

By the Committee on Community Affairs; and Senator Bennett

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1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3161, F.S.; redesignating the "Local Government
4 Comprehensive Planning and Land Development Regulation
5 Act" as the "Community Planning Act"; revising and
6 providing intent and purpose of act; amending
7 s.163.3162, F.S.; redesignating the "Agricultural
8 Lands and Practices Act" as the "Agricultural Lands
9 and Practices" section; replacing presumption of
10 consistency with rule 9J-5.006(5), Florida
11 Administrative Code with presumption of not being
12 urban sprawl as defined in s. 163.3164, F.S.; amending
13 s. 163.3164, F.S.; revising and providing definitions
14 relating to the Community Planning Act; amending s.
15 163.3167, F.S.; revising scope of the act; removing
16 regional planning agencies from responsibility to
17 prepare comprehensive plans; prohibiting initiative or
18 referendum processes in regard to development orders,
19 local comprehensive plan amendments, and map
20 amendments; prohibiting local governments from
21 requiring a super majority vote on comprehensive plan
22 amendments; deleting retroactive effect; creating s.
23 163.3168, F.S.; encouraging local governments to apply
24 for certain innovative planning tools; directing and
25 authorizing the state land planning agency and other
26 appropriate state and regional agencies to use direct
27 and indirect technical assistance; amending s.
28 163.3171, F.S.; providing legislative intent; removing
29 the state land planning agency's power to enter into

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30 joint local agreements; amending s. 163.3174, F.S.;

31 deleting certain notice requirements relating to the

32 establishment of local planning agencies by a

33 governing body; amending s. 163.3177, F.S.; revising

34 and providing duties of local governments; revising

35 and providing required and optional elements of

36 comprehensive plans; revising requirements of

37 schedules of capital improvements; revising and

38 providing provisions relating to capital improvements

39 elements; revising major objectives of, and procedures

40 relating to, the local comprehensive planning process;

41 revising and providing required and optional elements

42 of future land use plans; providing required

43 transportation elements; revising and providing

44 required sanitary sewer, solid waste, drainage,

45 potable water, and natural groundwater aquifer

46 recharge elements; revising and providing required

47 conservation elements; revising and providing required

48 housing elements; revising and providing required

49 coastal management elements; revising and providing

50 required intergovernmental coordination elements;

51 removing optional comprehensive plan elements and

52 related requirements and Legislative findings;

53 amending s. 163.31777, F.S.; revising requirements

54 relating to public schools' interlocal agreements;

55 deleting duties of the Office of Educational

56 Facilities, the state land planning agency, and local

57 governments relating to such agreements; deleting an

58 exemption; amending s. 163.3178, F.S.; deleting

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59 authority for local governments to comply with rule
60 9J-5.012(3)(b)6. and 7., Florida Administrative Code;
61 amending s. 163.3180, F.S.; revising and providing
62 provisions relating to concurrency; revising
63 concurrency requirements; revising application and
64 findings; revising local government requirements;
65 revising and providing requirements relating to
66 transportation concurrency, proportionate share,
67 transportation concurrency exception areas, urban
68 infill, urban redevelopment, urban service, downtown
69 revitalization areas, transportation concurrency
70 management areas, long-term transportation and school
71 concurrency management systems, development of
72 regional impact, school concurrency, service areas,
73 financial feasibility, interlocal agreements, and
74 multimodal transportation districts; removing duties
75 of the Office of Program Policy Analysis, local
76 governments, and the state land planning agency;
77 providing requirements for local plans; limiting the
78 liability of local governments under certain
79 conditions; reenacting s. 163.31801(5), F.S., and
80 amending s. 163.31801, F.S.; prohibiting new impact
81 fees by local governments for a specified period of
82 time; amending s. 163.3182, F.S.; revising the
83 definition of the term "transportation concurrency
84 backlog" to "transportation deficiency"; revising
85 other definitions and provisions to conform; revising
86 provisions relating to transportation deficiency
87 plans; revising requirements for transportation

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88 sufficiency plans; amending s. 163.3184, F.S.;

89 providing a definition for "reviewing agencies";

90 amending the definition of "in compliance"; providing

91 requirements for comprehensive plans and plan

92 amendments; providing exceptions; removing references

93 to procedural rules established by the state land

94 planning agency; deleting provisions relating to

95 community vision and urban boundary plan amendments,

96 urban infill and redevelopment plan amendments, and

97 housing incentive strategy plan amendments; amending

98 s. 163.3187, F.S.; deleting provisions relating to the

99 amendment of adopted comprehensive plans; revising the

100 process for adopting updated comprehensive plans by

101 statute rather than administrative rule; amending s.

102 163.3191, F.S., relating to the evaluation and

103 appraisal of comprehensive plans; providing an

104 exception for certain local governments; encouraging

105 local governments to incorporate visioning; providing

106 and revising local government requirements; removing

107 regional planning councils and the state land planning

108 agency from preparation of evaluation and appraisal

109 reports; amending s. 163.3194, F.S.; regulating

110 development orders for signs authorized by s. 479.07,

111 F.S.; providing definitions; amending s. 163.3220,

112 F.S.; conforming reference to the Community Planning

113 Act; amending s. 163.3221, F.S.; conforming references

114 to the Community Planning Act; amending s. 163.3229,

115 F.S.; revising limitations on duration of development

116 agreements; amending s. 163.3235, F.S.; revising

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117 requirements for periodic reviews of a development
118 agreements; amending s. 163.3239, F.S.; revising
119 recording requirements for development agreements;
120 amending s. 163.3243, F.S.; removing the state land
121 planning agency from parties who may file an action
122 for injunctive relief; amending s. 163.3245, F.S.;
123 revising provisions relating to optional sector plans;
124 renaming 'optional sector plans' as "sector plans";
125 removing state land planning agency involvement in
126 approval of sector plans; authorizing the adoption of
127 sector plans under certain circumstances; providing
128 and revising local government requirements including
129 notice, amendments, and scoping meetings; revising and
130 providing elements of sector plans; providing
131 guidelines for adoption of long-term master plans;
132 repealing s. 163.3246, F.S., relating to local
133 government comprehensive planning certification
134 program; creating s. 163.3248, F.S.; providing for the
135 designation of rural land stewardship areas; providing
136 purposes and requirements for the establishment of
137 such areas; providing for the creation of rural land
138 stewardship overlay zoning district and transferable
139 rural land use credits; providing certain limitation
140 relating to such credits; providing for incentives;
141 providing legislative intent; amending s. 163.32465,
142 F.S.; revising legislative findings related to local
143 government comprehensive planning; revising the
144 process for amending a comprehensive plan; making the
145 expedited review process applicable statewide and

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146 removing its status as a pilot program; revising the
147 process and requirements for expedited review of plan
148 amendments; amending ss. 163.360 and 163.516, F.S., to
149 conform to changes made by the act; amending s.
150 186.504, F.S.; revising membership requirements of
151 regional planning councils; amending ss. 186.513,
152 186.515, 189.415, 190.004, 190.005, 193.501, and
153 287.042, F.S., to conform to changes made by the act;
154 amending s. 288.063, F.S.; revising factors to be
155 considered by the Office of tourism, Trade, and
156 Economic Development in approving transportation
157 projects for funding; amending ss. 288.975, 290.0475,
158 311.07, and 331.319, F.S., to conform to changes made
159 by the act; amending s. 339.155, F.S.; removing level-
160 of-service-standards requirements from additional
161 transportation plans; amending s. 339.2819, F.S.;
162 removing long-term concurrency management system from
163 the Transportation Regional Incentive Program;
164 amending s. 367.021, F.S.; providing definitions for
165 the terms "large landowner" and "need"; amending s
166 369.303, F.S., to conform to changes made by the act;
167 amending s. 369.321, F.S.; removing reference to
168 chapter 163 and chapter 9J-5, Florida Administrative
169 Code, relating to Wekiva Study Area; amending ss.
170 378.021 and 380.031, F.S., to conform to changes made
171 by the act; amending s. 380.06, F.S.; revising
172 exemptions relating to developments of regional
173 impact; revising provisions to conform to changes made
174 by this act; requiring the Office of Economic and

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175 Demographic Research within the Legislature to
176 calculate and publish population density; amending ss.
177 380.061, 380.065, 380.115, 403.50665, 420.9071,
178 420.9076, 720.403, and 1013.33, F.S., to conform to
179 changes made by the act; repealing rules 9J-5 and 9J-
180 11.023, Florida Administrative Code, relating to
181 minimum criteria for review of local government
182 comprehensive plans and plan amendments, evaluation
183 and appraisal reports, land development regulations,
184 and determinations of compliance; extending permits
185 and other authorizations extended under s. 14 of
186 chapter 2009-96, Laws of Florida; providing a finding
187 that the act fulfills an important state interest;
188 requiring the state land planning agency to review
189 pending actions filed by the agency for consistency
190 with part II of chapter 163, F.S.; providing
191 instructions for the construing of the act; providing
192 a directive to the Division of Statutory Revision;
193 providing effective dates.

194

195 Be It Enacted by the Legislature of the State of Florida:

196

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

199 163.3161 Short title; intent and purpose.—

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

203 (2) ~~In conformity with, and in furtherance of, the purpose~~

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204 ~~of the Florida Environmental Land and Water Management Act of~~
205 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and
206 strengthen the existing role, processes, and powers of local
207 governments in the establishment and implementation of
208 comprehensive planning programs to guide and manage ~~control~~
209 future development consistent with the proper role of local
210 government.

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

214 (4) ~~(3)~~ It is the intent of this act that the ability of its
215 ~~adoption is necessary so that~~ local governments to ~~can~~ preserve
216 and enhance present advantages; encourage the most appropriate
217 use of land, water, and resources, consistent with the public
218 interest; overcome present handicaps; and deal effectively with
219 future problems that may result from the use and development of
220 land within their jurisdictions. Through the process of
221 comprehensive planning, it is intended that units of local
222 government can preserve, promote, protect, and improve the
223 public health, safety, comfort, good order, appearance,
224 convenience, law enforcement and fire prevention, and general
225 welfare; ~~prevent the overcrowding of land and avoid undue~~
226 ~~concentration of population;~~ facilitate the adequate and
227 efficient provision of transportation, water, sewerage, schools,
228 parks, recreational facilities, housing, and other requirements
229 and services; and conserve, develop, utilize, and protect
230 natural resources within their jurisdictions.

231 (5) ~~(4)~~ It is the intent of this act to encourage and ensure
232 ~~assure~~ cooperation between and among municipalities and counties

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233 and to encourage and assure coordination of planning and
234 development activities of units of local government with the
235 planning activities of regional agencies and state government in
236 accord with applicable provisions of law.

237 (6)~~(5)~~ It is the intent of this act that adopted
238 comprehensive plans shall have the legal status set out in this
239 act and that no public or private development shall be permitted
240 except in conformity with comprehensive plans, or elements or
241 portions thereof, prepared and adopted in conformity with this
242 act.

243 (7)~~(6)~~ It is the intent of this act that the activities of
244 units of local government in the preparation and adoption of
245 comprehensive plans, or elements or portions therefor, shall be
246 conducted in conformity with the provisions of this act.

247 (8)~~(7)~~ The provisions of this act in their interpretation
248 and application are declared to be the minimum requirements
249 necessary to accomplish the stated intent, purposes, and
250 objectives of this act; to protect human, environmental, social,
251 and economic resources; and to maintain, through orderly growth
252 and development, the character and stability of present and
253 future land use and development in this state.

254 (9)~~(8)~~ It is the intent of the Legislature that the repeal
255 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws
256 of Florida, and amendments to this part by this chapter law,
257 shall not be interpreted to limit or restrict the powers of
258 municipal or county officials, but shall be interpreted as a
259 recognition of their broad statutory and constitutional powers
260 to plan for and regulate the use of land. It is, further, the
261 intent of the Legislature to reconfirm that ss. 163.3161 through

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262 163.3248 ~~163.3215~~ have provided and do provide the necessary
 263 statutory direction and basis for municipal and county officials
 264 to carry out their comprehensive planning and land development
 265 regulation powers, duties, and responsibilities.

266 ~~(10)(9)~~ It is the intent of the Legislature that all
 267 governmental entities in this state recognize and respect
 268 judicially acknowledged or constitutionally protected private
 269 property rights. It is the intent of the Legislature that all
 270 rules, ordinances, regulations, and programs adopted under the
 271 authority of this act must be developed, promulgated,
 272 implemented, and applied with sensitivity for private property
 273 rights and not be unduly restrictive, and property owners must
 274 be free from actions by others which would harm their property.
 275 Full and just compensation or other appropriate relief must be
 276 provided to any property owner for a governmental action that is
 277 determined to be an invalid exercise of the police power which
 278 constitutes a taking, as provided by law. Any such relief must
 279 be determined in a judicial action.

280 (11) It is the intent of this part that the traditional
 281 economic base of this state, agriculture, tourism, and military
 282 presence, be recognized and protected. Further, it is the intent
 283 of this part to encourage economic diversification, workforce
 284 development, and community planning.

285 Section 2. Subsections (2) through (5) of section 163.3162,
 286 Florida Statutes, are renumbered as subsections (1) through (4),
 287 respectively, and present subsections (1) and (5) of that
 288 section are amended to read:

289 163.3162 Agricultural Lands and Practices Act.—

290 ~~(1) SHORT TITLE.—This section may be cited as the~~

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291 ~~"Agricultural Lands and Practices Act."~~

292 (4)~~(5)~~ AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—

293 The owner of a parcel of land defined as an agricultural enclave
294 under s. 163.3164~~(33)~~ may apply for an amendment to the local
295 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.

296 Such amendment is presumed not to be urban sprawl as defined in
297 s. 163.3164 if it includes ~~consistent with rule 9J-5.006(5),~~

298 ~~Florida Administrative Code, and may include~~ land uses and
299 intensities of use that are consistent with the uses and
300 intensities of use of the industrial, commercial, or residential
301 areas that surround the parcel. This presumption may be rebutted
302 by clear and convincing evidence. Each application for a
303 comprehensive plan amendment under this subsection for a parcel
304 larger than 640 acres must include appropriate new urbanism
305 concepts such as clustering, mixed-use development, the creation
306 of rural village and city centers, and the transfer of
307 development rights in order to discourage urban sprawl while
308 protecting landowner rights.

309 (a) The local government and the owner of a parcel of land
310 that is the subject of an application for an amendment shall
311 have 180 days following the date that the local government
312 receives a complete application to negotiate in good faith to
313 reach consensus on the land uses and intensities of use that are
314 consistent with the uses and intensities of use of the
315 industrial, commercial, or residential areas that surround the
316 parcel. Within 30 days after the local government's receipt of
317 such an application, the local government and owner must agree
318 in writing to a schedule for information submittal, public
319 hearings, negotiations, and final action on the amendment, which

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320 schedule may thereafter be altered only with the written consent
321 of the local government and the owner. Compliance with the
322 schedule in the written agreement constitutes good faith
323 negotiations for purposes of paragraph (c).

324 (b) Upon conclusion of good faith negotiations under
325 paragraph (a), regardless of whether the local government and
326 owner reach consensus on the land uses and intensities of use
327 that are consistent with the uses and intensities of use of the
328 industrial, commercial, or residential areas that surround the
329 parcel, the amendment must be transmitted to the state land
330 planning agency for review pursuant to s. 163.3184. If the local
331 government fails to transmit the amendment within 180 days after
332 receipt of a complete application, the amendment must be
333 immediately transferred to the state land planning agency for
334 such review ~~at the first available transmittal cycle~~. A plan
335 amendment transmitted to the state land planning agency
336 submitted under this subsection is presumed not to be urban
337 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~
338 ~~5.006(5), Florida Administrative Code~~. This presumption may be
339 rebutted by clear and convincing evidence.

340 (c) If the owner fails to negotiate in good faith, a plan
341 amendment submitted under this subsection is not entitled to the
342 rebuttable presumption under this subsection in the negotiation
343 and amendment process.

344 (d) Nothing within this subsection relating to agricultural
345 enclaves shall preempt or replace any protection currently
346 existing for any property located within the boundaries of the
347 following areas:

348 1. The Wekiva Study Area, as described in s. 369.316; or

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349 2. The Everglades Protection Area, as defined in s.
350 373.4592(2).

351 Section 3. Section 163.3164, Florida Statutes, is amended
352 to read:

353 163.3164 Community Local Government Comprehensive Planning
354 and Land Development Regulation Act; definitions.—As used in
355 this act, the term:

356 (1) "Administration Commission" means the Governor and the
357 Cabinet, and for purposes of this chapter the commission shall
358 act on a simple majority vote, except that for purposes of
359 imposing the sanctions provided in s. 163.3184(11), affirmative
360 action shall require the approval of the Governor and at least
361 three other members of the commission.

362 (2) "Affordable housing" has the same meaning as in s.
363 420.0004(3).

364 (4) "Antiquated subdivision" means a subdivision that was
365 recorded or approved more than 20 years ago and that has
366 substantially failed to be built and the continued buildout of
367 the subdivision in accordance with the subdivision's zoning and
368 land use purposes would cause an imbalance of land uses and
369 would be detrimental to the local and regional economies and
370 environment, hinder current planning practices, and lead to
371 inefficient and fiscally irresponsible development patterns as
372 determined by the respective jurisdiction in which the
373 subdivision is located.

374 (5)~~(2)~~ "Area" or "area of jurisdiction" means the total
375 area qualifying under the provisions of this act, whether this
376 be all of the lands lying within the limits of an incorporated
377 municipality, lands in and adjacent to incorporated

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378 municipalities, all unincorporated lands within a county, or
379 areas comprising combinations of the lands in incorporated
380 municipalities and unincorporated areas of counties.

381 (6) "Capital improvement" means physical assets constructed
382 or purchased to provide, improve, or replace a public facility
383 and which are typically large scale and high in cost. The cost
384 of a capital improvement is generally nonrecurring and may
385 require multiyear financing. For the purposes of this part,
386 physical assets that have been identified as existing or
387 projected needs in the individual comprehensive plan elements
388 shall be considered capital improvements.

389 (7)~~(3)~~ "Coastal area" means the 35 coastal counties and all
390 coastal municipalities within their boundaries ~~designated~~
391 ~~coastal by the state land planning agency.~~

392 (8) "Compatibility" means a condition in which land uses or
393 conditions can coexist in relative proximity to each other in a
394 stable fashion over time such that no use or condition is unduly
395 negatively impacted directly or indirectly by another use or
396 condition.

397 (9)~~(4)~~ "Comprehensive plan" means a plan that meets the
398 requirements of ss. 163.3177 and 163.3178.

399 (10) "Deepwater ports" means the ports identified in s.
400 403.021(9).

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

404 (12)~~(5)~~ "Developer" means any person, including a
405 governmental agency, undertaking any development as defined in
406 this act.

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407 (13)~~(6)~~ "Development" has the same meaning as given it in
408 s. 380.04.

409 (14)~~(7)~~ "Development order" means any order granting,
410 denying, or granting with conditions an application for a
411 development permit.

412 (15)~~(8)~~ "Development permit" includes any building permit,
413 zoning permit, subdivision approval, rezoning, certification,
414 special exception, variance, or any other official action of
415 local government having the effect of permitting the development
416 of land.

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

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

423 (20)~~(9)~~ "Governing body" means the board of county
424 commissioners of a county, the commission or council of an
425 incorporated municipality, or any other chief governing body of
426 a unit of local government, however designated, or the
427 combination of such bodies where joint utilization of the
428 provisions of this act is accomplished as provided herein.

429 (21)~~(10)~~ "Governmental agency" means:

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

432 (b) This state or any department, commission, agency, or
433 other instrumentality thereof.

434 (c) Any local government, as defined in this section, or
435 any department, commission, agency, or other instrumentality

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436 thereof.

437 (d) Any school board or other special district, authority,
438 or governmental entity.

439 (22) "Intensity" means an objective measurement of the
440 extent to which land may be developed or used, including the
441 consumption or use of the space above, on, or below ground; the
442 measurement of the use of or demand on natural resources; and
443 the measurement of the use of or demand on facilities and
444 services.

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

449 (24)~~(11)~~ "Land" means the earth, water, and air, above,
450 below, or on the surface, and includes any improvements or
451 structures customarily regarded as land.

452 (27)~~(12)~~ "Land use" means the development that has occurred
453 on the land, the development that is proposed by a developer on
454 the land, or the use that is permitted or permissible on the
455 land under an adopted comprehensive plan or element or portion
456 thereof, land development regulations, or a land development
457 code, as the context may indicate.

458 (28) "Level of service" means an indicator of the extent or
459 degree of service provided by, or proposed to be provided by, a
460 facility based on and related to the operational characteristics
461 of the facility. Level of service shall indicate the capacity
462 per unit of demand for each public facility.

463 (29)~~(13)~~ "Local government" means any county or
464 municipality.

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465 (30)~~(14)~~ "Local planning agency" means the agency
466 designated to prepare the comprehensive plan or plan amendments
467 required by this act.

468 (31) "Mobility plan" means an integrated land use and
469 transportation plan that promotes compact, mixed-use, and
470 interconnected development served by a multimodal transportation
471 system that includes roads, bicycle and pedestrian facilities,
472 and, where feasible and appropriate, frequent transit and rail
473 service, to provide individuals with viable transportation
474 options without sole reliance upon a motor vehicle for personal
475 mobility.

476 (32)~~(15)~~ A "Newspaper of general circulation" means a
477 newspaper published at least on a weekly basis and printed in
478 the language most commonly spoken in the area within which it
479 circulates, but does not include a newspaper intended primarily
480 for members of a particular professional or occupational group,
481 a newspaper whose primary function is to carry legal notices, or
482 a newspaper that is given away primarily to distribute
483 advertising.

484 (33) "New town" means an urban activity center and
485 community designated on the future land use map of sufficient
486 size, population and land use composition to support a variety
487 of economic and social activities consistent with an urban area
488 designation. New towns shall include basic economic activities;
489 all major land use categories, with the possible exception of
490 agricultural and industrial; and a centrally provided full range
491 of public facilities and services that demonstrate internal trip
492 capture. A new town shall be based on a master development plan.

493 (34) "Objective" means a specific, measurable, intermediate

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494 end that is achievable and marks progress toward a goal.

495 (35)~~(16)~~ "Parcel of land" means any quantity of land
496 capable of being described with such definiteness that its
497 locations and boundaries may be established, which is designated
498 by its owner or developer as land to be used, or developed as, a
499 unit or which has been used or developed as a unit.

500 (36)~~(17)~~ "Person" means an individual, corporation,
501 governmental agency, business trust, estate, trust, partnership,
502 association, two or more persons having a joint or common
503 interest, or any other legal entity.

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

506 (40)~~(18)~~ "Public notice" means notice as required by s.
507 125.66(2) for a county or by s. 166.041(3)(a) for a
508 municipality. The public notice procedures required in this part
509 are established as minimum public notice procedures.

510 (41)~~(19)~~ "Regional planning agency" means the council
511 created pursuant to chapter 186 ~~agency designated by the state~~
512 ~~land planning agency to exercise responsibilities under law in a~~
513 ~~particular region of the state.~~

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

518 (44)~~(20)~~ "State land planning agency" means the Department
519 of Community Affairs.

520 (45)~~(21)~~ "Structure" has the same meaning as in ~~given it by~~
521 s. 380.031(19).

522 (46) "Suitability" means the degree to which the existing

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523 characteristics and limitations of land and water are compatible
524 with a proposed use or development.

525 (47) "Transit-oriented development" means a project or
526 projects, in areas identified in a local government
527 comprehensive plan, which are or will be served by existing or
528 planned transit service. These designated areas shall be
529 compact, moderate to high density developments, of mixed-use
530 character, interconnected with other land uses, bicycle and
531 pedestrian friendly, and designed to support frequent transit
532 service operating through, collectively or separately, rail,
533 fixed guideway, streetcar, or bus systems on dedicated
534 facilities or available roadway connections.

535 (25)~~(22)~~ "Land development regulation commission" means a
536 commission designated by a local government to develop and
537 recommend, to the local governing body, land development
538 regulations that ~~which~~ implement the adopted comprehensive plan
539 and to review land development regulations, or amendments
540 thereto, for consistency with the adopted plan and report to the
541 governing body regarding its findings. The responsibilities of
542 the land development regulation commission may be performed by
543 the local planning agency.

544 (26)~~(23)~~ "Land development regulations" means ordinances
545 enacted by governing bodies for the regulation of any aspect of
546 development and includes any local government zoning, rezoning,
547 subdivision, building construction, or sign regulations or any
548 other regulations controlling the development of land, except
549 that this definition shall not apply in s. 163.3213.

550 (39)~~(24)~~ "Public facilities" means major capital
551 improvements, including, but not limited to, transportation,

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552 sanitary sewer, solid waste, drainage, potable water,
553 educational, parks and recreational, and health systems and
554 facilities, and spoil disposal sites for maintenance dredging
555 located in the intracoastal waterways, except for spoil disposal
556 sites owned or used by ports listed in s. 403.021(9)(b).

557 (16)~~(25)~~ "Downtown revitalization" means the physical and
558 economic renewal of a central business district of a community
559 as designated by local government, and includes both downtown
560 development and redevelopment.

561 (50)~~(26)~~ "Urban redevelopment" means demolition and
562 reconstruction or substantial renovation of existing buildings
563 or infrastructure within urban infill areas, existing urban
564 service areas, or community redevelopment areas created pursuant
565 to part III.

566 (49)~~(27)~~ "Urban infill" means the development of vacant
567 parcels in otherwise built-up areas where public facilities such
568 as sewer systems, roads, schools, and recreation areas are
569 already in place and the average residential density is at least
570 five dwelling units per acre, the average nonresidential
571 intensity is at least a floor area ratio of 1.0 and vacant,
572 developable land does not constitute more than 10 percent of the
573 area.

574 (38)~~(28)~~ "Projects that promote public transportation"
575 means projects that directly affect the provisions of public
576 transit, including transit terminals, transit lines and routes,
577 separate lanes for the exclusive use of public transit services,
578 transit stops (shelters and stations), office buildings or
579 projects that include fixed-rail or transit terminals as part of
580 the building, and projects that ~~which~~ are transit oriented and

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581 designed to complement reasonably proximate planned or existing
582 public facilities.

583 (51)~~(29)~~ "Urban service area" means ~~built-up~~ areas where
584 public facilities and services, including, but not limited to,
585 central water and sewer capacity and roads, are already in place
586 or are committed in the first 3 years of the capital improvement
587 schedule. Urban service area includes any areas identified in
588 the comprehensive plan as urban service areas, regardless of
589 local government limitation. ~~In addition, for counties that~~
590 ~~qualify as dense urban land areas under subsection (34), the~~
591 ~~nonrural area of a county which has adopted into the county~~
592 ~~charter a rural area designation or areas identified in the~~
593 ~~comprehensive plan as urban service areas or urban growth~~
594 ~~boundaries on or before July 1, 2009, are also urban service~~
595 ~~areas under this definition.~~

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

602 (48)~~(30)~~ "Transportation corridor management" means the
603 coordination of the planning of designated future transportation
604 corridors with land use planning within and adjacent to the
605 corridor to promote orderly growth, to meet the concurrency
606 requirements of this chapter, and to maintain the integrity of
607 the corridor for transportation purposes.

608 (43)~~(31)~~ "Optional Sector plan" means the ~~an optional~~
609 process authorized by s. 163.3245 in which one or more local

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610 governments engage in long-term planning for a large area and ~~by~~
611 ~~agreement with the state land planning agency are allowed to~~
612 address regional development-of-regional-impact issues through
613 adoption of detailed specific area plans within the planning
614 area within certain designated geographic areas identified in
615 ~~the local comprehensive plan~~ as a means of fostering innovative
616 planning and development strategies in ~~s. 163.3177(11)(a) and~~
617 ~~(b)~~, furthering the purposes of this part and part I of chapter
618 380, reducing overlapping data and analysis requirements,
619 protecting regionally significant resources and facilities, and
620 addressing extrajurisdictional impacts. "Sector plan" includes
621 an optional sector plan that was adopted pursuant to the
622 Optional Sector Plan Pilot Program.

623 ~~(17)(32)~~ "Financial feasibility" means that sufficient
624 revenues are currently available or will be available from
625 committed funding sources of any local government for the first
626 3 years, or will be available from committed or planned funding
627 sources for years 4 through 10, of a 10-year ~~and 5, of a 5-year~~
628 capital improvement schedule for financing capital improvements,
629 such as ad valorem taxes, bonds, state and federal funds, tax
630 revenues, impact fees, and developer contributions, which are
631 adequate to fund the projected costs of the capital improvements
632 identified in the comprehensive plan necessary to ensure that
633 adopted level-of-service standards are achieved and maintained
634 within the period covered by the 5-year schedule of capital
635 improvements. A comprehensive plan shall be deemed financially
636 feasible for transportation and school facilities throughout the
637 planning period addressed by the capital improvements schedule
638 if it can be demonstrated that the level-of-service standards

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639 will be achieved and maintained by the end of the planning
640 period even if in a particular year such improvements are not
641 concurrent as required by s. 163.3180.

642 (3)~~(33)~~ "Agricultural enclave" means an unincorporated,
643 undeveloped parcel that:

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

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

649 (c) Is surrounded on at least 75 percent of its perimeter
650 by:

651 1. Property that has existing industrial, commercial, or
652 residential development; or

653 2. Property that the local government has designated, in
654 the local government's comprehensive plan, zoning map, and
655 future land use map, as land that is to be developed for
656 industrial, commercial, or residential purposes, and at least 75
657 percent of such property is existing industrial, commercial, or
658 residential development;

659 (d) Has public services, including water, wastewater,
660 transportation, schools, and recreation facilities, available or
661 such public services are scheduled in the capital improvement
662 element to be provided by the local government or can be
663 provided by an alternative provider of local government
664 infrastructure in order to ensure consistency with applicable
665 concurrency provisions of s. 163.3180; and

666 (e) Does not exceed 1,280 acres; however, if the property
667 is surrounded by existing or authorized residential development

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668 that will result in a density at buildout of at least 1,000
669 residents per square mile, then the area shall be determined to
670 be urban and the parcel may not exceed 4,480 acres.

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

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

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

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

680

681 ~~The Office of Economic and Demographic Research within the~~
682 ~~Legislature shall annually calculate the population and density~~
683 ~~criteria needed to determine which jurisdictions qualify as~~
684 ~~dense urban land areas by using the most recent land area data~~
685 ~~from the decennial census conducted by the Bureau of the Census~~
686 ~~of the United States Department of Commerce and the latest~~
687 ~~available population estimates determined pursuant to s.~~

688 ~~186.901. If any local government has had an annexation,~~
689 ~~contraction, or new incorporation, the Office of Economic and~~
690 ~~Demographic Research shall determine the population density~~

691 ~~using the new jurisdictional boundaries as recorded in~~

692 ~~accordance with s. 171.091. The Office of Economic and~~

693 ~~Demographic Research shall submit to the state land planning~~

694 ~~agency a list of jurisdictions that meet the total population~~

695 ~~and density criteria necessary for designation as a dense urban~~

696 ~~land area by July 1, 2009, and every year thereafter. The state~~

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697 ~~land planning agency shall publish the list of jurisdictions on~~
698 ~~its Internet website within 7 days after the list is received.~~
699 ~~The designation of jurisdictions that qualify or do not qualify~~
700 ~~as a dense urban land area is effective upon publication on the~~
701 ~~state land planning agency's Internet website.~~

702 Section 4. Section 163.3167, Florida Statutes, is amended
703 to read:

704 163.3167 Scope of act.—

705 (1) The several incorporated municipalities and counties
706 shall have power and responsibility:

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

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

710 (c) To implement adopted or amended comprehensive plans by
711 the adoption of appropriate land development regulations or
712 elements thereof.

713 (d) To establish, support, and maintain administrative
714 instruments and procedures to carry out the provisions and
715 purposes of this act.

716

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

721 (2) Each local government shall maintain ~~prepare~~ a
722 comprehensive plan of the type and in the manner set out in this
723 part or prepare amendments to its existing comprehensive plan to
724 conform it to the requirements of this part and in the manner
725 set out in this part. In accordance with s. 163.3184, each local

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726 government shall submit to the state land planning agency its
727 complete proposed comprehensive plan or its complete
728 comprehensive plan as proposed to be amended.

729 ~~(3) When a local government has not prepared all of the~~
730 ~~required elements or has not amended its plan as required by~~
731 ~~subsection (2), the regional planning agency having~~
732 ~~responsibility for the area in which the local government lies~~
733 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
734 ~~missing elements or adopt by rule amendments to the existing~~
735 ~~plan in accordance with this act by July 1, 1989, or within 1~~
736 ~~year after the dates specified or provided in subsection (2) and~~
737 ~~the state land planning agency review schedule, whichever is~~
738 ~~later. The regional planning agency shall provide at least 90~~
739 ~~days' written notice to any local government whose plan it is~~
740 ~~required by this subsection to prepare, prior to initiating the~~
741 ~~planning process. At least 90 days before the adoption by the~~
742 ~~regional planning agency of a comprehensive plan, or element or~~
743 ~~portion thereof, pursuant to this subsection, the regional~~
744 ~~planning agency shall transmit a copy of the proposed~~
745 ~~comprehensive plan, or element or portion thereof, to the local~~
746 ~~government and the state land planning agency for written~~
747 ~~comment. The state land planning agency shall review and comment~~
748 ~~on such plan, or element or portion thereof, in accordance with~~
749 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~
750 ~~applicable to the regional planning agency as if it were a~~
751 ~~governing body. Existing comprehensive plans shall remain in~~
752 ~~effect until they are amended pursuant to subsection (2), this~~
753 ~~subsection, s. 163.3187, or s. 163.3189.~~

754 (3)~~(4)~~ A municipality established after the effective date

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755 of this act shall, within 1 year after incorporation, establish
756 a local planning agency, pursuant to s. 163.3174, and prepare
757 and adopt a comprehensive plan of the type and in the manner set
758 out in this act within 3 years after the date of such
759 incorporation. A county comprehensive plan shall be deemed
760 controlling until the municipality adopts a comprehensive plan
761 in accord with the provisions of this act. ~~If, upon the~~
762 ~~expiration of the 3-year time limit, the municipality has not~~
763 ~~adopted a comprehensive plan, the regional planning agency shall~~
764 ~~prepare and adopt a comprehensive plan for such municipality.~~

765 (4) ~~(5)~~ Any comprehensive plan, or element or portion
766 thereof, adopted pursuant to the provisions of this act, which
767 but for its adoption after the deadlines established pursuant to
768 previous versions of this act would have been valid, shall be
769 valid.

770 ~~(6) When a regional planning agency is required to prepare~~
771 ~~or amend a comprehensive plan, or element or portion thereof,~~
772 ~~pursuant to subsections (3) and (4), the regional planning~~
773 ~~agency and the local government may agree to a method of~~
774 ~~compensating the regional planning agency for any verifiable,~~
775 ~~direct costs incurred. If an agreement is not reached within 6~~
776 ~~months after the date the regional planning agency assumes~~
777 ~~planning responsibilities for the local government pursuant to~~
778 ~~subsections (3) and (4) or by the time the plan or element, or~~
779 ~~portion thereof, is completed, whichever is earlier, the~~
780 ~~regional planning agency shall file invoices for verifiable,~~
781 ~~direct costs involved with the governing body. Upon the failure~~
782 ~~of the local government to pay such invoices within 90 days, the~~
783 ~~regional planning agency may, upon filing proper vouchers with~~

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784 ~~the Chief Financial Officer, request payment by the Chief~~
785 ~~Financial Officer from unencumbered revenue or other tax sharing~~
786 ~~funds due such local government from the state for work actually~~
787 ~~performed, and the Chief Financial Officer shall pay such~~
788 ~~vouchers; however, the amount of such payment shall not exceed~~
789 ~~50 percent of such funds due such local government in any one~~
790 ~~year.~~

791 ~~(7) A local government that is being requested to pay costs~~
792 ~~may seek an administrative hearing pursuant to ss. 120.569 and~~
793 ~~120.57 to challenge the amount of costs and to determine if the~~
794 ~~statutory prerequisites for payment have been complied with.~~
795 ~~Final agency action shall be taken by the state land planning~~
796 ~~agency. Payment shall be withheld as to disputed amounts until~~
797 ~~proceedings under this subsection have been completed.~~

798 ~~(5)(8)~~ (5) Nothing in this act shall limit or modify the rights
799 of any person to complete any development that has been
800 authorized as a development of regional impact pursuant to
801 chapter 380 or who has been issued a final local development
802 order and development has commenced and is continuing in good
803 faith.

804 ~~(6)(9)~~ (6) The Reedy Creek Improvement District shall exercise
805 the authority of this part as it applies to municipalities,
806 consistent with the legislative act under which it was
807 established, for the total area under its jurisdiction.

808 ~~(7)(10)~~ (7) Nothing in this part shall supersede any provision
809 of ss. 341.8201-341.842.

810 ~~(8)(11)~~ (8) Each local government is encouraged to articulate a
811 vision of the future physical appearance and qualities of its
812 community as a component of its local comprehensive plan. The

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813 vision should be developed through a collaborative planning
814 process with meaningful public participation and shall be
815 adopted by the governing body of the jurisdiction. Neighboring
816 communities, especially those sharing natural resources or
817 physical or economic infrastructure, are encouraged to create
818 collective visions for greater-than-local areas. Such collective
819 visions shall apply in each city or county only to the extent
820 that each local government chooses to make them applicable. The
821 state land planning agency shall serve as a clearinghouse for
822 creating a community vision of the future and may utilize the
823 Growth Management Trust Fund, created by s. 186.911, to provide
824 grants to help pay the costs of local visioning programs. When a
825 local vision of the future has been created, a local government
826 should review its comprehensive plan, land development
827 regulations, and capital improvement program to ensure that
828 these instruments will help to move the community toward its
829 vision in a manner consistent with this act and with the state
830 comprehensive plan. A local or regional vision must be
831 consistent with the state vision, when adopted, and be
832 internally consistent with the local or regional plan of which
833 it is a component. The state land planning agency shall not
834 adopt minimum criteria for evaluating or judging the form or
835 content of a local or regional vision.

836 (9) ~~(12)~~ An initiative or referendum process in regard to
837 any development order or in regard to any local comprehensive
838 plan amendment or map amendment ~~that affects five or fewer~~
839 ~~parcels of land~~ is prohibited. A local government may not adopt
840 any super majority voting requirement for the adoption of
841 amendments to the comprehensive plan.

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842 (10)~~(13)~~ Each local government shall address in its
843 comprehensive plan, as enumerated in this chapter, the water
844 supply sources necessary to meet and achieve the existing and
845 projected water use demand for the established planning period,
846 considering the applicable plan developed pursuant to s.
847 373.709.

848 (11)~~(14)~~ (a) If a local government grants a development
849 order pursuant to its adopted land development regulations and
850 the order is not the subject of a pending appeal and the
851 timeframe for filing an appeal has expired, the development
852 order may not be invalidated by a subsequent judicial
853 determination that such land development regulations, or any
854 portion thereof that is relevant to the development order, are
855 invalid because of a deficiency in the approval standards.

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

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

863 Section 5. Section 163.3168, Florida Statutes, is created
864 to read:

865 163.3168 Planning innovations and technical assistance.—

866 (1) The Legislature recognizes the need for innovative
867 planning and development strategies to promote a diverse economy
868 and vibrant rural and urban communities, while protecting
869 environmentally sensitive areas. The Legislature further
870 recognizes the substantial advantages of innovative approaches

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871 to development directed to meet the needs of urban, rural, and
872 suburban areas.

873 (2) Local governments are encouraged to apply innovative
874 planning tools, including, but not limited to, visioning, sector
875 planning, and rural land stewardship area designations to
876 address future new development areas, urban service area
877 designations, urban growth boundaries, and mixed-use, high-
878 density development in urban areas.

879 (3) The state land planning agency shall help communities
880 find creative solutions to fostering vibrant, healthy
881 communities, while protecting the functions of important state
882 resources and facilities. The state land planning agency and all
883 other appropriate state and regional agencies may use various
884 means to provide direct and indirect technical assistance within
885 available resources. If plan amendments may adversely impact
886 important state resources or facilities, upon request by the
887 local government, the state land planning agency shall
888 coordinate multiagency assistance, if needed, in developing an
889 amendment to minimize impacts on such resources or facilities.

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

892 163.3171 Areas of authority under this act.—

893 ~~(4) The state land planning agency and a~~ Local governments
894 ~~may government shall have the power to enter into agreements~~
895 ~~with each other and to agree together to enter into agreements~~
896 ~~with a landowner, developer, or governmental agency as may be~~
897 ~~necessary or desirable to effectuate the provisions and purposes~~
898 ~~of ss. 163.3177(6) (h), and (11) (a), (b), and (c), and 163.3245,~~
899 ~~and 163.3248. It is the Legislature's intent that joint~~

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900 agreements entered into under the authority of this section be
901 liberally, broadly, and flexibly construed to facilitate
902 intergovernmental cooperation between cities and counties and to
903 encourage planning in advance of jurisdictional changes. Joint
904 agreements, executed before or after the effective date of this
905 act, include, but are not limited to, agreements that
906 contemplate municipal adoption of plans or plan amendments for
907 lands in advance of annexation of such lands into the
908 municipality, and may permit municipalities and counties to
909 exercise nonexclusive extrajurisdictional authority within
910 incorporated and unincorporated areas. The state land planning
911 agency shall not have authority to interpret, invalidate, or
912 declare inoperative such joint agreements, and the validity of
913 joint agreements may not be a basis for finding plans or plan
914 amendments not in compliance pursuant to the provisions of
915 chapter law.

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

918 163.3174 Local planning agency.—

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

923 Notwithstanding any special act to the contrary, all local
924 planning agencies or equivalent agencies that first review
925 rezoning and comprehensive plan amendments in each municipality
926 and county shall include a representative of the school district
927 appointed by the school board as a nonvoting member of the local
928 planning agency or equivalent agency to attend those meetings at

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929 which the agency considers comprehensive plan amendments and
930 rezonings that would, if approved, increase residential density
931 on the property that is the subject of the application. However,
932 this subsection does not prevent the governing body of the local
933 government from granting voting status to the school board
934 member. The governing body may designate itself as the local
935 planning agency pursuant to this subsection with the addition of
936 a nonvoting school board representative. ~~The governing body~~
937 ~~shall notify the state land planning agency of the establishment~~
938 ~~of its local planning agency.~~ All local planning agencies shall
939 provide opportunities for involvement by applicable community
940 college boards, which may be accomplished by formal
941 representation, membership on technical advisory committees, or
942 other appropriate means. The local planning agency shall prepare
943 the comprehensive plan or plan amendment after hearings to be
944 held after public notice and shall make recommendations to the
945 governing body regarding the adoption or amendment of the plan.
946 The agency may be a local planning commission, the planning
947 department of the local government, or other instrumentality,
948 including a countywide planning entity established by special
949 act or a council of local government officials created pursuant
950 to s. 163.02, provided the composition of the council is fairly
951 representative of all the governing bodies in the county or
952 planning area; however:

953 (a) If a joint planning entity is in existence on the
954 effective date of this act which authorizes the governing bodies
955 to adopt and enforce a land use plan effective throughout the
956 joint planning area, that entity shall be the agency for those
957 local governments until such time as the authority of the joint

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958 planning entity is modified by law.

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

962 Section 8. Section 163.3177, Florida Statutes, is amended
963 to read:

964 163.3177 Required and optional elements of comprehensive
965 plan; studies and surveys.-

966 (1) The comprehensive plan shall provide the ~~consist of~~
967 ~~materials in such descriptive form, written or graphic, as may~~
968 ~~be appropriate to the prescription of principles, guidelines,~~
969 ~~and standards, and strategies~~ for the orderly and balanced
970 future economic, social, physical, environmental, and fiscal
971 development of the area that reflects community commitments to
972 implement the plan and its elements. These principles and
973 strategies shall guide future decisions in a consistent manner
974 and shall contain programs and activities to ensure
975 comprehensive plans are implemented. The sections of the
976 comprehensive plan containing the principles and strategies,
977 generally provided as goals, objectives, and policies, shall
978 describe how the local government's programs, activities, and
979 land development regulations will be initiated, modified, or
980 continued to implement the comprehensive plan in a consistent
981 manner. It is not the intent of this part to require the
982 inclusion of implementing regulations in the comprehensive plan
983 but rather to require identification of those programs,
984 activities, and land development regulations that will be part
985 of the strategy for implementing the comprehensive plan and the
986 principles that describe how the programs, activities, and land

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987 development regulations will be carried out. The plan shall
988 establish meaningful and predictable standards for the use and
989 development of land and provide meaningful guidelines for the
990 content of more detailed land development and use regulations.

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

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

998 (c) The format of these principles and guidelines is at the
999 discretion of the local government, but typically is expressed
1000 in goals, objectives, policies, and strategies.

1001 (d) Proposed elements shall identify procedures for
1002 monitoring, evaluating, and appraising implementation of the
1003 plan.

1004 (e) When a federal, state, or regional agency has
1005 implemented a regulatory program, a local government is not
1006 required to duplicate or exceed that regulatory program in its
1007 local comprehensive plan.

1008 (f) All mandatory and optional elements of the
1009 comprehensive plan and plan amendments shall be based upon a
1010 justification by the local government that may include, but not
1011 be limited to, surveys, studies, community goals and vision, and
1012 other data available at the time of adoption of the
1013 comprehensive plan or plan amendment. To be based on data means
1014 to react to it in an appropriate way and to the extent necessary
1015 indicated by the data available on that particular subject at

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1016 the time of adoption of the plan or plan amendment at issue.

1017 1. Surveys, studies, and data utilized in the preparation
1018 of the comprehensive plan shall not be deemed a part of the
1019 comprehensive plan unless adopted as a part of it. Copies of
1020 such studies, surveys, data, and supporting documents shall be
1021 made available for public inspection, and copies of such plans
1022 shall be made available to the public upon payment of reasonable
1023 charges for reproduction. Support data or summaries shall not be
1024 subject to the compliance review process, but the comprehensive
1025 plan must be clearly based on appropriate data. Support data or
1026 summaries may be used to aid in the determination of compliance
1027 and consistency.

1028 2. Data must be taken from professionally accepted sources.
1029 The application of a methodology utilized in data collection or
1030 whether a particular methodology is professionally accepted may
1031 be evaluated. However, the evaluation shall not include whether
1032 one accepted methodology is better than another. Original data
1033 collection by local governments is not required. However, local
1034 governments may use original data so long as methodologies are
1035 professionally accepted.

1036 3. The comprehensive plan shall be based upon resident and
1037 seasonal population estimates and projections, which shall
1038 either be those provided by the University of Florida's Bureau
1039 of Economic and Business Research or generated by the local
1040 government based upon a professionally acceptable methodology.
1041 The plan must be based on at least the minimum amount of land
1042 required to accommodate the medium projections of the University
1043 of Florida's Bureau of Economic and Business Research unless
1044 otherwise limited under s. 380.05 including related rules of the

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1045 Administration Commission.

1046 (2) Coordination of the several elements of the local
1047 comprehensive plan shall be a major objective of the planning
1048 process. The several elements of the comprehensive plan shall be
1049 consistent, and the comprehensive plan shall be financially
1050 feasible. Financial feasibility shall be determined using
1051 professionally accepted methodologies and applies to the 5-year
1052 planning period, ~~except in the case of a long-term~~
1053 ~~transportation or school concurrency management system, in which~~
1054 ~~case a 10-year or 15-year period applies.~~ Where data is relevant
1055 to several elements, consistent data shall be used, including
1056 population estimates and projections unless alternative data can
1057 be justified for a plan amendment through new supporting data
1058 and analysis. Each map depicting future conditions must reflect
1059 the principles, guidelines, and standards within all elements
1060 and each such map must be contained within the comprehensive
1061 plan.

1062 (3) (a) The comprehensive plan shall contain a capital
1063 improvements element designed to consider the need for and the
1064 location of public facilities in order to encourage the
1065 efficient use of such facilities and set forth:

1066 1. A component that outlines principles for construction,
1067 extension, or increase in capacity of public facilities, as well
1068 as a component that outlines principles for correcting existing
1069 public facility deficiencies, which are necessary to implement
1070 the comprehensive plan. The components shall cover at least a 5-
1071 year period.

1072 2. Estimated public facility costs, including a delineation
1073 of when facilities will be needed, the general location of the

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1074 facilities, and projected revenue sources to fund the
1075 facilities.

1076 3. Standards to ensure the availability of public
1077 facilities and the adequacy of those facilities including
1078 acceptable levels of service.

1079 4. Standards for the management of debt.

1080 5. A schedule of capital improvements which includes any
1081 project publicly funded by federal, state, or local government
1082 ~~projects~~, and which may include privately funded projects for
1083 which the local government has no fiscal responsibility,
1084 necessary to ensure that adopted level-of-service standards are
1085 achieved and maintained. For capital improvements that will be
1086 funded by the developer, financial feasibility shall be
1087 demonstrated by being guaranteed in an enforceable development
1088 agreement or interlocal agreement pursuant to paragraph (10) (h),
1089 or other enforceable agreement. These development agreements and
1090 interlocal agreements shall be reflected in the schedule of
1091 capital improvements if the capital improvement is necessary to
1092 serve development within the 5-year schedule. If the local
1093 government uses planned revenue sources that require referenda
1094 or other actions to secure the revenue source, the plan must, in
1095 the event the referenda are not passed or actions do not secure
1096 the planned revenue source, identify other existing revenue
1097 sources that will be used to fund the capital projects or
1098 otherwise amend the plan to ensure financial feasibility.

1099 6. The schedule must include transportation improvements
1100 included in the applicable metropolitan planning organization's
1101 transportation improvement program adopted pursuant to s.
1102 339.175(8) to the extent that such improvements are relied upon

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1103 to ensure concurrency or implementation of a mobility plan as
1104 defined in s. 163.3164 and financial feasibility. The schedule
1105 must also be coordinated with the applicable metropolitan
1106 planning organization's long-range transportation plan adopted
1107 pursuant to s. 339.175(7).

1108 (b)~~1~~. The capital improvements element must be reviewed on
1109 an annual basis and modified as necessary in accordance with s.
1110 163.3187 or s. 163.3189 in order to maintain a financially
1111 feasible 5-year schedule of capital improvements. Corrections
1112 and modifications concerning costs; revenue sources; or
1113 acceptance of facilities pursuant to dedications which are
1114 consistent with the plan may be accomplished by ordinance and
1115 shall not be deemed to be amendments to the local comprehensive
1116 plan. A copy of the ordinance shall be transmitted to the state
1117 land planning agency. ~~An amendment to the comprehensive plan is~~
1118 ~~required to update the schedule on an annual basis or to~~
1119 ~~eliminate, defer, or delay the construction for any facility~~
1120 ~~listed in the 5-year schedule.~~ All public facilities must be
1121 consistent with the capital improvements element. The ~~annual~~
1122 ~~update to the~~ capital improvements element of the comprehensive
1123 plan need not comply with the financial feasibility requirement
1124 until December 1, 2013 ~~2011~~. Thereafter, a local government may
1125 not amend its future land use map, except for plan amendments to
1126 meet new requirements under this part and emergency amendments
1127 pursuant to s. 163.3187(1)(a), after December 1, 2013 ~~2011~~, and
1128 every year thereafter, unless and until the local government has
1129 a financially feasible capital improvements element ~~adopted the~~
1130 ~~annual update and it has been transmitted to the state land~~
1131 ~~planning agency.~~

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1132 ~~2. Capital improvements element amendments adopted after~~
1133 ~~the effective date of this act shall require only a single~~
1134 ~~public hearing before the governing board which shall be an~~
1135 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
1136 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1137 ~~(c) If the local government does not adopt the required~~
1138 ~~annual update to the schedule of capital improvements, the state~~
1139 ~~land planning agency must notify the Administration Commission.~~
1140 ~~A local government that has a demonstrated lack of commitment to~~
1141 ~~meeting its obligations identified in the capital improvements~~
1142 ~~element may be subject to sanctions by the Administration~~
1143 ~~Commission pursuant to s. 163.3184(11).~~

1144 ~~(d) If a local government adopts a long-term concurrency~~
1145 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
1146 ~~a long-term capital improvements schedule covering up to a 10-~~
1147 ~~year or 15-year period, and must update the long-term schedule~~
1148 ~~annually. The long-term schedule of capital improvements must be~~
1149 ~~financially feasible.~~

1150 ~~(e) At the discretion of the local government and~~
1151 ~~notwithstanding the requirements of this subsection, a~~
1152 ~~comprehensive plan, as revised by an amendment to the plan's~~
1153 ~~future land use map, shall be deemed to be financially feasible~~
1154 ~~and to have achieved and maintained level of service standards~~
1155 ~~as required by this section with respect to transportation~~
1156 ~~facilities if the amendment to the future land use map is~~
1157 ~~supported by a:~~

1158 ~~1. Condition in a development order for a development of~~
1159 ~~regional impact or binding agreement that addresses~~
1160 ~~proportionate share mitigation consistent with s. 163.3180(12);~~

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1161 ~~or~~

1162 ~~2. Binding agreement addressing proportionate fair share~~
1163 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~
1164 ~~subject to the amendment to the future land use map is located~~
1165 ~~within an area designated in a comprehensive plan for urban~~
1166 ~~infill, urban redevelopment, downtown revitalization, urban~~
1167 ~~infill and redevelopment, or an urban service area. The binding~~
1168 ~~agreement must be based on the maximum amount of development~~
1169 ~~identified by the future land use map amendment or as may be~~
1170 ~~otherwise restricted through a special area plan policy or map~~
1171 ~~notation in the comprehensive plan.~~

1172 ~~(f) A local government's comprehensive plan and plan~~
1173 ~~amendments for land uses within all transportation concurrency~~
1174 ~~exception areas that are designated and maintained in accordance~~
1175 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~
1176 ~~achieve and maintain level-of-service standards for~~
1177 ~~transportation.~~

1178 (4) (a) Coordination of the local comprehensive plan with
1179 the comprehensive plans of adjacent municipalities, the county,
1180 adjacent counties, or the region; with the appropriate water
1181 management district's regional water supply plans approved
1182 pursuant to s. 373.709; with adopted rules pertaining to
1183 designated areas of critical state concern; and with the state
1184 comprehensive plan shall be a major objective of the local
1185 comprehensive planning process. To that end, in the preparation
1186 of a comprehensive plan or element thereof, and in the
1187 comprehensive plan or element as adopted, the governing body
1188 shall include a specific policy statement indicating the
1189 relationship of the proposed development of the area to the

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1190 comprehensive plans of adjacent municipalities, the county,
1191 adjacent counties, or the region and to the state comprehensive
1192 plan, as the case may require and as such adopted plans or plans
1193 in preparation may exist.

1194 (b) When all or a portion of the land in a local government
1195 jurisdiction is or becomes part of a designated area of critical
1196 state concern, the local government shall clearly identify those
1197 portions of the local comprehensive plan that shall be
1198 applicable to the critical area and shall indicate the
1199 relationship of the proposed development of the area to the
1200 rules for the area of critical state concern.

1201 (5) (a) Each local government comprehensive plan must
1202 include at least two planning periods, one covering at least the
1203 first 5-year period occurring after the plan's adoption and one
1204 covering at least a 10-year period. Additional planning periods
1205 for specific components, elements, land use amendments, or
1206 projects shall be permissible and accepted as part of the
1207 planning process.

1208 (b) The comprehensive plan and its elements shall contain
1209 guidelines or policies ~~policy recommendations~~ for the
1210 implementation of the plan and its elements.

1211 (6) In addition to the requirements of subsections (1)-(5)
1212 ~~and (12)~~, the comprehensive plan shall include the following
1213 elements:

1214 (a) A future land use plan element designating proposed
1215 future general distribution, location, and extent of the uses of
1216 land for residential uses, commercial uses, industry,
1217 agriculture, recreation, conservation, education, ~~public~~
1218 ~~buildings and grounds, other~~ public facilities, and other

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1219 categories of the public and private uses of land. The
1220 approximate acreage and the general range of density or
1221 intensity of use shall be provided for the gross land area
1222 included in each existing land use category. The element shall
1223 establish the long-term end toward which land use programs and
1224 activities are ultimately directed. ~~Counties are encouraged to~~
1225 ~~designate rural land stewardship areas, pursuant to paragraph~~
1226 ~~(11) (d), as overlays on the future land use map.~~

1227 1. Each future land use category must be defined in terms
1228 of uses included, and must include standards to be followed in
1229 the control and distribution of population densities and
1230 building and structure intensities. The proposed distribution,
1231 location, and extent of the various categories of land use shall
1232 be shown on a land use map or map series which shall be
1233 supplemented by goals, policies, and measurable objectives.

1234 2. The future land use plan and plan amendments shall be
1235 based upon surveys, studies, and data regarding the area, as
1236 applicable, including:

1237 a. The amount of land required to accommodate anticipated
1238 growth.†

1239 b. The projected residential and seasonal population of the
1240 area.†

1241 c. The character of undeveloped land.†

1242 d. The availability of water supplies, public facilities,
1243 and services.†

1244 e. The need for redevelopment, including the renewal of
1245 blighted areas and the elimination of nonconforming uses which
1246 are inconsistent with the character of the community.†

1247 f. The compatibility of uses on lands adjacent to or

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1248 closely proximate to military installations.†

1249 g. The compatibility of uses on lands adjacent to an
1250 airport as defined in s. 330.35 and consistent with s. 333.02.†

1251 h. The discouragement of urban sprawl.~~; energy-efficient~~
1252 ~~land use patterns accounting for existing and future electric~~
1253 ~~power generation and transmission systems; greenhouse gas~~
1254 ~~reduction strategies; and, in rural communities,~~

1255 i. The need for job creation, capital investment, and
1256 economic development that will strengthen and diversify the
1257 community's economy.

1258 j. The need to modify land uses and development patterns
1259 within antiquated subdivisions. ~~The future land use plan may~~
1260 ~~designate areas for future planned development use involving~~
1261 ~~combinations of types of uses for which special regulations may~~
1262 ~~be necessary to ensure development in accord with the principles~~
1263 ~~and standards of the comprehensive plan and this act.~~

1264 3. The future land use plan element shall include criteria
1265 to be used to:

1266 a. Achieve the compatibility of lands adjacent or closely
1267 proximate to military installations, considering factors
1268 identified in s. 163.3175(5). ~~and~~

1269 b. Achieve the compatibility of lands adjacent to an
1270 airport as defined in s. 330.35 and consistent with s. 333.02.

1271 c. Encourage preservation of recreational and commercial
1272 working waterfronts for water dependent uses in coastal
1273 communities.

1274 d. Encourage the location of schools proximate to urban
1275 residential areas to the extent possible.

1276 e. Coordinate future land uses with the topography and soil

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1277 conditions, and the availability of facilities and services.

1278 f. Ensure the protection of natural and historic resources.

1279 g. Provide for the compatibility of adjacent land uses.

1280 h. Provide guidelines for the implementation of mixed use
1281 development including the types of uses allowed, the percentage
1282 distribution among the mix of uses, or other standards, and the
1283 density and intensity of each use.

1284 4. ~~In addition, for rural communities,~~ The amount of land
1285 designated for future planned uses ~~industrial use~~ shall provide
1286 a balance of uses that foster vibrant, viable communities and
1287 economic development opportunities and address outdated
1288 development patterns, such as antiquated subdivisions. The
1289 amount of land designated for future land uses should allow the
1290 operation of real estate markets to provide adequate choices for
1291 permanent and seasonal residents and business and ~~be based upon~~
1292 surveys and studies that reflect the need for job creation,
1293 capital investment, and the necessity to strengthen and
1294 diversify the local economies, and may not be limited solely by
1295 the projected population ~~of the rural community.~~ The element
1296 shall accommodate at least the minimum amount of land required
1297 to accommodate the medium projections of the University of
1298 Florida's Bureau of Economic and Business Research at least a
1299 10-year planning period unless otherwise limited under s. 380.05
1300 including related rules of the Administration Commission.

1301 5. The future land use plan of a county may ~~also~~ designate
1302 areas for possible future municipal incorporation.

1303 6. The land use maps or map series shall generally identify
1304 and depict historic district boundaries and shall designate
1305 historically significant properties meriting protection. ~~For~~

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1306 ~~coastal counties, the future land use element must include,~~
1307 ~~without limitation, regulatory incentives and criteria that~~
1308 ~~encourage the preservation of recreational and commercial~~
1309 ~~working waterfronts as defined in s. 342.07.~~

1310 7. The future land use element must clearly identify the
1311 land use categories in which public schools are an allowable
1312 use. When delineating the land use categories in which public
1313 schools are an allowable use, a local government shall include
1314 in the categories sufficient land proximate to residential
1315 development to meet the projected needs for schools in
1316 coordination with public school boards and may establish
1317 differing criteria for schools of different type or size. Each
1318 local government shall include lands contiguous to existing
1319 school sites, to the maximum extent possible, within the land
1320 use categories in which public schools are an allowable use. ~~The~~
1321 ~~failure by a local government to comply with these school siting~~
1322 ~~requirements will result in the prohibition of the local~~
1323 ~~government's ability to amend the local comprehensive plan,~~
1324 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
1325 ~~the school siting requirements are met. Amendments proposed by a~~
1326 ~~local government for purposes of identifying the land use~~
1327 ~~categories in which public schools are an allowable use are~~
1328 ~~exempt from the limitation on the frequency of plan amendments~~
1329 ~~contained in s. 163.3187. The future land use element shall~~
1330 ~~include criteria that encourage the location of schools~~
1331 ~~proximate to urban residential areas to the extent possible and~~
1332 ~~shall require that the local government seek to collocate public~~
1333 ~~facilities, such as parks, libraries, and community centers,~~
1334 ~~with schools to the extent possible and to encourage the use of~~

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1335 ~~elementary schools as focal points for neighborhoods. For~~
1336 ~~schools serving predominantly rural counties, defined as a~~
1337 ~~county with a population of 100,000 or fewer, an agricultural~~
1338 ~~land use category is eligible for the location of public school~~
1339 ~~facilities if the local comprehensive plan contains school~~
1340 ~~siting criteria and the location is consistent with such~~
1341 ~~criteria.~~

1342 8. Future land use map amendments shall be based upon the
1343 following analyses:

1344 a. An analysis of the availability of facilities and
1345 services.

1346 b. An analysis of the suitability of the plan amendment for
1347 its proposed use considering the character of the undeveloped
1348 land, soils, topography, natural resources, and historic
1349 resources on site.

1350 c. An analysis of the minimum amount of land needed as
1351 determined by the local government.

1352 9. The future land use element and any amendment to the
1353 future land use element shall discourage the proliferation of
1354 urban sprawl.

1355 a. The primary indicators that a plan or plan amendment
1356 does not discourage the proliferation of urban sprawl are listed
1357 below. The evaluation of the presence of these indicators shall
1358 consist of an analysis of the plan or plan amendment within the
1359 context of features and characteristics unique to each locality
1360 in order to determine whether the plan or plan amendment:

1361 (I) Promotes, allows, or designates for development
1362 substantial areas of the jurisdiction to develop as low-
1363 intensity, low-density, or single-use development or uses.

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1364 (II) Promotes, allows, or designates significant amounts of
1365 urban development to occur in rural areas at substantial
1366 distances from existing urban areas while not using undeveloped
1367 lands that are available and suitable for development.

1368 (III) Promotes, allows, or designates urban development in
1369 radial, strip, isolated, or ribbon patterns generally emanating
1370 from existing urban developments.

1371 (IV) Fails to adequately protect and conserve natural
1372 resources, such as wetlands, floodplains, native vegetation,
1373 environmentally sensitive areas, natural groundwater aquifer
1374 recharge areas, lakes, rivers, shorelines, beaches, bays,
1375 estuarine systems, and other significant natural systems.

1376 (V) Fails to adequately protect adjacent agricultural areas
1377 and activities, including silviculture, active agricultural and
1378 silvicultural activities, passive agricultural activities, and
1379 dormant, unique, and prime farmlands and soils.

1380 (VI) Fails to maximize use of existing public facilities
1381 and services.

1382 (VII) Fails to maximize use of future public facilities and
1383 services.

1384 (VIII) Allows for land use patterns or timing which
1385 disproportionately increase the cost in time, money, and energy
1386 of providing and maintaining facilities and services, including
1387 roads, potable water, sanitary sewer, stormwater management, law
1388 enforcement, education, health care, fire and emergency
1389 response, and general government.

1390 (IX) Fails to provide a clear separation between rural and
1391 urban uses.

1392 (X) Discourages or inhibits infill development or the

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- 1393 redevelopment of existing neighborhoods and communities.
- 1394 (XI) Fails to encourage a functional mix of uses.
- 1395 (XII) Results in poor accessibility among linked or related
- 1396 land uses.
- 1397 (XIII) Results in the loss of significant amounts of
- 1398 functional open space.
- 1399 b. The future land use element or plan amendment shall be
- 1400 determined to discourage the proliferation of urban sprawl if it
- 1401 incorporates a development pattern or urban form that achieves
- 1402 four or more of the following:
- 1403 (I) Directs or locates economic growth and associated land
- 1404 development to geographic areas of the community in a manner
- 1405 that does not have an adverse impact on and protects natural
- 1406 resources and ecosystems.
- 1407 (II) Promotes the efficient and cost-effective provision or
- 1408 extension of public infrastructure and services.
- 1409 (III) Promotes walkable and connected communities and
- 1410 provides for compact development and a mix of uses at densities
- 1411 and intensities that will support a range of housing choices and
- 1412 a multimodal transportation system, including pedestrian,
- 1413 bicycle, and transit, if available.
- 1414 (IV) Promotes conservation of water and energy.
- 1415 (V) Preserves agricultural areas and activities, including
- 1416 silviculture, and dormant, unique, and prime farmlands and
- 1417 soils.
- 1418 (VI) Preserves open space and natural lands and provides
- 1419 for public open space and recreation needs.
- 1420 (VII) Creates a balance of land uses based upon demands of
- 1421 residential population for the nonresidential needs of an area.

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1422 (VIII) Provides uses, densities, and intensities of use and
1423 urban form that would remediate an existing or planned
1424 development pattern in the vicinity that constitutes sprawl or
1425 if it provides for an innovative development pattern such as
1426 transit-oriented developments or new towns as defined in s.
1427 163.3164.

1428 10. The future land use element shall include a future land
1429 use map or map series.

1430 a. The proposed distribution, extent, and location of the
1431 following uses shall be shown on the future land use map or map
1432 series:

1433 (I) Residential.

1434 (II) Commercial.

1435 (III) Industrial.

1436 (IV) Agricultural.

1437 (V) Recreational.

1438 (VI) Conservation.

1439 (VII) Educational.

1440 (VIII) Public.

1441 b. The following areas shall also be shown on the future
1442 land use map or map series, if applicable:

1443 (I) Historic district boundaries and designated
1444 historically significant properties.

1445 (II) Transportation concurrency management area boundaries
1446 or transportation concurrency exception area boundaries.

1447 (III) Multimodal transportation district boundaries.

1448 (IV) Mixed use categories.

1449 c. The following natural resources or conditions shall be
1450 shown on the future land use map or map series, if applicable:

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1451 (I) Existing and planned public potable waterwells, cones
1452 of influence, and wellhead protection areas.

1453 (II) Beaches and shores, including estuarine systems.

1454 (III) Rivers, bays, lakes, floodplains, and harbors.

1455 (IV) Wetlands.

1456 (V) Minerals and soils.

1457 (VI) Coastal high-hazard areas.

1458 11. Local governments required to update or amend their
1459 comprehensive plan to include criteria and address compatibility
1460 of lands adjacent or closely proximate to existing military
1461 installations, or lands adjacent to an airport as defined in s.
1462 330.35 and consistent with s. 333.02, in their future land use
1463 plan element shall transmit the update or amendment to the state
1464 land planning agency by June 30, 2012.

1465 (b)1. A transportation element addressing mobility issues
1466 in relationship to the size and character of the local
1467 government. The purpose of the transportation element shall be
1468 to plan for a multimodal transportation system that places
1469 emphasis on public transportation systems, where feasible. The
1470 element shall provide for a safe, convenient multimodal
1471 transportation system, coordinated with the future land use map
1472 or map series and designed to support all elements of the
1473 comprehensive plan. A local government that has all or part of
1474 its jurisdiction included within the metropolitan planning area
1475 of a metropolitan planning organization (M.P.O.) pursuant to s.
1476 339.175 shall prepare and adopt a transportation element
1477 consistent with this subsection. Local governments that are not
1478 located within the metropolitan planning area of an M.P.O. shall
1479 address traffic circulation, mass transit, and ports, and

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1480 aviation and related facilities consistent with this subsection,
1481 except that local governments with a population of 50,000 or
1482 less shall only be required to address transportation
1483 circulation. The element shall be coordinated with the plans and
1484 programs of any applicable metropolitan planning organization,
1485 transportation authority, Florida Transportation Plan, and
1486 Department of Transportation's adopted work program. The
1487 transportation element shall address

1488 ~~(b) A traffic circulation, including element consisting of~~
1489 ~~the types, locations, and extent of existing and proposed major~~
1490 ~~thoroughfares and transportation routes, including bicycle and~~
1491 ~~pedestrian ways. Transportation corridors, as defined in s.~~
1492 ~~334.03, may be designated in the transportation ~~traffie~~~~
1493 ~~circulation element pursuant to s. 337.273. If the~~
1494 ~~transportation corridors are designated, the local government~~
1495 ~~may adopt a transportation corridor management ordinance. The~~
1496 ~~element shall reflect the data, analysis, and associated~~
1497 ~~principles and strategies relating to:~~

1498 a. The existing transportation system levels of service and
1499 system needs and the availability of transportation facilities
1500 and services.

1501 b. The growth trends and travel patterns and interactions
1502 between land use and transportation.

1503 c. Existing and projected intermodal deficiencies and
1504 needs.

1505 d. The projected transportation system levels of service
1506 and system needs based upon the future land use map and the
1507 projected integrated transportation system.

1508 e. How the local government will correct existing facility

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1509 deficiencies, meet the identified needs of the projected
1510 transportation system, and advance the purpose of this paragraph
1511 and the other elements of the comprehensive plan.

1512 2. Local governments within a metropolitan planning area
1513 designated as an M.P.O. pursuant to s. 339.175 shall also
1514 address:

1515 a. All alternative modes of travel, such as public
1516 transportation, pedestrian, and bicycle travel.

1517 b. Aviation, rail, seaport facilities, access to those
1518 facilities, and intermodal terminals.

1519 c. The capability to evacuate the coastal population before
1520 an impending natural disaster.

1521 d. Airports, projected airport and aviation development,
1522 and land use compatibility around airports, which includes areas
1523 defined in ss. 333.01 and 333.02.

1524 e. An identification of land use densities, building
1525 intensities, and transportation management programs to promote
1526 public transportation systems in designated public
1527 transportation corridors so as to encourage population densities
1528 sufficient to support such systems.

1529 3. Mass-transit provisions showing proposed methods for the
1530 moving of people, rights-of-way, terminals, and related
1531 facilities shall address:

1532 a. The provision of efficient public transit services based
1533 upon existing and proposed major trip generators and attractors,
1534 safe and convenient public transit terminals, land uses, and
1535 accommodation of the special needs of the transportation
1536 disadvantaged.

1537 b. Plans for port, aviation, and related facilities

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1538 coordinated with the general circulation and transportation
1539 element.

1540 c. Plans for the circulation of recreational traffic,
1541 including bicycle facilities, exercise trails, riding
1542 facilities, and such other matters as may be related to the
1543 improvement and safety of movement of all types of recreational
1544 traffic.

1545 4. An airport master plan, and any subsequent amendments to
1546 the airport master plan, prepared by a licensed publicly owned
1547 and operated airport under s. 333.06 may be incorporated into
1548 the local government comprehensive plan by the local government
1549 having jurisdiction under this act for the area in which the
1550 airport or projected airport development is located by the
1551 adoption of a comprehensive plan amendment. In the amendment to
1552 the local comprehensive plan that integrates the airport master
1553 plan, the comprehensive plan amendment shall address land use
1554 compatibility consistent with chapter 333 regarding airport
1555 zoning; the provision of regional transportation facilities for
1556 the efficient use and operation of the transportation system and
1557 airport; consistency with the local government transportation
1558 circulation element and applicable M.P.O. long-range
1559 transportation plans; the execution of any necessary interlocal
1560 agreements for the purposes of the provision of public
1561 facilities and services to maintain the adopted level-of-service
1562 standards for facilities subject to concurrency; and may address
1563 airport-related or aviation-related development. Development or
1564 expansion of an airport consistent with the adopted airport
1565 master plan that has been incorporated into the local
1566 comprehensive plan in compliance with this part, and airport-

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1567 related or aviation-related development that has been addressed
1568 in the comprehensive plan amendment that incorporates the
1569 airport master plan, shall not be a development of regional
1570 impact. Notwithstanding any other general law, an airport that
1571 has received a development-of-regional-impact development order
1572 pursuant to s. 380.06, but which is no longer required to
1573 undergo development-of-regional-impact review pursuant to this
1574 subsection, may rescind its development-of-regional-impact order
1575 upon written notification to the applicable local government.
1576 Upon receipt by the local government, the development-of-
1577 regional-impact development order shall be deemed rescinded.

1578 5. The transportation element shall include a map or map
1579 series showing the general location of the existing and proposed
1580 transportation system features and shall be coordinated with the
1581 future land use map or map series. ~~The traffic circulation~~
1582 ~~element shall incorporate transportation strategies to address~~
1583 ~~reduction in greenhouse gas emissions from the transportation~~
1584 ~~sector.~~

1585 (c) A general sanitary sewer, solid waste, drainage,
1586 potable water, and natural groundwater aquifer recharge element
1587 correlated to principles and guidelines for future land use,
1588 indicating ways to provide for future potable water, drainage,
1589 sanitary sewer, solid waste, and aquifer recharge protection
1590 requirements for the area. The element may be a detailed
1591 engineering plan including a topographic map depicting areas of
1592 prime groundwater recharge.

1593 1. Each local government shall address in the data and
1594 analyses required by this section those facilities that provide
1595 service within the local government's jurisdiction. Local

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1596 governments that provide facilities to serve areas within other
1597 local government jurisdictions shall also address those
1598 facilities in the data and analyses required by this section,
1599 using data from the comprehensive plan for those areas for the
1600 purpose of projecting facility needs as required in this
1601 subsection. For shared facilities, each local government shall
1602 indicate the proportional capacity of the systems allocated to
1603 serve its jurisdiction.

1604 2. The element shall describe the problems and needs and
1605 the general facilities that will be required for solution of the
1606 problems and needs, including correcting existing facility
1607 deficiencies. The element shall address coordinating the
1608 extension of, or increase in the capacity of, facilities to meet
1609 future needs while maximizing the use of existing facilities and
1610 discouraging urban sprawl; conservation of potable water
1611 resources; and protecting the functions of natural groundwater
1612 recharge areas and natural drainage features. The element shall
1613 also include a topographic map depicting any areas adopted by a
1614 regional water management district as prime groundwater recharge
1615 areas for the Floridan or Biscayne aquifers. These areas shall
1616 be given special consideration when the local government is
1617 engaged in zoning or considering future land use for said
1618 designated areas. ~~For areas served by septic tanks, soil surveys~~
1619 ~~shall be provided which indicate the suitability of soils for~~
1620 ~~septic tanks.~~

1621 3. Within 18 months after the governing board approves an
1622 updated regional water supply plan, the element must incorporate
1623 the alternative water supply project or projects selected by the
1624 local government from those identified in the regional water

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1625 supply plan pursuant to s. 373.709(2) (a) or proposed by the
1626 local government under s. 373.709(8) (b). If a local government
1627 is located within two water management districts, the local
1628 government shall adopt its comprehensive plan amendment within
1629 18 months after the later updated regional water supply plan.
1630 The element must identify such alternative water supply projects
1631 and traditional water supply projects and conservation and reuse
1632 necessary to meet the water needs identified in s. 373.709(2) (a)
1633 within the local government's jurisdiction and include a work
1634 plan, covering at least a 10-year planning period, for building
1635 public, private, and regional water supply facilities, including
1636 development of alternative water supplies, which are identified
1637 in the element as necessary to serve existing and new
1638 development. The work plan shall be updated, at a minimum, every
1639 5 years within 18 months after the governing board of a water
1640 management district approves an updated regional water supply
1641 plan. ~~Amendments to incorporate the work plan do not count~~
1642 ~~toward the limitation on the frequency of adoption of amendments~~
1643 ~~to the comprehensive plan.~~ Local governments, public and private
1644 utilities, regional water supply authorities, special districts,
1645 and water management districts are encouraged to cooperatively
1646 plan for the development of multijurisdictional water supply
1647 facilities that are sufficient to meet projected demands for
1648 established planning periods, including the development of
1649 alternative water sources to supplement traditional sources of
1650 groundwater and surface water supplies.

1651 (d) A conservation element for the conservation, use, and
1652 protection of natural resources in the area, including air,
1653 water, water recharge areas, wetlands, waterwells, estuarine

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1654 marshes, soils, beaches, shores, flood plains, rivers, bays,
1655 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1656 minerals, and other natural and environmental resources,
1657 including factors that affect energy conservation.

1658 1. The following natural resources, where present within
1659 the local government's boundaries, shall be identified and
1660 analyzed and existing recreational or conservation uses, known
1661 pollution problems, including hazardous wastes, and the
1662 potential for conservation, recreation, use, or protection shall
1663 also be identified:

1664 a. Rivers, bays, lakes, wetlands including estuarine
1665 marshes, groundwaters, and springs, including information on
1666 quality of the resource available.

1667 b. Floodplains.

1668 c. Known sources of commercially valuable minerals.

1669 d. Areas known to have experienced soil erosion problems.

1670 e. Areas that are the location of recreationally and
1671 commercially important fish or shellfish, wildlife, marine
1672 habitats, and vegetative communities, including forests,
1673 indicating known dominant species present and species listed by
1674 federal, state, or local government agencies as endangered,
1675 threatened, or species of special concern.

1676 2. The element must contain principles, guidelines, and
1677 standards for conservation that provide long-term goals and
1678 which:

1679 a. Protects air quality.

1680 b. Conserves, appropriately uses, and protects the quality
1681 and quantity of current and projected water sources and waters
1682 that flow into estuarine waters or oceanic waters and protect

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1683 from activities and land uses known to affect adversely the
1684 quality and quantity of identified water sources, including
1685 natural groundwater recharge areas, wellhead protection areas,
1686 and surface waters used as a source of public water supply.

1687 c. Provides for the emergency conservation of water sources
1688 in accordance with the plans of the regional water management
1689 district.

1690 d. Conserves, appropriately uses, and protects minerals,
1691 soils, and native vegetative communities, including forests,
1692 from destruction by development activities.

1693 e. Conserves, appropriately uses, and protects fisheries,
1694 wildlife, wildlife habitat, and marine habitat and restricts
1695 activities known to adversely affect the survival of endangered
1696 and threatened wildlife.

1697 f. Protects existing natural reservations identified in the
1698 recreation and open space element.

1699 g. Maintains cooperation with adjacent local governments to
1700 conserve, appropriately use, or protect unique vegetative
1701 communities located within more than one local jurisdiction.

1702 h. Designates environmentally sensitive lands for
1703 protection based on locally determined criteria which further
1704 the goals and objectives of the conservation element.

1705 i. Manages hazardous waste to protect natural resources.

1706 j. Protects and conserves wetlands and the natural
1707 functions of wetlands.

1708 k. Directs future land uses that are incompatible with the
1709 protection and conservation of wetlands and wetland functions
1710 away from wetlands. The type, intensity or density, extent,
1711 distribution, and location of allowable land uses and the types,

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1712 values, functions, sizes, conditions, and locations of wetlands
1713 are land use factors that shall be considered when directing
1714 incompatible land uses away from wetlands. Land uses shall be
1715 distributed in a manner that minimizes the effect and impact on
1716 wetlands. The protection and conservation of wetlands by the
1717 direction of incompatible land uses away from wetlands shall
1718 occur in combination with other principles, guidelines,
1719 standards, and strategies in the comprehensive plan. Where
1720 incompatible land uses are allowed to occur, mitigation shall be
1721 considered as one means to compensate for loss of wetlands
1722 functions.

1723 ~~3. Local governments shall assess their Current and, as~~
1724 ~~well as projected, water needs and sources for at least a 10-~~
1725 ~~year period based on the demands for industrial, agricultural,~~
1726 ~~and potable water use and the quality and quantity of water~~
1727 ~~available to meet these demands shall be analyzed. The analysis~~
1728 ~~shall consider the existing levels of water conservation, use,~~
1729 ~~and protection and applicable policies of the regional water~~
1730 ~~management district and further must consider, considering the~~
1731 ~~appropriate regional water supply plan approved pursuant to s.~~
1732 ~~373.709, or, in the absence of an approved regional water supply~~
1733 ~~plan, the district water management plan approved pursuant to s.~~
1734 ~~373.036(2). This information shall be submitted to the~~
1735 ~~appropriate agencies. The land use map or map series contained~~
1736 ~~in the future land use element shall generally identify and~~
1737 ~~depict the following:~~

1738 ~~1. Existing and planned waterwells and cones of influence~~
1739 ~~where applicable.~~

1740 ~~2. Beaches and shores, including estuarine systems.~~

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1741 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~

1742 ~~4. Wetlands.~~

1743 ~~5. Minerals and soils.~~

1744 ~~6. Energy conservation.~~

1745

1746 ~~The land uses identified on such maps shall be consistent with~~
1747 ~~applicable state law and rules.~~

1748 (e) A recreation and open space element indicating a
1749 comprehensive system of public and private sites for recreation,
1750 including, but not limited to, natural reservations, parks and
1751 playgrounds, parkways, beaches and public access to beaches,
1752 open spaces, waterways, and other recreational facilities.

1753 (f)1. A housing element consisting of ~~standards, plans, and~~
1754 principles, guidelines, standards, and strategies to be followed
1755 in:

1756 a. The provision of housing for all current and anticipated
1757 future residents of the jurisdiction.

1758 b. The elimination of substandard dwelling conditions.

1759 c. The structural and aesthetic improvement of existing
1760 housing.

1761 d. The provision of adequate sites for future housing,
1762 including affordable workforce housing as defined in s.
1763 380.0651(3)(j), housing for low-income, very low-income, and
1764 moderate-income families, mobile homes, and group home
1765 facilities and foster care facilities, with supporting
1766 infrastructure and public facilities.

1767 e. Provision for relocation housing and identification of
1768 historically significant and other housing for purposes of
1769 conservation, rehabilitation, or replacement.

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- 1770 f. The formulation of housing implementation programs.
- 1771 g. The creation or preservation of affordable housing to
1772 minimize the need for additional local services and avoid the
1773 concentration of affordable housing units only in specific areas
1774 of the jurisdiction.
- 1775 h. Energy efficiency in the design and construction of new
1776 housing.
- 1777 i. Use of renewable energy resources.
- 1778 j. Each county in which the gap between the buying power of
1779 a family of four and the median county home sale price exceeds
1780 \$170,000, as determined by the Florida Housing Finance
1781 Corporation, and which is not designated as an area of critical
1782 state concern shall adopt a plan for ensuring affordable
1783 workforce housing. At a minimum, the plan shall identify
1784 adequate sites for such housing. For purposes of this sub-
1785 subparagraph, the term "workforce housing" means housing that is
1786 affordable to natural persons or families whose total household
1787 income does not exceed 140 percent of the area median income,
1788 adjusted for household size.
- 1789 k. As a precondition to receiving any state affordable
1790 housing funding or allocation for any project or program within
1791 the jurisdiction of a county that is subject to sub-subparagraph
1792 j., a county must, by July 1 of each year, provide certification
1793 that the county has complied with the requirements of sub-
1794 subparagraph j.
- 1795 2. The principles, guidelines, standards, and strategies
1796 ~~goals, objectives, and policies~~ of the housing element must be
1797 based on the data and analysis prepared on housing needs,
1798 including an inventory taken from the latest decennial United

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1799 States Census or more recent estimates, which shall include the
1800 number and distribution of dwelling units by type, tenure, age,
1801 rent, value, monthly cost of owner-occupied units, and rent or
1802 cost to income ratio, and shall show the number of dwelling
1803 units that are substandard. The inventory shall also include the
1804 methodology used to estimate the condition of housing, a
1805 projection of the anticipated number of households by size,
1806 income range, and age of residents derived from the population
1807 projections, and the minimum housing need of the current and
1808 anticipated future residents of the jurisdiction ~~the affordable~~
1809 ~~housing needs assessment.~~

1810 3. The housing element must express principles, guidelines,
1811 standards, and strategies that reflect, as needed, the creation
1812 and preservation of affordable housing for all current and
1813 anticipated future residents of the jurisdiction, elimination of
1814 substandard housing conditions, adequate sites, and distribution
1815 of housing for a range of incomes and types, including mobile
1816 and manufactured homes. The element must provide for specific
1817 programs and actions to partner with private and nonprofit
1818 sectors to address housing needs in the jurisdiction, streamline
1819 the permitting process, and minimize costs and delays for
1820 affordable housing, establish standards to address the quality
1821 of housing, stabilization of neighborhoods, and identification
1822 and improvement of historically significant housing.

1823 4. State and federal housing plans prepared on behalf of
1824 the local government must be consistent with the goals,
1825 objectives, and policies of the housing element. Local
1826 governments are encouraged to use job training, job creation,
1827 and economic solutions to address a portion of their affordable

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1828 housing concerns.

1829 ~~2. To assist local governments in housing data collection~~
1830 ~~and analysis and assure uniform and consistent information~~
1831 ~~regarding the state's housing needs, the state land planning~~
1832 ~~agency shall conduct an affordable housing needs assessment for~~
1833 ~~all local jurisdictions on a schedule that coordinates the~~
1834 ~~implementation of the needs assessment with the evaluation and~~
1835 ~~appraisal reports required by s. 163.3191. Each local government~~
1836 ~~shall utilize the data and analysis from the needs assessment as~~
1837 ~~one basis for the housing element of its local comprehensive~~
1838 ~~plan. The agency shall allow a local government the option to~~
1839 ~~perform its own needs assessment, if it uses the methodology~~
1840 ~~established by the agency by rule.~~

1841 (g)~~1.~~ For those units of local government identified in s.
1842 380.24, a coastal management element, appropriately related to
1843 the particular requirements of paragraphs (d) and (e) and
1844 meeting the requirements of s. 163.3178(2) and (3). The coastal
1845 management element shall set forth the principles, guidelines,
1846 standards, and strategies ~~policies~~ that shall guide the local
1847 government's decisions and program implementation with respect
1848 to the following objectives:

1849 ~~1.a. Maintain, restore, and enhance Maintenance,~~
1850 ~~restoration, and enhancement of the overall quality of the~~
1851 ~~coastal zone environment, including, but not limited to, its~~
1852 ~~amenities and aesthetic values.~~

1853 ~~2.b. Preserve the~~ continued existence of viable populations
1854 of all species of wildlife and marine life.

1855 ~~3.e. Protect~~ the orderly and balanced utilization and
1856 preservation, consistent with sound conservation principles, of

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1857 all living and nonliving coastal zone resources.

1858 ~~4.d. Avoid~~ Avoidance of irreversible and irretrievable loss
1859 of coastal zone resources.

1860 ~~5.e. Use~~ ecological planning principles and assumptions ~~to~~
1861 ~~be used~~ in the determination of the suitability ~~and extent~~ of
1862 permitted development.

1863 ~~f. Proposed management and regulatory techniques.~~

1864 ~~6.g. Limit~~ Limitation of public expenditures that subsidize
1865 development in ~~high-hazard~~ coastal high-hazard areas.

1866 ~~7.h. Protect~~ Protection of human life against the effects
1867 of natural disasters.

1868 ~~8.i. Direct~~ the orderly development, maintenance, and use
1869 of ports identified in s. 403.021(9) to facilitate deepwater
1870 commercial navigation and other related activities.

1871 ~~9.j. Preserve historic and archaeological resources, which~~
1872 include the Preservation, including sensitive adaptive use of
1873 these historic and archaeological resources.

1874 ~~2. As part of this element, a local government that has a~~
1875 ~~coastal management element in its comprehensive plan is~~
1876 ~~encouraged to adopt recreational surface water use policies that~~
1877 ~~include applicable criteria for and consider such factors as~~
1878 ~~natural resources, manatee protection needs, protection of~~
1879 ~~working waterfronts and public access to the water, and~~
1880 ~~recreation and economic demands. Criteria for manatee protection~~
1881 ~~in the recreational surface water use policies should reflect~~
1882 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
1883 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
1884 ~~the local government elects to adopt recreational surface water~~
1885 ~~use policies by comprehensive plan amendment, such comprehensive~~

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1886 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
1887 ~~Local governments that wish to adopt recreational surface water~~
1888 ~~use policies may be eligible for assistance with the development~~
1889 ~~of such policies through the Florida Coastal Management Program.~~
1890 ~~The Office of Program Policy Analysis and Government~~
1891 ~~Accountability shall submit a report on the adoption of~~
1892 ~~recreational surface water use policies under this subparagraph~~
1893 ~~to the President of the Senate, the Speaker of the House of~~
1894 ~~Representatives, and the majority and minority leaders of the~~
1895 ~~Senate and the House of Representatives no later than December~~
1896 ~~1, 2010.~~

1897 (h)1. An intergovernmental coordination element showing
1898 relationships and stating principles and guidelines to be used
1899 in coordinating the adopted comprehensive plan with the plans of
1900 school boards, regional water supply authorities, and other
1901 units of local government providing services but not having
1902 regulatory authority over the use of land, with the
1903 comprehensive plans of adjacent municipalities, the county,
1904 adjacent counties, or the region, with the state comprehensive
1905 plan and with the applicable regional water supply plan approved
1906 pursuant to s. 373.709, as the case may require and as such
1907 adopted plans or plans in preparation may exist. This element of
1908 the local comprehensive plan must demonstrate consideration of
1909 the particular effects of the local plan, when adopted, upon the
1910 development of adjacent municipalities, the county, adjacent
1911 counties, or the region, or upon the state comprehensive plan,
1912 as the case may require.

1913 a. The intergovernmental coordination element must provide
1914 procedures for identifying and implementing joint planning

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1915 areas, especially for the purpose of annexation, municipal
1916 incorporation, and joint infrastructure service areas.

1917 ~~b. The intergovernmental coordination element must provide~~
1918 ~~for recognition of campus master plans prepared pursuant to s.~~
1919 ~~1013.30 and airport master plans under paragraph (k).~~

1920 b.e. The intergovernmental coordination element shall
1921 provide for a dispute resolution process, as established
1922 pursuant to s. 186.509, for bringing intergovernmental disputes
1923 to closure in a timely manner.

1924 c.d. The intergovernmental coordination element shall
1925 provide for interlocal agreements as established pursuant to s.
1926 333.03(1)(b).

1927 2. The intergovernmental coordination element shall also
1928 state principles and guidelines to be used in coordinating the
1929 adopted comprehensive plan with the plans of school boards and
1930 other units of local government providing facilities and
1931 services but not having regulatory authority over the use of
1932 land. In addition, the intergovernmental coordination element
1933 must describe joint processes for collaborative planning and
1934 decisionmaking on population projections and public school
1935 siting, the location and extension of public facilities subject
1936 to concurrency, and siting facilities with countywide
1937 significance, including locally unwanted land uses whose nature
1938 and identity are established in an agreement.

1939 3. Within 1 year after adopting their intergovernmental
1940 coordination elements, each county, all the municipalities
1941 within that county, the district school board, and any unit of
1942 local government service providers in that county shall
1943 establish by interlocal or other formal agreement executed by

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1944 all affected entities, the joint processes described in this
1945 subparagraph consistent with their adopted intergovernmental
1946 coordination elements. The element must:

1947 a. Ensure that the local government addresses through
1948 coordination mechanisms the impacts of development proposed in
1949 the local comprehensive plan upon development in adjacent
1950 municipalities, the county, adjacent counties, the region, and
1951 the state. The area of concern for municipalities shall include
1952 adjacent municipalities, the county, and counties adjacent to
1953 the municipality. The area of concern for counties shall include
1954 all municipalities within the county, adjacent counties, and
1955 adjacent municipalities.

1956 b. Ensure coordination in establishing level of service
1957 standards for public facilities with any state, regional, or
1958 local entity having operational and maintenance responsibility
1959 for such facilities.

1960 ~~4.3.~~ To foster coordination between special districts and
1961 local general-purpose governments as local general-purpose
1962 governments implement local comprehensive plans, each
1963 independent special district must submit a public facilities
1964 report to the appropriate local government as required by s.
1965 189.415.

1966 ~~4. Local governments shall execute an interlocal agreement~~
1967 ~~with the district school board, the county, and nonexempt~~
1968 ~~municipalities pursuant to s. 163.31777. The local government~~
1969 ~~shall amend the intergovernmental coordination element to ensure~~
1970 ~~that coordination between the local government and school board~~
1971 ~~is pursuant to the agreement and shall state the obligations of~~
1972 ~~the local government under the agreement. Plan amendments that~~

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1973 ~~comply with this subparagraph are exempt from the provisions of~~
1974 ~~s. 163.3187(1).~~

1975 ~~5. By January 1, 2004, any county having a population~~
1976 ~~greater than 100,000, and the municipalities and special~~
1977 ~~districts within that county, shall submit a report to the~~
1978 ~~Department of Community Affairs which identifies:~~

1979 ~~a. All existing or proposed interlocal service delivery~~
1980 ~~agreements relating to education; sanitary sewer; public safety;~~
1981 ~~solid waste; drainage; potable water; parks and recreation; and~~
1982 ~~transportation facilities.~~

1983 ~~b. Any deficits or duplication in the provision of services~~
1984 ~~within its jurisdiction, whether capital or operational. Upon~~
1985 ~~request, the Department of Community Affairs shall provide~~
1986 ~~technical assistance to the local governments in identifying~~
1987 ~~deficits or duplication.~~

1988 ~~6. Within 6 months after submission of the report, the~~
1989 ~~Department of Community Affairs shall, through the appropriate~~
1990 ~~regional planning council, coordinate a meeting of all local~~
1991 ~~governments within the regional planning area to discuss the~~
1992 ~~reports and potential strategies to remedy any identified~~
1993 ~~deficiencies or duplications.~~

1994 ~~7. Each local government shall update its intergovernmental~~
1995 ~~coordination element based upon the findings in the report~~
1996 ~~submitted pursuant to subparagraph 5. The report may be used as~~
1997 ~~supporting data and analysis for the intergovernmental~~
1998 ~~coordination element.~~

1999 ~~(i) The optional elements of the comprehensive plan in~~
2000 ~~paragraphs (7)(a) and (b) are required elements for those~~
2001 ~~municipalities having populations greater than 50,000, and those~~

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2002 ~~counties having populations greater than 75,000, as determined~~
2003 ~~under s. 186.901.~~

2004 ~~(j) For each unit of local government within an urbanized~~
2005 ~~area designated for purposes of s. 339.175, a transportation~~
2006 ~~element, which must be prepared and adopted in lieu of the~~
2007 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
2008 ~~and (d) and which shall address the following issues:~~

2009 ~~1. Traffic circulation, including major thoroughfares and~~
2010 ~~other routes, including bicycle and pedestrian ways.~~

2011 ~~2. All alternative modes of travel, such as public~~
2012 ~~transportation, pedestrian, and bicycle travel.~~

2013 ~~3. Parking facilities.~~

2014 ~~4. Aviation, rail, seaport facilities, access to those~~
2015 ~~facilities, and intermodal terminals.~~

2016 ~~5. The availability of facilities and services to serve~~
2017 ~~existing land uses and the compatibility between future land use~~
2018 ~~and transportation elements.~~

2019 ~~6. The capability to evacuate the coastal population prior~~
2020 ~~to an impending natural disaster.~~

2021 ~~7. Airports, projected airport and aviation development,~~
2022 ~~and land use compatibility around airports, which includes areas~~
2023 ~~defined in ss. 333.01 and 333.02.~~

2024 ~~8. An identification of land use densities, building~~
2025 ~~intensities, and transportation management programs to promote~~
2026 ~~public transportation systems in designated public~~
2027 ~~transportation corridors so as to encourage population densities~~
2028 ~~sufficient to support such systems.~~

2029 ~~9. May include transportation corridors, as defined in s.~~
2030 ~~334.03, intended for future transportation facilities designated~~

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2031 ~~pursuant to s. 337.273. If transportation corridors are~~
2032 ~~designated, the local government may adopt a transportation~~
2033 ~~corridor management ordinance.~~

2034 ~~10. The incorporation of transportation strategies to~~
2035 ~~address reduction in greenhouse gas emissions from the~~
2036 ~~transportation sector.~~

2037 ~~(k) An airport master plan, and any subsequent amendments~~
2038 ~~to the airport master plan, prepared by a licensed publicly~~
2039 ~~owned and operated airport under s. 333.06 may be incorporated~~
2040 ~~into the local government comprehensive plan by the local~~
2041 ~~government having jurisdiction under this act for the area in~~
2042 ~~which the airport or projected airport development is located by~~
2043 ~~the adoption of a comprehensive plan amendment. In the amendment~~
2044 ~~to the local comprehensive plan that integrates the airport~~
2045 ~~master plan, the comprehensive plan amendment shall address land~~
2046 ~~use compatibility consistent with chapter 333 regarding airport~~
2047 ~~zoning; the provision of regional transportation facilities for~~
2048 ~~the efficient use and operation of the transportation system and~~
2049 ~~airport; consistency with the local government transportation~~
2050 ~~circulation element and applicable metropolitan planning~~
2051 ~~organization long-range transportation plans; and the execution~~
2052 ~~of any necessary interlocal agreements for the purposes of the~~
2053 ~~provision of public facilities and services to maintain the~~
2054 ~~adopted level of service standards for facilities subject to~~
2055 ~~concurrency; and may address airport-related or aviation-related~~
2056 ~~development. Development or expansion of an airport consistent~~
2057 ~~with the adopted airport master plan that has been incorporated~~
2058 ~~into the local comprehensive plan in compliance with this part,~~
2059 ~~and airport-related or aviation-related development that has~~

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2060 ~~been addressed in the comprehensive plan amendment that~~
2061 ~~incorporates the airport master plan, shall not be a development~~
2062 ~~of regional impact. Notwithstanding any other general law, an~~
2063 ~~airport that has received a development-of-regional-impact~~
2064 ~~development order pursuant to s. 380.06, but which is no longer~~
2065 ~~required to undergo development-of-regional-impact review~~
2066 ~~pursuant to this subsection, may abandon its development-of-~~
2067 ~~regional-impact order upon written notification to the~~
2068 ~~applicable local government. Upon receipt by the local~~
2069 ~~government, the development-of-regional-impact development order~~
2070 ~~is void.~~

2071 ~~(7) The comprehensive plan may include the following~~
2072 ~~additional elements, or portions or phases thereof:~~

2073 ~~(a) As a part of the circulation element of paragraph~~
2074 ~~(6) (b) or as a separate element, a mass transit element showing~~
2075 ~~proposed methods for the moving of people, rights-of-way,~~
2076 ~~terminals, related facilities, and fiscal considerations for the~~
2077 ~~accomplishment of the element.~~

2078 ~~(b) As a part of the circulation element of paragraph~~
2079 ~~(6) (b) or as a separate element, plans for port, aviation, and~~
2080 ~~related facilities coordinated with the general circulation and~~
2081 ~~transportation element.~~

2082 ~~(c) As a part of the circulation element of paragraph~~
2083 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
2084 ~~applicable, a plan element for the circulation of recreational~~
2085 ~~traffic, including bicycle facilities, exercise trails, riding~~
2086 ~~facilities, and such other matters as may be related to the~~
2087 ~~improvement and safety of movement of all types of recreational~~
2088 ~~traffic.~~

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2089 ~~(d) As a part of the circulation element of paragraph~~
2090 ~~(6) (b) or as a separate element, a plan element for the~~
2091 ~~development of offstreet parking facilities for motor vehicles~~
2092 ~~and the fiscal considerations for the accomplishment of the~~
2093 ~~element.~~

2094 ~~(e) A public buildings and related facilities element~~
2095 ~~showing locations and arrangements of civic and community~~
2096 ~~centers, public schools, hospitals, libraries, police and fire~~
2097 ~~stations, and other public buildings. This plan element should~~
2098 ~~show particularly how it is proposed to effect coordination with~~
2099 ~~governmental units, such as school boards or hospital~~
2100 ~~authorities, having public development and service~~
2101 ~~responsibilities, capabilities, and potential but not having~~
2102 ~~land development regulatory authority. This element may include~~
2103 ~~plans for architecture and landscape treatment of their grounds.~~

2104 ~~(f) A recommended community design element which may~~
2105 ~~consist of design recommendations for land subdivision,~~
2106 ~~neighborhood development and redevelopment, design of open space~~
2107 ~~locations, and similar matters to the end that such~~
2108 ~~recommendations may be available as aids and guides to~~
2109 ~~developers in the future planning and development of land in the~~
2110 ~~area.~~

2111 ~~(g) A general area redevelopment element consisting of~~
2112 ~~plans and programs for the redevelopment of slums and blighted~~
2113 ~~locations in the area and for community redevelopment, including~~
2114 ~~housing sites, business and industrial sites, public buildings~~
2115 ~~sites, recreational facilities, and other purposes authorized by~~
2116 ~~law.~~

2117 ~~(h) A safety element for the protection of residents and~~

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2118 ~~property of the area from fire, hurricane, or manmade or natural~~
2119 ~~catastrophe, including such necessary features for protection as~~
2120 ~~evacuation routes and their control in an emergency, water~~
2121 ~~supply requirements, minimum road widths, clearances around and~~
2122 ~~elevations of structures, and similar matters.~~

2123 ~~(i) An historical and scenic preservation element setting~~
2124 ~~out plans and programs for those structures or lands in the area~~
2125 ~~having historical, archaeological, architectural, scenic, or~~
2126 ~~similar significance.~~

2127 ~~(j) An economic element setting forth principles and~~
2128 ~~guidelines for the commercial and industrial development, if~~
2129 ~~any, and the employment and personnel utilization within the~~
2130 ~~area. The element may detail the type of commercial and~~
2131 ~~industrial development sought, correlated to the present and~~
2132 ~~projected employment needs of the area and to other elements of~~
2133 ~~the plans, and may set forth methods by which a balanced and~~
2134 ~~stable economic base will be pursued.~~

2135 ~~(k) Such other elements as may be peculiar to, and~~
2136 ~~necessary for, the area concerned and as are added to the~~
2137 ~~comprehensive plan by the governing body upon the recommendation~~
2138 ~~of the local planning agency.~~

2139 ~~(l) Local governments that are not required to prepare~~
2140 ~~coastal management elements under s. 163.3178 are encouraged to~~
2141 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
2142 ~~plans should, at a minimum, establish long-term policies~~
2143 ~~regarding redevelopment, infrastructure, densities,~~
2144 ~~nonconforming uses, and future land use patterns. Grants to~~
2145 ~~assist local governments in the preparation of these hazard~~
2146 ~~mitigation/postdisaster redevelopment plans shall be available~~

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2147 ~~through the Emergency Management Preparedness and Assistance~~
2148 ~~Account in the Grants and Donations Trust Fund administered by~~
2149 ~~the department, if such account is created by law. The plans~~
2150 ~~must be in compliance with the requirements of this act and~~
2151 ~~chapter 252.~~

2152 ~~(8) All elements of the comprehensive plan, whether~~
2153 ~~mandatory or optional, shall be based upon data appropriate to~~
2154 ~~the element involved. Surveys and studies utilized in the~~
2155 ~~preparation of the comprehensive plan shall not be deemed a part~~
2156 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
2157 ~~of such studies, surveys, and supporting documents shall be made~~
2158 ~~available to public inspection, and copies of such plans shall~~
2159 ~~be made available to the public upon payment of reasonable~~
2160 ~~charges for reproduction.~~

2161 ~~(9) The state land planning agency shall, by February 15,~~
2162 ~~1986, adopt by rule minimum criteria for the review and~~
2163 ~~determination of compliance of the local government~~
2164 ~~comprehensive plan elements required by this act. Such rules~~
2165 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
2166 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
2167 ~~become effective only after they have been submitted to the~~
2168 ~~President of the Senate and the Speaker of the House of~~
2169 ~~Representatives for review by the Legislature no later than 30~~
2170 ~~days prior to the next regular session of the Legislature. In~~
2171 ~~its review the Legislature may reject, modify, or take no action~~
2172 ~~relative to the rules. The agency shall conform the rules to the~~
2173 ~~changes made by the Legislature, or, if no action was taken, the~~
2174 ~~agency rules shall become effective. The rule shall include~~
2175 ~~criteria for determining whether:~~

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- 2176 ~~(a) Proposed elements are in compliance with the~~
2177 ~~requirements of part II, as amended by this act.~~
- 2178 ~~(b) Other elements of the comprehensive plan are related to~~
2179 ~~and consistent with each other.~~
- 2180 ~~(c) The local government comprehensive plan elements are~~
2181 ~~consistent with the state comprehensive plan and the appropriate~~
2182 ~~regional policy plan pursuant to s. 186.508.~~
- 2183 ~~(d) Certain bays, estuaries, and harbors that fall under~~
2184 ~~the jurisdiction of more than one local government are managed~~
2185 ~~in a consistent and coordinated manner in the case of local~~
2186 ~~governments required to include a coastal management element in~~
2187 ~~their comprehensive plans pursuant to paragraph (6) (g).~~
- 2188 ~~(e) Proposed elements identify the mechanisms and~~
2189 ~~procedures for monitoring, evaluating, and appraising~~
2190 ~~implementation of the plan. Specific measurable objectives are~~
2191 ~~included to provide a basis for evaluating effectiveness as~~
2192 ~~required by s. 163.3191.~~
- 2193 ~~(f) Proposed elements contain policies to guide future~~
2194 ~~decisions in a consistent manner.~~
- 2195 ~~(g) Proposed elements contain programs and activities to~~
2196 ~~ensure that comprehensive plans are implemented.~~
- 2197 ~~(h) Proposed elements identify the need for and the~~
2198 ~~processes and procedures to ensure coordination of all~~
2199 ~~development activities and services with other units of local~~
2200 ~~government, regional planning agencies, water management~~
2201 ~~districts, and state and federal agencies as appropriate.~~
- 2202
- 2203 ~~The state land planning agency may adopt procedural rules that~~
2204 ~~are consistent with this section and chapter 120 for the review~~

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2205 ~~of local government comprehensive plan elements required under~~
2206 ~~this section. The state land planning agency shall provide model~~
2207 ~~plans and ordinances and, upon request, other assistance to~~
2208 ~~local governments in the adoption and implementation of their~~
2209 ~~revised local government comprehensive plans. The review and~~
2210 ~~comment provisions applicable prior to October 1, 1985, shall~~
2211 ~~continue in effect until the criteria for review and~~
2212 ~~determination are adopted pursuant to this subsection and the~~
2213 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2214 ~~(10) The Legislature recognizes the importance and~~
2215 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
2216 ~~Minimum Criteria for Review of Local Government Comprehensive~~
2217 ~~Plans and Determination of Compliance of the Department of~~
2218 ~~Community Affairs that will be used to determine compliance of~~
2219 ~~local comprehensive plans. The Legislature reserved unto itself~~
2220 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
2221 ~~and to reject, modify, or take no action relative to this rule.~~
2222 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
2223 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
2224 ~~expresses the following legislative intent:~~

2225 ~~(a) The Legislature finds that in order for the department~~
2226 ~~to review local comprehensive plans, it is necessary to define~~
2227 ~~the term "consistency." Therefore, for the purpose of~~
2228 ~~determining whether local comprehensive plans are consistent~~
2229 ~~with the state comprehensive plan and the appropriate regional~~
2230 ~~policy plan, a local plan shall be consistent with such plans if~~
2231 ~~the local plan is "compatible with" and "furthers" such plans.~~
2232 ~~The term "compatible with" means that the local plan is not in~~
2233 ~~conflict with the state comprehensive plan or appropriate~~

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2234 regional policy plan. The term "furthers" means to take action
2235 in the direction of realizing goals or policies of the state or
2236 regional plan. For the purposes of determining consistency of
2237 the local plan with the state comprehensive plan or the
2238 appropriate regional policy plan, the state or regional plan
2239 shall be construed as a whole and no specific goal and policy
2240 shall be construed or applied in isolation from the other goals
2241 and policies in the plans.

2242 (b) Each local government shall review all the state
2243 comprehensive plan goals and policies and shall address in its
2244 comprehensive plan the goals and policies which are relevant to
2245 the circumstances or conditions in its jurisdiction. The
2246 decision regarding which particular state comprehensive plan
2247 goals and policies will be furthered by the expenditure of a
2248 local government's financial resources in any given year is a
2249 decision which rests solely within the discretion of the local
2250 government. Intergovernmental coordination, as set forth in
2251 paragraph (6) (h), shall be utilized to the extent required to
2252 carry out the provisions of chapter 9J-5, Florida Administrative
2253 Code.

2254 (c) The Legislature declares that if any portion of chapter
2255 9J-5, Florida Administrative Code, is found to be in conflict
2256 with this part, the appropriate statutory provision shall
2257 prevail.

2258 (d) Chapter 9J-5, Florida Administrative Code, does not
2259 mandate the creation, limitation, or elimination of regulatory
2260 authority, nor does it authorize the adoption or require the
2261 repeal of any rules, criteria, or standards of any local,
2262 regional, or state agency.

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2263 ~~(e) It is the Legislature's intent that support data or~~
2264 ~~summaries thereof shall not be subject to the compliance review~~
2265 ~~process, but the Legislature intends that goals and policies be~~
2266 ~~clearly based on appropriate data. The department may utilize~~
2267 ~~support data or summaries thereof to aid in its determination of~~
2268 ~~compliance and consistency. The Legislature intends that the~~
2269 ~~department may evaluate the application of a methodology~~
2270 ~~utilized in data collection or whether a particular methodology~~
2271 ~~is professionally accepted. However, the department shall not~~
2272 ~~evaluate whether one accepted methodology is better than~~
2273 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
2274 ~~construed to require original data collection by local~~
2275 ~~governments; however, Local governments are not to be~~
2276 ~~discouraged from utilizing original data so long as~~
2277 ~~methodologies are professionally accepted.~~

2278 ~~(f) The Legislature recognizes that under this section,~~
2279 ~~local governments are charged with setting levels of service for~~
2280 ~~public facilities in their comprehensive plans in accordance~~
2281 ~~with which development orders and permits will be issued~~
2282 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~
2283 ~~the authority of state, regional, or local agencies as otherwise~~
2284 ~~provided by law.~~

2285 ~~(g) Definitions contained in chapter 9J-5, Florida~~
2286 ~~Administrative Code, are not intended to modify or amend the~~
2287 ~~definitions utilized for purposes of other programs or rules or~~
2288 ~~to establish or limit regulatory authority. Local governments~~
2289 ~~may establish alternative definitions in local comprehensive~~
2290 ~~plans, as long as such definitions accomplish the intent of this~~
2291 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

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2292 ~~(h) It is the intent of the Legislature that public~~
2293 ~~facilities and services needed to support development shall be~~
2294 ~~available concurrent with the impacts of such development in~~
2295 ~~accordance with s. 163.3180. In meeting this intent, public~~
2296 ~~facility and service availability shall be deemed sufficient if~~
2297 ~~the public facilities and services for a development are phased,~~
2298 ~~or the development is phased, so that the public facilities and~~
2299 ~~those related services which are deemed necessary by the local~~
2300 ~~government to operate the facilities necessitated by that~~
2301 ~~development are available concurrent with the impacts of the~~
2302 ~~development. The public facilities and services, unless already~~
2303 ~~available, are to be consistent with the capital improvements~~
2304 ~~element of the local comprehensive plan as required by paragraph~~
2305 ~~(3) (a) or guaranteed in an enforceable development agreement.~~
2306 ~~This shall include development agreements pursuant to this~~
2307 ~~chapter or in an agreement or a development order issued~~
2308 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
2309 ~~require a local government to address services in its capital~~
2310 ~~improvements plan or to limit a local government's ability to~~
2311 ~~address any service in its capital improvements plan that it~~
2312 ~~deems necessary.~~

2313 ~~(i) The department shall take into account the factors~~
2314 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
2315 ~~it provides assistance to local governments and applies the rule~~
2316 ~~in specific situations with regard to the detail of the data and~~
2317 ~~analysis required.~~

2318 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
2319 ~~effective pursuant to subsection (9). The Legislature hereby~~
2320 ~~directs the department to adopt amendments as necessary which~~

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2321 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
2322 ~~requirements of this legislative intent by October 1, 1986.~~

2323 ~~(k) In order for local governments to prepare and adopt~~
2324 ~~comprehensive plans with knowledge of the rules that are applied~~
2325 ~~to determine consistency of the plans with this part, there~~
2326 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
2327 ~~Florida Administrative Code, at the close of the 1986~~
2328 ~~legislative session. Therefore, the Legislature declares that~~
2329 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
2330 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
2331 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~
2332 ~~Florida Administrative Code, as amended, is subject to rule~~
2333 ~~challenges under s. 120.56(3), as nothing herein indicates~~
2334 ~~approval or disapproval of any portion of chapter 9J-5 not~~
2335 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
2336 ~~Florida Administrative Code, exclusive of the amendments adopted~~
2337 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
2338 ~~to the full chapter 120 process. All amendments shall have~~
2339 ~~effective dates as provided in chapter 120 and submission to the~~
2340 ~~President of the Senate and Speaker of the House of~~
2341 ~~Representatives shall not be required.~~

2342 ~~(l) The state land planning agency shall consider land use~~
2343 ~~compatibility issues in the vicinity of all airports in~~
2344 ~~coordination with the Department of Transportation and adjacent~~
2345 ~~to or in close proximity to all military installations in~~
2346 ~~coordination with the Department of Defense.~~

2347 ~~(11) (a) The Legislature recognizes the need for innovative~~
2348 ~~planning and development strategies which will address the~~
2349 ~~anticipated demands of continued urbanization of Florida's~~

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2350 ~~coastal and other environmentally sensitive areas, and which~~
2351 ~~will accommodate the development of less populated regions of~~
2352 ~~the state which seek economic development and which have~~
2353 ~~suitable land and water resources to accommodate growth in an~~
2354 ~~environmentally acceptable manner. The Legislature further~~
2355 ~~recognizes the substantial advantages of innovative approaches~~
2356 ~~to development which may better serve to protect environmentally~~
2357 ~~sensitive areas, maintain the economic viability of agricultural~~
2358 ~~and other predominantly rural land uses, and provide for the~~
2359 ~~cost-efficient delivery of public facilities and services.~~

2360 ~~(b) It is the intent of the Legislature that the local~~
2361 ~~government comprehensive plans and plan amendments adopted~~
2362 ~~pursuant to the provisions of this part provide for a planning~~
2363 ~~process which allows for land use efficiencies within existing~~
2364 ~~urban areas and which also allows for the conversion of rural~~
2365 ~~lands to other uses, where appropriate and consistent with the~~
2366 ~~other provisions of this part and the affected local~~
2367 ~~comprehensive plans, through the application of innovative and~~
2368 ~~flexible planning and development strategies and creative land~~
2369 ~~use planning techniques, which may include, but not be limited~~
2370 ~~to, urban villages, new towns, satellite communities, area-based~~
2371 ~~allocations, clustering and open space provisions, mixed-use~~
2372 ~~development, and sector planning.~~

2373 ~~(c) It is the further intent of the Legislature that local~~
2374 ~~government comprehensive plans and implementing land development~~
2375 ~~regulations shall provide strategies which maximize the use of~~
2376 ~~existing facilities and services through redevelopment, urban~~
2377 ~~infill development, and other strategies for urban~~
2378 ~~revitalization.~~

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2379 ~~(d)1. The department, in cooperation with the Department of~~
2380 ~~Agriculture and Consumer Services, the Department of~~
2381 ~~Environmental Protection, water management districts, and~~
2382 ~~regional planning councils, shall provide assistance to local~~
2383 ~~governments in the implementation of this paragraph and rule 9J-~~
2384 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~
2385 ~~those provisions shall include a process by which the department~~
2386 ~~may authorize local governments to designate all or portions of~~
2387 ~~lands classified in the future land use element as predominantly~~
2388 ~~agricultural, rural, open, open-rural, or a substantively~~
2389 ~~equivalent land use, as a rural land stewardship area within~~
2390 ~~which planning and economic incentives are applied to encourage~~
2391 ~~the implementation of innovative and flexible planning and~~
2392 ~~development strategies and creative land use planning~~
2393 ~~techniques, including those contained herein and in rule 9J-~~
2394 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
2395 ~~include, but is not limited to:~~

2396 ~~a. Assistance from the Department of Environmental~~
2397 ~~Protection and water management districts in creating the~~
2398 ~~geographic information systems land cover database and aerial~~
2399 ~~photogrammetry needed to prepare for a rural land stewardship~~
2400 ~~area;~~

2401 ~~b. Support for local government implementation of rural~~
2402 ~~land stewardship concepts by providing information and~~
2403 ~~assistance to local governments regarding land acquisition~~
2404 ~~programs that may be used by the local government or landowners~~
2405 ~~to leverage the protection of greater acreage and maximize the~~
2406 ~~effectiveness of rural land stewardship areas; and~~

2407 ~~c. Expansion of the role of the Department of Community~~

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2408 ~~Affairs as a resource agency to facilitate establishment of~~
2409 ~~rural land stewardship areas in smaller rural counties that do~~
2410 ~~not have the staff or planning budgets to create a rural land~~
2411 ~~stewardship area.~~

2412 ~~2. The department shall encourage participation by local~~
2413 ~~governments of different sizes and rural characteristics in~~
2414 ~~establishing and implementing rural land stewardship areas. It~~
2415 ~~is the intent of the Legislature that rural land stewardship~~
2416 ~~areas be used to further the following broad principles of rural~~
2417 ~~sustainability: restoration and maintenance of the economic~~
2418 ~~value of rural land; control of urban sprawl; identification and~~
2419 ~~protection of ecosystems, habitats, and natural resources;~~
2420 ~~promotion of rural economic activity; maintenance of the~~
2421 ~~viability of Florida's agricultural economy; and protection of~~
2422 ~~the character of rural areas of Florida. Rural land stewardship~~
2423 ~~areas may be multicounty in order to encourage coordinated~~
2424 ~~regional stewardship planning.~~

2425 ~~3. A local government, in conjunction with a regional~~
2426 ~~planning council, a stakeholder organization of private land~~
2427 ~~owners, or another local government, shall notify the department~~
2428 ~~in writing of its intent to designate a rural land stewardship~~
2429 ~~area. The written notification shall describe the basis for the~~
2430 ~~designation, including the extent to which the rural land~~
2431 ~~stewardship area enhances rural land values, controls urban~~
2432 ~~sprawl, provides necessary open space for agriculture and~~
2433 ~~protection of the natural environment, promotes rural economic~~
2434 ~~activity, and maintains rural character and the economic~~
2435 ~~viability of agriculture.~~

2436 ~~4. A rural land stewardship area shall be not less than~~

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2437 ~~10,000 acres and shall be located outside of municipalities and~~
2438 ~~established urban growth boundaries, and shall be designated by~~
2439 ~~plan amendment. The plan amendment designating a rural land~~
2440 ~~stewardship area shall be subject to review by the Department of~~
2441 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
2442 ~~the following:~~

2443 ~~a. Criteria for the designation of receiving areas within~~
2444 ~~rural land stewardship areas in which innovative planning and~~
2445 ~~development strategies may be applied. Criteria shall at a~~
2446 ~~minimum provide for the following: adequacy of suitable land to~~
2447 ~~accommodate development so as to avoid conflict with~~
2448 ~~environmentally sensitive areas, resources, and habitats;~~
2449 ~~compatibility between and transition from higher density uses to~~
2450 ~~lower intensity rural uses; the establishment of receiving area~~
2451 ~~service boundaries which provide for a separation between~~
2452 ~~receiving areas and other land uses within the rural land~~
2453 ~~stewardship area through limitations on the extension of~~
2454 ~~services; and connection of receiving areas with the rest of the~~
2455 ~~rural land stewardship area using rural design and rural road~~
2456 ~~corridors.~~

2457 ~~b. Goals, objectives, and policies setting forth the~~
2458 ~~innovative planning and development strategies to be applied~~
2459 ~~within rural land stewardship areas pursuant to the provisions~~
2460 ~~of this section.~~

2461 ~~e. A process for the implementation of innovative planning~~
2462 ~~and development strategies within the rural land stewardship~~
2463 ~~area, including those described in this subsection and rule 9J-~~
2464 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
2465 ~~functional mix of land uses, including adequate available~~

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2466 ~~workforce housing, including low, very low and moderate income~~
2467 ~~housing for the development anticipated in the receiving area~~
2468 ~~and which are applied through the adoption by the local~~
2469 ~~government of zoning and land development regulations applicable~~
2470 ~~to the rural land stewardship area.~~

2471 ~~d. A process which encourages visioning pursuant to s.~~
2472 ~~163.3167(11) to ensure that innovative planning and development~~
2473 ~~strategies comply with the provisions of this section.~~

2474 ~~e. The control of sprawl through the use of innovative~~
2475 ~~strategies and creative land use techniques consistent with the~~
2476 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
2477 ~~Administrative Code.~~

2478 ~~5. A receiving area shall be designated by the adoption of~~
2479 ~~a land development regulation. Prior to the designation of a~~
2480 ~~receiving area, the local government shall provide the~~
2481 ~~Department of Community Affairs a period of 30 days in which to~~
2482 ~~review a proposed receiving area for consistency with the rural~~
2483 ~~land stewardship area plan amendment and to provide comments to~~
2484 ~~the local government. At the time of designation of a~~
2485 ~~stewardship receiving area, a listed species survey will be~~
2486 ~~performed. If listed species occur on the receiving area site,~~
2487 ~~the developer shall coordinate with each appropriate local,~~
2488 ~~state, or federal agency to determine if adequate provisions~~
2489 ~~have been made to protect those species in accordance with~~
2490 ~~applicable regulations. In determining the adequacy of~~
2491 ~~provisions for the protection of listed species and their~~
2492 ~~habitats, the rural land stewardship area shall be considered as~~
2493 ~~a whole, and the impacts to areas to be developed as receiving~~
2494 ~~areas shall be considered together with the environmental~~

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2495 ~~benefits of areas protected as sending areas in fulfilling this~~
2496 ~~criteria.~~

2497 ~~6. Upon the adoption of a plan amendment creating a rural~~
2498 ~~land stewardship area, the local government shall, by ordinance,~~
2499 ~~establish the methodology for the creation, conveyance, and use~~
2500 ~~of transferable rural land use credits, otherwise referred to as~~
2501 ~~stewardship credits, the application of which shall not~~
2502 ~~constitute a right to develop land, nor increase density of~~
2503 ~~land, except as provided by this section. The total amount of~~
2504 ~~transferable rural land use credits within the rural land~~
2505 ~~stewardship area must enable the realization of the long term~~
2506 ~~vision and goals for the 25-year or greater projected population~~
2507 ~~of the rural land stewardship area, which may take into~~
2508 ~~consideration the anticipated effect of the proposed receiving~~
2509 ~~areas. Transferable rural land use credits are subject to the~~
2510 ~~following limitations:~~

2511 ~~a. Transferable rural land use credits may only exist~~
2512 ~~within a rural land stewardship area.~~

2513 ~~b. Transferable rural land use credits may only be used on~~
2514 ~~lands designated as receiving areas and then solely for the~~
2515 ~~purpose of implementing innovative planning and development~~
2516 ~~strategies and creative land use planning techniques adopted by~~
2517 ~~the local government pursuant to this section.~~

2518 ~~c. Transferable rural land use credits assigned to a parcel~~
2519 ~~of land within a rural land stewardship area shall cease to~~
2520 ~~exist if the parcel of land is removed from the rural land~~
2521 ~~stewardship area by plan amendment.~~

2522 ~~d. Neither the creation of the rural land stewardship area~~
2523 ~~by plan amendment nor the assignment of transferable rural land~~

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2524 ~~use credits by the local government shall operate to displace~~
2525 ~~the underlying density of land uses assigned to a parcel of land~~
2526 ~~within the rural land stewardship area; however, if transferable~~
2527 ~~rural land use credits are transferred from a parcel for use~~
2528 ~~within a designated receiving area, the underlying density~~
2529 ~~assigned to the parcel of land shall cease to exist.~~

2530 ~~e. The underlying density on each parcel of land located~~
2531 ~~within a rural land stewardship area shall not be increased or~~
2532 ~~decreased by the local government, except as a result of the~~
2533 ~~conveyance or use of transferable rural land use credits, as~~
2534 ~~long as the parcel remains within the rural land stewardship~~
2535 ~~area.~~

2536 ~~f. Transferable rural land use credits shall cease to exist~~
2537 ~~on a parcel of land where the underlying density assigned to the~~
2538 ~~parcel of land is utilized.~~

2539 ~~g. An increase in the density of use on a parcel of land~~
2540 ~~located within a designated receiving area may occur only~~
2541 ~~through the assignment or use of transferable rural land use~~
2542 ~~credits and shall not require a plan amendment.~~

2543 ~~h. A change in the density of land use on parcels located~~
2544 ~~within receiving areas shall be specified in a development order~~
2545 ~~which reflects the total number of transferable rural land use~~
2546 ~~credits assigned to the parcel of land and the infrastructure~~
2547 ~~and support services necessary to provide for a functional mix~~
2548 ~~of land uses corresponding to the plan of development.~~

2549 ~~i. Land within a rural land stewardship area may be removed~~
2550 ~~from the rural land stewardship area through a plan amendment.~~

2551 ~~j. Transferable rural land use credits may be assigned at~~
2552 ~~different ratios of credits per acre according to the natural~~

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2553 ~~resource or other beneficial use characteristics of the land and~~
2554 ~~according to the land use remaining following the transfer of~~
2555 ~~credits, with the highest number of credits per acre assigned to~~
2556 ~~the most environmentally valuable land or, in locations where~~
2557 ~~the retention of open space and agricultural land is a priority,~~
2558 ~~to such lands.~~

2559 ~~k. The use or conveyance of transferable rural land use~~
2560 ~~credits must be recorded in the public records of the county in~~
2561 ~~which the property is located as a covenant or restrictive~~
2562 ~~easement running with the land in favor of the county and either~~
2563 ~~the Department of Environmental Protection, Department of~~
2564 ~~Agriculture and Consumer Services, a water management district,~~
2565 ~~or a recognized statewide land trust.~~

2566 ~~7. Owners of land within rural land stewardship areas~~
2567 ~~should be provided incentives to enter into rural land~~
2568 ~~stewardship agreements, pursuant to existing law and rules~~
2569 ~~adopted thereto, with state agencies, water management~~
2570 ~~districts, and local governments to achieve mutually agreed upon~~
2571 ~~conservation objectives. Such incentives may include, but not be~~
2572 ~~limited to, the following:~~

2573 ~~a. Opportunity to accumulate transferable mitigation~~
2574 ~~credits.~~

2575 ~~b. Extended permit agreements.~~

2576 ~~c. Opportunities for recreational leases and ecotourism.~~

2577 ~~d. Payment for specified land management services on~~
2578 ~~publicly owned land, or property under covenant or restricted~~
2579 ~~easement in favor of a public entity.~~

2580 ~~e. Option agreements for sale to public entities or private~~
2581 ~~land conservation entities, in either fee or easement, upon~~

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2582 ~~achievement of conservation objectives.~~

2583 ~~8. The department shall report to the Legislature on an~~
2584 ~~annual basis on the results of implementation of rural land~~
2585 ~~stewardship areas authorized by the department, including~~
2586 ~~successes and failures in achieving the intent of the~~
2587 ~~Legislature as expressed in this paragraph.~~

2588 ~~(e) The Legislature finds that mixed-use, high-density~~
2589 ~~development is appropriate for urban infill and redevelopment~~
2590 ~~areas. Mixed-use projects accommodate a variety of uses,~~
2591 ~~including residential and commercial, and usually at higher~~
2592 ~~densities that promote pedestrian-friendly, sustainable~~
2593 ~~communities. The Legislature recognizes that mixed-use, high-~~
2594 ~~density development improves the quality of life for residents~~
2595 ~~and businesses in urban areas. The Legislature finds that mixed-~~
2596 ~~use, high-density redevelopment and infill benefits residents by~~
2597 ~~creating a livable community with alternative modes of~~
2598 ~~transportation. Furthermore, the Legislature finds that local~~
2599 ~~zoning ordinances often discourage mixed-use, high-density~~
2600 ~~development in areas that are appropriate for urban infill and~~
2601 ~~redevelopment. The Legislature intends to discourage single-use~~
2602 ~~zoning in urban areas which often leads to lower density, land-~~
2603 ~~intensive development outside an urban service area. Therefore,~~
2604 ~~the Department of Community Affairs shall provide technical~~
2605 ~~assistance to local governments in order to encourage mixed-use,~~
2606 ~~high-density urban infill and redevelopment projects.~~

2607 ~~(f) The Legislature finds that a program for the transfer~~
2608 ~~of development rights is a useful tool to preserve historic~~
2609 ~~buildings and create public open spaces in urban areas. A~~
2610 ~~program for the transfer of development rights allows the~~

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2611 ~~transfer of density credits from historic properties and public~~
2612 ~~open spaces to areas designated for high density development.~~
2613 ~~The Legislature recognizes that high density development is~~
2614 ~~integral to the success of many urban infill and redevelopment~~
2615 ~~projects. The Legislature intends to encourage high density~~
2616 ~~urban infill and redevelopment while preserving historic~~
2617 ~~structures and open spaces. Therefore, the Department of~~
2618 ~~Community Affairs shall provide technical assistance to local~~
2619 ~~governments in order to promote the transfer of development~~
2620 ~~rights within urban areas for high density infill and~~
2621 ~~redevelopment projects.~~

2622 ~~(g) The implementation of this subsection shall be subject~~
2623 ~~to the provisions of this chapter, chapters 186 and 187, and~~
2624 ~~applicable agency rules.~~

2625 ~~(h) The department may adopt rules necessary to implement~~
2626 ~~the provisions of this subsection.~~

2627 ~~(12) A public school facilities element adopted to~~
2628 ~~implement a school concurrency program shall meet the~~
2629 ~~requirements of this subsection. Each county and each~~
2630 ~~municipality within the county, unless exempt or subject to a~~
2631 ~~waiver, must adopt a public school facilities element that is~~
2632 ~~consistent with those adopted by the other local governments~~
2633 ~~within the county and enter the interlocal agreement pursuant to~~
2634 ~~s. 163.31777.~~

2635 ~~(a) The state land planning agency may provide a waiver to~~
2636 ~~a county and to the municipalities within the county if the~~
2637 ~~capacity rate for all schools within the school district is no~~
2638 ~~greater than 100 percent and the projected 5-year capital outlay~~
2639 ~~full-time equivalent student growth rate is less than 10~~

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2640 ~~percent. The state land planning agency may allow for a~~
2641 ~~projected 5-year capital outlay full-time equivalent student~~
2642 ~~growth rate to exceed 10 percent when the projected 10-year~~
2643 ~~capital outlay full-time equivalent student enrollment is less~~
2644 ~~than 2,000 students and the capacity rate for all schools within~~
2645 ~~the school district in the tenth year will not exceed the 100-~~
2646 ~~percent limitation. The state land planning agency may allow for~~
2647 ~~a single school to exceed the 100-percent limitation if it can~~
2648 ~~be demonstrated that the capacity rate for that single school is~~
2649 ~~not greater than 105 percent. In making this determination, the~~
2650 ~~state land planning agency shall consider the following~~
2651 ~~criteria:~~

2652 ~~1. Whether the exceedance is due to temporary~~
2653 ~~circumstances;~~

2654 ~~2. Whether the projected 5-year capital outlay full-time~~
2655 ~~equivalent student growth rate for the school district is~~
2656 ~~approaching the 10-percent threshold;~~

2657 ~~3. Whether one or more additional schools within the school~~
2658 ~~district are at or approaching the 100-percent threshold; and~~

2659 ~~4. The adequacy of the data and analysis submitted to~~
2660 ~~support the waiver request.~~

2661 ~~(b) A municipality in a nonexempt county is exempt if the~~
2662 ~~municipality meets all of the following criteria for having no~~
2663 ~~significant impact on school attendance:~~

2664 ~~1. The municipality has issued development orders for fewer~~
2665 ~~than 50 residential dwelling units during the preceding 5 years,~~
2666 ~~or the municipality has generated fewer than 25 additional~~
2667 ~~public school students during the preceding 5 years.~~

2668 ~~2. The municipality has not annexed new land during the~~

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2669 ~~preceding 5 years in land use categories that permit residential~~
2670 ~~uses that will affect school attendance rates.~~

2671 ~~3. The municipality has no public schools located within~~
2672 ~~its boundaries.~~

2673 ~~(c) A public school facilities element shall be based upon~~
2674 ~~data and analyses that address, among other items, how level-of-~~
2675 ~~service standards will be achieved and maintained. Such data and~~
2676 ~~analyses must include, at a minimum, such items as: the~~
2677 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
2678 ~~year school district facilities work program adopted pursuant to~~
2679 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
2680 ~~1013.31 and an existing educational and ancillary plant map or~~
2681 ~~map series; information on existing development and development~~
2682 ~~anticipated for the next 5 years and the long-term planning~~
2683 ~~period; an analysis of problems and opportunities for existing~~
2684 ~~schools and schools anticipated in the future; an analysis of~~
2685 ~~opportunities to collocate future schools with other public~~
2686 ~~facilities such as parks, libraries, and community centers; an~~
2687 ~~analysis of the need for supporting public facilities for~~
2688 ~~existing and future schools; an analysis of opportunities to~~
2689 ~~locate schools to serve as community focal points; projected~~
2690 ~~future population and associated demographics, including~~
2691 ~~development patterns year by year for the upcoming 5-year and~~
2692 ~~long-term planning periods; and anticipated educational and~~
2693 ~~ancillary plants with land area requirements.~~

2694 ~~(d) The element shall contain one or more goals which~~
2695 ~~establish the long-term end toward which public school programs~~
2696 ~~and activities are ultimately directed.~~

2697 ~~(e) The element shall contain one or more objectives for~~

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2698 ~~each goal, setting specific, measurable, intermediate ends that~~
2699 ~~are achievable and mark progress toward the goal.~~

2700 ~~(f) The element shall contain one or more policies for each~~
2701 ~~objective which establish the way in which programs and~~
2702 ~~activities will be conducted to achieve an identified goal.~~

2703 ~~(g) The objectives and policies shall address items such~~
2704 ~~as:~~

2705 ~~1. The procedure for an annual update process;~~

2706 ~~2. The procedure for school site selection;~~

2707 ~~3. The procedure for school permitting;~~

2708 ~~4. Provision for infrastructure necessary to support~~
2709 ~~proposed schools, including potable water, wastewater, drainage,~~
2710 ~~solid waste, transportation, and means by which to assure safe~~
2711 ~~access to schools, including sidewalks, bicycle paths, turn~~
2712 ~~lanes, and signalization;~~

2713 ~~5. Provision for colocation of other public facilities,~~
2714 ~~such as parks, libraries, and community centers, in proximity to~~
2715 ~~public schools;~~

2716 ~~6. Provision for location of schools proximate to~~
2717 ~~residential areas and to complement patterns of development,~~
2718 ~~including the location of future school sites so they serve as~~
2719 ~~community focal points;~~

2720 ~~7. Measures to ensure compatibility of school sites and~~
2721 ~~surrounding land uses;~~

2722 ~~8. Coordination with adjacent local governments and the~~
2723 ~~school district on emergency preparedness issues, including the~~
2724 ~~use of public schools to serve as emergency shelters; and~~

2725 ~~9. Coordination with the future land use element.~~

2726 ~~(h) The element shall include one or more future conditions~~

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2727 ~~maps which depict the anticipated location of educational and~~
2728 ~~aneillary plants, including the general location of improvements~~
2729 ~~to existing schools or new schools anticipated over the 5-year~~
2730 ~~or long-term planning period. The maps will of necessity be~~
2731 ~~general for the long-term planning period and more specific for~~
2732 ~~the 5-year period. Maps indicating general locations of future~~
2733 ~~schools or school improvements may not prescribe a land use on a~~
2734 ~~particular parcel of land.~~

2735 ~~(i) The state land planning agency shall establish a phased~~
2736 ~~schedule for adoption of the public school facilities element~~
2737 ~~and the required updates to the public schools interlocal~~
2738 ~~agreement pursuant to s. 163.31777. The schedule shall provide~~
2739 ~~for each county and local government within the county to adopt~~
2740 ~~the element and update to the agreement no later than December~~
2741 ~~1, 2008. Plan amendments to adopt a public school facilities~~
2742 ~~element are exempt from the provisions of s. 163.3187(1).~~

2743 ~~(j) The state land planning agency may issue a notice to~~
2744 ~~the school board and the local government to show cause why~~
2745 ~~sanctions should not be enforced for failure to enter into an~~
2746 ~~approved interlocal agreement as required by s. 163.31777 or for~~
2747 ~~failure to implement provisions relating to public school~~
2748 ~~concurrency. If the state land planning agency finds that~~
2749 ~~insufficient cause exists for the school board's or local~~
2750 ~~government's failure to enter into an approved interlocal~~
2751 ~~agreement as required by s. 163.31777 or for the school board's~~
2752 ~~or local government's failure to implement the provisions~~
2753 ~~relating to public school concurrency, the state land planning~~
2754 ~~agency shall submit its finding to the Administration Commission~~
2755 ~~which may impose on the local government any of the sanctions~~

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2756 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~
2757 ~~district school board any of the sanctions set forth in s.~~
2758 ~~1008.32(4).~~

2759 ~~(13) Local governments are encouraged to develop a~~
2760 ~~community vision that provides for sustainable growth,~~
2761 ~~recognizes its fiscal constraints, and protects its natural~~
2762 ~~resources. At the request of a local government, the applicable~~
2763 ~~regional planning council shall provide assistance in the~~
2764 ~~development of a community vision.~~

2765 ~~(a) As part of the process of developing a community vision~~
2766 ~~under this section, the local government must hold two public~~
2767 ~~meetings with at least one of those meetings before the local~~
2768 ~~planning agency. Before those public meetings, the local~~
2769 ~~government must hold at least one public workshop with~~
2770 ~~stakeholder groups such as neighborhood associations, community~~
2771 ~~organizations, businesses, private property owners, housing and~~
2772 ~~development interests, and environmental organizations.~~

2773 ~~(b) The local government must, at a minimum, discuss five~~
2774 ~~of the following topics as part of the workshops and public~~
2775 ~~meetings required under paragraph (a):~~

- 2776 ~~1. Future growth in the area using population forecasts~~
2777 ~~from the Bureau of Economic and Business Research;~~
- 2778 ~~2. Priorities for economic development;~~
- 2779 ~~3. Preservation of open space, environmentally sensitive~~
2780 ~~lands, and agricultural lands;~~
- 2781 ~~4. Appropriate areas and standards for mixed-use~~
2782 ~~development;~~
- 2783 ~~5. Appropriate areas and standards for high-density~~
2784 ~~commercial and residential development;~~

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2785 ~~6. Appropriate areas and standards for economic development~~
2786 ~~opportunities and employment centers;~~

2787 ~~7. Provisions for adequate workforce housing;~~

2788 ~~8. An efficient, interconnected multimodal transportation~~
2789 ~~system; and~~

2790 ~~9. Opportunities to create land use patterns that~~
2791 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2792 ~~(c) As part of the workshops and public meetings, the local~~
2793 ~~government must discuss strategies for addressing the topics~~
2794 ~~discussed under paragraph (b), including:~~

2795 ~~1. Strategies to preserve open space and environmentally~~
2796 ~~sensitive lands, and to encourage a healthy agricultural~~
2797 ~~economy, including innovative planning and development~~
2798 ~~strategies, such as the transfer of development rights;~~

2799 ~~2. Incentives for mixed-use development, including~~
2800 ~~increased height and intensity standards for buildings that~~
2801 ~~provide residential use in combination with office or commercial~~
2802 ~~space;~~

2803 ~~3. Incentives for workforce housing;~~

2804 ~~4. Designation of an urban service boundary pursuant to~~
2805 ~~subsection (2); and~~

2806 ~~5. Strategies to provide mobility within the community and~~
2807 ~~to protect the Strategic Intermodal System, including the~~
2808 ~~development of a transportation corridor management plan under~~
2809 ~~s. 337.273.~~

2810 ~~(d) The community vision must reflect the community's~~
2811 ~~shared concept for growth and development of the community,~~
2812 ~~including visual representations depicting the desired land use~~
2813 ~~patterns and character of the community during a 10-year~~

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2814 ~~planning timeframe. The community vision must also take into~~
2815 ~~consideration economic viability of the vision and private~~
2816 ~~property interests.~~

2817 ~~(e) After the workshops and public meetings required under~~
2818 ~~paragraph (a) are held, the local government may amend its~~
2819 ~~comprehensive plan to include the community vision as a~~
2820 ~~component in the plan. This plan amendment must be transmitted~~
2821 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
2822 ~~163.3189 at public hearings of the governing body other than~~
2823 ~~those identified in paragraph (a).~~

2824 ~~(f) Amendments submitted under this subsection are exempt~~
2825 ~~from the limitation on the frequency of plan amendments in s.~~
2826 ~~163.3187.~~

2827 ~~(g) A local government that has developed a community~~
2828 ~~vision or completed a visioning process after July 1, 2000, and~~
2829 ~~before July 1, 2005, which substantially accomplishes the goals~~
2830 ~~set forth in this subsection and the appropriate goals,~~
2831 ~~policies, or objectives have been adopted as part of the~~
2832 ~~comprehensive plan or reflected in subsequently adopted land~~
2833 ~~development regulations and the plan amendment incorporating the~~
2834 ~~community vision as a component has been found in compliance is~~
2835 ~~eligible for the incentives in s. 163.3184(17).~~

2836 ~~(14) Local governments are also encouraged to designate an~~
2837 ~~urban service boundary. This area must be appropriate for~~
2838 ~~compact, contiguous urban development within a 10-year planning~~
2839 ~~timeframe. The urban service area boundary must be identified on~~
2840 ~~the future land use map or map series. The local government~~
2841 ~~shall demonstrate that the land included within the urban~~
2842 ~~service boundary is served or is planned to be served with~~

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2843 ~~adequate public facilities and services based on the local~~
2844 ~~government's adopted level of service standards by adopting a~~
2845 ~~10-year facilities plan in the capital improvements element~~
2846 ~~which is financially feasible. The local government shall~~
2847 ~~demonstrate that the amount of land within the urban service~~
2848 ~~boundary does not exceed the amount of land needed to~~
2849 ~~accommodate the projected population growth at densities~~
2850 ~~consistent with the adopted comprehensive plan within the 10-~~
2851 ~~year planning timeframe.~~

2852 ~~(a) As part of the process of establishing an urban service~~
2853 ~~boundary, the local government must hold two public meetings~~
2854 ~~with at least one of those meetings before the local planning~~
2855 ~~agency. Before those public meetings, the local government must~~
2856 ~~hold at least one public workshop with stakeholder groups such~~
2857 ~~as neighborhood associations, community organizations,~~
2858 ~~businesses, private property owners, housing and development~~
2859 ~~interests, and environmental organizations.~~

2860 ~~(b)1. After the workshops and public meetings required~~
2861 ~~under paragraph (a) are held, the local government may amend its~~
2862 ~~comprehensive plan to include the urban service boundary. This~~
2863 ~~plan amendment must be transmitted and adopted pursuant to the~~
2864 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
2865 ~~governing body other than those required under paragraph (a).~~

2866 ~~2. This subsection does not prohibit new development~~
2867 ~~outside an urban service boundary. However, a local government~~
2868 ~~that establishes an urban service boundary under this subsection~~
2869 ~~is encouraged to require a full-cost-accounting analysis for any~~
2870 ~~new development outside the boundary and to consider the results~~
2871 ~~of that analysis when adopting a plan amendment for property~~

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2872 ~~outside the established urban service boundary.~~

2873 ~~(c) Amendments submitted under this subsection are exempt~~
2874 ~~from the limitation on the frequency of plan amendments in s.~~
2875 ~~163.3187.~~

2876 ~~(d) A local government that has adopted an urban service~~
2877 ~~boundary before July 1, 2005, which substantially accomplishes~~
2878 ~~the goals set forth in this subsection is not required to comply~~
2879 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
2880 ~~to be eligible for the incentives under s. 163.3184(17). In~~
2881 ~~order to satisfy the provisions of this paragraph, the local~~
2882 ~~government must secure a determination from the state land~~
2883 ~~planning agency that the urban service boundary adopted before~~
2884 ~~July 1, 2005, substantially complies with the criteria of this~~
2885 ~~subsection, based on data and analysis submitted by the local~~
2886 ~~government to support this determination. The determination by~~
2887 ~~the state land planning agency is not subject to administrative~~
2888 ~~challenge.~~

2889 (7)~~(15)~~ (a) The Legislature finds that:

2890 1. There are a number of rural agricultural industrial
2891 centers in the state that process, produce, or aid in the
2892 production or distribution of a variety of agriculturally based
2893 products, including, but not limited to, fruits, vegetables,
2894 timber, and other crops, and juices, paper, and building
2895 materials. Rural agricultural industrial centers have a
2896 significant amount of existing associated infrastructure that is
2897 used for processing, producing, or distributing agricultural
2898 products.

2899 2. Such rural agricultural industrial centers are often
2900 located within or near communities in which the economy is

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2901 largely dependent upon agriculture and agriculturally based
2902 products. The centers significantly enhance the economy of such
2903 communities. However, these agriculturally based communities are
2904 often socioeconomically challenged and designated as rural areas
2905 of critical economic concern. If such rural agricultural
2906 industrial centers are lost and not replaced with other job-
2907 creating enterprises, the agriculturally based communities will
2908 lose a substantial amount of their economies.

2909 3. The state has a compelling interest in preserving the
2910 viability of agriculture and protecting rural agricultural
2911 communities and the state from the economic upheaval that would
2912 result from short-term or long-term adverse changes in the
2913 agricultural economy. To protect these communities and promote
2914 viable agriculture for the long term, it is essential to
2915 encourage and permit diversification of existing rural
2916 agricultural industrial centers by providing for jobs that are
2917 not solely dependent upon, but are compatible with and
2918 complement, existing agricultural industrial operations and to
2919 encourage the creation and expansion of industries that use
2920 agricultural products in innovative ways. However, the expansion
2921 and diversification of these existing centers must be
2922 accomplished in a manner that does not promote urban sprawl into
2923 surrounding agricultural and rural areas.

2924 (b) As used in this subsection, the term "rural
2925 agricultural industrial center" means a developed parcel of land
2926 in an unincorporated area on which there exists an operating
2927 agricultural industrial facility or facilities that employ at
2928 least 200 full-time employees in the aggregate and process and
2929 prepare for transport a farm product, as defined in s. 163.3162,

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2930 or any biomass material that could be used, directly or
2931 indirectly, for the production of fuel, renewable energy,
2932 bioenergy, or alternative fuel as defined by law. The center may
2933 also include land contiguous to the facility site which is not
2934 used for the cultivation of crops, but on which other existing
2935 activities essential to the operation of such facility or
2936 facilities are located or conducted. The parcel of land must be
2937 located within, or within 10 miles of, a rural area of critical
2938 economic concern.

2939 (c)1. A landowner whose land is located within a rural
2940 agricultural industrial center may apply for an amendment to the
2941 local government comprehensive plan for the purpose of
2942 designating and expanding the existing agricultural industrial
2943 uses of facilities located within the center or expanding the
2944 existing center to include industrial uses or facilities that
2945 are not dependent upon but are compatible with agriculture and
2946 the existing uses and facilities. A local government
2947 comprehensive plan amendment under this paragraph must:

2948 a. Not increase the physical area of the existing rural
2949 agricultural industrial center by more than 50 percent or 320
2950 acres, whichever is greater.

2951 b. Propose a project that would, upon completion, create at
2952 least 50 new full-time jobs.

2953 c. Demonstrate that sufficient infrastructure capacity
2954 exists or will be provided to support the expanded center at the
2955 level-of-service standards adopted in the local government
2956 comprehensive plan.

2957 d. Contain goals, objectives, and policies that will ensure
2958 that any adverse environmental impacts of the expanded center

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2959 will be adequately addressed and mitigation implemented or
2960 demonstrate that the local government comprehensive plan
2961 contains such provisions.

2962 2. Within 6 months after receiving an application as
2963 provided in this paragraph, the local government shall transmit
2964 the application to the state land planning agency for review
2965 pursuant to this chapter together with any needed amendments to
2966 the applicable sections of its comprehensive plan to include
2967 goals, objectives, and policies that provide for the expansion
2968 of rural agricultural industrial centers and discourage urban
2969 sprawl in the surrounding areas. Such goals, objectives, and
2970 policies must promote and be consistent with the findings in
2971 this subsection. An amendment that meets the requirements of
2972 this subsection is presumed not to be urban sprawl as defined in
2973 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~
2974 ~~Administrative Code~~. This presumption may be rebutted by a
2975 preponderance of the evidence.

2976 (d) This subsection does not apply to a ~~an optional~~ sector
2977 plan adopted pursuant to s. 163.3245, a rural land stewardship
2978 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
2979 comprehensive plan amendment that includes an inland port
2980 terminal or affiliated port development.

2981 (e) Nothing in this subsection shall be construed to confer
2982 the status of rural area of critical economic concern, or any of
2983 the rights or benefits derived from such status, on any land
2984 area not otherwise designated as such pursuant to s.
2985 288.0656(7).

2986 Section 9. Section 163.31777, Florida Statutes, is amended
2987 to read:

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2988 163.31777 Public schools interlocal agreement.—

2989 (1) ~~(a)~~ The county and municipalities located within the
2990 geographic area of a school district shall enter into an
2991 interlocal agreement with the district school board which
2992 jointly establishes the specific ways in which the plans and
2993 processes of the district school board and the local governments
2994 are to be coordinated. ~~The interlocal agreements shall be~~
2995 ~~submitted to the state land planning agency and the Office of~~
2996 ~~Educational Facilities in accordance with a schedule published~~
2997 ~~by the state land planning agency.~~

2998 ~~(b) The schedule must establish staggered due dates for~~
2999 ~~submission of interlocal agreements that are executed by both~~
3000 ~~the local government and the district school board, commencing~~
3001 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
3002 ~~set the same date for all governmental entities within a school~~
3003 ~~district. However, if the county where the school district is~~
3004 ~~located contains more than 20 municipalities, the state land~~
3005 ~~planning agency may establish staggered due dates for the~~
3006 ~~submission of interlocal agreements by these municipalities. The~~
3007 ~~schedule must begin with those areas where both the number of~~
3008 ~~districtwide capital outlay full-time equivalent students equals~~
3009 ~~80 percent or more of the current year's school capacity and the~~
3010 ~~projected 5-year student growth is 1,000 or greater, or where~~
3011 ~~the projected 5-year student growth rate is 10 percent or~~
3012 ~~greater.~~

3013 ~~(c) If the student population has declined over the 5-year~~
3014 ~~period preceding the due date for submittal of an interlocal~~
3015 ~~agreement by the local government and the district school board,~~
3016 ~~the local government and the district school board may petition~~

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3017 ~~the state land planning agency for a waiver of one or more~~
3018 ~~requirements of subsection (2). The waiver must be granted if~~
3019 ~~the procedures called for in subsection (2) are unnecessary~~
3020 ~~because of the school district's declining school age~~
3021 ~~population, considering the district's 5-year facilities work~~
3022 ~~program prepared pursuant to s. 1013.35. The state land planning~~
3023 ~~agency may modify or revoke the waiver upon a finding that the~~
3024 ~~conditions upon which the waiver was granted no longer exist.~~
3025 ~~The district school board and local governments must submit an~~
3026 ~~interlocal agreement within 1 year after notification by the~~
3027 ~~state land planning agency that the conditions for a waiver no~~
3028 ~~longer exist.~~

3029 ~~(d) Interlocal agreements between local governments and~~
3030 ~~district school boards adopted pursuant to s. 163.3177 before~~
3031 ~~the effective date of this section must be updated and executed~~
3032 ~~pursuant to the requirements of this section, if necessary.~~
3033 ~~Amendments to interlocal agreements adopted pursuant to this~~
3034 ~~section must be submitted to the state land planning agency~~
3035 ~~within 30 days after execution by the parties for review~~
3036 ~~consistent with this section. Local governments and the district~~
3037 ~~school board in each school district are encouraged to adopt a~~
3038 ~~single interlocal agreement to which all join as parties. The~~
3039 ~~state land planning agency shall assemble and make available~~
3040 ~~model interlocal agreements meeting the requirements of this~~
3041 ~~section and notify local governments and, jointly with the~~
3042 ~~Department of Education, the district school boards of the~~
3043 ~~requirements of this section, the dates for compliance, and the~~
3044 ~~sanctions for noncompliance. The state land planning agency~~
3045 ~~shall be available to informally review proposed interlocal~~

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3046 ~~agreements. If the state land planning agency has not received a~~
3047 ~~proposed interlocal agreement for informal review, the state~~
3048 ~~land planning agency shall, at least 60 days before the deadline~~
3049 ~~for submission of the executed agreement, renotify the local~~
3050 ~~government and the district school board of the upcoming~~
3051 ~~deadline and the potential for sanctions.~~

3052 (2) At a minimum, the interlocal agreement must address
3053 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
3054 ~~for exempt local governments as provided in s. 163.3177(12), and~~
3055 ~~must address~~ the following issues:

3056 (a) A process by which each local government and the
3057 district school board agree and base their plans on consistent
3058 projections of the amount, type, and distribution of population
3059 growth and student enrollment. The geographic distribution of
3060 jurisdiction-wide growth forecasts is a major objective of the
3061 process.

3062 (b) A process to coordinate and share information relating
3063 to existing and planned public school facilities, including
3064 school renovations and closures, and local government plans for
3065 development and redevelopment.

3066 (c) Participation by affected local governments with the
3067 district school board in the process of evaluating potential
3068 school closures, significant renovations to existing schools,
3069 and new school site selection before land acquisition. Local
3070 governments shall advise the district school board as to the
3071 consistency of the proposed closure, renovation, or new site
3072 with the local comprehensive plan, including appropriate
3073 circumstances and criteria under which a district school board
3074 may request an amendment to the comprehensive plan for school

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3075 siting.

3076 (d) A process for determining the need for and timing of
3077 onsite and offsite improvements to support new, proposed
3078 expansion, or redevelopment of existing schools. The process
3079 must address identification of the party or parties responsible
3080 for the improvements.

3081 (e) A process for the school board to inform the local
3082 government regarding the effect of comprehensive plan amendments
3083 on school capacity. The capacity reporting must be consistent
3084 with laws and rules relating to measurement of school facility
3085 capacity and must also identify how the district school board
3086 will meet the public school demand based on the facilities work
3087 program adopted pursuant to s. 1013.35.

3088 (f) Participation of the local governments in the
3089 preparation of the annual update to the district school board's
3090 5-year district facilities work program and educational plant
3091 survey prepared pursuant to s. 1013.35.

3092 (g) A process for determining where and how joint use of
3093 either school board or local government facilities can be shared
3094 for mutual benefit and efficiency.

3095 (h) A procedure for the resolution of disputes between the
3096 district school board and local governments, which may include
3097 the dispute resolution processes contained in chapters 164 and
3098 186.

3099 (i) An oversight process, including an opportunity for
3100 public participation, for the implementation of the interlocal
3101 agreement.

3102 ~~(3) (a) The Office of Educational Facilities shall submit~~
3103 ~~any comments or concerns regarding the executed interlocal~~

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3104 ~~agreement to the state land planning agency within 30 days after~~
3105 ~~receipt of the executed interlocal agreement. The state land~~
3106 ~~planning agency shall review the executed interlocal agreement~~
3107 ~~to determine whether it is consistent with the requirements of~~
3108 ~~subsection (2), the adopted local government comprehensive plan,~~
3109 ~~and other requirements of law. Within 60 days after receipt of~~
3110 ~~an executed interlocal agreement, the state land planning agency~~
3111 ~~shall publish a notice of intent in the Florida Administrative~~
3112 ~~Weekly and shall post a copy of the notice on the agency's~~
3113 ~~Internet site. The notice of intent must state whether the~~
3114 ~~interlocal agreement is consistent or inconsistent with the~~
3115 ~~requirements of subsection (2) and this subsection, as~~
3116 ~~appropriate.~~

3117 ~~(b) The state land planning agency's notice is subject to~~
3118 ~~challenge under chapter 120; however, an affected person, as~~
3119 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
3120 ~~administrative proceeding, and this proceeding is the sole means~~
3121 ~~available to challenge the consistency of an interlocal~~
3122 ~~agreement required by this section with the criteria contained~~
3123 ~~in subsection (2) and this subsection. In order to have~~
3124 ~~standing, each person must have submitted oral or written~~
3125 ~~comments, recommendations, or objections to the local government~~
3126 ~~or the school board before the adoption of the interlocal~~
3127 ~~agreement by the school board and local government. The district~~
3128 ~~school board and local governments are parties to any such~~
3129 ~~proceeding. In this proceeding, when the state land planning~~
3130 ~~agency finds the interlocal agreement to be consistent with the~~
3131 ~~criteria in subsection (2) and this subsection, the interlocal~~
3132 ~~agreement shall be determined to be consistent with subsection~~

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3133 ~~(2) and this subsection if the local government's and school~~
3134 ~~board's determination of consistency is fairly debatable. When~~
3135 ~~the state planning agency finds the interlocal agreement to be~~
3136 ~~inconsistent with the requirements of subsection (2) and this~~
3137 ~~subsection, the local government's and school board's~~
3138 ~~determination of consistency shall be sustained unless it is~~
3139 ~~shown by a preponderance of the evidence that the interlocal~~
3140 ~~agreement is inconsistent.~~

3141 ~~(c) If the state land planning agency enters a final order~~
3142 ~~that finds that the interlocal agreement is inconsistent with~~
3143 ~~the requirements of subsection (2) or this subsection, it shall~~
3144 ~~forward it to the Administration Commission, which may impose~~
3145 ~~sanctions against the local government pursuant to s.~~
3146 ~~163.3184(11) and may impose sanctions against the district~~
3147 ~~school board by directing the Department of Education to~~
3148 ~~withhold from the district school board an equivalent amount of~~
3149 ~~funds for school construction available pursuant to ss. 1013.65,~~
3150 ~~1013.68, 1013.70, and 1013.72.~~

3151 ~~(4) If an executed interlocal agreement is not timely~~
3152 ~~submitted to the state land planning agency for review, the~~
3153 ~~state land planning agency shall, within 15 working days after~~
3154 ~~the deadline for submittal, issue to the local government and~~
3155 ~~the district school board a Notice to Show Cause why sanctions~~
3156 ~~should not be imposed for failure to submit an executed~~
3157 ~~interlocal agreement by the deadline established by the agency.~~
3158 ~~The agency shall forward the notice and the responses to the~~
3159 ~~Administration Commission, which may enter a final order citing~~
3160 ~~the failure to comply and imposing sanctions against the local~~
3161 ~~government and district school board by directing the~~

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3162 ~~appropriate agencies to withhold at least 5 percent of state~~
3163 ~~funds pursuant to s. 163.3184(11) and by directing the~~
3164 ~~Department of Education to withhold from the district school~~
3165 ~~board at least 5 percent of funds for school construction~~
3166 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
3167 ~~1013.72.~~

3168 ~~(5) Any local government transmitting a public school~~
3169 ~~element to implement school concurrency pursuant to the~~
3170 ~~requirements of s. 163.3180 before the effective date of this~~
3171 ~~section is not required to amend the element or any interlocal~~
3172 ~~agreement to conform with the provisions of this section if the~~
3173 ~~element is adopted prior to or within 1 year after the effective~~
3174 ~~date of this section and remains in effect until the county~~
3175 ~~conducts its evaluation and appraisal report and identifies~~
3176 ~~changes necessary to more fully conform to the provisions of~~
3177 ~~this section.~~

3178 ~~(6) Except as provided in subsection (7), municipalities~~
3179 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
3180 ~~from the requirements of subsections (1), (2), and (3).~~

3181 ~~(7) At the time of the evaluation and appraisal report,~~
3182 ~~each exempt municipality shall assess the extent to which it~~
3183 ~~continues to meet the criteria for exemption under s.~~
3184 ~~163.3177(12). If the municipality continues to meet these~~
3185 ~~criteria, the municipality shall continue to be exempt from the~~
3186 ~~interlocal agreement requirement. Each municipality exempt under~~
3187 ~~s. 163.3177(12) must comply with the provisions of this section~~
3188 ~~within 1 year after the district school board proposes, in its~~
3189 ~~5-year district facilities work program, a new school within the~~
3190 ~~municipality's jurisdiction.~~

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3191 Section 10. Subsection (9) of section 163.3178, Florida
3192 Statutes, is amended to read:

3193 163.3178 Coastal management.—

3194 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
3195 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
3196 ~~process provided in this section.~~ A proposed comprehensive plan
3197 amendment shall be found in compliance with state coastal high-
3198 hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
3199 ~~Florida Administrative Code,~~ if:

3200 1. The adopted level of service for out-of-county hurricane
3201 evacuation is maintained for a category 5 storm event as
3202 measured on the Saffir-Simpson scale;

3203 2. A 12-hour evacuation time to shelter is maintained for a
3204 category 5 storm event as measured on the Saffir-Simpson scale
3205 and shelter space reasonably expected to accommodate the
3206 residents of the development contemplated by a proposed
3207 comprehensive plan amendment is available; or

3208 3. Appropriate mitigation is provided that will satisfy the
3209 provisions of subparagraph 1. or subparagraph 2. Appropriate
3210 mitigation shall include, without limitation, payment of money,
3211 contribution of land, and construction of hurricane shelters and
3212 transportation facilities. Required mitigation shall not exceed
3213 the amount required for a developer to accommodate impacts
3214 reasonably attributable to development. A local government and a
3215 developer shall enter into a binding agreement to memorialize
3216 the mitigation plan.

3217 (b) For those local governments that have not established a
3218 level of service for out-of-county hurricane evacuation by July
3219 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7.,~~

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3220 ~~Florida Administrative Code~~, by following the process in
3221 paragraph (a), the level of service shall be no greater than 16
3222 hours for a category 5 storm event as measured on the Saffir-
3223 Simpson scale.

3224 (c) This subsection shall become effective immediately and
3225 shall apply to all local governments. No later than July 1,
3226 2008, local governments shall amend their future land use map
3227 and coastal management element to include the new definition of
3228 coastal high-hazard area and to depict the coastal high-hazard
3229 area on the future land use map.

3230 Section 11. Section 163.3180, Florida Statutes, is amended
3231 to read:

3232 163.3180 Concurrency.—

3233 (1) ~~(a)~~ Sanitary sewer, solid waste, drainage, and potable
3234 water, ~~parks and recreation, schools, and transportation~~
3235 ~~facilities, including mass transit, where applicable,~~ are the
3236 only public facilities and services subject to the concurrency
3237 requirement on a statewide basis. Additional public facilities
3238 and services may not be made subject to concurrency on a
3239 statewide basis without ~~appropriate study and~~ approval by the
3240 Legislature; however, any local government may extend the
3241 concurrency requirement so that it applies to additional public
3242 facilities within its jurisdiction. If concurrency is applied to
3243 other public facilities, the local government comprehensive plan
3244 must provide the principles, guidelines, standards, and
3245 strategies, including adopted levels of service, to guide its
3246 application. In order for a local government to rescind any
3247 optional concurrency provisions, a comprehensive plan amendment
3248 is required. An amendment rescinding optional concurrency issues

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3249 is not subject to state review. The local government
3250 comprehensive plan must demonstrate, for required or optional
3251 concurrency requirements, that the levels of service adopted can
3252 be reasonably met. Infrastructure needed to ensure that adopted
3253 level-of-service standards are achieved and maintained for the
3254 5-year period of the capital improvement schedule must be
3255 identified pursuant to the requirements of s. 163.3177(3).

3256 ~~(b) Local governments shall use professionally accepted~~
3257 ~~techniques for measuring level of service for automobiles,~~
3258 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
3259 ~~be used to evaluate increased accessibility by multiple modes~~
3260 ~~and reductions in vehicle miles of travel in an area or zone.~~
3261 ~~The Department of Transportation shall develop methodologies to~~
3262 ~~assist local governments in implementing this multimodal level-~~
3263 ~~of-service analysis. The Department of Community Affairs and the~~
3264 ~~Department of Transportation shall provide technical assistance~~
3265 ~~to local governments in applying these methodologies.~~

3266 (2)(a) Consistent with public health and safety, sanitary
3267 sewer, solid waste, drainage, adequate water supplies, and
3268 potable water facilities shall be in place and available to
3269 serve new development no later than the issuance by the local
3270 government of a certificate of occupancy or its functional
3271 equivalent. Prior to approval of a building permit or its
3272 functional equivalent, the local government shall consult with
3273 the applicable water supplier to determine whether adequate
3274 water supplies to serve the new development will be available no
3275 later than the anticipated date of issuance by the local
3276 government of a certificate of occupancy or its functional
3277 equivalent. A local government may meet the concurrency

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3278 requirement for sanitary sewer through the use of onsite sewage
3279 treatment and disposal systems approved by the Department of
3280 Health to serve new development.

3281 ~~(b) Consistent with the public welfare, and except as~~
3282 ~~otherwise provided in this section, parks and recreation~~
3283 ~~facilities to serve new development shall be in place or under~~
3284 ~~actual construction no later than 1 year after issuance by the~~
3285 ~~local government of a certificate of occupancy or its functional~~
3286 ~~equivalent. However, the acreage for such facilities shall be~~
3287 ~~dedicated or be acquired by the local government prior to~~
3288 ~~issuance by the local government of a certificate of occupancy~~
3289 ~~or its functional equivalent, or funds in the amount of the~~
3290 ~~developer's fair share shall be committed no later than the~~
3291 ~~local government's approval to commence construction.~~

3292 ~~(c) Consistent with the public welfare, and except as~~
3293 ~~otherwise provided in this section, transportation facilities~~
3294 ~~needed to serve new development shall be in place or under~~
3295 ~~actual construction within 3 years after the local government~~
3296 ~~approves a building permit or its functional equivalent that~~
3297 ~~results in traffic generation.~~

3298 (3) Governmental entities that are not responsible for
3299 providing, financing, operating, or regulating public facilities
3300 needed to serve development may not establish binding level-of-
3301 service standards on governmental entities that do bear those
3302 responsibilities. ~~This subsection does not limit the authority~~
3303 ~~of any agency to recommend or make objections, recommendations,~~
3304 ~~comments, or determinations during reviews conducted under s.~~
3305 ~~163.3184.~~

3306 (4) ~~(a)~~ The concurrency requirement as implemented in local

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3307 comprehensive plans applies to state and other public facilities
3308 and development to the same extent that it applies to all other
3309 facilities and development, as provided by law.

3310 ~~(b) The concurrency requirement as implemented in local~~
3311 ~~comprehensive plans does not apply to public transit facilities.~~
3312 ~~For the purposes of this paragraph, public transit facilities~~
3313 ~~include transit stations and terminals; transit station parking;~~
3314 ~~park and ride lots; intermodal public transit connection or~~
3315 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
3316 ~~airport passenger terminals and concourses, air cargo~~
3317 ~~facilities, and hangars for the assembly, manufacture,~~
3318 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
3319 ~~the terms "terminals" and "transit facilities" do not include~~
3320 ~~seaports or commercial or residential development constructed in~~
3321 ~~conjunction with a public transit facility.~~

3322 ~~(c) The concurrency requirement, except as it relates to~~
3323 ~~transportation facilities and public schools, as implemented in~~
3324 ~~local government comprehensive plans, may be waived by a local~~
3325 ~~government for urban infill and redevelopment areas designated~~
3326 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
3327 ~~public health or safety as defined by the local government in~~
3328 ~~its local government comprehensive plan. The waiver shall be~~
3329 ~~adopted as a plan amendment pursuant to the process set forth in~~
3330 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~
3331 ~~exception pursuant to subsection (5) for transportation~~
3332 ~~facilities located within these urban infill and redevelopment~~
3333 ~~areas.~~

3334 (5)(a) If concurrency is applied to transportation
3335 facilities, the local government comprehensive plan must provide

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3336 the principles, guidelines, standards, and strategies, including
3337 adopted levels of service to guide its application.

3338 (b) Local governments shall use professionally accepted
3339 studies to determine appropriate levels of service, which shall
3340 be based on a schedule of facilities that will be necessary to
3341 meet level-of-service demands reflected in the capital
3342 improvement element.

3343 (c) Local governments shall use professionally accepted
3344 techniques for measuring levels of service when evaluating
3345 potential impacts of a proposed development.

3346 (d) The premise of concurrency is that the public
3347 facilities will be provided in order to achieve and maintain the
3348 adopted level-of-service standard. A comprehensive plan that
3349 imposes transportation concurrency shall contain appropriate
3350 amendments to the capital improvements element of the
3351 comprehensive plan, consistent with the requirements of s.
3352 163.3177(3). The capital improvements element shall identify
3353 facilities necessary to meet adopted levels of service during a
3354 5-year period.

3355 (e) If a local government applies transportation
3356 concurrency in its jurisdiction, it is encouraged to develop
3357 policy guidelines and techniques to address potential negative
3358 impacts on future development:

3359 1. In urban infill and redevelopment and urban service
3360 areas.

3361 2. With special part-time demands on the transportation
3362 system.

3363 3. With de minimis impacts.

3364 4. On community desired types of development, such as

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3365 redevelopment or job-creation projects.

3366 (f) Local governments are encouraged to develop tools and
3367 techniques to complement the application of transportation
3368 concurrency such as:

3369 1. Adoption of long-term strategies to facilitate
3370 development patterns that support multimodal solutions,
3371 including urban design and appropriate land use mixes, including
3372 intensity and density.

3373 2. Adoption of an areawide level of service not dependent
3374 on any single road segment function.

3375 3. Exempting or discounting impacts of locally desired
3376 development, such as development in urban areas, redevelopment,
3377 job creation, and mixed use on the transportation system.

3378 4. Assigning secondary priority to vehicle mobility and
3379 primary priority to ensuring a safe, comfortable, and attractive
3380 pedestrian environment, with convenient interconnection to
3381 transit.

3382 5. Establishing multimodal level-of-service standards that
3383 rely primarily on nonvehicular modes of transportation where
3384 existing or planned community design will provide adequate level
3385 of mobility.

3386 6. Reducing impact fees or local access fees to promote
3387 development within urban areas, multimodal transportation
3388 districts, and a balance of mixed use development in certain
3389 areas or districts, or for affordable or workforce housing.

3390 (g) Local governments are encouraged to coordinate with
3391 adjacent local governments for the purpose of using common
3392 methodologies for measuring impacts on transportation
3393 facilities.

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3394 (h) Local governments that implement transportation
3395 concurrency must:

3396 1. Consult with the Department of Transportation when
3397 proposed plan amendments affect facilities on the strategic
3398 intermodal system.

3399 2. Exempt public transit facilities from concurrency. For
3400 the purposes of this subparagraph, public transit facilities
3401 include transit stations and terminals; transit station parking;
3402 park-and-ride lots; intermodal public transit connection or
3403 transfer facilities; fixed bus, guideway, and rail stations; and
3404 airport passenger terminals and concourses, air cargo
3405 facilities, and hangars for the assembly, manufacture,
3406 maintenance, or storage of aircraft. As used in this
3407 subparagraph, the terms "terminals" and "transit facilities" do
3408 not include seaports or commercial or residential development
3409 constructed in conjunction with a public transit facility.

3410 3. Allow an applicant for a development of regional impact
3411 development order, a rezoning, or other land use development
3412 permit to satisfy the transportation concurrency requirements of
3413 the local comprehensive plan, the local government's concurrency
3414 management system, and s. 380.06, when applicable, if:

3415 a. The applicant enters into a binding agreement to pay for
3416 or construct its proportionate share of required improvements.

3417 b. The proportionate-share contribution or construction is
3418 sufficient to accomplish one or more mobility improvements that
3419 will benefit a regionally significant transportation facility.

3420 c. The local government has provided a means by which the
3421 landowner will be assessed a proportionate share of the cost of
3422 providing the transportation facilities necessary to serve the

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3423 proposed development.

3424

3425 When an applicant contributes or constructs its proportionate
3426 share, pursuant to this subparagraph, a local government may not
3427 require payment or construction of transportation facilities
3428 whose costs would be greater than a development's proportionate
3429 share of the improvements necessary to mitigate the
3430 development's impacts. The proportionate-share contribution
3431 shall be calculated based upon the number of trips from the
3432 proposed development expected to reach roadways during the peak
3433 hour from the stage or phase being approved, divided by the
3434 change in the peak hour maximum service volume of roadways
3435 resulting from construction of an improvement necessary to
3436 maintain or achieve the adopted level of service, multiplied by
3437 the construction cost, at the time of development payment, of
3438 the improvement necessary to maintain or achieve the adopted
3439 level of service. When the provisions of this subparagraph have
3440 been satisfied for a particular stage or phase of development,
3441 all transportation impacts from that stage or phase shall be
3442 deemed fully mitigated in any cumulative transportation analysis
3443 for a subsequent stage or phase of development. In projecting
3444 the number of trips to be generated by the development under
3445 review, any trips assigned to a toll-financed facility shall be
3446 eliminated from the analysis. The applicant is not responsible
3447 for the cost of reducing or eliminating deficits that exist
3448 prior to the filing of the application and shall receive a
3449 credit on a dollar-for-dollar basis for transportation impact
3450 fees payable in the future for the project. This subparagraph
3451 does not require a local government to approve a development

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3452 that is not otherwise qualified for approval pursuant to the
3453 applicable local comprehensive plan and land development
3454 regulations.

3455 ~~(a) The Legislature finds that under limited circumstances,~~
3456 ~~countervailing planning and public policy goals may come into~~
3457 ~~conflict with the requirement that adequate public~~
3458 ~~transportation facilities and services be available concurrent~~
3459 ~~with the impacts of such development. The Legislature further~~
3460 ~~finds that the unintended result of the concurrency requirement~~
3461 ~~for transportation facilities is often the discouragement of~~
3462 ~~urban infill development and redevelopment. Such unintended~~
3463 ~~results directly conflict with the goals and policies of the~~
3464 ~~state comprehensive plan and the intent of this part. The~~
3465 ~~Legislature also finds that in urban centers transportation~~
3466 ~~cannot be effectively managed and mobility cannot be improved~~
3467 ~~solely through the expansion of roadway capacity, that the~~
3468 ~~expansion of roadway capacity is not always physically or~~
3469 ~~financially possible, and that a range of transportation~~
3470 ~~alternatives is essential to satisfy mobility needs, reduce~~
3471 ~~congestion, and achieve healthy, vibrant centers.~~

3472 ~~(b)1. The following are transportation concurrency~~
3473 ~~exception areas:~~

3474 ~~a. A municipality that qualifies as a dense urban land area~~
3475 ~~under s. 163.3164;~~

3476 ~~b. An urban service area under s. 163.3164 that has been~~
3477 ~~adopted into the local comprehensive plan and is located within~~
3478 ~~a county that qualifies as a dense urban land area under s.~~
3479 ~~163.3164; and~~

3480 ~~c. A county, including the municipalities located therein,~~

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3481 ~~which has a population of at least 900,000 and qualifies as a~~
3482 ~~dense urban land area under s. 163.3164, but does not have an~~
3483 ~~urban service area designated in the local comprehensive plan.~~

3484 ~~2. A municipality that does not qualify as a dense urban~~
3485 ~~land area pursuant to s. 163.3164 may designate in its local~~
3486 ~~comprehensive plan the following areas as transportation~~
3487 ~~concurrency exception areas:~~

3488 ~~a. Urban infill as defined in s. 163.3164;~~
3489 ~~b. Community redevelopment areas as defined in s. 163.340;~~
3490 ~~c. Downtown revitalization areas as defined in s. 163.3164;~~
3491 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
3492 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
3493 ~~within a designated urban service boundary under s.~~
3494 ~~163.3177(14).~~

3495 ~~3. A county that does not qualify as a dense urban land~~
3496 ~~area pursuant to s. 163.3164 may designate in its local~~
3497 ~~comprehensive plan the following areas as transportation~~
3498 ~~concurrency exception areas:~~

3499 ~~a. Urban infill as defined in s. 163.3164;~~
3500 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
3501 ~~c. Urban service areas as defined in s. 163.3164.~~

3502 ~~4. A local government that has a transportation concurrency~~
3503 ~~exception area designated pursuant to subparagraph 1.,~~
3504 ~~subparagraph 2., or subparagraph 3. shall, within 2 years after~~
3505 ~~the designated area becomes exempt, adopt into its local~~
3506 ~~comprehensive plan land use and transportation strategies to~~
3507 ~~support and fund mobility within the exception area, including~~
3508 ~~alternative modes of transportation. Local governments are~~
3509 ~~encouraged to adopt complementary land use and transportation~~

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3510 ~~strategies that reflect the region's shared vision for its~~
3511 ~~future. If the state land planning agency finds insufficient~~
3512 ~~cause for the failure to adopt into its comprehensive plan land~~
3513 ~~use and transportation strategies to support and fund mobility~~
3514 ~~within the designated exception area after 2 years, it shall~~
3515 ~~submit the finding to the Administration Commission, which may~~
3516 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~
3517 ~~(b) against the local government.~~

3518 ~~5. Transportation concurrency exception areas designated~~
3519 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
3520 ~~do not apply to designated transportation concurrency districts~~
3521 ~~located within a county that has a population of at least 1.5~~
3522 ~~million, has implemented and uses a transportation-related~~
3523 ~~concurrency assessment to support alternative modes of~~
3524 ~~transportation, including, but not limited to, mass transit, and~~
3525 ~~does not levy transportation impact fees within the concurrency~~
3526 ~~district.~~

3527 ~~6. Transportation concurrency exception areas designated~~
3528 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
3529 ~~not apply in any county that has exempted more than 40 percent~~
3530 ~~of the area inside the urban service area from transportation~~
3531 ~~concurrency for the purpose of urban infill.~~

3532 ~~7. A local government that does not have a transportation~~
3533 ~~concurrency exception area designated pursuant to subparagraph~~
3534 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
3535 ~~from the concurrency requirement for transportation facilities~~
3536 ~~if the proposed development is otherwise consistent with the~~
3537 ~~adopted local government comprehensive plan and is a project~~
3538 ~~that promotes public transportation or is located within an area~~

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3539 ~~designated in the comprehensive plan for:~~
3540 ~~a. Urban infill development;~~
3541 ~~b. Urban redevelopment;~~
3542 ~~c. Downtown revitalization;~~
3543 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
3544 ~~e. An urban service area specifically designated as a~~
3545 ~~transportation concurrency exception area which includes lands~~
3546 ~~appropriate for compact, contiguous urban development, which~~
3547 ~~does not exceed the amount of land needed to accommodate the~~
3548 ~~projected population growth at densities consistent with the~~
3549 ~~adopted comprehensive plan within the 10-year planning period,~~
3550 ~~and which is served or is planned to be served with public~~
3551 ~~facilities and services as provided by the capital improvements~~
3552 ~~element.~~

3553 ~~(c) The Legislature also finds that developments located~~
3554 ~~within urban infill, urban redevelopment, urban service, or~~
3555 ~~downtown revitalization areas or areas designated as urban~~
3556 ~~infill and redevelopment areas under s. 163.2517, which pose~~
3557 ~~only special part-time demands on the transportation system, are~~
3558 ~~exempt from the concurrency requirement for transportation~~
3559 ~~facilities. A special part-time demand is one that does not have~~
3560 ~~more than 200 scheduled events during any calendar year and does~~
3561 ~~not affect the 100 highest traffic volume hours.~~

3562 ~~(d) Except for transportation concurrency exception areas~~
3563 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
3564 ~~or subparagraph (b)3., the following requirements apply:~~

3565 ~~1. The local government shall both adopt into the~~
3566 ~~comprehensive plan and implement long-term strategies to support~~
3567 ~~and fund mobility within the designated exception area,~~

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3568 ~~including alternative modes of transportation. The plan~~
3569 ~~amendment must also demonstrate how strategies will support the~~
3570 ~~purpose of the exception and how mobility within the designated~~
3571 ~~exception area will be provided.~~

3572 ~~2. The strategies must address urban design; appropriate~~
3573 ~~land use mixes, including intensity and density; and network~~
3574 ~~connectivity plans needed to promote urban infill,~~
3575 ~~redevelopment, or downtown revitalization. The comprehensive~~
3576 ~~plan amendment designating the concurrency exception area must~~
3577 ~~be accompanied by data and analysis supporting the local~~
3578 ~~government's determination of the boundaries of the~~
3579 ~~transportation concurrency exception area.~~

3580 ~~(e) Before designating a concurrency exception area~~
3581 ~~pursuant to subparagraph (b)7., the state land planning agency~~
3582 ~~and the Department of Transportation shall be consulted by the~~
3583 ~~local government to assess the impact that the proposed~~
3584 ~~exception area is expected to have on the adopted level-of-~~
3585 ~~service standards established for regional transportation~~
3586 ~~facilities identified pursuant to s. 186.507, including the~~
3587 ~~Strategic Intermodal System and roadway facilities funded in~~
3588 ~~accordance with s. 339.2819. Further, the local government shall~~
3589 ~~provide a plan for the mitigation of impacts to the Strategic~~
3590 ~~Intermodal System, including, if appropriate, access management,~~
3591 ~~parallel reliever roads, transportation demand management, and~~
3592 ~~other measures.~~

3593 ~~(f) The designation of a transportation concurrency~~
3594 ~~exception area does not limit a local government's home rule~~
3595 ~~power to adopt ordinances or impose fees. This subsection does~~
3596 ~~not affect any contract or agreement entered into or development~~

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3597 ~~order rendered before the creation of the transportation~~
3598 ~~concurrency exception area except as provided in s.~~
3599 ~~380.06(29)(c).~~

3600 ~~(g) The Office of Program Policy Analysis and Government~~
3601 ~~Accountability shall submit to the President of the Senate and~~
3602 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3603 ~~a report on transportation concurrency exception areas created~~
3604 ~~pursuant to this subsection. At a minimum, the report shall~~
3605 ~~address the methods that local governments have used to~~
3606 ~~implement and fund transportation strategies to achieve the~~
3607 ~~purposes of designated transportation concurrency exception~~
3608 ~~areas, and the effects of the strategies on mobility,~~
3609 ~~congestion, urban design, the density and intensity of land use~~
3610 ~~mixes, and network connectivity plans used to promote urban~~
3611 ~~infill, redevelopment, or downtown revitalization.~~

3612 ~~(6) The Legislature finds that a de minimis impact is~~
3613 ~~consistent with this part. A de minimis impact is an impact that~~
3614 ~~would not affect more than 1 percent of the maximum volume at~~
3615 ~~the adopted level of service of the affected transportation~~
3616 ~~facility as determined by the local government. No impact will~~
3617 ~~be de minimis if the sum of existing roadway volumes and the~~
3618 ~~projected volumes from approved projects on a transportation~~
3619 ~~facility would exceed 110 percent of the maximum volume at the~~
3620 ~~adopted level of service of the affected transportation~~
3621 ~~facility; provided however, that an impact of a single family~~
3622 ~~home on an existing lot will constitute a de minimis impact on~~
3623 ~~all roadways regardless of the level of the deficiency of the~~
3624 ~~roadway. Further, no impact will be de minimis if it would~~
3625 ~~exceed the adopted level-of-service standard of any affected~~

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3626 ~~designated hurricane evacuation routes. Each local government~~
3627 ~~shall maintain sufficient records to ensure that the 110 percent~~
3628 ~~criterion is not exceeded. Each local government shall submit~~
3629 ~~annually, with its updated capital improvements element, a~~
3630 ~~summary of the de minimis records. If the state land planning~~
3631 ~~agency determines that the 110 percent criterion has been~~
3632 ~~exceeded, the state land planning agency shall notify the local~~
3633 ~~government of the exceedance and that no further de minimis~~
3634 ~~exceptions for the applicable roadway may be granted until such~~
3635 ~~time as the volume is reduced below the 110 percent. The local~~
3636 ~~government shall provide proof of this reduction to the state~~
3637 ~~land planning agency before issuing further de minimis~~
3638 ~~exceptions.~~

3639 ~~(7) In order to promote infill development and~~
3640 ~~redevelopment, one or more transportation concurrency management~~
3641 ~~areas may be designated in a local government comprehensive~~
3642 ~~plan. A transportation concurrency management area must be a~~
3643 ~~compact geographic area with an existing network of roads where~~
3644 ~~multiple, viable alternative travel paths or modes are available~~
3645 ~~for common trips. A local government may establish an areawide~~
3646 ~~level of service standard for such a transportation concurrency~~
3647 ~~management area based upon an analysis that provides for a~~
3648 ~~justification for the areawide level of service, how urban~~
3649 ~~infill development or redevelopment will be promoted, and how~~
3650 ~~mobility will be accomplished within the transportation~~
3651 ~~concurrency management area. Prior to the designation of a~~
3652 ~~concurrency management area, the Department of Transportation~~
3653 ~~shall be consulted by the local government to assess the impact~~
3654 ~~that the proposed concurrency management area is expected to~~

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3655 ~~have on the adopted level of service standards established for~~
3656 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
3657 ~~and roadway facilities funded in accordance with s. 339.2819.~~
3658 ~~Further, the local government shall, in cooperation with the~~
3659 ~~Department of Transportation, develop a plan to mitigate any~~
3660 ~~impacts to the Strategic Intermodal System, including, if~~
3661 ~~appropriate, the development of a long-term concurrency~~
3662 ~~management system pursuant to subsection (9) and s.~~
3663 ~~163.3177(3)(d). Transportation concurrency management areas~~
3664 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
3665 ~~provisions of this section by July 1, 2006, or at the time of~~
3666 ~~the comprehensive plan update pursuant to the evaluation and~~
3667 ~~appraisal report, whichever occurs last. The state land planning~~
3668 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
3669 ~~be consistent with this subsection.~~

3670 ~~(8) When assessing the transportation impacts of proposed~~
3671 ~~urban redevelopment within an established existing urban service~~
3672 ~~area, 110 percent of the actual transportation impact caused by~~
3673 ~~the previously existing development must be reserved for the~~
3674 ~~redevelopment, even if the previously existing development has a~~
3675 ~~lesser or nonexistent impact pursuant to the calculations of the~~
3676 ~~local government. Redevelopment requiring less than 110 percent~~
3677 ~~of the previously existing capacity shall not be prohibited due~~
3678 ~~to the reduction of transportation levels of service below the~~
3679 ~~adopted standards. This does not preclude the appropriate~~
3680 ~~assessment of fees or accounting for the impacts within the~~
3681 ~~concurrency management system and capital improvements program~~
3682 ~~of the affected local government. This paragraph does not affect~~
3683 ~~local government requirements for appropriate development~~

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3684 ~~permits.~~

3685 ~~(9) (a) Each local government may adopt as a part of its~~
3686 ~~plan, long-term transportation and school concurrency management~~
3687 ~~systems with a planning period of up to 10 years for specially~~
3688 ~~designated districts or areas where significant backlogs exist.~~
3689 ~~The plan may include interim level-of-service standards on~~
3690 ~~certain facilities and shall rely on the local government's~~
3691 ~~schedule of capital improvements for up to 10 years as a basis~~
3692 ~~for issuing development orders that authorize commencement of~~
3693 ~~construction in these designated districts or areas. The~~
3694 ~~concurrency management system must be designed to correct~~
3695 ~~existing deficiencies and set priorities for addressing~~
3696 ~~backlogged facilities. The concurrency management system must be~~
3697 ~~financially feasible and consistent with other portions of the~~
3698 ~~adopted local plan, including the future land use map.~~

3699 ~~(b) If a local government has a transportation or school~~
3700 ~~facility backlog for existing development which cannot be~~
3701 ~~adequately addressed in a 10-year plan, the state land planning~~
3702 ~~agency may allow it to develop a plan and long-term schedule of~~
3703 ~~capital improvements covering up to 15 years for good and~~
3704 ~~sufficient cause, based on a general comparison between that~~
3705 ~~local government and all other similarly situated local~~
3706 ~~jurisdictions, using the following factors:~~

3707 ~~1. The extent of the backlog.~~

3708 ~~2. For roads, whether the backlog is on local or state~~
3709 ~~roads.~~

3710 ~~3. The cost of eliminating the backlog.~~

3711 ~~4. The local government's tax and other revenue-raising~~
3712 ~~efforts.~~

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3713 ~~(c) The local government may issue approvals to commence~~
3714 ~~construction notwithstanding this section, consistent with and~~
3715 ~~in areas that are subject to a long-term concurrency management~~
3716 ~~system.~~

3717 ~~(d) If the local government adopts a long-term concurrency~~
3718 ~~management system, it must evaluate the system periodically. At~~
3719 ~~a minimum, the local government must assess its progress toward~~
3720 ~~improving levels of service within the long-term concurrency~~
3721 ~~management district or area in the evaluation and appraisal~~
3722 ~~report and determine any changes that are necessary to~~
3723 ~~accelerate progress in meeting acceptable levels of service.~~

3724 ~~(10) Except in transportation concurrency exception areas,~~
3725 ~~with regard to roadway facilities on the Strategic Intermodal~~
3726 ~~System designated in accordance with s. 339.63, local~~
3727 ~~governments shall adopt the level-of-service standard~~
3728 ~~established by the Department of Transportation by rule.~~
3729 ~~However, if the Office of Tourism, Trade, and Economic~~
3730 ~~Development concurs in writing with the local government that~~
3731 ~~the proposed development is for a qualified job creation project~~
3732 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
3733 ~~after consulting with the Department of Transportation, may~~
3734 ~~provide for a waiver of transportation concurrency for the~~
3735 ~~project. For all other roads on the State Highway System, local~~
3736 ~~governments shall establish an adequate level-of-service~~
3737 ~~standard that need not be consistent with any level-of-service~~
3738 ~~standard established by the Department of Transportation. In~~
3739 ~~establishing adequate level-of-service standards for any~~
3740 ~~arterial roads, or collector roads as appropriate, which~~
3741 ~~traverse multiple jurisdictions, local governments shall~~

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3742 ~~consider compatibility with the roadway facility's adopted~~
3743 ~~level of service standards in adjacent jurisdictions. Each local~~
3744 ~~government within a county shall use a professionally accepted~~
3745 ~~methodology for measuring impacts on transportation facilities~~
3746 ~~for the purposes of implementing its concurrency management~~
3747 ~~system. Counties are encouraged to coordinate with adjacent~~
3748 ~~counties, and local governments within a county are encouraged~~
3749 ~~to coordinate, for the purpose of using common methodologies for~~
3750 ~~measuring impacts on transportation facilities for the purpose~~
3751 ~~of implementing their concurrency management systems.~~

3752 ~~(11) In order to limit the liability of local governments,~~
3753 ~~a local government may allow a landowner to proceed with~~
3754 ~~development of a specific parcel of land notwithstanding a~~
3755 ~~failure of the development to satisfy transportation~~
3756 ~~concurrency, when all the following factors are shown to exist:~~

3757 ~~(a) The local government with jurisdiction over the~~
3758 ~~property has adopted a local comprehensive plan that is in~~
3759 ~~compliance.~~

3760 ~~(b) The proposed development would be consistent with the~~
3761 ~~future land use designation for the specific property and with~~
3762 ~~pertinent portions of the adopted local plan, as determined by~~
3763 ~~the local government.~~

3764 ~~(c) The local plan includes a financially feasible capital~~
3765 ~~improvements element that provides for transportation facilities~~
3766 ~~adequate to serve the proposed development, and the local~~
3767 ~~government has not implemented that element.~~

3768 ~~(d) The local government has provided a means by which the~~
3769 ~~landowner will be assessed a fair share of the cost of providing~~
3770 ~~the transportation facilities necessary to serve the proposed~~

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3771 development.

3772 ~~(c) The landowner has made a binding commitment to the~~
3773 ~~local government to pay the fair share of the cost of providing~~
3774 ~~the transportation facilities to serve the proposed development.~~

3775 ~~(12) (a) A development of regional impact may satisfy the~~
3776 ~~transportation concurrency requirements of the local~~
3777 ~~comprehensive plan, the local government's concurrency~~
3778 ~~management system, and s. 380.06 by payment of a proportionate-~~
3779 ~~share contribution for local and regionally significant traffic~~
3780 ~~impacts, if:~~

3781 ~~1. The development of regional impact which, based on its~~
3782 ~~location or mix of land uses, is designed to encourage~~
3783 ~~pedestrian or other nonautomotive modes of transportation;~~

3784 ~~2. The proportionate share contribution for local and~~
3785 ~~regionally significant traffic impacts is sufficient to pay for~~
3786 ~~one or more required mobility improvements that will benefit a~~
3787 ~~regionally significant transportation facility;~~

3788 ~~3. The owner and developer of the development of regional~~
3789 ~~impact pays or assures payment of the proportionate share~~
3790 ~~contribution; and~~

3791 ~~4. If the regionally significant transportation facility to~~
3792 ~~be constructed or improved is under the maintenance authority of~~
3793 ~~a governmental entity, as defined by s. 334.03(12), other than~~
3794 ~~the local government with jurisdiction over the development of~~
3795 ~~regional impact, the developer is required to enter into a~~
3796 ~~binding and legally enforceable commitment to transfer funds to~~
3797 ~~the governmental entity having maintenance authority or to~~
3798 ~~otherwise assure construction or improvement of the facility.~~

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3800 ~~The proportionate share contribution may be applied to any~~
3801 ~~transportation facility to satisfy the provisions of this~~
3802 ~~subsection and the local comprehensive plan, but, for the~~
3803 ~~purposes of this subsection, the amount of the proportionate-~~
3804 ~~share contribution shall be calculated based upon the cumulative~~
3805 ~~number of trips from the proposed development expected to reach~~
3806 ~~roadways during the peak hour from the complete buildout of a~~
3807 ~~stage or phase being approved, divided by the change in the peak~~
3808 ~~hour maximum service volume of roadways resulting from~~
3809 ~~construction of an improvement necessary to maintain the adopted~~
3810 ~~level of service, multiplied by the construction cost, at the~~
3811 ~~time of developer payment, of the improvement necessary to~~
3812 ~~maintain the adopted level of service. For purposes of this~~
3813 ~~subsection, "construction cost" includes all associated costs of~~
3814 ~~the improvement. Proportionate share mitigation shall be limited~~
3815 ~~to ensure that a development of regional impact meeting the~~
3816 ~~requirements of this subsection mitigates its impact on the~~
3817 ~~transportation system but is not responsible for the additional~~
3818 ~~cost of reducing or eliminating backlogs. This subsection also~~
3819 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
3820 ~~and to detailed specific area plans implementing optional sector~~
3821 ~~plans pursuant to s. 163.3245.~~

3822 ~~(b) As used in this subsection, the term "backlog" means a~~
3823 ~~facility or facilities on which the adopted level of service~~
3824 ~~standard is exceeded by the existing trips, plus additional~~
3825 ~~projected background trips from any source other than the~~
3826 ~~development project under review that are forecast by~~
3827 ~~established traffic standards, including traffic modeling,~~
3828 ~~consistent with the University of Florida Bureau of Economic and~~

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3829 ~~Business Research medium population projections. Additional~~
3830 ~~projected background trips are to be coincident with the~~
3831 ~~particular stage or phase of development under review.~~

3832 ~~(13) School concurrency shall be established on a~~
3833 ~~districtwide basis and shall include all public schools in the~~
3834 ~~district and all portions of the district, whether located in a~~
3835 ~~municipality or an unincorporated area unless exempt from the~~
3836 ~~public school facilities element pursuant to s. 163.3177(12).~~

3837 (6) (a) If concurrency is applied to public education
3838 facilities, The application of school concurrency to development
3839 shall be based upon the adopted comprehensive plan, as amended.
3840 all local governments within a county, except as provided in
3841 paragraph (i) ~~(f)~~, shall include principles, guidelines,
3842 standards, and strategies, including adopted levels of service,
3843 in their comprehensive plans and adopt and transmit to the state
3844 land planning agency the necessary plan amendments, along with
3845 the interlocal agreements. If the county and one or more
3846 municipalities have adopted school concurrency into its
3847 comprehensive plan and interlocal agreement that represents at
3848 least 80 percent of the total countywide population, the failure
3849 of one or more municipalities to adopt the concurrency and enter
3850 into the interlocal agreement does not preclude implementation
3851 of school concurrency within the school district agreement, for
3852 a compliance review pursuant to s. 163.3184(7) and (8). The
3853 minimum requirements for school concurrency are the following:
3854 (a) ~~Public school facilities element.~~ A local government
3855 shall adopt and transmit to the state land planning agency a
3856 plan or plan amendment which includes a public school facilities
3857 element which is consistent with the requirements of s.

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3858 ~~163.3177(12) and which is determined to be in compliance as~~
3859 ~~defined in s. 163.3184(1)(b).~~ All local government provisions
3860 included in comprehensive plans regarding school concurrency
3861 ~~public school facilities plan elements~~ within a county must be
3862 consistent with each other as well as the requirements of this
3863 part.

3864 (b) ~~Level of service standards.~~ The Legislature recognizes
3865 that an essential requirement for a concurrency management
3866 system is the level of service at which a public facility is
3867 expected to operate.

3868 ~~1.~~ Local governments and school boards imposing school
3869 concurrency shall exercise authority in conjunction with each
3870 other to establish jointly adequate level-of-service standards,
3871 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
3872 necessary to implement the adopted local government
3873 comprehensive plan, based on data and analysis.

3874 (c) ~~2.~~ Public school level-of-service standards shall be
3875 included and adopted into the capital improvements element of
3876 the local comprehensive plan and shall apply districtwide to all
3877 schools of the same type. Types of schools may include
3878 elementary, middle, and high schools as well as special purpose
3879 facilities such as magnet schools.

3880 (d) ~~3.~~ Local governments and school boards may ~~shall have~~
3881 ~~the option to~~ utilize tiered level-of-service standards to allow
3882 time to achieve an adequate and desirable level of service as
3883 circumstances warrant.

3884 (e) ~~4.~~ ~~For the purpose of determining whether levels of~~
3885 ~~service have been achieved, for the first 3 years of school~~
3886 ~~concurrency implementation,~~ A school district that includes

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3887 relocatable facilities in its inventory of student stations
3888 shall include the capacity of such relocatable facilities as
3889 provided in s. 1013.35(2)(b)2.f., provided the relocatable
3890 facilities were purchased after 1998 and the relocatable
3891 facilities meet the standards for long-term use pursuant to s.
3892 1013.20.

3893 ~~(c) Service areas. The Legislature recognizes that an~~
3894 ~~essential requirement for a concurrency system is a designation~~
3895 ~~of the area within which the level of service will be measured~~
3896 ~~when an application for a residential development permit is~~
3897 ~~reviewed for school concurrency purposes. This delineation is~~
3898 ~~also important for purposes of determining whether the local~~
3899 ~~government has a financially feasible public school capital~~
3900 ~~facilities program that will provide schools which will achieve~~
3901 ~~and maintain the adopted level of service standards.~~

3902 (f)1. In order to balance competing interests, preserve the
3903 constitutional concept of uniformity, and avoid disruption of
3904 existing educational and growth management processes, local
3905 governments are encouraged, if they elect to adopt school
3906 concurrency, to ~~initially~~ apply school concurrency to
3907 development ~~only~~ on a districtwide basis so that a concurrency
3908 determination for a specific development will be based upon the
3909 availability of school capacity districtwide. ~~To ensure that~~
3910 ~~development is coordinated with schools having available~~
3911 ~~capacity, within 5 years after adoption of school concurrency,~~

3912 2. If a local government elects to ~~governments shall~~ apply
3913 school concurrency on a less than districtwide basis, by ~~such as~~
3914 using school attendance zones or concurrency service areas; ~~as~~
3915 ~~provided in subparagraph 2.~~

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3916 ~~a.2. For local governments applying school concurrency on a~~
3917 ~~less than districtwide basis, such as utilizing school~~
3918 ~~attendance zones or larger school concurrency service areas,~~
3919 Local governments and school boards shall have the burden to
3920 demonstrate that the utilization of school capacity is maximized
3921 to the greatest extent possible in the comprehensive plan and
3922 amendment, taking into account transportation costs and court-
3923 approved desegregation plans, as well as other factors. In
3924 addition, in order to achieve concurrency within the service
3925 area boundaries selected by local governments and school boards,
3926 the service area boundaries, together with the standards for
3927 establishing those boundaries, shall be identified and included
3928 as supporting data and analysis for the comprehensive plan.

3929 ~~b.3.~~ Where school capacity is available on a districtwide
3930 basis but school concurrency is applied on a less than
3931 districtwide basis in the form of concurrency service areas, if
3932 the adopted level-of-service standard cannot be met in a
3933 particular service area as applied to an application for a
3934 development permit and if the needed capacity for the particular
3935 service area is available in one or more contiguous service
3936 areas, as adopted by the local government, then the local
3937 government may not deny an application for site plan or final
3938 subdivision approval or the functional equivalent for a
3939 development or phase of a development on the basis of school
3940 concurrency, and if issued, development impacts shall be
3941 subtracted from the ~~shifted to~~ contiguous service area's ~~areas~~
3942 with schools having available capacity totals. Students from the
3943 development may not be required to go to the adjacent service
3944 area unless the school board rezones the area in which the

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3945 development occurs.

3946 ~~(g)(d) *Financial feasibility.* The Legislature recognizes~~
3947 ~~that financial feasibility is an important issue because The~~
3948 ~~premise of concurrency is that the public facilities will be~~
3949 ~~provided in order to achieve and maintain the adopted level-of-~~
3950 ~~service standard. This part and chapter 9J-5, Florida~~
3951 ~~Administrative Code, contain specific standards to determine the~~
3952 ~~financial feasibility of capital programs. These standards were~~
3953 ~~adopted to make concurrency more predictable and local~~
3954 ~~governments more accountable.~~

3955 1. A comprehensive plan that imposes amendment seeking to
3956 impose school concurrency shall contain appropriate amendments
3957 to the capital improvements element of the comprehensive plan,
3958 consistent with the requirements of s. 163.3177(3) and rule 9J-
3959 5.016, Florida Administrative Code. The capital improvements
3960 element shall set forth a financially feasible public school
3961 capital facilities plan program, established in conjunction with
3962 the school board, that demonstrates that the adopted level-of-
3963 service standards will be achieved and maintained.

3964 (h)1. In order to limit the liability of local governments,
3965 a local government may allow a landowner to proceed with
3966 development of a specific parcel of land notwithstanding a
3967 failure of the development to satisfy school concurrency, if all
3968 the following factors are shown to exist:

3969 a. The proposed development would be consistent with the
3970 future land use designation for the specific property and with
3971 pertinent portions of the adopted local plan, as determined by
3972 the local government.

3973 b. The local government's capital improvements element and

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3974 the school board's educational facilities plan provide for
3975 school facilities adequate to serve the proposed development,
3976 and the local government or school board has not implemented
3977 that element, or the project includes a plan that demonstrates
3978 that the capital facilities needed as a result of the project
3979 can be reasonably provided.

3980 c. The local government and school board have provided a
3981 means by which the landowner will be assessed a proportionate
3982 share of the cost of providing the school facilities necessary
3983 to serve the proposed development.

3984 ~~2. Such amendments shall demonstrate that the public school~~
3985 ~~capital facilities program meets all of the financial~~
3986 ~~feasibility standards of this part and chapter 9J-5, Florida~~
3987 ~~Administrative Code, that apply to capital programs which~~
3988 ~~provide the basis for mandatory concurrency on other public~~
3989 ~~facilities and services.~~

3990 ~~3. When the financial feasibility of a public school~~
3991 ~~capital facilities program is evaluated by the state land~~
3992 ~~planning agency for purposes of a compliance determination, the~~
3993 ~~evaluation shall be based upon the service areas selected by the~~
3994 ~~local governments and school board.~~

3995 ~~2.(e) If Availability standard. Consistent with the public~~
3996 ~~welfare,~~ a local government applies school concurrency, it may
3997 not deny an application for site plan, final subdivision
3998 approval, or the functional equivalent for a development or
3999 phase of a development authorizing residential development for
4000 failure to achieve and maintain the level-of-service standard
4001 for public school capacity in a local school concurrency
4002 management system where adequate school facilities will be in

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4003 place or under actual construction within 3 years after the
4004 issuance of final subdivision or site plan approval, or the
4005 functional equivalent. School concurrency is satisfied if the
4006 developer executes a legally binding commitment to provide
4007 mitigation proportionate to the demand for public school
4008 facilities to be created by actual development of the property,
4009 including, but not limited to, the options described in sub-
4010 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share
4011 mitigation of impacts on public school facilities must be
4012 established in the comprehensive plan ~~public school facilities~~
4013 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.
4014 a.1. Appropriate mitigation options include the
4015 contribution of land; the construction, expansion, or payment
4016 for land acquisition or construction of a public school
4017 facility; the construction of a charter school that complies
4018 with the requirements of s. 1002.33(18); or the creation of
4019 mitigation banking based on the construction of a public school
4020 facility in exchange for the right to sell capacity credits.
4021 Such options must include execution by the applicant and the
4022 local government of a development agreement that constitutes a
4023 legally binding commitment to pay proportionate-share mitigation
4024 for the additional residential units approved by the local
4025 government in a development order and actually developed on the
4026 property, taking into account residential density allowed on the
4027 property prior to the plan amendment that increased the overall
4028 residential density. The district school board must be a party
4029 to such an agreement. As a condition of its entry into such a
4030 development agreement, the local government may require the
4031 landowner to agree to continuing renewal of the agreement upon

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4032 its expiration.

4033 ~~b.2.~~ If the interlocal agreement ~~education facilities plan~~
4034 and the local government comprehensive plan ~~public educational~~
4035 ~~facilities element~~ authorize a contribution of land; the
4036 construction, expansion, or payment for land acquisition; the
4037 construction or expansion of a public school facility, or a
4038 portion thereof; or the construction of a charter school that
4039 complies with the requirements of s. 1002.33(18), as
4040 proportionate-share mitigation, the local government shall
4041 credit such a contribution, construction, expansion, or payment
4042 toward any other impact fee or exaction imposed by local
4043 ordinance for the same need, on a dollar-for-dollar basis at
4044 fair market value.

4045 ~~c.3.~~ Any proportionate-share mitigation must be directed by
4046 the school board toward a school capacity improvement identified
4047 in the a financially feasible 5-year school board's educational
4048 facilities district work plan that satisfies the demands created
4049 by the development in accordance with a binding developer's
4050 agreement.

4051 ~~4. If a development is precluded from commencing because~~
4052 ~~there is inadequate classroom capacity to mitigate the impacts~~
4053 ~~of the development, the development may nevertheless commence if~~
4054 ~~there are accelerated facilities in an approved capital~~
4055 ~~improvement element scheduled for construction in year four or~~
4056 ~~later of such plan which, when built, will mitigate the proposed~~
4057 ~~development, or if such accelerated facilities will be in the~~
4058 ~~next annual update of the capital facilities element, the~~
4059 ~~developer enters into a binding, financially guaranteed~~
4060 ~~agreement with the school district to construct an accelerated~~

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4061 ~~facility within the first 3 years of an approved capital~~
4062 ~~improvement plan, and the cost of the school facility is equal~~
4063 ~~to or greater than the development's proportionate share. When~~
4064 ~~the completed school facility is conveyed to the school~~
4065 ~~district, the developer shall receive impact fee credits usable~~
4066 ~~within the zone where the facility is constructed or any~~
4067 ~~attendance zone contiguous with or adjacent to the zone where~~
4068 ~~the facility is constructed.~~

4069 3.5. This paragraph does not limit the authority of a local
4070 government to deny a development permit or its functional
4071 equivalent pursuant to its home rule regulatory powers, except
4072 as provided in this part.

4073 ~~(i)(f) Intergovernmental coordination.~~

4074 ~~1. When establishing concurrency requirements for public~~
4075 ~~schools, a local government shall satisfy the requirements for~~
4076 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
4077 ~~and 2., except that A municipality is not required to be a~~
4078 ~~signatory to the interlocal agreement required by paragraph (j)~~
4079 ~~ss. 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for~~
4080 ~~imposition of school concurrency, and as a nonsignatory, shall~~
4081 ~~not participate in the adopted local school concurrency system,~~
4082 ~~if the municipality meets all of the following criteria for~~
4083 ~~having no significant impact on school attendance:~~

4084 ~~1.a.~~ The municipality has issued development orders for
4085 fewer than 50 residential dwelling units during the preceding 5
4086 years, or the municipality has generated fewer than 25
4087 additional public school students during the preceding 5 years.

4088 ~~2.b.~~ The municipality has not annexed new land during the
4089 preceding 5 years in land use categories which permit

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4090 residential uses that will affect school attendance rates.

4091 ~~3.e.~~ The municipality has no public schools located within
4092 its boundaries.

4093 ~~4.d.~~ At least 80 percent of the developable land within the
4094 boundaries of the municipality has been built upon.

4095 ~~2. A municipality which qualifies as having no significant~~
4096 ~~impact on school attendance pursuant to the criteria of~~
4097 ~~subparagraph 1. must review and determine at the time of its~~
4098 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
4099 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~
4100 ~~If the municipality determines that it no longer meets the~~
4101 ~~criteria, it must adopt appropriate school concurrency goals,~~
4102 ~~objectives, and policies in its plan amendments based on the~~
4103 ~~evaluation and appraisal report, and enter into the existing~~
4104 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
4105 ~~163.31777, in order to fully participate in the school~~
4106 ~~concurrency system. If such a municipality fails to do so, it~~
4107 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4108 ~~(j)(g) Interlocal agreement for school concurrency.~~ When
4109 establishing concurrency requirements for public schools, a
4110 local government must enter into an interlocal agreement that
4111 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
4112 163.31777 and the requirements of this subsection. The
4113 interlocal agreement shall acknowledge both the school board's
4114 constitutional and statutory obligations to provide a uniform
4115 system of free public schools on a countywide basis, and the
4116 land use authority of local governments, including their
4117 authority to approve or deny comprehensive plan amendments and
4118 development orders. ~~The interlocal agreement shall be submitted~~

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4119 ~~to the state land planning agency by the local government as a~~
4120 ~~part of the compliance review, along with the other necessary~~
4121 ~~amendments to the comprehensive plan required by this part. In~~
4122 ~~addition to the requirements of ss. 163.3177(6) (h) and~~
4123 ~~163.31777, The interlocal agreement shall meet the following~~
4124 ~~requirements:~~

4125 1. Establish the mechanisms for coordinating the
4126 development, adoption, and amendment of each local government's
4127 school-concurrency-related provisions of the comprehensive plan
4128 ~~public school facilities element~~ with each other and the plans
4129 of the school board to ensure a uniform districtwide school
4130 concurrency system.

4131 ~~2. Establish a process for the development of siting~~
4132 ~~criteria which encourages the location of public schools~~
4133 ~~proximate to urban residential areas to the extent possible and~~
4134 ~~seeks to collocate schools with other public facilities such as~~
4135 ~~parks, libraries, and community centers to the extent possible.~~

4136 ~~2.3.~~ Specify uniform, districtwide level-of-service
4137 standards for public schools of the same type and the process
4138 for modifying the adopted level-of-service standards.

4139 ~~4. Establish a process for the preparation, amendment, and~~
4140 ~~joint approval by each local government and the school board of~~
4141 ~~a public school capital facilities program which is financially~~
4142 ~~feasible, and a process and schedule for incorporation of the~~
4143 ~~public school capital facilities program into the local~~
4144 ~~government comprehensive plans on an annual basis.~~

4145 ~~3.5.~~ Define the geographic application of school
4146 concurrency. If school concurrency is to be applied on a less
4147 than districtwide basis in the form of concurrency service

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4148 areas, the agreement shall establish criteria and standards for
4149 the establishment and modification of school concurrency service
4150 areas. ~~The agreement shall also establish a process and schedule~~
4151 ~~for the mandatory incorporation of the school concurrency~~
4152 ~~service areas and the criteria and standards for establishment~~
4153 ~~of the service areas into the local government comprehensive~~
4154 ~~plans.~~ The agreement shall ensure maximum utilization of school
4155 capacity, taking into account transportation costs and court-
4156 approved desegregation plans, as well as other factors. ~~The~~
4157 ~~agreement shall also ensure the achievement and maintenance of~~
4158 ~~the adopted level of service standards for the geographic area~~
4159 ~~of application throughout the 5 years covered by the public~~
4160 ~~school capital facilities plan and thereafter by adding a new~~
4161 ~~fifth year during the annual update.~~

4162 4.6. Establish a uniform districtwide procedure for
4163 implementing school concurrency which provides for:

4164 a. The evaluation of development applications for
4165 compliance with school concurrency requirements, including
4166 information provided by the school board on affected schools,
4167 impact on levels of service, and programmed improvements for
4168 affected schools and any options to provide sufficient capacity;

4169 b. An opportunity for the school board to review and
4170 comment on the effect of comprehensive plan amendments and
4171 rezonings on the public school facilities plan; and

4172 c. The monitoring and evaluation of the school concurrency
4173 system.

4174 ~~7. Include provisions relating to amendment of the~~
4175 ~~agreement.~~

4176 5.8. A process and uniform methodology for determining

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4177 proportionate-share mitigation pursuant to subparagraph (h)
4178 ~~(e)~~1.

4179 (k) ~~(h)~~ ~~Local government authority.~~ This subsection does not
4180 limit the authority of a local government to grant or deny a
4181 development permit or its functional equivalent prior to the
4182 implementation of school concurrency.

4183 ~~(14) The state land planning agency shall, by October 1,~~
4184 ~~1998, adopt by rule minimum criteria for the review and~~
4185 ~~determination of compliance of a public school facilities~~
4186 ~~element adopted by a local government for purposes of imposition~~
4187 ~~of school concurrency.~~

4188 (15) (a) Multimodal transportation districts may be
4189 established under a local government comprehensive plan in areas
4190 delineated on the future land use map for which the local
4191 comprehensive plan assigns secondary priority to vehicle
4192 mobility and primary priority to assuring a safe, comfortable,
4193 and attractive pedestrian environment, with convenient
4194 interconnection to transit. Such districts must incorporate
4195 community design features that will reduce the number of
4196 automobile trips or vehicle miles of travel and will support an
4197 integrated, multimodal transportation system. Prior to the
4198 designation of multimodal transportation districts, the
4199 Department of Transportation shall be consulted by the local
4200 government to assess the impact that the proposed multimodal
4201 district area is expected to have on the adopted level-of-
4202 service standards established for Strategic Intermodal System
4203 facilities, as defined in s. 339.64, and roadway facilities
4204 funded in accordance with s. 339.2819. Further, the local
4205 government shall, in cooperation with the Department of

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4206 Transportation, develop a plan to mitigate any impacts to the
4207 Strategic Intermodal System, ~~including the development of a~~
4208 ~~long-term concurrency management system pursuant to subsection~~
4209 ~~(9) and s. 163.3177(3)(d)~~. Multimodal transportation districts
4210 existing prior to July 1, 2005, shall meet, at a minimum, the
4211 provisions of this section by July 1, 2006, or at the time of
4212 the comprehensive plan update pursuant to the evaluation and
4213 appraisal report, whichever occurs last.

4214 (b) Community design elements of such a district include: a
4215 complementary mix and range of land uses, including educational,
4216 recreational, and cultural uses; interconnected networks of
4217 streets designed to encourage walking and bicycling, with
4218 traffic-calming where desirable; appropriate densities and
4219 intensities of use within walking distance of transit stops;
4220 daily activities within walking distance of residences, allowing
4221 independence to persons who do not drive; public uses, streets,
4222 and squares that are safe, comfortable, and attractive for the
4223 pedestrian, with adjoining buildings open to the street and with
4224 parking not interfering with pedestrian, transit, automobile,
4225 and truck travel modes.

4226 (c) Local governments may establish multimodal level-of-
4227 service standards that rely primarily on nonvehicular modes of
4228 transportation within the district, when justified by an
4229 analysis demonstrating that the existing and planned community
4230 design will provide an adequate level of mobility within the
4231 district based upon professionally accepted multimodal level-of-
4232 service methodologies. The analysis must also demonstrate that
4233 the capital improvements required to promote community design
4234 are financially feasible over the development or redevelopment

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4235 timeframe for the district and that community design features
4236 within the district provide convenient interconnection for a
4237 multimodal transportation system. Local governments may issue
4238 development permits in reliance upon all planned community
4239 design capital improvements that are financially feasible over
4240 the development or redevelopment timeframe for the district,
4241 without regard to the period of time between development or
4242 redevelopment and the scheduled construction of the capital
4243 improvements. A determination of financial feasibility shall be
4244 based upon currently available funding or funding sources that
4245 could reasonably be expected to become available over the
4246 planning period.

4247 (d) Local governments may reduce impact fees or local
4248 access fees for development within multimodal transportation
4249 districts based on the reduction of vehicle trips per household
4250 or vehicle miles of travel expected from the development pattern
4251 planned for the district.

4252 ~~(16) It is the intent of the Legislature to provide a~~
4253 ~~method by which the impacts of development on transportation~~
4254 ~~facilities can be mitigated by the cooperative efforts of the~~
4255 ~~public and private sectors. The methodology used to calculate~~
4256 ~~proportionate fair share mitigation under this section shall be~~
4257 ~~as provided for in subsection (12).~~

4258 ~~(a) By December 1, 2006, each local government shall adopt~~
4259 ~~by ordinance a methodology for assessing proportionate fair-~~
4260 ~~share mitigation options. By December 1, 2005, the Department of~~
4261 ~~Transportation shall develop a model transportation concurrency~~
4262 ~~management ordinance with methodologies for assessing~~
4263 ~~proportionate fair share mitigation options.~~

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4264 ~~(b)1. In its transportation concurrency management system,~~
4265 ~~a local government shall, by December 1, 2006, include~~
4266 ~~methodologies that will be applied to calculate proportionate~~
4267 ~~fair-share mitigation. A developer may choose to satisfy all~~
4268 ~~transportation concurrency requirements by contributing or~~
4269 ~~paying proportionate fair-share mitigation if transportation~~
4270 ~~facilities or facility segments identified as mitigation for~~
4271 ~~traffic impacts are specifically identified for funding in the~~
4272 ~~5-year schedule of capital improvements in the capital~~
4273 ~~improvements element of the local plan or the long-term~~
4274 ~~concurrency management system or if such contributions or~~
4275 ~~payments to such facilities or segments are reflected in the 5-~~
4276 ~~year schedule of capital improvements in the next regularly~~
4277 ~~scheduled update of the capital improvements element. Updates to~~
4278 ~~the 5-year capital improvements element which reflect~~
4279 ~~proportionate fair-share contributions may not be found not in~~
4280 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
4281 ~~additional contributions, payments or funding sources are~~
4282 ~~reasonably anticipated during a period not to exceed 10 years to~~
4283 ~~fully mitigate impacts on the transportation facilities.~~

4284 ~~2. Proportionate fair-share mitigation shall be applied as~~
4285 ~~a credit against impact fees to the extent that all or a portion~~
4286 ~~of the proportionate fair-share mitigation is used to address~~
4287 ~~the same capital infrastructure improvements contemplated by the~~
4288 ~~local government's impact fee ordinance.~~

4289 ~~(c) Proportionate fair-share mitigation includes, without~~
4290 ~~limitation, separately or collectively, private funds,~~
4291 ~~contributions of land, and construction and contribution of~~
4292 ~~facilities and may include public funds as determined by the~~

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4293 ~~local government. Proportionate fair share mitigation may be~~
4294 ~~directed toward one or more specific transportation improvements~~
4295 ~~reasonably related to the mobility demands created by the~~
4296 ~~development and such improvements may address one or more modes~~
4297 ~~of travel. The fair market value of the proportionate fair share~~
4298 ~~mitigation shall not differ based on the form of mitigation. A~~
4299 ~~local government may not require a development to pay more than~~
4300 ~~its proportionate fair share contribution regardless of the~~
4301 ~~method of mitigation. Proportionate fair share mitigation shall~~
4302 ~~be limited to ensure that a development meeting the requirements~~
4303 ~~of this section mitigates its impact on the transportation~~
4304 ~~system but is not responsible for the additional cost of~~
4305 ~~reducing or eliminating backlogs.~~

4306 ~~(d) This subsection does not require a local government to~~
4307 ~~approve a development that is not otherwise qualified for~~
4308 ~~approval pursuant to the applicable local comprehensive plan and~~
4309 ~~land development regulations.~~

4310 ~~(e) Mitigation for development impacts to facilities on the~~
4311 ~~Strategic Intermodal System made pursuant to this subsection~~
4312 ~~requires the concurrence of the Department of Transportation.~~

4313 ~~(f) If the funds in an adopted 5-year capital improvements~~
4314 ~~element are insufficient to fully fund construction of a~~
4315 ~~transportation improvement required by the local government's~~
4316 ~~concurrency management system, a local government and a~~
4317 ~~developer may still enter into a binding proportionate share~~
4318 ~~agreement authorizing the developer to construct that amount of~~
4319 ~~development on which the proportionate share is calculated if~~
4320 ~~the proportionate share amount in such agreement is sufficient~~
4321 ~~to pay for one or more improvements which will, in the opinion~~

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4322 ~~of the governmental entity or entities maintaining the~~
4323 ~~transportation facilities, significantly benefit the impacted~~
4324 ~~transportation system. The improvements funded by the~~
4325 ~~proportionate share component must be adopted into the 5-year~~
4326 ~~capital improvements schedule of the comprehensive plan at the~~
4327 ~~next annual capital improvements element update. The funding of~~
4328 ~~any improvements that significantly benefit the impacted~~
4329 ~~transportation system satisfies concurrency requirements as a~~
4330 ~~mitigation of the development's impact upon the overall~~
4331 ~~transportation system even if there remains a failure of~~
4332 ~~concurrency on other impacted facilities.~~

4333 ~~(g) Except as provided in subparagraph (b)1., this section~~
4334 ~~may not prohibit the Department of Community Affairs from~~
4335 ~~finding other portions of the capital improvements element~~
4336 ~~amendments not in compliance as provided in this chapter.~~

4337 ~~(h) The provisions of this subsection do not apply to a~~
4338 ~~development of regional impact satisfying the requirements of~~
4339 ~~subsection (12).~~

4340 ~~(i) As used in this subsection, the term "backlog" means a~~
4341 ~~facility or facilities on which the adopted level of service~~
4342 ~~standard is exceeded by the existing trips, plus additional~~
4343 ~~projected background trips from any source other than the~~
4344 ~~development project under review that are forecast by~~
4345 ~~established traffic standards, including traffic modeling,~~
4346 ~~consistent with the University of Florida Bureau of Economic and~~
4347 ~~Business Research medium population projections. Additional~~
4348 ~~projected background trips are to be coincident with the~~
4349 ~~particular stage or phase of development under review.~~

4350 ~~(17) A local government and the developer of affordable~~

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4351 ~~workforce housing units developed in accordance with s.~~
4352 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
4353 ~~or centers in close proximity to the affordable workforce~~
4354 ~~housing units. If at least 50 percent of the units are occupied~~
4355 ~~by an employee or employees of an identified employment center~~
4356 ~~or centers, all of the affordable workforce housing units are~~
4357 ~~exempt from transportation concurrency requirements, and the~~
4358 ~~local government may not reduce any transportation trip-~~
4359 ~~generation entitlements of an approved development of regional-~~
4360 ~~impact development order. As used in this subsection, the term~~
4361 ~~"close proximity" means 5 miles from the nearest point of the~~
4362 ~~development of regional impact to the nearest point of the~~
4363 ~~employment center, and the term "employment center" means a~~
4364 ~~place of employment that employs at least 25 or more full-time~~
4365 ~~employees.~~

4366 Section 12. Subsection (5) of section 163.31801, Florida
4367 Statutes, is reenacted, and subsection (6) is added to that
4368 section, to read:

4369 163.31801 Impact fees; short title; intent; definitions;
4370 ordinances levying impact fees.-

4371 (5) In any action challenging an impact fee, the government
4372 has the burden of proving by a preponderance of the evidence
4373 that the imposition or amount of the fee meets the requirements
4374 of state legal precedent or this section. The court may not use
4375 a deferential standard.

4376 (6) Notwithstanding any law, ordinance, or resolution to
4377 the contrary, a county, municipality, or special district may
4378 not increase any existing impact fees or impose any new impact
4379 fees on nonresidential development. This subsection does not

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4380 affect impact fees pledged or obligated to the retirement of
4381 debt; impact fee increases that were previously enacted by law,
4382 ordinance, or resolution and phased in over time or included a
4383 consumer price index or other yearly escalator; or impact fees
4384 for water or wastewater facilities. This subsection expires July
4385 1, 2013.

4386 Section 13. Section 163.3182, Florida Statutes, is amended
4387 to read:

4388 163.3182 Transportation deficiencies ~~concurrency backlogs~~.—

4389 (1) DEFINITIONS.—For purposes of this section, the term:

4390 (a) "Transportation deficiency ~~concurrency backlog~~ area"
4391 means the geographic area within the unincorporated portion of a
4392 county or within the municipal boundary of a municipality
4393 designated in a local government comprehensive plan for which a
4394 transportation development ~~concurrency backlog~~ authority is
4395 created pursuant to this section. A transportation deficiency
4396 ~~concurrency backlog~~ area created within the corporate boundary
4397 of a municipality shall be made pursuant to an interlocal
4398 agreement between a county, a municipality or municipalities,
4399 and any affected taxing authority or authorities.

4400 (b) "Authority" or "transportation development ~~concurrency~~
4401 ~~backlog~~ authority" means the governing body of a county or
4402 municipality within which an authority is created.

4403 (c) "Governing body" means the council, commission, or
4404 other legislative body charged with governing the county or
4405 municipality within which a transportation deficiency
4406 ~~concurrency backlog~~ authority is created pursuant to this
4407 section.

4408 (d) "Transportation deficiency ~~concurrency backlog~~" means

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4409 an identified need ~~deficiency~~ where the existing and projected
4410 extent of traffic or projected traffic volume exceeds the level
4411 of service standard adopted in a local government comprehensive
4412 plan for a transportation facility.

4413 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"
4414 means the plan adopted as part of a local government
4415 comprehensive plan by the governing body of a county or
4416 municipality acting as a transportation development ~~concurrency~~
4417 ~~backlog~~ authority.

4418 (f) "Transportation ~~concurrency backlog~~ project" means any
4419 designated transportation project that will mitigate a
4420 deficiency identified in a transportation deficiency plan
4421 ~~identified for construction within the jurisdiction of a~~
4422 ~~transportation concurrency backlog~~ authority.

4423 (g) "Debt service millage" means any millage levied
4424 pursuant to s. 12, Art. VII of the State Constitution.

4425 (h) "Increment revenue" means the amount calculated
4426 pursuant to subsection (5).

4427 (i) "Taxing authority" means a public body that levies or
4428 is authorized to levy an ad valorem tax on real property located
4429 within a transportation deficiency ~~concurrency backlog~~ area,
4430 except a school district.

4431 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
4432 ~~BACKLOG~~ AUTHORITIES.—

4433 (a) A county or municipality may create a transportation
4434 development ~~concurrency backlog~~ authority if it has an
4435 identified transportation deficiency ~~concurrency backlog~~.

4436 (b) Acting as the transportation development ~~concurrency~~
4437 ~~backlog~~ authority within the authority's jurisdictional

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4438 boundary, the governing body of a county or municipality shall
4439 adopt and implement a plan to eliminate all identified
4440 transportation deficiencies ~~concurrency backlogs~~ within the
4441 authority's jurisdiction using funds provided pursuant to
4442 subsection (5) and as otherwise provided pursuant to this
4443 section.

4444 (c) The Legislature finds and declares that there exist in
4445 many counties and municipalities areas that have significant
4446 transportation deficiencies and inadequate transportation
4447 facilities; that many insufficiencies and inadequacies severely
4448 limit or prohibit the satisfaction of adopted transportation
4449 level-of-service ~~concurrency~~ standards; that the transportation
4450 insufficiencies and inadequacies affect the health, safety, and
4451 welfare of the residents of these counties and municipalities;
4452 that the transportation insufficiencies and inadequacies
4453 adversely affect economic development and growth of the tax base
4454 for the areas in which these insufficiencies and inadequacies
4455 exist; and that the elimination of transportation deficiencies
4456 and inadequacies and the satisfaction of transportation level-
4457 of-service ~~concurrency~~ standards are paramount public purposes
4458 for the state and its counties and municipalities.

4459 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
4460 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~
4461 ~~backlog~~ authority created pursuant to this section has the
4462 powers necessary or convenient to carry out the purposes of this
4463 section, including the following powers in addition to others
4464 granted in this section:

4465 (a) To make and execute contracts and other instruments
4466 necessary or convenient to the exercise of its powers under this

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4467 section.

4468 (b) To undertake and carry out transportation ~~concurrency~~
4469 ~~backlog~~ projects for transportation facilities ~~that have~~
4470 designed to relieve transportation deficiencies ~~a concurrency~~
4471 ~~backlog~~ within the authority's jurisdiction. ~~Concurrency backlog~~
4472 Transportation projects may include transportation facilities
4473 that provide for alternative modes of travel including
4474 sidewalks, bikeways, and mass transit which are related to a
4475 deficient ~~backlogged~~ transportation facility.

4476 (c) To invest any transportation ~~concurrency backlog~~ funds
4477 held in reserve, sinking funds, or any such funds not required
4478 for immediate disbursement in property or securities in which
4479 savings banks may legally invest funds subject to the control of
4480 the authority and to redeem such bonds as have been issued
4481 pursuant to this section at the redemption price established
4482 therein, or to purchase such bonds at less than redemption
4483 price. All such bonds redeemed or purchased shall be canceled.

4484 (d) To borrow money, including, but not limited to, issuing
4485 debt obligations such as, but not limited to, bonds, notes,
4486 certificates, and similar debt instruments; to apply for and
4487 accept advances, loans, grants, contributions, and any other
4488 forms of financial assistance from the Federal Government or the
4489 state, county, or any other public body or from any sources,
4490 public or private, for the purposes of this part; to give such
4491 security as may be required; to enter into and carry out
4492 contracts or agreements; and to include in any contracts for
4493 financial assistance with the Federal Government for or with
4494 respect to a transportation ~~concurrency backlog~~ project and
4495 related activities such conditions imposed under federal laws as

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4496 the transportation deficiency ~~concurrency backlog~~ authority
4497 considers reasonable and appropriate and which are not
4498 inconsistent with the purposes of this section.

4499 (e) To make or have made all surveys and plans necessary to
4500 the carrying out of the purposes of this section; to contract
4501 with any persons, public or private, in making and carrying out
4502 such plans; and to adopt, approve, modify, or amend such
4503 transportation sufficiency ~~concurrency backlog~~ plans.

4504 (f) To appropriate such funds and make such expenditures as
4505 are necessary to carry out the purposes of this section, and to
4506 enter into agreements with other public bodies, which agreements
4507 may extend over any period notwithstanding any provision or rule
4508 of law to the contrary.

4509 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.-

4510 ~~(a)~~ Each transportation development ~~concurrency backlog~~
4511 authority shall adopt a transportation sufficiency ~~concurrency~~
4512 ~~backlog~~ plan as a part of the local government comprehensive
4513 plan within 6 months after the creation of the authority. The
4514 plan must:

4515 (a)~~1.~~ Identify all transportation facilities that have been
4516 designated as deficient and require the expenditure of moneys to
4517 upgrade, modify, or mitigate the deficiency.

4518 (b)~~2.~~ Include a priority listing of all transportation
4519 facilities that have been designated as deficient and do not
4520 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
4521 the applicable local government comprehensive plan.

4522 (c)~~3.~~ Establish a schedule for financing and construction
4523 of transportation ~~concurrency backlog~~ projects that will
4524 eliminate transportation deficiencies ~~concurrency backlogs~~

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4525 within the jurisdiction of the authority within 10 years after
4526 the transportation sufficiency ~~concurrency backlog~~ plan
4527 adoption. If the utilization of mass transit is selected as all
4528 or part of the system solution, the improvements and service may
4529 extend outside the area of the transportation deficiency areas
4530 to the planned terminus of the improvement as long as the
4531 improvement provides capacity enhancements to a larger
4532 intermodal system. The schedule shall be adopted as part of the
4533 local government comprehensive plan.

4534 ~~(b) The adoption of the transportation concurrency backlog~~
4535 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4536
4537 Notwithstanding such schedule requirements, as long as the
4538 schedule provides for the elimination of all transportation
4539 deficiencies ~~concurrency backlogs~~ within 10 years after the
4540 adoption of the transportation sufficiency ~~concurrency backlog~~
4541 plan, the final maturity date of any debt incurred to finance or
4542 refinance the related projects may be no later than 40 years
4543 after the date the debt is incurred and the authority may
4544 continue operations and administer the trust fund established as
4545 provided in subsection (5) for as long as the debt remains
4546 outstanding.

4547 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
4548 development ~~concurrency backlog~~ authority shall establish a
4549 local transportation ~~concurrency backlog~~ trust fund upon
4550 creation of the authority. Each local trust fund shall be
4551 administered by the transportation development ~~concurrency~~
4552 ~~backlog~~ authority within which a transportation deficiencies
4553 have ~~concurrency backlog~~ has been identified. Each local trust

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4554 fund must continue to be funded under this section for as long
4555 as the projects set forth in the related transportation
4556 sufficiency ~~concurrency backlog~~ plan remain to be completed or
4557 until any debt incurred to finance or refinance the related
4558 projects is no longer outstanding, whichever occurs later.
4559 Beginning in the first fiscal year after the creation of the
4560 authority, each local trust fund shall be funded by the proceeds
4561 of an ad valorem tax increment collected within each
4562 transportation deficiency ~~concurrency backlog~~ area to be
4563 determined annually and shall be a minimum of 25 percent of the
4564 difference between the amounts set forth in paragraphs (a) and
4565 (b), except that if all of the affected taxing authorities agree
4566 under an interlocal agreement, a particular local trust fund may
4567 be funded by the proceeds of an ad valorem tax increment greater
4568 than 25 percent of the difference between the amounts set forth
4569 in paragraphs (a) and (b):

4570 (a) The amount of ad valorem tax levied each year by each
4571 taxing authority, exclusive of any amount from any debt service
4572 millage, on taxable real property contained within the
4573 jurisdiction of the transportation development ~~concurrency~~
4574 ~~backlog~~ authority and within the transportation deficiency
4575 ~~backlog~~ area; and

4576 (b) The amount of ad valorem taxes which would have been
4577 produced by the rate upon which the tax is levied each year by
4578 or for each taxing authority, exclusive of any debt service
4579 millage, upon the total of the assessed value of the taxable
4580 real property within the transportation deficiency ~~concurrency~~
4581 ~~backlog~~ area as shown on the most recent assessment roll used in
4582 connection with the taxation of such property of each taxing

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4583 authority prior to the effective date of the ordinance funding
4584 the trust fund.

4585 (6) EXEMPTIONS.—

4586 (a) The following public bodies or taxing authorities are
4587 exempt from the provisions of this section:

4588 1. A special district that levies ad valorem taxes on
4589 taxable real property in more than one county.

4590 2. A special district for which the sole available source
4591 of revenue is the authority to levy ad valorem taxes at the time
4592 an ordinance is adopted under this section. However, revenues or
4593 aid that may be dispensed or appropriated to a district as
4594 defined in s. 388.011 at the discretion of an entity other than
4595 such district shall not be deemed available.

4596 3. A library district.

4597 4. A neighborhood improvement district created under the
4598 Safe Neighborhoods Act.

4599 5. A metropolitan transportation authority.

4600 6. A water management district created under s. 373.069.

4601 7. A community redevelopment agency.

4602 (b) A transportation development ~~concurrency exemption~~
4603 authority may also exempt from this section a special district
4604 that levies ad valorem taxes within the transportation
4605 deficiency ~~concurrency backlog~~ area pursuant to s.
4606 163.387(2) (d).

4607 (7) TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~ SATISFACTION.—
4608 Upon adoption of a transportation sufficiency ~~concurrency~~
4609 ~~backlog~~ plan as a part of the local government comprehensive
4610 plan, and the plan going into effect, the area subject to the
4611 plan shall be deemed to have achieved and maintained

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4612 transportation level-of-service standards, and to have met
4613 requirements for financial feasibility for transportation
4614 facilities, ~~and for the purpose of proposed development~~
4615 ~~transportation concurrency has been satisfied.~~ Proportionate
4616 fair-share mitigation shall be limited to ensure that a
4617 development inside a transportation deficiency ~~concurrency~~
4618 ~~backlog~~ area is not responsible for the additional costs of
4619 eliminating deficiencies ~~backlogs~~.

4620 (8) DISSOLUTION.—Upon completion of all transportation
4621 ~~concurrency backlog~~ projects identified in the transportation
4622 sufficiency plan and repayment or defeasance of all debt issued
4623 to finance or refinance such projects, a transportation
4624 development ~~concurrency backlog~~ authority shall be dissolved,
4625 and its assets and liabilities transferred to the county or
4626 municipality within which the authority is located. All
4627 remaining assets of the authority must be used for
4628 implementation of transportation projects within the
4629 jurisdiction of the authority. The local government
4630 comprehensive plan shall be amended to remove the transportation
4631 deficiency ~~concurrency backlog~~ plan.

4632 Section 14. Section 163.3184, Florida Statutes, is amended
4633 to read:

4634 163.3184 Process for adoption of comprehensive plan or plan
4635 amendment.—

4636 (1) DEFINITIONS.—As used in this section, the term:

4637 (a) "Affected person" includes the affected local
4638 government; persons owning property, residing, or owning or
4639 operating a business within the boundaries of the local
4640 government whose plan is the subject of the review; owners of

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4641 real property abutting real property that is the subject of a
4642 proposed change to a future land use map; and adjoining local
4643 governments that can demonstrate that the plan or plan amendment
4644 will produce substantial impacts on the increased need for
4645 publicly funded infrastructure or substantial impacts on areas
4646 designated for protection or special treatment within their
4647 jurisdiction. Each person, other than an adjoining local
4648 government, in order to qualify under this definition, shall
4649 also have submitted oral or written comments, recommendations,
4650 or objections to the local government during the period of time
4651 beginning with the transmittal hearing for the plan or plan
4652 amendment and ending with the adoption of the plan or plan
4653 amendment.

4654 (b) "In compliance" means consistent with the requirements
4655 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and
4656 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
4657 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
4658 ~~Administrative Code, where such rule is not inconsistent with~~
4659 ~~this part~~ and with the principles for guiding development in
4660 designated areas of critical state concern and with part III of
4661 chapter 369, where applicable.

4662 (c) "Reviewing agencies" means:

- 4663 1. The state land planning agency;
- 4664 2. The appropriate regional planning council;
- 4665 3. The appropriate water management district;
- 4666 4. The Department of Environmental Protection;
- 4667 5. The Department of State;
- 4668 6. The Department of Transportation;
- 4669 7. In the case of plan amendments relating to public

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4670 schools, the Department of Education;

4671 8. In the case of plans or plan amendments that affect a
4672 military installation listed in s. 163.3175, the commanding
4673 officer of the affected military installation;

4674 9. In the case of county plans and plan amendments, the
4675 Fish and Wildlife Conservation Commission and the Department of
4676 Agriculture and Consumer Services; and

4677 10. In the case of municipal plans and plan amendments, the
4678 county in which the municipality is located.

4679 (2) COORDINATION.—Each comprehensive plan or plan amendment
4680 proposed to be adopted pursuant to this part, except amendments
4681 adopted pursuant to s. 163.32465 or s. 163.3187(1)(c) and (3),
4682 shall be transmitted, adopted, and reviewed in the manner
4683 prescribed in this section. The state land planning agency shall
4684 have responsibility for plan review, coordination, and the
4685 preparation and transmission of comments, pursuant to this
4686 section, to the local governing body responsible for the
4687 comprehensive plan. The state land planning agency shall
4688 maintain a single file concerning any proposed or adopted plan
4689 amendment submitted by a local government for any review under
4690 this section. Copies of all correspondence, papers, notes,
4691 memoranda, and other documents received or generated by the
4692 state land planning agency must be placed in the appropriate
4693 file. Paper copies of all electronic mail correspondence must be
4694 placed in the file. The file and its contents must be available
4695 for public inspection and copying as provided in chapter 119.

4696 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
4697 AMENDMENT.—

4698 (a) Each local governing body shall transmit the complete

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4699 proposed comprehensive plan or plan amendment to the reviewing
4700 agencies ~~state land planning agency, the appropriate regional~~
4701 ~~planning council and water management district, the Department~~
4702 ~~of Environmental Protection, the Department of State, and the~~
4703 ~~Department of Transportation, and, in the case of municipal~~
4704 ~~plans, to the appropriate county, and, in the case of county~~
4705 ~~plans, to the Fish and Wildlife Conservation Commission and the~~
4706 ~~Department of Agriculture and Consumer Services, immediately~~
4707 following a public hearing pursuant to subsection (15) ~~as~~
4708 ~~specified in the state land planning agency's procedural rules.~~
4709 The local governing body shall also transmit a copy of the
4710 complete proposed comprehensive plan or plan amendment to any
4711 other unit of local government or government agency in the state
4712 that has filed a written request with the governing body for the
4713 plan or plan amendment. The local government may request a
4714 review by the state land planning agency pursuant to subsection
4715 (6) at the time of the transmittal of an amendment.

4716 (b) A local governing body shall not transmit portions of a
4717 plan or plan amendment unless it has previously provided to all
4718 state agencies designated by the state land planning agency a
4719 complete copy of its adopted comprehensive plan pursuant to
4720 subsection (7) ~~and as specified in the agency's procedural~~
4721 ~~rules.~~ In the case of comprehensive plan amendments, the local
4722 governing body shall transmit to the state land planning agency,
4723 the other reviewing agencies ~~appropriate regional planning~~
4724 ~~council and water management district, the Department of~~
4725 ~~Environmental Protection, the Department of State, and the~~
4726 ~~Department of Transportation, and, in the case of municipal~~
4727 ~~plans, to the appropriate county and, in the case of county~~

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4728 ~~plans, to the Fish and Wildlife Conservation Commission and the~~
4729 ~~Department of Agriculture and Consumer Services the supporting~~
4730 ~~materials specified in the state land planning agency's~~
4731 ~~procedural rules~~ and, in cases in which the plan amendment is a
4732 result of an evaluation and appraisal report adopted pursuant to
4733 s. 163.3191, a copy of the evaluation and appraisal report.
4734 Local governing bodies shall consolidate all proposed plan
4735 amendments into a single submission for each of the two plan
4736 amendment adoption dates during the calendar year pursuant to s.
4737 163.3187.

4738 (c) A local government may adopt a proposed plan amendment
4739 previously transmitted pursuant to this subsection, unless
4740 review is requested or otherwise initiated pursuant to
4741 subsection (6).

4742 (d) In cases in which a local government transmits multiple
4743 individual amendments that can be clearly and legally separated
4744 and distinguished for the purpose of determining whether to
4745 review the proposed amendment, and the state land planning
4746 agency elects to review several or a portion of the amendments
4747 and the local government chooses to immediately adopt the
4748 remaining amendments not reviewed, the amendments immediately
4749 adopted and any reviewed amendments that the local government
4750 subsequently adopts together constitute one amendment cycle in
4751 accordance with s. 163.3187(1).

4752 (e) At the request of an applicant, a local government
4753 shall consider an application for zoning changes that would be
4754 required to properly enact the provisions of any proposed plan
4755 amendment transmitted pursuant to this subsection. Zoning
4756 changes approved by the local government are contingent upon the

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4757 comprehensive plan or plan amendment transmitted becoming
4758 effective.

4759 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
4760 specified in paragraph (3)(a) shall provide comments to the
4761 state land planning agency within 30 days after receipt by the
4762 state land planning agency of the complete proposed plan
4763 amendment. ~~If the plan or plan amendment includes or relates to~~
4764 ~~the public school facilities element pursuant to s.~~
4765 ~~163.3177(12), the state land planning agency shall submit a copy~~
4766 ~~to the Office of Educational Facilities of the Commissioner of~~
4767 ~~Education for review and comment.~~ The appropriate regional
4768 planning council shall also provide its written comments to the
4769 state land planning agency within 30 days after receipt by the
4770 state land planning agency of the complete proposed plan
4771 amendment and shall specify any objections, recommendations for
4772 modifications, and comments of any other regional agencies to
4773 which the regional planning council may have referred the
4774 proposed plan amendment. Written comments submitted by the
4775 public within 30 days after notice of transmittal by the local
4776 government of the proposed plan amendment will be considered as
4777 if submitted by governmental agencies. All written agency and
4778 public comments must be made part of the file maintained under
4779 subsection (2).

4780 (5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.—The review of
4781 the regional planning council pursuant to subsection (4) shall
4782 be limited to effects on regional resources or facilities
4783 identified in the strategic regional policy plan and
4784 extrajurisdictional impacts which would be inconsistent with the
4785 comprehensive plan of the affected local government. However,

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4786 any inconsistency between a local plan or plan amendment and a
4787 strategic regional policy plan must not be the sole basis for a
4788 notice of intent to find a local plan or plan amendment not in
4789 compliance with this act. A regional planning council shall not
4790 review and comment on a proposed comprehensive plan it prepared
4791 itself unless the plan has been changed by the local government
4792 subsequent to the preparation of the plan by the regional
4793 planning agency. The review of the county land planning agency
4794 pursuant to subsection (4) shall be primarily in the context of
4795 the relationship and effect of the proposed plan amendment on
4796 any county comprehensive plan element. Any review by
4797 municipalities will be primarily in the context of the
4798 relationship and effect on the municipal plan.

4799 (6) STATE LAND PLANNING AGENCY REVIEW.—

4800 (a) The state land planning agency shall review a proposed
4801 plan amendment upon request of a regional planning council,
4802 affected person, or local government transmitting the plan
4803 amendment. The request from the regional planning council or
4804 affected person must be received within 30 days after
4805 transmittal of the proposed plan amendment pursuant to
4806 subsection (3). A regional planning council or affected person
4807 requesting a review shall do so by submitting a written request
4808 to the agency with a notice of the request to the local
4809 government and any other person who has requested notice.

4810 (b) The state land planning agency may review any proposed
4811 plan amendment regardless of whether a request for review has
4812 been made, if the agency gives notice to the local government,
4813 and any other person who has requested notice, of its intention
4814 to conduct such a review within 35 days after receipt of the

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4815 complete proposed plan amendment.

4816 (c) ~~The state land planning agency shall establish by rule~~
4817 ~~a schedule for receipt of comments from the various government~~
4818 ~~agencies, as well as written public comments, pursuant to~~
4819 ~~subsection (4).~~ If the state land planning agency elects to
4820 review the amendment or the agency is required to review the
4821 amendment as specified in paragraph (a), the agency shall issue
4822 a report giving its objections, recommendations, and comments
4823 regarding the proposed amendment within 60 days after receipt of
4824 the complete proposed amendment by the state land planning
4825 agency. When a federal, state, or regional agency has
4826 implemented a permitting program, the state land planning agency
4827 shall not require a local government to duplicate or exceed that
4828 permitting program in its comprehensive plan or to implement
4829 such a permitting program in its land development regulations.
4830 Nothing contained herein shall prohibit the state land planning
4831 agency in conducting its review of local plans or plan
4832 amendments from making objections, recommendations, and comments
4833 or making compliance determinations regarding densities and
4834 intensities consistent with the provisions of this part. In
4835 preparing its comments, the state land planning agency shall
4836 only base its considerations on written, and not oral, comments,
4837 from any source.

4838 (d) The state land planning agency review shall identify
4839 all written communications with the agency regarding the
4840 proposed plan amendment. If the state land planning agency does
4841 not issue such a review, it shall identify in writing to the
4842 local government all written communications received 30 days
4843 after transmittal. The written identification must include a

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4844 list of all documents received or generated by the agency, which
4845 list must be of sufficient specificity to enable the documents
4846 to be identified and copies requested, if desired, and the name
4847 of the person to be contacted to request copies of any
4848 identified document. The list of documents must be made a part
4849 of the public records of the state land planning agency.

4850 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
4851 OR AMENDMENTS AND TRANSMITTAL.—

4852 (a) The local government shall review the written comments
4853 submitted to it by the state land planning agency, and any other
4854 person, agency, or government. Any comments, recommendations, or
4855 objections and any reply to them shall be public documents, a
4856 part of the permanent record in the matter, and admissible in
4857 any proceeding in which the comprehensive plan or plan amendment
4858 may be at issue. The local government, upon receipt of written
4859 comments from the state land planning agency, shall have 120
4860 days to adopt or adopt with changes the proposed comprehensive
4861 plan or s. 163.3191 plan amendments. In the case of
4862 comprehensive plan amendments other than those proposed pursuant
4863 to s. 163.3191, the local government shall have 60 days to adopt
4864 the amendment, adopt the amendment with changes, or determine
4865 that it will not adopt the amendment. The adoption of the
4866 proposed plan or plan amendment or the determination not to
4867 adopt a plan amendment, other than a plan amendment proposed
4868 pursuant to s. 163.3191, shall be made in the course of a public
4869 hearing pursuant to subsection (15). The local government shall
4870 transmit the complete adopted comprehensive plan or plan
4871 amendment, including the names and addresses of persons compiled
4872 pursuant to paragraph (15)(c), to the state land planning agency

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4873 ~~as specified in the agency's procedural rules~~ within 10 working
4874 days after adoption. The local governing body shall also
4875 transmit a copy of the adopted comprehensive plan or plan
4876 amendment to the regional planning agency and to any other unit
4877 of local government or governmental agency in the state that has
4878 filed a written request with the governing body for a copy of
4879 the plan or plan amendment.

4880 (b) If the adopted plan amendment is unchanged from the
4881 proposed plan amendment transmitted pursuant to subsection (3)
4882 and an affected person as defined in paragraph (1)(a) did not
4883 raise any objection, the state land planning agency did not
4884 review the proposed plan amendment, and the state land planning
4885 agency did not raise any objections during its review pursuant
4886 to subsection (6), the local government may state in the
4887 transmittal letter that the plan amendment is unchanged and was
4888 not the subject of objections.

4889 (8) NOTICE OF INTENT.—

4890 (a) If the transmittal letter correctly states that the
4891 plan amendment is unchanged and was not the subject of review or
4892 objections pursuant to paragraph (7)(b), the state land planning
4893 agency has 20 days after receipt of the transmittal letter
4894 within which to issue a notice of intent that the plan amendment
4895 is in compliance.

4896 (b) Except as provided in paragraph (a) or in s.
4897 163.3187(3), the state land planning agency, upon receipt of a
4898 local government's complete adopted comprehensive plan or plan
4899 amendment, shall have 45 days for review and to determine if the
4900 plan or plan amendment is in compliance with this act, unless
4901 the amendment is the result of a compliance agreement entered

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4902 into under subsection (16), in which case the time period for
4903 review and determination shall be 30 days. If review was not
4904 conducted under subsection (6), the agency's determination must
4905 be based upon the plan amendment as adopted. If review was
4906 conducted under subsection (6), the agency's determination of
4907 compliance must be based only upon one or both of the following:

4908 1. The state land planning agency's written comments to the
4909 local government pursuant to subsection (6); or

4910 2. Any changes made by the local government to the
4911 comprehensive plan or plan amendment as adopted.

4912 (c)1. During the time period provided for in this
4913 subsection, the state land planning agency shall issue, through
4914 a senior administrator or the secretary, ~~as specified in the~~
4915 ~~agency's procedural rules,~~ a notice of intent to find that the
4916 plan or plan amendment is in compliance or not in compliance. A
4917 notice of intent shall be issued by publication in the manner
4918 provided by this paragraph and by mailing a copy to the local
4919 government. The advertisement shall be placed in that portion of
4920 the newspaper where legal notices appear. The advertisement
4921 shall be published in a newspaper that meets the size and
4922 circulation requirements set forth in paragraph (15)(e) and that
4923 has been designated in writing by the affected local government
4924 at the time of transmittal of the amendment. Publication by the
4925 state land planning agency of a notice of intent in the
4926 newspaper designated by the local government shall be prima
4927 facie evidence of compliance with the publication requirements
4928 of this section. The state land planning agency shall post a
4929 copy of the notice of intent on the agency's Internet site. The
4930 agency shall, no later than the date the notice of intent is

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4931 transmitted to the newspaper, send by regular mail a courtesy
4932 informational statement to persons who provide their names and
4933 addresses to the local government at the transmittal hearing or
4934 at the adoption hearing where the local government has provided
4935 the names and addresses of such persons to the department at the
4936 time of transmittal of the adopted amendment. The informational
4937 statements shall include the name of the newspaper in which the
4938 notice of intent will appear, the approximate date of
4939 publication, the ordinance number of the plan or plan amendment,
4940 and a statement that affected persons have 21 days after the
4941 actual date of publication of the notice to file a petition.

4942 2. A local government that has an Internet site shall post
4943 a copy of the state land planning agency's notice of intent on
4944 the site within 5 days after receipt of the mailed copy of the
4945 agency's notice of intent.

4946 (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

4947 (a) If the state land planning agency issues a notice of
4948 intent to find that the comprehensive plan or plan amendment
4949 transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,
4950 or s. 163.3191 is in compliance with this act, any affected
4951 person may file a petition with the agency pursuant to ss.
4952 120.569 and 120.57 within 21 days after the publication of
4953 notice. In this proceeding, the local plan or plan amendment
4954 shall be determined to be in compliance if the local
4955 government's determination of compliance is fairly debatable.

4956 (b) The hearing shall be conducted by an administrative law
4957 judge of the Division of Administrative Hearings of the
4958 Department of Management Services, who shall hold the hearing in
4959 the county of and convenient to the affected local jurisdiction

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4960 and submit a recommended order to the state land planning
4961 agency. The state land planning agency shall allow for the
4962 filing of exceptions to the recommended order and shall issue a
4963 final order after receipt of the recommended order if the state
4964 land planning agency determines that the plan or plan amendment
4965 is in compliance. If the state land planning agency determines
4966 that the plan or plan amendment is not in compliance, the agency
4967 shall submit the recommended order to the Administration
4968 Commission for final agency action.

4969 (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN
4970 COMPLIANCE.—

4971 (a) If the state land planning agency issues a notice of
4972 intent to find the comprehensive plan or plan amendment not in
4973 compliance with this act, the notice of intent shall be
4974 forwarded to the Division of Administrative Hearings of the
4975 Department of Management Services, which shall conduct a
4976 proceeding under ss. 120.569 and 120.57 in the county of and
4977 convenient to the affected local jurisdiction. The parties to
4978 the proceeding shall be the state land planning agency, the
4979 affected local government, and any affected person who
4980 intervenes. No new issue may be alleged as a reason to find a
4981 plan or plan amendment not in compliance in an administrative
4982 pleading filed more than 21 days after publication of notice
4983 unless the party seeking that issue establishes good cause for
4984 not alleging the issue within that time period. Good cause shall
4985 not include excusable neglect. In the proceeding, the local
4986 government's determination that the comprehensive plan or plan
4987 amendment is in compliance is presumed to be correct. The local
4988 government's determination shall be sustained unless it is shown

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4989 by a preponderance of the evidence that the comprehensive plan
4990 or plan amendment is not in compliance. The local government's
4991 determination that elements of its plans are related to and
4992 consistent with each other shall be sustained if the
4993 determination is fairly debatable.

4994 (b) The administrative law judge assigned by the division
4995 shall submit a recommended order to the Administration
4996 Commission for final agency action.

4997 (c) Prior to the hearing, the state land planning agency
4998 shall afford an opportunity to mediate or otherwise resolve the
4999 dispute. If a party to the proceeding requests mediation or
5000 other alternative dispute resolution, the hearing may not be
5001 held until the state land planning agency advises the
5002 administrative law judge in writing of the results of the
5003 mediation or other alternative dispute resolution. However, the
5004 hearing may not be delayed for longer than 90 days for mediation
5005 or other alternative dispute resolution unless a longer delay is
5006 agreed to by the parties to the proceeding. The costs of the
5007 mediation or other alternative dispute resolution shall be borne
5008 equally by all of the parties to the proceeding.

5009 (11) ADMINISTRATION COMMISSION.—

5010 (a) If the Administration Commission, upon a hearing
5011 pursuant to subsection (9) or subsection (10), finds that the
5012 comprehensive plan or plan amendment is not in compliance with
5013 this act, the commission shall specify remedial actions which
5014 would bring the comprehensive plan or plan amendment into
5015 compliance. The commission may direct state agencies not to
5016 provide funds to increase the capacity of roads, bridges, or
5017 water and sewer systems within the boundaries of those local

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5018 governmental entities which have comprehensive plans or plan
5019 elements that are determined not to be in compliance. The
5020 commission order may also specify that the local government
5021 shall not be eligible for grants administered under the
5022 following programs:

5023 1. The Florida Small Cities Community Development Block
5024 Grant Program, as authorized by ss. 290.0401-290.049.

5025 2. The Florida Recreation Development Assistance Program,
5026 as authorized by chapter 375.

5027 3. Revenue sharing pursuant to ss. 206.60, 210.20, and
5028 218.61 and chapter 212, to the extent not pledged to pay back
5029 bonds.

5030 (b) If the local government is one which is required to
5031 include a coastal management element in its comprehensive plan
5032 pursuant to s. 163.3177(6)(g), the commission order may also
5033 specify that the local government is not eligible for funding
5034 pursuant to s. 161.091. The commission order may also specify
5035 that the fact that the coastal management element has been
5036 determined to be not in compliance shall be a consideration when
5037 the department considers permits under s. 161.053 and when the
5038 Board of Trustees of the Internal Improvement Trust Fund
5039 considers whether to sell, convey any interest in, or lease any
5040 sovereignty lands or submerged lands until the element is
5041 brought into compliance.

5042 (c) The sanctions provided by paragraphs (a) and (b) do
5043 ~~shall~~ not apply to a local government regarding any plan
5044 amendment, except for plan amendments that amend plans that have
5045 not been finally determined to be in compliance with this part,
5046 and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s.~~

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5047 ~~163.3191(11).~~

5048 (12) GOOD FAITH FILING.—The signature of an attorney or
5049 party constitutes a certificate that he or she has read the
5050 pleading, motion, or other paper and that, to the best of his or
5051 her knowledge, information, and belief formed after reasonable
5052 inquiry, it is not interposed for any improper purpose, such as
5053 to harass or to cause unnecessary delay, or for economic
5054 advantage, competitive reasons, or frivolous purposes or
5055 needless increase in the cost of litigation. If a pleading,
5056 motion, or other paper is signed in violation of these
5057 requirements, the administrative law judge, upon motion or his
5058 or her own initiative, shall impose upon the person who signed
5059 it, a represented party, or both, an appropriate sanction, which
5060 may include an order to pay to the other party or parties the
5061 amount of reasonable expenses incurred because of the filing of
5062 the pleading, motion, or other paper, including a reasonable
5063 attorney's fee.

5064 (13) EXCLUSIVE PROCEEDINGS.—The proceedings under this
5065 section shall be the sole proceeding or action for a
5066 determination of whether a local government's plan, element, or
5067 amendment is in compliance with this act.

5068 (14) AREAS OF CRITICAL STATE CONCERN.—No proposed local
5069 government comprehensive plan or plan amendment which is
5070 applicable to a designated area of critical state concern shall
5071 be effective until a final order is issued finding the plan or
5072 amendment to be in compliance as defined in this section.

5073 (15) PUBLIC HEARINGS.—

5074 (a) The procedure for transmittal of a complete proposed
5075 comprehensive plan or plan amendment pursuant to subsection (3)

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5076 and for adoption of a comprehensive plan or plan amendment
5077 pursuant to subsection (7) shall be by affirmative vote of not
5078 less than a majority of the members of the governing body
5079 present at the hearing. The adoption of a comprehensive plan or
5080 plan amendment shall be by ordinance. For the purposes of
5081 transmitting or adopting a comprehensive plan or plan amendment,
5082 the notice requirements in chapters 125 and 166 are superseded
5083 by this subsection, except as provided in this part.

5084 (b) The local governing body shall hold at least two
5085 advertised public hearings on the proposed comprehensive plan or
5086 plan amendment as follows:

5087 1. The first public hearing shall be held at the
5088 transmittal stage pursuant to subsection (3). It shall be held
5089 on a weekday at least 7 days after the day that the first
5090 advertisement is published.

5091 2. The second public hearing shall be held at the adoption
5092 stage pursuant to subsection (7). It shall be held on a weekday
5093 at least 5 days after the day that the second advertisement is
5094 published.

5095 (c) The local government shall provide a sign-in form at
5096 the transmittal hearing and at the adoption hearing for persons
5097 to provide their names and mailing addresses. The sign-in form
5098 must advise that any person providing the requested information
5099 will receive a courtesy informational statement concerning
5100 publications of the state land planning agency's notice of
5101 intent. The local government shall add to the sign-in form the
5102 name and address of any person who submits written comments
5103 concerning the proposed plan or plan amendment during the time
5104 period between the commencement of the transmittal hearing and

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5105 the end of the adoption hearing. It is the responsibility of the
5106 person completing the form or providing written comments to
5107 accurately, completely, and legibly provide all information
5108 needed in order to receive the courtesy informational statement.

5109 (d) The agency shall provide a model sign-in form for
5110 providing the list to the agency which may be used by the local
5111 government to satisfy the requirements of this subsection.

5112 (e) If the proposed comprehensive plan or plan amendment
5113 changes the actual list of permitted, conditional, or prohibited
5114 uses within a future land use category or changes the actual
5115 future land use map designation of a parcel or parcels of land,
5116 the required advertisements shall be in the format prescribed by
5117 s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a
5118 municipality.

5119 (16) COMPLIANCE AGREEMENTS.—

5120 (a) At any time following the issuance of a notice of
5121 intent to find a comprehensive plan or plan amendment not in
5122 compliance with this part or after the initiation of a hearing
5123 pursuant to subsection (9), the state land planning agency and
5124 the local government may voluntarily enter into a compliance
5125 agreement to resolve one or more of the issues raised in the
5126 proceedings. Affected persons who have initiated a formal
5127 proceeding or have intervened in a formal proceeding may also
5128 enter into the compliance agreement. All parties granted
5129 intervenor status shall be provided reasonable notice of the
5130 commencement of a compliance agreement negotiation process and a
5131 reasonable opportunity to participate in such negotiation
5132 process. Negotiation meetings with local governments or
5133 intervenors shall be open to the public. The state land planning

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5134 agency shall provide each party granted intervenor status with a
5135 copy of the compliance agreement within 10 days after the
5136 agreement is executed. The compliance agreement shall list each
5137 portion of the plan or plan amendment which is not in
5138 compliance, and shall specify remedial actions which the local
5139 government must complete within a specified time in order to
5140 bring the plan or plan amendment into compliance, including
5141 adoption of all necessary plan amendments. The compliance
5142 agreement may also establish monitoring requirements and
5143 incentives to ensure that the conditions of the compliance
5144 agreement are met.

5145 (b) Upon filing by the state land planning agency of a
5146 compliance agreement executed by the agency and the local
5147 government with the Division of Administrative Hearings, any
5148 administrative proceeding under ss. 120.569 and 120.57 regarding
5149 the plan or plan amendment covered by the compliance agreement
5150 shall be stayed.

5151 (c) Prior to its execution of a compliance agreement, the
5152 local government must approve the compliance agreement at a
5153 public hearing advertised at least 10 days before the public
5154 hearing in a newspaper of general circulation in the area in
5155 accordance with the advertisement requirements of subsection
5156 (15).

5157 (d) A local government may adopt a plan amendment pursuant
5158 to a compliance agreement in accordance with the requirements of
5159 paragraph (15)(a). The plan amendment shall be exempt from the
5160 requirements of subsections (2)-(7). The local government shall
5161 hold a single adoption public hearing pursuant to the
5162 requirements of subparagraph (15)(b)2. and paragraph (15)(e).

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5163 Within 10 working days after adoption of a plan amendment, the
5164 local government shall transmit the amendment to the state land
5165 planning agency as specified in the agency's procedural rules,
5166 and shall submit one copy to the regional planning agency and to
5167 any other unit of local government or government agency in the
5168 state that has filed a written request with the governing body
5169 for a copy of the plan amendment, and one copy to any party to
5170 the proceeding under ss. 120.569 and 120.57 granted intervenor
5171 status.

5172 (e) The state land planning agency, upon receipt of a plan
5173 amendment adopted pursuant to a compliance agreement, shall
5174 issue a cumulative notice of intent addressing both the
5175 compliance agreement amendment and the plan or plan amendment
5176 that was the subject of the agreement, in accordance with
5177 subsection (8).

5178 (f)1. If the local government adopts a comprehensive plan
5179 amendment pursuant to a compliance agreement and a notice of
5180 intent to find the plan amendment in compliance is issued, the
5181 state land planning agency shall forward the notice of intent to
5182 the Division of Administrative Hearings and the administrative
5183 law judge shall realign the parties in the pending proceeding
5184 under ss. 120.569 and 120.57, which shall thereafter be governed
5185 by the process contained in paragraphs (9)(a) and (b), including
5186 provisions relating to challenges by an affected person, burden
5187 of proof, and issues of a recommended order and a final order,
5188 except as provided in subparagraph 2. Parties to the original
5189 proceeding at the time of realignment may continue as parties
5190 without being required to file additional pleadings to initiate
5191 a proceeding, but may timely amend their pleadings to raise any

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5192 challenge to the amendment which is the subject of the
5193 cumulative notice of intent, and must otherwise conform to the
5194 rules of procedure of the Division of Administrative Hearings.
5195 Any affected person not a party to the realigned proceeding may
5196 challenge the plan amendment which is the subject of the
5197 cumulative notice of intent by filing a petition with the agency
5198 as provided in subsection (9). The agency shall forward the
5199 petition filed by the affected person not a party to the
5200 realigned proceeding to the Division of Administrative Hearings
5201 for consolidation with the realigned proceeding.

5202 2. If any of the issues raised by the state land planning
5203 agency in the original subsection (10) proceeding are not
5204 resolved by the compliance agreement amendments, any intervenor
5205 in the original subsection (10) proceeding may require those
5206 issues to be addressed in the pending consolidated realigned
5207 proceeding under ss. 120.569 and 120.57. As to those unresolved
5208 issues, the burden of proof shall be governed by subsection
5209 (10).

5210 3. If the local government adopts a comprehensive plan
5211 amendment pursuant to a compliance agreement and a notice of
5212 intent to find the plan amendment not in compliance is issued,
5213 the state land planning agency shall forward the notice of
5214 intent to the Division of Administrative Hearings, which shall
5215 consolidate the proceeding with the pending proceeding and
5216 immediately set a date for hearing in the pending proceeding
5217 under ss. 120.569 and 120.57. Affected persons who are not a
5218 party to the underlying proceeding under ss. 120.569 and 120.57
5219 may challenge the plan amendment adopted pursuant to the
5220 compliance agreement by filing a petition pursuant to subsection

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5221 (10).

5222 (g) If the local government fails to adopt a comprehensive
5223 plan amendment pursuant to a compliance agreement, the state
5224 land planning agency shall notify the Division of Administrative
5225 Hearings, which shall set the hearing in the pending proceeding
5226 under ss. 120.569 and 120.57 at the earliest convenient time.

5227 (h) This subsection does not prohibit a local government
5228 from amending portions of its comprehensive plan other than
5229 those which are the subject of the compliance agreement.
5230 However, such amendments to the plan may not be inconsistent
5231 with the compliance agreement.

5232 (i) Nothing in this subsection is intended to limit the
5233 parties from entering into a compliance agreement at any time
5234 before the final order in the proceeding is issued, provided
5235 that the provisions of paragraph (c) shall apply regardless of
5236 when the compliance agreement is reached.

5237 (j) Nothing in this subsection is intended to force any
5238 party into settlement against its will or to preclude the use of
5239 other informal dispute resolution methods, such as the services
5240 offered by the Florida Growth Management Dispute Resolution
5241 Consortium, in the course of or in addition to the method
5242 described in this subsection.

5243 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS. A~~
5244 ~~local government that has adopted a community vision and urban~~
5245 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
5246 ~~amendment related to map amendments solely to property within an~~
5247 ~~urban service boundary in the manner described in subsections~~
5248 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
5249 ~~and e., 2., and 3., such that state and regional agency review~~

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5250 ~~is eliminated. The department may not issue an objections,~~
5251 ~~recommendations, and comments report on proposed plan amendments~~
5252 ~~or a notice of intent on adopted plan amendments; however,~~
5253 ~~affected persons, as defined by paragraph (1) (a), may file a~~
5254 ~~petition for administrative review pursuant to the requirements~~
5255 ~~of s. 163.3187(3) (a) to challenge the compliance of an adopted~~
5256 ~~plan amendment. This subsection does not apply to any amendment~~
5257 ~~within an area of critical state concern, to any amendment that~~
5258 ~~increases residential densities allowable in high hazard coastal~~
5259 ~~areas as defined in s. 163.3178(2) (h), or to a text change to~~
5260 ~~the goals, policies, or objectives of the local government's~~
5261 ~~comprehensive plan. Amendments submitted under this subsection~~
5262 ~~are exempt from the limitation on the frequency of plan~~
5263 ~~amendments in s. 163.3187.~~

5264 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~
5265 ~~municipality that has a designated urban infill and~~
5266 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
5267 ~~related to map amendments solely to property within a designated~~
5268 ~~urban infill and redevelopment area in the manner described in~~
5269 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
5270 ~~163.3187(1) (c) 1.d. and e., 2., and 3., such that state and~~
5271 ~~regional agency review is eliminated. The department may not~~
5272 ~~issue an objections, recommendations, and comments report on~~
5273 ~~proposed plan amendments or a notice of intent on adopted plan~~
5274 ~~amendments; however, affected persons, as defined by paragraph~~
5275 ~~(1) (a), may file a petition for administrative review pursuant~~
5276 ~~to the requirements of s. 163.3187(3) (a) to challenge the~~
5277 ~~compliance of an adopted plan amendment. This subsection does~~
5278 ~~not apply to any amendment within an area of critical state~~

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5279 concern, to any amendment that increases residential densities
5280 allowable in high-hazard coastal areas as defined in s.

5281 163.3178(2)(h), or to a text change to the goals, policies, or
5282 objectives of the local government's comprehensive plan.

5283 Amendments submitted under this subsection are exempt from the
5284 limitation on the frequency of plan amendments in s. 163.3187.

5285 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
5286 ~~government that identifies in its comprehensive plan the types~~
5287 ~~of housing developments and conditions for which it will~~
5288 ~~consider plan amendments that are consistent with the local~~
5289 ~~housing incentive strategies identified in s. 420.9076 and~~
5290 ~~authorized by the local government may expedite consideration of~~
5291 ~~such plan amendments. At least 30 days prior to adopting a plan~~
5292 ~~amendment pursuant to this subsection, the local government~~
5293 ~~shall notify the state land planning agency of its intent to~~
5294 ~~adopt such an amendment, and the notice shall include the local~~
5295 ~~government's evaluation of site suitability and availability of~~
5296 ~~facilities and services. A plan amendment considered under this~~
5297 ~~subsection shall require only a single public hearing before the~~
5298 ~~local governing body, which shall be a plan amendment adoption~~
5299 ~~hearing as described in subsection (7). The public notice of the~~
5300 ~~hearing required under subparagraph (15)(b)2. must include a~~
5301 ~~statement that the local government intends to use the expedited~~
5302 ~~adoption process authorized under this subsection. The state~~
5303 ~~land planning agency shall issue its notice of intent required~~
5304 ~~under subsection (8) within 30 days after determining that the~~
5305 ~~amendment package is complete. Any further proceedings shall be~~
5306 ~~governed by subsections (9)-(16).~~

5307 Section 15. Subsection (6) of section 163.3187, Florida

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5308 Statutes, is amended to read:

5309 163.3187 Amendment of adopted comprehensive plan.—

5310 ~~(6) (a) No local government may amend its comprehensive plan~~
5311 ~~after the date established by the state land planning agency for~~
5312 ~~adoption of its evaluation and appraisal report unless it has~~
5313 ~~submitted its report or addendum to the state land planning~~
5314 ~~agency as prescribed by s. 163.3191, except for plan amendments~~
5315 ~~described in paragraph (1) (b) or paragraph (1) (h).~~

5316 ~~(b) A local government may amend its comprehensive plan~~
5317 ~~after it has submitted its adopted evaluation and appraisal~~
5318 ~~report and for a period of 1 year after the initial~~
5319 ~~determination of sufficiency regardless of whether the report~~
5320 ~~has been determined to be insufficient.~~

5321 ~~(c) A local government may not amend its comprehensive~~
5322 ~~plan, except for plan amendments described in paragraph (1) (b),~~
5323 ~~if the 1-year period after the initial sufficiency determination~~
5324 ~~of the report has expired and the report has not been determined~~
5325 ~~to be sufficient.~~

5326 ~~(d) When the state land planning agency has determined that~~
5327 ~~the report has sufficiently addressed all pertinent provisions~~
5328 ~~of s. 163.3191, the local government may amend its comprehensive~~
5329 ~~plan without the limitations imposed by paragraph (a) or~~
5330 ~~paragraph (c).~~

5331 ~~(e) Any plan amendment which a local government attempts to~~
5332 ~~adopt in violation of paragraph (a) or paragraph (c) is invalid,~~
5333 ~~but such invalidity may be overcome if the local government~~
5334 ~~readopts the amendment and transmits the amendment to the state~~
5335 ~~land planning agency pursuant to s. 163.3184(7) after the report~~
5336 ~~is determined to be sufficient.~~

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5337 Section 16. Section 163.3191, Florida Statutes, is amended
5338 to read:

5339 163.3191 Evaluation and appraisal of comprehensive plan.—

5340 (1) The planning program shall be a continuous and ongoing
5341 process. As the first step in adopting an updated comprehensive
5342 plan, each local government shall prepare ~~adopt~~ an evaluation
5343 and appraisal report once every 7 years assessing the progress
5344 in implementing the local government's comprehensive plan
5345 unless:—

5346 (a) The local government qualifies as a municipality of
5347 special financial concern, as defined in s. 200.185(1)(b), with
5348 a per capita taxable value of assessed property of \$58,000 or
5349 less;

5350 (b) The local government is a municipality that has a
5351 population under 20,000 with a per capita taxable value of
5352 assessed property of \$46,000 or less; or

5353 (c) The local government qualifies as a small county as
5354 that term is defined in s. 120.52(19).

5355
5356 The report, including the data and analysis included in the
5357 report, shall be one basis for updating the local comprehensive
5358 plan. The updated comprehensive plan shall be adopted after the
5359 preparation of the report. A local government not required to
5360 prepare a report is not required to update its comprehensive
5361 plan as set forth in this section.

5362 (2) Furthermore, it is the intent of this section that:

5363 (a) Adopted comprehensive plans be updated ~~reviewed~~ through
5364 such evaluation process to respond to changes in state,
5365 regional, and local policies on planning and growth management

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5366 and changing conditions and trends, to ensure effective
5367 intergovernmental coordination, and to identify major issues
5368 regarding the community's achievement of its goals.

5369 (b) The initial evaluation and appraisal report shall be
5370 based on the original comprehensive plan. After completion of
5371 the initial ~~evaluation and appraisal~~ report and any supporting
5372 plan amendments, each subsequent ~~evaluation and appraisal~~ report
5373 must evaluate the comprehensive plan as amended by the most
5374 recent evaluation and appraisal report update amendments ~~in~~
5375 effect at the time of the initiation of the evaluation and
5376 appraisal report process.

5377 (c) Local governments identify the major issues as part of,
5378 ~~if applicable, with input from state agencies, regional~~
5379 ~~agencies, adjacent local governments, and the public in the~~
5380 evaluation and appraisal report process. The Legislature
5381 encourages local governments to incorporate visioning, as set
5382 forth at s. 163.3167(8), or other similar techniques, as part of
5383 the process to foster public participation and to aid in
5384 identifying the major issues.

5385 (d) It is also the intent of this section to establish
5386 minimum requirements for information to ensure predictability,
5387 certainty, and integrity in the growth management process. The
5388 report is intended to serve as a summary audit of the actions
5389 that a local government has undertaken and identify changes that
5390 it may need to make. The report should be based on the local
5391 government's analysis of major issues to further the community's
5392 goals ~~consistent with statewide minimum standards.~~ The report is
5393 not intended to require a comprehensive rewrite of the elements
5394 within the local plan, unless a local government chooses to do

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5395 so.

5396 (3)-(2) The report shall present an evaluation and
5397 assessment of the comprehensive plan and is encouraged to shall
5398 contain appropriate statements to update the comprehensive plan,
5399 ~~including, but not limited to, words, maps, illustrations, or~~
5400 ~~other media,~~ related to:

5401 (a) Community-wide assessment.-

5402 1.(a) Population growth and changes in land area, including
5403 projections for the next long-term planning timeframe
5404 ~~annexation, since the adoption of the original plan or the most~~
5405 ~~recent update amendments.~~

5406 2.(b) The extent of vacant and developable land for each
5407 future land use category included in the plan.

5408 3.(c) An evaluation of the extent to which ~~The financial~~
5409 ~~feasibility of implementing the comprehensive plan and of~~
5410 ~~providing~~ needed infrastructure was provided during the
5411 evaluation period to address infrastructure backlogs and meet
5412 the demands of growth on public services and facilities through
5413 the achievement and maintenance of ~~to achieve and maintain~~
5414 adopted level-of-service standards and sustainment of sustain
5415 concurrency management systems through the capital improvements
5416 element, ~~as well as the ability to address infrastructure~~
5417 ~~backlogs and meet the demands of growth on public services and~~
5418 ~~facilities.~~

5419 4.(d) The location of existing development in relation to
5420 the location of development as anticipated in the original plan,
5421 or in the plan as amended by the most recent evaluation and
5422 appraisal report update amendments, such as within areas
5423 designated for urban growth.

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5424 ~~(e) An identification of the major issues for the~~
5425 ~~jurisdiction and, where pertinent, the potential social,~~
5426 ~~economic, and environmental impacts.~~

5427 5.(f) Relevant changes to the state comprehensive plan, the
5428 requirements of this part, ~~the minimum criteria contained in~~
5429 ~~chapter 9J-5, Florida Administrative Code,~~ and the appropriate
5430 strategic regional policy plan since the adoption of the
5431 original plan or the most recent evaluation and appraisal report
5432 update amendments.

5433 ~~(g) An assessment of whether the plan objectives within~~
5434 ~~each element, as they relate to major issues, have been~~
5435 ~~achieved. The report shall include, as appropriate, an~~
5436 ~~identification as to whether unforeseen or unanticipated changes~~
5437 ~~in circumstances have resulted in problems or opportunities with~~
5438 ~~respect to major issues identified in each element and the~~
5439 ~~social, economic, and environmental impacts of the issue.~~

5440 6.(h) A brief assessment of successes and shortcomings
5441 related to each element of the plan.

5442 7. A summary of the public participation program and
5443 activities undertaken by the local government in preparing the
5444 report.

5445 (b) Evaluation of major community planning issues.-

5446 1. An identification of the major issues for the
5447 jurisdiction and, where pertinent, the potential social,
5448 economic, and environmental impacts.

5449 2. An assessment of whether the plan objectives within each
5450 element, as they relate to major issues, have been achieved. The
5451 report shall include, as appropriate, identification as to
5452 whether unforeseen or unanticipated changes in circumstances

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5453 have resulted in problems or opportunities with respect to major
5454 issues identified in each element and the social, economic, and
5455 environmental impacts of the issue.

5456 3.(i) The identification of any actions or corrective
5457 measures, including ~~whether~~ plan amendments, ~~are anticipated~~ to
5458 address the major issues identified and analyzed in the report.
5459 Such identification shall include, as appropriate, new
5460 population projections, new updated ~~revised~~ planning timeframes,
5461 ~~a~~ updated ~~revised~~ future conditions map or map series, an
5462 updated capital improvements element, and any new and updated
5463 ~~revised~~ goals, objectives, and policies for major issues
5464 identified within each element. Recommended changes to the
5465 comprehensive plan shall be summarized in a single section of
5466 the report. ~~This paragraph shall not require the submittal of~~
5467 ~~the plan amendments with the evaluation and appraisal report.~~

5468 ~~(j) A summary of the public participation program and~~
5469 ~~activities undertaken by the local government in preparing the~~
5470 ~~report.~~

5471 ~~(k) The coordination of the comprehensive plan with~~
5472 ~~existing public schools and those identified in the applicable~~
5473 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
5474 ~~assessment shall address, where relevant, the success or failure~~
5475 ~~of the coordination of the future land use map and associated~~
5476 ~~planned residential development with public schools and their~~
5477 ~~capacities, as well as the joint decisionmaking processes~~
5478 ~~engaged in by the local government and the school board in~~
5479 ~~regard to establishing appropriate population projections and~~
5480 ~~the planning and siting of public school facilities. For those~~
5481 ~~counties or municipalities that do not have a public schools~~

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5482 ~~interlocal agreement or public school facilities element, the~~
5483 ~~assessment shall determine whether the local government~~
5484 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
5485 ~~or municipality determines that it no longer meets the criteria,~~
5486 ~~it must adopt appropriate school concurrency goals, objectives,~~
5487 ~~and policies in its plan amendments pursuant to the requirements~~
5488 ~~of the public school facilities element, and enter into the~~
5489 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~
5490 ~~and 163.31777 in order to fully participate in the school~~
5491 ~~concurrency system.~~

5492 ~~(l) The extent to which the local government has been~~
5493 ~~successful in identifying alternative water supply projects and~~
5494 ~~traditional water supply projects, including conservation and~~
5495 ~~reuse, necessary to meet the water needs identified in s.~~
5496 ~~373.709(2)(a) within the local government's jurisdiction. The~~
5497 ~~report must evaluate the degree to which the local government~~
5498 ~~has implemented the work plan for building public, private, and~~
5499 ~~regional water supply facilities, including development of~~
5500 ~~alternative water supplies, identified in the element as~~
5501 ~~necessary to serve existing and new development.~~

5502 ~~(m) If any of the jurisdiction of the local government is~~
5503 ~~located within the coastal high hazard area, an evaluation of~~
5504 ~~whether any past reduction in land use density impairs the~~
5505 ~~property rights of current residents when redevelopment occurs,~~
5506 ~~including, but not limited to, redevelopment following a natural~~
5507 ~~disaster. The property rights of current residents shall be~~
5508 ~~balanced with public safety considerations. The local government~~
5509 ~~must identify strategies to address redevelopment feasibility~~
5510 ~~and the property rights of affected residents. These strategies~~

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5511 ~~may include the authorization of redevelopment up to the actual~~
5512 ~~built density in existence on the property prior to the natural~~
5513 ~~disaster or redevelopment.~~

5514 4.(n) An assessment of whether the criteria adopted
5515 pursuant to s. 163.3177(6) (a) were successful in achieving
5516 compatibility with military installations.

5517 ~~(o) The extent to which a concurrency exception area~~
5518 ~~designated pursuant to s. 163.3180(5), a concurrency management~~
5519 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
5520 ~~transportation district designated pursuant to s. 163.3180(15)~~
5521 ~~has achieved the purpose for which it was created and otherwise~~
5522 ~~complies with the provisions of s. 163.3180.~~

5523 ~~(p) An assessment of the extent to which changes are needed~~
5524 ~~to develop a common methodology for measuring impacts on~~
5525 ~~transportation facilities for the purpose of implementing its~~
5526 ~~concurrency management system in coordination with the~~
5527 ~~municipalities and counties, as appropriate pursuant to s.~~
5528 ~~163.3180(10).~~

5529 ~~(3) Voluntary scoping meetings may be conducted by each~~
5530 ~~local government or several local governments within the same~~
5531 ~~county that agree to meet together. Joint meetings among all~~
5532 ~~local governments in a county are encouraged. All scoping~~
5533 ~~meetings shall be completed at least 1 year prior to the~~
5534 ~~established adoption date of the report. The purpose of the~~
5535 ~~meetings shall be to distribute data and resources available to~~
5536 ~~assist in the preparation of the report, to provide input on~~
5537 ~~major issues in each community that should be addressed in the~~
5538 ~~report, and to advise on the extent of the effort for the~~
5539 ~~components of subsection (2). If scoping meetings are held, the~~

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5540 ~~local government shall invite each state and regional reviewing~~
5541 ~~agency, as well as adjacent and other affected local~~
5542 ~~governments. A preliminary list of new data and major issues~~
5543 ~~that have emerged since the adoption of the original plan, or~~
5544 ~~the most recent evaluation and appraisal report-based update~~
5545 ~~amendments, should be developed by state and regional entities~~
5546 ~~and involved local governments for distribution at the scoping~~
5547 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
5548 ~~a meeting conducted to determine the scope of review of the~~
5549 ~~evaluation and appraisal report by parties to which the report~~
5550 ~~relates.~~

5551 (4) The local planning agency shall prepare the evaluation
5552 and appraisal report and updated comprehensive plan and shall
5553 make recommendations to the governing body regarding adoption of
5554 the plan proposed report. ~~The local planning agency shall~~
5555 ~~prepare the report in conformity with its public participation~~
5556 ~~procedures adopted as required by s. 163.3181. During the~~
5557 ~~preparation of the proposed report and prior to making any~~
5558 ~~recommendation to the governing body, the local planning agency~~
5559 ~~shall hold at least one public hearing, with public notice, on~~
5560 ~~the proposed report. At a minimum, the format and content of the~~
5561 ~~proposed report shall include a table of contents; numbered~~
5562 ~~pages; element headings; section headings within elements; a~~
5563 ~~list of included tables, maps, and figures; a title and sources~~
5564 ~~for all included tables; a preparation date; and the name of the~~
5565 ~~preparer. Where applicable, maps shall include major natural and~~
5566 ~~artificial geographic features; city, county, and state lines;~~
5567 ~~and a legend indicating a north arrow, map scale, and the date.~~

5568 (5) ~~Ninety days prior to the scheduled adoption date, the~~

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5569 ~~local government may provide a proposed evaluation and appraisal~~
5570 ~~report to the state land planning agency and distribute copies~~
5571 ~~to state and regional commenting agencies as prescribed by rule,~~
5572 ~~adjacent jurisdictions, and interested citizens for review. All~~
5573 ~~review comments, including comments by the state land planning~~
5574 ~~agency, shall be transmitted to the local government and state~~
5575 ~~land planning agency within 30 days after receipt of the~~
5576 ~~proposed report.~~

5577 ~~(6) The governing body, after considering the review~~
5578 ~~comments and recommended changes, if any, shall adopt the~~
5579 ~~evaluation and appraisal report by resolution or ordinance at a~~
5580 ~~public hearing with public notice. The governing body shall~~
5581 ~~adopt the report in conformity with its public participation~~
5582 ~~procedures adopted as required by s. 163.3181. The local~~
5583 ~~government shall submit to the state land planning agency three~~
5584 ~~copies of the report, a transmittal letter indicating the dates~~
5585 ~~of public hearings, and a copy of the adoption resolution or~~
5586 ~~ordinance. The local government shall provide a copy of the~~
5587 ~~report to the reviewing agencies which provided comments for the~~
5588 ~~proposed report, or to all the reviewing agencies if a proposed~~
5589 ~~report was not provided pursuant to subsection (5), including~~
5590 ~~the adjacent local governments. Within 60 days after receipt,~~
5591 ~~the state land planning agency shall review the adopted report~~
5592 ~~and make a preliminary sufficiency determination that shall be~~
5593 ~~forwarded by the agency to the local government for its~~
5594 ~~consideration. The state land planning agency shall issue a~~
5595 ~~final sufficiency determination within 90 days after receipt of~~
5596 ~~the adopted evaluation and appraisal report.~~

5597 (5) ~~(7)~~ The intent of the evaluation and appraisal process

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5598 is the preparation of a plan update that clearly and concisely
5599 achieves the purpose of this section. The evaluation and
5600 appraisal report shall be submitted as data and analysis in
5601 support of the evaluation and appraisal report based amendments.
5602 ~~Toward this end, the sufficiency review of the state land~~
5603 ~~planning agency shall concentrate on whether the evaluation and~~
5604 ~~appraisal report sufficiently fulfills the components of~~
5605 ~~subsection (2). If the state land planning agency determines~~
5606 ~~that the report is insufficient, the governing body shall adopt~~
5607 ~~a revision of the report and submit the revised report for~~
5608 ~~review pursuant to subsection (6).~~

5609 ~~(8) The state land planning agency may delegate the review~~
5610 ~~of evaluation and appraisal reports, including all state land~~
5611 ~~planning agency duties under subsections (4) (7), to the~~
5612 ~~appropriate regional planning council. When the review has been~~
5613 ~~delegated to a regional planning council, any local government~~
5614 ~~in the region may elect to have its report reviewed by the~~
5615 ~~regional planning council rather than the state land planning~~
5616 ~~agency. The state land planning agency shall by agreement~~
5617 ~~provide for uniform and adequate review of reports and shall~~
5618 ~~retain oversight for any delegation of review to a regional~~
5619 ~~planning council.~~

5620 ~~(9) The state land planning agency may establish a phased~~
5621 ~~schedule for adoption of reports. The schedule shall provide~~
5622 ~~each local government at least 7 years from plan adoption or~~
5623 ~~last established adoption date for a report and shall allot~~
5624 ~~approximately one-seventh of the reports to any 1 year. In order~~
5625 ~~to allow the municipalities to use data and analyses gathered by~~
5626 ~~the counties, the state land planning agency shall schedule~~

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5627 ~~municipal report adoption dates between 1 year and 18 months~~
5628 ~~later than the report adoption date for the county in which~~
5629 ~~those municipalities are located. A local government may adopt~~
5630 ~~its report no earlier than 90 days prior to the established~~
5631 ~~adoption date. Small municipalities which were scheduled by~~
5632 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~
5633 ~~evaluation and appraisal report after February 2, 1999, shall be~~
5634 ~~rescheduled to adopt their report together with the other~~
5635 ~~municipalities in their county as provided in this subsection.~~

5636 (6) ~~(10)~~ Local governments subject to this section shall
5637 update their comprehensive plans based on the requirements of
5638 this section at least once every 7 years. The governing body
5639 shall amend its comprehensive plan ~~based on the recommendations~~
5640 ~~in the report and shall update the comprehensive plan based on~~
5641 ~~the components of subsection (2),~~ pursuant to the provisions of
5642 ss. 163.3184, 163.3187, and 163.3189. Amendments to update a
5643 comprehensive plan ~~based on the evaluation and appraisal report~~
5644 shall be adopted during a single amendment cycle ~~within 18~~
5645 ~~months after the report is determined to be sufficient by the~~
5646 ~~state land planning agency, except the state land planning~~
5647 ~~agency may grant an extension for adoption of a portion of such~~
5648 ~~amendments. The state land planning agency may grant a 6-month~~
5649 ~~extension for the adoption of such amendments if the request is~~
5650 ~~justified by good and sufficient cause as determined by the~~
5651 ~~agency. An additional extension may also be granted if the~~
5652 ~~request will result in greater coordination between~~
5653 ~~transportation and land use, for the purposes of improving~~
5654 ~~Florida's transportation system, as determined by the agency in~~
5655 ~~coordination with the Metropolitan Planning Organization~~

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5656 ~~program. beginning July 1, 2006, failure to timely adopt and~~
5657 ~~transmit update amendments to the comprehensive plan based on~~
5658 ~~the evaluation and appraisal report shall result in a local~~
5659 ~~government being prohibited from adopting amendments to the~~
5660 ~~comprehensive plan until the evaluation and appraisal report~~
5661 ~~update amendments have been adopted and transmitted to the state~~
5662 ~~land planning agency. The prohibition on plan amendments shall~~
5663 ~~commence when the update amendments to the comprehensive plan~~
5664 ~~are past due. The comprehensive plan as amended shall be in~~
5665 ~~compliance as defined in s. 163.3184(1)(b). Within 6 months~~
5666 ~~after the effective date of the update amendments to the~~
5667 ~~comprehensive plan, the local government shall provide to the~~
5668 ~~state land planning agency and to all agencies designated by~~
5669 ~~rule a complete copy of the updated comprehensive plan.~~

5670 ~~(11) The Administration Commission may impose the sanctions~~
5671 ~~provided by s. 163.3184(11) against any local government that~~
5672 ~~fails to adopt and submit a report, or that fails to implement~~
5673 ~~its report through timely and sufficient amendments to its local~~
5674 ~~plan, except for reasons of excusable delay or valid planning~~
5675 ~~reasons agreed to by the state land planning agency or found~~
5676 ~~present by the Administration Commission. Sanctions for untimely~~
5677 ~~or insufficient plan amendments shall be prospective only and~~
5678 ~~shall begin after a final order has been issued by the~~
5679 ~~Administration Commission and a reasonable period of time has~~
5680 ~~been allowed for the local government to comply with an adverse~~
5681 ~~determination by the Administration Commission through adoption~~
5682 ~~of plan amendments that are in compliance. The state land~~
5683 ~~planning agency may initiate, and an affected person may~~
5684 ~~intervene in, such a proceeding by filing a petition with the~~

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5685 ~~Division of Administrative Hearings, which shall appoint an~~
5686 ~~administrative law judge and conduct a hearing pursuant to ss.~~
5687 ~~120.569 and 120.57(1) and shall submit a recommended order to~~
5688 ~~the Administration Commission. The affected local government~~
5689 ~~shall be a party to any such proceeding. The commission may~~
5690 ~~implement this subsection by rule.~~

5691 (7)~~(12)~~ The state land planning agency shall not adopt
5692 rules to implement this section, other than procedural rules.

5693 ~~(13)~~ The state land planning agency shall regularly review
5694 the evaluation and appraisal report process and submit a report
5695 to the Governor, the Administration Commission, the Speaker of
5696 the House of Representatives, the President of the Senate, and
5697 the respective community affairs committees of the Senate and
5698 the House of Representatives. The first report shall be
5699 submitted by December 31, 2004, and subsequent reports shall be
5700 submitted every 5 years thereafter. At least 9 months before the
5701 due date of each report, the Secretary of Community Affairs
5702 shall appoint a technical committee of at least 15 members to
5703 assist in the preparation of the report. The membership of the
5704 technical committee shall consist of representatives of local
5705 governments, regional planning councils, the private sector, and
5706 environmental organizations. The report shall assess the
5707 effectiveness of the evaluation and appraisal report process.

5708 ~~(14)~~ The requirement of subsection (10) prohibiting a local
5709 government from adopting amendments to the local comprehensive
5710 plan until the evaluation and appraisal report update amendments
5711 have been adopted and transmitted to the state land planning
5712 agency does not apply to a plan amendment proposed for adoption
5713 by the appropriate local government as defined in s.

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5714 ~~163.3178(2)(k) in order to integrate a port comprehensive master~~
5715 ~~plan with the coastal management element of the local~~
5716 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~
5717 ~~comprehensive master plan or the proposed plan amendment does~~
5718 ~~not cause or contribute to the failure of the local government~~
5719 ~~to comply with the requirements of the evaluation and appraisal~~
5720 ~~report.~~

5721 Section 17. Present subsections (3), (4), (5), and (6) of
5722 section 163.3194, Florida Statutes, are renumbered as
5723 subsections (4), (5), (6), and (7), respectively, and a new
5724 subsection (3) is added to that section, to read:

5725 163.3194 Legal status of comprehensive plan.—

5726 (3) A governing body may not issue a development order or
5727 permit to erect, operate, use, or maintain a sign authorized by
5728 s. 479.07 unless the sign is located in an area designated for
5729 commercial or industrial use in a zoned or unzoned area or on a
5730 zoned or unzoned parcel.

5731 (a) As used in this subsection, the term:

5732 1. "Commercial or industrial use" means a parcel of land
5733 designated predominately for commercial or industrial uses under
5734 both the future land use map approved by the state land planning
5735 agency and the land use development regulations adopted pursuant
5736 to this chapter.

5737 2. "Zoned or unzoned area" means an area that is not
5738 specifically designated for commercial or industrial uses under
5739 the land development regulations and is located in an area
5740 designated by the future land use map of a plan approved by the
5741 state land planning agency for multiple uses that include
5742 commercial or industrial uses on which three or more separate

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5743 and distinct conforming activities are located.

5744 3. "Zoned or unzoned parcel" means a parcel of land in a
5745 zoned or unzoned area.

5746 (b) If a parcel is located in an area designated for
5747 multiple uses on the future land use map of the comprehensive
5748 plan and the zoning category of the land development regulations
5749 does not clearly designate that parcel for a specific use, the
5750 parcel will be considered an unzoned commercial or industrial
5751 parcel if it meets the criteria of this subsection.

5752 (c) A development order or permit issued pursuant to a plan
5753 approved by the state land planning agency in a zoned or unzoned
5754 area or on a zoned or unzoned parcel authorized for commercial
5755 or industrial use is in compliance with s. 479.02, and the
5756 Department of Transportation may rely upon such determination by
5757 the local permitting agency.

5758 Section 18. Subsection (3) of section 163.3220, Florida
5759 Statutes, is amended to read:

5760 163.3220 Short title; legislative intent.—

5761 (3) In conformity with, in furtherance of, and to implement
5762 the ~~Community Local Government Comprehensive Planning and Land~~
5763 ~~Development Regulation Act~~ and the Florida State Comprehensive
5764 Planning Act of 1972, it is the intent of the Legislature to
5765 encourage a stronger commitment to comprehensive and capital
5766 facilities planning, ensure the provision of adequate public
5767 facilities for development, encourage the efficient use of
5768 resources, and reduce the economic cost of development.

5769 Section 19. Subsections (2) and (11) of section 163.3221,
5770 Florida Statutes, are amended to read:

5771 163.3221 Florida Local Government Development Agreement

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5772 Act; definitions.—As used in ss. 163.3220-163.3243:

5773 (2) "Comprehensive plan" means a plan adopted pursuant to
5774 the Community ~~"Local Government Comprehensive Planning and Land~~
5775 ~~Development Regulation Act."~~

5776 (11) "Local planning agency" means the agency designated to
5777 prepare a comprehensive plan or plan amendment pursuant to the
5778 Community ~~"Florida Local Government Comprehensive Planning and~~
5779 ~~Land Development Regulation Act."~~

5780 Section 20. Section 163.3229, Florida Statutes, is amended
5781 to read:

5782 163.3229 Duration of a development agreement and
5783 relationship to local comprehensive plan.—The duration of a
5784 development agreement may shall not exceed 20 years, unless it
5785 is. ~~It may be~~ extended by mutual consent of the governing body
5786 and the developer, subject to a public hearing in accordance
5787 with s. 163.3225. No development agreement shall be effective or
5788 be implemented by a local government unless the local
5789 government's comprehensive plan and plan amendments implementing
5790 or related to the agreement are ~~found~~ in compliance ~~by the state~~
5791 ~~land planning agency~~ in accordance with s. 163.3184, ~~s.~~
5792 ~~163.3187,~~ or s. 163.3189.

5793 Section 21. Section 163.3235, Florida Statutes, is amended
5794 to read:

5795 163.3235 Periodic review of a development agreement.—A
5796 local government shall review land subject to a development
5797 agreement at least once every 12 months to determine if there
5798 has been demonstrated good faith compliance with the terms of
5799 the development agreement. ~~For each annual review conducted~~
5800 ~~during years 6 through 10 of a development agreement, the review~~

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5801 ~~shall be incorporated into a written report which shall be~~
5802 ~~submitted to the parties to the agreement and the state land~~
5803 ~~planning agency. The state land planning agency shall adopt~~
5804 ~~rules regarding the contents of the report, provided that the~~
5805 ~~report shall be limited to the information sufficient to~~
5806 ~~determine the extent to which the parties are proceeding in good~~
5807 ~~faith to comply with the terms of the development agreement. If~~
5808 the local government finds, on the basis of substantial
5809 competent evidence, that there has been a failure to comply with
5810 the terms of the development agreement, the agreement may be
5811 revoked or modified by the local government.

5812 Section 22. Section 163.3239, Florida Statutes, is amended
5813 to read:

5814 163.3239 Recording and effectiveness of a development
5815 agreement.—Within 14 days after a local government enters into a
5816 development agreement, the local government shall record the
5817 agreement with the clerk of the circuit court in the county
5818 where the local government is located. ~~A copy of the recorded~~
5819 ~~development agreement shall be submitted to the state land~~
5820 ~~planning agency within 14 days after the agreement is recorded.~~
5821 A development agreement shall not be effective until it is
5822 properly recorded in the public records of the county ~~and until~~
5823 ~~30 days after having been received by the state land planning~~
5824 ~~agency pursuant to this section.~~ The burdens of the development
5825 agreement shall be binding upon, and the benefits of the
5826 agreement shall inure to, all successors in interest to the
5827 parties to the agreement.

5828 Section 23. Section 163.3243, Florida Statutes, is amended
5829 to read:

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5830 163.3243 Enforcement.—Any party or,~~any~~ aggrieved or
5831 adversely affected person as defined in s. 163.3215(2),~~or the~~
5832 ~~state land planning agency~~ may file an action for injunctive
5833 relief in the circuit court where the local government is
5834 located to enforce the terms of a development agreement or to
5835 challenge compliance of the agreement with the provisions of ss.
5836 163.3220-163.3243.

5837 Section 24. Section 163.3245, Florida Statutes, is amended
5838 to read:

5839 163.3245 ~~Optional~~ Sector plans.—

5840 (1) In recognition of the benefits of ~~conceptual~~ long-range
5841 planning for ~~the buildout of an area, and detailed planning for~~
5842 ~~specific areas, as a demonstration project, the requirements of~~
5843 ~~s. 380.06 may be addressed as identified by this section for up~~
5844 ~~to five~~ local governments or combinations of local governments
5845 ~~may which~~ adopt into their ~~the~~ comprehensive plans ~~a plan~~ an
5846 ~~optional~~ sector plan in accordance with this section. This
5847 section is intended to promote and encourage long-term planning
5848 for conservation, development, and agriculture on a landscape
5849 scale; to further the intent of s. 163.3177(11), which supports
5850 innovative and flexible planning and development strategies, and
5851 the purposes of this part, and part I of chapter 380; to
5852 facilitate protection of regionally significant resources,
5853 including, but not limited to, regionally significant water
5854 courses and wildlife corridors; ~~and to avoid duplication of~~
5855 ~~effort in terms of the level of data and analysis required for a~~
5856 ~~development of regional impact, while ensuring the adequate~~
5857 ~~mitigation of impacts to applicable regional resources and~~
5858 ~~facilities, including those within the jurisdiction of other~~

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5859 local governments, as would otherwise be provided. ~~Optional~~
5860 Sector plans are intended for substantial geographic areas that
5861 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
5862 local governmental jurisdictions and are to emphasize urban form
5863 and protection of regionally significant resources and public
5864 facilities. ~~A The state land planning agency may approve~~
5865 ~~optional sector plans of less than 5,000 acres based on local~~
5866 ~~circumstances if it is determined that the plan would further~~
5867 ~~the purposes of this part and part I of chapter 380. Preparation~~
5868 ~~of an optional sector plan is authorized by agreement between~~
5869 ~~the state land planning agency and the applicable local~~
5870 ~~governments under s. 163.3171(4). An optional sector plan may be~~
5871 ~~adopted through one or more comprehensive plan amendments under~~
5872 ~~s. 163.3184. However, an optional sector plan may not be~~ adopted
5873 authorized in an area of critical state concern.

5874 (2) Upon the request of a local government having
5875 jurisdiction, ~~The state land planning agency may enter into an~~
5876 ~~agreement to authorize preparation of an optional sector plan~~
5877 ~~upon the request of one or more local governments based on~~
5878 ~~consideration of problems and opportunities presented by~~
5879 ~~existing development trends; the effectiveness of current~~
5880 ~~comprehensive plan provisions; the potential to further the~~
5881 ~~state comprehensive plan, applicable strategic regional policy~~
5882 ~~plans, this part, and part I of chapter 380; and those factors~~
5883 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
5884 planning council shall conduct a scoping meeting with affected
5885 local governments and those agencies identified in s.
5886 163.3184(4) before preparation of the sector plan ~~execution of~~
5887 ~~the agreement authorized by this section.~~ The purpose of this

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5888 meeting is to assist the state land planning agency and the
5889 local government in the identification of the relevant planning
5890 issues to be addressed and the data and resources available to
5891 assist in the preparation of the sector plan. In the event that
5892 a scoping meeting is conducted, ~~subsequent plan amendments,~~ the
5893 regional planning council shall make written recommendations to
5894 the state land planning agency and affected local governments,
5895 on the issues requested by the local government. The scoping
5896 meeting shall be noticed and open to the public. In the event
5897 that the entire planning area proposed for the sector plan is
5898 within the jurisdiction of two or more local governments, some
5899 or all of them may enter into a joint planning agreement
5900 pursuant to s. 163.3171 with respect to ~~including whether a~~
5901 ~~sustainable sector plan would be appropriate.~~ The agreement must
5902 ~~define~~ the geographic area to be subject to the sector plan, the
5903 planning issues that will be emphasized, procedures ~~requirements~~
5904 for intergovernmental coordination to address
5905 extrajurisdictional impacts, supporting application materials
5906 including data and analysis, ~~and~~ procedures for public
5907 participation, or other issues. ~~An agreement may address~~
5908 ~~previously adopted sector plans that are consistent with the~~
5909 ~~standards in this section. Before executing an agreement under~~
5910 ~~this subsection, the local government shall hold a duly noticed~~
5911 ~~public workshop to review and explain to the public the optional~~
5912 ~~sector planning process and the terms and conditions of the~~
5913 ~~proposed agreement. The local government shall hold a duly~~
5914 ~~noticed public hearing to execute the agreement. All meetings~~
5915 ~~between the department and the local government must be open to~~
5916 ~~the public.~~

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5917 (3) ~~Optional~~ Sector planning encompasses two levels:
5918 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
5919 master plan for the entire planning area as part of the
5920 comprehensive plan, and adoption by local development order of
5921 two or more buildout overlay to the comprehensive plan, having
5922 no immediate effect on the issuance of development orders or the
5923 applicability of s. 380.06, and adoption under s. 163.3184 of
5924 detailed specific area plans that implement the conceptual long-
5925 term master plan buildout overlay and authorize issuance of
5926 development orders, and within which s. 380.06 is waived. ~~Until~~
5927 ~~such time as a detailed specific area plan is adopted, the~~
5928 ~~underlying future land use designations apply.~~

5929 (a) In addition to the other requirements of this chapter,
5930 a long-term master plan pursuant to this section conceptual
5931 long-term buildout overlay must include maps, illustrations, and
5932 text supported by data and analysis to address the following:

5933 1. A ~~long-range conceptual~~ framework map that, at a
5934 minimum, generally depicts ~~identifies~~ anticipated areas of
5935 urban, agricultural, rural, and conservation land use,
5936 identifies allowed uses in various parts of the planning area,
5937 specifies maximum and minimum densities and intensities of use,
5938 and provides the general framework for the development pattern
5939 in developed areas with graphic illustrations based on a
5940 hierarchy of places and functional place-making components.

5941 2. A general identification of the water supplies needed
5942 and available sources of water, including water resource
5943 development and water supply development projects, and water
5944 conservation measures needed to meet the projected demand of the
5945 future land uses in the long-term master plan.

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5946 3. A general identification of the transportation
5947 facilities to serve the future land uses in the long-term master
5948 plan, including guidelines to be used to establish each modal
5949 component intended to optimize mobility.

5950 4. A general identification of other regionally significant
5951 public facilities consistent with chapter 9J-2, Florida
5952 Administrative Code, irrespective of local governmental
5953 jurisdiction necessary to support buildout of the anticipated
5954 future land uses, which may include central utilities provided
5955 on site within the planning area, and policies setting forth the
5956 procedures to be used to mitigate the impacts of future land
5957 uses on public facilities.

5958 5.3. A general identification of regionally significant
5959 natural resources within the planning area based on the best
5960 available data and policies setting forth the procedures for
5961 protection or conservation of specific resources consistent with
5962 the overall conservation and development strategy for the
5963 planning area consistent with chapter 9J-2, Florida
5964 Administrative Code.

5965 6.4. General principles and guidelines addressing that
5966 address the urban form and the interrelationships of anticipated
5967 future land uses; the protection and, as appropriate,
5968 restoration and management of lands identified for permanent
5969 preservation through recordation of conservation easements
5970 consistent with s. 704.06, which shall be phased or staged in
5971 coordination with detailed specific area plans to reflect phased
5972 or staged development within the planning area; and a
5973 discussion, at the applicant's option, of the extent, if any, to
5974 which the plan will address restoring key ecosystems, achieving

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5975 a more clean, healthy environment;; limiting urban sprawl;;
 5976 providing a range of housing types; protecting wildlife and
 5977 natural areas;; advancing the efficient use of land and other
 5978 resources;; ~~and~~ creating quality communities of a design that
 5979 promotes travel by multiple transportation modes; and enhancing
 5980 the prospects for the creation of jobs.

5981 7.5. Identification of general procedures and policies to
 5982 facilitate ~~ensure~~ intergovernmental coordination to address
 5983 extrajurisdictional impacts from the future land uses ~~long-range~~
 5984 ~~conceptual framework map.~~

5985
 5986 A long-term master plan adopted pursuant to this section shall
 5987 be based upon a planning period longer than the generally
 5988 applicable planning period of the local comprehensive plan,
 5989 shall specify the projected population within the planning area
 5990 during the chosen planning period, and may include a phasing or
 5991 staging schedule that allocates a portion of the local
 5992 government's future growth to the planning area through the
 5993 planning period. It shall not be a requirement for a long-term
 5994 master plan adopted pursuant to this section to demonstrate need
 5995 based upon projected population growth or on any other basis.

5996 (b) In addition to the other requirements of this chapter,
 5997 ~~including those in paragraph (a),~~ the detailed specific area
 5998 plans shall be consistent with the long-term master plan and
 5999 must include conditions and commitments which provide for:

6000 1. Development or conservation of an area of adequate size
 6001 ~~to accommodate a level of development which achieves a~~
 6002 ~~functional relationship between a full range of land uses within~~
 6003 ~~the area and to encompass~~ at least 1,000 acres consistent with

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6004 the long-term master plan. The local government ~~state land~~
6005 ~~planning agency~~ may approve detailed specific area plans of less
6006 than 1,000 acres based on local circumstances if it is
6007 determined that the detailed specific area plan furthers the
6008 purposes of this part and part I of chapter 380.

6009 2. Detailed identification and analysis of the maximum and
6010 minimum densities and intensities of use, and the distribution,
6011 extent, and location of future land uses.

6012 3. Detailed identification of water resource development
6013 and water supply development projects and related
6014 infrastructure, and water conservation measures to address water
6015 needs of development in the detailed specific area plan.

6016 4. Detailed identification of the transportation facilities
6017 to serve the future land uses in the detailed specific area
6018 plan.

6019 ~~5.3.~~ Detailed identification of other regionally
6020 significant public facilities, including public facilities
6021 outside the jurisdiction of the host local government,
6022 ~~anticipated~~ impacts of future land uses on those facilities, and
6023 required improvements consistent with the long-term master plan
6024 ~~chapter 9J-2, Florida Administrative Code.~~

6025 ~~6.4.~~ Public facilities necessary to serve development in
6026 the detailed specific area plan ~~for the short term,~~ including
6027 developer contributions in a ~~financially feasible~~ 5-year capital
6028 improvement schedule of the affected local government.

6029 ~~7.5.~~ Detailed analysis and identification of specific
6030 measures to assure the protection or conservation of lands
6031 identified in the long-term master plan to be permanently
6032 preserved within the planning area through recordation of a

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6033 conservation easement consistent with s. 704.06 and, as
6034 appropriate, restored or managed, ~~of regionally significant~~
6035 natural resources and other important resources both within and
6036 outside the host jurisdiction, ~~including those regionally~~
6037 ~~significant resources identified in chapter 9J-2, Florida~~
6038 ~~Administrative Code.~~

6039 8.6. Detailed principles and guidelines addressing that
6040 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
6041 future land uses; and a discussion, at the applicant's option,
6042 ~~of the extent, if any, to which the plan will address restoring~~
6043 ~~key ecosystems,~~ achieving a more clean, healthy environment;;
6044 limiting urban sprawl; providing a range of housing types;
6045 protecting wildlife and natural areas; advancing the efficient
6046 use of land and other resources;; ~~and~~ creating quality
6047 communities of a design that promotes travel by multiple
6048 transportation modes; and enhancing the prospects for the
6049 creation of jobs.

6050 9.7. Identification of specific procedures to facilitate
6051 ~~ensure~~ intergovernmental coordination to address
6052 extrajurisdictional impacts from ~~of~~ the detailed specific area
6053 plan.

6054
6055 A detailed specific area plan adopted by local development order
6056 pursuant to this section may be based upon a planning period
6057 longer than the generally applicable planning period of the
6058 local comprehensive plan and shall specify the projected
6059 population within the specific planning area during the chosen
6060 planning period. It shall not be a requirement for a detailed
6061 specific area plan adopted pursuant to this section to

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6062 demonstrate need based upon projected population growth or on
6063 any other basis.

6064 (c) In its review of a long-term master plan, the state
6065 land planning agency shall consult with the Department of
6066 Agriculture and Consumer Services, the Department of
6067 Environmental Protection, the Fish and Wildlife Conservation
6068 Commission, and the applicable water management district
6069 regarding the design of areas for protection and conservation of
6070 regionally significant natural resources and for the protection
6071 and, as appropriate, restoration and management of lands
6072 identified for permanent preservation.

6073 (d) In its review of a long-term master plan, the state
6074 land planning agency shall consult with the Department of
6075 Transportation, the applicable metropolitan planning
6076 organization, and any urban transit agency regarding the
6077 location, capacity, design, and phasing or staging of major
6078 transportation facilities in the planning area.

6079 (e) The state land planning agency may initiate a civil
6080 action pursuant to s. 163.3215 with respect to a detailed
6081 specific area plan that is not consistent with a long-term
6082 master plan adopted pursuant to this section. For purposes of
6083 such a proceeding, the state land planning agency shall be
6084 deemed an aggrieved and adversely affected party. Regardless of
6085 whether the local government has adopted an ordinance that
6086 establishes a local process that meets the requirements of s.
6087 163.3215(4), judicial review of a detailed specific area plan
6088 initiated by the state land planning agency shall be de novo
6089 pursuant to s. 163.3215(3) and not by petition for writ of
6090 certiorari pursuant to s. 163.3215(4). Any other aggrieved or

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6091 adversely affected party shall be subject to s. 163.3215 in all
6092 respects when initiating a consistency challenge to a detailed
6093 specific area plan.

6094 (f) ~~(e)~~ This subsection does ~~may not be construed to~~ prevent
6095 preparation and approval of the ~~optional~~ sector plan and
6096 detailed specific area plan concurrently or in the same
6097 submission.

6098 (4) Upon the long-term master plan becoming legally
6099 effective:

6100 (a) Any long-range transportation plan developed by a
6101 metropolitan planning organization pursuant to s. 339.175(7)
6102 must be consistent, to the maximum extent feasible, with the
6103 long-term master plan, including, but not limited to, the
6104 projected population, the approved uses and densities and
6105 intensities of use and their distribution within the planning
6106 area. The transportation facilities identified in adopted plans
6107 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be
6108 developed in coordination with the adopted M.P.O. long-range
6109 transportation plan.

6110 (b) The water needs, sources and water resource
6111 development, and water supply development projects identified in
6112 adopted plans pursuant to sub-subparagraphs (3)(a)2. and
6113 (3)(b)3. shall be incorporated into the applicable district and
6114 regional water supply plans adopted in accordance with ss.
6115 373.036 and 373.709. Accordingly, and notwithstanding the permit
6116 durations stated in s. 373.236, an applicant may request and the
6117 applicable district may issue consumptive use permits for
6118 durations commensurate with the long-term master plan. The
6119 permitting criteria in s. 373.223 shall be applied based upon

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6120 the projected population, the approved densities and intensities
6121 of use and their distribution in the long-term master plan. ~~The~~
6122 ~~host local government shall submit a monitoring report to the~~
6123 ~~state land planning agency and applicable regional planning~~
6124 ~~council on an annual basis after adoption of a detailed specific~~
6125 ~~area plan. The annual monitoring report must provide summarized~~
6126 ~~information on development orders issued, development that has~~
6127 ~~occurred, public facility improvements made, and public facility~~
6128 ~~improvements anticipated over the upcoming 5 years.~~

6129 (5) When a ~~plan amendment adopting~~ a detailed specific area
6130 plan has become effective for a portion of the planning area
6131 governed by a long-term master plan adopted pursuant to this
6132 section under ss. 163.3184 and 163.3189(2), the provisions of s.
6133 380.06 do not apply to development within the geographic area of
6134 the detailed specific area plan. However, any development-of-
6135 regional-impact development order that is vested from the
6136 detailed specific area plan may be enforced pursuant to ~~under~~ s.
6137 380.11.

6138 (a) The local government adopting the detailed specific
6139 area plan is primarily responsible for monitoring and enforcing
6140 the detailed specific area plan. Local governments shall not
6141 issue any permits or approvals or provide any extensions of
6142 services to development that are not consistent with the
6143 detailed specific ~~sector~~ area plan.

6144 (b) If the state land planning agency has reason to believe
6145 that a violation of any detailed specific area plan, ~~or of any~~
6146 ~~agreement entered into under this section,~~ has occurred or is
6147 about to occur, it may institute an administrative or judicial
6148 proceeding to prevent, abate, or control the conditions or

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6149 activity creating the violation, using the procedures in s.
6150 380.11.

6151 (c) In instituting an administrative or judicial proceeding
6152 involving an ~~optional~~ sector plan or detailed specific area
6153 plan, including a proceeding pursuant to paragraph (b), the
6154 complaining party shall comply with the requirements of s.
6155 163.3215(4), (5), (6), and (7), except as provided by paragraph
6156 (3) (d).

6157 (d) The detailed specific area plan shall establish a
6158 buildout date until which the approved development shall not be
6159 subject to downzoning, unit density reduction, or intensity
6160 reduction, unless the local government can demonstrate that
6161 implementation of the plan is not continuing in good faith based
6162 on standards established by plan policy, or that substantial
6163 changes in the conditions underlying the approval of the
6164 detailed specific area plan have occurred, or that the detailed
6165 specific area plan was based on substantially inaccurate
6166 information provided by the applicant, or that the change is
6167 clearly established to be essential to the public health,
6168 safety, or welfare.

6169 (6) Concurrent with or subsequent to review and adoption of
6170 a long-term master plan pursuant to paragraph (3) (a), an
6171 applicant may apply for master development approval pursuant to
6172 s. 380.06(21) for the entire planning area in order to establish
6173 a buildout date until which the approved uses and densities and
6174 intensities of use of the master plan shall not be subject to
6175 downzoning, unit density reduction, or intensity reduction,
6176 unless the local government can demonstrate that implementation
6177 of the master plan is not continuing in good faith based on

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6178 standards established by plan policy, or that substantial
6179 changes in the conditions underlying the approval of the master
6180 plan have occurred, or that the master plan was based on
6181 substantially inaccurate information provided by the applicant,
6182 or that change is clearly established to be essential to the
6183 public health, safety, or welfare. Review of the application for
6184 master development approval shall be at a level of detail
6185 appropriate for the long-term and conceptual nature of the long-
6186 term master plan and, to the maximum extent possible, shall only
6187 consider information provided in the application for a long-term
6188 master plan. Notwithstanding any provision of s. 380.06 to the
6189 contrary, an increment of development in such an approved master
6190 development plan shall be approved by a detailed specific area
6191 plan pursuant to paragraph (3) (b) and shall be exempt from
6192 review pursuant to s. 380.06. ~~Beginning December 1, 1999, and~~
6193 ~~each year thereafter, the department shall provide a status~~
6194 ~~report to the Legislative Committee on Intergovernmental~~
6195 ~~Relations regarding each optional sector plan authorized under~~
6196 ~~this section.~~

6197 (7) A developer within an area subject to a long-term
6198 master plan which meets the requirements of paragraph (3) (a) and
6199 subsection (6) or a detailed specific area plan which meets the
6200 requirements of paragraph (3) (b) may enter into a development
6201 agreement with a local government pursuant to ss. 163.3220-
6202 163.3243. The duration of such a development agreement may be
6203 through the planning period of the long-term master plan or the
6204 detailed specific area plan, as the case may be, notwithstanding
6205 the limit on the duration of a development agreement pursuant to
6206 s. 163.3229.

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6207 (8) Any owner of property within the planning area of a
6208 proposed long-term master plan may withdraw his consent to the
6209 master plan at any time prior to local government adoption, and
6210 the local government shall exclude such parcels from the adopted
6211 master plan. Thereafter, the long-term master plan, any detailed
6212 specific area plan, and the exemption from development-of-
6213 regional-impact review under this section shall not apply to the
6214 subject parcels. After adoption of a long-term master plan, an
6215 owner may withdraw his or her property from the master plan only
6216 with the approval of the local government by plan amendment
6217 adopted and reviewed pursuant to s. 163.3184.

6218 (9) The adoption of a long-term master plan or a detailed
6219 specific area plan pursuant to this section shall not limit the
6220 right to continue existing agricultural or silvicultural uses or
6221 other natural resource-based operations or to establish similar
6222 new uses that are consistent with the plans approved pursuant to
6223 this section.

6224 (10) Notwithstanding any provision to the contrary of s.
6225 380.06 or this part or any planning agreement or plan policy, a
6226 landowner or developer who has received approval of a master
6227 development of regional impact development order pursuant to s.
6228 380.06(21) may apply to implement this order by filing one or
6229 more applications to approve detailed specific area plan
6230 pursuant to paragraph (3) (b).

6231 (11) Notwithstanding the provisions of this section, a
6232 detailed specific area plan to implement a conceptual long-term
6233 buildout overlay adopted by a local government and found in
6234 compliance prior to July 1, 2011, shall be governed by the
6235 provisions of this section.

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6236 (12)~~(7)~~ This section may not be construed to abrogate the
6237 rights of any person under this chapter.

6238 Section 25. Section 163.3246 of the Florida Statutes is
6239 repealed.

6240 Section 26. Section 163.3248, Florida Statutes, is created
6241 to read:

6242 163.3248 Rural land stewardship areas.-

6243 (1) Rural land stewardship areas are designed to establish
6244 a long-term incentive based strategy to balance and guide the
6245 allocation of land so as to accommodate future land uses in a
6246 manner that protects the natural environment, stimulates
6247 economic growth and diversification, and encourages the
6248 retention of land for agriculture and other traditional rural
6249 land uses.

6250 (2) Upon written request by one or more landowners to
6251 designate lands as a rural land stewardship area, or pursuant to
6252 a private sector initiated comprehensive plan amendment, local
6253 governments may adopt by a majority vote a future land use
6254 overlay, which shall not require a demonstration of need based
6255 on population projections or any other factor, to designate all
6256 or portions of lands classified in the future land use element
6257 as predominantly agricultural, rural, open, open-rural, or a
6258 substantively equivalent land use, as a rural land stewardship
6259 area within which planning and economic incentives are applied
6260 to encourage the implementation of innovative and flexible
6261 planning and development strategies and creative land use
6262 planning techniques to support a diverse economic and employment
6263 base.

6264 (3) Rural land stewardship areas may be used to further the

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6265 following broad principles of rural sustainability: restoration
6266 and maintenance of the economic value of rural land; control of
6267 urban sprawl; identification and protection of ecosystems,
6268 habitats, and natural resources; promotion and diversification
6269 of economic activity and employment opportunities within the
6270 rural areas; maintenance of the viability of the state's
6271 agricultural economy; and protection of private property rights
6272 in rural areas of the state. Rural land stewardship areas may be
6273 multicounty in order to encourage coordinated regional
6274 stewardship planning.

6275 (4) A local government or one or more property owners may
6276 request assistance in participation of the development of a plan
6277 for the rural land stewardship area from the state land planning
6278 agency, the Department of Agriculture and Consumer Services, the
6279 Fish and Wildlife Conservation Commission, the Department of
6280 Environmental Protection, the appropriate water management
6281 district, the Department of Transportation, the regional
6282 planning council, private land owners, and stakeholders.

6283 (5) A rural land stewardship area shall be not less than
6284 10,000 acres and shall be located outside of municipalities and
6285 established urban service areas, and shall be designated by plan
6286 amendment by each local government with jurisdiction over the
6287 rural land stewardship area. The plan amendment or amendments
6288 designating a rural land stewardship area shall be subject to
6289 review pursuant to s. 163.3184 and shall provide for the
6290 following:

6291 (a) Criteria for the designation of receiving areas which
6292 shall at a minimum provide for the following: adequacy of
6293 suitable land to accommodate development so as to avoid conflict

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6294 with significant environmentally sensitive areas, resources, and
6295 habitats; compatibility between and transition from higher
6296 density uses to lower intensity rural uses; and the
6297 establishment of receiving area service boundaries which provide
6298 for a transition from receiving areas and other land uses within
6299 the rural land stewardship area through limitations on the
6300 extension of services.

6301 (b) Innovative planning and development strategies to be
6302 applied within rural land stewardship areas pursuant to the
6303 provisions of this section.

6304 (c) A process for the implementation of innovative planning
6305 and development strategies within the rural land stewardship
6306 area, including those described in this subsection, which
6307 provide for a functional mix of land uses through the adoption
6308 by the local government of zoning and land development
6309 regulations applicable to the rural land stewardship area.

6310 (d) A mix of densities and intensities that would not be
6311 characterized as urban sprawl through the use of innovative
6312 strategies and creative land use techniques.

6313 (6) A receiving area may only be designated pursuant to
6314 procedures established in the local government's land
6315 development regulations. At the time of designation of a
6316 stewardship receiving area, a listed species survey will be
6317 performed. If listed species occur on the receiving area site,
6318 the applicant shall coordinate with each appropriate local,
6319 state, or federal agency to determine if adequate provisions
6320 have been made to protect those species in accordance with
6321 applicable regulations. In determining the adequacy of
6322 provisions for the protection of listed species and their

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6323 habitats, the rural land stewardship area shall be considered as
6324 a whole, and the potential impacts and protective measures taken
6325 within areas to be developed as receiving areas shall be
6326 considered in conjunction with the substantial benefits derived
6327 from lands set aside and protective measures taken outside of
6328 the designation of receiving areas.

6329 (7) Upon the adoption of a plan amendment creating a rural
6330 land stewardship area, the local government shall, by ordinance,
6331 establish a rural land stewardship overlay zoning district,
6332 which shall provide the methodology for the creation,
6333 conveyance, and use of transferable rural land use credits,
6334 hereinafter referred to as stewardship credits, the assignment
6335 and application of which shall not constitute a right to develop
6336 land, nor increase density of land, except as provided by this
6337 section. The total amount of stewardship credits within the
6338 rural land stewardship area must enable the realization of the
6339 long-term vision and goals for the rural land stewardship area,
6340 which may take into consideration the anticipated effect of the
6341 proposed receiving areas. The estimated amount of receiving area
6342 shall be projected based on available data and the development
6343 potential represented by the stewardship credits created within
6344 the rural land stewardship area must correlate to that amount.

6345 (8) Stewardship credits are subject to the following
6346 limitations:

6347 (a) Stewardship credits may exist only within a rural land
6348 stewardship area.

6349 (b) Stewardship credits may be created only from lands
6350 designated as stewardship sending areas and may be used only on
6351 lands designated as stewardship receiving areas and then solely

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6352 for the purpose of implementing innovative planning and
6353 development strategies and creative land use planning techniques
6354 adopted by the local government pursuant to this section.

6355 (c) Stewardship credits assigned to a parcel of land within
6356 a rural land stewardship area shall cease to exist if the parcel
6357 of land is removed from the rural land stewardship area by plan
6358 amendment.

6359 (d) Neither the creation of the rural land stewardship area
6360 by plan amendment nor the adoption of the rural land stewardship
6361 zoning overlay district by the local government shall displace
6362 the underlying permitted uses, density or intensity of land uses
6363 assigned to a parcel of land within the rural land stewardship
6364 area that existed before adoption of the plan amendment or
6365 zoning overlay district; however, once stewardship credits have
6366 been transferred from a designated sending area for use within a
6367 designated receiving area, the underlying density assigned to
6368 the designated sending area shall cease to exist.

6369 (e) The underlying permitted uses, density, or intensity on
6370 each parcel of land located within a rural land stewardship area
6371 shall not be increased or decreased by the local government,
6372 except as a result of the conveyance or stewardship credits, as
6373 long as the parcel remains within the rural land stewardship
6374 area.

6375 (f) Stewardship credits shall cease to exist on a parcel of
6376 land where the underlying density assigned to the parcel of land
6377 is used.

6378 (g) An increase in the density or intensity of use on a
6379 parcel of land located within a designated receiving area may
6380 occur only through the assignment or use of stewardship credits

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6381 and shall not require a plan amendment. A change in the type of
6382 agricultural use on property within a rural land stewardship
6383 area shall not be considered a change in use or intensity of use
6384 and shall not require any transfer of stewardship credits.

6385 (h) A change in the density or intensity of land use on
6386 parcels located within receiving areas shall be specified in a
6387 development order that reflects the total number of stewardship
6388 credits assigned to the parcel of land and the infrastructure
6389 and support services necessary to provide for a functional mix
6390 of land uses corresponding to the plan of development.

6391 (i) Land within a rural land stewardship area may be
6392 removed from the rural land stewardship area through a plan
6393 amendment.

6394 (j) Stewardship credits may be assigned at different ratios
6395 of credits per acre according to the natural resource or other
6396 beneficial use characteristics of the land and according to the
6397 land use remaining following the transfer of credits, with the
6398 highest number of credits per acre assigned to the most
6399 environmentally valuable land or, in locations where the
6400 retention of open space and agricultural land is a priority, to
6401 such lands.

6402 (k) The use or conveyance of stewardship credits must be
6403 recorded in the public records of the county in which the
6404 property is located as a covenant or restrictive easement
6405 running with the land in favor of the county and the Department
6406 of Environmental Protection, the Department of Agriculture and
6407 Consumer Services, a water management district, or a recognized
6408 statewide land trust.

6409 (9) Owners of land within rural land stewardship sending

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6410 areas should be provided other incentives, in addition to the
6411 use or conveyance of stewardship credits, to enter into rural
6412 land stewardship agreements, pursuant to existing law and rules
6413 adopted thereto, with state agencies, water management
6414 districts, the Fish and Wildlife Conservation Commission, and
6415 local governments to achieve mutually agreed upon objectives.
6416 Such incentives may include, but need not be limited to, the
6417 following:

6418 (a) Opportunity to accumulate transferable wetland and
6419 species habitat mitigation credits for use or sale.

6420 (b) Extended permit agreements.

6421 (c) Opportunities for recreational leases and ecotourism.

6422 (d) Compensation for the achievement of specified land
6423 management activities of public benefit, including, but not
6424 limited to, facility siting and corridors, recreational leases,
6425 water conservation and storage, water reuse, wastewater
6426 recycling, water supply and water resource development, nutrient
6427 reduction, environmental restoration and mitigation, public
6428 recreation, listed species protection and recovery, and wildlife
6429 corridor management and enhancement.

6430 (e) Option agreements for sale to public entities or
6431 private land conservation entities, in either fee or easement,
6432 upon achievement of specified conservation objectives.

6433 (10) The provisions of paragraph (9) (d) constitute an
6434 overlay of land use options that provide economic and regulatory
6435 incentives for landowners outside of established and planned
6436 urban service areas to conserve and manage vast areas of land
6437 for the benefit of the state's citizens and natural environment
6438 while maintaining and enhancing the asset value of their

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6439 landholdings. It is the intent of the Legislature that the
6440 provisions of this section be implemented pursuant to law and
6441 rulemaking is not authorized.

6442 (11) It is the intent of the legislature that the Rural
6443 Land Stewardship Area located in Collier County, which is
6444 consistent in all materials aspects with this section, be
6445 recognized as a Statutory Rural Land Stewardship Area, and be
6446 afforded the incentives as set forth in this section.

6447 Section 27. Section 163.32465, Florida Statutes, is amended
6448 to read:

6449 163.32465 State review of local comprehensive plans ~~in~~
6450 ~~urban areas.~~

6451 (1) LEGISLATIVE FINDINGS.—

6452 (a) The Legislature finds that local governments in this
6453 state have a wide diversity of resources, conditions, abilities,
6454 and needs. The Legislature also finds that comprehensive
6455 planning has been implemented throughout the state and that it
6456 is appropriate for local governments to have the primary role in
6457 planning for their growth ~~the needs and resources of urban areas~~
6458 ~~are different from those of rural areas and that different~~
6459 ~~planning and growth management approaches, strategies, and~~
6460 ~~techniques are required in urban areas. The state role in~~
6461 ~~overseeing growth management should reflect this diversity and~~
6462 ~~should vary based on local government conditions, capabilities,~~
6463 ~~needs, and extent of development.~~ Thus, the Legislature
6464 recognizes and finds that reduced state oversight of local
6465 comprehensive planning is justified ~~for some local governments~~
6466 ~~in urban areas.~~

6467 (b) The Legislature finds and declares that this state's

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6468 local governments ~~urban areas~~ require a reduced level of state
6469 oversight ~~because of their high degree of urbanization and the~~
6470 ~~planning capabilities and resources of many of their local~~
6471 ~~governments. Accordingly, the~~ An alternative state review
6472 ~~process that is adequate to protect issues of regional or~~
6473 ~~statewide importance should be created for appropriate local~~
6474 ~~governments in these areas. Further, the Legislature finds that~~
6475 ~~development, including urban infill and redevelopment, should be~~
6476 ~~encouraged in these urban areas. The Legislature finds that an~~
6477 ~~alternative process provided by this section for amending local~~
6478 ~~comprehensive plans is in these areas should be established with~~
6479 the ~~an~~ objective of streamlining the process and recognizing
6480 local responsibility and accountability.

6481 ~~(c) The Legislature finds a pilot program will be~~
6482 ~~beneficial in evaluating an alternative, expedited plan~~
6483 ~~amendment adoption and review process. Pilot local governments~~
6484 ~~shall represent highly developed counties and the municipalities~~
6485 ~~within these counties and highly populated municipalities.~~

6486 (2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT
6487 PROGRAM. ~~The process for amending a comprehensive plan described~~
6488 in this section is applicable statewide. ~~Pinellas and Broward~~
6489 ~~Counties, and the municipalities within these counties, and~~
6490 ~~Jacksonville, Miami, Tampa, and Hialeah shall follow an~~
6491 ~~alternative state review process provided in this section.~~
6492 ~~Municipalities within the pilot counties may elect, by super~~
6493 ~~majority vote of the governing body, not to participate in the~~
6494 ~~pilot program. In addition to the pilot program jurisdictions,~~
6495 ~~any local government may use the alternative state review~~
6496 ~~process to designate an urban service area as defined in s.~~

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6497 ~~163.3164(29) in its comprehensive plan.~~

6498 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
6499 ~~UNDER THE PILOT PROGRAM.—~~

6500 ~~(a)~~ Plan amendments adopted by local governments are
6501 subject to the pilot program jurisdictions shall follow the
6502 alternate, expedited process in subsections (4) and (5), except
6503 as follows: set forth in paragraphs (b)–(e) of this subsection.

6504 ~~(a)(b)~~ Amendments that qualify as small-scale development
6505 amendments may continue to be adopted by the pilot program
6506 jurisdictions pursuant to s. 163.3187(1)(c) and (3).

6507 ~~(b)(e)~~ Plan amendments that propose a rural land
6508 stewardship area pursuant to s. 163.3177(11)(d); propose an
6509 optional sector plan; update a comprehensive plan based on an
6510 evaluation and appraisal report; implement new statutory
6511 requirements; or new plans for newly incorporated municipalities
6512 are subject to state review as set forth in s. 163.3184; or are
6513 in an area of critical state concern designated pursuant to s.
6514 380.05.

6515 ~~(c)(d)~~ Local governments are Pilot program jurisdictions
6516 shall be subject to the frequency and timing requirements for
6517 plan amendments set forth in ss. 163.3187 and 163.3191, except
6518 where otherwise stated in this section.

6519 ~~(d)(e)~~ The mediation and expedited hearing provisions in s.
6520 163.3189(3) apply to all plan amendments adopted pursuant to
6521 this section by the pilot program jurisdictions.

6522 (e) Local governments shall not combine plan amendments
6523 adopted pursuant to this section with plan amendments adopted
6524 pursuant to s. 163.3184 in the same amendment package. Each
6525 transmittal and adoption amendment package shall contain a cover

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6526 letter stating whether the amendment or amendments contained
6527 within the package are adopted pursuant to this section or s.
6528 163.3184.

6529 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~
6530 ~~PILOT PROGRAM.~~—

6531 (a) The local government shall hold its first public
6532 hearing on a comprehensive plan amendment on a weekday at least
6533 7 days after the day the first advertisement is published
6534 pursuant to the requirements of chapter 125 or chapter 166. Upon
6535 an affirmative vote of not less than a majority of the members
6536 of the governing body present at the hearing, the local
6537 government shall immediately transmit the amendment or
6538 amendments and appropriate supporting data and analyses to the
6539 state land planning agency; the appropriate regional planning
6540 council and water management district; the Department of
6541 Environmental Protection; the Department of State; the
6542 Department of Transportation; in the case of municipal plans, to
6543 the appropriate county; the Fish and Wildlife Conservation
6544 Commission; the Department of Agriculture and Consumer Services;
6545 when required by s. 163.3175, the applicable military
6546 installation or installations; and in the case of amendments
6547 that include or impact the public school facilities element, the
6548 Department of Education ~~Office of Educational Facilities of the~~
6549 ~~Commissioner of Education.~~ The local governing body shall also
6550 transmit a copy of the amendments and supporting data and
6551 analyses to any other local government or governmental agency
6552 that has filed a written request with the governing body.

6553 (b) The agencies and local governments specified in
6554 paragraph (a) may provide comments regarding the amendment or

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6555 amendments to the local government. The regional planning
6556 council review and comment shall be limited to effects on
6557 regional resources or facilities identified in the strategic
6558 regional policy plan and extrajurisdictional impacts that would
6559 be inconsistent with the comprehensive plan of the affected
6560 local government. A regional planning council shall not review
6561 and comment on a proposed comprehensive plan amendment prepared
6562 by such council unless the plan amendment has been changed by
6563 the local government subsequent to the preparation of the plan
6564 amendment by the regional planning council. County comments on
6565 municipal comprehensive plan amendments shall be ~~primarily~~ in
6566 the context of the relationship and effect of the proposed plan
6567 amendments on the county plan. Municipal comments on county plan
6568 amendments shall be ~~primarily~~ in the context of the relationship
6569 and effect of the amendments on the municipal plan. State agency
6570 comments must be limited to issues within the agency's
6571 jurisdiction as it relates to the requirements of this part and
6572 may include technical guidance ~~on issues of agency jurisdiction~~
6573 ~~as it relates to the requirements of this part~~. Such comments
6574 shall clearly identify issues that, if not resolved, may result
6575 in an agency challenge to the plan amendment. ~~For the purposes~~
6576 ~~of this pilot program,~~ Agencies are encouraged to focus
6577 potential challenges on issues of regional or statewide
6578 importance. Agencies and local governments must transmit their
6579 comments to the affected local government such that they are
6580 received by the local government not later than thirty days from
6581 the date on which the agency or government received the
6582 amendment or amendments.

6583 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~

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6584 AREAS.—

6585 (a) The local government shall hold its second public
6586 hearing, which shall be a hearing on whether to adopt one or
6587 more comprehensive plan amendments, on a weekday at least 5 days
6588 after the day the second advertisement is published pursuant to
6589 the requirements of chapter 125 or chapter 166. Adoption of
6590 comprehensive plan amendments must be by ordinance and requires
6591 an affirmative vote of a majority of the members of the
6592 governing body present at the second hearing.

6593 (b) All comprehensive plan amendments adopted by the
6594 governing body along with the supporting data and analysis shall
6595 be transmitted within 10 days of the second public hearing to
6596 the state land planning agency and any other agency or local
6597 government that provided timely comments under paragraph (4) (b).

6598 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
6599 ~~PROGRAM.~~—

6600 (a) Any "affected person" as defined in s. 163.3184(1) (a)
6601 may file a petition with the Division of Administrative Hearings
6602 pursuant to ss. 120.569 and 120.57, with a copy served on the
6603 affected local government, to request a formal hearing to
6604 challenge whether the amendments are "in compliance" as defined
6605 in s. 163.3184(1) (b). This petition must be filed with the
6606 Division within 30 days after the state land planning agency
6607 notifies the local government that the plan amendment package is
6608 complete ~~the local government adopts the amendment~~. The state
6609 land planning agency may intervene in a proceeding instituted by
6610 an affected person if necessary to protect interests of regional
6611 or statewide importance.

6612 (b) The state land planning agency may file a petition with

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6613 the Division of Administrative Hearings pursuant to ss. 120.569
6614 and 120.57, with a copy served on the affected local government,
6615 to request a formal hearing if necessary to protect interests of
6616 regional or statewide importance. This petition must be filed
6617 with the Division within 30 days after the state land planning
6618 agency notifies the local government that the plan amendment
6619 package is complete. For purposes of this section, an adopted
6620 amendment package shall be deemed complete if it contains a
6621 full, executed copy of the adoption ordinance or ordinances; in
6622 the case of a text amendment, a full copy of the amended
6623 language in legislative format with new words inserted in the
6624 text underlined, and words to be deleted lined through with
6625 hyphens; in the case of a future land use map amendment, a copy
6626 of the future land use map clearly depicting the parcel, its
6627 existing future land use designation, and its adopted
6628 designation; and a copy of any data and analyses the local
6629 government deems appropriate. The state land planning agency
6630 shall notify the local government that the package is complete
6631 or that the package contains ~~of any~~ deficiencies within 5
6632 working days of receipt of an amendment package.

6633 (c) The state land planning agency's challenge shall be
6634 limited to those issues raised in the comments provided by the
6635 reviewing agencies pursuant to paragraph (4) (b). The state land
6636 planning agency may challenge a plan amendment that has
6637 substantially changed from the version on which the agencies
6638 provided comments. ~~For the purposes of this pilot program, the~~
6639 ~~Legislature strongly encourages~~ The state land planning agency
6640 shall ~~to~~ focus any challenge on issues of regional or statewide
6641 importance.

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6642 (d) An administrative law judge shall hold a hearing in the
6643 affected local jurisdiction. The local government's
6644 determination that the amendment is "in compliance" is presumed
6645 to be correct and shall be sustained unless it is shown by a
6646 preponderance of the evidence that the amendment is not "in
6647 compliance."

6648 (e) If the administrative law judge recommends that the
6649 amendment be found not in compliance, the judge shall submit the
6650 recommended order to the Administration Commission for final
6651 agency action. The Administration Commission shall enter a final
6652 order within 45 days after its receipt of the recommended order.

6653 (f) If the administrative law judge recommends that the
6654 amendment be found in compliance, the judge shall submit the
6655 recommended order to the state land planning agency.

6656 1. If the state land planning agency determines that the
6657 plan amendment should be found not in compliance, the agency
6658 shall refer, within 30 days of receipt of the recommended order,
6659 the recommended order and its determination to the
6660 Administration Commission for final agency action. If the
6661 commission determines that the amendment is not in compliance,
6662 it may sanction the local government as set forth in s.
6663 163.3184(11).

6664 2. If the state land planning agency determines that the
6665 plan amendment should be found in compliance, the agency shall
6666 enter its final order not later than 30 days from receipt of the
6667 recommended order.

6668 (g) An amendment adopted under the expedited provisions of
6669 this section shall not become effective until 31 days after the
6670 state land plan agency notifies the local government that the

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6671 plan amendment package is complete adoption. If timely
6672 challenged, an amendment shall not become effective until the
6673 state land planning agency or the Administration Commission
6674 enters a final order determining the adopted amendment to be in
6675 compliance.

6676 (h) Parties to a proceeding under this section may enter
6677 into compliance agreements using the process in s. 163.3184(16).
6678 Any remedial amendment adopted pursuant to a settlement
6679 agreement shall be provided to the agencies and governments
6680 listed in paragraph (4) (a).

6681 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~
6682 ~~GOVERNMENTS. Local governments and specific areas that have been~~
6683 ~~designated for alternate review process pursuant to ss. 163.3246~~
6684 ~~and 163.3184(17) and (18) are not subject to this section.~~

6685 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall~~
6686 ~~not promulgate rules to implement this pilot program.~~

6687 ~~(9) REPORT. The Office of Program Policy Analysis and~~
6688 ~~Government Accountability shall submit to the Governor, the~~
6689 ~~President of the Senate, and the Speaker of the House of~~
6690 ~~Representatives by December 1, 2008, a report and~~
6691 ~~recommendations for implementing a statewide program that~~
6692 ~~addresses the legislative findings in subsection (1) in areas~~
6693 ~~that meet urban criteria. The Office of Program Policy Analysis~~
6694 ~~and Government Accountability in consultation with the state~~
6695 ~~land planning agency shall develop the report and~~
6696 ~~recommendations with input from other state and regional~~
6697 ~~agencies, local governments, and interest groups. Additionally,~~
6698 ~~the office shall review local and state actions and~~
6699 ~~correspondence relating to the pilot program to identify issues~~

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6700 ~~of process and substance in recommending changes to the pilot~~
6701 ~~program. At a minimum, the report and recommendations shall~~
6702 ~~include the following:~~

6703 ~~(a) Identification of local governments beyond those~~
6704 ~~participating in the pilot program that should be subject to the~~
6705 ~~alternative expedited state review process. The report may~~
6706 ~~recommend that pilot program local governments may no longer be~~
6707 ~~appropriate for such alternative review process.~~

6708 ~~(b) Changes to the alternative expedited state review~~
6709 ~~process for local comprehensive plan amendments identified in~~
6710 ~~the pilot program.~~

6711 ~~(c) Criteria for determining issues of regional or~~
6712 ~~statewide importance that are to be protected in the alternative~~
6713 ~~state review process.~~

6714 ~~(d) In preparing the report and recommendations, the Office~~
6715 ~~of Program Policy Analysis and Government Accountability shall~~
6716 ~~consult with the state land planning agency, the Department of~~
6717 ~~Transportation, the Department of Environmental Protection, and~~
6718 ~~the regional planning agencies in identifying highly developed~~
6719 ~~local governments to participate in the alternative expedited~~
6720 ~~state review process. The Office of Program Policy Analysis and~~
6721 ~~Governmental Accountability shall also solicit citizen input in~~
6722 ~~the potentially affected areas and consult with the affected~~
6723 ~~local governments and stakeholder groups.~~

6724 Section 28. Paragraph (a) of subsection (2) of section
6725 163.360, Florida Statutes, is amended to read:

6726 163.360 Community redevelopment plans.—

6727 (2) The community redevelopment plan shall:

6728 (a) Conform to the comprehensive plan for the county or

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6729 municipality as prepared by the local planning agency under the
6730 Community Local Government Comprehensive Planning and ~~Land~~
6731 ~~Development Regulation~~ Act.

6732 Section 29. Paragraph (a) of subsection (3) and subsection
6733 (8) of section 163.516, Florida Statutes, are amended to read:

6734 163.516 Safe neighborhood improvement plans.—

6735 (3) The safe neighborhood improvement plan shall:

6736 (a) Be consistent with the adopted comprehensive plan for
6737 the county or municipality pursuant to the Community Local
6738 ~~Government Comprehensive~~ Planning and ~~Land Development~~
6739 ~~Regulation~~ Act. No district plan shall be implemented unless the
6740 local governing body has determined said plan is consistent.

6741 (8) Pursuant to ss. 163.3184, 163.3187, and 163.3189, the
6742 governing body of a municipality or county shall hold two public
6743 hearings to consider the board-adopted safe neighborhood
6744 improvement plan as an amendment or modification to the
6745 municipality's or county's adopted local comprehensive plan.

6746 Section 30. Paragraph (c) of subsection (2) and subsection
6747 (3) of section 186.504, Florida Statutes, is amended to read:

6748 186.504 Regional planning councils; creation; membership.—

6749 (2) Membership on the regional planning council shall be as
6750 follows:

6751 (c) Representatives appointed by the Governor from the
6752 geographic area covered by the regional planning council,
6753 including an elected school board member from the geographic
6754 area covered by the regional planning council, to be nominated
6755 by the Florida School Board Association and a representative of
6756 the civic and business community which shall be selected and
6757 recommended by the Florida Chamber of Commerce, the Office of

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6758 Tourism, Trade, and Economic Development, and Enterprise
6759 Florida. These representatives must include two or more of the
6760 following: a representative of the region's business community,
6761 a representative of the commercial development community, a
6762 representative of the banking and financial community, and a
6763 representative of the agricultural community.

6764 (3) Not less than two-thirds of the representatives serving
6765 as voting members on the governing bodies of such regional
6766 planning councils shall be elected officials of local general-
6767 purpose governments chosen by the cities and counties of the
6768 region, provided each county shall have at least one vote. The
6769 remaining one-third of the voting members on the governing board
6770 shall be appointed by the Governor, ~~to include one elected~~
6771 ~~school board member, subject to confirmation by the Senate, and~~
6772 ~~shall reside in the region.~~ No two appointees of the Governor
6773 shall have their places of residence in the same county until
6774 each county within the region is represented by a Governor's
6775 appointee to the governing board. Nothing contained in this
6776 section shall deny to local governing bodies or the Governor the
6777 option of appointing either locally elected officials or lay
6778 citizens provided at least two-thirds of the governing body of
6779 the regional planning council is composed of locally elected
6780 officials.

6781 Section 31. Section 186.513, Florida Statutes, is amended
6782 to read:

6783 186.513 Reports.—Each regional planning council shall
6784 prepare and furnish an annual report on its activities to the
6785 state land planning agency as defined in s. 163.3164(20) and the
6786 local general-purpose governments within its boundaries and,

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6787 upon payment as may be established by the council, to any
6788 interested person. The regional planning councils shall make a
6789 joint report and recommendations to appropriate legislative
6790 committees.

6791 Section 32. Section 186.515, Florida Statutes, is amended
6792 to read:

6793 186.515 Creation of regional planning councils under
6794 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
6795 186.515 is intended to repeal or limit the provisions of chapter
6796 163; however, the local general-purpose governments serving as
6797 voting members of the governing body of a regional planning
6798 council created pursuant to ss. 186.501-186.507, 186.513, and
6799 186.515 are not authorized to create a regional planning council
6800 pursuant to chapter 163 unless an agency, other than a regional
6801 planning council created pursuant to ss. 186.501-186.507,
6802 186.513, and 186.515, is designated to exercise the powers and
6803 duties in any one or more of ss. 163.3164(19) and 380.031(15);
6804 in which case, such a regional planning council is also without
6805 authority to exercise the powers and duties in s. 163.3164(19)
6806 or s. 380.031(15).

6807 Section 33. Subsection (1) of section 189.415, Florida
6808 Statutes, is amended to read:

6809 189.415 Special district public facilities report.—

6810 (1) It is declared to be the policy of this state to foster
6811 coordination between special districts and local general-purpose
6812 governments as those local general-purpose governments develop
6813 comprehensive plans under the Community Local Government
6814 ~~Comprehensive Planning and Land Development Regulation~~ Act,
6815 pursuant to part II of chapter 163.

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6816 Section 34. Subsection (3) of section 190.004, Florida
6817 Statutes, is amended to read:

6818 190.004 Preemption; sole authority.—

6819 (3) The establishment of an independent community
6820 development district as provided in this act is not a
6821 development order within the meaning of chapter 380. All
6822 governmental planning, environmental, and land development laws,
6823 regulations, and ordinances apply to all development of the land
6824 within a community development district. Community development
6825 districts do not have the power of a local government to adopt a
6826 comprehensive plan, building code, or land development code, as
6827 those terms are defined in the Community ~~Local Government~~
6828 ~~Comprehensive Planning and Land Development Regulation~~ Act. A
6829 district shall take no action which is inconsistent with
6830 applicable comprehensive plans, ordinances, or regulations of
6831 the applicable local general-purpose government.

6832 Section 35. Paragraph (a) of subsection (1) of section
6833 190.005, Florida Statutes, is amended to read:

6834 190.005 Establishment of district.—

6835 (1) The exclusive and uniform method for the establishment
6836 of a community development district with a size of 1,000 acres
6837 or more shall be pursuant to a rule, adopted under chapter 120
6838 by the Florida Land and Water Adjudicatory Commission, granting
6839 a petition for the establishment of a community development
6840 district.

6841 (a) A petition for the establishment of a community
6842 development district shall be filed by the petitioner with the
6843 Florida Land and Water Adjudicatory Commission. The petition
6844 shall contain:

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6845 1. A metes and bounds description of the external
6846 boundaries of the district. Any real property within the
6847 external boundaries of the district which is to be excluded from
6848 the district shall be specifically described, and the last known
6849 address of all owners of such real property shall be listed. The
6850 petition shall also address the impact of the proposed district
6851 on any real property within the external boundaries of the
6852 district which is to be excluded from the district.

6853 2. The written consent to the establishment of the district
6854 by all landowners whose real property is to be included in the
6855 district or documentation demonstrating that the petitioner has
6856 control by deed, trust agreement, contract, or option of 100
6857 percent of the real property to be included in the district, and
6858 when real property to be included in the district is owned by a
6859 governmental entity and subject to a ground lease as described
6860 in s. 190.003(14), the written consent by such governmental
6861 entity.

6862 3. A designation of five persons to be the initial members
6863 of the board of supervisors, who shall serve in that office
6864 until replaced by elected members as provided in s. 190.006.

6865 4. The proposed name of the district.

6866 5. A map of the proposed district showing current major
6867 trunk water mains and sewer interceptors and outfalls if in
6868 existence.

6869 6. Based upon available data, the proposed timetable for
6870 construction of the district services and the estimated cost of
6871 constructing the proposed services. These estimates shall be
6872 submitted in good faith but shall not be binding and may be
6873 subject to change.

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6874 7. A designation of the future general distribution,
6875 location, and extent of public and private uses of land proposed
6876 for the area within the district by the future land use plan
6877 element of the effective local government comprehensive plan of
6878 which all mandatory elements have been adopted by the applicable
6879 general-purpose local government in compliance with the
6880 Community Local Government Comprehensive Planning and Land
6881 Development Regulation Act.

6882 8. A statement of estimated regulatory costs in accordance
6883 with the requirements of s. 120.541.

6884 Section 36. Paragraph (i) of subsection (6) of section
6885 193.501, Florida Statutes, is amended to read:

6886 193.501 Assessment of lands subject to a conservation
6887 easement, environmentally endangered lands, or lands used for
6888 outdoor recreational or park purposes when land development
6889 rights have been conveyed or conservation restrictions have been
6890 covenanted.—

6891 (6) The following terms whenever used as referred to in
6892 this section have the following meanings unless a different
6893 meaning is clearly indicated by the context:

6894 (i) "Qualified as environmentally endangered" means land
6895 that has unique ecological characteristics, rare or limited
6896 combinations of geological formations, or features of a rare or
6897 limited nature constituting habitat suitable for fish, plants,
6898 or wildlife, and which, if subject to a development moratorium
6899 or one or more conservation easements or development
6900 restrictions appropriate to retaining such land or water areas
6901 predominantly in their natural state, would be consistent with
6902 the conservation, recreation and open space, and, if applicable,

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6903 coastal protection elements of the comprehensive plan adopted by
6904 formal action of the local governing body pursuant to s.
6905 163.3161, the Community ~~Local Government Comprehensive~~ Planning
6906 ~~and Land Development Regulation~~ Act; or surface waters and
6907 wetlands, as determined by the methodology ratified in s.
6908 373.4211.

6909 Section 37. Subsection (15) of section 287.042, Florida
6910 Statutes, is amended to read:

6911 287.042 Powers, duties, and functions.—The department shall
6912 have the following powers, duties, and functions:

6913 (15) To enter into joint agreements with governmental
6914 agencies, as defined in s. 163.3164~~(10)~~, for the purpose of
6915 pooling funds for the purchase of commodities or information
6916 technology that can be used by multiple agencies.

6917 (a) Each agency that has been appropriated or has existing
6918 funds for such purchase, shall, upon contract award by the
6919 department, transfer their portion of the funds into the
6920 department's Operating Trust Fund for payment by the department.
6921 The funds shall be transferred by the Executive Office of the
6922 Governor pursuant to the agency budget amendment request
6923 provisions in chapter 216.

6924 (b) Agencies that sign the joint agreements are financially
6925 obligated for their portion of the agreed-upon funds. If an
6926 agency becomes more than 90 days delinquent in paying the funds,
6927 the department shall certify to the Chief Financial Officer the
6928 amount due, and the Chief Financial Officer shall transfer the
6929 amount due to the Operating Trust Fund of the department from
6930 any of the agency's available funds. The Chief Financial Officer
6931 shall report these transfers and the reasons for the transfers

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6932 to the Executive Office of the Governor and the legislative
6933 appropriations committees.

6934 Section 38. Subsection (4) of section 288.063, Florida
6935 Statutes, is amended to read:

6936 288.063 Contracts for transportation projects.—

6937 (4) The Office of Tourism, Trade, and Economic Development
6938 may adopt criteria by which transportation projects are to be
6939 reviewed and certified in accordance with s. 288.061. In
6940 approving transportation projects for funding, the Office of
6941 Tourism, Trade, and Economic Development shall consider factors
6942 including, but not limited to, the cost per job created or
6943 retained considering the amount of transportation funds
6944 requested; the average hourly rate of wages for jobs created;
6945 the reliance on the program as an inducement for the project's
6946 location decision; the amount of capital investment to be made
6947 by the business; the demonstrated local commitment; the location
6948 of the project in an enterprise zone designated pursuant to s.
6949 290.0055; the location of the project in a spaceport territory
6950 as defined in s. 331.304; the unemployment rate of the
6951 surrounding area; and the poverty rate of the community; ~~and the~~
6952 ~~adoption of an economic element as part of its local~~
6953 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The
6954 Office of Tourism, Trade, and Economic Development may contact
6955 any agency it deems appropriate for additional input regarding
6956 the approval of projects.

6957 Section 39. Paragraph (a) of subsection (2), subsection
6958 (10), and paragraph (d) of subsection (12) of section 288.975,
6959 Florida Statutes, are amended to read:

6960 288.975 Military base reuse plans.—

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6961 (2) As used in this section, the term:

6962 (a) "Affected local government" means a local government
6963 adjoining the host local government and any other unit of local
6964 government that is not a host local government but that is
6965 identified in a proposed military base reuse plan as providing,
6966 operating, or maintaining one or more public facilities as
6967 defined in s. 163.3164~~(24)~~ on lands within or serving a military
6968 base designated for closure by the Federal Government.

6969 (10) Within 60 days after receipt of a proposed military
6970 base reuse plan, these entities shall review and provide
6971 comments to the host local government. The commencement of this
6972 review period shall be advertised in newspapers of general
6973 circulation within the host local government and any affected
6974 local government to allow for public comment. No later than 180
6975 days after receipt and consideration of all comments, and the
6976 holding of at least two public hearings, the host local
6977 government shall adopt the military base reuse plan. The host
6978 local government shall comply with the notice requirements set
6979 forth in s. 163.3184~~(15)~~ to ensure full public participation in
6980 this planning process.

6981 (12) Following receipt of a petition, the petitioning party
6982 or parties and the host local government shall seek resolution
6983 of the issues in dispute. The issues in dispute shall be
6984 resolved as follows:

6985 (d) Within 45 days after receiving the report from the
6986 state land planning agency, the Administration Commission shall
6987 take action to resolve the issues in dispute. In deciding upon a
6988 proper resolution, the Administration Commission shall consider
6989 the nature of the issues in dispute, any requests for a formal

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6990 administrative hearing pursuant to chapter 120, the compliance
6991 of the parties with this section, the extent of the conflict
6992 between the parties, the comparative hardships and the public
6993 interest involved. If the Administration Commission incorporates
6994 in its final order a term or condition that requires any local
6995 government to amend its local government comprehensive plan, the
6996 local government shall amend its plan within 60 days after the
6997 issuance of the order. Such amendment or amendments shall be
6998 exempt from the limitation of the frequency of plan amendments
6999 contained in s. 163.3187(1), and a public hearing on such
7000 amendment or amendments pursuant to s. 163.3184~~(15)~~(b)1. shall
7001 not be required. The final order of the Administration
7002 Commission is subject to appeal pursuant to s. 120.68. If the
7003 order of the Administration Commission is appealed, the time for
7004 the local government to amend its plan shall be tolled during
7005 the pendency of any local, state, or federal administrative or
7006 judicial proceeding relating to the military base reuse plan.

7007 Section 40. Subsection (4) of section 290.0475, Florida
7008 Statutes, is amended to read:

7009 290.0475 Rejection of grant applications; penalties for
7010 failure to meet application conditions.—Applications received
7011 for funding under all program categories shall be rejected
7012 without scoring only in the event that any of the following
7013 circumstances arise:

7014 (4) The application is not consistent with the local
7015 government's comprehensive plan adopted pursuant to s.
7016 163.3184~~(7)~~.

7017 Section 41. Paragraph (c) of subsection (3) of section
7018 311.07, Florida Statutes, is amended to read:

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7019 311.07 Florida seaport transportation and economic
7020 development funding.—

7021 (3)

7022 (c) To be eligible for consideration by the council
7023 pursuant to this section, a project must be consistent with the
7024 port comprehensive master plan which is incorporated as part of
7025 the approved local government comprehensive plan as required by
7026 s. 163.3178(2)(k) or other provisions of the Community Local
7027 ~~Government Comprehensive Planning and Land Development~~
7028 ~~Regulation Act~~, part II of chapter 163.

7029 Section 42. Subsection (1) of section 331.319, Florida
7030 Statutes, is amended to read:

7031 331.319 Comprehensive planning; building and safety codes.—
7032 The board of directors may:

7033 (1) Adopt, and from time to time review, amend, supplement,
7034 or repeal, a comprehensive general plan for the physical
7035 development of the area within the spaceport territory in
7036 accordance with the objectives and purposes of this act and
7037 consistent with the comprehensive plans of the applicable county
7038 or counties and municipality or municipalities adopted pursuant
7039 to the Community Local Government Comprehensive Planning and
7040 ~~Land Development Regulation Act~~, part II of chapter 163.

7041 Section 43. Paragraph (e) of subsection (5) of section
7042 339.155, Florida Statutes, is amended to read:

7043 339.155 Transportation planning.—

7044 (5) ADDITIONAL TRANSPORTATION PLANS.—

7045 (e) The regional transportation plan developed pursuant to
7046 this section must, at a minimum, identify regionally significant
7047 transportation facilities located within a regional

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7048 transportation area and contain a prioritized list of regionally
7049 significant projects. ~~The level of service standards for~~
7050 ~~facilities to be funded under this subsection shall be adopted~~
7051 ~~by the appropriate local government in accordance with s.~~
7052 ~~163.3180(10).~~ The projects shall be adopted into the capital
7053 improvements schedule of the local government comprehensive plan
7054 pursuant to s. 163.3177(3).

7055 Section 44. Paragraph (a) of subsection (4) of section
7056 339.2819, Florida Statutes, is amended to read:

7057 339.2819 Transportation Regional Incentive Program.—

7058 (4) (a) Projects to be funded with Transportation Regional
7059 Incentive Program funds shall, at a minimum:

7060 1. Support those transportation facilities that serve
7061 national, statewide, or regional functions and function as an
7062 integrated regional transportation system.

7063 2. Be identified in the capital improvements element of a
7064 comprehensive plan that has been determined to be in compliance
7065 with part II of chapter 163, after July 1, 2005, ~~or to implement~~
7066 ~~a long-term concurrency management system adopted by a local~~
7067 ~~government in accordance with s. 163.3180(9).~~ Further, the
7068 project shall be in compliance with local government
7069 comprehensive plan policies relative to corridor management.

7070 3. Be consistent with the Strategic Intermodal System Plan
7071 developed under s. 339.64.

7072 4. Have a commitment for local, regional, or private
7073 financial matching funds as a percentage of the overall project
7074 cost.

7075 Section 45. Present subsections (9), (10), (11), (12), and
7076 (13) of section 367.021, Florida Statutes, are renumbered as

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7077 subsections (11), (12), (13), (14), and (15), respectively, and
7078 new subsections (9) and (10) are added to that section, to read:

7079 367.021 Definitions.—As used in this chapter, the following
7080 words or terms shall have the meanings indicated:

7081 (9) "Large landowner" means any applicant for a certificate
7082 pursuant to s. 367.045 who owns or controls at least 1,000 acres
7083 in a single county or adjacent counties which are proposed to be
7084 certified.

7085 (10) "Need" means, for the purposes of s. 367.045, a
7086 showing by a large landowner that the certificate is sought for
7087 planning purposes to allow the landowner to be prepared to
7088 provide service to its properties as and when needed to meet
7089 demands for any residential, commercial, or industrial service,
7090 or for such other lawful purposes as may arise within the
7091 territory to be certified. A large landowner is not required to
7092 demonstrate that the need for service is either immediate or
7093 imminent, or that such service will be required within a
7094 specific timeframe.

7095 Section 46. Subsection (5) of section 369.303, Florida
7096 Statutes, is amended to read:

7097 369.303 Definitions.—As used in this part:

7098 (5) "Land development regulation" means a regulation
7099 covered by the definition in s. 163.3164~~(23)~~ and any of the
7100 types of regulations described in s. 163.3202.

7101 Section 47. Subsection (7) of section 369.321, Florida
7102 Statutes, is amended to read:

7103 369.321 Comprehensive plan amendments.—Except as otherwise
7104 expressly provided, by January 1, 2006, each local government
7105 within the Wekiva Study Area shall amend its local government

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7106 comprehensive plan to include the following:

7107 (7) During the period prior to the adoption of the
7108 comprehensive plan amendments required by this act, any local
7109 comprehensive plan amendment adopted by a city or county that
7110 applies to land located within the Wekiva Study Area shall
7111 protect surface and groundwater resources and be reviewed by the
7112 Department of Community Affairs, ~~pursuant to chapter 163 and~~
7113 ~~chapter 9J-5, Florida Administrative Code,~~ using best available
7114 data, including the information presented to the Wekiva River
7115 Basin Coordinating Committee.

7116 Section 48. Subsection (1) of section 378.021, Florida
7117 Statutes, is amended to read:

7118 378.021 Master reclamation plan.—

7119 (1) The Department of Environmental Protection shall amend
7120 the master reclamation plan that provides guidelines for the
7121 reclamation of lands mined or disturbed by the severance of
7122 phosphate rock prior to July 1, 1975, which lands are not
7123 subject to mandatory reclamation under part II of chapter 211.
7124 In amending the master reclamation plan, the Department of
7125 Environmental Protection shall continue to conduct an onsite
7126 evaluation of all lands mined or disturbed by the severance of
7127 phosphate rock prior to July 1, 1975, which lands are not
7128 subject to mandatory reclamation under part II of chapter 211.
7129 The master reclamation plan when amended by the Department of
7130 Environmental Protection shall be consistent with local
7131 government plans prepared pursuant to the Community Local
7132 ~~Government Comprehensive Planning and Land Development~~
7133 ~~Regulation Act.~~

7134 Section 49. Subsection (10) of section 380.031, Florida

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7135 Statutes, is amended to read:

7136 380.031 Definitions.—As used in this chapter:

7137 (10) "Local comprehensive plan" means any or all local
7138 comprehensive plans or elements or portions thereof prepared,
7139 adopted, or amended pursuant to the Community ~~Local Government~~
7140 ~~Comprehensive Planning and Land Development Regulation~~ Act, as
7141 amended.

7142 Section 50. Paragraph (b) of subsection (6), paragraphs
7143 (l), (m), and (s) of subsection (24), paragraph (e) of
7144 subsection (28), and paragraphs (a) and (e) of subsection (29)
7145 of section 380.06, Florida Statutes, are amended to read:

7146 380.06 Developments of regional impact.—

7147 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
7148 PLAN AMENDMENTS.—

7149 (b) Any local government comprehensive plan amendments
7150 related to a proposed development of regional impact, including
7151 any changes proposed under subsection (19), may be initiated by
7152 a local planning agency or the developer and must be considered
7153 by the local governing body at the same time as the application
7154 for development approval using the procedures provided for local
7155 plan amendment in s. 163.3187 or s. 163.3189 and applicable
7156 local ordinances, without regard to statutory or local ordinance
7157 limits on the frequency of consideration of amendments to the
7158 local comprehensive plan. Nothing in this paragraph shall be
7159 deemed to require favorable consideration of a plan amendment
7160 solely because it is related to a development of regional
7161 impact. The procedure for processing such comprehensive plan
7162 amendments is as follows:

7163 1. If a developer seeks a comprehensive plan amendment

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7164 related to a development of regional impact, the developer must
7165 so notify in writing the regional planning agency, the
7166 applicable local government, and the state land planning agency
7167 no later than the date of preapplication conference or the
7168 submission of the proposed change under subsection (19).

7169 2. When filing the application for development approval or
7170 the proposed change, the developer must include a written
7171 request for comprehensive plan amendments that would be
7172 necessitated by the development-of-regional-impact approvals
7173 sought. That request must include data and analysis upon which
7174 the applicable local government can determine whether to
7175 transmit the comprehensive plan amendment pursuant to s.
7176 163.3184.

7177 3. The local government must advertise a public hearing on
7178 the transmittal within 30 days after filing the application for
7179 development approval or the proposed change and must make a
7180 determination on the transmittal within 60 days after the
7181 initial filing unless that time is extended by the developer.

7182 4. If the local government approves the transmittal,
7183 procedures set forth in s. 163.3184 ~~(3)-(6)~~ must be followed.

7184 5. Notwithstanding subsection (11) or subsection (19), the
7185 local government may not hold a public hearing on the
7186 application for development approval or the proposed change or
7187 on the comprehensive plan amendments sooner than 30 days from
7188 receipt of the response from the state land planning agency
7189 pursuant to s. 163.3184~~(6)~~. The 60-day time period for local
7190 governments to adopt, adopt with changes, or not adopt plan
7191 amendments pursuant to s. 163.3184(7) shall not apply to
7192 concurrent plan amendments provided for in this subsection.

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7193 6. The local government must hear both the application for
7194 development approval or the proposed change and the
7195 comprehensive plan amendments at the same hearing. However, the
7196 local government must take action separately on the application
7197 for development approval or the proposed change and on the
7198 comprehensive plan amendments.

7199 7. Thereafter, the appeal process for the local government
7200 development order must follow the provisions of s. 380.07, and
7201 the compliance process for the comprehensive plan amendments
7202 must follow the provisions of s. 163.3184.

7203 (24) STATUTORY EXEMPTIONS.—

7204 (1) Any proposed development within an urban service
7205 boundary established under s. 163.3177(14), which is not
7206 otherwise exempt pursuant to subsection (29), is exempt from the
7207 provisions of this section if the local government having
7208 jurisdiction over the area where the development is proposed has
7209 adopted the urban service boundary, has entered into a binding
7210 agreement with jurisdictions that would be impacted and with the
7211 Department of Transportation regarding the mitigation of impacts
7212 on state and regional transportation facilities, ~~and has adopted~~
7213 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

7214 (m) Any proposed development within a rural land
7215 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ ~~is~~
7216 ~~exempt from the provisions of this section if the local~~
7217 ~~government that has adopted the rural land stewardship area has~~
7218 ~~entered into a binding agreement with jurisdictions that would~~
7219 ~~be impacted and the Department of Transportation regarding the~~
7220 ~~mitigation of impacts on state and regional transportation~~
7221 ~~facilities, and has adopted a proportionate share methodology~~

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7222 ~~pursuant to s. 163.3180(16).~~

7223 (s) Any development in a detailed specific area plan which
7224 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
7225 ~~the comprehensive plan~~ is exempt from this section.

7226 (u) Any transit-oriented development as defined in s.
7227 163.3164 incorporated into the county or municipality
7228 comprehensive plan that has adopted land use and transportation
7229 strategies to support and fund the local government concurrency
7230 or mobility plan identified in the comprehensive plan, including
7231 alternative modes of transportation, is exempt from review for
7232 transportation impacts conducted pursuant to this section. This
7233 paragraph does not apply to areas:

7234 1. Within the boundary of any area of critical state
7235 concern designated pursuant to s. 380.05;

7236 2. Within the boundary of the Wekiva Study Area as
7237 described in s. 369.316; or

7238 3. Within 2 miles of the boundary of the Everglades
7239 Protection Area as defined in s. 373.4592(2).

7240
7241 If a use is exempt from review as a development of regional
7242 impact under paragraphs (a)-(s), but will be part of a larger
7243 project that is subject to review as a development of regional
7244 impact, the impact of the exempt use must be included in the
7245 review of the larger project, unless such exempt use involves a
7246 development of regional impact that includes a landowner,
7247 tenant, or user that has entered into a funding agreement with
7248 the Office of Tourism, Trade, and Economic Development under the
7249 Innovation Incentive Program and the agreement contemplates a
7250 state award of at least \$50 million.

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7251 (28) PARTIAL STATUTORY EXEMPTIONS.—

7252 (e) The vesting provision of s. 163.3167(5)~~(8)~~ relating to
7253 an authorized development of regional impact shall not apply to
7254 those projects partially exempt from the development-of-
7255 regional-impact review process under paragraphs (a)-(d).

7256 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

7257 (a) The following are exempt from this section:

7258 1. Any proposed development in a municipality that has an
7259 average of at least 1,000 people per square mile of land area
7260 and a minimum total population of at least 5,000 ~~qualifies as a~~
7261 ~~dense urban land area as defined in s. 163.3164;~~

7262 2. Any proposed development within a county that has an
7263 average of at least 1,000 people per square mile of land area
7264 ~~qualifies as a dense urban land area as defined in s. 163.3164~~
7265 and that is located within an urban service area as defined in
7266 s. 163.3164 which has been adopted into the comprehensive plan;
7267 or

7268 3. Any proposed development within a county, including the
7269 municipalities located therein, which has a population of at
7270 least 900,000, that has an average of at least 1,000 people per
7271 square mile of land area ~~which qualifies as a dense urban land~~
7272 ~~area under s. 163.3164~~, but which does not have an urban service
7273 area designated in the comprehensive plan.

7274
7275 The Office of Economic and Demographic Research within the
7276 Legislature shall annually calculate the population and density
7277 criteria needed to determine which jurisdictions meet the
7278 density criteria in subparagraphs 1.-3. by using the most recent
7279 land area data from the decennial census conducted by the Bureau

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7280 of the Census of the United States Department of Commerce and
7281 the latest available population estimates determined pursuant to
7282 s. 186.901. If any local government has had an annexation,
7283 contraction, or new incorporation, the Office of Economic and
7284 Demographic Research shall determine the population density
7285 using the new jurisdictional boundaries as recorded in
7286 accordance with s. 171.091. The Office of Economic and
7287 Demographic Research shall annually submit to the state land
7288 planning agency by July 1 a list of jurisdictions that meet the
7289 total population and density criteria. The state land planning
7290 agency shall publish the list of jurisdictions on its Internet
7291 website within 7 days after the list is received. The
7292 designation of jurisdictions that meet the density criteria of
7293 subparagraphs 1.-3. is effective upon publication on the state
7294 land planning agency's Internet website. Any area that meets the
7295 density criteria may not thereafter be removed from the list of
7296 areas that qualify.

7297 (e) In an area that is exempt under paragraphs (a)-(c), any
7298 previously approved development-of-regional-impact development
7299 orders shall continue to be effective, but the developer has the
7300 option to be governed by s. 380.115(1). A pending application
7301 for development approval shall be governed by s. 380.115(2). ~~A~~
7302 development that has a pending application for a comprehensive
7303 plan amendment and that elects not to continue development-of-
7304 regional-impact review is exempt from the limitation on plan
7305 amendments set forth in s. 163.3187(1) for the year following
7306 the effective date of the exemption.

7307 Section 51. Paragraph (a) of subsection (8) of section
7308 380.061, Florida Statutes, is amended to read:

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7309 380.061 The Florida Quality Developments program.—
7310 (8) (a) Any local government comprehensive plan amendments
7311 related to a Florida Quality Development may be initiated by a
7312 local planning agency and considered by the local governing body
7313 at the same time as the application for development approval,
7314 using the procedures provided for local plan amendment in s.
7315 163.3187 or s. 163.3189 and applicable local ordinances, without
7316 regard to statutory or local ordinance limits on the frequency
7317 of consideration of amendments to the local comprehensive plan.
7318 Nothing in this subsection shall be construed to require
7319 favorable consideration of a Florida Quality Development solely
7320 because it is related to a development of regional impact.

7321 Section 52. Paragraph (a) of subsection (2) of section
7322 380.065, Florida Statutes, is amended to read:

7323 380.065 Certification of local government review of
7324 development.—

7325 (2) When a petition is filed, the state land planning
7326 agency shall have no more than 90 days to prepare and submit to
7327 the Administration Commission a report and recommendations on
7328 the proposed certification. In deciding whether to grant
7329 certification, the Administration Commission shall determine
7330 whether the following criteria are being met:

7331 (a) The petitioning local government has adopted and
7332 effectively implemented a local comprehensive plan and
7333 development regulations which comply with ss. 163.3161-163.3215,
7334 the Community Local Government Comprehensive Planning and Land
7335 Development Regulation Act.

7336 Section 53. Section 380.0685, Florida Statutes, is amended
7337 to read:

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7338 380.0685 State park in area of critical state concern in
7339 county which creates land authority; surcharge on admission and
7340 overnight occupancy.—The Department of Environmental Protection
7341 shall impose and collect a surcharge of 50 cents per person per
7342 day, or \$5 per annual family auto entrance permit, on admission
7343 to all state parks in areas of critical state concern located in
7344 a county which creates a land authority pursuant to s.
7345 380.0663(1), and a surcharge of \$2.50 per night per campsite,
7346 cabin, or other overnight recreational occupancy unit in state
7347 parks in areas of critical state concern located in a county
7348 which creates a land authority pursuant to s. 380.0663(1);
7349 however, no surcharge shall be imposed or collected under this
7350 section for overnight use by nonprofit groups of organized group
7351 camps, primitive camping areas, or other facilities intended
7352 primarily for organized group use. Such surcharges shall be
7353 imposed within 90 days after any county creating a land
7354 authority notifies the Department of Environmental Protection
7355 that the land authority has been created. The proceeds from such
7356 surcharges, less a collection fee that shall be kept by the
7357 Department of Environmental Protection for the actual cost of
7358 collection, not to exceed 2 percent, shall be transmitted to the
7359 land authority of the county from which the revenue was
7360 generated. Such funds shall be used to purchase property in the
7361 area or areas of critical state concern in the county from which
7362 the revenue was generated. An amount not to exceed 10 percent
7363 may be used for administration and other costs incident to such
7364 purchases. However, the proceeds of the surcharges imposed and
7365 collected pursuant to this section in a state park or parks
7366 located wholly within a municipality, less the costs of

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7367 collection as provided herein, shall be transmitted to that
7368 municipality for use by the municipality for land acquisition or
7369 for beach renourishment or restoration, including, but not
7370 limited to, costs associated with any design, permitting,
7371 monitoring and mitigation of such work, as well as the work
7372 itself. The surcharges levied under this section shall remain
7373 imposed as long as the land authority is in existence.

7374 Section 54. Subsection (3) of section 380.115, Florida
7375 Statutes, is amended to read:

7376 380.115 Vested rights and duties; effect of size reduction,
7377 changes in guidelines and standards.—

7378 (3) A landowner that has filed an application for a
7379 development-of-regional-impact review prior to the adoption of a
7380 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
7381 have the application reviewed pursuant to s. 380.06,
7382 comprehensive plan provisions in force prior to adoption of the
7383 sector plan, and any requested comprehensive plan amendments
7384 that accompany the application.

7385 Section 55. Subsection (1) of section 403.50665, Florida
7386 Statutes, is amended to read:

7387 403.50665 Land use consistency.—

7388 (1) The applicant shall include in the application a
7389 statement on the consistency of the site and any associated
7390 facilities that constitute a "development," as defined in s.
7391 380.04, with existing land use plans and zoning ordinances that
7392 were in effect on the date the application was filed and a full
7393 description of such consistency. This information shall include
7394 an identification of those associated facilities that the
7395 applicant believes are exempt from the requirements of land use

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7396 plans and zoning ordinances under the provisions of the
7397 Community Local Government Comprehensive Planning and Land
7398 ~~Development Regulation~~ Act provisions of chapter 163 and s.
7399 380.04(3).

7400 Section 56. Subsection (16) of section 420.9071, Florida
7401 Statutes, is amended to read:

7402 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
7403 term:

7404 (16) "Local housing incentive strategies" means local
7405 regulatory reform or incentive programs to encourage or
7406 facilitate affordable housing production, which include at a
7407 minimum, assurance that permits as defined in s. 163.3164(7) and
7408 ~~(8)~~ for affordable housing projects are expedited to a greater
7409 degree than other projects; an ongoing process for review of
7410 local policies, ordinances, regulations, and plan provisions
7411 that increase the cost of housing prior to their adoption; and a
7412 schedule for implementing the incentive strategies. Local
7413 housing incentive strategies may also include other regulatory
7414 reforms, such as those enumerated in s. 420.9076 or those
7415 recommended by the affordable housing advisory committee in its
7416 triennial evaluation of the implementation of affordable housing
7417 incentives, and adopted by the local governing body.

7418 Section 57. Paragraph (a) of subsection (4) of section
7419 420.9076, Florida Statutes, is amended to read:

7420 420.9076 Adoption of affordable housing incentive
7421 strategies; committees.—

7422 (4) Triennially, the advisory committee shall review the
7423 established policies and procedures, ordinances, land
7424 development regulations, and adopted local government

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7425 comprehensive plan of the appointing local government and shall
7426 recommend specific actions or initiatives to encourage or
7427 facilitate affordable housing while protecting the ability of
7428 the property to appreciate in value. The recommendations may
7429 include the modification or repeal of existing policies,
7430 procedures, ordinances, regulations, or plan provisions; the
7431 creation of exceptions applicable to affordable housing; or the
7432 adoption of new policies, procedures, regulations, ordinances,
7433 or plan provisions, including recommendations to amend the local
7434 government comprehensive plan and corresponding regulations,
7435 ordinances, and other policies. At a minimum, each advisory
7436 committee shall submit a report to the local governing body that
7437 includes recommendations on, and triennially thereafter
7438 evaluates the implementation of, affordable housing incentives
7439 in the following areas:

7440 (a) The processing of approvals of development orders or
7441 permits, as defined in s. 163.3164~~(7)~~ and ~~(8)~~, for affordable
7442 housing projects is expedited to a greater degree than other
7443 projects.

7444
7445 The advisory committee recommendations may also include other
7446 affordable housing incentives identified by the advisory
7447 committee. Local governments that receive the minimum allocation
7448 under the State Housing Initiatives Partnership Program shall
7449 perform the initial review but may elect to not perform the
7450 triennial review.

7451 Section 58. Subsection (1) of section 720.403, Florida
7452 Statutes, is amended to read:

7453 720.403 Preservation of residential communities; revival of

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7454 declaration of covenants.—

7455 (1) Consistent with required and optional elements of local
7456 comprehensive plans and other applicable provisions of the
7457 Community Local Government Comprehensive Planning and Land
7458 ~~Development Regulation~~ Act, homeowners are encouraged to
7459 preserve existing residential communities, promote available and
7460 affordable housing, protect structural and aesthetic elements of
7461 their residential community, and, as applicable, maintain roads
7462 and streets, easements, water and sewer systems, utilities,
7463 drainage improvements, conservation and open areas, recreational
7464 amenities, and other infrastructure and common areas that serve
7465 and support the residential community by the revival of a
7466 previous declaration of covenants and other governing documents
7467 that may have ceased to govern some or all parcels in the
7468 community.

7469 Section 59. Subsections (3), (7), and (8) of section
7470 1013.33, Florida Statutes, are amended to read:

7471 1013.33 Coordination of planning with local governing
7472 bodies.—

7473 (3) At a minimum, the interlocal agreement must address
7474 interlocal agreement requirements in s. 163.31777 and, if
7475 applicable, s. 163.3180 ~~(6)-(13)-(g)~~, ~~except for exempt local~~
7476 ~~governments as provided in s. 163.3177(12)~~, and must address the
7477 following issues:

7478 (a) A process by which each local government and the
7479 district school board agree and base their plans on consistent
7480 projections of the amount, type, and distribution of population
7481 growth and student enrollment. The geographic distribution of
7482 jurisdiction-wide growth forecasts is a major objective of the

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7483 process.

7484 (b) A process to coordinate and share information relating
7485 to existing and planned public school facilities, including
7486 school renovations and closures, and local government plans for
7487 development and redevelopment.

7488 (c) Participation by affected local governments with the
7489 district school board in the process of evaluating potential
7490 school closures, significant renovations to existing schools,
7491 and new school site selection before land acquisition. Local
7492 governments shall advise the district school board as to the
7493 consistency of the proposed closure, renovation, or new site
7494 with the local comprehensive plan, including appropriate
7495 circumstances and criteria under which a district school board
7496 may request an amendment to the comprehensive plan for school
7497 siting.

7498 (d) A process for determining the need for and timing of
7499 onsite and offsite improvements to support new construction,
7500 proposed expansion, or redevelopment of existing schools. The
7501 process shall address identification of the party or parties
7502 responsible for the improvements.

7503 (e) A process for the school board to inform the local
7504 government regarding the effect of comprehensive plan amendments
7505 on school capacity. The capacity reporting must be consistent
7506 with laws and rules regarding measurement of school facility
7507 capacity and must also identify how the district school board
7508 will meet the public school demand based on the facilities work
7509 program adopted pursuant to s. 1013.35.

7510 (f) Participation of the local governments in the
7511 preparation of the annual update to the school board's 5-year

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7512 district facilities work program and educational plant survey
7513 prepared pursuant to s. 1013.35.

7514 (g) A process for determining where and how joint use of
7515 either school board or local government facilities can be shared
7516 for mutual benefit and efficiency.

7517 (h) A procedure for the resolution of disputes between the
7518 district school board and local governments, which may include
7519 the dispute resolution processes contained in chapters 164 and
7520 186.

7521 (i) An oversight process, including an opportunity for
7522 public participation, for the implementation of the interlocal
7523 agreement.

7524 ~~(7) Except as provided in subsection (8), municipalities~~
7525 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
7526 ~~from the requirements of subsections (2), (3), and (4).~~

7527 ~~(8) At the time of the evaluation and appraisal report,~~
7528 ~~each exempt municipality shall assess the extent to which it~~
7529 ~~continues to meet the criteria for exemption under s.~~
7530 ~~163.3177(12). If the municipality continues to meet these~~
7531 ~~criteria, the municipality shall continue to be exempt from the~~
7532 ~~interlocal agreement requirement. Each municipality exempt under~~
7533 ~~s. 163.3177(12) must comply with the provisions of subsections~~
7534 ~~(2) (8) within 1 year after the district school board proposes,~~
7535 ~~in its 5-year district facilities work program, a new school~~
7536 ~~within the municipality's jurisdiction.~~

7537 Section 60. Rules 9J-5 and 9J-11.023, Florida
7538 Administrative Code, are repealed, and the Department of State
7539 is directed to remove those rules from the Florida
7540 Administrative Code.

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7541 Section 61. Any permit or any other authorization that was
7542 extended under section 14, chapter 2009-96, Laws of Florida, as
7543 re-authorized by section 47, chapter 2010-147, Laws of Florida,
7544 is extended and renewed for an additional period of two years
7545 from its extended expiration date. The holder of a valid permit
7546 or other authorization that is eligible for the additional two-
7547 year extension must notify the authorizing agency in writing by
7548 December 31, 2011, identifying the specific authorization for
7549 which the holder intends to use the extension and the
7550 anticipated time frame for acting on the authorization.

7551 Section 62. The Legislature finds that this act fulfills an
7552 important state interest.

7553 Section 63. (1) The state land planning agency, within 60
7554 days after the effective date of this act, shall review any
7555 administrative or judicial proceeding filed by the agency and
7556 pending on the effective date of this act to determine whether
7557 the issues raised by the state land planning agency are
7558 consistent with the revised provisions of part II of chapter
7559 163, Florida Statutes. For each proceeding, if the agency
7560 determines that issues have been raised that are not consistent
7561 with the revised provisions of part II of chapter 163, Florida
7562 Statutes, the agency shall dismiss the proceeding. If the state
7563 land planning agency determines that one or more issues have
7564 been raised that are consistent with the revised provisions of
7565 part II of chapter 163, Florida Statutes, the agency shall amend
7566 its petition within 30 days after the determination to plead
7567 with particularity as to the manner in which the plan or plan
7568 amendment fails to meet the revised provisions of part II of
7569 chapter 163, Florida Statutes. If the agency fails to timely

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7570 file such amended petition, the proceeding shall be dismissed.

7571 (2) In all proceedings that were initiated by the state
7572 land planning agency before the effective date of this act, and
7573 continue after that date, the local government's determination
7574 that the comprehensive plan or plan amendment is in compliance
7575 is presumed to be correct, and the local government's
7576 determination shall be sustained unless it is shown by a
7577 preponderance of the evidence that the comprehensive plan or
7578 plan amendment is not in compliance.

7579 Section 64. In accordance with s. 1.04, Florida Statutes,
7580 the provisions of law amended by this act shall be construed in
7581 pari materia with the provisions of law reenacted by Senate Bill
7582 174 or HB 7001, 2011 Regular Session, whichever becomes law, and
7583 incorporated therein. In addition, if any law amended by this
7584 act is also amended by any other law enacted at the same
7585 legislative session or an extension thereof which becomes law,
7586 full effect shall be given to each if possible.

7587 Section 65. The Division of Statutory Revision is directed
7588 to replace the phrase "the effective date of this act" wherever
7589 it occurs in this act with the date this act becomes a law.

7590 Section 66. The reenactment of s. 163.31801(5) in section
7591 12 of this act shall take effect upon this act becoming a law,
7592 and shall operate retroactively to July 1, 2009. If such
7593 retroactive application is held by a court of last resort to be
7594 unconstitutional, this act shall apply prospectively from the
7595 date that this act becomes a law.

7596 Section 67. Except as otherwise expressly provided in this
7597 act and except for this section, which shall take effect upon
7598 this act becoming a law, this act shall take effect July 1,

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