By Senator Bennett

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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3164, F.S.; clarifying the definition of the term
4 “urban service area”; amending s. 163.3171, F.S.;
5 providing legislative intent regarding joint
6 agreements between municipalities and counties;
7 amending s. 163.3177, F.S.; extending the deadline for
8 a local government to comply with the financial
9 feasibility requirement for the capital improvements
10 element of its comprehensive plan; expanding future
11 land use categories to require the consideration of
12 compatibility with adjacent lands, the preservation of
13 recreational and commercial working waterfronts,
14 public schools, and future municipal incorporation;
15 deleting consideration of future planned industrial
16 use, based on certain criteria; eliminating certain
17 criteria specific to coastal counties; reenacting s.
18 163.31801(5), F.S., relating to the requirement that
19 the government has the burden to prove that the
20 imposition or amount of an impact fee meets the state
21 requirements for legal precedent; providing for
22 retroactive application, and providing legislative
23 intent if a court finds such retroactive application
24 to be unconstitutional; amending s. 163.31801, F.S.;
25 prohibiting a local government from increasing an
26 impact fee or imposing a new impact fee on
27 nonresidential development; providing certain
28 exceptions; providing for future expiration of the
29 prohibition; amending s. 163.3194, F.S.; requiring a

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30 governing body to issue a development order or permit
31 to erect, operate, use, or maintain a sign if the sign
32 is located in certain zones; providing definitions;
33 providing circumstances in which a parcel is
34 considered unzoned commercial or industrial; providing
35 criteria under which a development order or permit is
36 in compliance with certain requirements governing the
37 placement of signs; providing that the Department of
38 Transportation may rely on a determination by the
39 local permitting agency; amending s. 163.3246, F.S.;
40 requiring the Office of Program Policy Analysis and
41 Government Accountability to submit a report on the
42 effectiveness of the comprehensive planning
43 certification program; directing the office to obtain
44 input from certain entities in developing the report;
45 providing minimum criteria for the report; providing
46 for future expiration of the local government
47 comprehensive planning certification program;
48 providing for future expiration of certain agreements;
49 creating s. 163.3250, F.S.; creating an autonomous
50 planning program; providing legislative findings that
51 local governments can implement plans without state
52 oversight; providing criteria for autonomous planning;
53 requiring a county or municipality to notify the state
54 land planning agency and provide a map of the
55 designated or modified autonomous planning area;
56 requiring the state land planning agency to provide
57 notice on its website of the name of any jurisdiction
58 that has a designated autonomous planning area;

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59 providing the effective date of the plan; providing
60 conditions for automatic approval; requiring a public
61 hearing before an application may be submitted;
62 providing for comments; providing exceptions to the
63 process; requiring jurisdictions to be subject to
64 frequency and timing requirements; providing
65 procedures for the initial hearing on the
66 comprehensive plan amendment for the autonomous
67 planning program; providing procedures for the
68 adoption of the comprehensive plan amendments in
69 autonomous planning areas; providing procedures for
70 administrative challenges to plan amendments for
71 autonomous planning areas; requiring any development
72 within the autonomous planning area to be consistent
73 with the local comprehensive plan; providing that
74 local governments implementing a program using an
75 alternative state review process may elect to file an
76 application under the autonomous planning program;
77 creating s. 163.3260, F.S.; prohibiting a local
78 government from duplicating state regulatory
79 authority; providing effective dates.
80
81 WHEREAS, the Florida Legislature enacted House Bill 227 in
82 2009 for important public purposes, and
83 WHEREAS, litigation has called into question the
84 constitutional validity of this important piece of legislation,
85 and
86 WHEREAS, the Legislature wishes to protect those that
87 relied on the changes made by House Bill 227 and to preserve the

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88 Florida Statutes intact and cure any constitutional violation,
89 NOW, THEREFORE,
90
91 Be It Enacted by the Legislature of the State of Florida:
92
93 Section 1. Subsection (29) of section 163.3164, Florida
94 Statutes, is amended to read:
95 163.3164 Local Government Comprehensive Planning and Land
96 Development Regulation Act; definitions.—As used in this act:
97 (29) "Urban service area" means built-up areas where public
98 facilities and services, including, but not limited to, central
99 water and sewer capacity and roads, are already in place or are
100 committed in the first 3 years of the capital improvement
101 schedule. In addition, for counties that qualify as dense urban
102 land areas under subsection (34), the nonrural area of a county
103 which has adopted into the county charter a rural area
104 designation or any areas identified in the comprehensive plan as
105 urban service areas, regardless of any local government
106 limitation, or urban growth boundaries on or before July 1,
107 2009, are also urban service areas under this definition.
108 Section 2. Subsection (5) is added to section 163.3171,
109 Florida Statutes, to read:
110 163.3171 Areas of authority under this act.—
111 (5) It is the intent of the Legislature that a joint
112 agreement entered into under this section be liberally, broadly,
113 and flexibly construed to facilitate intergovernmental
114 cooperation between municipalities and counties and to encourage
115 planning in advance of jurisdictional changes. Whether executed
116 prior to or after the effective date of this act, such joint

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117 agreement may include, but is not limited to, an agreement that
118 contemplates municipal adoption of plans or plan amendments for
119 lands in advance of annexation of such lands into the
120 municipality and may permit municipalities or counties to
121 exercise nonexclusive extrajurisdictional planning authority
122 within the incorporated and unincorporated areas. The courts
123 have sole jurisdiction to interpret, invalidate, or declare
124 inoperative such joint agreements, and the validity of a joint
125 agreement may not be a basis for finding plans or plan
126 amendments not in compliance pursuant to s. 163.3177.
127 Section 3. Paragraph (b) of subsection (3) and paragraph
128 (a) of subsection (6) of section 163.3177, Florida Statutes, are
129 amended to read:
130 163.3177 Required and optional elements of comprehensive
131 plan; studies and surveys.—
132 (3)
133 (b)1. The capital improvements element must be reviewed on
134 an annual basis and modified as necessary in accordance with s.
135 163.3187 or s. 163.3189 in order to maintain a financially
136 feasible 5-year schedule of capital improvements. Corrections
137 and modifications concerning costs; revenue sources; or
138 acceptance of facilities pursuant to dedications which are
139 consistent with the plan may be accomplished by ordinance and
140 shall not be deemed to be amendments to the local comprehensive
141 plan. A copy of the ordinance shall be transmitted to the state
142 land planning agency. An amendment to the comprehensive plan is
143 required to update the schedule on an annual basis or to
144 eliminate, defer, or delay the construction for any facility
145 listed in the 5-year schedule. All public facilities must be

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consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2013 ~~2011~~. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2013 ~~2011~~, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.

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

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land.

1. Counties are encouraged to designate rural land stewardship areas, pursuant to paragraph (11)(d), as overlays on the future land use map.

2. Each future land use category must:

a. Be defined in terms of uses included, and must include

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175 standards to be followed in the control and distribution of
176 population densities and building and structure intensities. The
177 proposed distribution, location, and extent of the various
178 categories of land use shall be shown on a land use map or map
179 series which shall be supplemented by goals, policies, and
180 measurable objectives.
181 b. ~~The future land use plan shall~~ Be based upon surveys,
182 studies, and data regarding the area, including:
183 (I) The amount of land required to accommodate anticipated
184 growth;
185 (II) The projected population of the area;
186 (III) The character of undeveloped land;
187 (IV) The availability of water supplies, public facilities,
188 and services;
189 (V) The need for redevelopment, including the renewal of
190 blighted areas and the elimination of nonconforming uses which
191 are inconsistent with the character of the community;
192 (VI) The compatibility of uses on lands adjacent to or
193 closely proximate to military installations;
194 (VII) Lands adjacent to an airport as defined in s. 330.35
195 and consistent with s. 333.02;
196 (VIII) The discouragement of urban sprawl;
197 (IX) Energy-efficient land use patterns accounting for
198 existing and future electric power generation and transmission
199 systems;
200 (X) Greenhouse gas reduction strategies; and~~,~~
201 (XI) In rural communities, the need for job creation,
202 capital investment, and economic development that will
203 strengthen and diversify the community’s economy.

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204 c. Include criteria to be used to achieve the compatibility
205 of lands adjacent or closely proximate to military
206 installations, considering factors identified in s. 163.3175(5),
207 and lands adjacent to an airport as defined in s. 330.37 and
208 consistent with s. 333.02.
209 d. For coastal counties, include, without limitation,
210 regulatory incentives and criteria that encourage the
211 preservation of recreational and commercial working waterfronts
212 as defined in s. 342.07.
213 e. Clearly identify the land use categories in which public
214 schools are an allowable use pursuant to the criteria specified
215 in subparagraph 6.
216 3. The future land use plan may:
217 a. Designate areas for future planned development use
218 involving combinations of types of uses for which special
219 regulations may be necessary to ensure development in accord
220 with the principles and standards of the comprehensive plan and
221 this act.
222 b. Designate areas for possible future municipal
223 incorporation. ~~The future land use plan element shall include~~
224 ~~criteria to be used to achieve the compatibility of lands~~
225 ~~adjacent or closely proximate to military installations,~~
226 ~~considering factors identified in s. 163.3175(5), and lands~~
227 ~~adjacent to an airport as defined in s. 330.35 and consistent~~
228 ~~with s. 333.02. In addition, for rural communities,~~
229 4. The amount of land designated for future planned land
230 uses ~~industrial use shall be based upon surveys and studies that~~
231 ~~reflect the need for job creation, capital investment, and the~~
232 ~~necessity to strengthen and diversify the local economies, and~~

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233 may not be limited solely by the projected population of the
234 local government ~~rural community~~. ~~The future land use plan of a~~
235 ~~county may also designate areas for possible future municipal~~
236 ~~incorporation.~~
237 5. The land use maps or map series shall generally identify
238 and depict historic district boundaries and shall designate
239 historically significant properties meriting protection. ~~For~~
240 ~~coastal counties, the future land use element must include,~~
241 ~~without limitation, regulatory incentives and criteria that~~
242 ~~encourage the preservation of recreational and commercial~~
243 ~~working waterfronts as defined in s. 342.07. The future land use~~
244 ~~element must clearly identify the land use categories in which~~
245 ~~public schools are an allowable use.~~
246 6. When delineating the land use categories in which public
247 schools are an allowable use, a local government shall include
248 in the categories sufficient land proximate to residential
249 development to meet the projected needs for schools in
250 coordination with public school boards and may establish
251 differing criteria for schools of different type or size. Each
252 local government shall include lands contiguous to existing
253 school sites, to the maximum extent possible, within the land
254 use categories in which public schools are an allowable use. The
255 failure by a local government to comply with these school siting
256 requirements will result in the prohibition of the local
257 government's ability to amend the local comprehensive plan,
258 except for plan amendments described in s. 163.3187(1)(b), until
259 the school siting requirements are met. Amendments proposed by a
260 local government for purposes of identifying the land use
261 categories in which public schools are an allowable use are

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262 exempt from the limitation on the frequency of plan amendments
263 contained in s. 163.3187. The future land use element shall
264 include criteria that encourage the location of schools
265 proximate to urban residential areas to the extent possible and
266 shall require that the local government seek to collocate public
267 facilities, such as parks, libraries, and community centers,
268 with schools to the extent possible and to encourage the use of
269 elementary schools as focal points for neighborhoods. For
270 schools serving predominantly rural counties, defined as a
271 county with a population of 100,000 or fewer, an agricultural
272 land use category is eligible for the location of public school
273 facilities if the local comprehensive plan contains school
274 siting criteria and the location is consistent with such
275 criteria.
276 7. Local governments required to update or amend their
277 comprehensive plan to include criteria and address compatibility
278 of lands adjacent or closely proximate to existing military
279 installations, or lands adjacent to an airport as defined in s.
280 330.35 and consistent with s. 333.02, in their future land use
281 plan element shall transmit the update or amendment to the state
282 land planning agency by June 30, 2012.
283 Section 4. Effective upon this act becoming a law and
284 operating retroactively to July 1, 2009, subsection (5) of
285 section 163.30801, Florida Statutes, is reenacted to read:
286 163.31801 Impact fees; short title; intent; definitions;
287 ordinances levying impact fees.—
288 (5) In any action challenging an impact fee, the government
289 has the burden of proving by a preponderance of the evidence
290 that the imposition or amount of the fee meets the requirements

291 of state legal precedent or this section. The court may not use
292 a deferential standard.
293 Section 5. If a court of last resort finds that the
294 retroactive application of the reenactment of s. 163.31801(5),
295 Florida Statutes, is unconstitutional, it is the intent of the
296 Legislature that section 4 of this act shall apply prospectively
297 from July 1, 2011.
298 Section 6. Subsection (6) is added to section 163.31801,
299 Florida Statutes, to read:
300 163.31801 Impact fees; short title; intent; definitions;
301 ordinances levying impact fees.—
302 (6) Notwithstanding any law, ordinance, or resolution to
303 the contrary, a county, municipality, or special district may
304 not increase any existing impact fees or impose any new impact
305 fees on nonresidential development. This subsection does not
306 affect impact fees pledged or obligated to the retirement of
307 debt; impact fee increases that were previously enacted by law,
308 ordinance, or resolution and phased in over time or included a
309 consumer price index or other yearly escalator; or impact fees
310 for water or wastewater facilities. This subsection expires July
311 1, 2013.
312 Section 7. Present subsections (3), (4), (5), and (6) of
313 section 163.3194, Florida Statutes, are renumbered as
314 subsections (4), (5), (6), and (7), respectively, and a new
315 subsection (3) is added to that section, to read:
316 163.3194 Legal status of comprehensive plan.—
317 (3) A governing body may not issue a development order or
318 permit to erect, operate, use, or maintain a sign authorized by
319 s. 479.07 unless the sign is located in a zoned or unzoned area

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320 or on a zoned or unzoned parcel authorized for commercial or
321 industrial use pursuant to a plan approved by the state land
322 planning agency.
323 (a) As used in this subsection, the term:
324 1. “Commercial or industrial use” means a parcel of land
325 designated predominately for commercial or industrial uses under
326 both the future land use map approved by the state land planning
327 agency and the land use development regulations adopted pursuant
328 to this chapter.
329 2. “Zoned or unzoned area” means an area that is not
330 specifically designated for commercial or industrial uses under
331 the land development regulations and is located in an area
332 designated by the future land use map of a plan approved by the
333 state land planning agency for multiple uses that include
334 commercial or industrial uses on which three or more separate
335 and distinct conforming activities are located.
336 3. “Zoned or unzoned parcel” means a parcel of land in a
337 zoned or unzoned area.
338 (b) If a parcel is located in an area designated for
339 multiple uses on the future land use map of the comprehensive
340 plan and the zoning category of the land development regulations
341 does not clearly designate that parcel for a specific use, the
342 parcel will be considered an unzoned commercial or industrial
343 parcel if it meets the criteria of this subsection.
344 (c) A development order or permit issued pursuant to a plan
345 approved by the state land planning agency in a zoned or unzoned
346 area or on a zoned or unzoned parcel authorized for commercial
347 or industrial use is in compliance with s. 479.02, and the
348 Department of Transportation may rely upon such determination by

349 the local permitting agency.

350 Section 8. Subsection (14) of section 163.3246, Florida
351 Statutes, is amended to read:

352 163.3246 Local government comprehensive planning
353 certification program.—

354 (14) By December 1, 2014, the Office of Program Policy
355 Analysis and Government Accountability shall submit to the
356 President of the Senate and the Speaker of the House of
357 Representatives a report on the effectiveness of the
358 comprehensive planning certification program and the
359 implementation of autonomous planning areas. The Office of
360 Program Policy Analysis and Government Accountability, in
361 consultation with the state land planning agency, shall develop
362 the report and recommendations with input from other state and
363 regional agencies, local governments, and interest groups. The
364 office shall review local and state actions and correspondence
365 relating to the autonomous planning program to identify issues
366 of process and substance in recommending changes to the
367 autonomous planning program.

368 (a) The report shall address, at a minimum:

369 1. Criteria for determining issues of regional or statewide
370 importance;

371 2. Compliance of participating counties and municipalities
372 with the growth management laws, including any legal challenges;

373 3. Significant changes made to participating county or
374 municipal comprehensive plans subsequent to their participation
375 in the program under this section or s. 163.3250;

376 4. Any significant impact to the fiscal resources, natural
377 resources, or infrastructure of the participating counties or

378 municipalities subsequent to their participation in the program
379 under this section or s. 163.3250; and
380 5. Whether participation in the program under this section
381 or s. 163.3250 has had an impact on intergovernmental disputes
382 and dispute resolution.
383 (b) This section expires December 1, 2015, and all counties
384 or municipalities certified under this section shall operate
385 under the administrative provisions of s. 163.3250 but, in
386 recognition of their commendable planning programs, may retain
387 their titles as certified communities. All agreements between
388 the local government and the state land planning agency entered
389 into pursuant to this section expire on December 1, 2015.
390 ~~prepare a report evaluating the certification program, which~~
391 ~~shall be submitted to the Governor, the President of the Senate,~~
392 ~~and the Speaker of the House of Representatives by December 1,~~
393 ~~2007.~~
394 Section 9. Section 163.3250, Florida Statutes, is created
395 to read:
396 163.3250 Autonomous planning program.—
397 (1) The Legislature finds that where local governments can
398 effectively implement their own planning without state
399 oversight, it is desirable that they are allowed to plan
400 independently. State and regional review of comprehensive plan
401 amendments should be eliminated where review is not needed for
402 local governments that have a demonstrated record of effectively
403 adopting their comprehensive plans. Therefore, the Legislature
404 authorizes the creation of autonomous planning areas.
405 (2) A county or municipality that wishes to designate or
406 modify an autonomous planning area must notify the state land

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407 planning agency in writing and include a map designating the
408 boundaries of the autonomous planning area. The state land
409 planning agency shall publish on its website the name of any
410 jurisdiction that has a designated autonomous planning area
411 within 15 days after receiving notification from the county or
412 municipality. The designation becomes effective upon publication
413 on the agency website.
414 (3) The state land planning agency shall approve any county
415 or municipal designation of an autonomous planning area if all
416 of the jurisdiction’s plan amendments have been found in
417 compliance by final order from the Administration Commission or
418 a court of law within the preceding 2 years.
419 (4) Before submitting an application to the state land
420 planning agency, the county or municipality must hold at least
421 one public hearing to solicit input concerning the decision to
422 become an autonomous planning area. Counties and municipalities
423 are encouraged to obtain public comment through workshops with
424 neighborhood associations and any local or regional planning
425 entity. The goal of the public hearing is to solicit input from
426 the public on whether the local government should apply for
427 designation as an autonomous planning area.
428 (5) Plan amendments that apply to lands within an
429 autonomous planning area shall follow the process set forth in
430 this section, with the following exceptions:
431 (a) Amendments that qualify as small scale development
432 amendments may continue to be adopted by the autonomous planning
433 program jurisdictions pursuant to s. 163.3187(1)(c) and (3).
434 (b) Plan amendments are subject to state review as set
435 forth in s. 163.3184 if the plan amendments:

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436 1. Propose a rural land stewardship area pursuant to s.
437 163.3177(11)(d);
438 2. Affect areas of critical state concern;
439 3. Propose an optional sector plan;
440 4. Update a comprehensive plan based on an evaluation and
441 appraisal report;
442 5. Implement new statutory requirements;
443 6. Increase hurricane evacuation times or the need for
444 shelter capacity on lands within the coastal high-hazard area;
445 or
446 7. Are new plans for newly incorporated municipalities.
447 (6) Autonomous planning program jurisdictions are subject
448 to the frequency and timing requirements for plan amendments set
449 forth in ss. 163.3187 and 163.3191, except as otherwise provided
450 in this section.
451 (7) An initial hearing for a comprehensive plan amendment
452 for the autonomous planning program shall be conducted pursuant
453 to this subsection.
454 (a) The local government shall hold its first public
455 hearing on a comprehensive plan amendment on a weekday at least
456 7 days after the day the first advertisement is published
457 pursuant to the requirements of chapter 125 or chapter 166. Upon
458 an affirmative vote of not less than a majority of the members
459 of the governing body present at the hearing, the local
460 government shall immediately transmit the amendment or
461 amendments and appropriate supporting data and analyses to:
462 1. The state land planning agency;
463 2. The appropriate regional planning council and water
464 management district;

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465 3. The Department of Environmental Protection;
466 4. The Department of State;
467 5. The Department of Transportation;
468 6. In the case of municipal plans, the appropriate county;
469 7. The Fish and Wildlife Conservation Commission;
470 8. The Department of Agriculture and Consumer Services;
471 9. In the case of amendments that include or impact the
472 public school facilities element, the Office of Educational
473 Facilities of the Commissioner of Education; and
474 10. Any other local government or governmental agency that
475 has filed a written request with the governing body.
476 (b) The agencies and local governments specified in
477 paragraph (a) may provide comments regarding the amendment or
478 amendments to the county or municipality.
479 1. The review and comments by the regional planning council
480 shall be limited to the effects on regional resources or
481 facilities identified in the strategic regional policy plan and
482 extrajurisdictional impacts that would be inconsistent with the
483 comprehensive plan of the affected local government. A regional
484 planning council may not review and comment on a proposed
485 comprehensive plan amendment prepared by such council unless the
486 plan amendment has been changed by the local government
487 subsequent to the preparation of the plan amendment by the
488 regional planning council.
489 2. Comments by a county on municipal comprehensive plan
490 amendments shall be in the context of the relationship and
491 effect of the proposed plan amendments on the county plan.
492 3. Comments by a municipality on county plan amendments
493 shall be in the context of the relationship and effect of the

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494 amendments on the municipal plan.
495 4. Comments by state agencies may include technical
496 guidance on issues of agency jurisdiction as it relates to the
497 requirements of this part. Such comments shall clearly identify
498 issues that, if not resolved, may result in an agency challenge
499 to the plan amendment. Agencies are encouraged to focus
500 potential challenges on issues of regional or statewide
501 importance.
502
503 Agencies and local governments must transmit their comments to
504 the affected local government such that they are received by the
505 local government no later than 30 days after the date on which
506 the agency or government received the amendment or amendments.
507 (8) The adoption of comprehensive plan amendments in
508 autonomous planning areas shall be conducted pursuant to this
509 subsection.
510 (a) The local government shall hold its second public
511 hearing, which shall be a hearing on whether to adopt one or
512 more comprehensive plan amendments, on a weekday at least 5 days
513 after the day the second advertisement is published pursuant to
514 the requirements of chapter 125 or chapter 166. Adoption of
515 comprehensive plan amendments must be by ordinance and requires
516 an affirmative vote of a majority of the members of the
517 governing body present at the second hearing.
518 (b) All comprehensive plan amendments adopted by the
519 governing body along with the supporting data and analysis shall
520 be transmitted within 10 days after the second public hearing to
521 the state land planning agency and any other agency or local
522 government that provided timely comments under paragraph (7)(b).

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523 (9) Administrative challenges to plan amendments for the
524 autonomous planning program shall be conducted pursuant to this
525 subsection.
526 (a) Any affected person as defined in s. 163.3184(1)(a) may
527 file a petition with the Division of Administrative Hearings
528 pursuant to ss. 120.569 and 120.57, with a copy served on the
529 affected local government, to request a formal hearing to
530 challenge whether the amendments are in compliance as defined in
531 s. 163.3184(1)(b). The petition must be filed with the division
532 within 30 days after the local government adopts the amendment.
533 The state land planning agency may intervene in a proceeding
534 instituted by an affected person.
535 (b) The state land planning agency may file a petition with
536 the Division of Administrative Hearings pursuant to ss. 120.569
537 and 120.57, with a copy served on the affected local government,
538 to request a formal hearing. This petition must be filed with
539 the division within 30 days after the amendment is adopted. The
540 Legislature strongly encourages the state land planning agency
541 to focus any challenge on issues of regional or statewide
542 importance.
543 (c) An administrative law judge shall hold a hearing in the
544 affected local jurisdiction. The local government's
545 determination that the amendment is in compliance is presumed to
546 be correct and shall be upheld unless it is shown by a
547 preponderance of the evidence that the amendment is not in
548 compliance.
549 (d) The administrative law judge assigned by the division
550 shall submit a recommended order to the Administration
551 Commission for final agency action. The Administration

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552 Commission shall enter a final order within 45 days after its
553 receipt of the recommended order. If the commission determines
554 that the amendment is not in compliance, it may sanction the
555 local government as set forth in s. 163.3184(11).
556 (e) An amendment adopted under the provisions of this
557 section does not become effective until 31 days after adoption.
558 If timely challenged, an amendment is not effective until the
559 Administration Commission enters a final order determining the
560 adopted amendment to be in compliance.
561 (f) Parties to a proceeding under this section may enter
562 into compliance agreements using the process in s. 163.3184(16).
563 Any remedial amendment adopted pursuant to a settlement
564 agreement shall be provided to the agencies and governments
565 listed in paragraph (7)(a).
566 (10) Any development within the autonomous planning area
567 must be consistent with the local comprehensive plan.
568 (11) Local governments identified in s. 163.32465 may
569 choose to operate under the provisions of this section upon
570 application to the state land planning agency.
571 Section 10. Section 163.3260, Florida Statutes, is created
572 to read:
573 163.3260 Prohibition on duplication of local regulations.—
574 It is the intent of the Legislature to eliminate the duplication
575 of regulatory authority in certain environmental reviews and
576 permitting. A local government may not adopt any ordinance,
577 regulation, rule, or policy for environmental reviews or
578 environmental resource permitting if such reviews or permitting
579 are already regulated by the Department of Environmental
580 Protection or a water management district. The water management

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581 districts may not duplicate any environmental reviews or
582 environmental resource permitting carried out by the Department
583 of Environmental Protection.
584 Section 11. Except as otherwise expressly provided in this
585 act and except for this section, which shall take effect upon
586 this act becoming a law, this act shall take effect July 1,
587 2011.

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