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LEGISLATIVE ACTION

Senate

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House

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05/05/2011 12:12 PM

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Senator Bennett moved the following:

Senate Amendment (with title amendment)

Delete lines 1046 - 5746

and insert:

Section 11. Subsections (5), (6), and (9) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(5) The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:



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14 (a) If the installation has an airfield, whether such
15 proposed changes will be incompatible with the safety and noise
16 standards contained in the Air Installation Compatible Use Zone
17 (AICUZ) adopted by the military installation for that airfield;

18 (b) Whether such changes are incompatible with the
19 Installation Environmental Noise Management Program (IENMP) of
20 the United States Army;

21 (c) Whether such changes are incompatible with the findings
22 of a Joint Land Use Study (JLUS) for the area if one has been
23 completed; and

24 (d) Whether the military installation's mission will be
25 adversely affected by the proposed actions of the county or
26 affected local government.

27
28 The commanding officer's comments, underlying studies, and
29 reports are not binding on the local government.

30 (6) The affected local government shall take into
31 consideration any comments provided by the commanding officer or
32 his or her designee pursuant to subsection (4) and must also be
33 sensitive to private property rights and not be unduly
34 restrictive on those rights. The affected local government shall
35 forward a copy of any comments regarding comprehensive plan
36 amendments to the state land planning agency.

37 (9) If a local government, as required under s.
38 163.3177(6) (a), does not adopt criteria and address
39 compatibility of lands adjacent to or closely proximate to
40 existing military installations in its future land use plan
41 element by June 30, 2012, the local government, the military
42 installation, the state land planning agency, and other parties



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43 as identified by the regional planning council, including, but
44 not limited to, private landowner representatives, shall enter
45 into mediation conducted pursuant to s. 186.509. If the local
46 government comprehensive plan does not contain criteria
47 addressing compatibility by December 31, 2013, the agency may
48 notify the Administration Commission. The Administration
49 Commission may impose sanctions pursuant to s. 163.3184(8)(11).
50 Any local government that amended its comprehensive plan to
51 address military installation compatibility requirements after
52 2004 and was found to be in compliance is deemed to be in
53 compliance with this subsection until the local government
54 conducts its evaluation and appraisal review pursuant to s.
55 163.3191 and determines that amendments are necessary to meet
56 updated general law requirements.

57 Section 12. Section 163.3177, Florida Statutes, is amended
58 to read:

59 163.3177 Required and optional elements of comprehensive
60 plan; studies and surveys.-

61 (1) The comprehensive plan shall provide the consist of
62 materials in such descriptive form, written or graphic, as may
63 be appropriate to the prescription of principles, guidelines,
64 and standards, and strategies for the orderly and balanced
65 future economic, social, physical, environmental, and fiscal
66 development of the area that reflects community commitments to
67 implement the plan and its elements. These principles and
68 strategies shall guide future decisions in a consistent manner
69 and shall contain programs and activities to ensure
70 comprehensive plans are implemented. The sections of the
71 comprehensive plan containing the principles and strategies,



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72 generally provided as goals, objectives, and policies, shall
73 describe how the local government's programs, activities, and
74 land development regulations will be initiated, modified, or
75 continued to implement the comprehensive plan in a consistent
76 manner. It is not the intent of this part to require the
77 inclusion of implementing regulations in the comprehensive plan
78 but rather to require identification of those programs,
79 activities, and land development regulations that will be part
80 of the strategy for implementing the comprehensive plan and the
81 principles that describe how the programs, activities, and land
82 development regulations will be carried out. The plan shall
83 establish meaningful and predictable standards for the use and
84 development of land and provide meaningful guidelines for the
85 content of more detailed land development and use regulations.

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

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

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

96 (d) The comprehensive plan shall identify procedures for
97 monitoring, evaluating, and appraising implementation of the
98 plan.

99 (e) When a federal, state, or regional agency has
100 implemented a regulatory program, a local government is not



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101 required to duplicate or exceed that regulatory program in its
102 local comprehensive plan.

103 (f) All mandatory and optional elements of the
104 comprehensive plan and plan amendments shall be based upon
105 relevant and appropriate data and an analysis by the local
106 government that may include, but not be limited to, surveys,
107 studies, community goals and vision, and other data available at
108 the time of adoption of the comprehensive plan or plan
109 amendment. To be based on data means to react to it in an
110 appropriate way and to the extent necessary indicated by the
111 data available on that particular subject at the time of
112 adoption of the plan or plan amendment at issue.

113 1. Surveys, studies, and data utilized in the preparation
114 of the comprehensive plan may not be deemed a part of the
115 comprehensive plan unless adopted as a part of it. Copies of
116 such studies, surveys, data, and supporting documents for
117 proposed plans and plan amendments shall be made available for
118 public inspection, and copies of such plans shall be made
119 available to the public upon payment of reasonable charges for
120 reproduction. Support data or summaries are not subject to the
121 compliance review process, but the comprehensive plan must be
122 clearly based on appropriate data. Support data or summaries may
123 be used to aid in the determination of compliance and
124 consistency.

125 2. Data must be taken from professionally accepted sources.
126 The application of a methodology utilized in data collection or
127 whether a particular methodology is professionally accepted may
128 be evaluated. However, the evaluation may not include whether
129 one accepted methodology is better than another. Original data



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130 collection by local governments is not required. However, local
131 governments may use original data so long as methodologies are
132 professionally accepted.

133 3. The comprehensive plan shall be based upon resident and
134 seasonal population estimates and projections, which shall
135 either be those provided by the University of Florida's Bureau
136 of Economic and Business Research or generated by the local
137 government based upon a professionally acceptable methodology.
138 The plan must be based on at least the minimum amount of land
139 required to accommodate the medium projections of the University
140 of Florida's Bureau of Economic and Business Research for at
141 least a 10-year planning period unless otherwise limited under
142 s. 380.05, including related rules of the Administration
143 Commission.

144 (2) Coordination of the several elements of the local
145 comprehensive plan shall be a major objective of the planning
146 process. The several elements of the comprehensive plan shall be
147 consistent. Where data is relevant to several elements,
148 consistent data shall be used, including population estimates
149 and projections unless alternative data can be justified for a
150 plan amendment through new supporting data and analysis. Each
151 map depicting future conditions must reflect the principles,
152 guidelines, and standards within all elements and each such map
153 must be contained within the comprehensive plan, and the
154 comprehensive plan shall be financially feasible. Financial
155 feasibility shall be determined using professionally accepted
156 methodologies and applies to the 5-year planning period, except
157 in the case of a long-term transportation or school concurrency
158 management system, in which case a 10-year or 15-year period



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159 applies.

160 (3) (a) The comprehensive plan shall contain a capital
161 improvements element designed to consider the need for and the
162 location of public facilities in order to encourage the
163 efficient use of such facilities and set forth:

164 1. A component that outlines principles for construction,
165 extension, or increase in capacity of public facilities, as well
166 as a component that outlines principles for correcting existing
167 public facility deficiencies, which are necessary to implement
168 the comprehensive plan. The components shall cover at least a 5-
169 year period.

170 2. Estimated public facility costs, including a delineation
171 of when facilities will be needed, the general location of the
172 facilities, and projected revenue sources to fund the
173 facilities.

174 3. Standards to ensure the availability of public
175 facilities and the adequacy of those facilities to meet
176 established ~~including~~ acceptable levels of service.

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

178 ~~4.5.~~ A schedule of capital improvements which includes any
179 publicly funded projects of federal, state, or local government,
180 and which may include privately funded projects for which the
181 local government has no fiscal responsibility. Projects,
182 necessary to ensure that any adopted level-of-service standards
183 are achieved and maintained for the 5-year period must be
184 identified as either funded or unfunded and given a level of
185 priority for funding. ~~For capital improvements that will be~~
186 ~~funded by the developer, financial feasibility shall be~~
187 ~~demonstrated by being guaranteed in an enforceable development~~



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188 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~
189 ~~or other enforceable agreement. These development agreements and~~
190 ~~interlocal agreements shall be reflected in the schedule of~~
191 ~~capital improvements if the capital improvement is necessary to~~
192 ~~serve development within the 5-year schedule. If the local~~
193 ~~government uses planned revenue sources that require referenda~~
194 ~~or other actions to secure the revenue source, the plan must, in~~
195 ~~the event the referenda are not passed or actions do not secure~~
196 ~~the planned revenue source, identify other existing revenue~~
197 ~~sources that will be used to fund the capital projects or~~
198 ~~otherwise amend the plan to ensure financial feasibility.~~

199 5.6. The schedule must include transportation improvements
200 included in the applicable metropolitan planning organization's
201 transportation improvement program adopted pursuant to s.
202 339.175(8) to the extent that such improvements are relied upon
203 to ensure concurrency and financial feasibility. The schedule
204 must ~~also~~ be coordinated with the applicable metropolitan
205 planning organization's long-range transportation plan adopted
206 pursuant to s. 339.175(7).

207 (b)~~1.~~ The capital improvements element must be reviewed by
208 the local government on an annual basis. Modifications and
209 ~~modified as necessary in accordance with s. 163.3187 or s.~~
210 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~
211 5-year capital improvement schedule of capital improvements.
212 ~~Corrections and modifications concerning costs, revenue sources,~~
213 ~~or acceptance of facilities pursuant to dedications which are~~
214 ~~consistent with the plan may be accomplished by ordinance and~~
215 may shall not be deemed to be amendments to the local
216 comprehensive plan. ~~A copy of the ordinance shall be transmitted~~



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217 ~~to the state land planning agency. An amendment to the~~
218 ~~comprehensive plan is required to update the schedule on an~~
219 ~~annual basis or to eliminate, defer, or delay the construction~~
220 ~~for any facility listed in the 5-year schedule. All public~~
221 ~~facilities must be consistent with the capital improvements~~
222 ~~element. The annual update to the capital improvements element~~
223 ~~of the comprehensive plan need not comply with the financial~~
224 ~~feasibility requirement until December 1, 2011. Thereafter, a~~
225 ~~local government may not amend its future land use map, except~~
226 ~~for plan amendments to meet new requirements under this part and~~
227 ~~emergency amendments pursuant to s. 163.3187(1)(a), after~~
228 ~~December 1, 2011, and every year thereafter, unless and until~~
229 ~~the local government has adopted the annual update and it has~~
230 ~~been transmitted to the state land planning agency.~~

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

236 ~~(c) If the local government does not adopt the required~~
237 ~~annual update to the schedule of capital improvements, the state~~
238 ~~land planning agency must notify the Administration Commission.~~
239 ~~A local government that has a demonstrated lack of commitment to~~
240 ~~meeting its obligations identified in the capital improvements~~
241 ~~element may be subject to sanctions by the Administration~~
242 ~~Commission pursuant to s. 163.3184(11).~~

243 ~~(d) If a local government adopts a long-term concurrency~~
244 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
245 ~~a long-term capital improvements schedule covering up to a 10-~~



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246 ~~year or 15-year period, and must update the long-term schedule~~
247 ~~annually. The long-term schedule of capital improvements must be~~
248 ~~financially feasible.~~

249 ~~(e) At the discretion of the local government and~~
250 ~~notwithstanding the requirements of this subsection, a~~
251 ~~comprehensive plan, as revised by an amendment to the plan's~~
252 ~~future land use map, shall be deemed to be financially feasible~~
253 ~~and to have achieved and maintained level-of-service standards~~
254 ~~as required by this section with respect to transportation~~
255 ~~facilities if the amendment to the future land use map is~~
256 ~~supported by a:~~

257 ~~1. Condition in a development order for a development of~~
258 ~~regional impact or binding agreement that addresses~~
259 ~~proportionate share mitigation consistent with s. 163.3180(12);~~
260 ~~or~~

261 ~~2. Binding agreement addressing proportionate fair share~~
262 ~~mitigation consistent with s. 163.3180(16) (f) and the property~~
263 ~~subject to the amendment to the future land use map is located~~
264 ~~within an area designated in a comprehensive plan for urban~~
265 ~~infill, urban redevelopment, downtown revitalization, urban~~
266 ~~infill and redevelopment, or an urban service area. The binding~~
267 ~~agreement must be based on the maximum amount of development~~
268 ~~identified by the future land use map amendment or as may be~~
269 ~~otherwise restricted through a special area plan policy or map~~
270 ~~notation in the comprehensive plan.~~

271 ~~(f) A local government's comprehensive plan and plan~~
272 ~~amendments for land uses within all transportation concurrency~~
273 ~~exception areas that are designated and maintained in accordance~~
274 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~



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275 ~~achieve and maintain level of service standards for~~
276 ~~transportation.~~

277 (4) (a) Coordination of the local comprehensive plan with
278 the comprehensive plans of adjacent municipalities, the county,
279 adjacent counties, or the region; with the appropriate water
280 management district's regional water supply plans approved
281 pursuant to s. 373.709; and with adopted rules pertaining to
282 designated areas of critical state concern; ~~and with the state~~
283 ~~comprehensive plan~~ shall be a major objective of the local
284 comprehensive planning process. To that end, in the preparation
285 of a comprehensive plan or element thereof, and in the
286 comprehensive plan or element as adopted, the governing body
287 shall include a specific policy statement indicating the
288 relationship of the proposed development of the area to the
289 comprehensive plans of adjacent municipalities, the county,
290 adjacent counties, or the region ~~and to the state comprehensive~~
291 ~~plan~~, as the case may require and as such adopted plans or plans
292 in preparation may exist.

293 (b) When all or a portion of the land in a local government
294 jurisdiction is or becomes part of a designated area of critical
295 state concern, the local government shall clearly identify those
296 portions of the local comprehensive plan that shall be
297 applicable to the critical area and shall indicate the
298 relationship of the proposed development of the area to the
299 rules for the area of critical state concern.

300 (5) (a) Each local government comprehensive plan must
301 include at least two planning periods, one covering at least the
302 first 5-year period occurring after the plan's adoption and one
303 covering at least a 10-year period. Additional planning periods



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304 for specific components, elements, land use amendments, or
305 projects shall be permissible and accepted as part of the
306 planning process.

307 (b) The comprehensive plan and its elements shall contain
308 guidelines or policies ~~policy recommendations~~ for the
309 implementation of the plan and its elements.

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

313 (a) A future land use plan element designating proposed
314 future general distribution, location, and extent of the uses of
315 land for residential uses, commercial uses, industry,
316 agriculture, recreation, conservation, education, ~~public~~
317 ~~buildings and grounds, other~~ public facilities, and other
318 categories of the public and private uses of land. The
319 approximate acreage and the general range of density or
320 intensity of use shall be provided for the gross land area
321 included in each existing land use category. The element shall
322 establish the long-term end toward which land use programs and
323 activities are ultimately directed. ~~Counties are encouraged to~~
324 ~~designate rural land stewardship areas, pursuant to paragraph~~
325 ~~(11)(d), as overlays on the future land use map.~~

326 1. Each future land use category must be defined in terms
327 of uses included, and must include standards to be followed in
328 the control and distribution of population densities and
329 building and structure intensities. The proposed distribution,
330 location, and extent of the various categories of land use shall
331 be shown on a land use map or map series which shall be
332 supplemented by goals, policies, and measurable objectives.



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333 2. The future land use plan and plan amendments shall be
334 based upon surveys, studies, and data regarding the area, as
335 applicable, including:
336 a. The amount of land required to accommodate anticipated
337 growth.~~†~~
338 b. The projected residential and seasonal population of the
339 area.~~†~~
340 c. The character of undeveloped land.~~†~~
341 d. The availability of water supplies, public facilities,
342 and services.~~†~~
343 e. The need for redevelopment, including the renewal of
344 blighted areas and the elimination of nonconforming uses which
345 are inconsistent with the character of the community.~~†~~
346 f. The compatibility of uses on lands adjacent to or
347 closely proximate to military installations.~~†~~
348 g. The compatibility of uses on lands adjacent to an
349 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~
350 h. The discouragement of urban sprawl.~~†~~ ~~energy-efficient~~
351 ~~land use patterns accounting for existing and future electric~~
352 ~~power generation and transmission systems; greenhouse gas~~
353 ~~reduction strategies; and, in rural communities,~~
354 i. The need for job creation, capital investment, and
355 economic development that will strengthen and diversify the
356 community's economy.
357 j. The need to modify land uses and development patterns
358 within antiquated subdivisions. ~~The future land use plan may~~
359 ~~designate areas for future planned development use involving~~
360 ~~combinations of types of uses for which special regulations may~~
361 ~~be necessary to ensure development in accord with the principles~~



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362 ~~and standards of the comprehensive plan and this act.~~

363 3. The future land use plan element shall include criteria
364 to be used to:

365 a. Achieve the compatibility of lands adjacent or closely
366 proximate to military installations, considering factors
367 identified in s. 163.3175(5) ~~., and~~

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

370 c. Encourage preservation of recreational and commercial
371 working waterfronts for water dependent uses in coastal
372 communities.

373 d. Encourage the location of schools proximate to urban
374 residential areas to the extent possible.

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

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

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

379 h. Provide guidelines for the implementation of mixed use
380 development including the types of uses allowed, the percentage
381 distribution among the mix of uses, or other standards, and the
382 density and intensity of each use.

383 4. ~~In addition, for rural communities,~~ The amount of land
384 designated for future planned uses ~~industrial use~~ shall provide
385 a balance of uses that foster vibrant, viable communities and
386 economic development opportunities and address outdated
387 development patterns, such as antiquated subdivisions. The
388 amount of land designated for future land uses should allow the
389 operation of real estate markets to provide adequate choices for
390 permanent and seasonal residents and business and ~~be based upon~~



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391 ~~surveys and studies that reflect the need for job creation,~~
392 ~~capital investment, and the necessity to strengthen and~~
393 ~~diversify the local economies, and may not be limited solely by~~
394 ~~the projected population of the rural community. The element~~
395 ~~shall accommodate at least the minimum amount of land required~~
396 ~~to accommodate the medium projections of the University of~~
397 ~~Florida's Bureau of Economic and Business Research for at least~~
398 ~~a 10-year planning period unless otherwise limited under s.~~
399 ~~380.05, including related rules of the Administration~~
400 ~~Commission.~~

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

403 6. The land use maps or map series shall generally identify
404 and depict historic district boundaries and shall designate
405 historically significant properties meriting protection. ~~For~~
406 ~~coastal counties, the future land use element must include,~~
407 ~~without limitation, regulatory incentives and criteria that~~
408 ~~encourage the preservation of recreational and commercial~~
409 ~~working waterfronts as defined in s. 342.07.~~

410 7. The future land use element must clearly identify the
411 land use categories in which public schools are an allowable
412 use. When delineating the land use categories in which public
413 schools are an allowable use, a local government shall include
414 in the categories sufficient land proximate to residential
415 development to meet the projected needs for schools in
416 coordination with public school boards and may establish
417 differing criteria for schools of different type or size. Each
418 local government shall include lands contiguous to existing
419 school sites, to the maximum extent possible, within the land



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420 use categories in which public schools are an allowable use. ~~The~~
421 ~~failure by a local government to comply with these school siting~~
422 ~~requirements will result in the prohibition of the local~~
423 ~~government's ability to amend the local comprehensive plan,~~
424 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
425 ~~the school siting requirements are met. Amendments proposed by a~~
426 ~~local government for purposes of identifying the land use~~
427 ~~categories in which public schools are an allowable use are~~
428 ~~exempt from the limitation on the frequency of plan amendments~~
429 ~~contained in s. 163.3187. The future land use element shall~~
430 ~~include criteria that encourage the location of schools~~
431 ~~proximate to urban residential areas to the extent possible and~~
432 ~~shall require that the local government seek to collocate public~~
433 ~~facilities, such as parks, libraries, and community centers,~~
434 ~~with schools to the extent possible and to encourage the use of~~
435 ~~elementary schools as focal points for neighborhoods. For~~
436 ~~schools serving predominantly rural counties, defined as a~~
437 ~~county with a population of 100,000 or fewer, an agricultural~~
438 ~~land use category is eligible for the location of public school~~
439 ~~facilities if the local comprehensive plan contains school~~
440 ~~siting criteria and the location is consistent with such~~
441 ~~criteria.~~

442 8. Future land use map amendments shall be based upon the
443 following analyses:

444 a. An analysis of the availability of facilities and
445 services.

446 b. An analysis of the suitability of the plan amendment for
447 its proposed use considering the character of the undeveloped
448 land, soils, topography, natural resources, and historic



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449 resources on site.

450 c. An analysis of the minimum amount of land needed as
451 determined by the local government.

452 9. The future land use element and any amendment to the
453 future land use element shall discourage the proliferation of
454 urban sprawl.

455 a. The primary indicators that a plan or plan amendment
456 does not discourage the proliferation of urban sprawl are listed
457 below. The evaluation of the presence of these indicators shall
458 consist of an analysis of the plan or plan amendment within the
459 context of features and characteristics unique to each locality
460 in order to determine whether the plan or plan amendment:

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

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

468 (III) Promotes, allows, or designates urban development in
469 radial, strip, isolated, or ribbon patterns generally emanating
470 from existing urban developments.

471 (IV) Fails to adequately protect and conserve natural
472 resources, such as wetlands, floodplains, native vegetation,
473 environmentally sensitive areas, natural groundwater aquifer
474 recharge areas, lakes, rivers, shorelines, beaches, bays,
475 estuarine systems, and other significant natural systems.

476 (V) Fails to adequately protect adjacent agricultural areas
477 and activities, including silviculture, active agricultural and



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478 silvicultural activities, passive agricultural activities, and
479 dormant, unique, and prime farmlands and soils.

480 (VI) Fails to maximize use of existing public facilities
481 and services.

482 (VII) Fails to maximize use of future public facilities and
483 services.

484 (VIII) Allows for land use patterns or timing which
485 disproportionately increase the cost in time, money, and energy
486 of providing and maintaining facilities and services, including
487 roads, potable water, sanitary sewer, stormwater management, law
488 enforcement, education, health care, fire and emergency
489 response, and general government.

490 (IX) Fails to provide a clear separation between rural and
491 urban uses.

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

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

495 (XII) Results in poor accessibility among linked or related
496 land uses.

497 (XIII) Results in the loss of significant amounts of
498 functional open space.

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

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



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

509 (III) Promotes walkable and connected communities and
510 provides for compact development and a mix of uses at densities
511 and intensities that will support a range of housing choices and
512 a multimodal transportation system, including pedestrian,
513 bicycle, and transit, if available.

514 (IV) Promotes conservation of water and energy.

515 (V) Preserves agricultural areas and activities, including
516 silviculture, and dormant, unique, and prime farmlands and
517 soils.

518 (VI) Preserves open space and natural lands and provides
519 for public open space and recreation needs.

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

522 (VIII) Provides uses, densities, and intensities of use and
523 urban form that would remediate an existing or planned
524 development pattern in the vicinity that constitutes sprawl or
525 if it provides for an innovative development pattern such as
526 transit-oriented developments or new towns as defined in s.
527 163.3164.

528 10. The future land use element shall include a future land
529 use map or map series.

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

533 (I) Residential.

534 (II) Commercial.

535 (III) Industrial.



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536 (IV) Agricultural.
537 (V) Recreational.
538 (VI) Conservation.
539 (VII) Educational.
540 (VIII) Public.
541 b. The following areas shall also be shown on the future
542 land use map or map series, if applicable:
543 (I) Historic district boundaries and designated
544 historically significant properties.
545 (II) Transportation concurrency management area boundaries
546 or transportation concurrency exception area boundaries.
547 (III) Multimodal transportation district boundaries.
548 (IV) Mixed use categories.
549 c. The following natural resources or conditions shall be
550 shown on the future land use map or map series, if applicable:
551 (I) Existing and planned public potable waterwells, cones
552 of influence, and wellhead protection areas.
553 (II) Beaches and shores, including estuarine systems.
554 (III) Rivers, bays, lakes, floodplains, and harbors.
555 (IV) Wetlands.
556 (V) Minerals and soils.
557 (VI) Coastal high hazard areas.
558 11. Local governments required to update or amend their
559 comprehensive plan to include criteria and address compatibility
560 of lands adjacent or closely proximate to existing military
561 installations, or lands adjacent to an airport as defined in s.
562 330.35 and consistent with s. 333.02, in their future land use
563 plan element shall transmit the update or amendment to the state
564 land planning agency by June 30, 2012.



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565 (b) A transportation element addressing mobility issues in
566 relationship to the size and character of the local government.
567 The purpose of the transportation element shall be to plan for a
568 multimodal transportation system that places emphasis on public
569 transportation systems, where feasible. The element shall
570 provide for a safe, convenient multimodal transportation system,
571 coordinated with the future land use map or map series and
572 designed to support all elements of the comprehensive plan. A
573 local government that has all or part of its jurisdiction
574 included within the metropolitan planning area of a metropolitan
575 planning organization (M.P.O.) pursuant to s. 339.175 shall
576 prepare and adopt a transportation element consistent with this
577 subsection. Local governments that are not located within the
578 metropolitan planning area of an M.P.O. shall address traffic
579 circulation, mass transit, and ports, and aviation and related
580 facilities consistent with this subsection, except that local
581 governments with a population of 50,000 or less shall only be
582 required to address transportation circulation. The element
583 shall be coordinated with the plans and programs of any
584 applicable metropolitan planning organization, transportation
585 authority, Florida Transportation Plan, and Department of
586 Transportation's adopted work program.

587 1. Each local government's transportation element shall
588 address

589 ~~(b) A traffic circulation, including element consisting of~~
590 ~~the types, locations, and extent of existing and proposed major~~
591 ~~thoroughfares and transportation routes, including bicycle and~~
592 ~~pedestrian ways. Transportation corridors, as defined in s.~~
593 ~~334.03, may be designated in the transportation ~~traffie~~~~



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594 ~~circulation~~ element pursuant to s. 337.273. If the
595 transportation corridors are designated, the local government
596 may adopt a transportation corridor management ordinance. The
597 element shall include a map or map series showing the general
598 location of the existing and proposed transportation system
599 features and shall be coordinated with the future land use map
600 or map series. The element shall reflect the data, analysis, and
601 associated principles and strategies relating to:

602 a. The existing transportation system levels of service and
603 system needs and the availability of transportation facilities
604 and services.

605 b. The growth trends and travel patterns and interactions
606 between land use and transportation.

607 c. Existing and projected intermodal deficiencies and
608 needs.

609 d. The projected transportation system levels of service
610 and system needs based upon the future land use map and the
611 projected integrated transportation system.

612 e. How the local government will correct existing facility
613 deficiencies, meet the identified needs of the projected
614 transportation system, and advance the purpose of this paragraph
615 and the other elements of the comprehensive plan.

616 2. Local governments within a metropolitan planning area
617 designated as an M.P.O. pursuant to s. 339.175 shall also
618 address:

619 a. All alternative modes of travel, such as public
620 transportation, pedestrian, and bicycle travel.

621 b. Aviation, rail, seaport facilities, access to those
622 facilities, and intermodal terminals.



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623 c. The capability to evacuate the coastal population before
624 an impending natural disaster.

625 d. Airports, projected airport and aviation development,
626 and land use compatibility around airports, which includes areas
627 defined in ss. 333.01 and 333.02.

628 e. An identification of land use densities, building
629 intensities, and transportation management programs to promote
630 public transportation systems in designated public
631 transportation corridors so as to encourage population densities
632 sufficient to support such systems.

633 3. Municipalities having populations greater than 50,000,
634 and counties having populations greater than 75,000, shall
635 include mass-transit provisions showing proposed methods for the
636 moving of people, rights-of-way, terminals, and related
637 facilities and shall address:

638 a. The provision of efficient public transit services based
639 upon existing and proposed major trip generators and attractors,
640 safe and convenient public transit terminals, land uses, and
641 accommodation of the special needs of the transportation
642 disadvantaged.

643 b. Plans for port, aviation, and related facilities
644 coordinated with the general circulation and transportation
645 element.

646 c. Plans for the circulation of recreational traffic,
647 including bicycle facilities, exercise trails, riding
648 facilities, and such other matters as may be related to the
649 improvement and safety of movement of all types of recreational
650 traffic.

651 4. At the option of a local government, an airport master



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652 plan, and any subsequent amendments to the airport master plan,
653 prepared by a licensed publicly owned and operated airport under
654 s. 333.06 may be incorporated into the local government
655 comprehensive plan by the local government having jurisdiction
656 under this act for the area in which the airport or projected
657 airport development is located by the adoption of a
658 comprehensive plan amendment. In the amendment to the local
659 comprehensive plan that integrates the airport master plan, the
660 comprehensive plan amendment shall address land use
661 compatibility consistent with chapter 333 regarding airport
662 zoning; the provision of regional transportation facilities for
663 the efficient use and operation of the transportation system and
664 airport; consistency with the local government transportation
665 circulation element and applicable M.P.O. long-range
666 transportation plans; the execution of any necessary interlocal
667 agreements for the purposes of the provision of public
668 facilities and services to maintain the adopted level-of-service
669 standards for facilities subject to concurrency; and may address
670 airport-related or aviation-related development. Development or
671 expansion of an airport consistent with the adopted airport
672 master plan that has been incorporated into the local
673 comprehensive plan in compliance with this part, and airport-
674 related or aviation-related development that has been addressed
675 in the comprehensive plan amendment that incorporates the
676 airport master plan, do not constitute a development of regional
677 impact. Notwithstanding any other general law, an airport that
678 has received a development-of-regional-impact development order
679 pursuant to s. 380.06, but which is no longer required to
680 undergo development-of-regional-impact review pursuant to this



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681 subsection, may rescind its development-of-regional-impact order
682 upon written notification to the applicable local government.
683 Upon receipt by the local government, the development-of-
684 regional-impact development order shall be deemed rescinded. The
685 traffic circulation element shall incorporate transportation
686 strategies to address reduction in greenhouse gas emissions from
687 the transportation sector.

688 (c) A general sanitary sewer, solid waste, drainage,
689 potable water, and natural groundwater aquifer recharge element
690 correlated to principles and guidelines for future land use,
691 indicating ways to provide for future potable water, drainage,
692 sanitary sewer, solid waste, and aquifer recharge protection
693 requirements for the area. The element may be a detailed
694 engineering plan including a topographic map depicting areas of
695 prime groundwater recharge.

696 1. Each local government shall address in the data and
697 analyses required by this section those facilities that provide
698 service within the local government's jurisdiction. Local
699 governments that provide facilities to serve areas within other
700 local government jurisdictions shall also address those
701 facilities in the data and analyses required by this section,
702 using data from the comprehensive plan for those areas for the
703 purpose of projecting facility needs as required in this
704 subsection. For shared facilities, each local government shall
705 indicate the proportional capacity of the systems allocated to
706 serve its jurisdiction.

707 2. The element shall describe the problems and needs and
708 the general facilities that will be required for solution of the
709 problems and needs, including correcting existing facility



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710 deficiencies. The element shall address coordinating the
711 extension of, or increase in the capacity of, facilities to meet
712 future needs while maximizing the use of existing facilities and
713 discouraging urban sprawl; conservation of potable water
714 resources; and protecting the functions of natural groundwater
715 recharge areas and natural drainage features. ~~The element shall~~
716 ~~also include a topographic map depicting any areas adopted by a~~
717 ~~regional water management district as prime groundwater recharge~~
718 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~
719 ~~be given special consideration when the local government is~~
720 ~~engaged in zoning or considering future land use for said~~
721 ~~designated areas. For areas served by septic tanks, soil surveys~~
722 ~~shall be provided which indicate the suitability of soils for~~
723 ~~septic tanks.~~

724 3. Within 18 months after the governing board approves an
725 updated regional water supply plan, the element must incorporate
726 the alternative water supply project or projects selected by the
727 local government from those identified in the regional water
728 supply plan pursuant to s. 373.709(2) (a) or proposed by the
729 local government under s. 373.709(8) (b). If a local government
730 is located within two water management districts, the local
731 government shall adopt its comprehensive plan amendment within
732 18 months after the later updated regional water supply plan.
733 The element must identify such alternative water supply projects
734 and traditional water supply projects and conservation and reuse
735 necessary to meet the water needs identified in s. 373.709(2) (a)
736 within the local government's jurisdiction and include a work
737 plan, covering at least a 10-year planning period, for building
738 public, private, and regional water supply facilities, including



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739 development of alternative water supplies, which are identified
740 in the element as necessary to serve existing and new
741 development. The work plan shall be updated, at a minimum, every
742 5 years within 18 months after the governing board of a water
743 management district approves an updated regional water supply
744 plan. ~~Amendments to incorporate the work plan do not count~~
745 ~~toward the limitation on the frequency of adoption of amendments~~
746 ~~to the comprehensive plan.~~ Local governments, public and private
747 utilities, regional water supply authorities, special districts,
748 and water management districts are encouraged to cooperatively
749 plan for the development of multijurisdictional water supply
750 facilities that are sufficient to meet projected demands for
751 established planning periods, including the development of
752 alternative water sources to supplement traditional sources of
753 groundwater and surface water supplies.

754 (d) A conservation element for the conservation, use, and
755 protection of natural resources in the area, including air,
756 water, water recharge areas, wetlands, waterwells, estuarine
757 marshes, soils, beaches, shores, flood plains, rivers, bays,
758 lakes, harbors, forests, fisheries and wildlife, marine habitat,
759 minerals, and other natural and environmental resources,
760 including factors that affect energy conservation.

761 1. The following natural resources, where present within
762 the local government's boundaries, shall be identified and
763 analyzed and existing recreational or conservation uses, known
764 pollution problems, including hazardous wastes, and the
765 potential for conservation, recreation, use, or protection shall
766 also be identified:

767 a. Rivers, bays, lakes, wetlands including estuarine



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768 marshes, groundwaters, and springs, including information on
769 quality of the resource available.

770 b. Floodplains.

771 c. Known sources of commercially valuable minerals.

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

773 e. Areas that are the location of recreationally and
774 commercially important fish or shellfish, wildlife, marine
775 habitats, and vegetative communities, including forests,
776 indicating known dominant species present and species listed by
777 federal, state, or local government agencies as endangered,
778 threatened, or species of special concern.

779 2. The element must contain principles, guidelines, and
780 standards for conservation that provide long-term goals and
781 which:

782 a. Protects air quality.

783 b. Conserves, appropriately uses, and protects the quality
784 and quantity of current and projected water sources and waters
785 that flow into estuarine waters or oceanic waters and protect
786 from activities and land uses known to affect adversely the
787 quality and quantity of identified water sources, including
788 natural groundwater recharge areas, wellhead protection areas,
789 and surface waters used as a source of public water supply.

790 c. Provides for the emergency conservation of water sources
791 in accordance with the plans of the regional water management
792 district.

793 d. Conserves, appropriately uses, and protects minerals,
794 soils, and native vegetative communities, including forests,
795 from destruction by development activities.

796 e. Conserves, appropriately uses, and protects fisheries,



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797 wildlife, wildlife habitat, and marine habitat and restricts
798 activities known to adversely affect the survival of endangered
799 and threatened wildlife.

800 f. Protects existing natural reservations identified in the
801 recreation and open space element.

802 g. Maintains cooperation with adjacent local governments to
803 conserve, appropriately use, or protect unique vegetative
804 communities located within more than one local jurisdiction.

805 h. Designates environmentally sensitive lands for
806 protection based on locally determined criteria which further
807 the goals and objectives of the conservation element.

808 i. Manages hazardous waste to protect natural resources.

809 j. Protects and conserves wetlands and the natural
810 functions of wetlands.

811 k. Directs future land uses that are incompatible with the
812 protection and conservation of wetlands and wetland functions
813 away from wetlands. The type, intensity or density, extent,
814 distribution, and location of allowable land uses and the types,
815 values, functions, sizes, conditions, and locations of wetlands
816 are land use factors that shall be considered when directing
817 incompatible land uses away from wetlands. Land uses shall be
818 distributed in a manner that minimizes the effect and impact on
819 wetlands. The protection and conservation of wetlands by the
820 direction of incompatible land uses away from wetlands shall
821 occur in combination with other principles, guidelines,
822 standards, and strategies in the comprehensive plan. Where
823 incompatible land uses are allowed to occur, mitigation shall be
824 considered as one means to compensate for loss of wetlands
825 functions.



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826 ~~3. Local governments shall assess their~~ Current and, as
827 ~~well as~~ projected, ~~water~~ needs and sources for at least a 10-
828 year period based on the demands for industrial, agricultural,
829 and potable water use and the quality and quantity of water
830 available to meet these demands shall be analyzed. The analysis
831 shall consider the existing levels of water conservation, use,
832 and protection and applicable policies of the regional water
833 management district and further must consider, ~~considering~~ the
834 appropriate regional water supply plan approved pursuant to s.
835 373.709, or, in the absence of an approved regional water supply
836 plan, the district water management plan approved pursuant to s.
837 373.036(2). This information shall be submitted to the
838 appropriate agencies. ~~The land use map or map series contained~~
839 ~~in the future land use element shall generally identify and~~
840 ~~depict the following:~~

- 841 ~~1. Existing and planned waterwells and cones of influence~~
842 ~~where applicable.~~
- 843 ~~2. Beaches and shores, including estuarine systems.~~
- 844 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~
- 845 ~~4. Wetlands.~~
- 846 ~~5. Minerals and soils.~~
- 847 ~~6. Energy conservation.~~

848

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

851 (e) A recreation and open space element indicating a
852 comprehensive system of public and private sites for recreation,
853 including, but not limited to, natural reservations, parks and
854 playgrounds, parkways, beaches and public access to beaches,



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855 open spaces, waterways, and other recreational facilities.
856 (f)1. A housing element consisting of ~~standards, plans, and~~
857 principles, guidelines, standards, and strategies to be followed
858 in:
859 a. The provision of housing for all current and anticipated
860 future residents of the jurisdiction.
861 b. The elimination of substandard dwelling conditions.
862 c. The structural and aesthetic improvement of existing
863 housing.
864 d. The provision of adequate sites for future housing,
865 including affordable workforce housing as defined in s.
866 380.0651(3) (h) ~~(j)~~, housing for low-income, very low-income, and
867 moderate-income families, mobile homes, and group home
868 facilities and foster care facilities, with supporting
869 infrastructure and public facilities.
870 e. Provision for relocation housing and identification of
871 historically significant and other housing for purposes of
872 conservation, rehabilitation, or replacement.
873 f. The formulation of housing implementation programs.
874 g. The creation or preservation of affordable housing to
875 minimize the need for additional local services and avoid the
876 concentration of affordable housing units only in specific areas
877 of the jurisdiction.
878 ~~h. Energy efficiency in the design and construction of new~~
879 ~~housing.~~
880 ~~i. Use of renewable energy resources.~~
881 ~~j. Each county in which the gap between the buying power of~~
882 ~~a family of four and the median county home sale price exceeds~~
883 ~~\$170,000, as determined by the Florida Housing Finance~~



884 ~~Corporation, and which is not designated as an area of critical~~
885 ~~state concern shall adopt a plan for ensuring affordable~~
886 ~~workforce housing. At a minimum, the plan shall identify~~
887 ~~adequate sites for such housing. For purposes of this sub-~~
888 ~~subparagraph, the term "workforce housing" means housing that is~~
889 ~~affordable to natural persons or families whose total household~~
890 ~~income does not exceed 140 percent of the area median income,~~
891 ~~adjusted for household size.~~

892 ~~k. As a precondition to receiving any state affordable~~
893 ~~housing funding or allocation for any project or program within~~
894 ~~the jurisdiction of a county that is subject to sub-subparagraph~~
895 ~~j., a county must, by July 1 of each year, provide certification~~
896 ~~that the county has complied with the requirements of sub-~~
897 ~~subparagraph j.~~

898 2. The principles, guidelines, standards, and strategies
899 goals, objectives, and policies of the housing element must be
900 based on the data and analysis prepared on housing needs,
901 including an inventory taken from the latest decennial United
902 States Census or more recent estimates, which shall include the
903 number and distribution of dwelling units by type, tenure, age,
904 rent, value, monthly cost of owner-occupied units, and rent or
905 cost to income ratio, and shall show the number of dwelling
906 units that are substandard. The inventory shall also include the
907 methodology used to estimate the condition of housing, a
908 projection of the anticipated number of households by size,
909 income range, and age of residents derived from the population
910 projections, and the minimum housing need of the current and
911 anticipated future residents of the jurisdiction ~~the affordable~~
912 ~~housing needs assessment.~~



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913 3. The housing element must express principles, guidelines,
914 standards, and strategies that reflect, as needed, the creation
915 and preservation of affordable housing for all current and
916 anticipated future residents of the jurisdiction, elimination of
917 substandard housing conditions, adequate sites, and distribution
918 of housing for a range of incomes and types, including mobile
919 and manufactured homes. The element must provide for specific
920 programs and actions to partner with private and nonprofit
921 sectors to address housing needs in the jurisdiction, streamline
922 the permitting process, and minimize costs and delays for
923 affordable housing, establish standards to address the quality
924 of housing, stabilization of neighborhoods, and identification
925 and improvement of historically significant housing.

926 4. State and federal housing plans prepared on behalf of
927 the local government must be consistent with the goals,
928 objectives, and policies of the housing element. Local
929 governments are encouraged to use job training, job creation,
930 and economic solutions to address a portion of their affordable
931 housing concerns.

932 ~~2. To assist local governments in housing data collection~~
933 ~~and analysis and assure uniform and consistent information~~
934 ~~regarding the state's housing needs, the state land planning~~
935 ~~agency shall conduct an affordable housing needs assessment for~~
936 ~~all local jurisdictions on a schedule that coordinates the~~
937 ~~implementation of the needs assessment with the evaluation and~~
938 ~~appraisal reports required by s. 163.3191. Each local government~~
939 ~~shall utilize the data and analysis from the needs assessment as~~
940 ~~one basis for the housing element of its local comprehensive~~
941 ~~plan. The agency shall allow a local government the option to~~



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942 ~~perform its own needs assessment, if it uses the methodology~~
943 ~~established by the agency by rule.~~

944 (g)~~1.~~ For those units of local government identified in s.
945 380.24, a coastal management element, appropriately related to
946 the particular requirements of paragraphs (d) and (e) and
947 meeting the requirements of s. 163.3178(2) and (3). The coastal
948 management element shall set forth the principles, guidelines,
949 standards, and strategies ~~policies~~ that shall guide the local
950 government's decisions and program implementation with respect
951 to the following objectives:

952 1.a. Maintain, restore, and enhance ~~Maintenance,~~
953 ~~restoration, and enhancement~~ of the overall quality of the
954 coastal zone environment, including, but not limited to, its
955 amenities and aesthetic values.

956 2.b. Preserve the continued existence of viable populations
957 of all species of wildlife and marine life.

958 3.e. Protect the orderly and balanced utilization and
959 preservation, consistent with sound conservation principles, of
960 all living and nonliving coastal zone resources.

961 4.d. Avoid ~~Avoidance~~ of irreversible and irretrievable loss
962 of coastal zone resources.

963 5.e. Use ecological planning principles and assumptions ~~to~~
964 ~~be used~~ in the determination of the suitability ~~and extent~~ of
965 permitted development.

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

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

969 7.h. Protect ~~Protection~~ of human life against the effects
970 of natural disasters.



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

974 ~~9.j.~~ Preserve historic and archaeological resources, which
975 include the Preservation, including sensitive adaptive use of
976 these historic and archaeological resources.

977 ~~2.~~ As part of this element, a local government that has a
978 coastal management element in its comprehensive plan is
979 encouraged to adopt recreational surface water use policies that
980 include applicable criteria for and consider such factors as
981 natural resources, manatee protection needs, protection of
982 working waterfronts and public access to the water, and
983 recreation and economic demands. Criteria for manatee protection
984 in the recreational surface water use policies should reflect
985 applicable guidance outlined in the Boat Facility Siting Guide
986 prepared by the Fish and Wildlife Conservation Commission. If
987 the local government elects to adopt recreational surface water
988 use policies by comprehensive plan amendment, such comprehensive
989 plan amendment is exempt from the provisions of s. 163.3187(1).
990 Local governments that wish to adopt recreational surface water
991 use policies may be eligible for assistance with the development
992 of such policies through the Florida Coastal Management Program.
993 The Office of Program Policy Analysis and Government
994 Accountability shall submit a report on the adoption of
995 recreational surface water use policies under this subparagraph
996 to the President of the Senate, the Speaker of the House of
997 Representatives, and the majority and minority leaders of the
998 Senate and the House of Representatives no later than December
999 1, 2010.



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1000 (h)1. An intergovernmental coordination element showing
1001 relationships and stating principles and guidelines to be used
1002 in coordinating the adopted comprehensive plan with the plans of
1003 school boards, regional water supply authorities, and other
1004 units of local government providing services but not having
1005 regulatory authority over the use of land, with the
1006 comprehensive plans of adjacent municipalities, the county,
1007 adjacent counties, or the region, with the state comprehensive
1008 plan and with the applicable regional water supply plan approved
1009 pursuant to s. 373.709, as the case may require and as such
1010 adopted plans or plans in preparation may exist. This element of
1011 the local comprehensive plan must demonstrate consideration of
1012 the particular effects of the local plan, when adopted, upon the
1013 development of adjacent municipalities, the county, adjacent
1014 counties, or the region, or upon the state comprehensive plan,
1015 as the case may require.

1016 a. The intergovernmental coordination element must provide
1017 procedures for identifying and implementing joint planning
1018 areas, especially for the purpose of annexation, municipal
1019 incorporation, and joint infrastructure service areas.

1020 ~~b. The intergovernmental coordination element must provide~~
1021 ~~for recognition of campus master plans prepared pursuant to s.~~
1022 ~~1013.30 and airport master plans under paragraph (k).~~

1023 ~~e.~~ The intergovernmental coordination element shall provide
1024 for a dispute resolution process, as established pursuant to s.
1025 186.509, for bringing intergovernmental disputes to closure in a
1026 timely manner.

1027 ~~c.d.~~ The intergovernmental coordination element shall
1028 provide for interlocal agreements as established pursuant to s.



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1029 333.03(1)(b).

1030 2. The intergovernmental coordination element shall also
1031 state principles and guidelines to be used in coordinating the
1032 adopted comprehensive plan with the plans of school boards and
1033 other units of local government providing facilities and
1034 services but not having regulatory authority over the use of
1035 land. In addition, the intergovernmental coordination element
1036 must describe joint processes for collaborative planning and
1037 decisionmaking on population projections and public school
1038 siting, the location and extension of public facilities subject
1039 to concurrency, and siting facilities with countywide
1040 significance, including locally unwanted land uses whose nature
1041 and identity are established in an agreement.

1042 3. Within 1 year after adopting their intergovernmental
1043 coordination elements, each county, all the municipalities
1044 within that county, the district school board, and any unit of
1045 local government service providers in that county shall
1046 establish by interlocal or other formal agreement executed by
1047 all affected entities, the joint processes described in this
1048 subparagraph consistent with their adopted intergovernmental
1049 coordination elements. The element must:

1050 a. Ensure that the local government addresses through
1051 coordination mechanisms the impacts of development proposed in
1052 the local comprehensive plan upon development in adjacent
1053 municipalities, the county, adjacent counties, the region, and
1054 the state. The area of concern for municipalities shall include
1055 adjacent municipalities, the county, and counties adjacent to
1056 the municipality. The area of concern for counties shall include
1057 all municipalities within the county, adjacent counties, and



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1058 adjacent municipalities.

1059 b. Ensure coordination in establishing level of service
1060 standards for public facilities with any state, regional, or
1061 local entity having operational and maintenance responsibility
1062 for such facilities.

1063 ~~3. To foster coordination between special districts and~~
1064 ~~local general purpose governments as local general purpose~~
1065 ~~governments implement local comprehensive plans, each~~
1066 ~~independent special district must submit a public facilities~~
1067 ~~report to the appropriate local government as required by s.~~
1068 ~~189.415.~~

1069 ~~4. Local governments shall execute an interlocal agreement~~
1070 ~~with the district school board, the county, and nonexempt~~
1071 ~~municipalities pursuant to s. 163.31777. The local government~~
1072 ~~shall amend the intergovernmental coordination element to ensure~~
1073 ~~that coordination between the local government and school board~~
1074 ~~is pursuant to the agreement and shall state the obligations of~~
1075 ~~the local government under the agreement. Plan amendments that~~
1076 ~~comply with this subparagraph are exempt from the provisions of~~
1077 ~~s. 163.3187(1).~~

1078 ~~5. By January 1, 2004, any county having a population~~
1079 ~~greater than 100,000, and the municipalities and special~~
1080 ~~districts within that county, shall submit a report to the~~
1081 ~~Department of Community Affairs which identifies:~~

1082 ~~a. All existing or proposed interlocal service delivery~~
1083 ~~agreements relating to education; sanitary sewer; public safety;~~
1084 ~~solid waste; drainage; potable water; parks and recreation; and~~
1085 ~~transportation facilities.~~

1086 ~~b. Any deficits or duplication in the provision of~~



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1087 ~~services within its jurisdiction, whether capital or~~
1088 ~~operational. Upon request, the Department of Community Affairs~~
1089 ~~shall provide technical assistance to the local governments in~~
1090 ~~identifying deficits or duplication.~~

1091 ~~6. Within 6 months after submission of the report, the~~
1092 ~~Department of Community Affairs shall, through the appropriate~~
1093 ~~regional planning council, coordinate a meeting of all local~~
1094 ~~governments within the regional planning area to discuss the~~
1095 ~~reports and potential strategies to remedy any identified~~
1096 ~~deficiencies or duplications.~~

1097 ~~7. Each local government shall update its intergovernmental~~
1098 ~~coordination element based upon the findings in the report~~
1099 ~~submitted pursuant to subparagraph 5. The report may be used as~~
1100 ~~supporting data and analysis for the intergovernmental~~
1101 ~~coordination element.~~

1102 ~~(i) The optional elements of the comprehensive plan in~~
1103 ~~paragraphs (7) (a) and (b) are required elements for those~~
1104 ~~municipalities having populations greater than 50,000, and those~~
1105 ~~counties having populations greater than 75,000, as determined~~
1106 ~~under s. 186.901.~~

1107 ~~(j) For each unit of local government within an urbanized~~
1108 ~~area designated for purposes of s. 339.175, a transportation~~
1109 ~~element, which must be prepared and adopted in lieu of the~~
1110 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
1111 ~~and (d) and which shall address the following issues:~~

1112 ~~1. Traffic circulation, including major thoroughfares and~~
1113 ~~other routes, including bicycle and pedestrian ways.~~

1114 ~~2. All alternative modes of travel, such as public~~
1115 ~~transportation, pedestrian, and bicycle travel.~~



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- 1116 ~~3. Parking facilities.~~
- 1117 ~~4. Aviation, rail, seaport facilities, access to those~~
1118 ~~facilities, and intermodal terminals.~~
- 1119 ~~5. The availability of facilities and services to serve~~
1120 ~~existing land uses and the compatibility between future land use~~
1121 ~~and transportation elements.~~
- 1122 ~~6. The capability to evacuate the coastal population prior~~
1123 ~~to an impending natural disaster.~~
- 1124 ~~7. Airports, projected airport and aviation development,~~
1125 ~~and land use compatibility around airports, which includes areas~~
1126 ~~defined in ss. 333.01 and 333.02.~~
- 1127 ~~8. An identification of land use densities, building~~
1128 ~~intensities, and transportation management programs to promote~~
1129 ~~public transportation systems in designated public~~
1130 ~~transportation corridors so as to encourage population densities~~
1131 ~~sufficient to support such systems.~~
- 1132 ~~9. May include transportation corridors, as defined in s.~~
1133 ~~334.03, intended for future transportation facilities designated~~
1134 ~~pursuant to s. 337.273. If transportation corridors are~~
1135 ~~designated, the local government may adopt a transportation~~
1136 ~~corridor management ordinance.~~
- 1137 ~~10. The incorporation of transportation strategies to~~
1138 ~~address reduction in greenhouse gas emissions from the~~
1139 ~~transportation sector.~~
- 1140 ~~(k) An airport master plan, and any subsequent amendments~~
1141 ~~to the airport master plan, prepared by a licensed publicly~~
1142 ~~owned and operated airport under s. 333.06 may be incorporated~~
1143 ~~into the local government comprehensive plan by the local~~
1144 ~~government having jurisdiction under this act for the area in~~



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1145 ~~which the airport or projected airport development is located by~~
1146 ~~the adoption of a comprehensive plan amendment. In the amendment~~
1147 ~~to the local comprehensive plan that integrates the airport~~
1148 ~~master plan, the comprehensive plan amendment shall address land~~
1149 ~~use compatibility consistent with chapter 333 regarding airport~~
1150 ~~zoning; the provision of regional transportation facilities for~~
1151 ~~the efficient use and operation of the transportation system and~~
1152 ~~airport; consistency with the local government transportation~~
1153 ~~circulation element and applicable metropolitan planning~~
1154 ~~organization long-range transportation plans; and the execution~~
1155 ~~of any necessary interlocal agreements for the purposes of the~~
1156 ~~provision of public facilities and services to maintain the~~
1157 ~~adopted level of service standards for facilities subject to~~
1158 ~~concurrency; and may address airport-related or aviation-related~~
1159 ~~development. Development or expansion of an airport consistent~~
1160 ~~with the adopted airport master plan that has been incorporated~~
1161 ~~into the local comprehensive plan in compliance with this part,~~
1162 ~~and airport-related or aviation-related development that has~~
1163 ~~been addressed in the comprehensive plan amendment that~~
1164 ~~incorporates the airport master plan, shall not be a development~~
1165 ~~of regional impact. Notwithstanding any other general law, an~~
1166 ~~airport that has received a development of regional impact~~
1167 ~~development order pursuant to s. 380.06, but which is no longer~~
1168 ~~required to undergo development of regional impact review~~
1169 ~~pursuant to this subsection, may abandon its development of~~
1170 ~~regional impact order upon written notification to the~~
1171 ~~applicable local government. Upon receipt by the local~~
1172 ~~government, the development of regional impact development order~~
1173 ~~is void.~~



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1174 ~~(7) The comprehensive plan may include the following~~
1175 ~~additional elements, or portions or phases thereof:~~

1176 ~~(a) As a part of the circulation element of paragraph~~
1177 ~~(6) (b) or as a separate element, a mass transit element showing~~
1178 ~~proposed methods for the moving of people, rights-of-way,~~
1179 ~~terminals, related facilities, and fiscal considerations for the~~
1180 ~~accomplishment of the element.~~

1181 ~~(b) As a part of the circulation element of paragraph~~
1182 ~~(6) (b) or as a separate element, plans for port, aviation, and~~
1183 ~~related facilities coordinated with the general circulation and~~
1184 ~~transportation element.~~

1185 ~~(c) As a part of the circulation element of paragraph~~
1186 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
1187 ~~applicable, a plan element for the circulation of recreational~~
1188 ~~traffic, including bicycle facilities, exercise trails, riding~~
1189 ~~facilities, and such other matters as may be related to the~~
1190 ~~improvement and safety of movement of all types of recreational~~
1191 ~~traffic.~~

1192 ~~(d) As a part of the circulation element of paragraph~~
1193 ~~(6) (b) or as a separate element, a plan element for the~~
1194 ~~development of offstreet parking facilities for motor vehicles~~
1195 ~~and the fiscal considerations for the accomplishment of the~~
1196 ~~element.~~

1197 ~~(e) A public buildings and related facilities element~~
1198 ~~showing locations and arrangements of civic and community~~
1199 ~~centers, public schools, hospitals, libraries, police and fire~~
1200 ~~stations, and other public buildings. This plan element should~~
1201 ~~show particularly how it is proposed to effect coordination with~~
1202 ~~governmental units, such as school boards or hospital~~



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1203 ~~authorities, having public development and service~~
1204 ~~responsibilities, capabilities, and potential but not having~~
1205 ~~land development regulatory authority. This element may include~~
1206 ~~plans for architecture and landscape treatment of their grounds.~~

1207 ~~(f) A recommended community design element which may~~
1208 ~~consist of design recommendations for land subdivision,~~
1209 ~~neighborhood development and redevelopment, design of open space~~
1210 ~~locations, and similar matters to the end that such~~
1211 ~~recommendations may be available as aids and guides to~~
1212 ~~developers in the future planning and development of land in the~~
1213 ~~area.~~

1214 ~~(g) A general area redevelopment element consisting of~~
1215 ~~plans and programs for the redevelopment of slums and blighted~~
1216 ~~locations in the area and for community redevelopment, including~~
1217 ~~housing sites, business and industrial sites, public buildings~~
1218 ~~sites, recreational facilities, and other purposes authorized by~~
1219 ~~law.~~

1220 ~~(h) A safety element for the protection of residents and~~
1221 ~~property of the area from fire, hurricane, or manmade or natural~~
1222 ~~catastrophe, including such necessary features for protection as~~
1223 ~~evacuation routes and their control in an emergency, water~~
1224 ~~supply requirements, minimum road widths, clearances around and~~
1225 ~~elevations of structures, and similar matters.~~

1226 ~~(i) An historical and scenic preservation element setting~~
1227 ~~out plans and programs for those structures or lands in the area~~
1228 ~~having historical, archaeological, architectural, scenic, or~~
1229 ~~similar significance.~~

1230 ~~(j) An economic element setting forth principles and~~
1231 ~~guidelines for the commercial and industrial development, if~~



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1232 ~~any, and the employment and personnel utilization within the~~
1233 ~~area. The element may detail the type of commercial and~~
1234 ~~industrial development sought, correlated to the present and~~
1235 ~~projected employment needs of the area and to other elements of~~
1236 ~~the plans, and may set forth methods by which a balanced and~~
1237 ~~stable economic base will be pursued.~~

1238 ~~(k) Such other elements as may be peculiar to, and~~
1239 ~~necessary for, the area concerned and as are added to the~~
1240 ~~comprehensive plan by the governing body upon the recommendation~~
1241 ~~of the local planning agency.~~

1242 ~~(l) Local governments that are not required to prepare~~
1243 ~~coastal management elements under s. 163.3178 are encouraged to~~
1244 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
1245 ~~plans should, at a minimum, establish long-term policies~~
1246 ~~regarding redevelopment, infrastructure, densities,~~
1247 ~~nonconforming uses, and future land use patterns. Grants to~~
1248 ~~assist local governments in the preparation of these hazard~~
1249 ~~mitigation/postdisaster redevelopment plans shall be available~~
1250 ~~through the Emergency Management Preparedness and Assistance~~
1251 ~~Account in the Grants and Donations Trust Fund administered by~~
1252 ~~the department, if such account is created by law. The plans~~
1253 ~~must be in compliance with the requirements of this act and~~
1254 ~~chapter 252.~~

1255 ~~(8) All elements of the comprehensive plan, whether~~
1256 ~~mandatory or optional, shall be based upon data appropriate to~~
1257 ~~the element involved. Surveys and studies utilized in the~~
1258 ~~preparation of the comprehensive plan shall not be deemed a part~~
1259 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
1260 ~~of such studies, surveys, and supporting documents shall be made~~



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1261 ~~available to public inspection, and copies of such plans shall~~
1262 ~~be made available to the public upon payment of reasonable~~
1263 ~~charges for reproduction.~~

1264 ~~(9) The state land planning agency shall, by February 15,~~
1265 ~~1986, adopt by rule minimum criteria for the review and~~
1266 ~~determination of compliance of the local government~~
1267 ~~comprehensive plan elements required by this act. Such rules~~
1268 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
1269 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
1270 ~~become effective only after they have been submitted to the~~
1271 ~~President of the Senate and the Speaker of the House of~~
1272 ~~Representatives for review by the Legislature no later than 30~~
1273 ~~days prior to the next regular session of the Legislature. In~~
1274 ~~its review the Legislature may reject, modify, or take no action~~
1275 ~~relative to the rules. The agency shall conform the rules to the~~
1276 ~~changes made by the Legislature, or, if no action was taken, the~~
1277 ~~agency rules shall become effective. The rule shall include~~
1278 ~~criteria for determining whether:~~

1279 ~~(a) Proposed elements are in compliance with the~~
1280 ~~requirements of part II, as amended by this act.~~

1281 ~~(b) Other elements of the comprehensive plan are related to~~
1282 ~~and consistent with each other.~~

1283 ~~(c) The local government comprehensive plan elements are~~
1284 ~~consistent with the state comprehensive plan and the appropriate~~
1285 ~~regional policy plan pursuant to s. 186.508.~~

1286 ~~(d) Certain bays, estuaries, and harbors that fall under~~
1287 ~~the jurisdiction of more than one local government are managed~~
1288 ~~in a consistent and coordinated manner in the case of local~~
1289 ~~governments required to include a coastal management element in~~



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1290 ~~their comprehensive plans pursuant to paragraph (6) (g).~~
1291 ~~(e) Proposed elements identify the mechanisms and~~
1292 ~~procedures for monitoring, evaluating, and appraising~~
1293 ~~implementation of the plan. Specific measurable objectives are~~
1294 ~~included to provide a basis for evaluating effectiveness as~~
1295 ~~required by s. 163.3191.~~
1296 ~~(f) Proposed elements contain policies to guide future~~
1297 ~~decisions in a consistent manner.~~
1298 ~~(g) Proposed elements contain programs and activities to~~
1299 ~~ensure that comprehensive plans are implemented.~~
1300 ~~(h) Proposed elements identify the need for and the~~
1301 ~~processes and procedures to ensure coordination of all~~
1302 ~~development activities and services with other units of local~~
1303 ~~government, regional planning agencies, water management~~
1304 ~~districts, and state and federal agencies as appropriate.~~
1305
1306 ~~The state land planning agency may adopt procedural rules~~
1307 ~~that are consistent with this section and chapter 120 for the~~
1308 ~~review of local government comprehensive plan elements required~~
1309 ~~under this section. The state land planning agency shall provide~~
1310 ~~model plans and ordinances and, upon request, other assistance~~
1311 ~~to local governments in the adoption and implementation of their~~
1312 ~~revised local government comprehensive plans. The review and~~
1313 ~~comment provisions applicable prior to October 1, 1985, shall~~
1314 ~~continue in effect until the criteria for review and~~
1315 ~~determination are adopted pursuant to this subsection and the~~
1316 ~~comprehensive plans required by s. 163.3167(2) are due.~~
1317 ~~(10) The Legislature recognizes the importance and~~
1318 ~~significance of chapter 9J-5, Florida Administrative Code, the~~



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1319 ~~Minimum Criteria for Review of Local Government Comprehensive~~
1320 ~~Plans and Determination of Compliance of the Department of~~
1321 ~~Community Affairs that will be used to determine compliance of~~
1322 ~~local comprehensive plans. The Legislature reserved unto itself~~
1323 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
1324 ~~and to reject, modify, or take no action relative to this rule.~~
1325 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
1326 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
1327 ~~expresses the following legislative intent:~~

1328 ~~(a) The Legislature finds that in order for the department~~
1329 ~~to review local comprehensive plans, it is necessary to define~~
1330 ~~the term "consistency." Therefore, for the purpose of~~
1331 ~~determining whether local comprehensive plans are consistent~~
1332 ~~with the state comprehensive plan and the appropriate regional~~
1333 ~~policy plan, a local plan shall be consistent with such plans if~~
1334 ~~the local plan is "compatible with" and "furthers" such plans.~~
1335 ~~The term "compatible with" means that the local plan is not in~~
1336 ~~conflict with the state comprehensive plan or appropriate~~
1337 ~~regional policy plan. The term "furthers" means to take action~~
1338 ~~in the direction of realizing goals or policies of the state or~~
1339 ~~regional plan. For the purposes of determining consistency of~~
1340 ~~the local plan with the state comprehensive plan or the~~
1341 ~~appropriate regional policy plan, the state or regional plan~~
1342 ~~shall be construed as a whole and no specific goal and policy~~
1343 ~~shall be construed or applied in isolation from the other goals~~
1344 ~~and policies in the plans.~~

1345 ~~(b) Each local government shall review all the state~~
1346 ~~comprehensive plan goals and policies and shall address in its~~
1347 ~~comprehensive plan the goals and policies which are relevant to~~



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1348 ~~the circumstances or conditions in its jurisdiction. The~~
1349 ~~decision regarding which particular state comprehensive plan~~
1350 ~~goals and policies will be furthered by the expenditure of a~~
1351 ~~local government's financial resources in any given year is a~~
1352 ~~decision which rests solely within the discretion of the local~~
1353 ~~government. Intergovernmental coordination, as set forth in~~
1354 ~~paragraph (6) (h), shall be utilized to the extent required to~~
1355 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
1356 ~~Code.~~

1357 ~~(c) The Legislature declares that if any portion of chapter~~
1358 ~~9J-5, Florida Administrative Code, is found to be in conflict~~
1359 ~~with this part, the appropriate statutory provision shall~~
1360 ~~prevail.~~

1361 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
1362 ~~mandate the creation, limitation, or elimination of regulatory~~
1363 ~~authority, nor does it authorize the adoption or require the~~
1364 ~~repeal of any rules, criteria, or standards of any local,~~
1365 ~~regional, or state agency.~~

1366 ~~(e) It is the Legislature's intent that support data or~~
1367 ~~summaries thereof shall not be subject to the compliance review~~
1368 ~~process, but the Legislature intends that goals and policies be~~
1369 ~~clearly based on appropriate data. The department may utilize~~
1370 ~~support data or summaries thereof to aid in its determination of~~
1371 ~~compliance and consistency. The Legislature intends that the~~
1372 ~~department may evaluate the application of a methodology~~
1373 ~~utilized in data collection or whether a particular methodology~~
1374 ~~is professionally accepted. However, the department shall not~~
1375 ~~evaluate whether one accepted methodology is better than~~
1376 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~



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1377 ~~construed to require original data collection by local~~
1378 ~~governments; however, Local governments are not to be~~
1379 ~~discouraged from utilizing original data so long as~~
1380 ~~methodologies are professionally accepted.~~

1381 ~~(f) The Legislature recognizes that under this section,~~
1382 ~~local governments are charged with setting levels of service for~~
1383 ~~public facilities in their comprehensive plans in accordance~~
1384 ~~with which development orders and permits will be issued~~
1385 ~~pursuant to s. 163.3202(2) (g). Nothing herein shall supersede~~
1386 ~~the authority of state, regional, or local agencies as otherwise~~
1387 ~~provided by law.~~

1388 ~~(g) Definitions contained in chapter 9J-5, Florida~~
1389 ~~Administrative Code, are not intended to modify or amend the~~
1390 ~~definitions utilized for purposes of other programs or rules or~~
1391 ~~to establish or limit regulatory authority. Local governments~~
1392 ~~may establish alternative definitions in local comprehensive~~
1393 ~~plans, as long as such definitions accomplish the intent of this~~
1394 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

1395 ~~(h) It is the intent of the Legislature that public~~
1396 ~~facilities and services needed to support development shall be~~
1397 ~~available concurrent with the impacts of such development in~~
1398 ~~accordance with s. 163.3180. In meeting this intent, public~~
1399 ~~facility and service availability shall be deemed sufficient if~~
1400 ~~the public facilities and services for a development are phased,~~
1401 ~~or the development is phased, so that the public facilities and~~
1402 ~~those related services which are deemed necessary by the local~~
1403 ~~government to operate the facilities necessitated by that~~
1404 ~~development are available concurrent with the impacts of the~~
1405 ~~development. The public facilities and services, unless already~~



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1406 ~~available, are to be consistent with the capital improvements~~
1407 ~~element of the local comprehensive plan as required by paragraph~~
1408 ~~(3)(a) or guaranteed in an enforceable development agreement.~~
1409 ~~This shall include development agreements pursuant to this~~
1410 ~~chapter or in an agreement or a development order issued~~
1411 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
1412 ~~require a local government to address services in its capital~~
1413 ~~improvements plan or to limit a local government's ability to~~
1414 ~~address any service in its capital improvements plan that it~~
1415 ~~deems necessary.~~

1416 ~~(i) The department shall take into account the factors~~
1417 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
1418 ~~it provides assistance to local governments and applies the rule~~
1419 ~~in specific situations with regard to the detail of the data and~~
1420 ~~analysis required.~~

1421 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
1422 ~~effective pursuant to subsection (9). The Legislature hereby~~
1423 ~~directs the department to adopt amendments as necessary which~~
1424 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
1425 ~~requirements of this legislative intent by October 1, 1986.~~

1426 ~~(k) In order for local governments to prepare and adopt~~
1427 ~~comprehensive plans with knowledge of the rules that are applied~~
1428 ~~to determine consistency of the plans with this part, there~~
1429 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
1430 ~~Florida Administrative Code, at the close of the 1986~~
1431 ~~legislative session. Therefore, the Legislature declares that~~
1432 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
1433 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
1434 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~



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1435 ~~Florida Administrative Code, as amended, is subject to rule~~
1436 ~~challenges under s. 120.56(3), as nothing herein indicates~~
1437 ~~approval or disapproval of any portion of chapter 9J-5 not~~
1438 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
1439 ~~Florida Administrative Code, exclusive of the amendments adopted~~
1440 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
1441 ~~to the full chapter 120 process. All amendments shall have~~
1442 ~~effective dates as provided in chapter 120 and submission to the~~
1443 ~~President of the Senate and Speaker of the House of~~
1444 ~~Representatives shall not be required.~~

1445 ~~(l) The state land planning agency shall consider land use~~
1446 ~~compatibility issues in the vicinity of all airports in~~
1447 ~~coordination with the Department of Transportation and adjacent~~
1448 ~~to or in close proximity to all military installations in~~
1449 ~~coordination with the Department of Defense.~~

1450 ~~(11)(a) The Legislature recognizes the need for innovative~~
1451 ~~planning and development strategies which will address the~~
1452 ~~anticipated demands of continued urbanization of Florida's~~
1453 ~~coastal and other environmentally sensitive areas, and which~~
1454 ~~will accommodate the development of less populated regions of~~
1455 ~~the state which seek economic development and which have~~
1456 ~~suitable land and water resources to accommodate growth in an~~
1457 ~~environmentally acceptable manner. The Legislature further~~
1458 ~~recognizes the substantial advantages of innovative approaches~~
1459 ~~to development which may better serve to protect environmentally~~
1460 ~~sensitive areas, maintain the economic viability of agricultural~~
1461 ~~and other predominantly rural land uses, and provide for the~~
1462 ~~cost-efficient delivery of public facilities and services.~~

1463 ~~(b) It is the intent of the Legislature that the local~~



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1464 ~~government comprehensive plans and plan amendments adopted~~
1465 ~~pursuant to the provisions of this part provide for a planning~~
1466 ~~process which allows for land use efficiencies within existing~~
1467 ~~urban areas and which also allows for the conversion of rural~~
1468 ~~lands to other uses, where appropriate and consistent with the~~
1469 ~~other provisions of this part and the affected local~~
1470 ~~comprehensive plans, through the application of innovative and~~
1471 ~~flexible planning and development strategies and creative land~~
1472 ~~use planning techniques, which may include, but not be limited~~
1473 ~~to, urban villages, new towns, satellite communities, area-based~~
1474 ~~allocations, clustering and open space provisions, mixed-use~~
1475 ~~development, and sector planning.~~

1476 ~~(c) It is the further intent of the Legislature that local~~
1477 ~~government comprehensive plans and implementing land development~~
1478 ~~regulations shall provide strategies which maximize the use of~~
1479 ~~existing facilities and services through redevelopment, urban~~
1480 ~~infill development, and other strategies for urban~~
1481 ~~revitalization.~~

1482 ~~(d)1. The department, in cooperation with the Department of~~
1483 ~~Agriculture and Consumer Services, the Department of~~
1484 ~~Environmental Protection, water management districts, and~~
1485 ~~regional planning councils, shall provide assistance to local~~
1486 ~~governments in the implementation of this paragraph and rule 9J-~~
1487 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~
1488 ~~those provisions shall include a process by which the department~~
1489 ~~may authorize local governments to designate all or portions of~~
1490 ~~lands classified in the future land use element as predominantly~~
1491 ~~agricultural, rural, open, open-rural, or a substantively~~
1492 ~~equivalent land use, as a rural land stewardship area within~~



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1493 ~~which planning and economic incentives are applied to encourage~~
1494 ~~the implementation of innovative and flexible planning and~~
1495 ~~development strategies and creative land use planning~~
1496 ~~techniques, including those contained herein and in rule 9J-~~
1497 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
1498 ~~include, but is not limited to:~~

1499 ~~a. Assistance from the Department of Environmental~~
1500 ~~Protection and water management districts in creating the~~
1501 ~~geographic information systems land cover database and aerial~~
1502 ~~photogrammetry needed to prepare for a rural land stewardship~~
1503 ~~area;~~

1504 ~~b. Support for local government implementation of rural~~
1505 ~~land stewardship concepts by providing information and~~
1506 ~~assistance to local governments regarding land acquisition~~
1507 ~~programs that may be used by the local government or landowners~~
1508 ~~to leverage the protection of greater acreage and maximize the~~
1509 ~~effectiveness of rural land stewardship areas; and~~

1510 ~~e. Expansion of the role of the Department of Community~~
1511 ~~Affairs as a resource agency to facilitate establishment of~~
1512 ~~rural land stewardship areas in smaller rural counties that do~~
1513 ~~not have the staff or planning budgets to create a rural land~~
1514 ~~stewardship area.~~

1515 ~~2. The department shall encourage participation by local~~
1516 ~~governments of different sizes and rural characteristics in~~
1517 ~~establishing and implementing rural land stewardship areas. It~~
1518 ~~is the intent of the Legislature that rural land stewardship~~
1519 ~~areas be used to further the following broad principles of rural~~
1520 ~~sustainability: restoration and maintenance of the economic~~
1521 ~~value of rural land; control of urban sprawl; identification and~~



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1522 ~~protection of ecosystems, habitats, and natural resources;~~
1523 ~~promotion of rural economic activity; maintenance of the~~
1524 ~~viability of Florida's agricultural economy; and protection of~~
1525 ~~the character of rural areas of Florida. Rural land stewardship~~
1526 ~~areas may be multicounty in order to encourage coordinated~~
1527 ~~regional stewardship planning.~~

1528 ~~3. A local government, in conjunction with a regional~~
1529 ~~planning council, a stakeholder organization of private land~~
1530 ~~owners, or another local government, shall notify the department~~
1531 ~~in writing of its intent to designate a rural land stewardship~~
1532 ~~area. The written notification shall describe the basis for the~~
1533 ~~designation, including the extent to which the rural land~~
1534 ~~stewardship area enhances rural land values, controls urban~~
1535 ~~sprawl, provides necessary open space for agriculture and~~
1536 ~~protection of the natural environment, promotes rural economic~~
1537 ~~activity, and maintains rural character and the economic~~
1538 ~~viability of agriculture.~~

1539 ~~4. A rural land stewardship area shall be not less than~~
1540 ~~10,000 acres and shall be located outside of municipalities and~~
1541 ~~established urban growth boundaries, and shall be designated by~~
1542 ~~plan amendment. The plan amendment designating a rural land~~
1543 ~~stewardship area shall be subject to review by the Department of~~
1544 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
1545 ~~the following:~~

1546 ~~a. Criteria for the designation of receiving areas within~~
1547 ~~rural land stewardship areas in which innovative planning and~~
1548 ~~development strategies may be applied. Criteria shall at a~~
1549 ~~minimum provide for the following: adequacy of suitable land to~~
1550 ~~accommodate development so as to avoid conflict with~~



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1551 ~~environmentally sensitive areas, resources, and habitats;~~
1552 ~~compatibility between and transition from higher density uses to~~
1553 ~~lower intensity rural uses; the establishment of receiving area~~
1554 ~~service boundaries which provide for a separation between~~
1555 ~~receiving areas and other land uses within the rural land~~
1556 ~~stewardship area through limitations on the extension of~~
1557 ~~services; and connection of receiving areas with the rest of the~~
1558 ~~rural land stewardship area using rural design and rural road~~
1559 ~~corridors.~~

1560 ~~b. Goals, objectives, and policies setting forth the~~
1561 ~~innovative planning and development strategies to be applied~~
1562 ~~within rural land stewardship areas pursuant to the provisions~~
1563 ~~of this section.~~

1564 ~~e. A process for the implementation of innovative planning~~
1565 ~~and development strategies within the rural land stewardship~~
1566 ~~area, including those described in this subsection and rule 9J-~~
1567 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
1568 ~~functional mix of land uses, including adequate available~~
1569 ~~workforce housing, including low, very low and moderate income~~
1570 ~~housing for the development anticipated in the receiving area~~
1571 ~~and which are applied through the adoption by the local~~
1572 ~~government of zoning and land development regulations applicable~~
1573 ~~to the rural land stewardship area.~~

1574 ~~d. A process which encourages visioning pursuant to s.~~
1575 ~~163.3167(11) to ensure that innovative planning and development~~
1576 ~~strategies comply with the provisions of this section.~~

1577 ~~e. The control of sprawl through the use of innovative~~
1578 ~~strategies and creative land use techniques consistent with the~~
1579 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~



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1580 ~~Administrative Code.~~

1581 ~~5. A receiving area shall be designated by the adoption of~~
1582 ~~a land development regulation. Prior to the designation of a~~
1583 ~~receiving area, the local government shall provide the~~
1584 ~~Department of Community Affairs a period of 30 days in which to~~
1585 ~~review a proposed receiving area for consistency with the rural~~
1586 ~~land stewardship area plan amendment and to provide comments to~~
1587 ~~the local government. At the time of designation of a~~
1588 ~~stewardship receiving area, a listed species survey will be~~
1589 ~~performed. If listed species occur on the receiving area site,~~
1590 ~~the developer shall coordinate with each appropriate local,~~
1591 ~~state, or federal agency to determine if adequate provisions~~
1592 ~~have been made to protect those species in accordance with~~
1593 ~~applicable regulations. In determining the adequacy of~~
1594 ~~provisions for the protection of listed species and their~~
1595 ~~habitats, the rural land stewardship area shall be considered as~~
1596 ~~a whole, and the impacts to areas to be developed as receiving~~
1597 ~~areas shall be considered together with the environmental~~
1598 ~~benefits of areas protected as sending areas in fulfilling this~~
1599 ~~criteria.~~

1600 ~~6. Upon the adoption of a plan amendment creating a rural~~
1601 ~~land stewardship area, the local government shall, by ordinance,~~
1602 ~~establish the methodology for the creation, conveyance, and use~~
1603 ~~of transferable rural land use credits, otherwise referred to as~~
1604 ~~stewardship credits, the application of which shall not~~
1605 ~~constitute a right to develop land, nor increase density of~~
1606 ~~land, except as provided by this section. The total amount of~~
1607 ~~transferable rural land use credits within the rural land~~
1608 ~~stewardship area must enable the realization of the long-term~~



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1609 ~~vision and goals for the 25-year or greater projected population~~
1610 ~~of the rural land stewardship area, which may take into~~
1611 ~~consideration the anticipated effect of the proposed receiving~~
1612 ~~areas. Transferable rural land use credits are subject to the~~
1613 ~~following limitations:~~

1614 ~~a. Transferable rural land use credits may only exist~~
1615 ~~within a rural land stewardship area.~~

1616 ~~b. Transferable rural land use credits may only be used on~~
1617 ~~lands designated as receiving areas and then solely for the~~
1618 ~~purpose of implementing innovative planning and development~~
1619 ~~strategies and creative land use planning techniques adopted by~~
1620 ~~the local government pursuant to this section.~~

1621 ~~e. Transferable rural land use credits assigned to a parcel~~
1622 ~~of land within a rural land stewardship area shall cease to~~
1623 ~~exist if the parcel of land is removed from the rural land~~
1624 ~~stewardship area by plan amendment.~~

1625 ~~d. Neither the creation of the rural land stewardship area~~
1626 ~~by plan amendment nor the assignment of transferable rural land~~
1627 ~~use credits by the local government shall operate to displace~~
1628 ~~the underlying density of land uses assigned to a parcel of land~~
1629 ~~within the rural land stewardship area; however, if transferable~~
1630 ~~rural land use credits are transferred from a parcel for use~~
1631 ~~within a designated receiving area, the underlying density~~
1632 ~~assigned to the parcel of land shall cease to exist.~~

1633 ~~e. The underlying density on each parcel of land located~~
1634 ~~within a rural land stewardship area shall not be increased or~~
1635 ~~decreased by the local government, except as a result of the~~
1636 ~~conveyance or use of transferable rural land use credits, as~~
1637 ~~long as the parcel remains within the rural land stewardship~~



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1638 ~~area.~~

1639 ~~f. Transferable rural land use credits shall cease to exist~~

1640 ~~on a parcel of land where the underlying density assigned to the~~

1641 ~~parcel of land is utilized.~~

1642 ~~g. An increase in the density of use on a parcel of land~~

1643 ~~located within a designated receiving area may occur only~~

1644 ~~through the assignment or use of transferable rural land use~~

1645 ~~credits and shall not require a plan amendment.~~

1646 ~~h. A change in the density of land use on parcels located~~

1647 ~~within receiving areas shall be specified in a development order~~

1648 ~~which reflects the total number of transferable rural land use~~

1649 ~~credits assigned to the parcel of land and the infrastructure~~

1650 ~~and support services necessary to provide for a functional mix~~

1651 ~~of land uses corresponding to the plan of development.~~

1652 ~~i. Land within a rural land stewardship area may be removed~~

1653 ~~from the rural land stewardship area through a plan amendment.~~

1654 ~~j. Transferable rural land use credits may be assigned at~~

1655 ~~different ratios of credits per acre according to the natural~~

1656 ~~resource or other beneficial use characteristics of the land and~~

1657 ~~according to the land use remaining following the transfer of~~

1658 ~~credits, with the highest number of credits per acre assigned to~~

1659 ~~the most environmentally valuable land or, in locations where~~

1660 ~~the retention of open space and agricultural land is a priority,~~

1661 ~~to such lands.~~

1662 ~~k. The use or conveyance of transferable rural land use~~

1663 ~~credits must be recorded in the public records of the county in~~

1664 ~~which the property is located as a covenant or restrictive~~

1665 ~~easement running with the land in favor of the county and either~~

1666 ~~the Department of Environmental Protection, Department of~~



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1667 ~~Agriculture and Consumer Services, a water management district,~~
1668 ~~or a recognized statewide land trust.~~

1669 ~~7. Owners of land within rural land stewardship areas~~
1670 ~~should be provided incentives to enter into rural land~~
1671 ~~stewardship agreements, pursuant to existing law and rules~~
1672 ~~adopted thereto, with state agencies, water management~~
1673 ~~districts, and local governments to achieve mutually agreed upon~~
1674 ~~conservation objectives. Such incentives may include, but not be~~
1675 ~~limited to, the following:~~

1676 ~~a. Opportunity to accumulate transferable mitigation~~
1677 ~~credits.~~

1678 ~~b. Extended permit agreements.~~

1679 ~~e. Opportunities for recreational leases and ecotourism.~~

1680 ~~d. Payment for specified land management services on~~
1681 ~~publicly owned land, or property under covenant or restricted~~
1682 ~~easement in favor of a public entity.~~

1683 ~~e. Option agreements for sale to public entities or private~~
1684 ~~land conservation entities, in either fee or easement, upon~~
1685 ~~achievement of conservation objectives.~~

1686 ~~8. The department shall report to the Legislature on an~~
1687 ~~annual basis on the results of implementation of rural land~~
1688 ~~stewardship areas authorized by the department, including~~
1689 ~~successes and failures in achieving the intent of the~~
1690 ~~Legislature as expressed in this paragraph.~~

1691 ~~(c) The Legislature finds that mixed-use, high-density~~
1692 ~~development is appropriate for urban infill and redevelopment~~
1693 ~~areas. Mixed-use projects accommodate a variety of uses,~~
1694 ~~including residential and commercial, and usually at higher~~
1695 ~~densities that promote pedestrian-friendly, sustainable~~



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1696 ~~communities. The Legislature recognizes that mixed-use, high-~~
1697 ~~density development improves the quality of life for residents~~
1698 ~~and businesses in urban areas. The Legislature finds that mixed-~~
1699 ~~use, high-density redevelopment and infill benefits residents by~~
1700 ~~creating a livable community with alternative modes of~~
1701 ~~transportation. Furthermore, the Legislature finds that local~~
1702 ~~zoning ordinances often discourage mixed-use, high-density~~
1703 ~~development in areas that are appropriate for urban infill and~~
1704 ~~redevelopment. The Legislature intends to discourage single-use~~
1705 ~~zoning in urban areas which often leads to lower-density, land-~~
1706 ~~intensive development outside an urban service area. Therefore,~~
1707 ~~the Department of Community Affairs shall provide technical~~
1708 ~~assistance to local governments in order to encourage mixed-use,~~
1709 ~~high-density urban infill and redevelopment projects.~~

1710 ~~(f) The Legislature finds that a program for the transfer~~
1711 ~~of development rights is a useful tool to preserve historic~~
1712 ~~buildings and create public open spaces in urban areas. A~~
1713 ~~program for the transfer of development rights allows the~~
1714 ~~transfer of density credits from historic properties and public~~
1715 ~~open spaces to areas designated for high-density development.~~
1716 ~~The Legislature recognizes that high-density development is~~
1717 ~~integral to the success of many urban infill and redevelopment~~
1718 ~~projects. The Legislature intends to encourage high-density~~
1719 ~~urban infill and redevelopment while preserving historic~~
1720 ~~structures and open spaces. Therefore, the Department of~~
1721 ~~Community Affairs shall provide technical assistance to local~~
1722 ~~governments in order to promote the transfer of development~~
1723 ~~rights within urban areas for high-density infill and~~
1724 ~~redevelopment projects.~~



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1725 ~~(g) The implementation of this subsection shall be subject~~
1726 ~~to the provisions of this chapter, chapters 186 and 187, and~~
1727 ~~applicable agency rules.~~

1728 ~~(h) The department may adopt rules necessary to implement~~
1729 ~~the provisions of this subsection.~~

1730 ~~(12) A public school facilities element adopted to~~
1731 ~~implement a school concurrency program shall meet the~~
1732 ~~requirements of this subsection. Each county and each~~
1733 ~~municipality within the county, unless exempt or subject to a~~
1734 ~~waiver, must adopt a public school facilities element that is~~
1735 ~~consistent with those adopted by the other local governments~~
1736 ~~within the county and enter the interlocal agreement pursuant to~~
1737 ~~s. 163.31777.~~

1738 ~~(a) The state land planning agency may provide a waiver to~~
1739 ~~a county and to the municipalities within the county if the~~
1740 ~~capacity rate for all schools within the school district is no~~
1741 ~~greater than 100 percent and the projected 5-year capital outlay~~
1742 ~~full-time equivalent student growth rate is less than 10~~
1743 ~~percent. The state land planning agency may allow for a~~
1744 ~~projected 5-year capital outlay full-time equivalent student~~
1745 ~~growth rate to exceed 10 percent when the projected 10-year~~
1746 ~~capital outlay full-time equivalent student enrollment is less~~
1747 ~~than 2,000 students and the capacity rate for all schools within~~
1748 ~~the school district in the tenth year will not exceed the 100-~~
1749 ~~percent limitation. The state land planning agency may allow for~~
1750 ~~a single school to exceed the 100-percent limitation if it can~~
1751 ~~be demonstrated that the capacity rate for that single school is~~
1752 ~~not greater than 105 percent. In making this determination, the~~
1753 ~~state land planning agency shall consider the following~~



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1754 ~~criteria:~~

1755 ~~1. Whether the exceedance is due to temporary~~
1756 ~~circumstances;~~

1757 ~~2. Whether the projected 5-year capital outlay full time~~
1758 ~~equivalent student growth rate for the school district is~~
1759 ~~approaching the 10-percent threshold;~~

1760 ~~3. Whether one or more additional schools within the school~~
1761 ~~district are at or approaching the 100-percent threshold; and~~

1762 ~~4. The adequacy of the data and analysis submitted to~~
1763 ~~support the waiver request.~~

1764 ~~(b) A municipality in a nonexempt county is exempt if the~~
1765 ~~municipality meets all of the following criteria for having no~~
1766 ~~significant impact on school attendance:~~

1767 ~~1. The municipality has issued development orders for fewer~~
1768 ~~than 50 residential dwelling units during the preceding 5 years,~~
1769 ~~or the municipality has generated fewer than 25 additional~~
1770 ~~public school students during the preceding 5 years.~~

1771 ~~2. The municipality has not annexed new land during the~~
1772 ~~preceding 5 years in land use categories that permit residential~~
1773 ~~uses that will affect school attendance rates.~~

1774 ~~3. The municipality has no public schools located within~~
1775 ~~its boundaries.~~

1776 ~~(c) A public school facilities element shall be based upon~~
1777 ~~data and analyses that address, among other items, how level-of-~~
1778 ~~service standards will be achieved and maintained. Such data and~~
1779 ~~analyses must include, at a minimum, such items as: the~~
1780 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
1781 ~~year school district facilities work program adopted pursuant to~~
1782 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~



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1783 ~~1013.31 and an existing educational and ancillary plant map or~~
1784 ~~map series; information on existing development and development~~
1785 ~~anticipated for the next 5 years and the long term planning~~
1786 ~~period; an analysis of problems and opportunities for existing~~
1787 ~~schools and schools anticipated in the future; an analysis of~~
1788 ~~opportunities to collocate future schools with other public~~
1789 ~~facilities such as parks, libraries, and community centers; an~~
1790 ~~analysis of the need for supporting public facilities for~~
1791 ~~existing and future schools; an analysis of opportunities to~~
1792 ~~locate schools to serve as community focal points; projected~~
1793 ~~future population and associated demographics, including~~
1794 ~~development patterns year by year for the upcoming 5-year and~~
1795 ~~long term planning periods; and anticipated educational and~~
1796 ~~ancillary plants with land area requirements.~~

1797 ~~(d) The element shall contain one or more goals which~~
1798 ~~establish the long term end toward which public school programs~~
1799 ~~and activities are ultimately directed.~~

1800 ~~(e) The element shall contain one or more objectives for~~
1801 ~~each goal, setting specific, measurable, intermediate ends that~~
1802 ~~are achievable and mark progress toward the goal.~~

1803 ~~(f) The element shall contain one or more policies for each~~
1804 ~~objective which establish the way in which programs and~~
1805 ~~activities will be conducted to achieve an identified goal.~~

1806 ~~(g) The objectives and policies shall address items such~~
1807 ~~as:~~

- 1808 ~~1. The procedure for an annual update process;~~
- 1809 ~~2. The procedure for school site selection;~~
- 1810 ~~3. The procedure for school permitting;~~
- 1811 ~~4. Provision for infrastructure necessary to support~~



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1812 ~~proposed schools, including potable water, wastewater, drainage,~~
1813 ~~solid waste, transportation, and means by which to assure safe~~
1814 ~~access to schools, including sidewalks, bicycle paths, turn~~
1815 ~~lanes, and signalization;~~

1816 ~~5. Provision for colocation of other public facilities,~~
1817 ~~such as parks, libraries, and community centers, in proximity to~~
1818 ~~public schools;~~

1819 ~~6. Provision for location of schools proximate to~~
1820 ~~residential areas and to complement patterns of development,~~
1821 ~~including the location of future school sites so they serve as~~
1822 ~~community focal points;~~

1823 ~~7. Measures to ensure compatibility of school sites and~~
1824 ~~surrounding land uses;~~

1825 ~~8. Coordination with adjacent local governments and the~~
1826 ~~school district on emergency preparedness issues, including the~~
1827 ~~use of public schools to serve as emergency shelters; and~~

1828 ~~9. Coordination with the future land use element.~~

1829 ~~(h) The element shall include one or more future conditions~~
1830 ~~maps which depict the anticipated location of educational and~~
1831 ~~ancillary plants, including the general location of improvements~~
1832 ~~to existing schools or new schools anticipated over the 5-year~~
1833 ~~or long-term planning period. The maps will of necessity be~~
1834 ~~general for the long-term planning period and more specific for~~
1835 ~~the 5-year period. Maps indicating general locations of future~~
1836 ~~schools or school improvements may not prescribe a land use on a~~
1837 ~~particular parcel of land.~~

1838 ~~(i) The state land planning agency shall establish a phased~~
1839 ~~schedule for adoption of the public school facilities element~~
1840 ~~and the required updates to the public schools interlocal~~



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1841 ~~agreement pursuant to s. 163.31777. The schedule shall provide~~
1842 ~~for each county and local government within the county to adopt~~
1843 ~~the element and update to the agreement no later than December~~
1844 ~~1, 2008. Plan amendments to adopt a public school facilities~~
1845 ~~element are exempt from the provisions of s. 163.3187(1).~~

1846 ~~(j) The state land planning agency may issue a notice to~~
1847 ~~the school board and the local government to show cause why~~
1848 ~~sanctions should not be enforced for failure to enter into an~~
1849 ~~approved interlocal agreement as required by s. 163.31777 or for~~
1850 ~~failure to implement provisions relating to public school~~
1851 ~~concurrency. If the state land planning agency finds that~~
1852 ~~insufficient cause exists for the school board's or local~~
1853 ~~government's failure to enter into an approved interlocal~~
1854 ~~agreement as required by s. 163.31777 or for the school board's~~
1855 ~~or local government's failure to implement the provisions~~
1856 ~~relating to public school concurrency, the state land planning~~
1857 ~~agency shall submit its finding to the Administration Commission~~
1858 ~~which may impose on the local government any of the sanctions~~
1859 ~~set forth in s. 163.3184(11) (a) and (b) and may impose on the~~
1860 ~~district school board any of the sanctions set forth in s.~~
1861 ~~1008.32(4).~~

1862 ~~(13) Local governments are encouraged to develop a~~
1863 ~~community vision that provides for sustainable growth,~~
1864 ~~recognizes its fiscal constraints, and protects its natural~~
1865 ~~resources. At the request of a local government, the applicable~~
1866 ~~regional planning council shall provide assistance in the~~
1867 ~~development of a community vision.~~

1868 ~~(a) As part of the process of developing a community vision~~
1869 ~~under this section, the local government must hold two public~~



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1870 ~~meetings with at least one of those meetings before the local~~
1871 ~~planning agency. Before those public meetings, the local~~
1872 ~~government must hold at least one public workshop with~~
1873 ~~stakeholder groups such as neighborhood associations, community~~
1874 ~~organizations, businesses, private property owners, housing and~~
1875 ~~development interests, and environmental organizations.~~

1876 ~~(b) The local government must, at a minimum, discuss five~~
1877 ~~of the following topics as part of the workshops and public~~
1878 ~~meetings required under paragraph (a):~~

1879 ~~1. Future growth in the area using population forecasts~~
1880 ~~from the Bureau of Economic and Business Research;~~

1881 ~~2. Priorities for economic development;~~

1882 ~~3. Preservation of open space, environmentally sensitive~~
1883 ~~lands, and agricultural lands;~~

1884 ~~4. Appropriate areas and standards for mixed-use~~
1885 ~~development;~~

1886 ~~5. Appropriate areas and standards for high-density~~
1887 ~~commercial and residential development;~~

1888 ~~6. Appropriate areas and standards for economic development~~
1889 ~~opportunities and employment centers;~~

1890 ~~7. Provisions for adequate workforce housing;~~

1891 ~~8. An efficient, interconnected multimodal transportation~~
1892 ~~system; and~~

1893 ~~9. Opportunities to create land use patterns that~~
1894 ~~accommodate the issues listed in subparagraphs 1-8.~~

1895 ~~(c) As part of the workshops and public meetings, the local~~
1896 ~~government must discuss strategies for addressing the topics~~
1897 ~~discussed under paragraph (b), including:~~

1898 ~~1. Strategies to preserve open space and environmentally~~



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1899 ~~sensitive lands, and to encourage a healthy agricultural~~
1900 ~~economy, including innovative planning and development~~
1901 ~~strategies, such as the transfer of development rights;~~
1902 ~~2. Incentives for mixed-use development, including~~
1903 ~~increased height and intensity standards for buildings that~~
1904 ~~provide residential use in combination with office or commercial~~
1905 ~~space;~~
1906 ~~3. Incentives for workforce housing;~~
1907 ~~4. Designation of an urban service boundary pursuant to~~
1908 ~~subsection (2); and~~
1909 ~~5. Strategies to provide mobility within the community and~~
1910 ~~to protect the Strategic Intermodal System, including the~~
1911 ~~development of a transportation corridor management plan under~~
1912 ~~s. 337.273.~~
1913 ~~(d) The community vision must reflect the community's~~
1914 ~~shared concept for growth and development of the community,~~
1915 ~~including visual representations depicting the desired land use~~
1916 ~~patterns and character of the community during a 10-year~~
1917 ~~planning timeframe. The community vision must also take into~~
1918 ~~consideration economic viability of the vision and private~~
1919 ~~property interests.~~
1920 ~~(e) After the workshops and public meetings required under~~
1921 ~~paragraph (a) are held, the local government may amend its~~
1922 ~~comprehensive plan to include the community vision as a~~
1923 ~~component in the plan. This plan amendment must be transmitted~~
1924 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
1925 ~~163.3189 at public hearings of the governing body other than~~
1926 ~~those identified in paragraph (a).~~
1927 ~~(f) Amendments submitted under this subsection are exempt~~



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1928 ~~from the limitation on the frequency of plan amendments in s.~~
1929 ~~163.3187.~~

1930 ~~(g) A local government that has developed a community~~
1931 ~~vision or completed a visioning process after July 1, 2000, and~~
1932 ~~before July 1, 2005, which substantially accomplishes the goals~~
1933 ~~set forth in this subsection and the appropriate goals,~~
1934 ~~policies, or objectives have been adopted as part of the~~
1935 ~~comprehensive plan or reflected in subsequently adopted land~~
1936 ~~development regulations and the plan amendment incorporating the~~
1937 ~~community vision as a component has been found in compliance is~~
1938 ~~eligible for the incentives in s. 163.3184(17).~~

1939 ~~(14) Local governments are also encouraged to designate an~~
1940 ~~urban service boundary. This area must be appropriate for~~
1941 ~~compact, contiguous urban development within a 10-year planning~~
1942 ~~timeframe. The urban service area boundary must be identified on~~
1943 ~~the future land use map or map series. The local government~~
1944 ~~shall demonstrate that the land included within the urban~~
1945 ~~service boundary is served or is planned to be served with~~
1946 ~~adequate public facilities and services based on the local~~
1947 ~~government's adopted level of service standards by adopting a~~
1948 ~~10-year facilities plan in the capital improvements element~~
1949 ~~which is financially feasible. The local government shall~~
1950 ~~demonstrate that the amount of land within the urban service~~
1951 ~~boundary does not exceed the amount of land needed to~~
1952 ~~accommodate the projected population growth at densities~~
1953 ~~consistent with the adopted comprehensive plan within the 10-~~
1954 ~~year planning timeframe.~~

1955 ~~(a) As part of the process of establishing an urban service~~
1956 ~~boundary, the local government must hold two public meetings~~



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1957 ~~with at least one of those meetings before the local planning~~
1958 ~~agency. Before those public meetings, the local government must~~
1959 ~~hold at least one public workshop with stakeholder groups such~~
1960 ~~as neighborhood associations, community organizations,~~
1961 ~~businesses, private property owners, housing and development~~
1962 ~~interests, and environmental organizations.~~

1963 ~~(b)1. After the workshops and public meetings required~~
1964 ~~under paragraph (a) are held, the local government may amend its~~
1965 ~~comprehensive plan to include the urban service boundary. This~~
1966 ~~plan amendment must be transmitted and adopted pursuant to the~~
1967 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
1968 ~~governing body other than those required under paragraph (a).~~

1969 ~~2. This subsection does not prohibit new development~~
1970 ~~outside an urban service boundary. However, a local government~~
1971 ~~that establishes an urban service boundary under this subsection~~
1972 ~~is encouraged to require a full-cost accounting analysis for any~~
1973 ~~new development outside the boundary and to consider the results~~
1974 ~~of that analysis when adopting a plan amendment for property~~
1975 ~~outside the established urban service boundary.~~

1976 ~~(c) Amendments submitted under this subsection are exempt~~
1977 ~~from the limitation on the frequency of plan amendments in s.~~
1978 ~~163.3187.~~

1979 ~~(d) A local government that has adopted an urban service~~
1980 ~~boundary before July 1, 2005, which substantially accomplishes~~
1981 ~~the goals set forth in this subsection is not required to comply~~
1982 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
1983 ~~to be eligible for the incentives under s. 163.3184(17). In~~
1984 ~~order to satisfy the provisions of this paragraph, the local~~
1985 ~~government must secure a determination from the state land~~



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1986 ~~planning agency that the urban service boundary adopted before~~
1987 ~~July 1, 2005, substantially complies with the criteria of this~~
1988 ~~subsection, based on data and analysis submitted by the local~~
1989 ~~government to support this determination. The determination by~~
1990 ~~the state land planning agency is not subject to administrative~~
1991 ~~challenge.~~

1992 (7) ~~(15)~~ (a) The Legislature finds that:

1993 1. There are a number of rural agricultural industrial
1994 centers in the state that process, produce, or aid in the
1995 production or distribution of a variety of agriculturally based
1996 products, including, but not limited to, fruits, vegetables,
1997 timber, and other crops, and juices, paper, and building
1998 materials. Rural agricultural industrial centers have a
1999 significant amount of existing associated infrastructure that is
2000 used for processing, producing, or distributing agricultural
2001 products.

2002 2. Such rural agricultural industrial centers are often
2003 located within or near communities in which the economy is
2004 largely dependent upon agriculture and agriculturally based
2005 products. The centers significantly enhance the economy of such
2006 communities. However, these agriculturally based communities are
2007 often socioeconomically challenged and designated as rural areas
2008 of critical economic concern. If such rural agricultural
2009 industrial centers are lost and not replaced with other job-
2010 creating enterprises, the agriculturally based communities will
2011 lose a substantial amount of their economies.

2012 3. The state has a compelling interest in preserving the
2013 viability of agriculture and protecting rural agricultural
2014 communities and the state from the economic upheaval that would



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2015 result from short-term or long-term adverse changes in the
2016 agricultural economy. To protect these communities and promote
2017 viable agriculture for the long term, it is essential to
2018 encourage and permit diversification of existing rural
2019 agricultural industrial centers by providing for jobs that are
2020 not solely dependent upon, but are compatible with and
2021 complement, existing agricultural industrial operations and to
2022 encourage the creation and expansion of industries that use
2023 agricultural products in innovative ways. However, the expansion
2024 and diversification of these existing centers must be
2025 accomplished in a manner that does not promote urban sprawl into
2026 surrounding agricultural and rural areas.

2027 (b) As used in this subsection, the term "rural
2028 agricultural industrial center" means a developed parcel of land
2029 in an unincorporated area on which there exists an operating
2030 agricultural industrial facility or facilities that employ at
2031 least 200 full-time employees in the aggregate and process and
2032 prepare for transport a farm product, as defined in s. 163.3162,
2033 or any biomass material that could be used, directly or
2034 indirectly, for the production of fuel, renewable energy,
2035 bioenergy, or alternative fuel as defined by law. The center may
2036 also include land contiguous to the facility site which is not
2037 used for the cultivation of crops, but on which other existing
2038 activities essential to the operation of such facility or
2039 facilities are located or conducted. The parcel of land must be
2040 located within, or within 10 miles of, a rural area of critical
2041 economic concern.

2042 (c)1. A landowner whose land is located within a rural
2043 agricultural industrial center may apply for an amendment to the



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2044 local government comprehensive plan for the purpose of
2045 designating and expanding the existing agricultural industrial
2046 uses of facilities located within the center or expanding the
2047 existing center to include industrial uses or facilities that
2048 are not dependent upon but are compatible with agriculture and
2049 the existing uses and facilities. A local government
2050 comprehensive plan amendment under this paragraph must:

2051 a. Not increase the physical area of the existing rural
2052 agricultural industrial center by more than 50 percent or 320
2053 acres, whichever is greater.

2054 b. Propose a project that would, upon completion, create at
2055 least 50 new full-time jobs.

2056 c. Demonstrate that sufficient infrastructure capacity
2057 exists or will be provided to support the expanded center at the
2058 level-of-service standards adopted in the local government
2059 comprehensive plan.

2060 d. Contain goals, objectives, and policies that will ensure
2061 that any adverse environmental impacts of the expanded center
2062 will be adequately addressed and mitigation implemented or
2063 demonstrate that the local government comprehensive plan
2064 contains such provisions.

2065 2. Within 6 months after receiving an application as
2066 provided in this paragraph, the local government shall transmit
2067 the application to the state land planning agency for review
2068 pursuant to this chapter together with any needed amendments to
2069 the applicable sections of its comprehensive plan to include
2070 goals, objectives, and policies that provide for the expansion
2071 of rural agricultural industrial centers and discourage urban
2072 sprawl in the surrounding areas. Such goals, objectives, and



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2073 policies must promote and be consistent with the findings in
2074 this subsection. An amendment that meets the requirements of
2075 this subsection is presumed not to be urban sprawl as defined in
2076 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~
2077 ~~Administrative Code~~. This presumption may be rebutted by a
2078 preponderance of the evidence.

2079 (d) This subsection does not apply to an optional sector
2080 plan adopted pursuant to s. 163.3245, a rural land stewardship
2081 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
2082 comprehensive plan amendment that includes an inland port
2083 terminal or affiliated port development.

2084 (e) Nothing in this subsection shall be construed to confer
2085 the status of rural area of critical economic concern, or any of
2086 the rights or benefits derived from such status, on any land
2087 area not otherwise designated as such pursuant to s.
2088 288.0656(7).

2089 Section 13. Section 163.31777, Florida Statutes, is amended
2090 to read:

2091 163.31777 Public schools interlocal agreement.-

2092 (1) ~~(a)~~ The county and municipalities located within the
2093 geographic area of a school district shall enter into an
2094 interlocal agreement with the district school board which
2095 jointly establishes the specific ways in which the plans and
2096 processes of the district school board and the local governments
2097 are to be coordinated. ~~The interlocal agreements shall be~~
2098 ~~submitted to the state land planning agency and the Office of~~
2099 ~~Educational Facilities in accordance with a schedule published~~
2100 ~~by the state land planning agency.~~

2101 ~~(b) The schedule must establish staggered due dates for~~



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2102 ~~submission of interlocal agreements that are executed by both~~
2103 ~~the local government and the district school board, commencing~~
2104 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
2105 ~~set the same date for all governmental entities within a school~~
2106 ~~district. However, if the county where the school district is~~
2107 ~~located contains more than 20 municipalities, the state land~~
2108 ~~planning agency may establish staggered due dates for the~~
2109 ~~submission of interlocal agreements by these municipalities. The~~
2110 ~~schedule must begin with those areas where both the number of~~
2111 ~~districtwide capital outlay full-time equivalent students equals~~
2112 ~~80 percent or more of the current year's school capacity and the~~
2113 ~~projected 5-year student growth is 1,000 or greater, or where~~
2114 ~~the projected 5-year student growth rate is 10 percent or~~
2115 ~~greater.~~

2116 ~~(c) If the student population has declined over the 5-year~~
2117 ~~period preceding the due date for submittal of an interlocal~~
2118 ~~agreement by the local government and the district school board,~~
2119 ~~the local government and the district school board may petition~~
2120 ~~the state land planning agency for a waiver of one or more~~
2121 ~~requirements of subsection (2). The waiver must be granted if~~
2122 ~~the procedures called for in subsection (2) are unnecessary~~
2123 ~~because of the school district's declining school age~~
2124 ~~population, considering the district's 5-year facilities work~~
2125 ~~program prepared pursuant to s. 1013.35. The state land planning~~
2126 ~~agency may modify or revoke the waiver upon a finding that the~~
2127 ~~conditions upon which the waiver was granted no longer exist.~~
2128 ~~The district school board and local governments must submit an~~
2129 ~~interlocal agreement within 1 year after notification by the~~
2130 ~~state land planning agency that the conditions for a waiver no~~



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2131 ~~longer exist.~~

2132 ~~(d) Interlocal agreements between local governments and~~
2133 ~~district school boards adopted pursuant to s. 163.3177 before~~
2134 ~~the effective date of this section must be updated and executed~~
2135 ~~pursuant to the requirements of this section, if necessary.~~
2136 ~~Amendments to interlocal agreements adopted pursuant to this~~
2137 ~~section must be submitted to the state land planning agency~~
2138 ~~within 30 days after execution by the parties for review~~
2139 ~~consistent with this section. Local governments and the district~~
2140 ~~school board in each school district are encouraged to adopt a~~
2141 ~~single interlocal agreement to which all join as parties. The~~
2142 ~~state land planning agency shall assemble and make available~~
2143 ~~model interlocal agreements meeting the requirements of this~~
2144 ~~section and notify local governments and, jointly with the~~
2145 ~~Department of Education, the district school boards of the~~
2146 ~~requirements of this section, the dates for compliance, and the~~
2147 ~~sanctions for noncompliance. The state land planning agency~~
2148 ~~shall be available to informally review proposed interlocal~~
2149 ~~agreements. If the state land planning agency has not received a~~
2150 ~~proposed interlocal agreement for informal review, the state~~
2151 ~~land planning agency shall, at least 60 days before the deadline~~
2152 ~~for submission of the executed agreement, renotify the local~~
2153 ~~government and the district school board of the upcoming~~
2154 ~~deadline and the potential for sanctions.~~

2155 (2) At a minimum, the interlocal agreement must address
2156 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
2157 ~~for exempt local governments as provided in s. 163.3177(12), and~~
2158 ~~must address the following issues:~~

2159 (a) A process by which each local government and the



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2160 district school board agree and base their plans on consistent
2161 projections of the amount, type, and distribution of population
2162 growth and student enrollment. The geographic distribution of
2163 jurisdiction-wide growth forecasts is a major objective of the
2164 process.

2165 (b) A process to coordinate and share information relating
2166 to existing and planned public school facilities, including
2167 school renovations and closures, and local government plans for
2168 development and redevelopment.

2169 (c) Participation by affected local governments with the
2170 district school board in the process of evaluating potential
2171 school closures, significant renovations to existing schools,
2172 and new school site selection before land acquisition. Local
2173 governments shall advise the district school board as to the
2174 consistency of the proposed closure, renovation, or new site
2175 with the local comprehensive plan, including appropriate
2176 circumstances and criteria under which a district school board
2177 may request an amendment to the comprehensive plan for school
2178 siting.

2179 (d) A process for determining the need for and timing of
2180 onsite and offsite improvements to support new, proposed
2181 expansion, or redevelopment of existing schools. The process
2182 must address identification of the party or parties responsible
2183 for the improvements.

2184 (e) A process for the school board to inform the local
2185 government regarding the effect of comprehensive plan amendments
2186 on school capacity. The capacity reporting must be consistent
2187 with laws and rules relating to measurement of school facility
2188 capacity and must also identify how the district school board



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2189 will meet the public school demand based on the facilities work
2190 program adopted pursuant to s. 1013.35.

2191 (f) Participation of the local governments in the
2192 preparation of the annual update to the district school board's
2193 5-year district facilities work program and educational plant
2194 survey prepared pursuant to s. 1013.35.

2195 (g) A process for determining where and how joint use of
2196 either school board or local government facilities can be shared
2197 for mutual benefit and efficiency.

2198 (h) A procedure for the resolution of disputes between the
2199 district school board and local governments, which may include
2200 the dispute resolution processes contained in chapters 164 and
2201 186.

2202 (i) An oversight process, including an opportunity for
2203 public participation, for the implementation of the interlocal
2204 agreement.

2205 ~~(3)(a) The Office of Educational Facilities shall submit~~
2206 ~~any comments or concerns regarding the executed interlocal~~
2207 ~~agreement to the state land planning agency within 30 days after~~
2208 ~~receipt of the executed interlocal agreement. The state land~~
2209 ~~planning agency shall review the executed interlocal agreement~~
2210 ~~to determine whether it is consistent with the requirements of~~
2211 ~~subsection (2), the adopted local government comprehensive plan,~~
2212 ~~and other requirements of law. Within 60 days after receipt of~~
2213 ~~an executed interlocal agreement, the state land planning agency~~
2214 ~~shall publish a notice of intent in the Florida Administrative~~
2215 ~~Weekly and shall post a copy of the notice on the agency's~~
2216 ~~Internet site. The notice of intent must state whether the~~
2217 ~~interlocal agreement is consistent or inconsistent with the~~



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2218 ~~requirements of subsection (2) and this subsection, as~~
2219 ~~appropriate.~~

2220 ~~(b) The state land planning agency's notice is subject to~~
2221 ~~challenge under chapter 120; however, an affected person, as~~
2222 ~~defined in s. 163.3184(1) (a), has standing to initiate the~~
2223 ~~administrative proceeding, and this proceeding is the sole means~~
2224 ~~available to challenge the consistency of an interlocal~~
2225 ~~agreement required by this section with the criteria contained~~
2226 ~~in subsection (2) and this subsection. In order to have~~
2227 ~~standing, each person must have submitted oral or written~~
2228 ~~comments, recommendations, or objections to the local government~~
2229 ~~or the school board before the adoption of the interlocal~~
2230 ~~agreement by the school board and local government. The district~~
2231 ~~school board and local governments are parties to any such~~
2232 ~~proceeding. In this proceeding, when the state land planning~~
2233 ~~agency finds the interlocal agreement to be consistent with the~~
2234 ~~criteria in subsection (2) and this subsection, the interlocal~~
2235 ~~agreement shall be determined to be consistent with subsection~~
2236 ~~(2) and this subsection if the local government's and school~~
2237 ~~board's determination of consistency is fairly debatable. When~~
2238 ~~the state planning agency finds the interlocal agreement to be~~
2239 ~~inconsistent with the requirements of subsection (2) and this~~
2240 ~~subsection, the local government's and school board's~~
2241 ~~determination of consistency shall be sustained unless it is~~
2242 ~~shown by a preponderance of the evidence that the interlocal~~
2243 ~~agreement is inconsistent.~~

2244 ~~(c) If the state land planning agency enters a final order~~
2245 ~~that finds that the interlocal agreement is inconsistent with~~
2246 ~~the requirements of subsection (2) or this subsection, it shall~~



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2247 ~~forward it to the Administration Commission, which may impose~~
2248 ~~sanctions against the local government pursuant to s.~~
2249 ~~163.3184(11) and may impose sanctions against the district~~
2250 ~~school board by directing the Department of Education to~~
2251 ~~withhold from the district school board an equivalent amount of~~
2252 ~~funds for school construction available pursuant to ss. 1013.65,~~
2253 ~~1013.68, 1013.70, and 1013.72.~~

2254 ~~(4) If an executed interlocal agreement is not timely~~
2255 ~~submitted to the state land planning agency for review, the~~
2256 ~~state land planning agency shall, within 15 working days after~~
2257 ~~the deadline for submittal, issue to the local government and~~
2258 ~~the district school board a Notice to Show Cause why sanctions~~
2259 ~~should not be imposed for failure to submit an executed~~
2260 ~~interlocal agreement by the deadline established by the agency.~~
2261 ~~The agency shall forward the notice and the responses to the~~
2262 ~~Administration Commission, which may enter a final order citing~~
2263 ~~the failure to comply and imposing sanctions against the local~~
2264 ~~government and district school board by directing the~~
2265 ~~appropriate agencies to withhold at least 5 percent of state~~
2266 ~~funds pursuant to s. 163.3184(11) and by directing the~~
2267 ~~Department of Education to withhold from the district school~~
2268 ~~board at least 5 percent of funds for school construction~~
2269 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
2270 ~~1013.72.~~

2271 ~~(5) Any local government transmitting a public school~~
2272 ~~element to implement school concurrency pursuant to the~~
2273 ~~requirements of s. 163.3180 before the effective date of this~~
2274 ~~section is not required to amend the element or any interlocal~~
2275 ~~agreement to conform with the provisions of this section if the~~



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2276 ~~element is adopted prior to or within 1 year after the effective~~
2277 ~~date of this section and remains in effect until the county~~
2278 ~~conducts its evaluation and appraisal report and identifies~~
2279 ~~changes necessary to more fully conform to the provisions of~~
2280 ~~this section.~~

2281 ~~(6) Except as provided in subsection (7), municipalities~~
2282 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
2283 ~~from the requirements of subsections (1), (2), and (3).~~

2284 ~~(7) At the time of the evaluation and appraisal report,~~
2285 ~~each exempt municipality shall assess the extent to which it~~
2286 ~~continues to meet the criteria for exemption under s.~~
2287 ~~163.3177(12). If the municipality continues to meet these~~
2288 ~~criteria, the municipality shall continue to be exempt from the~~
2289 ~~interlocal-agreement requirement. Each municipality exempt under~~
2290 ~~s. 163.3177(12) must comply with the provisions of this section~~
2291 ~~within 1 year after the district school board proposes, in its~~
2292 ~~5-year district facilities work program, a new school within the~~
2293 ~~municipality's jurisdiction.~~

2294 Section 14. Subsection (9) of section 163.3178, Florida
2295 Statutes, is amended to read:

2296 163.3178 Coastal management.—

2297 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
2298 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
2299 ~~process provided in this section. A proposed comprehensive plan~~
2300 ~~amendment shall be found in compliance with state coastal high-~~
2301 ~~hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
2302 ~~Florida Administrative Code, if:~~

2303 1. The adopted level of service for out-of-county hurricane
2304 evacuation is maintained for a category 5 storm event as



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2305 measured on the Saffir-Simpson scale; or
2306 2. A 12-hour evacuation time to shelter is maintained for a
2307 category 5 storm event as measured on the Saffir-Simpson scale
2308 and shelter space reasonably expected to accommodate the
2309 residents of the development contemplated by a proposed
2310 comprehensive plan amendment is available; or
2311 3. Appropriate mitigation is provided that will satisfy ~~the~~
2312 ~~provisions of~~ subparagraph 1. or subparagraph 2. Appropriate
2313 mitigation shall include, without limitation, payment of money,
2314 contribution of land, and construction of hurricane shelters and
2315 transportation facilities. Required mitigation may ~~shall~~ not
2316 exceed the amount required for a developer to accommodate
2317 impacts reasonably attributable to development. A local
2318 government and a developer shall enter into a binding agreement
2319 to memorialize the mitigation plan.
2320 (b) For those local governments that have not established a
2321 level of service for out-of-county hurricane evacuation by July
2322 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7.,~~
2323 ~~Florida Administrative Code,~~ by following the process in
2324 paragraph (a), the level of service shall be no greater than 16
2325 hours for a category 5 storm event as measured on the Saffir-
2326 Simpson scale.
2327 (c) This subsection shall become effective immediately and
2328 shall apply to all local governments. No later than July 1,
2329 2008, local governments shall amend their future land use map
2330 and coastal management element to include the new definition of
2331 coastal high-hazard area and to depict the coastal high-hazard
2332 area on the future land use map.
2333 Section 15. Section 163.3180, Florida Statutes, is amended



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2334 to read:

2335 163.3180 Concurrency.—

2336 (1)~~(a)~~ Sanitary sewer, solid waste, drainage, and potable
2337 water, ~~parks and recreation, schools, and transportation~~
2338 ~~facilities, including mass transit, where applicable,~~ are the
2339 only public facilities and services subject to the concurrency
2340 requirement on a statewide basis. Additional public facilities
2341 and services may not be made subject to concurrency on a
2342 statewide basis without ~~appropriate study and~~ approval by the
2343 Legislature; however, any local government may extend the
2344 concurrency requirement so that it applies to additional public
2345 facilities within its jurisdiction.

2346 (a) If concurrency is applied to other public facilities,
2347 the local government comprehensive plan must provide the
2348 principles, guidelines, standards, and strategies, including
2349 adopted levels of service, to guide its application. In order
2350 for a local government to rescind any optional concurrency
2351 provisions, a comprehensive plan amendment is required. An
2352 amendment rescinding optional concurrency issues is not subject
2353 to state review.

2354 (b) The local government comprehensive plan must
2355 demonstrate, for required or optional concurrency requirements,
2356 that the levels of service adopted can be reasonably met.
2357 Infrastructure needed to ensure that adopted level-of-service
2358 standards are achieved and maintained for the 5-year period of
2359 the capital improvement schedule must be identified pursuant to
2360 the requirements of s. 163.3177(3). The comprehensive plan must
2361 include principles, guidelines, standards, and strategies for
2362 the establishment of a concurrency management system.



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2363 ~~(b) Local governments shall use professionally accepted~~
2364 ~~techniques for measuring level of service for automobiles,~~
2365 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
2366 ~~be used to evaluate increased accessibility by multiple modes~~
2367 ~~and reductions in vehicle miles of travel in an area or zone.~~
2368 ~~The Department of Transportation shall develop methodologies to~~
2369 ~~assist local governments in implementing this multimodal level-~~
2370 ~~of-service analysis. The Department of Community Affairs and the~~
2371 ~~Department of Transportation shall provide technical assistance~~
2372 ~~to local governments in applying these methodologies.~~

2373 (2)(a) Consistent with public health and safety, sanitary
2374 sewer, solid waste, drainage, adequate water supplies, and
2375 potable water facilities shall be in place and available to
2376 serve new development no later than the issuance by the local
2377 government of a certificate of occupancy or its functional
2378 equivalent. Prior to approval of a building permit or its
2379 functional equivalent, the local government shall consult with
2380 the applicable water supplier to determine whether adequate
2381 water supplies to serve the new development will be available no
2382 later than the anticipated date of issuance by the local
2383 government of a certificate of occupancy or its functional
2384 equivalent. A local government may meet the concurrency
2385 requirement for sanitary sewer through the use of onsite sewage
2386 treatment and disposal systems approved by the Department of
2387 Health to serve new development.

2388 ~~(b) Consistent with the public welfare, and except as~~
2389 ~~otherwise provided in this section, parks and recreation~~
2390 ~~facilities to serve new development shall be in place or under~~
2391 ~~actual construction no later than 1 year after issuance by the~~



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2392 ~~local government of a certificate of occupancy or its functional~~
2393 ~~equivalent. However, the acreage for such facilities shall be~~
2394 ~~dedicated or be acquired by the local government prior to~~
2395 ~~issuance by the local government of a certificate of occupancy~~
2396 ~~or its functional equivalent, or funds in the amount of the~~
2397 ~~developer's fair share shall be committed no later than the~~
2398 ~~local government's approval to commence construction.~~

2399 ~~(c) Consistent with the public welfare, and except as~~
2400 ~~otherwise provided in this section, transportation facilities~~
2401 ~~needed to serve new development shall be in place or under~~
2402 ~~actual construction within 3 years after the local government~~
2403 ~~approves a building permit or its functional equivalent that~~
2404 ~~results in traffic generation.~~

2405 (3) Governmental entities that are not responsible for
2406 providing, financing, operating, or regulating public facilities
2407 needed to serve development may not establish binding level-of-
2408 service standards on governmental entities that do bear those
2409 responsibilities. ~~This subsection does not limit the authority~~
2410 ~~of any agency to recommend or make objections, recommendations,~~
2411 ~~comments, or determinations during reviews conducted under s.~~
2412 ~~163.3184.~~

2413 (4)(a) The concurrency requirement as implemented in local
2414 comprehensive plans applies to state and other public facilities
2415 and development to the same extent that it applies to all other
2416 facilities and development, as provided by law.

2417 ~~(b) The concurrency requirement as implemented in local~~
2418 ~~comprehensive plans does not apply to public transit facilities.~~
2419 ~~For the purposes of this paragraph, public transit facilities~~
2420 ~~include transit stations and terminals; transit station parking;~~



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2421 ~~park and ride lots; intermodal public transit connection or~~
2422 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
2423 ~~airport passenger terminals and concourses, air cargo~~
2424 ~~facilities, and hangars for the assembly, manufacture,~~
2425 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
2426 ~~the terms "terminals" and "transit facilities" do not include~~
2427 ~~seaports or commercial or residential development constructed in~~
2428 ~~conjunction with a public transit facility.~~

2429 ~~(c) The concurrency requirement, except as it relates to~~
2430 ~~transportation facilities and public schools, as implemented in~~
2431 ~~local government comprehensive plans, may be waived by a local~~
2432 ~~government for urban infill and redevelopment areas designated~~
2433 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
2434 ~~public health or safety as defined by the local government in~~
2435 ~~its local government comprehensive plan. The waiver shall be~~
2436 ~~adopted as a plan amendment pursuant to the process set forth in~~
2437 ~~s. 163.3187(3) (a). A local government may grant a concurrency~~
2438 ~~exception pursuant to subsection (5) for transportation~~
2439 ~~facilities located within these urban infill and redevelopment~~
2440 ~~areas.~~

2441 (5) (a) If concurrency is applied to transportation
2442 facilities, the local government comprehensive plan must provide
2443 the principles, guidelines, standards, and strategies, including
2444 adopted levels of service to guide its application.

2445 (b) Local governments shall use professionally accepted
2446 studies to evaluate the appropriate levels of service. Local
2447 governments should consider the number of facilities that will
2448 be necessary to meet level-of-service demands when determining
2449 the appropriate levels of service. The schedule of facilities



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2450 that are necessary to meet the adopted level of service shall be
2451 reflected in the capital improvement element.

2452 (c) Local governments shall use professionally accepted
2453 techniques for measuring levels of service when evaluating
2454 potential impacts of a proposed development.

2455 (d) The premise of concurrency is that the public
2456 facilities will be provided in order to achieve and maintain the
2457 adopted level of service standard. A comprehensive plan that
2458 imposes transportation concurrency shall contain appropriate
2459 amendments to the capital improvements element of the
2460 comprehensive plan, consistent with the requirements of s.
2461 163.3177(3). The capital improvements element shall identify
2462 facilities necessary to meet adopted levels of service during a
2463 5-year period.

2464 (e) If a local government applies transportation
2465 concurrency in its jurisdiction, it is encouraged to develop
2466 policy guidelines and techniques to address potential negative
2467 impacts on future development:

2468 1. In urban infill and redevelopment, and urban service
2469 areas.

2470 2. With special part-time demands on the transportation
2471 system.

2472 3. With de minimis impacts.

2473 4. On community desired types of development, such as
2474 redevelopment, or job creation projects.

2475 (f) Local governments are encouraged to develop tools and
2476 techniques to complement the application of transportation
2477 concurrency such as:

2478 1. Adoption of long-term strategies to facilitate



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2479 development patterns that support multimodal solutions,
2480 including urban design, and appropriate land use mixes,
2481 including intensity and density.

2482 2. Adoption of an areawide level of service not dependent
2483 on any single road segment function.

2484 3. Exempting or discounting impacts of locally desired
2485 development, such as development in urban areas, redevelopment,
2486 job creation, and mixed use on the transportation system.

2487 4. Assigning secondary priority to vehicle mobility and
2488 primary priority to ensuring a safe, comfortable, and attractive
2489 pedestrian environment, with convenient interconnection to
2490 transit.

2491 5. Establishing multimodal level of service standards that
2492 rely primarily on nonvehicular modes of transportation where
2493 existing or planned community design will provide adequate level
2494 of mobility.

2495 6. Reducing impact fees or local access fees to promote
2496 development within urban areas, multimodal transportation
2497 districts, and a balance of mixed use development in certain
2498 areas or districts, or for affordable or workforce housing.

2499 (g) Local governments are encouraged to coordinate with
2500 adjacent local governments for the purpose of using common
2501 methodologies for measuring impacts on transportation
2502 facilities.

2503 (h) Local governments that implement transportation
2504 concurrency must:

2505 1. Consult with the Department of Transportation when
2506 proposed plan amendments affect facilities on the strategic
2507 intermodal system.



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2508 2. Exempt public transit facilities from concurrency. For
2509 the purposes of this subparagraph, public transit facilities
2510 include transit stations and terminals; transit station parking;
2511 park-and-ride lots; intermodal public transit connection or
2512 transfer facilities; fixed bus, guideway, and rail stations; and
2513 airport passenger terminals and concourses, air cargo
2514 facilities, and hangars for the assembly, manufacture,
2515 maintenance, or storage of aircraft. As used in this
2516 subparagraph, the terms "terminals" and "transit facilities" do
2517 not include seaports or commercial or residential development
2518 constructed in conjunction with a public transit facility.

2519 3. Allow an applicant for a development-of-regional-impact
2520 development order, a rezoning, or other land use development
2521 permit to satisfy the transportation concurrency requirements of
2522 the local comprehensive plan, the local government's concurrency
2523 management system, and s. 380.06, when applicable, if:

2524 a. The applicant enters into a binding agreement to pay for
2525 or construct its proportionate share of required improvements.

2526 b. The proportionate-share contribution or construction is
2527 sufficient to accomplish one or more mobility improvements that
2528 will benefit a regionally significant transportation facility.

2529 c.(I) The local government has provided a means by which the
2530 landowner will be assessed a proportionate share of the cost of
2531 providing the transportation facilities necessary to serve the
2532 proposed development. An applicant shall not be held responsible
2533 for the additional cost of reducing or eliminating deficiencies.

2534 (II) When an applicant contributes or constructs its
2535 proportionate share pursuant to this subparagraph, a local
2536 government may not require payment or construction of



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2537 transportation facilities whose costs would be greater than a
2538 development's proportionate share of the improvements necessary
2539 to mitigate the development's impacts.

2540 (A) The proportionate-share contribution shall be
2541 calculated based upon the number of trips from the proposed
2542 development expected to reach roadways during the peak hour from
2543 the stage or phase being approved, divided by the change in the
2544 peak hour maximum service volume of roadways resulting from
2545 construction of an improvement necessary to maintain or achieve
2546 the adopted level of service, multiplied by the construction
2547 cost, at the time of development payment, of the improvement
2548 necessary to maintain or achieve the adopted level of service.

2549 (B) In using the proportionate-share formula provided in
2550 this subparagraph, the applicant, in its traffic analysis, shall
2551 identify those roads or facilities that have a transportation
2552 deficiency in accordance with the transportation deficiency as
2553 defined in sub-subparagraph e. The proportionate-share formula
2554 provided in this subparagraph shall be applied only to those
2555 facilities that are determined to be significantly impacted by
2556 the project traffic under review. If any road is determined to
2557 be transportation deficient without the project traffic under
2558 review, the costs of correcting that deficiency shall be removed
2559 from the project's proportionate-share calculation and the
2560 necessary transportation improvements to correct that deficiency
2561 shall be considered to be in place for purposes of the
2562 proportionate-share calculation. The improvement necessary to
2563 correct the transportation deficiency is the funding
2564 responsibility of the entity that has maintenance responsibility
2565 for the facility. The development's proportionate share shall be



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2566 calculated only for the needed transportation improvements that
2567 are greater than the identified deficiency.

2568 (C) When the provisions of this subparagraph have been
2569 satisfied for a particular stage or phase of development, all
2570 transportation impacts from that stage or phase for which
2571 mitigation was required and provided shall be deemed fully
2572 mitigated in any transportation analysis for a subsequent stage
2573 or phase of development. Trips from a previous stage or phase
2574 that did not result in impacts for which mitigation was required
2575 or provided may be cumulatively analyzed with trips from a
2576 subsequent stage or phase to determine whether an impact
2577 requires mitigation for the subsequent stage or phase.

2578 (D) In projecting the number of trips to be generated by
2579 the development under review, any trips assigned to a toll-
2580 financed facility shall be eliminated from the analysis.

2581 (E) The applicant shall receive a credit on a dollar-for-
2582 dollar basis for impact fees, mobility fees, and other
2583 transportation concurrency mitigation requirements paid or
2584 payable in the future for the project. The credit shall be
2585 reduced up to 20 percent by the percentage share that the
2586 project's traffic represents of the added capacity of the
2587 selected improvement, or by the amount specified by local
2588 ordinance, whichever yields the greater credit.

2589 d. This subsection does not require a local government to
2590 approve a development that is not otherwise qualified for
2591 approval pursuant to the applicable local comprehensive plan and
2592 land development regulations.

2593 e. As used in this subsection, the term "transportation
2594 deficiency" means a facility or facilities on which the adopted



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2595 level-of-service standard is exceeded by the existing,
2596 committed, and vested trips, plus additional projected
2597 background trips from any source other than the development
2598 project under review, and trips that are forecast by established
2599 traffic standards, including traffic modeling, consistent with
2600 the University of Florida's Bureau of Economic and Business
2601 Research medium population projections. Additional projected
2602 background trips are to be coincident with the particular stage
2603 or phase of development under review.

2604 ~~(a) The Legislature finds that under limited circumstances,~~
2605 ~~countervailing planning and public policy goals may come into~~
2606 ~~conflict with the requirement that adequate public~~
2607 ~~transportation facilities and services be available concurrent~~
2608 ~~with the impacts of such development. The Legislature further~~
2609 ~~finds that the unintended result of the concurrency requirement~~
2610 ~~for transportation facilities is often the discouragement of~~
2611 ~~urban infill development and redevelopment. Such unintended~~
2612 ~~results directly conflict with the goals and policies of the~~
2613 ~~state comprehensive plan and the intent of this part. The~~
2614 ~~Legislature also finds that in urban centers transportation~~
2615 ~~cannot be effectively managed and mobility cannot be improved~~
2616 ~~solely through the expansion of roadway capacity, that the~~
2617 ~~expansion of roadway capacity is not always physically or~~
2618 ~~financially possible, and that a range of transportation~~
2619 ~~alternatives is essential to satisfy mobility needs, reduce~~
2620 ~~congestion, and achieve healthy, vibrant centers.~~

2621 ~~(b)1. The following are transportation concurrency~~
2622 ~~exception areas:~~

2623 ~~a. A municipality that qualifies as a dense urban land area~~



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2624 ~~under s. 163.3164;~~
2625 ~~b. An urban service area under s. 163.3164 that has been~~
2626 ~~adopted into the local comprehensive plan and is located within~~
2627 ~~a county that qualifies as a dense urban land area under s.~~
2628 ~~163.3164; and~~
2629 ~~e. A county, including the municipalities located therein,~~
2630 ~~which has a population of at least 900,000 and qualifies as a~~
2631 ~~dense urban land area under s. 163.3164, but does not have an~~
2632 ~~urban service area designated in the local comprehensive plan.~~
2633 ~~2. A municipality that does not qualify as a dense urban~~
2634 ~~land area pursuant to s. 163.3164 may designate in its local~~
2635 ~~comprehensive plan the following areas as transportation~~
2636 ~~concurrency exception areas:~~
2637 ~~a. Urban infill as defined in s. 163.3164;~~
2638 ~~b. Community redevelopment areas as defined in s. 163.340;~~
2639 ~~c. Downtown revitalization areas as defined in s. 163.3164;~~
2640 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
2641 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
2642 ~~within a designated urban service boundary under s.~~
2643 ~~163.3177(14).~~
2644 ~~3. A county that does not qualify as a dense urban land~~
2645 ~~area pursuant to s. 163.3164 may designate in its local~~
2646 ~~comprehensive plan the following areas as transportation~~
2647 ~~concurrency exception areas:~~
2648 ~~a. Urban infill as defined in s. 163.3164;~~
2649 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
2650 ~~c. Urban service areas as defined in s. 163.3164.~~
2651 ~~4. A local government that has a transportation concurrency~~
2652 ~~exception area designated pursuant to subparagraph 1.~~



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2653 ~~subparagraph 2., or subparagraph 3. shall, within 2 years after~~
2654 ~~the designated area becomes exempt, adopt into its local~~
2655 ~~comprehensive plan land use and transportation strategies to~~
2656 ~~support and fund mobility within the exception area, including~~
2657 ~~alternative modes of transportation. Local governments are~~
2658 ~~encouraged to adopt complementary land use and transportation~~
2659 ~~strategies that reflect the region's shared vision for its~~
2660 ~~future. If the state land planning agency finds insufficient~~
2661 ~~cause for the failure to adopt into its comprehensive plan land~~
2662 ~~use and transportation strategies to support and fund mobility~~
2663 ~~within the designated exception area after 2 years, it shall~~
2664 ~~submit the finding to the Administration Commission, which may~~
2665 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~
2666 ~~(b) against the local government.~~

2667 ~~5. Transportation concurrency exception areas designated~~
2668 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
2669 ~~do not apply to designated transportation concurrency districts~~
2670 ~~located within a county that has a population of at least 1.5~~
2671 ~~million, has implemented and uses a transportation-related~~
2672 ~~concurrency assessment to support alternative modes of~~
2673 ~~transportation, including, but not limited to, mass transit, and~~
2674 ~~does not levy transportation impact fees within the concurrency~~
2675 ~~district.~~

2676 ~~6. Transportation concurrency exception areas designated~~
2677 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
2678 ~~not apply in any county that has exempted more than 40 percent~~
2679 ~~of the area inside the urban service area from transportation~~
2680 ~~concurrency for the purpose of urban infill.~~

2681 ~~7. A local government that does not have a transportation~~



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2682 ~~concurrency exception area designated pursuant to subparagraph~~
2683 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
2684 ~~from the concurrency requirement for transportation facilities~~
2685 ~~if the proposed development is otherwise consistent with the~~
2686 ~~adopted local government comprehensive plan and is a project~~
2687 ~~that promotes public transportation or is located within an area~~
2688 ~~designated in the comprehensive plan for:~~

- 2689 ~~a. Urban infill development;~~
- 2690 ~~b. Urban redevelopment;~~
- 2691 ~~c. Downtown revitalization;~~
- 2692 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 2693 ~~e. An urban service area specifically designated as a~~
2694 ~~transportation concurrency exception area which includes lands~~
2695 ~~appropriate for compact, contiguous urban development, which~~
2696 ~~does not exceed the amount of land needed to accommodate the~~
2697 ~~projected population growth at densities consistent with the~~
2698 ~~adopted comprehensive plan within the 10-year planning period,~~
2699 ~~and which is served or is planned to be served with public~~
2700 ~~facilities and services as provided by the capital improvements~~
2701 ~~element.~~

2702 ~~(c) The Legislature also finds that developments located~~
2703 ~~within urban infill, urban redevelopment, urban service, or~~
2704 ~~downtown revitalization areas or areas designated as urban~~
2705 ~~infill and redevelopment areas under s. 163.2517, which pose~~
2706 ~~only special part-time demands on the transportation system, are~~
2707 ~~exempt from the concurrency requirement for transportation~~
2708 ~~facilities. A special part-time demand is one that does not have~~
2709 ~~more than 200 scheduled events during any calendar year and does~~
2710 ~~not affect the 100 highest traffic volume hours.~~



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2711 ~~(d) Except for transportation concurrency exception areas~~
2712 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
2713 ~~or subparagraph (b)3., the following requirements apply:~~

2714 ~~1. The local government shall both adopt into the~~
2715 ~~comprehensive plan and implement long-term strategies to support~~
2716 ~~and fund mobility within the designated exception area,~~
2717 ~~including alternative modes of transportation. The plan~~
2718 ~~amendment must also demonstrate how strategies will support the~~
2719 ~~purpose of the exception and how mobility within the designated~~
2720 ~~exception area will be provided.~~

2721 ~~2. The strategies must address urban design; appropriate~~
2722 ~~land use mixes, including intensity and density; and network~~
2723 ~~connectivity plans needed to promote urban infill,~~
2724 ~~redevelopment, or downtown revitalization. The comprehensive~~
2725 ~~plan amendment designating the concurrency exception area must~~
2726 ~~be accompanied by data and analysis supporting the local~~
2727 ~~government's determination of the boundaries of the~~
2728 ~~transportation concurrency exception area.~~

2729 ~~(e) Before designating a concurrency exception area~~
2730 ~~pursuant to subparagraph (b)7., the state land planning agency~~
2731 ~~and the Department of Transportation shall be consulted by the~~
2732 ~~local government to assess the impact that the proposed~~
2733 ~~exception area is expected to have on the adopted level-of-~~
2734 ~~service standards established for regional transportation~~
2735 ~~facilities identified pursuant to s. 186.507, including the~~
2736 ~~Strategic Intermodal System and roadway facilities funded in~~
2737 ~~accordance with s. 339.2819. Further, the local government shall~~
2738 ~~provide a plan for the mitigation of impacts to the Strategic~~
2739 ~~Intermodal System, including, if appropriate, access management,~~



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2740 ~~parallel reliever roads, transportation demand management, and~~
2741 ~~other measures.~~

2742 ~~(f) The designation of a transportation concurrency~~
2743 ~~exception area does not limit a local government's home rule~~
2744 ~~power to adopt ordinances or impose fees. This subsection does~~
2745 ~~not affect any contract or agreement entered into or development~~
2746 ~~order rendered before the creation of the transportation~~
2747 ~~concurrency exception area except as provided in s.~~
2748 ~~380.06(29)(c).~~

2749 ~~(g) The Office of Program Policy Analysis and Government~~
2750 ~~Accountability shall submit to the President of the Senate and~~
2751 ~~the Speaker of the House of Representatives by February 1, 2015,~~
2752 ~~a report on transportation concurrency exception areas created~~
2753 ~~pursuant to this subsection. At a minimum, the report shall~~
2754 ~~address the methods that local governments have used to~~
2755 ~~implement and fund transportation strategies to achieve the~~
2756 ~~purposes of designated transportation concurrency exception~~
2757 ~~areas, and the effects of the strategies on mobility,~~
2758 ~~congestion, urban design, the density and intensity of land use~~
2759 ~~mixes, and network connectivity plans used to promote urban~~
2760 ~~infill, redevelopment, or downtown revitalization.~~

2761 ~~(6) The Legislature finds that a de minimis impact is~~
2762 ~~consistent with this part. A de minimis impact is an impact that~~
2763 ~~would not affect more than 1 percent of the maximum volume at~~
2764 ~~the adopted level of service of the affected transportation~~
2765 ~~facility as determined by the local government. No impact will~~
2766 ~~be de minimis if the sum of existing roadway volumes and the~~
2767 ~~projected volumes from approved projects on a transportation~~
2768 ~~facility would exceed 110 percent of the maximum volume at the~~



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2769 ~~adopted level of service of the affected transportation~~
2770 ~~facility; provided however, that an impact of a single family~~
2771 ~~home on an existing lot will constitute a de minimis impact on~~
2772 ~~all roadways regardless of the level of the deficiency of the~~
2773 ~~roadway. Further, no impact will be de minimis if it would~~
2774 ~~exceed the adopted level-of-service standard of any affected~~
2775 ~~designated hurricane evacuation routes. Each local government~~
2776 ~~shall maintain sufficient records to ensure that the 110-percent~~
2777 ~~criterion is not exceeded. Each local government shall submit~~
2778 ~~annually, with its updated capital improvements element, a~~
2779 ~~summary of the de minimis records. If the state land planning~~
2780 ~~agency determines that the 110-percent criterion has been~~
2781 ~~exceeded, the state land planning agency shall notify the local~~
2782 ~~government of the exceedance and that no further de minimis~~
2783 ~~exceptions for the applicable roadway may be granted until such~~
2784 ~~time as the volume is reduced below the 110 percent. The local~~
2785 ~~government shall provide proof of this reduction to the state~~
2786 ~~land planning agency before issuing further de minimis~~
2787 ~~exceptions.~~

2788 ~~(7) In order to promote infill development and~~
2789 ~~redevelopment, one or more transportation concurrency management~~
2790 ~~areas may be designated in a local government comprehensive~~
2791 ~~plan. A transportation concurrency management area must be a~~
2792 ~~compact geographic area with an existing network of roads where~~
2793 ~~multiple, viable alternative travel paths or modes are available~~
2794 ~~for common trips. A local government may establish an areawide~~
2795 ~~level-of-service standard for such a transportation concurrency~~
2796 ~~management area based upon an analysis that provides for a~~
2797 ~~justification for the areawide level of service, how urban~~



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2798 ~~infill development or redevelopment will be promoted, and how~~
2799 ~~mobility will be accomplished within the transportation~~
2800 ~~concurrency management area. Prior to the designation of a~~
2801 ~~concurrency management area, the Department of Transportation~~
2802 ~~shall be consulted by the local government to assess the impact~~
2803 ~~that the proposed concurrency management area is expected to~~
2804 ~~have on the adopted level of service standards established for~~
2805 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
2806 ~~and roadway facilities funded in accordance with s. 339.2819.~~
2807 ~~Further, the local government shall, in cooperation with the~~
2808 ~~Department of Transportation, develop a plan to mitigate any~~
2809 ~~impacts to the Strategic Intermodal System, including, if~~
2810 ~~appropriate, the development of a long term concurrency~~
2811 ~~management system pursuant to subsection (9) and s.~~
2812 ~~163.3177(3) (d). Transportation concurrency management areas~~
2813 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
2814 ~~provisions of this section by July 1, 2006, or at the time of~~
2815 ~~the comprehensive plan update pursuant to the evaluation and~~
2816 ~~appraisal report, whichever occurs last. The state land planning~~
2817 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
2818 ~~be consistent with this subsection.~~

2819 ~~(8) When assessing the transportation impacts of proposed~~
2820 ~~urban redevelopment within an established existing urban service~~
2821 ~~area, 110 percent of the actual transportation impact caused by~~
2822 ~~the previously existing development must be reserved for the~~
2823 ~~redevelopment, even if the previously existing development has a~~
2824 ~~lesser or nonexistent impact pursuant to the calculations of the~~
2825 ~~local government. Redevelopment requiring less than 110 percent~~
2826 ~~of the previously existing capacity shall not be prohibited due~~



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2827 ~~to the reduction of transportation levels of service below the~~
2828 ~~adopted standards. This does not preclude the appropriate~~
2829 ~~assessment of fees or accounting for the impacts within the~~
2830 ~~concurrency management system and capital improvements program~~
2831 ~~of the affected local government. This paragraph does not affect~~
2832 ~~local government requirements for appropriate development~~
2833 ~~permits.~~

2834 ~~(9) (a) Each local government may adopt as a part of its~~
2835 ~~plan, long-term transportation and school concurrency management~~
2836 ~~systems with a planning period of up to 10 years for specially~~
2837 ~~designated districts or areas where significant backlogs exist.~~
2838 ~~The plan may include interim level-of-service standards on~~
2839 ~~certain facilities and shall rely on the local government's~~
2840 ~~schedule of capital improvements for up to 10 years as a basis~~
2841 ~~for issuing development orders that authorize commencement of~~
2842 ~~construction in these designated districts or areas. The~~
2843 ~~concurrency management system must be designed to correct~~
2844 ~~existing deficiencies and set priorities for addressing~~
2845 ~~backlogged facilities. The concurrency management system must be~~
2846 ~~financially feasible and consistent with other portions of the~~
2847 ~~adopted local plan, including the future land use map.~~

2848 ~~(b) If a local government has a transportation or school~~
2849 ~~facility backlog for existing development which cannot be~~
2850 ~~adequately addressed in a 10-year plan, the state land planning~~
2851 ~~agency may allow it to develop a plan and long-term schedule of~~
2852 ~~capital improvements covering up to 15 years for good and~~
2853 ~~sufficient cause, based on a general comparison between that~~
2854 ~~local government and all other similarly situated local~~
2855 ~~jurisdictions, using the following factors:~~



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2856 ~~1. The extent of the backlog.~~
2857 ~~2. For roads, whether the backlog is on local or state~~
2858 ~~roads.~~
2859 ~~3. The cost of eliminating the backlog.~~
2860 ~~4. The local government's tax and other revenue-raising~~
2861 ~~efforts.~~
2862 ~~(c) The local government may issue approvals to commence~~
2863 ~~construction notwithstanding this section, consistent with and~~
2864 ~~in areas that are subject to a long-term concurrency management~~
2865 ~~system.~~
2866 ~~(d) If the local government adopts a long-term concurrency~~
2867 ~~management system, it must evaluate the system periodically. At~~
2868 ~~a minimum, the local government must assess its progress toward~~
2869 ~~improving levels of service within the long-term concurrency~~
2870 ~~management district or area in the evaluation and appraisal~~
2871 ~~report and determine any changes that are necessary to~~
2872 ~~accelerate progress in meeting acceptable levels of service.~~
2873 ~~(10) Except in transportation concurrency exception areas,~~
2874 ~~with regard to roadway facilities on the Strategic Intermodal~~
2875 ~~System designated in accordance with s. 339.63, local~~
2876 ~~governments shall adopt the level-of-service standard~~
2877 ~~established by the Department of Transportation by rule.~~
2878 ~~However, if the Office of Tourism, Trade, and Economic~~
2879 ~~Development concurs in writing with the local government that~~
2880 ~~the proposed development is for a qualified job creation project~~
2881 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
2882 ~~after consulting with the Department of Transportation, may~~
2883 ~~provide for a waiver of transportation concurrency for the~~
2884 ~~project. For all other roads on the State Highway System, local~~



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2885 ~~governments shall establish an adequate level of service~~
2886 ~~standard that need not be consistent with any level of service~~
2887 ~~standard established by the Department of Transportation. In~~
2888 ~~establishing adequate level of service standards for any~~
2889 ~~arterial roads, or collector roads as appropriate, which~~
2890 ~~traverse multiple jurisdictions, local governments shall~~
2891 ~~consider compatibility with the roadway facility's adopted~~
2892 ~~level of service standards in adjacent jurisdictions. Each local~~
2893 ~~government within a county shall use a professionally accepted~~
2894 ~~methodology for measuring impacts on transportation facilities~~
2895 ~~for the purposes of implementing its concurrency management~~
2896 ~~system. Counties are encouraged to coordinate with adjacent~~
2897 ~~counties, and local governments within a county are encouraged~~
2898 ~~to coordinate, for the purpose of using common methodologies for~~
2899 ~~measuring impacts on transportation facilities for the purpose~~
2900 ~~of implementing their concurrency management systems.~~

2901 ~~(11) In order to limit the liability of local governments,~~
2902 ~~a local government may allow a landowner to proceed with~~
2903 ~~development of a specific parcel of land notwithstanding a~~
2904 ~~failure of the development to satisfy transportation~~
2905 ~~concurrency, when all the following factors are shown to exist:~~

2906 ~~(a) The local government with jurisdiction over the~~
2907 ~~property has adopted a local comprehensive plan that is in~~
2908 ~~compliance.~~

2909 ~~(b) The proposed development would be consistent with the~~
2910 ~~future land use designation for the specific property and with~~
2911 ~~pertinent portions of the adopted local plan, as determined by~~
2912 ~~the local government.~~

2913 ~~(c) The local plan includes a financially feasible capital~~



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2914 ~~improvements element that provides for transportation facilities~~
2915 ~~adequate to serve the proposed development, and the local~~
2916 ~~government has not implemented that element.~~

2917 ~~(d) The local government has provided a means by which the~~
2918 ~~landowner will be assessed a fair share of the cost of providing~~
2919 ~~the transportation facilities necessary to serve the proposed~~
2920 ~~development.~~

2921 ~~(e) The landowner has made a binding commitment to the~~
2922 ~~local government to pay the fair share of the cost of providing~~
2923 ~~the transportation facilities to serve the proposed development.~~

2924 ~~(12) (a) A development of regional impact may satisfy the~~
2925 ~~transportation concurrency requirements of the local~~
2926 ~~comprehensive plan, the local government's concurrency~~
2927 ~~management system, and s. 380.06 by payment of a proportionate-~~
2928 ~~share contribution for local and regionally significant traffic~~
2929 ~~impacts, if:~~

2930 ~~1. The development of regional impact which, based on its~~
2931 ~~location or mix of land uses, is designed to encourage~~
2932 ~~pedestrian or other nonautomotive modes of transportation;~~

2933 ~~2. The proportionate-share contribution for local and~~
2934 ~~regionally significant traffic impacts is sufficient to pay for~~
2935 ~~one or more required mobility improvements that will benefit a~~
2936 ~~regionally significant transportation facility;~~

2937 ~~3. The owner and developer of the development of regional~~
2938 ~~impact pays or assures payment of the proportionate-share~~
2939 ~~contribution; and~~

2940 ~~4. If the regionally significant transportation facility to~~
2941 ~~be constructed or improved is under the maintenance authority of~~
2942 ~~a governmental entity, as defined by s. 334.03(12), other than~~



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2943 ~~the local government with jurisdiction over the development of~~
2944 ~~regional impact, the developer is required to enter into a~~
2945 ~~binding and legally enforceable commitment to transfer funds to~~
2946 ~~the governmental entity having maintenance authority or to~~
2947 ~~otherwise assure construction or improvement of the facility.~~
2948

2949 ~~The proportionate share contribution may be applied to any~~
2950 ~~transportation facility to satisfy the provisions of this~~
2951 ~~subsection and the local comprehensive plan, but, for the~~
2952 ~~purposes of this subsection, the amount of the proportionate-~~
2953 ~~share contribution shall be calculated based upon the cumulative~~
2954 ~~number of trips from the proposed development expected to reach~~
2955 ~~roadways during the peak hour from the complete buildout of a~~
2956 ~~stage or phase being approved, divided by the change in the peak~~
2957 ~~hour maximum service volume of roadways resulting from~~
2958 ~~construction of an improvement necessary to maintain the adopted~~
2959 ~~level of service, multiplied by the construction cost, at the~~
2960 ~~time of developer payment, of the improvement necessary to~~
2961 ~~maintain the adopted level of service. For purposes of this~~
2962 ~~subsection, "construction cost" includes all associated costs of~~
2963 ~~the improvement. Proportionate share mitigation shall be limited~~
2964 ~~to ensure that a development of regional impact meeting the~~
2965 ~~requirements of this subsection mitigates its impact on the~~
2966 ~~transportation system but is not responsible for the additional~~
2967 ~~cost of reducing or eliminating backlogs. This subsection also~~
2968 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
2969 ~~and to detailed specific area plans implementing optional sector~~
2970 ~~plans pursuant to s. 163.3245.~~

2971 ~~(b) As used in this subsection, the term "backlog" means a~~



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2972 ~~facility or facilities on which the adopted level of service~~
2973 ~~standard is exceeded by the existing trips, plus additional~~
2974 ~~projected background trips from any source other than the~~
2975 ~~development project under review that are forecast by~~
2976 ~~established traffic standards, including traffic modeling,~~
2977 ~~consistent with the University of Florida Bureau of Economic and~~
2978 ~~Business Research medium population projections. Additional~~
2979 ~~projected background trips are to be coincident with the~~
2980 ~~particular stage or phase of development under review.~~

2981 ~~(13) School concurrency shall be established on a~~
2982 ~~districtwide basis and shall include all public schools in the~~
2983 ~~district and all portions of the district, whether located in a~~
2984 ~~municipality or an unincorporated area unless exempt from the~~
2985 ~~public school facilities element pursuant to s. 163.3177(12).~~

2986 (6) (a) If concurrency is applied to public education
2987 facilities, The application of school concurrency to development
2988 shall be based upon the adopted comprehensive plan, as amended.
2989 all local governments within a county, except as provided in
2990 paragraph (i) (f), shall include principles, guidelines,
2991 standards, and strategies, including adopted levels of service,
2992 in their comprehensive plans and adopt and transmit to the state
2993 land planning agency the necessary plan amendments, along with
2994 the interlocal agreements. If the county and one or more
2995 municipalities have adopted school concurrency into its
2996 comprehensive plan and interlocal agreement that represents at
2997 least 80 percent of the total countywide population, the failure
2998 of one or more municipalities to adopt the concurrency and enter
2999 into the interlocal agreement does not preclude implementation
3000 of school concurrency within jurisdictions of the school



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3001 ~~district that have opted to implement concurrency. agreement,~~
3002 ~~for a compliance review pursuant to s. 163.3184(7) and (8). The~~
3003 ~~minimum requirements for school concurrency are the following:~~
3004 ~~(a) Public school facilities element. A local government~~
3005 ~~shall adopt and transmit to the state land planning agency a~~
3006 ~~plan or plan amendment which includes a public school facilities~~
3007 ~~element which is consistent with the requirements of s.~~
3008 ~~163.3177(12) and which is determined to be in compliance as~~
3009 ~~defined in s. 163.3184(1)(b). All local government provisions~~
3010 ~~included in comprehensive plans regarding school concurrency~~
3011 ~~public school facilities plan elements within a county must be~~
3012 ~~consistent with each other as well as the requirements of this~~
3013 ~~part.~~
3014 ~~(b) Level-of-service standards. The Legislature recognizes~~
3015 ~~that an essential requirement for a concurrency management~~
3016 ~~system is the level of service at which a public facility is~~
3017 ~~expected to operate.~~
3018 ~~1. Local governments and school boards imposing school~~
3019 ~~concurrency shall exercise authority in conjunction with each~~
3020 ~~other to establish jointly adequate level-of-service standards,~~
3021 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
3022 ~~necessary to implement the adopted local government~~
3023 ~~comprehensive plan, based on data and analysis.~~
3024 ~~(c) 2. Public school level-of-service standards shall be~~
3025 ~~included and adopted into the capital improvements element of~~
3026 ~~the local comprehensive plan and shall apply districtwide to all~~
3027 ~~schools of the same type. Types of schools may include~~
3028 ~~elementary, middle, and high schools as well as special purpose~~
3029 ~~facilities such as magnet schools.~~



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3030 ~~(d)3.~~ Local governments and school boards may ~~shall have~~
3031 ~~the option to~~ utilize tiered level-of-service standards to allow
3032 time to achieve an adequate and desirable level of service as
3033 circumstances warrant.

3034 ~~(e)4. For the purpose of determining whether levels of~~
3035 ~~service have been achieved, for the first 3 years of school~~
3036 ~~concurrency implementation,~~ A school district that includes
3037 relocatable facilities in its inventory of student stations
3038 shall include the capacity of such relocatable facilities as
3039 provided in s. 1013.35(2)(b)2.f., provided the relocatable
3040 facilities were purchased after 1998 and the relocatable
3041 facilities meet the standards for long-term use pursuant to s.
3042 1013.20.

3043 ~~(c) Service areas. The Legislature recognizes that an~~
3044 ~~essential requirement for a concurrency system is a designation~~
3045 ~~of the area within which the level of service will be measured~~
3046 ~~when an application for a residential development permit is~~
3047 ~~reviewed for school concurrency purposes. This delineation is~~
3048 ~~also important for purposes of determining whether the local~~
3049 ~~government has a financially feasible public school capital~~
3050 ~~facilities program that will provide schools which will achieve~~
3051 ~~and maintain the adopted level of service standards.~~

3052 (f)1. In order to balance competing interests, preserve the
3053 constitutional concept of uniformity, and avoid disruption of
3054 existing educational and growth management processes, local
3055 governments are encouraged, if they elect to adopt school
3056 concurrency, to ~~initially~~ apply school concurrency to
3057 development ~~only~~ on a districtwide basis so that a concurrency
3058 determination for a specific development will be based upon the



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3059 availability of school capacity districtwide. ~~To ensure that~~
3060 ~~development is coordinated with schools having available~~
3061 ~~capacity, within 5 years after adoption of school concurrency,~~
3062 2. If a local government elects to ~~governments shall~~ apply
3063 school concurrency on a less than districtwide basis, by ~~such as~~
3064 using school attendance zones or concurrency service areas; ~~as~~
3065 ~~provided in subparagraph 2.~~

3066 ~~a.2. For local governments applying school concurrency on a~~
3067 ~~less than districtwide basis, such as utilizing school~~
3068 ~~attendance zones or larger school concurrency service areas,~~
3069 Local governments and school boards shall have the burden to
3070 demonstrate that the utilization of school capacity is maximized
3071 to the greatest extent possible in the comprehensive plan and
3072 amendment, taking into account transportation costs and court-
3073 approved desegregation plans, as well as other factors. In
3074 addition, in order to achieve concurrency within the service
3075 area boundaries selected by local governments and school boards,
3076 the service area boundaries, together with the standards for
3077 establishing those boundaries, shall be identified and included
3078 as supporting data and analysis for the comprehensive plan.

3079 ~~b.3.~~ Where school capacity is available on a districtwide
3080 basis but school concurrency is applied on a less than
3081 districtwide basis in the form of concurrency service areas, if
3082 the adopted level-of-service standard cannot be met in a
3083 particular service area as applied to an application for a
3084 development permit and if the needed capacity for the particular
3085 service area is available in one or more contiguous service
3086 areas, as adopted by the local government, then the local
3087 government may not deny an application for site plan or final



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3088 subdivision approval or the functional equivalent for a
3089 development or phase of a development on the basis of school
3090 concurrency, and if issued, development impacts shall be
3091 subtracted from the shifted to contiguous service area's areas
3092 with schools having available capacity totals. Students from the
3093 development may not be required to go to the adjacent service
3094 area unless the school board rezones the area in which the
3095 development occurs.

3096 ~~(g) (d) Financial feasibility. The Legislature recognizes~~
3097 ~~that financial feasibility is an important issue because The~~
3098 ~~premise of concurrency is that the public facilities will be~~
3099 ~~provided in order to achieve and maintain the adopted level-of-~~
3100 ~~service standard. This part and chapter 9J-5, Florida~~
3101 ~~Administrative Code, contain specific standards to determine the~~
3102 ~~financial feasibility of capital programs. These standards were~~
3103 ~~adopted to make concurrency more predictable and local~~
3104 ~~governments more accountable.~~

3105 1. A comprehensive plan that imposes amendment seeking to
3106 impose school concurrency shall contain appropriate amendments
3107 to the capital improvements element of the comprehensive plan,
3108 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~
3109 ~~5.016, Florida Administrative Code.~~ The capital improvements
3110 element shall identify facilities necessary to meet adopted
3111 levels of service during a 5-year period consistent with the
3112 school board's educational set forth a financially feasible
3113 public school capital facilities plan program, established in
3114 conjunction with the school board, that demonstrates that the
3115 adopted level of service standards will be achieved and
3116 maintained.



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3117 (h)1. In order to limit the liability of local governments,
3118 a local government may allow a landowner to proceed with
3119 development of a specific parcel of land notwithstanding a
3120 failure of the development to satisfy school concurrency, if all
3121 the following factors are shown to exist:

3122 a. The proposed development would be consistent with the
3123 future land use designation for the specific property and with
3124 pertinent portions of the adopted local plan, as determined by
3125 the local government.

3126 b. The local government's capital improvements element and
3127 the school board's educational facilities plan provide for
3128 school facilities adequate to serve the proposed development,
3129 and the local government or school board has not implemented
3130 that element or the project includes a plan that demonstrates
3131 that the capital facilities needed as a result of the project
3132 can be reasonably provided.

3133 c. The local government and school board have provided a
3134 means by which the landowner will be assessed a proportionate
3135 share of the cost of providing the school facilities necessary
3136 to serve the proposed development.

3137 ~~2. Such amendments shall demonstrate that the public school~~
3138 ~~capital facilities program meets all of the financial~~
3139 ~~feasibility standards of this part and chapter 9J-5, Florida~~
3140 ~~Administrative Code, that apply to capital programs which~~
3141 ~~provide the basis for mandatory concurrency on other public~~
3142 ~~facilities and services.~~

3143 ~~3. When the financial feasibility of a public school~~
3144 ~~capital facilities program is evaluated by the state land~~
3145 ~~planning agency for purposes of a compliance determination, the~~



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3146 ~~evaluation shall be based upon the service areas selected by the~~
3147 ~~local governments and school board.~~

3148 ~~2.(c) Availability standard. Consistent with the public~~
3149 ~~welfare, If a local government applies school concurrency, it~~
3150 ~~may not deny an application for site plan, final subdivision~~
3151 ~~approval, or the functional equivalent for a development or~~
3152 ~~phase of a development authorizing residential development for~~
3153 ~~failure to achieve and maintain the level-of-service standard~~
3154 ~~for public school capacity in a local school concurrency~~
3155 ~~management system where adequate school facilities will be in~~
3156 ~~place or under actual construction within 3 years after the~~
3157 ~~issuance of final subdivision or site plan approval, or the~~
3158 ~~functional equivalent. School concurrency is satisfied if the~~
3159 ~~developer executes a legally binding commitment to provide~~
3160 ~~mitigation proportionate to the demand for public school~~
3161 ~~facilities to be created by actual development of the property,~~
3162 ~~including, but not limited to, the options described in sub-~~
3163 ~~subparagraph a. subparagraph 1. Options for proportionate-share~~
3164 ~~mitigation of impacts on public school facilities must be~~
3165 ~~established in the comprehensive plan ~~public school facilities~~~~
3166 ~~element and the interlocal agreement pursuant to s. 163.31777.~~

3167 ~~a.1.~~ Appropriate mitigation options include the
3168 contribution of land; the construction, expansion, or payment
3169 for land acquisition or construction of a public school
3170 facility; the construction of a charter school that complies
3171 with the requirements of s. 1002.33(18); or the creation of
3172 mitigation banking based on the construction of a public school
3173 facility in exchange for the right to sell capacity credits.
3174 Such options must include execution by the applicant and the



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3175 local government of a development agreement that constitutes a
3176 legally binding commitment to pay proportionate-share mitigation
3177 for the additional residential units approved by the local
3178 government in a development order and actually developed on the
3179 property, taking into account residential density allowed on the
3180 property prior to the plan amendment that increased the overall
3181 residential density. The district school board must be a party
3182 to such an agreement. As a condition of its entry into such a
3183 development agreement, the local government may require the
3184 landowner to agree to continuing renewal of the agreement upon
3185 its expiration.

3186 b.2. If the interlocal agreement ~~education facilities plan~~
3187 and the local government comprehensive plan ~~public educational~~
3188 ~~facilities element~~ authorize a contribution of land; the
3189 construction, expansion, or payment for land acquisition; the
3190 construction or expansion of a public school facility, or a
3191 portion thereof; or the construction of a charter school that
3192 complies with the requirements of s. 1002.33(18), as
3193 proportionate-share mitigation, the local government shall
3194 credit such a contribution, construction, expansion, or payment
3195 toward any other impact fee or exaction imposed by local
3196 ordinance for the same need, on a dollar-for-dollar basis at
3197 fair market value.

3198 c.3. Any proportionate-share mitigation must be directed by
3199 the school board toward a school capacity improvement identified
3200 in the a financially feasible 5-year school board's educational
3201 facilities district work plan that satisfies the demands created
3202 by the development in accordance with a binding developer's
3203 agreement.



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3204 ~~4. If a development is precluded from commencing because~~
3205 ~~there is inadequate classroom capacity to mitigate the impacts~~
3206 ~~of the development, the development may nevertheless commence if~~
3207 ~~there are accelerated facilities in an approved capital~~
3208 ~~improvement element scheduled for construction in year four or~~
3209 ~~later of such plan which, when built, will mitigate the proposed~~
3210 ~~development, or if such accelerated facilities will be in the~~
3211 ~~next annual update of the capital facilities element, the~~
3212 ~~developer enters into a binding, financially guaranteed~~
3213 ~~agreement with the school district to construct an accelerated~~
3214 ~~facility within the first 3 years of an approved capital~~
3215 ~~improvement plan, and the cost of the school facility is equal~~
3216 ~~to or greater than the development's proportionate share. When~~
3217 ~~the completed school facility is conveyed to the school~~
3218 ~~district, the developer shall receive impact fee credits usable~~
3219 ~~within the zone where the facility is constructed or any~~
3220 ~~attendance zone contiguous with or adjacent to the zone where~~
3221 ~~the facility is constructed.~~

3222 ~~3.5.~~ This paragraph does not limit the authority of a local
3223 government to deny a development permit or its functional
3224 equivalent pursuant to its home rule regulatory powers, except
3225 as provided in this part.

3226 ~~(i)(f) Intergovernmental coordination.—~~

3227 ~~1. When establishing concurrency requirements for public~~
3228 ~~schools, a local government shall satisfy the requirements for~~
3229 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
3230 ~~and 2., except that A municipality is not required to be a~~
3231 ~~signatory to the interlocal agreement required by paragraph (j)~~
3232 ~~ss. 163.3177(6)(h)2. and 163.3177(6), as a prerequisite for~~



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3233 imposition of school concurrency, and as a nonsignatory, may
3234 ~~shall~~ not participate in the adopted local school concurrency
3235 system, if the municipality meets all of the following criteria
3236 for having no significant impact on school attendance:

3237 ~~1.a.~~ The municipality has issued development orders for
3238 fewer than 50 residential dwelling units during the preceding 5
3239 years, or the municipality has generated fewer than 25
3240 additional public school students during the preceding 5 years.

3241 ~~2.b.~~ The municipality has not annexed new land during the
3242 preceding 5 years in land use categories which permit
3243 residential uses that will affect school attendance rates.

3244 ~~3.e.~~ The municipality has no public schools located within
3245 its boundaries.

3246 ~~4.d.~~ At least 80 percent of the developable land within the
3247 boundaries of the municipality has been built upon.

3248 ~~2. A municipality which qualifies as having no significant~~
3249 ~~impact on school attendance pursuant to the criteria of~~
3250 ~~subparagraph 1. must review and determine at the time of its~~
3251 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
3252 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~
3253 ~~If the municipality determines that it no longer meets the~~
3254 ~~criteria, it must adopt appropriate school concurrency goals,~~
3255 ~~objectives, and policies in its plan amendments based on the~~
3256 ~~evaluation and appraisal report, and enter into the existing~~
3257 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
3258 ~~163.31777, in order to fully participate in the school~~
3259 ~~concurrency system. If such a municipality fails to do so, it~~
3260 ~~will be subject to the enforcement provisions of s. 163.3191.~~

3261 ~~(j)(g) Interlocal agreement for school concurrency. When~~



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3262 establishing concurrency requirements for public schools, a
3263 local government must enter into an interlocal agreement that
3264 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
3265 163.31777 and the requirements of this subsection. The
3266 interlocal agreement shall acknowledge both the school board's
3267 constitutional and statutory obligations to provide a uniform
3268 system of free public schools on a countywide basis, and the
3269 land use authority of local governments, including their
3270 authority to approve or deny comprehensive plan amendments and
3271 development orders. ~~The interlocal agreement shall be submitted~~
3272 ~~to the state land planning agency by the local government as a~~
3273 ~~part of the compliance review, along with the other necessary~~
3274 ~~amendments to the comprehensive plan required by this part. In~~
3275 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
3276 ~~163.31777,~~ The interlocal agreement shall meet the following
3277 requirements:

3278 1. Establish the mechanisms for coordinating the
3279 development, adoption, and amendment of each local government's
3280 school concurrency related provisions of the comprehensive plan
3281 ~~public school facilities element~~ with each other and the plans
3282 of the school board to ensure a uniform districtwide school
3283 concurrency system.

3284 ~~2. Establish a process for the development of siting~~
3285 ~~criteria which encourages the location of public schools~~
3286 ~~proximate to urban residential areas to the extent possible and~~
3287 ~~seeks to collocate schools with other public facilities such as~~
3288 ~~parks, libraries, and community centers to the extent possible.~~

3289 2.3. Specify uniform, districtwide level-of-service
3290 standards for public schools of the same type and the process



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3291 for modifying the adopted level-of-service standards.

3292 ~~4. Establish a process for the preparation, amendment, and~~
3293 ~~joint approval by each local government and the school board of~~
3294 ~~a public school capital facilities program which is financially~~
3295 ~~feasible, and a process and schedule for incorporation of the~~
3296 ~~public school capital facilities program into the local~~
3297 ~~government comprehensive plans on an annual basis.~~

3298 ~~3.5.~~ Define the geographic application of school
3299 concurrency. If school concurrency is to be applied on a less
3300 than districtwide basis in the form of concurrency service
3301 areas, the agreement shall establish criteria and standards for
3302 the establishment and modification of school concurrency service
3303 areas. ~~The agreement shall also establish a process and schedule~~
3304 ~~for the mandatory incorporation of the school concurrency~~
3305 ~~service areas and the criteria and standards for establishment~~
3306 ~~of the service areas into the local government comprehensive~~
3307 ~~plans.~~ The agreement shall ensure maximum utilization of school
3308 capacity, taking into account transportation costs and court-
3309 approved desegregation plans, as well as other factors. ~~The~~
3310 ~~agreement shall also ensure the achievement and maintenance of~~
3311 ~~the adopted level-of-service standards for the geographic area~~
3312 ~~of application throughout the 5 years covered by the public~~
3313 ~~school capital facilities plan and thereafter by adding a new~~
3314 ~~fifth year during the annual update.~~

3315 ~~4.6.~~ Establish a uniform districtwide procedure for
3316 implementing school concurrency which provides for:

3317 a. The evaluation of development applications for
3318 compliance with school concurrency requirements, including
3319 information provided by the school board on affected schools,



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3320 impact on levels of service, and programmed improvements for
3321 affected schools and any options to provide sufficient capacity;

3322 b. An opportunity for the school board to review and
3323 comment on the effect of comprehensive plan amendments and
3324 rezonings on the public school facilities plan; and

3325 c. The monitoring and evaluation of the school concurrency
3326 system.

3327 ~~7. Include provisions relating to amendment of the~~
3328 ~~agreement.~~

3329 ~~5.8.~~ A process and uniform methodology for determining
3330 proportionate-share mitigation pursuant to paragraph (h)
3331 ~~subparagraph (e)1.~~

3332 ~~(k)(h) Local government authority.~~ This subsection does not
3333 limit the authority of a local government to grant or deny a
3334 development permit or its functional equivalent prior to the
3335 implementation of school concurrency.

3336 ~~(14) The state land planning agency shall, by October 1,~~
3337 ~~1998, adopt by rule minimum criteria for the review and~~
3338 ~~determination of compliance of a public school facilities~~
3339 ~~element adopted by a local government for purposes of imposition~~
3340 ~~of school concurrency.~~

3341 ~~(15)(a) Multimodal transportation districts may be~~
3342 ~~established under a local government comprehensive plan in areas~~
3343 ~~delineated on the future land use map for which the local~~
3344 ~~comprehensive plan assigns secondary priority to vehicle~~
3345 ~~mobility and primary priority to assuring a safe, comfortable,~~
3346 ~~and attractive pedestrian environment, with convenient~~
3347 ~~interconnection to transit. Such districts must incorporate~~
3348 ~~community design features that will reduce the number of~~



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3349 ~~automobile trips or vehicle miles of travel and will support an~~
3350 ~~integrated, multimodal transportation system. Prior to the~~
3351 ~~designation of multimodal transportation districts, the~~
3352 ~~Department of Transportation shall be consulted by the local~~
3353 ~~government to assess the impact that the proposed multimodal~~
3354 ~~district area is expected to have on the adopted level-of-~~
3355 ~~service standards established for Strategic Intermodal System~~
3356 ~~facilities, as defined in s. 339.64, and roadway facilities~~
3357 ~~funded in accordance with s. 339.2819. Further, the local~~
3358 ~~government shall, in cooperation with the Department of~~
3359 ~~Transportation, develop a plan to mitigate any impacts to the~~
3360 ~~Strategic Intermodal System, including the development of a~~
3361 ~~long-term concurrency management system pursuant to subsection~~
3362 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~
3363 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
3364 ~~provisions of this section by July 1, 2006, or at the time of~~
3365 ~~the comprehensive plan update pursuant to the evaluation and~~
3366 ~~appraisal report, whichever occurs last.~~

3367 ~~(b) Community design elements of such a district include: a~~
3368 ~~complementary mix and range of land uses, including educational,~~
3369 ~~recreational, and cultural uses; interconnected networks of~~
3370 ~~streets designed to encourage walking and bicycling, with~~
3371 ~~traffic-calming where desirable; appropriate densities and~~
3372 ~~intensities of use within walking distance of transit stops;~~
3373 ~~daily activities within walking distance of residences, allowing~~
3374 ~~independence to persons who do not drive; public uses, streets,~~
3375 ~~and squares that are safe, comfortable, and attractive for the~~
3376 ~~pedestrian, with adjoining buildings open to the street and with~~
3377 ~~parking not interfering with pedestrian, transit, automobile,~~



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3378 ~~and truck travel modes.~~

3379 ~~(c) Local governments may establish multimodal level-of-~~
3380 ~~service standards that rely primarily on nonvehicular modes of~~
3381 ~~transportation within the district, when justified by an~~
3382 ~~analysis demonstrating that the existing and planned community~~
3383 ~~design will provide an adequate level of mobility within the~~
3384 ~~district based upon professionally accepted multimodal level-of-~~
3385 ~~service methodologies. The analysis must also demonstrate that~~
3386 ~~the capital improvements required to promote community design~~
3387 ~~are financially feasible over the development or redevelopment~~
3388 ~~timeframe for the district and that community design features~~
3389 ~~within the district provide convenient interconnection for a~~
3390 ~~multimodal transportation system. Local governments may issue~~
3391 ~~development permits in reliance upon all planned community~~
3392 ~~design capital improvements that are financially feasible over~~
3393 ~~the development or redevelopment timeframe for the district,~~
3394 ~~without regard to the period of time between development or~~
3395 ~~redevelopment and the scheduled construction of the capital~~
3396 ~~improvements. A determination of financial feasibility shall be~~
3397 ~~based upon currently available funding or funding sources that~~
3398 ~~could reasonably be expected to become available over the~~
3399 ~~planning period.~~

3400 ~~(d) Local governments may reduce impact fees or local~~
3401 ~~access fees for development within multimodal transportation~~
3402 ~~districts based on the reduction of vehicle trips per household~~
3403 ~~or vehicle miles of travel expected from the development pattern~~
3404 ~~planned for the district.~~

3405 ~~(16) It is the intent of the Legislature to provide a~~
3406 ~~method by which the impacts of development on transportation~~



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3407 ~~facilities can be mitigated by the cooperative efforts of the~~
3408 ~~public and private sectors. The methodology used to calculate~~
3409 ~~proportionate fair share mitigation under this section shall be~~
3410 ~~as provided for in subsection (12).~~

3411 ~~(a) By December 1, 2006, each local government shall adopt~~
3412 ~~by ordinance a methodology for assessing proportionate fair-~~
3413 ~~share mitigation options. By December 1, 2005, the Department of~~
3414 ~~Transportation shall develop a model transportation concurrency~~
3415 ~~management ordinance with methodologies for assessing~~
3416 ~~proportionate fair share mitigation options.~~

3417 ~~(b)1. In its transportation concurrency management system,~~
3418 ~~a local government shall, by December 1, 2006, include~~
3419 ~~methodologies that will be applied to calculate proportionate~~
3420 ~~fair share mitigation. A developer may choose to satisfy all~~
3421 ~~transportation concurrency requirements by contributing or~~
3422 ~~paying proportionate fair share mitigation if transportation~~
3423 ~~facilities or facility segments identified as mitigation for~~
3424 ~~traffic impacts are specifically identified for funding in the~~
3425 ~~5-year schedule of capital improvements in the capital~~
3426 ~~improvements element of the local plan or the long-term~~
3427 ~~concurrency management system or if such contributions or~~
3428 ~~payments to such facilities or segments are reflected in the 5-~~
3429 ~~year schedule of capital improvements in the next regularly~~
3430 ~~scheduled update of the capital improvements element. Updates to~~
3431 ~~the 5-year capital improvements element which reflect~~
3432 ~~proportionate fair share contributions may not be found not in~~
3433 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
3434 ~~additional contributions, payments or funding sources are~~
3435 ~~reasonably anticipated during a period not to exceed 10 years to~~



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3436 ~~fully mitigate impacts on the transportation facilities.~~
3437 ~~2. Proportionate fair-share mitigation shall be applied as~~
3438 ~~a credit against impact fees to the extent that all or a portion~~
3439 ~~of the proportionate fair share mitigation is used to address~~
3440 ~~the same capital infrastructure improvements contemplated by the~~
3441 ~~local government's impact fee ordinance.~~
3442 ~~(c) Proportionate fair-share mitigation includes, without~~
3443 ~~limitation, separately or collectively, private funds,~~
3444 ~~contributions of land, and construction and contribution of~~
3445 ~~facilities and may include public funds as determined by the~~
3446 ~~local government. Proportionate fair-share mitigation may be~~
3447 ~~directed toward one or more specific transportation improvements~~
3448 ~~reasonably related to the mobility demands created by the~~
3449 ~~development and such improvements may address one or more modes~~
3450 ~~of travel. The fair market value of the proportionate fair-share~~
3451 ~~mitigation shall not differ based on the form of mitigation. A~~
3452 ~~local government may not require a development to pay more than~~
3453 ~~its proportionate fair-share contribution regardless of the~~
3454 ~~method of mitigation. Proportionate fair-share mitigation shall~~
3455 ~~be limited to ensure that a development meeting the requirements~~
3456 ~~of this section mitigates its impact on the transportation~~
3457 ~~system but is not responsible for the additional cost of~~
3458 ~~reducing or eliminating backlogs.~~
3459 ~~(d) This subsection does not require a local government to~~
3460 ~~approve a development that is not otherwise qualified for~~
3461 ~~approval pursuant to the applicable local comprehensive plan and~~
3462 ~~land development regulations.~~
3463 ~~(e) Mitigation for development impacts to facilities on the~~
3464 ~~Strategic Intermodal System made pursuant to this subsection~~



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3465 ~~requires the concurrence of the Department of Transportation.~~

3466 ~~(f) If the funds in an adopted 5-year capital improvements~~
3467 ~~element are insufficient to fully fund construction of a~~
3468 ~~transportation improvement required by the local government's~~
3469 ~~concurrency management system, a local government and a~~
3470 ~~developer may still enter into a binding proportionate-share~~
3471 ~~agreement authorizing the developer to construct that amount of~~
3472 ~~development on which the proportionate share is calculated if~~
3473 ~~the proportionate-share amount in such agreement is sufficient~~
3474 ~~to pay for one or more improvements which will, in the opinion~~
3475 ~~of the governmental entity or entities maintaining the~~
3476 ~~transportation facilities, significantly benefit the impacted~~
3477 ~~transportation system. The improvements funded by the~~
3478 ~~proportionate-share component must be adopted into the 5-year~~
3479 ~~capital improvements schedule of the comprehensive plan at the~~
3480 ~~next annual capital improvements element update. The funding of~~
3481 ~~any improvements that significantly benefit the impacted~~
3482 ~~transportation system satisfies concurrency requirements as a~~
3483 ~~mitigation of the development's impact upon the overall~~
3484 ~~transportation system even if there remains a failure of~~
3485 ~~concurrency on other impacted facilities.~~

3486 ~~(g) Except as provided in subparagraph (b)1., this section~~
3487 ~~may not prohibit the Department of Community Affairs from~~
3488 ~~finding other portions of the capital improvements element~~
3489 ~~amendments not in compliance as provided in this chapter.~~

3490 ~~(h) The provisions of this subsection do not apply to a~~
3491 ~~development of regional impact satisfying the requirements of~~
3492 ~~subsection (12).~~

3493 ~~(i) As used in this subsection, the term "backlog" means a~~



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3494 ~~facility or facilities on which the adopted level of service~~
3495 ~~standard is exceeded by the existing trips, plus additional~~
3496 ~~projected background trips from any source other than the~~
3497 ~~development project under review that are forecast by~~
3498 ~~established traffic standards, including traffic modeling,~~
3499 ~~consistent with the University of Florida Bureau of Economic and~~
3500 ~~Business Research medium population projections. Additional~~
3501 ~~projected background trips are to be coincident with the~~
3502 ~~particular stage or phase of development under review.~~

3503 ~~(17) A local government and the developer of affordable~~
3504 ~~workforce housing units developed in accordance with s.~~
3505 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
3506 ~~or centers in close proximity to the affordable workforce~~
3507 ~~housing units. If at least 50 percent of the units are occupied~~
3508 ~~by an employee or employees of an identified employment center~~
3509 ~~or centers, all of the affordable workforce housing units are~~
3510 ~~exempt from transportation concurrency requirements, and the~~
3511 ~~local government may not reduce any transportation trip-~~
3512 ~~generation entitlements of an approved development of regional-~~
3513 ~~impact development order. As used in this subsection, the term~~
3514 ~~"close proximity" means 5 miles from the nearest point of the~~
3515 ~~development of regional impact to the nearest point of the~~
3516 ~~employment center, and the term "employment center" means a~~
3517 ~~place of employment that employs at least 25 or more full-time~~
3518 ~~employees.~~

3519 Section 16. Section 163.3182, Florida Statutes, is amended
3520 to read:

3521 163.3182 Transportation deficiencies concurrency backlogs.-

3522 (1) DEFINITIONS.-For purposes of this section, the term:



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3523 (a) "Transportation deficiency ~~concurrency backlog~~ area"
3524 means the geographic area within the unincorporated portion of a
3525 county or within the municipal boundary of a municipality
3526 designated in a local government comprehensive plan for which a
3527 transportation development ~~concurrency backlog~~ authority is
3528 created pursuant to this section. A transportation deficiency
3529 ~~concurrency backlog~~ area created within the corporate boundary
3530 of a municipality shall be made pursuant to an interlocal
3531 agreement between a county, a municipality or municipalities,
3532 and any affected taxing authority or authorities.

3533 (b) "Authority" or "transportation development ~~concurrency~~
3534 ~~backlog~~ authority" means the governing body of a county or
3535 municipality within which an authority is created.

3536 (c) "Governing body" means the council, commission, or
3537 other legislative body charged with governing the county or
3538 municipality within which an ~~a transportation concurrency~~
3539 ~~backlog~~ authority is created pursuant to this section.

3540 (d) "Transportation deficiency ~~concurrency backlog~~" means
3541 an identified need ~~deficiency~~ where the existing and projected
3542 extent of traffic volume exceeds the level of service standard
3543 adopted in a local government comprehensive plan for a
3544 transportation facility.

3545 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"
3546 means the plan adopted as part of a local government
3547 comprehensive plan by the governing body of a county or
3548 municipality acting as a transportation development ~~concurrency~~
3549 ~~backlog~~ authority.

3550 (f) "Transportation ~~concurrency backlog~~ project" means any
3551 designated transportation project identified for construction



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3552 within the jurisdiction of a transportation development
3553 ~~concurrency backlog~~ authority.

3554 (g) "Debt service millage" means any millage levied
3555 pursuant to s. 12, Art. VII of the State Constitution.

3556 (h) "Increment revenue" means the amount calculated
3557 pursuant to subsection (5).

3558 (i) "Taxing authority" means a public body that levies or
3559 is authorized to levy an ad valorem tax on real property located
3560 within a transportation deficiency ~~concurrency backlog~~ area,
3561 except a school district.

3562 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
3563 ~~BACKLOG~~ AUTHORITIES.—

3564 (a) A county or municipality may create a transportation
3565 development ~~concurrency backlog~~ authority if it has an
3566 identified transportation deficiency ~~concurrency backlog~~.

3567 (b) Acting as the transportation development ~~concurrency~~
3568 ~~backlog~~ authority within the authority's jurisdictional
3569 boundary, the governing body of a county or municipality shall
3570 adopt and implement a plan to eliminate all identified
3571 transportation deficiencies ~~concurrency backlogs~~ within the
3572 authority's jurisdiction using funds provided pursuant to
3573 subsection (5) and as otherwise provided pursuant to this
3574 section.

3575 (c) The Legislature finds and declares that there exist in
3576 many counties and municipalities areas that have significant
3577 transportation deficiencies and inadequate transportation
3578 facilities; that many insufficiencies and inadequacies severely
3579 limit or prohibit the satisfaction of transportation level of
3580 service ~~concurrency~~ standards; that the transportation



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3581 insufficiencies and inadequacies affect the health, safety, and
3582 welfare of the residents of these counties and municipalities;
3583 that the transportation insufficiencies and inadequacies
3584 adversely affect economic development and growth of the tax base
3585 for the areas in which these insufficiencies and inadequacies
3586 exist; and that the elimination of transportation deficiencies
3587 and inadequacies and the satisfaction of transportation
3588 concurrency standards are paramount public purposes for the
3589 state and its counties and municipalities.

3590 (3) POWERS OF A TRANSPORTATION DEVELOPMENT CONCURRENCY
3591 ~~BACKLOG~~ AUTHORITY.—Each transportation development concurrency
3592 ~~backlog~~ authority created pursuant to this section has the
3593 powers necessary or convenient to carry out the purposes of this
3594 section, including the following powers in addition to others
3595 granted in this section:

3596 (a) To make and execute contracts and other instruments
3597 necessary or convenient to the exercise of its powers under this
3598 section.

3599 (b) To undertake and carry out transportation ~~concurrency~~
3600 ~~backlog~~ projects for transportation facilities designed to
3601 relieve transportation deficiencies ~~that have a concurrency~~
3602 ~~backlog~~ within the authority's jurisdiction. Transportation
3603 ~~Concurrency backlog~~ projects may include transportation
3604 facilities that provide for alternative modes of travel
3605 including sidewalks, bikeways, and mass transit which are
3606 related to a deficient ~~backlogged~~ transportation facility.

3607 (c) To invest any transportation ~~concurrency backlog~~ funds
3608 held in reserve, sinking funds, or any such funds not required
3609 for immediate disbursement in property or securities in which



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3610 savings banks may legally invest funds subject to the control of
3611 the authority and to redeem such bonds as have been issued
3612 pursuant to this section at the redemption price established
3613 therein, or to purchase such bonds at less than redemption
3614 price. All such bonds redeemed or purchased shall be canceled.

3615 (d) To borrow money, including, but not limited to, issuing
3616 debt obligations such as, but not limited to, bonds, notes,
3617 certificates, and similar debt instruments; to apply for and
3618 accept advances, loans, grants, contributions, and any other
3619 forms of financial assistance from the Federal Government or the
3620 state, county, or any other public body or from any sources,
3621 public or private, for the purposes of this part; to give such
3622 security as may be required; to enter into and carry out
3623 contracts or agreements; and to include in any contracts for
3624 financial assistance with the Federal Government for or with
3625 respect to a transportation ~~concurrency backlog~~ project and
3626 related activities such conditions imposed under federal laws as
3627 the transportation development ~~concurrency backlog~~ authority
3628 considers reasonable and appropriate and which are not
3629 inconsistent with the purposes of this section.

3630 (e) To make or have made all surveys and plans necessary to
3631 the carrying out of the purposes of this section; to contract
3632 with any persons, public or private, in making and carrying out
3633 such plans; and to adopt, approve, modify, or amend such
3634 transportation sufficiency ~~concurrency backlog~~ plans.

3635 (f) To appropriate such funds and make such expenditures as
3636 are necessary to carry out the purposes of this section, and to
3637 enter into agreements with other public bodies, which agreements
3638 may extend over any period notwithstanding any provision or rule



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3639 of law to the contrary.

3640 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

3641 ~~(a)~~ Each transportation development ~~concurrency backlog~~
3642 authority shall adopt a transportation sufficiency ~~concurrency~~
3643 ~~backlog~~ plan as a part of the local government comprehensive
3644 plan within 6 months after the creation of the authority. The
3645 plan must:

3646 (a)1. Identify all transportation facilities that have been
3647 designated as deficient and require the expenditure of moneys to
3648 upgrade, modify, or mitigate the deficiency.

3649 (b)2. Include a priority listing of all transportation
3650 facilities that have been designated as deficient and do not
3651 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
3652 the applicable local government comprehensive plan.

3653 (c)3. Establish a schedule for financing and construction
3654 of transportation ~~concurrency backlog~~ projects that will
3655 eliminate transportation deficiencies ~~concurrency backlogs~~
3656 within the jurisdiction of the authority within 10 years after
3657 the transportation sufficiency ~~concurrency backlog~~ plan
3658 adoption. The schedule shall be adopted as part of the local
3659 government comprehensive plan.

3660 ~~(b) The adoption of the transportation concurrency backlog~~
3661 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

3663 Notwithstanding such schedule requirements, as long as the
3664 schedule provides for the elimination of all transportation
3665 deficiencies ~~concurrency backlogs~~ within 10 years after the
3666 adoption of the transportation sufficiency ~~concurrency backlog~~
3667 plan, the final maturity date of any debt incurred to finance or



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3668 refinance the related projects may be no later than 40 years
3669 after the date the debt is incurred and the authority may
3670 continue operations and administer the trust fund established as
3671 provided in subsection (5) for as long as the debt remains
3672 outstanding.

3673 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
3674 development ~~concurrency backlog~~ authority shall establish a
3675 local transportation ~~concurrency backlog~~ trust fund upon
3676 creation of the authority. Each local trust fund shall be
3677 administered by the transportation development ~~concurrency~~
3678 ~~backlog~~ authority within which a transportation deficiencies
3679 have ~~concurrency backlog has~~ been identified. Each local trust
3680 fund must continue to be funded under this section for as long
3681 as the projects set forth in the related transportation
3682 sufficiency ~~concurrency backlog~~ plan remain to be completed or
3683 until any debt incurred to finance or refinance the related
3684 projects is no longer outstanding, whichever occurs later.
3685 Beginning in the first fiscal year after the creation of the
3686 authority, each local trust fund shall be funded by the proceeds
3687 of an ad valorem tax increment collected within each
3688 transportation deficiency ~~concurrency backlog~~ area to be
3689 determined annually and shall be a minimum of 25 percent of the
3690 difference between the amounts set forth in paragraphs (a) and
3691 (b), except that if all of the affected taxing authorities agree
3692 under an interlocal agreement, a particular local trust fund may
3693 be funded by the proceeds of an ad valorem tax increment greater
3694 than 25 percent of the difference between the amounts set forth
3695 in paragraphs (a) and (b):

3696 (a) The amount of ad valorem tax levied each year by each



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3697 taxing authority, exclusive of any amount from any debt service
3698 millage, on taxable real property contained within the
3699 jurisdiction of the transportation development concurrency
3700 ~~backlog~~ authority and within the transportation deficiency
3701 ~~backlog~~ area; and

3702 (b) The amount of ad valorem taxes which would have been
3703 produced by the rate upon which the tax is levied each year by
3704 or for each taxing authority, exclusive of any debt service
3705 millage, upon the total of the assessed value of the taxable
3706 real property within the transportation deficiency concurrency
3707 ~~backlog~~ area as shown on the most recent assessment roll used in
3708 connection with the taxation of such property of each taxing
3709 authority prior to the effective date of the ordinance funding
3710 the trust fund.

3711 (6) EXEMPTIONS.—

3712 (a) The following public bodies or taxing authorities are
3713 exempt from ~~the provisions of~~ this section:

3714 1. A special district that levies ad valorem taxes on
3715 taxable real property in more than one county.

3716 2. A special district for which the sole available source
3717 of revenue is the authority to levy ad valorem taxes at the time
3718 an ordinance is adopted under this section. However, revenues or
3719 aid that may be dispensed or appropriated to a district as
3720 defined in s. 388.011 at the discretion of an entity other than
3721 such district are ~~shall~~ not be deemed available.

3722 3. A library district.

3723 4. A neighborhood improvement district created under the
3724 Safe Neighborhoods Act.

3725 5. A metropolitan transportation authority.



3726 6. A water management district created under s. 373.069.

3727 7. A community redevelopment agency.

3728 (b) A transportation development ~~concurrency exemption~~
3729 authority may also exempt from this section a special district
3730 that levies ad valorem taxes within the transportation
3731 deficiency ~~concurrency backlog~~ area pursuant to s.
3732 163.387(2) (d) .

3733 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption
3734 of a transportation sufficiency ~~concurrency backlog~~ plan as a
3735 part of the local government comprehensive plan, and the plan
3736 going into effect, the area subject to the plan shall be deemed
3737 to have achieved and maintained transportation level-of-service
3738 standards, ~~and to have met requirements for financial~~
3739 ~~feasibility for transportation facilities, and for the purpose~~
3740 ~~of proposed development transportation concurrency has been~~
3741 ~~satisfied~~. Proportionate fair-share mitigation shall be limited
3742 to ensure that a development inside a transportation deficiency
3743 ~~concurrency backlog~~ area is not responsible for the additional
3744 costs of eliminating deficiencies ~~backlogs~~.

3745 (8) DISSOLUTION.—Upon completion of all transportation
3746 ~~concurrency backlog~~ projects identified in the transportation
3747 sufficiency plan and repayment or defeasance of all debt issued
3748 to finance or refinance such projects, a transportation
3749 development ~~concurrency backlog~~ authority shall be dissolved,
3750 and its assets and liabilities transferred to the county or
3751 municipality within which the authority is located. All
3752 remaining assets of the authority must be used for
3753 implementation of transportation projects within the
3754 jurisdiction of the authority. The local government



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3755 comprehensive plan shall be amended to remove the transportation
3756 concurrency backlog plan.

3757 Section 17. Section 163.3184, Florida Statutes, is amended
3758 to read:

3759 163.3184 Process for adoption of comprehensive plan or plan
3760 amendment.—

3761 (1) DEFINITIONS.—As used in this section, the term:

3762 (a) "Affected person" includes the affected local
3763 government; persons owning property, residing, or owning or
3764 operating a business within the boundaries of the local
3765 government whose plan is the subject of the review; owners of
3766 real property abutting real property that is the subject of a
3767 proposed change to a future land use map; and adjoining local
3768 governments that can demonstrate that the plan or plan amendment
3769 will produce substantial impacts on the increased need for
3770 publicly funded infrastructure or substantial impacts on areas
3771 designated for protection or special treatment within their
3772 jurisdiction. Each person, other than an adjoining local
3773 government, in order to qualify under this definition, shall
3774 also have submitted oral or written comments, recommendations,
3775 or objections to the local government during the period of time
3776 beginning with the transmittal hearing for the plan or plan
3777 amendment and ending with the adoption of the plan or plan
3778 amendment.

3779 (b) "In compliance" means consistent with the requirements
3780 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and
3781 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
3782 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
3783 ~~Administrative Code, where such rule is not inconsistent with~~



3784 ~~this part~~ and with the principles for guiding development in
3785 designated areas of critical state concern and with part III of
3786 chapter 369, where applicable.

3787 (c) "Reviewing agencies" means:

3788 1. The state land planning agency;

3789 2. The appropriate regional planning council;

3790 3. The appropriate water management district;

3791 4. The Department of Environmental Protection;

3792 5. The Department of State;

3793 6. The Department of Transportation;

3794 7. In the case of plan amendments relating to public

3795 schools, the Department of Education;

3796 8. In the case of plans or plan amendments that affect a

3797 military installation listed in s. 163.3175, the commanding

3798 officer of the affected military installation;

3799 9. In the case of county plans and plan amendments, the

3800 Fish and Wildlife Conservation Commission and the Department of

3801 Agriculture and Consumer Services; and

3802 10. In the case of municipal plans and plan amendments, the

3803 county in which the municipality is located.

3804 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

3805 (a) Plan amendments adopted by local governments shall

3806 follow the expedited state review process in subsection (3),

3807 except as set forth in paragraphs (b) and (c).

3808 (b) Plan amendments that qualify as small-scale development

3809 amendments may follow the small-scale review process in s.

3810 163.3187.

3811 (c) Plan amendments that are in an area of critical state

3812 concern designated pursuant to s. 380.05; propose a rural land



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3813 stewardship area pursuant to s. 163.3248; propose a sector plan
3814 pursuant to s. 163.3245; update a comprehensive plan based on an
3815 evaluation and appraisal pursuant to s. 163.3191; or are new
3816 plans for newly incorporated municipalities adopted pursuant to
3817 s. 163.3167 shall follow the state coordinated review process in
3818 subsection (4).

3819 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
3820 COMPREHENSIVE PLAN AMENDMENTS.—

3821 (a) The process for amending a comprehensive plan described
3822 in this subsection shall apply to all amendments except as
3823 provided in paragraphs (2) (b) and (c) and shall be applicable
3824 statewide.

3825 (b)1. The local government, after the initial public
3826 hearing held pursuant to subsection (11), shall transmit within
3827 10 days the amendment or amendments and appropriate supporting
3828 data and analyses to the reviewing agencies. The local governing
3829 body shall also transmit a copy of the amendments and supporting
3830 data and analyses to any other local government or governmental
3831 agency that has filed a written request with the governing body.

3832 2. The reviewing agencies and any other local government or
3833 governmental agency specified in subparagraph 1. may provide
3834 comments regarding the amendment or amendments to the local
3835 government. State agencies shall only comment on important state
3836 resources and facilities that will be adversely impacted by the
3837 amendment if adopted. Comments provided by state agencies shall
3838 state with specificity how the plan amendment will adversely
3839 impact an important state resource or facility and shall
3840 identify measures the local government may take to eliminate,
3841 reduce, or mitigate the adverse impacts. Such comments, if not



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3842 resolved, may result in a challenge by the state land planning
3843 agency to the plan amendment. Agencies and local governments
3844 must transmit their comments to the affected local government
3845 such that they are received by the local government not later
3846 than 30 days from the date on which the agency or government
3847 received the amendment or amendments. Reviewing agencies shall
3848 also send a copy of their comments to the state land planning
3849 agency.

3850 3. Comments to the local government from a regional
3851 planning council, county, or municipality shall be limited as
3852 follows:

3853 a. The regional planning council review and comments shall
3854 be limited to adverse effects on regional resources or
3855 facilities identified in the strategic regional policy plan and
3856 extrajurisdictional impacts that would be inconsistent with the
3857 comprehensive plan of any affected local government within the
3858 region. A regional planning council may not review and comment
3859 on a proposed comprehensive plan amendment prepared by such
3860 council unless the plan amendment has been changed by the local
3861 government subsequent to the preparation of the plan amendment
3862 by the regional planning council.

3863 b. County comments shall be in the context of the
3864 relationship and effect of the proposed plan amendments on the
3865 county plan.

3866 c. Municipal comments shall be in the context of the
3867 relationship and effect of the proposed plan amendments on the
3868 municipal plan.

3869 d. Military installation comments shall be provided in
3870 accordance with s. 163.3175.



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3871 4. Comments to the local government from state agencies
3872 shall be limited to the following subjects as they relate to
3873 important state resources and facilities that will be adversely
3874 impacted by the amendment if adopted:

3875 a. The Department of Environmental Protection shall limit
3876 its comments to the subjects of air and water pollution;
3877 wetlands and other surface waters of the state; federal and
3878 state-owned lands and interest in lands, including state parks,
3879 greenways and trails, and conservation easements; solid waste;
3880 water and wastewater treatment; and the Everglades ecosystem
3881 restoration.

3882 b. The Department of State shall limit its comments to the
3883 subjects of historic and archeological resources.

3884 c. The Department of Transportation shall limit its
3885 comments to the subject of the strategic intermodal system.

3886 d. The Fish and Wildlife Conservation Commission shall
3887 limit its comments to subjects relating to fish and wildlife
3888 habitat and listed species and their habitat.

3889 e. The Department of Agriculture and Consumer Services
3890 shall limit its comments to the subjects of agriculture,
3891 forestry, and aquaculture issues.

3892 f. The Department of Education shall limit its comments to
3893 the subject of public school facilities.

3894 g. The appropriate water management district shall limit
3895 its comments to flood protection and floodplain management,
3896 wetlands and other surface waters, and regional water supply.

3897 h. The state land planning agency shall limit its comments
3898 to important state resources and facilities outside the
3899 jurisdiction of other commenting state agencies and may include



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3900 comments on countervailing planning policies and objectives
3901 served by the plan amendment that should be balanced against
3902 potential adverse impacts to important state resources and
3903 facilities.

3904 (c)1. The local government shall hold its second public
3905 hearing, which shall be a hearing on whether to adopt one or
3906 more comprehensive plan amendments pursuant to subsection (11).
3907 If the local government fails, within 180 days after receipt of
3908 agency comments, to hold the second public hearing, the
3909 amendments shall be deemed withdrawn unless extended by
3910 agreement with notice to the state land planning agency and any
3911 affected person that provided comments on the amendment. The
3912 180-day limitation does not apply to amendments processed
3913 pursuant to s. 380.06.

3914 2. All comprehensive plan amendments adopted by the
3915 governing body, along with the supporting data and analysis,
3916 shall be transmitted within 10 days after the second public
3917 hearing to the state land planning agency and any other agency
3918 or local government that provided timely comments under
3919 subparagraph (b)2.

3920 3. The state land planning agency shall notify the local
3921 government of any deficiencies within 5 working days after
3922 receipt of an amendment package. For purposes of completeness,
3923 an amendment shall be deemed complete if it contains a full,
3924 executed copy of the adoption ordinance or ordinances; in the
3925 case of a text amendment, a full copy of the amended language in
3926 legislative format with new words inserted in the text
3927 underlined, and words deleted stricken with hyphens; in the case
3928 of a future land use map amendment, a copy of the future land



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3929 use map clearly depicting the parcel, its existing future land
3930 use designation, and its adopted designation; and a copy of any
3931 data and analyses the local government deems appropriate.

3932 4. An amendment adopted under this paragraph does not
3933 become effective until 31 days after the state land planning
3934 agency notifies the local government that the plan amendment
3935 package is complete. If timely challenged, an amendment does not
3936 become effective until the state land planning agency or the
3937 Administration Commission enters a final order determining the
3938 adopted amendment to be in compliance.

3939 (4) STATE COORDINATED REVIEW PROCESS.-

3940 (a) ~~(2)~~ Coordination.-The state land planning agency shall
3941 only use the state coordinated review process described in this
3942 subsection for review of comprehensive plans and plan amendments
3943 described in paragraph (2) (c). Each comprehensive plan or plan
3944 amendment proposed to be adopted pursuant to this subsection
3945 part shall be transmitted, adopted, and reviewed in the manner
3946 prescribed in this subsection section. The state land planning
3947 agency shall have responsibility for plan review, coordination,
3948 and the preparation and transmission of comments, pursuant to
3949 this subsection section, to the local governing body responsible
3950 for the comprehensive plan or plan amendment. The state land
3951 planning agency shall maintain a single file concerning any
3952 proposed or adopted plan amendment submitted by a local
3953 government for any review under this section. Copies of all
3954 correspondence, papers, notes, memoranda, and other documents
3955 received or generated by the state land planning agency must be
3956 placed in the appropriate file. Paper copies of all electronic
3957 mail correspondence must be placed in the file. The file and its



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3958 ~~contents must be available for public inspection and copying as~~
3959 ~~provided in chapter 119.~~

3960 ~~(b)(3) Local government transmittal of proposed plan or~~
3961 ~~amendment.—~~

3962 ~~(a) Each local governing body proposing a plan or plan~~
3963 ~~amendment specified in paragraph (2)(c) shall transmit the~~
3964 ~~complete proposed comprehensive plan or plan amendment to the~~
3965 ~~reviewing agencies state land planning agency, the appropriate~~
3966 ~~regional planning council and water management district, the~~
3967 ~~Department of Environmental Protection, the Department of State,~~
3968 ~~and the Department of Transportation, and, in the case of~~
3969 ~~municipal plans, to the appropriate county, and, in the case of~~
3970 ~~county plans, to the Fish and Wildlife Conservation Commission~~
3971 ~~and the Department of Agriculture and Consumer Services,~~
3972 ~~immediately following the first a public hearing pursuant to~~
3973 ~~subsection (11). The transmitted document shall clearly indicate~~
3974 ~~on the cover sheet that this plan amendment is subject to the~~
3975 ~~state coordinated review process of s. 163.3184(4) (15) as~~
3976 ~~specified in the state land planning agency's procedural rules.~~
3977 ~~The local governing body shall also transmit a copy of the~~
3978 ~~complete proposed comprehensive plan or plan amendment to any~~
3979 ~~other unit of local government or government agency in the state~~
3980 ~~that has filed a written request with the governing body for the~~
3981 ~~plan or plan amendment. ~~The local government may request a~~~~
3982 ~~~~review by the state land planning agency pursuant to subsection~~~~
3983 ~~~~(6) at the time of the transmittal of an amendment.~~~~

3984 ~~(b) A local governing body shall not transmit portions of a~~
3985 ~~plan or plan amendment unless it has previously provided to all~~
3986 ~~state agencies designated by the state land planning agency a~~



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3987 ~~complete copy of its adopted comprehensive plan pursuant to~~
3988 ~~subsection (7) and as specified in the agency's procedural~~
3989 ~~rules. In the case of comprehensive plan amendments, the local~~
3990 ~~governing body shall transmit to the state land planning agency,~~
3991 ~~the appropriate regional planning council and water management~~
3992 ~~district, the Department of Environmental Protection, the~~
3993 ~~Department of State, and the Department of Transportation, and,~~
3994 ~~in the case of municipal plans, to the appropriate county and,~~
3995 ~~in the case of county plans, to the Fish and Wildlife~~
3996 ~~Conservation Commission and the Department of Agriculture and~~
3997 ~~Consumer Services the materials specified in the state land~~
3998 ~~planning agency's procedural rules and, in cases in which the~~
3999 ~~plan amendment is a result of an evaluation and appraisal report~~
4000 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~
4001 ~~appraisal report. Local governing bodies shall consolidate all~~
4002 ~~proposed plan amendments into a single submission for each of~~
4003 ~~the two plan amendment adoption dates during the calendar year~~
4004 ~~pursuant to s. 163.3187.~~

4005 ~~(c) A local government may adopt a proposed plan amendment~~
4006 ~~previously transmitted pursuant to this subsection, unless~~
4007 ~~review is requested or otherwise initiated pursuant to~~
4008 ~~subsection (6).~~

4009 ~~(d) In cases in which a local government transmits multiple~~
4010 ~~individual amendments that can be clearly and legally separated~~
4011 ~~and distinguished for the purpose of determining whether to~~
4012 ~~review the proposed amendment, and the state land planning~~
4013 ~~agency elects to review several or a portion of the amendments~~
4014 ~~and the local government chooses to immediately adopt the~~
4015 ~~remaining amendments not reviewed, the amendments immediately~~



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4016 ~~adopted and any reviewed amendments that the local government~~
4017 ~~subsequently adopts together constitute one amendment cycle in~~
4018 ~~accordance with s. 163.3187(1).~~

4019 ~~(e) At the request of an applicant, a local government~~
4020 ~~shall consider an application for zoning changes that would be~~
4021 ~~required to properly enact the provisions of any proposed plan~~
4022 ~~amendment transmitted pursuant to this subsection. Zoning~~
4023 ~~changes approved by the local government are contingent upon the~~
4024 ~~comprehensive plan or plan amendment transmitted becoming~~
4025 ~~effective.~~

4026 (c)(4) Reviewing agency comments INTERGOVERNMENTAL REVIEW.-
4027 The governmental agencies specified in paragraph (b) may
4028 paragraph (3)(a) shall provide comments regarding the plan or
4029 plan amendments in accordance with subparagraphs (3)(b)2.-4.
4030 However, comments on plans or plan amendments required to be
4031 reviewed under the state coordinated review process shall be
4032 sent to the state land planning agency within 30 days after
4033 receipt by the state land planning agency of the complete
4034 proposed plan or plan amendment from the local government. If
4035 the state land planning agency comments on a plan or plan
4036 amendment adopted under the state coordinated review process, it
4037 shall provide comments according to paragraph (d). Any other
4038 unit of local government or government agency specified in
4039 paragraph (b) may provide comments to the state land planning
4040 agency in accordance with subparagraphs (3)(b)2.-4. within 30
4041 days after receipt by the state land planning agency of the
4042 complete proposed plan or plan amendment. If the plan or plan
4043 ~~amendment includes or relates to the public school facilities~~
4044 ~~element pursuant to s. 163.3177(12), the state land planning~~



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4045 ~~agency shall submit a copy to the Office of Educational~~
4046 ~~Facilities of the Commissioner of Education for review and~~
4047 ~~comment. The appropriate regional planning council shall also~~
4048 ~~provide its written comments to the state land planning agency~~
4049 ~~within 30 days after receipt by the state land planning agency~~
4050 ~~of the complete proposed plan amendment and shall specify any~~
4051 ~~objections, recommendations for modifications, and comments of~~
4052 ~~any other regional agencies to which the regional planning~~
4053 ~~council may have referred the proposed plan amendment. Written~~
4054 ~~comments submitted by the public shall be sent directly to the~~
4055 ~~local government within 30 days after notice of transmittal by~~
4056 ~~the local government of the proposed plan amendment will be~~
4057 ~~considered as if submitted by governmental agencies. All written~~
4058 ~~agency and public comments must be made part of the file~~
4059 ~~maintained under subsection (2).~~

4060 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~
4061 ~~the regional planning council pursuant to subsection (4) shall~~
4062 ~~be limited to effects on regional resources or facilities~~
4063 ~~identified in the strategic regional policy plan and~~
4064 ~~extrajurisdictional impacts which would be inconsistent with the~~
4065 ~~comprehensive plan of the affected local government. However,~~
4066 ~~any inconsistency between a local plan or plan amendment and a~~
4067 ~~strategic regional policy plan must not be the sole basis for a~~
4068 ~~notice of intent to find a local plan or plan amendment not in~~
4069 ~~compliance with this act. A regional planning council shall not~~
4070 ~~review and comment on a proposed comprehensive plan it prepared~~
4071 ~~itself unless the plan has been changed by the local government~~
4072 ~~subsequent to the preparation of the plan by the regional~~
4073 ~~planning agency. The review of the county land planning agency~~



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4074 ~~pursuant to subsection (4) shall be primarily in the context of~~
4075 ~~the relationship and effect of the proposed plan amendment on~~
4076 ~~any county comprehensive plan element. Any review by~~
4077 ~~municipalities will be primarily in the context of the~~
4078 ~~relationship and effect on the municipal plan.~~

4079 ~~(d)(6) State land planning agency review.-~~

4080 ~~(a) The state land planning agency shall review a proposed~~
4081 ~~plan amendment upon request of a regional planning council,~~
4082 ~~affected person, or local government transmitting the plan~~
4083 ~~amendment. The request from the regional planning council or~~
4084 ~~affected person must be received within 30 days after~~
4085 ~~transmittal of the proposed plan amendment pursuant to~~
4086 ~~subsection (3). A regional planning council or affected person~~
4087 ~~requesting a review shall do so by submitting a written request~~
4088 ~~to the agency with a notice of the request to the local~~
4089 ~~government and any other person who has requested notice.~~

4090 ~~(b) The state land planning agency may review any proposed~~
4091 ~~plan amendment regardless of whether a request for review has~~
4092 ~~been made, if the agency gives notice to the local government,~~
4093 ~~and any other person who has requested notice, of its intention~~
4094 ~~to conduct such a review within 35 days after receipt of the~~
4095 ~~complete proposed plan amendment.~~

4096 ~~1.(c) The state land planning agency shall establish by~~
4097 ~~rule a schedule for receipt of comments from the various~~
4098 ~~government agencies, as well as written public comments,~~
4099 ~~pursuant to subsection (4). If the state land planning agency~~
4100 ~~elects to review a plan or plan the amendment or the agency is~~
4101 ~~required to review the amendment as specified in paragraph~~
4102 ~~(2)(c)(a), the agency shall issue a report giving its~~



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4103 objections, recommendations, and comments regarding the proposed
4104 plan or plan amendment within 60 days after receipt of the
4105 ~~complete proposed plan or plan amendment by the state land~~
4106 ~~planning agency.~~ Notwithstanding the limitation on comments in
4107 sub-subparagraph (3) (b) 4.g., the state land planning agency may
4108 make objections, recommendations, and comments in its report
4109 regarding whether the plan or plan amendment is in compliance
4110 and whether the plan or plan amendment will adversely impact
4111 important state resources and facilities. Any objection
4112 regarding an important state resource or facility that will be
4113 adversely impacted by the adopted plan or plan amendment shall
4114 also state with specificity how the plan or plan amendment will
4115 adversely impact the important state resource or facility and
4116 shall identify measures the local government may take to
4117 eliminate, reduce, or mitigate the adverse impacts. When a
4118 federal, state, or regional agency has implemented a permitting
4119 program, ~~the state land planning agency shall not require a~~
4120 local government is not required to duplicate or exceed that
4121 permitting program in its comprehensive plan or to implement
4122 such a permitting program in its land development regulations.
4123 This subparagraph does not ~~Nothing contained herein shall~~
4124 prohibit the state land planning agency in conducting its review
4125 of local plans or plan amendments from making objections,
4126 recommendations, and comments ~~or making compliance~~
4127 ~~determinations~~ regarding densities and intensities consistent
4128 with ~~the provisions of~~ this part. In preparing its comments, the
4129 state land planning agency shall only base its considerations on
4130 written, and not oral, comments, ~~from any source.~~

4131 2.(d) The state land planning agency review shall identify



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4132 all written communications with the agency regarding the
4133 proposed plan amendment. ~~If the state land planning agency does~~
4134 ~~not issue such a review, it shall identify in writing to the~~
4135 ~~local government all written communications received 30 days~~
4136 ~~after transmittal.~~ The written identification must include a
4137 list of all documents received or generated by the agency, which
4138 list must be of sufficient specificity to enable the documents
4139 to be identified and copies requested, if desired, and the name
4140 of the person to be contacted to request copies of any
4141 identified document. ~~The list of documents must be made a part~~
4142 ~~of the public records of the state land planning agency.~~

4143 (e) ~~(7)~~ Local government review of comments; adoption of
4144 plan or amendments and transmittal.-

4145 1.(a) The local government shall review the report written
4146 ~~comments~~ submitted to it by the state land planning agency, if
4147 any, and written comments submitted to it by any other person,
4148 agency, or government. ~~Any comments, recommendations, or~~
4149 ~~objections and any reply to them shall be public documents, a~~
4150 ~~part of the permanent record in the matter, and admissible in~~
4151 ~~any proceeding in which the comprehensive plan or plan amendment~~
4152 ~~may be at issue.~~ The local government, upon receipt of the
4153 report written comments from the state land planning agency,
4154 shall hold its second public hearing, which shall be a hearing
4155 to determine whether to adopt the comprehensive plan or one or
4156 more comprehensive plan amendments pursuant to subsection (11).
4157 If the local government fails to hold the second hearing within
4158 180 days after receipt of the state land planning agency's
4159 report, the amendments shall be deemed withdrawn unless extended
4160 by agreement with notice to the state land planning agency and



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4161 any affected person that provided comments on the amendment. The
4162 180-day limitation does not apply to amendments processed
4163 pursuant to s. 380.06.

4164 2. All comprehensive plan amendments adopted by the
4165 governing body, along with the supporting data and analysis,
4166 shall be transmitted within 10 days after the second public
4167 hearing to the state land planning agency and any other agency
4168 or local government that provided timely comments under
4169 paragraph (c).

4170 3. The state land planning agency shall notify the local
4171 government of any deficiencies within 5 working days after
4172 receipt of a plan or plan amendment package. For purposes of
4173 completeness, a plan or plan amendment shall be deemed complete
4174 if it contains a full, executed copy of the adoption ordinance
4175 or ordinances; in the case of a text amendment, a full copy of
4176 the amended language in legislative format with new words
4177 inserted in the text underlined, and words deleted stricken with
4178 hyphens; in the case of a future land use map amendment, a copy
4179 of the future land use map clearly depicting the parcel, its
4180 existing future land use designation, and its adopted
4181 designation; and a copy of any data and analyses the local
4182 government deems appropriate.

4183 4. After the state land planning agency makes a
4184 determination of completeness regarding the adopted plan or plan
4185 amendment, the state land planning agency shall have 45 days to
4186 determine if the plan or plan amendment is in compliance with
4187 this act. Unless the plan or plan amendment is substantially
4188 changed from the one commented on, the state land planning
4189 agency's compliance determination shall be limited to objections



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4190 raised in the objections, recommendations, and comments report.
4191 During the period provided for in this subparagraph, the state
4192 land planning agency shall issue, through a senior administrator
4193 or the secretary, a notice of intent to find that the plan or
4194 plan amendment is in compliance or not in compliance. The state
4195 land planning agency shall post a copy of the notice of intent
4196 on the agency's Internet site. Publication by the state land
4197 planning agency of the notice of intent on the state land
4198 planning agency's Internet site shall be prima facie evidence of
4199 compliance with the publication requirements of this
4200 subparagraph.

4201 5. A plan or plan amendment adopted under the state
4202 coordinated review process shall go into effect pursuant to the
4203 state land planning agency's notice of intent. If timely
4204 challenged, an amendment does not become effective until the
4205 state land planning agency or the Administration Commission
4206 enters a final order determining the adopted amendment to be in
4207 compliance.

4208 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
4209 AMENDMENTS.—

4210 (a) Any affected person as defined in paragraph (1)(a) may
4211 file a petition with the Division of Administrative Hearings
4212 pursuant to ss. 120.569 and 120.57, with a copy served on the
4213 affected local government, to request a formal hearing to
4214 challenge whether the plan or plan amendments are in compliance
4215 as defined in paragraph (1)(b). This petition must be filed with
4216 the division within 30 days after the local government adopts
4217 the amendment. The state land planning agency may not intervene
4218 in a proceeding initiated by an affected person.



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4219 (b) The state land planning agency may file a petition with
4220 the Division of Administrative Hearings pursuant to ss. 120.569
4221 and 120.57, with a copy served on the affected local government,
4222 to request a formal hearing to challenge whether the plan or
4223 plan amendment is in compliance as defined in paragraph (1)(b).
4224 The state land planning agency's petition must clearly state the
4225 reasons for the challenge. This petition must be filed with the
4226 division within 30 days after the state land planning agency
4227 notifies the local government that the plan amendment package is
4228 complete according to subparagraph (3)(c)3.

4229 1. The state land planning agency's challenge to plan
4230 amendments adopted under the expedited state review process
4231 shall be limited to the comments provided by the reviewing
4232 agencies pursuant to subparagraphs (3)(b)2.-4., upon a
4233 determination by the state land planning agency that an
4234 important state resource or facility will be adversely impacted
4235 by the adopted plan amendment. The state land planning agency's
4236 petition shall state with specificity how the plan amendment
4237 will adversely impact the important state resource or facility.
4238 The state land planning agency may challenge a plan amendment
4239 that has substantially changed from the version on which the
4240 agencies provided comments but only upon a determination by the
4241 state land planning agency that an important state resource or
4242 facility will be adversely impacted.

4243 2. If the state land planning agency issues a notice of
4244 intent to find the comprehensive plan or plan amendment not in
4245 compliance with this act, the notice of intent shall be
4246 forwarded to the Division of Administrative Hearings of the
4247 Department of Management Services, which shall conduct a



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4248 proceeding under ss. 120.569 and 120.57 in the county of and
4249 convenient to the affected local jurisdiction. The parties to
4250 the proceeding shall be the state land planning agency, the
4251 affected local government, and any affected person who
4252 intervenes. No new issue may be alleged as a reason to find a
4253 plan or plan amendment not in compliance in an administrative
4254 pleading filed more than 21 days after publication of notice
4255 unless the party seeking that issue establishes good cause for
4256 not alleging the issue within that time period. Good cause does
4257 not include excusable neglect.

4258 (c) An administrative law judge shall hold a hearing in the
4259 affected local jurisdiction on whether the plan or plan
4260 amendment is in compliance.

4261 1. In challenges filed by an affected person, the
4262 comprehensive plan or plan amendment shall be determined to be
4263 in compliance if the local government's determination of
4264 compliance is fairly debatable.

4265 2.a. In challenges filed by the state land planning agency,
4266 the local government's determination that the comprehensive plan
4267 or plan amendment is in compliance is presumed to be correct,
4268 and the local government's determination shall be sustained
4269 unless it is shown by a preponderance of the evidence that the
4270 comprehensive plan or plan amendment is not in compliance.

4271 b. In challenges filed by the state land planning agency,
4272 the local government's determination that elements of its plan
4273 are related to and consistent with each other shall be sustained
4274 if the determination is fairly debatable.

4275 3. In challenges filed by the state land planning agency
4276 that require a determination by the agency that an important



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4277 state resource or facility will be adversely impacted by the
4278 adopted plan or plan amendment, the local government may contest
4279 the agency's determination of an important state resource or
4280 facility. The state land planning agency shall prove its
4281 determination by clear and convincing evidence.

4282 (d) If the administrative law judge recommends that the
4283 amendment be found not in compliance, the judge shall submit the
4284 recommended order to the Administration Commission for final
4285 agency action. The Administration Commission shall enter a final
4286 order within 45 days after its receipt of the recommended order.

4287 (e) If the administrative law judge recommends that the
4288 amendment be found in compliance, the judge shall submit the
4289 recommended order to the state land planning agency.

4290 1. If the state land planning agency determines that the
4291 plan amendment should be found not in compliance, the agency
4292 shall refer, within 30 days after receipt of the recommended
4293 order, the recommended order and its determination to the
4294 Administration Commission for final agency action.

4295 2. If the state land planning agency determines that the
4296 plan amendment should be found in compliance, the agency shall
4297 enter its final order not later than 30 days after receipt of
4298 the recommended order.

4299 (f) Parties to a proceeding under this subsection may enter
4300 into compliance agreements using the process in subsection (6).

4301 (6) COMPLIANCE AGREEMENT.—

4302 (a) At any time after the filing of a challenge, the state
4303 land planning agency and the local government may voluntarily
4304 enter into a compliance agreement to resolve one or more of the
4305 issues raised in the proceedings. Affected persons who have



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4306 initiated a formal proceeding or have intervened in a formal
4307 proceeding may also enter into a compliance agreement with the
4308 local government. All parties granted intervenor status shall be
4309 provided reasonable notice of the commencement of a compliance
4310 agreement negotiation process and a reasonable opportunity to
4311 participate in such negotiation process. Negotiation meetings
4312 with local governments or intervenors shall be open to the
4313 public. The state land planning agency shall provide each party
4314 granted intervenor status with a copy of the compliance
4315 agreement within 10 days after the agreement is executed. The
4316 compliance agreement shall list each portion of the plan or plan
4317 amendment that has been challenged, and shall specify remedial
4318 actions that the local government has agreed to complete within
4319 a specified time in order to resolve the challenge, including
4320 adoption of all necessary plan amendments. The compliance
4321 agreement may also establish monitoring requirements and
4322 incentives to ensure that the conditions of the compliance
4323 agreement are met.

4324 (b) Upon the filing of a compliance agreement executed by
4325 the parties to a challenge and the local government with the
4326 Division of Administrative Hearings, any administrative
4327 proceeding under ss. 120.569 and 120.57 regarding the plan or
4328 plan amendment covered by the compliance agreement shall be
4329 stayed.

4330 (c) Before its execution of a compliance agreement, the
4331 local government must approve the compliance agreement at a
4332 public hearing advertised at least 10 days before the public
4333 hearing in a newspaper of general circulation in the area in
4334 accordance with the advertisement requirements of chapter 125 or



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4335 chapter 166, as applicable.

4336 (d) The local government shall hold a single public hearing
4337 for adopting remedial amendments.

4338 (e) For challenges to amendments adopted under the
4339 expedited review process, if the local government adopts a
4340 comprehensive plan amendment pursuant to a compliance agreement,
4341 an affected person or the state land planning agency may file a
4342 revised challenge with the Division of Administrative Hearings
4343 within 15 days after the adoption of the remedial amendment.

4344 (f) For challenges to amendments adopted under the state
4345 coordinated process, the state land planning agency, upon
4346 receipt of a plan or plan amendment adopted pursuant to a
4347 compliance agreement, shall issue a cumulative notice of intent
4348 addressing both the remedial amendment and the plan or plan
4349 amendment that was the subject of the agreement.

4350 1. If the local government adopts a comprehensive plan or
4351 plan amendment pursuant to a compliance agreement and a notice
4352 of intent to find the plan amendment in compliance is issued,
4353 the state land planning agency shall forward the notice of
4354 intent to the Division of Administrative Hearings and the
4355 administrative law judge shall realign the parties in the
4356 pending proceeding under ss. 120.569 and 120.57, which shall
4357 thereafter be governed by the process contained in paragraph
4358 (5) (a) and subparagraph (5) (c)1., including provisions relating
4359 to challenges by an affected person, burden of proof, and issues
4360 of a recommended order and a final order. Parties to the
4361 original proceeding at the time of realignment may continue as
4362 parties without being required to file additional pleadings to
4363 initiate a proceeding, but may timely amend their pleadings to



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4364 raise any challenge to the amendment that is the subject of the
4365 cumulative notice of intent, and must otherwise conform to the
4366 rules of procedure of the Division of Administrative Hearings.
4367 Any affected person not a party to the realigned proceeding may
4368 challenge the plan amendment that is the subject of the
4369 cumulative notice of intent by filing a petition with the agency
4370 as provided in subsection (5). The agency shall forward the
4371 petition filed by the affected person not a party to the
4372 realigned proceeding to the Division of Administrative Hearings
4373 for consolidation with the realigned proceeding. If the
4374 cumulative notice of intent is not challenged, the state land
4375 planning agency shall request that the Division of
4376 Administrative Hearings relinquish jurisdiction to the state
4377 land planning agency for issuance of a final order.

4378 2. If the local government adopts a comprehensive plan
4379 amendment pursuant to a compliance agreement and a notice of
4380 intent is issued that finds the plan amendment not in
4381 compliance, the state land planning agency shall forward the
4382 notice of intent to the Division of Administrative Hearings,
4383 which shall consolidate the proceeding with the pending
4384 proceeding and immediately set a date for a hearing in the
4385 pending proceeding under ss. 120.569 and 120.57. Affected
4386 persons who are not a party to the underlying proceeding under
4387 ss. 120.569 and 120.57 may challenge the plan amendment adopted
4388 pursuant to the compliance agreement by filing a petition
4389 pursuant to paragraph (5) (a).

4390 (g) This subsection does not prohibit a local government
4391 from amending portions of its comprehensive plan other than
4392 those that are the subject of a challenge. However, such



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4393 amendments to the plan may not be inconsistent with the
4394 compliance agreement.

4395 (h) This subsection does not require settlement by any
4396 party against its will or preclude the use of other informal
4397 dispute resolution methods in the course of or in addition to
4398 the method described in this subsection.

4399 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

4400 (a) At any time after the matter has been forwarded to the
4401 Division of Administrative Hearings, the local government
4402 proposing the amendment may demand formal mediation or the local
4403 government proposing the amendment or an affected person who is
4404 a party to the proceeding may demand informal mediation or
4405 expeditious resolution of the amendment proceedings by serving
4406 written notice on the state land planning agency if a party to
4407 the proceeding, all other parties to the proceeding, and the
4408 administrative law judge.

4409 (b) Upon receipt of a notice pursuant to paragraph (a), the
4410 administrative law judge shall set the matter for final hearing
4411 no more than 30 days after receipt of the notice. Once a final
4412 hearing has been set, no continuance in the hearing, and no
4413 additional time for post-hearing submittals, may be granted
4414 without the written agreement of the parties absent a finding by
4415 the administrative law judge of extraordinary circumstances.
4416 Extraordinary circumstances do not include matters relating to
4417 workload or need for additional time for preparation,
4418 negotiation, or mediation.

4419 (c) Absent a showing of extraordinary circumstances, the
4420 administrative law judge shall issue a recommended order, in a
4421 case proceeding under subsection (5), within 30 days after



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4422 filing of the transcript, unless the parties agree in writing to
4423 a longer time.

4424 (d) Absent a showing of extraordinary circumstances, the
4425 Administration Commission shall issue a final order, in a case
4426 proceeding under subsection (5), within 45 days after the
4427 issuance of the recommended order, unless the parties agree in
4428 writing to a longer time. have 120 days to adopt or adopt with
4429 changes the proposed comprehensive plan or s. 163.3191 plan
4430 amendments. In the case of comprehensive plan amendments other
4431 than those proposed pursuant to s. 163.3191, the local
4432 government shall have 60 days to adopt the amendment, adopt the
4433 amendment with changes, or determine that it will not adopt the
4434 amendment. The adoption of the proposed plan or plan amendment
4435 or the determination not to adopt a plan amendment, other than a
4436 plan amendment proposed pursuant to s. 163.3191, shall be made
4437 in the course of a public hearing pursuant to subsection (15).
4438 The local government shall transmit the complete adopted
4439 comprehensive plan or plan amendment, including the names and
4440 addresses of persons compiled pursuant to paragraph (15)(c), to
4441 the state land planning agency as specified in the agency's
4442 procedural rules within 10 working days after adoption. The
4443 local governing body shall also transmit a copy of the adopted
4444 comprehensive plan or plan amendment to the regional planning
4445 agency and to any other unit of local government or governmental
4446 agency in the state that has filed a written request with the
4447 governing body for a copy of the plan or plan amendment.

4448 (b) If the adopted plan amendment is unchanged from the
4449 proposed plan amendment transmitted pursuant to subsection (3)
4450 and an affected person as defined in paragraph (1)(a) did not



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4451 ~~raise any objection, the state land planning agency did not~~
4452 ~~review the proposed plan amendment, and the state land planning~~
4453 ~~agency did not raise any objections during its review pursuant~~
4454 ~~to subsection (6), the local government may state in the~~
4455 ~~transmittal letter that the plan amendment is unchanged and was~~
4456 ~~not the subject of objections.~~

4457 ~~(8) NOTICE OF INTENT.—~~

4458 ~~(a) If the transmittal letter correctly states that the~~
4459 ~~plan amendment is unchanged and was not the subject of review or~~
4460 ~~objections pursuant to paragraph (7) (b), the state land planning~~
4461 ~~agency has 20 days after receipt of the transmittal letter~~
4462 ~~within which to issue a notice of intent that the plan amendment~~
4463 ~~is in compliance.~~

4464 ~~(b) Except as provided in paragraph (a) or in s.~~
4465 ~~163.3187(3), the state land planning agency, upon receipt of a~~
4466 ~~local government's complete adopted comprehensive plan or plan~~
4467 ~~amendment, shall have 45 days for review and to determine if the~~
4468 ~~plan or plan amendment is in compliance with this act, unless~~
4469 ~~the amendment is the result of a compliance agreement entered~~
4470 ~~into under subsection (16), in which case the time period for~~
4471 ~~review and determination shall be 30 days. If review was not~~
4472 ~~conducted under subsection (6), the agency's determination must~~
4473 ~~be based upon the plan amendment as adopted. If review was~~
4474 ~~conducted under subsection (6), the agency's determination of~~
4475 ~~compliance must be based only upon one or both of the following:~~

4476 ~~1. The state land planning agency's written comments to the~~
4477 ~~local government pursuant to subsection (6); or~~

4478 ~~2. Any changes made by the local government to the~~
4479 ~~comprehensive plan or plan amendment as adopted.~~



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4480 ~~(c)1. During the time period provided for in this~~
4481 ~~subsection, the state land planning agency shall issue, through~~
4482 ~~a senior administrator or the secretary, as specified in the~~
4483 ~~agency's procedural rules, a notice of intent to find that the~~
4484 ~~plan or plan amendment is in compliance or not in compliance. A~~
4485 ~~notice of intent shall be issued by publication in the manner~~
4486 ~~provided by this paragraph and by mailing a copy to the local~~
4487 ~~government. The advertisement shall be placed in that portion of~~
4488 ~~the newspaper where legal notices appear. The advertisement~~
4489 ~~shall be published in a newspaper that meets the size and~~
4490 ~~circulation requirements set forth in paragraph (15)(c) and that~~
4491 ~~has been designated in writing by the affected local government~~
4492 ~~at the time of transmittal of the amendment. Publication by the~~
4493 ~~state land planning agency of a notice of intent in the~~
4494 ~~newspaper designated by the local government shall be prima~~
4495 ~~facie evidence of compliance with the publication requirements~~
4496 ~~of this section. The state land planning agency shall post a~~
4497 ~~copy of the notice of intent on the agency's Internet site. The~~
4498 ~~agency shall, no later than the date the notice of intent is~~
4499 ~~transmitted to the newspaper, send by regular mail a courtesy~~
4500 ~~informational statement to persons who provide their names and~~
4501 ~~addresses to the local government at the transmittal hearing or~~
4502 ~~at the adoption hearing where the local government has provided~~
4503 ~~the names and addresses of such persons to the department at the~~
4504 ~~time of transmittal of the adopted amendment. The informational~~
4505 ~~statements shall include the name of the newspaper in which the~~
4506 ~~notice of intent will appear, the approximate date of~~
4507 ~~publication, the ordinance number of the plan or plan amendment,~~
4508 ~~and a statement that affected persons have 21 days after the~~



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4509 ~~actual date of publication of the notice to file a petition.~~

4510 ~~2. A local government that has an Internet site shall post~~
4511 ~~a copy of the state land planning agency's notice of intent on~~
4512 ~~the site within 5 days after receipt of the mailed copy of the~~
4513 ~~agency's notice of intent.~~

4514 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—~~

4515 ~~(a) If the state land planning agency issues a notice of~~
4516 ~~intent to find that the comprehensive plan or plan amendment~~
4517 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~
4518 ~~or s. 163.3191 is in compliance with this act, any affected~~
4519 ~~person may file a petition with the agency pursuant to ss.~~
4520 ~~120.569 and 120.57 within 21 days after the publication of~~
4521 ~~notice. In this proceeding, the local plan or plan amendment~~
4522 ~~shall be determined to be in compliance if the local~~
4523 ~~government's determination of compliance is fairly debatable.~~

4524 ~~(b) The hearing shall be conducted by an administrative law~~
4525 ~~judge of the Division of Administrative Hearings of the~~
4526 ~~Department of Management Services, who shall hold the hearing in~~
4527 ~~the county of and convenient to the affected local jurisdiction~~
4528 ~~and submit a recommended order to the state land planning~~
4529 ~~agency. The state land planning agency shall allow for the~~
4530 ~~filing of exceptions to the recommended order and shall issue a~~
4531 ~~final order after receipt of the recommended order if the state~~
4532 ~~land planning agency determines that the plan or plan amendment~~
4533 ~~is in compliance. If the state land planning agency determines~~
4534 ~~that the plan or plan amendment is not in compliance, the agency~~
4535 ~~shall submit the recommended order to the Administration~~
4536 ~~Commission for final agency action.~~

4537 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~



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4538 ~~COMPLIANCE.—~~

4539 ~~(a) If the state land planning agency issues a notice of~~
4540 ~~intent to find the comprehensive plan or plan amendment not in~~
4541 ~~compliance with this act, the notice of intent shall be~~
4542 ~~forwarded to the Division of Administrative Hearings of the~~
4543 ~~Department of Management Services, which shall conduct a~~
4544 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~
4545 ~~convenient to the affected local jurisdiction. The parties to~~
4546 ~~the proceeding shall be the state land planning agency, the~~
4547 ~~affected local government, and any affected person who~~
4548 ~~intervenes. No new issue may be alleged as a reason to find a~~
4549 ~~plan or plan amendment not in compliance in an administrative~~
4550 ~~pleading filed more than 21 days after publication of notice~~
4551 ~~unless the party seeking that issue establishes good cause for~~
4552 ~~not alleging the issue within that time period. Good cause shall~~
4553 ~~not include excusable neglect. In the proceeding, the local~~
4554 ~~government's determination that the comprehensive plan or plan~~
4555 ~~amendment is in compliance is presumed to be correct. The local~~
4556 ~~government's determination shall be sustained unless it is shown~~
4557 ~~by a preponderance of the evidence that the comprehensive plan~~
4558 ~~or plan amendment is not in compliance. The local government's~~
4559 ~~determination that elements of its plans are related to and~~
4560 ~~consistent with each other shall be sustained if the~~
4561 ~~determination is fairly debatable.~~

4562 ~~(b) The administrative law judge assigned by the division~~
4563 ~~shall submit a recommended order to the Administration~~
4564 ~~Commission for final agency action.~~

4565 ~~(c) Prior to the hearing, the state land planning agency~~
4566 ~~shall afford an opportunity to mediate or otherwise resolve the~~



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4567 ~~dispute. If a party to the proceeding requests mediation or~~
4568 ~~other alternative dispute resolution, the hearing may not be~~
4569 ~~held until the state land planning agency advises the~~
4570 ~~administrative law judge in writing of the results of the~~
4571 ~~mediation or other alternative dispute resolution. However, the~~
4572 ~~hearing may not be delayed for longer than 90 days for mediation~~
4573 ~~or other alternative dispute resolution unless a longer delay is~~
4574 ~~agreed to by the parties to the proceeding. The costs of the~~
4575 ~~mediation or other alternative dispute resolution shall be borne~~
4576 ~~equally by all of the parties to the proceeding.~~

4577 (8) ~~(11)~~ ADMINISTRATION COMMISSION.—

4578 (a) If the Administration Commission, upon a hearing
4579 pursuant to subsection (5) ~~(9)~~ or ~~subsection (10)~~, finds that the
4580 comprehensive plan or plan amendment is not in compliance with
4581 this act, the commission shall specify remedial actions that
4582 ~~which~~ would bring the comprehensive plan or plan amendment into
4583 compliance.

4584 (b) The commission may specify the sanctions provided in
4585 subparagraphs 1. and 2. to which the local government will be
4586 subject if it elects to make the amendment effective
4587 notwithstanding the determination of noncompliance.

4588 1. The commission may direct state agencies not to provide
4589 funds to increase the capacity of roads, bridges, or water and
4590 sewer systems within the boundaries of those local governmental
4591 entities which have comprehensive plans or plan elements that
4592 are determined not to be in compliance. The commission order may
4593 also specify that the local government is ~~shall~~ not be eligible
4594 for grants administered under the following programs:

4595 a.1. The Florida Small Cities Community Development Block



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4596 Grant Program, as authorized by ss. 290.0401-290.049.

4597 ~~b.2.~~ The Florida Recreation Development Assistance Program,
4598 as authorized by chapter 375.

4599 ~~c.3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and
4600 218.61 and chapter 212, to the extent not pledged to pay back
4601 bonds.

4602 ~~2.(b)~~ If the local government is one which is required to
4603 include a coastal management element in its comprehensive plan
4604 pursuant to s. 163.3177(6)(g), the commission order may also
4605 specify that the local government is not eligible for funding
4606 pursuant to s. 161.091. The commission order may also specify
4607 that the fact that the coastal management element has been
4608 determined to be not in compliance shall be a consideration when
4609 the department considers permits under s. 161.053 and when the
4610 Board of Trustees of the Internal Improvement Trust Fund
4611 considers whether to sell, convey any interest in, or lease any
4612 sovereignty lands or submerged lands until the element is
4613 brought into compliance.

4614 ~~3.(e)~~ The sanctions provided by subparagraphs 1. and 2. do
4615 ~~paragraphs (a) and (b) shall~~ not apply to a local government
4616 regarding any plan amendment, except for plan amendments that
4617 amend plans that have not been finally determined to be in
4618 compliance with this part, and except as provided in paragraph
4619 (b) s. 163.3189(2) or s. 163.3191(11).

4620 ~~(9)(12)~~ GOOD FAITH FILING.—The signature of an attorney or
4621 party constitutes a certificate that he or she has read the
4622 pleading, motion, or other paper and that, to the best of his or
4623 her knowledge, information, and belief formed after reasonable
4624 inquiry, it is not interposed for any improper purpose, such as



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4625 to harass or to cause unnecessary delay, or for economic
4626 advantage, competitive reasons, or frivolous purposes or
4627 needless increase in the cost of litigation. If a pleading,
4628 motion, or other paper is signed in violation of these
4629 requirements, the administrative law judge, upon motion or his
4630 or her own initiative, shall impose upon the person who signed
4631 it, a represented party, or both, an appropriate sanction, which
4632 may include an order to pay to the other party or parties the
4633 amount of reasonable expenses incurred because of the filing of
4634 the pleading, motion, or other paper, including a reasonable
4635 attorney's fee.

4636 (10) ~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
4637 section shall be the sole proceeding or action for a
4638 determination of whether a local government's plan, element, or
4639 amendment is in compliance with this act.

4640 ~~(14) AREAS OF CRITICAL STATE CONCERN. No proposed local~~
4641 ~~government comprehensive plan or plan amendment which is~~
4642 ~~applicable to a designated area of critical state concern shall~~
4643 ~~be effective until a final order is issued finding the plan or~~
4644 ~~amendment to be in compliance as defined in this section.~~

4645 (11) ~~(15)~~ PUBLIC HEARINGS.—

4646 (a) The procedure for transmittal of a complete proposed
4647 comprehensive plan or plan amendment pursuant to subparagraph
4648 ~~subsection~~ (3) (b)1. and paragraph (4) (b) and for adoption of a
4649 comprehensive plan or plan amendment pursuant to
4650 subparagraphs (3) (c)1. and (4) (e)1. ~~subsection (7)~~ shall be by
4651 affirmative vote of not less than a majority of the members of
4652 the governing body present at the hearing. The adoption of a
4653 comprehensive plan or plan amendment shall be by ordinance. For



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4654 the purposes of transmitting or adopting a comprehensive plan or
4655 plan amendment, the notice requirements in chapters 125 and 166
4656 are superseded by this subsection, except as provided in this
4657 part.

4658 (b) The local governing body shall hold at least two
4659 advertised public hearings on the proposed comprehensive plan or
4660 plan amendment as follows:

4661 1. The first public hearing shall be held at the
4662 transmittal stage ~~pursuant to subsection (3)~~. It shall be held
4663 on a weekday at least 7 days after the day that the first
4664 advertisement is published pursuant to the requirements of
4665 chapter 125 or chapter 166.

4666 2. The second public hearing shall be held at the adoption
4667 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday
4668 at least 5 days after the day that the second advertisement is
4669 published pursuant to the requirements of chapter 125 or chapter
4670 166.

4671 (c) Nothing in this part is intended to prohibit or limit
4672 the authority of local governments to require a person
4673 requesting an amendment to pay some or all of the cost of the
4674 public notice.

4675 (12) CONCURRENT ZONING.—At the request of an applicant, a
4676 local government shall consider an application for zoning
4677 changes that would be required to properly enact any proposed
4678 plan amendment transmitted pursuant to this subsection. Zoning
4679 changes approved by the local government are contingent upon the
4680 comprehensive plan or plan amendment transmitted becoming
4681 effective.

4682 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local



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4683 government comprehensive plan or plan amendment that is
4684 applicable to a designated area of critical state concern shall
4685 be effective until a final order is issued finding the plan or
4686 amendment to be in compliance as defined in paragraph (1)(b).

4687 ~~(c) The local government shall provide a sign-in form at~~
4688 ~~the transmittal hearing and at the adoption hearing for persons~~
4689 ~~to provide their names and mailing addresses. The sign-in form~~
4690 ~~must advise that any person providing the requested information~~
4691 ~~will receive a courtesy informational statement concerning~~
4692 ~~publications of the state land planning agency's notice of~~
4693 ~~intent. The local government shall add to the sign-in form the~~
4694 ~~name and address of any person who submits written comments~~
4695 ~~concerning the proposed plan or plan amendment during the time~~
4696 ~~period between the commencement of the transmittal hearing and~~
4697 ~~the end of the adoption hearing. It is the responsibility of the~~
4698 ~~person completing the form or providing written comments to~~
4699 ~~accurately, completely, and legibly provide all information~~
4700 ~~needed in order to receive the courtesy informational statement.~~

4701 ~~(d) The agency shall provide a model sign-in form for~~
4702 ~~providing the list to the agency which may be used by the local~~
4703 ~~government to satisfy the requirements of this subsection.~~

4704 ~~(e) If the proposed comprehensive plan or plan amendment~~
4705 ~~changes the actual list of permitted, conditional, or prohibited~~
4706 ~~uses within a future land use category or changes the actual~~
4707 ~~future land use map designation of a parcel or parcels of land,~~
4708 ~~the required advertisements shall be in the format prescribed by~~
4709 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~
4710 ~~municipality.~~

4711 ~~(16) COMPLIANCE AGREEMENTS.—~~



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4712 ~~(a) At any time following the issuance of a notice of~~
4713 ~~intent to find a comprehensive plan or plan amendment not in~~
4714 ~~compliance with this part or after the initiation of a hearing~~
4715 ~~pursuant to subsection (9), the state land planning agency and~~
4716 ~~the local government may voluntarily enter into a compliance~~
4717 ~~agreement to resolve one or more of the issues raised in the~~
4718 ~~proceedings. Affected persons who have initiated a formal~~
4719 ~~proceeding or have intervened in a formal proceeding may also~~
4720 ~~enter into the compliance agreement. All parties granted~~
4721 ~~intervenor status shall be provided reasonable notice of the~~
4722 ~~commencement of a compliance agreement negotiation process and a~~
4723 ~~reasonable opportunity to participate in such negotiation~~
4724 ~~process. Negotiation meetings with local governments or~~
4725 ~~interveners shall be open to the public. The state land planning~~
4726 ~~agency shall provide each party granted intervenor status with a~~
4727 ~~copy of the compliance agreement within 10 days after the~~
4728 ~~agreement is executed. The compliance agreement shall list each~~
4729 ~~portion of the plan or plan amendment which is not in~~
4730 ~~compliance, and shall specify remedial actions which the local~~
4731 ~~government must complete within a specified time in order to~~
4732 ~~bring the plan or plan amendment into compliance, including~~
4733 ~~adoption of all necessary plan amendments. The compliance~~
4734 ~~agreement may also establish monitoring requirements and~~
4735 ~~incentives to ensure that the conditions of the compliance~~
4736 ~~agreement are met.~~

4737 ~~(b) Upon filing by the state land planning agency of a~~
4738 ~~compliance agreement executed by the agency and the local~~
4739 ~~government with the Division of Administrative Hearings, any~~
4740 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~



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4741 ~~the plan or plan amendment covered by the compliance agreement~~
4742 ~~shall be stayed.~~

4743 ~~(c) Prior to its execution of a compliance agreement, the~~
4744 ~~local government must approve the compliance agreement at a~~
4745 ~~public hearing advertised at least 10 days before the public~~
4746 ~~hearing in a newspaper of general circulation in the area in~~
4747 ~~accordance with the advertisement requirements of subsection~~
4748 ~~(15).~~

4749 ~~(d) A local government may adopt a plan amendment pursuant~~
4750 ~~to a compliance agreement in accordance with the requirements of~~
4751 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~
4752 ~~requirements of subsections (2) - (7). The local government shall~~
4753 ~~hold a single adoption public hearing pursuant to the~~
4754 ~~requirements of subparagraph (15) (b) 2. and paragraph (15) (c).~~
4755 ~~Within 10 working days after adoption of a plan amendment, the~~
4756 ~~local government shall transmit the amendment to the state land~~
4757 ~~planning agency as specified in the agency's procedural rules,~~
4758 ~~and shall submit one copy to the regional planning agency and to~~
4759 ~~any other unit of local government or government agency in the~~
4760 ~~state that has filed a written request with the governing body~~
4761 ~~for a copy of the plan amendment, and one copy to any party to~~
4762 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~
4763 ~~status.~~

4764 ~~(e) The state land planning agency, upon receipt of a plan~~
4765 ~~amendment adopted pursuant to a compliance agreement, shall~~
4766 ~~issue a cumulative notice of intent addressing both the~~
4767 ~~compliance agreement amendment and the plan or plan amendment~~
4768 ~~that was the subject of the agreement, in accordance with~~
4769 ~~subsection (8).~~



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4770 ~~(f)1. If the local government adopts a comprehensive plan~~
4771 ~~amendment pursuant to a compliance agreement and a notice of~~
4772 ~~intent to find the plan amendment in compliance is issued, the~~
4773 ~~state land planning agency shall forward the notice of intent to~~
4774 ~~the Division of Administrative Hearings and the administrative~~
4775 ~~law judge shall realign the parties in the pending proceeding~~
4776 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~
4777 ~~by the process contained in paragraphs (9) (a) and (b), including~~
4778 ~~provisions relating to challenges by an affected person, burden~~
4779 ~~of proof, and issues of a recommended order and a final order,~~
4780 ~~except as provided in subparagraph 2. Parties to the original~~
4781 ~~proceeding at the time of realignment may continue as parties~~
4782 ~~without being required to file additional pleadings to initiate~~
4783 ~~a proceeding, but may timely amend their pleadings to raise any~~
4784 ~~challenge to the amendment which is the subject of the~~
4785 ~~cumulative notice of intent, and must otherwise conform to the~~
4786 ~~rules of procedure of the Division of Administrative Hearings.~~
4787 ~~Any affected person not a party to the realigned proceeding may~~
4788 ~~challenge the plan amendment which is the subject of the~~
4789 ~~cumulative notice of intent by filing a petition with the agency~~
4790 ~~as provided in subsection (9). The agency shall forward the~~
4791 ~~petition filed by the affected person not a party to the~~
4792 ~~realigned proceeding to the Division of Administrative Hearings~~
4793 ~~for consolidation with the realigned proceeding.~~

4794 ~~2. If any of the issues raised by the state land planning~~
4795 ~~agency in the original subsection (10) proceeding are not~~
4796 ~~resolved by the compliance agreement amendments, any intervenor~~
4797 ~~in the original subsection (10) proceeding may require those~~
4798 ~~issues to be addressed in the pending consolidated realigned~~



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4799 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~
4800 ~~issues, the burden of proof shall be governed by subsection~~
4801 ~~(10).~~

4802 ~~3. If the local government adopts a comprehensive plan~~
4803 ~~amendment pursuant to a compliance agreement and a notice of~~
4804 ~~intent to find the plan amendment not in compliance is issued,~~
4805 ~~the state land planning agency shall forward the notice of~~
4806 ~~intent to the Division of Administrative Hearings, which shall~~
4807 ~~consolidate the proceeding with the pending proceeding and~~
4808 ~~immediately set a date for hearing in the pending proceeding~~
4809 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~
4810 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~
4811 ~~may challenge the plan amendment adopted pursuant to the~~
4812 ~~compliance agreement by filing a petition pursuant to subsection~~
4813 ~~(10).~~

4814 ~~(g) If the local government fails to adopt a comprehensive~~
4815 ~~plan amendment pursuant to a compliance agreement, the state~~
4816 ~~land planning agency shall notify the Division of Administrative~~
4817 ~~Hearings, which shall set the hearing in the pending proceeding~~
4818 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

4819 ~~(h) This subsection does not prohibit a local government~~
4820 ~~from amending portions of its comprehensive plan other than~~
4821 ~~those which are the subject of the compliance agreement.~~
4822 ~~However, such amendments to the plan may not be inconsistent~~
4823 ~~with the compliance agreement.~~

4824 ~~(i) Nothing in this subsection is intended to limit the~~
4825 ~~parties from entering into a compliance agreement at any time~~
4826 ~~before the final order in the proceeding is issued, provided~~
4827 ~~that the provisions of paragraph (c) shall apply regardless of~~



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4828 ~~when the compliance agreement is reached.~~

4829 ~~(j) Nothing in this subsection is intended to force any~~
4830 ~~party into settlement against its will or to preclude the use of~~
4831 ~~other informal dispute resolution methods, such as the services~~
4832 ~~offered by the Florida Growth Management Dispute Resolution~~
4833 ~~Consortium, in the course of or in addition to the method~~
4834 ~~described in this subsection.~~

4835 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A~~
4836 ~~local government that has adopted a community vision and urban~~
4837 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
4838 ~~amendment related to map amendments solely to property within an~~
4839 ~~urban service boundary in the manner described in subsections~~
4840 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
4841 ~~and e., 2., and 3., such that state and regional agency review~~
4842 ~~is eliminated. The department may not issue an objections,~~
4843 ~~recommendations, and comments report on proposed plan amendments~~
4844 ~~or a notice of intent on adopted plan amendments; however,~~
4845 ~~affected persons, as defined by paragraph (1)(a), may file a~~
4846 ~~petition for administrative review pursuant to the requirements~~
4847 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~
4848 ~~plan amendment. This subsection does not apply to any amendment~~
4849 ~~within an area of critical state concern, to any amendment that~~
4850 ~~increases residential densities allowable in high-hazard coastal~~
4851 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~
4852 ~~the goals, policies, or objectives of the local government's~~
4853 ~~comprehensive plan. Amendments submitted under this subsection~~
4854 ~~are exempt from the limitation on the frequency of plan~~
4855 ~~amendments in s. 163.3187.~~

4856 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~



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4857 ~~municipality that has a designated urban infill and~~
4858 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
4859 ~~related to map amendments solely to property within a designated~~
4860 ~~urban infill and redevelopment area in the manner described in~~
4861 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
4862 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
4863 ~~regional agency review is eliminated. The department may not~~
4864 ~~issue an objections, recommendations, and comments report on~~
4865 ~~proposed plan amendments or a notice of intent on adopted plan~~
4866 ~~amendments; however, affected persons, as defined by paragraph~~
4867 ~~(1)(a), may file a petition for administrative review pursuant~~
4868 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~
4869 ~~compliance of an adopted plan amendment. This subsection does~~
4870 ~~not apply to any amendment within an area of critical state~~
4871 ~~concern, to any amendment that increases residential densities~~
4872 ~~allowable in high-hazard coastal areas as defined in s.~~
4873 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~
4874 ~~objectives of the local government's comprehensive plan.~~

4875 ~~Amendments submitted under this subsection are exempt from the~~
4876 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

4877 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
4878 ~~government that identifies in its comprehensive plan the types~~
4879 ~~of housing developments and conditions for which it will~~
4880 ~~consider plan amendments that are consistent with the local~~
4881 ~~housing incentive strategies identified in s. 420.9076 and~~
4882 ~~authorized by the local government may expedite consideration of~~
4883 ~~such plan amendments. At least 30 days prior to adopting a plan~~
4884 ~~amendment pursuant to this subsection, the local government~~
4885 ~~shall notify the state land planning agency of its intent to~~



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4886 ~~adopt such an amendment, and the notice shall include the local~~
4887 ~~government's evaluation of site suitability and availability of~~
4888 ~~facilities and services. A plan amendment considered under this~~
4889 ~~subsection shall require only a single public hearing before the~~
4890 ~~local governing body, which shall be a plan amendment adoption~~
4891 ~~hearing as described in subsection (7). The public notice of the~~
4892 ~~hearing required under subparagraph (15) (b)2. must include a~~
4893 ~~statement that the local government intends to use the expedited~~
4894 ~~adoption process authorized under this subsection. The state~~
4895 ~~land planning agency shall issue its notice of intent required~~
4896 ~~under subsection (8) within 30 days after determining that the~~
4897 ~~amendment package is complete. Any further proceedings shall be~~
4898 ~~governed by subsections (9) (16).~~

4899 Section 18. Section 163.3187, Florida Statutes, is amended
4900 to read:

4901 163.3187 Process for adoption of small-scale comprehensive
4902 plan amendment of adopted comprehensive plan.-

4903 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
4904 ~~this part may be made not more than two times during any~~
4905 ~~calendar year, except:~~

4906 ~~(a) In the case of an emergency, comprehensive plan~~
4907 ~~amendments may be made more often than twice during the calendar~~
4908 ~~year if the additional plan amendment receives the approval of~~
4909 ~~all of the members of the governing body. "Emergency" means any~~
4910 ~~occurrence or threat thereof whether accidental or natural,~~
4911 ~~caused by humankind, in war or peace, which results or may~~
4912 ~~result in substantial injury or harm to the population or~~
4913 ~~substantial damage to or loss of property or public funds.~~

4914 ~~(b) Any local government comprehensive plan amendments~~



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4915 ~~directly related to a proposed development of regional impact,~~
4916 ~~including changes which have been determined to be substantial~~
4917 ~~deviations and including Florida Quality Developments pursuant~~
4918 ~~to s. 380.061, may be initiated by a local planning agency and~~
4919 ~~considered by the local governing body at the same time as the~~
4920 ~~application for development approval using the procedures~~
4921 ~~provided for local plan amendment in this section and applicable~~
4922 ~~local ordinances.~~

4923 ~~(1)(c) Any local government comprehensive plan amendments~~
4924 ~~directly related to proposed small scale development activities~~
4925 ~~may be approved without regard to statutory limits on the~~
4926 ~~frequency of consideration of amendments to the local~~
4927 ~~comprehensive plan. A small scale development amendment may be~~
4928 ~~adopted only under the following conditions:~~

4929 ~~(a)1. The proposed amendment involves a use of 10 acres or~~
4930 ~~fewer and:~~

4931 ~~(b)a. The cumulative annual effect of the acreage for all~~
4932 ~~small scale development amendments adopted by the local~~
4933 ~~government does ~~shall~~ not exceed:~~

4934 ~~(I) a maximum of 120 acres in a calendar year. ~~local~~~~
4935 ~~government that contains areas specifically designated in the~~
4936 ~~local comprehensive plan for urban infill, urban redevelopment,~~
4937 ~~or downtown revitalization as defined in s. 163.3164, urban~~
4938 ~~infill and redevelopment areas designated under s. 163.2517,~~
4939 ~~transportation concurrency exception areas approved pursuant to~~
4940 ~~s. 163.3180(5), or regional activity centers and urban central~~
4941 ~~business districts approved pursuant to s. 380.06(2)(c);~~
4942 ~~however, amendments under this paragraph may be applied to no~~
4943 ~~more than 60 acres annually of property outside the designated~~



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4944 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~
4945 ~~pursuant to paragraph (k) shall not be counted toward the~~
4946 ~~acreage limitations for small scale amendments under this~~
4947 ~~paragraph.~~

4948 ~~(II) A maximum of 80 acres in a local government that does~~
4949 ~~not contain any of the designated areas set forth in sub-sub-~~
4950 ~~subparagraph (I).~~

4951 ~~(III) A maximum of 120 acres in a county established~~
4952 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

4953 ~~b. The proposed amendment does not involve the same~~
4954 ~~property granted a change within the prior 12 months.~~

4955 ~~e. The proposed amendment does not involve the same owner's~~
4956 ~~property within 200 feet of property granted a change within the~~
4957 ~~prior 12 months.~~

4958 ~~(c)d.~~ The proposed amendment does not involve a text change
4959 to the goals, policies, and objectives of the local government's
4960 comprehensive plan, but only proposes a land use change to the
4961 future land use map for a site-specific small scale development
4962 activity. However, text changes that relate directly to, and are
4963 adopted simultaneously with, the small scale future land use map
4964 amendment shall be permissible under this section.

4965 ~~(d)e.~~ The property that is the subject of the proposed
4966 amendment is not located within an area of critical state
4967 concern, unless the project subject to the proposed amendment
4968 involves the construction of affordable housing units meeting
4969 the criteria of s. 420.0004(3), and is located within an area of
4970 critical state concern designated by s. 380.0552 or by the
4971 Administration Commission pursuant to s. 380.05(1). ~~Such~~
4972 ~~amendment is not subject to the density limitations of sub-~~



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4973 ~~subparagraph f., and shall be reviewed by the state land~~
4974 ~~planning agency for consistency with the principles for guiding~~
4975 ~~development applicable to the area of critical state concern~~
4976 ~~where the amendment is located and shall not become effective~~
4977 ~~until a final order is issued under s. 380.05(6).~~

4978 ~~f. If the proposed amendment involves a residential land~~
4979 ~~use, the residential land use has a density of 10 units or less~~
4980 ~~per acre or the proposed future land use category allows a~~
4981 ~~maximum residential density of the same or less than the maximum~~
4982 ~~residential density allowable under the existing future land use~~
4983 ~~category, except that this limitation does not apply to small~~
4984 ~~scale amendments involving the construction of affordable~~
4985 ~~housing units meeting the criteria of s. 420.0004(3) on property~~
4986 ~~which will be the subject of a land use restriction agreement,~~
4987 ~~or small scale amendments described in sub-sub-subparagraph~~
4988 ~~a.(I) that are designated in the local comprehensive plan for~~
4989 ~~urban infill, urban redevelopment, or downtown revitalization as~~
4990 ~~defined in s. 163.3164, urban infill and redevelopment areas~~
4991 ~~designated under s. 163.2517, transportation concurrency~~
4992 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~
4993 ~~activity centers and urban central business districts approved~~
4994 ~~pursuant to s. 380.06(2)(c).~~

4995 ~~2.a. A local government that proposes to consider a plan~~
4996 ~~amendment pursuant to this paragraph is not required to comply~~
4997 ~~with the procedures and public notice requirements of s.~~
4998 ~~163.3184(15)(c) for such plan amendments if the local government~~
4999 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~
5000 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~
5001 ~~amendment under this paragraph is initiated by other than the~~



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5002 ~~local government, public notice is required.~~

5003 ~~b. The local government shall send copies of the notice and~~
5004 ~~amendment to the state land planning agency, the regional~~
5005 ~~planning council, and any other person or entity requesting a~~
5006 ~~copy. This information shall also include a statement~~
5007 ~~identifying any property subject to the amendment that is~~
5008 ~~located within a coastal high hazard area as identified in the~~
5009 ~~local comprehensive plan.~~

5010 ~~(2)3.~~ Small scale development amendments adopted pursuant
5011 to this section ~~paragraph~~ require only one public hearing before
5012 the governing board, which shall be an adoption hearing as
5013 described in s. 163.3184 ~~(11) (7)~~, and are not subject to the
5014 requirements of s. 163.3184 ~~(3) (6)~~ unless the local government
5015 elects to have them subject to those requirements.

5016 ~~(3)4.~~ If the small scale development amendment involves a
5017 site within an area that is designated by the Governor as a
5018 rural area of critical economic concern as defined under s.
5019 288.0656 ~~(2) (d) (7)~~ for the duration of such designation, the 10-
5020 acre limit listed in subsection (1) subparagraph 1. shall be
5021 increased by 100 percent to 20 acres. The local government
5022 approving the small scale plan amendment shall certify to the
5023 Office of Tourism, Trade, and Economic Development that the plan
5024 amendment furthers the economic objectives set forth in the
5025 executive order issued under s. 288.0656 ~~(7)~~, and the property
5026 subject to the plan amendment shall undergo public review to
5027 ensure that all concurrency requirements and federal, state, and
5028 local environmental permit requirements are met.

5029 ~~(d) Any comprehensive plan amendment required by a~~
5030 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~



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5031 ~~without regard to statutory limits on the frequency of adoption~~
5032 ~~of amendments to the comprehensive plan.~~

5033 ~~(e) A comprehensive plan amendment for location of a state~~
5034 ~~correctional facility. Such an amendment may be made at any time~~
5035 ~~and does not count toward the limitation on the frequency of~~
5036 ~~plan amendments.~~

5037 ~~(f) The capital improvements element annual update required~~
5038 ~~in s. 163.3177(3)(b)1. and any amendments directly related to~~
5039 ~~the schedule.~~

5040 ~~(g) Any local government comprehensive plan amendments~~
5041 ~~directly related to proposed redevelopment of brownfield areas~~
5042 ~~designated under s. 376.80 may be approved without regard to~~
5043 ~~statutory limits on the frequency of consideration of amendments~~
5044 ~~to the local comprehensive plan.~~

5045 ~~(h) Any comprehensive plan amendments for port~~
5046 ~~transportation facilities and projects that are eligible for~~
5047 ~~funding by the Florida Seaport Transportation and Economic~~
5048 ~~Development Council pursuant to s. 311.07.~~

5049 ~~(i) A comprehensive plan amendment for the purpose of~~
5050 ~~designating an urban infill and redevelopment area under s.~~
5051 ~~163.2517 may be approved without regard to the statutory limits~~
5052 ~~on the frequency of amendments to the comprehensive plan.~~

5053 ~~(j) Any comprehensive plan amendment to establish public~~
5054 ~~school concurrency pursuant to s. 163.3180(13), including, but~~
5055 ~~not limited to, adoption of a public school facilities element~~
5056 ~~and adoption of amendments to the capital improvements element~~
5057 ~~and intergovernmental coordination element. In order to ensure~~
5058 ~~the consistency of local government public school facilities~~
5059 ~~elements within a county, such elements shall be prepared and~~



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5060 ~~adopted on a similar time schedule.~~

5061 ~~(k) A local comprehensive plan amendment directly related~~
5062 ~~to providing transportation improvements to enhance life safety~~
5063 ~~on Controlled Access Major Arterial Highways identified in the~~
5064 ~~Florida Intrastate Highway System, in counties as defined in s.~~
5065 ~~125.011, where such roadways have a high incidence of traffic~~
5066 ~~accidents resulting in serious injury or death. Any such~~
5067 ~~amendment shall not include any amendment modifying the~~
5068 ~~designation on a comprehensive development plan land use map nor~~
5069 ~~any amendment modifying the allowable densities or intensities~~
5070 ~~of any land.~~

5071 ~~(l) A comprehensive plan amendment to adopt a public~~
5072 ~~educational facilities element pursuant to s. 163.3177(12) and~~
5073 ~~future land-use map amendments for school siting may be approved~~
5074 ~~notwithstanding statutory limits on the frequency of adopting~~
5075 ~~plan amendments.~~

5076 ~~(m) A comprehensive plan amendment that addresses criteria~~
5077 ~~or compatibility of land uses adjacent to or in close proximity~~
5078 ~~to military installations in a local government's future land~~
5079 ~~use element does not count toward the limitation on the~~
5080 ~~frequency of the plan amendments.~~

5081 ~~(n) Any local government comprehensive plan amendment~~
5082 ~~establishing or implementing a rural land stewardship area~~
5083 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

5084 ~~(o) A comprehensive plan amendment that is submitted by an~~
5085 ~~area designated by the Governor as a rural area of critical~~
5086 ~~economic concern under s. 288.0656(7) and that meets the~~
5087 ~~economic development objectives may be approved without regard~~
5088 ~~to the statutory limits on the frequency of adoption of~~



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5089 ~~amendments to the comprehensive plan.~~

5090 ~~(p) Any local government comprehensive plan amendment that~~
5091 ~~is consistent with the local housing incentive strategies~~
5092 ~~identified in s. 420.9076 and authorized by the local~~
5093 ~~government.~~

5094 ~~(q) Any local government plan amendment to designate an~~
5095 ~~urban service area as a transportation concurrency exception~~
5096 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~
5097 ~~development of regional impact process under s. 380.06(29).~~

5098 (4)~~(2)~~ Comprehensive plans may only be amended in such a
5099 way as to preserve the internal consistency of the plan pursuant
5100 to s. 163.3177~~(2)~~. Corrections, updates, or modifications of
5101 current costs which were set out as part of the comprehensive
5102 plan shall not, for the purposes of this act, be deemed to be
5103 amendments.

5104 ~~(3)(a) The state land planning agency shall not review or~~
5105 ~~issue a notice of intent for small scale development amendments~~
5106 ~~which satisfy the requirements of paragraph (1)(c).~~

5107 (5) (a) Any affected person may file a petition with the
5108 Division of Administrative Hearings pursuant to ss. 120.569 and
5109 120.57 to request a hearing to challenge the compliance of a
5110 small scale development amendment with this act within 30 days
5111 following the local government's adoption of the amendment and~~7~~
5112 shall serve a copy of the petition on the local government, ~~and~~
5113 ~~shall furnish a copy to the state land planning agency.~~ An
5114 administrative law judge shall hold a hearing in the affected
5115 jurisdiction not less than 30 days nor more than 60 days
5116 following the filing of a petition and the assignment of an
5117 administrative law judge. The parties to a hearing held pursuant



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5118 to this subsection shall be the petitioner, the local
5119 government, and any intervenor. In the proceeding, the plan
5120 amendment shall be determined to be in compliance if the local
5121 government's determination that the small scale development
5122 amendment is in compliance is fairly debatable ~~presumed to be~~
5123 ~~correct. The local government's determination shall be sustained~~
5124 ~~unless it is shown by a preponderance of the evidence that the~~
5125 ~~amendment is not in compliance with the requirements of this~~
5126 ~~act. In any proceeding initiated pursuant to this subsection,~~
5127 The state land planning agency may not intervene in any
5128 proceeding initiated pursuant to this section.

5129 (b)1. If the administrative law judge recommends that the
5130 small scale development amendment be found not in compliance,
5131 the administrative law judge shall submit the recommended order
5132 to the Administration Commission for final agency action. If the
5133 administrative law judge recommends that the small scale
5134 development amendment be found in compliance, the administrative
5135 law judge shall submit the recommended order to the state land
5136 planning agency.

5137 2. If the state land planning agency determines that the
5138 plan amendment is not in compliance, the agency shall submit,
5139 within 30 days following its receipt, the recommended order to
5140 the Administration Commission for final agency action. If the
5141 state land planning agency determines that the plan amendment is
5142 in compliance, the agency shall enter a final order within 30
5143 days following its receipt of the recommended order.

5144 (c) Small scale development amendments may ~~shall~~ not become
5145 effective until 31 days after adoption. If challenged within 30
5146 days after adoption, small scale development amendments may



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5147 ~~shall~~ not become effective until the state land planning agency
5148 or the Administration Commission, respectively, issues a final
5149 order determining that the adopted small scale development
5150 amendment is in compliance.

5151 (d) In all challenges under this subsection, when a
5152 determination of compliance as defined in s. 163.3184(1)(b) is
5153 made, consideration shall be given to the plan amendment as a
5154 whole and whether the plan amendment furthers the intent of this
5155 part.

5156 ~~(4) Each governing body shall transmit to the state land~~
5157 ~~planning agency a current copy of its comprehensive plan not~~
5158 ~~later than December 1, 1985. Each governing body shall also~~
5159 ~~transmit copies of any amendments it adopts to its comprehensive~~
5160 ~~plan so as to continually update the plans on file with the~~
5161 ~~state land planning agency.~~

5162 ~~(5) Nothing in this part is intended to prohibit or limit~~
5163 ~~the authority of local governments to require that a person~~
5164 ~~requesting an amendment pay some or all of the cost of public~~
5165 ~~notice.~~

5166 ~~(6) (a) No local government may amend its comprehensive plan~~
5167 ~~after the date established by the state land planning agency for~~
5168 ~~adoption of its evaluation and appraisal report unless it has~~
5169 ~~submitted its report or addendum to the state land planning~~
5170 ~~agency as prescribed by s. 163.3191, except for plan amendments~~
5171 ~~described in paragraph (1)(b) or paragraph (1)(h).~~

5172 ~~(b) A local government may amend its comprehensive plan~~
5173 ~~after it has submitted its adopted evaluation and appraisal~~
5174 ~~report and for a period of 1 year after the initial~~
5175 ~~determination of sufficiency regardless of whether the report~~



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5176 ~~has been determined to be insufficient.~~

5177 ~~(c) A local government may not amend its comprehensive~~
5178 ~~plan, except for plan amendments described in paragraph (1)(b),~~
5179 ~~if the 1-year period after the initial sufficiency determination~~
5180 ~~of the report has expired and the report has not been determined~~
5181 ~~to be sufficient.~~

5182 ~~(d) When the state land planning agency has determined that~~
5183 ~~the report has sufficiently addressed all pertinent provisions~~
5184 ~~of s. 163.3191, the local government may amend its comprehensive~~
5185 ~~plan without the limitations imposed by paragraph (a) or~~
5186 ~~paragraph (c).~~

5187 ~~(e) Any plan amendment which a local government attempts to~~
5188 ~~adopt in violation of paragraph (a) or paragraph (c) is invalid,~~
5189 ~~but such invalidity may be overcome if the local government~~
5190 ~~readopts the amendment and transmits the amendment to the state~~
5191 ~~land planning agency pursuant to s. 163.3184(7) after the report~~
5192 ~~is determined to be sufficient.~~

5193 Section 19. Section 163.3189, Florida Statutes, is
5194 repealed.

5195
5196

5197 ===== T I T L E A M E N D M E N T =====

5198 And the title is amended as follows:

5199 Delete lines 29 - 97

5200 and insert:

5201 that certain comments, underlying studies, and reports
5202 provided by a military installation's commanding
5203 officer are not binding on local governments;
5204 providing additional factors for local government



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5205 consideration in impacts to military installations;
5206 clarifying requirements for adopting criteria to
5207 address compatibility of lands relating to military
5208 installations; amending s. 163.3177, F.S.; revising
5209 and providing duties of local governments; revising
5210 and providing required and optional elements of
5211 comprehensive plans; revising requirements of
5212 schedules of capital improvements; revising and
5213 providing provisions relating to capital improvements
5214 elements; revising major objectives of, and procedures
5215 relating to, the local comprehensive planning process;
5216 revising and providing required and optional elements
5217 of future land use plans; providing required
5218 transportation elements; revising and providing
5219 required conservation elements; revising and providing
5220 required housing elements; revising and providing
5221 required coastal management elements; revising and
5222 providing required intergovernmental coordination
5223 elements; amending s. 163.31777, F.S.; revising
5224 requirements relating to public schools' interlocal
5225 agreements; deleting duties of the Office of
5226 Educational Facilities, the state land planning
5227 agency, and local governments relating to such
5228 agreements; deleting an exemption; amending s.
5229 163.3178, F.S.; deleting a deadline for local
5230 governments to amend coastal management elements and
5231 future land use maps; amending s. 163.3180, F.S.;
5232 revising and providing provisions relating to
5233 concurrency; revising concurrency requirements;



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5234 revising application and findings; revising local
5235 government requirements; revising and providing
5236 requirements relating to transportation concurrency,
5237 transportation concurrency exception areas, urban
5238 infill, urban redevelopment, urban service, downtown
5239 revitalization areas, transportation concurrency
5240 management areas, long-term transportation and school
5241 concurrency management systems, development of
5242 regional impact, school concurrency, service areas,
5243 financial feasibility, interlocal agreements, and
5244 multimodal transportation districts; revising duties
5245 of the Office of Program Policy Analysis and the state
5246 land planning agency; providing requirements for local
5247 plans; providing for the limiting the liability of
5248 local governments under certain conditions; amending
5249 s. 163.3182, F.S.; revising definitions; revising
5250 provisions relating to transportation deficiency plans
5251 and projects; amending s. 163.3184, F.S.; providing a
5252 definition; providing requirements for comprehensive
5253 plans and plan amendments; providing a expedited state
5254 review process for adoption of comprehensive plan
5255 amendments; providing requirements for the adoption of
5256 comprehensive plan amendments; creating the state-
5257 coordinated review process; providing and revising
5258 provisions relating to the review process; revising
5259 requirements relating to local government transmittal
5260 of proposed plan or amendments; providing for comment
5261 by reviewing agencies; deleting provisions relating to
5262 regional, county, and municipal review; revising



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5263 provisions relating to state land planning agency
5264 review; revising provisions relating to local
5265 government review of comments; deleting and revising
5266 provisions relating to notice of intent and processes
5267 for compliance and noncompliance; providing procedures
5268 for administrative challenges to plans and plan
5269 amendments; providing for compliance agreements;
5270 providing for mediation and expeditious resolution;
5271 revising powers and duties of the administration
5272 commission; revising provisions relating to areas of
5273 critical state concern; providing for concurrent
5274 zoning; amending s. 163.3187, F.S.; deleting
5275 provisions relating to the amendment of adopted
5276 comprehensive plan and providing the process for
5277 adoption of small-scale comprehensive plan amendments;
5278 repealing s. 163.3189, F.S., relating to process for
5279 amendment of adopted comprehensive plan; amending s.
5280 163.3191, F.S., relating to