



505192

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

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

(2) ~~In conformity with, and in furtherance of, the purpose of the Florida Environmental Land and Water Management Act of~~



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13 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and  
14 strengthen the existing role, processes, and powers of local  
15 governments in the establishment and implementation of  
16 comprehensive planning programs to guide and manage ~~control~~  
17 future development consistent with the proper role of local  
18 government.

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

22 (4) It is the intent of this act that the ability of its  
23 ~~adoption is necessary so that~~ local governments to ~~can~~ preserve  
24 and enhance present advantages; encourage the most appropriate  
25 use of land, water, and resources, consistent with the public  
26 interest; overcome present handicaps; and deal effectively with  
27 future problems that may result from the use and development of  
28 land within their jurisdictions. Through the process of  
29 comprehensive planning, it is intended that units of local  
30 government can preserve, promote, protect, and improve the  
31 public health, safety, comfort, good order, appearance,  
32 convenience, law enforcement and fire prevention, and general  
33 welfare; ~~prevent the overcrowding of land and avoid undue~~  
34 ~~concentration of population;~~ facilitate the adequate and  
35 efficient provision of transportation, water, sewerage, schools,  
36 parks, recreational facilities, housing, and other requirements  
37 and services; and conserve, develop, utilize, and protect  
38 natural resources within their jurisdictions.

39 (5) ~~(4)~~ It is the intent of this act to encourage and ensure  
40 ~~assure~~ cooperation between and among municipalities and counties  
41 and to encourage and assure coordination of planning and



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42 development activities of units of local government with the  
43 planning activities of regional agencies and state government in  
44 accord with applicable provisions of law.

45 (6)~~(5)~~ It is the intent of this act that adopted  
46 comprehensive plans shall have the legal status set out in this  
47 act and that no public or private development shall be permitted  
48 except in conformity with comprehensive plans, or elements or  
49 portions thereof, prepared and adopted in conformity with this  
50 act.

51 (7)~~(6)~~ It is the intent of this act that the activities of  
52 units of local government in the preparation and adoption of  
53 comprehensive plans, or elements or portions therefor, shall be  
54 conducted in conformity with the provisions of this act.

55 (8)~~(7)~~ The provisions of this act in their interpretation  
56 and application are declared to be the minimum requirements  
57 necessary to accomplish the stated intent, purposes, and  
58 objectives of this act; to protect human, environmental, social,  
59 and economic resources; and to maintain, through orderly growth  
60 and development, the character and stability of present and  
61 future land use and development in this state.

62 (9)~~(8)~~ It is the intent of the Legislature that the repeal  
63 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws  
64 of Florida, and amendments to this part by this chapter law,  
65 shall not be interpreted to limit or restrict the powers of  
66 municipal or county officials, but shall be interpreted as a  
67 recognition of their broad statutory and constitutional powers  
68 to plan for and regulate the use of land. It is, further, the  
69 intent of the Legislature to reconfirm that ss. 163.3161 through  
70 163.3248 ~~163.3215~~ have provided and do provide the necessary



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71 statutory direction and basis for municipal and county officials  
72 to carry out their comprehensive planning and land development  
73 regulation powers, duties, and responsibilities.

74 (10)~~(9)~~ It is the intent of the Legislature that all  
75 governmental entities in this state recognize and respect  
76 judicially acknowledged or constitutionally protected private  
77 property rights. It is the intent of the Legislature that all  
78 rules, ordinances, regulations, and programs adopted under the  
79 authority of this act must be developed, promulgated,  
80 implemented, and applied with sensitivity for private property  
81 rights and not be unduly restrictive, and property owners must  
82 be free from actions by others which would harm their property.  
83 Full and just compensation or other appropriate relief must be  
84 provided to any property owner for a governmental action that is  
85 determined to be an invalid exercise of the police power which  
86 constitutes a taking, as provided by law. Any such relief must  
87 be determined in a judicial action.

88 (11) It is the intent of this part that the traditional  
89 economic base of this state, agriculture, tourism, and military  
90 presence, be recognized and protected. Further, it is the intent  
91 of this part to encourage economic diversification, workforce  
92 development, and community planning.

93 Section 2. Subsections (2) through (5) of section 163.3162,  
94 Florida Statutes, are renumbered as subsections (1) through (4),  
95 respectively, and present subsections (1) and (5) of that  
96 section are amended to read:

97 163.3162 Agricultural Lands and Practices Act.—

98 ~~(1) SHORT TITLE. This section may be cited as the~~  
99 ~~"Agricultural Lands and Practices Act."~~



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100            ~~(4)-(5)~~ AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—  
101            The owner of a parcel of land defined as an agricultural enclave  
102            under s. 163.3164~~(33)~~ may apply for an amendment to the local  
103            government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.  
104            Such amendment is presumed not to be urban sprawl as defined in  
105            s. 163.3164 if it includes consistent with rule 9J-5.006(5),  
106            ~~Florida Administrative Code, and may include~~ land uses and  
107            intensities of use that are consistent with the uses and  
108            intensities of use of the industrial, commercial, or residential  
109            areas that surround the parcel. This presumption may be rebutted  
110            by clear and convincing evidence. Each application for a  
111            comprehensive plan amendment under this subsection for a parcel  
112            larger than 640 acres must include appropriate new urbanism  
113            concepts such as clustering, mixed-use development, the creation  
114            of rural village and city centers, and the transfer of  
115            development rights in order to discourage urban sprawl while  
116            protecting landowner rights.

117            (a) The local government and the owner of a parcel of land  
118            that is the subject of an application for an amendment shall  
119            have 180 days following the date that the local government  
120            receives a complete application to negotiate in good faith to  
121            reach consensus on the land uses and intensities of use that are  
122            consistent with the uses and intensities of use of the  
123            industrial, commercial, or residential areas that surround the  
124            parcel. Within 30 days after the local government's receipt of  
125            such an application, the local government and owner must agree  
126            in writing to a schedule for information submittal, public  
127            hearings, negotiations, and final action on the amendment, which  
128            schedule may thereafter be altered only with the written consent



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129 of the local government and the owner. Compliance with the  
130 schedule in the written agreement constitutes good faith  
131 negotiations for purposes of paragraph (c).

132 (b) Upon conclusion of good faith negotiations under  
133 paragraph (a), regardless of whether the local government and  
134 owner reach consensus on the land uses and intensities of use  
135 that are consistent with the uses and intensities of use of the  
136 industrial, commercial, or residential areas that surround the  
137 parcel, the amendment must be transmitted to the state land  
138 planning agency for review pursuant to s. 163.3184. If the local  
139 government fails to transmit the amendment within 180 days after  
140 receipt of a complete application, the amendment must be  
141 immediately transferred to the state land planning agency for  
142 such review ~~at the first available transmittal cycle~~. A plan  
143 amendment transmitted to the state land planning agency  
144 submitted under this subsection is presumed not to be urban  
145 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~  
146 ~~5.006(5), Florida Administrative Code~~. This presumption may be  
147 rebutted by clear and convincing evidence.

148 (c) If the owner fails to negotiate in good faith, a plan  
149 amendment submitted under this subsection is not entitled to the  
150 rebuttable presumption under this subsection in the negotiation  
151 and amendment process.

152 (d) Nothing within this subsection relating to agricultural  
153 enclaves shall preempt or replace any protection currently  
154 existing for any property located within the boundaries of the  
155 following areas:

- 156 1. The Wekiva Study Area, as described in s. 369.316; or
- 157 2. The Everglades Protection Area, as defined in s.



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158 373.4592(2).

159 Section 3. Section 163.3164, Florida Statutes is amended to  
160 read:

161 163.3164 Community ~~Local Government Comprehensive~~ Planning  
162 ~~and Land Development Regulation~~ Act; definitions.—As used in  
163 this act, the term:

164 (1) "Administration Commission" means the Governor and the  
165 Cabinet, and for purposes of this chapter the commission shall  
166 act on a simple majority vote, except that for purposes of  
167 imposing the sanctions provided in s. 163.3184(11), affirmative  
168 action shall require the approval of the Governor and at least  
169 three other members of the commission.

170 (2) "Affordable housing" has the same meaning as in s.  
171 420.0004(3).

172 (4) "Antiquated subdivision" means a subdivision that was  
173 recorded or approved more than 20 years ago and that has  
174 substantially failed to be built and the continued buildout of  
175 the subdivision in accordance with the subdivision's zoning and  
176 land use purposes would cause an imbalance of land uses and  
177 would be detrimental to the local and regional economies and  
178 environment, hinder current planning practices, and lead to  
179 inefficient and fiscally irresponsible development patterns as  
180 determined by the respective jurisdiction in which the  
181 subdivision is located.

182 (5) ~~(2)~~ "Area" or "area of jurisdiction" means the total  
183 area qualifying under the provisions of this act, whether this  
184 be all of the lands lying within the limits of an incorporated  
185 municipality, lands in and adjacent to incorporated  
186 municipalities, all unincorporated lands within a county, or



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187 areas comprising combinations of the lands in incorporated  
188 municipalities and unincorporated areas of counties.

189 (6) "Capital improvement" means physical assets constructed  
190 or purchased to provide, improve, or replace a public facility  
191 and which are typically large scale and high in cost. The cost  
192 of a capital improvement is generally nonrecurring and may  
193 require multiyear financing. For the purposes of this part,  
194 physical assets that have been identified as existing or  
195 projected needs in the individual comprehensive plan elements  
196 shall be considered capital improvements.

197 (7)-(3) "Coastal area" means the 35 coastal counties and all  
198 coastal municipalities within their boundaries ~~designated~~  
199 coastal by the state land planning agency.

200 (8) "Compatibility" means a condition in which land uses or  
201 conditions can coexist in relative proximity to each other in a  
202 stable fashion over time such that no use or condition is unduly  
203 negatively impacted directly or indirectly by another use or  
204 condition.

205 (9)-(4) "Comprehensive plan" means a plan that meets the  
206 requirements of ss. 163.3177 and 163.3178.

207 (10) "Deepwater ports" means the ports identified in s.  
208 403.021(9).

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

212 (12)-(5) "Developer" means any person, including a  
213 governmental agency, undertaking any development as defined in  
214 this act.

215 (13)-(6) "Development" has the same meaning as ~~given it~~ in





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216 s. 380.04.

217 ~~(14)(7)~~ "Development order" means any order granting,  
218 denying, or granting with conditions an application for a  
219 development permit.

220 ~~(15)(8)~~ "Development permit" includes any building permit,  
221 zoning permit, subdivision approval, rezoning, certification,  
222 special exception, variance, or any other official action of  
223 local government having the effect of permitting the development  
224 of land.

225 (18) "Floodprone areas" means areas inundated during a 100-  
226 year flood event or areas identified by the National Flood  
227 Insurance Program as an A Zone on flood insurance rate maps or  
228 flood hazard boundary maps.

229 (19) "Goal" means the long-term end toward which programs  
230 or activities are ultimately directed.

231 ~~(20)(9)~~ "Governing body" means the board of county  
232 commissioners of a county, the commission or council of an  
233 incorporated municipality, or any other chief governing body of  
234 a unit of local government, however designated, or the  
235 combination of such bodies where joint utilization of the  
236 provisions of this act is accomplished as provided herein.

237 ~~(21)(10)~~ "Governmental agency" means:

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

240 (b) This state or any department, commission, agency, or  
241 other instrumentality thereof.

242 (c) Any local government, as defined in this section, or  
243 any department, commission, agency, or other instrumentality  
244 thereof.



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245 (d) Any school board or other special district, authority,  
246 or governmental entity.

247 (22) "Intensity" means an objective measurement of the  
248 extent to which land may be developed or used, including the  
249 consumption or use of the space above, on, or below ground; the  
250 measurement of the use of or demand on natural resources; and  
251 the measurement of the use of or demand on facilities and  
252 services.

253 (23) "Internal trip capture" means trips generated by a  
254 mixed-use project which travel from one on-site land use to  
255 another on-site land use without using the external road  
256 network.

257 (24)~~(11)~~ "Land" means the earth, water, and air, above,  
258 below, or on the surface, and includes any improvements or  
259 structures customarily regarded as land.

260 (27)~~(12)~~ "Land use" means the development that has occurred  
261 on the land, the development that is proposed by a developer on  
262 the land, or the use that is permitted or permissible on the  
263 land under an adopted comprehensive plan or element or portion  
264 thereof, land development regulations, or a land development  
265 code, as the context may indicate.

266 (28) "Level of service" means an indicator of the extent or  
267 degree of service provided by, or proposed to be provided by, a  
268 facility based on and related to the operational characteristics  
269 of the facility. Level of service shall indicate the capacity  
270 per unit of demand for each public facility.

271 (29)~~(13)~~ "Local government" means any county or  
272 municipality.

273 (30)~~(14)~~ "Local planning agency" means the agency



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274 designated to prepare the comprehensive plan or plan amendments  
275 required by this act.

276 (31) "Mobility plan" means an integrated land use and  
277 transportation plan that promotes compact, mixed-use, and  
278 interconnected development served by a multimodal transportation  
279 system that includes roads, bicycle and pedestrian facilities,  
280 and, where feasible and appropriate, frequent transit and rail  
281 service, to provide individuals with viable transportation  
282 options without sole reliance upon a motor vehicle for personal  
283 mobility.

284 (32)~~(15)~~ A "Newspaper of general circulation" means a  
285 newspaper published at least on a weekly basis and printed in  
286 the language most commonly spoken in the area within which it  
287 circulates, but does not include a newspaper intended primarily  
288 for members of a particular professional or occupational group,  
289 a newspaper whose primary function is to carry legal notices, or  
290 a newspaper that is given away primarily to distribute  
291 advertising.

292 (33) "New town" means an urban activity center and  
293 community designated on the future land use map of sufficient  
294 size, population and land use composition to support a variety  
295 of economic and social activities consistent with an urban area  
296 designation. New towns shall include basic economic activities;  
297 all major land use categories, with the possible exception of  
298 agricultural and industrial; and a centrally provided full range  
299 of public facilities and services that demonstrate internal trip  
300 capture. A new town shall be based on a master development plan.

301 (34) "Objective" means a specific, measurable, intermediate  
302 end that is achievable and marks progress toward a goal.



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303           ~~(35)(16)~~ "Parcel of land" means any quantity of land  
304 capable of being described with such definiteness that its  
305 locations and boundaries may be established, which is designated  
306 by its owner or developer as land to be used, or developed as, a  
307 unit or which has been used or developed as a unit.

308           ~~(36)(17)~~ "Person" means an individual, corporation,  
309 governmental agency, business trust, estate, trust, partnership,  
310 association, two or more persons having a joint or common  
311 interest, or any other legal entity.

312           (37) "Policy" means the way in which programs and  
313 activities are conducted to achieve an identified goal.

314           ~~(40)(18)~~ "Public notice" means notice as required by s.  
315 125.66(2) for a county or by s. 166.041(3) (a) for a  
316 municipality. The public notice procedures required in this part  
317 are established as minimum public notice procedures.

318           ~~(41)(19)~~ "Regional planning agency" means the council  
319 created pursuant to chapter 186 ~~agency designated by the state~~  
320 ~~land planning agency to exercise responsibilities under law in a~~  
321 ~~particular region of the state.~~

322           (42) "Seasonal population" means part-time inhabitants who  
323 use, or may be expected to use, public facilities or services,  
324 but are not residents and includes tourists, migrant  
325 farmworkers, and other short-term and long-term visitors.

326           ~~(44)(20)~~ "State land planning agency" means the Department  
327 of Community Affairs.

328           ~~(45)(21)~~ "Structure" has the same meaning as in ~~given it by~~  
329 s. 380.031(19).

330           (46) "Suitability" means the degree to which the existing  
331 characteristics and limitations of land and water are compatible



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332 with a proposed use or development.

333 (47) "Transit-oriented development" means a project or  
334 projects, in areas identified in a local government  
335 comprehensive plan, which are or will be served by existing or  
336 planned transit service. These designated areas shall be  
337 compact, moderate to high density developments, of mixed-use  
338 character, interconnected with other land uses, bicycle and  
339 pedestrian friendly, and designed to support frequent transit  
340 service operating through, collectively or separately, rail,  
341 fixed guideway, streetcar, or bus systems on dedicated  
342 facilities or available roadway connections.

343 (25)~~(22)~~ "Land development regulation commission" means a  
344 commission designated by a local government to develop and  
345 recommend, to the local governing body, land development  
346 regulations that ~~which~~ implement the adopted comprehensive plan  
347 and to review land development regulations, or amendments  
348 thereto, for consistency with the adopted plan and report to the  
349 governing body regarding its findings. The responsibilities of  
350 the land development regulation commission may be performed by  
351 the local planning agency.

352 (26)~~(23)~~ "Land development regulations" means ordinances  
353 enacted by governing bodies for the regulation of any aspect of  
354 development and includes any local government zoning, rezoning,  
355 subdivision, building construction, or sign regulations or any  
356 other regulations controlling the development of land, except  
357 that this definition shall not apply in s. 163.3213.

358 (39)~~(24)~~ "Public facilities" means major capital  
359 improvements, including, but not limited to, transportation,  
360 sanitary sewer, solid waste, drainage, potable water,



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361 educational, parks and recreational, and health systems and  
362 facilities, and spoil disposal sites for maintenance dredging  
363 located in the intracoastal waterways, except for spoil disposal  
364 sites owned or used by ports listed in s. 403.021(9)(b).

365 ~~(16)-(25)~~ "Downtown revitalization" means the physical and  
366 economic renewal of a central business district of a community  
367 as designated by local government, and includes both downtown  
368 development and redevelopment.

369 ~~(50)-(26)~~ "Urban redevelopment" means demolition and  
370 reconstruction or substantial renovation of existing buildings  
371 or infrastructure within urban infill areas, existing urban  
372 service areas, or community redevelopment areas created pursuant  
373 to part III.

374 ~~(49)-(27)~~ "Urban infill" means the development of vacant  
375 parcels in otherwise built-up areas where public facilities such  
376 as sewer systems, roads, schools, and recreation areas are  
377 already in place and the average residential density is at least  
378 five dwelling units per acre, the average nonresidential  
379 intensity is at least a floor area ratio of 1.0 and vacant,  
380 developable land does not constitute more than 10 percent of the  
381 area.

382 ~~(38)-(28)~~ "Projects that promote public transportation"  
383 means projects that directly affect the provisions of public  
384 transit, including transit terminals, transit lines and routes,  
385 separate lanes for the exclusive use of public transit services,  
386 transit stops (shelters and stations), office buildings or  
387 projects that include fixed-rail or transit terminals as part of  
388 the building, and projects that ~~which~~ are transit oriented and  
389 designed to complement reasonably proximate planned or existing



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390 public facilities.

391 ~~(51)(29)~~ "Urban service area" means ~~built-up~~ areas where  
392 public facilities and services, including, but not limited to,  
393 central water and sewer capacity and roads, are already in place  
394 or are committed in the first 3 years of the capital improvement  
395 schedule. Urban service area includes any areas identified in  
396 the comprehensive plan as urban service areas, regardless of  
397 local government limitation. ~~In addition, for counties that~~  
398 ~~qualify as dense urban land areas under subsection (34), the~~  
399 ~~nonrural area of a county which has adopted into the county~~  
400 ~~charter a rural area designation or areas identified in the~~  
401 ~~comprehensive plan as urban service areas or urban growth~~  
402 ~~boundaries on or before July 1, 2009, are also urban service~~  
403 ~~areas under this definition.~~

404 (52) "Urban sprawl" means a development pattern  
405 characterized by low density, automobile-dependent development  
406 with either a single use or multiple uses that are not  
407 functionally related, requiring the extension of public  
408 facilities and services in an inefficient manner, and failing to  
409 provide a clear separation between urban and rural uses.

410 ~~(48)(30)~~ "Transportation corridor management" means the  
411 coordination of the planning of designated future transportation  
412 corridors with land use planning within and adjacent to the  
413 corridor to promote orderly growth, to meet the concurrency  
414 requirements of this chapter, and to maintain the integrity of  
415 the corridor for transportation purposes.

416 ~~(43)(31)~~ "Optional Sector plan" means the an optional  
417 process authorized by s. 163.3245 in which one or more local  
418 governments engage in long-term planning for a large area and by



419 ~~agreement with the state land planning agency are allowed to~~  
420 ~~address regional development-of-regional-impact issues through~~  
421 ~~adoption of detailed specific area plans within the planning~~  
422 ~~area within certain designated geographic areas identified in~~  
423 ~~the local comprehensive plan as a means of fostering innovative~~  
424 ~~planning and development strategies in s. 163.3177(11) (a) and~~  
425 ~~(b), furthering the purposes of this part and part I of chapter~~  
426 ~~380, reducing overlapping data and analysis requirements,~~  
427 ~~protecting regionally significant resources and facilities, and~~  
428 ~~addressing extrajurisdictional impacts. "Sector plan" includes~~  
429 ~~an optional sector plan that was adopted pursuant to the~~  
430 ~~Optional Sector Plan pilot program.~~

431 ~~(17)-(32)~~ "Financial feasibility" means that sufficient  
432 revenues are currently available or will be available from  
433 committed funding sources of any local government for the first  
434 3 years, or will be available from committed or planned funding  
435 sources for years 4 through 10, of a 10-year and ~~5, of a 5-year~~  
436 capital improvement schedule for financing capital improvements,  
437 such as ad valorem taxes, bonds, state and federal funds, tax  
438 revenues, impact fees, and developer contributions, which are  
439 adequate to fund the projected costs of the capital improvements  
440 identified in the comprehensive plan necessary to ensure that  
441 adopted level-of-service standards are achieved and maintained  
442 within the period covered by the 5-year schedule of capital  
443 improvements. A comprehensive plan shall be deemed financially  
444 feasible for transportation and school facilities throughout the  
445 planning period addressed by the capital improvements schedule  
446 if it can be demonstrated that the level-of-service standards  
447 will be achieved and maintained by the end of the planning





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448 period even if in a particular year such improvements are not  
449 concurrent as required by s. 163.3180.

450 (3)~~(33)~~ "Agricultural enclave" means an unincorporated,  
451 undeveloped parcel that:

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

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

457 (c) Is surrounded on at least 75 percent of its perimeter  
458 by:

459 1. Property that has existing industrial, commercial, or  
460 residential development; or

461 2. Property that the local government has designated, in  
462 the local government's comprehensive plan, zoning map, and  
463 future land use map, as land that is to be developed for  
464 industrial, commercial, or residential purposes, and at least 75  
465 percent of such property is existing industrial, commercial, or  
466 residential development;

467 (d) Has public services, including water, wastewater,  
468 transportation, schools, and recreation facilities, available or  
469 such public services are scheduled in the capital improvement  
470 element to be provided by the local government or can be  
471 provided by an alternative provider of local government  
472 infrastructure in order to ensure consistency with applicable  
473 concurrency provisions of s. 163.3180; and

474 (e) Does not exceed 1,280 acres; however, if the property  
475 is surrounded by existing or authorized residential development  
476 that will result in a density at buildout of at least 1,000



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477 residents per square mile, then the area shall be determined to  
478 be urban and the parcel may not exceed 4,480 acres.

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

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

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

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

488

489 ~~The Office of Economic and Demographic Research within the~~  
490 ~~Legislature shall annually calculate the population and density~~  
491 ~~criteria needed to determine which jurisdictions qualify as~~  
492 ~~dense urban land areas by using the most recent land area data~~  
493 ~~from the decennial census conducted by the Bureau of the Census~~  
494 ~~of the United States Department of Commerce and the latest~~  
495 ~~available population estimates determined pursuant to s.~~  
496 ~~186.901. If any local government has had an annexation,~~  
497 ~~contraction, or new incorporation, the Office of Economic and~~  
498 ~~Demographic Research shall determine the population density~~  
499 ~~using the new jurisdictional boundaries as recorded in~~  
500 ~~accordance with s. 171.091. The Office of Economic and~~  
501 ~~Demographic Research shall submit to the state land planning~~  
502 ~~agency a list of jurisdictions that meet the total population~~  
503 ~~and density criteria necessary for designation as a dense urban~~  
504 ~~land area by July 1, 2009, and every year thereafter. The state~~  
505 ~~land planning agency shall publish the list of jurisdictions on~~



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506 ~~its Internet website within 7 days after the list is received.~~  
507 ~~The designation of jurisdictions that qualify or do not qualify~~  
508 ~~as a dense urban land area is effective upon publication on the~~  
509 ~~state land planning agency's Internet website.~~

510 Section 4. Section 163.3167, Florida Statutes, is amended  
511 to read:

512 163.3167 Scope of act.—

513 (1) The several incorporated municipalities and counties  
514 shall have power and responsibility:

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

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

518 (c) To implement adopted or amended comprehensive plans by  
519 the adoption of appropriate land development regulations or  
520 elements thereof.

521 (d) To establish, support, and maintain administrative  
522 instruments and procedures to carry out the provisions and  
523 purposes of this act.

524

525 The powers and authority set out in this act may be employed by  
526 municipalities and counties individually or jointly by mutual  
527 agreement in accord with the provisions of this act and in such  
528 combinations as their common interests may dictate and require.

529 (2) Each local government shall maintain ~~prepare~~ a  
530 comprehensive plan of the type and in the manner set out in this  
531 part or prepare amendments to its existing comprehensive plan to  
532 conform it to the requirements of this part and in the manner  
533 set out in this part. In accordance with s. 163.3184, each local  
534 government shall submit to the state land planning agency its



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535 complete proposed comprehensive plan or its complete  
536 comprehensive plan as proposed to be amended.

537 ~~(3) When a local government has not prepared all of the~~  
538 ~~required elements or has not amended its plan as required by~~  
539 ~~subsection (2), the regional planning agency having~~  
540 ~~responsibility for the area in which the local government lies~~  
541 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~  
542 ~~missing elements or adopt by rule amendments to the existing~~  
543 ~~plan in accordance with this act by July 1, 1989, or within 1~~  
544 ~~year after the dates specified or provided in subsection (2) and~~  
545 ~~the state land planning agency review schedule, whichever is~~  
546 ~~later. The regional planning agency shall provide at least 90~~  
547 ~~days' written notice to any local government whose plan it is~~  
548 ~~required by this subsection to prepare, prior to initiating the~~  
549 ~~planning process. At least 90 days before the adoption by the~~  
550 ~~regional planning agency of a comprehensive plan, or element or~~  
551 ~~portion thereof, pursuant to this subsection, the regional~~  
552 ~~planning agency shall transmit a copy of the proposed~~  
553 ~~comprehensive plan, or element or portion thereof, to the local~~  
554 ~~government and the state land planning agency for written~~  
555 ~~comment. The state land planning agency shall review and comment~~  
556 ~~on such plan, or element or portion thereof, in accordance with~~  
557 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~  
558 ~~applicable to the regional planning agency as if it were a~~  
559 ~~governing body. Existing comprehensive plans shall remain in~~  
560 ~~effect until they are amended pursuant to subsection (2), this~~  
561 ~~subsection, s. 163.3187, or s. 163.3189.~~

562 (3)~~(4)~~ A municipality established after the effective date  
563 of this act shall, within 1 year after incorporation, establish



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564 a local planning agency, pursuant to s. 163.3174, and prepare  
565 and adopt a comprehensive plan of the type and in the manner set  
566 out in this act within 3 years after the date of such  
567 incorporation. A county comprehensive plan shall be deemed  
568 controlling until the municipality adopts a comprehensive plan  
569 in accord with the provisions of this act. ~~If, upon the~~  
570 ~~expiration of the 3-year time limit, the municipality has not~~  
571 ~~adopted a comprehensive plan, the regional planning agency shall~~  
572 ~~prepare and adopt a comprehensive plan for such municipality.~~

573 (4)~~(5)~~ Any comprehensive plan, or element or portion  
574 thereof, adopted pursuant to the provisions of this act, which  
575 but for its adoption after the deadlines established pursuant to  
576 previous versions of this act would have been valid, shall be  
577 valid.

578 ~~(6) When a regional planning agency is required to prepare~~  
579 ~~or amend a comprehensive plan, or element or portion thereof,~~  
580 ~~pursuant to subsections (3) and (4), the regional planning~~  
581 ~~agency and the local government may agree to a method of~~  
582 ~~compensating the regional planning agency for any verifiable,~~  
583 ~~direct costs incurred. If an agreement is not reached within 6~~  
584 ~~months after the date the regional planning agency assumes~~  
585 ~~planning responsibilities for the local government pursuant to~~  
586 ~~subsections (3) and (4) or by the time the plan or element, or~~  
587 ~~portion thereof, is completed, whichever is earlier, the~~  
588 ~~regional planning agency shall file invoices for verifiable,~~  
589 ~~direct costs involved with the governing body. Upon the failure~~  
590 ~~of the local government to pay such invoices within 90 days, the~~  
591 ~~regional planning agency may, upon filing proper vouchers with~~  
592 ~~the Chief Financial Officer, request payment by the Chief~~



593 ~~Financial Officer from unencumbered revenue or other tax sharing~~  
594 ~~funds due such local government from the state for work actually~~  
595 ~~performed, and the Chief Financial Officer shall pay such~~  
596 ~~vouchers; however, the amount of such payment shall not exceed~~  
597 ~~50 percent of such funds due such local government in any one~~  
598 ~~year.~~

599 ~~(7) A local government that is being requested to pay costs~~  
600 ~~may seek an administrative hearing pursuant to ss. 120.569 and~~  
601 ~~120.57 to challenge the amount of costs and to determine if the~~  
602 ~~statutory prerequisites for payment have been complied with.~~  
603 ~~Final agency action shall be taken by the state land planning~~  
604 ~~agency. Payment shall be withheld as to disputed amounts until~~  
605 ~~proceedings under this subsection have been completed.~~

606 ~~(5)(8)~~ Nothing in this act shall limit or modify the rights  
607 of any person to complete any development that has been  
608 authorized as a development of regional impact pursuant to  
609 chapter 380 or who has been issued a final local development  
610 order and development has commenced and is continuing in good  
611 faith.

612 ~~(6)(9)~~ The Reedy Creek Improvement District shall exercise  
613 the authority of this part as it applies to municipalities,  
614 consistent with the legislative act under which it was  
615 established, for the total area under its jurisdiction.

616 ~~(7)(10)~~ Nothing in this part shall supersede any provision  
617 of ss. 341.8201-341.842.

618 ~~(11) Each local government is encouraged to articulate a~~  
619 ~~vision of the future physical appearance and qualities of its~~  
620 ~~community as a component of its local comprehensive plan. The~~  
621 ~~vision should be developed through a collaborative planning~~



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622 ~~process with meaningful public participation and shall be~~  
623 ~~adopted by the governing body of the jurisdiction. Neighboring~~  
624 ~~communities, especially those sharing natural resources or~~  
625 ~~physical or economic infrastructure, are encouraged to create~~  
626 ~~collective visions for greater than local areas. Such collective~~  
627 ~~visions shall apply in each city or county only to the extent~~  
628 ~~that each local government chooses to make them applicable. The~~  
629 ~~state land planning agency shall serve as a clearinghouse for~~  
630 ~~creating a community vision of the future and may utilize the~~  
631 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~  
632 ~~grants to help pay the costs of local visioning programs. When a~~  
633 ~~local vision of the future has been created, a local government~~  
634 ~~should review its comprehensive plan, land development~~  
635 ~~regulations, and capital improvement program to ensure that~~  
636 ~~these instruments will help to move the community toward its~~  
637 ~~vision in a manner consistent with this act and with the state~~  
638 ~~comprehensive plan. A local or regional vision must be~~  
639 ~~consistent with the state vision, when adopted, and be~~  
640 ~~internally consistent with the local or regional plan of which~~  
641 ~~it is a component. The state land planning agency shall not~~  
642 ~~adopt minimum criteria for evaluating or judging the form or~~  
643 ~~content of a local or regional vision.~~

644 ~~(8)(12)~~ An initiative or referendum process in regard to  
645 any development order or in regard to any local comprehensive  
646 plan amendment or map amendment ~~that affects five or fewer~~  
647 ~~parcels of land~~ is prohibited.

648 ~~(9)(13)~~ Each local government shall address in its  
649 comprehensive plan, as enumerated in this chapter, the water  
650 supply sources necessary to meet and achieve the existing and



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651 projected water use demand for the established planning period,  
652 considering the applicable plan developed pursuant to s.  
653 373.709.

654 (10)~~(14)~~(a) If a local government grants a development  
655 order pursuant to its adopted land development regulations and  
656 the order is not the subject of a pending appeal and the  
657 timeframe for filing an appeal has expired, the development  
658 order may not be invalidated by a subsequent judicial  
659 determination that such land development regulations, or any  
660 portion thereof that is relevant to the development order, are  
661 invalid because of a deficiency in the approval standards.

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

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

669 Section 5. Section 163.3168, Florida Statutes, is created  
670 to read:

671 163.3168 Planning innovations and technical assistance.—

672 (1) The Legislature recognizes the need for innovative  
673 planning and development strategies to promote a diverse economy  
674 and vibrant rural and urban communities, while protecting  
675 environmentally sensitive areas. The Legislature further  
676 recognizes the substantial advantages of innovative approaches  
677 to development directed to meet the needs of urban, rural, and  
678 suburban areas.

679 (2) Local governments are encouraged to apply innovative





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680 planning tools, including, but not limited to, visioning, sector  
681 planning, and rural land stewardship area designations to  
682 address future new development areas, urban service area  
683 designations, urban growth boundaries, and mixed-use, high-  
684 density development in urban areas.

685 (3) The state land planning agency shall help communities  
686 find creative solutions to fostering vibrant, healthy  
687 communities, while protecting the functions of important state  
688 resources and facilities. The state land planning agency and all  
689 other appropriate state and regional agencies may use various  
690 means to provide direct and indirect technical assistance within  
691 available resources. If plan amendments may adversely impact  
692 important state resources or facilities, upon request by the  
693 local government, the state land planning agency shall  
694 coordinate multi-agency assistance, if needed, in developing an  
695 amendment to minimize impacts on such resources or facilities.

696 Section 6. Subsection (4) of section 163.3171, Florida  
697 Statutes, is amended to read:

698 163.3171 Areas of authority under this act.—

699 (4) ~~The state land planning agency and a~~ Local governments  
700 ~~may government shall have the power to enter into agreements~~  
701 ~~with each other and to agree together to enter into agreements~~  
702 with a landowner, developer, or governmental agency as may be  
703 necessary or desirable to effectuate the provisions and purposes  
704 of ss. 163.3177(6) (h), ~~and (11) (a), (b), and (c), and~~ 163.3245,  
705 and 163.3248. It is the Legislature's intent that joint  
706 agreements entered into under the authority of this section be  
707 liberally, broadly, and flexibly construed to facilitate  
708 intergovernmental cooperation between cities and counties and to



709 encourage planning in advance of jurisdictional changes. Joint  
710 agreements, executed before or after the effective date of this  
711 act, include, but are not limited to, agreements that  
712 contemplate municipal adoption of plans or plan amendments for  
713 lands in advance of annexation of such lands into the  
714 municipality, and may permit municipalities and counties to  
715 exercise nonexclusive extrajurisdictional authority within  
716 incorporated and unincorporated areas. The state land planning  
717 agency shall not have authority to interpret, invalidate, or  
718 declare inoperative such joint agreements, and the validity of  
719 joint agreements may not be a basis for finding plans or plan  
720 amendments not in compliance pursuant to the provisions of  
721 chapter law.

722 Section 7. Subsection (1) of section 163.3174, Florida  
723 Statutes, is amended to read:

724 163.3174 Local planning agency.—

725 (1) The governing body of each local government,  
726 individually or in combination as provided in s. 163.3171, shall  
727 designate and by ordinance establish a "local planning agency,"  
728 unless the agency is otherwise established by law.

729 Notwithstanding any special act to the contrary, all local  
730 planning agencies or equivalent agencies that first review  
731 rezoning and comprehensive plan amendments in each municipality  
732 and county shall include a representative of the school district  
733 appointed by the school board as a nonvoting member of the local  
734 planning agency or equivalent agency to attend those meetings at  
735 which the agency considers comprehensive plan amendments and  
736 rezonings that would, if approved, increase residential density  
737 on the property that is the subject of the application. However,



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738 this subsection does not prevent the governing body of the local  
739 government from granting voting status to the school board  
740 member. The governing body may designate itself as the local  
741 planning agency pursuant to this subsection with the addition of  
742 a nonvoting school board representative. ~~The governing body~~  
743 ~~shall notify the state land planning agency of the establishment~~  
744 ~~of its local planning agency.~~ All local planning agencies shall  
745 provide opportunities for involvement by applicable community  
746 college boards, which may be accomplished by formal  
747 representation, membership on technical advisory committees, or  
748 other appropriate means. The local planning agency shall prepare  
749 the comprehensive plan or plan amendment after hearings to be  
750 held after public notice and shall make recommendations to the  
751 governing body regarding the adoption or amendment of the plan.  
752 The agency may be a local planning commission, the planning  
753 department of the local government, or other instrumentality,  
754 including a countywide planning entity established by special  
755 act or a council of local government officials created pursuant  
756 to s. 163.02, provided the composition of the council is fairly  
757 representative of all the governing bodies in the county or  
758 planning area; however:

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

765 (b) In the case of chartered counties, the planning  
766 responsibility between the county and the several municipalities



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767 therein shall be as stipulated in the charter.

768 Section 8. Section 163.3177, Florida Statutes, is amended  
769 to read:

770 163.3177 Required and optional elements of comprehensive  
771 plan; studies and surveys.-

772 (1) The comprehensive plan shall provide the ~~consist of~~  
773 ~~materials in such descriptive form, written or graphic, as may~~  
774 ~~be appropriate to the prescription of principles, guidelines,~~  
775 ~~and standards, and strategies~~ for the orderly and balanced  
776 future economic, social, physical, environmental, and fiscal  
777 development of the area that reflects community commitments to  
778 implement the plan and its elements. These principles and  
779 strategies shall guide future decisions in a consistent manner  
780 and shall contain programs and activities to ensure  
781 comprehensive plans are implemented. The sections of the  
782 comprehensive plan containing the principles and strategies,  
783 generally provided as goals, objectives, and policies, shall  
784 describe how the local government's programs, activities, and  
785 land development regulations will be initiated, modified, or  
786 continued to implement the comprehensive plan in a consistent  
787 manner. It is not the intent of this part to require the  
788 inclusion of implementing regulations in the comprehensive plan  
789 but rather to require identification of those programs,  
790 activities, and land development regulations that will be part  
791 of the strategy for implementing the comprehensive plan and the  
792 principles that describe how the programs, activities, and land  
793 development regulations will be carried out. The plan shall  
794 establish meaningful and predictable standards for the use and  
795 development of land and provide meaningful guidelines for the



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796 content of more detailed land development and use regulations.

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

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

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

807 (d) Proposed elements shall identify procedures for  
808 monitoring, evaluating, and appraising implementation of the  
809 plan.

810 (e) When a federal, state, or regional agency has  
811 implemented a regulatory program, a local government is not  
812 required to duplicate or exceed that regulatory program in its  
813 local comprehensive plan.

814 (f) All mandatory and optional elements of the  
815 comprehensive plan and plan amendments shall be based upon a  
816 justification by the local government that may include, but not  
817 be limited to, surveys, studies, community goals and vision, and  
818 other data available at the time of adoption of the  
819 comprehensive plan or plan amendment. To be based on data means  
820 to react to it in an appropriate way and to the extent necessary  
821 indicated by the data available on that particular subject at  
822 the time of adoption of the plan or plan amendment at issue.

823 1. Surveys, studies, and data utilized in the preparation  
824 of the comprehensive plan shall not be deemed a part of the



825 comprehensive plan unless adopted as a part of it. Copies of  
826 such studies, surveys, data, and supporting documents shall be  
827 made available for public inspection, and copies of such plans  
828 shall be made available to the public upon payment of reasonable  
829 charges for reproduction. Support data or summaries shall not be  
830 subject to the compliance review process, but the comprehensive  
831 plan must be clearly based on appropriate data. Support data or  
832 summaries may be used to aid in the determination of compliance  
833 and consistency.

834 2. Data must be taken from professionally accepted sources.  
835 The application of a methodology utilized in data collection or  
836 whether a particular methodology is professionally accepted may  
837 be evaluated. However, the evaluation shall not include whether  
838 one accepted methodology is better than another. Original data  
839 collection by local governments is not required. However, local  
840 governments may use original data so long as methodologies are  
841 professionally accepted.

842 3. The comprehensive plan shall be based upon resident and  
843 seasonal population estimates and projections, which shall  
844 either be those provided by the University of Florida's Bureau  
845 of Economic and Business Research or generated by the local  
846 government based upon a professionally acceptable methodology.  
847 The plan must be based on at least the minimum amount of land  
848 required to accommodate the medium projections of the University  
849 of Florida's Bureau of Economic and Business Research unless  
850 otherwise limited under s. 380.05 including related rules of the  
851 Administration Commission.

852 (2) Coordination of the several elements of the local  
853 comprehensive plan shall be a major objective of the planning



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854 process. The several elements of the comprehensive plan shall be  
855 consistent, and the comprehensive plan shall be financially  
856 feasible. Financial feasibility shall be determined using  
857 professionally accepted methodologies and applies to the 5-year  
858 planning period, ~~except in the case of a long-term~~  
859 ~~transportation or school concurrency management system, in which~~  
860 ~~ease a 10-year or 15-year period applies.~~ Where data is relevant  
861 to several elements, consistent data shall be used, including  
862 population estimates and projections unless alternative data can  
863 be justified for a plan amendment through new supporting data  
864 and analysis. Each map depicting future conditions must reflect  
865 the principles, guidelines, and standards within all elements  
866 and each such map must be contained within the comprehensive  
867 plan.

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

872 1. A component that outlines principles for construction,  
873 extension, or increase in capacity of public facilities, as well  
874 as a component that outlines principles for correcting existing  
875 public facility deficiencies, which are necessary to implement  
876 the comprehensive plan. The components shall cover at least a 5-  
877 year period.

878 2. Estimated public facility costs, including a delineation  
879 of when facilities will be needed, the general location of the  
880 facilities, and projected revenue sources to fund the  
881 facilities.

882 3. Standards to ensure the availability of public



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883 facilities and the adequacy of those facilities including  
884 acceptable levels of service.

885 4. Standards for the management of debt.

886 5. A schedule of capital improvements which includes any  
887 project publicly funded by federal, state, or local government  
888 projects, and which may include privately funded projects for  
889 which the local government has no fiscal responsibility,  
890 necessary to ensure that adopted level-of-service standards are  
891 achieved and maintained. For capital improvements that will be  
892 funded by the developer, financial feasibility shall be  
893 demonstrated by being guaranteed in an enforceable development  
894 agreement or interlocal agreement pursuant to paragraph (10) (h),  
895 or other enforceable agreement. These development agreements and  
896 interlocal agreements shall be reflected in the schedule of  
897 capital improvements if the capital improvement is necessary to  
898 serve development within the 5-year schedule. If the local  
899 government uses planned revenue sources that require referenda  
900 or other actions to secure the revenue source, the plan must, in  
901 the event the referenda are not passed or actions do not secure  
902 the planned revenue source, identify other existing revenue  
903 sources that will be used to fund the capital projects or  
904 otherwise amend the plan to ensure financial feasibility.

905 6. The schedule must include transportation improvements  
906 included in the applicable metropolitan planning organization's  
907 transportation improvement program adopted pursuant to s.  
908 339.175(8) to the extent that such improvements are relied upon  
909 to ensure concurrency or implementation of a mobility plan as  
910 defined in s. 163.3164(36) and financial feasibility. The  
911 schedule must also be coordinated with the applicable





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912 metropolitan planning organization's long-range transportation  
913 plan adopted pursuant to s. 339.175(7).

914 ~~(b)1. The capital improvements element must be reviewed on~~  
915 ~~an annual basis and modified as necessary in accordance with s.~~  
916 ~~163.3187 or s. 163.3189 in order to maintain a financially~~  
917 ~~feasible 5-year schedule of capital improvements. Corrections~~  
918 ~~and modifications concerning costs; revenue sources; or~~  
919 ~~acceptance of facilities pursuant to dedications which are~~  
920 ~~consistent with the plan may be accomplished by ordinance and~~  
921 ~~shall not be deemed to be amendments to the local comprehensive~~  
922 ~~plan. A copy of the ordinance shall be transmitted to the state~~  
923 ~~land planning agency. An amendment to the comprehensive plan is~~  
924 ~~required to update the schedule on an annual basis or to~~  
925 ~~eliminate, defer, or delay the construction for any facility~~  
926 ~~listed in the 5-year schedule. All public facilities must be~~  
927 ~~consistent with the capital improvements element. The annual~~  
928 ~~update to the capital improvements element of the comprehensive~~  
929 ~~plan need not comply with the financial feasibility requirement~~  
930 ~~until December 1, 2013 2011. Thereafter, a local government may~~  
931 ~~not amend its future land use map, except for plan amendments to~~  
932 ~~meet new requirements under this part and emergency amendments~~  
933 ~~pursuant to s. 163.3187(1)(a), after December 1, 2013 2011, and~~  
934 ~~every year thereafter, unless and until the local government has~~  
935 ~~a financially feasible capital improvements element adopted the~~  
936 ~~annual update and it has been transmitted to the state land~~  
937 ~~planning agency.~~

938 ~~2. Capital improvements element amendments adopted after~~  
939 ~~the effective date of this act shall require only a single~~  
940 ~~public hearing before the governing board which shall be an~~



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941 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~  
942 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

943 ~~(c) If the local government does not adopt the required~~  
944 ~~annual update to the schedule of capital improvements, the state~~  
945 ~~land planning agency must notify the Administration Commission.~~  
946 ~~A local government that has a demonstrated lack of commitment to~~  
947 ~~meeting its obligations identified in the capital improvements~~  
948 ~~element may be subject to sanctions by the Administration~~  
949 ~~Commission pursuant to s. 163.3184(11).~~

950 ~~(d) If a local government adopts a long-term concurrency~~  
951 ~~management system pursuant to s. 163.3180(9), it must also adopt~~  
952 ~~a long-term capital improvements schedule covering up to a 10-~~  
953 ~~year or 15-year period, and must update the long-term schedule~~  
954 ~~annually. The long-term schedule of capital improvements must be~~  
955 ~~financially feasible.~~

956 ~~(e) At the discretion of the local government and~~  
957 ~~notwithstanding the requirements of this subsection, a~~  
958 ~~comprehensive plan, as revised by an amendment to the plan's~~  
959 ~~future land use map, shall be deemed to be financially feasible~~  
960 ~~and to have achieved and maintained level-of-service standards~~  
961 ~~as required by this section with respect to transportation~~  
962 ~~facilities if the amendment to the future land use map is~~  
963 ~~supported by a:~~

964 ~~1. Condition in a development order for a development of~~  
965 ~~regional impact or binding agreement that addresses~~  
966 ~~proportionate share mitigation consistent with s. 163.3180(12);~~  
967 ~~or~~

968 ~~2. Binding agreement addressing proportionate fair share~~  
969 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~



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970 ~~subject to the amendment to the future land use map is located~~  
971 ~~within an area designated in a comprehensive plan for urban~~  
972 ~~infill, urban redevelopment, downtown revitalization, urban~~  
973 ~~infill and redevelopment, or an urban service area. The binding~~  
974 ~~agreement must be based on the maximum amount of development~~  
975 ~~identified by the future land use map amendment or as may be~~  
976 ~~otherwise restricted through a special area plan policy or map~~  
977 ~~notation in the comprehensive plan.~~

978 ~~(f) A local government's comprehensive plan and plan~~  
979 ~~amendments for land uses within all transportation concurrency~~  
980 ~~exception areas that are designated and maintained in accordance~~  
981 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~  
982 ~~achieve and maintain level of service standards for~~  
983 ~~transportation.~~

984 (4) (a) Coordination of the local comprehensive plan with  
985 the comprehensive plans of adjacent municipalities, the county,  
986 adjacent counties, or the region; with the appropriate water  
987 management district's regional water supply plans approved  
988 pursuant to s. 373.709; with adopted rules pertaining to  
989 designated areas of critical state concern; and with the state  
990 comprehensive plan shall be a major objective of the local  
991 comprehensive planning process. To that end, in the preparation  
992 of a comprehensive plan or element thereof, and in the  
993 comprehensive plan or element as adopted, the governing body  
994 shall include a specific policy statement indicating the  
995 relationship of the proposed development of the area to the  
996 comprehensive plans of adjacent municipalities, the county,  
997 adjacent counties, or the region and to the state comprehensive  
998 plan, as the case may require and as such adopted plans or plans



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999 in preparation may exist.

1000 (b) When all or a portion of the land in a local government  
1001 jurisdiction is or becomes part of a designated area of critical  
1002 state concern, the local government shall clearly identify those  
1003 portions of the local comprehensive plan that shall be  
1004 applicable to the critical area and shall indicate the  
1005 relationship of the proposed development of the area to the  
1006 rules for the area of critical state concern.

1007 (5) (a) Each local government comprehensive plan must  
1008 include at least two planning periods, one covering at least the  
1009 first 5-year period occurring after the plan's adoption and one  
1010 covering at least a 10-year period. Additional planning periods  
1011 for specific components, elements, land use amendments, or  
1012 projects shall be permissible and accepted as part of the  
1013 planning process.

1014 (b) The comprehensive plan and its elements shall contain  
1015 guidelines or policies ~~policy recommendations~~ for the  
1016 implementation of the plan and its elements.

1017 (6) In addition to the requirements of subsections (1)-(5)  
1018 ~~and (12)~~, the comprehensive plan shall include the following  
1019 elements:

1020 (a) A future land use plan element designating proposed  
1021 future general distribution, location, and extent of the uses of  
1022 land for residential uses, commercial uses, industry,  
1023 agriculture, recreation, conservation, education, ~~public~~  
1024 ~~buildings and grounds, other~~ public facilities, and other  
1025 categories of the public and private uses of land. The  
1026 approximate acreage and the general range of density or  
1027 intensity of use shall be provided for the gross land area



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1028 included in each existing land use category. The element shall  
1029 establish the long-term end toward which land use programs and  
1030 activities are ultimately directed. Counties are encouraged to  
1031 designate rural land stewardship areas, pursuant to paragraph  
1032 (11) (d), as overlays on the future land use map.

1033 1. Each future land use category must be defined in terms  
1034 of uses included, and must include standards to be followed in  
1035 the control and distribution of population densities and  
1036 building and structure intensities. The proposed distribution,  
1037 location, and extent of the various categories of land use shall  
1038 be shown on a land use map or map series which shall be  
1039 supplemented by goals, policies, and measurable objectives.

1040 2. The future land use plan and plan amendments shall be  
1041 based upon surveys, studies, and data regarding the area, as  
1042 applicable, including:

1043 a. The amount of land required to accommodate anticipated  
1044 growth.

1045 b. The projected residential and seasonal population of the  
1046 area.

1047 c. The character of undeveloped land.

1048 d. The availability of water supplies, public facilities,  
1049 and services.

1050 e. The need for redevelopment, including the renewal of  
1051 blighted areas and the elimination of nonconforming uses which  
1052 are inconsistent with the character of the community.

1053 f. The compatibility of uses on lands adjacent to or  
1054 closely proximate to military installations.

1055 g. The compatibility of uses on lands adjacent to an  
1056 airport as defined in s. 330.35 and consistent with s. 333.02.



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1057            h. The discouragement of urban sprawl. ~~energy efficient~~  
1058 ~~land use patterns accounting for existing and future electric~~  
1059 ~~power generation and transmission systems; greenhouse gas~~  
1060 ~~reduction strategies; and, in rural communities,~~

1061            i. The need for job creation, capital investment, and  
1062 economic development that will strengthen and diversify the  
1063 community's economy.

1064            j. The need to modify land uses and development patterns  
1065 within antiquated subdivisions. ~~The future land use plan may~~  
1066 ~~designate areas for future planned development use involving~~  
1067 ~~combinations of types of uses for which special regulations may~~  
1068 ~~be necessary to ensure development in accord with the principles~~  
1069 ~~and standards of the comprehensive plan and this act.~~

1070            3. The future land use plan element shall include criteria  
1071 to be used to:

1072            a. Achieve the compatibility of lands adjacent or closely  
1073 proximate to military installations, considering factors  
1074 identified in s. 163.3175(5). ~~and~~

1075            b. Achieve the compatibility of lands adjacent to an  
1076 airport as defined in s. 330.35 and consistent with s. 333.02.

1077            c. Encourage preservation of recreational and commercial  
1078 working waterfronts for water dependent uses in coastal  
1079 communities.

1080            d. Encourage the location of schools proximate to urban  
1081 residential areas to the extent possible.

1082            e. Coordinate future land uses with the topography and soil  
1083 conditions, and the availability of facilities and services.

1084            f. Ensure the protection of natural and historic resources.

1085            g. Provide for the compatibility of adjacent land uses.



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1086 h. Provide guidelines for the implementation of mixed use  
1087 development including the types of uses allowed, the percentage  
1088 distribution among the mix of uses, or other standards, and the  
1089 density and intensity of each use.

1090 4. ~~In addition, for rural communities,~~ The amount of land  
1091 designated for future planned uses ~~industrial use~~ shall provide  
1092 a balance of uses that foster vibrant, viable communities and  
1093 economic development opportunities and address outdated  
1094 development patterns, such as antiquated subdivisions. The  
1095 amount of land designated for future land uses should allow the  
1096 operation of real estate markets to provide adequate choices for  
1097 permanent and seasonal residents and business and ~~be based upon~~  
1098 ~~surveys and studies that reflect the need for job creation,~~  
1099 ~~capital investment, and the necessity to strengthen and~~  
1100 ~~diversify the local economies, and may not be limited solely by~~  
1101 ~~the projected population of the rural community. The element~~  
1102 ~~shall accommodate at least the minimum amount of land required~~  
1103 ~~to accommodate the medium projections of the University of~~  
1104 ~~Florida's Bureau of Economic and Business Research at least a~~  
1105 ~~10-year planning period unless otherwise limited under s. 380.05~~  
1106 ~~including related rules of the Administration Commission.~~

1107 5. The future land use plan of a county may ~~also~~ designate  
1108 areas for possible future municipal incorporation.

1109 6. The land use maps or map series shall generally identify  
1110 and depict historic district boundaries and shall designate  
1111 historically significant properties meriting protection. ~~For~~  
1112 ~~coastal counties, the future land use element must include,~~  
1113 ~~without limitation, regulatory incentives and criteria that~~  
1114 ~~encourage the preservation of recreational and commercial~~



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1115 ~~working waterfronts as defined in s. 342.07.~~  
1116       7. The future land use element must clearly identify the  
1117 land use categories in which public schools are an allowable  
1118 use. When delineating the land use categories in which public  
1119 schools are an allowable use, a local government shall include  
1120 in the categories sufficient land proximate to residential  
1121 development to meet the projected needs for schools in  
1122 coordination with public school boards and may establish  
1123 differing criteria for schools of different type or size. Each  
1124 local government shall include lands contiguous to existing  
1125 school sites, to the maximum extent possible, within the land  
1126 use categories in which public schools are an allowable use. ~~The~~  
1127 ~~failure by a local government to comply with these school siting~~  
1128 ~~requirements will result in the prohibition of the local~~  
1129 ~~government's ability to amend the local comprehensive plan,~~  
1130 ~~except for plan amendments described in s. 163.3187(1)(b), until~~  
1131 ~~the school siting requirements are met. Amendments proposed by a~~  
1132 ~~local government for purposes of identifying the land use~~  
1133 ~~categories in which public schools are an allowable use are~~  
1134 ~~exempt from the limitation on the frequency of plan amendments~~  
1135 ~~contained in s. 163.3187. The future land use element shall~~  
1136 ~~include criteria that encourage the location of schools~~  
1137 ~~proximate to urban residential areas to the extent possible and~~  
1138 ~~shall require that the local government seek to collocate public~~  
1139 ~~facilities, such as parks, libraries, and community centers,~~  
1140 ~~with schools to the extent possible and to encourage the use of~~  
1141 ~~elementary schools as focal points for neighborhoods. For~~  
1142 ~~schools serving predominantly rural counties, defined as a~~  
1143 ~~county with a population of 100,000 or fewer, an agricultural~~





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1144 ~~land use category is eligible for the location of public school~~  
1145 ~~facilities if the local comprehensive plan contains school~~  
1146 ~~siting criteria and the location is consistent with such~~  
1147 ~~criteria.~~

1148 8. Future land use map amendments shall be based upon the  
1149 following analyses:

1150 a. An analysis of the availability of facilities and  
1151 services.

1152 b. An analysis of the suitability of the plan amendment for  
1153 its proposed use considering the character of the undeveloped  
1154 land, soils, topography, natural resources, and historic  
1155 resources on site.

1156 c. An analysis of the minimum amount of land needed as  
1157 determined by the local government.

1158 9. The future land use element and any amendment to the  
1159 future land use element shall discourage the proliferation of  
1160 urban sprawl.

1161 a. The primary indicators that a plan or plan amendment  
1162 does not discourage the proliferation of urban sprawl are listed  
1163 below. The evaluation of the presence of these indicators shall  
1164 consist of an analysis of the plan or plan amendment within the  
1165 context of features and characteristics unique to each locality  
1166 in order to determine whether the plan or plan amendment:

1167 (I) Promotes, allows, or designates for development  
1168 substantial areas of the jurisdiction to develop as low-  
1169 intensity, low-density, or single-use development or uses.

1170 (II) Promotes, allows, or designates significant amounts of  
1171 urban development to occur in rural areas at substantial  
1172 distances from existing urban areas while not using undeveloped



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- 1173 lands that are available and suitable for development.
- 1174 (III) Promotes, allows, or designates urban development in  
1175 radial, strip, isolated, or ribbon patterns generally emanating  
1176 from existing urban developments.
- 1177 (IV) Fails to adequately protect and conserve natural  
1178 resources, such as wetlands, floodplains, native vegetation,  
1179 environmentally sensitive areas, natural groundwater aquifer  
1180 recharge areas, lakes, rivers, shorelines, beaches, bays,  
1181 estuarine systems, and other significant natural systems.
- 1182 (V) Fails to adequately protect adjacent agricultural areas  
1183 and activities, including silviculture, active agricultural and  
1184 silvicultural activities, passive agricultural activities, and  
1185 dormant, unique, and prime farmlands and soils.
- 1186 (VI) Fails to maximize use of existing public facilities  
1187 and services.
- 1188 (VII) Fails to maximize use of future public facilities and  
1189 services.
- 1190 (VIII) Allows for land use patterns or timing which  
1191 disproportionately increase the cost in time, money, and energy  
1192 of providing and maintaining facilities and services, including  
1193 roads, potable water, sanitary sewer, stormwater management, law  
1194 enforcement, education, health care, fire and emergency  
1195 response, and general government.
- 1196 (IX) Fails to provide a clear separation between rural and  
1197 urban uses.
- 1198 (X) Discourages or inhibits infill development or the  
1199 redevelopment of existing neighborhoods and communities.
- 1200 (XI) Fails to encourage a functional mix of uses.
- 1201 (XII) Results in poor accessibility among linked or related



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1202 land uses.  
1203 (XIII) Results in the loss of significant amounts of  
1204 functional open space.  
1205 b. The future land use element or plan amendment shall be  
1206 determined to discourage the proliferation of urban sprawl if it  
1207 incorporates a development pattern or urban form that achieves  
1208 four or more of the following:  
1209 (I) Directs or locates economic growth and associated land  
1210 development to geographic areas of the community in a manner  
1211 that does not have an adverse impact on and protects natural  
1212 resources and ecosystems.  
1213 (II) Promotes the efficient and cost-effective provision or  
1214 extension of public infrastructure and services.  
1215 (III) Promotes walkable and connected communities and  
1216 provides for compact development and a mix of uses at densities  
1217 and intensities that will support a range of housing choices and  
1218 a multimodal transportation system, including pedestrian,  
1219 bicycle, and transit, if available.  
1220 (IV) Promotes conservation of water and energy.  
1221 (V) Preserves agricultural areas and activities, including  
1222 silviculture, and dormant, unique, and prime farmlands and  
1223 soils.  
1224 (VI) Preserves open space and natural lands and provides  
1225 for public open space and recreation needs.  
1226 (VII) Creates a balance of land uses based upon demands of  
1227 residential population for the nonresidential needs of an area.  
1228 (VIII) Provides uses, densities, and intensities of use and  
1229 urban form that would remediate an existing or planned  
1230 development pattern in the vicinity that constitutes sprawl or



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1231 if it provides for an innovative development pattern such as  
1232 transit-oriented developments or new towns as defined in s.  
1233 163.3164.

1234 10. The future land use element shall include a future land  
1235 use map or map series.

1236 a. The proposed distribution, extent, and location of the  
1237 following uses shall be shown on the future land use map or map  
1238 series:

1239 (I) Residential.

1240 (II) Commercial.

1241 (III) Industrial.

1242 (IV) Agricultural.

1243 (V) Recreational.

1244 (VI) Conservation.

1245 (VII) Educational.

1246 (VIII) Public.

1247 b. The following areas shall also be shown on the future  
1248 land use map or map series, if applicable:

1249 (I) Historic district boundaries and designated  
1250 historically significant properties.

1251 (II) Transportation concurrency management area boundaries  
1252 or transportation concurrency exception area boundaries.

1253 (III) Multimodal transportation district boundaries.

1254 (IV) Mixed use categories.

1255 c. The following natural resources or conditions shall be  
1256 shown on the future land use map or map series, if applicable:

1257 (I) Existing and planned public potable waterwells, cones  
1258 of influence, and wellhead protection areas.

1259 (II) Beaches and shores, including estuarine systems.



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1260           (III) Rivers, bays, lakes, floodplains, and harbors.  
1261           (IV) Wetlands.  
1262           (V) Minerals and soils.  
1263           (VI) Coastal high hazard areas.  
1264           11. Local governments required to update or amend their  
1265 comprehensive plan to include criteria and address compatibility  
1266 of lands adjacent or closely proximate to existing military  
1267 installations, or lands adjacent to an airport as defined in s.  
1268 330.35 and consistent with s. 333.02, in their future land use  
1269 plan element shall transmit the update or amendment to the state  
1270 land planning agency by June 30, 2012.  
1271           (b)1. A transportation element addressing mobility issues  
1272 in relationship to the size and character of the local  
1273 government. The purpose of the transportation element shall be  
1274 to plan for a multimodal transportation system that places  
1275 emphasis on public transportation systems, where feasible. The  
1276 element shall provide for a safe, convenient multimodal  
1277 transportation system, coordinated with the future land use map  
1278 or map series and designed to support all elements of the  
1279 comprehensive plan. A local government that has all or part of  
1280 its jurisdiction included within the metropolitan planning area  
1281 of a metropolitan planning organization (M.P.O.) pursuant to s.  
1282 339.175 shall prepare and adopt a transportation element  
1283 consistent with this subsection. Local governments that are not  
1284 located within the metropolitan planning area of an M.P.O. shall  
1285 address traffic circulation, mass transit, and ports, and  
1286 aviation and related facilities consistent with this subsection,  
1287 except that local governments with a population of 50,000 or  
1288 less shall only be required to address transportation



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1289 circulation. The element shall be coordinated with the plans and  
1290 programs of any applicable metropolitan planning organization,  
1291 transportation authority, Florida Transportation Plan, and  
1292 Department of Transportation's adopted work program. The  
1293 transportation element shall address

1294 ~~(b) A traffic circulation, including element consisting of~~  
1295 ~~the types, locations, and extent of existing and proposed major~~  
1296 ~~thoroughfares and transportation routes, including bicycle and~~  
1297 ~~pedestrian ways. Transportation corridors, as defined in s.~~  
1298 ~~334.03, may be designated in the transportation ~~traffie~~~~  
1299 ~~circulation element pursuant to s. 337.273. If the~~  
1300 ~~transportation corridors are designated, the local government~~  
1301 ~~may adopt a transportation corridor management ordinance. The~~  
1302 ~~element shall reflect the data, analysis, and associated~~  
1303 ~~principles and strategies relating to:~~

1304 a. The existing transportation system levels of service and  
1305 system needs and the availability of transportation facilities  
1306 and services.

1307 b. The growth trends and travel patterns and interactions  
1308 between land use and transportation.

1309 c. Existing and projected intermodal deficiencies and  
1310 needs.

1311 d. The projected transportation system levels of service  
1312 and system needs based upon the future land use map and the  
1313 projected integrated transportation system.

1314 e. How the local government will correct existing facility  
1315 deficiencies, meet the identified needs of the projected  
1316 transportation system, and advance the purpose of this paragraph  
1317 and the other elements of the comprehensive plan.



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- 1318           2. Local governments within a metropolitan planning area  
1319 designated as an M.P.O. pursuant to s. 339.175 shall also  
1320 address:
- 1321           a. All alternative modes of travel, such as public  
1322 transportation, pedestrian, and bicycle travel.
- 1323           b. Aviation, rail, seaport facilities, access to those  
1324 facilities, and intermodal terminals.
- 1325           c. The capability to evacuate the coastal population before  
1326 an impending natural disaster.
- 1327           d. Airports, projected airport and aviation development,  
1328 and land use compatibility around airports, which includes areas  
1329 defined in ss. 333.01 and 333.02.
- 1330           e. An identification of land use densities, building  
1331 intensities, and transportation management programs to promote  
1332 public transportation systems in designated public  
1333 transportation corridors so as to encourage population densities  
1334 sufficient to support such systems.
- 1335           3. Mass-transit provisions showing proposed methods for the  
1336 moving of people, rights-of-way, terminals, and related  
1337 facilities shall address:
- 1338           a. The provision of efficient public transit services based  
1339 upon existing and proposed major trip generators and attractors,  
1340 safe and convenient public transit terminals, land uses, and  
1341 accommodation of the special needs of the transportation  
1342 disadvantaged.
- 1343           b. Plans for port, aviation, and related facilities  
1344 coordinated with the general circulation and transportation  
1345 element.
- 1346           c. Plans for the circulation of recreational traffic,



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1347 including bicycle facilities, exercise trails, riding  
1348 facilities, and such other matters as may be related to the  
1349 improvement and safety of movement of all types of recreational  
1350 traffic.

1351 4. An airport master plan, and any subsequent amendments to  
1352 the airport master plan, prepared by a licensed publicly owned  
1353 and operated airport under s. 333.06 may be incorporated into  
1354 the local government comprehensive plan by the local government  
1355 having jurisdiction under this act for the area in which the  
1356 airport or projected airport development is located by the  
1357 adoption of a comprehensive plan amendment. In the amendment to  
1358 the local comprehensive plan that integrates the airport master  
1359 plan, the comprehensive plan amendment shall address land use  
1360 compatibility consistent with chapter 333 regarding airport  
1361 zoning; the provision of regional transportation facilities for  
1362 the efficient use and operation of the transportation system and  
1363 airport; consistency with the local government transportation  
1364 circulation element and applicable M.P.O. long-range  
1365 transportation plans; the execution of any necessary interlocal  
1366 agreements for the purposes of the provision of public  
1367 facilities and services to maintain the adopted level-of-service  
1368 standards for facilities subject to concurrency; and may address  
1369 airport-related or aviation-related development. Development or  
1370 expansion of an airport consistent with the adopted airport  
1371 master plan that has been incorporated into the local  
1372 comprehensive plan in compliance with this part, and airport-  
1373 related or aviation-related development that has been addressed  
1374 in the comprehensive plan amendment that incorporates the  
1375 airport master plan, shall not be a development of regional





1376 impact. Notwithstanding any other general law, an airport that  
1377 has received a development-of-regional-impact development order  
1378 pursuant to s. 380.06, but which is no longer required to  
1379 undergo development-of-regional-impact review pursuant to this  
1380 subsection, may rescind its development-of-regional-impact order  
1381 upon written notification to the applicable local government.  
1382 Upon receipt by the local government, the development-of-  
1383 regional-impact development order shall be deemed rescinded.

1384 5. The transportation element shall include a map or map  
1385 series showing the general location of the existing and proposed  
1386 transportation system features and shall be coordinated with the  
1387 future land use map or map series. ~~The traffic circulation~~  
1388 ~~element shall incorporate transportation strategies to address~~  
1389 ~~reduction in greenhouse gas emissions from the transportation~~  
1390 ~~sector.~~

1391 (c) A general sanitary sewer, solid waste, drainage,  
1392 potable water, and natural groundwater aquifer recharge element  
1393 correlated to principles and guidelines for future land use,  
1394 indicating ways to provide for future potable water, drainage,  
1395 sanitary sewer, solid waste, and aquifer recharge protection  
1396 requirements for the area. The element may be a detailed  
1397 engineering plan including a topographic map depicting areas of  
1398 prime groundwater recharge.

1399 1. Each local government shall address in the data and  
1400 analyses required by this section those facilities that provide  
1401 service within the local government's jurisdiction. Local  
1402 governments that provide facilities to serve areas within other  
1403 local government jurisdictions shall also address those  
1404 facilities in the data and analyses required by this section,



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1405 using data from the comprehensive plan for those areas for the  
1406 purpose of projecting facility needs as required in this  
1407 subsection. For shared facilities, each local government shall  
1408 indicate the proportional capacity of the systems allocated to  
1409 serve its jurisdiction.

1410 2. The element shall describe the problems and needs and  
1411 the general facilities that will be required for solution of the  
1412 problems and needs, including correcting existing facility  
1413 deficiencies. The element shall address coordinating the  
1414 extension of, or increase in the capacity of, facilities to meet  
1415 future needs while maximizing the use of existing facilities and  
1416 discouraging urban sprawl; conservation of potable water  
1417 resources; and protecting the functions of natural groundwater  
1418 recharge areas and natural drainage features. The element shall  
1419 also include a topographic map depicting any areas adopted by a  
1420 regional water management district as prime groundwater recharge  
1421 areas for the Floridan or Biscayne aquifers. These areas shall  
1422 be given special consideration when the local government is  
1423 engaged in zoning or considering future land use for said  
1424 designated areas. ~~For areas served by septic tanks, soil surveys~~  
1425 ~~shall be provided which indicate the suitability of soils for~~  
1426 ~~septic tanks.~~

1427 3. Within 18 months after the governing board approves an  
1428 updated regional water supply plan, the element must incorporate  
1429 the alternative water supply project or projects selected by the  
1430 local government from those identified in the regional water  
1431 supply plan pursuant to s. 373.709(2) (a) or proposed by the  
1432 local government under s. 373.709(8) (b). If a local government  
1433 is located within two water management districts, the local



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1434 government shall adopt its comprehensive plan amendment within  
1435 18 months after the later updated regional water supply plan.  
1436 The element must identify such alternative water supply projects  
1437 and traditional water supply projects and conservation and reuse  
1438 necessary to meet the water needs identified in s. 373.709(2)(a)  
1439 within the local government's jurisdiction and include a work  
1440 plan, covering at least a 10-year planning period, for building  
1441 public, private, and regional water supply facilities, including  
1442 development of alternative water supplies, which are identified  
1443 in the element as necessary to serve existing and new  
1444 development. The work plan shall be updated, at a minimum, every  
1445 5 years within 18 months after the governing board of a water  
1446 management district approves an updated regional water supply  
1447 plan. ~~Amendments to incorporate the work plan do not count~~  
1448 ~~toward the limitation on the frequency of adoption of amendments~~  
1449 ~~to the comprehensive plan.~~ Local governments, public and private  
1450 utilities, regional water supply authorities, special districts,  
1451 and water management districts are encouraged to cooperatively  
1452 plan for the development of multijurisdictional water supply  
1453 facilities that are sufficient to meet projected demands for  
1454 established planning periods, including the development of  
1455 alternative water sources to supplement traditional sources of  
1456 groundwater and surface water supplies.

1457 (d) A conservation element for the conservation, use, and  
1458 protection of natural resources in the area, including air,  
1459 water, water recharge areas, wetlands, waterwells, estuarine  
1460 marshes, soils, beaches, shores, flood plains, rivers, bays,  
1461 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
1462 minerals, and other natural and environmental resources,



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1463 including factors that affect energy conservation.

1464 1. The following natural resources, where present within  
1465 the local government's boundaries, shall be identified and  
1466 analyzed and existing recreational or conservation uses, known  
1467 pollution problems, including hazardous wastes, and the  
1468 potential for conservation, recreation, use, or protection shall  
1469 also be identified:

1470 a. Rivers, bays, lakes, wetlands including estuarine  
1471 marshes, groundwaters, and springs, including information on  
1472 quality of the resource available.

1473 b. Floodplains.

1474 c. Known sources of commercially valuable minerals.

1475 d. Areas known to have experienced soil erosion problems.

1476 e. Areas that are the location of recreationally and  
1477 commercially important fish or shellfish, wildlife, marine  
1478 habitats, and vegetative communities, including forests,  
1479 indicating known dominant species present and species listed by  
1480 federal, state, or local government agencies as endangered,  
1481 threatened, or species of special concern.

1482 2. The element must contain principles, guidelines, and  
1483 standards for conservation that provide long-term goals and  
1484 which:

1485 a. Protects air quality.

1486 b. Conserves, appropriately uses, and protects the quality  
1487 and quantity of current and projected water sources and waters  
1488 that flow into estuarine waters or oceanic waters and protect  
1489 from activities and land uses known to affect adversely the  
1490 quality and quantity of identified water sources, including  
1491 natural groundwater recharge areas, wellhead protection areas,



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1492 and surface waters used as a source of public water supply.  
1493 c. Provides for the emergency conservation of water sources  
1494 in accordance with the plans of the regional water management  
1495 district.  
1496 d. Conserves, appropriately uses, and protects minerals,  
1497 soils, and native vegetative communities, including forests,  
1498 from destruction by development activities.  
1499 e. Conserves, appropriately uses, and protects fisheries,  
1500 wildlife, wildlife habitat, and marine habitat and restricts  
1501 activities known to adversely affect the survival of endangered  
1502 and threatened wildlife.  
1503 f. Protects existing natural reservations identified in the  
1504 recreation and open space element.  
1505 g. Maintains cooperation with adjacent local governments to  
1506 conserve, appropriately use, or protect unique vegetative  
1507 communities located within more than one local jurisdiction.  
1508 h. Designates environmentally sensitive lands for  
1509 protection based on locally determined criteria which further  
1510 the goals and objectives of the conservation element.  
1511 i. Manages hazardous waste to protect natural resources.  
1512 j. Protects and conserves wetlands and the natural  
1513 functions of wetlands.  
1514 k. Directs future land uses that are incompatible with the  
1515 protection and conservation of wetlands and wetland functions  
1516 away from wetlands. The type, intensity or density, extent,  
1517 distribution, and location of allowable land uses and the types,  
1518 values, functions, sizes, conditions, and locations of wetlands  
1519 are land use factors that shall be considered when directing  
1520 incompatible land uses away from wetlands. Land uses shall be



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1521 distributed in a manner that minimizes the effect and impact on  
1522 wetlands. The protection and conservation of wetlands by the  
1523 direction of incompatible land uses away from wetlands shall  
1524 occur in combination with other principles, guidelines,  
1525 standards, and strategies in the comprehensive plan. Where  
1526 incompatible land uses are allowed to occur, mitigation shall be  
1527 considered as one means to compensate for loss of wetlands  
1528 functions.

1529 ~~3. Local governments shall assess their Current and, as~~  
1530 ~~well as projected, water needs and sources for at least a 10-~~  
1531 ~~year period based on the demands for industrial, agricultural,~~  
1532 ~~and potable water use and the quality and quantity of water~~  
1533 ~~available to meet these demands shall be analyzed. The analysis~~  
1534 ~~shall consider the existing levels of water conservation, use,~~  
1535 ~~and protection and applicable policies of the regional water~~  
1536 ~~management district and further must consider, considering the~~  
1537 ~~appropriate regional water supply plan approved pursuant to s.~~  
1538 ~~373.709, or, in the absence of an approved regional water supply~~  
1539 ~~plan, the district water management plan approved pursuant to s.~~  
1540 ~~373.036(2). This information shall be submitted to the~~  
1541 ~~appropriate agencies. The land use map or map series contained~~  
1542 ~~in the future land use element shall generally identify and~~  
1543 ~~depict the following:~~

- 1544 ~~1. Existing and planned waterwells and cones of influence~~  
1545 ~~where applicable.~~
- 1546 ~~2. Beaches and shores, including estuarine systems.~~
- 1547 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~
- 1548 ~~4. Wetlands.~~
- 1549 ~~5. Minerals and soils.~~



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1550 ~~6. Energy conservation.~~

1551  
1552 ~~The land uses identified on such maps shall be consistent with~~  
1553 ~~applicable state law and rules.~~

1554 (e) A recreation and open space element indicating a  
1555 comprehensive system of public and private sites for recreation,  
1556 including, but not limited to, natural reservations, parks and  
1557 playgrounds, parkways, beaches and public access to beaches,  
1558 open spaces, waterways, and other recreational facilities.

1559 (f)1. A housing element consisting of ~~standards, plans, and~~  
1560 principles, guidelines, standards, and strategies to be followed  
1561 in:

1562 a. The provision of housing for all current and anticipated  
1563 future residents of the jurisdiction.

1564 b. The elimination of substandard dwelling conditions.

1565 c. The structural and aesthetic improvement of existing  
1566 housing.

1567 d. The provision of adequate sites for future housing,  
1568 including affordable workforce housing as defined in s.  
1569 380.0651(3)(j), housing for low-income, very low-income, and  
1570 moderate-income families, mobile homes, and group home  
1571 facilities and foster care facilities, with supporting  
1572 infrastructure and public facilities.

1573 e. Provision for relocation housing and identification of  
1574 historically significant and other housing for purposes of  
1575 conservation, rehabilitation, or replacement.

1576 f. The formulation of housing implementation programs.

1577 g. The creation or preservation of affordable housing to  
1578 minimize the need for additional local services and avoid the



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1579 concentration of affordable housing units only in specific areas  
1580 of the jurisdiction.

1581 h. Energy efficiency in the design and construction of new  
1582 housing.

1583 i. Use of renewable energy resources.

1584 j. Each county in which the gap between the buying power of  
1585 a family of four and the median county home sale price exceeds  
1586 \$170,000, as determined by the Florida Housing Finance  
1587 Corporation, and which is not designated as an area of critical  
1588 state concern shall adopt a plan for ensuring affordable  
1589 workforce housing. At a minimum, the plan shall identify  
1590 adequate sites for such housing. For purposes of this sub-  
1591 subparagraph, the term "workforce housing" means housing that is  
1592 affordable to natural persons or families whose total household  
1593 income does not exceed 140 percent of the area median income,  
1594 adjusted for household size.

1595 k. As a precondition to receiving any state affordable  
1596 housing funding or allocation for any project or program within  
1597 the jurisdiction of a county that is subject to sub-subparagraph  
1598 j., a county must, by July 1 of each year, provide certification  
1599 that the county has complied with the requirements of sub-  
1600 subparagraph j.

1601 2. The principles, guidelines, standards, and strategies  
1602 goals, objectives, and policies of the housing element must be  
1603 based on the data and analysis prepared on housing needs,  
1604 including an inventory taken from the latest decennial United  
1605 States Census or more recent estimates, which shall include the  
1606 number and distribution of dwelling units by type, tenure, age,  
1607 rent, value, monthly cost of owner-occupied units, and rent or





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1608 cost to income ratio, and shall show the number of dwelling  
1609 units that are substandard. The inventory shall also include the  
1610 methodology used to estimate the condition of housing, a  
1611 projection of the anticipated number of households by size,  
1612 income range, and age of residents derived from the population  
1613 projections, and the minimum housing need of the current and  
1614 anticipated future residents of the jurisdiction ~~the affordable~~  
1615 ~~housing needs assessment.~~

1616 3. The housing element must express principles, guidelines,  
1617 standards, and strategies that reflect, as needed, the creation  
1618 and preservation of affordable housing for all current and  
1619 anticipated future residents of the jurisdiction, elimination of  
1620 substandard housing conditions, adequate sites, and distribution  
1621 of housing for a range of incomes and types, including mobile  
1622 and manufactured homes. The element must provide for specific  
1623 programs and actions to partner with private and nonprofit  
1624 sectors to address housing needs in the jurisdiction, streamline  
1625 the permitting process, and minimize costs and delays for  
1626 affordable housing, establish standards to address the quality  
1627 of housing, stabilization of neighborhoods, and identification  
1628 and improvement of historically significant housing.

1629 4. State and federal housing plans prepared on behalf of  
1630 the local government must be consistent with the goals,  
1631 objectives, and policies of the housing element. Local  
1632 governments are encouraged to use job training, job creation,  
1633 and economic solutions to address a portion of their affordable  
1634 housing concerns.

1635 ~~2. To assist local governments in housing data collection~~  
1636 ~~and analysis and assure uniform and consistent information~~



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1637 ~~regarding the state's housing needs, the state land planning~~  
1638 ~~agency shall conduct an affordable housing needs assessment for~~  
1639 ~~all local jurisdictions on a schedule that coordinates the~~  
1640 ~~implementation of the needs assessment with the evaluation and~~  
1641 ~~appraisal reports required by s. 163.3191. Each local government~~  
1642 ~~shall utilize the data and analysis from the needs assessment as~~  
1643 ~~one basis for the housing element of its local comprehensive~~  
1644 ~~plan. The agency shall allow a local government the option to~~  
1645 ~~perform its own needs assessment, if it uses the methodology~~  
1646 ~~established by the agency by rule.~~

1647 (g)~~1.~~ For those units of local government identified in s.  
1648 380.24, a coastal management element, appropriately related to  
1649 the particular requirements of paragraphs (d) and (e) and  
1650 meeting the requirements of s. 163.3178(2) and (3). The coastal  
1651 management element shall set forth the principles, guidelines,  
1652 standards, and strategies ~~policies~~ that shall guide the local  
1653 government's decisions and program implementation with respect  
1654 to the following objectives:

1655 ~~1.a. Maintain, restore, and enhance Maintenance,~~  
1656 ~~restoration, and enhancement of the overall quality of the~~  
1657 ~~coastal zone environment, including, but not limited to, its~~  
1658 ~~amenities and aesthetic values.~~

1659 ~~2.b. Preserve the~~ continued existence of viable populations  
1660 of all species of wildlife and marine life.

1661 ~~3.e. Protect~~ the orderly and balanced utilization and  
1662 preservation, consistent with sound conservation principles, of  
1663 all living and nonliving coastal zone resources.

1664 ~~4.d. Avoid Avoidance of~~ irreversible and irretrievable loss  
1665 of coastal zone resources.



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1666           ~~5.e. Use~~ ecological planning principles and assumptions ~~to~~  
1667 ~~be used~~ in the determination of the ~~suitability and extent~~ of  
1668 permitted development.  
1669           ~~f. Proposed management and regulatory techniques.~~  
1670           ~~6.g. Limit~~ Limitation of public expenditures that subsidize  
1671 development in ~~high-hazard~~ coastal high-hazard areas.  
1672           ~~7.h. Protect~~ Protection of human life against the effects  
1673 of natural disasters.  
1674           ~~8.i. Direct~~ the orderly development, maintenance, and use  
1675 of ports identified in s. 403.021(9) to facilitate deepwater  
1676 commercial navigation and other related activities.  
1677           ~~9.j. Preserve~~ historic and archaeological resources, which  
1678 include the ~~Preservation, including~~ sensitive adaptive use of  
1679 these ~~historic and archaeological~~ resources.  
1680           ~~2. As part of this element, a local government that has a~~  
1681 ~~coastal management element in its comprehensive plan is~~  
1682 ~~encouraged to adopt recreational surface water use policies that~~  
1683 ~~include applicable criteria for and consider such factors as~~  
1684 ~~natural resources, manatee protection needs, protection of~~  
1685 ~~working waterfronts and public access to the water, and~~  
1686 ~~recreation and economic demands. Criteria for manatee protection~~  
1687 ~~in the recreational surface water use policies should reflect~~  
1688 ~~applicable guidance outlined in the Boat Facility Siting Guide~~  
1689 ~~prepared by the Fish and Wildlife Conservation Commission. If~~  
1690 ~~the local government elects to adopt recreational surface water~~  
1691 ~~use policies by comprehensive plan amendment, such comprehensive~~  
1692 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~  
1693 ~~Local governments that wish to adopt recreational surface water~~  
1694 ~~use policies may be eligible for assistance with the development~~



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1695 ~~of such policies through the Florida Coastal Management Program.~~  
1696 ~~The Office of Program Policy Analysis and Government~~  
1697 ~~Accountability shall submit a report on the adoption of~~  
1698 ~~recreational surface water use policies under this subparagraph~~  
1699 ~~to the President of the Senate, the Speaker of the House of~~  
1700 ~~Representatives, and the majority and minority leaders of the~~  
1701 ~~Senate and the House of Representatives no later than December~~  
1702 ~~1, 2010.~~

1703 (h)1. An intergovernmental coordination element showing  
1704 relationships and stating principles and guidelines to be used  
1705 in coordinating the adopted comprehensive plan with the plans of  
1706 school boards, regional water supply authorities, and other  
1707 units of local government providing services but not having  
1708 regulatory authority over the use of land, with the  
1709 comprehensive plans of adjacent municipalities, the county,  
1710 adjacent counties, or the region, with the state comprehensive  
1711 plan and with the applicable regional water supply plan approved  
1712 pursuant to s. 373.709, as the case may require and as such  
1713 adopted plans or plans in preparation may exist. This element of  
1714 the local comprehensive plan must demonstrate consideration of  
1715 the particular effects of the local plan, when adopted, upon the  
1716 development of adjacent municipalities, the county, adjacent  
1717 counties, or the region, or upon the state comprehensive plan,  
1718 as the case may require.

1719 a. The intergovernmental coordination element must provide  
1720 procedures for identifying and implementing joint planning  
1721 areas, especially for the purpose of annexation, municipal  
1722 incorporation, and joint infrastructure service areas.

1723 b. ~~The intergovernmental coordination element must provide~~



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1724 ~~for recognition of campus master plans prepared pursuant to s.~~  
1725 ~~1013.30 and airport master plans under paragraph (k).~~

1726 ~~e.~~ The intergovernmental coordination element shall provide  
1727 for a dispute resolution process, as established pursuant to s.  
1728 186.509, for bringing intergovernmental disputes to closure in a  
1729 timely manner.

1730 ~~c.d.~~ The intergovernmental coordination element shall  
1731 provide for interlocal agreements as established pursuant to s.  
1732 333.03(1)(b).

1733 2. The intergovernmental coordination element shall also  
1734 state principles and guidelines to be used in coordinating the  
1735 adopted comprehensive plan with the plans of school boards and  
1736 other units of local government providing facilities and  
1737 services but not having regulatory authority over the use of  
1738 land. In addition, the intergovernmental coordination element  
1739 must describe joint processes for collaborative planning and  
1740 decisionmaking on population projections and public school  
1741 siting, the location and extension of public facilities subject  
1742 to concurrency, and siting facilities with countywide  
1743 significance, including locally unwanted land uses whose nature  
1744 and identity are established in an agreement.

1745 3. Within 1 year after adopting their intergovernmental  
1746 coordination elements, each county, all the municipalities  
1747 within that county, the district school board, and any unit of  
1748 local government service providers in that county shall  
1749 establish by interlocal or other formal agreement executed by  
1750 all affected entities, the joint processes described in this  
1751 subparagraph consistent with their adopted intergovernmental  
1752 coordination elements. The element must:



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1753           a. Ensure that the local government addresses through  
1754 coordination mechanisms the impacts of development proposed in  
1755 the local comprehensive plan upon development in adjacent  
1756 municipalities, the county, adjacent counties, the region, and  
1757 the state. The area of concern for municipalities shall include  
1758 adjacent municipalities, the county, and counties adjacent to  
1759 the municipality. The area of concern for counties shall include  
1760 all municipalities within the county, adjacent counties, and  
1761 adjacent municipalities.

1762           b. Ensure coordination in establishing level of service  
1763 standards for public facilities with any state, regional, or  
1764 local entity having operational and maintenance responsibility  
1765 for such facilities.

1766           ~~4.3.~~ To foster coordination between special districts and  
1767 local general-purpose governments as local general-purpose  
1768 governments implement local comprehensive plans, each  
1769 independent special district must submit a public facilities  
1770 report to the appropriate local government as required by s.  
1771 189.415.

1772           ~~4. Local governments shall execute an interlocal agreement~~  
1773 ~~with the district school board, the county, and nonexempt~~  
1774 ~~municipalities pursuant to s. 163.31777. The local government~~  
1775 ~~shall amend the intergovernmental coordination element to ensure~~  
1776 ~~that coordination between the local government and school board~~  
1777 ~~is pursuant to the agreement and shall state the obligations of~~  
1778 ~~the local government under the agreement. Plan amendments that~~  
1779 ~~comply with this subparagraph are exempt from the provisions of~~  
1780 ~~s. 163.3187(1).~~

1781           ~~5. By January 1, 2004, any county having a population~~



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1782 ~~greater than 100,000, and the municipalities and special~~  
1783 ~~districts within that county, shall submit a report to the~~  
1784 ~~Department of Community Affairs which identifies:~~

1785 ~~a. All existing or proposed interlocal service delivery~~  
1786 ~~agreements relating to education; sanitary sewer; public safety;~~  
1787 ~~solid waste; drainage; potable water; parks and recreation; and~~  
1788 ~~transportation facilities.~~

1789 ~~b. Any deficits or duplication in the provision of~~  
1790 ~~services within its jurisdiction, whether capital or~~  
1791 ~~operational. Upon request, the Department of Community Affairs~~  
1792 ~~shall provide technical assistance to the local governments in~~  
1793 ~~identifying deficits or duplication.~~

1794 ~~6. Within 6 months after submission of the report, the~~  
1795 ~~Department of Community Affairs shall, through the appropriate~~  
1796 ~~regional planning council, coordinate a meeting of all local~~  
1797 ~~governments within the regional planning area to discuss the~~  
1798 ~~reports and potential strategies to remedy any identified~~  
1799 ~~deficiencies or duplications.~~

1800 ~~7. Each local government shall update its intergovernmental~~  
1801 ~~coordination element based upon the findings in the report~~  
1802 ~~submitted pursuant to subparagraph 5. The report may be used as~~  
1803 ~~supporting data and analysis for the intergovernmental~~  
1804 ~~coordination element.~~

1805 ~~(i) The optional elements of the comprehensive plan in~~  
1806 ~~paragraphs (7) (a) and (b) are required elements for those~~  
1807 ~~municipalities having populations greater than 50,000, and those~~  
1808 ~~counties having populations greater than 75,000, as determined~~  
1809 ~~under s. 186.901.~~

1810 ~~(j) For each unit of local government within an urbanized~~



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1811 ~~area designated for purposes of s. 339.175, a transportation~~  
1812 ~~element, which must be prepared and adopted in lieu of the~~  
1813 ~~requirements of paragraph (b) and paragraphs (7)(a), (b), (c),~~  
1814 ~~and (d) and which shall address the following issues:~~  
1815 ~~1. Traffic circulation, including major thoroughfares and~~  
1816 ~~other routes, including bicycle and pedestrian ways.~~  
1817 ~~2. All alternative modes of travel, such as public~~  
1818 ~~transportation, pedestrian, and bicycle travel.~~  
1819 ~~3. Parking facilities.~~  
1820 ~~4. Aviation, rail, seaport facilities, access to those~~  
1821 ~~facilities, and intermodal terminals.~~  
1822 ~~5. The availability of facilities and services to serve~~  
1823 ~~existing land uses and the compatibility between future land use~~  
1824 ~~and transportation elements.~~  
1825 ~~6. The capability to evacuate the coastal population prior~~  
1826 ~~to an impending natural disaster.~~  
1827 ~~7. Airports, projected airport and aviation development,~~  
1828 ~~and land use compatibility around airports, which includes areas~~  
1829 ~~defined in ss. 333.01 and 333.02.~~  
1830 ~~8. An identification of land use densities, building~~  
1831 ~~intensities, and transportation management programs to promote~~  
1832 ~~public transportation systems in designated public~~  
1833 ~~transportation corridors so as to encourage population densities~~  
1834 ~~sufficient to support such systems.~~  
1835 ~~9. May include transportation corridors, as defined in s.~~  
1836 ~~334.03, intended for future transportation facilities designated~~  
1837 ~~pursuant to s. 337.273. If transportation corridors are~~  
1838 ~~designated, the local government may adopt a transportation~~  
1839 ~~corridor management ordinance.~~





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1840           ~~10. The incorporation of transportation strategies to~~  
1841 ~~address reduction in greenhouse gas emissions from the~~  
1842 ~~transportation sector.~~

1843           ~~(k) An airport master plan, and any subsequent amendments~~  
1844 ~~to the airport master plan, prepared by a licensed publicly~~  
1845 ~~owned and operated airport under s. 333.06 may be incorporated~~  
1846 ~~into the local government comprehensive plan by the local~~  
1847 ~~government having jurisdiction under this act for the area in~~  
1848 ~~which the airport or projected airport development is located by~~  
1849 ~~the adoption of a comprehensive plan amendment. In the amendment~~  
1850 ~~to the local comprehensive plan that integrates the airport~~  
1851 ~~master plan, the comprehensive plan amendment shall address land~~  
1852 ~~use compatibility consistent with chapter 333 regarding airport~~  
1853 ~~zoning; the provision of regional transportation facilities for~~  
1854 ~~the efficient use and operation of the transportation system and~~  
1855 ~~airport; consistency with the local government transportation~~  
1856 ~~circulation element and applicable metropolitan planning~~  
1857 ~~organization long-range transportation plans; and the execution~~  
1858 ~~of any necessary interlocal agreements for the purposes of the~~  
1859 ~~provision of public facilities and services to maintain the~~  
1860 ~~adopted level-of-service standards for facilities subject to~~  
1861 ~~concurrence; and may address airport-related or aviation-related~~  
1862 ~~development. Development or expansion of an airport consistent~~  
1863 ~~with the adopted airport master plan that has been incorporated~~  
1864 ~~into the local comprehensive plan in compliance with this part,~~  
1865 ~~and airport-related or aviation-related development that has~~  
1866 ~~been addressed in the comprehensive plan amendment that~~  
1867 ~~incorporates the airport master plan, shall not be a development~~  
1868 ~~of regional impact. Notwithstanding any other general law, an~~



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1869 ~~airport that has received a development of regional impact~~  
1870 ~~development order pursuant to s. 380.06, but which is no longer~~  
1871 ~~required to undergo development of regional impact review~~  
1872 ~~pursuant to this subsection, may abandon its development of~~  
1873 ~~regional impact order upon written notification to the~~  
1874 ~~applicable local government. Upon receipt by the local~~  
1875 ~~government, the development of regional impact development order~~  
1876 ~~is void.~~

1877 ~~(7) The comprehensive plan may include the following~~  
1878 ~~additional elements, or portions or phases thereof:~~

1879 ~~(a) As a part of the circulation element of paragraph~~  
1880 ~~(6) (b) or as a separate element, a mass transit element showing~~  
1881 ~~proposed methods for the moving of people, rights of way,~~  
1882 ~~terminals, related facilities, and fiscal considerations for the~~  
1883 ~~accomplishment of the element.~~

1884 ~~(b) As a part of the circulation element of paragraph~~  
1885 ~~(6) (b) or as a separate element, plans for port, aviation, and~~  
1886 ~~related facilities coordinated with the general circulation and~~  
1887 ~~transportation element.~~

1888 ~~(c) As a part of the circulation element of paragraph~~  
1889 ~~(6) (b) and in coordination with paragraph (6) (c), where~~  
1890 ~~applicable, a plan element for the circulation of recreational~~  
1891 ~~traffic, including bicycle facilities, exercise trails, riding~~  
1892 ~~facilities, and such other matters as may be related to the~~  
1893 ~~improvement and safety of movement of all types of recreational~~  
1894 ~~traffic.~~

1895 ~~(d) As a part of the circulation element of paragraph~~  
1896 ~~(6) (b) or as a separate element, a plan element for the~~  
1897 ~~development of offstreet parking facilities for motor vehicles~~



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1898 ~~and the fiscal considerations for the accomplishment of the~~  
1899 ~~element.~~

1900 ~~(e) A public buildings and related facilities element~~  
1901 ~~showing locations and arrangements of civic and community~~  
1902 ~~centers, public schools, hospitals, libraries, police and fire~~  
1903 ~~stations, and other public buildings. This plan element should~~  
1904 ~~show particularly how it is proposed to effect coordination with~~  
1905 ~~governmental units, such as school boards or hospital~~  
1906 ~~authorities, having public development and service~~  
1907 ~~responsibilities, capabilities, and potential but not having~~  
1908 ~~land development regulatory authority. This element may include~~  
1909 ~~plans for architecture and landscape treatment of their grounds.~~

1910 ~~(f) A recommended community design element which may~~  
1911 ~~consist of design recommendations for land subdivision,~~  
1912 ~~neighborhood development and redevelopment, design of open space~~  
1913 ~~locations, and similar matters to the end that such~~  
1914 ~~recommendations may be available as aids and guides to~~  
1915 ~~developers in the future planning and development of land in the~~  
1916 ~~area.~~

1917 ~~(g) A general area redevelopment element consisting of~~  
1918 ~~plans and programs for the redevelopment of slums and blighted~~  
1919 ~~locations in the area and for community redevelopment, including~~  
1920 ~~housing sites, business and industrial sites, public buildings~~  
1921 ~~sites, recreational facilities, and other purposes authorized by~~  
1922 ~~law.~~

1923 ~~(h) A safety element for the protection of residents and~~  
1924 ~~property of the area from fire, hurricane, or manmade or natural~~  
1925 ~~catastrophe, including such necessary features for protection as~~  
1926 ~~evacuation routes and their control in an emergency, water~~



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1927 ~~supply requirements, minimum road widths, clearances around and~~  
1928 ~~elevations of structures, and similar matters.~~

1929 ~~(i) An historical and scenic preservation element setting~~  
1930 ~~out plans and programs for those structures or lands in the area~~  
1931 ~~having historical, archaeological, architectural, scenic, or~~  
1932 ~~similar significance.~~

1933 ~~(j) An economic element setting forth principles and~~  
1934 ~~guidelines for the commercial and industrial development, if~~  
1935 ~~any, and the employment and personnel utilization within the~~  
1936 ~~area. The element may detail the type of commercial and~~  
1937 ~~industrial development sought, correlated to the present and~~  
1938 ~~projected employment needs of the area and to other elements of~~  
1939 ~~the plans, and may set forth methods by which a balanced and~~  
1940 ~~stable economic base will be pursued.~~

1941 ~~(k) Such other elements as may be peculiar to, and~~  
1942 ~~necessary for, the area concerned and as are added to the~~  
1943 ~~comprehensive plan by the governing body upon the recommendation~~  
1944 ~~of the local planning agency.~~

1945 ~~(l) Local governments that are not required to prepare~~  
1946 ~~coastal management elements under s. 163.3178 are encouraged to~~  
1947 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~  
1948 ~~plans should, at a minimum, establish long-term policies~~  
1949 ~~regarding redevelopment, infrastructure, densities,~~  
1950 ~~nonconforming uses, and future land use patterns. Grants to~~  
1951 ~~assist local governments in the preparation of these hazard~~  
1952 ~~mitigation/postdisaster redevelopment plans shall be available~~  
1953 ~~through the Emergency Management Preparedness and Assistance~~  
1954 ~~Account in the Grants and Donations Trust Fund administered by~~  
1955 ~~the department, if such account is created by law. The plans~~



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1956 ~~must be in compliance with the requirements of this act and~~  
1957 ~~chapter 252.~~

1958 ~~(8) All elements of the comprehensive plan, whether~~  
1959 ~~mandatory or optional, shall be based upon data appropriate to~~  
1960 ~~the element involved. Surveys and studies utilized in the~~  
1961 ~~preparation of the comprehensive plan shall not be deemed a part~~  
1962 ~~of the comprehensive plan unless adopted as a part of it. Copies~~  
1963 ~~of such studies, surveys, and supporting documents shall be made~~  
1964 ~~available to public inspection, and copies of such plans shall~~  
1965 ~~be made available to the public upon payment of reasonable~~  
1966 ~~charges for reproduction.~~

1967 ~~(9) The state land planning agency shall, by February 15,~~  
1968 ~~1986, adopt by rule minimum criteria for the review and~~  
1969 ~~determination of compliance of the local government~~  
1970 ~~comprehensive plan elements required by this act. Such rules~~  
1971 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~  
1972 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~  
1973 ~~become effective only after they have been submitted to the~~  
1974 ~~President of the Senate and the Speaker of the House of~~  
1975 ~~Representatives for review by the Legislature no later than 30~~  
1976 ~~days prior to the next regular session of the Legislature. In~~  
1977 ~~its review the Legislature may reject, modify, or take no action~~  
1978 ~~relative to the rules. The agency shall conform the rules to the~~  
1979 ~~changes made by the Legislature, or, if no action was taken, the~~  
1980 ~~agency rules shall become effective. The rule shall include~~  
1981 ~~criteria for determining whether:~~

1982 ~~(a) Proposed elements are in compliance with the~~  
1983 ~~requirements of part II, as amended by this act.~~

1984 ~~(b) Other elements of the comprehensive plan are related to~~



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1985 ~~and consistent with each other.~~

1986 ~~(c) The local government comprehensive plan elements are~~

1987 ~~consistent with the state comprehensive plan and the appropriate~~

1988 ~~regional policy plan pursuant to s. 186.508.~~

1989 ~~(d) Certain bays, estuaries, and harbors that fall under~~

1990 ~~the jurisdiction of more than one local government are managed~~

1991 ~~in a consistent and coordinated manner in the case of local~~

1992 ~~governments required to include a coastal management element in~~

1993 ~~their comprehensive plans pursuant to paragraph (6) (g).~~

1994 ~~(e) Proposed elements identify the mechanisms and~~

1995 ~~procedures for monitoring, evaluating, and appraising~~

1996 ~~implementation of the plan. Specific measurable objectives are~~

1997 ~~included to provide a basis for evaluating effectiveness as~~

1998 ~~required by s. 163.3191.~~

1999 ~~(f) Proposed elements contain policies to guide future~~

2000 ~~decisions in a consistent manner.~~

2001 ~~(g) Proposed elements contain programs and activities to~~

2002 ~~ensure that comprehensive plans are implemented.~~

2003 ~~(h) Proposed elements identify the need for and the~~

2004 ~~processes and procedures to ensure coordination of all~~

2005 ~~development activities and services with other units of local~~

2006 ~~government, regional planning agencies, water management~~

2007 ~~districts, and state and federal agencies as appropriate.~~

2008

2009 ~~The state land planning agency may adopt procedural rules that~~

2010 ~~are consistent with this section and chapter 120 for the review~~

2011 ~~of local government comprehensive plan elements required under~~

2012 ~~this section. The state land planning agency shall provide model~~

2013 ~~plans and ordinances and, upon request, other assistance to~~



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2014 ~~local governments in the adoption and implementation of their~~  
2015 ~~revised local government comprehensive plans. The review and~~  
2016 ~~comment provisions applicable prior to October 1, 1985, shall~~  
2017 ~~continue in effect until the criteria for review and~~  
2018 ~~determination are adopted pursuant to this subsection and the~~  
2019 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2020 ~~(10) The Legislature recognizes the importance and~~  
2021 ~~significance of chapter 9J-5, Florida Administrative Code, the~~  
2022 ~~Minimum Criteria for Review of Local Government Comprehensive~~  
2023 ~~Plans and Determination of Compliance of the Department of~~  
2024 ~~Community Affairs that will be used to determine compliance of~~  
2025 ~~local comprehensive plans. The Legislature reserved unto itself~~  
2026 ~~the right to review chapter 9J-5, Florida Administrative Code,~~  
2027 ~~and to reject, modify, or take no action relative to this rule.~~  
2028 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~  
2029 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~  
2030 ~~expresses the following legislative intent:~~

2031 ~~(a) The Legislature finds that in order for the department~~  
2032 ~~to review local comprehensive plans, it is necessary to define~~  
2033 ~~the term "consistency." Therefore, for the purpose of~~  
2034 ~~determining whether local comprehensive plans are consistent~~  
2035 ~~with the state comprehensive plan and the appropriate regional~~  
2036 ~~policy plan, a local plan shall be consistent with such plans if~~  
2037 ~~the local plan is "compatible with" and "furthers" such plans.~~  
2038 ~~The term "compatible with" means that the local plan is not in~~  
2039 ~~conflict with the state comprehensive plan or appropriate~~  
2040 ~~regional policy plan. The term "furthers" means to take action~~  
2041 ~~in the direction of realizing goals or policies of the state or~~  
2042 ~~regional plan. For the purposes of determining consistency of~~



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2043 ~~the local plan with the state comprehensive plan or the~~  
2044 ~~appropriate regional policy plan, the state or regional plan~~  
2045 ~~shall be construed as a whole and no specific goal and policy~~  
2046 ~~shall be construed or applied in isolation from the other goals~~  
2047 ~~and policies in the plans.~~

2048 ~~(b) Each local government shall review all the state~~  
2049 ~~comprehensive plan goals and policies and shall address in its~~  
2050 ~~comprehensive plan the goals and policies which are relevant to~~  
2051 ~~the circumstances or conditions in its jurisdiction. The~~  
2052 ~~decision regarding which particular state comprehensive plan~~  
2053 ~~goals and policies will be furthered by the expenditure of a~~  
2054 ~~local government's financial resources in any given year is a~~  
2055 ~~decision which rests solely within the discretion of the local~~  
2056 ~~government. Intergovernmental coordination, as set forth in~~  
2057 ~~paragraph (6) (h), shall be utilized to the extent required to~~  
2058 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~  
2059 ~~Code.~~

2060 ~~(c) The Legislature declares that if any portion of chapter~~  
2061 ~~9J-5, Florida Administrative Code, is found to be in conflict~~  
2062 ~~with this part, the appropriate statutory provision shall~~  
2063 ~~prevail.~~

2064 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~  
2065 ~~mandate the creation, limitation, or elimination of regulatory~~  
2066 ~~authority, nor does it authorize the adoption or require the~~  
2067 ~~repeal of any rules, criteria, or standards of any local,~~  
2068 ~~regional, or state agency.~~

2069 ~~(e) It is the Legislature's intent that support data or~~  
2070 ~~summaries thereof shall not be subject to the compliance review~~  
2071 ~~process, but the Legislature intends that goals and policies be~~





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2072 ~~clearly based on appropriate data. The department may utilize~~  
2073 ~~support data or summaries thereof to aid in its determination of~~  
2074 ~~compliance and consistency. The Legislature intends that the~~  
2075 ~~department may evaluate the application of a methodology~~  
2076 ~~utilized in data collection or whether a particular methodology~~  
2077 ~~is professionally accepted. However, the department shall not~~  
2078 ~~evaluate whether one accepted methodology is better than~~  
2079 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~  
2080 ~~construed to require original data collection by local~~  
2081 ~~governments; however, Local governments are not to be~~  
2082 ~~discouraged from utilizing original data so long as~~  
2083 ~~methodologies are professionally accepted.~~

2084 ~~(f) The Legislature recognizes that under this section,~~  
2085 ~~local governments are charged with setting levels of service for~~  
2086 ~~public facilities in their comprehensive plans in accordance~~  
2087 ~~with which development orders and permits will be issued~~  
2088 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~  
2089 ~~the authority of state, regional, or local agencies as otherwise~~  
2090 ~~provided by law.~~

2091 ~~(g) Definitions contained in chapter 9J-5, Florida~~  
2092 ~~Administrative Code, are not intended to modify or amend the~~  
2093 ~~definitions utilized for purposes of other programs or rules or~~  
2094 ~~to establish or limit regulatory authority. Local governments~~  
2095 ~~may establish alternative definitions in local comprehensive~~  
2096 ~~plans, as long as such definitions accomplish the intent of this~~  
2097 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2098 ~~(h) It is the intent of the Legislature that public~~  
2099 ~~facilities and services needed to support development shall be~~  
2100 ~~available concurrent with the impacts of such development in~~



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2101 ~~accordance with s. 163.3180. In meeting this intent, public~~  
2102 ~~facility and service availability shall be deemed sufficient if~~  
2103 ~~the public facilities and services for a development are phased,~~  
2104 ~~or the development is phased, so that the public facilities and~~  
2105 ~~those related services which are deemed necessary by the local~~  
2106 ~~government to operate the facilities necessitated by that~~  
2107 ~~development are available concurrent with the impacts of the~~  
2108 ~~development. The public facilities and services, unless already~~  
2109 ~~available, are to be consistent with the capital improvements~~  
2110 ~~element of the local comprehensive plan as required by paragraph~~  
2111 ~~(3) (a) or guaranteed in an enforceable development agreement.~~  
2112 ~~This shall include development agreements pursuant to this~~  
2113 ~~chapter or in an agreement or a development order issued~~  
2114 ~~pursuant to chapter 380. Nothing herein shall be construed to~~  
2115 ~~require a local government to address services in its capital~~  
2116 ~~improvements plan or to limit a local government's ability to~~  
2117 ~~address any service in its capital improvements plan that it~~  
2118 ~~deems necessary.~~

2119 ~~(i) The department shall take into account the factors~~  
2120 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~  
2121 ~~it provides assistance to local governments and applies the rule~~  
2122 ~~in specific situations with regard to the detail of the data and~~  
2123 ~~analysis required.~~

2124 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~  
2125 ~~effective pursuant to subsection (9). The Legislature hereby~~  
2126 ~~directs the department to adopt amendments as necessary which~~  
2127 ~~conform chapter 9J-5, Florida Administrative Code, with the~~  
2128 ~~requirements of this legislative intent by October 1, 1986.~~

2129 ~~(k) In order for local governments to prepare and adopt~~



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2130 ~~comprehensive plans with knowledge of the rules that are applied~~  
2131 ~~to determine consistency of the plans with this part, there~~  
2132 ~~should be no doubt as to the legal standing of chapter 9J-5,~~  
2133 ~~Florida Administrative Code, at the close of the 1986~~  
2134 ~~legislative session. Therefore, the Legislature declares that~~  
2135 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~  
2136 ~~subject to rule challenges under s. 120.56(2), or to drawout~~  
2137 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~  
2138 ~~Florida Administrative Code, as amended, is subject to rule~~  
2139 ~~challenges under s. 120.56(3), as nothing herein indicates~~  
2140 ~~approval or disapproval of any portion of chapter 9J-5 not~~  
2141 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~  
2142 ~~Florida Administrative Code, exclusive of the amendments adopted~~  
2143 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~  
2144 ~~to the full chapter 120 process. All amendments shall have~~  
2145 ~~effective dates as provided in chapter 120 and submission to the~~  
2146 ~~President of the Senate and Speaker of the House of~~  
2147 ~~Representatives shall not be required.~~

2148 ~~(1) The state land planning agency shall consider land use~~  
2149 ~~compatibility issues in the vicinity of all airports in~~  
2150 ~~coordination with the Department of Transportation and adjacent~~  
2151 ~~to or in close proximity to all military installations in~~  
2152 ~~coordination with the Department of Defense.~~

2153 ~~(11) (a) The Legislature recognizes the need for innovative~~  
2154 ~~planning and development strategies which will address the~~  
2155 ~~anticipated demands of continued urbanization of Florida's~~  
2156 ~~coastal and other environmentally sensitive areas, and which~~  
2157 ~~will accommodate the development of less populated regions of~~  
2158 ~~the state which seek economic development and which have~~



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2159 ~~suitable land and water resources to accommodate growth in an~~  
2160 ~~environmentally acceptable manner. The Legislature further~~  
2161 ~~recognizes the substantial advantages of innovative approaches~~  
2162 ~~to development which may better serve to protect environmentally~~  
2163 ~~sensitive areas, maintain the economic viability of agricultural~~  
2164 ~~and other predominantly rural land uses, and provide for the~~  
2165 ~~cost-efficient delivery of public facilities and services.~~

2166 ~~(b) It is the intent of the Legislature that the local~~  
2167 ~~government comprehensive plans and plan amendments adopted~~  
2168 ~~pursuant to the provisions of this part provide for a planning~~  
2169 ~~process which allows for land use efficiencies within existing~~  
2170 ~~urban areas and which also allows for the conversion of rural~~  
2171 ~~lands to other uses, where appropriate and consistent with the~~  
2172 ~~other provisions of this part and the affected local~~  
2173 ~~comprehensive plans, through the application of innovative and~~  
2174 ~~flexible planning and development strategies and creative land~~  
2175 ~~use planning techniques, which may include, but not be limited~~  
2176 ~~to, urban villages, new towns, satellite communities, area-based~~  
2177 ~~allocations, clustering and open space provisions, mixed-use~~  
2178 ~~development, and sector planning.~~

2179 ~~(c) It is the further intent of the Legislature that local~~  
2180 ~~government comprehensive plans and implementing land development~~  
2181 ~~regulations shall provide strategies which maximize the use of~~  
2182 ~~existing facilities and services through redevelopment, urban~~  
2183 ~~infill development, and other strategies for urban~~  
2184 ~~revitalization.~~

2185 ~~(d)1. The department, in cooperation with the Department of~~  
2186 ~~Agriculture and Consumer Services, the Department of~~  
2187 ~~Environmental Protection, water management districts, and~~



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2188 ~~regional planning councils, shall provide assistance to local~~  
2189 ~~governments in the implementation of this paragraph and rule 9J-~~  
2190 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~  
2191 ~~those provisions shall include a process by which the department~~  
2192 ~~may authorize local governments to designate all or portions of~~  
2193 ~~lands classified in the future land use element as predominantly~~  
2194 ~~agricultural, rural, open, open rural, or a substantively~~  
2195 ~~equivalent land use, as a rural land stewardship area within~~  
2196 ~~which planning and economic incentives are applied to encourage~~  
2197 ~~the implementation of innovative and flexible planning and~~  
2198 ~~development strategies and creative land use planning~~  
2199 ~~techniques, including those contained herein and in rule 9J-~~  
2200 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~  
2201 ~~include, but is not limited to:~~

2202 ~~a. Assistance from the Department of Environmental~~  
2203 ~~Protection and water management districts in creating the~~  
2204 ~~geographic information systems land cover database and aerial~~  
2205 ~~photogrammetry needed to prepare for a rural land stewardship~~  
2206 ~~area;~~

2207 ~~b. Support for local government implementation of rural~~  
2208 ~~land stewardship concepts by providing information and~~  
2209 ~~assistance to local governments regarding land acquisition~~  
2210 ~~programs that may be used by the local government or landowners~~  
2211 ~~to leverage the protection of greater acreage and maximize the~~  
2212 ~~effectiveness of rural land stewardship areas; and~~

2213 ~~e. Expansion of the role of the Department of Community~~  
2214 ~~Affairs as a resource agency to facilitate establishment of~~  
2215 ~~rural land stewardship areas in smaller rural counties that do~~  
2216 ~~not have the staff or planning budgets to create a rural land~~



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2217 ~~stewardship area.~~

2218 ~~2. The department shall encourage participation by local~~  
2219 ~~governments of different sizes and rural characteristics in~~  
2220 ~~establishing and implementing rural land stewardship areas. It~~  
2221 ~~is the intent of the Legislature that rural land stewardship~~  
2222 ~~areas be used to further the following broad principles of rural~~  
2223 ~~sustainability: restoration and maintenance of the economic~~  
2224 ~~value of rural land; control of urban sprawl; identification and~~  
2225 ~~protection of ecosystems, habitats, and natural resources;~~  
2226 ~~promotion of rural economic activity; maintenance of the~~  
2227 ~~viability of Florida's agricultural economy; and protection of~~  
2228 ~~the character of rural areas of Florida. Rural land stewardship~~  
2229 ~~areas may be multicounty in order to encourage coordinated~~  
2230 ~~regional stewardship planning.~~

2231 ~~3. A local government, in conjunction with a regional~~  
2232 ~~planning council, a stakeholder organization of private land~~  
2233 ~~owners, or another local government, shall notify the department~~  
2234 ~~in writing of its intent to designate a rural land stewardship~~  
2235 ~~area. The written notification shall describe the basis for the~~  
2236 ~~designation, including the extent to which the rural land~~  
2237 ~~stewardship area enhances rural land values, controls urban~~  
2238 ~~sprawl, provides necessary open space for agriculture and~~  
2239 ~~protection of the natural environment, promotes rural economic~~  
2240 ~~activity, and maintains rural character and the economic~~  
2241 ~~viability of agriculture.~~

2242 ~~4. A rural land stewardship area shall be not less than~~  
2243 ~~10,000 acres and shall be located outside of municipalities and~~  
2244 ~~established urban growth boundaries, and shall be designated by~~  
2245 ~~plan amendment. The plan amendment designating a rural land~~



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2246 ~~stewardship area shall be subject to review by the Department of~~  
2247 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~  
2248 ~~the following:~~

2249 ~~a. Criteria for the designation of receiving areas within~~  
2250 ~~rural land stewardship areas in which innovative planning and~~  
2251 ~~development strategies may be applied. Criteria shall at a~~  
2252 ~~minimum provide for the following: adequacy of suitable land to~~  
2253 ~~accommodate development so as to avoid conflict with~~  
2254 ~~environmentally sensitive areas, resources, and habitats;~~  
2255 ~~compatibility between and transition from higher density uses to~~  
2256 ~~lower intensity rural uses; the establishment of receiving area~~  
2257 ~~service boundaries which provide for a separation between~~  
2258 ~~receiving areas and other land uses within the rural land~~  
2259 ~~stewardship area through limitations on the extension of~~  
2260 ~~services; and connection of receiving areas with the rest of the~~  
2261 ~~rural land stewardship area using rural design and rural road~~  
2262 ~~corridors.~~

2263 ~~b. Goals, objectives, and policies setting forth the~~  
2264 ~~innovative planning and development strategies to be applied~~  
2265 ~~within rural land stewardship areas pursuant to the provisions~~  
2266 ~~of this section.~~

2267 ~~c. A process for the implementation of innovative planning~~  
2268 ~~and development strategies within the rural land stewardship~~  
2269 ~~area, including those described in this subsection and rule 9J-~~  
2270 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~  
2271 ~~functional mix of land uses, including adequate available~~  
2272 ~~workforce housing, including low, very-low and moderate income~~  
2273 ~~housing for the development anticipated in the receiving area~~  
2274 ~~and which are applied through the adoption by the local~~



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2275 ~~government of zoning and land development regulations applicable~~  
2276 ~~to the rural land stewardship area.~~

2277 ~~d. A process which encourages visioning pursuant to s.~~  
2278 ~~163.3167(11) to ensure that innovative planning and development~~  
2279 ~~strategies comply with the provisions of this section.~~

2280 ~~e. The control of sprawl through the use of innovative~~  
2281 ~~strategies and creative land use techniques consistent with the~~  
2282 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~  
2283 ~~Administrative Code.~~

2284 ~~5. A receiving area shall be designated by the adoption of~~  
2285 ~~a land development regulation. Prior to the designation of a~~  
2286 ~~receiving area, the local government shall provide the~~  
2287 ~~Department of Community Affairs a period of 30 days in which to~~  
2288 ~~review a proposed receiving area for consistency with the rural~~  
2289 ~~land stewardship area plan amendment and to provide comments to~~  
2290 ~~the local government. At the time of designation of a~~  
2291 ~~stewardship receiving area, a listed species survey will be~~  
2292 ~~performed. If listed species occur on the receiving area site,~~  
2293 ~~the developer shall coordinate with each appropriate local,~~  
2294 ~~state, or federal agency to determine if adequate provisions~~  
2295 ~~have been made to protect those species in accordance with~~  
2296 ~~applicable regulations. In determining the adequacy of~~  
2297 ~~provisions for the protection of listed species and their~~  
2298 ~~habitats, the rural land stewardship area shall be considered as~~  
2299 ~~a whole, and the impacts to areas to be developed as receiving~~  
2300 ~~areas shall be considered together with the environmental~~  
2301 ~~benefits of areas protected as sending areas in fulfilling this~~  
2302 ~~criteria.~~

2303 ~~6. Upon the adoption of a plan amendment creating a rural~~





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2304 ~~land stewardship area, the local government shall, by ordinance,~~  
2305 ~~establish the methodology for the creation, conveyance, and use~~  
2306 ~~of transferable rural land use credits, otherwise referred to as~~  
2307 ~~stewardship credits, the application of which shall not~~  
2308 ~~constitute a right to develop land, nor increase density of~~  
2309 ~~land, except as provided by this section. The total amount of~~  
2310 ~~transferable rural land use credits within the rural land~~  
2311 ~~stewardship area must enable the realization of the long-term~~  
2312 ~~vision and goals for the 25-year or greater projected population~~  
2313 ~~of the rural land stewardship area, which may take into~~  
2314 ~~consideration the anticipated effect of the proposed receiving~~  
2315 ~~areas. Transferable rural land use credits are subject to the~~  
2316 ~~following limitations:~~

2317 ~~a. Transferable rural land use credits may only exist~~  
2318 ~~within a rural land stewardship area.~~

2319 ~~b. Transferable rural land use credits may only be used on~~  
2320 ~~lands designated as receiving areas and then solely for the~~  
2321 ~~purpose of implementing innovative planning and development~~  
2322 ~~strategies and creative land use planning techniques adopted by~~  
2323 ~~the local government pursuant to this section.~~

2324 ~~e. Transferable rural land use credits assigned to a parcel~~  
2325 ~~of land within a rural land stewardship area shall cease to~~  
2326 ~~exist if the parcel of land is removed from the rural land~~  
2327 ~~stewardship area by plan amendment.~~

2328 ~~d. Neither the creation of the rural land stewardship area~~  
2329 ~~by plan amendment nor the assignment of transferable rural land~~  
2330 ~~use credits by the local government shall operate to displace~~  
2331 ~~the underlying density of land uses assigned to a parcel of land~~  
2332 ~~within the rural land stewardship area; however, if transferable~~



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2333 ~~rural land use credits are transferred from a parcel for use~~  
2334 ~~within a designated receiving area, the underlying density~~  
2335 ~~assigned to the parcel of land shall cease to exist.~~

2336 ~~e. The underlying density on each parcel of land located~~  
2337 ~~within a rural land stewardship area shall not be increased or~~  
2338 ~~decreased by the local government, except as a result of the~~  
2339 ~~conveyance or use of transferable rural land use credits, as~~  
2340 ~~long as the parcel remains within the rural land stewardship~~  
2341 ~~area.~~

2342 ~~f. Transferable rural land use credits shall cease to exist~~  
2343 ~~on a parcel of land where the underlying density assigned to the~~  
2344 ~~parcel of land is utilized.~~

2345 ~~g. An increase in the density of use on a parcel of land~~  
2346 ~~located within a designated receiving area may occur only~~  
2347 ~~through the assignment or use of transferable rural land use~~  
2348 ~~credits and shall not require a plan amendment.~~

2349 ~~h. A change in the density of land use on parcels located~~  
2350 ~~within receiving areas shall be specified in a development order~~  
2351 ~~which reflects the total number of transferable rural land use~~  
2352 ~~credits assigned to the parcel of land and the infrastructure~~  
2353 ~~and support services necessary to provide for a functional mix~~  
2354 ~~of land uses corresponding to the plan of development.~~

2355 ~~i. Land within a rural land stewardship area may be removed~~  
2356 ~~from the rural land stewardship area through a plan amendment.~~

2357 ~~j. Transferable rural land use credits may be assigned at~~  
2358 ~~different ratios of credits per acre according to the natural~~  
2359 ~~resource or other beneficial use characteristics of the land and~~  
2360 ~~according to the land use remaining following the transfer of~~  
2361 ~~credits, with the highest number of credits per acre assigned to~~



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2362 ~~the most environmentally valuable land or, in locations where~~  
2363 ~~the retention of open space and agricultural land is a priority,~~  
2364 ~~to such lands.~~

2365 ~~k. The use or conveyance of transferable rural land use~~  
2366 ~~credits must be recorded in the public records of the county in~~  
2367 ~~which the property is located as a covenant or restrictive~~  
2368 ~~easement running with the land in favor of the county and either~~  
2369 ~~the Department of Environmental Protection, Department of~~  
2370 ~~Agriculture and Consumer Services, a water management district,~~  
2371 ~~or a recognized statewide land trust.~~

2372 ~~7. Owners of land within rural land stewardship areas~~  
2373 ~~should be provided incentives to enter into rural land~~  
2374 ~~stewardship agreements, pursuant to existing law and rules~~  
2375 ~~adopted thereto, with state agencies, water management~~  
2376 ~~districts, and local governments to achieve mutually agreed upon~~  
2377 ~~conservation objectives. Such incentives may include, but not be~~  
2378 ~~limited to, the following:~~

2379 ~~a. Opportunity to accumulate transferable mitigation~~  
2380 ~~credits.~~

2381 ~~b. Extended permit agreements.~~

2382 ~~e. Opportunities for recreational leases and ecotourism.~~

2383 ~~d. Payment for specified land management services on~~  
2384 ~~publicly owned land, or property under covenant or restricted~~  
2385 ~~easement in favor of a public entity.~~

2386 ~~e. Option agreements for sale to public entities or private~~  
2387 ~~land conservation entities, in either fee or easement, upon~~  
2388 ~~achievement of conservation objectives.~~

2389 ~~8. The department shall report to the Legislature on an~~  
2390 ~~annual basis on the results of implementation of rural land~~



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2391 ~~stewardship areas authorized by the department, including~~  
2392 ~~successes and failures in achieving the intent of the~~  
2393 ~~Legislature as expressed in this paragraph.~~

2394 ~~(e) The Legislature finds that mixed-use, high-density~~  
2395 ~~development is appropriate for urban infill and redevelopment~~  
2396 ~~areas. Mixed-use projects accommodate a variety of uses,~~  
2397 ~~including residential and commercial, and usually at higher~~  
2398 ~~densities that promote pedestrian-friendly, sustainable~~  
2399 ~~communities. The Legislature recognizes that mixed-use, high-~~  
2400 ~~density development improves the quality of life for residents~~  
2401 ~~and businesses in urban areas. The Legislature finds that mixed-~~  
2402 ~~use, high-density redevelopment and infill benefits residents by~~  
2403 ~~creating a livable community with alternative modes of~~  
2404 ~~transportation. Furthermore, the Legislature finds that local~~  
2405 ~~zoning ordinances often discourage mixed-use, high-density~~  
2406 ~~development in areas that are appropriate for urban infill and~~  
2407 ~~redevelopment. The Legislature intends to discourage single-use~~  
2408 ~~zoning in urban areas which often leads to lower-density, land-~~  
2409 ~~intensive development outside an urban service area. Therefore,~~  
2410 ~~the Department of Community Affairs shall provide technical~~  
2411 ~~assistance to local governments in order to encourage mixed-use,~~  
2412 ~~high-density urban infill and redevelopment projects.~~

2413 ~~(f) The Legislature finds that a program for the transfer~~  
2414 ~~of development rights is a useful tool to preserve historic~~  
2415 ~~buildings and create public open spaces in urban areas. A~~  
2416 ~~program for the transfer of development rights allows the~~  
2417 ~~transfer of density credits from historic properties and public~~  
2418 ~~open spaces to areas designated for high-density development.~~  
2419 ~~The Legislature recognizes that high-density development is~~



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2420 ~~integral to the success of many urban infill and redevelopment~~  
2421 ~~projects. The Legislature intends to encourage high-density~~  
2422 ~~urban infill and redevelopment while preserving historic~~  
2423 ~~structures and open spaces. Therefore, the Department of~~  
2424 ~~Community Affairs shall provide technical assistance to local~~  
2425 ~~governments in order to promote the transfer of development~~  
2426 ~~rights within urban areas for high-density infill and~~  
2427 ~~redevelopment projects.~~

2428 ~~(g) The implementation of this subsection shall be subject~~  
2429 ~~to the provisions of this chapter, chapters 186 and 187, and~~  
2430 ~~applicable agency rules.~~

2431 ~~(h) The department may adopt rules necessary to implement~~  
2432 ~~the provisions of this subsection.~~

2433 ~~(12) A public school facilities element adopted to~~  
2434 ~~implement a school concurrency program shall meet the~~  
2435 ~~requirements of this subsection. Each county and each~~  
2436 ~~municipality within the county, unless exempt or subject to a~~  
2437 ~~waiver, must adopt a public school facilities element that is~~  
2438 ~~consistent with those adopted by the other local governments~~  
2439 ~~within the county and enter the interlocal agreement pursuant to~~  
2440 ~~s. 163.31777.~~

2441 ~~(a) The state land planning agency may provide a waiver to~~  
2442 ~~a county and to the municipalities within the county if the~~  
2443 ~~capacity rate for all schools within the school district is no~~  
2444 ~~greater than 100 percent and the projected 5-year capital outlay~~  
2445 ~~full-time equivalent student growth rate is less than 10~~  
2446 ~~percent. The state land planning agency may allow for a~~  
2447 ~~projected 5-year capital outlay full-time equivalent student~~  
2448 ~~growth rate to exceed 10 percent when the projected 10-year~~



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2449 ~~capital outlay full-time equivalent student enrollment is less~~  
2450 ~~than 2,000 students and the capacity rate for all schools within~~  
2451 ~~the school district in the tenth year will not exceed the 100-~~  
2452 ~~percent limitation. The state land planning agency may allow for~~  
2453 ~~a single school to exceed the 100-percent limitation if it can~~  
2454 ~~be demonstrated that the capacity rate for that single school is~~  
2455 ~~not greater than 105 percent. In making this determination, the~~  
2456 ~~state land planning agency shall consider the following~~  
2457 ~~criteria:~~

2458 ~~1. Whether the exceedance is due to temporary~~  
2459 ~~circumstances;~~

2460 ~~2. Whether the projected 5-year capital outlay full-time~~  
2461 ~~equivalent student growth rate for the school district is~~  
2462 ~~approaching the 10-percent threshold;~~

2463 ~~3. Whether one or more additional schools within the school~~  
2464 ~~district are at or approaching the 100-percent threshold; and~~

2465 ~~4. The adequacy of the data and analysis submitted to~~  
2466 ~~support the waiver request.~~

2467 ~~(b) A municipality in a nonexempt county is exempt if the~~  
2468 ~~municipality meets all of the following criteria for having no~~  
2469 ~~significant impact on school attendance:~~

2470 ~~1. The municipality has issued development orders for fewer~~  
2471 ~~than 50 residential dwelling units during the preceding 5 years,~~  
2472 ~~or the municipality has generated fewer than 25 additional~~  
2473 ~~public school students during the preceding 5 years.~~

2474 ~~2. The municipality has not annexed new land during the~~  
2475 ~~preceding 5 years in land use categories that permit residential~~  
2476 ~~uses that will affect school attendance rates.~~

2477 ~~3. The municipality has no public schools located within~~



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2478 ~~its boundaries.~~

2479 ~~(c) A public school facilities element shall be based upon~~  
2480 ~~data and analyses that address, among other items, how level of~~  
2481 ~~service standards will be achieved and maintained. Such data and~~  
2482 ~~analyses must include, at a minimum, such items as: the~~  
2483 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~  
2484 ~~year school district facilities work program adopted pursuant to~~  
2485 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~  
2486 ~~1013.31 and an existing educational and ancillary plant map or~~  
2487 ~~map series; information on existing development and development~~  
2488 ~~anticipated for the next 5 years and the long-term planning~~  
2489 ~~period; an analysis of problems and opportunities for existing~~  
2490 ~~schools and schools anticipated in the future; an analysis of~~  
2491 ~~opportunities to collocate future schools with other public~~  
2492 ~~facilities such as parks, libraries, and community centers; an~~  
2493 ~~analysis of the need for supporting public facilities for~~  
2494 ~~existing and future schools; an analysis of opportunities to~~  
2495 ~~locate schools to serve as community focal points; projected~~  
2496 ~~future population and associated demographics, including~~  
2497 ~~development patterns year by year for the upcoming 5-year and~~  
2498 ~~long-term planning periods; and anticipated educational and~~  
2499 ~~ancillary plants with land area requirements.~~

2500 ~~(d) The element shall contain one or more goals which~~  
2501 ~~establish the long-term end toward which public school programs~~  
2502 ~~and activities are ultimately directed.~~

2503 ~~(e) The element shall contain one or more objectives for~~  
2504 ~~each goal, setting specific, measurable, intermediate ends that~~  
2505 ~~are achievable and mark progress toward the goal.~~

2506 ~~(f) The element shall contain one or more policies for each~~



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2507 ~~objective which establish the way in which programs and~~  
2508 ~~activities will be conducted to achieve an identified goal.~~  
2509 ~~(g) The objectives and policies shall address items such~~  
2510 ~~as:~~  
2511 ~~1. The procedure for an annual update process;~~  
2512 ~~2. The procedure for school site selection;~~  
2513 ~~3. The procedure for school permitting;~~  
2514 ~~4. Provision for infrastructure necessary to support~~  
2515 ~~proposed schools, including potable water, wastewater, drainage,~~  
2516 ~~solid waste, transportation, and means by which to assure safe~~  
2517 ~~access to schools, including sidewalks, bicycle paths, turn~~  
2518 ~~lanes, and signalization;~~  
2519 ~~5. Provision for colocation of other public facilities,~~  
2520 ~~such as parks, libraries, and community centers, in proximity to~~  
2521 ~~public schools;~~  
2522 ~~6. Provision for location of schools proximate to~~  
2523 ~~residential areas and to complement patterns of development,~~  
2524 ~~including the location of future school sites so they serve as~~  
2525 ~~community focal points;~~  
2526 ~~7. Measures to ensure compatibility of school sites and~~  
2527 ~~surrounding land uses;~~  
2528 ~~8. Coordination with adjacent local governments and the~~  
2529 ~~school district on emergency preparedness issues, including the~~  
2530 ~~use of public schools to serve as emergency shelters; and~~  
2531 ~~9. Coordination with the future land use element.~~  
2532 ~~(h) The element shall include one or more future conditions~~  
2533 ~~maps which depict the anticipated location of educational and~~  
2534 ~~ancillary plants, including the general location of improvements~~  
2535 ~~to existing schools or new schools anticipated over the 5-year~~





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2536 ~~or long term planning period. The maps will of necessity be~~  
2537 ~~general for the long term planning period and more specific for~~  
2538 ~~the 5 year period. Maps indicating general locations of future~~  
2539 ~~schools or school improvements may not prescribe a land use on a~~  
2540 ~~particular parcel of land.~~

2541 ~~(i) The state land planning agency shall establish a phased~~  
2542 ~~schedule for adoption of the public school facilities element~~  
2543 ~~and the required updates to the public schools interlocal~~  
2544 ~~agreement pursuant to s. 163.31777. The schedule shall provide~~  
2545 ~~for each county and local government within the county to adopt~~  
2546 ~~the element and update to the agreement no later than December~~  
2547 ~~1, 2008. Plan amendments to adopt a public school facilities~~  
2548 ~~element are exempt from the provisions of s. 163.3187(1).~~

2549 ~~(j) The state land planning agency may issue a notice to~~  
2550 ~~the school board and the local government to show cause why~~  
2551 ~~sanctions should not be enforced for failure to enter into an~~  
2552 ~~approved interlocal agreement as required by s. 163.31777 or for~~  
2553 ~~failure to implement provisions relating to public school~~  
2554 ~~concurrency. If the state land planning agency finds that~~  
2555 ~~insufficient cause exists for the school board's or local~~  
2556 ~~government's failure to enter into an approved interlocal~~  
2557 ~~agreement as required by s. 163.31777 or for the school board's~~  
2558 ~~or local government's failure to implement the provisions~~  
2559 ~~relating to public school concurrency, the state land planning~~  
2560 ~~agency shall submit its finding to the Administration Commission~~  
2561 ~~which may impose on the local government any of the sanctions~~  
2562 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~  
2563 ~~district school board any of the sanctions set forth in s.~~  
2564 ~~1008.32(4).~~



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2565           ~~(13) Local governments are encouraged to develop a~~  
2566 ~~community vision that provides for sustainable growth,~~  
2567 ~~recognizes its fiscal constraints, and protects its natural~~  
2568 ~~resources. At the request of a local government, the applicable~~  
2569 ~~regional planning council shall provide assistance in the~~  
2570 ~~development of a community vision.~~

2571           ~~(a) As part of the process of developing a community vision~~  
2572 ~~under this section, the local government must hold two public~~  
2573 ~~meetings with at least one of those meetings before the local~~  
2574 ~~planning agency. Before those public meetings, the local~~  
2575 ~~government must hold at least one public workshop with~~  
2576 ~~stakeholder groups such as neighborhood associations, community~~  
2577 ~~organizations, businesses, private property owners, housing and~~  
2578 ~~development interests, and environmental organizations.~~

2579           ~~(b) The local government must, at a minimum, discuss five~~  
2580 ~~of the following topics as part of the workshops and public~~  
2581 ~~meetings required under paragraph (a):~~

2582           ~~1. Future growth in the area using population forecasts~~  
2583 ~~from the Bureau of Economic and Business Research;~~

2584           ~~2. Priorities for economic development;~~

2585           ~~3. Preservation of open space, environmentally sensitive~~  
2586 ~~lands, and agricultural lands;~~

2587           ~~4. Appropriate areas and standards for mixed-use~~  
2588 ~~development;~~

2589           ~~5. Appropriate areas and standards for high density~~  
2590 ~~commercial and residential development;~~

2591           ~~6. Appropriate areas and standards for economic development~~  
2592 ~~opportunities and employment centers;~~

2593           ~~7. Provisions for adequate workforce housing;~~



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2594           ~~8. An efficient, interconnected multimodal transportation~~  
2595 ~~system; and~~

2596           ~~9. Opportunities to create land use patterns that~~  
2597 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2598           ~~(c) As part of the workshops and public meetings, the local~~  
2599 ~~government must discuss strategies for addressing the topics~~  
2600 ~~discussed under paragraph (b), including:~~

2601           ~~1. Strategies to preserve open space and environmentally~~  
2602 ~~sensitive lands, and to encourage a healthy agricultural~~  
2603 ~~economy, including innovative planning and development~~  
2604 ~~strategies, such as the transfer of development rights;~~

2605           ~~2. Incentives for mixed-use development, including~~  
2606 ~~increased height and intensity standards for buildings that~~  
2607 ~~provide residential use in combination with office or commercial~~  
2608 ~~space;~~

2609           ~~3. Incentives for workforce housing;~~

2610           ~~4. Designation of an urban service boundary pursuant to~~  
2611 ~~subsection (2); and~~

2612           ~~5. Strategies to provide mobility within the community and~~  
2613 ~~to protect the Strategic Intermodal System, including the~~  
2614 ~~development of a transportation corridor management plan under~~  
2615 ~~s. 337.273.~~

2616           ~~(d) The community vision must reflect the community's~~  
2617 ~~shared concept for growth and development of the community,~~  
2618 ~~including visual representations depicting the desired land use~~  
2619 ~~patterns and character of the community during a 10-year~~  
2620 ~~planning timeframe. The community vision must also take into~~  
2621 ~~consideration economic viability of the vision and private~~  
2622 ~~property interests.~~



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2623           ~~(e) After the workshops and public meetings required under~~  
2624 ~~paragraph (a) are held, the local government may amend its~~  
2625 ~~comprehensive plan to include the community vision as a~~  
2626 ~~component in the plan. This plan amendment must be transmitted~~  
2627 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~  
2628 ~~163.3189 at public hearings of the governing body other than~~  
2629 ~~those identified in paragraph (a).~~

2630           ~~(f) Amendments submitted under this subsection are exempt~~  
2631 ~~from the limitation on the frequency of plan amendments in s.~~  
2632 ~~163.3187.~~

2633           ~~(g) A local government that has developed a community~~  
2634 ~~vision or completed a visioning process after July 1, 2000, and~~  
2635 ~~before July 1, 2005, which substantially accomplishes the goals~~  
2636 ~~set forth in this subsection and the appropriate goals,~~  
2637 ~~policies, or objectives have been adopted as part of the~~  
2638 ~~comprehensive plan or reflected in subsequently adopted land~~  
2639 ~~development regulations and the plan amendment incorporating the~~  
2640 ~~community vision as a component has been found in compliance is~~  
2641 ~~eligible for the incentives in s. 163.3184(17).~~

2642           ~~(14) Local governments are also encouraged to designate an~~  
2643 ~~urban service boundary. This area must be appropriate for~~  
2644 ~~compact, contiguous urban development within a 10-year planning~~  
2645 ~~timeframe. The urban service area boundary must be identified on~~  
2646 ~~the future land use map or map series. The local government~~  
2647 ~~shall demonstrate that the land included within the urban~~  
2648 ~~service boundary is served or is planned to be served with~~  
2649 ~~adequate public facilities and services based on the local~~  
2650 ~~government's adopted level of service standards by adopting a~~  
2651 ~~10-year facilities plan in the capital improvements element~~



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2652 ~~which is financially feasible. The local government shall~~  
2653 ~~demonstrate that the amount of land within the urban service~~  
2654 ~~boundary does not exceed the amount of land needed to~~  
2655 ~~accommodate the projected population growth at densities~~  
2656 ~~consistent with the adopted comprehensive plan within the 10-~~  
2657 ~~year planning timeframe.~~

2658 ~~(a) As part of the process of establishing an urban service~~  
2659 ~~boundary, the local government must hold two public meetings~~  
2660 ~~with at least one of those meetings before the local planning~~  
2661 ~~agency. Before those public meetings, the local government must~~  
2662 ~~hold at least one public workshop with stakeholder groups such~~  
2663 ~~as neighborhood associations, community organizations,~~  
2664 ~~businesses, private property owners, housing and development~~  
2665 ~~interests, and environmental organizations.~~

2666 ~~(b)1. After the workshops and public meetings required~~  
2667 ~~under paragraph (a) are held, the local government may amend its~~  
2668 ~~comprehensive plan to include the urban service boundary. This~~  
2669 ~~plan amendment must be transmitted and adopted pursuant to the~~  
2670 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~  
2671 ~~governing body other than those required under paragraph (a).~~

2672 ~~2. This subsection does not prohibit new development~~  
2673 ~~outside an urban service boundary. However, a local government~~  
2674 ~~that establishes an urban service boundary under this subsection~~  
2675 ~~is encouraged to require a full-cost-accounting analysis for any~~  
2676 ~~new development outside the boundary and to consider the results~~  
2677 ~~of that analysis when adopting a plan amendment for property~~  
2678 ~~outside the established urban service boundary.~~

2679 ~~(c) Amendments submitted under this subsection are exempt~~  
2680 ~~from the limitation on the frequency of plan amendments in s.~~



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2681 ~~163.3187.~~

2682 ~~(d) A local government that has adopted an urban service~~  
2683 ~~boundary before July 1, 2005, which substantially accomplishes~~  
2684 ~~the goals set forth in this subsection is not required to comply~~  
2685 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~  
2686 ~~to be eligible for the incentives under s. 163.3184(17). In~~  
2687 ~~order to satisfy the provisions of this paragraph, the local~~  
2688 ~~government must secure a determination from the state land~~  
2689 ~~planning agency that the urban service boundary adopted before~~  
2690 ~~July 1, 2005, substantially complies with the criteria of this~~  
2691 ~~subsection, based on data and analysis submitted by the local~~  
2692 ~~government to support this determination. The determination by~~  
2693 ~~the state land planning agency is not subject to administrative~~  
2694 ~~challenge.~~

2695 ~~(7)(15)~~(a) The Legislature finds that:

2696 1. There are a number of rural agricultural industrial  
2697 centers in the state that process, produce, or aid in the  
2698 production or distribution of a variety of agriculturally based  
2699 products, including, but not limited to, fruits, vegetables,  
2700 timber, and other crops, and juices, paper, and building  
2701 materials. Rural agricultural industrial centers have a  
2702 significant amount of existing associated infrastructure that is  
2703 used for processing, producing, or distributing agricultural  
2704 products.

2705 2. Such rural agricultural industrial centers are often  
2706 located within or near communities in which the economy is  
2707 largely dependent upon agriculture and agriculturally based  
2708 products. The centers significantly enhance the economy of such  
2709 communities. However, these agriculturally based communities are



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2710 often socioeconomically challenged and designated as rural areas  
2711 of critical economic concern. If such rural agricultural  
2712 industrial centers are lost and not replaced with other job-  
2713 creating enterprises, the agriculturally based communities will  
2714 lose a substantial amount of their economies.

2715         3. The state has a compelling interest in preserving the  
2716 viability of agriculture and protecting rural agricultural  
2717 communities and the state from the economic upheaval that would  
2718 result from short-term or long-term adverse changes in the  
2719 agricultural economy. To protect these communities and promote  
2720 viable agriculture for the long term, it is essential to  
2721 encourage and permit diversification of existing rural  
2722 agricultural industrial centers by providing for jobs that are  
2723 not solely dependent upon, but are compatible with and  
2724 complement, existing agricultural industrial operations and to  
2725 encourage the creation and expansion of industries that use  
2726 agricultural products in innovative ways. However, the expansion  
2727 and diversification of these existing centers must be  
2728 accomplished in a manner that does not promote urban sprawl into  
2729 surrounding agricultural and rural areas.

2730         (b) As used in this subsection, the term "rural  
2731 agricultural industrial center" means a developed parcel of land  
2732 in an unincorporated area on which there exists an operating  
2733 agricultural industrial facility or facilities that employ at  
2734 least 200 full-time employees in the aggregate and process and  
2735 prepare for transport a farm product, as defined in s. 163.3162,  
2736 or any biomass material that could be used, directly or  
2737 indirectly, for the production of fuel, renewable energy,  
2738 bioenergy, or alternative fuel as defined by law. The center may



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2739 also include land contiguous to the facility site which is not  
2740 used for the cultivation of crops, but on which other existing  
2741 activities essential to the operation of such facility or  
2742 facilities are located or conducted. The parcel of land must be  
2743 located within, or within 10 miles of, a rural area of critical  
2744 economic concern.

2745 (c)1. A landowner whose land is located within a rural  
2746 agricultural industrial center may apply for an amendment to the  
2747 local government comprehensive plan for the purpose of  
2748 designating and expanding the existing agricultural industrial  
2749 uses of facilities located within the center or expanding the  
2750 existing center to include industrial uses or facilities that  
2751 are not dependent upon but are compatible with agriculture and  
2752 the existing uses and facilities. A local government  
2753 comprehensive plan amendment under this paragraph must:

2754 a. Not increase the physical area of the existing rural  
2755 agricultural industrial center by more than 50 percent or 320  
2756 acres, whichever is greater.

2757 b. Propose a project that would, upon completion, create at  
2758 least 50 new full-time jobs.

2759 c. Demonstrate that sufficient infrastructure capacity  
2760 exists or will be provided to support the expanded center at the  
2761 level-of-service standards adopted in the local government  
2762 comprehensive plan.

2763 d. Contain goals, objectives, and policies that will ensure  
2764 that any adverse environmental impacts of the expanded center  
2765 will be adequately addressed and mitigation implemented or  
2766 demonstrate that the local government comprehensive plan  
2767 contains such provisions.





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2768           2. Within 6 months after receiving an application as  
2769 provided in this paragraph, the local government shall transmit  
2770 the application to the state land planning agency for review  
2771 pursuant to this chapter together with any needed amendments to  
2772 the applicable sections of its comprehensive plan to include  
2773 goals, objectives, and policies that provide for the expansion  
2774 of rural agricultural industrial centers and discourage urban  
2775 sprawl in the surrounding areas. Such goals, objectives, and  
2776 policies must promote and be consistent with the findings in  
2777 this subsection. An amendment that meets the requirements of  
2778 this subsection is presumed not to be urban sprawl as defined in  
2779 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~  
2780 ~~Administrative Code~~. This presumption may be rebutted by a  
2781 preponderance of the evidence.

2782           (d) This subsection does not apply to a ~~an optional~~ sector  
2783 plan adopted pursuant to s. 163.3245, a rural land stewardship  
2784 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any  
2785 comprehensive plan amendment that includes an inland port  
2786 terminal or affiliated port development.

2787           (e) Nothing in this subsection shall be construed to confer  
2788 the status of rural area of critical economic concern, or any of  
2789 the rights or benefits derived from such status, on any land  
2790 area not otherwise designated as such pursuant to s.  
2791 288.0656(7).

2792           Section 9. Section 163.31777, Florida Statutes, is amended  
2793 to read:

2794           163.31777 Public schools interlocal agreement.—

2795           (1) ~~(a)~~ The county and municipalities located within the  
2796 geographic area of a school district shall enter into an



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2797 interlocal agreement with the district school board which  
2798 jointly establishes the specific ways in which the plans and  
2799 processes of the district school board and the local governments  
2800 are to be coordinated. ~~The interlocal agreements shall be~~  
2801 ~~submitted to the state land planning agency and the Office of~~  
2802 ~~Educational Facilities in accordance with a schedule published~~  
2803 ~~by the state land planning agency.~~

2804 ~~(b) The schedule must establish staggered due dates for~~  
2805 ~~submission of interlocal agreements that are executed by both~~  
2806 ~~the local government and the district school board, commencing~~  
2807 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
2808 ~~set the same date for all governmental entities within a school~~  
2809 ~~district. However, if the county where the school district is~~  
2810 ~~located contains more than 20 municipalities, the state land~~  
2811 ~~planning agency may establish staggered due dates for the~~  
2812 ~~submission of interlocal agreements by these municipalities. The~~  
2813 ~~schedule must begin with those areas where both the number of~~  
2814 ~~districtwide capital-outlay full-time-equivalent students equals~~  
2815 ~~80 percent or more of the current year's school capacity and the~~  
2816 ~~projected 5-year student growth is 1,000 or greater, or where~~  
2817 ~~the projected 5-year student growth rate is 10 percent or~~  
2818 ~~greater.~~

2819 ~~(c) If the student population has declined over the 5-year~~  
2820 ~~period preceding the due date for submittal of an interlocal~~  
2821 ~~agreement by the local government and the district school board,~~  
2822 ~~the local government and the district school board may petition~~  
2823 ~~the state land planning agency for a waiver of one or more~~  
2824 ~~requirements of subsection (2). The waiver must be granted if~~  
2825 ~~the procedures called for in subsection (2) are unnecessary~~



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2826 ~~because of the school district's declining school age~~  
2827 ~~population, considering the district's 5-year facilities work~~  
2828 ~~program prepared pursuant to s. 1013.35. The state land planning~~  
2829 ~~agency may modify or revoke the waiver upon a finding that the~~  
2830 ~~conditions upon which the waiver was granted no longer exist.~~  
2831 ~~The district school board and local governments must submit an~~  
2832 ~~interlocal agreement within 1 year after notification by the~~  
2833 ~~state land planning agency that the conditions for a waiver no~~  
2834 ~~longer exist.~~

2835 ~~(d) Interlocal agreements between local governments and~~  
2836 ~~district school boards adopted pursuant to s. 163.3177 before~~  
2837 ~~the effective date of this section must be updated and executed~~  
2838 ~~pursuant to the requirements of this section, if necessary.~~  
2839 ~~Amendments to interlocal agreements adopted pursuant to this~~  
2840 ~~section must be submitted to the state land planning agency~~  
2841 ~~within 30 days after execution by the parties for review~~  
2842 ~~consistent with this section. Local governments and the district~~  
2843 ~~school board in each school district are encouraged to adopt a~~  
2844 ~~single interlocal agreement to which all join as parties. The~~  
2845 ~~state land planning agency shall assemble and make available~~  
2846 ~~model interlocal agreements meeting the requirements of this~~  
2847 ~~section and notify local governments and, jointly with the~~  
2848 ~~Department of Education, the district school boards of the~~  
2849 ~~requirements of this section, the dates for compliance, and the~~  
2850 ~~sanctions for noncompliance. The state land planning agency~~  
2851 ~~shall be available to informally review proposed interlocal~~  
2852 ~~agreements. If the state land planning agency has not received a~~  
2853 ~~proposed interlocal agreement for informal review, the state~~  
2854 ~~land planning agency shall, at least 60 days before the deadline~~



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2855 ~~for submission of the executed agreement, renotify the local~~  
2856 ~~government and the district school board of the upcoming~~  
2857 ~~deadline and the potential for sanctions.~~

2858 (2) At a minimum, the interlocal agreement must address  
2859 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~  
2860 ~~for exempt local governments as provided in s. 163.3177(12), and~~  
2861 ~~must address~~ the following issues:

2862 (a) A process by which each local government and the  
2863 district school board agree and base their plans on consistent  
2864 projections of the amount, type, and distribution of population  
2865 growth and student enrollment. The geographic distribution of  
2866 jurisdiction-wide growth forecasts is a major objective of the  
2867 process.

2868 (b) A process to coordinate and share information relating  
2869 to existing and planned public school facilities, including  
2870 school renovations and closures, and local government plans for  
2871 development and redevelopment.

2872 (c) Participation by affected local governments with the  
2873 district school board in the process of evaluating potential  
2874 school closures, significant renovations to existing schools,  
2875 and new school site selection before land acquisition. Local  
2876 governments shall advise the district school board as to the  
2877 consistency of the proposed closure, renovation, or new site  
2878 with the local comprehensive plan, including appropriate  
2879 circumstances and criteria under which a district school board  
2880 may request an amendment to the comprehensive plan for school  
2881 siting.

2882 (d) A process for determining the need for and timing of  
2883 onsite and offsite improvements to support new, proposed



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2884 expansion, or redevelopment of existing schools. The process  
2885 must address identification of the party or parties responsible  
2886 for the improvements.

2887 (e) A process for the school board to inform the local  
2888 government regarding the effect of comprehensive plan amendments  
2889 on school capacity. The capacity reporting must be consistent  
2890 with laws and rules relating to measurement of school facility  
2891 capacity and must also identify how the district school board  
2892 will meet the public school demand based on the facilities work  
2893 program adopted pursuant to s. 1013.35.

2894 (f) Participation of the local governments in the  
2895 preparation of the annual update to the district school board's  
2896 5-year district facilities work program and educational plant  
2897 survey prepared pursuant to s. 1013.35.

2898 (g) A process for determining where and how joint use of  
2899 either school board or local government facilities can be shared  
2900 for mutual benefit and efficiency.

2901 (h) A procedure for the resolution of disputes between the  
2902 district school board and local governments, which may include  
2903 the dispute resolution processes contained in chapters 164 and  
2904 186.

2905 (i) An oversight process, including an opportunity for  
2906 public participation, for the implementation of the interlocal  
2907 agreement.

2908 ~~(3)(a) The Office of Educational Facilities shall submit~~  
2909 ~~any comments or concerns regarding the executed interlocal~~  
2910 ~~agreement to the state land planning agency within 30 days after~~  
2911 ~~receipt of the executed interlocal agreement. The state land~~  
2912 ~~planning agency shall review the executed interlocal agreement~~



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2913 ~~to determine whether it is consistent with the requirements of~~  
2914 ~~subsection (2), the adopted local government comprehensive plan,~~  
2915 ~~and other requirements of law. Within 60 days after receipt of~~  
2916 ~~an executed interlocal agreement, the state land planning agency~~  
2917 ~~shall publish a notice of intent in the Florida Administrative~~  
2918 ~~Weekly and shall post a copy of the notice on the agency's~~  
2919 ~~Internet site. The notice of intent must state whether the~~  
2920 ~~interlocal agreement is consistent or inconsistent with the~~  
2921 ~~requirements of subsection (2) and this subsection, as~~  
2922 ~~appropriate.~~

2923 ~~(b) The state land planning agency's notice is subject to~~  
2924 ~~challenge under chapter 120; however, an affected person, as~~  
2925 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~  
2926 ~~administrative proceeding, and this proceeding is the sole means~~  
2927 ~~available to challenge the consistency of an interlocal~~  
2928 ~~agreement required by this section with the criteria contained~~  
2929 ~~in subsection (2) and this subsection. In order to have~~  
2930 ~~standing, each person must have submitted oral or written~~  
2931 ~~comments, recommendations, or objections to the local government~~  
2932 ~~or the school board before the adoption of the interlocal~~  
2933 ~~agreement by the school board and local government. The district~~  
2934 ~~school board and local governments are parties to any such~~  
2935 ~~proceeding. In this proceeding, when the state land planning~~  
2936 ~~agency finds the interlocal agreement to be consistent with the~~  
2937 ~~criteria in subsection (2) and this subsection, the interlocal~~  
2938 ~~agreement shall be determined to be consistent with subsection~~  
2939 ~~(2) and this subsection if the local government's and school~~  
2940 ~~board's determination of consistency is fairly debatable. When~~  
2941 ~~the state planning agency finds the interlocal agreement to be~~



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2942 ~~inconsistent with the requirements of subsection (2) and this~~  
2943 ~~subsection, the local government's and school board's~~  
2944 ~~determination of consistency shall be sustained unless it is~~  
2945 ~~shown by a preponderance of the evidence that the interlocal~~  
2946 ~~agreement is inconsistent.~~

2947 ~~(c) If the state land planning agency enters a final order~~  
2948 ~~that finds that the interlocal agreement is inconsistent with~~  
2949 ~~the requirements of subsection (2) or this subsection, it shall~~  
2950 ~~forward it to the Administration Commission, which may impose~~  
2951 ~~sanctions against the local government pursuant to s.~~  
2952 ~~163.3184(11) and may impose sanctions against the district~~  
2953 ~~school board by directing the Department of Education to~~  
2954 ~~withhold from the district school board an equivalent amount of~~  
2955 ~~funds for school construction available pursuant to ss. 1013.65,~~  
2956 ~~1013.68, 1013.70, and 1013.72.~~

2957 ~~(4) If an executed interlocal agreement is not timely~~  
2958 ~~submitted to the state land planning agency for review, the~~  
2959 ~~state land planning agency shall, within 15 working days after~~  
2960 ~~the deadline for submittal, issue to the local government and~~  
2961 ~~the district school board a Notice to Show Cause why sanctions~~  
2962 ~~should not be imposed for failure to submit an executed~~  
2963 ~~interlocal agreement by the deadline established by the agency.~~  
2964 ~~The agency shall forward the notice and the responses to the~~  
2965 ~~Administration Commission, which may enter a final order citing~~  
2966 ~~the failure to comply and imposing sanctions against the local~~  
2967 ~~government and district school board by directing the~~  
2968 ~~appropriate agencies to withhold at least 5 percent of state~~  
2969 ~~funds pursuant to s. 163.3184(11) and by directing the~~  
2970 ~~Department of Education to withhold from the district school~~



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2971 ~~board at least 5 percent of funds for school construction~~  
2972 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~  
2973 ~~1013.72.~~

2974 ~~(5) Any local government transmitting a public school~~  
2975 ~~element to implement school concurrency pursuant to the~~  
2976 ~~requirements of s. 163.3180 before the effective date of this~~  
2977 ~~section is not required to amend the element or any interlocal~~  
2978 ~~agreement to conform with the provisions of this section if the~~  
2979 ~~element is adopted prior to or within 1 year after the effective~~  
2980 ~~date of this section and remains in effect until the county~~  
2981 ~~conducts its evaluation and appraisal report and identifies~~  
2982 ~~changes necessary to more fully conform to the provisions of~~  
2983 ~~this section.~~

2984 ~~(6) Except as provided in subsection (7), municipalities~~  
2985 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
2986 ~~from the requirements of subsections (1), (2), and (3).~~

2987 ~~(7) At the time of the evaluation and appraisal report,~~  
2988 ~~each exempt municipality shall assess the extent to which it~~  
2989 ~~continues to meet the criteria for exemption under s.~~  
2990 ~~163.3177(12). If the municipality continues to meet these~~  
2991 ~~criteria, the municipality shall continue to be exempt from the~~  
2992 ~~interlocal agreement requirement. Each municipality exempt under~~  
2993 ~~s. 163.3177(12) must comply with the provisions of this section~~  
2994 ~~within 1 year after the district school board proposes, in its~~  
2995 ~~5-year district facilities work program, a new school within the~~  
2996 ~~municipality's jurisdiction.~~

2997 Section 10. Subsection (9) of section 163.3178, Florida  
2998 Statutes, is amended to read:

2999 163.3178 Coastal management.-





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3000           (9) (a) ~~Local governments may elect to comply with rule 9J-~~  
3001 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~  
3002 ~~process provided in this section. A proposed comprehensive plan~~  
3003 ~~amendment shall be found in compliance with state coastal high-~~  
3004 ~~hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7.,~~  
3005 ~~Florida Administrative Code, if:~~

3006           1. The adopted level of service for out-of-county hurricane  
3007 evacuation is maintained for a category 5 storm event as  
3008 measured on the Saffir-Simpson scale; or

3009           2. A 12-hour evacuation time to shelter is maintained for a  
3010 category 5 storm event as measured on the Saffir-Simpson scale  
3011 and shelter space reasonably expected to accommodate the  
3012 residents of the development contemplated by a proposed  
3013 comprehensive plan amendment is available; or

3014           3. Appropriate mitigation is provided that will satisfy the  
3015 provisions of subparagraph 1. or subparagraph 2. Appropriate  
3016 mitigation shall include, without limitation, payment of money,  
3017 contribution of land, and construction of hurricane shelters and  
3018 transportation facilities. Required mitigation shall not exceed  
3019 the amount required for a developer to accommodate impacts  
3020 reasonably attributable to development. A local government and a  
3021 developer shall enter into a binding agreement to memorialize  
3022 the mitigation plan.

3023           (b) For those local governments that have not established a  
3024 level of service for out-of-county hurricane evacuation by July  
3025 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7.,~~  
3026 ~~Florida Administrative Code, by following the process in~~  
3027 ~~paragraph (a), the level of service shall be no greater than 16~~  
3028 ~~hours for a category 5 storm event as measured on the Saffir-~~



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3029 Simpson scale.

3030 (c) This subsection shall become effective immediately and  
3031 shall apply to all local governments. No later than July 1,  
3032 2008, local governments shall amend their future land use map  
3033 and coastal management element to include the new definition of  
3034 coastal high-hazard area and to depict the coastal high-hazard  
3035 area on the future land use map.

3036 Section 11. Section 163.3180, Florida Statutes, is amended  
3037 to read:

3038 163.3180 Concurrency.—

3039 (1) ~~(a)~~ Sanitary sewer, solid waste, drainage, and potable  
3040 water, ~~parks and recreation, schools, and transportation~~  
3041 ~~facilities, including mass transit, where applicable,~~ are the  
3042 only public facilities and services subject to the concurrency  
3043 requirement on a statewide basis. Additional public facilities  
3044 and services may not be made subject to concurrency on a  
3045 statewide basis without ~~appropriate study and~~ approval by the  
3046 Legislature; however, any local government may extend the  
3047 concurrency requirement so that it applies to additional public  
3048 facilities within its jurisdiction. If concurrency is applied to  
3049 other public facilities, the local government comprehensive plan  
3050 must provide the principles, guidelines, standards, and  
3051 strategies, including adopted levels of service, to guide its  
3052 application. In order for a local government to rescind any  
3053 optional concurrency provisions, a comprehensive plan amendment  
3054 is required. An amendment rescinding optional concurrency issues  
3055 is not subject to state review. The local government  
3056 comprehensive plan must demonstrate, for required or optional  
3057 concurrency requirements, that the levels of service adopted can



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3058 be reasonably met. Infrastructure needed to ensure that adopted  
3059 level-of-service standards are achieved and maintained for the  
3060 5-year period of the capital improvement schedule must be  
3061 identified pursuant to the requirements of s. 163.3177(3).

3062 ~~(b) Local governments shall use professionally accepted~~  
3063 ~~techniques for measuring level of service for automobiles,~~  
3064 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~  
3065 ~~be used to evaluate increased accessibility by multiple modes~~  
3066 ~~and reductions in vehicle miles of travel in an area or zone.~~  
3067 ~~The Department of Transportation shall develop methodologies to~~  
3068 ~~assist local governments in implementing this multimodal level-~~  
3069 ~~of-service analysis. The Department of Community Affairs and the~~  
3070 ~~Department of Transportation shall provide technical assistance~~  
3071 ~~to local governments in applying these methodologies.~~

3072 (2)(a) Consistent with public health and safety, sanitary  
3073 sewer, solid waste, drainage, adequate water supplies, and  
3074 potable water facilities shall be in place and available to  
3075 serve new development no later than the issuance by the local  
3076 government of a certificate of occupancy or its functional  
3077 equivalent. Prior to approval of a building permit or its  
3078 functional equivalent, the local government shall consult with  
3079 the applicable water supplier to determine whether adequate  
3080 water supplies to serve the new development will be available no  
3081 later than the anticipated date of issuance by the local  
3082 government of a certificate of occupancy or its functional  
3083 equivalent. A local government may meet the concurrency  
3084 requirement for sanitary sewer through the use of onsite sewage  
3085 treatment and disposal systems approved by the Department of  
3086 Health to serve new development.



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3087           ~~(b) Consistent with the public welfare, and except as~~  
3088 ~~otherwise provided in this section, parks and recreation~~  
3089 ~~facilities to serve new development shall be in place or under~~  
3090 ~~actual construction no later than 1 year after issuance by the~~  
3091 ~~local government of a certificate of occupancy or its functional~~  
3092 ~~equivalent. However, the acreage for such facilities shall be~~  
3093 ~~dedicated or be acquired by the local government prior to~~  
3094 ~~issuance by the local government of a certificate of occupancy~~  
3095 ~~or its functional equivalent, or funds in the amount of the~~  
3096 ~~developer's fair share shall be committed no later than the~~  
3097 ~~local government's approval to commence construction.~~

3098           ~~(c) Consistent with the public welfare, and except as~~  
3099 ~~otherwise provided in this section, transportation facilities~~  
3100 ~~needed to serve new development shall be in place or under~~  
3101 ~~actual construction within 3 years after the local government~~  
3102 ~~approves a building permit or its functional equivalent that~~  
3103 ~~results in traffic generation.~~

3104           (3) Governmental entities that are not responsible for  
3105 providing, financing, operating, or regulating public facilities  
3106 needed to serve development may not establish binding level-of-  
3107 service standards on governmental entities that do bear those  
3108 responsibilities. ~~This subsection does not limit the authority~~  
3109 ~~of any agency to recommend or make objections, recommendations,~~  
3110 ~~comments, or determinations during reviews conducted under s.~~  
3111 ~~163.3184.~~

3112           (4) ~~(a)~~ The concurrency requirement as implemented in local  
3113 comprehensive plans applies to state and other public facilities  
3114 and development to the same extent that it applies to all other  
3115 facilities and development, as provided by law.



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3116           ~~(b) The concurrency requirement as implemented in local~~  
3117 ~~comprehensive plans does not apply to public transit facilities.~~  
3118 ~~For the purposes of this paragraph, public transit facilities~~  
3119 ~~include transit stations and terminals; transit station parking;~~  
3120 ~~park-and-ride lots; intermodal public transit connection or~~  
3121 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~  
3122 ~~airport passenger terminals and concourses, air cargo~~  
3123 ~~facilities, and hangars for the assembly, manufacture,~~  
3124 ~~maintenance, or storage of aircraft. As used in this paragraph,~~  
3125 ~~the terms "terminals" and "transit facilities" do not include~~  
3126 ~~seaports or commercial or residential development constructed in~~  
3127 ~~conjunction with a public transit facility.~~

3128           ~~(c) The concurrency requirement, except as it relates to~~  
3129 ~~transportation facilities and public schools, as implemented in~~  
3130 ~~local government comprehensive plans, may be waived by a local~~  
3131 ~~government for urban infill and redevelopment areas designated~~  
3132 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~  
3133 ~~public health or safety as defined by the local government in~~  
3134 ~~its local government comprehensive plan. The waiver shall be~~  
3135 ~~adopted as a plan amendment pursuant to the process set forth in~~  
3136 ~~s. 163.3187(3) (a). A local government may grant a concurrency~~  
3137 ~~exception pursuant to subsection (5) for transportation~~  
3138 ~~facilities located within these urban infill and redevelopment~~  
3139 ~~areas.~~

3140           (5) (a) If concurrency is applied to transportation  
3141 facilities, the local government comprehensive plan must provide  
3142 the principles, guidelines, standards, and strategies, including  
3143 adopted levels of service to guide its application.

3144           (b) Local governments shall use professionally accepted



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3145 studies to determine appropriate levels of service, which shall  
3146 be based on a schedule of facilities that will be necessary to  
3147 meet level of service demands reflected in the capital  
3148 improvement element.

3149 (c) Local governments shall use professionally accepted  
3150 techniques for measuring levels of service when evaluating  
3151 potential impacts of a proposed development.

3152 (d) The premise of concurrency is that the public  
3153 facilities will be provided in order to achieve and maintain the  
3154 adopted level of service standard. A comprehensive plan that  
3155 imposes transportation concurrency shall contain appropriate  
3156 amendments to the capital improvements element of the  
3157 comprehensive plan, consistent with the requirements of s.  
3158 163.3177(3). The capital improvements element shall identify  
3159 facilities necessary to meet adopted levels of service during a  
3160 5-year period.

3161 (e) If a local government applies transportation  
3162 concurrency in its jurisdiction, it is encouraged to develop  
3163 policy guidelines and techniques to address potential negative  
3164 impacts on future development:

3165 1. In urban infill and redevelopment, and urban service  
3166 areas.

3167 2. With special part-time demands on the transportation  
3168 system.

3169 3. With de minimis impacts.

3170 4. On community desired types of development, such as  
3171 redevelopment, or job creation projects.

3172 (f) Local governments are encouraged to develop tools and  
3173 techniques to complement the application of transportation



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3174 concurrency such as:

3175 1. Adoption of long-term strategies to facilitate  
3176 development patterns that support multimodal solutions,  
3177 including urban design, and appropriate land use mixes,  
3178 including intensity and density.

3179 2. Adoption of an areawide level of service not dependent  
3180 on any single road segment function.

3181 3. Exempting or discounting impacts of locally desired  
3182 development, such as development in urban areas, redevelopment,  
3183 job creation, and mixed use on the transportation system.

3184 4. Assigning secondary priority to vehicle mobility and  
3185 primary priority to ensuring a safe, comfortable, and attractive  
3186 pedestrian environment, with convenient interconnection to  
3187 transit.

3188 5. Establishing multimodal level of service standards that  
3189 rely primarily on nonvehicular modes of transportation where  
3190 existing or planned community design will provide adequate level  
3191 of mobility.

3192 6. Reducing impact fees or local access fees to promote  
3193 development within urban areas, multimodal transportation  
3194 districts, and a balance of mixed use development in certain  
3195 areas or districts, or for affordable or workforce housing.

3196 (g) Local governments are encouraged to coordinate with  
3197 adjacent local governments for the purpose of using common  
3198 methodologies for measuring impacts on transportation  
3199 facilities.

3200 (h) Local governments that implement transportation  
3201 concurrency must:

3202 1. Consult with the Department of Transportation when



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3203 proposed plan amendments affect facilities on the strategic  
3204 intermodal system.

3205 2. Exempt public transit facilities from concurrency. For  
3206 the purposes of this subparagraph, public transit facilities  
3207 include transit stations and terminals; transit station parking;  
3208 park-and-ride lots; intermodal public transit connection or  
3209 transfer facilities; fixed bus, guideway, and rail stations; and  
3210 airport passenger terminals and concourses, air cargo  
3211 facilities, and hangars for the assembly, manufacture,  
3212 maintenance, or storage of aircraft. As used in this  
3213 subparagraph, the terms "terminals" and "transit facilities" do  
3214 not include seaports or commercial or residential development  
3215 constructed in conjunction with a public transit facility.

3216 3. Allow an applicant for a development of regional impact  
3217 development order, a rezoning, or other land use development  
3218 permit to satisfy the transportation concurrency requirements of  
3219 the local comprehensive plan, the local government's concurrency  
3220 management system, and s. 380.06, when applicable, if:

3221 a. The applicant enters into a binding agreement to pay for  
3222 or construct its proportionate share of required improvements.

3223 b. The proportionate share contribution or construction is  
3224 sufficient to accomplish one or more mobility improvements that  
3225 will benefit a regionally significant transportation facility.

3226 c. The local government has provided a means by which the  
3227 landowner will be assessed a proportionate share of the cost of  
3228 providing the transportation facilities necessary to serve the  
3229 proposed development.

3230  
3231 When an applicant contributes or constructs its





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3232 proportionate share, pursuant to this subparagraph, a local  
3233 government may not require payment or construction of  
3234 transportation facilities whose costs would be greater than a  
3235 development's proportionate share of the improvements necessary  
3236 to mitigate the development's impacts. The proportionate share  
3237 contribution shall be calculated based upon the number of trips  
3238 from the proposed development expected to reach roadways during  
3239 the peak hour from the stage or phase being approved, divided by  
3240 the change in the peak hour maximum service volume of roadways  
3241 resulting from construction of an improvement necessary to  
3242 maintain or achieve the adopted level of service, multiplied by  
3243 the construction cost, at the time of development payment, of  
3244 the improvement necessary to maintain or achieve the adopted  
3245 level of service. When the provisions of this paragraph have  
3246 been satisfied for a particular stage or phase of development,  
3247 all transportation impacts from that stage or phase shall be  
3248 deemed fully mitigated in any cumulative transportation analysis  
3249 for a subsequent stage or phase of development. In projecting  
3250 the number of trips to be generated by the development under  
3251 review, any trips assigned to a toll-financed facility shall be  
3252 eliminated from the analysis. The applicant is not responsible  
3253 for the cost of reducing or eliminating deficits that exist  
3254 prior to the filing of the application and shall receive a  
3255 credit on a dollar-for-dollar basis for transportation impact  
3256 fees payable in the future for the project. This subparagraph  
3257 does not require a local government to approve a development  
3258 that is not otherwise qualified for approval pursuant to the  
3259 applicable local comprehensive plan and land development  
3260 regulations.



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3261           ~~(a) The Legislature finds that under limited circumstances,~~  
3262 ~~countervailing planning and public policy goals may come into~~  
3263 ~~conflict with the requirement that adequate public~~  
3264 ~~transportation facilities and services be available concurrent~~  
3265 ~~with the impacts of such development. The Legislature further~~  
3266 ~~finds that the unintended result of the concurrency requirement~~  
3267 ~~for transportation facilities is often the discouragement of~~  
3268 ~~urban infill development and redevelopment. Such unintended~~  
3269 ~~results directly conflict with the goals and policies of the~~  
3270 ~~state comprehensive plan and the intent of this part. The~~  
3271 ~~Legislature also finds that in urban centers transportation~~  
3272 ~~cannot be effectively managed and mobility cannot be improved~~  
3273 ~~solely through the expansion of roadway capacity, that the~~  
3274 ~~expansion of roadway capacity is not always physically or~~  
3275 ~~financially possible, and that a range of transportation~~  
3276 ~~alternatives is essential to satisfy mobility needs, reduce~~  
3277 ~~congestion, and achieve healthy, vibrant centers.~~

3278           ~~(b)1. The following are transportation concurrency~~  
3279 ~~exception areas:~~

3280           ~~a. A municipality that qualifies as a dense urban land area~~  
3281 ~~under s. 163.3164;~~

3282           ~~b. An urban service area under s. 163.3164 that has been~~  
3283 ~~adopted into the local comprehensive plan and is located within~~  
3284 ~~a county that qualifies as a dense urban land area under s.~~  
3285 ~~163.3164; and~~

3286           ~~c. A county, including the municipalities located therein,~~  
3287 ~~which has a population of at least 900,000 and qualifies as a~~  
3288 ~~dense urban land area under s. 163.3164, but does not have an~~  
3289 ~~urban service area designated in the local comprehensive plan.~~



3290           ~~2. A municipality that does not qualify as a dense urban~~  
3291 ~~land area pursuant to s. 163.3164 may designate in its local~~  
3292 ~~comprehensive plan the following areas as transportation~~  
3293 ~~concurrency exception areas:~~  
3294           ~~a. Urban infill as defined in s. 163.3164;~~  
3295           ~~b. Community redevelopment areas as defined in s. 163.340;~~  
3296           ~~c. Downtown revitalization areas as defined in s. 163.3164;~~  
3297           ~~d. Urban infill and redevelopment under s. 163.2517; or~~  
3298           ~~e. Urban service areas as defined in s. 163.3164 or areas~~  
3299 ~~within a designated urban service boundary under s.~~  
3300 ~~163.3177(14).~~  
3301           ~~3. A county that does not qualify as a dense urban land~~  
3302 ~~area pursuant to s. 163.3164 may designate in its local~~  
3303 ~~comprehensive plan the following areas as transportation~~  
3304 ~~concurrency exception areas:~~  
3305           ~~a. Urban infill as defined in s. 163.3164;~~  
3306           ~~b. Urban infill and redevelopment under s. 163.2517; or~~  
3307           ~~c. Urban service areas as defined in s. 163.3164.~~  
3308           ~~4. A local government that has a transportation concurrency~~  
3309 ~~exception area designated pursuant to subparagraph 1.,~~  
3310 ~~subparagraph 2., or subparagraph 3. shall, within 2 years after~~  
3311 ~~the designated area becomes exempt, adopt into its local~~  
3312 ~~comprehensive plan land use and transportation strategies to~~  
3313 ~~support and fund mobility within the exception area, including~~  
3314 ~~alternative modes of transportation. Local governments are~~  
3315 ~~encouraged to adopt complementary land use and transportation~~  
3316 ~~strategies that reflect the region's shared vision for its~~  
3317 ~~future. If the state land planning agency finds insufficient~~  
3318 ~~cause for the failure to adopt into its comprehensive plan land~~



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3319 ~~use and transportation strategies to support and fund mobility~~  
3320 ~~within the designated exception area after 2 years, it shall~~  
3321 ~~submit the finding to the Administration Commission, which may~~  
3322 ~~impose any of the sanctions set forth in s. 163.3184(11) (a) and~~  
3323 ~~(b) against the local government.~~

3324 ~~5. Transportation concurrency exception areas designated~~  
3325 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~  
3326 ~~do not apply to designated transportation concurrency districts~~  
3327 ~~located within a county that has a population of at least 1.5~~  
3328 ~~million, has implemented and uses a transportation-related~~  
3329 ~~concurrency assessment to support alternative modes of~~  
3330 ~~transportation, including, but not limited to, mass transit, and~~  
3331 ~~does not levy transportation impact fees within the concurrency~~  
3332 ~~district.~~

3333 ~~6. Transportation concurrency exception areas designated~~  
3334 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~  
3335 ~~not apply in any county that has exempted more than 40 percent~~  
3336 ~~of the area inside the urban service area from transportation~~  
3337 ~~concurrency for the purpose of urban infill.~~

3338 ~~7. A local government that does not have a transportation~~  
3339 ~~concurrency exception area designated pursuant to subparagraph~~  
3340 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~  
3341 ~~from the concurrency requirement for transportation facilities~~  
3342 ~~if the proposed development is otherwise consistent with the~~  
3343 ~~adopted local government comprehensive plan and is a project~~  
3344 ~~that promotes public transportation or is located within an area~~  
3345 ~~designated in the comprehensive plan for:~~

- 3346 ~~a. Urban infill development;~~
- 3347 ~~b. Urban redevelopment;~~



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3348 ~~e. Downtown revitalization;~~  
3349 ~~d. Urban infill and redevelopment under s. 163.2517; or~~  
3350 ~~e. An urban service area specifically designated as a~~  
3351 ~~transportation concurrency exception area which includes lands~~  
3352 ~~appropriate for compact, contiguous urban development, which~~  
3353 ~~does not exceed the amount of land needed to accommodate the~~  
3354 ~~projected population growth at densities consistent with the~~  
3355 ~~adopted comprehensive plan within the 10-year planning period,~~  
3356 ~~and which is served or is planned to be served with public~~  
3357 ~~facilities and services as provided by the capital improvements~~  
3358 ~~element.~~

3359 ~~(c) The Legislature also finds that developments located~~  
3360 ~~within urban infill, urban redevelopment, urban service, or~~  
3361 ~~downtown revitalization areas or areas designated as urban~~  
3362 ~~infill and redevelopment areas under s. 163.2517, which pose~~  
3363 ~~only special part-time demands on the transportation system, are~~  
3364 ~~exempt from the concurrency requirement for transportation~~  
3365 ~~facilities. A special part-time demand is one that does not have~~  
3366 ~~more than 200 scheduled events during any calendar year and does~~  
3367 ~~not affect the 100 highest traffic volume hours.~~

3368 ~~(d) Except for transportation concurrency exception areas~~  
3369 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~  
3370 ~~or subparagraph (b)3., the following requirements apply:~~

3371 ~~1. The local government shall both adopt into the~~  
3372 ~~comprehensive plan and implement long-term strategies to support~~  
3373 ~~and fund mobility within the designated exception area,~~  
3374 ~~including alternative modes of transportation. The plan~~  
3375 ~~amendment must also demonstrate how strategies will support the~~  
3376 ~~purpose of the exception and how mobility within the designated~~



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3377 ~~exception area will be provided.~~

3378 ~~2. The strategies must address urban design; appropriate~~  
3379 ~~land use mixes, including intensity and density; and network~~  
3380 ~~connectivity plans needed to promote urban infill,~~  
3381 ~~redevelopment, or downtown revitalization. The comprehensive~~  
3382 ~~plan amendment designating the concurrency exception area must~~  
3383 ~~be accompanied by data and analysis supporting the local~~  
3384 ~~government's determination of the boundaries of the~~  
3385 ~~transportation concurrency exception area.~~

3386 ~~(e) Before designating a concurrency exception area~~  
3387 ~~pursuant to subparagraph (b)7., the state land planning agency~~  
3388 ~~and the Department of Transportation shall be consulted by the~~  
3389 ~~local government to assess the impact that the proposed~~  
3390 ~~exception area is expected to have on the adopted level-of-~~  
3391 ~~service standards established for regional transportation~~  
3392 ~~facilities identified pursuant to s. 186.507, including the~~  
3393 ~~Strategic Intermodal System and roadway facilities funded in~~  
3394 ~~accordance with s. 339.2819. Further, the local government shall~~  
3395 ~~provide a plan for the mitigation of impacts to the Strategic~~  
3396 ~~Intermodal System, including, if appropriate, access management,~~  
3397 ~~parallel reliever roads, transportation demand management, and~~  
3398 ~~other measures.~~

3399 ~~(f) The designation of a transportation concurrency~~  
3400 ~~exception area does not limit a local government's home rule~~  
3401 ~~power to adopt ordinances or impose fees. This subsection does~~  
3402 ~~not affect any contract or agreement entered into or development~~  
3403 ~~order rendered before the creation of the transportation~~  
3404 ~~concurrency exception area except as provided in s.~~  
3405 ~~380.06(29) (c).~~



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3406           ~~(g) The Office of Program Policy Analysis and Government~~  
3407 ~~Accountability shall submit to the President of the Senate and~~  
3408 ~~the Speaker of the House of Representatives by February 1, 2015,~~  
3409 ~~a report on transportation concurrency exception areas created~~  
3410 ~~pursuant to this subsection. At a minimum, the report shall~~  
3411 ~~address the methods that local governments have used to~~  
3412 ~~implement and fund transportation strategies to achieve the~~  
3413 ~~purposes of designated transportation concurrency exception~~  
3414 ~~areas, and the effects of the strategies on mobility,~~  
3415 ~~congestion, urban design, the density and intensity of land use~~  
3416 ~~mixes, and network connectivity plans used to promote urban~~  
3417 ~~infill, redevelopment, or downtown revitalization.~~

3418           ~~(6) The Legislature finds that a de minimis impact is~~  
3419 ~~consistent with this part. A de minimis impact is an impact that~~  
3420 ~~would not affect more than 1 percent of the maximum volume at~~  
3421 ~~the adopted level of service of the affected transportation~~  
3422 ~~facility as determined by the local government. No impact will~~  
3423 ~~be de minimis if the sum of existing roadway volumes and the~~  
3424 ~~projected volumes from approved projects on a transportation~~  
3425 ~~facility would exceed 110 percent of the maximum volume at the~~  
3426 ~~adopted level of service of the affected transportation~~  
3427 ~~facility; provided however, that an impact of a single family~~  
3428 ~~home on an existing lot will constitute a de minimis impact on~~  
3429 ~~all roadways regardless of the level of the deficiency of the~~  
3430 ~~roadway. Further, no impact will be de minimis if it would~~  
3431 ~~exceed the adopted level-of-service standard of any affected~~  
3432 ~~designated hurricane evacuation routes. Each local government~~  
3433 ~~shall maintain sufficient records to ensure that the 110 percent~~  
3434 ~~criterion is not exceeded. Each local government shall submit~~



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3435 ~~annually, with its updated capital improvements element, a~~  
3436 ~~summary of the de minimis records. If the state land planning~~  
3437 ~~agency determines that the 110 percent criterion has been~~  
3438 ~~exceeded, the state land planning agency shall notify the local~~  
3439 ~~government of the exceedance and that no further de minimis~~  
3440 ~~exceptions for the applicable roadway may be granted until such~~  
3441 ~~time as the volume is reduced below the 110 percent. The local~~  
3442 ~~government shall provide proof of this reduction to the state~~  
3443 ~~land planning agency before issuing further de minimis~~  
3444 ~~exceptions.~~

3445 ~~(7) In order to promote infill development and~~  
3446 ~~redevelopment, one or more transportation concurrency management~~  
3447 ~~areas may be designated in a local government comprehensive~~  
3448 ~~plan. A transportation concurrency management area must be a~~  
3449 ~~compact geographic area with an existing network of roads where~~  
3450 ~~multiple, viable alternative travel paths or modes are available~~  
3451 ~~for common trips. A local government may establish an areawide~~  
3452 ~~level-of-service standard for such a transportation concurrency~~  
3453 ~~management area based upon an analysis that provides for a~~  
3454 ~~justification for the areawide level of service, how urban~~  
3455 ~~infill development or redevelopment will be promoted, and how~~  
3456 ~~mobility will be accomplished within the transportation~~  
3457 ~~concurrency management area. Prior to the designation of a~~  
3458 ~~concurrency management area, the Department of Transportation~~  
3459 ~~shall be consulted by the local government to assess the impact~~  
3460 ~~that the proposed concurrency management area is expected to~~  
3461 ~~have on the adopted level-of-service standards established for~~  
3462 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~  
3463 ~~and roadway facilities funded in accordance with s. 339.2819.~~





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3464 ~~Further, the local government shall, in cooperation with the~~  
3465 ~~Department of Transportation, develop a plan to mitigate any~~  
3466 ~~impacts to the Strategic Intermodal System, including, if~~  
3467 ~~appropriate, the development of a long-term concurrency~~  
3468 ~~management system pursuant to subsection (9) and s.~~  
3469 ~~163.3177(3) (d). Transportation concurrency management areas~~  
3470 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
3471 ~~provisions of this section by July 1, 2006, or at the time of~~  
3472 ~~the comprehensive plan update pursuant to the evaluation and~~  
3473 ~~appraisal report, whichever occurs last. The state land planning~~  
3474 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~  
3475 ~~be consistent with this subsection.~~

3476 ~~(8) When assessing the transportation impacts of proposed~~  
3477 ~~urban redevelopment within an established existing urban service~~  
3478 ~~area, 110 percent of the actual transportation impact caused by~~  
3479 ~~the previously existing development must be reserved for the~~  
3480 ~~redevelopment, even if the previously existing development has a~~  
3481 ~~lesser or nonexistent impact pursuant to the calculations of the~~  
3482 ~~local government. Redevelopment requiring less than 110 percent~~  
3483 ~~of the previously existing capacity shall not be prohibited due~~  
3484 ~~to the reduction of transportation levels of service below the~~  
3485 ~~adopted standards. This does not preclude the appropriate~~  
3486 ~~assessment of fees or accounting for the impacts within the~~  
3487 ~~concurrency management system and capital improvements program~~  
3488 ~~of the affected local government. This paragraph does not affect~~  
3489 ~~local government requirements for appropriate development~~  
3490 ~~permits.~~

3491 ~~(9) (a) Each local government may adopt as a part of its~~  
3492 ~~plan, long-term transportation and school concurrency management~~



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3493 ~~systems with a planning period of up to 10 years for specially~~  
3494 ~~designated districts or areas where significant backlogs exist.~~  
3495 ~~The plan may include interim level of service standards on~~  
3496 ~~certain facilities and shall rely on the local government's~~  
3497 ~~schedule of capital improvements for up to 10 years as a basis~~  
3498 ~~for issuing development orders that authorize commencement of~~  
3499 ~~construction in these designated districts or areas. The~~  
3500 ~~concurrency management system must be designed to correct~~  
3501 ~~existing deficiencies and set priorities for addressing~~  
3502 ~~backlogged facilities. The concurrency management system must be~~  
3503 ~~financially feasible and consistent with other portions of the~~  
3504 ~~adopted local plan, including the future land use map.~~

3505 ~~(b) If a local government has a transportation or school~~  
3506 ~~facility backlog for existing development which cannot be~~  
3507 ~~adequately addressed in a 10-year plan, the state land planning~~  
3508 ~~agency may allow it to develop a plan and long-term schedule of~~  
3509 ~~capital improvements covering up to 15 years for good and~~  
3510 ~~sufficient cause, based on a general comparison between that~~  
3511 ~~local government and all other similarly situated local~~  
3512 ~~jurisdictions, using the following factors:~~

- 3513 ~~1. The extent of the backlog.~~
- 3514 ~~2. For roads, whether the backlog is on local or state~~  
3515 ~~roads.~~
- 3516 ~~3. The cost of eliminating the backlog.~~
- 3517 ~~4. The local government's tax and other revenue-raising~~  
3518 ~~efforts.~~

3519 ~~(c) The local government may issue approvals to commence~~  
3520 ~~construction notwithstanding this section, consistent with and~~  
3521 ~~in areas that are subject to a long-term concurrency management~~



3522 system.

3523 ~~(d) If the local government adopts a long-term concurrency~~  
3524 ~~management system, it must evaluate the system periodically. At~~  
3525 ~~a minimum, the local government must assess its progress toward~~  
3526 ~~improving levels of service within the long-term concurrency~~  
3527 ~~management district or area in the evaluation and appraisal~~  
3528 ~~report and determine any changes that are necessary to~~  
3529 ~~accelerate progress in meeting acceptable levels of service.~~

3530 ~~(10) Except in transportation concurrency exception areas,~~  
3531 ~~with regard to roadway facilities on the Strategic Intermodal~~  
3532 ~~System designated in accordance with s. 339.63, local~~  
3533 ~~governments shall adopt the level-of-service standard~~  
3534 ~~established by the Department of Transportation by rule.~~  
3535 ~~However, if the Office of Tourism, Trade, and Economic~~  
3536 ~~Development concurs in writing with the local government that~~  
3537 ~~the proposed development is for a qualified job creation project~~  
3538 ~~under s. 288.0656 or s. 403.973, the affected local government,~~  
3539 ~~after consulting with the Department of Transportation, may~~  
3540 ~~provide for a waiver of transportation concurrency for the~~  
3541 ~~project. For all other roads on the State Highway System, local~~  
3542 ~~governments shall establish an adequate level-of-service~~  
3543 ~~standard that need not be consistent with any level-of-service~~  
3544 ~~standard established by the Department of Transportation. In~~  
3545 ~~establishing adequate level-of-service standards for any~~  
3546 ~~arterial roads, or collector roads as appropriate, which~~  
3547 ~~traverse multiple jurisdictions, local governments shall~~  
3548 ~~consider compatibility with the roadway facility's adopted~~  
3549 ~~level-of-service standards in adjacent jurisdictions. Each local~~  
3550 ~~government within a county shall use a professionally accepted~~



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3551 ~~methodology for measuring impacts on transportation facilities~~  
3552 ~~for the purposes of implementing its concurrency management~~  
3553 ~~system. Counties are encouraged to coordinate with adjacent~~  
3554 ~~counties, and local governments within a county are encouraged~~  
3555 ~~to coordinate, for the purpose of using common methodologies for~~  
3556 ~~measuring impacts on transportation facilities for the purpose~~  
3557 ~~of implementing their concurrency management systems.~~

3558 ~~(11) In order to limit the liability of local governments,~~  
3559 ~~a local government may allow a landowner to proceed with~~  
3560 ~~development of a specific parcel of land notwithstanding a~~  
3561 ~~failure of the development to satisfy transportation~~  
3562 ~~concurrency, when all the following factors are shown to exist:~~

3563 ~~(a) The local government with jurisdiction over the~~  
3564 ~~property has adopted a local comprehensive plan that is in~~  
3565 ~~compliance.~~

3566 ~~(b) The proposed development would be consistent with the~~  
3567 ~~future land use designation for the specific property and with~~  
3568 ~~pertinent portions of the adopted local plan, as determined by~~  
3569 ~~the local government.~~

3570 ~~(c) The local plan includes a financially feasible capital~~  
3571 ~~improvements element that provides for transportation facilities~~  
3572 ~~adequate to serve the proposed development, and the local~~  
3573 ~~government has not implemented that element.~~

3574 ~~(d) The local government has provided a means by which the~~  
3575 ~~landowner will be assessed a fair share of the cost of providing~~  
3576 ~~the transportation facilities necessary to serve the proposed~~  
3577 ~~development.~~

3578 ~~(e) The landowner has made a binding commitment to the~~  
3579 ~~local government to pay the fair share of the cost of providing~~



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3580 ~~the transportation facilities to serve the proposed development.~~

3581 ~~(12) (a) A development of regional impact may satisfy the~~  
3582 ~~transportation concurrency requirements of the local~~  
3583 ~~comprehensive plan, the local government's concurrency~~  
3584 ~~management system, and s. 380.06 by payment of a proportionate-~~  
3585 ~~share contribution for local and regionally significant traffic~~  
3586 ~~impacts, if:~~

3587 ~~1. The development of regional impact which, based on its~~  
3588 ~~location or mix of land uses, is designed to encourage~~  
3589 ~~pedestrian or other nonautomotive modes of transportation;~~

3590 ~~2. The proportionate-share contribution for local and~~  
3591 ~~regionally significant traffic impacts is sufficient to pay for~~  
3592 ~~one or more required mobility improvements that will benefit a~~  
3593 ~~regionally significant transportation facility;~~

3594 ~~3. The owner and developer of the development of regional~~  
3595 ~~impact pays or assures payment of the proportionate-share~~  
3596 ~~contribution; and~~

3597 ~~4. If the regionally significant transportation facility to~~  
3598 ~~be constructed or improved is under the maintenance authority of~~  
3599 ~~a governmental entity, as defined by s. 334.03(12), other than~~  
3600 ~~the local government with jurisdiction over the development of~~  
3601 ~~regional impact, the developer is required to enter into a~~  
3602 ~~binding and legally enforceable commitment to transfer funds to~~  
3603 ~~the governmental entity having maintenance authority or to~~  
3604 ~~otherwise assure construction or improvement of the facility.~~

3605  
3606 ~~The proportionate-share contribution may be applied to any~~  
3607 ~~transportation facility to satisfy the provisions of this~~  
3608 ~~subsection and the local comprehensive plan, but, for the~~



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3609 ~~purposes of this subsection, the amount of the proportionate-~~  
3610 ~~share contribution shall be calculated based upon the cumulative~~  
3611 ~~number of trips from the proposed development expected to reach~~  
3612 ~~roadways during the peak hour from the complete buildout of a~~  
3613 ~~stage or phase being approved, divided by the change in the peak~~  
3614 ~~hour maximum service volume of roadways resulting from~~  
3615 ~~construction of an improvement necessary to maintain the adopted~~  
3616 ~~level of service, multiplied by the construction cost, at the~~  
3617 ~~time of developer payment, of the improvement necessary to~~  
3618 ~~maintain the adopted level of service. For purposes of this~~  
3619 ~~subsection, "construction cost" includes all associated costs of~~  
3620 ~~the improvement. Proportionate-share mitigation shall be limited~~  
3621 ~~to ensure that a development of regional impact meeting the~~  
3622 ~~requirements of this subsection mitigates its impact on the~~  
3623 ~~transportation system but is not responsible for the additional~~  
3624 ~~cost of reducing or eliminating backlogs. This subsection also~~  
3625 ~~applies to Florida Quality Developments pursuant to s. 380.061~~  
3626 ~~and to detailed specific area plans implementing optional sector~~  
3627 ~~plans pursuant to s. 163.3245.~~

3628 ~~(b) As used in this subsection, the term "backlog" means a~~  
3629 ~~facility or facilities on which the adopted level-of-service~~  
3630 ~~standard is exceeded by the existing trips, plus additional~~  
3631 ~~projected background trips from any source other than the~~  
3632 ~~development project under review that are forecast by~~  
3633 ~~established traffic standards, including traffic modeling,~~  
3634 ~~consistent with the University of Florida Bureau of Economic and~~  
3635 ~~Business Research medium population projections. Additional~~  
3636 ~~projected background trips are to be coincident with the~~  
3637 ~~particular stage or phase of development under review.~~



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3638           ~~(13) School concurrency shall be established on a~~  
3639 ~~districtwide basis and shall include all public schools in the~~  
3640 ~~district and all portions of the district, whether located in a~~  
3641 ~~municipality or an unincorporated area unless exempt from the~~  
3642 ~~public school facilities element pursuant to s. 163.3177(12).~~  
3643           (6) (a) If concurrency is applied to public education  
3644 facilities, The application of school concurrency to development  
3645 shall be based upon the adopted comprehensive plan, as amended.  
3646 all local governments within a county, except as provided in  
3647 paragraph (i)(f), shall include principles, guidelines,  
3648 standards, and strategies, including adopted levels of service,  
3649 in their comprehensive plans and adopt and transmit to the state  
3650 land planning agency the necessary plan amendments, along with  
3651 the interlocal agreements. If the county and one or more  
3652 municipalities have adopted school concurrency into its  
3653 comprehensive plan and interlocal agreement that represents at  
3654 least 80 percent of the total countywide population, the failure  
3655 of one or more municipalities to adopt the concurrency and enter  
3656 into the interlocal agreement does not preclude implementation  
3657 of school concurrency within the school district. agreement, for  
3658 a compliance review pursuant to s. 163.3184(7) and (8). The  
3659 minimum requirements for school concurrency are the following:  
3660           ~~(a) Public school facilities element. A local government~~  
3661 ~~shall adopt and transmit to the state land planning agency a~~  
3662 ~~plan or plan amendment which includes a public school facilities~~  
3663 ~~element which is consistent with the requirements of s.~~  
3664 ~~163.3177(12) and which is determined to be in compliance as~~  
3665 ~~defined in s. 163.3184(1) (b). All local government provisions~~  
3666 ~~included in comprehensive plans regarding school concurrency~~



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3667 ~~public school facilities plan elements~~ within a county must be  
3668 consistent with each other as well as the requirements of this  
3669 part.

3670 (b) ~~Level of service standards.~~ The Legislature recognizes  
3671 that an essential requirement for a concurrency management  
3672 system is the level of service at which a public facility is  
3673 expected to operate.

3674 ~~1.~~ Local governments and school boards imposing school  
3675 concurrency shall exercise authority in conjunction with each  
3676 other to establish jointly adequate level-of-service standards,  
3677 as defined in chapter 9J-5, Florida Administrative Code,  
3678 necessary to implement the adopted local government  
3679 comprehensive plan, based on data and analysis.

3680 (c) ~~2.~~ Public school level-of-service standards shall be  
3681 included and adopted into the capital improvements element of  
3682 the local comprehensive plan and shall apply districtwide to all  
3683 schools of the same type. Types of schools may include  
3684 elementary, middle, and high schools as well as special purpose  
3685 facilities such as magnet schools.

3686 (d) ~~3.~~ Local governments and school boards may ~~shall have~~  
3687 ~~the option to~~ utilize tiered level-of-service standards to allow  
3688 time to achieve an adequate and desirable level of service as  
3689 circumstances warrant.

3690 (e) ~~4.~~ For the purpose of determining whether levels of  
3691 service have been achieved, for the first 3 years of school  
3692 ~~concurrency implementation,~~ A school district that includes  
3693 relocatable facilities in its inventory of student stations  
3694 shall include the capacity of such relocatable facilities as  
3695 provided in s. 1013.35(2)(b)2.f., provided the relocatable





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3696 facilities were purchased after 1998 and the relocatable  
3697 facilities meet the standards for long-term use pursuant to s.  
3698 1013.20.

3699 ~~(c) Service areas. The Legislature recognizes that an~~  
3700 ~~essential requirement for a concurrency system is a designation~~  
3701 ~~of the area within which the level of service will be measured~~  
3702 ~~when an application for a residential development permit is~~  
3703 ~~reviewed for school concurrency purposes. This delineation is~~  
3704 ~~also important for purposes of determining whether the local~~  
3705 ~~government has a financially feasible public school capital~~  
3706 ~~facilities program that will provide schools which will achieve~~  
3707 ~~and maintain the adopted level of service standards.~~

3708 (f)1. In order to balance competing interests, preserve the  
3709 constitutional concept of uniformity, and avoid disruption of  
3710 existing educational and growth management processes, local  
3711 governments are encouraged, if they elect to adopt school  
3712 concurrency, to ~~initially~~ apply school concurrency to  
3713 development ~~only~~ on a districtwide basis so that a concurrency  
3714 determination for a specific development will be based upon the  
3715 availability of school capacity districtwide. ~~To ensure that~~  
3716 ~~development is coordinated with schools having available~~  
3717 ~~capacity, within 5 years after adoption of school concurrency,~~  
3718 2. If a local government elects to ~~governments shall~~ apply  
3719 school concurrency on a less than districtwide basis, by such as  
3720 using school attendance zones or concurrency service areas; ~~as~~  
3721 ~~provided in subparagraph 2.~~

3722 a.2. ~~For local governments applying school concurrency on a~~  
3723 ~~less than districtwide basis, such as utilizing school~~  
3724 ~~attendance zones or larger school concurrency service areas,~~



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3725 Local governments and school boards shall have the burden to  
3726 demonstrate that the utilization of school capacity is maximized  
3727 to the greatest extent possible in the comprehensive plan and  
3728 amendment, taking into account transportation costs and court-  
3729 approved desegregation plans, as well as other factors. In  
3730 addition, in order to achieve concurrency within the service  
3731 area boundaries selected by local governments and school boards,  
3732 the service area boundaries, together with the standards for  
3733 establishing those boundaries, shall be identified and included  
3734 as supporting data and analysis for the comprehensive plan.

3735 ~~b.3.~~ Where school capacity is available on a districtwide  
3736 basis but school concurrency is applied on a less than  
3737 districtwide basis in the form of concurrency service areas, if  
3738 the adopted level-of-service standard cannot be met in a  
3739 particular service area as applied to an application for a  
3740 development permit and if the needed capacity for the particular  
3741 service area is available in one or more contiguous service  
3742 areas, as adopted by the local government, then the local  
3743 government may not deny an application for site plan or final  
3744 subdivision approval or the functional equivalent for a  
3745 development or phase of a development on the basis of school  
3746 concurrency, and if issued, development impacts shall be  
3747 subtracted from the shifted to contiguous service area's areas  
3748 with schools having available capacity totals. Students from the  
3749 development may not be required to go to the adjacent service  
3750 area unless the school board rezones the area in which the  
3751 development occurs.

3752 ~~(g)(d) Financial feasibility. The Legislature recognizes~~  
3753 ~~that financial feasibility is an important issue because The~~



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3754 premise of concurrency is that the public facilities will be  
3755 provided in order to achieve and maintain the adopted level-of-  
3756 service standard. ~~This part and chapter 9J-5, Florida~~  
3757 ~~Administrative Code, contain specific standards to determine the~~  
3758 ~~financial feasibility of capital programs. These standards were~~  
3759 ~~adopted to make concurrency more predictable and local~~  
3760 ~~governments more accountable.~~

3761 1. A comprehensive plan that imposes ~~amendment seeking to~~  
3762 ~~impose~~ school concurrency shall contain appropriate amendments  
3763 to the capital improvements element of the comprehensive plan,  
3764 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~  
3765 ~~5.016, Florida Administrative Code.~~ The capital improvements  
3766 element shall set forth a financially feasible public school  
3767 capital facilities plan program, established in conjunction with  
3768 the school board, that demonstrates that the adopted level-of-  
3769 service standards will be achieved and maintained.

3770 (h)1. In order to limit the liability of local governments,  
3771 a local government may allow a landowner to proceed with  
3772 development of a specific parcel of land notwithstanding a  
3773 failure of the development to satisfy school concurrency, if all  
3774 the following factors are shown to exist:

3775 a. The proposed development would be consistent with the  
3776 future land use designation for the specific property and with  
3777 pertinent portions of the adopted local plan, as determined by  
3778 the local government.

3779 b. The local government's capital improvements element and  
3780 the school board's educational facilities plan provide for  
3781 school facilities adequate to serve the proposed development,  
3782 and the local government or school board has not implemented



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3783 that element or the project includes a plan that demonstrates  
3784 that the capital facilities needed as a result of the project  
3785 can be reasonably provided.

3786 c. The local government and school board have provided a  
3787 means by which the landowner will be assessed a proportionate  
3788 share of the cost of providing the school facilities necessary  
3789 to serve the proposed development.

3790 ~~2. Such amendments shall demonstrate that the public school~~  
3791 ~~capital facilities program meets all of the financial~~  
3792 ~~feasibility standards of this part and chapter 9J-5, Florida~~  
3793 ~~Administrative Code, that apply to capital programs which~~  
3794 ~~provide the basis for mandatory concurrency on other public~~  
3795 ~~facilities and services.~~

3796 ~~3. When the financial feasibility of a public school~~  
3797 ~~capital facilities program is evaluated by the state land~~  
3798 ~~planning agency for purposes of a compliance determination, the~~  
3799 ~~evaluation shall be based upon the service areas selected by the~~  
3800 ~~local governments and school board.~~

3801 ~~2.(e) Availability standard. Consistent with the public~~  
3802 ~~welfare, If a local government applies school concurrency, it~~  
3803 ~~may not deny an application for site plan, final subdivision~~  
3804 ~~approval, or the functional equivalent for a development or~~  
3805 ~~phase of a development authorizing residential development for~~  
3806 ~~failure to achieve and maintain the level-of-service standard~~  
3807 ~~for public school capacity in a local school concurrency~~  
3808 ~~management system where adequate school facilities will be in~~  
3809 ~~place or under actual construction within 3 years after the~~  
3810 ~~issuance of final subdivision or site plan approval, or the~~  
3811 ~~functional equivalent. School concurrency is satisfied if the~~



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3812 developer executes a legally binding commitment to provide  
3813 mitigation proportionate to the demand for public school  
3814 facilities to be created by actual development of the property,  
3815 including, but not limited to, the options described in sub-  
3816 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share  
3817 mitigation of impacts on public school facilities must be  
3818 established in the comprehensive plan ~~public school facilities~~  
3819 element and the interlocal agreement pursuant to s. 163.31777.

3820 a.1. Appropriate mitigation options include the  
3821 contribution of land; the construction, expansion, or payment  
3822 for land acquisition or construction of a public school  
3823 facility; the construction of a charter school that complies  
3824 with the requirements of s. 1002.33(18); or the creation of  
3825 mitigation banking based on the construction of a public school  
3826 facility in exchange for the right to sell capacity credits.  
3827 Such options must include execution by the applicant and the  
3828 local government of a development agreement that constitutes a  
3829 legally binding commitment to pay proportionate-share mitigation  
3830 for the additional residential units approved by the local  
3831 government in a development order and actually developed on the  
3832 property, taking into account residential density allowed on the  
3833 property prior to the plan amendment that increased the overall  
3834 residential density. The district school board must be a party  
3835 to such an agreement. As a condition of its entry into such a  
3836 development agreement, the local government may require the  
3837 landowner to agree to continuing renewal of the agreement upon  
3838 its expiration.

3839 b.2. If the interlocal agreement ~~education facilities plan~~  
3840 and the local government comprehensive plan ~~public educational~~



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3841 ~~facilities element~~ authorize a contribution of land; the  
3842 construction, expansion, or payment for land acquisition; the  
3843 construction or expansion of a public school facility, or a  
3844 portion thereof; or the construction of a charter school that  
3845 complies with the requirements of s. 1002.33(18), as  
3846 proportionate-share mitigation, the local government shall  
3847 credit such a contribution, construction, expansion, or payment  
3848 toward any other impact fee or exaction imposed by local  
3849 ordinance for the same need, on a dollar-for-dollar basis at  
3850 fair market value.

3851 ~~c.3.~~ Any proportionate-share mitigation must be directed by  
3852 the school board toward a school capacity improvement identified  
3853 in the a financially feasible 5-year school board's educational  
3854 facilities district work plan that satisfies the demands created  
3855 by the development in accordance with a binding developer's  
3856 agreement.

3857 ~~4. If a development is precluded from commencing because~~  
3858 ~~there is inadequate classroom capacity to mitigate the impacts~~  
3859 ~~of the development, the development may nevertheless commence if~~  
3860 ~~there are accelerated facilities in an approved capital~~  
3861 ~~improvement element scheduled for construction in year four or~~  
3862 ~~later of such plan which, when built, will mitigate the proposed~~  
3863 ~~development, or if such accelerated facilities will be in the~~  
3864 ~~next annual update of the capital facilities element, the~~  
3865 ~~developer enters into a binding, financially guaranteed~~  
3866 ~~agreement with the school district to construct an accelerated~~  
3867 ~~facility within the first 3 years of an approved capital~~  
3868 ~~improvement plan, and the cost of the school facility is equal~~  
3869 ~~to or greater than the development's proportionate share. When~~



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3870 ~~the completed school facility is conveyed to the school~~  
3871 ~~district, the developer shall receive impact fee credits usable~~  
3872 ~~within the zone where the facility is constructed or any~~  
3873 ~~attendance zone contiguous with or adjacent to the zone where~~  
3874 ~~the facility is constructed.~~

3875 3.5. This paragraph does not limit the authority of a local  
3876 government to deny a development permit or its functional  
3877 equivalent pursuant to its home rule regulatory powers, except  
3878 as provided in this part.

3879 ~~(i)(f) Intergovernmental coordination.~~

3880 ~~1. When establishing concurrency requirements for public~~  
3881 ~~schools, a local government shall satisfy the requirements for~~  
3882 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~  
3883 ~~and 2., except that~~ A municipality is not required to be a  
3884 signatory to the interlocal agreement required by paragraph (j)  
3885 ~~ss. 163.3177(6)(h)2. and 163.31777(6),~~ as a prerequisite for  
3886 imposition of school concurrency, and as a nonsignatory, shall  
3887 not participate in the adopted local school concurrency system,  
3888 if the municipality meets all of the following criteria for  
3889 having no significant impact on school attendance:

3890 ~~1.a.~~ The municipality has issued development orders for  
3891 fewer than 50 residential dwelling units during the preceding 5  
3892 years, or the municipality has generated fewer than 25  
3893 additional public school students during the preceding 5 years.

3894 ~~2.b.~~ The municipality has not annexed new land during the  
3895 preceding 5 years in land use categories which permit  
3896 residential uses that will affect school attendance rates.

3897 ~~3.e.~~ The municipality has no public schools located within  
3898 its boundaries.



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3899            ~~4.d.~~ At least 80 percent of the developable land within the  
3900 boundaries of the municipality has been built upon.

3901            ~~2. A municipality which qualifies as having no significant~~  
3902 ~~impact on school attendance pursuant to the criteria of~~  
3903 ~~subparagraph 1. must review and determine at the time of its~~  
3904 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~  
3905 ~~it continues to meet the criteria pursuant to s. 163.31777(6).~~  
3906 ~~If the municipality determines that it no longer meets the~~  
3907 ~~criteria, it must adopt appropriate school concurrency goals,~~  
3908 ~~objectives, and policies in its plan amendments based on the~~  
3909 ~~evaluation and appraisal report, and enter into the existing~~  
3910 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~  
3911 ~~163.31777, in order to fully participate in the school~~  
3912 ~~concurrency system. If such a municipality fails to do so, it~~  
3913 ~~will be subject to the enforcement provisions of s. 163.3191.~~

3914            ~~(j)(g) Interlocal agreement for school concurrency.~~ When  
3915 establishing concurrency requirements for public schools, a  
3916 local government must enter into an interlocal agreement that  
3917 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and  
3918 163.31777 and the requirements of this subsection. The  
3919 interlocal agreement shall acknowledge both the school board's  
3920 constitutional and statutory obligations to provide a uniform  
3921 system of free public schools on a countywide basis, and the  
3922 land use authority of local governments, including their  
3923 authority to approve or deny comprehensive plan amendments and  
3924 development orders. ~~The interlocal agreement shall be submitted~~  
3925 ~~to the state land planning agency by the local government as a~~  
3926 ~~part of the compliance review, along with the other necessary~~  
3927 ~~amendments to the comprehensive plan required by this part. In~~





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3928 ~~addition to the requirements of ss. 163.3177(6) (h) and~~  
3929 ~~163.31777,~~ The interlocal agreement shall meet the following  
3930 requirements:

3931 1. Establish the mechanisms for coordinating the  
3932 development, adoption, and amendment of each local government's  
3933 school concurrency related provisions of the comprehensive plan  
3934 ~~public school facilities element~~ with each other and the plans  
3935 of the school board to ensure a uniform districtwide school  
3936 concurrency system.

3937 ~~2. Establish a process for the development of siting~~  
3938 ~~criteria which encourages the location of public schools~~  
3939 ~~proximate to urban residential areas to the extent possible and~~  
3940 ~~seeks to collocate schools with other public facilities such as~~  
3941 ~~parks, libraries, and community centers to the extent possible.~~

3942 2.3. Specify uniform, districtwide level-of-service  
3943 standards for public schools of the same type and the process  
3944 for modifying the adopted level-of-service standards.

3945 ~~4. Establish a process for the preparation, amendment, and~~  
3946 ~~joint approval by each local government and the school board of~~  
3947 ~~a public school capital facilities program which is financially~~  
3948 ~~feasible, and a process and schedule for incorporation of the~~  
3949 ~~public school capital facilities program into the local~~  
3950 ~~government comprehensive plans on an annual basis.~~

3951 3.5. Define the geographic application of school  
3952 concurrency. If school concurrency is to be applied on a less  
3953 than districtwide basis in the form of concurrency service  
3954 areas, the agreement shall establish criteria and standards for  
3955 the establishment and modification of school concurrency service  
3956 areas. ~~The agreement shall also establish a process and schedule~~



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3957 ~~for the mandatory incorporation of the school concurrency~~  
3958 ~~service areas and the criteria and standards for establishment~~  
3959 ~~of the service areas into the local government comprehensive~~  
3960 ~~plans.~~ The agreement shall ensure maximum utilization of school  
3961 capacity, taking into account transportation costs and court-  
3962 approved desegregation plans, as well as other factors. ~~The~~  
3963 ~~agreement shall also ensure the achievement and maintenance of~~  
3964 ~~the adopted level of service standards for the geographic area~~  
3965 ~~of application throughout the 5 years covered by the public~~  
3966 ~~school capital facilities plan and thereafter by adding a new~~  
3967 ~~fifth year during the annual update.~~

3968 ~~4.6.~~ Establish a uniform districtwide procedure for  
3969 implementing school concurrency which provides for:

3970 a. The evaluation of development applications for  
3971 compliance with school concurrency requirements, including  
3972 information provided by the school board on affected schools,  
3973 impact on levels of service, and programmed improvements for  
3974 affected schools and any options to provide sufficient capacity;

3975 b. An opportunity for the school board to review and  
3976 comment on the effect of comprehensive plan amendments and  
3977 rezonings on the public school facilities plan; and

3978 c. The monitoring and evaluation of the school concurrency  
3979 system.

3980 ~~7. Include provisions relating to amendment of the~~  
3981 ~~agreement.~~

3982 ~~5.8.~~ A process and uniform methodology for determining  
3983 proportionate-share mitigation pursuant to subparagraph ~~(h)(e)~~1.

3984 ~~(k)(h) Local government authority.~~ This subsection does not  
3985 limit the authority of a local government to grant or deny a



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3986 development permit or its functional equivalent prior to the  
3987 implementation of school concurrency.

3988 ~~(14) The state land planning agency shall, by October 1,~~  
3989 ~~1998, adopt by rule minimum criteria for the review and~~  
3990 ~~determination of compliance of a public school facilities~~  
3991 ~~element adopted by a local government for purposes of imposition~~  
3992 ~~of school concurrency.~~

3993 (15) (a) Multimodal transportation districts may be  
3994 established under a local government comprehensive plan in areas  
3995 delineated on the future land use map for which the local  
3996 comprehensive plan assigns secondary priority to vehicle  
3997 mobility and primary priority to assuring a safe, comfortable,  
3998 and attractive pedestrian environment, with convenient  
3999 interconnection to transit. Such districts must incorporate  
4000 community design features that will reduce the number of  
4001 automobile trips or vehicle miles of travel and will support an  
4002 integrated, multimodal transportation system. Prior to the  
4003 designation of multimodal transportation districts, the  
4004 Department of Transportation shall be consulted by the local  
4005 government to assess the impact that the proposed multimodal  
4006 district area is expected to have on the adopted level-of-  
4007 service standards established for Strategic Intermodal System  
4008 facilities, as defined in s. 339.64, and roadway facilities  
4009 funded in accordance with s. 339.2819. Further, the local  
4010 government shall, in cooperation with the Department of  
4011 Transportation, develop a plan to mitigate any impacts to the  
4012 Strategic Intermodal System, ~~including the development of a~~  
4013 ~~long term concurrency management system pursuant to subsection~~  
4014 ~~(9) and s. 163.3177(3)(d).~~ Multimodal transportation districts



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4015 existing prior to July 1, 2005, shall meet, at a minimum, the  
4016 provisions of this section by July 1, 2006, or at the time of  
4017 the comprehensive plan update pursuant to the evaluation and  
4018 appraisal report, whichever occurs last.

4019 (b) Community design elements of such a district include: a  
4020 complementary mix and range of land uses, including educational,  
4021 recreational, and cultural uses; interconnected networks of  
4022 streets designed to encourage walking and bicycling, with  
4023 traffic-calming where desirable; appropriate densities and  
4024 intensities of use within walking distance of transit stops;  
4025 daily activities within walking distance of residences, allowing  
4026 independence to persons who do not drive; public uses, streets,  
4027 and squares that are safe, comfortable, and attractive for the  
4028 pedestrian, with adjoining buildings open to the street and with  
4029 parking not interfering with pedestrian, transit, automobile,  
4030 and truck travel modes.

4031 (c) Local governments may establish multimodal level-of-  
4032 service standards that rely primarily on nonvehicular modes of  
4033 transportation within the district, when justified by an  
4034 analysis demonstrating that the existing and planned community  
4035 design will provide an adequate level of mobility within the  
4036 district based upon professionally accepted multimodal level-of-  
4037 service methodologies. The analysis must also demonstrate that  
4038 the capital improvements required to promote community design  
4039 are financially feasible over the development or redevelopment  
4040 timeframe for the district and that community design features  
4041 within the district provide convenient interconnection for a  
4042 multimodal transportation system. Local governments may issue  
4043 development permits in reliance upon all planned community



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4044 design capital improvements that are financially feasible over  
4045 the development or redevelopment timeframe for the district,  
4046 without regard to the period of time between development or  
4047 redevelopment and the scheduled construction of the capital  
4048 improvements. A determination of financial feasibility shall be  
4049 based upon currently available funding or funding sources that  
4050 could reasonably be expected to become available over the  
4051 planning period.

4052 (d) Local governments may reduce impact fees or local  
4053 access fees for development within multimodal transportation  
4054 districts based on the reduction of vehicle trips per household  
4055 or vehicle miles of travel expected from the development pattern  
4056 planned for the district.

4057 ~~(16) It is the intent of the Legislature to provide a~~  
4058 ~~method by which the impacts of development on transportation~~  
4059 ~~facilities can be mitigated by the cooperative efforts of the~~  
4060 ~~public and private sectors. The methodology used to calculate~~  
4061 ~~proportionate fair-share mitigation under this section shall be~~  
4062 ~~as provided for in subsection (12).~~

4063 ~~(a) By December 1, 2006, each local government shall adopt~~  
4064 ~~by ordinance a methodology for assessing proportionate fair-~~  
4065 ~~share mitigation options. By December 1, 2005, the Department of~~  
4066 ~~Transportation shall develop a model transportation concurrency~~  
4067 ~~management ordinance with methodologies for assessing~~  
4068 ~~proportionate fair-share mitigation options.~~

4069 ~~(b)1. In its transportation concurrency management system,~~  
4070 ~~a local government shall, by December 1, 2006, include~~  
4071 ~~methodologies that will be applied to calculate proportionate~~  
4072 ~~fair-share mitigation. A developer may choose to satisfy all~~



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4073 ~~transportation concurrency requirements by contributing or~~  
4074 ~~paying proportionate fair-share mitigation if transportation~~  
4075 ~~facilities or facility segments identified as mitigation for~~  
4076 ~~traffic impacts are specifically identified for funding in the~~  
4077 ~~5-year schedule of capital improvements in the capital~~  
4078 ~~improvements element of the local plan or the long-term~~  
4079 ~~concurrency management system or if such contributions or~~  
4080 ~~payments to such facilities or segments are reflected in the 5-~~  
4081 ~~year schedule of capital improvements in the next regularly~~  
4082 ~~scheduled update of the capital improvements element. Updates to~~  
4083 ~~the 5-year capital improvements element which reflect~~  
4084 ~~proportionate fair-share contributions may not be found not in~~  
4085 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~  
4086 ~~additional contributions, payments or funding sources are~~  
4087 ~~reasonably anticipated during a period not to exceed 10 years to~~  
4088 ~~fully mitigate impacts on the transportation facilities.~~

4089 ~~2. Proportionate fair-share mitigation shall be applied as~~  
4090 ~~a credit against impact fees to the extent that all or a portion~~  
4091 ~~of the proportionate fair-share mitigation is used to address~~  
4092 ~~the same capital infrastructure improvements contemplated by the~~  
4093 ~~local government's impact fee ordinance.~~

4094 ~~(c) Proportionate fair-share mitigation includes, without~~  
4095 ~~limitation, separately or collectively, private funds,~~  
4096 ~~contributions of land, and construction and contribution of~~  
4097 ~~facilities and may include public funds as determined by the~~  
4098 ~~local government. Proportionate fair-share mitigation may be~~  
4099 ~~directed toward one or more specific transportation improvements~~  
4100 ~~reasonably related to the mobility demands created by the~~  
4101 ~~development and such improvements may address one or more modes~~



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4102 ~~of travel. The fair market value of the proportionate fair share~~  
4103 ~~mitigation shall not differ based on the form of mitigation. A~~  
4104 ~~local government may not require a development to pay more than~~  
4105 ~~its proportionate fair share contribution regardless of the~~  
4106 ~~method of mitigation. Proportionate fair share mitigation shall~~  
4107 ~~be limited to ensure that a development meeting the requirements~~  
4108 ~~of this section mitigates its impact on the transportation~~  
4109 ~~system but is not responsible for the additional cost of~~  
4110 ~~reducing or eliminating backlogs.~~

4111 ~~(d) This subsection does not require a local government to~~  
4112 ~~approve a development that is not otherwise qualified for~~  
4113 ~~approval pursuant to the applicable local comprehensive plan and~~  
4114 ~~land development regulations.~~

4115 ~~(e) Mitigation for development impacts to facilities on the~~  
4116 ~~Strategic Intermodal System made pursuant to this subsection~~  
4117 ~~requires the concurrence of the Department of Transportation.~~

4118 ~~(f) If the funds in an adopted 5-year capital improvements~~  
4119 ~~element are insufficient to fully fund construction of a~~  
4120 ~~transportation improvement required by the local government's~~  
4121 ~~concurrency management system, a local government and a~~  
4122 ~~developer may still enter into a binding proportionate share~~  
4123 ~~agreement authorizing the developer to construct that amount of~~  
4124 ~~development on which the proportionate share is calculated if~~  
4125 ~~the proportionate share amount in such agreement is sufficient~~  
4126 ~~to pay for one or more improvements which will, in the opinion~~  
4127 ~~of the governmental entity or entities maintaining the~~  
4128 ~~transportation facilities, significantly benefit the impacted~~  
4129 ~~transportation system. The improvements funded by the~~  
4130 ~~proportionate share component must be adopted into the 5-year~~



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4131 ~~capital improvements schedule of the comprehensive plan at the~~  
4132 ~~next annual capital improvements element update. The funding of~~  
4133 ~~any improvements that significantly benefit the impacted~~  
4134 ~~transportation system satisfies concurrency requirements as a~~  
4135 ~~mitigation of the development's impact upon the overall~~  
4136 ~~transportation system even if there remains a failure of~~  
4137 ~~concurrency on other impacted facilities.~~

4138 ~~(g) Except as provided in subparagraph (b)1., this section~~  
4139 ~~may not prohibit the Department of Community Affairs from~~  
4140 ~~finding other portions of the capital improvements element~~  
4141 ~~amendments not in compliance as provided in this chapter.~~

4142 ~~(h) The provisions of this subsection do not apply to a~~  
4143 ~~development of regional impact satisfying the requirements of~~  
4144 ~~subsection (12).~~

4145 ~~(i) As used in this subsection, the term "backlog" means a~~  
4146 ~~facility or facilities on which the adopted level of service~~  
4147 ~~standard is exceeded by the existing trips, plus additional~~  
4148 ~~projected background trips from any source other than the~~  
4149 ~~development project under review that are forecast by~~  
4150 ~~established traffic standards, including traffic modeling,~~  
4151 ~~consistent with the University of Florida Bureau of Economic and~~  
4152 ~~Business Research medium population projections. Additional~~  
4153 ~~projected background trips are to be coincident with the~~  
4154 ~~particular stage or phase of development under review.~~

4155 ~~(17) A local government and the developer of affordable~~  
4156 ~~workforce housing units developed in accordance with s.~~  
4157 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~  
4158 ~~or centers in close proximity to the affordable workforce~~  
4159 ~~housing units. If at least 50 percent of the units are occupied~~





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4160 ~~by an employee or employees of an identified employment center~~  
4161 ~~or centers, all of the affordable workforce housing units are~~  
4162 ~~exempt from transportation concurrency requirements, and the~~  
4163 ~~local government may not reduce any transportation trip-~~  
4164 ~~generation entitlements of an approved development-of-regional-~~  
4165 ~~impact development order. As used in this subsection, the term~~  
4166 ~~"close proximity" means 5 miles from the nearest point of the~~  
4167 ~~development of regional impact to the nearest point of the~~  
4168 ~~employment center, and the term "employment center" means a~~  
4169 ~~place of employment that employs at least 25 or more full-time~~  
4170 ~~employees.~~

4171  
4172 Section 12. Subsection (5) is reenacted to section  
4173 163.31801, Florida Statutes, and subsection (6) is added to that  
4174 section to read:

4175 163.31801 Impact fees; short title; intent; definitions;  
4176 ordinances levying impact fees.-

4177 (5) In any action challenging an impact fee, the government  
4178 has the burden of proving by a preponderance of the evidence  
4179 that the imposition or amount of the fee meets the requirements  
4180 of state legal precedent or this section. The court may not use  
4181 a deferential standard.

4182 (6) Notwithstanding any law, ordinance, or resolution to  
4183 the contrary, a county, municipality, or special district may  
4184 not increase any existing impact fees or impose any new impact  
4185 fees on nonresidential development. This subsection does not  
4186 affect impact fees pledged or obligated to the retirement of  
4187 debt; impact fee increases that were previously enacted by law,  
4188 ordinance, or resolution and phased in over time or included a



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4189 consumer price index or other yearly escalator; or impact fees  
4190 for water or wastewater facilities. This subsection expires July  
4191 1, 2013.

4192 Section 13. Section 163.3182, Florida Statutes, is amended  
4193 to read:

4194 163.3182 Transportation deficiencies ~~concurrency backlogs~~.—

4195 (1) DEFINITIONS.—For purposes of this section, the term:

4196 (a) "Transportation deficiency ~~concurrency backlog~~ area"  
4197 means the geographic area within the unincorporated portion of a  
4198 county or within the municipal boundary of a municipality  
4199 designated in a local government comprehensive plan for which a  
4200 transportation development ~~concurrency backlog~~ authority is  
4201 created pursuant to this section. A transportation deficiency  
4202 ~~concurrency backlog~~ area created within the corporate boundary  
4203 of a municipality shall be made pursuant to an interlocal  
4204 agreement between a county, a municipality or municipalities,  
4205 and any affected taxing authority or authorities.

4206 (b) "Authority" or "transportation development ~~concurrency~~  
4207 ~~backlog~~ authority" means the governing body of a county or  
4208 municipality within which an authority is created.

4209 (c) "Governing body" means the council, commission, or  
4210 other legislative body charged with governing the county or  
4211 municipality within which a transportation deficiency  
4212 ~~concurrency backlog~~ authority is created pursuant to this  
4213 section.

4214 (d) "Transportation deficiency ~~concurrency backlog~~" means  
4215 an identified need ~~deficiency~~ where the existing and projected  
4216 extent of traffic or projected traffic volume exceeds the level  
4217 of service standard adopted in a local government comprehensive



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4218 plan for a transportation facility.

4219 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"  
4220 means the plan adopted as part of a local government  
4221 comprehensive plan by the governing body of a county or  
4222 municipality acting as a transportation development ~~concurrency~~  
4223 ~~backlog~~ authority.

4224 (f) "Transportation ~~concurrency backlog~~ project" means any  
4225 designated transportation project that will mitigate a  
4226 deficiency identified in a transportation deficiency plan  
4227 ~~identified for construction within the jurisdiction of a~~  
4228 ~~transportation concurrency backlog authority.~~

4229 (g) "Debt service millage" means any millage levied  
4230 pursuant to s. 12, Art. VII of the State Constitution.

4231 (h) "Increment revenue" means the amount calculated  
4232 pursuant to subsection (5).

4233 (i) "Taxing authority" means a public body that levies or  
4234 is authorized to levy an ad valorem tax on real property located  
4235 within a transportation deficiency ~~concurrency backlog~~ area,  
4236 except a school district.

4237 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
4238 ~~BACKLOG~~ AUTHORITIES.—

4239 (a) A county or municipality may create a transportation  
4240 development ~~concurrency backlog~~ authority if it has an  
4241 identified transportation deficiency ~~concurrency backlog~~.

4242 (b) Acting as the transportation development ~~concurrency~~  
4243 ~~backlog~~ authority within the authority's jurisdictional  
4244 boundary, the governing body of a county or municipality shall  
4245 adopt and implement a plan to eliminate all identified  
4246 transportation deficiencies ~~concurrency backlogs~~ within the



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4247 authority's jurisdiction using funds provided pursuant to  
4248 subsection (5) and as otherwise provided pursuant to this  
4249 section.

4250 (c) The Legislature finds and declares that there exist in  
4251 many counties and municipalities areas that have significant  
4252 transportation deficiencies and inadequate transportation  
4253 facilities; that many insufficiencies and inadequacies severely  
4254 limit or prohibit the satisfaction of adopted transportation  
4255 level-of-service ~~concurrency~~ standards; that the transportation  
4256 insufficiencies and inadequacies affect the health, safety, and  
4257 welfare of the residents of these counties and municipalities;  
4258 that the transportation insufficiencies and inadequacies  
4259 adversely affect economic development and growth of the tax base  
4260 for the areas in which these insufficiencies and inadequacies  
4261 exist; and that the elimination of transportation deficiencies  
4262 and inadequacies and the satisfaction of transportation level-  
4263 of-service ~~concurrency~~ standards are paramount public purposes  
4264 for the state and its counties and municipalities.

4265 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
4266 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~  
4267 ~~backlog~~ authority created pursuant to this section has the  
4268 powers necessary or convenient to carry out the purposes of this  
4269 section, including the following powers in addition to others  
4270 granted in this section:

4271 (a) To make and execute contracts and other instruments  
4272 necessary or convenient to the exercise of its powers under this  
4273 section.

4274 (b) To undertake and carry out transportation ~~concurrency~~  
4275 ~~backlog~~ projects for transportation facilities ~~that have~~



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4276 designed to relieve transportation deficiencies ~~a concurrency~~  
4277 ~~backlog~~ within the authority's jurisdiction. ~~Concurrency backlog~~  
4278 Transportation projects may include transportation facilities  
4279 that provide for alternative modes of travel including  
4280 sidewalks, bikeways, and mass transit which are related to a  
4281 deficient ~~backlogged~~ transportation facility.

4282 (c) To invest any transportation ~~concurrency backlog~~ funds  
4283 held in reserve, sinking funds, or any such funds not required  
4284 for immediate disbursement in property or securities in which  
4285 savings banks may legally invest funds subject to the control of  
4286 the authority and to redeem such bonds as have been issued  
4287 pursuant to this section at the redemption price established  
4288 therein, or to purchase such bonds at less than redemption  
4289 price. All such bonds redeemed or purchased shall be canceled.

4290 (d) To borrow money, including, but not limited to, issuing  
4291 debt obligations such as, but not limited to, bonds, notes,  
4292 certificates, and similar debt instruments; to apply for and  
4293 accept advances, loans, grants, contributions, and any other  
4294 forms of financial assistance from the Federal Government or the  
4295 state, county, or any other public body or from any sources,  
4296 public or private, for the purposes of this part; to give such  
4297 security as may be required; to enter into and carry out  
4298 contracts or agreements; and to include in any contracts for  
4299 financial assistance with the Federal Government for or with  
4300 respect to a transportation ~~concurrency backlog~~ project and  
4301 related activities such conditions imposed under federal laws as  
4302 the transportation deficiency ~~concurrency backlog~~ authority  
4303 considers reasonable and appropriate and which are not  
4304 inconsistent with the purposes of this section.



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4305 (e) To make or have made all surveys and plans necessary to  
4306 the carrying out of the purposes of this section; to contract  
4307 with any persons, public or private, in making and carrying out  
4308 such plans; and to adopt, approve, modify, or amend such  
4309 transportation sufficiency ~~concurrency backlog~~ plans.

4310 (f) To appropriate such funds and make such expenditures as  
4311 are necessary to carry out the purposes of this section, and to  
4312 enter into agreements with other public bodies, which agreements  
4313 may extend over any period notwithstanding any provision or rule  
4314 of law to the contrary.

4315 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.-

4316 ~~(a)~~ Each transportation development ~~concurrency backlog~~  
4317 authority shall adopt a transportation sufficiency ~~concurrency~~  
4318 ~~backlog~~ plan as a part of the local government comprehensive  
4319 plan within 6 months after the creation of the authority. The  
4320 plan must:

4321 (a)~~1.~~ Identify all transportation facilities that have been  
4322 designated as deficient and require the expenditure of moneys to  
4323 upgrade, modify, or mitigate the deficiency.

4324 (b)~~2.~~ Include a priority listing of all transportation  
4325 facilities that have been designated as deficient and do not  
4326 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and  
4327 the applicable local government comprehensive plan.

4328 (c)~~3.~~ Establish a schedule for financing and construction  
4329 of transportation ~~concurrency backlog~~ projects that will  
4330 eliminate transportation deficiencies ~~concurrency backlogs~~  
4331 within the jurisdiction of the authority within 10 years after  
4332 the transportation sufficiency ~~concurrency backlog~~ plan  
4333 adoption. If the utilization of mass transit is selected as all



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4334 or part of the system solution, the improvements and service may  
4335 extend outside the area of the transportation deficiency areas  
4336 to the planned terminus of the improvement as long as the  
4337 improvement provides capacity enhancements to a larger  
4338 intermodal system. The schedule shall be adopted as part of the  
4339 local government comprehensive plan.

4340 ~~(b) The adoption of the transportation concurrency backlog~~  
4341 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4342  
4343 Notwithstanding such schedule requirements, as long as the  
4344 schedule provides for the elimination of all transportation  
4345 deficiencies ~~concurrency backlogs~~ within 10 years after the  
4346 adoption of the transportation sufficiency ~~concurrency backlog~~  
4347 plan, the final maturity date of any debt incurred to finance or  
4348 refinance the related projects may be no later than 40 years  
4349 after the date the debt is incurred and the authority may  
4350 continue operations and administer the trust fund established as  
4351 provided in subsection (5) for as long as the debt remains  
4352 outstanding.

4353 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation  
4354 development ~~concurrency backlog~~ authority shall establish a  
4355 local transportation ~~concurrency backlog~~ trust fund upon  
4356 creation of the authority. Each local trust fund shall be  
4357 administered by the transportation development ~~concurrency~~  
4358 ~~backlog~~ authority within which a transportation deficiencies  
4359 have ~~concurrency backlog~~ has been identified. Each local trust  
4360 fund must continue to be funded under this section for as long  
4361 as the projects set forth in the related transportation  
4362 sufficiency ~~concurrency backlog~~ plan remain to be completed or



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4363 until any debt incurred to finance or refinance the related  
4364 projects is no longer outstanding, whichever occurs later.  
4365 Beginning in the first fiscal year after the creation of the  
4366 authority, each local trust fund shall be funded by the proceeds  
4367 of an ad valorem tax increment collected within each  
4368 transportation deficiency ~~concurrency backlog~~ area to be  
4369 determined annually and shall be a minimum of 25 percent of the  
4370 difference between the amounts set forth in paragraphs (a) and  
4371 (b), except that if all of the affected taxing authorities agree  
4372 under an interlocal agreement, a particular local trust fund may  
4373 be funded by the proceeds of an ad valorem tax increment greater  
4374 than 25 percent of the difference between the amounts set forth  
4375 in paragraphs (a) and (b):

4376 (a) The amount of ad valorem tax levied each year by each  
4377 taxing authority, exclusive of any amount from any debt service  
4378 millage, on taxable real property contained within the  
4379 jurisdiction of the transportation development ~~concurrency~~  
4380 ~~backlog~~ authority and within the transportation deficiency  
4381 ~~backlog~~ area; and

4382 (b) The amount of ad valorem taxes which would have been  
4383 produced by the rate upon which the tax is levied each year by  
4384 or for each taxing authority, exclusive of any debt service  
4385 millage, upon the total of the assessed value of the taxable  
4386 real property within the transportation deficiency ~~concurrency~~  
4387 ~~backlog~~ area as shown on the most recent assessment roll used in  
4388 connection with the taxation of such property of each taxing  
4389 authority prior to the effective date of the ordinance funding  
4390 the trust fund.

4391 (6) EXEMPTIONS.—





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4392 (a) The following public bodies or taxing authorities are  
4393 exempt from the provisions of this section:

4394 1. A special district that levies ad valorem taxes on  
4395 taxable real property in more than one county.

4396 2. A special district for which the sole available source  
4397 of revenue is the authority to levy ad valorem taxes at the time  
4398 an ordinance is adopted under this section. However, revenues or  
4399 aid that may be dispensed or appropriated to a district as  
4400 defined in s. 388.011 at the discretion of an entity other than  
4401 such district shall not be deemed available.

4402 3. A library district.

4403 4. A neighborhood improvement district created under the  
4404 Safe Neighborhoods Act.

4405 5. A metropolitan transportation authority.

4406 6. A water management district created under s. 373.069.

4407 7. A community redevelopment agency.

4408 (b) A transportation development ~~concurrency exemption~~  
4409 authority may also exempt from this section a special district  
4410 that levies ad valorem taxes within the transportation  
4411 deficiency ~~concurrency backlog~~ area pursuant to s.  
4412 163.387(2) (d).

4413 (7) TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~ SATISFACTION.—  
4414 Upon adoption of a transportation sufficiency ~~concurrency~~  
4415 ~~backlog~~ plan as a part of the local government comprehensive  
4416 plan, and the plan going into effect, the area subject to the  
4417 plan shall be deemed to have achieved and maintained  
4418 transportation level-of-service standards, and to have met  
4419 requirements for financial feasibility for transportation  
4420 facilities, ~~and for the purpose of proposed development~~



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4421 ~~transportation concurrency has been satisfied.~~ Proportionate  
4422 fair-share mitigation shall be limited to ensure that a  
4423 development inside a transportation deficiency ~~concurrency~~  
4424 ~~backlog~~ area is not responsible for the additional costs of  
4425 eliminating deficiencies ~~backlogs~~.

4426 (8) DISSOLUTION.—Upon completion of all transportation  
4427 ~~concurrency backlog~~ projects identified in the transportation  
4428 sufficiency plan and repayment or defeasance of all debt issued  
4429 to finance or refinance such projects, a transportation  
4430 development ~~concurrency backlog~~ authority shall be dissolved,  
4431 and its assets and liabilities transferred to the county or  
4432 municipality within which the authority is located. All  
4433 remaining assets of the authority must be used for  
4434 implementation of transportation projects within the  
4435 jurisdiction of the authority. The local government  
4436 comprehensive plan shall be amended to remove the transportation  
4437 deficiency ~~concurrency backlog~~ plan.

4438 Section 14. Section 163.3184, Florida Statutes, is amended  
4439 to read:

4440 163.3184 Process for adoption of comprehensive plan or plan  
4441 amendment.—

4442 (1) DEFINITIONS.—As used in this section, the term:

4443 (a) "Affected person" includes the affected local  
4444 government; persons owning property, residing, or owning or  
4445 operating a business within the boundaries of the local  
4446 government whose plan is the subject of the review; owners of  
4447 real property abutting real property that is the subject of a  
4448 proposed change to a future land use map; and adjoining local  
4449 governments that can demonstrate that the plan or plan amendment



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4450 will produce substantial impacts on the increased need for  
4451 publicly funded infrastructure or substantial impacts on areas  
4452 designated for protection or special treatment within their  
4453 jurisdiction. Each person, other than an adjoining local  
4454 government, in order to qualify under this definition, shall  
4455 also have submitted oral or written comments, recommendations,  
4456 or objections to the local government during the period of time  
4457 beginning with the transmittal hearing for the plan or plan  
4458 amendment and ending with the adoption of the plan or plan  
4459 amendment.

4460 (b) "In compliance" means consistent with the requirements  
4461 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and  
4462 163.3248 ~~with the state comprehensive plan,~~ with the appropriate  
4463 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~  
4464 ~~Administrative Code, where such rule is not inconsistent with~~  
4465 ~~this part~~ and with the principles for guiding development in  
4466 designated areas of critical state concern and with part III of  
4467 chapter 369, where applicable.

4468 (c) "Reviewing agencies" means:

4469 1. The state land planning agency;

4470 2. The appropriate regional planning council;

4471 3. The appropriate water management district;

4472 4. The Department of Environmental Protection;

4473 5. The Department of State;

4474 6. The Department of Transportation;

4475 7. In the case of plan amendments relating to public  
4476 schools, the Department of Education;

4477 8. In the case of plans or plan amendments that affect a  
4478 military installation listed in s. 163.3175, the commanding



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4479 officer of the affected military installation;

4480 9. In the case of county plans and plan amendments, the  
4481 Fish and Wildlife Conservation Commission and the Department of  
4482 Agriculture and Consumer Services; and

4483 10. In the case of municipal plans and plan amendments, the  
4484 county in which the municipality is located.

4485 (2) COORDINATION.—Each comprehensive plan or plan amendment  
4486 proposed to be adopted pursuant to this part, except amendments  
4487 adopted pursuant to ss. 163.32465 or 163.3187(1)(c) and (3),  
4488 shall be transmitted, adopted, and reviewed in the manner  
4489 prescribed in this section. The state land planning agency shall  
4490 have responsibility for plan review, coordination, and the  
4491 preparation and transmission of comments, pursuant to this  
4492 section, to the local governing body responsible for the  
4493 comprehensive plan. The state land planning agency shall  
4494 maintain a single file concerning any proposed or adopted plan  
4495 amendment submitted by a local government for any review under  
4496 this section. Copies of all correspondence, papers, notes,  
4497 memoranda, and other documents received or generated by the  
4498 state land planning agency must be placed in the appropriate  
4499 file. Paper copies of all electronic mail correspondence must be  
4500 placed in the file. The file and its contents must be available  
4501 for public inspection and copying as provided in chapter 119.

4502 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR  
4503 AMENDMENT.—

4504 (a) Each local governing body shall transmit the complete  
4505 proposed comprehensive plan or plan amendment to the reviewing  
4506 agencies ~~state land planning agency, the appropriate regional~~  
4507 ~~planning council and water management district, the Department~~



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4508 ~~of Environmental Protection, the Department of State, and the~~  
4509 ~~Department of Transportation, and, in the case of municipal~~  
4510 ~~plans, to the appropriate county, and, in the case of county~~  
4511 ~~plans, to the Fish and Wildlife Conservation Commission and the~~  
4512 ~~Department of Agriculture and Consumer Services, immediately~~  
4513 following a public hearing pursuant to subsection (15) ~~as~~  
4514 ~~specified in the state land planning agency's procedural rules.~~  
4515 The local governing body shall also transmit a copy of the  
4516 complete proposed comprehensive plan or plan amendment to any  
4517 other unit of local government or government agency in the state  
4518 that has filed a written request with the governing body for the  
4519 plan or plan amendment. The local government may request a  
4520 review by the state land planning agency pursuant to subsection  
4521 (6) at the time of the transmittal of an amendment.

4522 (b) A local governing body shall not transmit portions of a  
4523 plan or plan amendment unless it has previously provided to all  
4524 state agencies designated by the state land planning agency a  
4525 complete copy of its adopted comprehensive plan pursuant to  
4526 subsection (7) ~~and as specified in the agency's procedural~~  
4527 ~~rules.~~ In the case of comprehensive plan amendments, the local  
4528 governing body shall transmit to the state land planning agency,  
4529 the other reviewing agencies ~~appropriate regional planning~~  
4530 ~~council and water management district, the Department of~~  
4531 ~~Environmental Protection, the Department of State, and the~~  
4532 ~~Department of Transportation, and, in the case of municipal~~  
4533 ~~plans, to the appropriate county and, in the case of county~~  
4534 ~~plans, to the Fish and Wildlife Conservation Commission and the~~  
4535 ~~Department of Agriculture and Consumer Services~~ the supporting  
4536 materials ~~specified in the state land planning agency's~~



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4537 ~~procedural rules~~ and, in cases in which the plan amendment is a  
4538 result of an evaluation and appraisal report adopted pursuant to  
4539 s. 163.3191, a copy of the evaluation and appraisal report.  
4540 Local governing bodies shall consolidate all proposed plan  
4541 amendments into a single submission for each of the two plan  
4542 amendment adoption dates during the calendar year pursuant to s.  
4543 163.3187.

4544 (c) A local government may adopt a proposed plan amendment  
4545 previously transmitted pursuant to this subsection, unless  
4546 review is requested or otherwise initiated pursuant to  
4547 subsection (6).

4548 (d) In cases in which a local government transmits multiple  
4549 individual amendments that can be clearly and legally separated  
4550 and distinguished for the purpose of determining whether to  
4551 review the proposed amendment, and the state land planning  
4552 agency elects to review several or a portion of the amendments  
4553 and the local government chooses to immediately adopt the  
4554 remaining amendments not reviewed, the amendments immediately  
4555 adopted and any reviewed amendments that the local government  
4556 subsequently adopts together constitute one amendment cycle in  
4557 accordance with s. 163.3187(1).

4558 (e) At the request of an applicant, a local government  
4559 shall consider an application for zoning changes that would be  
4560 required to properly enact the provisions of any proposed plan  
4561 amendment transmitted pursuant to this subsection. Zoning  
4562 changes approved by the local government are contingent upon the  
4563 comprehensive plan or plan amendment transmitted becoming  
4564 effective.

4565 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies



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4566 specified in paragraph (3)(a) shall provide comments to the  
4567 state land planning agency within 30 days after receipt by the  
4568 state land planning agency of the complete proposed plan  
4569 amendment. ~~If the plan or plan amendment includes or relates to~~  
4570 ~~the public school facilities element pursuant to s.~~  
4571 ~~163.3177(12), the state land planning agency shall submit a copy~~  
4572 ~~to the Office of Educational Facilities of the Commissioner of~~  
4573 ~~Education for review and comment.~~ The appropriate regional  
4574 planning council shall also provide its written comments to the  
4575 state land planning agency within 30 days after receipt by the  
4576 state land planning agency of the complete proposed plan  
4577 amendment and shall specify any objections, recommendations for  
4578 modifications, and comments of any other regional agencies to  
4579 which the regional planning council may have referred the  
4580 proposed plan amendment. Written comments submitted by the  
4581 public within 30 days after notice of transmittal by the local  
4582 government of the proposed plan amendment will be considered as  
4583 if submitted by governmental agencies. All written agency and  
4584 public comments must be made part of the file maintained under  
4585 subsection (2).

4586 (5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.—The review of  
4587 the regional planning council pursuant to subsection (4) shall  
4588 be limited to effects on regional resources or facilities  
4589 identified in the strategic regional policy plan and  
4590 extrajurisdictional impacts which would be inconsistent with the  
4591 comprehensive plan of the affected local government. However,  
4592 any inconsistency between a local plan or plan amendment and a  
4593 strategic regional policy plan must not be the sole basis for a  
4594 notice of intent to find a local plan or plan amendment not in



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4595 compliance with this act. A regional planning council shall not  
4596 review and comment on a proposed comprehensive plan it prepared  
4597 itself unless the plan has been changed by the local government  
4598 subsequent to the preparation of the plan by the regional  
4599 planning agency. The review of the county land planning agency  
4600 pursuant to subsection (4) shall be primarily in the context of  
4601 the relationship and effect of the proposed plan amendment on  
4602 any county comprehensive plan element. Any review by  
4603 municipalities will be primarily in the context of the  
4604 relationship and effect on the municipal plan.

4605 (6) STATE LAND PLANNING AGENCY REVIEW.—

4606 (a) The state land planning agency shall review a proposed  
4607 plan amendment upon request of a regional planning council,  
4608 affected person, or local government transmitting the plan  
4609 amendment. The request from the regional planning council or  
4610 affected person must be received within 30 days after  
4611 transmittal of the proposed plan amendment pursuant to  
4612 subsection (3). A regional planning council or affected person  
4613 requesting a review shall do so by submitting a written request  
4614 to the agency with a notice of the request to the local  
4615 government and any other person who has requested notice.

4616 (b) The state land planning agency may review any proposed  
4617 plan amendment regardless of whether a request for review has  
4618 been made, if the agency gives notice to the local government,  
4619 and any other person who has requested notice, of its intention  
4620 to conduct such a review within 35 days after receipt of the  
4621 complete proposed plan amendment.

4622 ~~(c) The state land planning agency shall establish by rule~~  
4623 ~~a schedule for receipt of comments from the various government~~





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4624 ~~agencies, as well as written public comments, pursuant to~~  
4625 ~~subsection (4).~~ If the state land planning agency elects to  
4626 review the amendment or the agency is required to review the  
4627 amendment as specified in paragraph (a), the agency shall issue  
4628 a report giving its objections, recommendations, and comments  
4629 regarding the proposed amendment within 60 days after receipt of  
4630 the complete proposed amendment by the state land planning  
4631 agency. When a federal, state, or regional agency has  
4632 implemented a permitting program, the state land planning agency  
4633 shall not require a local government to duplicate or exceed that  
4634 permitting program in its comprehensive plan or to implement  
4635 such a permitting program in its land development regulations.  
4636 Nothing contained herein shall prohibit the state land planning  
4637 agency in conducting its review of local plans or plan  
4638 amendments from making objections, recommendations, and comments  
4639 or making compliance determinations regarding densities and  
4640 intensities consistent with the provisions of this part. In  
4641 preparing its comments, the state land planning agency shall  
4642 only base its considerations on written, and not oral, comments,  
4643 from any source.

4644 (d) The state land planning agency review shall identify  
4645 all written communications with the agency regarding the  
4646 proposed plan amendment. If the state land planning agency does  
4647 not issue such a review, it shall identify in writing to the  
4648 local government all written communications received 30 days  
4649 after transmittal. The written identification must include a  
4650 list of all documents received or generated by the agency, which  
4651 list must be of sufficient specificity to enable the documents  
4652 to be identified and copies requested, if desired, and the name



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4653 of the person to be contacted to request copies of any  
4654 identified document. The list of documents must be made a part  
4655 of the public records of the state land planning agency.

4656 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN  
4657 OR AMENDMENTS AND TRANSMITTAL.—

4658 (a) The local government shall review the written comments  
4659 submitted to it by the state land planning agency, and any other  
4660 person, agency, or government. Any comments, recommendations, or  
4661 objections and any reply to them shall be public documents, a  
4662 part of the permanent record in the matter, and admissible in  
4663 any proceeding in which the comprehensive plan or plan amendment  
4664 may be at issue. The local government, upon receipt of written  
4665 comments from the state land planning agency, shall have 120  
4666 days to adopt or adopt with changes the proposed comprehensive  
4667 plan or s. 163.3191 plan amendments. In the case of  
4668 comprehensive plan amendments other than those proposed pursuant  
4669 to s. 163.3191, the local government shall have 60 days to adopt  
4670 the amendment, adopt the amendment with changes, or determine  
4671 that it will not adopt the amendment. The adoption of the  
4672 proposed plan or plan amendment or the determination not to  
4673 adopt a plan amendment, other than a plan amendment proposed  
4674 pursuant to s. 163.3191, shall be made in the course of a public  
4675 hearing pursuant to subsection (15). The local government shall  
4676 transmit the complete adopted comprehensive plan or plan  
4677 amendment, including the names and addresses of persons compiled  
4678 pursuant to paragraph (15)(c), to the state land planning agency  
4679 ~~as specified in the agency's procedural rules~~ within 10 working  
4680 days after adoption. The local governing body shall also  
4681 transmit a copy of the adopted comprehensive plan or plan



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4682 amendment to the regional planning agency and to any other unit  
4683 of local government or governmental agency in the state that has  
4684 filed a written request with the governing body for a copy of  
4685 the plan or plan amendment.

4686 (b) If the adopted plan amendment is unchanged from the  
4687 proposed plan amendment transmitted pursuant to subsection (3)  
4688 and an affected person as defined in paragraph (1) (a) did not  
4689 raise any objection, the state land planning agency did not  
4690 review the proposed plan amendment, and the state land planning  
4691 agency did not raise any objections during its review pursuant  
4692 to subsection (6), the local government may state in the  
4693 transmittal letter that the plan amendment is unchanged and was  
4694 not the subject of objections.

4695 (8) NOTICE OF INTENT.—

4696 (a) If the transmittal letter correctly states that the  
4697 plan amendment is unchanged and was not the subject of review or  
4698 objections pursuant to paragraph (7) (b), the state land planning  
4699 agency has 20 days after receipt of the transmittal letter  
4700 within which to issue a notice of intent that the plan amendment  
4701 is in compliance.

4702 (b) Except as provided in paragraph (a) or in s.  
4703 163.3187(3), the state land planning agency, upon receipt of a  
4704 local government's complete adopted comprehensive plan or plan  
4705 amendment, shall have 45 days for review and to determine if the  
4706 plan or plan amendment is in compliance with this act, unless  
4707 the amendment is the result of a compliance agreement entered  
4708 into under subsection (16), in which case the time period for  
4709 review and determination shall be 30 days. If review was not  
4710 conducted under subsection (6), the agency's determination must



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4711 be based upon the plan amendment as adopted. If review was  
4712 conducted under subsection (6), the agency's determination of  
4713 compliance must be based only upon one or both of the following:

4714 1. The state land planning agency's written comments to the  
4715 local government pursuant to subsection (6); or

4716 2. Any changes made by the local government to the  
4717 comprehensive plan or plan amendment as adopted.

4718 (c)1. During the time period provided for in this  
4719 subsection, the state land planning agency shall issue, through  
4720 a senior administrator or the secretary, ~~as specified in the~~  
4721 ~~agency's procedural rules,~~ a notice of intent to find that the  
4722 plan or plan amendment is in compliance or not in compliance. A  
4723 notice of intent shall be issued by publication in the manner  
4724 provided by this paragraph and by mailing a copy to the local  
4725 government. The advertisement shall be placed in that portion of  
4726 the newspaper where legal notices appear. The advertisement  
4727 shall be published in a newspaper that meets the size and  
4728 circulation requirements set forth in paragraph (15)(e) and that  
4729 has been designated in writing by the affected local government  
4730 at the time of transmittal of the amendment. Publication by the  
4731 state land planning agency of a notice of intent in the  
4732 newspaper designated by the local government shall be prima  
4733 facie evidence of compliance with the publication requirements  
4734 of this section. The state land planning agency shall post a  
4735 copy of the notice of intent on the agency's Internet site. The  
4736 agency shall, no later than the date the notice of intent is  
4737 transmitted to the newspaper, send by regular mail a courtesy  
4738 informational statement to persons who provide their names and  
4739 addresses to the local government at the transmittal hearing or



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4740 at the adoption hearing where the local government has provided  
4741 the names and addresses of such persons to the department at the  
4742 time of transmittal of the adopted amendment. The informational  
4743 statements shall include the name of the newspaper in which the  
4744 notice of intent will appear, the approximate date of  
4745 publication, the ordinance number of the plan or plan amendment,  
4746 and a statement that affected persons have 21 days after the  
4747 actual date of publication of the notice to file a petition.

4748 2. A local government that has an Internet site shall post  
4749 a copy of the state land planning agency's notice of intent on  
4750 the site within 5 days after receipt of the mailed copy of the  
4751 agency's notice of intent.

4752 (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

4753 (a) If the state land planning agency issues a notice of  
4754 intent to find that the comprehensive plan or plan amendment  
4755 transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,  
4756 or s. 163.3191 is in compliance with this act, any affected  
4757 person may file a petition with the agency pursuant to ss.  
4758 120.569 and 120.57 within 21 days after the publication of  
4759 notice. In this proceeding, the local plan or plan amendment  
4760 shall be determined to be in compliance if the local  
4761 government's determination of compliance is fairly debatable.

4762 (b) The hearing shall be conducted by an administrative law  
4763 judge of the Division of Administrative Hearings of the  
4764 Department of Management Services, who shall hold the hearing in  
4765 the county of and convenient to the affected local jurisdiction  
4766 and submit a recommended order to the state land planning  
4767 agency. The state land planning agency shall allow for the  
4768 filing of exceptions to the recommended order and shall issue a



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4769 final order after receipt of the recommended order if the state  
4770 land planning agency determines that the plan or plan amendment  
4771 is in compliance. If the state land planning agency determines  
4772 that the plan or plan amendment is not in compliance, the agency  
4773 shall submit the recommended order to the Administration  
4774 Commission for final agency action.

4775 (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN  
4776 COMPLIANCE.—

4777 (a) If the state land planning agency issues a notice of  
4778 intent to find the comprehensive plan or plan amendment not in  
4779 compliance with this act, the notice of intent shall be  
4780 forwarded to the Division of Administrative Hearings of the  
4781 Department of Management Services, which shall conduct a  
4782 proceeding under ss. 120.569 and 120.57 in the county of and  
4783 convenient to the affected local jurisdiction. The parties to  
4784 the proceeding shall be the state land planning agency, the  
4785 affected local government, and any affected person who  
4786 intervenes. No new issue may be alleged as a reason to find a  
4787 plan or plan amendment not in compliance in an administrative  
4788 pleading filed more than 21 days after publication of notice  
4789 unless the party seeking that issue establishes good cause for  
4790 not alleging the issue within that time period. Good cause shall  
4791 not include excusable neglect. In the proceeding, the local  
4792 government's determination that the comprehensive plan or plan  
4793 amendment is in compliance is presumed to be correct. The local  
4794 government's determination shall be sustained unless it is shown  
4795 by a preponderance of the evidence that the comprehensive plan  
4796 or plan amendment is not in compliance. The local government's  
4797 determination that elements of its plans are related to and



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4798 consistent with each other shall be sustained if the  
4799 determination is fairly debatable.

4800 (b) The administrative law judge assigned by the division  
4801 shall submit a recommended order to the Administration  
4802 Commission for final agency action.

4803 (c) Prior to the hearing, the state land planning agency  
4804 shall afford an opportunity to mediate or otherwise resolve the  
4805 dispute. If a party to the proceeding requests mediation or  
4806 other alternative dispute resolution, the hearing may not be  
4807 held until the state land planning agency advises the  
4808 administrative law judge in writing of the results of the  
4809 mediation or other alternative dispute resolution. However, the  
4810 hearing may not be delayed for longer than 90 days for mediation  
4811 or other alternative dispute resolution unless a longer delay is  
4812 agreed to by the parties to the proceeding. The costs of the  
4813 mediation or other alternative dispute resolution shall be borne  
4814 equally by all of the parties to the proceeding.

4815 (11) ADMINISTRATION COMMISSION.—

4816 (a) If the Administration Commission, upon a hearing  
4817 pursuant to subsection (9) or subsection (10), finds that the  
4818 comprehensive plan or plan amendment is not in compliance with  
4819 this act, the commission shall specify remedial actions which  
4820 would bring the comprehensive plan or plan amendment into  
4821 compliance. The commission may direct state agencies not to  
4822 provide funds to increase the capacity of roads, bridges, or  
4823 water and sewer systems within the boundaries of those local  
4824 governmental entities which have comprehensive plans or plan  
4825 elements that are determined not to be in compliance. The  
4826 commission order may also specify that the local government



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4827 shall not be eligible for grants administered under the  
4828 following programs:

4829 1. The Florida Small Cities Community Development Block  
4830 Grant Program, as authorized by ss. 290.0401-290.049.

4831 2. The Florida Recreation Development Assistance Program,  
4832 as authorized by chapter 375.

4833 3. Revenue sharing pursuant to ss. 206.60, 210.20, and  
4834 218.61 and chapter 212, to the extent not pledged to pay back  
4835 bonds.

4836 (b) If the local government is one which is required to  
4837 include a coastal management element in its comprehensive plan  
4838 pursuant to s. 163.3177(6)(g), the commission order may also  
4839 specify that the local government is not eligible for funding  
4840 pursuant to s. 161.091. The commission order may also specify  
4841 that the fact that the coastal management element has been  
4842 determined to be not in compliance shall be a consideration when  
4843 the department considers permits under s. 161.053 and when the  
4844 Board of Trustees of the Internal Improvement Trust Fund  
4845 considers whether to sell, convey any interest in, or lease any  
4846 sovereignty lands or submerged lands until the element is  
4847 brought into compliance.

4848 (c) The sanctions provided by paragraphs (a) and (b) do  
4849 ~~shall~~ not apply to a local government regarding any plan  
4850 amendment, except for plan amendments that amend plans that have  
4851 not been finally determined to be in compliance with this part,  
4852 and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s.~~  
4853 ~~163.3191(11)~~.

4854 (12) GOOD FAITH FILING.—The signature of an attorney or  
4855 party constitutes a certificate that he or she has read the





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4856 pleading, motion, or other paper and that, to the best of his or  
4857 her knowledge, information, and belief formed after reasonable  
4858 inquiry, it is not interposed for any improper purpose, such as  
4859 to harass or to cause unnecessary delay, or for economic  
4860 advantage, competitive reasons, or frivolous purposes or  
4861 needless increase in the cost of litigation. If a pleading,  
4862 motion, or other paper is signed in violation of these  
4863 requirements, the administrative law judge, upon motion or his  
4864 or her own initiative, shall impose upon the person who signed  
4865 it, a represented party, or both, an appropriate sanction, which  
4866 may include an order to pay to the other party or parties the  
4867 amount of reasonable expenses incurred because of the filing of  
4868 the pleading, motion, or other paper, including a reasonable  
4869 attorney's fee.

4870 (13) EXCLUSIVE PROCEEDINGS.—The proceedings under this  
4871 section shall be the sole proceeding or action for a  
4872 determination of whether a local government's plan, element, or  
4873 amendment is in compliance with this act.

4874 (14) AREAS OF CRITICAL STATE CONCERN.—No proposed local  
4875 government comprehensive plan or plan amendment which is  
4876 applicable to a designated area of critical state concern shall  
4877 be effective until a final order is issued finding the plan or  
4878 amendment to be in compliance as defined in this section.

4879 (15) PUBLIC HEARINGS.—

4880 (a) The procedure for transmittal of a complete proposed  
4881 comprehensive plan or plan amendment pursuant to subsection (3)  
4882 and for adoption of a comprehensive plan or plan amendment  
4883 pursuant to subsection (7) shall be by affirmative vote of not  
4884 less than a majority of the members of the governing body



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4885 present at the hearing. The adoption of a comprehensive plan or  
4886 plan amendment shall be by ordinance. For the purposes of  
4887 transmitting or adopting a comprehensive plan or plan amendment,  
4888 the notice requirements in chapters 125 and 166 are superseded  
4889 by this subsection, except as provided in this part.

4890 (b) The local governing body shall hold at least two  
4891 advertised public hearings on the proposed comprehensive plan or  
4892 plan amendment as follows:

4893 1. The first public hearing shall be held at the  
4894 transmittal stage pursuant to subsection (3). It shall be held  
4895 on a weekday at least 7 days after the day that the first  
4896 advertisement is published.

4897 2. The second public hearing shall be held at the adoption  
4898 stage pursuant to subsection (7). It shall be held on a weekday  
4899 at least 5 days after the day that the second advertisement is  
4900 published.

4901 (c) The local government shall provide a sign-in form at  
4902 the transmittal hearing and at the adoption hearing for persons  
4903 to provide their names and mailing addresses. The sign-in form  
4904 must advise that any person providing the requested information  
4905 will receive a courtesy informational statement concerning  
4906 publications of the state land planning agency's notice of  
4907 intent. The local government shall add to the sign-in form the  
4908 name and address of any person who submits written comments  
4909 concerning the proposed plan or plan amendment during the time  
4910 period between the commencement of the transmittal hearing and  
4911 the end of the adoption hearing. It is the responsibility of the  
4912 person completing the form or providing written comments to  
4913 accurately, completely, and legibly provide all information



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4914 needed in order to receive the courtesy informational statement.

4915 (d) The agency shall provide a model sign-in form for  
4916 providing the list to the agency which may be used by the local  
4917 government to satisfy the requirements of this subsection.

4918 (e) If the proposed comprehensive plan or plan amendment  
4919 changes the actual list of permitted, conditional, or prohibited  
4920 uses within a future land use category or changes the actual  
4921 future land use map designation of a parcel or parcels of land,  
4922 the required advertisements shall be in the format prescribed by  
4923 s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a  
4924 municipality.

4925 (16) COMPLIANCE AGREEMENTS.—

4926 (a) At any time following the issuance of a notice of  
4927 intent to find a comprehensive plan or plan amendment not in  
4928 compliance with this part or after the initiation of a hearing  
4929 pursuant to subsection (9), the state land planning agency and  
4930 the local government may voluntarily enter into a compliance  
4931 agreement to resolve one or more of the issues raised in the  
4932 proceedings. Affected persons who have initiated a formal  
4933 proceeding or have intervened in a formal proceeding may also  
4934 enter into the compliance agreement. All parties granted  
4935 intervenor status shall be provided reasonable notice of the  
4936 commencement of a compliance agreement negotiation process and a  
4937 reasonable opportunity to participate in such negotiation  
4938 process. Negotiation meetings with local governments or  
4939 intervenors shall be open to the public. The state land planning  
4940 agency shall provide each party granted intervenor status with a  
4941 copy of the compliance agreement within 10 days after the  
4942 agreement is executed. The compliance agreement shall list each



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4943 portion of the plan or plan amendment which is not in  
4944 compliance, and shall specify remedial actions which the local  
4945 government must complete within a specified time in order to  
4946 bring the plan or plan amendment into compliance, including  
4947 adoption of all necessary plan amendments. The compliance  
4948 agreement may also establish monitoring requirements and  
4949 incentives to ensure that the conditions of the compliance  
4950 agreement are met.

4951 (b) Upon filing by the state land planning agency of a  
4952 compliance agreement executed by the agency and the local  
4953 government with the Division of Administrative Hearings, any  
4954 administrative proceeding under ss. 120.569 and 120.57 regarding  
4955 the plan or plan amendment covered by the compliance agreement  
4956 shall be stayed.

4957 (c) Prior to its execution of a compliance agreement, the  
4958 local government must approve the compliance agreement at a  
4959 public hearing advertised at least 10 days before the public  
4960 hearing in a newspaper of general circulation in the area in  
4961 accordance with the advertisement requirements of subsection  
4962 (15).

4963 (d) A local government may adopt a plan amendment pursuant  
4964 to a compliance agreement in accordance with the requirements of  
4965 paragraph (15)(a). The plan amendment shall be exempt from the  
4966 requirements of subsections (2)-(7). The local government shall  
4967 hold a single adoption public hearing pursuant to the  
4968 requirements of subparagraph (15)(b)2. and paragraph (15)(e).  
4969 Within 10 working days after adoption of a plan amendment, the  
4970 local government shall transmit the amendment to the state land  
4971 planning agency as specified in the agency's procedural rules,



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4972 and shall submit one copy to the regional planning agency and to  
4973 any other unit of local government or government agency in the  
4974 state that has filed a written request with the governing body  
4975 for a copy of the plan amendment, and one copy to any party to  
4976 the proceeding under ss. 120.569 and 120.57 granted intervenor  
4977 status.

4978 (e) The state land planning agency, upon receipt of a plan  
4979 amendment adopted pursuant to a compliance agreement, shall  
4980 issue a cumulative notice of intent addressing both the  
4981 compliance agreement amendment and the plan or plan amendment  
4982 that was the subject of the agreement, in accordance with  
4983 subsection (8).

4984 (f)1. If the local government adopts a comprehensive plan  
4985 amendment pursuant to a compliance agreement and a notice of  
4986 intent to find the plan amendment in compliance is issued, the  
4987 state land planning agency shall forward the notice of intent to  
4988 the Division of Administrative Hearings and the administrative  
4989 law judge shall realign the parties in the pending proceeding  
4990 under ss. 120.569 and 120.57, which shall thereafter be governed  
4991 by the process contained in paragraphs (9)(a) and (b), including  
4992 provisions relating to challenges by an affected person, burden  
4993 of proof, and issues of a recommended order and a final order,  
4994 except as provided in subparagraph 2. Parties to the original  
4995 proceeding at the time of realignment may continue as parties  
4996 without being required to file additional pleadings to initiate  
4997 a proceeding, but may timely amend their pleadings to raise any  
4998 challenge to the amendment which is the subject of the  
4999 cumulative notice of intent, and must otherwise conform to the  
5000 rules of procedure of the Division of Administrative Hearings.



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5001 Any affected person not a party to the realigned proceeding may  
5002 challenge the plan amendment which is the subject of the  
5003 cumulative notice of intent by filing a petition with the agency  
5004 as provided in subsection (9). The agency shall forward the  
5005 petition filed by the affected person not a party to the  
5006 realigned proceeding to the Division of Administrative Hearings  
5007 for consolidation with the realigned proceeding.

5008       2. If any of the issues raised by the state land planning  
5009 agency in the original subsection (10) proceeding are not  
5010 resolved by the compliance agreement amendments, any intervenor  
5011 in the original subsection (10) proceeding may require those  
5012 issues to be addressed in the pending consolidated realigned  
5013 proceeding under ss. 120.569 and 120.57. As to those unresolved  
5014 issues, the burden of proof shall be governed by subsection  
5015 (10).

5016       3. If the local government adopts a comprehensive plan  
5017 amendment pursuant to a compliance agreement and a notice of  
5018 intent to find the plan amendment not in compliance is issued,  
5019 the state land planning agency shall forward the notice of  
5020 intent to the Division of Administrative Hearings, which shall  
5021 consolidate the proceeding with the pending proceeding and  
5022 immediately set a date for hearing in the pending proceeding  
5023 under ss. 120.569 and 120.57. Affected persons who are not a  
5024 party to the underlying proceeding under ss. 120.569 and 120.57  
5025 may challenge the plan amendment adopted pursuant to the  
5026 compliance agreement by filing a petition pursuant to subsection  
5027 (10).

5028       (g) If the local government fails to adopt a comprehensive  
5029 plan amendment pursuant to a compliance agreement, the state



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5030 land planning agency shall notify the Division of Administrative  
5031 Hearings, which shall set the hearing in the pending proceeding  
5032 under ss. 120.569 and 120.57 at the earliest convenient time.

5033 (h) This subsection does not prohibit a local government  
5034 from amending portions of its comprehensive plan other than  
5035 those which are the subject of the compliance agreement.  
5036 However, such amendments to the plan may not be inconsistent  
5037 with the compliance agreement.

5038 (i) Nothing in this subsection is intended to limit the  
5039 parties from entering into a compliance agreement at any time  
5040 before the final order in the proceeding is issued, provided  
5041 that the provisions of paragraph (c) shall apply regardless of  
5042 when the compliance agreement is reached.

5043 (j) Nothing in this subsection is intended to force any  
5044 party into settlement against its will or to preclude the use of  
5045 other informal dispute resolution methods, such as the services  
5046 offered by the Florida Growth Management Dispute Resolution  
5047 Consortium, in the course of or in addition to the method  
5048 described in this subsection.

5049 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—A~~  
5050 ~~local government that has adopted a community vision and urban~~  
5051 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~  
5052 ~~amendment related to map amendments solely to property within an~~  
5053 ~~urban service boundary in the manner described in subsections~~  
5054 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~  
5055 ~~and e., 2., and 3., such that state and regional agency review~~  
5056 ~~is eliminated. The department may not issue an objections,~~  
5057 ~~recommendations, and comments report on proposed plan amendments~~  
5058 ~~or a notice of intent on adopted plan amendments; however,~~



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5059 ~~affected persons, as defined by paragraph (1) (a), may file a~~  
5060 ~~petition for administrative review pursuant to the requirements~~  
5061 ~~of s. 163.3187(3) (a) to challenge the compliance of an adopted~~  
5062 ~~plan amendment. This subsection does not apply to any amendment~~  
5063 ~~within an area of critical state concern, to any amendment that~~  
5064 ~~increases residential densities allowable in high-hazard coastal~~  
5065 ~~areas as defined in s. 163.3178(2) (h), or to a text change to~~  
5066 ~~the goals, policies, or objectives of the local government's~~  
5067 ~~comprehensive plan. Amendments submitted under this subsection~~  
5068 ~~are exempt from the limitation on the frequency of plan~~  
5069 ~~amendments in s. 163.3187.~~

5070 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~  
5071 ~~municipality that has a designated urban infill and~~  
5072 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~  
5073 ~~related to map amendments solely to property within a designated~~  
5074 ~~urban infill and redevelopment area in the manner described in~~  
5075 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~  
5076 ~~163.3187(1) (c) 1.d. and e., 2., and 3., such that state and~~  
5077 ~~regional agency review is eliminated. The department may not~~  
5078 ~~issue an objections, recommendations, and comments report on~~  
5079 ~~proposed plan amendments or a notice of intent on adopted plan~~  
5080 ~~amendments; however, affected persons, as defined by paragraph~~  
5081 ~~(1) (a), may file a petition for administrative review pursuant~~  
5082 ~~to the requirements of s. 163.3187(3) (a) to challenge the~~  
5083 ~~compliance of an adopted plan amendment. This subsection does~~  
5084 ~~not apply to any amendment within an area of critical state~~  
5085 ~~concern, to any amendment that increases residential densities~~  
5086 ~~allowable in high-hazard coastal areas as defined in s.~~  
5087 ~~163.3178(2) (h), or to a text change to the goals, policies, or~~





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5088 ~~objectives of the local government's comprehensive plan.~~  
5089 ~~Amendments submitted under this subsection are exempt from the~~  
5090 ~~limitation on the frequency of plan amendments in s. 163.3187.~~  
5091 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~  
5092 ~~government that identifies in its comprehensive plan the types~~  
5093 ~~of housing developments and conditions for which it will~~  
5094 ~~consider plan amendments that are consistent with the local~~  
5095 ~~housing incentive strategies identified in s. 420.9076 and~~  
5096 ~~authorized by the local government may expedite consideration of~~  
5097 ~~such plan amendments. At least 30 days prior to adopting a plan~~  
5098 ~~amendment pursuant to this subsection, the local government~~  
5099 ~~shall notify the state land planning agency of its intent to~~  
5100 ~~adopt such an amendment, and the notice shall include the local~~  
5101 ~~government's evaluation of site suitability and availability of~~  
5102 ~~facilities and services. A plan amendment considered under this~~  
5103 ~~subsection shall require only a single public hearing before the~~  
5104 ~~local governing body, which shall be a plan amendment adoption~~  
5105 ~~hearing as described in subsection (7). The public notice of the~~  
5106 ~~hearing required under subparagraph (15) (b)2. must include a~~  
5107 ~~statement that the local government intends to use the expedited~~  
5108 ~~adoption process authorized under this subsection. The state~~  
5109 ~~land planning agency shall issue its notice of intent required~~  
5110 ~~under subsection (8) within 30 days after determining that the~~  
5111 ~~amendment package is complete. Any further proceedings shall be~~  
5112 ~~governed by subsections (9) (16).~~  
5113 Section 15. Subsection (6) of section 163.3187, Florida  
5114 Statutes, is amended to read:  
5115 163.3187 Amendment of adopted comprehensive plan.—  
5116 ~~(6) (a) No local government may amend its comprehensive plan~~



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5117 ~~after the date established by the state land planning agency for~~  
5118 ~~adoption of its evaluation and appraisal report unless it has~~  
5119 ~~submitted its report or addendum to the state land planning~~  
5120 ~~agency as prescribed by s. 163.3191, except for plan amendments~~  
5121 ~~described in paragraph (1)(b) or paragraph (1)(h).~~

5122 ~~(b) A local government may amend its comprehensive plan~~  
5123 ~~after it has submitted its adopted evaluation and appraisal~~  
5124 ~~report and for a period of 1 year after the initial~~  
5125 ~~determination of sufficiency regardless of whether the report~~  
5126 ~~has been determined to be insufficient.~~

5127 ~~(c) A local government may not amend its comprehensive~~  
5128 ~~plan, except for plan amendments described in paragraph (1)(b),~~  
5129 ~~if the 1-year period after the initial sufficiency determination~~  
5130 ~~of the report has expired and the report has not been determined~~  
5131 ~~to be sufficient.~~

5132 ~~(d) When the state land planning agency has determined that~~  
5133 ~~the report has sufficiently addressed all pertinent provisions~~  
5134 ~~of s. 163.3191, the local government may amend its comprehensive~~  
5135 ~~plan without the limitations imposed by paragraph (a) or~~  
5136 ~~paragraph (c).~~

5137 ~~(e) Any plan amendment which a local government attempts to~~  
5138 ~~adopt in violation of paragraph (a) or paragraph (c) is invalid,~~  
5139 ~~but such invalidity may be overcome if the local government~~  
5140 ~~readopts the amendment and transmits the amendment to the state~~  
5141 ~~land planning agency pursuant to s. 163.3184(7) after the report~~  
5142 ~~is determined to be sufficient.~~

5143 Section 16. Section 163.3189, Florida Statutes, is  
5144 repealed.

5145 Section 17. Section 163.3191, Florida Statutes, is amended



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5146 to read:

5147 163.3191 Evaluation and appraisal of comprehensive plan.—

5148 (1) The planning program shall be a continuous and ongoing  
5149 process. As the first step in adopting an updated comprehensive  
5150 plan, each ~~Each~~ local government shall prepare ~~adopt~~ an  
5151 evaluation and appraisal report once every 7 years assessing the  
5152 progress in implementing the local government's comprehensive  
5153 plan. unless:

5154 (a) The local government qualifies as a municipality of  
5155 special financial concern, as defined in s. 200.185(1)(b), with  
5156 a per capital taxable value of assessed property of \$58,000 or  
5157 less; or

5158 (b) The local government is a municipality with a  
5159 population under 20,000 with a per capita taxable value of  
5160 assessed property of \$46,000 or less; or

5161 (c) The local government qualifies as a small county as  
5162 that term is defined in s. 120.52(19).

5163 The report, including the data and analysis included in the  
5164 report, shall be one basis for updating the local comprehensive  
5165 plan. The updated comprehensive plan shall be adopted after the  
5166 preparation of the report. A local government not required to  
5167 prepare a report is not required to update its comprehensive  
5168 plan as set forth in this section.

5169 (2) Furthermore, it is the intent of this section that:

5170 (a) Adopted comprehensive plans be updated ~~reviewed~~ through  
5171 such evaluation process to respond to changes in state,  
5172 regional, and local policies on planning and growth management  
5173 and changing conditions and trends, to ensure effective  
5174 intergovernmental coordination, and to identify major issues



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5175 regarding the community's achievement of its goals.

5176 (b) The initial evaluation and appraisal report shall be  
5177 based on the original comprehensive plan. After completion of  
5178 the initial ~~evaluation and appraisal~~ report and any supporting  
5179 plan amendments, each subsequent ~~evaluation and appraisal~~ report  
5180 must evaluate the comprehensive plan as amended by the most  
5181 recent evaluation and appraisal report update amendments in  
5182 ~~effect at the time of the initiation of the evaluation and~~  
5183 ~~appraisal report process.~~

5184 (c) Local governments identify the major issues as part of  
5185 ~~if applicable, with input from state agencies, regional~~  
5186 ~~agencies, adjacent local governments, and the public in the~~  
5187 evaluation and appraisal report process. The Legislature  
5188 encourages local governments to incorporate visioning, as set  
5189 forth at s. 163.3167(11), or other similar techniques, as part  
5190 of the process to foster public participation and to aid in  
5191 identifying the major issues.

5192 (d) It is also the intent of this section to establish  
5193 minimum requirements for information to ensure predictability,  
5194 certainty, and integrity in the growth management process. The  
5195 report is intended to serve as a summary audit of the actions  
5196 that a local government has undertaken and identify changes that  
5197 it may need to make. The report should be based on the local  
5198 government's analysis of major issues to further the community's  
5199 goals ~~consistent with statewide minimum standards.~~ The report is  
5200 not intended to require a comprehensive rewrite of the elements  
5201 within the local plan, unless a local government chooses to do  
5202 so.

5203 (3) ~~(2)~~ The report shall present an evaluation and



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5204 assessment of the comprehensive plan and is encouraged to ~~shall~~  
5205 contain appropriate statements to update the comprehensive plan,  
5206 including, but not limited to, words, maps, illustrations, or  
5207 other media, related to:

5208 (a) Community-wide assessment

5209 1.(a) Population growth and changes in land area, including  
5210 annexation, including projections for the next long-term  
5211 planning timeframe since the adoption of the original plan or  
5212 the most recent update amendments.

5213 2.(b) The extent of vacant and developable land for each  
5214 future land use category included in the plan.

5215 3.(c) An evaluation of the extent to which ~~The financial~~  
5216 ~~feasibility of implementing the comprehensive plan and of~~  
5217 ~~providing~~ needed infrastructure was provided during the  
5218 evaluation period to address infrastructure backlogs and meet  
5219 the demands of growth on public services and facilities to  
5220 achieve and maintain through the achievement and maintenance of  
5221 adopted level-of-service standards and sustain sustainment of  
5222 concurrency management systems through the capital improvements  
5223 element, as well as the ability to address infrastructure  
5224 backlogs and meet the demands of growth on public services and  
5225 facilities.

5226 4.(d) The location of existing development in relation to  
5227 the location of development as anticipated in the original plan,  
5228 or in the plan as amended by the most recent evaluation and  
5229 appraisal report update amendments, such as within areas  
5230 designated for urban growth.

5231 ~~(e) An identification of the major issues for the~~  
5232 ~~jurisdiction and, where pertinent, the potential social,~~



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5233 ~~economic, and environmental impacts.~~

5234 5.(f) Relevant changes to the state comprehensive plan, the  
5235 requirements of this part, ~~the minimum criteria contained in~~  
5236 ~~chapter 9J-5, Florida Administrative Code,~~ and the appropriate  
5237 strategic regional policy plan since the adoption of the  
5238 original plan or the most recent evaluation and appraisal report  
5239 update amendments.

5240 ~~(g) An assessment of whether the plan objectives within~~  
5241 ~~each element, as they relate to major issues, have been~~  
5242 ~~achieved. The report shall include, as appropriate, an~~  
5243 ~~identification as to whether unforeseen or unanticipated changes~~  
5244 ~~in circumstances have resulted in problems or opportunities with~~  
5245 ~~respect to major issues identified in each element and the~~  
5246 ~~social, economic, and environmental impacts of the issue.~~

5247 6.(h) A brief assessment of successes and shortcomings  
5248 related to each element of the plan.

5249 7. A summary of the public participation program and  
5250 activities undertaken by the local government in preparing the  
5251 report.

5252 (b) Evaluation of Major Community Planning Issues.

5253 1. An identification of the major issues for the  
5254 jurisdiction and, where pertinent, the potential social,  
5255 economic, and environmental impacts.

5256 2. An assessment of whether the plan objectives within each  
5257 element, as they relate to major issues, have been achieved. The  
5258 report shall include, as appropriate, identification as to  
5259 whether unforeseen or unanticipated changes in circumstances  
5260 have resulted in problems or opportunities with respect to major  
5261 issues identified in each element and the social, economic, and



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5262 environmental impacts of the issue.

5263 3.(i) The identification of any actions or corrective  
5264 measures, including ~~whether~~ plan amendments, ~~are anticipated~~ to  
5265 address the major issues identified and analyzed in the report.  
5266 Such identification shall include, as appropriate, new  
5267 population projections, new ~~revised~~ updated planning timeframes,  
5268 a updated ~~revised~~ future conditions map or map series, an  
5269 updated capital improvements element, and any new and ~~revised~~  
5270 updated goals, objectives, and policies for major issues  
5271 identified within each element. Recommended changes to the  
5272 comprehensive plan shall be summarized in a single section of  
5273 the report. ~~This paragraph shall not require the submittal of~~  
5274 ~~the plan amendments with the evaluation and appraisal report.~~

5275 ~~(j) A summary of the public participation program and~~  
5276 ~~activities undertaken by the local government in preparing the~~  
5277 ~~report.~~

5278 ~~(k) The coordination of the comprehensive plan with~~  
5279 ~~existing public schools and those identified in the applicable~~  
5280 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~  
5281 ~~assessment shall address, where relevant, the success or failure~~  
5282 ~~of the coordination of the future land use map and associated~~  
5283 ~~planned residential development with public schools and their~~  
5284 ~~capacities, as well as the joint decisionmaking processes~~  
5285 ~~engaged in by the local government and the school board in~~  
5286 ~~regard to establishing appropriate population projections and~~  
5287 ~~the planning and siting of public school facilities. For those~~  
5288 ~~counties or municipalities that do not have a public schools~~  
5289 ~~interlocal agreement or public school facilities element, the~~  
5290 ~~assessment shall determine whether the local government~~



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5291 ~~continues to meet the criteria of s. 163.3177(12). If the county~~  
5292 ~~or municipality determines that it no longer meets the criteria,~~  
5293 ~~it must adopt appropriate school concurrency goals, objectives,~~  
5294 ~~and policies in its plan amendments pursuant to the requirements~~  
5295 ~~of the public school facilities element, and enter into the~~  
5296 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~  
5297 ~~and 163.31777 in order to fully participate in the school~~  
5298 ~~concurrency system.~~

5299 ~~(l) The extent to which the local government has been~~  
5300 ~~successful in identifying alternative water supply projects and~~  
5301 ~~traditional water supply projects, including conservation and~~  
5302 ~~reuse, necessary to meet the water needs identified in s.~~  
5303 ~~373.709(2)(a) within the local government's jurisdiction. The~~  
5304 ~~report must evaluate the degree to which the local government~~  
5305 ~~has implemented the work plan for building public, private, and~~  
5306 ~~regional water supply facilities, including development of~~  
5307 ~~alternative water supplies, identified in the element as~~  
5308 ~~necessary to serve existing and new development.~~

5309 ~~(m) If any of the jurisdiction of the local government is~~  
5310 ~~located within the coastal high-hazard area, an evaluation of~~  
5311 ~~whether any past reduction in land use density impairs the~~  
5312 ~~property rights of current residents when redevelopment occurs,~~  
5313 ~~including, but not limited to, redevelopment following a natural~~  
5314 ~~disaster. The property rights of current residents shall be~~  
5315 ~~balanced with public safety considerations. The local government~~  
5316 ~~must identify strategies to address redevelopment feasibility~~  
5317 ~~and the property rights of affected residents. These strategies~~  
5318 ~~may include the authorization of redevelopment up to the actual~~  
5319 ~~built density in existence on the property prior to the natural~~





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5320 ~~disaster or redevelopment.~~

5321 ~~4.(n)~~ An assessment of whether the criteria adopted  
5322 pursuant to s. 163.3177(6) (a) were successful in achieving  
5323 compatibility with military installations.

5324 ~~(e)~~ The extent to which a concurrency exception area  
5325 designated pursuant to s. 163.3180(5), a concurrency management  
5326 area designated pursuant to s. 163.3180(7), or a multimodal  
5327 transportation district designated pursuant to s. 163.3180(15)  
5328 has achieved the purpose for which it was created and otherwise  
5329 complies with the provisions of s. 163.3180.

5330 ~~(p)~~ An assessment of the extent to which changes are needed  
5331 to develop a common methodology for measuring impacts on  
5332 transportation facilities for the purpose of implementing its  
5333 concurrency management system in coordination with the  
5334 municipalities and counties, as appropriate pursuant to s.  
5335 163.3180(10).

5336 ~~(3)~~ Voluntary scoping meetings may be conducted by each  
5337 local government or several local governments within the same  
5338 county that agree to meet together. Joint meetings among all  
5339 local governments in a county are encouraged. All scoping  
5340 meetings shall be completed at least 1 year prior to the  
5341 established adoption date of the report. The purpose of the  
5342 meetings shall be to distribute data and resources available to  
5343 assist in the preparation of the report, to provide input on  
5344 major issues in each community that should be addressed in the  
5345 report, and to advise on the extent of the effort for the  
5346 components of subsection (2). If scoping meetings are held, the  
5347 local government shall invite each state and regional reviewing  
5348 agency, as well as adjacent and other affected local



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5349 ~~governments. A preliminary list of new data and major issues~~  
5350 ~~that have emerged since the adoption of the original plan, or~~  
5351 ~~the most recent evaluation and appraisal report based update~~  
5352 ~~amendments, should be developed by state and regional entities~~  
5353 ~~and involved local governments for distribution at the scoping~~  
5354 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~  
5355 ~~a meeting conducted to determine the scope of review of the~~  
5356 ~~evaluation and appraisal report by parties to which the report~~  
5357 ~~relates.~~

5358 (4) The local planning agency shall prepare the evaluation  
5359 and appraisal report and updated comprehensive plan and shall  
5360 make recommendations to the governing body regarding adoption of  
5361 ~~the proposed report plan~~. The local planning agency shall  
5362 ~~prepare the report in conformity with its public participation~~  
5363 ~~procedures adopted as required by s. 163.3181. During the~~  
5364 ~~preparation of the proposed report and prior to making any~~  
5365 ~~recommendation to the governing body, the local planning agency~~  
5366 ~~shall hold at least one public hearing, with public notice, on~~  
5367 ~~the proposed report. At a minimum, the format and content of the~~  
5368 ~~proposed report shall include a table of contents; numbered~~  
5369 ~~pages; element headings; section headings within elements; a~~  
5370 ~~list of included tables, maps, and figures; a title and sources~~  
5371 ~~for all included tables; a preparation date; and the name of the~~  
5372 ~~preparer. Where applicable, maps shall include major natural and~~  
5373 ~~artificial geographic features; city, county, and state lines;~~  
5374 ~~and a legend indicating a north arrow, map scale, and the date.~~

5375 (5) ~~Ninety days prior to the scheduled adoption date, the~~  
5376 ~~local government may provide a proposed evaluation and appraisal~~  
5377 ~~report to the state land planning agency and distribute copies~~



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5378 ~~to state and regional commenting agencies as prescribed by rule,~~  
5379 ~~adjacent jurisdictions, and interested citizens for review. All~~  
5380 ~~review comments, including comments by the state land planning~~  
5381 ~~agency, shall be transmitted to the local government and state~~  
5382 ~~land planning agency within 30 days after receipt of the~~  
5383 ~~proposed report.~~

5384 ~~(6) The governing body, after considering the review~~  
5385 ~~comments and recommended changes, if any, shall adopt the~~  
5386 ~~evaluation and appraisal report by resolution or ordinance at a~~  
5387 ~~public hearing with public notice. The governing body shall~~  
5388 ~~adopt the report in conformity with its public participation~~  
5389 ~~procedures adopted as required by s. 163.3181. The local~~  
5390 ~~government shall submit to the state land planning agency three~~  
5391 ~~copies of the report, a transmittal letter indicating the dates~~  
5392 ~~of public hearings, and a copy of the adoption resolution or~~  
5393 ~~ordinance. The local government shall provide a copy of the~~  
5394 ~~report to the reviewing agencies which provided comments for the~~  
5395 ~~proposed report, or to all the reviewing agencies if a proposed~~  
5396 ~~report was not provided pursuant to subsection (5), including~~  
5397 ~~the adjacent local governments. Within 60 days after receipt,~~  
5398 ~~the state land planning agency shall review the adopted report~~  
5399 ~~and make a preliminary sufficiency determination that shall be~~  
5400 ~~forwarded by the agency to the local government for its~~  
5401 ~~consideration. The state land planning agency shall issue a~~  
5402 ~~final sufficiency determination within 90 days after receipt of~~  
5403 ~~the adopted evaluation and appraisal report.~~

5404 ~~(5)(7)~~ The intent of the evaluation and appraisal process  
5405 is the preparation of a plan update that clearly and concisely  
5406 achieves the purpose of this section. The evaluation and



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5407 appraisal report shall be submitted as data and analysis in  
5408 support of the evaluation and appraisal report based amendments.

5409 ~~Toward this end, the sufficiency review of the state land~~  
5410 ~~planning agency shall concentrate on whether the evaluation and~~  
5411 ~~appraisal report sufficiently fulfills the components of~~  
5412 ~~subsection (2). If the state land planning agency determines~~  
5413 ~~that the report is insufficient, the governing body shall adopt~~  
5414 ~~a revision of the report and submit the revised report for~~  
5415 ~~review pursuant to subsection (6).~~

5416 ~~(8) The state land planning agency may delegate the review~~  
5417 ~~of evaluation and appraisal reports, including all state land~~  
5418 ~~planning agency duties under subsections (4)-(7), to the~~  
5419 ~~appropriate regional planning council. When the review has been~~  
5420 ~~delegated to a regional planning council, any local government~~  
5421 ~~in the region may elect to have its report reviewed by the~~  
5422 ~~regional planning council rather than the state land planning~~  
5423 ~~agency. The state land planning agency shall by agreement~~  
5424 ~~provide for uniform and adequate review of reports and shall~~  
5425 ~~retain oversight for any delegation of review to a regional~~  
5426 ~~planning council.~~

5427 ~~(9) The state land planning agency may establish a phased~~  
5428 ~~schedule for adoption of reports. The schedule shall provide~~  
5429 ~~each local government at least 7 years from plan adoption or~~  
5430 ~~last established adoption date for a report and shall allot~~  
5431 ~~approximately one-seventh of the reports to any 1 year. In order~~  
5432 ~~to allow the municipalities to use data and analyses gathered by~~  
5433 ~~the counties, the state land planning agency shall schedule~~  
5434 ~~municipal report adoption dates between 1 year and 18 months~~  
5435 ~~later than the report adoption date for the county in which~~



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5436 ~~those municipalities are located. A local government may adopt~~  
5437 ~~its report no earlier than 90 days prior to the established~~  
5438 ~~adoption date. Small municipalities which were scheduled by~~  
5439 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~  
5440 ~~evaluation and appraisal report after February 2, 1999, shall be~~  
5441 ~~rescheduled to adopt their report together with the other~~  
5442 ~~municipalities in their county as provided in this subsection.~~

5443 (6) (10) Local governments subject to this section shall  
5444 update their comprehensive plans based on the requirements of  
5445 this section at least once every 7 years. The governing body  
5446 shall amend its comprehensive plan ~~based on the recommendations~~  
5447 ~~in the report and shall update the comprehensive plan based on~~  
5448 ~~the components of subsection (2), pursuant to the provisions of~~  
5449 ~~ss. 163.3184, and 163.3187, and 163.3189.~~ Amendments to update a  
5450 comprehensive plan ~~based on the evaluation and appraisal report~~  
5451 shall be adopted during a single amendment cycle, within ~~18~~  
5452 ~~months after the report is determined to be sufficient by the~~  
5453 ~~state land planning agency, except the state land planning~~  
5454 ~~agency may grant an extension for adoption of a portion of such~~  
5455 ~~amendments. The state land planning agency may grant a 6-month~~  
5456 ~~extension for the adoption of such amendments if the request is~~  
5457 ~~justified by good and sufficient cause as determined by the~~  
5458 ~~agency. An additional extension may also be granted if the~~  
5459 ~~request will result in greater coordination between~~  
5460 ~~transportation and land use, for the purposes of improving~~  
5461 ~~Florida's transportation system, as determined by the agency in~~  
5462 ~~coordination with the Metropolitan Planning Organization~~  
5463 ~~program. beginning July 1, 2006, failure to timely adopt and~~  
5464 ~~transmit update amendments to the comprehensive plan based on~~



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5465 ~~the evaluation and appraisal report shall result in a local~~  
5466 ~~government being prohibited from adopting amendments to the~~  
5467 ~~comprehensive plan until the evaluation and appraisal report~~  
5468 ~~update amendments have been adopted and transmitted to the state~~  
5469 ~~land planning agency. The prohibition on plan amendments shall~~  
5470 ~~commence when the update amendments to the comprehensive plan~~  
5471 ~~are past due. The comprehensive plan as amended shall be in~~  
5472 ~~compliance as defined in s. 163.3184(1)(b).~~ Within 6 months  
5473 after the effective date of the update amendments to the  
5474 comprehensive plan, the local government shall provide to the  
5475 state land planning agency and to all agencies designated by  
5476 ~~rule~~ a complete copy of the updated comprehensive plan.

5477 ~~(11) The Administration Commission may impose the sanctions~~  
5478 ~~provided by s. 163.3184(11) against any local government that~~  
5479 ~~fails to adopt and submit a report, or that fails to implement~~  
5480 ~~its report through timely and sufficient amendments to its local~~  
5481 ~~plan, except for reasons of excusable delay or valid planning~~  
5482 ~~reasons agreed to by the state land planning agency or found~~  
5483 ~~present by the Administration Commission. Sanctions for untimely~~  
5484 ~~or insufficient plan amendments shall be prospective only and~~  
5485 ~~shall begin after a final order has been issued by the~~  
5486 ~~Administration Commission and a reasonable period of time has~~  
5487 ~~been allowed for the local government to comply with an adverse~~  
5488 ~~determination by the Administration Commission through adoption~~  
5489 ~~of plan amendments that are in compliance. The state land~~  
5490 ~~planning agency may initiate, and an affected person may~~  
5491 ~~intervene in, such a proceeding by filing a petition with the~~  
5492 ~~Division of Administrative Hearings, which shall appoint an~~  
5493 ~~administrative law judge and conduct a hearing pursuant to ss.~~



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5494 ~~120.569 and 120.57(1) and shall submit a recommended order to~~  
5495 ~~the Administration Commission. The affected local government~~  
5496 ~~shall be a party to any such proceeding. The commission may~~  
5497 ~~implement this subsection by rule.~~

5498 ~~(7)(12)~~ The state land planning agency shall not adopt  
5499 rules to implement this section, other than procedural rules.

5500 ~~(13)~~ The state land planning agency shall regularly review  
5501 the evaluation and appraisal report process and submit a report  
5502 to the Governor, the Administration Commission, the Speaker of  
5503 the House of Representatives, the President of the Senate, and  
5504 the respective community affairs committees of the Senate and  
5505 the House of Representatives. The first report shall be  
5506 submitted by December 31, 2004, and subsequent reports shall be  
5507 submitted every 5 years thereafter. At least 9 months before the  
5508 due date of each report, the Secretary of Community Affairs  
5509 shall appoint a technical committee of at least 15 members to  
5510 assist in the preparation of the report. The membership of the  
5511 technical committee shall consist of representatives of local  
5512 governments, regional planning councils, the private sector, and  
5513 environmental organizations. The report shall assess the  
5514 effectiveness of the evaluation and appraisal report process.

5515 ~~(14)~~ The requirement of subsection (10) prohibiting a local  
5516 government from adopting amendments to the local comprehensive  
5517 plan until the evaluation and appraisal report update amendments  
5518 have been adopted and transmitted to the state land planning  
5519 agency does not apply to a plan amendment proposed for adoption  
5520 by the appropriate local government as defined in s.  
5521 ~~163.3178(2)(k) in order to integrate a port comprehensive master~~  
5522 ~~plan with the coastal management element of the local~~



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5523 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~  
5524 ~~comprehensive master plan or the proposed plan amendment does~~  
5525 ~~not cause or contribute to the failure of the local government~~  
5526 ~~to comply with the requirements of the evaluation and appraisal~~  
5527 ~~report.~~

5528 Section 18. Present subsections (3), (4), (5), and (6) of  
5529 section 163.3194, Florida Statutes, are renumbered as  
5530 subsections (4), (5), (6), and (7), respectively, and a new  
5531 subsection (3) is added to that section, to read:

5532 163.3194 Legal status of comprehensive plan.—

5533 (3) A governing body may not issue a development order or  
5534 permit to erect, operate, use, or maintain a sign authorized by  
5535 s. 479.07 unless the sign is located in an area designated for  
5536 commercial or industrial use in a zoned or unzoned area or on a  
5537 zoned or unzoned parcel.

5538 (a) As used in this subsection, the term:

5539 1. "Commercial or industrial use" means a parcel of land  
5540 designated predominately for commercial or industrial uses under  
5541 both the future land use map approved by the state land planning  
5542 agency and the land use development regulations adopted pursuant  
5543 to this chapter.

5544 2. "Zoned or unzoned area" means an area that is not  
5545 specifically designated for commercial or industrial uses under  
5546 the land development regulations and is located in an area  
5547 designated by the future land use map of a plan approved by the  
5548 state land planning agency for multiple uses that include  
5549 commercial or industrial uses on which three or more separate  
5550 and distinct conforming activities are located.

5551 3. "Zoned or unzoned parcel" means a parcel of land in a





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5552 zoned or unzoned area.

5553 (b) If a parcel is located in an area designated for  
5554 multiple uses on the future land use map of the comprehensive  
5555 plan and the zoning category of the land development regulations  
5556 does not clearly designate that parcel for a specific use, the  
5557 parcel will be considered an unzoned commercial or industrial  
5558 parcel if it meets the criteria of this subsection.

5559 (c) A development order or permit issued pursuant to a plan  
5560 approved by the state land planning agency in a zoned or unzoned  
5561 area or on a zoned or unzoned parcel authorized for commercial  
5562 or industrial use is in compliance with s. 479.02, and the  
5563 Department of Transportation may rely upon such determination by  
5564 the local permitting agency.

5565 Section 19. Subsection (3) of section 163.3220, Florida  
5566 Statutes, is amended to read:

5567 163.3220 Short title; legislative intent.—

5568 (3) In conformity with, in furtherance of, and to implement  
5569 the ~~Community Local Government Comprehensive Planning and Land~~  
5570 ~~Development Regulation Act~~ and the Florida State Comprehensive  
5571 Planning Act of 1972, it is the intent of the Legislature to  
5572 encourage a stronger commitment to comprehensive and capital  
5573 facilities planning, ensure the provision of adequate public  
5574 facilities for development, encourage the efficient use of  
5575 resources, and reduce the economic cost of development.

5576 Section 20. Subsections (2) and (11) of section 163.3221,  
5577 Florida Statutes, are amended to read:

5578 163.3221 Florida Local Government Development Agreement  
5579 Act; definitions.—As used in ss. 163.3220-163.3243:

5580 (2) "Comprehensive plan" means a plan adopted pursuant to



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5581 the Community ~~“Local Government Comprehensive Planning and Land~~  
5582 ~~Development Regulation Act.”~~

5583 (11) “Local planning agency” means the agency designated to  
5584 prepare a comprehensive plan or plan amendment pursuant to the  
5585 Community ~~“Florida Local Government Comprehensive Planning and~~  
5586 ~~Land Development Regulation Act.”~~

5587 Section 21. Section 163.3229, Florida Statutes, is amended  
5588 to read:

5589 163.3229 Duration of a development agreement and  
5590 relationship to local comprehensive plan.—The duration of a  
5591 development agreement may ~~shall~~ not exceed 20 years, unless it  
5592 is. ~~It may be~~ extended by mutual consent of the governing body  
5593 and the developer, subject to a public hearing in accordance  
5594 with s. 163.3225. No development agreement shall be effective or  
5595 be implemented by a local government unless the local  
5596 government’s comprehensive plan and plan amendments implementing  
5597 or related to the agreement are ~~found~~ in compliance ~~by the state~~  
5598 ~~land planning agency~~ in accordance with s. 163.3184, ~~s.~~  
5599 ~~163.3187, or s. 163.3189.~~

5600 Section 22. Section 163.3235, Florida Statutes, is amended  
5601 to read:

5602 163.3235 Periodic review of a development agreement.—A  
5603 local government shall review land subject to a development  
5604 agreement at least once every 12 months to determine if there  
5605 has been demonstrated good faith compliance with the terms of  
5606 the development agreement. ~~For each annual review conducted~~  
5607 ~~during years 6 through 10 of a development agreement, the review~~  
5608 ~~shall be incorporated into a written report which shall be~~  
5609 ~~submitted to the parties to the agreement and the state land~~



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5610 ~~planning agency. The state land planning agency shall adopt~~  
5611 ~~rules regarding the contents of the report, provided that the~~  
5612 ~~report shall be limited to the information sufficient to~~  
5613 ~~determine the extent to which the parties are proceeding in good~~  
5614 ~~faith to comply with the terms of the development agreement. If~~  
5615 the local government finds, on the basis of substantial  
5616 competent evidence, that there has been a failure to comply with  
5617 the terms of the development agreement, the agreement may be  
5618 revoked or modified by the local government.

5619 Section 23. Section 163.3239, Florida Statutes, is amended  
5620 to read:

5621 163.3239 Recording and effectiveness of a development  
5622 agreement.—Within 14 days after a local government enters into a  
5623 development agreement, the local government shall record the  
5624 agreement with the clerk of the circuit court in the county  
5625 where the local government is located. ~~A copy of the recorded~~  
5626 ~~development agreement shall be submitted to the state land~~  
5627 ~~planning agency within 14 days after the agreement is recorded.~~  
5628 A development agreement shall not be effective until it is  
5629 properly recorded in the public records of the county ~~and until~~  
5630 ~~30 days after having been received by the state land planning~~  
5631 ~~agency pursuant to this section.~~ The burdens of the development  
5632 agreement shall be binding upon, and the benefits of the  
5633 agreement shall inure to, all successors in interest to the  
5634 parties to the agreement.

5635 Section 24. Section 163.3243, Florida Statutes, is amended  
5636 to read:

5637 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or  
5638 adversely affected person as defined in s. 163.3215(2), ~~or the~~



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5639 ~~state land planning agency~~ may file an action for injunctive  
5640 relief in the circuit court where the local government is  
5641 located to enforce the terms of a development agreement or to  
5642 challenge compliance of the agreement with the provisions of ss.  
5643 163.3220-163.3243.

5644 Section 25. Section 163.3245, Florida Statutes, is amended  
5645 to read:

5646 163.3245 ~~Optional~~ sector plans.—

5647 (1) In recognition of the benefits of ~~conceptual~~ long-range  
5648 planning for ~~the buildout of an area, and detailed planning for~~  
5649 ~~specific areas, as a demonstration project, the requirements of~~  
5650 ~~s. 380.06 may be addressed as identified by this section for up~~  
5651 ~~to five~~ local governments or combinations of local governments  
5652 ~~which may~~ adopt into their ~~the~~ comprehensive plans ~~a plan an~~  
5653 ~~optional~~ sector plan in accordance with this section. This  
5654 section is intended to promote and encourage long-term planning  
5655 for conservation, development, and agriculture on a landscape  
5656 scale; to further the intent of s. 163.3177(11), which supports  
5657 innovative and flexible planning and development strategies, and  
5658 the purposes of this part, and part I of chapter 380, to  
5659 facilitate protection of regionally significant resources,  
5660 including but not limited to regionally significant water  
5661 courses and wildlife corridors; and to avoid duplication of  
5662 effort in terms of the level of data and analysis required for a  
5663 development of regional impact, while ensuring the adequate  
5664 mitigation of impacts to applicable regional resources and  
5665 facilities, including those within the jurisdiction of other  
5666 local governments, as would otherwise be provided. ~~Optional~~  
5667 Sector plans are intended for substantial geographic areas that



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5668 ~~include~~ including at least 15,000 ~~5,000~~ acres of one or more  
5669 local governmental jurisdictions and are to emphasize urban form  
5670 and protection of regionally significant resources and public  
5671 facilities. ~~The state land planning agency may approve optional~~  
5672 ~~sector plans of less than 5,000 acres based on local~~  
5673 ~~circumstances if it is determined that the plan would further~~  
5674 ~~the purposes of this part and part I of chapter 380. Preparation~~  
5675 ~~of an optional sector plan is authorized by agreement between~~  
5676 ~~the state land planning agency and the applicable local~~  
5677 ~~governments under s. 163.3171(4). An optional sector plan may be~~  
5678 ~~adopted through one or more comprehensive plan amendments under~~  
5679 ~~s. 163.3184. However, an optional~~ A sector plan may not be  
5680 adopted ~~authorized~~ in an area of critical state concern.

5681 (2) ~~The state land planning agency may enter into an~~  
5682 ~~agreement to authorize preparation of an optional sector plan~~  
5683 ~~upon the request of one or more local governments based on~~  
5684 ~~consideration of problems and opportunities presented by~~  
5685 ~~existing development trends; the effectiveness of current~~  
5686 ~~comprehensive plan provisions; the potential to further the~~  
5687 ~~state comprehensive plan, applicable strategic regional policy~~  
5688 ~~plans, this part, and part I of chapter 380; and those factors~~  
5689 ~~identified by s. 163.3177(10)(i). Upon the request of a local~~  
5690 government with jurisdiction, the applicable regional planning  
5691 council shall conduct a scoping meeting with affected local  
5692 governments and those agencies identified in s. 163.3184(4)  
5693 before preparation of the sector plan ~~execution of the agreement~~  
5694 ~~authorized by this section.~~ The purpose of this meeting is to  
5695 assist the state land planning agency and the local government  
5696 in the identification of the relevant planning issues to be



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5697 addressed and the data and resources available to assist in the  
5698 preparation of the sector plan. In the event that a scoping  
5699 meeting is conducted, ~~subsequent plan amendments~~, the regional  
5700 planning council shall make written recommendations to the state  
5701 land planning agency and affected local governments, on the  
5702 issues requested by the local government. The scoping meeting  
5703 shall be noticed and open to the public. In the event that the  
5704 entire planning area proposed for the sector plan is within the  
5705 jurisdiction of two or more local governments, some or all of  
5706 them may enter into a joint planning agreement pursuant to s.  
5707 163.3171 with respect to including whether a sustainable sector  
5708 ~~plan would be appropriate~~. The agreement must define the  
5709 geographic area to be subject to the sector plan, the planning  
5710 issues that will be emphasized, procedures ~~requirements~~ for  
5711 intergovernmental coordination to address extrajurisdictional  
5712 impacts, supporting application materials including data and  
5713 analysis, ~~and~~ procedures for public participation, or other  
5714 issues. ~~An agreement may address previously adopted sector plans~~  
5715 ~~that are consistent with the standards in this section. Before~~  
5716 ~~executing an agreement under this subsection, the local~~  
5717 ~~government shall hold a duly noticed public workshop to review~~  
5718 ~~and explain to the public the optional sector planning process~~  
5719 ~~and the terms and conditions of the proposed agreement. The~~  
5720 ~~local government shall hold a duly noticed public hearing to~~  
5721 ~~execute the agreement. All meetings between the department and~~  
5722 ~~the local government must be open to the public.~~

5723 (3) ~~Optional~~ Sector planning encompasses two levels:  
5724 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term  
5725 master plan for the entire planning area as part of the



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5726 comprehensive plan; and adoption by local development order of  
5727 two or more buildout overlay to the comprehensive plan, having  
5728 no immediate effect on the issuance of development orders or the  
5729 applicability of s. 380.06, and adoption under s. 163.3184 of  
5730 detailed specific area plans that implement the conceptual long-  
5731 term master plan buildout overlay and authorize issuance of  
5732 development orders, and within which s. 380.06 is waived. Until  
5733 such time as a detailed specific area plan is adopted, the  
5734 underlying future land use designations apply.

5735 (a) In addition to the other requirements of this chapter,  
5736 a long-term master plan pursuant to this section conceptual  
5737 long-term buildout overlay must include maps, illustrations, and  
5738 text supported by data and analysis to address the following:

5739 1. A long-range conceptual framework map that, at a  
5740 minimum, generally depicts identifies anticipated areas of  
5741 urban, agricultural, rural, and conservation land use;  
5742 identifies allowed uses in various parts of the planning area,  
5743 specifies maximum and minimum densities and intensities of use,  
5744 and provides the general framework for the development pattern  
5745 in developed areas with graphic illustrations based on a  
5746 hierarchy of places and functional place-making components.

5747 2. A general identification of the water supplies needed  
5748 and available sources of water, including water resource  
5749 development and water supply development projects, and water  
5750 conservation measures needed to meet the projected demand of the  
5751 future land uses in the long-term master plan.

5752 3. A general identification of the transportation  
5753 facilities to serve the future land uses in the long-term master  
5754 plan, including guidelines to be used to establish each modal



5755 component intended to optimize mobility.

5756 4. A general identification of other regionally significant  
5757 public facilities consistent with chapter 9J-2, Florida  
5758 Administrative Code, irrespective of local governmental  
5759 jurisdiction necessary to support buildout of the anticipated  
5760 future land uses, which may include central utilities provided  
5761 on-site within the planning area, and policies setting forth the  
5762 procedures to be used to mitigate the impacts of future land  
5763 uses on public facilities.

5764 5.-3. A general identification of regionally significant  
5765 natural resources within the planning area based on the best  
5766 available data and policies setting forth the procedures for  
5767 protection or conservation of specific resources consistent with  
5768 the overall conservation and development strategy for the  
5769 planning area consistent with chapter 9J-2, Florida  
5770 Administrative Code.

5771 6. 4.General principles and guidelines addressing that  
5772 address the urban form and the interrelationships of anticipated  
5773 future land uses; the protection and, as appropriate,  
5774 restoration and management of lands identified for permanent  
5775 preservation through recordation of conservation easements  
5776 consistent with s. 704.06, which shall be phased or staged in  
5777 coordination with detailed specific area plans to reflect phased  
5778 or staged development within the planning area; and a  
5779 discussion, at the applicant's option, of the extent, if any, to  
5780 which the plan will address restoring key ecosystems, achieving  
5781 a more clean, healthy environment; limiting urban sprawl;  
5782 providing a range of housing types; protecting wildlife and  
5783 natural areas; advancing the efficient use of land and other





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5784 resources;~~;~~ and creating quality communities of a design that  
5785 promotes travel by multiple transportation modes; and enhancing  
5786 the prospects for the creation of jobs.

5787 7. 5. Identification of general procedures and policies to  
5788 facilitate ensure intergovernmental coordination to address  
5789 extrajurisdictional impacts from the future land uses long-range  
5790 conceptual framework map.

5791  
5792 A long-term master plan adopted pursuant to this section  
5793 shall be based upon a planning period longer than the generally  
5794 applicable planning period of the local comprehensive plan,  
5795 shall specify the projected population within the planning area  
5796 during the chosen planning period, and may include a phasing or  
5797 staging schedule that allocates a portion of the local  
5798 government's future growth to the planning area through the  
5799 planning period. It shall not be a requirement for a long-term  
5800 master plan adopted pursuant to this section to demonstrate need  
5801 based upon projected population growth or on any other basis.

5802 (b) In addition to the other requirements of this chapter,  
5803 ~~including those in paragraph (a),~~ the detailed specific area  
5804 plans shall be consistent with the long-term master plan and  
5805 must include conditions and commitments which provide for:

5806 1. Development or conservation of an area of adequate size  
5807 to accommodate a level of development which achieves a  
5808 functional relationship between a full range of land uses within  
5809 the area and to encompass at least 1,000 acres consistent with  
5810 the long-term master plan. The local government state land  
5811 planning agency may approve detailed specific area plans of less  
5812 than 1,000 acres based on local circumstances if it is



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5813 determined that the detailed specific area plan furthers the  
5814 purposes of this part and part I of chapter 380.

5815       2. Detailed identification and analysis of the maximum and  
5816 minimum densities and intensities of use, and the distribution,  
5817 extent, and location of future land uses.

5818       3. Detailed identification of water resource development  
5819 and water supply development projects and related  
5820 infrastructure, and water conservation measures to address water  
5821 needs of development in the detailed specific area plan.

5822       4. Detailed identification of the transportation facilities  
5823 to serve the future land uses in the detailed specific area  
5824 plan.

5825       5. Detailed identification of other regionally significant  
5826 public facilities, including public facilities outside the  
5827 jurisdiction of the host local government, ~~anticipated~~ impacts  
5828 of future land uses on those facilities, and required  
5829 improvements consistent with the long-term master plan ~~chapter~~  
5830 ~~9J-2, Florida Administrative Code.~~

5831       6. ~~4.~~ Public facilities necessary to serve development in  
5832 the detailed specific area plan for the short term, including  
5833 developer contributions in a ~~financially feasible~~ 5-year capital  
5834 improvement schedule of the affected local government.

5835       7. ~~5.~~ Detailed analysis and identification of specific  
5836 measures to assure the protection or conservation of lands  
5837 identified in the long-term master plan to be permanently  
5838 preserved within the planning area through recordation of a  
5839 conservation easement consistent with s. 704.06 and, as  
5840 appropriate, restored or managed, ~~of regionally significant~~  
5841 ~~natural resources~~ and other important resources both within and



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5842 outside the host jurisdiction, ~~including those regionally~~  
5843 ~~significant resources identified in chapter 9J-2, Florida~~  
5844 ~~Administrative Code.~~

5845 8. ~~6.~~ Detailed principles and guidelines addressing that  
5846 ~~address~~ the urban form and the interrelationships of anticipated  
5847 future land uses; ~~and a discussion, at the applicant's option,~~  
5848 ~~of the extent, if any, to which the plan will address restoring~~  
5849 ~~key ecosystems,~~ achieving a more clean, healthy environment;  
5850 limiting urban sprawl; providing a range of housing types;  
5851 protecting wildlife and natural areas; advancing the efficient  
5852 use of land and other resources; ~~and~~ creating quality  
5853 communities of a design that promotes travel by multiple  
5854 transportation modes; and enhancing the prospects for the  
5855 creation of jobs.

5856 9. ~~7.~~ Identification of specific procedures to facilitate  
5857 ~~ensure~~ intergovernmental coordination to address  
5858 extrajurisdictional impacts from ~~of~~ the detailed specific area  
5859 plan.

5861 A detailed specific area plan adopted by local development  
5862 order pursuant to this section may be based upon a planning  
5863 period longer than the generally applicable planning period of  
5864 the local comprehensive plan and shall specify the projected  
5865 population within the specific planning area during the chosen  
5866 planning period. It shall not be a requirement for a detailed  
5867 specific area plan adopted pursuant to this section to  
5868 demonstrate need based upon projected population growth or on  
5869 any other basis.

5870 (c) In its review of a long-term master plan, the state



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5871 land planning agency shall consult with the Department of  
5872 Agriculture and Consumer Services, the Department of  
5873 Environmental Protection, the Florida Fish and Wildlife  
5874 Conservation Commission, and the applicable water management  
5875 district regarding the design of areas for protection and  
5876 conservation of regionally significant natural resources and for  
5877 the protection and, as appropriate, restoration and management  
5878 of lands identified for permanent preservation.

5879 (d) In its review of a long-term master plan, the state  
5880 land planning agency shall consult with the Department of  
5881 Transportation, the applicable metropolitan planning  
5882 organization, and any urban transit agency regarding the  
5883 location, capacity, design, and phasing or staging of major  
5884 transportation facilities in the planning area.

5885 (e) The state land planning agency may initiate a civil  
5886 action pursuant to s. 163.3215 with respect to a detailed  
5887 specific area plan which is not consistent with a long-term  
5888 master plan adopted pursuant to this section. For purposes of  
5889 such a proceeding, the state land planning agency shall be  
5890 deemed an aggrieved and adversely affected party. Regardless of  
5891 whether the local government has adopted an ordinance that  
5892 establishes a local process which meets the requirements of s.  
5893 163.3215(4), judicial review of a detailed specific area plan  
5894 initiated by the state land planning agency shall be de novo  
5895 pursuant to s. 163.3215(3) and not by petition for writ of  
5896 certiorari pursuant to s. 163.3215(4). Any other aggrieved or  
5897 adversely affected party shall be subject to s. 163.3215 in all  
5898 respects when initiating a consistency challenge to a detailed  
5899 specific area plan.



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5900           (f) This subsection does ~~may not be construed to prevent~~  
5901 preparation and approval of the ~~optional~~ sector plan and  
5902 detailed specific area plan concurrently or in the same  
5903 submission.

5904           (4) Upon the long-term master plan becoming legally  
5905 effective:

5906           (a) Any long-range transportation plan developed by a  
5907 metropolitan planning organization pursuant to s. 339.175(7)  
5908 must be consistent, to the maximum extent feasible, with the  
5909 long-term master plan, including but not limited to the  
5910 projected population, the approved uses and densities and  
5911 intensities of use and their distribution within the planning  
5912 area. The transportation facilities identified in adopted plans  
5913 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be  
5914 developed in coordination with the adopted M.P.O. long-range  
5915 transportation plan.

5916           (b) The water needs, sources and water resource development  
5917 and water supply development projects identified in adopted  
5918 plans pursuant to sub-subparagraphs (3)(a)2. and (3)(b)3. shall  
5919 be incorporated into the applicable district and regional water  
5920 supply plans adopted in accordance with ss. 373.036 and 373.709.  
5921 Accordingly, and notwithstanding the permit durations stated in  
5922 s. 373.236, an applicant may request and the applicable district  
5923 may issue consumptive use permits for durations commensurate  
5924 with the long-term master plan. The permitting criteria in s.  
5925 373.223 shall be applied based upon the projected population,  
5926 the approved densities and intensities of use and their  
5927 distribution in the long-term master plan.  
5928



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5929           ~~The host local government shall submit a monitoring report~~  
5930 ~~to the state land planning agency and applicable regional~~  
5931 ~~planning council on an annual basis after adoption of a detailed~~  
5932 ~~specific area plan. The annual monitoring report must provide~~  
5933 ~~summarized information on development orders issued, development~~  
5934 ~~that has occurred, public facility improvements made, and public~~  
5935 ~~facility improvements anticipated over the upcoming 5 years.~~

5936           (5) When a ~~plan amendment adopting~~ a detailed specific area  
5937 plan has become effective for a portion of the planning area  
5938 governed by a long-term master plan adopted pursuant to this  
5939 section under ss. 163.3184 and 163.3189(2), the provisions of s.  
5940 380.06 do not apply to development within the geographic area of  
5941 the detailed specific area plan. However, any development-of-  
5942 regional-impact development order that is vested from the  
5943 detailed specific area plan may be enforced pursuant to ~~under~~ s.  
5944 380.11.

5945           (a) The local government adopting the detailed specific  
5946 area plan is primarily responsible for monitoring and enforcing  
5947 the detailed specific area plan. Local governments shall not  
5948 issue any permits or approvals or provide any extensions of  
5949 services to development that are not consistent with the  
5950 detailed specific ~~sector~~ area plan.

5951           (b) If the state land planning agency has reason to believe  
5952 that a violation of any detailed specific area plan, ~~or of any~~  
5953 ~~agreement entered into under this section~~, has occurred or is  
5954 about to occur, it may institute an administrative or judicial  
5955 proceeding to prevent, abate, or control the conditions or  
5956 activity creating the violation, using the procedures in s.  
5957 380.11.



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5958 (c) In instituting an administrative or judicial proceeding  
5959 involving an ~~optional~~ sector plan or detailed specific area  
5960 plan, including a proceeding pursuant to paragraph (b), the  
5961 complaining party shall comply with the requirements of s.  
5962 163.3215(4), (5), (6), and (7), except as provided by paragraph  
5963 (3) (d).

5964 (d) The detailed specific area plan shall establish a  
5965 buildout date until which the approved development shall not be  
5966 subject to downzoning, unit density reduction, or intensity  
5967 reduction, unless the local government can demonstrate that  
5968 implementation of the plan is not continuing in good faith based  
5969 on standards established by plan policy, or that substantial  
5970 changes in the conditions underlying the approval of the  
5971 detailed specific area plan have occurred, or that the detailed  
5972 specific area plan was based on substantially inaccurate  
5973 information provided by the applicant, or that the change is  
5974 clearly established to be essential to the public health,  
5975 safety, or welfare.

5976 (6) Concurrent with or subsequent to review and adoption of  
5977 a long-term master plan pursuant to subsection (3) (a), an  
5978 applicant may apply for master development approval pursuant to  
5979 s. 380.06(21) for the entire planning area in order to establish  
5980 a buildout date until which the approved uses and densities and  
5981 intensities of use of the master plan shall not be subject to  
5982 downzoning, unit density reduction, or intensity reduction,  
5983 unless the local government can demonstrate that implementation  
5984 of the master plan is not continuing in good faith based on  
5985 standards established by plan policy, or that substantial  
5986 changes in the conditions underlying the approval of the master



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5987 plan have occurred, or that the master plan was based on  
5988 substantially inaccurate information provided by the applicant,  
5989 or that change is clearly established to be essential to the  
5990 public health, safety, or welfare. Review of the application for  
5991 master development approval shall be at a level of detail  
5992 appropriate for the long-term and conceptual nature of the long-  
5993 term master plan and, to the maximum extent possible, shall only  
5994 consider information provided in the application for a long-term  
5995 master plan. Notwithstanding any provision of s. 380.06 to the  
5996 contrary, an increment of development in such an approved master  
5997 development plan shall be approved by a detailed specific area  
5998 plan pursuant to subsection (3)(b) and shall be exempt from  
5999 review pursuant to s 380.06. ~~Beginning December 1, 1999, and~~  
6000 ~~each year thereafter, the department shall provide a status~~  
6001 ~~report to the Legislative Committee on Intergovernmental~~  
6002 ~~Relations regarding each optional sector plan authorized under~~  
6003 ~~this section.~~

6004 (7) A developer within an area subject to a long-term  
6005 master plan which meets the requirements of paragraph (3)(a) and  
6006 subsection (6) or a detailed specific area plan which meets the  
6007 requirements of paragraph (3)(b) may enter into a development  
6008 agreement with a local government pursuant to ss. 163.3220-  
6009 163.3243. The duration of such a development agreement may be  
6010 through the planning period of the long-term master plan or the  
6011 detailed specific area plan, as the case may be, notwithstanding  
6012 the limit on the duration of a development agreement pursuant to  
6013 s. 163.3229.

6014 (8) Any owner of property within the planning area of a  
6015 proposed long-term master plan may withdraw his consent to the





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6016 master plan at any time prior to local government adoption, and  
6017 the local government shall exclude such parcels from the adopted  
6018 master plan. Thereafter, the long-term master plan, any detailed  
6019 specific area plan, and the exemption from development-of-  
6020 regional-impact review under this section shall not apply to the  
6021 subject parcels. After adoption of a long-term master plan, an  
6022 owner may withdraw his or her property from the master plan only  
6023 with the approval of the local government by plan amendment  
6024 adopted and reviewed pursuant to s. 163.3184.

6025 (9) The adoption of a long-term master plan or a detailed  
6026 specific area plan pursuant to this section shall not limit the  
6027 right to continue existing agricultural or silvicultural uses or  
6028 other natural resource-based operations or to establish similar  
6029 new uses that are consistent with the plans approved pursuant to  
6030 this section.

6031 (10) Notwithstanding any provision to the contrary of s.  
6032 380.06; chapter 163, Part II; or any planning agreement or plan  
6033 policy, a landowner or developer who has received approval of a  
6034 master development of regional impact development order pursuant  
6035 to s. 380.06(21) may apply to implement this order by filing one  
6036 or more applications to approve detailed specific area plan  
6037 pursuant to subparagraph (3)(b) of this section.

6038 (11) Notwithstanding the provisions of this act, a detailed  
6039 specific area plan to implement a conceptual long-term buildout  
6040 overlay adopted by a local government and found in compliance  
6041 prior to July 1, 2011, shall be governed by the provisions of  
6042 this section.

6043 (12) This section may not be construed to abrogate the  
6044 rights of any person under this chapter.



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6045           Section 26. Section 163.3246 of the Florida Statutes is  
6046 repealed.

6047           Section 27. Section 163.3248, Florida Statutes, is created  
6048 to read:

6049           163.3248 Rural land stewardship areas.-

6050           (1) Rural land stewardship areas are designed to establish  
6051 a long-term incentive based strategy to balance and guide the  
6052 allocation of land so as to accommodate future land uses in a  
6053 manner that protects the natural environment, stimulates  
6054 economic growth and diversification, and encourages the  
6055 retention of land for agriculture and other traditional rural  
6056 land uses.

6057           (2) Upon written request by one or more landowners to  
6058 designate lands as a rural land stewardship area, or pursuant to  
6059 a private sector initiated comprehensive plan amendment, local  
6060 governments may adopt by a majority vote a future land use  
6061 overlay, which shall not require a demonstration of need based  
6062 on population projections or any other factor, to designate all  
6063 or portions of lands classified in the future land use element  
6064 as predominantly agricultural, rural, open, open-rural, or a  
6065 substantively equivalent land use, as a rural land stewardship  
6066 area within which planning and economic incentives are applied  
6067 to encourage the implementation of innovative and flexible  
6068 planning and development strategies and creative land use  
6069 planning techniques to support a diverse economic and employment  
6070 base.

6071           (3) Rural land stewardship areas may be used to further the  
6072 following broad principles of rural sustainability: restoration  
6073 and maintenance of the economic value of rural land; control of



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6074 urban sprawl; identification and protection of ecosystems,  
6075 habitats, and natural resources; promotion and diversification  
6076 of economic activity and employment opportunities within the  
6077 rural areas; maintenance of the viability of the state's  
6078 agricultural economy; and protection of private property rights  
6079 in rural areas of the state. Rural land stewardship areas may be  
6080 multicounty in order to encourage coordinated regional  
6081 stewardship planning.

6082 (4) A local government or one or more property owners may  
6083 request assistance in participation of the development of a plan  
6084 for the rural land stewardship area from the state land planning  
6085 agency, the Department of Agriculture and Consumer Services, the  
6086 Fish and Wildlife Conservation Commission, the Department of  
6087 Environmental Protection, the appropriate water management  
6088 district, the Department of Transportation, the regional  
6089 planning council, private land owners, and stakeholders.

6090 (5) A rural land stewardship area shall be not less than  
6091 10,000 acres and shall be located outside of municipalities and  
6092 established urban service areas, and shall be designated by plan  
6093 amendment by each local government with jurisdiction over the  
6094 rural land stewardship area. The plan amendment or amendments  
6095 designating a rural land stewardship area shall be subject to  
6096 review pursuant to s. 163.3184 and shall provide for the  
6097 following:

6098 (a) Criteria for the designation of receiving areas which  
6099 shall at a minimum provide for the following: adequacy of  
6100 suitable land to accommodate development so as to avoid conflict  
6101 with significant environmentally sensitive areas, resources, and  
6102 habitats; compatibility between and transition from higher



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6103 density uses to lower intensity rural uses; and the  
6104 establishment of receiving area service boundaries which provide  
6105 for a transition from receiving areas and other land uses within  
6106 the rural land stewardship area through limitations on the  
6107 extension of services.

6108 (b) Innovative planning and development strategies to be  
6109 applied within rural land stewardship areas pursuant to the  
6110 provisions of this section.

6111 (c) A process for the implementation of innovative planning  
6112 and development strategies within the rural land stewardship  
6113 area, including those described in this subsection, which  
6114 provide for a functional mix of land uses through the adoption  
6115 by the local government of zoning and land development  
6116 regulations applicable to the rural land stewardship area.

6117 (d) A mix of densities and intensities that would not be  
6118 characterized as urban sprawl through the use of innovative  
6119 strategies and creative land use techniques.

6120 (6) A receiving area may only be designated pursuant to  
6121 procedures established in the local government's land  
6122 development regulations. At the time of designation of a  
6123 stewardship receiving area, a listed species survey will be  
6124 performed. If listed species occur on the receiving area site,  
6125 the applicant shall coordinate with each appropriate local,  
6126 state, or federal agency to determine if adequate provisions  
6127 have been made to protect those species in accordance with  
6128 applicable regulations. In determining the adequacy of  
6129 provisions for the protection of listed species and their  
6130 habitats, the rural land stewardship area shall be considered as  
6131 a whole, and the potential impacts and protective measures taken



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6132 within areas to be developed as receiving areas shall be  
6133 considered in conjunction with the substantial benefits derived  
6134 from lands set aside and protective measures taken outside of  
6135 the designation of receiving areas.

6136 (7) Upon the adoption of a plan amendment creating a rural  
6137 land stewardship area, the local government shall, by ordinance,  
6138 establish a rural land stewardship overlay zoning district,  
6139 which shall provide the methodology for the creation,  
6140 conveyance, and use of transferable rural land use credits,  
6141 hereinafter referred to as stewardship credits, the assignment  
6142 and application of which shall not constitute a right to develop  
6143 land, nor increase density of land, except as provided by this  
6144 section. The total amount of stewardship credits within the  
6145 rural land stewardship area must enable the realization of the  
6146 long-term vision and goals for the rural land stewardship area,  
6147 which may take into consideration the anticipated effect of the  
6148 proposed receiving areas. The estimated amount of receiving area  
6149 shall be projected based on available data and the development  
6150 potential represented by the stewardship credits created within  
6151 the rural land stewardship area must correlate to that amount.

6152 (8) Stewardship credits are subject to the following  
6153 limitations:

6154 (a) Stewardship credits may only exist within a rural land  
6155 stewardship area.

6156 (b) Stewardship credits may only be created from lands  
6157 designated as stewardship sending areas and may only be used on  
6158 lands designated as stewardship receiving areas and then solely  
6159 for the purpose of implementing innovative planning and  
6160 development strategies and creative land use planning techniques



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6161 adopted by the local government pursuant to this section.

6162 (c) Stewardship credits assigned to a parcel of land within  
6163 a rural land stewardship area shall cease to exist if the parcel  
6164 of land is removed from the rural land stewardship area by plan  
6165 amendment.

6166 (d) Neither the creation of the rural land stewardship area  
6167 by plan amendment nor the adoption of the rural land stewardship  
6168 zoning overlay district by the local government shall displace  
6169 the underlying permitted uses, density or intensity of land uses  
6170 assigned to a parcel of land within the rural land stewardship  
6171 area that existed before adoption of the plan amendment or  
6172 zoning overlay district; however, once stewardship credits have  
6173 been transferred from a designated sending area for use within a  
6174 designated receiving area, the underlying density assigned to  
6175 the designated sending area shall cease to exist.

6176 (e) The underlying permitted uses, density, or intensity on  
6177 each parcel of land located within a rural land stewardship area  
6178 shall not be increased or decreased by the local government,  
6179 except as a result of the conveyance or stewardship credits, as  
6180 long as the parcel remains within the rural land stewardship  
6181 area.

6182 (f) Stewardship credits shall cease to exist on a parcel of  
6183 land where the underlying density assigned to the parcel of land  
6184 is used.

6185 (g) An increase in the density or intensity of use on a  
6186 parcel of land located within a designated receiving area may  
6187 occur only through the assignment or use of stewardship credits  
6188 and shall not require a plan amendment. A change in the type of  
6189 agricultural use on property within a rural land stewardship



6190 area shall not be considered a change in use or intensity of use  
6191 and shall not require any transfer of stewardship credits.

6192 (h) A change in the density or intensity of land use on  
6193 parcels located within receiving areas shall be specified in a  
6194 development order which reflects the total number of stewardship  
6195 credits assigned to the parcel of land and the infrastructure  
6196 and support services necessary to provide for a functional mix  
6197 of land uses corresponding to the plan of development.

6198 (i) Land within a rural land stewardship area may be  
6199 removed from the rural land stewardship area through a plan  
6200 amendment.

6201 (j) Stewardship credits may be assigned at different ratios  
6202 of credits per acre according to the natural resource or other  
6203 beneficial use characteristics of the land and according to the  
6204 land use remaining following the transfer of credits, with the  
6205 highest number of credits per acre assigned to the most  
6206 environmentally valuable land or, in locations where the  
6207 retention of open space and agricultural land is a priority, to  
6208 such lands.

6209 (k) The use or conveyance of stewardship credits must be  
6210 recorded in the public records of the county in which the  
6211 property is located as a covenant or restrictive easement  
6212 running with the land in favor of the county and either the  
6213 Department of Environmental Protection, Department of  
6214 Agriculture and Consumer Services, a water management district,  
6215 or a recognized statewide land trust.

6216 (9) Owners of land within rural land stewardship sending  
6217 areas should be provided other incentives, in addition to the  
6218 use or conveyance of stewardship credits, to enter into rural



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6219 land stewardship agreements, pursuant to existing law and rules  
6220 adopted thereto, with state agencies, water management  
6221 districts, the Fish and Wildlife Conservation Commission, and  
6222 local governments to achieve mutually agreed upon objectives.  
6223 Such incentives may include, but not be limited to, the  
6224 following:

6225 (a) Opportunity to accumulate transferable wetland and  
6226 species habitat mitigation credits for use or sale.

6227 (b) Extended permit agreements.

6228 (c) Opportunities for recreational leases and ecotourism.

6229 (d) Compensation for the achievement of specified land  
6230 management activities of public benefit, including, but not  
6231 limited to, facility siting and corridors, recreational leases,  
6232 water conservation and storage, water reuse, wastewater  
6233 recycling, water supply and water resource development, nutrient  
6234 reduction, environmental restoration and mitigation, public  
6235 recreation, listed species protection and recovery, and wildlife  
6236 corridor management and enhancement.

6237 (e) Option agreements for sale to public entities or  
6238 private land conservation entities, in either fee or easement,  
6239 upon achievement of specified conservation objectives.

6240 (10) The provisions of paragraph (9)(d) constitute an  
6241 overlay of land use options that provide economic and regulatory  
6242 incentives for landowners outside of established and planned  
6243 urban service areas to conserve and manage vast areas of land  
6244 for the benefit of the state's citizens and natural environment  
6245 while maintaining and enhancing the asset value of their  
6246 landholdings. It is the intent of the Legislature that the  
6247 provisions of this section be implemented pursuant to law and





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6248 rulemaking is not authorized.

6249 (11) It is the intent of the legislature that the Rural  
6250 Land Stewardship Area located in Collier County, which is  
6251 consistent in all materials aspects with this section, be  
6252 recognized as a Statutory Rural Land Stewardship Area, and be  
6253 afforded the incentives as set forth in this section.

6254 Section 28. Section 163.32465, Florida Statutes, is amended  
6255 to read:

6256 163.32465 State review of local comprehensive plans ~~in~~  
6257 ~~urban areas.~~-

6258 (1) LEGISLATIVE FINDINGS.-

6259 (a) The Legislature finds that local governments in this  
6260 state have a wide diversity of resources, conditions, abilities,  
6261 and needs. The Legislature also finds that comprehensive  
6262 planning has been implemented throughout the state and that it  
6263 is appropriate for local governments to have the primary role in  
6264 planning for their growth. ~~the needs and resources of urban~~  
6265 ~~areas are different from those of rural areas and that different~~  
6266 ~~planning and growth management approaches, strategies, and~~  
6267 ~~techniques are required in urban areas. The state role in~~  
6268 ~~overseeing growth management should reflect this diversity and~~  
6269 ~~should vary based on local government conditions, capabilities,~~  
6270 ~~needs, and extent of development.~~ Thus, the Legislature  
6271 recognizes and finds that reduced state oversight of local  
6272 comprehensive planning is justified ~~for some local governments~~  
6273 ~~in urban areas.~~

6274 (b) The Legislature finds and declares that this state's  
6275 local governments ~~urban areas~~ require a reduced level of state  
6276 oversight ~~because of their high degree of urbanization and the~~



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6277 ~~planning capabilities and resources of many of their local~~  
6278 ~~governments. An alternative state review process that is~~  
6279 ~~adequate to protect issues of regional or statewide importance~~  
6280 ~~should be created for appropriate local governments in these~~  
6281 ~~areas. Further, the Legislature finds that development,~~  
6282 ~~including urban infill and redevelopment, should be encouraged~~  
6283 ~~in these urban areas. The Legislature finds that an alternative~~  
6284 Accordingly, the process provided by this section for amending  
6285 local comprehensive plans is ~~in these areas should be~~  
6286 established with the ~~an~~ objective of streamlining the process  
6287 and recognizing local responsibility and accountability.

6288 ~~(c) The Legislature finds a pilot program will be~~  
6289 ~~beneficial in evaluating an alternative, expedited plan~~  
6290 ~~amendment adoption and review process. Pilot local governments~~  
6291 ~~shall represent highly developed counties and the municipalities~~  
6292 ~~within these counties and highly populated municipalities.~~

6293 (2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT  
6294 PROGRAM. ~~Pinellas and Broward Counties, and the municipalities~~  
6295 ~~within these counties, and Jacksonville, Miami, Tampa, and~~  
6296 ~~Hialeah shall follow an alternative state review process~~  
6297 ~~provided in this section. The process for amending a~~  
6298 comprehensive plan described in this section is applicable  
6299 statewide. Municipalities within the pilot counties may elect,  
6300 ~~by super majority vote of the governing body, not to participate~~  
6301 ~~in the pilot program. In addition to the pilot program~~  
6302 ~~jurisdictions, any local government may use the alternative~~  
6303 ~~state review process to designate an urban service area as~~  
6304 ~~defined in s. 163.3164(29) in its comprehensive plan.~~

6305 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS



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6306 ~~UNDER THE PILOT PROGRAM.-~~

6307 ~~(a)~~ Plan amendments adopted by ~~the~~ local governments pilot  
6308 program jurisdictions shall follow the alternate, are subject to  
6309 the expedited process in subsections (4) and (5), except as  
6310 follows set forth in paragraphs (b)-(c) of this subsection.

6311 ~~(a)(b)~~ Amendments that qualify as small-scale development  
6312 amendments may continue to be adopted ~~by the pilot program~~  
6313 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).

6314 ~~(b)(c)~~ Plan amendments that propose a rural land  
6315 stewardship area pursuant to s. 163.3177(11)(d); propose an  
6316 optional sector plan; update a comprehensive plan based on an  
6317 evaluation and appraisal report; ~~implement new statutory~~  
6318 ~~requirements; or~~ new plans for newly incorporated municipalities  
6319 are subject to state review as set forth in s. 163.3184; or are  
6320 in an area of critical state concern designated pursuant to s.  
6321 380.05.

6322 ~~(c)(d)~~ Local governments are Pilot program jurisdictions  
6323 ~~shall be~~ subject to the frequency and timing requirements for  
6324 plan amendments ~~set forth in ss. 163.3187 and 163.3191, except~~  
6325 ~~where otherwise stated in this section.~~

6326 ~~(d)(e)~~ The mediation and expedited hearing provisions in s.  
6327 163.3189(3) apply to all plan amendments adopted pursuant to  
6328 this section by the pilot program jurisdictions.

6329 (e) Local governments shall not combine plan amendments  
6330 adopted pursuant to this section with plan amendments adopted  
6331 pursuant to s. 163.3184 in the same amendment package. Each  
6332 transmittal and adoption amendment package shall contain a cover  
6333 letter stating whether the amendment or amendments contained  
6334 within the package are adopted pursuant to this section or s.



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6335 163.3184.

6336 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~  
6337 ~~PILOT PROGRAM.~~—

6338 (a) The local government shall hold its first public  
6339 hearing on a comprehensive plan amendment on a weekday at least  
6340 7 days after the day the first advertisement is published  
6341 pursuant to the requirements of chapter 125 or chapter 166. Upon  
6342 an affirmative vote of not less than a majority of the members  
6343 of the governing body present at the hearing, the local  
6344 government shall immediately transmit the amendment or  
6345 amendments and appropriate supporting data and analyses to the  
6346 state land planning agency; the appropriate regional planning  
6347 council and water management district; the Department of  
6348 Environmental Protection; the Department of State; the  
6349 Department of Transportation; in the case of municipal plans, to  
6350 the appropriate county; the Fish and Wildlife Conservation  
6351 Commission; the Department of Agriculture and Consumer Services;  
6352 when required by s. 163.3175, the applicable military  
6353 installation or installations; and in the case of amendments  
6354 that include or impact the public school facilities element, the  
6355 Department of Education ~~Office of Educational Facilities of the~~  
6356 ~~Commissioner of Education~~. The local governing body shall also  
6357 transmit a copy of the amendments and supporting data and  
6358 analyses to any other local government or governmental agency  
6359 that has filed a written request with the governing body.

6360 (b) The agencies and local governments specified in  
6361 paragraph (a) may provide comments regarding the amendment or  
6362 amendments to the local government. The regional planning  
6363 council review and comment shall be limited to effects on



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6364 regional resources or facilities identified in the strategic  
6365 regional policy plan and extrajurisdictional impacts that would  
6366 be inconsistent with the comprehensive plan of the affected  
6367 local government. A regional planning council shall not review  
6368 and comment on a proposed comprehensive plan amendment prepared  
6369 by such council unless the plan amendment has been changed by  
6370 the local government subsequent to the preparation of the plan  
6371 amendment by the regional planning council. County comments on  
6372 municipal comprehensive plan amendments shall be ~~primarily~~ in  
6373 the context of the relationship and effect of the proposed plan  
6374 amendments on the county plan. Municipal comments on county plan  
6375 amendments shall be ~~primarily~~ in the context of the relationship  
6376 and effect of the amendments on the municipal plan. State agency  
6377 comments must be limited to issues within the agency's  
6378 jurisdiction as it relates to the requirements of this part and  
6379 may include technical guidance ~~on issues of agency jurisdiction~~  
6380 ~~as it relates to the requirements of this part.~~ Such comments  
6381 shall clearly identify issues that, if not resolved, may result  
6382 in an agency challenge to the plan amendment. ~~For the purposes~~  
6383 ~~of this pilot program,~~ Agencies are encouraged to focus  
6384 potential challenges on issues of regional or statewide  
6385 importance. Agencies and local governments must transmit their  
6386 comments to the affected local government such that they are  
6387 received by the local government not later than thirty days from  
6388 the date on which the agency or government received the  
6389 amendment or amendments.

6390 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~  
6391 ~~AREAS.~~—

6392 (a) The local government shall hold its second public



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6393 hearing, which shall be a hearing on whether to adopt one or  
6394 more comprehensive plan amendments, on a weekday at least 5 days  
6395 after the day the second advertisement is published pursuant to  
6396 the requirements of chapter 125 or chapter 166. Adoption of  
6397 comprehensive plan amendments must be by ordinance and requires  
6398 an affirmative vote of a majority of the members of the  
6399 governing body present at the second hearing.

6400 (b) All comprehensive plan amendments adopted by the  
6401 governing body along with the supporting data and analysis shall  
6402 be transmitted within 10 days of the second public hearing to  
6403 the state land planning agency and any other agency or local  
6404 government that provided timely comments under paragraph (4) (b).

6405 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~  
6406 ~~PROGRAM.~~—

6407 (a) Any "affected person" as defined in s. 163.3184(1) (a)  
6408 may file a petition with the Division of Administrative Hearings  
6409 pursuant to ss. 120.569 and 120.57, with a copy served on the  
6410 affected local government, to request a formal hearing to  
6411 challenge whether the amendments are "in compliance" as defined  
6412 in s. 163.3184(1) (b). This petition must be filed with the  
6413 Division within 30 days after the state land planning agency  
6414 notifies the local government that the plan amendment package is  
6415 complete ~~the local government adopts the amendment~~. The state  
6416 land planning agency may intervene in a proceeding instituted by  
6417 an affected person if necessary to protect interests of regional  
6418 or statewide importance.

6419 (b) The state land planning agency may file a petition with  
6420 the Division of Administrative Hearings pursuant to ss. 120.569  
6421 and 120.57, with a copy served on the affected local government,



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6422 to request a formal hearing if necessary to protect interests of  
6423 regional or statewide importance. This petition must be filed  
6424 with the Division within 30 days after the state land planning  
6425 agency notifies the local government that the plan amendment  
6426 package is complete. For purposes of this section, an adopted  
6427 amendment package shall be deemed complete if it contains a  
6428 full, executed copy of the adoption ordinance or ordinances; in  
6429 the case of a text amendment, a full copy of the amended  
6430 language in legislative format with new words inserted in the  
6431 text underlined, and words to be deleted lined through with  
6432 hyphens; in the case of a future land use map amendment, a copy  
6433 of the future land use map clearly depicting the parcel, its  
6434 existing future land use designation, and its adopted  
6435 designation; and a copy of any data and analyses the local  
6436 government deems appropriate. The state land planning agency  
6437 shall notify the local government that the package is complete  
6438 or of any that the package contains deficiencies within 5  
6439 working days of receipt of an amendment package.

6440 (c) The state land planning agency's challenge shall be  
6441 limited to those issues raised in the comments provided by the  
6442 reviewing agencies pursuant to paragraph (4) (b). The state land  
6443 planning agency may challenge a plan amendment that has  
6444 substantially changed from the version on which the agencies  
6445 provided comments. ~~For the purposes of this pilot program, The~~  
6446 ~~Legislature strongly encourages~~ The state land planning agency  
6447 ~~to~~ shall focus any challenge on issues of regional or statewide  
6448 importance.

6449 (d) An administrative law judge shall hold a hearing in the  
6450 affected local jurisdiction. The local government's



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6451 determination that the amendment is "in compliance" is presumed  
6452 to be correct and shall be sustained unless it is shown by a  
6453 preponderance of the evidence that the amendment is not "in  
6454 compliance."

6455 (e) If the administrative law judge recommends that the  
6456 amendment be found not in compliance, the judge shall submit the  
6457 recommended order to the Administration Commission for final  
6458 agency action. The Administration Commission shall enter a final  
6459 order within 45 days after its receipt of the recommended order.

6460 (f) If the administrative law judge recommends that the  
6461 amendment be found in compliance, the judge shall submit the  
6462 recommended order to the state land planning agency.

6463 1. If the state land planning agency determines that the  
6464 plan amendment should be found not in compliance, the agency  
6465 shall refer, within 30 days of receipt of the recommended order,  
6466 the recommended order and its determination to the  
6467 Administration Commission for final agency action. If the  
6468 commission determines that the amendment is not in compliance,  
6469 it may sanction the local government as set forth in s.  
6470 163.3184(11).

6471 2. If the state land planning agency determines that the  
6472 plan amendment should be found in compliance, the agency shall  
6473 enter its final order not later than 30 days from receipt of the  
6474 recommended order.

6475 (g) An amendment adopted under the expedited provisions of  
6476 this section shall not become effective until 31 days after the  
6477 state land plan agency notifies the local government that the  
6478 plan amendment package is complete adoption. If timely  
6479 challenged, an amendment shall not become effective until the





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6480 state land planning agency or the Administration Commission  
6481 enters a final order determining the adopted amendment to be in  
6482 compliance.

6483 (h) Parties to a proceeding under this section may enter  
6484 into compliance agreements using the process in s. 163.3184(16).  
6485 Any remedial amendment adopted pursuant to a settlement  
6486 agreement shall be provided to the agencies and governments  
6487 listed in paragraph (4) (a).

6488 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~  
6489 ~~GOVERNMENTS. Local governments and specific areas that have been~~  
6490 ~~designated for alternate review process pursuant to ss. 163.3246~~  
6491 ~~and 163.3184(17) and (18) are not subject to this section.~~

6492 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall~~  
6493 ~~not promulgate rules to implement this pilot program.~~

6494 ~~(9) REPORT. The Office of Program Policy Analysis and~~  
6495 ~~Government Accountability shall submit to the Governor, the~~  
6496 ~~President of the Senate, and the Speaker of the House of~~  
6497 ~~Representatives by December 1, 2008, a report and~~  
6498 ~~recommendations for implementing a statewide program that~~  
6499 ~~addresses the legislative findings in subsection (1) in areas~~  
6500 ~~that meet urban criteria. The Office of Program Policy Analysis~~  
6501 ~~and Government Accountability in consultation with the state~~  
6502 ~~land planning agency shall develop the report and~~  
6503 ~~recommendations with input from other state and regional~~  
6504 ~~agencies, local governments, and interest groups. Additionally,~~  
6505 ~~the office shall review local and state actions and~~  
6506 ~~correspondence relating to the pilot program to identify issues~~  
6507 ~~of process and substance in recommending changes to the pilot~~  
6508 ~~program. At a minimum, the report and recommendations shall~~



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6509 ~~include the following:~~

6510 ~~(a) Identification of local governments beyond those~~  
6511 ~~participating in the pilot program that should be subject to the~~  
6512 ~~alternative expedited state review process. The report may~~  
6513 ~~recommend that pilot program local governments may no longer be~~  
6514 ~~appropriate for such alternative review process.~~

6515 ~~(b) Changes to the alternative expedited state review~~  
6516 ~~process for local comprehensive plan amendments identified in~~  
6517 ~~the pilot program.~~

6518 ~~(c) Criteria for determining issues of regional or~~  
6519 ~~statewide importance that are to be protected in the alternative~~  
6520 ~~state review process.~~

6521 ~~(d) In preparing the report and recommendations, the Office~~  
6522 ~~of Program Policy Analysis and Government Accountability shall~~  
6523 ~~consult with the state land planning agency, the Department of~~  
6524 ~~Transportation, the Department of Environmental Protection, and~~  
6525 ~~the regional planning agencies in identifying highly developed~~  
6526 ~~local governments to participate in the alternative expedited~~  
6527 ~~state review process. The Office of Program Policy Analysis and~~  
6528 ~~Governmental Accountability shall also solicit citizen input in~~  
6529 ~~the potentially affected areas and consult with the affected~~  
6530 ~~local governments and stakeholder groups.~~

6531 Section 29. Section 163.3260, Florida Statutes, is created  
6532 to read:

6533 163.3260 Prohibition on duplication of local regulations.-  
6534 It is the intent of the Legislature to eliminate the duplication  
6535 of regulatory authority in certain environmental reviews and  
6536 permitting. A local government may not adopt any ordinance,  
6537 regulation, rule, or policy for environmental reviews or



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6538 environmental resource permitting if such reviews or permitting  
6539 are already regulated by the Department of Environmental  
6540 Protection or a water management district. The water management  
6541 districts may not duplicate any environmental reviews or  
6542 environmental resource permitting carried out by the Department  
6543 of Environmental Protection.

6544 Section 30. Paragraph (a) of subsection (2) of section  
6545 163.360, Florida Statutes, is amended to read:

6546 163.360 Community redevelopment plans.—

6547 (2) The community redevelopment plan shall:

6548 (a) Conform to the comprehensive plan for the county or  
6549 municipality as prepared by the local planning agency under the  
6550 Community Local Government Comprehensive Planning and Land  
6551 Development Regulation Act.

6552 Section 31. Paragraph (a) of subsection (3) and subsection  
6553 (8) of section 163.516, Florida Statutes, are amended to read:

6554 163.516 Safe neighborhood improvement plans.—

6555 (3) The safe neighborhood improvement plan shall:

6556 (a) Be consistent with the adopted comprehensive plan for  
6557 the county or municipality pursuant to the Community Local  
6558 Government Comprehensive Planning and Land Development  
6559 Regulation Act. No district plan shall be implemented unless the  
6560 local governing body has determined said plan is consistent.

6561 (8) Pursuant to ss. 163.3184, and 163.3187, ~~and 163.3189,~~  
6562 the governing body of a municipality or county shall hold two  
6563 public hearings to consider the board-adopted safe neighborhood  
6564 improvement plan as an amendment or modification to the  
6565 municipality's or county's adopted local comprehensive plan.

6566 Section 32. Paragraph (c) of subsection (2) and subsection



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6567 (3) of section 186.504, Florida Statutes, is amended to read:  
6568 186.504 Regional planning councils; creation; membership.—  
6569 (2) Membership on the regional planning council shall be as  
6570 follows:  
6571 (c) Representatives appointed by the Governor from the  
6572 geographic area covered by the regional planning council,  
6573 including an elected school board member from the geographic  
6574 area covered by the regional planning council, to be nominated  
6575 by the Florida School Board Association and a representative of  
6576 the civic and business community which shall be selected and  
6577 recommended by the Florida Chamber of Commerce, the Office of  
6578 Tourism, Trade, and Economic Development, and Enterprise  
6579 Florida. These representatives must include two or more of the  
6580 following: a representative of the region's business community,  
6581 a representative of the commercial development community, a  
6582 representative of the banking and financial community, and a  
6583 representative of the agricultural community.  
6584 (3) Not less than two-thirds of the representatives serving  
6585 as voting members on the governing bodies of such regional  
6586 planning councils shall be elected officials of local general-  
6587 purpose governments chosen by the cities and counties of the  
6588 region, provided each county shall have at least one vote. The  
6589 remaining one-third of the voting members on the governing board  
6590 shall be appointed by the Governor, ~~to include one elected~~  
6591 ~~school board member, subject to confirmation by the Senate, and~~  
6592 ~~shall reside in the region.~~ No two appointees of the Governor  
6593 shall have their places of residence in the same county until  
6594 each county within the region is represented by a Governor's  
6595 appointee to the governing board. Nothing contained in this



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6596 section shall deny to local governing bodies or the Governor the  
6597 option of appointing either locally elected officials or lay  
6598 citizens provided at least two-thirds of the governing body of  
6599 the regional planning council is composed of locally elected  
6600 officials.

6601 Section 33. Section 186.513, Florida Statutes, is amended  
6602 to read:

6603 186.513 Reports.—Each regional planning council shall  
6604 prepare and furnish an annual report on its activities to the  
6605 state land planning agency as defined in s. 163.3164~~(20)~~ and the  
6606 local general-purpose governments within its boundaries and,  
6607 upon payment as may be established by the council, to any  
6608 interested person. The regional planning councils shall make a  
6609 joint report and recommendations to appropriate legislative  
6610 committees.

6611 Section 34. Section 186.515, Florida Statutes, is amended  
6612 to read:

6613 186.515 Creation of regional planning councils under  
6614 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and  
6615 186.515 is intended to repeal or limit the provisions of chapter  
6616 163; however, the local general-purpose governments serving as  
6617 voting members of the governing body of a regional planning  
6618 council created pursuant to ss. 186.501-186.507, 186.513, and  
6619 186.515 are not authorized to create a regional planning council  
6620 pursuant to chapter 163 unless an agency, other than a regional  
6621 planning council created pursuant to ss. 186.501-186.507,  
6622 186.513, and 186.515, is designated to exercise the powers and  
6623 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);  
6624 in which case, such a regional planning council is also without



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6625 authority to exercise the powers and duties in s. 163.3164(19)  
6626 or s. 380.031(15).

6627 Section 35. Subsection (1) of section 189.415, Florida  
6628 Statutes, is amended to read:

6629 189.415 Special district public facilities report.—

6630 (1) It is declared to be the policy of this state to foster  
6631 coordination between special districts and local general-purpose  
6632 governments as those local general-purpose governments develop  
6633 comprehensive plans under the Community Local Government  
6634 ~~Comprehensive Planning and Land Development Regulation Act~~,  
6635 pursuant to part II of chapter 163.

6636 Section 36. Subsection (3) of section 190.004, Florida  
6637 Statutes, is amended to read:

6638 190.004 Preemption; sole authority.—

6639 (3) The establishment of an independent community  
6640 development district as provided in this act is not a  
6641 development order within the meaning of chapter 380. All  
6642 governmental planning, environmental, and land development laws,  
6643 regulations, and ordinances apply to all development of the land  
6644 within a community development district. Community development  
6645 districts do not have the power of a local government to adopt a  
6646 comprehensive plan, building code, or land development code, as  
6647 those terms are defined in the Community Local Government  
6648 ~~Comprehensive Planning and Land Development Regulation Act~~. A  
6649 district shall take no action which is inconsistent with  
6650 applicable comprehensive plans, ordinances, or regulations of  
6651 the applicable local general-purpose government.

6652 Section 37. Paragraph (a) of subsection (1) of section  
6653 190.005, Florida Statutes, is amended to read:



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6654 190.005 Establishment of district.-

6655 (1) The exclusive and uniform method for the establishment  
6656 of a community development district with a size of 1,000 acres  
6657 or more shall be pursuant to a rule, adopted under chapter 120  
6658 by the Florida Land and Water Adjudicatory Commission, granting  
6659 a petition for the establishment of a community development  
6660 district.

6661 (a) A petition for the establishment of a community  
6662 development district shall be filed by the petitioner with the  
6663 Florida Land and Water Adjudicatory Commission. The petition  
6664 shall contain:

6665 1. A metes and bounds description of the external  
6666 boundaries of the district. Any real property within the  
6667 external boundaries of the district which is to be excluded from  
6668 the district shall be specifically described, and the last known  
6669 address of all owners of such real property shall be listed. The  
6670 petition shall also address the impact of the proposed district  
6671 on any real property within the external boundaries of the  
6672 district which is to be excluded from the district.

6673 2. The written consent to the establishment of the district  
6674 by all landowners whose real property is to be included in the  
6675 district or documentation demonstrating that the petitioner has  
6676 control by deed, trust agreement, contract, or option of 100  
6677 percent of the real property to be included in the district, and  
6678 when real property to be included in the district is owned by a  
6679 governmental entity and subject to a ground lease as described  
6680 in s. 190.003(14), the written consent by such governmental  
6681 entity.

6682 3. A designation of five persons to be the initial members



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6683 of the board of supervisors, who shall serve in that office  
6684 until replaced by elected members as provided in s. 190.006.

6685 4. The proposed name of the district.

6686 5. A map of the proposed district showing current major  
6687 trunk water mains and sewer interceptors and outfalls if in  
6688 existence.

6689 6. Based upon available data, the proposed timetable for  
6690 construction of the district services and the estimated cost of  
6691 constructing the proposed services. These estimates shall be  
6692 submitted in good faith but shall not be binding and may be  
6693 subject to change.

6694 7. A designation of the future general distribution,  
6695 location, and extent of public and private uses of land proposed  
6696 for the area within the district by the future land use plan  
6697 element of the effective local government comprehensive plan of  
6698 which all mandatory elements have been adopted by the applicable  
6699 general-purpose local government in compliance with the  
6700 Community Local Government Comprehensive Planning and Land  
6701 Development Regulation Act.

6702 8. A statement of estimated regulatory costs in accordance  
6703 with the requirements of s. 120.541.

6704 Section 38. Paragraph (i) of subsection (6) of section  
6705 193.501, Florida Statutes, is amended to read:

6706 193.501 Assessment of lands subject to a conservation  
6707 easement, environmentally endangered lands, or lands used for  
6708 outdoor recreational or park purposes when land development  
6709 rights have been conveyed or conservation restrictions have been  
6710 covenanted.—

6711 (6) The following terms whenever used as referred to in





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6712 this section have the following meanings unless a different  
6713 meaning is clearly indicated by the context:

6714 (i) "Qualified as environmentally endangered" means land  
6715 that has unique ecological characteristics, rare or limited  
6716 combinations of geological formations, or features of a rare or  
6717 limited nature constituting habitat suitable for fish, plants,  
6718 or wildlife, and which, if subject to a development moratorium  
6719 or one or more conservation easements or development  
6720 restrictions appropriate to retaining such land or water areas  
6721 predominantly in their natural state, would be consistent with  
6722 the conservation, recreation and open space, and, if applicable,  
6723 coastal protection elements of the comprehensive plan adopted by  
6724 formal action of the local governing body pursuant to s.  
6725 163.3161, the Community ~~Local Government Comprehensive~~ Planning  
6726 ~~and Land Development Regulation~~ Act; or surface waters and  
6727 wetlands, as determined by the methodology ratified in s.  
6728 373.4211.

6729 Section 39. Subsection (15) of section 287.042, Florida  
6730 Statutes, is amended to read:

6731 287.042 Powers, duties, and functions.—The department shall  
6732 have the following powers, duties, and functions:

6733 (15) To enter into joint agreements with governmental  
6734 agencies, as defined in s. 163.3164(10), for the purpose of  
6735 pooling funds for the purchase of commodities or information  
6736 technology that can be used by multiple agencies.

6737 (a) Each agency that has been appropriated or has existing  
6738 funds for such purchase, shall, upon contract award by the  
6739 department, transfer their portion of the funds into the  
6740 department's Operating Trust Fund for payment by the department.



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6741 The funds shall be transferred by the Executive Office of the  
6742 Governor pursuant to the agency budget amendment request  
6743 provisions in chapter 216.

6744 (b) Agencies that sign the joint agreements are financially  
6745 obligated for their portion of the agreed-upon funds. If an  
6746 agency becomes more than 90 days delinquent in paying the funds,  
6747 the department shall certify to the Chief Financial Officer the  
6748 amount due, and the Chief Financial Officer shall transfer the  
6749 amount due to the Operating Trust Fund of the department from  
6750 any of the agency's available funds. The Chief Financial Officer  
6751 shall report these transfers and the reasons for the transfers  
6752 to the Executive Office of the Governor and the legislative  
6753 appropriations committees.

6754 Section 40. Subsection (4) of section 288.063, Florida  
6755 Statutes, is amended to read:

6756 288.063 Contracts for transportation projects.—

6757 (4) The Office of Tourism, Trade, and Economic Development  
6758 may adopt criteria by which transportation projects are to be  
6759 reviewed and certified in accordance with s. 288.061. In  
6760 approving transportation projects for funding, the Office of  
6761 Tourism, Trade, and Economic Development shall consider factors  
6762 including, but not limited to, the cost per job created or  
6763 retained considering the amount of transportation funds  
6764 requested; the average hourly rate of wages for jobs created;  
6765 the reliance on the program as an inducement for the project's  
6766 location decision; the amount of capital investment to be made  
6767 by the business; the demonstrated local commitment; the location  
6768 of the project in an enterprise zone designated pursuant to s.  
6769 290.0055; the location of the project in a spaceport territory



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6770 as defined in s. 331.304; the unemployment rate of the  
6771 surrounding area; and the poverty rate of the community; ~~and the~~  
6772 ~~adoption of an economic element as part of its local~~  
6773 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The  
6774 Office of Tourism, Trade, and Economic Development may contact  
6775 any agency it deems appropriate for additional input regarding  
6776 the approval of projects.

6777 Section 41. Paragraph (a) of subsection (2), subsection  
6778 (10), and paragraph (d) of subsection (12) of section 288.975,  
6779 Florida Statutes, are amended to read:

6780 288.975 Military base reuse plans.—

6781 (2) As used in this section, the term:

6782 (a) "Affected local government" means a local government  
6783 adjoining the host local government and any other unit of local  
6784 government that is not a host local government but that is  
6785 identified in a proposed military base reuse plan as providing,  
6786 operating, or maintaining one or more public facilities as  
6787 defined in s. 163.3164~~(24)~~ on lands within or serving a military  
6788 base designated for closure by the Federal Government.

6789 (10) Within 60 days after receipt of a proposed military  
6790 base reuse plan, these entities shall review and provide  
6791 comments to the host local government. The commencement of this  
6792 review period shall be advertised in newspapers of general  
6793 circulation within the host local government and any affected  
6794 local government to allow for public comment. No later than 180  
6795 days after receipt and consideration of all comments, and the  
6796 holding of at least two public hearings, the host local  
6797 government shall adopt the military base reuse plan. The host  
6798 local government shall comply with the notice requirements set



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6799 forth in s. 163.3184~~(15)~~ to ensure full public participation in  
6800 this planning process.

6801 (12) Following receipt of a petition, the petitioning party  
6802 or parties and the host local government shall seek resolution  
6803 of the issues in dispute. The issues in dispute shall be  
6804 resolved as follows:

6805 (d) Within 45 days after receiving the report from the  
6806 state land planning agency, the Administration Commission shall  
6807 take action to resolve the issues in dispute. In deciding upon a  
6808 proper resolution, the Administration Commission shall consider  
6809 the nature of the issues in dispute, any requests for a formal  
6810 administrative hearing pursuant to chapter 120, the compliance  
6811 of the parties with this section, the extent of the conflict  
6812 between the parties, the comparative hardships and the public  
6813 interest involved. If the Administration Commission incorporates  
6814 in its final order a term or condition that requires any local  
6815 government to amend its local government comprehensive plan, the  
6816 local government shall amend its plan within 60 days after the  
6817 issuance of the order. Such amendment or amendments shall be  
6818 exempt from the limitation of the frequency of plan amendments  
6819 contained in s. 163.3187(1), and a public hearing on such  
6820 amendment or amendments pursuant to s. 163.3184~~(15)~~(b)1. shall  
6821 not be required. The final order of the Administration  
6822 Commission is subject to appeal pursuant to s. 120.68. If the  
6823 order of the Administration Commission is appealed, the time for  
6824 the local government to amend its plan shall be tolled during  
6825 the pendency of any local, state, or federal administrative or  
6826 judicial proceeding relating to the military base reuse plan.

6827 Section 42. Subsection (4) of section 290.0475, Florida



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6828 Statutes, is amended to read:

6829       290.0475 Rejection of grant applications; penalties for  
6830 failure to meet application conditions.—Applications received  
6831 for funding under all program categories shall be rejected  
6832 without scoring only in the event that any of the following  
6833 circumstances arise:

6834       (4) The application is not consistent with the local  
6835 government's comprehensive plan adopted pursuant to s.  
6836 163.3184(7).

6837       Section 43. Paragraph (c) of subsection (3) of section  
6838 311.07, Florida Statutes, is amended to read:

6839       311.07 Florida seaport transportation and economic  
6840 development funding.—

6841       (3)

6842       (c) To be eligible for consideration by the council  
6843 pursuant to this section, a project must be consistent with the  
6844 port comprehensive master plan which is incorporated as part of  
6845 the approved local government comprehensive plan as required by  
6846 s. 163.3178(2)(k) or other provisions of the Community Local  
6847 ~~Government Comprehensive Planning and Land Development~~  
6848 ~~Regulation~~ Act, part II of chapter 163.

6849       Section 44. Subsection (1) of section 331.319, Florida  
6850 Statutes, is amended to read:

6851       331.319 Comprehensive planning; building and safety codes.—  
6852 The board of directors may:

6853       (1) Adopt, and from time to time review, amend, supplement,  
6854 or repeal, a comprehensive general plan for the physical  
6855 development of the area within the spaceport territory in  
6856 accordance with the objectives and purposes of this act and



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6857 consistent with the comprehensive plans of the applicable county  
6858 or counties and municipality or municipalities adopted pursuant  
6859 to the Community ~~Local Government Comprehensive Planning and~~  
6860 ~~Land Development Regulation Act~~, part II of chapter 163.

6861 Section 45. Paragraph (e) of subsection (5) of section  
6862 339.155, Florida Statutes, is amended to read:

6863 339.155 Transportation planning.—

6864 (5) ADDITIONAL TRANSPORTATION PLANS.—

6865 (e) The regional transportation plan developed pursuant to  
6866 this section must, at a minimum, identify regionally significant  
6867 transportation facilities located within a regional  
6868 transportation area and contain a prioritized list of regionally  
6869 significant projects. ~~The level of service standards for~~  
6870 ~~facilities to be funded under this subsection shall be adopted~~  
6871 ~~by the appropriate local government in accordance with s.~~  
6872 ~~163.3180(10).~~ The projects shall be adopted into the capital  
6873 improvements schedule of the local government comprehensive plan  
6874 pursuant to s. 163.3177(3).

6875 Section 46. Paragraph (a) of subsection (4) of section  
6876 339.2819, Florida Statutes, is amended to read:

6877 339.2819 Transportation Regional Incentive Program.—

6878 (4) (a) Projects to be funded with Transportation Regional  
6879 Incentive Program funds shall, at a minimum:

6880 1. Support those transportation facilities that serve  
6881 national, statewide, or regional functions and function as an  
6882 integrated regional transportation system.

6883 2. Be identified in the capital improvements element of a  
6884 comprehensive plan that has been determined to be in compliance  
6885 with part II of chapter 163, after July 1, 2005, ~~or to implement~~



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6886 ~~a long term concurrency management system adopted by a local~~  
6887 ~~government in accordance with s. 163.3180(9).~~ Further, the  
6888 project shall be in compliance with local government  
6889 comprehensive plan policies relative to corridor management.

6890 3. Be consistent with the Strategic Intermodal System Plan  
6891 developed under s. 339.64.

6892 4. Have a commitment for local, regional, or private  
6893 financial matching funds as a percentage of the overall project  
6894 cost.

6895 Section 47. Subsection (5) of section 369.303, Florida  
6896 Statutes, is amended to read:

6897 369.303 Definitions.—As used in this part:

6898 (5) "Land development regulation" means a regulation  
6899 covered by the definition in s. 163.3164(23) and any of the  
6900 types of regulations described in s. 163.3202.

6901 Section 48. Subsection (7) of section 369.321, Florida  
6902 Statutes, is amended to read:

6903 369.321 Comprehensive plan amendments.—Except as otherwise  
6904 expressly provided, by January 1, 2006, each local government  
6905 within the Wekiva Study Area shall amend its local government  
6906 comprehensive plan to include the following:

6907 (7) During the period prior to the adoption of the  
6908 comprehensive plan amendments required by this act, any local  
6909 comprehensive plan amendment adopted by a city or county that  
6910 applies to land located within the Wekiva Study Area shall  
6911 protect surface and groundwater resources and be reviewed by the  
6912 Department of Community Affairs, ~~pursuant to chapter 163 and~~  
6913 ~~chapter 9J-5, Florida Administrative Code,~~ using best available  
6914 data, including the information presented to the Wekiva River



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6915 Basin Coordinating Committee.

6916 Section 49. Subsection (1) of section 378.021, Florida  
6917 Statutes, is amended to read:

6918 378.021 Master reclamation plan.—

6919 (1) The Department of Environmental Protection shall amend  
6920 the master reclamation plan that provides guidelines for the  
6921 reclamation of lands mined or disturbed by the severance of  
6922 phosphate rock prior to July 1, 1975, which lands are not  
6923 subject to mandatory reclamation under part II of chapter 211.  
6924 In amending the master reclamation plan, the Department of  
6925 Environmental Protection shall continue to conduct an onsite  
6926 evaluation of all lands mined or disturbed by the severance of  
6927 phosphate rock prior to July 1, 1975, which lands are not  
6928 subject to mandatory reclamation under part II of chapter 211.  
6929 The master reclamation plan when amended by the Department of  
6930 Environmental Protection shall be consistent with local  
6931 government plans prepared pursuant to the Community Local  
6932 ~~Government Comprehensive Planning and Land Development~~  
6933 ~~Regulation Act.~~

6934 Section 50. Subsection (10) of section 380.031, Florida  
6935 Statutes, is amended to read:

6936 380.031 Definitions.—As used in this chapter:

6937 (10) "Local comprehensive plan" means any or all local  
6938 comprehensive plans or elements or portions thereof prepared,  
6939 adopted, or amended pursuant to the Community Local Government  
6940 ~~Comprehensive Planning and Land Development Regulation Act~~, as  
6941 amended.

6942 Section 51. Paragraph (b) of subsection (6), paragraphs  
6943 (1), (m), and (s) of subsection (24), paragraph (e) of





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6944 subsection (28), and paragraphs (a) and (e) of subsection (29)  
6945 of section 380.06, Florida Statutes, are amended to read:

6946 380.06 Developments of regional impact.—

6947 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT  
6948 PLAN AMENDMENTS.—

6949 (b) Any local government comprehensive plan amendments  
6950 related to a proposed development of regional impact, including  
6951 any changes proposed under subsection (19), may be initiated by  
6952 a local planning agency or the developer and must be considered  
6953 by the local governing body at the same time as the application  
6954 for development approval using the procedures provided for local  
6955 plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable  
6956 local ordinances, without regard to statutory or local ordinance  
6957 limits on the frequency of consideration of amendments to the  
6958 local comprehensive plan. Nothing in this paragraph shall be  
6959 deemed to require favorable consideration of a plan amendment  
6960 solely because it is related to a development of regional  
6961 impact. The procedure for processing such comprehensive plan  
6962 amendments is as follows:

6963 1. If a developer seeks a comprehensive plan amendment  
6964 related to a development of regional impact, the developer must  
6965 so notify in writing the regional planning agency, the  
6966 applicable local government, and the state land planning agency  
6967 no later than the date of preapplication conference or the  
6968 submission of the proposed change under subsection (19).

6969 2. When filing the application for development approval or  
6970 the proposed change, the developer must include a written  
6971 request for comprehensive plan amendments that would be  
6972 necessitated by the development-of-regional-impact approvals



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6973 sought. That request must include data and analysis upon which  
6974 the applicable local government can determine whether to  
6975 transmit the comprehensive plan amendment pursuant to s.  
6976 163.3184.

6977 3. The local government must advertise a public hearing on  
6978 the transmittal within 30 days after filing the application for  
6979 development approval or the proposed change and must make a  
6980 determination on the transmittal within 60 days after the  
6981 initial filing unless that time is extended by the developer.

6982 4. If the local government approves the transmittal,  
6983 procedures set forth in s. 163.3184 ~~(3)-(6)~~ must be followed.

6984 5. Notwithstanding subsection (11) or subsection (19), the  
6985 local government may not hold a public hearing on the  
6986 application for development approval or the proposed change or  
6987 on the comprehensive plan amendments sooner than 30 days from  
6988 receipt of the response from the state land planning agency  
6989 pursuant to s. 163.3184~~(6)~~. The 60-day time period for local  
6990 governments to adopt, adopt with changes, or not adopt plan  
6991 amendments pursuant to s. 163.3184(7) shall not apply to  
6992 concurrent plan amendments provided for in this subsection.

6993 6. The local government must hear both the application for  
6994 development approval or the proposed change and the  
6995 comprehensive plan amendments at the same hearing. However, the  
6996 local government must take action separately on the application  
6997 for development approval or the proposed change and on the  
6998 comprehensive plan amendments.

6999 7. Thereafter, the appeal process for the local government  
7000 development order must follow the provisions of s. 380.07, and  
7001 the compliance process for the comprehensive plan amendments



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7002 must follow the provisions of s. 163.3184.

7003 (24) STATUTORY EXEMPTIONS.—

7004 (l) Any proposed development within an urban service  
7005 boundary established under s. 163.3177(14), which is not  
7006 otherwise exempt pursuant to subsection (29), is exempt from the  
7007 provisions of this section if the local government having  
7008 jurisdiction over the area where the development is proposed has  
7009 adopted the urban service boundary, has entered into a binding  
7010 agreement with jurisdictions that would be impacted and with the  
7011 Department of Transportation regarding the mitigation of impacts  
7012 on state and regional transportation facilities, ~~and has adopted~~  
7013 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

7014 (m) Any proposed development within a rural land  
7015 stewardship area created under s. 163.3248 ~~163.3177(11)(d) is~~  
7016 ~~exempt from the provisions of this section if the local~~  
7017 ~~government that has adopted the rural land stewardship area has~~  
7018 ~~entered into a binding agreement with jurisdictions that would~~  
7019 ~~be impacted and the Department of Transportation regarding the~~  
7020 ~~mitigation of impacts on state and regional transportation~~  
7021 ~~facilities, and has adopted a proportionate share methodology~~  
7022 ~~pursuant to s. 163.3180(16).~~

7023 (s) Any development in a detailed specific area plan which  
7024 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~  
7025 ~~the comprehensive plan~~ is exempt from this section.

7026 (u) Any transit-oriented development as defined in s.  
7027 163.3164 incorporated into the county or municipality  
7028 comprehensive plan that has adopted land use and transportation  
7029 strategies to support and fund the local government concurrency  
7030 or mobility plan identified in the comprehensive plan, including



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7031 alternative modes of transportation, is exempt from review for  
7032 transportation impacts conducted pursuant to this section. This  
7033 paragraph does not apply to areas:

7034 1. Within the boundary of any area of critical state  
7035 concern designated pursuant to s. 380.05;

7036 2. Within the boundary of the Wekiva Study Area as  
7037 described in s. 369.316; or

7038 3. Within 2 miles of the boundary of the Everglades  
7039 Protection Area as defined in s. 373.4592(2).

7040

7041 If a use is exempt from review as a development of regional  
7042 impact under paragraphs (a)-(s), but will be part of a larger  
7043 project that is subject to review as a development of regional  
7044 impact, the impact of the exempt use must be included in the  
7045 review of the larger project, unless such exempt use involves a  
7046 development of regional impact that includes a landowner,  
7047 tenant, or user that has entered into a funding agreement with  
7048 the Office of Tourism, Trade, and Economic Development under the  
7049 Innovation Incentive Program and the agreement contemplates a  
7050 state award of at least \$50 million.

7051 (28) PARTIAL STATUTORY EXEMPTIONS.—

7052 (e) The vesting provision of s. 163.3167(5)~~(8)~~ relating to  
7053 an authorized development of regional impact shall not apply to  
7054 those projects partially exempt from the development-of-  
7055 regional-impact review process under paragraphs (a)-(d).

7056 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

7057 (a) The following are exempt from this section:

7058 1. Any proposed development in a municipality that has an  
7059 average of at least 1,000 people per square mile of land area



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7060 and a minimum total population of at least 5,000 ~~qualifies as a~~  
7061 ~~dense urban land area as defined in s. 163.3164;~~

7062 2. Any proposed development within a county that has an  
7063 average of at least 1,000 people per square mile of land area  
7064 ~~qualifies as a dense urban land area as defined in s. 163.3164~~  
7065 and that is located within an urban service area as defined in  
7066 s. 163.3164 which has been adopted into the comprehensive plan;  
7067 or

7068 3. Any proposed development within a county, including the  
7069 municipalities located therein, which has a population of at  
7070 least 900,000, that has an average of at least 1,000 people per  
7071 square mile of land area ~~which qualifies as a dense urban land~~  
7072 ~~area under s. 163.3164~~, but which does not have an urban service  
7073 area designated in the comprehensive plan.

7074  
7075 The Office of Economic and Demographic Research within the  
7076 Legislature shall annually calculate the population and density  
7077 criteria needed to determine which jurisdictions meet the  
7078 density criteria in subparagraphs 1.-3. by using the most recent  
7079 land area data from the decennial census conducted by the Bureau  
7080 of the Census of the United States Department of Commerce and  
7081 the latest available population estimates determined pursuant to  
7082 s. 186.901. If any local government has had an annexation,  
7083 contraction, or new incorporation, the Office of Economic and  
7084 Demographic Research shall determine the population density  
7085 using the new jurisdictional boundaries as recorded in  
7086 accordance with s. 171.091. The Office of Economic and  
7087 Demographic Research shall annually submit to the state land  
7088 planning agency by July 1 a list of jurisdictions that meet the



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7089 total population and density criteria. The state land planning  
7090 agency shall publish the list of jurisdictions on its Internet  
7091 website within 7 days after the list is received. The  
7092 designation of jurisdictions that meet the density criteria of  
7093 subparagraphs 1.-3. is effective upon publication on the state  
7094 land planning agency's Internet website. Any area that meets the  
7095 density criteria may not thereafter be removed from the list of  
7096 areas that qualify.

7097 (e) In an area that is exempt under paragraphs (a)-(c), any  
7098 previously approved development-of-regional-impact development  
7099 orders shall continue to be effective, but the developer has the  
7100 option to be governed by s. 380.115(1). A pending application  
7101 for development approval shall be governed by s. 380.115(2). A  
7102 development that has a pending application for a comprehensive  
7103 plan amendment and that elects not to continue development-of-  
7104 regional-impact review is exempt from the limitation on plan  
7105 amendments set forth in s. 163.3187(1) for the year following  
7106 the effective date of the exemption.

7107 Section 52. Paragraph (a) of subsection (8) of section  
7108 380.061, Florida Statutes, is amended to read:

7109 380.061 The Florida Quality Developments program.—

7110 (8) (a) Any local government comprehensive plan amendments  
7111 related to a Florida Quality Development may be initiated by a  
7112 local planning agency and considered by the local governing body  
7113 at the same time as the application for development approval,  
7114 using the procedures provided for local plan amendment in s.  
7115 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without  
7116 regard to statutory or local ordinance limits on the frequency  
7117 of consideration of amendments to the local comprehensive plan.



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7118 Nothing in this subsection shall be construed to require  
7119 favorable consideration of a Florida Quality Development solely  
7120 because it is related to a development of regional impact.

7121 Section 53. Paragraph (a) of subsection (2) of section  
7122 380.065, Florida Statutes, is amended to read:

7123 380.065 Certification of local government review of  
7124 development.—

7125 (2) When a petition is filed, the state land planning  
7126 agency shall have no more than 90 days to prepare and submit to  
7127 the Administration Commission a report and recommendations on  
7128 the proposed certification. In deciding whether to grant  
7129 certification, the Administration Commission shall determine  
7130 whether the following criteria are being met:

7131 (a) The petitioning local government has adopted and  
7132 effectively implemented a local comprehensive plan and  
7133 development regulations which comply with ss. 163.3161-163.3215,  
7134 the Community Local Government Comprehensive Planning and Land  
7135 Development Regulation Act.

7136 Section 54. Section 380.0685, Florida Statutes, is amended  
7137 to read:

7138 380.0685 State park in area of critical state concern in  
7139 county which creates land authority; surcharge on admission and  
7140 overnight occupancy.—The Department of Environmental Protection  
7141 shall impose and collect a surcharge of 50 cents per person per  
7142 day, or \$5 per annual family auto entrance permit, on admission  
7143 to all state parks in areas of critical state concern located in  
7144 a county which creates a land authority pursuant to s.  
7145 380.0663(1), and a surcharge of \$2.50 per night per campsite,  
7146 cabin, or other overnight recreational occupancy unit in state



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7147 parks in areas of critical state concern located in a county  
7148 which creates a land authority pursuant to s. 380.0663(1);  
7149 however, no surcharge shall be imposed or collected under this  
7150 section for overnight use by nonprofit groups of organized group  
7151 camps, primitive camping areas, or other facilities intended  
7152 primarily for organized group use. Such surcharges shall be  
7153 imposed within 90 days after any county creating a land  
7154 authority notifies the Department of Environmental Protection  
7155 that the land authority has been created. The proceeds from such  
7156 surcharges, less a collection fee that shall be kept by the  
7157 Department of Environmental Protection for the actual cost of  
7158 collection, not to exceed 2 percent, shall be transmitted to the  
7159 land authority of the county from which the revenue was  
7160 generated. Such funds shall be used to purchase property in the  
7161 area or areas of critical state concern in the county from which  
7162 the revenue was generated. An amount not to exceed 10 percent  
7163 may be used for administration and other costs incident to such  
7164 purchases. However, the proceeds of the surcharges imposed and  
7165 collected pursuant to this section in a state park or parks  
7166 located wholly within a municipality, less the costs of  
7167 collection as provided herein, shall be transmitted to that  
7168 municipality for use by the municipality for land acquisition or  
7169 for beach renourishment and/or restoration, including, but not  
7170 limited to, costs associated with any design, permitting,  
7171 monitoring and mitigation of such work, as well as the work  
7172 itself. The surcharges levied under this section shall remain  
7173 imposed as long as the land authority is in existence.

7174 Section 55. Subsection (3) of section 380.115, Florida  
7175 Statutes, is amended to read:





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7176           380.115 Vested rights and duties; effect of size reduction,  
7177 changes in guidelines and standards.—

7178           (3) A landowner that has filed an application for a  
7179 development-of-regional-impact review prior to the adoption of a  
7180 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to  
7181 have the application reviewed pursuant to s. 380.06,  
7182 comprehensive plan provisions in force prior to adoption of the  
7183 sector plan, and any requested comprehensive plan amendments  
7184 that accompany the application.

7185           Section 56. Subsection (1) of section 403.50665, Florida  
7186 Statutes, is amended to read:

7187           403.50665 Land use consistency.—

7188           (1) The applicant shall include in the application a  
7189 statement on the consistency of the site and any associated  
7190 facilities that constitute a "development," as defined in s.  
7191 380.04, with existing land use plans and zoning ordinances that  
7192 were in effect on the date the application was filed and a full  
7193 description of such consistency. This information shall include  
7194 an identification of those associated facilities that the  
7195 applicant believes are exempt from the requirements of land use  
7196 plans and zoning ordinances under the provisions of the  
7197 Community Local Government Comprehensive Planning and Land  
7198 ~~Development Regulation~~ Act provisions of chapter 163 and s.  
7199 380.04(3).

7200           Section 57. Subsection (16) of section 420.9071, Florida  
7201 Statutes, is amended to read:

7202           420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
7203 term:

7204           (16) "Local housing incentive strategies" means local



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7205 regulatory reform or incentive programs to encourage or  
7206 facilitate affordable housing production, which include at a  
7207 minimum, assurance that permits as defined in s. 163.3164~~(7)~~ and  
7208 ~~(8)~~ for affordable housing projects are expedited to a greater  
7209 degree than other projects; an ongoing process for review of  
7210 local policies, ordinances, regulations, and plan provisions  
7211 that increase the cost of housing prior to their adoption; and a  
7212 schedule for implementing the incentive strategies. Local  
7213 housing incentive strategies may also include other regulatory  
7214 reforms, such as those enumerated in s. 420.9076 or those  
7215 recommended by the affordable housing advisory committee in its  
7216 triennial evaluation of the implementation of affordable housing  
7217 incentives, and adopted by the local governing body.

7218 Section 58. Paragraph (a) of subsection (4) of section  
7219 420.9076, Florida Statutes, is amended to read:

7220 420.9076 Adoption of affordable housing incentive  
7221 strategies; committees.—

7222 (4) Triennially, the advisory committee shall review the  
7223 established policies and procedures, ordinances, land  
7224 development regulations, and adopted local government  
7225 comprehensive plan of the appointing local government and shall  
7226 recommend specific actions or initiatives to encourage or  
7227 facilitate affordable housing while protecting the ability of  
7228 the property to appreciate in value. The recommendations may  
7229 include the modification or repeal of existing policies,  
7230 procedures, ordinances, regulations, or plan provisions; the  
7231 creation of exceptions applicable to affordable housing; or the  
7232 adoption of new policies, procedures, regulations, ordinances,  
7233 or plan provisions, including recommendations to amend the local



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7234 government comprehensive plan and corresponding regulations,  
7235 ordinances, and other policies. At a minimum, each advisory  
7236 committee shall submit a report to the local governing body that  
7237 includes recommendations on, and triennially thereafter  
7238 evaluates the implementation of, affordable housing incentives  
7239 in the following areas:

7240 (a) The processing of approvals of development orders or  
7241 permits, as defined in s. 163.3164(7) and (8), for affordable  
7242 housing projects is expedited to a greater degree than other  
7243 projects.

7244  
7245 The advisory committee recommendations may also include  
7246 other affordable housing incentives identified by the advisory  
7247 committee. Local governments that receive the minimum allocation  
7248 under the State Housing Initiatives Partnership Program shall  
7249 perform the initial review but may elect to not perform the  
7250 triennial review.

7251 Section 59. Subsection (1) of section 720.403, Florida  
7252 Statutes, is amended to read:

7253 720.403 Preservation of residential communities; revival of  
7254 declaration of covenants.—

7255 (1) Consistent with required and optional elements of local  
7256 comprehensive plans and other applicable provisions of the  
7257 Community Local Government Comprehensive Planning and Land  
7258 Development Regulation Act, homeowners are encouraged to  
7259 preserve existing residential communities, promote available and  
7260 affordable housing, protect structural and aesthetic elements of  
7261 their residential community, and, as applicable, maintain roads  
7262 and streets, easements, water and sewer systems, utilities,



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7263 drainage improvements, conservation and open areas, recreational  
7264 amenities, and other infrastructure and common areas that serve  
7265 and support the residential community by the revival of a  
7266 previous declaration of covenants and other governing documents  
7267 that may have ceased to govern some or all parcels in the  
7268 community.

7269 Section 60. Subsections (3), (7), and (8) of section  
7270 1013.33, Florida Statutes, are amended to read:

7271 1013.33 Coordination of planning with local governing  
7272 bodies.-

7273 (3) At a minimum, the interlocal agreement must address  
7274 interlocal agreement requirements in s. 163.31777 and, if  
7275 applicable, s. 163.3180(6)-(13)(g), ~~except for exempt local~~  
7276 ~~governments as provided in s. 163.3177(12)~~, and must address the  
7277 following issues:

7278 (a) A process by which each local government and the  
7279 district school board agree and base their plans on consistent  
7280 projections of the amount, type, and distribution of population  
7281 growth and student enrollment. The geographic distribution of  
7282 jurisdiction-wide growth forecasts is a major objective of the  
7283 process.

7284 (b) A process to coordinate and share information relating  
7285 to existing and planned public school facilities, including  
7286 school renovations and closures, and local government plans for  
7287 development and redevelopment.

7288 (c) Participation by affected local governments with the  
7289 district school board in the process of evaluating potential  
7290 school closures, significant renovations to existing schools,  
7291 and new school site selection before land acquisition. Local



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7292 governments shall advise the district school board as to the  
7293 consistency of the proposed closure, renovation, or new site  
7294 with the local comprehensive plan, including appropriate  
7295 circumstances and criteria under which a district school board  
7296 may request an amendment to the comprehensive plan for school  
7297 siting.

7298 (d) A process for determining the need for and timing of  
7299 onsite and offsite improvements to support new construction,  
7300 proposed expansion, or redevelopment of existing schools. The  
7301 process shall address identification of the party or parties  
7302 responsible for the improvements.

7303 (e) A process for the school board to inform the local  
7304 government regarding the effect of comprehensive plan amendments  
7305 on school capacity. The capacity reporting must be consistent  
7306 with laws and rules regarding measurement of school facility  
7307 capacity and must also identify how the district school board  
7308 will meet the public school demand based on the facilities work  
7309 program adopted pursuant to s. 1013.35.

7310 (f) Participation of the local governments in the  
7311 preparation of the annual update to the school board's 5-year  
7312 district facilities work program and educational plant survey  
7313 prepared pursuant to s. 1013.35.

7314 (g) A process for determining where and how joint use of  
7315 either school board or local government facilities can be shared  
7316 for mutual benefit and efficiency.

7317 (h) A procedure for the resolution of disputes between the  
7318 district school board and local governments, which may include  
7319 the dispute resolution processes contained in chapters 164 and  
7320 186.



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7321 (i) An oversight process, including an opportunity for  
7322 public participation, for the implementation of the interlocal  
7323 agreement.

7324 ~~(7) Except as provided in subsection (8), municipalities~~  
7325 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
7326 ~~from the requirements of subsections (2), (3), and (4).~~

7327 ~~(8) At the time of the evaluation and appraisal report,~~  
7328 ~~each exempt municipality shall assess the extent to which it~~  
7329 ~~continues to meet the criteria for exemption under s.~~  
7330 ~~163.3177(12). If the municipality continues to meet these~~  
7331 ~~criteria, the municipality shall continue to be exempt from the~~  
7332 ~~interlocal agreement requirement. Each municipality exempt under~~  
7333 ~~s. 163.3177(12) must comply with the provisions of subsections~~  
7334 ~~(2)-(8) within 1 year after the district school board proposes,~~  
7335 ~~in its 5-year district facilities work program, a new school~~  
7336 ~~within the municipality's jurisdiction.~~

7337 Section 61. Rules 9J-5 and 9J-11.023, Florida  
7338 Administrative Code, are repealed, and the Department of State  
7339 is directed to remove those rules from the Florida  
7340 Administrative Code.

7341 Section 62. Any permit or any other authorization that was  
7342 extended under section 14, chapter 2009-96, Laws of Florida, as  
7343 re-authorized by section 47, chapter 2010-147, Laws of Florida,  
7344 is extended and renewed for an additional period of two years  
7345 from its extended expiration date. The holder of a valid permit  
7346 or other authorization that is eligible for the additional two-  
7347 year extension must notify the authorizing agency in writing by  
7348 December 31, 2011, identifying the specific authorization for  
7349 which the holder intends to use the extension and the



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7350 anticipated time frame for acting on the authorization.

7351 Section 63. The Legislature finds that this act fulfills  
7352 an important state interest.

7353 Section 64. (1) The state land planning agency, within 60  
7354 days after the effective date of this act, shall review any  
7355 administrative or judicial proceeding filed by the agency and  
7356 pending on the effective date of this act to determine whether  
7357 the issues raised by the state land planning agency are  
7358 consistent with the revised provisions of part II of chapter  
7359 163, Florida Statutes. For each proceeding, if the agency  
7360 determines that issues have been raised that are not consistent  
7361 with the revised provisions of part II of chapter 163, Florida  
7362 Statutes, the agency shall dismiss the proceeding. If the state  
7363 land planning agency determines that one or more issues have  
7364 been raised that are consistent with the revised provisions of  
7365 part II of chapter 163, Florida Statutes, the agency shall amend  
7366 its petition within 30 days after the determination to plead  
7367 with particularity as to the manner in which the plan or plan  
7368 amendment fails to meet the revised provisions of part II of  
7369 chapter 163, Florida Statutes. If the agency fails to timely  
7370 file such amended petition, the proceeding shall be dismissed.

7371 (2) In all proceedings that were initiated by the state  
7372 land planning agency before the effective date of this act, and  
7373 continue after that date, the local government's determination  
7374 that the comprehensive plan or plan amendment is in compliance  
7375 is presumed to be correct, and the local government's  
7376 determination shall be sustained unless it is shown by a  
7377 preponderance of the evidence that the comprehensive plan or  
7378 plan amendment is not in compliance.







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7408 s.163.3162, F.S.; redesignating the "Agricultural Lands and  
7409 Practices Act" as the "Agricultural Lands and Practices"  
7410 section; replacing presumption of consistency with rule 9J-  
7411 5.006(5), Florida Administrative Code with presumption of not  
7412 being urban sprawl as defined in s. 163.3164, F.S.; amending s.  
7413 163.3164, F.S.; revising and providing definitions relating to  
7414 the Community Planning Act; amending s. 163.3167, F.S.; revising  
7415 scope of the act; removing regional planning agencies from  
7416 responsibility to prepare comprehensive plans; removing  
7417 requirement for local governments to articulate a vision of the  
7418 future physical appearance and qualities of the community as  
7419 part of the local comprehensive plan; prohibiting initiative or  
7420 referendum processes in regard to development orders, local  
7421 comprehensive plan amendments, and map amendments; deleting  
7422 retroactive effect; creating s. 163.3168, F.S.; encouraging  
7423 local governments to apply for certain innovative planning  
7424 tools; directing and authorizing the state land planning agency  
7425 and other appropriate state and regional agencies to use direct  
7426 and indirect technical assistance; amending s. 163.3171, F.S.;  
7427 providing legislative intent; removing the state land planning  
7428 agency's power to enter into joint local agreements; amending s.  
7429 163.3174, F.S.; deleting certain notice requirements relating to  
7430 the establishment of local planning agencies by a governing  
7431 body; amending s. 163.3177, F.S.; revising and providing duties  
7432 of local governments; revising and providing required and  
7433 optional elements of comprehensive plans; revising requirements  
7434 of schedules of capital improvements; revising and providing  
7435 provisions relating to capital improvements elements; revising  
7436 major objectives of, and procedures relating to, the local



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7437 comprehensive planning process; revising and providing required  
7438 and optional elements of future land use plans; providing  
7439 required transportation elements; revising and providing  
7440 required sanitary sewer, solid waste, drainage, potable water,  
7441 and natural groundwater aquifer recharge elements; revising and  
7442 providing required conservation elements; revising and providing  
7443 required housing elements; revising and providing required  
7444 coastal management elements; revising and providing required  
7445 intergovernmental coordination elements; removing optional  
7446 comprehensive plan elements and related requirements and  
7447 Legislative findings; amending s. 163.31777, F.S.; revising  
7448 requirements relating to public schools' interlocal agreements;  
7449 deleting duties of the Office of Educational Facilities, the  
7450 state land planning agency, and local governments relating to  
7451 such agreements; deleting an exemption; amending s. 163.3178,  
7452 F.S.; deleting authority for local governments to comply with  
7453 rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code;  
7454 amending s. 163.3180, F.S.; revising and providing provisions  
7455 relating to concurrency; revising concurrency requirements;  
7456 revising application and findings; revising local government  
7457 requirements; revising and providing requirements relating to  
7458 transportation concurrency, proportionate share, transportation  
7459 concurrency exception areas, urban infill, urban redevelopment,  
7460 urban service, downtown revitalization areas, transportation  
7461 concurrency management areas, long-term transportation and  
7462 school concurrency management systems, development of regional  
7463 impact, school concurrency, service areas, financial  
7464 feasibility, interlocal agreements, and multimodal  
7465 transportation districts; removing duties of the Office of



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7466 Program Policy Analysis, local governments, and the state land  
7467 planning agency; providing requirements for local plans;  
7468 limiting the liability of local governments under certain  
7469 conditions; reenacting subsection (5) of s. 163.31801, F.S., and  
7470 amending s. 163.31801, F.S.; prohibiting new impact fees by  
7471 local governments for a specified period of time; amending s.  
7472 163.3182, F.S.; revising the definition of the term  
7473 "transportation concurrency backlog" to "transportation  
7474 deficiency"; revising other definitions and provisions to  
7475 conform; revising provisions relating to transportation  
7476 deficiency plans; revising requirements for transportation  
7477 sufficiency plans; amending s. 163.3184, F.S.; providing a  
7478 definition for "reviewing agencies"; amending the definition of  
7479 "in compliance"; providing requirements for comprehensive plans  
7480 and plan amendments; providing exceptions; removing references  
7481 to procedural rules established by the state land planning  
7482 agency; deleting provisions relating to community vision and  
7483 urban boundary plan amendments, urban infill and redevelopment  
7484 plan amendments, and housing incentive strategy plan amendments;  
7485 amending s. 163.3187, F.S.; deleting provisions relating to the  
7486 amendment of adopted comprehensive plans; revising the process  
7487 for adopting updated comprehensive plans by statute rather than  
7488 administrative rule; repealing s. 163.3189, F.S., relating to  
7489 the process for amendment of adopted comprehensive plan;  
7490 amending s. 163.3191, F.S., relating to the evaluation and  
7491 appraisal of comprehensive plans; providing an exception for  
7492 certain local governments; encouraging local governments to  
7493 incorporate visioning; providing and revising local government  
7494 requirements; removing regional planning councils and the state



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7495 land planning agency from preparation of evaluation and  
7496 appraisal reports; amending s. 163.3194, F.S.; regulating  
7497 development orders for signs authorized by s. 479.07, F.S.;  
7498 providing definitions; amending s. 163.3220, F.S.; conforming  
7499 reference to the Community Planning Act; amending s. 163.3221,  
7500 F.S.; conforming references to the Community Planning Act;  
7501 amending s. 163.3229, F.S.; revising limitations on duration of  
7502 development agreements; amending s. 163.3235, F.S.; revising  
7503 requirements for periodic reviews of a development agreements;  
7504 amending s. 163.3239, F.S.; revising recording requirements for  
7505 development agreements; amending s. 163.3243, F.S.; removing the  
7506 state land planning agency from parties who may file an action  
7507 for injunctive relief; amending s. 163.3245, F.S.; revising  
7508 provisions relating to optional sector plans; renaming "optional  
7509 sector plans" as "sector plans"; removing state land planning  
7510 agency involvement in approval of sector plans; authorizing the  
7511 adoption of sector plans under certain circumstances; providing  
7512 and revising local government requirements including notice,  
7513 amendments, and scoping meetings; revising and providing  
7514 elements of sector plans; providing guidelines for adoption of  
7515 long-term master plans; repealing s. 163.3246, F.S., relating to  
7516 local government comprehensive planning certification program;  
7517 creating s. 163.3248, F.S.; providing for the designation of  
7518 rural land stewardship areas; providing purposes and  
7519 requirements for the establishment of such areas; providing for  
7520 the creation of rural land stewardship overlay zoning district  
7521 and transferable rural land use credits; providing certain  
7522 limitation relating to such credits; providing for incentives;  
7523 providing legislative intent; amending s. 163.32465, F.S.;



7524 revising Legislative findings related to local government  
7525 comprehensive planning; revising the process for amending a  
7526 comprehensive plan; making the expedited review process  
7527 applicable statewide and removing its status as a pilot program;  
7528 revising the process and requirements for expedited review of  
7529 plan amendments; replacing reference to "Office of Education  
7530 Facilities of the Commissioner of Education" with "Department of  
7531 Education"; limiting state agency comments on and challenges to  
7532 plan amendments; creating s. 163.3260, F.S.; prohibiting  
7533 duplication of local regulations; amending ss. 163.360, and  
7534 163.516, F.S. to conform to changes made by this act; amending  
7535 s. 186.504, F.S.; revising membership requirements of regional  
7536 planning councils; amending ss. 186.513, 186.515, 189.415,  
7537 190.004, 190.005, 193.501, and 287.042, F.S. to conform to  
7538 changes made by this act; amending s. 288.063, F.S.; revising  
7539 factors to be considered by the Office of tourism, Trade, and  
7540 Economic Development in approving transportation projects for  
7541 funding; amending ss. 288.975, 290.0475, 311.07, and 331.319 to  
7542 conform to changes made by this act; amending s. 339.155;  
7543 removing level-of-service-standards requirements from additional  
7544 transportation plans; amending s. 339.2819; removing long-term  
7545 concurrency management system from the Transportation Regional  
7546 Incentive Program; amending s 369.303, F.S. to conform to  
7547 changes made by this act; amending s. 369.321, F.S.; removing  
7548 reference to chapter 163 and chapter 9J-5, Florida  
7549 Administrative Code, relating to Wekiva Study Area; amending ss.  
7550 378.021 and 380.031, F.S., to conform to changes made by this  
7551 act, amending s. 380.06; revising exemptions relating to  
7552 developments of regional impact; revising provisions to conform



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7553 to changes made by this act; requiring the Office of Economic  
7554 and Demographic Research within the Legislature to calculate and  
7555 publish population density; amending ss. 380.061, 380.065,  
7556 380.115, 403.50665, 420.9071, 420.9076, 720.403, and 1013.33,  
7557 F.S., to conform to changes made by this act; repealing Rules  
7558 9J-5 and 9J-11.023, Florida Administrative Code, relating to  
7559 minimum criteria for review of local government comprehensive  
7560 plans and plan amendments, evaluation and appraisal reports,  
7561 land development regulations and determinations of compliance;  
7562 extending permits and other authorizations extended under  
7563 section 14, chapter 2009-96, Laws of Florida; finding that this  
7564 act fulfills an important state interest; requiring the state  
7565 land planning agency to review pending actions filed by the  
7566 agency for consistency with part II of chapter 163, F.S.;  
7567 providing instructions for the construing of this act;  
7568 instructing the Division of Statutory Revision; providing an  
7569 effective date.  
7570