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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

05/05/2011 12:10 PM

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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Delete lines 349 - 946

and insert:

intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.



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14 (a) The local government and the owner of a parcel of land  
15 that is the subject of an application for an amendment shall  
16 have 180 days following the date that the local government  
17 receives a complete application to negotiate in good faith to  
18 reach consensus on the land uses and intensities of use that are  
19 consistent with the uses and intensities of use of the  
20 industrial, commercial, or residential areas that surround the  
21 parcel. Within 30 days after the local government's receipt of  
22 such an application, the local government and owner must agree  
23 in writing to a schedule for information submittal, public  
24 hearings, negotiations, and final action on the amendment, which  
25 schedule may thereafter be altered only with the written consent  
26 of the local government and the owner. Compliance with the  
27 schedule in the written agreement constitutes good faith  
28 negotiations for purposes of paragraph (c).

29 (b) Upon conclusion of good faith negotiations under  
30 paragraph (a), regardless of whether the local government and  
31 owner reach consensus on the land uses and intensities of use  
32 that are consistent with the uses and intensities of use of the  
33 industrial, commercial, or residential areas that surround the  
34 parcel, the amendment must be transmitted to the state land  
35 planning agency for review pursuant to s. 163.3184. If the local  
36 government fails to transmit the amendment within 180 days after  
37 receipt of a complete application, the amendment must be  
38 immediately transferred to the state land planning agency for  
39 such review ~~at the first available transmittal cycle~~. A plan  
40 amendment transmitted to the state land planning agency  
41 submitted under this subsection is presumed not to be urban  
42 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~



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43 ~~5.006(5), Florida Administrative Code.~~ This presumption may be  
44 rebutted by clear and convincing evidence.

45 (c) If the owner fails to negotiate in good faith, a plan  
46 amendment submitted under this subsection is not entitled to the  
47 rebuttable presumption under this subsection in the negotiation  
48 and amendment process.

49 (d) Nothing within this subsection relating to agricultural  
50 enclaves shall preempt or replace any protection currently  
51 existing for any property located within the boundaries of the  
52 following areas:

- 53 1. The Wekiva Study Area, as described in s. 369.316; or  
54 2. The Everglades Protection Area, as defined in s.  
55 373.4592(2).

56 Section 6. Section 163.3164, Florida Statutes, is amended  
57 to read:

58 163.3164 Community ~~Local Government Comprehensive~~ Planning  
59 ~~and Land Development Regulation~~ Act; definitions.—As used in  
60 this act:

61 (1) "Administration Commission" means the Governor and the  
62 Cabinet, and for purposes of this chapter the commission shall  
63 act on a simple majority vote, except that for purposes of  
64 imposing the sanctions provided in s. 163.3184 (8) ~~(11)~~,  
65 affirmative action shall require the approval of the Governor  
66 and at least three other members of the commission.

67 (2) "Affordable housing" has the same meaning as in s.  
68 420.0004(3).

69 (3) ~~(33)~~ "Agricultural enclave" means an unincorporated,  
70 undeveloped parcel that:

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



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

76 (c) Is surrounded on at least 75 percent of its perimeter  
77 by:

78 1. Property that has existing industrial, commercial, or  
79 residential development; or

80 2. Property that the local government has designated, in  
81 the local government's comprehensive plan, zoning map, and  
82 future land use map, as land that is to be developed for  
83 industrial, commercial, or residential purposes, and at least 75  
84 percent of such property is existing industrial, commercial, or  
85 residential development;

86 (d) Has public services, including water, wastewater,  
87 transportation, schools, and recreation facilities, available or  
88 such public services are scheduled in the capital improvement  
89 element to be provided by the local government or can be  
90 provided by an alternative provider of local government  
91 infrastructure in order to ensure consistency with applicable  
92 concurrency provisions of s. 163.3180; and

93 (e) Does not exceed 1,280 acres; however, if the property  
94 is surrounded by existing or authorized residential development  
95 that will result in a density at buildout of at least 1,000  
96 residents per square mile, then the area shall be determined to  
97 be urban and the parcel may not exceed 4,480 acres.

98 (4) "Antiquated subdivision" means a subdivision that was  
99 recorded or approved more than 20 years ago and that has  
100 substantially failed to be built and the continued buildout of



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101 the subdivision in accordance with the subdivision's zoning and  
102 land use purposes would cause an imbalance of land uses and  
103 would be detrimental to the local and regional economies and  
104 environment, hinder current planning practices, and lead to  
105 inefficient and fiscally irresponsible development patterns as  
106 determined by the respective jurisdiction in which the  
107 subdivision is located.

108 (5)~~(2)~~ "Area" or "area of jurisdiction" means the total  
109 area qualifying under ~~the provisions of~~ this act, whether this  
110 be all of the lands lying within the limits of an incorporated  
111 municipality, lands in and adjacent to incorporated  
112 municipalities, all unincorporated lands within a county, or  
113 areas comprising combinations of the lands in incorporated  
114 municipalities and unincorporated areas of counties.

115 (6) "Capital improvement" means physical assets constructed  
116 or purchased to provide, improve, or replace a public facility  
117 and which are typically large scale and high in cost. The cost  
118 of a capital improvement is generally nonrecurring and may  
119 require multiyear financing. For the purposes of this part,  
120 physical assets that have been identified as existing or  
121 projected needs in the individual comprehensive plan elements  
122 shall be considered capital improvements.

123 (7)~~(3)~~ "Coastal area" means the 35 coastal counties and all  
124 coastal municipalities within their boundaries ~~designated~~  
125 ~~coastal by the state land planning agency.~~

126 (8) "Compatibility" means a condition in which land uses or  
127 conditions can coexist in relative proximity to each other in a  
128 stable fashion over time such that no use or condition is unduly  
129 negatively impacted directly or indirectly by another use or



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130 condition.

131 (9)-(4) "Comprehensive plan" means a plan that meets the  
132 requirements of ss. 163.3177 and 163.3178.

133 (10) "Deepwater ports" means the ports identified in s.  
134 403.021(9).

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

138 (12)-(5) "Developer" means any person, including a  
139 governmental agency, undertaking any development as defined in  
140 this act.

141 (13)-(6) "Development" has the same meaning as given it in  
142 s. 380.04.

143 (14)-(7) "Development order" means any order granting,  
144 denying, or granting with conditions an application for a  
145 development permit.

146 (15)-(8) "Development permit" includes any building permit,  
147 zoning permit, subdivision approval, rezoning, certification,  
148 special exception, variance, or any other official action of  
149 local government having the effect of permitting the development  
150 of land.

151 (16)-(25) "Downtown revitalization" means the physical and  
152 economic renewal of a central business district of a community  
153 as designated by local government, and includes both downtown  
154 development and redevelopment.

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



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

161           ~~(19)~~<sup>(9)</sup> "Governing body" means the board of county  
162 commissioners of a county, the commission or council of an  
163 incorporated municipality, or any other chief governing body of  
164 a unit of local government, however designated, or the  
165 combination of such bodies where joint utilization of ~~the~~  
166 ~~provisions of~~ this act is accomplished as provided herein.

167           ~~(20)~~<sup>(10)</sup> "Governmental agency" means:

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

170           (b) This state or any department, commission, agency, or  
171 other instrumentality thereof.

172           (c) Any local government, as defined in this section, or  
173 any department, commission, agency, or other instrumentality  
174 thereof.

175           (d) Any school board or other special district, authority,  
176 or governmental entity.

177           (21) "Intensity" means an objective measurement of the  
178 extent to which land may be developed or used, including the  
179 consumption or use of the space above, on, or below ground; the  
180 measurement of the use of or demand on natural resources; and  
181 the measurement of the use of or demand on facilities and  
182 services.

183           (22) "Internal trip capture" means trips generated by a  
184 mixed-use project that travel from one on-site land use to  
185 another on-site land use without using the external road  
186 network.

187           ~~(23)~~<sup>(11)</sup> "Land" means the earth, water, and air, above,



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188 below, or on the surface, and includes any improvements or  
189 structures customarily regarded as land.

190 (24)~~(22)~~ "Land development regulation commission" means a  
191 commission designated by a local government to develop and  
192 recommend, to the local governing body, land development  
193 regulations which implement the adopted comprehensive plan and  
194 to review land development regulations, or amendments thereto,  
195 for consistency with the adopted plan and report to the  
196 governing body regarding its findings. The responsibilities of  
197 the land development regulation commission may be performed by  
198 the local planning agency.

199 (25)~~(23)~~ "Land development regulations" means ordinances  
200 enacted by governing bodies for the regulation of any aspect of  
201 development and includes any local government zoning, rezoning,  
202 subdivision, building construction, or sign regulations or any  
203 other regulations controlling the development of land, except  
204 that this definition does ~~shall~~ not apply in s. 163.3213.

205 (26)~~(12)~~ "Land use" means the development that has occurred  
206 on the land, the development that is proposed by a developer on  
207 the land, or the use that is permitted or permissible on the  
208 land under an adopted comprehensive plan or element or portion  
209 thereof, land development regulations, or a land development  
210 code, as the context may indicate.

211 (27) "Level of service" means an indicator of the extent or  
212 degree of service provided by, or proposed to be provided by, a  
213 facility based on and related to the operational characteristics  
214 of the facility. Level of service shall indicate the capacity  
215 per unit of demand for each public facility.

216 (28)~~(13)~~ "Local government" means any county or





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217 municipality.

218 (29)~~(14)~~ "Local planning agency" means the agency  
219 designated to prepare the comprehensive plan or plan amendments  
220 required by this act.

221 (30)~~(15)~~ A "Newspaper of general circulation" means a  
222 newspaper published at least on a weekly basis and printed in  
223 the language most commonly spoken in the area within which it  
224 circulates, but does not include a newspaper intended primarily  
225 for members of a particular professional or occupational group,  
226 a newspaper whose primary function is to carry legal notices, or  
227 a newspaper that is given away primarily to distribute  
228 advertising.

229 (31) "New town" means an urban activity center and  
230 community designated on the future land use map of sufficient  
231 size, population and land use composition to support a variety  
232 of economic and social activities consistent with an urban area  
233 designation. New towns shall include basic economic activities;  
234 all major land use categories, with the possible exception of  
235 agricultural and industrial; and a centrally provided full range  
236 of public facilities and services that demonstrate internal trip  
237 capture. A new town shall be based on a master development plan.

238 (32) "Objective" means a specific, measurable, intermediate  
239 end that is achievable and marks progress toward a goal.

240 (33)~~(16)~~ "Parcel of land" means any quantity of land  
241 capable of being described with such definiteness that its  
242 locations and boundaries may be established, which is designated  
243 by its owner or developer as land to be used, or developed as, a  
244 unit or which has been used or developed as a unit.

245 (34)~~(17)~~ "Person" means an individual, corporation,



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246 governmental agency, business trust, estate, trust, partnership,  
247 association, two or more persons having a joint or common  
248 interest, or any other legal entity.

249 (35) "Policy" means the way in which programs and  
250 activities are conducted to achieve an identified goal.

251 (36)~~(28)~~ "Projects that promote public transportation"  
252 means projects that directly affect the provisions of public  
253 transit, including transit terminals, transit lines and routes,  
254 separate lanes for the exclusive use of public transit services,  
255 transit stops (shelters and stations), office buildings or  
256 projects that include fixed-rail or transit terminals as part of  
257 the building, and projects which are transit oriented and  
258 designed to complement reasonably proximate planned or existing  
259 public facilities.

260 (37)~~(24)~~ "Public facilities" means major capital  
261 improvements, including, ~~but not limited to,~~ transportation,  
262 sanitary sewer, solid waste, drainage, potable water,  
263 educational, parks and recreational, ~~and health systems and~~  
264 ~~facilities, and spoil disposal sites for maintenance dredging~~  
265 ~~located in the intracoastal waterways, except for spoil disposal~~  
266 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

267 (38)~~(18)~~ "Public notice" means notice as required by s.  
268 125.66(2) for a county or by s. 166.041(3)(a) for a  
269 municipality. The public notice procedures required in this part  
270 are established as minimum public notice procedures.

271 (39)~~(19)~~ "Regional planning agency" means the council  
272 created pursuant to chapter 186 ~~agency designated by the state~~  
273 ~~land planning agency to exercise responsibilities under law in a~~  
274 ~~particular region of the state.~~



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275       (40) "Seasonal population" means part-time inhabitants who  
276 use, or may be expected to use, public facilities or services,  
277 but are not residents and includes tourists, migrant  
278 farmworkers, and other short-term and long-term visitors.

279       ~~(41)-(31)~~ "Optional Sector plan" means the an optional  
280 process authorized by s. 163.3245 in which one or more local  
281 governments engage in long-term planning for a large area and by  
282 agreement with the state land planning agency are allowed to  
283 address regional development-of-regional-impact issues through  
284 adoption of detailed specific area plans within the planning  
285 area within certain designated geographic areas identified in  
286 the local comprehensive plan as a means of fostering innovative  
287 planning and development strategies in s. 163.3177(11)(a) and  
288 (b), furthering the purposes of this part and part I of chapter  
289 380, reducing overlapping data and analysis requirements,  
290 protecting regionally significant resources and facilities, and  
291 addressing extrajurisdictional impacts. The term includes an  
292 optional sector plan that was adopted before the effective date  
293 of this act.

294       ~~(42)-(20)~~ "State land planning agency" means the Department  
295 of Community Affairs.

296       ~~(43)-(21)~~ "Structure" has the same meaning as in given it by  
297 s. 380.031(19).

298       (44) "Suitability" means the degree to which the existing  
299 characteristics and limitations of land and water are compatible  
300 with a proposed use or development.

301       (45) "Transit-oriented development" means a project or  
302 projects, in areas identified in a local government  
303 comprehensive plan, that is or will be served by existing or



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304 planned transit service. These designated areas shall be  
305 compact, moderate to high density developments, of mixed-use  
306 character, interconnected with other land uses, bicycle and  
307 pedestrian friendly, and designed to support frequent transit  
308 service operating through, collectively or separately, rail,  
309 fixed guideway, streetcar, or bus systems on dedicated  
310 facilities or available roadway connections.

311 ~~(46)~~~~(30)~~ "Transportation corridor management" means the  
312 coordination of the planning of designated future transportation  
313 corridors with land use planning within and adjacent to the  
314 corridor to promote orderly growth, to meet the concurrency  
315 requirements of this chapter, and to maintain the integrity of  
316 the corridor for transportation purposes.

317 ~~(47)~~~~(27)~~ "Urban infill" means the development of vacant  
318 parcels in otherwise built-up areas where public facilities such  
319 as sewer systems, roads, schools, and recreation areas are  
320 already in place and the average residential density is at least  
321 five dwelling units per acre, the average nonresidential  
322 intensity is at least a floor area ratio of 1.0 and vacant,  
323 developable land does not constitute more than 10 percent of the  
324 area.

325 ~~(48)~~~~(26)~~ "Urban redevelopment" means demolition and  
326 reconstruction or substantial renovation of existing buildings  
327 or infrastructure within urban infill areas, existing urban  
328 service areas, or community redevelopment areas created pursuant  
329 to part III.

330 ~~(49)~~~~(29)~~ "Urban service area" means ~~built-up~~ areas  
331 identified in the comprehensive plan where public facilities and  
332 services, including, but not limited to, central water and sewer



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333 capacity and roads, are already in place or are identified in  
334 the capital improvements element. The term includes any areas  
335 identified in the comprehensive plan as urban service areas,  
336 regardless of local government limitation ~~committed in the first~~  
337 ~~3 years of the capital improvement schedule. In addition, for~~  
338 ~~counties that qualify as dense urban land areas under subsection~~  
339 ~~(34), the nonrural area of a county which has adopted into the~~  
340 ~~county charter a rural area designation or areas identified in~~  
341 ~~the comprehensive plan as urban service areas or urban growth~~  
342 ~~boundaries on or before July 1, 2009, are also urban service~~  
343 ~~areas under this definition.~~

344 (50) "Urban sprawl" means a development pattern  
345 characterized by low density, automobile-dependent development  
346 with either a single use or multiple uses that are not  
347 functionally related, requiring the extension of public  
348 facilities and services in an inefficient manner, and failing to  
349 provide a clear separation between urban and rural uses.

350 ~~(32) "Financial feasibility" means that sufficient revenues~~  
351 ~~are currently available or will be available from committed~~  
352 ~~funding sources for the first 3 years, or will be available from~~  
353 ~~committed or planned funding sources for years 4 and 5, of a 5-~~  
354 ~~year capital improvement schedule for financing capital~~  
355 ~~improvements, such as ad valorem taxes, bonds, state and federal~~  
356 ~~funds, tax revenues, impact fees, and developer contributions,~~  
357 ~~which are adequate to fund the projected costs of the capital~~  
358 ~~improvements identified in the comprehensive plan necessary to~~  
359 ~~ensure that adopted level-of-service standards are achieved and~~  
360 ~~maintained within the period covered by the 5-year schedule of~~  
361 ~~capital improvements. A comprehensive plan shall be deemed~~



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362 ~~financially feasible for transportation and school facilities~~  
363 ~~throughout the planning period addressed by the capital~~  
364 ~~improvements schedule if it can be demonstrated that the level-~~  
365 ~~of service standards will be achieved and maintained by the end~~  
366 ~~of the planning period even if in a particular year such~~  
367 ~~improvements are not concurrent as required by s. 163.3180.~~

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

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

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

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

377  
378 ~~The Office of Economic and Demographic Research within the~~  
379 ~~Legislature shall annually calculate the population and density~~  
380 ~~criteria needed to determine which jurisdictions qualify as~~  
381 ~~dense urban land areas by using the most recent land area data~~  
382 ~~from the decennial census conducted by the Bureau of the Census~~  
383 ~~of the United States Department of Commerce and the latest~~  
384 ~~available population estimates determined pursuant to s.~~  
385 ~~186.901. If any local government has had an annexation,~~  
386 ~~contraction, or new incorporation, the Office of Economic and~~  
387 ~~Demographic Research shall determine the population density~~  
388 ~~using the new jurisdictional boundaries as recorded in~~  
389 ~~accordance with s. 171.091. The Office of Economic and~~  
390 ~~Demographic Research shall submit to the state land planning~~



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391 ~~agency a list of jurisdictions that meet the total population~~  
392 ~~and density criteria necessary for designation as a dense urban~~  
393 ~~land area by July 1, 2009, and every year thereafter. The state~~  
394 ~~land planning agency shall publish the list of jurisdictions on~~  
395 ~~its Internet website within 7 days after the list is received.~~  
396 ~~The designation of jurisdictions that qualify or do not qualify~~  
397 ~~as a dense urban land area is effective upon publication on the~~  
398 ~~state land planning agency's Internet website.~~

399 Section 7. Section 163.3167, Florida Statutes, is amended  
400 to read:

401 163.3167 Scope of act.—

402 (1) The several incorporated municipalities and counties  
403 shall have power and responsibility:

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

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

407 (c) To implement adopted or amended comprehensive plans by  
408 the adoption of appropriate land development regulations or  
409 elements thereof.

410 (d) To establish, support, and maintain administrative  
411 instruments and procedures to carry out the provisions and  
412 purposes of this act.

413  
414 The powers and authority set out in this act may be  
415 employed by municipalities and counties individually or jointly  
416 by mutual agreement in accord with ~~the provisions of~~ this act  
417 and in such combinations as their common interests may dictate  
418 and require.

419 (2) Each local government shall maintain ~~prepare~~ a



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420 comprehensive plan of the type and in the manner set out in this  
421 part or prepare amendments to its existing comprehensive plan to  
422 conform it to the requirements of this part and in the manner  
423 set out in this part. ~~In accordance with s. 163.3184, each local~~  
424 ~~government shall submit to the state land planning agency its~~  
425 ~~complete proposed comprehensive plan or its complete~~  
426 ~~comprehensive plan as proposed to be amended.~~

427 ~~(3) When a local government has not prepared all of the~~  
428 ~~required elements or has not amended its plan as required by~~  
429 ~~subsection (2), the regional planning agency having~~  
430 ~~responsibility for the area in which the local government lies~~  
431 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~  
432 ~~missing elements or adopt by rule amendments to the existing~~  
433 ~~plan in accordance with this act by July 1, 1989, or within 1~~  
434 ~~year after the dates specified or provided in subsection (2) and~~  
435 ~~the state land planning agency review schedule, whichever is~~  
436 ~~later. The regional planning agency shall provide at least 90~~  
437 ~~days' written notice to any local government whose plan it is~~  
438 ~~required by this subsection to prepare, prior to initiating the~~  
439 ~~planning process. At least 90 days before the adoption by the~~  
440 ~~regional planning agency of a comprehensive plan, or element or~~  
441 ~~portion thereof, pursuant to this subsection, the regional~~  
442 ~~planning agency shall transmit a copy of the proposed~~  
443 ~~comprehensive plan, or element or portion thereof, to the local~~  
444 ~~government and the state land planning agency for written~~  
445 ~~comment. The state land planning agency shall review and comment~~  
446 ~~on such plan, or element or portion thereof, in accordance with~~  
447 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~  
448 ~~applicable to the regional planning agency as if it were a~~





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449 ~~governing body. Existing comprehensive plans shall remain in~~  
450 ~~effect until they are amended pursuant to subsection (2), this~~  
451 ~~subsection, s. 163.3187, or s. 163.3189.~~

452 ~~(3)(4)~~ A municipality established after the effective date  
453 of this act shall, within 1 year after incorporation, establish  
454 a local planning agency, pursuant to s. 163.3174, and prepare  
455 and adopt a comprehensive plan of the type and in the manner set  
456 out in this act within 3 years after the date of such  
457 incorporation. A county comprehensive plan shall be deemed  
458 controlling until the municipality adopts a comprehensive plan  
459 in accord with ~~the provisions of this act. If, upon the~~  
460 ~~expiration of the 3-year time limit, the municipality has not~~  
461 ~~adopted a comprehensive plan, the regional planning agency shall~~  
462 ~~prepare and adopt a comprehensive plan for such municipality.~~

463 ~~(4)(5)~~ Any comprehensive plan, or element or portion  
464 thereof, adopted pursuant to ~~the provisions of this act, which~~  
465 but for its adoption after the deadlines established pursuant to  
466 previous versions of this act would have been valid, shall be  
467 valid.

468 ~~(6)~~ When a regional planning agency is required to prepare  
469 or amend a comprehensive plan, or element or portion thereof,  
470 pursuant to subsections (3) and (4), the regional planning  
471 agency and the local government may agree to a method of  
472 compensating the regional planning agency for any verifiable,  
473 direct costs incurred. If an agreement is not reached within 6  
474 months after the date the regional planning agency assumes  
475 planning responsibilities for the local government pursuant to  
476 subsections (3) and (4) or by the time the plan or element, or  
477 portion thereof, is completed, whichever is earlier, the



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478 ~~regional planning agency shall file invoices for verifiable,~~  
479 ~~direct costs involved with the governing body. Upon the failure~~  
480 ~~of the local government to pay such invoices within 90 days, the~~  
481 ~~regional planning agency may, upon filing proper vouchers with~~  
482 ~~the Chief Financial Officer, request payment by the Chief~~  
483 ~~Financial Officer from unencumbered revenue or other tax sharing~~  
484 ~~funds due such local government from the state for work actually~~  
485 ~~performed, and the Chief Financial Officer shall pay such~~  
486 ~~vouchers; however, the amount of such payment shall not exceed~~  
487 ~~50 percent of such funds due such local government in any one~~  
488 ~~year.~~

489 ~~(7) A local government that is being requested to pay costs~~  
490 ~~may seek an administrative hearing pursuant to ss. 120.569 and~~  
491 ~~120.57 to challenge the amount of costs and to determine if the~~  
492 ~~statutory prerequisites for payment have been complied with.~~  
493 ~~Final agency action shall be taken by the state land planning~~  
494 ~~agency. Payment shall be withheld as to disputed amounts until~~  
495 ~~proceedings under this subsection have been completed.~~

496 ~~(5)(8)~~ Nothing in this act shall limit or modify the rights  
497 of any person to complete any development that has been  
498 authorized as a development of regional impact pursuant to  
499 chapter 380 or who has been issued a final local development  
500 order and development has commenced and is continuing in good  
501 faith.

502 ~~(6)(9)~~ The Reedy Creek Improvement District shall exercise  
503 the authority of this part as it applies to municipalities,  
504 consistent with the legislative act under which it was  
505 established, for the total area under its jurisdiction.

506 ~~(7)(10)~~ Nothing in this part shall supersede any provision



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507 of ss. 341.8201-341.842.

508 ~~(11) Each local government is encouraged to articulate a~~  
509 ~~vision of the future physical appearance and qualities of its~~  
510 ~~community as a component of its local comprehensive plan. The~~  
511 ~~vision should be developed through a collaborative planning~~  
512 ~~process with meaningful public participation and shall be~~  
513 ~~adopted by the governing body of the jurisdiction. Neighboring~~  
514 ~~communities, especially those sharing natural resources or~~  
515 ~~physical or economic infrastructure, are encouraged to create~~  
516 ~~collective visions for greater than local areas. Such collective~~  
517 ~~visions shall apply in each city or county only to the extent~~  
518 ~~that each local government chooses to make them applicable. The~~  
519 ~~state land planning agency shall serve as a clearinghouse for~~  
520 ~~creating a community vision of the future and may utilize the~~  
521 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~  
522 ~~grants to help pay the costs of local visioning programs. When a~~  
523 ~~local vision of the future has been created, a local government~~  
524 ~~should review its comprehensive plan, land development~~  
525 ~~regulations, and capital improvement program to ensure that~~  
526 ~~these instruments will help to move the community toward its~~  
527 ~~vision in a manner consistent with this act and with the state~~  
528 ~~comprehensive plan. A local or regional vision must be~~  
529 ~~consistent with the state vision, when adopted, and be~~  
530 ~~internally consistent with the local or regional plan of which~~  
531 ~~it is a component. The state land planning agency shall not~~  
532 ~~adopt minimum criteria for evaluating or judging the form or~~  
533 ~~content of a local or regional vision.~~

534 ~~(8)~~(12) An initiative or referendum process in regard to  
535 any development order or in regard to any local comprehensive



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536 plan amendment or map amendment ~~that affects five or fewer~~  
537 ~~parcels of land~~ is prohibited.

538 (9) ~~(13)~~ Each local government shall address in its  
539 comprehensive plan, as enumerated in this chapter, the water  
540 supply sources necessary to meet and achieve the existing and  
541 projected water use demand for the established planning period,  
542 considering the applicable plan developed pursuant to s.  
543 373.709.

544 (10) ~~(14)~~ (a) If a local government grants a development  
545 order pursuant to its adopted land development regulations and  
546 the order is not the subject of a pending appeal and the  
547 timeframe for filing an appeal has expired, the development  
548 order may not be invalidated by a subsequent judicial  
549 determination that such land development regulations, or any  
550 portion thereof that is relevant to the development order, are  
551 invalid because of a deficiency in the approval standards.

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

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

559  
560  
561 ===== T I T L E A M E N D M E N T =====

562 And the title is amended as follows:

563 Delete lines 17 - 18.