3048 terminal or affiliated port development.

3049 (e) Nothing in this subsection shall be construed to confer
3050 the status of rural area of critical economic concern, or any of
3051 the rights or benefits derived from such status, on any land
3052 area not otherwise designated as such pursuant to s.
3053 288.0656(7).

3054 Section 13. Section 163.31777, Florida Statutes, is amended
3055 to read:

3056 163.31777 Public schools interlocal agreement.-

3057 (1)~~(a)~~ The county and municipalities located within the
3058 geographic area of a school district shall enter into an
3059 interlocal agreement with the district school board which
3060 jointly establishes the specific ways in which the plans and
3061 processes of the district school board and the local governments
3062 are to be coordinated. ~~The interlocal agreements shall be~~
3063 ~~submitted to the state land planning agency and the Office of~~
3064 ~~Educational Facilities in accordance with a schedule published~~
3065 ~~by the state land planning agency.~~

3066 ~~(b) The schedule must establish staggered due dates for~~
3067 ~~submission of interlocal agreements that are executed by both~~
3068 ~~the local government and the district school board, commencing~~
3069 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
3070 ~~set the same date for all governmental entities within a school~~
3071 ~~district. However, if the county where the school district is~~
3072 ~~located contains more than 20 municipalities, the state land~~



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3073 ~~planning agency may establish staggered due dates for the~~
3074 ~~submission of interlocal agreements by these municipalities. The~~
3075 ~~schedule must begin with those areas where both the number of~~
3076 ~~districtwide capital outlay full-time equivalent students equals~~
3077 ~~80 percent or more of the current year's school capacity and the~~
3078 ~~projected 5-year student growth is 1,000 or greater, or where~~
3079 ~~the projected 5-year student growth rate is 10 percent or~~
3080 ~~greater.~~

3081 ~~(c) If the student population has declined over the 5-year~~
3082 ~~period preceding the due date for submittal of an interlocal~~
3083 ~~agreement by the local government and the district school board,~~
3084 ~~the local government and the district school board may petition~~
3085 ~~the state land planning agency for a waiver of one or more~~
3086 ~~requirements of subsection (2). The waiver must be granted if~~
3087 ~~the procedures called for in subsection (2) are unnecessary~~
3088 ~~because of the school district's declining school age~~
3089 ~~population, considering the district's 5-year facilities work~~
3090 ~~program prepared pursuant to s. 1013.35. The state land planning~~
3091 ~~agency may modify or revoke the waiver upon a finding that the~~
3092 ~~conditions upon which the waiver was granted no longer exist.~~
3093 ~~The district school board and local governments must submit an~~
3094 ~~interlocal agreement within 1 year after notification by the~~
3095 ~~state land planning agency that the conditions for a waiver no~~
3096 ~~longer exist.~~

3097 ~~(d) Interlocal agreements between local governments and~~
3098 ~~district school boards adopted pursuant to s. 163.3177 before~~
3099 ~~the effective date of this section must be updated and executed~~
3100 ~~pursuant to the requirements of this section, if necessary.~~
3101 ~~Amendments to interlocal agreements adopted pursuant to this~~



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3102 ~~section must be submitted to the state land planning agency~~
3103 ~~within 30 days after execution by the parties for review~~
3104 ~~consistent with this section.~~ Local governments and the district
3105 school board in each school district are encouraged to adopt a
3106 single interlocal agreement to which all join as parties. ~~The~~
3107 ~~state land planning agency shall assemble and make available~~
3108 ~~model interlocal agreements meeting the requirements of this~~
3109 ~~section and notify local governments and, jointly with the~~
3110 ~~Department of Education, the district school boards of the~~
3111 ~~requirements of this section, the dates for compliance, and the~~
3112 ~~sanctions for noncompliance. The state land planning agency~~
3113 ~~shall be available to informally review proposed interlocal~~
3114 ~~agreements. If the state land planning agency has not received a~~
3115 ~~proposed interlocal agreement for informal review, the state~~
3116 ~~land planning agency shall, at least 60 days before the deadline~~
3117 ~~for submission of the executed agreement, renotify the local~~
3118 ~~government and the district school board of the upcoming~~
3119 ~~deadline and the potential for sanctions.~~

3120 (2) At a minimum, the interlocal agreement must address
3121 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
3122 ~~for exempt local governments as provided in s. 163.3177(12), and~~
3123 ~~must address the following issues:~~

3124 (a) A process by which each local government and the
3125 district school board agree and base their plans on consistent
3126 projections of the amount, type, and distribution of population
3127 growth and student enrollment. The geographic distribution of
3128 jurisdiction-wide growth forecasts is a major objective of the
3129 process.

3130 (b) A process to coordinate and share information relating



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3131 to existing and planned public school facilities, including
3132 school renovations and closures, and local government plans for
3133 development and redevelopment.

3134 (c) Participation by affected local governments with the
3135 district school board in the process of evaluating potential
3136 school closures, significant renovations to existing schools,
3137 and new school site selection before land acquisition. Local
3138 governments shall advise the district school board as to the
3139 consistency of the proposed closure, renovation, or new site
3140 with the local comprehensive plan, including appropriate
3141 circumstances and criteria under which a district school board
3142 may request an amendment to the comprehensive plan for school
3143 siting.

3144 (d) A process for determining the need for and timing of
3145 onsite and offsite improvements to support new, proposed
3146 expansion, or redevelopment of existing schools. The process
3147 must address identification of the party or parties responsible
3148 for the improvements.

3149 (e) A process for the school board to inform the local
3150 government regarding the effect of comprehensive plan amendments
3151 on school capacity. The capacity reporting must be consistent
3152 with laws and rules relating to measurement of school facility
3153 capacity and must also identify how the district school board
3154 will meet the public school demand based on the facilities work
3155 program adopted pursuant to s. 1013.35.

3156 (f) Participation of the local governments in the
3157 preparation of the annual update to the district school board's
3158 5-year district facilities work program and educational plant
3159 survey prepared pursuant to s. 1013.35.



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3160 (g) A process for determining where and how joint use of
3161 either school board or local government facilities can be shared
3162 for mutual benefit and efficiency.

3163 (h) A procedure for the resolution of disputes between the
3164 district school board and local governments, which may include
3165 the dispute resolution processes contained in chapters 164 and
3166 186.

3167 (i) An oversight process, including an opportunity for
3168 public participation, for the implementation of the interlocal
3169 agreement.

3170 ~~(3)(a) The Office of Educational Facilities shall submit~~
3171 ~~any comments or concerns regarding the executed interlocal~~
3172 ~~agreement to the state land planning agency within 30 days after~~
3173 ~~receipt of the executed interlocal agreement. The state land~~
3174 ~~planning agency shall review the executed interlocal agreement~~
3175 ~~to determine whether it is consistent with the requirements of~~
3176 ~~subsection (2), the adopted local government comprehensive plan,~~
3177 ~~and other requirements of law. Within 60 days after receipt of~~
3178 ~~an executed interlocal agreement, the state land planning agency~~
3179 ~~shall publish a notice of intent in the Florida Administrative~~
3180 ~~Weekly and shall post a copy of the notice on the agency's~~
3181 ~~Internet site. The notice of intent must state whether the~~
3182 ~~interlocal agreement is consistent or inconsistent with the~~
3183 ~~requirements of subsection (2) and this subsection, as~~
3184 ~~appropriate.~~

3185 ~~(b) The state land planning agency's notice is subject to~~
3186 ~~challenge under chapter 120; however, an affected person, as~~
3187 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
3188 ~~administrative proceeding, and this proceeding is the sole means~~



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3189 ~~available to challenge the consistency of an interlocal~~
3190 ~~agreement required by this section with the criteria contained~~
3191 ~~in subsection (2) and this subsection. In order to have~~
3192 ~~standing, each person must have submitted oral or written~~
3193 ~~comments, recommendations, or objections to the local government~~
3194 ~~or the school board before the adoption of the interlocal~~
3195 ~~agreement by the school board and local government. The district~~
3196 ~~school board and local governments are parties to any such~~
3197 ~~proceeding. In this proceeding, when the state land planning~~
3198 ~~agency finds the interlocal agreement to be consistent with the~~
3199 ~~criteria in subsection (2) and this subsection, the interlocal~~
3200 ~~agreement shall be determined to be consistent with subsection~~
3201 ~~(2) and this subsection if the local government's and school~~
3202 ~~board's determination of consistency is fairly debatable. When~~
3203 ~~the state planning agency finds the interlocal agreement to be~~
3204 ~~inconsistent with the requirements of subsection (2) and this~~
3205 ~~subsection, the local government's and school board's~~
3206 ~~determination of consistency shall be sustained unless it is~~
3207 ~~shown by a preponderance of the evidence that the interlocal~~
3208 ~~agreement is inconsistent.~~

3209 ~~(c) If the state land planning agency enters a final order~~
3210 ~~that finds that the interlocal agreement is inconsistent with~~
3211 ~~the requirements of subsection (2) or this subsection, it shall~~
3212 ~~forward it to the Administration Commission, which may impose~~
3213 ~~sanctions against the local government pursuant to s.~~
3214 ~~163.3184(11) and may impose sanctions against the district~~
3215 ~~school board by directing the Department of Education to~~
3216 ~~withhold from the district school board an equivalent amount of~~
3217 ~~funds for school construction available pursuant to ss. 1013.65,~~



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3218 ~~1013.68, 1013.70, and 1013.72.~~

3219 ~~(4) If an executed interlocal agreement is not timely~~
3220 ~~submitted to the state land planning agency for review, the~~
3221 ~~state land planning agency shall, within 15 working days after~~
3222 ~~the deadline for submittal, issue to the local government and~~
3223 ~~the district school board a Notice to Show Cause why sanctions~~
3224 ~~should not be imposed for failure to submit an executed~~
3225 ~~interlocal agreement by the deadline established by the agency.~~
3226 ~~The agency shall forward the notice and the responses to the~~
3227 ~~Administration Commission, which may enter a final order citing~~
3228 ~~the failure to comply and imposing sanctions against the local~~
3229 ~~government and district school board by directing the~~
3230 ~~appropriate agencies to withhold at least 5 percent of state~~
3231 ~~funds pursuant to s. 163.3184(11) and by directing the~~
3232 ~~Department of Education to withhold from the district school~~
3233 ~~board at least 5 percent of funds for school construction~~
3234 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
3235 ~~1013.72.~~

3236 ~~(5) Any local government transmitting a public school~~
3237 ~~element to implement school concurrency pursuant to the~~
3238 ~~requirements of s. 163.3180 before the effective date of this~~
3239 ~~section is not required to amend the element or any interlocal~~
3240 ~~agreement to conform with the provisions of this section if the~~
3241 ~~element is adopted prior to or within 1 year after the effective~~
3242 ~~date of this section and remains in effect until the county~~
3243 ~~conducts its evaluation and appraisal report and identifies~~
3244 ~~changes necessary to more fully conform to the provisions of~~
3245 ~~this section.~~

3246 ~~(6) Except as provided in subsection (7), municipalities~~



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3247 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
3248 ~~from the requirements of subsections (1), (2), and (3).~~

3249 ~~(7) At the time of the evaluation and appraisal report,~~
3250 ~~each exempt municipality shall assess the extent to which it~~
3251 ~~continues to meet the criteria for exemption under s.~~
3252 ~~163.3177(12). If the municipality continues to meet these~~
3253 ~~criteria, the municipality shall continue to be exempt from the~~
3254 ~~interlocal-agreement requirement. Each municipality exempt under~~
3255 ~~s. 163.3177(12) must comply with the provisions of this section~~
3256 ~~within 1 year after the district school board proposes, in its~~
3257 ~~5-year district facilities work program, a new school within the~~
3258 ~~municipality's jurisdiction.~~

3259 Section 14. Subsection (9) of section 163.3178, Florida
3260 Statutes, is amended to read:

3261 163.3178 Coastal management.—

3262 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
3263 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
3264 ~~process provided in this section. A proposed comprehensive plan~~
3265 ~~amendment shall be found in compliance with state coastal high-~~
3266 ~~hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
3267 ~~Florida Administrative Code, if:~~

3268 1. The adopted level of service for out-of-county hurricane
3269 evacuation is maintained for a category 5 storm event as
3270 measured on the Saffir-Simpson scale;

3271 2. A 12-hour evacuation time to shelter is maintained for a
3272 category 5 storm event as measured on the Saffir-Simpson scale
3273 and shelter space reasonably expected to accommodate the
3274 residents of the development contemplated by a proposed
3275 comprehensive plan amendment is available; or



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3276 3. Appropriate mitigation is provided that will satisfy the
3277 provisions of subparagraph 1. or subparagraph 2. Appropriate
3278 mitigation shall include, without limitation, payment of money,
3279 contribution of land, and construction of hurricane shelters and
3280 transportation facilities. Required mitigation shall not exceed
3281 the amount required for a developer to accommodate impacts
3282 reasonably attributable to development. A local government and a
3283 developer shall enter into a binding agreement to memorialize
3284 the mitigation plan.

3285 (b) For those local governments that have not established a
3286 level of service for out-of-county hurricane evacuation by July
3287 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7.,~~
3288 ~~Florida Administrative Code,~~ by following the process in
3289 paragraph (a), the level of service shall be no greater than 16
3290 hours for a category 5 storm event as measured on the Saffir-
3291 Simpson scale.

3292 (c) This subsection shall become effective immediately and
3293 shall apply to all local governments. No later than July 1,
3294 2008, local governments shall amend their future land use map
3295 and coastal management element to include the new definition of
3296 coastal high-hazard area and to depict the coastal high-hazard
3297 area on the future land use map.

3298 Section 15. Section 163.3180, Florida Statutes, is amended
3299 to read:

3300 163.3180 Concurrency.-

3301 (1) ~~(a) Sanitary sewer, solid waste, drainage, and potable~~
3302 ~~water, parks and recreation, schools, and transportation~~
3303 ~~facilities, including mass transit, where applicable,~~ are the
3304 only public facilities and services subject to the concurrency



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3305 requirement on a statewide basis. Additional public facilities
3306 and services may not be made subject to concurrency on a
3307 statewide basis without ~~appropriate study and~~ approval by the
3308 Legislature; however, any local government may extend the
3309 concurrency requirement so that it applies to additional public
3310 facilities within its jurisdiction. If concurrency is applied to
3311 other public facilities, the local government comprehensive plan
3312 must provide the principles, guidelines, standards, and
3313 strategies, including adopted levels of service, to guide its
3314 application. In order for a local government to rescind any
3315 optional concurrency provisions, a comprehensive plan amendment
3316 is required. An amendment rescinding optional concurrency issues
3317 is not subject to state review. The local government
3318 comprehensive plan must demonstrate, for required or optional
3319 concurrency requirements, that the levels of service adopted can
3320 be reasonably met. Infrastructure needed to ensure that adopted
3321 level-of-service standards are achieved and maintained for the
3322 5-year period of the capital improvement schedule must be
3323 identified pursuant to the requirements of s. 163.3177(3).

3324 ~~(b) Local governments shall use professionally accepted~~
3325 ~~techniques for measuring level of service for automobiles,~~
3326 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
3327 ~~be used to evaluate increased accessibility by multiple modes~~
3328 ~~and reductions in vehicle miles of travel in an area or zone.~~
3329 ~~The Department of Transportation shall develop methodologies to~~
3330 ~~assist local governments in implementing this multimodal level-~~
3331 ~~of-service analysis. The Department of Community Affairs and the~~
3332 ~~Department of Transportation shall provide technical assistance~~
3333 ~~to local governments in applying these methodologies.~~



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3334 (2) ~~(a)~~ Consistent with public health and safety, sanitary
3335 sewer, solid waste, drainage, adequate water supplies, and
3336 potable water facilities shall be in place and available to
3337 serve new development no later than the issuance by the local
3338 government of a certificate of occupancy or its functional
3339 equivalent. Prior to approval of a building permit or its
3340 functional equivalent, the local government shall consult with
3341 the applicable water supplier to determine whether adequate
3342 water supplies to serve the new development will be available no
3343 later than the anticipated date of issuance by the local
3344 government of a certificate of occupancy or its functional
3345 equivalent. A local government may meet the concurrency
3346 requirement for sanitary sewer through the use of onsite sewage
3347 treatment and disposal systems approved by the Department of
3348 Health to serve new development.

3349 ~~(b) Consistent with the public welfare, and except as~~
3350 ~~otherwise provided in this section, parks and recreation~~
3351 ~~facilities to serve new development shall be in place or under~~
3352 ~~actual construction no later than 1 year after issuance by the~~
3353 ~~local government of a certificate of occupancy or its functional~~
3354 ~~equivalent. However, the acreage for such facilities shall be~~
3355 ~~dedicated or be acquired by the local government prior to~~
3356 ~~issuance by the local government of a certificate of occupancy~~
3357 ~~or its functional equivalent, or funds in the amount of the~~
3358 ~~developer's fair share shall be committed no later than the~~
3359 ~~local government's approval to commence construction.~~

3360 ~~(c) Consistent with the public welfare, and except as~~
3361 ~~otherwise provided in this section, transportation facilities~~
3362 ~~needed to serve new development shall be in place or under~~



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3363 ~~actual construction within 3 years after the local government~~
3364 ~~approves a building permit or its functional equivalent that~~
3365 ~~results in traffic generation.~~

3366 (3) Governmental entities that are not responsible for
3367 providing, financing, operating, or regulating public facilities
3368 needed to serve development may not establish binding level-of-
3369 service standards on governmental entities that do bear those
3370 responsibilities. ~~This subsection does not limit the authority~~
3371 ~~of any agency to recommend or make objections, recommendations,~~
3372 ~~comments, or determinations during reviews conducted under s.~~
3373 ~~163.3184.~~

3374 (4) ~~(a)~~ The concurrency requirement as implemented in local
3375 comprehensive plans applies to state and other public facilities
3376 and development to the same extent that it applies to all other
3377 facilities and development, as provided by law.

3378 ~~(b) The concurrency requirement as implemented in local~~
3379 ~~comprehensive plans does not apply to public transit facilities.~~
3380 ~~For the purposes of this paragraph, public transit facilities~~
3381 ~~include transit stations and terminals; transit station parking;~~
3382 ~~park-and-ride lots; intermodal public transit connection or~~
3383 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
3384 ~~airport passenger terminals and concourses, air cargo~~
3385 ~~facilities, and hangars for the assembly, manufacture,~~
3386 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
3387 ~~the terms "terminals" and "transit facilities" do not include~~
3388 ~~seaports or commercial or residential development constructed in~~
3389 ~~conjunction with a public transit facility.~~

3390 ~~(c) The concurrency requirement, except as it relates to~~
3391 ~~transportation facilities and public schools, as implemented in~~



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3392 ~~local government comprehensive plans, may be waived by a local~~
3393 ~~government for urban infill and redevelopment areas designated~~
3394 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
3395 ~~public health or safety as defined by the local government in~~
3396 ~~its local government comprehensive plan. The waiver shall be~~
3397 ~~adopted as a plan amendment pursuant to the process set forth in~~
3398 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~
3399 ~~exception pursuant to subsection (5) for transportation~~
3400 ~~facilities located within these urban infill and redevelopment~~
3401 ~~areas.~~

3402 (5)(a) If concurrency is applied to transportation
3403 facilities, the local government comprehensive plan must provide
3404 the principles, guidelines, standards, and strategies, including
3405 adopted levels of service to guide its application.

3406 (b) Local governments shall use professionally accepted
3407 studies to determine appropriate levels of service, which shall
3408 be based on a schedule of facilities that will be necessary to
3409 meet level-of-service demands reflected in the capital
3410 improvement element.

3411 (c) Local governments shall use professionally accepted
3412 techniques for measuring levels of service when evaluating
3413 potential impacts of a proposed development.

3414 (d) The premise of concurrency is that the public
3415 facilities will be provided in order to achieve and maintain the
3416 adopted level-of-service standard. A comprehensive plan that
3417 imposes transportation concurrency shall contain appropriate
3418 amendments to the capital improvements element of the
3419 comprehensive plan, consistent with the requirements of s.
3420 163.3177(3). The capital improvements element shall identify



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3421 facilities necessary to meet adopted levels of service during a
3422 5-year period.

3423 (e) If a local government applies transportation
3424 concurrency in its jurisdiction, it is encouraged to develop
3425 policy guidelines and techniques to address potential negative
3426 impacts on future development:

3427 1. In urban infill and redevelopment and urban service
3428 areas.

3429 2. With special part-time demands on the transportation
3430 system.

3431 3. With de minimis impacts.

3432 4. On community desired types of development, such as
3433 redevelopment or job-creation projects.

3434 (f) Local governments are encouraged to develop tools and
3435 techniques to complement the application of transportation
3436 concurrency such as:

3437 1. Adoption of long-term strategies to facilitate
3438 development patterns that support multimodal solutions,
3439 including urban design and appropriate land use mixes, including
3440 intensity and density.

3441 2. Adoption of an areawide level of service not dependent
3442 on any single road segment function.

3443 3. Exempting or discounting impacts of locally desired
3444 development, such as development in urban areas, redevelopment,
3445 job creation, and mixed use on the transportation system.

3446 4. Assigning secondary priority to vehicle mobility and
3447 primary priority to ensuring a safe, comfortable, and attractive
3448 pedestrian environment, with convenient interconnection to
3449 transit.



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3450 5. Establishing multimodal level-of-service standards that
3451 rely primarily on nonvehicular modes of transportation where
3452 existing or planned community design will provide adequate level
3453 of mobility.

3454 6. Reducing impact fees or local access fees to promote
3455 development within urban areas, multimodal transportation
3456 districts, and a balance of mixed use development in certain
3457 areas or districts, or for affordable or workforce housing.

3458 (g) Local governments are encouraged to coordinate with
3459 adjacent local governments for the purpose of using common
3460 methodologies for measuring impacts on transportation
3461 facilities.

3462 (h) Local governments that implement transportation
3463 concurrency must:

3464 1. Consult with the Department of Transportation when
3465 proposed plan amendments affect facilities on the strategic
3466 intermodal system.

3467 2. Exempt public transit facilities from concurrency. For
3468 the purposes of this subparagraph, public transit facilities
3469 include transit stations and terminals; transit station parking;
3470 park-and-ride lots; intermodal public transit connection or
3471 transfer facilities; fixed bus, guideway, and rail stations; and
3472 airport passenger terminals and concourses, air cargo
3473 facilities, and hangars for the assembly, manufacture,
3474 maintenance, or storage of aircraft. As used in this
3475 subparagraph, the terms "terminals" and "transit facilities" do
3476 not include seaports or commercial or residential development
3477 constructed in conjunction with a public transit facility.

3478 3. Allow an applicant for a development of regional impact



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3479 development order, a rezoning, or other land use development
3480 permit to satisfy the transportation concurrency requirements of
3481 the local comprehensive plan, the local government's concurrency
3482 management system, and s. 380.06, when applicable, if:

3483 a. The applicant enters into a binding agreement to pay for
3484 or construct its proportionate share of required improvements.

3485 b. The proportionate-share contribution or construction is
3486 sufficient to accomplish one or more mobility improvements that
3487 will benefit a regionally significant transportation facility.

3488 c. The local government has provided a means by which the
3489 landowner will be assessed a proportionate share of the cost of
3490 providing the transportation facilities necessary to serve the
3491 proposed development.

3492
3493 When an applicant contributes or constructs its
3494 proportionate share, pursuant to this subparagraph, a local
3495 government may not require payment or construction of
3496 transportation facilities whose costs would be greater than a
3497 development's proportionate share of the improvements necessary
3498 to mitigate the development's impacts. The proportionate-share
3499 contribution shall be calculated based upon the number of trips
3500 from the proposed development expected to reach roadways during
3501 the peak hour from the stage or phase being approved, divided by
3502 the change in the peak hour maximum service volume of roadways
3503 resulting from construction of an improvement necessary to
3504 maintain or achieve the adopted level of service, multiplied by
3505 the construction cost, at the time of developer payment, of the
3506 improvement necessary to maintain or achieve the adopted level
3507 of service. In using the proportionate-share formula provided in



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3508 this paragraph, the applicant, in its traffic analysis, shall
3509 establish those roads or facilities that have a transportation
3510 deficiency in accordance with the transportation deficiency
3511 definition provided in paragraph (b). The proportionate share
3512 formula provided in this paragraph shall be applied only to
3513 those transportation facilities that are determined to be
3514 significantly and adversely impacted by the project traffic
3515 under review. If any road is determined to be transportation
3516 deficient without the project traffic under review, the costs of
3517 that said deficiency shall be removed from the project's
3518 proportionate share calculation. The identified improvement to
3519 correct the said transportation deficiency is the funding
3520 responsibility of the entity that maintenance responsibility for
3521 the facility. If additional improvements, beyond those
3522 improvements necessary to correct the existing or projected
3523 deficiency, would be needed for an identified deficient
3524 facility, the necessary transportation improvements to correct
3525 the said deficiency shall be considered to be in place for
3526 purposes of the proportionate share calculation. The
3527 development's proportionate share shall be calculated only for
3528 the needed transportation improvements that are greater than the
3529 identified deficiency. In projecting the number of trips to be
3530 generated by the development under review, any trips assigned to
3531 a toll-financed facility shall be eliminated from the analysis.

3532 ~~(a) The Legislature finds that under limited circumstances,~~
3533 ~~countervailing planning and public policy goals may come into~~
3534 ~~conflict with the requirement that adequate public~~
3535 ~~transportation facilities and services be available concurrent~~
3536 ~~with the impacts of such development. The Legislature further~~



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3537 ~~finds that the unintended result of the concurrency requirement~~
3538 ~~for transportation facilities is often the discouragement of~~
3539 ~~urban infill development and redevelopment. Such unintended~~
3540 ~~results directly conflict with the goals and policies of the~~
3541 ~~state comprehensive plan and the intent of this part. The~~
3542 ~~Legislature also finds that in urban centers transportation~~
3543 ~~cannot be effectively managed and mobility cannot be improved~~
3544 ~~solely through the expansion of roadway capacity, that the~~
3545 ~~expansion of roadway capacity is not always physically or~~
3546 ~~financially possible, and that a range of transportation~~
3547 ~~alternatives is essential to satisfy mobility needs, reduce~~
3548 ~~congestion, and achieve healthy, vibrant centers.~~

3549 ~~(b)1. The following are transportation concurrency~~
3550 ~~exception areas:~~

3551 ~~a. A municipality that qualifies as a dense urban land area~~
3552 ~~under s. 163.3164;~~

3553 ~~b. An urban service area under s. 163.3164 that has been~~
3554 ~~adopted into the local comprehensive plan and is located within~~
3555 ~~a county that qualifies as a dense urban land area under s.~~
3556 ~~163.3164; and~~

3557 ~~e. A county, including the municipalities located therein,~~
3558 ~~which has a population of at least 900,000 and qualifies as a~~
3559 ~~dense urban land area under s. 163.3164, but does not have an~~
3560 ~~urban service area designated in the local comprehensive plan.~~

3561 ~~2. A municipality that does not qualify as a dense urban~~
3562 ~~land area pursuant to s. 163.3164 may designate in its local~~
3563 ~~comprehensive plan the following areas as transportation~~
3564 ~~concurrency exception areas:~~

3565 ~~a. Urban infill as defined in s. 163.3164;~~



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3566 ~~b. Community redevelopment areas as defined in s. 163.340;~~
3567 ~~e. Downtown revitalization areas as defined in s. 163.3164;~~
3568 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
3569 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
3570 ~~within a designated urban service boundary under s.~~
3571 ~~163.3177(14).~~

3572 ~~3. A county that does not qualify as a dense urban land~~
3573 ~~area pursuant to s. 163.3164 may designate in its local~~
3574 ~~comprehensive plan the following areas as transportation~~
3575 ~~concurrency exception areas:~~

3576 ~~a. Urban infill as defined in s. 163.3164;~~
3577 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
3578 ~~e. Urban service areas as defined in s. 163.3164.~~

3579 ~~4. A local government that has a transportation concurrency~~
3580 ~~exception area designated pursuant to subparagraph 1.,~~
3581 ~~subparagraph 2., or subparagraph 3. shall, within 2 years after~~
3582 ~~the designated area becomes exempt, adopt into its local~~
3583 ~~comprehensive plan land use and transportation strategies to~~
3584 ~~support and fund mobility within the exception area, including~~
3585 ~~alternative modes of transportation. Local governments are~~
3586 ~~encouraged to adopt complementary land use and transportation~~
3587 ~~strategies that reflect the region's shared vision for its~~
3588 ~~future. If the state land planning agency finds insufficient~~
3589 ~~cause for the failure to adopt into its comprehensive plan land~~
3590 ~~use and transportation strategies to support and fund mobility~~
3591 ~~within the designated exception area after 2 years, it shall~~
3592 ~~submit the finding to the Administration Commission, which may~~
3593 ~~impose any of the sanctions set forth in s. 163.3184(11) (a) and~~
3594 ~~(b) against the local government.~~



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3595 ~~5. Transportation concurrency exception areas designated~~
3596 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
3597 ~~do not apply to designated transportation concurrency districts~~
3598 ~~located within a county that has a population of at least 1.5~~
3599 ~~million, has implemented and uses a transportation-related~~
3600 ~~concurrency assessment to support alternative modes of~~
3601 ~~transportation, including, but not limited to, mass transit, and~~
3602 ~~does not levy transportation impact fees within the concurrency~~
3603 ~~district.~~

3604 ~~6. Transportation concurrency exception areas designated~~
3605 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
3606 ~~not apply in any county that has exempted more than 40 percent~~
3607 ~~of the area inside the urban service area from transportation~~
3608 ~~concurrency for the purpose of urban infill.~~

3609 ~~7. A local government that does not have a transportation~~
3610 ~~concurrency exception area designated pursuant to subparagraph~~
3611 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
3612 ~~from the concurrency requirement for transportation facilities~~
3613 ~~if the proposed development is otherwise consistent with the~~
3614 ~~adopted local government comprehensive plan and is a project~~
3615 ~~that promotes public transportation or is located within an area~~
3616 ~~designated in the comprehensive plan for:~~

- 3617 ~~a. Urban infill development;~~
- 3618 ~~b. Urban redevelopment;~~
- 3619 ~~e. Downtown revitalization;~~
- 3620 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3621 ~~e. An urban service area specifically designated as a~~
3622 ~~transportation concurrency exception area which includes lands~~
3623 ~~appropriate for compact, contiguous urban development, which~~



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3624 ~~does not exceed the amount of land needed to accommodate the~~
3625 ~~projected population growth at densities consistent with the~~
3626 ~~adopted comprehensive plan within the 10-year planning period,~~
3627 ~~and which is served or is planned to be served with public~~
3628 ~~facilities and services as provided by the capital improvements~~
3629 ~~element.~~

3630 ~~(c) The Legislature also finds that developments located~~
3631 ~~within urban infill, urban redevelopment, urban service, or~~
3632 ~~downtown revitalization areas or areas designated as urban~~
3633 ~~infill and redevelopment areas under s. 163.2517, which pose~~
3634 ~~only special part-time demands on the transportation system, are~~
3635 ~~exempt from the concurrency requirement for transportation~~
3636 ~~facilities. A special part-time demand is one that does not have~~
3637 ~~more than 200 scheduled events during any calendar year and does~~
3638 ~~not affect the 100 highest traffic volume hours.~~

3639 ~~(d) Except for transportation concurrency exception areas~~
3640 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
3641 ~~or subparagraph (b)3., the following requirements apply:~~

3642 ~~1. The local government shall both adopt into the~~
3643 ~~comprehensive plan and implement long-term strategies to support~~
3644 ~~and fund mobility within the designated exception area,~~
3645 ~~including alternative modes of transportation. The plan~~
3646 ~~amendment must also demonstrate how strategies will support the~~
3647 ~~purpose of the exception and how mobility within the designated~~
3648 ~~exception area will be provided.~~

3649 ~~2. The strategies must address urban design; appropriate~~
3650 ~~land use mixes, including intensity and density; and network~~
3651 ~~connectivity plans needed to promote urban infill,~~
3652 ~~redevelopment, or downtown revitalization. The comprehensive~~



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3653 ~~plan amendment designating the concurrency exception area must~~
3654 ~~be accompanied by data and analysis supporting the local~~
3655 ~~government's determination of the boundaries of the~~
3656 ~~transportation concurrency exception area.~~

3657 ~~(c) Before designating a concurrency exception area~~
3658 ~~pursuant to subparagraph (b)7., the state land planning agency~~
3659 ~~and the Department of Transportation shall be consulted by the~~
3660 ~~local government to assess the impact that the proposed~~
3661 ~~exception area is expected to have on the adopted level-of-~~
3662 ~~service standards established for regional transportation~~
3663 ~~facilities identified pursuant to s. 186.507, including the~~
3664 ~~Strategic Intermodal System and roadway facilities funded in~~
3665 ~~accordance with s. 339.2819. Further, the local government shall~~
3666 ~~provide a plan for the mitigation of impacts to the Strategic~~
3667 ~~Intermodal System, including, if appropriate, access management,~~
3668 ~~parallel reliever roads, transportation demand management, and~~
3669 ~~other measures.~~

3670 ~~(f) The designation of a transportation concurrency~~
3671 ~~exception area does not limit a local government's home rule~~
3672 ~~power to adopt ordinances or impose fees. This subsection does~~
3673 ~~not affect any contract or agreement entered into or development~~
3674 ~~order rendered before the creation of the transportation~~
3675 ~~concurrency exception area except as provided in s.~~
3676 ~~380.06(29)(c).~~

3677 ~~(g) The Office of Program Policy Analysis and Government~~
3678 ~~Accountability shall submit to the President of the Senate and~~
3679 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3680 ~~a report on transportation concurrency exception areas created~~
3681 ~~pursuant to this subsection. At a minimum, the report shall~~



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3682 ~~address the methods that local governments have used to~~
3683 ~~implement and fund transportation strategies to achieve the~~
3684 ~~purposes of designated transportation concurrency exception~~
3685 ~~areas, and the effects of the strategies on mobility,~~
3686 ~~congestion, urban design, the density and intensity of land use~~
3687 ~~mixes, and network connectivity plans used to promote urban~~
3688 ~~infill, redevelopment, or downtown revitalization.~~

3689 ~~(6) The Legislature finds that a de minimis impact is~~
3690 ~~consistent with this part. A de minimis impact is an impact that~~
3691 ~~would not affect more than 1 percent of the maximum volume at~~
3692 ~~the adopted level of service of the affected transportation~~
3693 ~~facility as determined by the local government. No impact will~~
3694 ~~be de minimis if the sum of existing roadway volumes and the~~
3695 ~~projected volumes from approved projects on a transportation~~
3696 ~~facility would exceed 110 percent of the maximum volume at the~~
3697 ~~adopted level of service of the affected transportation~~
3698 ~~facility; provided however, that an impact of a single family~~
3699 ~~home on an existing lot will constitute a de minimis impact on~~
3700 ~~all roadways regardless of the level of the deficiency of the~~
3701 ~~roadway. Further, no impact will be de minimis if it would~~
3702 ~~exceed the adopted level-of-service standard of any affected~~
3703 ~~designated hurricane evacuation routes. Each local government~~
3704 ~~shall maintain sufficient records to ensure that the 110-percent~~
3705 ~~criterion is not exceeded. Each local government shall submit~~
3706 ~~annually, with its updated capital improvements element, a~~
3707 ~~summary of the de minimis records. If the state land planning~~
3708 ~~agency determines that the 110-percent criterion has been~~
3709 ~~exceeded, the state land planning agency shall notify the local~~
3710 ~~government of the exceedance and that no further de minimis~~



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3711 ~~exceptions for the applicable roadway may be granted until such~~
3712 ~~time as the volume is reduced below the 110 percent. The local~~
3713 ~~government shall provide proof of this reduction to the state~~
3714 ~~land planning agency before issuing further de minimis~~
3715 ~~exceptions.~~

3716 ~~(7) In order to promote infill development and~~
3717 ~~redevelopment, one or more transportation concurrency management~~
3718 ~~areas may be designated in a local government comprehensive~~
3719 ~~plan. A transportation concurrency management area must be a~~
3720 ~~compact geographic area with an existing network of roads where~~
3721 ~~multiple, viable alternative travel paths or modes are available~~
3722 ~~for common trips. A local government may establish an areawide~~
3723 ~~level of service standard for such a transportation concurrency~~
3724 ~~management area based upon an analysis that provides for a~~
3725 ~~justification for the areawide level of service, how urban~~
3726 ~~infill development or redevelopment will be promoted, and how~~
3727 ~~mobility will be accomplished within the transportation~~
3728 ~~concurrency management area. Prior to the designation of a~~
3729 ~~concurrency management area, the Department of Transportation~~
3730 ~~shall be consulted by the local government to assess the impact~~
3731 ~~that the proposed concurrency management area is expected to~~
3732 ~~have on the adopted level of service standards established for~~
3733 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
3734 ~~and roadway facilities funded in accordance with s. 339.2819.~~
3735 ~~Further, the local government shall, in cooperation with the~~
3736 ~~Department of Transportation, develop a plan to mitigate any~~
3737 ~~impacts to the Strategic Intermodal System, including, if~~
3738 ~~appropriate, the development of a long-term concurrency~~
3739 ~~management system pursuant to subsection (9) and s.~~



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3740 ~~163.3177(3)(d). Transportation concurrency management areas~~
3741 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
3742 ~~provisions of this section by July 1, 2006, or at the time of~~
3743 ~~the comprehensive plan update pursuant to the evaluation and~~
3744 ~~appraisal report, whichever occurs last. The state land planning~~
3745 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
3746 ~~be consistent with this subsection.~~

3747 ~~(8) When assessing the transportation impacts of proposed~~
3748 ~~urban redevelopment within an established existing urban service~~
3749 ~~area, 110 percent of the actual transportation impact caused by~~
3750 ~~the previously existing development must be reserved for the~~
3751 ~~redevelopment, even if the previously existing development has a~~
3752 ~~lesser or nonexistent impact pursuant to the calculations of the~~
3753 ~~local government. Redevelopment requiring less than 110 percent~~
3754 ~~of the previously existing capacity shall not be prohibited due~~
3755 ~~to the reduction of transportation levels of service below the~~
3756 ~~adopted standards. This does not preclude the appropriate~~
3757 ~~assessment of fees or accounting for the impacts within the~~
3758 ~~concurrency management system and capital improvements program~~
3759 ~~of the affected local government. This paragraph does not affect~~
3760 ~~local government requirements for appropriate development~~
3761 ~~permits.~~

3762 ~~(9)(a) Each local government may adopt as a part of its~~
3763 ~~plan, long-term transportation and school concurrency management~~
3764 ~~systems with a planning period of up to 10 years for specially~~
3765 ~~designated districts or areas where significant backlogs exist.~~
3766 ~~The plan may include interim level-of-service standards on~~
3767 ~~certain facilities and shall rely on the local government's~~
3768 ~~schedule of capital improvements for up to 10 years as a basis~~



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3769 ~~for issuing development orders that authorize commencement of~~
3770 ~~construction in these designated districts or areas. The~~
3771 ~~concurrency management system must be designed to correct~~
3772 ~~existing deficiencies and set priorities for addressing~~
3773 ~~backlogged facilities. The concurrency management system must be~~
3774 ~~financially feasible and consistent with other portions of the~~
3775 ~~adopted local plan, including the future land use map.~~

3776 ~~(b) If a local government has a transportation or school~~
3777 ~~facility backlog for existing development which cannot be~~
3778 ~~adequately addressed in a 10-year plan, the state land planning~~
3779 ~~agency may allow it to develop a plan and long-term schedule of~~
3780 ~~capital improvements covering up to 15 years for good and~~
3781 ~~sufficient cause, based on a general comparison between that~~
3782 ~~local government and all other similarly situated local~~
3783 ~~jurisdictions, using the following factors:~~

- 3784 ~~1. The extent of the backlog.~~
3785 ~~2. For roads, whether the backlog is on local or state~~
3786 ~~roads.~~
3787 ~~3. The cost of eliminating the backlog.~~
3788 ~~4. The local government's tax and other revenue-raising~~
3789 ~~efforts.~~

3790 ~~(c) The local government may issue approvals to commence~~
3791 ~~construction notwithstanding this section, consistent with and~~
3792 ~~in areas that are subject to a long-term concurrency management~~
3793 ~~system.~~

3794 ~~(d) If the local government adopts a long-term concurrency~~
3795 ~~management system, it must evaluate the system periodically. At~~
3796 ~~a minimum, the local government must assess its progress toward~~
3797 ~~improving levels of service within the long-term concurrency~~



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3798 ~~management district or area in the evaluation and appraisal~~
3799 ~~report and determine any changes that are necessary to~~
3800 ~~accelerate progress in meeting acceptable levels of service.~~
3801 ~~(10) Except in transportation concurrency exception areas,~~
3802 ~~with regard to roadway facilities on the Strategic Intermodal~~
3803 ~~System designated in accordance with s. 339.63, local~~
3804 ~~governments shall adopt the level of service standard~~
3805 ~~established by the Department of Transportation by rule.~~
3806 ~~However, if the Office of Tourism, Trade, and Economic~~
3807 ~~Development concurs in writing with the local government that~~
3808 ~~the proposed development is for a qualified job creation project~~
3809 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
3810 ~~after consulting with the Department of Transportation, may~~
3811 ~~provide for a waiver of transportation concurrency for the~~
3812 ~~project. For all other roads on the State Highway System, local~~
3813 ~~governments shall establish an adequate level of service~~
3814 ~~standard that need not be consistent with any level of service~~
3815 ~~standard established by the Department of Transportation. In~~
3816 ~~establishing adequate level of service standards for any~~
3817 ~~arterial roads, or collector roads as appropriate, which~~
3818 ~~traverse multiple jurisdictions, local governments shall~~
3819 ~~consider compatibility with the roadway facility's adopted~~
3820 ~~level of service standards in adjacent jurisdictions. Each local~~
3821 ~~government within a county shall use a professionally accepted~~
3822 ~~methodology for measuring impacts on transportation facilities~~
3823 ~~for the purposes of implementing its concurrency management~~
3824 ~~system. Counties are encouraged to coordinate with adjacent~~
3825 ~~counties, and local governments within a county are encouraged~~
3826 ~~to coordinate, for the purpose of using common methodologies for~~



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3827 ~~measuring impacts on transportation facilities for the purpose~~
3828 ~~of implementing their concurrency management systems.~~

3829 ~~(11) In order to limit the liability of local governments,~~
3830 ~~a local government may allow a landowner to proceed with~~
3831 ~~development of a specific parcel of land notwithstanding a~~
3832 ~~failure of the development to satisfy transportation~~
3833 ~~concurrency, when all the following factors are shown to exist:~~

3834 ~~(a) The local government with jurisdiction over the~~
3835 ~~property has adopted a local comprehensive plan that is in~~
3836 ~~compliance.~~

3837 ~~(b) The proposed development would be consistent with the~~
3838 ~~future land use designation for the specific property and with~~
3839 ~~pertinent portions of the adopted local plan, as determined by~~
3840 ~~the local government.~~

3841 ~~(c) The local plan includes a financially feasible capital~~
3842 ~~improvements element that provides for transportation facilities~~
3843 ~~adequate to serve the proposed development, and the local~~
3844 ~~government has not implemented that element.~~

3845 ~~(d) The local government has provided a means by which the~~
3846 ~~landowner will be assessed a fair share of the cost of providing~~
3847 ~~the transportation facilities necessary to serve the proposed~~
3848 ~~development.~~

3849 ~~(e) The landowner has made a binding commitment to the~~
3850 ~~local government to pay the fair share of the cost of providing~~
3851 ~~the transportation facilities to serve the proposed development.~~

3852 ~~(12) (a) A development of regional impact may satisfy the~~
3853 ~~transportation concurrency requirements of the local~~
3854 ~~comprehensive plan, the local government's concurrency~~
3855 ~~management system, and s. 380.06 by payment of a proportionate-~~



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3856 ~~share contribution for local and regionally significant traffic~~
3857 ~~impacts, if:~~

3858 ~~1. The development of regional impact which, based on its~~
3859 ~~location or mix of land uses, is designed to encourage~~
3860 ~~pedestrian or other nonautomotive modes of transportation;~~

3861 ~~2. The proportionate share contribution for local and~~
3862 ~~regionally significant traffic impacts is sufficient to pay for~~
3863 ~~one or more required mobility improvements that will benefit a~~
3864 ~~regionally significant transportation facility;~~

3865 ~~3. The owner and developer of the development of regional~~
3866 ~~impact pays or assures payment of the proportionate share~~
3867 ~~contribution; and~~

3868 ~~4. If the regionally significant transportation facility to~~
3869 ~~be constructed or improved is under the maintenance authority of~~
3870 ~~a governmental entity, as defined by s. 334.03(12), other than~~
3871 ~~the local government with jurisdiction over the development of~~
3872 ~~regional impact, the developer is required to enter into a~~
3873 ~~binding and legally enforceable commitment to transfer funds to~~
3874 ~~the governmental entity having maintenance authority or to~~
3875 ~~otherwise assure construction or improvement of the facility.~~

3876
3877 ~~The proportionate share contribution may be applied to any~~
3878 ~~transportation facility to satisfy the provisions of this~~
3879 ~~subsection and the local comprehensive plan, but, for the~~
3880 ~~purposes of this subsection, the amount of the proportionate~~
3881 ~~share contribution shall be calculated based upon the cumulative~~
3882 ~~number of trips from the proposed development expected to reach~~
3883 ~~roadways during the peak hour from the complete buildout of a~~
3884 ~~stage or phase being approved, divided by the change in the peak~~



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3885 ~~hour maximum service volume of roadways resulting from~~
3886 ~~construction of an improvement necessary to maintain the adopted~~
3887 ~~level of service, multiplied by the construction cost, at the~~
3888 ~~time of developer payment, of the improvement necessary to~~
3889 ~~maintain the adopted level of service. For purposes of this~~
3890 ~~subsection, "construction cost" includes all associated costs of~~
3891 ~~the improvement. Proportionate share mitigation shall be limited~~
3892 ~~to ensure that a development of regional impact meeting the~~
3893 ~~requirements of this subsection mitigates its impact on the~~
3894 ~~transportation system but is not responsible for the additional~~
3895 ~~cost of reducing or eliminating backlogs. This subsection also~~
3896 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
3897 ~~and to detailed specific area plans implementing optional sector~~
3898 ~~plans pursuant to s. 163.3245.~~

3899 ~~(b) As used in this subsection, the term "backlog" means a~~
3900 ~~facility or facilities on which the adopted level of service~~
3901 ~~standard is exceeded by the existing trips, plus additional~~
3902 ~~projected background trips from any source other than the~~
3903 ~~development project under review that are forecast by~~
3904 ~~established traffic standards, including traffic modeling,~~
3905 ~~consistent with the University of Florida Bureau of Economic and~~
3906 ~~Business Research medium population projections. Additional~~
3907 ~~projected background trips are to be coincident with the~~
3908 ~~particular stage or phase of development under review.~~

3909 ~~(13) School concurrency shall be established on a~~
3910 ~~districtwide basis and shall include all public schools in the~~
3911 ~~district and all portions of the district, whether located in a~~
3912 ~~municipality or an unincorporated area unless exempt from the~~
3913 ~~public school facilities element pursuant to s. 163.3177(12).~~



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3914 (6) (a) If concurrency is applied to public education
3915 facilities, The application of school concurrency to development
3916 shall be based upon the adopted comprehensive plan, as amended.
3917 all local governments within a county, except as provided in
3918 paragraph (i) ~~(f)~~, shall include principles, guidelines,
3919 standards, and strategies, including adopted levels of service,
3920 in their comprehensive plans and adopt and transmit to the state
3921 land planning agency the necessary plan amendments, along with
3922 the interlocal agreements. If the county and one or more
3923 municipalities have adopted school concurrency into its
3924 comprehensive plan and interlocal agreement that represents at
3925 least 80 percent of the total countywide population, the failure
3926 of one or more municipalities to adopt the concurrency and enter
3927 into the interlocal agreement does not preclude implementation
3928 of school concurrency within the school district agreement, for
3929 a compliance review pursuant to s. 163.3184(7) and (8). The
3930 minimum requirements for school concurrency are the following:
3931 ~~(a) Public school facilities element. A local government~~
3932 ~~shall adopt and transmit to the state land planning agency a~~
3933 ~~plan or plan amendment which includes a public school facilities~~
3934 ~~element which is consistent with the requirements of s.~~
3935 ~~163.3177(12) and which is determined to be in compliance as~~
3936 ~~defined in s. 163.3184(1) (b). All local government provisions~~
3937 included in comprehensive plans regarding school concurrency
3938 ~~public school facilities plan elements~~ within a county must be
3939 consistent with each other as well as the requirements of this
3940 part.
3941 ~~(b) Level of service standards. The Legislature recognizes~~
3942 ~~that an essential requirement for a concurrency management~~



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3943 ~~system is the level of service at which a public facility is~~
3944 ~~expected to operate.~~

3945 ~~1.~~ Local governments and school boards imposing school
3946 concurrency shall exercise authority in conjunction with each
3947 other to establish jointly adequate level-of-service standards,
3948 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
3949 necessary to implement the adopted local government
3950 comprehensive plan, based on data and analysis.

3951 ~~(c)2.~~ Public school level-of-service standards shall be
3952 included and adopted into the capital improvements element of
3953 the local comprehensive plan and shall apply districtwide to all
3954 schools of the same type. Types of schools may include
3955 elementary, middle, and high schools as well as special purpose
3956 facilities such as magnet schools.

3957 ~~(d)3.~~ Local governments and school boards may ~~shall have~~
3958 ~~the option to~~ utilize tiered level-of-service standards to allow
3959 time to achieve an adequate and desirable level of service as
3960 circumstances warrant.

3961 ~~(e)4.~~ ~~For the purpose of determining whether levels of~~
3962 ~~service have been achieved, for the first 3 years of school~~
3963 ~~concurrency implementation,~~ A school district that includes
3964 relocatable facilities in its inventory of student stations
3965 shall include the capacity of such relocatable facilities as
3966 provided in s. 1013.35(2)(b)2.f., provided the relocatable
3967 facilities were purchased after 1998 and the relocatable
3968 facilities meet the standards for long-term use pursuant to s.
3969 1013.20.

3970 ~~(e) Service areas. The Legislature recognizes that an~~
3971 ~~essential requirement for a concurrency system is a designation~~



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3972 ~~of the area within which the level of service will be measured~~
3973 ~~when an application for a residential development permit is~~
3974 ~~reviewed for school concurrency purposes. This delineation is~~
3975 ~~also important for purposes of determining whether the local~~
3976 ~~government has a financially feasible public school capital~~
3977 ~~facilities program that will provide schools which will achieve~~
3978 ~~and maintain the adopted level of service standards.~~

3979 (f)1. In order to balance competing interests, preserve the
3980 constitutional concept of uniformity, and avoid disruption of
3981 existing educational and growth management processes, local
3982 governments are encouraged, if they elect to adopt school
3983 concurrency, to ~~initially~~ apply school concurrency to
3984 development ~~only~~ on a districtwide basis so that a concurrency
3985 determination for a specific development will be based upon the
3986 availability of school capacity districtwide. ~~To ensure that~~
3987 ~~development is coordinated with schools having available~~
3988 ~~capacity, within 5 years after adoption of school concurrency,~~

3989 2. If a local government elects to ~~governments shall~~ apply
3990 school concurrency on a less than districtwide basis, by such as
3991 using school attendance zones or concurrency service areas; ~~as~~
3992 ~~provided in subparagraph 2.~~

3993 a.2. ~~For local governments applying school concurrency on a~~
3994 ~~less than districtwide basis, such as utilizing school~~
3995 ~~attendance zones or larger school concurrency service areas,~~
3996 Local governments and school boards shall have the burden to
3997 demonstrate that the utilization of school capacity is maximized
3998 to the greatest extent possible in the comprehensive plan and
3999 amendment, taking into account transportation costs and court-
4000 approved desegregation plans, as well as other factors. In



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4001 addition, in order to achieve concurrency within the service
4002 area boundaries selected by local governments and school boards,
4003 the service area boundaries, together with the standards for
4004 establishing those boundaries, shall be identified and included
4005 as supporting data and analysis for the comprehensive plan.

4006 ~~b.3.~~ Where school capacity is available on a districtwide
4007 basis but school concurrency is applied on a less than
4008 districtwide basis in the form of concurrency service areas, if
4009 the adopted level-of-service standard cannot be met in a
4010 particular service area as applied to an application for a
4011 development permit and if the needed capacity for the particular
4012 service area is available in one or more contiguous service
4013 areas, as adopted by the local government, then the local
4014 government may not deny an application for site plan or final
4015 subdivision approval or the functional equivalent for a
4016 development or phase of a development on the basis of school
4017 concurrency, and if issued, development impacts shall be
4018 subtracted from the shifted to contiguous service area's areas
4019 with schools having available capacity totals. Students from the
4020 development may not be required to go to the adjacent service
4021 area unless the school board rezones the area in which the
4022 development occurs.

4023 ~~(g)(d) Financial feasibility.~~ The Legislature recognizes
4024 that financial feasibility is an important issue because The
4025 premise of concurrency is that the public facilities will be
4026 provided in order to achieve and maintain the adopted level-of-
4027 service standard. This part and chapter 9J-5, Florida
4028 Administrative Code, contain specific standards to determine the
4029 financial feasibility of capital programs. These standards were



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4030 ~~adopted to make concurrency more predictable and local~~
4031 ~~governments more accountable.~~

4032 ~~1. A comprehensive plan that imposes amendment seeking to~~
4033 ~~impose school concurrency shall contain appropriate amendments~~
4034 ~~to the capital improvements element of the comprehensive plan,~~
4035 ~~consistent with the requirements of s. 163.3177(3) and rule 9J-~~
4036 ~~5.016, Florida Administrative Code. The capital improvements~~
4037 ~~element shall identify facilities necessary to meet adopted~~
4038 ~~levels of service during a 5-year period consistent with the~~
4039 ~~school board's educational set forth a financially feasible~~
4040 ~~public school capital facilities plan program, established in~~
4041 ~~conjunction with the school board, that demonstrates that the~~
4042 ~~adopted level of service standards will be achieved and~~
4043 ~~maintained.~~

4044 ~~(h)1. In order to limit the liability of local governments,~~
4045 ~~a local government may allow a landowner to proceed with~~
4046 ~~development of a specific parcel of land notwithstanding a~~
4047 ~~failure of the development to satisfy school concurrency, if all~~
4048 ~~the following factors are shown to exist:~~

4049 ~~a. The proposed development would be consistent with the~~
4050 ~~future land use designation for the specific property and with~~
4051 ~~pertinent portions of the adopted local plan, as determined by~~
4052 ~~the local government.~~

4053 ~~b. The local government's capital improvements element and~~
4054 ~~the school board's educational facilities plan provide for~~
4055 ~~school facilities adequate to serve the proposed development,~~
4056 ~~and the local government or school board has not implemented~~
4057 ~~that element, or the project includes a plan that demonstrates~~
4058 ~~that the capital facilities needed as a result of the project~~



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4059 can be reasonably provided.

4060 c. The local government and school board have provided a
4061 means by which the landowner will be assessed a proportionate
4062 share of the cost of providing the school facilities necessary
4063 to serve the proposed development.

4064 ~~2. Such amendments shall demonstrate that the public school~~
4065 ~~capital facilities program meets all of the financial~~
4066 ~~feasibility standards of this part and chapter 9J-5, Florida~~
4067 ~~Administrative Code, that apply to capital programs which~~
4068 ~~provide the basis for mandatory concurrency on other public~~
4069 ~~facilities and services.~~

4070 ~~3. When the financial feasibility of a public school~~
4071 ~~capital facilities program is evaluated by the state land~~
4072 ~~planning agency for purposes of a compliance determination, the~~
4073 ~~evaluation shall be based upon the service areas selected by the~~
4074 ~~local governments and school board.~~

4075 ~~2.(e) If Availability standard.~~ Consistent with the public
4076 ~~welfare,~~ a local government applies school concurrency, it may
4077 not deny an application for site plan, final subdivision
4078 approval, or the functional equivalent for a development or
4079 phase of a development authorizing residential development for
4080 failure to achieve and maintain the level-of-service standard
4081 for public school capacity in a local school concurrency
4082 management system where adequate school facilities will be in
4083 place or under actual construction within 3 years after the
4084 issuance of final subdivision or site plan approval, or the
4085 functional equivalent. School concurrency is satisfied if the
4086 developer executes a legally binding commitment to provide
4087 mitigation proportionate to the demand for public school



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4088 facilities to be created by actual development of the property,
4089 including, but not limited to, the options described in sub-
4090 subparagraph a. subparagraph 1. Options for proportionate-share
4091 mitigation of impacts on public school facilities must be
4092 established in the comprehensive plan ~~public school facilities~~
4093 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.

4094 a.1. Appropriate mitigation options include the
4095 contribution of land; the construction, expansion, or payment
4096 for land acquisition or construction of a public school
4097 facility; the construction of a charter school that complies
4098 with the requirements of s. 1002.33(18); or the creation of
4099 mitigation banking based on the construction of a public school
4100 facility in exchange for the right to sell capacity credits.
4101 Such options must include execution by the applicant and the
4102 local government of a development agreement that constitutes a
4103 legally binding commitment to pay proportionate-share mitigation
4104 for the additional residential units approved by the local
4105 government in a development order and actually developed on the
4106 property, taking into account residential density allowed on the
4107 property prior to the plan amendment that increased the overall
4108 residential density. The district school board must be a party
4109 to such an agreement. As a condition of its entry into such a
4110 development agreement, the local government may require the
4111 landowner to agree to continuing renewal of the agreement upon
4112 its expiration.

4113 b.2. If the interlocal agreement ~~education facilities plan~~
4114 and the local government comprehensive plan ~~public educational~~
4115 ~~facilities element~~ authorize a contribution of land; the
4116 construction, expansion, or payment for land acquisition; the



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4117 construction or expansion of a public school facility, or a
4118 portion thereof; or the construction of a charter school that
4119 complies with the requirements of s. 1002.33(18), as
4120 proportionate-share mitigation, the local government shall
4121 credit such a contribution, construction, expansion, or payment
4122 toward any other impact fee or exaction imposed by local
4123 ordinance for the same need, on a dollar-for-dollar basis at
4124 fair market value.

4125 ~~c.3.~~ Any proportionate-share mitigation must be directed by
4126 the school board toward a school capacity improvement identified
4127 in the a financially feasible 5-year school board's educational
4128 facilities district work plan that satisfies the demands created
4129 by the development in accordance with a binding developer's
4130 agreement.

4131 ~~4. If a development is precluded from commencing because~~
4132 ~~there is inadequate classroom capacity to mitigate the impacts~~
4133 ~~of the development, the development may nevertheless commence if~~
4134 ~~there are accelerated facilities in an approved capital~~
4135 ~~improvement element scheduled for construction in year four or~~
4136 ~~later of such plan which, when built, will mitigate the proposed~~
4137 ~~development, or if such accelerated facilities will be in the~~
4138 ~~next annual update of the capital facilities element, the~~
4139 ~~developer enters into a binding, financially guaranteed~~
4140 ~~agreement with the school district to construct an accelerated~~
4141 ~~facility within the first 3 years of an approved capital~~
4142 ~~improvement plan, and the cost of the school facility is equal~~
4143 ~~to or greater than the development's proportionate share. When~~
4144 ~~the completed school facility is conveyed to the school~~
4145 ~~district, the developer shall receive impact fee credits usable~~



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4146 ~~within the zone where the facility is constructed or any~~
4147 ~~attendance zone contiguous with or adjacent to the zone where~~
4148 ~~the facility is constructed.~~

4149 ~~3.5.~~ This paragraph does not limit the authority of a local
4150 government to deny a development permit or its functional
4151 equivalent pursuant to its home rule regulatory powers, except
4152 as provided in this part.

4153 ~~(i) (f) Intergovernmental coordination.~~

4154 ~~1. When establishing concurrency requirements for public~~
4155 ~~schools, a local government shall satisfy the requirements for~~
4156 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
4157 ~~and 2., except that~~ A municipality is not required to be a
4158 signatory to the interlocal agreement required by paragraph (j)
4159 ~~ss. 163.3177(6)(h)2. and 163.31777(6)~~, as a prerequisite for
4160 imposition of school concurrency, and as a nonsignatory, shall
4161 not participate in the adopted local school concurrency system,
4162 if the municipality meets all of the following criteria for
4163 having no significant impact on school attendance:

4164 ~~1.a.~~ The municipality has issued development orders for
4165 fewer than 50 residential dwelling units during the preceding 5
4166 years, or the municipality has generated fewer than 25
4167 additional public school students during the preceding 5 years.

4168 ~~2.b.~~ The municipality has not annexed new land during the
4169 preceding 5 years in land use categories which permit
4170 residential uses that will affect school attendance rates.

4171 ~~3.c.~~ The municipality has no public schools located within
4172 its boundaries.

4173 ~~4.d.~~ At least 80 percent of the developable land within the
4174 boundaries of the municipality has been built upon.



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4175 ~~2. A municipality which qualifies as having no significant~~
4176 ~~impact on school attendance pursuant to the criteria of~~
4177 ~~subparagraph 1. must review and determine at the time of its~~
4178 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
4179 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~
4180 ~~If the municipality determines that it no longer meets the~~
4181 ~~criteria, it must adopt appropriate school concurrency goals,~~
4182 ~~objectives, and policies in its plan amendments based on the~~
4183 ~~evaluation and appraisal report, and enter into the existing~~
4184 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
4185 ~~163.31777, in order to fully participate in the school~~
4186 ~~concurrency system. If such a municipality fails to do so, it~~
4187 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4188 ~~(j)(g) Interlocal agreement for school concurrency.~~ When
4189 establishing concurrency requirements for public schools, a
4190 local government must enter into an interlocal agreement that
4191 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
4192 163.31777 and the requirements of this subsection. The
4193 interlocal agreement shall acknowledge both the school board's
4194 constitutional and statutory obligations to provide a uniform
4195 system of free public schools on a countywide basis, and the
4196 land use authority of local governments, including their
4197 authority to approve or deny comprehensive plan amendments and
4198 development orders. ~~The interlocal agreement shall be submitted~~
4199 ~~to the state land planning agency by the local government as a~~
4200 ~~part of the compliance review, along with the other necessary~~
4201 ~~amendments to the comprehensive plan required by this part. In~~
4202 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
4203 ~~163.31777, The interlocal agreement shall meet the following~~



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4204 requirements:

4205 1. Establish the mechanisms for coordinating the
4206 development, adoption, and amendment of each local government's
4207 school-concurrency-related provisions of the comprehensive plan
4208 ~~public school facilities element~~ with each other and the plans
4209 of the school board to ensure a uniform districtwide school
4210 concurrency system.

4211 ~~2. Establish a process for the development of siting~~
4212 ~~criteria which encourages the location of public schools~~
4213 ~~proximate to urban residential areas to the extent possible and~~
4214 ~~seeks to collocate schools with other public facilities such as~~
4215 ~~parks, libraries, and community centers to the extent possible.~~

4216 2.3. Specify uniform, districtwide level-of-service
4217 standards for public schools of the same type and the process
4218 for modifying the adopted level-of-service standards.

4219 ~~4. Establish a process for the preparation, amendment, and~~
4220 ~~joint approval by each local government and the school board of~~
4221 ~~a public school capital facilities program which is financially~~
4222 ~~feasible, and a process and schedule for incorporation of the~~
4223 ~~public school capital facilities program into the local~~
4224 ~~government comprehensive plans on an annual basis.~~

4225 3.5. Define the geographic application of school
4226 concurrency. If school concurrency is to be applied on a less
4227 than districtwide basis in the form of concurrency service
4228 areas, the agreement shall establish criteria and standards for
4229 the establishment and modification of school concurrency service
4230 areas. ~~The agreement shall also establish a process and schedule~~
4231 ~~for the mandatory incorporation of the school concurrency~~
4232 ~~service areas and the criteria and standards for establishment~~



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4233 ~~of the service areas into the local government comprehensive~~
4234 ~~plans.~~ The agreement shall ensure maximum utilization of school
4235 capacity, taking into account transportation costs and court-
4236 approved desegregation plans, as well as other factors. ~~The~~
4237 ~~agreement shall also ensure the achievement and maintenance of~~
4238 ~~the adopted level of service standards for the geographic area~~
4239 ~~of application throughout the 5 years covered by the public~~
4240 ~~school capital facilities plan and thereafter by adding a new~~
4241 ~~fifth year during the annual update.~~

4242 ~~4.6.~~ Establish a uniform districtwide procedure for
4243 implementing school concurrency which provides for:

4244 a. The evaluation of development applications for
4245 compliance with school concurrency requirements, including
4246 information provided by the school board on affected schools,
4247 impact on levels of service, and programmed improvements for
4248 affected schools and any options to provide sufficient capacity;

4249 b. An opportunity for the school board to review and
4250 comment on the effect of comprehensive plan amendments and
4251 rezonings on the public school facilities plan; and

4252 c. The monitoring and evaluation of the school concurrency
4253 system.

4254 ~~7. Include provisions relating to amendment of the~~
4255 ~~agreement.~~

4256 ~~5.8.~~ A process and uniform methodology for determining
4257 proportionate-share mitigation pursuant to subparagraph (h)
4258 ~~(e)1.~~

4259 ~~(k)(h) Local government authority.~~ This subsection does not
4260 limit the authority of a local government to grant or deny a
4261 development permit or its functional equivalent prior to the



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4262 implementation of school concurrency.

4263 ~~(14) The state land planning agency shall, by October 1,~~
4264 ~~1998, adopt by rule minimum criteria for the review and~~
4265 ~~determination of compliance of a public school facilities~~
4266 ~~element adopted by a local government for purposes of imposition~~
4267 ~~of school concurrency.~~

4268 ~~(15) (a) Multimodal transportation districts may be~~
4269 ~~established under a local government comprehensive plan in areas~~
4270 ~~delineated on the future land use map for which the local~~
4271 ~~comprehensive plan assigns secondary priority to vehicle~~
4272 ~~mobility and primary priority to assuring a safe, comfortable,~~
4273 ~~and attractive pedestrian environment, with convenient~~
4274 ~~interconnection to transit. Such districts must incorporate~~
4275 ~~community design features that will reduce the number of~~
4276 ~~automobile trips or vehicle miles of travel and will support an~~
4277 ~~integrated, multimodal transportation system. Prior to the~~
4278 ~~designation of multimodal transportation districts, the~~
4279 ~~Department of Transportation shall be consulted by the local~~
4280 ~~government to assess the impact that the proposed multimodal~~
4281 ~~district area is expected to have on the adopted level-of-~~
4282 ~~service standards established for Strategic Intermodal System~~
4283 ~~facilities, as defined in s. 339.64, and roadway facilities~~
4284 ~~funded in accordance with s. 339.2819. Further, the local~~
4285 ~~government shall, in cooperation with the Department of~~
4286 ~~Transportation, develop a plan to mitigate any impacts to the~~
4287 ~~Strategic Intermodal System, including the development of a~~
4288 ~~long-term concurrency management system pursuant to subsection~~
4289 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~
4290 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~



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4291 ~~provisions of this section by July 1, 2006, or at the time of~~
4292 ~~the comprehensive plan update pursuant to the evaluation and~~
4293 ~~appraisal report, whichever occurs last.~~

4294 ~~(b) Community design elements of such a district include: a~~
4295 ~~complementary mix and range of land uses, including educational,~~
4296 ~~recreational, and cultural uses; interconnected networks of~~
4297 ~~streets designed to encourage walking and bicycling, with~~
4298 ~~traffic-calming where desirable; appropriate densities and~~
4299 ~~intensities of use within walking distance of transit stops;~~
4300 ~~daily activities within walking distance of residences, allowing~~
4301 ~~independence to persons who do not drive; public uses, streets,~~
4302 ~~and squares that are safe, comfortable, and attractive for the~~
4303 ~~pedestrian, with adjoining buildings open to the street and with~~
4304 ~~parking not interfering with pedestrian, transit, automobile,~~
4305 ~~and truck travel modes.~~

4306 ~~(c) Local governments may establish multimodal level-of-~~
4307 ~~service standards that rely primarily on nonvehicular modes of~~
4308 ~~transportation within the district, when justified by an~~
4309 ~~analysis demonstrating that the existing and planned community~~
4310 ~~design will provide an adequate level of mobility within the~~
4311 ~~district based upon professionally accepted multimodal level-of-~~
4312 ~~service methodologies. The analysis must also demonstrate that~~
4313 ~~the capital improvements required to promote community design~~
4314 ~~are financially feasible over the development or redevelopment~~
4315 ~~timeframe for the district and that community design features~~
4316 ~~within the district provide convenient interconnection for a~~
4317 ~~multimodal transportation system. Local governments may issue~~
4318 ~~development permits in reliance upon all planned community~~
4319 ~~design capital improvements that are financially feasible over~~



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4320 ~~the development or redevelopment timeframe for the district,~~
4321 ~~without regard to the period of time between development or~~
4322 ~~redevelopment and the scheduled construction of the capital~~
4323 ~~improvements. A determination of financial feasibility shall be~~
4324 ~~based upon currently available funding or funding sources that~~
4325 ~~could reasonably be expected to become available over the~~
4326 ~~planning period.~~

4327 ~~(d) Local governments may reduce impact fees or local~~
4328 ~~access fees for development within multimodal transportation~~
4329 ~~districts based on the reduction of vehicle trips per household~~
4330 ~~or vehicle miles of travel expected from the development pattern~~
4331 ~~planned for the district.~~

4332 ~~(16) It is the intent of the Legislature to provide a~~
4333 ~~method by which the impacts of development on transportation~~
4334 ~~facilities can be mitigated by the cooperative efforts of the~~
4335 ~~public and private sectors. The methodology used to calculate~~
4336 ~~proportionate fair-share mitigation under this section shall be~~
4337 ~~as provided for in subsection (12).~~

4338 ~~(a) By December 1, 2006, each local government shall adopt~~
4339 ~~by ordinance a methodology for assessing proportionate fair-~~
4340 ~~share mitigation options. By December 1, 2005, the Department of~~
4341 ~~Transportation shall develop a model transportation concurrency~~
4342 ~~management ordinance with methodologies for assessing~~
4343 ~~proportionate fair-share mitigation options.~~

4344 ~~(b)1. In its transportation concurrency management system,~~
4345 ~~a local government shall, by December 1, 2006, include~~
4346 ~~methodologies that will be applied to calculate proportionate~~
4347 ~~fair-share mitigation. A developer may choose to satisfy all~~
4348 ~~transportation concurrency requirements by contributing or~~



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4349 ~~paying proportionate fair-share mitigation if transportation~~
4350 ~~facilities or facility segments identified as mitigation for~~
4351 ~~traffic impacts are specifically identified for funding in the~~
4352 ~~5-year schedule of capital improvements in the capital~~
4353 ~~improvements element of the local plan or the long-term~~
4354 ~~concurrency management system or if such contributions or~~
4355 ~~payments to such facilities or segments are reflected in the 5-~~
4356 ~~year schedule of capital improvements in the next regularly~~
4357 ~~scheduled update of the capital improvements element. Updates to~~
4358 ~~the 5-year capital improvements element which reflect~~
4359 ~~proportionate fair-share contributions may not be found not in~~
4360 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
4361 ~~additional contributions, payments or funding sources are~~
4362 ~~reasonably anticipated during a period not to exceed 10 years to~~
4363 ~~fully mitigate impacts on the transportation facilities.~~

4364 ~~2. Proportionate fair-share mitigation shall be applied as~~
4365 ~~a credit against impact fees to the extent that all or a portion~~
4366 ~~of the proportionate fair-share mitigation is used to address~~
4367 ~~the same capital infrastructure improvements contemplated by the~~
4368 ~~local government's impact fee ordinance.~~

4369 ~~(c) Proportionate fair-share mitigation includes, without~~
4370 ~~limitation, separately or collectively, private funds,~~
4371 ~~contributions of land, and construction and contribution of~~
4372 ~~facilities and may include public funds as determined by the~~
4373 ~~local government. Proportionate fair-share mitigation may be~~
4374 ~~directed toward one or more specific transportation improvements~~
4375 ~~reasonably related to the mobility demands created by the~~
4376 ~~development and such improvements may address one or more modes~~
4377 ~~of travel. The fair market value of the proportionate fair-share~~



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4378 ~~mitigation shall not differ based on the form of mitigation. A~~
4379 ~~local government may not require a development to pay more than~~
4380 ~~its proportionate fair share contribution regardless of the~~
4381 ~~method of mitigation. Proportionate fair share mitigation shall~~
4382 ~~be limited to ensure that a development meeting the requirements~~
4383 ~~of this section mitigates its impact on the transportation~~
4384 ~~system but is not responsible for the additional cost of~~
4385 ~~reducing or eliminating backlogs.~~

4386 ~~(d) This subsection does not require a local government to~~
4387 ~~approve a development that is not otherwise qualified for~~
4388 ~~approval pursuant to the applicable local comprehensive plan and~~
4389 ~~land development regulations.~~

4390 ~~(e) Mitigation for development impacts to facilities on the~~
4391 ~~Strategic Intermodal System made pursuant to this subsection~~
4392 ~~requires the concurrence of the Department of Transportation.~~

4393 ~~(f) If the funds in an adopted 5-year capital improvements~~
4394 ~~element are insufficient to fully fund construction of a~~
4395 ~~transportation improvement required by the local government's~~
4396 ~~concurrency management system, a local government and a~~
4397 ~~developer may still enter into a binding proportionate share~~
4398 ~~agreement authorizing the developer to construct that amount of~~
4399 ~~development on which the proportionate share is calculated if~~
4400 ~~the proportionate share amount in such agreement is sufficient~~
4401 ~~to pay for one or more improvements which will, in the opinion~~
4402 ~~of the governmental entity or entities maintaining the~~
4403 ~~transportation facilities, significantly benefit the impacted~~
4404 ~~transportation system. The improvements funded by the~~
4405 ~~proportionate share component must be adopted into the 5-year~~
4406 ~~capital improvements schedule of the comprehensive plan at the~~



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4407 ~~next annual capital improvements element update. The funding of~~
4408 ~~any improvements that significantly benefit the impacted~~
4409 ~~transportation system satisfies concurrency requirements as a~~
4410 ~~mitigation of the development's impact upon the overall~~
4411 ~~transportation system even if there remains a failure of~~
4412 ~~concurrency on other impacted facilities.~~

4413 ~~(g) Except as provided in subparagraph (b)1., this section~~
4414 ~~may not prohibit the Department of Community Affairs from~~
4415 ~~finding other portions of the capital improvements element~~
4416 ~~amendments not in compliance as provided in this chapter.~~

4417 ~~(h) The provisions of this subsection do not apply to a~~
4418 ~~development of regional impact satisfying the requirements of~~
4419 ~~subsection (12).~~

4420 ~~(i) As used in this subsection, the term "backlog" means a~~
4421 ~~facility or facilities on which the adopted level-of-service~~
4422 ~~standard is exceeded by the existing trips, plus additional~~
4423 ~~projected background trips from any source other than the~~
4424 ~~development project under review that are forecast by~~
4425 ~~established traffic standards, including traffic modeling,~~
4426 ~~consistent with the University of Florida Bureau of Economic and~~
4427 ~~Business Research medium population projections. Additional~~
4428 ~~projected background trips are to be coincident with the~~
4429 ~~particular stage or phase of development under review.~~

4430 ~~(17) A local government and the developer of affordable~~
4431 ~~workforce housing units developed in accordance with s.~~
4432 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
4433 ~~or centers in close proximity to the affordable workforce~~
4434 ~~housing units. If at least 50 percent of the units are occupied~~
4435 ~~by an employee or employees of an identified employment center~~



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4436 ~~or centers, all of the affordable workforce housing units are~~
4437 ~~exempt from transportation concurrency requirements, and the~~
4438 ~~local government may not reduce any transportation trip-~~
4439 ~~generation entitlements of an approved development of regional-~~
4440 ~~impact development order. As used in this subsection, the term~~
4441 ~~"close proximity" means 5 miles from the nearest point of the~~
4442 ~~development of regional impact to the nearest point of the~~
4443 ~~employment center, and the term "employment center" means a~~
4444 ~~place of employment that employs at least 25 or more full-time~~
4445 ~~employees.~~

4446 Section 16. Subsection (5) of section 163.31801, Florida
4447 Statutes, is reenacted, and subsection (6) is added to that
4448 section, to read:

4449 163.31801 Impact fees; short title; intent; definitions;
4450 ordinances levying impact fees.—

4451 (5) In any action challenging an impact fee, the government
4452 has the burden of proving by a preponderance of the evidence
4453 that the imposition or amount of the fee meets the requirements
4454 of state legal precedent or this section. The court may not use
4455 a deferential standard.

4456 (6) Notwithstanding any law, ordinance, or resolution to
4457 the contrary, a county, municipality, or special district may
4458 not increase any existing impact fees or impose any new,
4459 increased impact fees on nonresidential development. This
4460 subsection does not affect impact fees pledged or obligated to
4461 the retirement of debt; impact fee increases that were
4462 previously enacted by law, ordinance, or resolution and phased
4463 in over time or included a consumer price index or other yearly
4464 escalator; or impact fees for water or wastewater facilities.



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4465 This subsection expires July 1, 2013.

4466 Section 17. Section 163.3182, Florida Statutes, is amended
4467 to read:

4468 163.3182 Transportation deficiencies ~~concurrency backlogs~~.—

4469 (1) DEFINITIONS.—For purposes of this section, the term:

4470 (a) "Transportation deficiency ~~concurrency backlog~~ area"
4471 means the geographic area within the unincorporated portion of a
4472 county or within the municipal boundary of a municipality
4473 designated in a local government comprehensive plan for which a
4474 transportation development ~~concurrency backlog~~ authority is
4475 created pursuant to this section. A transportation deficiency
4476 ~~concurrency backlog~~ area created within the corporate boundary
4477 of a municipality shall be made pursuant to an interlocal
4478 agreement between a county, a municipality or municipalities,
4479 and any affected taxing authority or authorities.

4480 (b) "Authority" or "transportation development ~~concurrency~~
4481 ~~backlog~~ authority" means the governing body of a county or
4482 municipality within which an authority is created.

4483 (c) "Governing body" means the council, commission, or
4484 other legislative body charged with governing the county or
4485 municipality within which a transportation deficiency
4486 ~~concurrency backlog~~ authority is created pursuant to this
4487 section.

4488 (d) "Transportation deficiency ~~concurrency backlog~~" means
4489 an identified need ~~deficiency~~ where the existing and projected
4490 extent of traffic or projected traffic volume exceeds the level
4491 of service standard adopted in a local government comprehensive
4492 plan for a transportation facility.

4493 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"



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4494 means the plan adopted as part of a local government
4495 comprehensive plan by the governing body of a county or
4496 municipality acting as a transportation development ~~concurrency~~
4497 ~~backlog~~ authority.

4498 (f) "Transportation ~~concurrency backlog~~ project" means any
4499 designated transportation project that will mitigate a
4500 deficiency identified in a transportation deficiency plan
4501 ~~identified for construction within the jurisdiction of a~~
4502 ~~transportation concurrency backlog~~ authority.

4503 (g) "Debt service millage" means any millage levied
4504 pursuant to s. 12, Art. VII of the State Constitution.

4505 (h) "Increment revenue" means the amount calculated
4506 pursuant to subsection (5).

4507 (i) "Taxing authority" means a public body that levies or
4508 is authorized to levy an ad valorem tax on real property located
4509 within a transportation deficiency ~~concurrency backlog~~ area,
4510 except a school district.

4511 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
4512 ~~BACKLOG~~ AUTHORITIES.—

4513 (a) A county or municipality may create a transportation
4514 development ~~concurrency backlog~~ authority if it has an
4515 identified transportation deficiency ~~concurrency backlog~~.

4516 (b) Acting as the transportation development ~~concurrency~~
4517 ~~backlog~~ authority within the authority's jurisdictional
4518 boundary, the governing body of a county or municipality shall
4519 adopt and implement a plan to eliminate all identified
4520 transportation deficiencies ~~concurrency backlogs~~ within the
4521 authority's jurisdiction using funds provided pursuant to
4522 subsection (5) and as otherwise provided pursuant to this



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4523 section.

4524 (c) The Legislature finds and declares that there exist in
4525 many counties and municipalities areas that have significant
4526 transportation deficiencies and inadequate transportation
4527 facilities; that many insufficiencies and inadequacies severely
4528 limit or prohibit the satisfaction of adopted transportation
4529 level-of-service ~~concurrency~~ standards; that the transportation
4530 insufficiencies and inadequacies affect the health, safety, and
4531 welfare of the residents of these counties and municipalities;
4532 that the transportation insufficiencies and inadequacies
4533 adversely affect economic development and growth of the tax base
4534 for the areas in which these insufficiencies and inadequacies
4535 exist; and that the elimination of transportation deficiencies
4536 and inadequacies and the satisfaction of transportation level-
4537 of-service ~~concurrency~~ standards are paramount public purposes
4538 for the state and its counties and municipalities.

4539 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
4540 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~
4541 ~~backlog~~ authority created pursuant to this section has the
4542 powers necessary or convenient to carry out the purposes of this
4543 section, including the following powers in addition to others
4544 granted in this section:

4545 (a) To make and execute contracts and other instruments
4546 necessary or convenient to the exercise of its powers under this
4547 section.

4548 (b) To undertake and carry out transportation ~~concurrency~~
4549 ~~backlog~~ projects for transportation facilities ~~that have~~
4550 designed to relieve transportation deficiencies ~~a concurrency~~
4551 ~~backlog~~ within the authority's jurisdiction. ~~Concurrency backlog~~



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4552 Transportation projects may include transportation facilities
4553 that provide for alternative modes of travel including
4554 sidewalks, bikeways, and mass transit which are related to a
4555 deficient ~~backlogged~~ transportation facility.

4556 (c) To invest any transportation ~~concurrency backlog~~ funds
4557 held in reserve, sinking funds, or any such funds not required
4558 for immediate disbursement in property or securities in which
4559 savings banks may legally invest funds subject to the control of
4560 the authority and to redeem such bonds as have been issued
4561 pursuant to this section at the redemption price established
4562 therein, or to purchase such bonds at less than redemption
4563 price. All such bonds redeemed or purchased shall be canceled.

4564 (d) To borrow money, including, but not limited to, issuing
4565 debt obligations such as, but not limited to, bonds, notes,
4566 certificates, and similar debt instruments; to apply for and
4567 accept advances, loans, grants, contributions, and any other
4568 forms of financial assistance from the Federal Government or the
4569 state, county, or any other public body or from any sources,
4570 public or private, for the purposes of this part; to give such
4571 security as may be required; to enter into and carry out
4572 contracts or agreements; and to include in any contracts for
4573 financial assistance with the Federal Government for or with
4574 respect to a transportation ~~concurrency backlog~~ project and
4575 related activities such conditions imposed under federal laws as
4576 the transportation deficiency ~~concurrency backlog~~ authority
4577 considers reasonable and appropriate and which are not
4578 inconsistent with the purposes of this section.

4579 (e) To make or have made all surveys and plans necessary to
4580 the carrying out of the purposes of this section; to contract



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4581 with any persons, public or private, in making and carrying out
4582 such plans; and to adopt, approve, modify, or amend such
4583 transportation sufficiency ~~concurrency backlog~~ plans.

4584 (f) To appropriate such funds and make such expenditures as
4585 are necessary to carry out the purposes of this section, and to
4586 enter into agreements with other public bodies, which agreements
4587 may extend over any period notwithstanding any provision or rule
4588 of law to the contrary.

4589 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

4590 ~~(a)~~ Each transportation development ~~concurrency backlog~~
4591 authority shall adopt a transportation sufficiency ~~concurrency~~
4592 ~~backlog~~ plan as a part of the local government comprehensive
4593 plan within 6 months after the creation of the authority. The
4594 plan must:

4595 (a)1. Identify all transportation facilities that have been
4596 designated as deficient and require the expenditure of moneys to
4597 upgrade, modify, or mitigate the deficiency.

4598 (b)2. Include a priority listing of all transportation
4599 facilities that have been designated as deficient and do not
4600 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
4601 the applicable local government comprehensive plan.

4602 (c)3. Establish a schedule for financing and construction
4603 of transportation ~~concurrency backlog~~ projects that will
4604 eliminate transportation deficiencies ~~concurrency backlogs~~
4605 within the jurisdiction of the authority within 10 years after
4606 the transportation sufficiency ~~concurrency backlog~~ plan
4607 adoption. If the utilization of mass transit is selected as all
4608 or part of the system solution, the improvements and service may
4609 extend outside the area of the transportation deficiency areas



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4610 to the planned terminus of the improvement as long as the
4611 improvement provides capacity enhancements to a larger
4612 intermodal system. The schedule shall be adopted as part of the
4613 local government comprehensive plan.

4614 ~~(b) The adoption of the transportation concurrency backlog~~
4615 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4616
4617 Notwithstanding such schedule requirements, as long as the
4618 schedule provides for the elimination of all transportation
4619 deficiencies ~~concurrency backlogs~~ within 10 years after the
4620 adoption of the transportation sufficiency ~~concurrency backlog~~
4621 plan, the final maturity date of any debt incurred to finance or
4622 refinance the related projects may be no later than 40 years
4623 after the date the debt is incurred and the authority may
4624 continue operations and administer the trust fund established as
4625 provided in subsection (5) for as long as the debt remains
4626 outstanding.

4627 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
4628 development ~~concurrency backlog~~ authority shall establish a
4629 local transportation ~~concurrency backlog~~ trust fund upon
4630 creation of the authority. Each local trust fund shall be
4631 administered by the transportation development ~~concurrency~~
4632 ~~backlog~~ authority within which a transportation deficiencies
4633 have ~~concurrency backlog~~ has been identified. Each local trust
4634 fund must continue to be funded under this section for as long
4635 as the projects set forth in the related transportation
4636 sufficiency ~~concurrency backlog~~ plan remain to be completed or
4637 until any debt incurred to finance or refinance the related
4638 projects is no longer outstanding, whichever occurs later.



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4639 Beginning in the first fiscal year after the creation of the
4640 authority, each local trust fund shall be funded by the proceeds
4641 of an ad valorem tax increment collected within each
4642 transportation deficiency ~~concurrency backlog~~ area to be
4643 determined annually and shall be a minimum of 25 percent of the
4644 difference between the amounts set forth in paragraphs (a) and
4645 (b), except that if all of the affected taxing authorities agree
4646 under an interlocal agreement, a particular local trust fund may
4647 be funded by the proceeds of an ad valorem tax increment greater
4648 than 25 percent of the difference between the amounts set forth
4649 in paragraphs (a) and (b):

4650 (a) The amount of ad valorem tax levied each year by each
4651 taxing authority, exclusive of any amount from any debt service
4652 millage, on taxable real property contained within the
4653 jurisdiction of the transportation development ~~concurrency~~
4654 ~~backlog~~ authority and within the transportation deficiency
4655 ~~backlog~~ area; and

4656 (b) The amount of ad valorem taxes which would have been
4657 produced by the rate upon which the tax is levied each year by
4658 or for each taxing authority, exclusive of any debt service
4659 millage, upon the total of the assessed value of the taxable
4660 real property within the transportation deficiency ~~concurrency~~
4661 ~~backlog~~ area as shown on the most recent assessment roll used in
4662 connection with the taxation of such property of each taxing
4663 authority prior to the effective date of the ordinance funding
4664 the trust fund.

4665 (6) EXEMPTIONS.—

4666 (a) The following public bodies or taxing authorities are
4667 exempt from the provisions of this section:



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- 4668 1. A special district that levies ad valorem taxes on
4669 taxable real property in more than one county.
- 4670 2. A special district for which the sole available source
4671 of revenue is the authority to levy ad valorem taxes at the time
4672 an ordinance is adopted under this section. However, revenues or
4673 aid that may be dispensed or appropriated to a district as
4674 defined in s. 388.011 at the discretion of an entity other than
4675 such district shall not be deemed available.
- 4676 3. A library district.
- 4677 4. A neighborhood improvement district created under the
4678 Safe Neighborhoods Act.
- 4679 5. A metropolitan transportation authority.
- 4680 6. A water management district created under s. 373.069.
- 4681 7. A community redevelopment agency.
- 4682 (b) A transportation development ~~concurrency exemption~~
4683 authority may also exempt from this section a special district
4684 that levies ad valorem taxes within the transportation
4685 deficiency ~~concurrency backlog~~ area pursuant to s.
4686 163.387(2)(d).
- 4687 (7) TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~ SATISFACTION.—
4688 Upon adoption of a transportation sufficiency ~~concurrency~~
4689 ~~backlog~~ plan as a part of the local government comprehensive
4690 plan, and the plan going into effect, the area subject to the
4691 plan shall be deemed to have achieved and maintained
4692 transportation level-of-service standards, and to have met
4693 requirements for financial feasibility for transportation
4694 facilities, ~~and for the purpose of proposed development~~
4695 ~~transportation concurrency has been satisfied~~. Proportionate
4696 fair-share mitigation shall be limited to ensure that a



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4697 development inside a transportation deficiency ~~concurrency~~
4698 ~~backlog~~ area is not responsible for the additional costs of
4699 eliminating deficiencies ~~backlogs~~.

4700 (8) DISSOLUTION.—Upon completion of all transportation
4701 ~~concurrency backlog~~ projects identified in the transportation
4702 sufficiency plan and repayment or defeasance of all debt issued
4703 to finance or refinance such projects, a transportation
4704 development ~~concurrency backlog~~ authority shall be dissolved,
4705 and its assets and liabilities transferred to the county or
4706 municipality within which the authority is located. All
4707 remaining assets of the authority must be used for
4708 implementation of transportation projects within the
4709 jurisdiction of the authority. The local government
4710 comprehensive plan shall be amended to remove the transportation
4711 deficiency ~~concurrency backlog~~ plan.

4712 Section 18. Section 163.3184, Florida Statutes, is amended
4713 to read:

4714 163.3184 Process for adoption of comprehensive plan or plan
4715 amendment.—

4716 (1) DEFINITIONS.—As used in this section, the term:

4717 (a) "Affected person" includes the affected local
4718 government; persons owning property, residing, or owning or
4719 operating a business within the boundaries of the local
4720 government whose plan is the subject of the review; owners of
4721 real property abutting real property that is the subject of a
4722 proposed change to a future land use map; and adjoining local
4723 governments that can demonstrate that the plan or plan amendment
4724 will produce substantial impacts on the increased need for
4725 publicly funded infrastructure or substantial impacts on areas



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4726 designated for protection or special treatment within their
4727 jurisdiction. Each person, other than an adjoining local
4728 government, in order to qualify under this definition, shall
4729 also have submitted oral or written comments, recommendations,
4730 or objections to the local government during the period of time
4731 beginning with the transmittal hearing for the plan or plan
4732 amendment and ending with the adoption of the plan or plan
4733 amendment.

4734 (b) "In compliance" means consistent with the requirements
4735 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and 163.3245, and~~
4736 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
4737 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
4738 ~~Administrative Code, where such rule is not inconsistent with~~
4739 ~~this part~~ and with the principles for guiding development in
4740 designated areas of critical state concern and with part III of
4741 chapter 369, where applicable.

4742 (c) "Reviewing agencies" means:

- 4743 1. The state land planning agency;
- 4744 2. The appropriate regional planning council;
- 4745 3. The appropriate water management district;
- 4746 4. The Department of Environmental Protection;
- 4747 5. The Department of State;
- 4748 6. The Department of Transportation;
- 4749 7. In the case of plan amendments relating to public
4750 schools, the Department of Education;
- 4751 8. In the case of plans or plan amendments that affect a
4752 military installation listed in s. 163.3175, the commanding
4753 officer of the affected military installation;
- 4754 9. In the case of county plans and plan amendments, the



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4755 Fish and Wildlife Conservation Commission and the Department of
4756 Agriculture and Consumer Services; and

4757 10. In the case of municipal plans and plan amendments, the
4758 county in which the municipality is located.

4759 (2) COORDINATION.—Each comprehensive plan or plan amendment
4760 proposed to be adopted pursuant to this part, except amendments
4761 adopted pursuant to s. 163.32465 or s. 163.3187, shall be
4762 transmitted, adopted, and reviewed in the manner prescribed in
4763 this section. The state land planning agency shall have
4764 responsibility for plan review, coordination, and the
4765 preparation and transmission of comments, pursuant to this
4766 section, to the local governing body responsible for the
4767 comprehensive plan. The state land planning agency shall
4768 maintain a single file concerning any proposed or adopted plan
4769 amendment submitted by a local government for any review under
4770 this section. Copies of all correspondence, papers, notes,
4771 memoranda, and other documents received or generated by the
4772 state land planning agency must be placed in the appropriate
4773 file. Paper copies of all electronic mail correspondence must be
4774 placed in the file. The file and its contents must be available
4775 for public inspection and copying as provided in chapter 119.

4776 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
4777 AMENDMENT.—

4778 (a) Each local governing body shall transmit the complete
4779 proposed comprehensive plan or plan amendment to the reviewing
4780 agencies ~~state land planning agency, the appropriate regional~~
4781 ~~planning council and water management district, the Department~~
4782 ~~of Environmental Protection, the Department of State, and the~~
4783 ~~Department of Transportation, and, in the case of municipal~~



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4784 ~~plans, to the appropriate county, and, in the case of county~~
4785 ~~plans, to the Fish and Wildlife Conservation Commission and the~~
4786 ~~Department of Agriculture and Consumer Services, immediately~~
4787 following a public hearing pursuant to subsection (15) ~~as~~
4788 ~~specified in the state land planning agency's procedural rules.~~
4789 The local governing body shall also transmit a copy of the
4790 complete proposed comprehensive plan or plan amendment to any
4791 other unit of local government or government agency in the state
4792 that has filed a written request with the governing body for the
4793 plan or plan amendment. The local government may request a
4794 review by the state land planning agency pursuant to subsection
4795 (6) at the time of the transmittal of an amendment.

4796 (b) A local governing body shall not transmit portions of a
4797 plan or plan amendment unless it has previously provided to all
4798 state agencies designated by the state land planning agency a
4799 complete copy of its adopted comprehensive plan pursuant to
4800 subsection (7) ~~and as specified in the agency's procedural~~
4801 ~~rules.~~ In the case of comprehensive plan amendments, the local
4802 governing body shall transmit to the state land planning agency,
4803 the other reviewing agencies ~~appropriate regional planning~~
4804 ~~council and water management district, the Department of~~
4805 ~~Environmental Protection, the Department of State, and the~~
4806 ~~Department of Transportation, and, in the case of municipal~~
4807 ~~plans, to the appropriate county and, in the case of county~~
4808 ~~plans, to the Fish and Wildlife Conservation Commission and the~~
4809 ~~Department of Agriculture and Consumer Services~~ the supporting
4810 materials ~~specified in the state land planning agency's~~
4811 ~~procedural rules~~ and, in cases in which the plan amendment is a
4812 result of an evaluation and appraisal report adopted pursuant to



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4813 s. 163.3191, a copy of the evaluation and appraisal report.
4814 Local governing bodies shall consolidate all proposed plan
4815 amendments into a single submission for each of the two plan
4816 amendment adoption dates during the calendar year pursuant to s.
4817 163.3187.

4818 (c) A local government may adopt a proposed plan amendment
4819 previously transmitted pursuant to this subsection, unless
4820 review is requested or otherwise initiated pursuant to
4821 subsection (6).

4822 (d) In cases in which a local government transmits multiple
4823 individual amendments that can be clearly and legally separated
4824 and distinguished for the purpose of determining whether to
4825 review the proposed amendment, and the state land planning
4826 agency elects to review several or a portion of the amendments
4827 and the local government chooses to immediately adopt the
4828 remaining amendments not reviewed, the amendments immediately
4829 adopted and any reviewed amendments that the local government
4830 subsequently adopts together constitute one amendment cycle in
4831 accordance with s. 163.3187(1).

4832 (e) At the request of an applicant, a local government
4833 shall consider an application for zoning changes that would be
4834 required to properly enact the provisions of any proposed plan
4835 amendment transmitted pursuant to this subsection. Zoning
4836 changes approved by the local government are contingent upon the
4837 comprehensive plan or plan amendment transmitted becoming
4838 effective.

4839 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
4840 specified in paragraph (3)(a) shall provide comments to the
4841 state land planning agency within 30 days after receipt by the



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4842 state land planning agency of the complete proposed plan
4843 amendment. ~~If the plan or plan amendment includes or relates to~~
4844 ~~the public school facilities element pursuant to s.~~
4845 ~~163.3177(12), the state land planning agency shall submit a copy~~
4846 ~~to the Office of Educational Facilities of the Commissioner of~~
4847 ~~Education for review and comment.~~ The appropriate regional
4848 planning council shall also provide its written comments to the
4849 state land planning agency within 30 days after receipt by the
4850 state land planning agency of the complete proposed plan
4851 amendment and shall specify any objections, recommendations for
4852 modifications, and comments of any other regional agencies to
4853 which the regional planning council may have referred the
4854 proposed plan amendment. Written comments submitted by the
4855 public within 30 days after notice of transmittal by the local
4856 government of the proposed plan amendment will be considered as
4857 if submitted by governmental agencies. All written agency and
4858 public comments must be made part of the file maintained under
4859 subsection (2).

4860 (5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.—The review of
4861 the regional planning council pursuant to subsection (4) shall
4862 be limited to effects on regional resources or facilities
4863 identified in the strategic regional policy plan and
4864 extrajurisdictional impacts which would be inconsistent with the
4865 comprehensive plan of the affected local government. However,
4866 any inconsistency between a local plan or plan amendment and a
4867 strategic regional policy plan must not be the sole basis for a
4868 notice of intent to find a local plan or plan amendment not in
4869 compliance with this act. A regional planning council shall not
4870 review and comment on a proposed comprehensive plan it prepared



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4871 itself unless the plan has been changed by the local government
4872 subsequent to the preparation of the plan by the regional
4873 planning agency. The review of the county land planning agency
4874 pursuant to subsection (4) shall be primarily in the context of
4875 the relationship and effect of the proposed plan amendment on
4876 any county comprehensive plan element. Any review by
4877 municipalities will be primarily in the context of the
4878 relationship and effect on the municipal plan.

4879 ~~(6) STATE LAND PLANNING AGENCY REVIEW.—~~

4880 ~~(a) The state land planning agency shall review a proposed~~
4881 ~~plan amendment upon request of a regional planning council,~~
4882 ~~affected person, or local government transmitting the plan~~
4883 ~~amendment. The request from the regional planning council or~~
4884 ~~affected person must be received within 30 days after~~
4885 ~~transmittal of the proposed plan amendment pursuant to~~
4886 ~~subsection (3). A regional planning council or affected person~~
4887 ~~requesting a review shall do so by submitting a written request~~
4888 ~~to the agency with a notice of the request to the local~~
4889 ~~government and any other person who has requested notice.~~

4890 ~~(b) The state land planning agency may review any proposed~~
4891 ~~plan amendment regardless of whether a request for review has~~
4892 ~~been made, if the agency gives notice to the local government,~~
4893 ~~and any other person who has requested notice, of its intention~~
4894 ~~to conduct such a review within 35 days after receipt of the~~
4895 ~~complete proposed plan amendment.~~

4896 ~~(c) The state land planning agency shall establish by rule~~
4897 ~~a schedule for receipt of comments from the various government~~
4898 ~~agencies, as well as written public comments, pursuant to~~
4899 ~~subsection (4). If the state land planning agency elects to~~



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4900 ~~review the amendment or the agency is required to review the~~
4901 ~~amendment as specified in paragraph (a), the agency shall issue~~
4902 ~~a report giving its objections, recommendations, and comments~~
4903 ~~regarding the proposed amendment within 60 days after receipt of~~
4904 ~~the complete proposed amendment by the state land planning~~
4905 ~~agency. When a federal, state, or regional agency has~~
4906 ~~implemented a permitting program, the state land planning agency~~
4907 ~~shall not require a local government to duplicate or exceed that~~
4908 ~~permitting program in its comprehensive plan or to implement~~
4909 ~~such a permitting program in its land development regulations.~~
4910 ~~Nothing contained herein shall prohibit the state land planning~~
4911 ~~agency in conducting its review of local plans or plan~~
4912 ~~amendments from making objections, recommendations, and comments~~
4913 ~~or making compliance determinations regarding densities and~~
4914 ~~intensities consistent with the provisions of this part. In~~
4915 ~~preparing its comments, the state land planning agency shall~~
4916 ~~only base its considerations on written, and not oral, comments,~~
4917 ~~from any source.~~

4918 ~~(d) The state land planning agency review shall identify~~
4919 ~~all written communications with the agency regarding the~~
4920 ~~proposed plan amendment. If the state land planning agency does~~
4921 ~~not issue such a review, it shall identify in writing to the~~
4922 ~~local government all written communications received 30 days~~
4923 ~~after transmittal. The written identification must include a~~
4924 ~~list of all documents received or generated by the agency, which~~
4925 ~~list must be of sufficient specificity to enable the documents~~
4926 ~~to be identified and copies requested, if desired, and the name~~
4927 ~~of the person to be contacted to request copies of any~~
4928 ~~identified document. The list of documents must be made a part~~



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4929 ~~of the public records of the state land planning agency.~~
4930 (6)~~(7)~~ LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF
4931 PLAN OR AMENDMENTS AND TRANSMITTAL.—
4932 (a) The local government shall review the written comments
4933 submitted to it by the state land planning agency, and any other
4934 person, agency, or government. Any comments, recommendations, or
4935 objections and any reply to them shall be public documents, a
4936 part of the permanent record in the matter, and admissible in
4937 any proceeding in which the comprehensive plan or plan amendment
4938 may be at issue. The local government, upon receipt of written
4939 comments from the state land planning agency, shall have 120
4940 days to adopt or adopt with changes the proposed comprehensive
4941 plan or s. 163.3191 plan amendments. In the case of
4942 comprehensive plan amendments other than those proposed pursuant
4943 to s. 163.3191, the local government shall have 60 days to adopt
4944 the amendment, adopt the amendment with changes, or determine
4945 that it will not adopt the amendment. The adoption of the
4946 proposed plan or plan amendment or the determination not to
4947 adopt a plan amendment, other than a plan amendment proposed
4948 pursuant to s. 163.3191, shall be made in the course of a public
4949 hearing pursuant to subsection (14) ~~(15)~~. The local government
4950 shall transmit the complete adopted comprehensive plan or plan
4951 amendment, including the names and addresses of persons compiled
4952 pursuant to paragraph (14) ~~(15)~~(c), to the state land planning
4953 agency ~~as specified in the agency's procedural rules~~ within 10
4954 working days after adoption. The local governing body shall also
4955 transmit a copy of the adopted comprehensive plan or plan
4956 amendment to the regional planning agency and to any other unit
4957 of local government or governmental agency in the state that has



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4958 filed a written request with the governing body for a copy of
4959 the plan or plan amendment.

4960 (b) If the adopted plan amendment is unchanged from the
4961 proposed plan amendment transmitted pursuant to subsection (3)
4962 and an affected person as defined in paragraph (1) (a) did not
4963 raise any objection, and the state land planning agency did not
4964 review the proposed plan amendment, ~~and the state land planning~~
4965 ~~agency did not raise any objections during its review pursuant~~
4966 ~~to subsection (6),~~ the local government may state in the
4967 transmittal letter that the plan amendment is unchanged and was
4968 not the subject of objections.

4969 (7) ~~(8)~~ NOTICE OF INTENT.—

4970 (a) If the transmittal letter correctly states that the
4971 plan amendment is unchanged and was not the subject of review or
4972 objections pursuant to paragraph ~~(7)~~(b), the state land planning
4973 agency has 20 days after receipt of the transmittal letter
4974 within which to issue a notice of intent that the plan amendment
4975 is in compliance.

4976 (b) Except as provided in paragraph (a) or in s.
4977 163.3187(3), the state land planning agency, upon receipt of a
4978 local government's complete adopted comprehensive plan or plan
4979 amendment, shall have 45 days for review and to determine if the
4980 plan or plan amendment is in compliance with this act, unless
4981 the amendment is the result of a compliance agreement entered
4982 into under subsection (15) ~~(16)~~, in which case the time period
4983 for review and determination shall be 30 days. ~~If review was not~~
4984 ~~conducted under subsection (6),~~ The agency's determination must
4985 be based upon the plan amendment as adopted. ~~If review was~~
4986 ~~conducted under subsection (6), the agency's determination of~~



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4987 ~~compliance must be based only upon one or both of the following:~~

4988 ~~1. The state land planning agency's written comments to the~~
4989 ~~local government pursuant to subsection (6); or~~

4990 ~~2. Any changes made by the local government to the~~
4991 ~~comprehensive plan or plan amendment as adopted.~~

4992 (c)1. During the time period provided for in this
4993 subsection, the state land planning agency shall issue, through
4994 a senior administrator or the secretary, ~~as specified in the~~
4995 ~~agency's procedural rules,~~ a notice of intent to find that the
4996 plan or plan amendment is in compliance or not in compliance. A
4997 notice of intent shall be issued by publication in the manner
4998 provided by this paragraph and by mailing a copy to the local
4999 government. The advertisement shall be placed in that portion of
5000 the newspaper where legal notices appear. The advertisement
5001 shall be published in a newspaper that meets the size and
5002 circulation requirements set forth in paragraph (14) ~~(15)~~(e) and
5003 that has been designated in writing by the affected local
5004 government at the time of transmittal of the amendment.

5005 Publication by the state land planning agency of a notice of
5006 intent in the newspaper designated by the local government shall
5007 be prima facie evidence of compliance with the publication
5008 requirements of this section. The state land planning agency
5009 shall post a copy of the notice of intent on the agency's
5010 Internet site. The agency shall, no later than the date the
5011 notice of intent is transmitted to the newspaper, send by
5012 regular mail a courtesy informational statement to persons who
5013 provide their names and addresses to the local government at the
5014 transmittal hearing or at the adoption hearing where the local
5015 government has provided the names and addresses of such persons



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5016 to the department at the time of transmittal of the adopted
5017 amendment. The informational statements shall include the name
5018 of the newspaper in which the notice of intent will appear, the
5019 approximate date of publication, the ordinance number of the
5020 plan or plan amendment, and a statement that affected persons
5021 have 21 days after the actual date of publication of the notice
5022 to file a petition.

5023 2. A local government that has an Internet site shall post
5024 a copy of the state land planning agency's notice of intent on
5025 the site within 5 days after receipt of the mailed copy of the
5026 agency's notice of intent.

5027 ~~(8)-(9)~~ PROCESS IF LOCAL PLAN OR AMENDMENT IS IN
5028 COMPLIANCE.-

5029 (a) If the state land planning agency issues a notice of
5030 intent to find that the comprehensive plan or plan amendment
5031 transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,
5032 or s. 163.3191 is in compliance with this act, any affected
5033 person may file a petition with the agency pursuant to ss.
5034 120.569 and 120.57 within 21 days after the publication of
5035 notice. In this proceeding, the local plan or plan amendment
5036 shall be determined to be in compliance if the local
5037 government's determination of compliance is fairly debatable.

5038 (b) The hearing shall be conducted by an administrative law
5039 judge of the Division of Administrative Hearings of the
5040 Department of Management Services, who shall hold the hearing in
5041 the county of and convenient to the affected local jurisdiction
5042 and submit a recommended order to the state land planning
5043 agency. The state land planning agency shall allow for the
5044 filing of exceptions to the recommended order and shall issue a



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5045 final order after receipt of the recommended order if the state
5046 land planning agency determines that the plan or plan amendment
5047 is in compliance. If the state land planning agency determines
5048 that the plan or plan amendment is not in compliance, the agency
5049 shall submit the recommended order to the Administration
5050 Commission for final agency action.

5051 (9)~~(10)~~ PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN
5052 COMPLIANCE.—

5053 (a) If the state land planning agency issues a notice of
5054 intent to find the comprehensive plan or plan amendment not in
5055 compliance with this act, the notice of intent shall be
5056 forwarded to the Division of Administrative Hearings of the
5057 Department of Management Services, which shall conduct a
5058 proceeding under ss. 120.569 and 120.57 in the county of and
5059 convenient to the affected local jurisdiction. The parties to
5060 the proceeding shall be the state land planning agency, the
5061 affected local government, and any affected person who
5062 intervenes. No new issue may be alleged as a reason to find a
5063 plan or plan amendment not in compliance in an administrative
5064 pleading filed more than 21 days after publication of notice
5065 unless the party seeking that issue establishes good cause for
5066 not alleging the issue within that time period. Good cause shall
5067 not include excusable neglect. In the proceeding, the local
5068 government's determination that the comprehensive plan or plan
5069 amendment is in compliance is presumed to be correct. The local
5070 government's determination shall be sustained unless it is shown
5071 by a preponderance of the evidence that the comprehensive plan
5072 or plan amendment is not in compliance. The local government's
5073 determination that elements of its plans are related to and



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5074 consistent with each other shall be sustained if the
5075 determination is fairly debatable.

5076 (b) The administrative law judge assigned by the division
5077 shall submit a recommended order to the Administration
5078 Commission for final agency action.

5079 (c) Prior to the hearing, the state land planning agency
5080 shall afford an opportunity to mediate or otherwise resolve the
5081 dispute. If a party to the proceeding requests mediation or
5082 other alternative dispute resolution, the hearing may not be
5083 held until the state land planning agency advises the
5084 administrative law judge in writing of the results of the
5085 mediation or other alternative dispute resolution. However, the
5086 hearing may not be delayed for longer than 90 days for mediation
5087 or other alternative dispute resolution unless a longer delay is
5088 agreed to by the parties to the proceeding. The costs of the
5089 mediation or other alternative dispute resolution shall be borne
5090 equally by all of the parties to the proceeding.

5091 (10) ~~(11)~~ ADMINISTRATION COMMISSION.—

5092 (a) If the Administration Commission, upon a hearing
5093 pursuant to subsection ~~(9)~~ (8) or subsection (9) ~~(10)~~, finds that
5094 the comprehensive plan or plan amendment is not in compliance
5095 with this act, the commission shall specify remedial actions
5096 which would bring the comprehensive plan or plan amendment into
5097 compliance. The commission may direct state agencies not to
5098 provide funds to increase the capacity of roads, bridges, or
5099 water and sewer systems within the boundaries of those local
5100 governmental entities which have comprehensive plans or plan
5101 elements that are determined not to be in compliance. The
5102 commission order may also specify that the local government



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5103 shall not be eligible for grants administered under the
5104 following programs:

5105 1. The Florida Small Cities Community Development Block
5106 Grant Program, as authorized by ss. 290.0401-290.049.

5107 2. The Florida Recreation Development Assistance Program,
5108 as authorized by chapter 375.

5109 3. Revenue sharing pursuant to ss. 206.60, 210.20, and
5110 218.61 and chapter 212, to the extent not pledged to pay back
5111 bonds.

5112 (b) If the local government is one which is required to
5113 include a coastal management element in its comprehensive plan
5114 ~~pursuant to s. 163.3177(6)(g)~~, the commission order may also
5115 specify that the local government is not eligible for funding
5116 pursuant to s. 161.091. The commission order may also specify
5117 that the fact that the coastal management element has been
5118 determined to be not in compliance shall be a consideration when
5119 the department considers permits under s. 161.053 and when the
5120 Board of Trustees of the Internal Improvement Trust Fund
5121 considers whether to sell, convey any interest in, or lease any
5122 sovereignty lands or submerged lands until the element is
5123 brought into compliance.

5124 (c) The sanctions provided by paragraphs (a) and (b) do
5125 ~~shall~~ not apply to a local government regarding any plan
5126 amendment, except for plan amendments that amend plans that have
5127 not been finally determined to be in compliance with this part,
5128 and except as provided in s. 163.3189(2) or s. 163.3191 ~~s.~~
5129 ~~163.3191(11)~~.

5130 (11) ~~(12)~~ GOOD FAITH FILING.—The signature of an attorney or
5131 party constitutes a certificate that he or she has read the



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5132 pleading, motion, or other paper and that, to the best of his or
5133 her knowledge, information, and belief formed after reasonable
5134 inquiry, it is not interposed for any improper purpose, such as
5135 to harass or to cause unnecessary delay, or for economic
5136 advantage, competitive reasons, or frivolous purposes or
5137 needless increase in the cost of litigation. If a pleading,
5138 motion, or other paper is signed in violation of these
5139 requirements, the administrative law judge, upon motion or his
5140 or her own initiative, shall impose upon the person who signed
5141 it, a represented party, or both, an appropriate sanction, which
5142 may include an order to pay to the other party or parties the
5143 amount of reasonable expenses incurred because of the filing of
5144 the pleading, motion, or other paper, including a reasonable
5145 attorney's fee.

5146 (12)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
5147 section shall be the sole proceeding or action for a
5148 determination of whether a local government's plan, element, or
5149 amendment is in compliance with this act.

5150 (13)~~(14)~~ AREAS OF CRITICAL STATE CONCERN.—No proposed local
5151 government comprehensive plan or plan amendment which is
5152 applicable to a designated area of critical state concern shall
5153 be effective until a final order is issued finding the plan or
5154 amendment to be in compliance as defined in this section.

5155 (14)~~(15)~~ PUBLIC HEARINGS.—

5156 (a) The procedure for transmittal of a complete proposed
5157 comprehensive plan or plan amendment pursuant to subsection (3)
5158 and for adoption of a comprehensive plan or plan amendment
5159 pursuant to subsection ~~(7)~~(6) shall be by affirmative vote of
5160 not less than a majority of the members of the governing body



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5161 present at the hearing. The adoption of a comprehensive plan or
5162 plan amendment shall be by ordinance. For the purposes of
5163 transmitting or adopting a comprehensive plan or plan amendment,
5164 the notice requirements in chapters 125 and 166 are superseded
5165 by this subsection, except as provided in this part.

5166 (b) The local governing body shall hold at least two
5167 advertised public hearings on the proposed comprehensive plan or
5168 plan amendment as follows:

5169 1. The first public hearing shall be held at the
5170 transmittal stage pursuant to subsection (3). It shall be held
5171 on a weekday at least 7 days after the day that the first
5172 advertisement is published.

5173 2. The second public hearing shall be held at the adoption
5174 stage pursuant to subsection (6) ~~(7)~~. It shall be held on a
5175 weekday at least 5 days after the day that the second
5176 advertisement is published.

5177 (c) The local government shall provide a sign-in form at
5178 the transmittal hearing and at the adoption hearing for persons
5179 to provide their names and mailing addresses. The sign-in form
5180 must advise that any person providing the requested information
5181 will receive a courtesy informational statement concerning
5182 publications of the state land planning agency's notice of
5183 intent. The local government shall add to the sign-in form the
5184 name and address of any person who submits written comments
5185 concerning the proposed plan or plan amendment during the time
5186 period between the commencement of the transmittal hearing and
5187 the end of the adoption hearing. It is the responsibility of the
5188 person completing the form or providing written comments to
5189 accurately, completely, and legibly provide all information



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5190 needed in order to receive the courtesy informational statement.

5191 (d) The agency shall provide a model sign-in form for
5192 providing the list to the agency which may be used by the local
5193 government to satisfy the requirements of this subsection.

5194 (e) If the proposed comprehensive plan or plan amendment
5195 changes the actual list of permitted, conditional, or prohibited
5196 uses within a future land use category or changes the actual
5197 future land use map designation of a parcel or parcels of land,
5198 the required advertisements shall be in the format prescribed by
5199 s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a
5200 municipality.

5201 (15) ~~(16)~~ COMPLIANCE AGREEMENTS.-

5202 (a) At any time following the issuance of a notice of
5203 intent to find a comprehensive plan or plan amendment not in
5204 compliance with this part or after the initiation of a hearing
5205 pursuant to subsection (8) ~~(9)~~, the state land planning agency
5206 and the local government may voluntarily enter into a compliance
5207 agreement to resolve one or more of the issues raised in the
5208 proceedings. Affected persons who have initiated a formal
5209 proceeding or have intervened in a formal proceeding may also
5210 enter into the compliance agreement. All parties granted
5211 intervenor status shall be provided reasonable notice of the
5212 commencement of a compliance agreement negotiation process and a
5213 reasonable opportunity to participate in such negotiation
5214 process. Negotiation meetings with local governments or
5215 intervenors shall be open to the public. The state land planning
5216 agency shall provide each party granted intervenor status with a
5217 copy of the compliance agreement within 10 days after the
5218 agreement is executed. The compliance agreement shall list each



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5219 portion of the plan or plan amendment which is not in
5220 compliance, and shall specify remedial actions which the local
5221 government must complete within a specified time in order to
5222 bring the plan or plan amendment into compliance, including
5223 adoption of all necessary plan amendments. The compliance
5224 agreement may also establish monitoring requirements and
5225 incentives to ensure that the conditions of the compliance
5226 agreement are met.

5227 (b) Upon filing by the state land planning agency of a
5228 compliance agreement executed by the agency and the local
5229 government with the Division of Administrative Hearings, any
5230 administrative proceeding under ss. 120.569 and 120.57 regarding
5231 the plan or plan amendment covered by the compliance agreement
5232 shall be stayed.

5233 (c) Prior to its execution of a compliance agreement, the
5234 local government must approve the compliance agreement at a
5235 public hearing advertised at least 10 days before the public
5236 hearing in a newspaper of general circulation in the area in
5237 accordance with the advertisement requirements of subsection
5238 (15).

5239 (d) A local government may adopt a plan amendment pursuant
5240 to a compliance agreement in accordance with the requirements of
5241 paragraph (14) ~~(15)~~ (a). The plan amendment shall be exempt from
5242 the requirements of subsections (2)-(7). The local government
5243 shall hold a single adoption public hearing pursuant to the
5244 requirements of subparagraph (14) ~~(15)~~ (b)2. and paragraph (14)
5245 ~~(15)~~ (e). Within 10 working days after adoption of a plan
5246 amendment, the local government shall transmit the amendment to
5247 the state land planning agency as specified in the agency's



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5248 procedural rules, and shall submit one copy to the regional
5249 planning agency and to any other unit of local government or
5250 government agency in the state that has filed a written request
5251 with the governing body for a copy of the plan amendment, and
5252 one copy to any party to the proceeding under ss. 120.569 and
5253 120.57 granted intervenor status.

5254 (e) The state land planning agency, upon receipt of a plan
5255 amendment adopted pursuant to a compliance agreement, shall
5256 issue a cumulative notice of intent addressing both the
5257 compliance agreement amendment and the plan or plan amendment
5258 that was the subject of the agreement, in accordance with
5259 subsection (7) ~~(8)~~.

5260 (f)1. If the local government adopts a comprehensive plan
5261 amendment pursuant to a compliance agreement and a notice of
5262 intent to find the plan amendment in compliance is issued, the
5263 state land planning agency shall forward the notice of intent to
5264 the Division of Administrative Hearings and the administrative
5265 law judge shall realign the parties in the pending proceeding
5266 under ss. 120.569 and 120.57, which shall thereafter be governed
5267 by the process contained in paragraphs (8) ~~(9)~~(a) and (b),
5268 including provisions relating to challenges by an affected
5269 person, burden of proof, and issues of a recommended order and a
5270 final order, except as provided in subparagraph 2. Parties to
5271 the original proceeding at the time of realignment may continue
5272 as parties without being required to file additional pleadings
5273 to initiate a proceeding, but may timely amend their pleadings
5274 to raise any challenge to the amendment which is the subject of
5275 the cumulative notice of intent, and must otherwise conform to
5276 the rules of procedure of the Division of Administrative



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5277 Hearings. Any affected person not a party to the realigned
5278 proceeding may challenge the plan amendment which is the subject
5279 of the cumulative notice of intent by filing a petition with the
5280 agency as provided in subsection (8) ~~(9)~~. The agency shall
5281 forward the petition filed by the affected person not a party to
5282 the realigned proceeding to the Division of Administrative
5283 Hearings for consolidation with the realigned proceeding.

5284 2. If any of the issues raised by the state land planning
5285 agency in the original subsection (9) ~~(10)~~ proceeding are not
5286 resolved by the compliance agreement amendments, any intervenor
5287 in the original subsection (9) ~~(10)~~ proceeding may require those
5288 issues to be addressed in the pending consolidated realigned
5289 proceeding under ss. 120.569 and 120.57. As to those unresolved
5290 issues, the burden of proof shall be governed by subsection (9)
5291 ~~(10)~~.

5292 3. If the local government adopts a comprehensive plan
5293 amendment pursuant to a compliance agreement and a notice of
5294 intent to find the plan amendment not in compliance is issued,
5295 the state land planning agency shall forward the notice of
5296 intent to the Division of Administrative Hearings, which shall
5297 consolidate the proceeding with the pending proceeding and
5298 immediately set a date for hearing in the pending proceeding
5299 under ss. 120.569 and 120.57. Affected persons who are not a
5300 party to the underlying proceeding under ss. 120.569 and 120.57
5301 may challenge the plan amendment adopted pursuant to the
5302 compliance agreement by filing a petition pursuant to subsection
5303 (10).

5304 (g) If the local government fails to adopt a comprehensive
5305 plan amendment pursuant to a compliance agreement, the state



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5306 land planning agency shall notify the Division of Administrative
5307 Hearings, which shall set the hearing in the pending proceeding
5308 under ss. 120.569 and 120.57 at the earliest convenient time.

5309 (h) This subsection does not prohibit a local government
5310 from amending portions of its comprehensive plan other than
5311 those which are the subject of the compliance agreement.
5312 However, such amendments to the plan may not be inconsistent
5313 with the compliance agreement.

5314 (i) Nothing in this subsection is intended to limit the
5315 parties from entering into a compliance agreement at any time
5316 before the final order in the proceeding is issued, provided
5317 that the provisions of paragraph (c) shall apply regardless of
5318 when the compliance agreement is reached.

5319 (j) Nothing in this subsection is intended to force any
5320 party into settlement against its will or to preclude the use of
5321 other informal dispute resolution methods, such as the services
5322 offered by the Florida Growth Management Dispute Resolution
5323 Consortium, in the course of or in addition to the method
5324 described in this subsection.

5325 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A~~
5326 ~~local government that has adopted a community vision and urban~~
5327 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
5328 ~~amendment related to map amendments solely to property within an~~
5329 ~~urban service boundary in the manner described in subsections~~
5330 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
5331 ~~and e., 2., and 3., such that state and regional agency review~~
5332 ~~is eliminated. The department may not issue an objections,~~
5333 ~~recommendations, and comments report on proposed plan amendments~~
5334 ~~or a notice of intent on adopted plan amendments; however,~~



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5335 affected persons, as defined by paragraph (1) (a), may file a
5336 petition for administrative review pursuant to the requirements
5337 of s. 163.3187(3) (a) to challenge the compliance of an adopted
5338 plan amendment. This subsection does not apply to any amendment
5339 within an area of critical state concern, to any amendment that
5340 increases residential densities allowable in high-hazard coastal
5341 areas as defined in s. 163.3178(2) (h), or to a text change to
5342 the goals, policies, or objectives of the local government's
5343 comprehensive plan. Amendments submitted under this subsection
5344 are exempt from the limitation on the frequency of plan
5345 amendments in s. 163.3187.

5346 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~
5347 ~~municipality that has a designated urban infill and~~
5348 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
5349 ~~related to map amendments solely to property within a designated~~
5350 ~~urban infill and redevelopment area in the manner described in~~
5351 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
5352 ~~163.3187(1) (c) 1.d. and e., 2., and 3., such that state and~~
5353 ~~regional agency review is eliminated. The department may not~~
5354 ~~issue an objections, recommendations, and comments report on~~
5355 ~~proposed plan amendments or a notice of intent on adopted plan~~
5356 ~~amendments; however, affected persons, as defined by paragraph~~
5357 ~~(1) (a), may file a petition for administrative review pursuant~~
5358 ~~to the requirements of s. 163.3187(3) (a) to challenge the~~
5359 ~~compliance of an adopted plan amendment. This subsection does~~
5360 ~~not apply to any amendment within an area of critical state~~
5361 ~~concern, to any amendment that increases residential densities~~
5362 ~~allowable in high-hazard coastal areas as defined in s.~~
5363 ~~163.3178(2) (h), or to a text change to the goals, policies, or~~



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5364 ~~objectives of the local government's comprehensive plan.~~
5365 ~~Amendments submitted under this subsection are exempt from the~~
5366 ~~limitation on the frequency of plan amendments in s. 163.3187.~~
5367 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
5368 ~~government that identifies in its comprehensive plan the types~~
5369 ~~of housing developments and conditions for which it will~~
5370 ~~consider plan amendments that are consistent with the local~~
5371 ~~housing incentive strategies identified in s. 420.9076 and~~
5372 ~~authorized by the local government may expedite consideration of~~
5373 ~~such plan amendments. At least 30 days prior to adopting a plan~~
5374 ~~amendment pursuant to this subsection, the local government~~
5375 ~~shall notify the state land planning agency of its intent to~~
5376 ~~adopt such an amendment, and the notice shall include the local~~
5377 ~~government's evaluation of site suitability and availability of~~
5378 ~~facilities and services. A plan amendment considered under this~~
5379 ~~subsection shall require only a single public hearing before the~~
5380 ~~local governing body, which shall be a plan amendment adoption~~
5381 ~~hearing as described in subsection (7). The public notice of the~~
5382 ~~hearing required under subparagraph (15) (b)2. must include a~~
5383 ~~statement that the local government intends to use the expedited~~
5384 ~~adoption process authorized under this subsection. The state~~
5385 ~~land planning agency shall issue its notice of intent required~~
5386 ~~under subsection (8) within 30 days after determining that the~~
5387 ~~amendment package is complete. Any further proceedings shall be~~
5388 ~~governed by subsections (9) (16).~~

5389 Section 19. Subsection (6) of section 163.3187, Florida
5390 Statutes, is amended to read:

5391 163.3187 Process for adoption of small-scale comprehensive
5392 plan amendment of adopted comprehensive plan.-



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5393 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
5394 ~~this part may be made not more than two times during any~~
5395 ~~calendar year, except:~~

5396 ~~(a) In the case of an emergency, comprehensive plan~~
5397 ~~amendments may be made more often than twice during the calendar~~
5398 ~~year if the additional plan amendment receives the approval of~~
5399 ~~all of the members of the governing body. "Emergency" means any~~
5400 ~~occurrence or threat thereof whether accidental or natural,~~
5401 ~~caused by humankind, in war or peace, which results or may~~
5402 ~~result in substantial injury or harm to the population or~~
5403 ~~substantial damage to or loss of property or public funds.~~

5404 ~~(b) Any local government comprehensive plan amendments~~
5405 ~~directly related to a proposed development of regional impact,~~
5406 ~~including changes which have been determined to be substantial~~
5407 ~~deviations and including Florida Quality Developments pursuant~~
5408 ~~to s. 380.061, may be initiated by a local planning agency and~~
5409 ~~considered by the local governing body at the same time as the~~
5410 ~~application for development approval using the procedures~~
5411 ~~provided for local plan amendment in this section and applicable~~
5412 ~~local ordinances.~~

5413 ~~(1)(c) Any local government comprehensive plan amendments~~
5414 ~~directly related to proposed small scale development activities~~
5415 ~~may be approved without regard to statutory limits on the~~
5416 ~~frequency of consideration of amendments to the local~~
5417 ~~comprehensive plan. A small scale development amendment may be~~
5418 ~~adopted only under the following conditions:~~

5419 ~~(a)1. The proposed amendment involves a use of 10 acres or~~
5420 ~~fewer and:~~

5421 ~~(b)a. The cumulative annual effect of the acreage for all~~



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5422 small scale development amendments adopted by the local
5423 government shall not exceed:

5424 ~~(I) a maximum of 120 acres in a calendar year. local~~
5425 ~~government that contains areas specifically designated in the~~
5426 ~~local comprehensive plan for urban infill, urban redevelopment,~~
5427 ~~or downtown revitalization as defined in s. 163.3164, urban~~
5428 ~~infill and redevelopment areas designated under s. 163.2517,~~
5429 ~~transportation concurrency exception areas approved pursuant to~~
5430 ~~s. 163.3180(5), or regional activity centers and urban central~~
5431 ~~business districts approved pursuant to s. 380.06(2)(e);~~
5432 ~~however, amendments under this paragraph may be applied to no~~
5433 ~~more than 60 acres annually of property outside the designated~~
5434 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~
5435 ~~pursuant to paragraph (k) shall not be counted toward the~~
5436 ~~acreage limitations for small scale amendments under this~~
5437 ~~paragraph.~~

5438 ~~(II) A maximum of 80 acres in a local government that does~~
5439 ~~not contain any of the designated areas set forth in sub-sub-~~
5440 ~~subparagraph (I).~~

5441 ~~(III) A maximum of 120 acres in a county established~~
5442 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5443 ~~b. The proposed amendment does not involve the same~~
5444 ~~property granted a change within the prior 12 months.~~

5445 ~~e. The proposed amendment does not involve the same owner's~~
5446 ~~property within 200 feet of property granted a change within the~~
5447 ~~prior 12 months.~~

5448 ~~(c)d.~~ The proposed amendment does not involve a text change
5449 to the goals, policies, and objectives of the local government's
5450 comprehensive plan, but only proposes a land use change to the



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5451 future land use map for a site-specific small scale development
5452 activity. However, text changes that relate directly to, and are
5453 adopted simultaneously with, the small scale future land use map
5454 amendment shall be permissible under this section.

5455 ~~(d)e.~~ The property that is the subject of the proposed
5456 amendment is not located within an area of critical state
5457 concern, unless the project subject to the proposed amendment
5458 involves the construction of affordable housing units meeting
5459 the criteria of s. 420.0004(3), and is located within an area of
5460 critical state concern designated by s. 380.0552 or by the
5461 Administration Commission pursuant to s. 380.05(1). ~~Such~~
5462 ~~amendment is not subject to the density limitations of sub-~~
5463 ~~subparagraph f., and shall be reviewed by the state land~~
5464 ~~planning agency for consistency with the principles for guiding~~
5465 ~~development applicable to the area of critical state concern~~
5466 ~~where the amendment is located and shall not become effective~~
5467 ~~until a final order is issued under s. 380.05(6).~~

5468 ~~f.~~ ~~If the proposed amendment involves a residential land~~
5469 ~~use, the residential land use has a density of 10 units or less~~
5470 ~~per acre or the proposed future land use category allows a~~
5471 ~~maximum residential density of the same or less than the maximum~~
5472 ~~residential density allowable under the existing future land use~~
5473 ~~category, except that this limitation does not apply to small~~
5474 ~~scale amendments involving the construction of affordable~~
5475 ~~housing units meeting the criteria of s. 420.0004(3) on property~~
5476 ~~which will be the subject of a land use restriction agreement,~~
5477 ~~or small scale amendments described in sub-sub-subparagraph~~
5478 ~~a.(I) that are designated in the local comprehensive plan for~~
5479 ~~urban infill, urban redevelopment, or downtown revitalization as~~



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5480 ~~defined in s. 163.3164, urban infill and redevelopment areas~~
5481 ~~designated under s. 163.2517, transportation concurrency~~
5482 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~
5483 ~~activity centers and urban central business districts approved~~
5484 ~~pursuant to s. 380.06(2)(e).~~

5485 ~~2.a. A local government that proposes to consider a plan~~
5486 ~~amendment pursuant to this paragraph is not required to comply~~
5487 ~~with the procedures and public notice requirements of s.~~
5488 ~~163.3184(15)(c) for such plan amendments if the local government~~
5489 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~
5490 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~
5491 ~~amendment under this paragraph is initiated by other than the~~
5492 ~~local government, public notice is required.~~

5493 ~~b. The local government shall send copies of the notice and~~
5494 ~~amendment to the state land planning agency, the regional~~
5495 ~~planning council, and any other person or entity requesting a~~
5496 ~~copy. This information shall also include a statement~~
5497 ~~identifying any property subject to the amendment that is~~
5498 ~~located within a coastal high hazard area as identified in the~~
5499 ~~local comprehensive plan.~~

5500 ~~(2)3. Small scale development amendments adopted pursuant~~
5501 ~~to this section paragraph require only one public hearing before~~
5502 ~~the governing board, which shall be an adoption hearing as~~
5503 ~~described in s. 163.3184(11)(7), and are not subject to the~~
5504 ~~requirements of s. 163.3184(3)(6) unless the local government~~
5505 ~~elects to have them subject to those requirements.~~

5506 ~~(3)4. If the small scale development amendment involves a~~
5507 ~~site within an area that is designated by the Governor as a~~
5508 ~~rural area of critical economic concern as defined under s.~~



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5509 288.0656(2) ~~(d)(7)~~ for the duration of such designation, the 10-
5510 acre limit listed in subsection (1) ~~subparagraph 1.~~ shall be
5511 increased by 100 percent to 20 acres. The local government
5512 approving the small scale plan amendment shall certify to the
5513 Office of Tourism, Trade, and Economic Development that the plan
5514 amendment furthers the economic objectives set forth in the
5515 executive order issued under s. 288.0656(7), and the property
5516 subject to the plan amendment shall undergo public review to
5517 ensure that all concurrency requirements and federal, state, and
5518 local environmental permit requirements are met.

5519 ~~(d) Any comprehensive plan amendment required by a~~
5520 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~
5521 ~~without regard to statutory limits on the frequency of adoption~~
5522 ~~of amendments to the comprehensive plan.~~

5523 ~~(e) A comprehensive plan amendment for location of a state~~
5524 ~~correctional facility. Such an amendment may be made at any time~~
5525 ~~and does not count toward the limitation on the frequency of~~
5526 ~~plan amendments.~~

5527 ~~(f) The capital improvements element annual update required~~
5528 ~~in s. 163.3177(3)(b)1. and any amendments directly related to~~
5529 ~~the schedule.~~

5530 ~~(g) Any local government comprehensive plan amendments~~
5531 ~~directly related to proposed redevelopment of brownfield areas~~
5532 ~~designated under s. 376.80 may be approved without regard to~~
5533 ~~statutory limits on the frequency of consideration of amendments~~
5534 ~~to the local comprehensive plan.~~

5535 ~~(h) Any comprehensive plan amendments for port~~
5536 ~~transportation facilities and projects that are eligible for~~
5537 ~~funding by the Florida Seaport Transportation and Economic~~



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5538 ~~Development Council pursuant to s. 311.07.~~

5539 ~~(i) A comprehensive plan amendment for the purpose of~~
5540 ~~designating an urban infill and redevelopment area under s.~~
5541 ~~163.2517 may be approved without regard to the statutory limits~~
5542 ~~on the frequency of amendments to the comprehensive plan.~~

5543 ~~(j) Any comprehensive plan amendment to establish public~~
5544 ~~school concurrency pursuant to s. 163.3180(13), including, but~~
5545 ~~not limited to, adoption of a public school facilities element~~
5546 ~~and adoption of amendments to the capital improvements element~~
5547 ~~and intergovernmental coordination element. In order to ensure~~
5548 ~~the consistency of local government public school facilities~~
5549 ~~elements within a county, such elements shall be prepared and~~
5550 ~~adopted on a similar time schedule.~~

5551 ~~(k) A local comprehensive plan amendment directly related~~
5552 ~~to providing transportation improvements to enhance life safety~~
5553 ~~on Controlled Access Major Arterial Highways identified in the~~
5554 ~~Florida Intrastate Highway System, in counties as defined in s.~~
5555 ~~125.011, where such roadways have a high incidence of traffic~~
5556 ~~accidents resulting in serious injury or death. Any such~~
5557 ~~amendment shall not include any amendment modifying the~~
5558 ~~designation on a comprehensive development plan land use map nor~~
5559 ~~any amendment modifying the allowable densities or intensities~~
5560 ~~of any land.~~

5561 ~~(l) A comprehensive plan amendment to adopt a public~~
5562 ~~educational facilities element pursuant to s. 163.3177(12) and~~
5563 ~~future land-use map amendments for school siting may be approved~~
5564 ~~notwithstanding statutory limits on the frequency of adopting~~
5565 ~~plan amendments.~~

5566 ~~(m) A comprehensive plan amendment that addresses criteria~~



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5567 ~~or compatibility of land uses adjacent to or in close proximity~~
5568 ~~to military installations in a local government's future land~~
5569 ~~use element does not count toward the limitation on the~~
5570 ~~frequency of the plan amendments.~~

5571 ~~(n) Any local government comprehensive plan amendment~~
5572 ~~establishing or implementing a rural land stewardship area~~
5573 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

5574 ~~(o) A comprehensive plan amendment that is submitted by an~~
5575 ~~area designated by the Governor as a rural area of critical~~
5576 ~~economic concern under s. 288.0656(7) and that meets the~~
5577 ~~economic development objectives may be approved without regard~~
5578 ~~to the statutory limits on the frequency of adoption of~~
5579 ~~amendments to the comprehensive plan.~~

5580 ~~(p) Any local government comprehensive plan amendment that~~
5581 ~~is consistent with the local housing incentive strategies~~
5582 ~~identified in s. 420.9076 and authorized by the local~~
5583 ~~government.~~

5584 ~~(q) Any local government plan amendment to designate an~~
5585 ~~urban service area as a transportation concurrency exception~~
5586 ~~area under s. 163.3180(5) (b)2. or 3. and an area exempt from the~~
5587 ~~development of regional impact process under s. 380.06(29).~~

5588 ~~(4)(2)~~ Comprehensive plans may only be amended in such a
5589 way as to preserve the internal consistency of the plan pursuant
5590 to s. 163.3177(2). Corrections, updates, or modifications of
5591 current costs which were set out as part of the comprehensive
5592 plan shall not, for the purposes of this act, be deemed to be
5593 amendments.

5594 ~~(3)(a) The state land planning agency shall not review or~~
5595 ~~issue a notice of intent for small scale development amendments~~



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5596 ~~which satisfy the requirements of paragraph (1)(c).~~

5597 (5) (a) Any affected person may file a petition with the
5598 Division of Administrative Hearings pursuant to ss. 120.569 and
5599 120.57 to request a hearing to challenge the compliance of a
5600 small scale development amendment with this act within 30 days
5601 following the local government's adoption of the amendment and
5602 shall serve a copy of the petition on the local government, ~~and~~
5603 ~~shall furnish a copy to the state land planning agency.~~ An
5604 administrative law judge shall hold a hearing in the affected
5605 jurisdiction not less than 30 days nor more than 60 days
5606 following the filing of a petition and the assignment of an
5607 administrative law judge. The parties to a hearing held pursuant
5608 to this subsection shall be the petitioner, the local
5609 government, and any intervenor. In the proceeding, the plan
5610 amendment shall be determined to be in compliance if the local
5611 government's determination that the small scale development
5612 amendment is in compliance is fairly debatable ~~presumed to be~~
5613 ~~correct. The local government's determination shall be sustained~~
5614 ~~unless it is shown by a preponderance of the evidence that the~~
5615 ~~amendment is not in compliance with the requirements of this~~
5616 ~~act. In any proceeding initiated pursuant to this subsection,~~
5617 The state land planning agency may not intervene in any
5618 proceeding initiated pursuant to this section.

5619 (b)1. If the administrative law judge recommends that the
5620 small scale development amendment be found not in compliance,
5621 the administrative law judge shall submit the recommended order
5622 to the Administration Commission for final agency action. If the
5623 administrative law judge recommends that the small scale
5624 development amendment be found in compliance, the administrative



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5625 law judge shall submit the recommended order to the state land
5626 planning agency.

5627 2. If the state land planning agency determines that the
5628 plan amendment is not in compliance, the agency shall submit,
5629 within 30 days following its receipt, the recommended order to
5630 the Administration Commission for final agency action. If the
5631 state land planning agency determines that the plan amendment is
5632 in compliance, the agency shall enter a final order within 30
5633 days following its receipt of the recommended order.

5634 (c) Small scale development amendments shall not become
5635 effective until 31 days after adoption. If challenged within 30
5636 days after adoption, small scale development amendments shall
5637 not become effective until the state land planning agency or the
5638 Administration Commission, respectively, issues a final order
5639 determining that the adopted small scale development amendment
5640 is in compliance.

5641 (d) In all challenges under this subsection, when a
5642 determination of compliance as defined in s. 163.3184(1)(b) is
5643 made, consideration shall be given to the plan amendment as a
5644 whole and whether the plan amendment furthers the intent of this
5645 part.

5646 ~~(4) Each governing body shall transmit to the state land~~
5647 ~~planning agency a current copy of its comprehensive plan not~~
5648 ~~later than December 1, 1985. Each governing body shall also~~
5649 ~~transmit copies of any amendments it adopts to its comprehensive~~
5650 ~~plan so as to continually update the plans on file with the~~
5651 ~~state land planning agency.~~

5652 ~~(5) Nothing in this part is intended to prohibit or limit~~
5653 ~~the authority of local governments to require that a person~~



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5654 ~~requesting an amendment pay some or all of the cost of public~~
5655 ~~notice.~~

5656 ~~(6)(a) No local government may amend its comprehensive plan~~
5657 ~~after the date established by the state land planning agency for~~
5658 ~~adoption of its evaluation and appraisal report unless it has~~
5659 ~~submitted its report or addendum to the state land planning~~
5660 ~~agency as prescribed by s. 163.3191, except for plan amendments~~
5661 ~~described in paragraph (1)(b) or paragraph (1)(h).~~

5662 ~~(b) A local government may amend its comprehensive plan~~
5663 ~~after it has submitted its adopted evaluation and appraisal~~
5664 ~~report and for a period of 1 year after the initial~~
5665 ~~determination of sufficiency regardless of whether the report~~
5666 ~~has been determined to be insufficient.~~

5667 ~~(c) A local government may not amend its comprehensive~~
5668 ~~plan, except for plan amendments described in paragraph (1)(b),~~
5669 ~~if the 1-year period after the initial sufficiency determination~~
5670 ~~of the report has expired and the report has not been determined~~
5671 ~~to be sufficient.~~

5672 ~~(d) When the state land planning agency has determined that~~
5673 ~~the report has sufficiently addressed all pertinent provisions~~
5674 ~~of s. 163.3191, the local government may amend its comprehensive~~
5675 ~~plan without the limitations imposed by paragraph (a) or~~
5676 ~~paragraph (c).~~

5677 ~~(e) Any plan amendment which a local government attempts to~~
5678 ~~adopt in violation of paragraph (a) or paragraph (c) is invalid,~~
5679 ~~but such invalidity may be overcome if the local government~~
5680 ~~readopts the amendment and transmits the amendment to the state~~
5681 ~~land planning agency pursuant to s. 163.3184(7) after the report~~
5682 ~~is determined to be sufficient.~~



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5683 Section 20. Section 163.3191, Florida Statutes, is amended
5684 to read:

5685 163.3191 Evaluation and appraisal of comprehensive plan.—

5686 (1) At least once every 7 years, each local government
5687 shall evaluate its comprehensive plan to determine if plan
5688 amendments are necessary to reflect changes in state
5689 requirements in this part since the last update of the
5690 comprehensive plan, and notify the state land planning agency as
5691 to its determination.

5692 (2) If the local government determines amendments to its
5693 comprehensive plan are necessary to reflect changes in state
5694 requirements, the local government shall prepare and transmit
5695 within 1 year such plan amendment or amendments for review
5696 pursuant to s. 163.3184.

5697 (3) Local governments are encouraged to comprehensively
5698 evaluate and, as necessary, update comprehensive plans to
5699 reflect changes in local conditions. Plan amendments transmitted
5700 pursuant to this section shall be reviewed in accordance with s.
5701 163.3184.

5702 (4) If a local government fails to submit its letter
5703 prescribed by subsection (1) or update its plan pursuant to
5704 subsection (2), it may not amend its comprehensive plan until
5705 such time as it complies with this section.

5706 ~~(1) The planning program shall be a continuous and ongoing~~
5707 ~~process. Each local government shall adopt an evaluation and~~
5708 ~~appraisal report once every 7 years assessing the progress in~~
5709 ~~implementing the local government's comprehensive plan.~~
5710 ~~Furthermore, it is the intent of this section that:~~

5711 ~~(a) Adopted comprehensive plans be reviewed through such~~



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5712 ~~evaluation process to respond to changes in state, regional, and~~
5713 ~~local policies on planning and growth management and changing~~
5714 ~~conditions and trends, to ensure effective intergovernmental~~
5715 ~~coordination, and to identify major issues regarding the~~
5716 ~~community's achievement of its goals.~~

5717 ~~(b) After completion of the initial evaluation and~~
5718 ~~appraisal report and any supporting plan amendments, each~~
5719 ~~subsequent evaluation and appraisal report must evaluate the~~
5720 ~~comprehensive plan in effect at the time of the initiation of~~
5721 ~~the evaluation and appraisal report process.~~

5722 ~~(c) Local governments identify the major issues, if~~
5723 ~~applicable, with input from state agencies, regional agencies,~~
5724 ~~adjacent local governments, and the public in the evaluation and~~
5725 ~~appraisal report process. It is also the intent of this section~~
5726 ~~to establish minimum requirements for information to ensure~~
5727 ~~predictability, certainty, and integrity in the growth~~
5728 ~~management process. The report is intended to serve as a summary~~
5729 ~~audit of the actions that a local government has undertaken and~~
5730 ~~identify changes that it may need to make. The report should be~~
5731 ~~based on the local government's analysis of major issues to~~
5732 ~~further the community's goals consistent with statewide minimum~~
5733 ~~standards. The report is not intended to require a comprehensive~~
5734 ~~rewrite of the elements within the local plan, unless a local~~
5735 ~~government chooses to do so.~~

5736 ~~(2) The report shall present an evaluation and assessment~~
5737 ~~of the comprehensive plan and shall contain appropriate~~
5738 ~~statements to update the comprehensive plan, including, but not~~
5739 ~~limited to, words, maps, illustrations, or other media, related~~
5740 ~~to:~~



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5741 ~~(a) Population growth and changes in land area, including~~
5742 ~~annexation, since the adoption of the original plan or the most~~
5743 ~~recent update amendments.~~

5744 ~~(b) The extent of vacant and developable land.~~

5745 ~~(c) The financial feasibility of implementing the~~
5746 ~~comprehensive plan and of providing needed infrastructure to~~
5747 ~~achieve and maintain adopted level of service standards and~~
5748 ~~sustain concurrency management systems through the capital~~
5749 ~~improvements element, as well as the ability to address~~
5750 ~~infrastructure backlogs and meet the demands of growth on public~~
5751 ~~services and facilities.~~

5752 ~~(d) The location of existing development in relation to the~~
5753 ~~location of development as anticipated in the original plan, or~~
5754 ~~in the plan as amended by the most recent evaluation and~~
5755 ~~appraisal report update amendments, such as within areas~~
5756 ~~designated for urban growth.~~

5757 ~~(e) An identification of the major issues for the~~
5758 ~~jurisdiction and, where pertinent, the potential social,~~
5759 ~~economic, and environmental impacts.~~

5760 ~~(f) Relevant changes to the state comprehensive plan, the~~
5761 ~~requirements of this part, the minimum criteria contained in~~
5762 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~
5763 ~~strategic regional policy plan since the adoption of the~~
5764 ~~original plan or the most recent evaluation and appraisal report~~
5765 ~~update amendments.~~

5766 ~~(g) An assessment of whether the plan objectives within~~
5767 ~~each element, as they relate to major issues, have been~~
5768 ~~achieved. The report shall include, as appropriate, an~~
5769 ~~identification as to whether unforeseen or unanticipated changes~~



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5770 ~~in circumstances have resulted in problems or opportunities with~~
5771 ~~respect to major issues identified in each element and the~~
5772 ~~social, economic, and environmental impacts of the issue.~~

5773 ~~(h) A brief assessment of successes and shortcomings~~
5774 ~~related to each element of the plan.~~

5775 ~~(i) The identification of any actions or corrective~~
5776 ~~measures, including whether plan amendments are anticipated to~~
5777 ~~address the major issues identified and analyzed in the report.~~
5778 ~~Such identification shall include, as appropriate, new~~
5779 ~~population projections, new revised planning timeframes, a~~
5780 ~~revised future conditions map or map series, an updated capital~~
5781 ~~improvements element, and any new and revised goals, objectives,~~
5782 ~~and policies for major issues identified within each element.~~
5783 ~~This paragraph shall not require the submittal of the plan~~
5784 ~~amendments with the evaluation and appraisal report.~~

5785 ~~(j) A summary of the public participation program and~~
5786 ~~activities undertaken by the local government in preparing the~~
5787 ~~report.~~

5788 ~~(k) The coordination of the comprehensive plan with~~
5789 ~~existing public schools and those identified in the applicable~~
5790 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
5791 ~~assessment shall address, where relevant, the success or failure~~
5792 ~~of the coordination of the future land use map and associated~~
5793 ~~planned residential development with public schools and their~~
5794 ~~capacities, as well as the joint decisionmaking processes~~
5795 ~~engaged in by the local government and the school board in~~
5796 ~~regard to establishing appropriate population projections and~~
5797 ~~the planning and siting of public school facilities. For those~~
5798 ~~counties or municipalities that do not have a public schools~~



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5799 ~~interlocal agreement or public school facilities element, the~~
5800 ~~assessment shall determine whether the local government~~
5801 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
5802 ~~or municipality determines that it no longer meets the criteria,~~
5803 ~~it must adopt appropriate school concurrency goals, objectives,~~
5804 ~~and policies in its plan amendments pursuant to the requirements~~
5805 ~~of the public school facilities element, and enter into the~~
5806 ~~existing interlocal agreement required by ss. 163.3177(6) (h)2.~~
5807 ~~and 163.31777 in order to fully participate in the school~~
5808 ~~concurrency system.~~

5809 ~~(l) The extent to which the local government has been~~
5810 ~~successful in identifying alternative water supply projects and~~
5811 ~~traditional water supply projects, including conservation and~~
5812 ~~reuse, necessary to meet the water needs identified in s.~~
5813 ~~373.709(2) (a) within the local government's jurisdiction. The~~
5814 ~~report must evaluate the degree to which the local government~~
5815 ~~has implemented the work plan for building public, private, and~~
5816 ~~regional water supply facilities, including development of~~
5817 ~~alternative water supplies, identified in the element as~~
5818 ~~necessary to serve existing and new development.~~

5819 ~~(m) If any of the jurisdiction of the local government is~~
5820 ~~located within the coastal high hazard area, an evaluation of~~
5821 ~~whether any past reduction in land use density impairs the~~
5822 ~~property rights of current residents when redevelopment occurs,~~
5823 ~~including, but not limited to, redevelopment following a natural~~
5824 ~~disaster. The property rights of current residents shall be~~
5825 ~~balanced with public safety considerations. The local government~~
5826 ~~must identify strategies to address redevelopment feasibility~~
5827 ~~and the property rights of affected residents. These strategies~~



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5828 ~~may include the authorization of redevelopment up to the actual~~
5829 ~~built density in existence on the property prior to the natural~~
5830 ~~disaster or redevelopment.~~

5831 ~~(n) An assessment of whether the criteria adopted pursuant~~
5832 ~~to s. 163.3177(6)(a) were successful in achieving compatibility~~
5833 ~~with military installations.~~

5834 ~~(o) The extent to which a concurrency exception area~~
5835 ~~designated pursuant to s. 163.3180(5), a concurrency management~~
5836 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
5837 ~~transportation district designated pursuant to s. 163.3180(15)~~
5838 ~~has achieved the purpose for which it was created and otherwise~~
5839 ~~complies with the provisions of s. 163.3180.~~

5840 ~~(p) An assessment of the extent to which changes are needed~~
5841 ~~to develop a common methodology for measuring impacts on~~
5842 ~~transportation facilities for the purpose of implementing its~~
5843 ~~concurrency management system in coordination with the~~
5844 ~~municipalities and counties, as appropriate pursuant to s.~~
5845 ~~163.3180(10).~~

5846 ~~(3) Voluntary scoping meetings may be conducted by each~~
5847 ~~local government or several local governments within the same~~
5848 ~~county that agree to meet together. Joint meetings among all~~
5849 ~~local governments in a county are encouraged. All scoping~~
5850 ~~meetings shall be completed at least 1 year prior to the~~
5851 ~~established adoption date of the report. The purpose of the~~
5852 ~~meetings shall be to distribute data and resources available to~~
5853 ~~assist in the preparation of the report, to provide input on~~
5854 ~~major issues in each community that should be addressed in the~~
5855 ~~report, and to advise on the extent of the effort for the~~
5856 ~~components of subsection (2). If scoping meetings are held, the~~



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5857 ~~local government shall invite each state and regional reviewing~~
5858 ~~agency, as well as adjacent and other affected local~~
5859 ~~governments. A preliminary list of new data and major issues~~
5860 ~~that have emerged since the adoption of the original plan, or~~
5861 ~~the most recent evaluation and appraisal report-based update~~
5862 ~~amendments, should be developed by state and regional entities~~
5863 ~~and involved local governments for distribution at the scoping~~
5864 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
5865 ~~a meeting conducted to determine the scope of review of the~~
5866 ~~evaluation and appraisal report by parties to which the report~~
5867 ~~relates.~~

5868 ~~(4) The local planning agency shall prepare the evaluation~~
5869 ~~and appraisal report and shall make recommendations to the~~
5870 ~~governing body regarding adoption of the proposed report. The~~
5871 ~~local planning agency shall prepare the report in conformity~~
5872 ~~with its public participation procedures adopted as required by~~
5873 ~~s. 163.3181. During the preparation of the proposed report and~~
5874 ~~prior to making any recommendation to the governing body, the~~
5875 ~~local planning agency shall hold at least one public hearing,~~
5876 ~~with public notice, on the proposed report. At a minimum, the~~
5877 ~~format and content of the proposed report shall include a table~~
5878 ~~of contents; numbered pages; element headings; section headings~~
5879 ~~within elements; a list of included tables, maps, and figures; a~~
5880 ~~title and sources for all included tables; a preparation date;~~
5881 ~~and the name of the preparer. Where applicable, maps shall~~
5882 ~~include major natural and artificial geographic features; city,~~
5883 ~~county, and state lines; and a legend indicating a north arrow,~~
5884 ~~map scale, and the date.~~

5885 ~~(5) Ninety days prior to the scheduled adoption date, the~~



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5886 ~~local government may provide a proposed evaluation and appraisal~~
5887 ~~report to the state land planning agency and distribute copies~~
5888 ~~to state and regional commenting agencies as prescribed by rule,~~
5889 ~~adjacent jurisdictions, and interested citizens for review. All~~
5890 ~~review comments, including comments by the state land planning~~
5891 ~~agency, shall be transmitted to the local government and state~~
5892 ~~land planning agency within 30 days after receipt of the~~
5893 ~~proposed report.~~

5894 ~~(6) The governing body, after considering the review~~
5895 ~~comments and recommended changes, if any, shall adopt the~~
5896 ~~evaluation and appraisal report by resolution or ordinance at a~~
5897 ~~public hearing with public notice. The governing body shall~~
5898 ~~adopt the report in conformity with its public participation~~
5899 ~~procedures adopted as required by s. 163.3181. The local~~
5900 ~~government shall submit to the state land planning agency three~~
5901 ~~copies of the report, a transmittal letter indicating the dates~~
5902 ~~of public hearings, and a copy of the adoption resolution or~~
5903 ~~ordinance. The local government shall provide a copy of the~~
5904 ~~report to the reviewing agencies which provided comments for the~~
5905 ~~proposed report, or to all the reviewing agencies if a proposed~~
5906 ~~report was not provided pursuant to subsection (5), including~~
5907 ~~the adjacent local governments. Within 60 days after receipt,~~
5908 ~~the state land planning agency shall review the adopted report~~
5909 ~~and make a preliminary sufficiency determination that shall be~~
5910 ~~forwarded by the agency to the local government for its~~
5911 ~~consideration. The state land planning agency shall issue a~~
5912 ~~final sufficiency determination within 90 days after receipt of~~
5913 ~~the adopted evaluation and appraisal report.~~

5914 ~~(7) The intent of the evaluation and appraisal process is~~



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5915 ~~the preparation of a plan update that clearly and concisely~~
5916 ~~achieves the purpose of this section. Toward this end, the~~
5917 ~~sufficiency review of the state land planning agency shall~~
5918 ~~concentrate on whether the evaluation and appraisal report~~
5919 ~~sufficiently fulfills the components of subsection (2). If the~~
5920 ~~state land planning agency determines that the report is~~
5921 ~~insufficient, the governing body shall adopt a revision of the~~
5922 ~~report and submit the revised report for review pursuant to~~
5923 ~~subsection (6).~~

5924 ~~(8) The state land planning agency may delegate the review~~
5925 ~~of evaluation and appraisal reports, including all state land~~
5926 ~~planning agency duties under subsections (4)-(7), to the~~
5927 ~~appropriate regional planning council. When the review has been~~
5928 ~~delegated to a regional planning council, any local government~~
5929 ~~in the region may elect to have its report reviewed by the~~
5930 ~~regional planning council rather than the state land planning~~
5931 ~~agency. The state land planning agency shall by agreement~~
5932 ~~provide for uniform and adequate review of reports and shall~~
5933 ~~retain oversight for any delegation of review to a regional~~
5934 ~~planning council.~~

5935 ~~(9) The state land planning agency may establish a phased~~
5936 ~~schedule for adoption of reports. The schedule shall provide~~
5937 ~~each local government at least 7 years from plan adoption or~~
5938 ~~last established adoption date for a report and shall allot~~
5939 ~~approximately one-seventh of the reports to any 1 year. In order~~
5940 ~~to allow the municipalities to use data and analyses gathered by~~
5941 ~~the counties, the state land planning agency shall schedule~~
5942 ~~municipal report adoption dates between 1 year and 18 months~~
5943 ~~later than the report adoption date for the county in which~~



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5944 ~~those municipalities are located. A local government may adopt~~
5945 ~~its report no earlier than 90 days prior to the established~~
5946 ~~adoption date. Small municipalities which were scheduled by~~
5947 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~
5948 ~~evaluation and appraisal report after February 2, 1999, shall be~~
5949 ~~rescheduled to adopt their report together with the other~~
5950 ~~municipalities in their county as provided in this subsection.~~

5951 ~~(10) The governing body shall amend its comprehensive plan~~
5952 ~~based on the recommendations in the report and shall update the~~
5953 ~~comprehensive plan based on the components of subsection (2),~~
5954 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~
5955 ~~163.3189. Amendments to update a comprehensive plan based on the~~
5956 ~~evaluation and appraisal report shall be adopted during a single~~
5957 ~~amendment cycle within 18 months after the report is determined~~
5958 ~~to be sufficient by the state land planning agency, except the~~
5959 ~~state land planning agency may grant an extension for adoption~~
5960 ~~of a portion of such amendments. The state land planning agency~~
5961 ~~may grant a 6-month extension for the adoption of such~~
5962 ~~amendments if the request is justified by good and sufficient~~
5963 ~~cause as determined by the agency. An additional extension may~~
5964 ~~also be granted if the request will result in greater~~
5965 ~~coordination between transportation and land use, for the~~
5966 ~~purposes of improving Florida's transportation system, as~~
5967 ~~determined by the agency in coordination with the Metropolitan~~
5968 ~~Planning Organization program. Beginning July 1, 2006, failure~~
5969 ~~to timely adopt and transmit update amendments to the~~
5970 ~~comprehensive plan based on the evaluation and appraisal report~~
5971 ~~shall result in a local government being prohibited from~~
5972 ~~adopting amendments to the comprehensive plan until the~~



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5973 ~~evaluation and appraisal report update amendments have been~~
5974 ~~adopted and transmitted to the state land planning agency. The~~
5975 ~~prohibition on plan amendments shall commence when the update~~
5976 ~~amendments to the comprehensive plan are past due. The~~
5977 ~~comprehensive plan as amended shall be in compliance as defined~~
5978 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~
5979 ~~of the update amendments to the comprehensive plan, the local~~
5980 ~~government shall provide to the state land planning agency and~~
5981 ~~to all agencies designated by rule a complete copy of the~~
5982 ~~updated comprehensive plan.~~

5983 ~~(11) The Administration Commission may impose the sanctions~~
5984 ~~provided by s. 163.3184(11) against any local government that~~
5985 ~~fails to adopt and submit a report, or that fails to implement~~
5986 ~~its report through timely and sufficient amendments to its local~~
5987 ~~plan, except for reasons of excusable delay or valid planning~~
5988 ~~reasons agreed to by the state land planning agency or found~~
5989 ~~present by the Administration Commission. Sanctions for untimely~~
5990 ~~or insufficient plan amendments shall be prospective only and~~
5991 ~~shall begin after a final order has been issued by the~~
5992 ~~Administration Commission and a reasonable period of time has~~
5993 ~~been allowed for the local government to comply with an adverse~~
5994 ~~determination by the Administration Commission through adoption~~
5995 ~~of plan amendments that are in compliance. The state land~~
5996 ~~planning agency may initiate, and an affected person may~~
5997 ~~intervene in, such a proceeding by filing a petition with the~~
5998 ~~Division of Administrative Hearings, which shall appoint an~~
5999 ~~administrative law judge and conduct a hearing pursuant to ss.~~
6000 ~~120.569 and 120.57(1) and shall submit a recommended order to~~
6001 ~~the Administration Commission. The affected local government~~



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6002 ~~shall be a party to any such proceeding. The commission may~~
6003 ~~implement this subsection by rule.~~

6004 ~~(5)~~ (12) The state land planning agency shall not adopt
6005 rules to implement this section, other than procedural rules.

6006 ~~(13) The state land planning agency shall regularly review~~
6007 ~~the evaluation and appraisal report process and submit a report~~
6008 ~~to the Governor, the Administration Commission, the Speaker of~~
6009 ~~the House of Representatives, the President of the Senate, and~~
6010 ~~the respective community affairs committees of the Senate and~~
6011 ~~the House of Representatives. The first report shall be~~
6012 ~~submitted by December 31, 2004, and subsequent reports shall be~~
6013 ~~submitted every 5 years thereafter. At least 9 months before the~~
6014 ~~due date of each report, the Secretary of Community Affairs~~
6015 ~~shall appoint a technical committee of at least 15 members to~~
6016 ~~assist in the preparation of the report. The membership of the~~
6017 ~~technical committee shall consist of representatives of local~~
6018 ~~governments, regional planning councils, the private sector, and~~
6019 ~~environmental organizations. The report shall assess the~~
6020 ~~effectiveness of the evaluation and appraisal report process.~~

6021 ~~(14) The requirement of subsection (10) prohibiting a local~~
6022 ~~government from adopting amendments to the local comprehensive~~
6023 ~~plan until the evaluation and appraisal report update amendments~~
6024 ~~have been adopted and transmitted to the state land planning~~
6025 ~~agency does not apply to a plan amendment proposed for adoption~~
6026 ~~by the appropriate local government as defined in s.~~
6027 ~~163.3178(2)(k) in order to integrate a port comprehensive master~~
6028 ~~plan with the coastal management element of the local~~
6029 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~
6030 ~~comprehensive master plan or the proposed plan amendment does~~



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6031 ~~not cause or contribute to the failure of the local government~~
6032 ~~to comply with the requirements of the evaluation and appraisal~~
6033 ~~report.~~

6034 Section 21. Present subsections (3), (4), (5), and (6) of
6035 section 163.3194, Florida Statutes, are renumbered as
6036 subsections (4), (5), (6), and (7), respectively, and a new
6037 subsection (3) is added to that section, to read:

6038 163.3194 Legal status of comprehensive plan.—

6039 (3) A governing body may not issue a development order or
6040 permit to erect, operate, use, or maintain a sign requiring a
6041 permit by s. 479.07 unless the sign is located on a parcel
6042 designated for commercial or industrial use, or located in an
6043 unzoned commercial or industrial area, or located on an unzoned
6044 commercial or industrial parcel.

6045 (a) As used in this subsection, the term:

6046 1. "Designated for commercial or industrial use" means a
6047 parcel of land designated predominately for commercial or
6048 industrial uses under both the future land use map approved by
6049 the state land planning agency and the land development
6050 regulations adopted pursuant to this chapter.

6051 2. "In an unzoned commercial or industrial area or on an
6052 unzoned commercial or industrial parcel" means an area or parcel
6053 that is not specifically designated for commercial or industrial
6054 uses under the land development regulations and is located in an
6055 area designated by the future land use map of a plan approved by
6056 the state land planning agency for multiple uses that include
6057 commercial or industrial uses within which three or more
6058 separate and distinct conforming industrial or commercial
6059 activities are located within the area as provided in s.



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6060 479.01(26) (a) .

6061 (b) If a parcel is located in an area designated for
6062 multiple uses on the future land use map of the comprehensive
6063 plan and the zoning category of the land development regulations
6064 does not clearly designate that parcel for a specific use, the
6065 parcel will be considered an unzoned commercial or industrial
6066 parcel if it meets the criteria of s. 479.01(26). Only
6067 activities listed under s. 479.01(26) (b) may not be recognized
6068 as commercial or industrial activities for purposes of this
6069 subsection.

6070 (c) A development order or permit to erect, operate, use,
6071 or maintain a sign issued pursuant to a plan approved by the
6072 state land planning agency on a parcel designated for commercial
6073 or industrial use, or located in an area or on a parcel which
6074 qualifies as an unzoned commercial or industrial area is under
6075 the effective control of the state and in compliance with s.
6076 479.07 and s. 479.111(2) and the Department of Transportation
6077 shall rely upon such determination by the local permitting
6078 agency for the purposes of such sections and any determinations
6079 required by s. 479.02(3) and (7) .

6080 (d) Permitting action by a governing body for the erection,
6081 operation, use or maintenance of a sign requiring a permit by s.
6082 479.07, which is inconsistent with the provisions of this
6083 subsection and implemented primarily to permit such a sign, is
6084 not authorized by this subsection.

6085 (e) The provisions under this subsection may not be
6086 implemented if the US Secretary of Transportation provides
6087 written notification to the department that implementation will
6088 adversely affect the allocation of federal funds to the



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6089 department.

6090 Section 22. Paragraph (b) of subsection (2) of section
6091 163.3217, Florida Statutes, is amended to read:

6092 163.3217 Municipal overlay for municipal incorporation.—

6093 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
6094 OVERLAY.—

6095 (b)1. A municipal overlay shall be adopted as an amendment
6096 to the local government comprehensive plan as prescribed by s.
6097 163.3184.

6098 ~~2. A county may consider the adoption of a municipal~~
6099 ~~overlay without regard to the provisions of s. 163.3187(1)~~
6100 ~~regarding the frequency of adoption of amendments to the local~~
6101 ~~comprehensive plan.~~

6102 Section 23. Subsection (3) of section 163.3220, Florida
6103 Statutes, is amended to read:

6104 163.3220 Short title; legislative intent.—

6105 (3) In conformity with, in furtherance of, and to implement
6106 the Community Local Government Comprehensive Planning and Land
6107 ~~Development Regulation Act~~ and the Florida State Comprehensive
6108 Planning Act of 1972, it is the intent of the Legislature to
6109 encourage a stronger commitment to comprehensive and capital
6110 facilities planning, ensure the provision of adequate public
6111 facilities for development, encourage the efficient use of
6112 resources, and reduce the economic cost of development.

6113 Section 24. Subsections (2) and (11) of section 163.3221,
6114 Florida Statutes, are amended to read:

6115 163.3221 Florida Local Government Development Agreement
6116 Act; definitions.—As used in ss. 163.3220-163.3243:

6117 (2) "Comprehensive plan" means a plan adopted pursuant to



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6118 the Community ~~“Local Government Comprehensive Planning and Land~~
6119 ~~Development Regulation Act.”~~

6120 (11) “Local planning agency” means the agency designated to
6121 prepare a comprehensive plan or plan amendment pursuant to the
6122 Community ~~“Florida Local Government Comprehensive Planning and~~
6123 ~~Land Development Regulation Act.”~~

6124 Section 25. Section 163.3229, Florida Statutes, is amended
6125 to read:

6126 163.3229 Duration of a development agreement and
6127 relationship to local comprehensive plan.—The duration of a
6128 development agreement may ~~shall~~ not exceed 2030 years, unless it
6129 is. ~~It may be~~ extended by mutual consent of the governing body
6130 and the developer, subject to a public hearing in accordance
6131 with s. 163.3225. No development agreement shall be effective or
6132 be implemented by a local government unless the local
6133 government’s comprehensive plan and plan amendments implementing
6134 or related to the agreement are ~~found~~ in compliance ~~by the state~~
6135 ~~land planning agency~~ in accordance with s. 163.3184, ~~s.~~
6136 ~~163.3187,~~ or s. 163.3189.

6137 Section 26. Section 163.3235, Florida Statutes, is amended
6138 to read:

6139 163.3235 Periodic review of a development agreement.—A
6140 local government shall review land subject to a development
6141 agreement at least once every 12 months to determine if there
6142 has been demonstrated good faith compliance with the terms of
6143 the development agreement. ~~For each annual review conducted~~
6144 ~~during years 6 through 10 of a development agreement, the review~~
6145 ~~shall be incorporated into a written report which shall be~~
6146 ~~submitted to the parties to the agreement and the state land~~



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6147 ~~planning agency. The state land planning agency shall adopt~~
6148 ~~rules regarding the contents of the report, provided that the~~
6149 ~~report shall be limited to the information sufficient to~~
6150 ~~determine the extent to which the parties are proceeding in good~~
6151 ~~faith to comply with the terms of the development agreement. If~~
6152 the local government finds, on the basis of substantial
6153 competent evidence, that there has been a failure to comply with
6154 the terms of the development agreement, the agreement may be
6155 revoked or modified by the local government.

6156 Section 27. Section 163.3239, Florida Statutes, is amended
6157 to read:

6158 163.3239 Recording and effectiveness of a development
6159 agreement.—Within 14 days after a local government enters into a
6160 development agreement, the local government shall record the
6161 agreement with the clerk of the circuit court in the county
6162 where the local government is located. ~~A copy of the recorded~~
6163 ~~development agreement shall be submitted to the state land~~
6164 ~~planning agency within 14 days after the agreement is recorded.~~
6165 A development agreement shall not be effective until it is
6166 properly recorded in the public records of the county ~~and until~~
6167 ~~30 days after having been received by the state land planning~~
6168 ~~agency pursuant to this section.~~ The burdens of the development
6169 agreement shall be binding upon, and the benefits of the
6170 agreement shall inure to, all successors in interest to the
6171 parties to the agreement.

6172 Section 28. Section 163.3243, Florida Statutes, is amended
6173 to read:

6174 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or
6175 adversely affected person as defined in s. 163.3215(2), ~~or the~~



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6176 ~~state land planning agency~~ may file an action for injunctive
6177 relief in the circuit court where the local government is
6178 located to enforce the terms of a development agreement or to
6179 challenge compliance of the agreement with the provisions of ss.
6180 163.3220-163.3243.

6181 Section 29. Section 163.3245, Florida Statutes, is amended
6182 to read:

6183 163.3245 ~~Optional~~ Sector plans.—

6184 (1) In recognition of the benefits of ~~conceptual~~ long-range
6185 planning for ~~the buildout of an area, and detailed planning for~~
6186 ~~specific areas, as a demonstration project, the requirements of~~
6187 ~~s. 380.06 may be addressed as identified by this section for up~~
6188 ~~to five~~ local governments or combinations of local governments
6189 ~~may which~~ adopt into their ~~the~~ comprehensive plans ~~an~~ an
6190 ~~optional~~ sector plan in accordance with this section. This
6191 section is intended to promote and encourage long-term planning
6192 for conservation, development, and agriculture on a landscape
6193 scale; to further the intent of s. 163.3177(11), which supports
6194 innovative and flexible planning and development strategies, and
6195 the purposes of this part, and part I of chapter 380; to
6196 facilitate protection of regionally significant resources,
6197 including, but not limited to, regionally significant water
6198 courses and wildlife corridors; and to avoid duplication of
6199 effort in terms of the level of data and analysis required for a
6200 development of regional impact, while ensuring the adequate
6201 mitigation of impacts to applicable regional resources and
6202 facilities, including those within the jurisdiction of other
6203 local governments, as would otherwise be provided. ~~Optional~~
6204 Sector plans are intended for substantial geographic areas that



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6205 ~~include including~~ at least 15,000 ~~5,000~~ acres of one or more
6206 local governmental jurisdictions and are to emphasize urban form
6207 and protection of regionally significant resources and public
6208 facilities. ~~A The state land planning agency may approve~~
6209 ~~optional sector plans of less than 5,000 acres based on local~~
6210 ~~circumstances if it is determined that the plan would further~~
6211 ~~the purposes of this part and part I of chapter 380. Preparation~~
6212 ~~of an optional sector plan is authorized by agreement between~~
6213 ~~the state land planning agency and the applicable local~~
6214 ~~governments under s. 163.3171(4). An optional sector plan may be~~
6215 ~~adopted through one or more comprehensive plan amendments under~~
6216 ~~s. 163.3184. However, an optional sector plan may not be adopted~~
6217 ~~authorized~~ in an area of critical state concern.

6218 (2) Upon the request of a local government having
6219 jurisdiction, ~~The state land planning agency may enter into an~~
6220 ~~agreement to authorize preparation of an optional sector plan~~
6221 ~~upon the request of one or more local governments based on~~
6222 ~~consideration of problems and opportunities presented by~~
6223 ~~existing development trends; the effectiveness of current~~
6224 ~~comprehensive plan provisions; the potential to further the~~
6225 ~~state comprehensive plan, applicable strategic regional policy~~
6226 ~~plans, this part, and part I of chapter 380; and those factors~~
6227 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
6228 planning council shall conduct a scoping meeting with affected
6229 local governments and those agencies identified in s.
6230 163.3184(4) before preparation of the sector plan ~~execution of~~
6231 ~~the agreement authorized by this section.~~ The purpose of this
6232 meeting is to assist the state land planning agency and the
6233 local government in the identification of the relevant planning



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6234 issues to be addressed and the data and resources available to
6235 assist in the preparation of the sector plan. In the event that
6236 a scoping meeting is conducted, ~~subsequent plan amendments~~. the
6237 regional planning council shall make written recommendations to
6238 the state land planning agency and affected local governments,
6239 on the issues requested by the local government. The scoping
6240 meeting shall be noticed and open to the public. In the event
6241 that the entire planning area proposed for the sector plan is
6242 within the jurisdiction of two or more local governments, some
6243 or all of them may enter into a joint planning agreement
6244 pursuant to s. 163.3171 with respect to including whether a
6245 ~~sustainable sector plan would be appropriate~~. The agreement must
6246 ~~define~~ the geographic area to be subject to the sector plan, the
6247 planning issues that will be emphasized, procedures ~~requirements~~
6248 for intergovernmental coordination to address
6249 extrajurisdictional impacts, supporting application materials
6250 including data and analysis, ~~and~~ procedures for public
6251 participation, or other issues. ~~An agreement may address~~
6252 ~~previously adopted sector plans that are consistent with the~~
6253 ~~standards in this section~~. ~~Before executing an agreement under~~
6254 ~~this subsection, the local government shall hold a duly noticed~~
6255 ~~public workshop to review and explain to the public the optional~~
6256 ~~sector planning process and the terms and conditions of the~~
6257 ~~proposed agreement~~. The local government shall hold a duly
6258 ~~noticed public hearing to execute the agreement~~. All meetings
6259 ~~between the department and the local government must be open to~~
6260 ~~the public~~.

6261 (3) ~~Optional~~ Sector planning encompasses two levels:
6262 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term



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6263 master plan for the entire planning area as part of the
6264 comprehensive plan, and adoption by local development order of
6265 two or more buildout overlay to the comprehensive plan, having
6266 no immediate effect on the issuance of development orders or the
6267 applicability of s. 380.06, and adoption under s. 163.3184 of
6268 detailed specific area plans that implement the ~~conceptual~~ long-
6269 term master plan buildout overlay and authorize issuance of
6270 ~~development orders,~~ and within which s. 380.06 is waived. Until
6271 such time as a detailed specific area plan is adopted, the
6272 underlying future land use designations apply.

6273 (a) In addition to the other requirements of this chapter,
6274 a long-term master plan pursuant to this section ~~conceptual~~
6275 long-term buildout overlay must include maps, illustrations, and
6276 text supported by data and analysis to address the following:

6277 1. A long-range ~~conceptual~~ framework map that, at a
6278 minimum, generally depicts ~~identifies~~ anticipated areas of
6279 urban, agricultural, rural, and conservation land use,
6280 identifies allowed uses in various parts of the planning area,
6281 specifies maximum and minimum densities and intensities of use,
6282 and provides the general framework for the development pattern
6283 in developed areas with graphic illustrations based on a
6284 hierarchy of places and functional place-making components.

6285 2. A general identification of the water supplies needed
6286 and available sources of water, including water resource
6287 development and water supply development projects, and water
6288 conservation measures needed to meet the projected demand of the
6289 future land uses in the long-term master plan.

6290 3. A general identification of the transportation
6291 facilities to serve the future land uses in the long-term master



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6292 plan, including guidelines to be used to establish each modal
6293 component intended to optimize mobility.

6294 4. A general identification of other regionally significant
6295 public facilities consistent with chapter 9J-2, Florida
6296 Administrative Code, irrespective of local governmental
6297 jurisdiction necessary to support buildout of the anticipated
6298 future land uses, which may include central utilities provided
6299 on site within the planning area, and policies setting forth the
6300 procedures to be used to mitigate the impacts of future land
6301 uses on public facilities.

6302 5.3. A general identification of regionally significant
6303 natural resources within the planning area based on the best
6304 available data and policies setting forth the procedures for
6305 protection or conservation of specific resources consistent with
6306 the overall conservation and development strategy for the
6307 planning area consistent with chapter 9J-2, Florida
6308 Administrative Code.

6309 6.4. General principles and guidelines addressing that
6310 address the urban form and the interrelationships of anticipated
6311 future land uses; the protection and, as appropriate,
6312 restoration and management of lands identified for permanent
6313 preservation through recordation of conservation easements
6314 consistent with s. 704.06, which shall be phased or staged in
6315 coordination with detailed specific area plans to reflect phased
6316 or staged development within the planning area; and a
6317 discussion, at the applicant's option, of the extent, if any, to
6318 which the plan will address restoring key ecosystems, achieving
6319 a more clean, healthy environment; limiting urban sprawl;
6320 providing a range of housing types; protecting wildlife and



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6321 natural areas;~~7~~ advancing the efficient use of land and other
6322 resources;~~7~~ and creating quality communities of a design that
6323 promotes travel by multiple transportation modes; and enhancing
6324 the prospects for the creation of jobs.

6325 ~~7.5.~~ Identification of general procedures and policies to
6326 facilitate ~~ensure~~ intergovernmental coordination to address
6327 extrajurisdictional impacts from the future land uses ~~long-range~~
6328 ~~conceptual framework map.~~

6329
6330 A long-term master plan adopted pursuant to this section shall
6331 be based upon a planning period longer than the generally
6332 applicable planning period of the local comprehensive plan,
6333 shall specify the projected population within the planning area
6334 during the chosen planning period, and may include a phasing or
6335 staging schedule that allocates a portion of the local
6336 government's future growth to the planning area through the
6337 planning period. It shall not be a requirement for a long-term
6338 master plan adopted pursuant to this section to demonstrate need
6339 based upon projected population growth or on any other basis.

6340 (b) In addition to the other requirements of this chapter,
6341 ~~including those in paragraph (a),~~ the detailed specific area
6342 plans shall be consistent with the long-term master plan and
6343 must include conditions and commitments which provide for:

6344 1. Development or conservation of an area of adequate size
6345 ~~to accommodate a level of development which achieves a~~
6346 ~~functional relationship between a full range of land uses within~~
6347 ~~the area and to encompass~~ at least 1,000 acres consistent with
6348 the long-term master plan. The local government ~~state land~~
6349 ~~planning agency~~ may approve detailed specific area plans of less



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6350 than 1,000 acres based on local circumstances if it is
6351 determined that the detailed specific area plan furthers the
6352 purposes of this part and part I of chapter 380.

6353 2. Detailed identification and analysis of the maximum and
6354 minimum densities and intensities of use, and the distribution,
6355 extent, and location of future land uses.

6356 3. Detailed identification of water resource development
6357 and water supply development projects and related
6358 infrastructure, and water conservation measures to address water
6359 needs of development in the detailed specific area plan.

6360 4. Detailed identification of the transportation facilities
6361 to serve the future land uses in the detailed specific area
6362 plan.

6363 ~~5.3.~~ Detailed identification of other regionally
6364 significant public facilities, including public facilities
6365 outside the jurisdiction of the host local government,
6366 ~~anticipated~~ impacts of future land uses on those facilities, and
6367 required improvements consistent with the long-term master plan
6368 ~~chapter 9J-2, Florida Administrative Code.~~

6369 ~~6.4.~~ Public facilities necessary to serve development in
6370 the detailed specific area plan for the short term, including
6371 developer contributions in a ~~financially feasible~~ 5-year capital
6372 improvement schedule of the affected local government.

6373 ~~7.5.~~ Detailed analysis and identification of specific
6374 measures to assure the protection or conservation of lands
6375 identified in the long-term master plan to be permanently
6376 preserved within the planning area through recordation of a
6377 conservation easement consistent with s. 704.06 and, as
6378 appropriate, restored or managed, ~~of regionally significant~~



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6379 ~~natural resources~~ and other important resources both within and
6380 outside the host jurisdiction, ~~including those regionally~~
6381 ~~significant resources identified in chapter 9J-2, Florida~~
6382 ~~Administrative Code.~~

6383 8.6. Detailed principles and guidelines addressing that
6384 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
6385 future land uses; and a discussion, at the applicant's option,
6386 ~~of the extent, if any, to which the plan will address restoring~~
6387 ~~key ecosystems,~~ achieving a more clean, healthy environment; ;
6388 limiting urban sprawl; ; providing a range of housing types;
6389 protecting wildlife and natural areas; ; advancing the efficient
6390 use of land and other resources; ; ~~and~~ creating quality
6391 communities of a design that promotes travel by multiple
6392 transportation modes; and enhancing the prospects for the
6393 creation of jobs.

6394 9.7. Identification of specific procedures to facilitate
6395 ~~ensure~~ intergovernmental coordination to address
6396 extrajurisdictional impacts from ~~of~~ the detailed specific area
6397 plan.

6398
6399 A detailed specific area plan adopted by local development order
6400 pursuant to this section may be based upon a planning period
6401 longer than the generally applicable planning period of the
6402 local comprehensive plan and shall specify the projected
6403 population within the specific planning area during the chosen
6404 planning period. It shall not be a requirement for a detailed
6405 specific area plan adopted pursuant to this section to
6406 demonstrate need based upon projected population growth or on
6407 any other basis.



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6408 (c) In its review of a long-term master plan, the state
6409 land planning agency shall consult with the Department of
6410 Agriculture and Consumer Services, the Department of
6411 Environmental Protection, the Fish and Wildlife Conservation
6412 Commission, and the applicable water management district
6413 regarding the design of areas for protection and conservation of
6414 regionally significant natural resources and for the protection
6415 and, as appropriate, restoration and management of lands
6416 identified for permanent preservation.

6417 (d) In its review of a long-term master plan, the state
6418 land planning agency shall consult with the Department of
6419 Transportation, the applicable metropolitan planning
6420 organization, and any urban transit agency regarding the
6421 location, capacity, design, and phasing or staging of major
6422 transportation facilities in the planning area.

6423 (e) The state land planning agency may initiate a civil
6424 action pursuant to s. 163.3215 with respect to a detailed
6425 specific area plan that is not consistent with a long-term
6426 master plan adopted pursuant to this section. For purposes of
6427 such a proceeding, the state land planning agency shall be
6428 deemed an aggrieved and adversely affected party. Regardless of
6429 whether the local government has adopted an ordinance that
6430 establishes a local process that meets the requirements of s.
6431 163.3215(4), judicial review of a detailed specific area plan
6432 initiated by the state land planning agency shall be de novo
6433 pursuant to s. 163.3215(3) and not by petition for writ of
6434 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
6435 adversely affected party shall be subject to s. 163.3215 in all
6436 respects when initiating a consistency challenge to a detailed



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6437 specific area plan.

6438 (f) ~~(e)~~ This subsection does ~~may~~ not be ~~construed~~ to prevent
6439 preparation and approval of the ~~optional~~ sector plan and
6440 detailed specific area plan concurrently or in the same
6441 submission.

6442 (4) Upon the long-term master plan becoming legally
6443 effective:

6444 (a) Any long-range transportation plan developed by a
6445 metropolitan planning organization pursuant to s. 339.175(7)
6446 must be consistent, to the maximum extent feasible, with the
6447 long-term master plan, including, but not limited to, the
6448 projected population, the approved uses and densities and
6449 intensities of use and their distribution within the planning
6450 area. The transportation facilities identified in adopted plans
6451 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be
6452 developed in coordination with the adopted M.P.O. long-range
6453 transportation plan.

6454 (b) The water needs, sources and water resource
6455 development, and water supply development projects identified in
6456 adopted plans pursuant to sub-subparagraphs (3)(a)2. and
6457 (3)(b)3. shall be incorporated into the applicable district and
6458 regional water supply plans adopted in accordance with ss.
6459 373.036 and 373.709. Accordingly, and notwithstanding the permit
6460 durations stated in s. 373.236, an applicant may request and the
6461 applicable district may issue consumptive use permits for
6462 durations commensurate with the long-term master plan or
6463 detailed specific area plan, considering the ability of the
6464 master-plan area to contribute to regional water supply
6465 availability and the need to maximize reasonable-beneficial use



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6466 of the water resource. The permitting criteria in s. 373.223
6467 shall be applied based upon the projected population, the
6468 approved densities and intensities of use and their distribution
6469 in the long-term master plan, however, the allocation of the
6470 water may be phased over the permit duration to correspond to
6471 actual projected needs. Nothing in this paragraph is intended to
6472 supersede the public interest test set forth in s. 373.223. The
6473 ~~host local government shall submit a monitoring report to the~~
6474 ~~state land planning agency and applicable regional planning~~
6475 ~~council on an annual basis after adoption of a detailed specific~~
6476 ~~area plan. The annual monitoring report must provide summarized~~
6477 ~~information on development orders issued, development that has~~
6478 ~~occurred, public facility improvements made, and public facility~~
6479 ~~improvements anticipated over the upcoming 5 years.~~

6480 (5) When a ~~plan amendment adopting~~ a detailed specific area
6481 plan has become effective for a portion of the planning area
6482 governed by a long-term master plan adopted pursuant to this
6483 section under ss. 163.3184 and 163.3189(2), the provisions of s.
6484 380.06 do not apply to development within the geographic area of
6485 the detailed specific area plan. However, any development-of-
6486 regional-impact development order that is vested from the
6487 detailed specific area plan may be enforced pursuant to ~~under~~ s.
6488 380.11.

6489 (a) The local government adopting the detailed specific
6490 area plan is primarily responsible for monitoring and enforcing
6491 the detailed specific area plan. Local governments shall not
6492 issue any permits or approvals or provide any extensions of
6493 services to development that are not consistent with the
6494 detailed specific ~~sector~~ area plan.



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6495 (b) If the state land planning agency has reason to believe
6496 that a violation of any detailed specific area plan, ~~or of any~~
6497 ~~agreement entered into under this section,~~ has occurred or is
6498 about to occur, it may institute an administrative or judicial
6499 proceeding to prevent, abate, or control the conditions or
6500 activity creating the violation, using the procedures in s.
6501 380.11.

6502 (c) In instituting an administrative or judicial proceeding
6503 involving an ~~optional~~ sector plan or detailed specific area
6504 plan, including a proceeding pursuant to paragraph (b), the
6505 complaining party shall comply with the requirements of s.
6506 163.3215(4), (5), (6), and (7), except as provided by paragraph
6507 (3) (d).

6508 (d) The detailed specific area plan shall establish a
6509 buildout date until which the approved development shall not be
6510 subject to downzoning, unit density reduction, or intensity
6511 reduction, unless the local government can demonstrate that
6512 implementation of the plan is not continuing in good faith based
6513 on standards established by plan policy, or that substantial
6514 changes in the conditions underlying the approval of the
6515 detailed specific area plan have occurred, or that the detailed
6516 specific area plan was based on substantially inaccurate
6517 information provided by the applicant, or that the change is
6518 clearly established to be essential to the public health,
6519 safety, or welfare.

6520 (6) Concurrent with or subsequent to review and adoption of
6521 a long-term master plan pursuant to paragraph (3) (a), an
6522 applicant may apply for master development approval pursuant to
6523 s. 380.06(21) for the entire planning area in order to establish



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6524 a buildout date until which the approved uses and densities and
6525 intensities of use of the master plan shall not be subject to
6526 downzoning, unit density reduction, or intensity reduction,
6527 unless the local government can demonstrate that implementation
6528 of the master plan is not continuing in good faith based on
6529 standards established by plan policy, or that substantial
6530 changes in the conditions underlying the approval of the master
6531 plan have occurred, or that the master plan was based on
6532 substantially inaccurate information provided by the applicant,
6533 or that change is clearly established to be essential to the
6534 public health, safety, or welfare. Review of the application for
6535 master development approval shall be at a level of detail
6536 appropriate for the long-term and conceptual nature of the long-
6537 term master plan and, to the maximum extent possible, shall only
6538 consider information provided in the application for a long-term
6539 master plan. Notwithstanding any provision of s. 380.06 to the
6540 contrary, an increment of development in such an approved master
6541 development plan shall be approved by a detailed specific area
6542 plan pursuant to paragraph (3) (b) and shall be exempt from
6543 review pursuant to s. 380.06. ~~Beginning December 1, 1999, and~~
6544 ~~each year thereafter, the department shall provide a status~~
6545 ~~report to the Legislative Committee on Intergovernmental~~
6546 ~~Relations regarding each optional sector plan authorized under~~
6547 ~~this section.~~

6548 (7) A developer within an area subject to a long-term
6549 master plan which meets the requirements of paragraph (3) (a) and
6550 subsection (6) or a detailed specific area plan which meets the
6551 requirements of paragraph (3) (b) may enter into a development
6552 agreement with a local government pursuant to ss. 163.3220-



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6553 163.3243. The duration of such a development agreement may be
6554 through the planning period of the long-term master plan or the
6555 detailed specific area plan, as the case may be, notwithstanding
6556 the limit on the duration of a development agreement pursuant to
6557 s. 163.3229.

6558 (8) Any owner of property within the planning area of a
6559 proposed long-term master plan may withdraw his consent to the
6560 master plan at any time prior to local government adoption, and
6561 the local government shall exclude such parcels from the adopted
6562 master plan. Thereafter, the long-term master plan, any detailed
6563 specific area plan, and the exemption from development-of-
6564 regional-impact review under this section shall not apply to the
6565 subject parcels. After adoption of a long-term master plan, an
6566 owner may withdraw his or her property from the master plan only
6567 with the approval of the local government by plan amendment
6568 adopted and reviewed pursuant to s. 163.3184.

6569 (9) The adoption of a long-term master plan or a detailed
6570 specific area plan pursuant to this section shall not limit the
6571 right to continue existing agricultural or silvicultural uses or
6572 other natural resource-based operations or to establish similar
6573 new uses that are consistent with the plans approved pursuant to
6574 this section.

6575 (10) The state land planning agency may enter into an
6576 agreement with a local government which, on or before July 1,
6577 2011, adopted a large-area comprehensive plan amendment
6578 consisting of at least 15,000 acres that meets the requirements
6579 for a long-term master plan in subparagraph (3) (a), after notice
6580 and public hearing by the local government, and thereafter,
6581 notwithstanding any provision of s. 380.06 or this part or any



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6582 planning agreement or plan policy, that large-area plan shall be
6583 implemented through detailed specific area plans that meet the
6584 requirements of subparagraph (3)(b) and shall otherwise be
6585 subject to the provisions of this section.

6586 (11) Notwithstanding any provision to the contrary of s.
6587 380.06 or part II of chapter 163 or any planning agreement or
6588 plan policy, a landowner or developer who has received approval
6589 of a master development of regional impact development order
6590 pursuant to s. 380.06(21) may apply to implement this order by
6591 filing one or more applications to approve detailed specific
6592 area plan pursuant to paragraph (3)(b).

6593 (12) Notwithstanding the provisions of this section, a
6594 detailed specific area plan to implement a conceptual long-term
6595 buildout overlay adopted by a local government and found in
6596 compliance prior to July 1, 2011, shall be governed by the
6597 provisions of this section.

6598 (13)-(7) This section may not be construed to abrogate the
6599 rights of any person under this chapter.

6600 Section 30. Section 163.3247, Florida Statutes, as amended
6601 by section 42 of chapter 2010-153, Laws of Florida, is amended,
6602 and subsection (6) is added to that section, to read:

6603 163.3247 Century Commission for a Sustainable Florida.—

6604 (1) POPULAR NAME.—This section may be cited as the "Century
6605 Commission for a Sustainable Florida Act."

6606 (2) FINDINGS AND INTENT.—The Legislature finds and declares
6607 that the population of this state is expected to more than
6608 double over the next 100 years, with commensurate impacts to the
6609 state's natural resources and public infrastructure.

6610 Consequently, it is in the best interests of the people of the



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6611 state to ensure sound planning for the proper placement of this
6612 growth and protection of the state's land, water, and other
6613 natural resources since such resources are essential to our
6614 collective quality of life and a strong economy. The state's
6615 growth management system should foster economic stability
6616 through regional solutions and strategies, urban renewal and
6617 infill, and the continued viability of agricultural economies,
6618 while allowing for rural economic development and protecting the
6619 unique characteristics of rural areas, and should reduce the
6620 complexity of the regulatory process while carrying out the
6621 intent of the laws and encouraging greater citizen
6622 participation. The Legislature further finds that it is
6623 imperative that the state have a specific strategic plan
6624 addressing its growth management system.

6625 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION;
6626 ORGANIZATION.—The Century Commission for a Sustainable Florida
6627 is created as a standing body to help the citizens of this state
6628 envision and plan their collective future with an eye towards
6629 10-year, both 25-year, and 50-year horizons.

6630 (a) The commission shall consist of 18 ~~15~~ members appointed
6631 as follows:

6632 1. Two members ~~5~~ appointed by the Governor;7

6633 2. Five members ~~5~~ appointed by the President of the
6634 Senate;7—and

6635 3. Five members ~~5~~ appointed by the Speaker of the House of
6636 Representatives;

6637 4. The chairs of the legislative growth management
6638 committees;

6639 5. The Secretary of Community Affairs;



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6640 6. The Secretary of Environmental Protection;
6641 7. The Secretary of Transportation; and
6642 8. The director of the Office of Tourism, Trade, and
6643 Economic Development.
6644 ~~(b) Appointments shall be made no later than October 1,~~
6645 ~~2005. Members of the commission~~ The membership must represent
6646 local governments, school boards, developers and homebuilders,
6647 the business community, the agriculture community, the
6648 environmental community, and other appropriate stakeholders.
6649 Beginning July 1, 2011, through June 30, 2013, one member shall
6650 be elected to serve as chair by a vote of the commission
6651 membership. However, the chairs of the legislative growth
6652 management committees, the Secretary of Community Affairs, the
6653 Secretary of Environmental Protection, the Secretary of
6654 Transportation, and the director of the Office of Tourism,
6655 Trade, and Economic Development may not serve as chair during
6656 this period designated by the Governor as chair of the
6657 ~~commission~~. Any vacancy that occurs on the commission must be
6658 filled in the same manner as the original appointment and shall
6659 be for the unexpired term of that commission seat. ~~Members shall~~
6660 ~~serve 4-year terms, except that, initially, to provide for~~
6661 ~~staggered terms, the Governor, the President of the Senate, and~~
6662 ~~the Speaker of the House of Representatives shall each appoint~~
6663 ~~one member to serve a 2-year term, two members to serve 3-year~~
6664 ~~terms, and two members to serve 4-year terms.~~ Members shall be
6665 appointed to serve ~~All subsequent appointments shall be for 4-~~
6666 ~~year terms. An appointee may not serve more than 6 years.~~
6667 However, members who are appointed on or before January 1, 2011,
6668 shall have their terms automatically extended to June 30, 2013,



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6669 to ensure continuity during the development of the strategic
6670 plan.

6671 (c) ~~(b)~~ The fiscal year of the commission begins July 1 each
6672 year and ends June 30 of the following year. ~~The first meeting~~
6673 ~~of~~ The commission ~~shall be held no later than December 1, 2005,~~
6674 ~~and~~ shall meet at the call of the chair but not less frequently
6675 than ~~six~~ ~~three~~ times per fiscal year ~~in different regions of the~~
6676 ~~state~~ to solicit input from the public or any other individuals
6677 offering testimony relevant to the issues to be considered. The
6678 executive director shall establish a meeting calendar for the
6679 fiscal year which considers the availability of members. The
6680 commission must vote to approve the meeting calendar before the
6681 beginning of the fiscal year. The commission may vote to form
6682 subcommittees and schedule meetings as necessary.

6683 (d) ~~(e)~~ Each member of the commission is entitled to one
6684 vote, and the actions of the commission are not binding unless
6685 taken by a majority ~~three-fifths~~ vote of the members present. A
6686 majority of the members is required to constitute a quorum, and
6687 the affirmative vote of a quorum is required for a binding vote.

6688 (e) ~~(d)~~ Members of the commission shall serve without
6689 compensation, but are ~~shall be~~ entitled to receive reimbursement
6690 for per diem and travel expenses as provided in ~~accordance with~~
6691 s. 112.061 while in the performance of their duties.

6692 (4) POWERS AND DUTIES.—(a) The commission shall÷

6693 ~~(a) Annually conduct a process through which the commission~~
6694 ~~envisions the future for the state and then develops and~~
6695 ~~recommends policies, plans, action steps, or strategies to~~
6696 ~~assist in achieving the vision.~~

6697 ~~(b) Continuously review and consider statutory and~~



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6698 ~~regulatory provisions, governmental processes, and societal and~~
6699 ~~economic trends in its inquiry of how state, regional, and local~~
6700 ~~governments and entities and citizens of this state can best~~
6701 ~~accommodate projected increased populations while maintaining~~
6702 ~~the natural, historical, cultural, and manmade life qualities~~
6703 ~~that best represent the state.~~

6704 ~~(e)~~ bring together people representing varied interests to
6705 develop a shared image of the state and its developed and
6706 natural areas. The process should involve exploring the impact
6707 of the estimated population increase and other emerging trends
6708 and issues; creating a vision for the future; and developing a
6709 strategic action plan to achieve that vision using 10-year, 25-
6710 year, and 50-year intermediate planning timeframes. The plan
6711 must:

6712 1. ~~(d)~~ Focus on essential state interests, defined as those
6713 interests that transcend local or regional boundaries and are
6714 most appropriately conserved, protected, and promoted at the
6715 state level;

6716 2. Accommodate the projections for an increase in
6717 population while maintaining the state's natural, historical,
6718 cultural, and manmade life qualities; and

6719 3. Be developed through a coordinated, integrated, and
6720 comprehensive effort across agencies, local governments, and
6721 nongovernmental stakeholders.

6722 (b) The commission shall submit the strategic plan to the
6723 Governor and the Legislature by November 15, 2012, along with
6724 progress reports by November 15, 2011, and March 15, 2012. The
6725 commission shall also make presentations, at least annually, to
6726 the Governor and the Legislature.



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6727 ~~(e) Serve as an objective, nonpartisan repository of~~
6728 ~~exemplary community-building ideas and as a source to recommend~~
6729 ~~strategies and practices to assist others in working~~
6730 ~~collaboratively to problem solve on issues relating to growth~~
6731 ~~management.~~

6732 ~~(f) Annually, beginning January 16, 2007, and every year~~
6733 ~~thereafter on the same date, provide to the Governor, the~~
6734 ~~President of the Senate, and the Speaker of the House of~~
6735 ~~Representatives a written report containing specific~~
6736 ~~recommendations for addressing growth management in the state,~~
6737 ~~including executive and legislative recommendations. Further,~~
6738 ~~the report shall contain discussions regarding the need for~~
6739 ~~intergovernmental cooperation and the balancing of environmental~~
6740 ~~protection and future development and recommendations on issues,~~
6741 ~~including, but not limited to, recommendations regarding~~
6742 ~~dedicated sources of funding for sewer facilities, water supply~~
6743 ~~and quality, transportation facilities that are not adequately~~
6744 ~~addressed by the Strategic Intermodal System, and educational~~
6745 ~~infrastructure to support existing development and projected~~
6746 ~~population growth.~~

6747 ~~(c)(g)~~ Beginning with the 2007 Regular Session of the
6748 Legislature, the President of the Senate and the Speaker of the
6749 House of Representatives shall create a joint select committee,
6750 the task of which shall be to review the findings and
6751 recommendations of the Century Commission for a Sustainable
6752 Florida for potential action.

6753 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

6754 (a) ~~The Secretary of Community Affairs shall select An~~
6755 ~~executive director shall be appointed by the Secretary of~~



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6756 Community Affairs and ratified by the commission and of the
6757 commission, and the executive director shall serve at the
6758 pleasure of the secretary under the supervision and control of
6759 the commission under the direction of the chair.

6760 (b) The Department of Community Affairs shall provide a
6761 specific line item in its annual legislative budget request to
6762 fund the commission for the period beginning July 1, 2011,
6763 through June 30, 2013. The department may obtain additional
6764 funding through external grants. The department shall provide
6765 sufficient funds and staff support for the purpose of assisting
6766 the commission in completing the strategic plan ~~staff and other~~
6767 ~~resources necessary to accomplish the goals of the commission~~
6768 ~~based upon recommendations of the Governor.~~

6769 (c) All agencies under the control of the Governor are
6770 directed, and all other agencies are requested, to render
6771 assistance to, and cooperate with, the commission.

6772 (6) EXPIRATION.—This section expires and the commission is
6773 abolished June 30, 2013.

6774 Section 31. Section 163.3248, Florida Statutes, is created
6775 to read:

6776 163.3248 Rural land stewardship areas.—

6777 (1) Rural land stewardship areas are designed to establish
6778 a long-term incentive based strategy to balance and guide the
6779 allocation of land so as to accommodate future land uses in a
6780 manner that protects the natural environment, stimulates
6781 economic growth and diversification, and encourages the
6782 retention of land for agriculture and other traditional rural
6783 land uses.

6784 (2) Upon written request by one or more landowners to



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6785 designate lands as a rural land stewardship area, or pursuant to
6786 a private sector initiated comprehensive plan amendment, local
6787 governments may adopt by a majority vote a future land use
6788 overlay, which shall not require a demonstration of need based
6789 on population projections or any other factor, to designate all
6790 or portions of lands classified in the future land use element
6791 as predominantly agricultural, rural, open, open-rural, or a
6792 substantively equivalent land use, as a rural land stewardship
6793 area within which planning and economic incentives are applied
6794 to encourage the implementation of innovative and flexible
6795 planning and development strategies and creative land use
6796 planning techniques to support a diverse economic and employment
6797 base.

6798 (3) Rural land stewardship areas may be used to further the
6799 following broad principles of rural sustainability: restoration
6800 and maintenance of the economic value of rural land; control of
6801 urban sprawl; identification and protection of ecosystems,
6802 habitats, and natural resources; promotion and diversification
6803 of economic activity and employment opportunities within the
6804 rural areas; maintenance of the viability of the state's
6805 agricultural economy; and protection of private property rights
6806 in rural areas of the state. Rural land stewardship areas may be
6807 multicounty in order to encourage coordinated regional
6808 stewardship planning.

6809 (4) A local government or one or more property owners may
6810 request assistance in participation of the development of a plan
6811 for the rural land stewardship area from the state land planning
6812 agency, the Department of Agriculture and Consumer Services, the
6813 Fish and Wildlife Conservation Commission, the Department of



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6814 Environmental Protection, the appropriate water management
6815 district, the Department of Transportation, the regional
6816 planning council, private land owners, and stakeholders.

6817 (5) A rural land stewardship area shall be not less than
6818 10,000 acres and shall be located outside of municipalities and
6819 established urban service areas, and shall be designated by plan
6820 amendment by each local government with jurisdiction over the
6821 rural land stewardship area. The plan amendment or amendments
6822 designating a rural land stewardship area shall be subject to
6823 review pursuant to s. 163.3184 and shall provide for the
6824 following:

6825 (a) Criteria for the designation of receiving areas which
6826 shall at a minimum provide for the following: adequacy of
6827 suitable land to accommodate development so as to avoid conflict
6828 with significant environmentally sensitive areas, resources, and
6829 habitats; compatibility between and transition from higher
6830 density uses to lower intensity rural uses; and the
6831 establishment of receiving area service boundaries which provide
6832 for a transition from receiving areas and other land uses within
6833 the rural land stewardship area through limitations on the
6834 extension of services.

6835 (b) Innovative planning and development strategies to be
6836 applied within rural land stewardship areas pursuant to the
6837 provisions of this section.

6838 (c) A process for the implementation of innovative planning
6839 and development strategies within the rural land stewardship
6840 area, including those described in this subsection, which
6841 provide for a functional mix of land uses through the adoption
6842 by the local government of zoning and land development



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6843 regulations applicable to the rural land stewardship area.

6844 (d) A mix of densities and intensities that would not be
6845 characterized as urban sprawl through the use of innovative
6846 strategies and creative land use techniques.

6847 (6) A receiving area may only be designated pursuant to
6848 procedures established in the local government's land
6849 development regulations. At the time of designation of a
6850 stewardship receiving area, a listed species survey will be
6851 performed. If listed species occur on the receiving area site,
6852 the applicant shall coordinate with each appropriate local,
6853 state, or federal agency to determine if adequate provisions
6854 have been made to protect those species in accordance with
6855 applicable regulations. In determining the adequacy of
6856 provisions for the protection of listed species and their
6857 habitats, the rural land stewardship area shall be considered as
6858 a whole, and the potential impacts and protective measures taken
6859 within areas to be developed as receiving areas shall be
6860 considered in conjunction with the substantial benefits derived
6861 from lands set aside and protective measures taken outside of
6862 the designation of receiving areas.

6863 (7) Upon the adoption of a plan amendment creating a rural
6864 land stewardship area, the local government shall, by ordinance,
6865 establish a rural land stewardship overlay zoning district,
6866 which shall provide the methodology for the creation,
6867 conveyance, and use of transferable rural land use credits,
6868 hereinafter referred to as stewardship credits, the assignment
6869 and application of which shall not constitute a right to develop
6870 land, nor increase density of land, except as provided by this
6871 section. The total amount of stewardship credits within the



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6872 rural land stewardship area must enable the realization of the
6873 long-term vision and goals for the rural land stewardship area,
6874 which may take into consideration the anticipated effect of the
6875 proposed receiving areas. The estimated amount of receiving area
6876 shall be projected based on available data and the development
6877 potential represented by the stewardship credits created within
6878 the rural land stewardship area must correlate to that amount.

6879 (8) Stewardship credits are subject to the following
6880 limitations:

6881 (a) Stewardship credits may exist only within a rural land
6882 stewardship area.

6883 (b) Stewardship credits may be created only from lands
6884 designated as stewardship sending areas and may be used only on
6885 lands designated as stewardship receiving areas and then solely
6886 for the purpose of implementing innovative planning and
6887 development strategies and creative land use planning techniques
6888 adopted by the local government pursuant to this section.

6889 (c) Stewardship credits can be transferred from sending
6890 areas only after a stewardship easement is placed on the sending
6891 area land assigned stewardship credits. A stewardship easement
6892 means a covenant or restrictive easement running with the land
6893 which specifies the allowable uses and development restrictions
6894 for the portion of a sending area from which stewardship credits
6895 have been transferred. The stewardship easement must be jointly
6896 held by the county and either the Department of Environmental
6897 Protection, Department of Agriculture and Consumer Services, a
6898 water management district, or a recognized statewide land trust.

6899 (d) Stewardship credits assigned to a parcel of land within
6900 a rural land stewardship area shall cease to exist if the parcel



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6901 of land is removed from the rural land stewardship area by plan
6902 amendment.

6903 (e) Neither the creation of the rural land stewardship area
6904 by plan amendment nor the adoption of the rural land stewardship
6905 zoning overlay district by the local government shall displace
6906 the underlying permitted uses, density or intensity of land uses
6907 assigned to a parcel of land within the rural land stewardship
6908 area that existed before adoption of the plan amendment or
6909 zoning overlay district; however, once stewardship credits have
6910 been transferred from a designated sending area for use within a
6911 designated receiving area, the underlying density assigned to
6912 the designated sending area shall cease to exist.

6913 (f) The underlying permitted uses, density, or intensity on
6914 each parcel of land located within a rural land stewardship area
6915 shall not be increased or decreased by the local government,
6916 except as a result of the conveyance or stewardship credits, as
6917 long as the parcel remains within the rural land stewardship
6918 area.

6919 (g) Stewardship credits shall cease to exist on a parcel of
6920 land where the underlying density assigned to the parcel of land
6921 is used.

6922 (h) An increase in the density or intensity of use on a
6923 parcel of land located within a designated receiving area may
6924 occur only through the assignment or use of stewardship credits
6925 and shall not require a plan amendment. A change in the type of
6926 agricultural use on property within a rural land stewardship
6927 area shall not be considered a change in use or intensity of use
6928 and shall not require any transfer of stewardship credits.

6929 (i) A change in the density or intensity of land use on



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6930 parcels located within receiving areas shall be specified in a
6931 development order that reflects the total number of stewardship
6932 credits assigned to the parcel of land and the infrastructure
6933 and support services necessary to provide for a functional mix
6934 of land uses corresponding to the plan of development.

6935 (j) Land within a rural land stewardship area may be
6936 removed from the rural land stewardship area through a plan
6937 amendment.

6938 (k) Stewardship credits may be assigned at different ratios
6939 of credits per acre according to the natural resource or other
6940 beneficial use characteristics of the land and according to the
6941 land use remaining following the transfer of credits, with the
6942 highest number of credits per acre assigned to the most
6943 environmentally valuable land or, in locations where the
6944 retention of open space and agricultural land is a priority, to
6945 such lands.

6946 (l) The use or conveyance of stewardship credits must be
6947 recorded in the public records of the county in which the
6948 property is located as a covenant or restrictive easement
6949 running with the land in favor of the county and the Department
6950 of Environmental Protection, the Department of Agriculture and
6951 Consumer Services, a water management district, or a recognized
6952 statewide land trust.

6953 (9) Owners of land within rural land stewardship sending
6954 areas should be provided other incentives, in addition to the
6955 use or conveyance of stewardship credits, to enter into rural
6956 land stewardship agreements, pursuant to existing law and rules
6957 adopted thereto, with state agencies, water management
6958 districts, the Fish and Wildlife Conservation Commission, and



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6959 local governments to achieve mutually agreed upon objectives.
6960 Such incentives may include, but need not be limited to, the
6961 following:

6962 (a) Opportunity to accumulate transferable wetland and
6963 species habitat mitigation credits for use or sale.

6964 (b) Extended permit agreements.

6965 (c) Opportunities for recreational leases and ecotourism.

6966 (d) Compensation for the achievement of specified land
6967 management activities of public benefit, including, but not
6968 limited to, facility siting and corridors, recreational leases,
6969 water conservation and storage, water reuse, wastewater
6970 recycling, water supply and water resource development, nutrient
6971 reduction, environmental restoration and mitigation, public
6972 recreation, listed species protection and recovery, and wildlife
6973 corridor management and enhancement.

6974 (e) Option agreements for sale to public entities or
6975 private land conservation entities, in either fee or easement,
6976 upon achievement of specified conservation objectives.

6977 (10) The provisions of paragraph (9) (d) constitute an
6978 overlay of land use options that provide economic and regulatory
6979 incentives for landowners outside of established and planned
6980 urban service areas to conserve and manage vast areas of land
6981 for the benefit of the state's citizens and natural environment
6982 while maintaining and enhancing the asset value of their
6983 landholdings. It is the intent of the Legislature that the
6984 provisions of this section be implemented pursuant to law and
6985 rulemaking is not authorized.

6986 (11) It is the intent of the legislature that the Rural
6987 Land Stewardship Area located in Collier County, which is



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6988 consistent in all materials aspects with this section, be
6989 recognized as a Statutory Rural Land Stewardship Area, and be
6990 afforded the incentives as set forth in this section.

6991 Section 32. Section 163.32465, Florida Statutes, is amended
6992 to read:

6993 163.32465 State review of local comprehensive plans ~~in~~
6994 ~~urban areas.~~

6995 (1) LEGISLATIVE FINDINGS.—

6996 (a) The Legislature finds that local governments in this
6997 state have a wide diversity of resources, conditions, abilities,
6998 and needs. The Legislature also finds that comprehensive
6999 planning has been implemented throughout the state and that it
7000 is appropriate for local governments to have the primary role in
7001 planning for their growth ~~the needs and resources of urban areas~~
7002 ~~are different from those of rural areas and that different~~
7003 ~~planning and growth management approaches, strategies, and~~
7004 ~~techniques are required in urban areas. The state role in~~
7005 ~~overseeing growth management should reflect this diversity and~~
7006 ~~should vary based on local government conditions, capabilities,~~
7007 ~~needs, and extent of development.~~ Thus, the Legislature
7008 recognizes and finds that reduced state oversight of local
7009 comprehensive planning is justified ~~for some local governments~~
7010 ~~in urban areas.~~

7011 (b) The Legislature finds and declares that this state's
7012 local governments ~~urban areas~~ require a reduced level of state
7013 oversight ~~because of their high degree of urbanization and the~~
7014 ~~planning capabilities and resources of many of their local~~
7015 ~~governments.~~ Accordingly, the ~~An alternative state review~~
7016 ~~process that is adequate to protect issues of regional or~~



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7017 ~~statewide importance should be created for appropriate local~~
7018 ~~governments in these areas. Further, the Legislature finds that~~
7019 ~~development, including urban infill and redevelopment, should be~~
7020 ~~encouraged in these urban areas. The Legislature finds that an~~
7021 ~~alternative process provided by this section for amending local~~
7022 ~~comprehensive plans is in these areas should be established with~~
7023 ~~the an objective of streamlining the process and recognizing~~
7024 ~~local responsibility and accountability.~~

7025 ~~(c) The Legislature finds a pilot program will be~~
7026 ~~beneficial in evaluating an alternative, expedited plan~~
7027 ~~amendment adoption and review process. Pilot local governments~~
7028 ~~shall represent highly developed counties and the municipalities~~
7029 ~~within these counties and highly populated municipalities.~~

7030 ~~(2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT~~
7031 ~~PROGRAM.—The process for amending a comprehensive plan described~~
7032 ~~in this section is applicable statewide. Pinellas and Broward~~
7033 ~~Counties, and the municipalities within these counties, and~~
7034 ~~Jacksonville, Miami, Tampa, and Hialeah shall follow an~~
7035 ~~alternative state review process provided in this section.~~
7036 ~~Municipalities within the pilot counties may elect, by super~~
7037 ~~majority vote of the governing body, not to participate in the~~
7038 ~~pilot program. In addition to the pilot program jurisdictions,~~
7039 ~~any local government may use the alternative state review~~
7040 ~~process to designate an urban service area as defined in s.~~
7041 ~~163.3164(29) in its comprehensive plan.~~

7042 ~~(3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS~~
7043 ~~UNDER THE PILOT PROGRAM.—~~

7044 ~~(a) Effective July 1, 2011, all plan amendments adopted by~~
7045 ~~local governments are subject to the pilot program jurisdictions~~



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7046 ~~shall follow the alternate,~~ expedited process in subsections (4)
7047 and (5), except as follows: set forth in paragraphs (b)-(e) of
7048 ~~this subsection.~~

7049 (a)(b) Amendments that qualify as small-scale development
7050 amendments may continue to be adopted ~~by the pilot program~~
7051 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).

7052 (b)(e) Plan amendments that propose a rural land
7053 stewardship area ~~pursuant to s. 163.3177(11)(d);~~ propose an
7054 optional sector plan; update a comprehensive plan based on an
7055 evaluation and appraisal report; ~~implement new statutory~~
7056 ~~requirements; or~~ new plans for newly incorporated
7057 municipalities; or are in an area of critical state concern
7058 designated pursuant to s. 380.05 are subject to state review as
7059 set forth in s. 163.3184.

7060 (c) Any small county as that term is defined in s.
7061 120.52(19) that transmits a resolution to the state land
7062 planning agency specifying that it wants to follow the process
7063 set forth in s. 163.3184 for all comprehensive plan amendments.
7064 Such counties, at their option, may pass a subsequent resolution
7065 specifying that they plan to follow the process specified in
7066 this section. Such subsequent resolution may not be passed in
7067 the same calendar year as the one specifying that the county
7068 will follow the process set forth in s. 163.3184.

7069 (d) A municipality of special financial concern, as defined
7070 in s. 200.185(1)(b), with a per capita taxable value of assessed
7071 property of \$58,000 or less that transmits a resolution to the
7072 state land planning agency specifying that it wants to follow
7073 the process set forth in s. 163.3184 for all comprehensive plan
7074 amendments. Such municipalities, at their option, may pass a



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7075 subsequent resolution specifying that they plan to follow the
7076 process specified in this section. Such subsequent resolution
7077 may not be passed in the same calendar year as the one
7078 specifying that the county will follow the process set forth in
7079 s. 163.3184.

7080 (e) A municipality that has a population under 20,000 with
7081 a per capita taxable value of assessed property of \$46,000 or
7082 less that transmits a resolution to the state land planning
7083 agency specifying that it wants to follow the process set forth
7084 in s. 163.3184 for all comprehensive plan amendments. Such
7085 municipalities, at their option, may pass a subsequent
7086 resolution specifying that they plan to follow the process
7087 specified in this section. Such subsequent resolution may not be
7088 passed in the same calendar year as the one specifying that the
7089 county will follow the process set forth in s. 163.3184.

7090 (f) ~~(d)~~ Local governments are Pilot program jurisdictions
7091 shall be subject to the frequency and timing requirements for
7092 plan amendments set forth in ss. 163.3187 and 163.3191, except
7093 where otherwise stated in this section.

7094 (g) ~~(e)~~ The mediation and expedited hearing provisions in s.
7095 163.3189(3) apply to all plan amendments adopted pursuant to
7096 this section by the pilot program jurisdictions.

7097 (h) Local governments shall not combine plan amendments
7098 adopted pursuant to this section with plan amendments adopted
7099 pursuant to s. 163.3184 in the same amendment package. Each
7100 transmittal and adoption amendment package shall contain a cover
7101 letter stating whether the amendment or amendments contained
7102 within the package are adopted pursuant to this section or s.
7103 163.3184.



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7104 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
7105 ~~PILOT PROGRAM.~~—

7106 (a) The local government shall hold its first public
7107 hearing on a comprehensive plan amendment on a weekday at least
7108 7 days after the day the first advertisement is published
7109 pursuant to the requirements of chapter 125 or chapter 166. Upon
7110 an affirmative vote of not less than a majority of the members
7111 of the governing body present at the hearing, the local
7112 government shall immediately transmit the amendment or
7113 amendments and appropriate supporting data and analyses to the
7114 state land planning agency; the appropriate regional planning
7115 council and water management district; the Department of
7116 Environmental Protection; the Department of State; the
7117 Department of Transportation; in the case of municipal plans, to
7118 the appropriate county; the Fish and Wildlife Conservation
7119 Commission; the Department of Agriculture and Consumer Services;
7120 when required by s. 163.3175, the applicable military
7121 installation or installations; and in the case of amendments
7122 that include or impact the public school facilities element, the
7123 Department of Education Office of Educational Facilities of the
7124 Commissioner of Education. The local governing body shall also
7125 transmit a copy of the amendments and supporting data and
7126 analyses to any other local government or governmental agency
7127 that has filed a written request with the governing body.

7128 (b) The agencies and local governments specified in
7129 paragraph (a) may provide comments regarding the amendment or
7130 amendments to the local government. The regional planning
7131 council review and comment shall be limited to effects on
7132 regional resources or facilities identified in the strategic



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7133 regional policy plan and extrajurisdictional impacts that would
7134 be inconsistent with the comprehensive plan of the affected
7135 local government. A regional planning council shall not review
7136 and comment on a proposed comprehensive plan amendment prepared
7137 by such council unless the plan amendment has been changed by
7138 the local government subsequent to the preparation of the plan
7139 amendment by the regional planning council. County comments on
7140 municipal comprehensive plan amendments shall be ~~primarily~~ in
7141 the context of the relationship and effect of the proposed plan
7142 amendments on the county plan. Municipal comments on county plan
7143 amendments shall be ~~primarily~~ in the context of the relationship
7144 and effect of the amendments on the municipal plan. State agency
7145 comments must be limited to issues within the agency's
7146 jurisdiction as it relates to the requirements of this part and
7147 may include technical guidance on issues of agency jurisdiction
7148 as it relates to the requirements of this part. Such comments
7149 shall clearly identify issues that, if not resolved, may result
7150 in an agency challenge to the plan amendment. ~~For the purposes~~
7151 ~~of this pilot program,~~ Agencies are encouraged to focus
7152 potential challenges on issues of regional or statewide
7153 importance. Agencies and local governments must transmit their
7154 comments to the affected local government such that they are
7155 received by the local government not later than thirty days from
7156 the date on which the agency or government received the
7157 amendment or amendments.

7158 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~
7159 ~~AREAS.~~—

7160 (a) The local government shall hold its second public
7161 hearing, which shall be a hearing on whether to adopt one or



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7162 more comprehensive plan amendments, on a weekday at least 5 days
7163 after the day the second advertisement is published pursuant to
7164 the requirements of chapter 125 or chapter 166. Adoption of
7165 comprehensive plan amendments must be by ordinance and requires
7166 an affirmative vote of a majority of the members of the
7167 governing body present at the second hearing.

7168 (b) All comprehensive plan amendments adopted by the
7169 governing body along with the supporting data and analysis shall
7170 be transmitted within 10 days of the second public hearing to
7171 the state land planning agency and any other agency or local
7172 government that provided timely comments under paragraph (4) (b).

7173 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
7174 ~~PROGRAM.~~—

7175 (a) Any “affected person” as defined in s. 163.3184(1) (a)
7176 may file a petition with the Division of Administrative Hearings
7177 pursuant to ss. 120.569 and 120.57, with a copy served on the
7178 affected local government, to request a formal hearing to
7179 challenge whether the amendments are “in compliance” as defined
7180 in s. 163.3184(1) (b). This petition must be filed with the
7181 Division within 30 days after the state land planning agency
7182 notifies the local government that the plan amendment package is
7183 complete ~~the local government adopts the amendment~~. The state
7184 land planning agency may intervene in a proceeding instituted by
7185 an affected person if necessary to protect interests of regional
7186 or statewide importance.

7187 (b) The state land planning agency may file a petition with
7188 the Division of Administrative Hearings pursuant to ss. 120.569
7189 and 120.57, with a copy served on the affected local government,
7190 to request a formal hearing if necessary to protect interests of



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7191 regional or statewide importance. This petition must be filed
7192 with the Division within 30 days after the state land planning
7193 agency notifies the local government that the plan amendment
7194 package is complete. For purposes of this section, an adopted
7195 amendment package shall be deemed complete if it contains a
7196 full, executed copy of the adoption ordinance or ordinances; in
7197 the case of a text amendment, a full copy of the amended
7198 language in legislative format with new words inserted in the
7199 text underlined, and words to be deleted lined through with
7200 hyphens; in the case of a future land use map amendment, a copy
7201 of the future land use map clearly depicting the parcel, its
7202 existing future land use designation, and its adopted
7203 designation; and a copy of any data and analyses the local
7204 government deems appropriate. The state land planning agency
7205 shall notify the local government that the package is complete
7206 or that the package contains ~~of any~~ deficiencies within 5
7207 working days of receipt of an amendment package.

7208 (c) The state land planning agency's challenge shall be
7209 limited to those issues raised in the comments provided by the
7210 reviewing agencies pursuant to paragraph (4) (b). The state land
7211 planning agency may challenge a plan amendment that has
7212 substantially changed from the version on which the agencies
7213 provided comments. ~~For the purposes of this pilot program, the~~
7214 ~~Legislature strongly encourages~~ The state land planning agency
7215 shall ~~to~~ focus any challenge on issues of regional or statewide
7216 importance.

7217 (d) An administrative law judge shall hold a hearing in the
7218 affected local jurisdiction. The local government's
7219 determination that the amendment is "in compliance" is presumed



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7220 to be correct and shall be sustained unless it is shown by a
7221 preponderance of the evidence that the amendment is not "in
7222 compliance."

7223 (e) If the administrative law judge recommends that the
7224 amendment be found not in compliance, the judge shall submit the
7225 recommended order to the Administration Commission for final
7226 agency action. The Administration Commission shall enter a final
7227 order within 45 days after its receipt of the recommended order.

7228 (f) If the administrative law judge recommends that the
7229 amendment be found in compliance, the judge shall submit the
7230 recommended order to the state land planning agency.

7231 1. If the state land planning agency determines that the
7232 plan amendment should be found not in compliance, the agency
7233 shall refer, within 30 days of receipt of the recommended order,
7234 the recommended order and its determination to the
7235 Administration Commission for final agency action. If the
7236 commission determines that the amendment is not in compliance,
7237 it may sanction the local government as set forth in s.
7238 163.3184(11).

7239 2. If the state land planning agency determines that the
7240 plan amendment should be found in compliance, the agency shall
7241 enter its final order not later than 30 days from receipt of the
7242 recommended order.

7243 (g) An amendment adopted under the expedited provisions of
7244 this section shall not become effective until 31 days after the
7245 state land plan agency notifies the local government that the
7246 plan amendment package is complete adoption. If timely
7247 challenged, an amendment shall not become effective until the
7248 state land planning agency or the Administration Commission



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7249 enters a final order determining the adopted amendment to be in
7250 compliance.

7251 (h) Parties to a proceeding under this section may enter
7252 into compliance agreements using the process in s. 163.3184(16).
7253 Any remedial amendment adopted pursuant to a settlement
7254 agreement shall be provided to the agencies and governments
7255 listed in paragraph (4) (a).

7256 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~
7257 ~~GOVERNMENTS. Local governments and specific areas that have been~~
7258 ~~designated for alternate review process pursuant to ss. 163.3246~~
7259 ~~and 163.3184(17) and (18) are not subject to this section.~~

7260 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall~~
7261 ~~not promulgate rules to implement this pilot program.~~

7262 ~~(9) REPORT. The Office of Program Policy Analysis and~~
7263 ~~Government Accountability shall submit to the Governor, the~~
7264 ~~President of the Senate, and the Speaker of the House of~~
7265 ~~Representatives by December 1, 2008, a report and~~
7266 ~~recommendations for implementing a statewide program that~~
7267 ~~addresses the legislative findings in subsection (1) in areas~~
7268 ~~that meet urban criteria. The Office of Program Policy Analysis~~
7269 ~~and Government Accountability in consultation with the state~~
7270 ~~land planning agency shall develop the report and~~
7271 ~~recommendations with input from other state and regional~~
7272 ~~agencies, local governments, and interest groups. Additionally,~~
7273 ~~the office shall review local and state actions and~~
7274 ~~correspondence relating to the pilot program to identify issues~~
7275 ~~of process and substance in recommending changes to the pilot~~
7276 ~~program. At a minimum, the report and recommendations shall~~
7277 ~~include the following:~~



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7278 ~~(a) Identification of local governments beyond those~~
7279 ~~participating in the pilot program that should be subject to the~~
7280 ~~alternative expedited state review process. The report may~~
7281 ~~recommend that pilot program local governments may no longer be~~
7282 ~~appropriate for such alternative review process.~~

7283 ~~(b) Changes to the alternative expedited state review~~
7284 ~~process for local comprehensive plan amendments identified in~~
7285 ~~the pilot program.~~

7286 ~~(c) Criteria for determining issues of regional or~~
7287 ~~statewide importance that are to be protected in the alternative~~
7288 ~~state review process.~~

7289 ~~(d) In preparing the report and recommendations, the Office~~
7290 ~~of Program Policy Analysis and Government Accountability shall~~
7291 ~~consult with the state land planning agency, the Department of~~
7292 ~~Transportation, the Department of Environmental Protection, and~~
7293 ~~the regional planning agencies in identifying highly developed~~
7294 ~~local governments to participate in the alternative expedited~~
7295 ~~state review process. The Office of Program Policy Analysis and~~
7296 ~~Governmental Accountability shall also solicit citizen input in~~
7297 ~~the potentially affected areas and consult with the affected~~
7298 ~~local governments and stakeholder groups.~~

7299 Section 33. Paragraph (a) of subsection (2) of section
7300 163.360, Florida Statutes, is amended to read:

7301 163.360 Community redevelopment plans.—

7302 (2) The community redevelopment plan shall:

7303 (a) Conform to the comprehensive plan for the county or
7304 municipality as prepared by the local planning agency under the
7305 Community Local Government Comprehensive Planning and Land
7306 Development Regulation Act.



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7307 Section 34. Paragraph (a) of subsection (3) and subsection
7308 (8) of section 163.516, Florida Statutes, are amended to read:
7309 163.516 Safe neighborhood improvement plans.—

7310 (3) The safe neighborhood improvement plan shall:

7311 (a) Be consistent with the adopted comprehensive plan for
7312 the county or municipality pursuant to the Community Local
7313 ~~Government Comprehensive Planning and Land Development~~
7314 ~~Regulation~~ Act. No district plan shall be implemented unless the
7315 local governing body has determined said plan is consistent.

7316 (8) Pursuant to ss. 163.3184, ~~163.3187~~, and 163.3189, the
7317 governing body of a municipality or county shall hold two public
7318 hearings to consider the board-adopted safe neighborhood
7319 improvement plan as an amendment or modification to the
7320 municipality's or county's adopted local comprehensive plan.

7321 Section 35. Paragraph (f) of subsection (6), subsection
7322 (9), and paragraph (c) of subsection (11) of section 171.203,
7323 Florida Statutes, are amended to read:

7324 171.203 Interlocal service boundary agreement.—The
7325 governing body of a county and one or more municipalities or
7326 independent special districts within the county may enter into
7327 an interlocal service boundary agreement under this part. The
7328 governing bodies of a county, a municipality, or an independent
7329 special district may develop a process for reaching an
7330 interlocal service boundary agreement which provides for public
7331 participation in a manner that meets or exceeds the requirements
7332 of subsection (13), or the governing bodies may use the process
7333 established in this section.

7334 (6) An interlocal service boundary agreement may address
7335 any issue concerning service delivery, fiscal responsibilities,



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7336 or boundary adjustment. The agreement may include, but need not
7337 be limited to, provisions that:

7338 (f) Establish a process for land use decisions consistent
7339 with part II of chapter 163, including those made jointly by the
7340 governing bodies of the county and the municipality, or allow a
7341 municipality to adopt land use changes consistent with part II
7342 of chapter 163 for areas that are scheduled to be annexed within
7343 the term of the interlocal agreement; however, the county
7344 comprehensive plan and land development regulations shall
7345 control until the municipality annexes the property and amends
7346 its comprehensive plan accordingly. ~~Comprehensive plan~~
7347 ~~amendments to incorporate the process established by this~~
7348 ~~paragraph are exempt from the twice per year limitation under s.~~
7349 ~~163.3187.~~

7350 (9) Each local government that is a party to the interlocal
7351 service boundary agreement shall amend the intergovernmental
7352 coordination element of its comprehensive plan, as described in
7353 s. 163.3177(6) (h)1., no later than 6 months following entry of
7354 the interlocal service boundary agreement consistent with s.
7355 163.3177(6) (h)1. ~~Plan amendments required by this subsection are~~
7356 ~~exempt from the twice per year limitation under s. 163.3187.~~

7357 (11)

7358 ~~(c) Any amendment required by paragraph (a) is exempt from~~
7359 ~~the twice per year limitation under s. 163.3187.~~

7360 Section 36. Paragraph (c) of subsection (2) and subsection
7361 (3) of section 186.504, Florida Statutes, is amended to read:

7362 186.504 Regional planning councils; creation; membership.—

7363 (2) Membership on the regional planning council shall be as
7364 follows:



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7365 (c) Representatives appointed by the Governor from the
7366 geographic area covered by the regional planning council,
7367 including an elected school board member from the geographic
7368 area covered by the regional planning council, to be nominated
7369 by the Florida School Board Association and a representative of
7370 the civic and business community which shall be selected and
7371 recommended by the Florida Chamber of Commerce, the Office of
7372 Tourism, Trade, and Economic Development, and Enterprise
7373 Florida. These representatives must include two or more of the
7374 following: a representative of the region's business community,
7375 a representative of the commercial development community, a
7376 representative of the banking and financial community, and a
7377 representative of the agricultural community.

7378 (3) Not less than two-thirds of the representatives serving
7379 as voting members on the governing bodies of such regional
7380 planning councils shall be elected officials of local general-
7381 purpose governments chosen by the cities and counties of the
7382 region, provided each county shall have at least one vote. The
7383 remaining one-third of the voting members on the governing board
7384 shall be appointed by the Governor, ~~to include one elected~~
7385 ~~school board member, subject to confirmation by the Senate, and~~
7386 ~~shall reside in the region.~~ No two appointees of the Governor
7387 shall have their places of residence in the same county until
7388 each county within the region is represented by a Governor's
7389 appointee to the governing board. Nothing contained in this
7390 section shall deny to local governing bodies or the Governor the
7391 option of appointing either locally elected officials or lay
7392 citizens provided at least two-thirds of the governing body of
7393 the regional planning council is composed of locally elected



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7394 officials.

7395 Section 37. Section 186.513, Florida Statutes, is amended
7396 to read:

7397 186.513 Reports.—Each regional planning council shall
7398 prepare and furnish an annual report on its activities to the
7399 state land planning agency as defined in s. 163.3164~~(20)~~ and the
7400 local general-purpose governments within its boundaries and,
7401 upon payment as may be established by the council, to any
7402 interested person. The regional planning councils shall make a
7403 joint report and recommendations to appropriate legislative
7404 committees.

7405 Section 38. Section 186.515, Florida Statutes, is amended
7406 to read:

7407 186.515 Creation of regional planning councils under
7408 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
7409 186.515 is intended to repeal or limit the provisions of chapter
7410 163; however, the local general-purpose governments serving as
7411 voting members of the governing body of a regional planning
7412 council created pursuant to ss. 186.501-186.507, 186.513, and
7413 186.515 are not authorized to create a regional planning council
7414 pursuant to chapter 163 unless an agency, other than a regional
7415 planning council created pursuant to ss. 186.501-186.507,
7416 186.513, and 186.515, is designated to exercise the powers and
7417 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);
7418 in which case, such a regional planning council is also without
7419 authority to exercise the powers and duties in s. 163.3164~~(19)~~
7420 or s. 380.031(15).

7421 Section 39. Subsection (1) of section 189.415, Florida
7422 Statutes, is amended to read:



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7423 189.415 Special district public facilities report.—

7424 (1) It is declared to be the policy of this state to foster
7425 coordination between special districts and local general-purpose
7426 governments as those local general-purpose governments develop
7427 comprehensive plans under the Community Local Government
7428 ~~Comprehensive Planning and Land Development Regulation~~ Act,
7429 pursuant to part II of chapter 163.

7430 Section 40. Subsection (3) of section 190.004, Florida
7431 Statutes, is amended to read:

7432 190.004 Preemption; sole authority.—

7433 (3) The establishment of an independent community
7434 development district as provided in this act is not a
7435 development order within the meaning of chapter 380. All
7436 governmental planning, environmental, and land development laws,
7437 regulations, and ordinances apply to all development of the land
7438 within a community development district. Community development
7439 districts do not have the power of a local government to adopt a
7440 comprehensive plan, building code, or land development code, as
7441 those terms are defined in the Community Local Government
7442 ~~Comprehensive Planning and Land Development Regulation~~ Act. A
7443 district shall take no action which is inconsistent with
7444 applicable comprehensive plans, ordinances, or regulations of
7445 the applicable local general-purpose government.

7446 Section 41. Paragraph (a) of subsection (1) of section
7447 190.005, Florida Statutes, is amended to read:

7448 190.005 Establishment of district.—

7449 (1) The exclusive and uniform method for the establishment
7450 of a community development district with a size of 1,000 acres
7451 or more shall be pursuant to a rule, adopted under chapter 120



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7452 by the Florida Land and Water Adjudicatory Commission, granting
7453 a petition for the establishment of a community development
7454 district.

7455 (a) A petition for the establishment of a community
7456 development district shall be filed by the petitioner with the
7457 Florida Land and Water Adjudicatory Commission. The petition
7458 shall contain:

7459 1. A metes and bounds description of the external
7460 boundaries of the district. Any real property within the
7461 external boundaries of the district which is to be excluded from
7462 the district shall be specifically described, and the last known
7463 address of all owners of such real property shall be listed. The
7464 petition shall also address the impact of the proposed district
7465 on any real property within the external boundaries of the
7466 district which is to be excluded from the district.

7467 2. The written consent to the establishment of the district
7468 by all landowners whose real property is to be included in the
7469 district or documentation demonstrating that the petitioner has
7470 control by deed, trust agreement, contract, or option of 100
7471 percent of the real property to be included in the district, and
7472 when real property to be included in the district is owned by a
7473 governmental entity and subject to a ground lease as described
7474 in s. 190.003(14), the written consent by such governmental
7475 entity.

7476 3. A designation of five persons to be the initial members
7477 of the board of supervisors, who shall serve in that office
7478 until replaced by elected members as provided in s. 190.006.

7479 4. The proposed name of the district.

7480 5. A map of the proposed district showing current major



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7481 trunk water mains and sewer interceptors and outfalls if in
7482 existence.

7483 6. Based upon available data, the proposed timetable for
7484 construction of the district services and the estimated cost of
7485 constructing the proposed services. These estimates shall be
7486 submitted in good faith but shall not be binding and may be
7487 subject to change.

7488 7. A designation of the future general distribution,
7489 location, and extent of public and private uses of land proposed
7490 for the area within the district by the future land use plan
7491 element of the effective local government comprehensive plan of
7492 which all mandatory elements have been adopted by the applicable
7493 general-purpose local government in compliance with the
7494 Community Local Government Comprehensive Planning and Land
7495 Development Regulation Act.

7496 8. A statement of estimated regulatory costs in accordance
7497 with the requirements of s. 120.541.

7498 Section 42. Paragraph (i) of subsection (6) of section
7499 193.501, Florida Statutes, is amended to read:

7500 193.501 Assessment of lands subject to a conservation
7501 easement, environmentally endangered lands, or lands used for
7502 outdoor recreational or park purposes when land development
7503 rights have been conveyed or conservation restrictions have been
7504 covenanted.—

7505 (6) The following terms whenever used as referred to in
7506 this section have the following meanings unless a different
7507 meaning is clearly indicated by the context:

7508 (i) "Qualified as environmentally endangered" means land
7509 that has unique ecological characteristics, rare or limited



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7510 combinations of geological formations, or features of a rare or
7511 limited nature constituting habitat suitable for fish, plants,
7512 or wildlife, and which, if subject to a development moratorium
7513 or one or more conservation easements or development
7514 restrictions appropriate to retaining such land or water areas
7515 predominantly in their natural state, would be consistent with
7516 the conservation, recreation and open space, and, if applicable,
7517 coastal protection elements of the comprehensive plan adopted by
7518 formal action of the local governing body pursuant to s.
7519 163.3161, the Community ~~Local Government Comprehensive~~ Planning
7520 ~~and Land Development Regulation~~ Act; or surface waters and
7521 wetlands, as determined by the methodology ratified in s.
7522 373.4211.

7523 Section 43. Subsection (15) of section 287.042, Florida
7524 Statutes, is amended to read:

7525 287.042 Powers, duties, and functions.—The department shall
7526 have the following powers, duties, and functions:

7527 (15) To enter into joint agreements with governmental
7528 agencies, as defined in s. 163.3164(10), for the purpose of
7529 pooling funds for the purchase of commodities or information
7530 technology that can be used by multiple agencies.

7531 (a) Each agency that has been appropriated or has existing
7532 funds for such purchase, shall, upon contract award by the
7533 department, transfer their portion of the funds into the
7534 department's Operating Trust Fund for payment by the department.
7535 The funds shall be transferred by the Executive Office of the
7536 Governor pursuant to the agency budget amendment request
7537 provisions in chapter 216.

7538 (b) Agencies that sign the joint agreements are financially



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7539 obligated for their portion of the agreed-upon funds. If an
7540 agency becomes more than 90 days delinquent in paying the funds,
7541 the department shall certify to the Chief Financial Officer the
7542 amount due, and the Chief Financial Officer shall transfer the
7543 amount due to the Operating Trust Fund of the department from
7544 any of the agency's available funds. The Chief Financial Officer
7545 shall report these transfers and the reasons for the transfers
7546 to the Executive Office of the Governor and the legislative
7547 appropriations committees.

7548 Section 44. Subsection (4) of section 288.063, Florida
7549 Statutes, is amended to read:

7550 288.063 Contracts for transportation projects.—

7551 (4) The Office of Tourism, Trade, and Economic Development
7552 may adopt criteria by which transportation projects are to be
7553 reviewed and certified in accordance with s. 288.061. In
7554 approving transportation projects for funding, the Office of
7555 Tourism, Trade, and Economic Development shall consider factors
7556 including, but not limited to, the cost per job created or
7557 retained considering the amount of transportation funds
7558 requested; the average hourly rate of wages for jobs created;
7559 the reliance on the program as an inducement for the project's
7560 location decision; the amount of capital investment to be made
7561 by the business; the demonstrated local commitment; the location
7562 of the project in an enterprise zone designated pursuant to s.
7563 290.0055; the location of the project in a spaceport territory
7564 as defined in s. 331.304; the unemployment rate of the
7565 surrounding area; and the poverty rate of the community; ~~and the~~
7566 ~~adoption of an economic element as part of its local~~
7567 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The



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7568 Office of Tourism, Trade, and Economic Development may contact
7569 any agency it deems appropriate for additional input regarding
7570 the approval of projects.

7571 Section 45. Paragraph (a) of subsection (2), subsection
7572 (10), and paragraph (d) of subsection (12) of section 288.975,
7573 Florida Statutes, are amended to read:

7574 288.975 Military base reuse plans.—

7575 (2) As used in this section, the term:

7576 (a) "Affected local government" means a local government
7577 adjoining the host local government and any other unit of local
7578 government that is not a host local government but that is
7579 identified in a proposed military base reuse plan as providing,
7580 operating, or maintaining one or more public facilities as
7581 defined in s. 163.3164~~(24)~~ on lands within or serving a military
7582 base designated for closure by the Federal Government.

7583 (10) Within 60 days after receipt of a proposed military
7584 base reuse plan, these entities shall review and provide
7585 comments to the host local government. The commencement of this
7586 review period shall be advertised in newspapers of general
7587 circulation within the host local government and any affected
7588 local government to allow for public comment. No later than 180
7589 days after receipt and consideration of all comments, and the
7590 holding of at least two public hearings, the host local
7591 government shall adopt the military base reuse plan. The host
7592 local government shall comply with the notice requirements set
7593 forth in s. 163.3184~~(15)~~(14) to ensure full public participation
7594 in this planning process.

7595 (12) Following receipt of a petition, the petitioning party
7596 or parties and the host local government shall seek resolution



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7597 of the issues in dispute. The issues in dispute shall be
7598 resolved as follows:

7599 (d) Within 45 days after receiving the report from the
7600 state land planning agency, the Administration Commission shall
7601 take action to resolve the issues in dispute. In deciding upon a
7602 proper resolution, the Administration Commission shall consider
7603 the nature of the issues in dispute, any requests for a formal
7604 administrative hearing pursuant to chapter 120, the compliance
7605 of the parties with this section, the extent of the conflict
7606 between the parties, the comparative hardships and the public
7607 interest involved. If the Administration Commission incorporates
7608 in its final order a term or condition that requires any local
7609 government to amend its local government comprehensive plan, the
7610 local government shall amend its plan within 60 days after the
7611 issuance of the order. Such amendment or amendments shall be
7612 exempt from the limitation of the frequency of plan amendments
7613 contained in s. 163.3187(1), and a public hearing on such
7614 amendment or amendments pursuant to s. 163.3184~~(15)~~~~(b)1~~. (14)(b)1.
7615 shall not be required. The final order of the Administration
7616 Commission is subject to appeal pursuant to s. 120.68. If the
7617 order of the Administration Commission is appealed, the time for
7618 the local government to amend its plan shall be tolled during
7619 the pendency of any local, state, or federal administrative or
7620 judicial proceeding relating to the military base reuse plan.

7621 Section 46. Subsection (4) of section 290.0475, Florida
7622 Statutes, is amended to read:

7623 290.0475 Rejection of grant applications; penalties for
7624 failure to meet application conditions.—Applications received
7625 for funding under all program categories shall be rejected



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7626 without scoring only in the event that any of the following
7627 circumstances arise:

7628 (4) The application is not consistent with the local
7629 government's comprehensive plan adopted pursuant to s.
7630 163.3184(7).

7631 Section 47. Paragraph (c) of subsection (3) of section
7632 311.07, Florida Statutes, is amended to read:

7633 311.07 Florida seaport transportation and economic
7634 development funding.—

7635 (3)

7636 (c) To be eligible for consideration by the council
7637 pursuant to this section, a project must be consistent with the
7638 port comprehensive master plan which is incorporated as part of
7639 the approved local government comprehensive plan as required by
7640 s. 163.3178(2)(k) or other provisions of the Community Local
7641 ~~Government Comprehensive Planning and Land Development~~
7642 ~~Regulation Act~~, part II of chapter 163.

7643 Section 48. Subsection (1) of section 331.319, Florida
7644 Statutes, is amended to read:

7645 331.319 Comprehensive planning; building and safety codes.—
7646 The board of directors may:

7647 (1) Adopt, and from time to time review, amend, supplement,
7648 or repeal, a comprehensive general plan for the physical
7649 development of the area within the spaceport territory in
7650 accordance with the objectives and purposes of this act and
7651 consistent with the comprehensive plans of the applicable county
7652 or counties and municipality or municipalities adopted pursuant
7653 to the Community Local Government Comprehensive Planning and
7654 ~~Land Development Regulation Act~~, part II of chapter 163.



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7655 Section 49. Paragraph (e) of subsection (5) of section
7656 339.155, Florida Statutes, is amended to read:

7657 339.155 Transportation planning.—

7658 (5) ADDITIONAL TRANSPORTATION PLANS.—

7659 (e) The regional transportation plan developed pursuant to
7660 this section must, at a minimum, identify regionally significant
7661 transportation facilities located within a regional
7662 transportation area and contain a prioritized list of regionally
7663 significant projects. ~~The level of service standards for~~
7664 ~~facilities to be funded under this subsection shall be adopted~~
7665 ~~by the appropriate local government in accordance with s.~~
7666 ~~163.3180(10).~~ The projects shall be adopted into the capital
7667 improvements schedule of the local government comprehensive plan
7668 pursuant to s. 163.3177(3).

7669 Section 50. Paragraph (a) of subsection (4) of section
7670 339.2819, Florida Statutes, is amended to read:

7671 339.2819 Transportation Regional Incentive Program.—

7672 (4) (a) Projects to be funded with Transportation Regional
7673 Incentive Program funds shall, at a minimum:

7674 1. Support those transportation facilities that serve
7675 national, statewide, or regional functions and function as an
7676 integrated regional transportation system.

7677 2. Be identified in the capital improvements element of a
7678 comprehensive plan that has been determined to be in compliance
7679 with part II of chapter 163, after July 1, 2005, ~~or to implement~~
7680 ~~a long-term concurrency management system adopted by a local~~
7681 ~~government in accordance with s. 163.3180(9).~~ Further, the
7682 project shall be in compliance with local government
7683 comprehensive plan policies relative to corridor management.



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7684 3. Be consistent with the Strategic Intermodal System Plan
7685 developed under s. 339.64.

7686 4. Have a commitment for local, regional, or private
7687 financial matching funds as a percentage of the overall project
7688 cost.

7689 Section 51. Present subsections (9), (10), (11), (12), and
7690 (13) of section 367.021, Florida Statutes, are renumbered as
7691 subsections (11), (12), (13), (14), and (15), respectively, and
7692 new subsections (9) and (10) are added to that section, to read:

7693 367.021 Definitions.—As used in this chapter, the following
7694 words or terms shall have the meanings indicated:

7695 (9) "Large landowner" means any applicant for a certificate
7696 pursuant to s. 367.045 who owns or controls at least 1,000 acres
7697 in a single county or adjacent counties which are proposed to be
7698 certified.

7699 (10) "Need" means, for the purposes of an application under
7700 s. 367.045, by a large landowner, a showing that the certificate
7701 is sought for planning purposes to allow the landowner to be
7702 prepared to provide service to its properties as and when needed
7703 to meet demands for any residential, commercial, or industrial
7704 service, or for such other lawful purposes as may arise within
7705 the territory to be certified. A large landowner is not required
7706 to demonstrate that the need for service is either immediate or
7707 imminent, or that such service will be required within a
7708 specific timeframe.

7709 Section 52. Subsection (5) of section 369.303, Florida
7710 Statutes, is amended to read:

7711 369.303 Definitions.—As used in this part:

7712 (5) "Land development regulation" means a regulation



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7713 covered by the definition in s. 163.3164(23) and any of the
7714 types of regulations described in s. 163.3202.

7715 Section 53. Subsection (7) of section 369.321, Florida
7716 Statutes, is amended to read:

7717 369.321 Comprehensive plan amendments.—Except as otherwise
7718 expressly provided, by January 1, 2006, each local government
7719 within the Wekiva Study Area shall amend its local government
7720 comprehensive plan to include the following:

7721 (7) During the period prior to the adoption of the
7722 comprehensive plan amendments required by this act, any local
7723 comprehensive plan amendment adopted by a city or county that
7724 applies to land located within the Wekiva Study Area shall
7725 protect surface and groundwater resources and be reviewed by the
7726 Department of Community Affairs, ~~pursuant to chapter 163 and~~
7727 ~~chapter 9J-5, Florida Administrative Code,~~ using best available
7728 data, including the information presented to the Wekiva River
7729 Basin Coordinating Committee.

7730 Section 54. Subsection (1) of section 378.021, Florida
7731 Statutes, is amended to read:

7732 378.021 Master reclamation plan.—

7733 (1) The Department of Environmental Protection shall amend
7734 the master reclamation plan that provides guidelines for the
7735 reclamation of lands mined or disturbed by the severance of
7736 phosphate rock prior to July 1, 1975, which lands are not
7737 subject to mandatory reclamation under part II of chapter 211.
7738 In amending the master reclamation plan, the Department of
7739 Environmental Protection shall continue to conduct an onsite
7740 evaluation of all lands mined or disturbed by the severance of
7741 phosphate rock prior to July 1, 1975, which lands are not



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7742 subject to mandatory reclamation under part II of chapter 211.
7743 The master reclamation plan when amended by the Department of
7744 Environmental Protection shall be consistent with local
7745 government plans prepared pursuant to the Community Local
7746 ~~Government Comprehensive Planning and Land Development~~
7747 ~~Regulation Act.~~

7748 Section 55. Subsection (10) of section 380.031, Florida
7749 Statutes, is amended to read:

7750 380.031 Definitions.—As used in this chapter:

7751 (10) "Local comprehensive plan" means any or all local
7752 comprehensive plans or elements or portions thereof prepared,
7753 adopted, or amended pursuant to the Community Local Government
7754 ~~Comprehensive Planning and Land Development Regulation Act~~, as
7755 amended.

7756 Section 56. Paragraph (b) of subsection (6), paragraphs
7757 (1), (m), and (s) of subsection (24), paragraph (e) of
7758 subsection (28), and paragraphs (a) and (e) of subsection (29)
7759 of section 380.06, Florida Statutes, are amended to read:

7760 380.06 Developments of regional impact.—

7761 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
7762 PLAN AMENDMENTS.—

7763 (b) Any local government comprehensive plan amendments
7764 related to a proposed development of regional impact, including
7765 any changes proposed under subsection (19), may be initiated by
7766 a local planning agency or the developer and must be considered
7767 by the local governing body at the same time as the application
7768 for development approval using the procedures provided for local
7769 plan amendment in s. 163.3187 or s. 163.3189 and applicable
7770 local ordinances, without regard to statutory or local ordinance



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7771 limits on the frequency of consideration of amendments to the
7772 local comprehensive plan. Nothing in this paragraph shall be
7773 deemed to require favorable consideration of a plan amendment
7774 solely because it is related to a development of regional
7775 impact. The procedure for processing such comprehensive plan
7776 amendments is as follows:

7777 1. If a developer seeks a comprehensive plan amendment
7778 related to a development of regional impact, the developer must
7779 so notify in writing the regional planning agency, the
7780 applicable local government, and the state land planning agency
7781 no later than the date of preapplication conference or the
7782 submission of the proposed change under subsection (19).

7783 2. When filing the application for development approval or
7784 the proposed change, the developer must include a written
7785 request for comprehensive plan amendments that would be
7786 necessitated by the development-of-regional-impact approvals
7787 sought. That request must include data and analysis upon which
7788 the applicable local government can determine whether to
7789 transmit the comprehensive plan amendment pursuant to s.
7790 163.3184.

7791 3. The local government must advertise a public hearing on
7792 the transmittal within 30 days after filing the application for
7793 development approval or the proposed change and must make a
7794 determination on the transmittal within 60 days after the
7795 initial filing unless that time is extended by the developer.

7796 4. If the local government approves the transmittal,
7797 procedures set forth in s. 163.3184 ~~(3)-(6)~~ must be followed.

7798 5. Notwithstanding subsection (11) or subsection (19), the
7799 local government may not hold a public hearing on the



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7800 application for development approval or the proposed change or
7801 on the comprehensive plan amendments sooner than 30 days from
7802 receipt of the response from the state land planning agency
7803 pursuant to s. 163.3184(6). The 60-day time period for local
7804 governments to adopt, adopt with changes, or not adopt plan
7805 amendments pursuant to s. 163.3184(7) shall not apply to
7806 concurrent plan amendments provided for in this subsection.

7807 6. The local government must hear both the application for
7808 development approval or the proposed change and the
7809 comprehensive plan amendments at the same hearing. However, the
7810 local government must take action separately on the application
7811 for development approval or the proposed change and on the
7812 comprehensive plan amendments.

7813 7. Thereafter, the appeal process for the local government
7814 development order must follow the provisions of s. 380.07, and
7815 the compliance process for the comprehensive plan amendments
7816 must follow the provisions of s. 163.3184.

7817 (24) STATUTORY EXEMPTIONS.—

7818 (1) Any proposed development within an urban service
7819 boundary established under s. 163.3177(14), which is not
7820 otherwise exempt pursuant to subsection (29), is exempt from the
7821 provisions of this section if the local government having
7822 jurisdiction over the area where the development is proposed has
7823 adopted the urban service boundary, has entered into a binding
7824 agreement with jurisdictions that would be impacted and with the
7825 Department of Transportation regarding the mitigation of impacts
7826 on state and regional transportation facilities, ~~and has adopted~~
7827 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

7828 (m) Any proposed development within a rural land



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7829 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ ~~is~~
7830 ~~exempt from the provisions of this section if the local~~
7831 ~~government that has adopted the rural land stewardship area has~~
7832 ~~entered into a binding agreement with jurisdictions that would~~
7833 ~~be impacted and the Department of Transportation regarding the~~
7834 ~~mitigation of impacts on state and regional transportation~~
7835 ~~facilities, and has adopted a proportionate share methodology~~
7836 ~~pursuant to s. 163.3180(16).~~

7837 (s) Any development in a detailed specific area plan which
7838 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
7839 ~~the comprehensive plan~~ is exempt from this section.

7840 (u) Any transit-oriented development as defined in s.
7841 163.3164 incorporated into the county or municipality
7842 comprehensive plan that has adopted land use and transportation
7843 strategies to support and fund the local government concurrency
7844 or mobility plan identified in the comprehensive plan, including
7845 alternative modes of transportation, is exempt from review for
7846 transportation impacts conducted pursuant to this section. This
7847 paragraph does not apply to areas:

7848 1. Within the boundary of any area of critical state
7849 concern designated pursuant to s. 380.05;

7850 2. Within the boundary of the Wekiva Study Area as
7851 described in s. 369.316; or

7852 3. Within 2 miles of the boundary of the Everglades
7853 Protection Area as defined in s. 373.4592(2).

7854
7855 If a use is exempt from review as a development of regional
7856 impact under paragraphs (a)-(s), but will be part of a larger
7857 project that is subject to review as a development of regional



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7858 impact, the impact of the exempt use must be included in the
7859 review of the larger project, unless such exempt use involves a
7860 development of regional impact that includes a landowner,
7861 tenant, or user that has entered into a funding agreement with
7862 the Office of Tourism, Trade, and Economic Development under the
7863 Innovation Incentive Program and the agreement contemplates a
7864 state award of at least \$50 million.

7865 (28) PARTIAL STATUTORY EXEMPTIONS.—

7866 (e) The vesting provision of s. 163.3167(5)~~(8)~~ relating to
7867 an authorized development of regional impact shall not apply to
7868 those projects partially exempt from the development-of-
7869 regional-impact review process under paragraphs (a)-(d).

7870 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

7871 (a) The following are exempt from this section:

7872 1. Any proposed development in a municipality that has an
7873 average of at least 1,000 people per square mile of land area
7874 and a minimum total population of at least 5,000 ~~qualifies as a~~
7875 ~~dense urban land area as defined in s. 163.3164;~~

7876 2. Any proposed development within a county. including the
7877 municipalities located therein, which ~~that~~ has an average of at
7878 least 1,000 people per square mile of land area ~~qualifies as a~~
7879 ~~dense urban land area as defined in s. 163.3164~~ and that is
7880 located within an urban service area as defined in s. 163.3164
7881 which has been adopted into the comprehensive plan; or

7882 3. Any proposed development within a county, including the
7883 municipalities located therein, which has a population of at
7884 least 900,000, that has an average of at least 1,000 people per
7885 square mile of land area ~~which qualifies as a dense urban land~~
7886 ~~area under s. 163.3164,~~ but which does not have an urban service



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7887 area designated in the comprehensive plan.

7888

7889 The Office of Economic and Demographic Research within the
7890 Legislature shall annually calculate the population and density
7891 criteria needed to determine which jurisdictions meet the
7892 density criteria in subparagraphs 1.-3. by using the most recent
7893 land area data from the decennial census conducted by the Bureau
7894 of the Census of the United States Department of Commerce and
7895 the latest available population estimates determined pursuant to
7896 s. 186.901. If any local government has had an annexation,
7897 contraction, or new incorporation, the Office of Economic and
7898 Demographic Research shall determine the population density
7899 using the new jurisdictional boundaries as recorded in
7900 accordance with s. 171.091. The Office of Economic and
7901 Demographic Research shall annually submit to the state land
7902 planning agency by July 1 a list of jurisdictions that meet the
7903 total population and density criteria. The state land planning
7904 agency shall publish the list of jurisdictions on its Internet
7905 website within 7 days after the list is received. The
7906 designation of jurisdictions that meet the density criteria of
7907 subparagraphs 1.-3. is effective upon publication on the state
7908 land planning agency's Internet website. Any area that meets the
7909 density criteria may not thereafter be removed from the list of
7910 areas that qualify.

7911 (e) In an area that is exempt under paragraphs (a)-(c), any
7912 previously approved development-of-regional-impact development
7913 orders shall continue to be effective, but the developer has the
7914 option to be governed by s. 380.115(1). A pending application
7915 for development approval shall be governed by s. 380.115(2). A



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7916 ~~development that has a pending application for a comprehensive~~
7917 ~~plan amendment and that elects not to continue development of~~
7918 ~~regional impact review is exempt from the limitation on plan~~
7919 ~~amendments set forth in s. 163.3187(1) for the year following~~
7920 ~~the effective date of the exemption.~~

7921 Section 57. Paragraph (a) of subsection (8) of section
7922 380.061, Florida Statutes, is amended to read:

7923 380.061 The Florida Quality Developments program.—

7924 (8) (a) Any local government comprehensive plan amendments
7925 related to a Florida Quality Development may be initiated by a
7926 local planning agency and considered by the local governing body
7927 at the same time as the application for development approval,
7928 ~~using the procedures provided for local plan amendment in s.~~
7929 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~
7930 ~~regard to statutory or local ordinance limits on the frequency~~
7931 ~~of consideration of amendments to the local comprehensive plan.~~
7932 Nothing in this subsection shall be construed to require
7933 favorable consideration of a Florida Quality Development solely
7934 because it is related to a development of regional impact.

7935 Section 58. Paragraph (a) of subsection (2) of section
7936 380.065, Florida Statutes, is amended to read:

7937 380.065 Certification of local government review of
7938 development.—

7939 (2) When a petition is filed, the state land planning
7940 agency shall have no more than 90 days to prepare and submit to
7941 the Administration Commission a report and recommendations on
7942 the proposed certification. In deciding whether to grant
7943 certification, the Administration Commission shall determine
7944 whether the following criteria are being met:



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7945 (a) The petitioning local government has adopted and
7946 effectively implemented a local comprehensive plan and
7947 development regulations which comply with ss. 163.3161-163.3215,
7948 the Community Local Government Comprehensive Planning and Land
7949 Development Regulation Act.

7950 Section 59. Section 380.0685, Florida Statutes, is amended
7951 to read:

7952 380.0685 State park in area of critical state concern in
7953 county which creates land authority; surcharge on admission and
7954 overnight occupancy.—The Department of Environmental Protection
7955 shall impose and collect a surcharge of 50 cents per person per
7956 day, or \$5 per annual family auto entrance permit, on admission
7957 to all state parks in areas of critical state concern located in
7958 a county which creates a land authority pursuant to s.
7959 380.0663(1), and a surcharge of \$2.50 per night per campsite,
7960 cabin, or other overnight recreational occupancy unit in state
7961 parks in areas of critical state concern located in a county
7962 which creates a land authority pursuant to s. 380.0663(1);
7963 however, no surcharge shall be imposed or collected under this
7964 section for overnight use by nonprofit groups of organized group
7965 camps, primitive camping areas, or other facilities intended
7966 primarily for organized group use. Such surcharges shall be
7967 imposed within 90 days after any county creating a land
7968 authority notifies the Department of Environmental Protection
7969 that the land authority has been created. The proceeds from such
7970 surcharges, less a collection fee that shall be kept by the
7971 Department of Environmental Protection for the actual cost of
7972 collection, not to exceed 2 percent, shall be transmitted to the
7973 land authority of the county from which the revenue was



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7974 generated. Such funds shall be used to purchase property in the
7975 area or areas of critical state concern in the county from which
7976 the revenue was generated. An amount not to exceed 10 percent
7977 may be used for administration and other costs incident to such
7978 purchases. However, the proceeds of the surcharges imposed and
7979 collected pursuant to this section in a state park or parks
7980 located wholly within a municipality, less the costs of
7981 collection as provided herein, shall be transmitted to that
7982 municipality for use by the municipality for land acquisition or
7983 for beach renourishment or restoration, including, but not
7984 limited to, costs associated with any design, permitting,
7985 monitoring and mitigation of such work, as well as the work
7986 itself. The surcharges levied under this section shall remain
7987 imposed as long as the land authority is in existence.

7988 Section 60. Subsection (3) of section 380.115, Florida
7989 Statutes, is amended to read:

7990 380.115 Vested rights and duties; effect of size reduction,
7991 changes in guidelines and standards.—

7992 (3) A landowner that has filed an application for a
7993 development-of-regional-impact review prior to the adoption of a
7994 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
7995 have the application reviewed pursuant to s. 380.06,
7996 comprehensive plan provisions in force prior to adoption of the
7997 sector plan, and any requested comprehensive plan amendments
7998 that accompany the application.

7999 Section 61. Subsection (1) of section 403.50665, Florida
8000 Statutes, is amended to read:

8001 403.50665 Land use consistency.—

8002 (1) The applicant shall include in the application a



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8003 statement on the consistency of the site and any associated
8004 facilities that constitute a "development," as defined in s.
8005 380.04, with existing land use plans and zoning ordinances that
8006 were in effect on the date the application was filed and a full
8007 description of such consistency. This information shall include
8008 an identification of those associated facilities that the
8009 applicant believes are exempt from the requirements of land use
8010 plans and zoning ordinances under the provisions of the
8011 Community Local Government Comprehensive Planning and Land
8012 Development Regulation Act provisions of chapter 163 and s.
8013 380.04(3).

8014 Section 62. Subsection (16) of section 420.9071, Florida
8015 Statutes, is amended to read:

8016 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
8017 term:

8018 (16) "Local housing incentive strategies" means local
8019 regulatory reform or incentive programs to encourage or
8020 facilitate affordable housing production, which include at a
8021 minimum, assurance that permits as defined in s. 163.3164(7) and
8022 ~~(8)~~ for affordable housing projects are expedited to a greater
8023 degree than other projects; an ongoing process for review of
8024 local policies, ordinances, regulations, and plan provisions
8025 that increase the cost of housing prior to their adoption; and a
8026 schedule for implementing the incentive strategies. Local
8027 housing incentive strategies may also include other regulatory
8028 reforms, such as those enumerated in s. 420.9076 or those
8029 recommended by the affordable housing advisory committee in its
8030 triennial evaluation of the implementation of affordable housing
8031 incentives, and adopted by the local governing body.



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8032 Section 63. Subsection (13) and paragraph (a) of
8033 subsection (14) of section 403.973, Florida Statutes, are
8034 amended to read:

8035 403.973 Expedited permitting; amendments to comprehensive
8036 plans.—

8037 (13) Notwithstanding any other provisions of law:

8038 ~~(a) Local comprehensive plan amendments for projects~~
8039 ~~qualified under this section are exempt from the twice-a-year~~
8040 ~~limits provision in s. 163.3187; and~~

8041 ~~(b)~~ Projects qualified under this section are not subject
8042 to interstate highway level-of-service standards adopted by the
8043 Department of Transportation for concurrency purposes. The
8044 memorandum of agreement specified in subsection (5) must include
8045 a process by which the applicant will be assessed a fair share
8046 of the cost of mitigating the project's significant traffic
8047 impacts, as defined in chapter 380 and related rules. The
8048 agreement must also specify whether the significant traffic
8049 impacts on the interstate system will be mitigated through the
8050 implementation of a project or payment of funds to the
8051 Department of Transportation. Where funds are paid, the
8052 Department of Transportation must include in the 5-year work
8053 program transportation projects or project phases, in an amount
8054 equal to the funds received, to mitigate the traffic impacts
8055 associated with the proposed project.

8056 (14) (a) Challenges to state agency action in the expedited
8057 permitting process for projects processed under this section are
8058 subject to the summary hearing provisions of s. 120.574, except
8059 that the administrative law judge's decision, as provided in s.
8060 120.574(2)(f), shall be in the form of a recommended order and



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8061 shall not constitute the final action of the state agency. In
8062 those proceedings where the action of only one agency of the
8063 state other than the Department of Environmental Protection is
8064 challenged, the agency of the state shall issue the final order
8065 within 45 working days after receipt of the administrative law
8066 judge's recommended order, and the recommended order shall
8067 inform the parties of their right to file exceptions or
8068 responses to the recommended order in accordance with the
8069 uniform rules of procedure pursuant to s. 120.54. In those
8070 proceedings where the actions of more than one agency of the
8071 state are challenged, the Governor shall issue the final order
8072 within 45 working days after receipt of the administrative law
8073 judge's recommended order, and the recommended order shall
8074 inform the parties of their right to file exceptions or
8075 responses to the recommended order in accordance with the
8076 uniform rules of procedure pursuant to s. 120.54. This paragraph
8077 does not apply to the issuance of department licenses required
8078 under any federally delegated or approved permit program. In
8079 such instances, the department shall enter the final order. The
8080 participating agencies of the state may opt at the preliminary
8081 hearing conference to allow the administrative law judge's
8082 decision to constitute the final agency action. ~~If a~~
8083 ~~participating local government agrees to participate in the~~
8084 ~~summary hearing provisions of s. 120.574 for purposes of review~~
8085 ~~of local government comprehensive plan amendments, s.~~
8086 ~~163.3184(9) and (10) apply.~~

8087 Section 64. Section 57. Subsections (9) and (10) of
8088 section 420.5095, Florida Statutes, are amended to read:
8089 420.5095 Community Workforce Housing Innovation Pilot



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8090 Program.—

8091 (9) Notwithstanding s. 163.3184~~(3)~~~~(6)~~, any local
8092 government comprehensive plan amendment to implement a Community
8093 Workforce Housing Innovation Pilot Program project found
8094 consistent with the provisions of this section shall be
8095 expedited as provided in this subsection. At least 30 days prior
8096 to adopting a plan amendment under this subsection, the local
8097 government shall notify the state land planning agency of its
8098 intent to adopt such an amendment, and the notice shall include
8099 its evaluation related to site suitability and availability of
8100 facilities and services. The public notice of the hearing
8101 required by s. 163.3184~~(11)~~~~(15)~~(b)2. shall include a statement
8102 that the local government intends to use the expedited adoption
8103 process authorized by this subsection. Such amendments shall
8104 require only a single public hearing before the governing board,
8105 which shall be an adoption hearing as described in s.
8106 163.3184~~(6)~~~~(7)~~. The state land planning agency shall issue its
8107 notice of intent pursuant to s. 163.3184(8) within 30 days after
8108 determining that the amendment package is complete. Any further
8109 proceedings shall be governed by s. ss. 163.3184~~(9)~~~~(16)~~.
8110 ~~Amendments proposed under this section are not subject to s.~~
8111 ~~163.3187(1), which limits the adoption of a comprehensive plan~~
8112 ~~amendment to no more than two times during any calendar year.~~

8113 (10) The processing of approvals of development orders or
8114 development permits, as defined in s. 163.3164~~(7)~~ and ~~(8)~~, for
8115 innovative community workforce housing projects shall be
8116 expedited.

8117 Section 65. Subsection (5) of section 420.615, Florida
8118 Statutes, is amended to read:



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8119 420.615 Affordable housing land donation density bonus
8120 incentives.—

8121 (5) The local government, as part of the approval process,
8122 shall adopt a comprehensive plan amendment, pursuant to part II
8123 of chapter 163, for the receiving land that incorporates the
8124 density bonus. Such amendment shall be adopted in the manner as
8125 required for small-scale amendments pursuant to s. 163.3187, is
8126 not subject to the requirements of s. 163.3184 ~~(4) (b) - (d) (3) - (6)~~,
8127 and is exempt from the limitation on the frequency of plan
8128 amendments as provided in s. 163.3187.

8129 Section 66. Subsection (16) of section 420.9071, Florida
8130 Statutes, is amended to read:

8131 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
8132 term:

8133 (16) "Local housing incentive strategies" means local
8134 regulatory reform or incentive programs to encourage or
8135 facilitate affordable housing production, which include at a
8136 minimum, assurance that permits as defined in s. 163.3164 ~~(7) and~~
8137 ~~(8)~~ for affordable housing projects are expedited to a greater
8138 degree than other projects; an ongoing process for review of
8139 local policies, ordinances, regulations, and plan provisions
8140 that increase the cost of housing prior to their adoption; and a
8141 schedule for implementing the incentive strategies. Local
8142 housing incentive strategies may also include other regulatory
8143 reforms, such as those enumerated in s. 420.9076 or those
8144 recommended by the affordable housing advisory committee in its
8145 triennial evaluation of the implementation of affordable housing
8146 incentives, and adopted by the local governing body.

8147 Section 67. Paragraph (a) of subsection (4) of section



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8148 420.9076, Florida Statutes, is amended to read:

8149 420.9076 Adoption of affordable housing incentive
8150 strategies; committees.—

8151 (4) Triennially, the advisory committee shall review the
8152 established policies and procedures, ordinances, land
8153 development regulations, and adopted local government
8154 comprehensive plan of the appointing local government and shall
8155 recommend specific actions or initiatives to encourage or
8156 facilitate affordable housing while protecting the ability of
8157 the property to appreciate in value. The recommendations may
8158 include the modification or repeal of existing policies,
8159 procedures, ordinances, regulations, or plan provisions; the
8160 creation of exceptions applicable to affordable housing; or the
8161 adoption of new policies, procedures, regulations, ordinances,
8162 or plan provisions, including recommendations to amend the local
8163 government comprehensive plan and corresponding regulations,
8164 ordinances, and other policies. At a minimum, each advisory
8165 committee shall submit a report to the local governing body that
8166 includes recommendations on, and triennially thereafter
8167 evaluates the implementation of, affordable housing incentives
8168 in the following areas:

8169 (a) The processing of approvals of development orders or
8170 permits, as defined in s. 163.3164(7) and (8), for affordable
8171 housing projects is expedited to a greater degree than other
8172 projects.

8173

8174 The advisory committee recommendations may also include other
8175 affordable housing incentives identified by the advisory
8176 committee. Local governments that receive the minimum allocation



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8177 under the State Housing Initiatives Partnership Program shall
8178 perform the initial review but may elect to not perform the
8179 triennial review.

8180 Section 68. Subsection (1) of section 720.403, Florida
8181 Statutes, is amended to read:

8182 720.403 Preservation of residential communities; revival of
8183 declaration of covenants.—

8184 (1) Consistent with required and optional elements of local
8185 comprehensive plans and other applicable provisions of the
8186 Community Local Government Comprehensive Planning and Land
8187 ~~Development Regulation~~ Act, homeowners are encouraged to
8188 preserve existing residential communities, promote available and
8189 affordable housing, protect structural and aesthetic elements of
8190 their residential community, and, as applicable, maintain roads
8191 and streets, easements, water and sewer systems, utilities,
8192 drainage improvements, conservation and open areas, recreational
8193 amenities, and other infrastructure and common areas that serve
8194 and support the residential community by the revival of a
8195 previous declaration of covenants and other governing documents
8196 that may have ceased to govern some or all parcels in the
8197 community.

8198 Section 69. Section 62. Subsection (6) of section 1013.30,
8199 Florida Statutes, is amended to read:

8200 1013.30 University campus master plans and campus
8201 development agreements.—

8202 (6) Before a campus master plan is adopted, a copy of the
8203 draft master plan must be sent for review or made available
8204 electronically to the host and any affected local governments,
8205 the state land planning agency, the Department of Environmental



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8206 Protection, the Department of Transportation, the Department of
8207 State, the Fish and Wildlife Conservation Commission, and the
8208 applicable water management district and regional planning
8209 council. At the request of a governmental entity, a hard copy of
8210 the draft master plan shall be submitted within 7 business days
8211 of an electronic copy being made available. These agencies must
8212 be given 90 days after receipt of the campus master plans in
8213 which to conduct their review and provide comments to the
8214 university board of trustees. The commencement of this review
8215 period must be advertised in newspapers of general circulation
8216 within the host local government and any affected local
8217 government to allow for public comment. Following receipt and
8218 consideration of all comments and the holding of an informal
8219 information session and at least two public hearings within the
8220 host jurisdiction, the university board of trustees shall adopt
8221 the campus master plan. It is the intent of the Legislature that
8222 the university board of trustees comply with the notice
8223 requirements set forth in s. 163.3184(11)~~(15)~~ to ensure full
8224 public participation in this planning process. The informal
8225 public information session must be held before the first public
8226 hearing. The first public hearing shall be held before the draft
8227 master plan is sent to the agencies specified in this
8228 subsection. The second public hearing shall be held in
8229 conjunction with the adoption of the draft master plan by the
8230 university board of trustees. Campus master plans developed
8231 under this section are not rules and are not subject to chapter
8232 120 except as otherwise provided in this section.

8233 Section 70. Subsections (3), (7), and (8) of section
8234 1013.33, Florida Statutes, are amended to read:



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8235 1013.33 Coordination of planning with local governing
8236 bodies.—

8237 (3) At a minimum, the interlocal agreement must address
8238 interlocal agreement requirements in s. 163.31777 and, if
8239 applicable, s. 163.3180(6)-(13)(g), ~~except for exempt local~~
8240 ~~governments as provided in s. 163.3177(12)~~, and must address the
8241 following issues:

8242 (a) A process by which each local government and the
8243 district school board agree and base their plans on consistent
8244 projections of the amount, type, and distribution of population
8245 growth and student enrollment. The geographic distribution of
8246 jurisdiction-wide growth forecasts is a major objective of the
8247 process.

8248 (b) A process to coordinate and share information relating
8249 to existing and planned public school facilities, including
8250 school renovations and closures, and local government plans for
8251 development and redevelopment.

8252 (c) Participation by affected local governments with the
8253 district school board in the process of evaluating potential
8254 school closures, significant renovations to existing schools,
8255 and new school site selection before land acquisition. Local
8256 governments shall advise the district school board as to the
8257 consistency of the proposed closure, renovation, or new site
8258 with the local comprehensive plan, including appropriate
8259 circumstances and criteria under which a district school board
8260 may request an amendment to the comprehensive plan for school
8261 siting.

8262 (d) A process for determining the need for and timing of
8263 onsite and offsite improvements to support new construction,



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8264 proposed expansion, or redevelopment of existing schools. The
8265 process shall address identification of the party or parties
8266 responsible for the improvements.

8267 (e) A process for the school board to inform the local
8268 government regarding the effect of comprehensive plan amendments
8269 on school capacity. The capacity reporting must be consistent
8270 with laws and rules regarding measurement of school facility
8271 capacity and must also identify how the district school board
8272 will meet the public school demand based on the facilities work
8273 program adopted pursuant to s. 1013.35.

8274 (f) Participation of the local governments in the
8275 preparation of the annual update to the school board's 5-year
8276 district facilities work program and educational plant survey
8277 prepared pursuant to s. 1013.35.

8278 (g) A process for determining where and how joint use of
8279 either school board or local government facilities can be shared
8280 for mutual benefit and efficiency.

8281 (h) A procedure for the resolution of disputes between the
8282 district school board and local governments, which may include
8283 the dispute resolution processes contained in chapters 164 and
8284 186.

8285 (i) An oversight process, including an opportunity for
8286 public participation, for the implementation of the interlocal
8287 agreement.

8288 ~~(7) Except as provided in subsection (8), municipalities~~
8289 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
8290 ~~from the requirements of subsections (2), (3), and (4).~~

8291 ~~(8) At the time of the evaluation and appraisal report,~~
8292 ~~each exempt municipality shall assess the extent to which it~~



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8293 ~~continues to meet the criteria for exemption under s.~~
8294 ~~163.3177(12). If the municipality continues to meet these~~
8295 ~~criteria, the municipality shall continue to be exempt from the~~
8296 ~~interlocal agreement requirement. Each municipality exempt under~~
8297 ~~s. 163.3177(12) must comply with the provisions of subsections~~
8298 ~~(2)-(8) within 1 year after the district school board proposes,~~
8299 ~~in its 5-year district facilities work program, a new school~~
8300 ~~within the municipality's jurisdiction.~~

8301 Section 71. Rules 9J-5 and 9J-11.023, Florida
8302 Administrative Code, are repealed, and the Department of State
8303 is directed to remove those rules from the Florida
8304 Administrative Code.

8305 Section 72. Any permit or any other authorization that was
8306 extended under section 14, chapter 2009-96, Laws of Florida, as
8307 re-authorized by section 47, chapter 2010-147, Laws of Florida,
8308 is extended and renewed for an additional period of two years
8309 from its extended expiration date. The holder of a valid permit
8310 or other authorization that is eligible for the additional two-
8311 year extension must notify the authorizing agency in writing by
8312 December 31, 2011, identifying the specific authorization for
8313 which the holder intends to use the extension and the
8314 anticipated time frame for acting on the authorization.

8315 Section 73. The Legislature finds that this act fulfills an
8316 important state interest.

8317 Section 74. (1) The state land planning agency, within 60
8318 days after the effective date of this act, shall review any
8319 administrative or judicial proceeding filed by the agency and
8320 pending on the effective date of this act to determine whether
8321 the issues raised by the state land planning agency are



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8322 consistent with the revised provisions of part II of chapter
8323 163, Florida Statutes. For each proceeding, if the agency
8324 determines that issues have been raised that are not consistent
8325 with the revised provisions of part II of chapter 163, Florida
8326 Statutes, the agency shall dismiss the proceeding. If the state
8327 land planning agency determines that one or more issues have
8328 been raised that are consistent with the revised provisions of
8329 part II of chapter 163, Florida Statutes, the agency shall amend
8330 its petition within 30 days after the determination to plead
8331 with particularity as to the manner in which the plan or plan
8332 amendment fails to meet the revised provisions of part II of
8333 chapter 163, Florida Statutes. If the agency fails to timely
8334 file such amended petition, the proceeding shall be dismissed.

8335 (2) In all proceedings that were initiated by the state
8336 land planning agency before the effective date of this act, and
8337 continue after that date, the local government's determination
8338 that the comprehensive plan or plan amendment is in compliance
8339 is presumed to be correct, and the local government's
8340 determination shall be sustained unless it is shown by a
8341 preponderance of the evidence that the comprehensive plan or
8342 plan amendment is not in compliance.

8343 Section 75. In accordance with s. 1.04, Florida Statutes,
8344 the provisions of law amended by this act shall be construed in
8345 pari materia with the provisions of law reenacted by Senate Bill
8346 174 or HB 7001, 2011 Regular Session, whichever becomes law, and
8347 incorporated therein. In addition, if any law amended by this
8348 act is also amended by any other law enacted at the same
8349 legislative session or an extension thereof which becomes law,
8350 full effect shall be given to each if possible.



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8351 Section 76. The Division of Statutory Revision is directed
8352 to replace the phrase "the effective date of this act" wherever
8353 it occurs in this act with the date this act becomes a law. The
8354 Division of Statutory revision is further directed to replace
8355 all references to s. 163.3184 with s. 163.32465 except for
8356 provisions related specifically to plan amendments that propose
8357 a rural land stewardship area pursuant to s. 163.3177(11) (d);
8358 propose an optional sector plan; update a comprehensive plan
8359 based on an evaluation and appraisal report; new plans for newly
8360 incorporated municipalities are subject to state review as set
8361 forth in s. 163.3184; or are in an area of critical state
8362 concern designated pursuant to s. 380.05.

8363 Section 77. The reenactment of s. 163.31801(5) in section
8364 12 of this act shall take effect upon this act becoming a law,
8365 and shall operate retroactively to July 1, 2009. If such
8366 retroactive application is held by a court of last resort to be
8367 unconstitutional, this act shall apply prospectively from the
8368 date that this act becomes a law.

8369 Section 78. Except as otherwise expressly provided in this
8370 act and except for this section, which shall take effect upon
8371 this act becoming a law, this act shall take effect July 1,
8372 2011.