

By the Committees on Environmental Preservation and Conservation; and 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           163.3162, F.S.; revising provisions related to  
8           agricultural enclaves; amending s. 163.3164, F.S.;  
9           revising definitions; amending s. 163.3167, F.S.;  
10          revising the scope of the act; revising and providing  
11          duties of local governments and municipalities  
12          relating to comprehensive plans; removing regional  
13          planning agencies from the responsibility of preparing  
14          comprehensive plans; prohibiting initiative or  
15          referendum processes in regard to development orders,  
16          local comprehensive plan amendments, and map  
17          amendments; prohibiting local governments from  
18          requiring a super majority vote on comprehensive plan  
19          amendments; deleting retroactive effect; creating s.  
20          163.3168, F.S.; encouraging local governments to apply  
21          for certain innovative planning tools; authorizing the  
22          state land planning agency and other appropriate state  
23          and regional agencies to use direct and indirect  
24          technical assistance; amending s. 163.3171, F.S.;  
25          providing legislative intent; amending s. 163.3174,  
26          F.S.; deleting certain notice requirements relating to  
27          the establishment of local planning agencies by a  
28          governing body; amending s. 163.3175, F.S.; providing  
29          additional factors for local government consideration

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30 in impacts to military installations; clarifying  
31 requirements for adopting criteria to address  
32 compatibility of lands relating to military  
33 installations; 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 and providing required sanitary  
40 sewer, solid waste, drainage, potable water, and  
41 natural groundwater aquifer recharge elements;  
42 revising and providing required conservation elements;  
43 revising and providing required housing elements;  
44 revising and providing required coastal management  
45 elements; revising major objectives of, and procedures  
46 relating to, the local comprehensive planning process;  
47 revising and providing required and optional elements  
48 of future land use plans; providing required  
49 transportation elements; revising and providing  
50 required conservation elements; revising and providing  
51 required housing elements; revising and providing  
52 required coastal management elements; revising and  
53 providing required intergovernmental coordination  
54 elements; amending s. 163.31777, F.S.; revising  
55 requirements relating to public schools' interlocal  
56 agreements; deleting duties of the Office of  
57 Educational Facilities, the state land planning  
58 agency, and local governments relating to such

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59 agreements; deleting an exemption; amending s.  
60 163.3178, F.S.; deleting a deadline for local  
61 governments to amend coastal management elements and  
62 future land use maps; amending s. 163.3180, F.S.;  
63 revising and providing provisions relating to  
64 concurrency; revising concurrency requirements;  
65 revising application and findings; revising local  
66 government requirements; revising and providing  
67 requirements relating to transportation concurrency,  
68 transportation concurrency exception areas, urban  
69 infill, urban redevelopment, urban service, downtown  
70 revitalization areas, transportation concurrency  
71 management areas, long-term transportation and school  
72 concurrency management systems, development of  
73 regional impact, school concurrency, service areas,  
74 financial feasibility, interlocal agreements, and  
75 multimodal transportation districts; revising duties  
76 of the Office of Program Policy Analysis and  
77 Government Accountability and the state land planning  
78 agency; providing requirements for local plans;  
79 providing for the limiting the liability of local  
80 governments under certain conditions; reenacting s.  
81 163.31801(5), F.S., and amending s. 163.31801, F.S.;  
82 prohibiting new impact fees by local governments for a  
83 specified period of time; amending s. 163.3182, F.S.;  
84 revising definitions; revising provisions relating to  
85 transportation sufficiency plans and projects;  
86 amending s. 163.3184, F.S.; providing a definition for  
87 "reviewing agencies"; amending the definition of "in

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88 compliance"; removing references to procedural rules  
89 established by the state land planning agency;  
90 deleting provisions relating to community vision and  
91 urban boundary plan amendments, urban infill and  
92 redevelopment plan amendments, and housing incentive  
93 strategy plan amendments; amending s. 163.3187, F.S.;  
94 deleting provisions relating to the amendment of  
95 adopted comprehensive plan and providing the process  
96 for adoption of small-scale comprehensive plan  
97 amendments; amending s. 163.3191, F.S., relating to  
98 the evaluation and appraisal of comprehensive plans;  
99 providing and revising local government requirements  
100 including notice, amendments, compliance, mediation,  
101 reports, and scoping meetings; amending s. 163.3194,  
102 F.S.; regulating development orders for signs  
103 authorized by s. 479.07, F.S.; providing definitions;  
104 amending s. 163.3235, F.S.; revising requirements for  
105 periodic reviews of a development agreements; amending  
106 s. 163.3239, F.S.; revising recording requirements;  
107 amending s. 163.3243, F.S.; revising parties who may  
108 file an action for injunctive relief; amending s.  
109 163.3245, F.S.; revising provisions relating to  
110 optional sector plans; authorizing the adoption of  
111 sector plans under certain circumstances; amending s.  
112 163.3247, F.S.; revising provisions relating to the  
113 Century Commission for a Sustainable Florida; revising  
114 the findings and intent to include the necessity for a  
115 specific strategic plan addressing the state's growth  
116 management system; revising the planning timeframes to

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117 include a 10-year horizon; revising membership of the  
118 commission; deleting obsolete provisions regarding  
119 initial appointments; providing for the election of a  
120 chair and excluding certain members from serving as  
121 chair during a specified period; requiring that the  
122 commission meet at least six times per fiscal year;  
123 deleting a provision that requires the commission to  
124 meet in different regions in the state; requiring that  
125 the executive director establish a meeting calendar  
126 with the commission's approval; authorizing the  
127 commission to form subcommittees by vote; providing  
128 for a majority vote of members on commission actions;  
129 providing for reimbursement for per diem and travel  
130 expenses; revising provisions relating to the  
131 commission's powers and duties; requiring that the  
132 commission, in cooperation with interested state  
133 agencies, local governments, and nongovernmental  
134 stakeholders, develop a strategic plan and submit the  
135 plan to the Governor and the Legislature by a  
136 specified date; requiring that the commission also  
137 submit progress reports by specified dates; requiring  
138 that the commission make presentations to the Governor  
139 and the Legislature; providing that an executive  
140 director be appointed by the Secretary of Community  
141 Affairs and ratified by the commission; requiring that  
142 the Department of Community Affairs provide a specific  
143 line item in its annual legislative budget request to  
144 fund the commission during a specified period;  
145 authorizing the department to obtain additional

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146 funding through external grants; requiring that the  
147 department provide sufficient funding and staff  
148 support to assist the commission in its duties;  
149 providing for future expiration and the abolishment of  
150 the commission; creating s. 163.3248, F.S.; providing  
151 for the designation of rural land stewardship areas;  
152 providing purposes and requirements for the  
153 establishment of such areas; providing for the  
154 creation of rural land stewardship overlay zoning  
155 district and transferable rural land use credits;  
156 providing certain limitations relating to such  
157 credits; providing for incentives; providing  
158 legislative intent; amending s. 163.32465, F.S.;;  
159 revising legislative findings related to local  
160 government comprehensive planning; revising the  
161 process for amending a comprehensive plan; making the  
162 expedited review process applicable statewide and  
163 removing its status as a pilot program; revising the  
164 process and requirements for expedited review of plan  
165 amendments; amending s. 186.504, F.S.; revising  
166 membership requirements of regional planning councils;  
167 amending s. 367.021, F.S.; providing definitions for  
168 the terms "large landowner" and "need"; amending s.  
169 380.06, F.S.; revising exemptions; revising provisions  
170 to conform to changes made by this act; repealing  
171 rules 9J-5 and 9J-11.023, Florida Administrative Code,  
172 relating to minimum criteria for review of local  
173 government comprehensive plans and plan amendments,  
174 evaluation and appraisal reports, land development

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175 regulations, and determinations of compliance;  
176 amending s. 380.0685, F.S.; revising the uses of the  
177 park admission surcharge; amending ss. 70.51, 163.06,  
178 163.2517, 163.3217, 163.3220, 163.3221, 163.3229,  
179 163.360, 163.516, 171.203, 186.513, 186.515, 189.415,  
180 190.004, 190.005, 193.501, 287.042, 288.063, 288.975,  
181 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303,  
182 369.321, 378.021, 380.031, 380.061, 380.065, 380.115,  
183 403.50665, 420.9071, 403.973, 420.5095, 420.615,  
184 420.9071, 420.9076, 720.403, 1013.30, and 1013.33,  
185 F.S.; making conforming changes; repealing  
186 administrative rules; expanding a permit extension;  
187 providing a finding of important state interest;  
188 requiring the state land planning agency to review  
189 certain administrative and judicial proceedings;  
190 providing procedures for such review; affirming  
191 statutory construction with respect to other  
192 legislation passed at the same session; providing a  
193 directive of the Division of Statutory Revision;  
194 providing effective dates.

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

197  
198 Section 1. Subsection (26) of section 70.51, Florida  
199 Statutes, is amended to read:

200 70.51 Land use and environmental dispute resolution.—

201 (26) A special magistrate's recommendation under this  
202 section constitutes data in support of, and a support document  
203 for, a comprehensive plan or comprehensive plan amendment, but

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204 is not, in and of itself, dispositive of a determination of  
205 compliance with chapter 163. ~~Any comprehensive plan amendment~~  
206 ~~necessary to carry out the approved recommendation of a special~~  
207 ~~magistrate under this section is exempt from the twice-a-year~~  
208 ~~limit on plan amendments and may be adopted by the local~~  
209 ~~government amendments in s. 163.3184(16)(d).~~

210 Section 2. Paragraphs (h) through (l) of subsection (3) of  
211 section 163.06, Florida Statutes, are redesignated as paragraphs  
212 (g) through (k), respectively, and present paragraph (g) of that  
213 subsection is amended to read:

214 163.06 Miami River Commission.—

215 (3) The policy committee shall have the following powers  
216 and duties:

217 ~~(g) Coordinate a joint planning area agreement between the~~  
218 ~~Department of Community Affairs, the city, and the county under~~  
219 ~~the provisions of s. 163.3177(11)(a), (b), and (c).~~

220 Section 3. Subsection (4) of section 163.2517, Florida  
221 Statutes, is amended to read:

222 163.2517 Designation of urban infill and redevelopment  
223 area.—

224 (4) In order for a local government to designate an urban  
225 infill and redevelopment area, it must amend its comprehensive  
226 land use plan under s. 163.3187 to delineate the boundaries of  
227 the urban infill and redevelopment area within the future land  
228 use element of its comprehensive plan pursuant to its adopted  
229 urban infill and redevelopment plan. The state land planning  
230 agency shall review the boundary delineation of the urban infill  
231 and redevelopment area in the future land use element under s.  
232 163.3184. However, an urban infill and redevelopment plan

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233 adopted by a local government is not subject to review for  
234 compliance as defined by s. 163.3184(1)(b), and the local  
235 government is not required to adopt the plan as a comprehensive  
236 plan amendment. ~~An amendment to the local comprehensive plan to~~  
237 ~~designate an urban infill and redevelopment area is exempt from~~  
238 ~~the twice-a-year amendment limitation of s. 163.3187.~~

239 Section 4. Section 163.3161, Florida Statutes, is amended  
240 to read:

241 163.3161 Short title; intent and purpose.—

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

245 (2) ~~In conformity with, and in furtherance of, the purpose~~  
246 ~~of the Florida Environmental Land and Water Management Act of~~  
247 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and  
248 strengthen the existing role, processes, and powers of local  
249 governments in the establishment and implementation of  
250 comprehensive planning programs to guide and manage control  
251 future development consistent with the proper role of local  
252 government.

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

256 (4) ~~(3)~~ It is the intent of this act that the ability of its  
257 adoption is necessary so that local governments to ~~can~~ preserve  
258 and enhance present advantages; encourage the most appropriate  
259 use of land, water, and resources, consistent with the public  
260 interest; overcome present handicaps; and deal effectively with  
261 future problems that may result from the use and development of

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262 land within their jurisdictions. Through the process of  
263 comprehensive planning, it is intended that units of local  
264 government can preserve, promote, protect, and improve the  
265 public health, safety, comfort, good order, appearance,  
266 convenience, law enforcement and fire prevention, and general  
267 welfare; ~~prevent the overcrowding of land and avoid undue~~  
268 ~~concentration of population;~~ facilitate the adequate and  
269 efficient provision of transportation, water, sewerage, schools,  
270 parks, recreational facilities, housing, and other requirements  
271 and services; and conserve, develop, utilize, and protect  
272 natural resources within their jurisdictions.

273 (5)~~(4)~~ It is the intent of this act to encourage and ensure  
274 ~~assure~~ cooperation between and among municipalities and counties  
275 and to encourage and assure coordination of planning and  
276 development activities of units of local government with the  
277 planning activities of regional agencies and state government in  
278 accord with applicable provisions of law.

279 (6)~~(5)~~ It is the intent of this act that adopted  
280 comprehensive plans shall have the legal status set out in this  
281 act and that no public or private development shall be permitted  
282 except in conformity with comprehensive plans, or elements or  
283 portions thereof, prepared and adopted in conformity with this  
284 act.

285 (7)~~(6)~~ It is the intent of this act that the activities of  
286 units of local government in the preparation and adoption of  
287 comprehensive plans, or elements or portions therefor, shall be  
288 conducted in conformity with the provisions of this act.

289 (8)~~(7)~~ The provisions of this act in their interpretation  
290 and application are declared to be the minimum requirements

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291 necessary to accomplish the stated intent, purposes, and  
292 objectives of this act; to protect human, environmental, social,  
293 and economic resources; and to maintain, through orderly growth  
294 and development, the character and stability of present and  
295 future land use and development in this state.

296 (9)~~(8)~~ It is the intent of the Legislature that the repeal  
297 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws  
298 of Florida, and amendments to this part by this chapter law,  
299 shall not be interpreted to limit or restrict the powers of  
300 municipal or county officials, but shall be interpreted as a  
301 recognition of their broad statutory and constitutional powers  
302 to plan for and regulate the use of land. It is, further, the  
303 intent of the Legislature to reconfirm that ss. 163.3161 through  
304 163.3248 ~~163.3215~~ have provided and do provide the necessary  
305 statutory direction and basis for municipal and county officials  
306 to carry out their comprehensive planning and land development  
307 regulation powers, duties, and responsibilities.

308 (10)~~(9)~~ It is the intent of the Legislature that all  
309 governmental entities in this state recognize and respect  
310 judicially acknowledged or constitutionally protected private  
311 property rights. It is the intent of the Legislature that all  
312 rules, ordinances, regulations, and programs adopted under the  
313 authority of this act must be developed, promulgated,  
314 implemented, and applied with sensitivity for private property  
315 rights and not be unduly restrictive, and property owners must  
316 be free from actions by others which would harm their property.  
317 Full and just compensation or other appropriate relief must be  
318 provided to any property owner for a governmental action that is  
319 determined to be an invalid exercise of the police power which

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320 constitutes a taking, as provided by law. Any such relief must  
321 be determined in a judicial action.

322 (11) It is the intent of this part that the traditional  
323 economic base of this state, agriculture, tourism, and military  
324 presence, be recognized and protected. Further, it is the intent  
325 of this part to encourage economic diversification, workforce  
326 development, and community planning.

327 (12) It is the intent of this part that new statutory  
328 requirements created by the Legislature will not require a local  
329 government whose plan has been found to be in compliance with  
330 this part to adopt amendments implementing the new statutory  
331 requirements until the evaluation and appraisal period provided  
332 in s. 163.3191, unless otherwise specified in law. However, any  
333 new amendments must comply with the requirements of this part.

334 Section 5. Subsections (2) through (5) of section 163.3162,  
335 Florida Statutes, are renumbered as subsections (1) through (4),  
336 respectively, and present subsections (1) and (5) of that  
337 section are amended to read:

338 163.3162 Agricultural Lands and Practices Act.—

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

341 ~~(4) (5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—~~

342 The owner of a parcel of land defined as an agricultural enclave  
343 under s. 163.3164~~(33)~~ may apply for an amendment to the local  
344 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.  
345 Such amendment is presumed not to be urban sprawl as defined in  
346 s. 163.3164 if it includes consistent with rule 9J-5.006(5),  
347 ~~Florida Administrative Code, and may include~~ land uses and  
348 intensities of use that are consistent with the uses and

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

358 (a) Unless the parcel of land that is the subject of an  
359 application for an amendment is abutted by only one land use  
360 designation the local government and the land owner ~~of a parcel~~  
361 ~~of land that is the subject of an application for an amendment~~  
362 shall have 180 days following the date that the local government  
363 receives a complete application to negotiate in good faith to  
364 reach consensus on the land uses and intensities of use that are  
365 consistent with the uses and intensities of use of the  
366 industrial, commercial, or residential areas that surround the  
367 parcel. Within 30 days after the local government's receipt of  
368 such an application, the local government and owner must agree  
369 in writing to a schedule for information submittal, public  
370 hearings, negotiations, and final action on the amendment, which  
371 schedule may thereafter be altered only with the written consent  
372 of the local government and the owner. Compliance with the  
373 schedule in the written agreement constitutes good faith  
374 negotiations for purposes of paragraph (c). If the parcel is  
375 abutted by only one land use designation, it shall be presumed  
376 that the same land use designation is appropriate for the parcel  
377 and no negotiation is required.

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378 (b) Upon conclusion of good faith negotiations under  
379 paragraph (a), if such negotiations are required, and regardless  
380 of whether the local government and owner reach consensus on the  
381 land uses and intensities of use that are consistent with the  
382 uses and intensities of use of the industrial, commercial, or  
383 residential areas that surround the parcel, the amendment must  
384 be transmitted to the state land planning agency for review  
385 pursuant to s. 163.3184. If the local government fails to  
386 transmit the amendment within 180 days after receipt of a  
387 complete application, the amendment must be immediately  
388 transferred to the state land planning agency for such review ~~at~~  
389 ~~the first available transmittal cycle.~~ A plan amendment  
390 transmitted to the state land planning agency submitted under  
391 this subsection is presumed not to be urban sprawl as defined in  
392 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~  
393 ~~Administrative Code.~~ This presumption may be rebutted only by  
394 clear and convincing evidence.

395 (c) If the owner fails to negotiate in good faith, a plan  
396 amendment submitted under this subsection is not entitled to the  
397 rebuttable presumption under this subsection in the negotiation  
398 and amendment process.

399 (d) Nothing within this subsection relating to agricultural  
400 enclaves shall preempt or replace any protection currently  
401 existing for any property located within the boundaries of the  
402 following areas:

- 403 1. The Wekiva Study Area, as described in s. 369.316; or
- 404 2. The Everglades Protection Area, as defined in s.  
405 373.4592(2).

406 Section 6. Section 163.3164, Florida Statutes, is reordered

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407 and amended to read:

408 163.3164 Community Local Government Comprehensive Planning  
409 ~~and Land Development Regulation Act~~; definitions.—As used in  
410 this act, the term:

411 (1) "Adaptation action area" or "adaptation area" means a  
412 designation in the coastal management element of a local  
413 government's comprehensive plan which identifies one or more  
414 areas that experience coastal flooding due to extreme high tides  
415 and storm surge, and that are vulnerable to the related impacts  
416 of rising sea levels for the purpose of prioritizing funding for  
417 infrastructure needs and adaptation planning.

418 (2) ~~(1)~~ "Administration Commission" means the Governor and  
419 the Cabinet, and for purposes of this chapter the commission  
420 shall act on a simple majority vote, except that for purposes of  
421 imposing the sanctions provided in s. 163.3184(11), affirmative  
422 action shall require the approval of the Governor and at least  
423 three other members of the commission.

424 (3) "Affordable housing" has the same meaning as in s.  
425 420.0004(3).

426 (5) "Antiquated subdivision" means a subdivision that was  
427 recorded or approved more than 20 years ago and that has  
428 substantially failed to be built and the continued buildout of  
429 the subdivision in accordance with the subdivision's zoning and  
430 land use purposes would cause an imbalance of land uses and  
431 would be detrimental to the local and regional economies and  
432 environment, hinder current planning practices, and lead to  
433 inefficient and fiscally irresponsible development patterns as  
434 determined by the respective jurisdiction in which the  
435 subdivision is located.

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436        (6)~~(2)~~ "Area" or "area of jurisdiction" means the total  
437 area qualifying under the provisions of this act, whether this  
438 be all of the lands lying within the limits of an incorporated  
439 municipality, lands in and adjacent to incorporated  
440 municipalities, all unincorporated lands within a county, or  
441 areas comprising combinations of the lands in incorporated  
442 municipalities and unincorporated areas of counties.

443        (7) "Capital improvement" means physical assets constructed  
444 or purchased to provide, improve, or replace a public facility  
445 and which are typically large scale and high in cost. The cost  
446 of a capital improvement is generally nonrecurring and may  
447 require multiyear financing. For the purposes of this part,  
448 physical assets that have been identified as existing or  
449 projected needs in the individual comprehensive plan elements  
450 shall be considered capital improvements.

451        (8)~~(3)~~ "Coastal area" means the 35 coastal counties and all  
452 coastal municipalities within their boundaries ~~designated~~  
453 ~~coastal by the state land planning agency.~~

454        (9) "Compatibility" means a condition in which land uses or  
455 conditions can coexist in relative proximity to each other in a  
456 stable fashion over time such that no use or condition is unduly  
457 negatively impacted directly or indirectly by another use or  
458 condition.

459        (10)~~(4)~~ "Comprehensive plan" means a plan that meets the  
460 requirements of ss. 163.3177 and 163.3178.

461        (11) "Deepwater ports" means the ports identified in s.  
462 403.021(9).

463        (12) "Density" means an objective measurement of the number  
464 of people or residential units allowed per unit of land, such as

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465 residents or employees per acre.

466 (13)~~(5)~~ "Developer" means any person, including a  
467 governmental agency, undertaking any development as defined in  
468 this act.

469 (14)~~(6)~~ "Development" has the same meaning as given it in  
470 s. 380.04.

471 (15)~~(7)~~ "Development order" means any order granting,  
472 denying, or granting with conditions an application for a  
473 development permit.

474 (16)~~(8)~~ "Development permit" includes any building permit,  
475 zoning permit, subdivision approval, rezoning, certification,  
476 special exception, variance, or any other official action of  
477 local government having the effect of permitting the development  
478 of land.

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

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

485 (20)~~(9)~~ "Governing body" means the board of county  
486 commissioners of a county, the commission or council of an  
487 incorporated municipality, or any other chief governing body of  
488 a unit of local government, however designated, or the  
489 combination of such bodies where joint utilization of the  
490 provisions of this act is accomplished as provided herein.

491 (21)~~(10)~~ "Governmental agency" means:

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

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494 (b) This state or any department, commission, agency, or  
495 other instrumentality thereof.

496 (c) Any local government, as defined in this section, or  
497 any department, commission, agency, or other instrumentality  
498 thereof.

499 (d) Any school board or other special district, authority,  
500 or governmental entity.

501 (22) "Intensity" means an objective measurement of the  
502 extent to which land may be developed or used, including the  
503 consumption or use of the space above, on, or below ground; the  
504 measurement of the use of or demand on natural resources; and  
505 the measurement of the use of or demand on facilities and  
506 services.

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

511 (24)~~(11)~~ "Land" means the earth, water, and air, above,  
512 below, or on the surface, and includes any improvements or  
513 structures customarily regarded as land.

514 (27)~~(12)~~ "Land use" means the development that has occurred  
515 on the land, the development that is proposed by a developer on  
516 the land, or the use that is permitted or permissible on the  
517 land under an adopted comprehensive plan or element or portion  
518 thereof, land development regulations, or a land development  
519 code, as the context may indicate.

520 (28) "Level of service" means an indicator of the extent or  
521 degree of service provided by, or proposed to be provided by, a  
522 facility based on and related to the operational characteristics

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523 of the facility. Level of service shall indicate the capacity  
524 per unit of demand for each public facility.

525 (29)~~(13)~~ "Local government" means any county or  
526 municipality.

527 (30)~~(14)~~ "Local planning agency" means the agency  
528 designated to prepare the comprehensive plan or plan amendments  
529 required by this act.

530 (31) "Mobility plan" means an integrated land use and  
531 transportation plan that promotes compact, mixed-use, and  
532 interconnected development served by a multimodal transportation  
533 system that includes roads, bicycle and pedestrian facilities,  
534 and, where feasible and appropriate, frequent transit and rail  
535 service, to provide individuals with viable transportation  
536 options without sole reliance upon a motor vehicle for personal  
537 mobility.

538 (32)~~(15)~~ A "Newspaper of general circulation" means a  
539 newspaper published at least on a weekly basis and printed in  
540 the language most commonly spoken in the area within which it  
541 circulates, but does not include a newspaper intended primarily  
542 for members of a particular professional or occupational group,  
543 a newspaper whose primary function is to carry legal notices, or  
544 a newspaper that is given away primarily to distribute  
545 advertising.

546 (33) "New town" means an urban activity center and  
547 community designated on the future land use map of sufficient  
548 size, population and land use composition to support a variety  
549 of economic and social activities consistent with an urban area  
550 designation. New towns shall include basic economic activities;  
551 all major land use categories, with the possible exception of

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552 agricultural and industrial; and a centrally provided full range  
553 of public facilities and services that demonstrate internal trip  
554 capture. A new town shall be based on a master development plan.

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

557 (35)~~(16)~~ "Parcel of land" means any quantity of land  
558 capable of being described with such definiteness that its  
559 locations and boundaries may be established, which is designated  
560 by its owner or developer as land to be used, or developed as, a  
561 unit or which has been used or developed as a unit.

562 (36)~~(17)~~ "Person" means an individual, corporation,  
563 governmental agency, business trust, estate, trust, partnership,  
564 association, two or more persons having a joint or common  
565 interest, or any other legal entity.

566 (39) "Policy" means the way in which programs and  
567 activities are conducted to achieve an identified goal.

568 (40)~~(18)~~ "Public notice" means notice as required by s.  
569 125.66(2) for a county or by s. 166.041(3) (a) for a  
570 municipality. The public notice procedures required in this part  
571 are established as minimum public notice procedures.

572 (41)~~(19)~~ "Regional planning agency" means the council  
573 created pursuant to chapter 186 ~~agency designated by the state~~  
574 ~~land planning agency to exercise responsibilities under law in a~~  
575 ~~particular region of the state.~~

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

580 (44)~~(20)~~ "State land planning agency" means the Department

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581 of Community Affairs.

582 ~~(45)-(21)~~ "Structure" has the same meaning as in ~~given it by~~  
583 s. 380.031(19).

584 (46) "Suitability" means the degree to which the existing  
585 characteristics and limitations of land and water are compatible  
586 with a proposed use or development.

587 (47) "Transit-oriented development" means a project or  
588 projects, in areas identified in a local government  
589 comprehensive plan, which are or will be served by existing or  
590 planned transit service. These designated areas shall be  
591 compact, moderate to high density developments, of mixed-use  
592 character, interconnected with other land uses, bicycle and  
593 pedestrian friendly, and designed to support frequent transit  
594 service operating through, collectively or separately, rail,  
595 fixed guideway, streetcar, or bus systems on dedicated  
596 facilities or available roadway connections.

597 ~~(25)-(22)~~ "Land development regulation commission" means a  
598 commission designated by a local government to develop and  
599 recommend, to the local governing body, land development  
600 regulations that ~~which~~ implement the adopted comprehensive plan  
601 and to review land development regulations, or amendments  
602 thereto, for consistency with the adopted plan and report to the  
603 governing body regarding its findings. The responsibilities of  
604 the land development regulation commission may be performed by  
605 the local planning agency.

606 ~~(26)-(23)~~ "Land development regulations" means ordinances  
607 enacted by governing bodies for the regulation of any aspect of  
608 development and includes any local government zoning, rezoning,  
609 subdivision, building construction, or sign regulations or any

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610 other regulations controlling the development of land, except  
611 that this definition shall not apply in s. 163.3213.

612 (39)~~(24)~~ "Public facilities" means major capital  
613 improvements, including ~~, but not limited to,~~ transportation,  
614 sanitary sewer, solid waste, drainage, potable water,  
615 educational, parks and recreational, ~~and health systems and~~  
616 facilities, ~~and spoil disposal sites for maintenance dredging~~  
617 ~~located in the intracoastal waterways, except for spoil disposal~~  
618 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

619 (17)~~(25)~~ "Downtown revitalization" means the physical and  
620 economic renewal of a central business district of a community  
621 as designated by local government, and includes both downtown  
622 development and redevelopment.

623 (50)~~(26)~~ "Urban redevelopment" means demolition and  
624 reconstruction or substantial renovation of existing buildings  
625 or infrastructure within urban infill areas, existing urban  
626 service areas, or community redevelopment areas created pursuant  
627 to part III.

628 (49)~~(27)~~ "Urban infill" means the development of vacant  
629 parcels in otherwise built-up areas where public facilities such  
630 as sewer systems, roads, schools, and recreation areas are  
631 already in place and the average residential density is at least  
632 five dwelling units per acre, the average nonresidential  
633 intensity is at least a floor area ratio of 1.0 and vacant,  
634 developable land does not constitute more than 10 percent of the  
635 area.

636 (38)~~(28)~~ "Projects that promote public transportation"  
637 means projects that directly affect the provisions of public  
638 transit, including transit terminals, transit lines and routes,

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639 separate lanes for the exclusive use of public transit services,  
640 transit stops (shelters and stations), office buildings or  
641 projects that include fixed-rail or transit terminals as part of  
642 the building, and projects that ~~which~~ are transit oriented and  
643 designed to complement reasonably proximate planned or existing  
644 public facilities.

645 (51) ~~(29)~~ "Urban service area" means ~~built-up~~ areas  
646 identified in the comprehensive plan where public facilities and  
647 services, including, but not limited to, central water and sewer  
648 capacity and roads, are already in place or are identified in  
649 the capital improvements element. Urban service area includes  
650 any areas identified in the comprehensive plan as urban service  
651 areas, regardless of local government limitation. ~~committed in~~  
652 ~~the first 3 years of the capital improvement schedule. In~~  
653 ~~addition, for counties that qualify as dense urban land areas~~  
654 ~~under subsection (34), the nonrural area of a county which has~~  
655 ~~adopted into the county charter a rural area designation or~~  
656 ~~areas identified in the comprehensive plan as urban service~~  
657 ~~areas or urban growth boundaries on or before July 1, 2009, are~~  
658 ~~also urban service areas under this definition.~~

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

665 (48) ~~(30)~~ "Transportation corridor management" means the  
666 coordination of the planning of designated future transportation  
667 corridors with land use planning within and adjacent to the

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668 corridor to promote orderly growth, to meet the concurrency  
669 requirements of this chapter, and to maintain the integrity of  
670 the corridor for transportation purposes.

671 ~~(43)~~(31) "Optional Sector plan" means the an optional  
672 process authorized by s. 163.3245 in which one or more local  
673 governments engage in long-term planning for a large area and ~~by~~  
674 ~~agreement with the state land planning agency are allowed to~~  
675 ~~address regional development of regional impact issues through~~  
676 ~~adoption of detailed specific area plans within the planning~~  
677 ~~area within certain designated geographic areas identified in~~  
678 ~~the local comprehensive plan as a means of fostering innovative~~  
679 ~~planning and development strategies in s. 163.3177(11)(a) and~~  
680 ~~(b),~~ furthering the purposes of this part and part I of chapter  
681 380, reducing overlapping data and analysis requirements,  
682 protecting regionally significant resources and facilities, and  
683 addressing extrajurisdictional impacts. "Sector plan" includes  
684 an optional sector plan that was adopted pursuant to the  
685 Optional Sector Plan Pilot Program.

686 ~~(32)~~ "Financial feasibility" means ~~that sufficient revenues~~  
687 ~~are currently available or will be available from committed~~  
688 ~~funding sources for the first 3 years, or will be available from~~  
689 ~~committed or planned funding sources for years 4 and 5, of a 5-~~  
690 ~~year capital improvement schedule for financing capital~~  
691 ~~improvements, such as ad valorem taxes, bonds, state and federal~~  
692 ~~funds, tax revenues, impact fees, and developer contributions,~~  
693 ~~which are adequate to fund the projected costs of the capital~~  
694 ~~improvements identified in the comprehensive plan necessary to~~  
695 ~~ensure that adopted level-of-service standards are achieved and~~  
696 ~~maintained within the period covered by the 5-year schedule of~~

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697 capital improvements. A comprehensive plan shall be deemed  
698 financially feasible for transportation and school facilities  
699 throughout the planning period addressed by the capital  
700 improvements schedule if it can be demonstrated that the level-  
701 of-service standards will be achieved and maintained by the end  
702 of the planning period even if in a particular year such  
703 improvements are not concurrent as required by s. 163.3180.

704 (4)~~(33)~~ "Agricultural enclave" means an unincorporated,  
705 undeveloped parcel that:

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

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

711 (c)1. Is surrounded on at least 75 percent of its perimeter  
712 by:

713 a.1. Property that has existing industrial, commercial, or  
714 residential development; or

715 b.2. Property that the local government has designated, in  
716 the local government's comprehensive plan, zoning map, and  
717 future land use map, as land that is to be developed for  
718 industrial, commercial, or residential purposes, and at least 75  
719 percent of such property is existing industrial, commercial, or  
720 residential development; or

721 2. Is surrounded on at least 90 percent of its perimeter by  
722 property that the local government has designated in the local  
723 government's comprehensive plan and future land use map as land  
724 that is to be developed for industrial, commercial, or  
725 residential purposes; or

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726 3. Is surrounded by existing or authorized residential  
727 development that will result in a density at buildout of at  
728 least 1,000 residents per square mile.

729 (d) Has public services, including water, wastewater,  
730 transportation, schools, and recreation facilities, available or  
731 such public services are scheduled in the capital improvement  
732 element to be provided by the local government or can be  
733 provided by an alternative provider of local government  
734 infrastructure in order to ensure consistency with applicable  
735 concurrency provisions of s. 163.3180; and

736 (e) Does not exceed 1,280 acres; however, if the property  
737 meets the criteria in subparagraph (c)3. ~~is surrounded by~~  
738 ~~existing or authorized residential development that will result~~  
739 ~~in a density at buildout of at least 1,000 residents per square~~  
740 ~~mile,~~ then the area shall be determined to be urban and the  
741 parcel may not exceed 4,480 acres.

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

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

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

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

751  
752 ~~The Office of Economic and Demographic Research within the~~  
753 ~~Legislature shall annually calculate the population and density~~  
754 ~~criteria needed to determine which jurisdictions qualify as~~

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755 ~~dense urban land areas by using the most recent land area data~~  
756 ~~from the decennial census conducted by the Bureau of the Census~~  
757 ~~of the United States Department of Commerce and the latest~~  
758 ~~available population estimates determined pursuant to s.~~  
759 ~~186.901. If any local government has had an annexation,~~  
760 ~~contraction, or new incorporation, the Office of Economic and~~  
761 ~~Demographic Research shall determine the population density~~  
762 ~~using the new jurisdictional boundaries as recorded in~~  
763 ~~accordance with s. 171.091. The Office of Economic and~~  
764 ~~Demographic Research shall submit to the state land planning~~  
765 ~~agency a list of jurisdictions that meet the total population~~  
766 ~~and density criteria necessary for designation as a dense urban~~  
767 ~~land area by July 1, 2009, and every year thereafter. The state~~  
768 ~~land planning agency shall publish the list of jurisdictions on~~  
769 ~~its Internet website within 7 days after the list is received.~~  
770 ~~The designation of jurisdictions that qualify or do not qualify~~  
771 ~~as a dense urban land area is effective upon publication on the~~  
772 ~~state land planning agency's Internet website.~~

773 Section 7. Section 163.3167, Florida Statutes, is amended  
774 to read:

775 163.3167 Scope of act.—

776 (1) The several incorporated municipalities and counties  
777 shall have power and responsibility:

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

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

781 (c) To implement adopted or amended comprehensive plans by  
782 the adoption of appropriate land development regulations or  
783 elements thereof.

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784 (d) To establish, support, and maintain administrative  
785 instruments and procedures to carry out the provisions and  
786 purposes of this act.

787  
788 The powers and authority set out in this act may be employed by  
789 municipalities and counties individually or jointly by mutual  
790 agreement in accord with the provisions of this act and in such  
791 combinations as their common interests may dictate and require.

792 (2) Each local government shall maintain ~~prepare~~ a  
793 comprehensive plan of the type and in the manner set out in this  
794 part or prepare amendments to its existing comprehensive plan to  
795 conform it to the requirements of this part and in the manner  
796 set out in this part. In accordance with s. 163.3184, each local  
797 government shall submit to the state land planning agency its  
798 complete proposed comprehensive plan or its complete  
799 comprehensive plan as proposed to be amended.

800 ~~(3) When a local government has not prepared all of the~~  
801 ~~required elements or has not amended its plan as required by~~  
802 ~~subsection (2), the regional planning agency having~~  
803 ~~responsibility for the area in which the local government lies~~  
804 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~  
805 ~~missing elements or adopt by rule amendments to the existing~~  
806 ~~plan in accordance with this act by July 1, 1989, or within 1~~  
807 ~~year after the dates specified or provided in subsection (2) and~~  
808 ~~the state land planning agency review schedule, whichever is~~  
809 ~~later. The regional planning agency shall provide at least 90~~  
810 ~~days' written notice to any local government whose plan it is~~  
811 ~~required by this subsection to prepare, prior to initiating the~~  
812 ~~planning process. At least 90 days before the adoption by the~~

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813 ~~regional planning agency of a comprehensive plan, or element or~~  
814 ~~portion thereof, pursuant to this subsection, the regional~~  
815 ~~planning agency shall transmit a copy of the proposed~~  
816 ~~comprehensive plan, or element or portion thereof, to the local~~  
817 ~~government and the state land planning agency for written~~  
818 ~~comment. The state land planning agency shall review and comment~~  
819 ~~on such plan, or element or portion thereof, in accordance with~~  
820 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~  
821 ~~applicable to the regional planning agency as if it were a~~  
822 ~~governing body. Existing comprehensive plans shall remain in~~  
823 ~~effect until they are amended pursuant to subsection (2), this~~  
824 ~~subsection, s. 163.3187, or s. 163.3189.~~

825 (3)~~(4)~~ A municipality established after the effective date  
826 of this act shall, within 1 year after incorporation, establish  
827 a local planning agency, pursuant to s. 163.3174, and prepare  
828 and adopt a comprehensive plan of the type and in the manner set  
829 out in this act within 3 years after the date of such  
830 incorporation. A county comprehensive plan shall be deemed  
831 controlling until the municipality adopts a comprehensive plan  
832 in accord with the provisions of this act. ~~If, upon the~~  
833 ~~expiration of the 3-year time limit, the municipality has not~~  
834 ~~adopted a comprehensive plan, the regional planning agency shall~~  
835 ~~prepare and adopt a comprehensive plan for such municipality.~~

836 (4)~~(5)~~ Any comprehensive plan, or element or portion  
837 thereof, adopted pursuant to the provisions of this act, which  
838 but for its adoption after the deadlines established pursuant to  
839 previous versions of this act would have been valid, shall be  
840 valid.

841 ~~(6) When a regional planning agency is required to prepare~~

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842 ~~or amend a comprehensive plan, or element or portion thereof,~~  
843 ~~pursuant to subsections (3) and (4), the regional planning~~  
844 ~~agency and the local government may agree to a method of~~  
845 ~~compensating the regional planning agency for any verifiable,~~  
846 ~~direct costs incurred. If an agreement is not reached within 6~~  
847 ~~months after the date the regional planning agency assumes~~  
848 ~~planning responsibilities for the local government pursuant to~~  
849 ~~subsections (3) and (4) or by the time the plan or element, or~~  
850 ~~portion thereof, is completed, whichever is earlier, the~~  
851 ~~regional planning agency shall file invoices for verifiable,~~  
852 ~~direct costs involved with the governing body. Upon the failure~~  
853 ~~of the local government to pay such invoices within 90 days, the~~  
854 ~~regional planning agency may, upon filing proper vouchers with~~  
855 ~~the Chief Financial Officer, request payment by the Chief~~  
856 ~~Financial Officer from unencumbered revenue or other tax sharing~~  
857 ~~funds due such local government from the state for work actually~~  
858 ~~performed, and the Chief Financial Officer shall pay such~~  
859 ~~vouchers; however, the amount of such payment shall not exceed~~  
860 ~~50 percent of such funds due such local government in any one~~  
861 ~~year.~~

862 ~~(7) A local government that is being requested to pay costs~~  
863 ~~may seek an administrative hearing pursuant to ss. 120.569 and~~  
864 ~~120.57 to challenge the amount of costs and to determine if the~~  
865 ~~statutory prerequisites for payment have been complied with.~~  
866 ~~Final agency action shall be taken by the state land planning~~  
867 ~~agency. Payment shall be withheld as to disputed amounts until~~  
868 ~~proceedings under this subsection have been completed.~~

869 ~~(5)(8)~~ Nothing in this act shall limit or modify the rights  
870 of any person to complete any development that has been

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871 authorized as a development of regional impact pursuant to  
872 chapter 380 or who has been issued a final local development  
873 order and development has commenced and is continuing in good  
874 faith.

875 (6)~~(9)~~ The Reedy Creek Improvement District shall exercise  
876 the authority of this part as it applies to municipalities,  
877 consistent with the legislative act under which it was  
878 established, for the total area under its jurisdiction.

879 (7)~~(10)~~ Nothing in this part shall supersede any provision  
880 of ss. 341.8201-341.842.

881 ~~(11) Each local government is encouraged to articulate a  
882 vision of the future physical appearance and qualities of its  
883 community as a component of its local comprehensive plan. The  
884 vision should be developed through a collaborative planning  
885 process with meaningful public participation and shall be  
886 adopted by the governing body of the jurisdiction. Neighboring  
887 communities, especially those sharing natural resources or  
888 physical or economic infrastructure, are encouraged to create  
889 collective visions for greater than local areas. Such collective  
890 visions shall apply in each city or county only to the extent  
891 that each local government chooses to make them applicable. The  
892 state land planning agency shall serve as a clearinghouse for  
893 creating a community vision of the future and may utilize the  
894 Growth Management Trust Fund, created by s. 186.911, to provide  
895 grants to help pay the costs of local visioning programs. When a  
896 local vision of the future has been created, a local government  
897 should review its comprehensive plan, land development  
898 regulations, and capital improvement program to ensure that  
899 these instruments will help to move the community toward its~~

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900 ~~vision in a manner consistent with this act and with the state~~  
901 ~~comprehensive plan. A local or regional vision must be~~  
902 ~~consistent with the state vision, when adopted, and be~~  
903 ~~internally consistent with the local or regional plan of which~~  
904 ~~it is a component. The state land planning agency shall not~~  
905 ~~adopt minimum criteria for evaluating or judging the form or~~  
906 ~~content of a local or regional vision.~~

907 (8)~~(12)~~ An initiative or referendum process in regard to  
908 any development order or in regard to any local comprehensive  
909 plan amendment or map amendment ~~that affects five or fewer~~  
910 ~~parcels of land~~ is prohibited. A local government may not adopt  
911 any super majority voting requirement for the adoption of  
912 amendments to the comprehensive plan.

913 (9)~~(13)~~ Each local government shall address in its  
914 comprehensive plan, as enumerated in this chapter, the water  
915 supply sources necessary to meet and achieve the existing and  
916 projected water use demand for the established planning period,  
917 considering the applicable plan developed pursuant to s.  
918 373.709.

919 (10)~~(14)~~ (a) If a local government grants a development  
920 order pursuant to its adopted land development regulations and  
921 the order is not the subject of a pending appeal and the  
922 timeframe for filing an appeal has expired, the development  
923 order may not be invalidated by a subsequent judicial  
924 determination that such land development regulations, or any  
925 portion thereof that is relevant to the development order, are  
926 invalid because of a deficiency in the approval standards.

927 (b) This subsection does not preclude or affect the timely  
928 institution of any other remedy available at law or equity,

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929 including a common law writ of certiorari proceeding pursuant to  
930 Rule 9.190, Florida Rules of Appellate Procedure, or an original  
931 proceeding pursuant to s. 163.3215, as applicable.

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

934 (11) A local government shall process and review  
935 applications for development orders, including zoning and other  
936 land use approvals, based on the comprehensive plan, zoning and  
937 land use code, and regulations in effect at the time each  
938 respective application is filed, except if:

939 (a) The local government can demonstrate that the  
940 ordinance, rule, or regulation in effect when the application  
941 was filed would create an immediate and imminent threat to the  
942 public safety or health; or

943 (b) The application was not filed in good faith in an  
944 effort to avoid an amendment to the comprehensive plan after the  
945 local government has declared publicly its intent to amend the  
946 comprehensive plan prior to the filing of the application.

947 Section 8. Section 163.3168, Florida Statutes, is created  
948 to read:

949 163.3168 Planning innovations and technical assistance.—

950 (1) The Legislature recognizes the need for innovative  
951 planning and development strategies to promote a diverse economy  
952 and vibrant rural and urban communities, while protecting  
953 environmentally sensitive areas. The Legislature further  
954 recognizes the substantial advantages of innovative approaches  
955 to development directed to meet the needs of urban, rural, and  
956 suburban areas.

957 (2) Local governments are encouraged to apply innovative

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958 planning tools, including, but not limited to, visioning, sector  
959 planning, and rural land stewardship area designations to  
960 address future new development areas, urban service area  
961 designations, urban growth boundaries, and mixed-use, high-  
962 density development in urban areas.

963 (3) The state land planning agency shall help communities  
964 find creative solutions to fostering vibrant, healthy  
965 communities, while protecting the functions of important state  
966 resources and facilities. The state land planning agency and all  
967 other appropriate state and regional agencies may use various  
968 means to provide direct and indirect technical assistance within  
969 available resources. If plan amendments may adversely impact  
970 important state resources or facilities, upon request by the  
971 local government, the state land planning agency shall  
972 coordinate multiagency assistance, if needed, in developing an  
973 amendment to minimize impacts on such resources or facilities.

974 Section 9. Subsection (4) of section 163.3171, Florida  
975 Statutes, is amended to read:

976 163.3171 Areas of authority under this act.—

977 ~~(4) The state land planning agency and a~~ Local governments  
978 ~~may government shall have the power to enter into agreements~~  
979 ~~with each other and to agree together to enter into agreements~~  
980 ~~with a landowner, developer, or governmental agency as may be~~  
981 ~~necessary or desirable to effectuate the provisions and purposes~~  
982 ~~of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,~~  
983 ~~and 163.3248. It is the Legislature's intent that joint~~  
984 ~~agreements entered into under the authority of this section be~~  
985 ~~liberally, broadly, and flexibly construed to facilitate~~  
986 ~~intergovernmental cooperation between cities and counties and to~~

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987 encourage planning in advance of jurisdictional changes. Joint  
988 agreements, executed before or after the effective date of this  
989 act, include, but are not limited to, agreements that  
990 contemplate municipal adoption of plans or plan amendments for  
991 lands in advance of annexation of such lands into the  
992 municipality, and may permit municipalities and counties to  
993 exercise nonexclusive extrajurisdictional authority within  
994 incorporated and unincorporated areas. The state land planning  
995 agency shall not have authority to interpret, invalidate, or  
996 declare inoperative such joint agreements, and the validity of  
997 joint agreements may not be a basis for finding plans or plan  
998 amendments not in compliance pursuant to the provisions of  
999 chapter law.

1000 Section 10. Subsection (1) of section 163.3174, Florida  
1001 Statutes, is amended to read:

1002 163.3174 Local planning agency.—

1003 (1) The governing body of each local government,  
1004 individually or in combination as provided in s. 163.3171, shall  
1005 designate and by ordinance establish a "local planning agency,"  
1006 unless the agency is otherwise established by law.

1007 Notwithstanding any special act to the contrary, all local  
1008 planning agencies or equivalent agencies that first review  
1009 rezoning and comprehensive plan amendments in each municipality  
1010 and county shall include a representative of the school district  
1011 appointed by the school board as a nonvoting member of the local  
1012 planning agency or equivalent agency to attend those meetings at  
1013 which the agency considers comprehensive plan amendments and  
1014 rezonings that would, if approved, increase residential density  
1015 on the property that is the subject of the application. However,

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1016 this subsection does not prevent the governing body of the local  
1017 government from granting voting status to the school board  
1018 member. The governing body may designate itself as the local  
1019 planning agency pursuant to this subsection with the addition of  
1020 a nonvoting school board representative. ~~The governing body~~  
1021 ~~shall notify the state land planning agency of the establishment~~  
1022 ~~of its local planning agency.~~ All local planning agencies shall  
1023 provide opportunities for involvement by applicable community  
1024 college boards, which may be accomplished by formal  
1025 representation, membership on technical advisory committees, or  
1026 other appropriate means. The local planning agency shall prepare  
1027 the comprehensive plan or plan amendment after hearings to be  
1028 held after public notice and shall make recommendations to the  
1029 governing body regarding the adoption or amendment of the plan.  
1030 The agency may be a local planning commission, the planning  
1031 department of the local government, or other instrumentality,  
1032 including a countywide planning entity established by special  
1033 act or a council of local government officials created pursuant  
1034 to s. 163.02, provided the composition of the council is fairly  
1035 representative of all the governing bodies in the county or  
1036 planning area; however:

1037 (a) If a joint planning entity is in existence on the  
1038 effective date of this act which authorizes the governing bodies  
1039 to adopt and enforce a land use plan effective throughout the  
1040 joint planning area, that entity shall be the agency for those  
1041 local governments until such time as the authority of the joint  
1042 planning entity is modified by law.

1043 (b) In the case of chartered counties, the planning  
1044 responsibility between the county and the several municipalities

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1045 therein shall be as stipulated in the charter.

1046 Section 11. Subsections (6) and (9) of section 163.3175,  
1047 Florida Statutes, are amended to read:

1048 163.3175 Legislative findings on compatibility of  
1049 development with military installations; exchange of information  
1050 between local governments and military installations.—

1051 (6) The affected local government shall take into  
1052 consideration any comments provided by the commanding officer or  
1053 his or her designee pursuant to subsection (4) and must also be  
1054 sensitive to private property rights and not be unduly  
1055 restrictive on those rights. The affected local government shall  
1056 forward a copy of any comments regarding comprehensive plan  
1057 amendments to the state land planning agency.

1058 (9) If a local government, as required under s.  
1059 163.3177(6)(a), does not adopt criteria and address  
1060 compatibility of lands adjacent to or closely proximate to  
1061 existing military installations in its future land use plan  
1062 element by June 30, 2012, the local government, the military  
1063 installation, the state land planning agency, and other parties  
1064 as identified by the regional planning council, including, but  
1065 not limited to, private landowner representatives, shall enter  
1066 into mediation conducted pursuant to s. 186.509. If the local  
1067 government comprehensive plan does not contain criteria  
1068 addressing compatibility by December 31, 2013, the agency may  
1069 notify the Administration Commission. The Administration  
1070 Commission may impose sanctions pursuant to s. 163.3184(11). Any  
1071 local government that amended its comprehensive plan to address  
1072 military installation compatibility requirements after 2004 and  
1073 was found in compliance, is deemed in compliance with the

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1074 provisions of this subsection until the local government  
1075 conducts its evaluation and appraisal review pursuant to s.  
1076 163.3191 and determines that amendments are necessary to meet  
1077 updated statutory requirements.

1078 Section 12. Section 163.3177, Florida Statutes, is amended  
1079 to read:

1080 163.3177 Required and optional elements of comprehensive  
1081 plan; studies and surveys.-

1082 (1) The comprehensive plan shall provide the ~~consist of~~  
1083 ~~materials in such descriptive form, written or graphic, as may~~  
1084 ~~be appropriate to the prescription of principles, guidelines,~~  
1085 ~~and standards, and strategies~~ for the orderly and balanced  
1086 future economic, social, physical, environmental, and fiscal  
1087 development of the area that reflects community commitments to  
1088 implement the plan and its elements. These principles and  
1089 strategies shall guide future decisions in a consistent manner  
1090 and shall contain programs and activities to ensure  
1091 comprehensive plans are implemented. The sections of the  
1092 comprehensive plan containing the principles and strategies,  
1093 generally provided as goals, objectives, and policies, shall  
1094 describe how the local government's programs, activities, and  
1095 land development regulations will be initiated, modified, or  
1096 continued to implement the comprehensive plan in a consistent  
1097 manner. It is not the intent of this part to require the  
1098 inclusion of implementing regulations in the comprehensive plan  
1099 but rather to require identification of those programs,  
1100 activities, and land development regulations that will be part  
1101 of the strategy for implementing the comprehensive plan and the  
1102 principles that describe how the programs, activities, and land

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1103 development regulations will be carried out. The plan shall  
1104 establish meaningful and predictable standards for the use and  
1105 development of land and provide meaningful guidelines for the  
1106 content of more detailed land development and use regulations.

1107 (a) The comprehensive plan shall consist of elements as  
1108 described in this section, and may include optional elements.

1109 (b) A local government may include, as part of its adopted  
1110 plan, documents adopted by reference but not incorporated  
1111 verbatim into the plan. The adoption by reference must identify  
1112 the title and author of the document and indicate clearly what  
1113 provisions and edition of the document is being adopted.

1114 (c) The format of these principles and guidelines is at the  
1115 discretion of the local government, but typically is expressed  
1116 in goals, objectives, policies, and strategies.

1117 (d) Proposed elements shall identify procedures for  
1118 monitoring, evaluating, and appraising implementation of the  
1119 plan.

1120 (e) When a federal, state, or regional agency has  
1121 implemented a regulatory program, a local government is not  
1122 required to duplicate or exceed that regulatory program in its  
1123 local comprehensive plan.

1124 (f) All mandatory and optional elements of the  
1125 comprehensive plan and plan amendments shall be based upon a  
1126 justification by the local government that may include, but not  
1127 be limited to, surveys, studies, community goals and vision, and  
1128 other data available at the time of adoption of the  
1129 comprehensive plan or plan amendment. To be based on data means  
1130 to react to it in an appropriate way and to the extent necessary  
1131 indicated by the data available on that particular subject at

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1132 the time of adoption of the plan or plan amendment at issue.

1133 1. Surveys, studies, and data utilized in the preparation  
1134 of the comprehensive plan shall not be deemed a part of the  
1135 comprehensive plan unless adopted as a part of it. Copies of  
1136 such studies, surveys, data, and supporting documents shall be  
1137 made available for public inspection, and copies of such plans  
1138 shall be made available to the public upon payment of reasonable  
1139 charges for reproduction. Support data or summaries shall not be  
1140 subject to the compliance review process, but the comprehensive  
1141 plan must be clearly based on appropriate data. Support data or  
1142 summaries may be used to aid in the determination of compliance  
1143 and consistency.

1144 2. Data must be taken from professionally accepted sources.  
1145 The application of a methodology utilized in data collection or  
1146 whether a particular methodology is professionally accepted may  
1147 be evaluated. However, the evaluation shall not include whether  
1148 one accepted methodology is better than another. Original data  
1149 collection by local governments is not required. However, local  
1150 governments may use original data so long as methodologies are  
1151 professionally accepted.

1152 3. The comprehensive plan shall be based upon resident and  
1153 seasonal population estimates and projections, which shall  
1154 either be those provided by the Office of Economic and  
1155 Demographic Research or generated by the local government based  
1156 upon a professionally acceptable methodology. The plan must be  
1157 based on at least the minimum amount of land required to  
1158 accommodate the medium projections of the Office of Economic and  
1159 Demographic Research unless otherwise limited under s. 380.05  
1160 including related rules of the Administration Commission.

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1161 (2) Coordination of the several elements of the local  
1162 comprehensive plan shall be a major objective of the planning  
1163 process. The several elements of the comprehensive plan shall be  
1164 consistent. Where data is relevant to several elements,  
1165 consistent data shall be used, including population estimates  
1166 and projections unless alternative data can be justified for a  
1167 plan amendment through new supporting data and analysis. Each  
1168 map depicting future conditions must reflect the principles,  
1169 guidelines, and standards within all elements and each such map  
1170 must be contained within the comprehensive plan, ~~and the~~  
1171 ~~comprehensive plan shall be financially feasible. Financial~~  
1172 ~~feasibility shall be determined using professionally accepted~~  
1173 ~~methodologies and applies to the 5-year planning period, except~~  
1174 ~~in the case of a long-term transportation or school concurrency~~  
1175 ~~management system, in which case a 10-year or 15-year period~~  
1176 ~~applies.~~

1177 (3) (a) The comprehensive plan shall contain a capital  
1178 improvements element designed to consider the need for and the  
1179 location of public facilities in order to encourage the  
1180 efficient use of such facilities and set forth:

1181 1. A component that outlines principles for construction,  
1182 extension, or increase in capacity of public facilities, as well  
1183 as a component that outlines principles for correcting existing  
1184 public facility deficiencies, which are necessary to implement  
1185 the comprehensive plan. The components shall cover at least a 5-  
1186 year period.

1187 2. Estimated public facility costs, including a delineation  
1188 of when facilities will be needed, the general location of the  
1189 facilities, and projected revenue sources to fund the

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1190 facilities.

1191 3. Standards to ensure the availability of public  
1192 facilities and the adequacy of those facilities including  
1193 acceptable levels of service.

1194 ~~4. Standards for the management of debt.~~

1195 ~~4.5.~~ A schedule of capital improvements which includes any  
1196 publicly funded projects of federal, state, or local government,  
1197 and which may include privately funded projects for which the  
1198 local government has no fiscal responsibility. Projects,  
1199 necessary to ensure that any adopted level-of-service standards  
1200 are achieved and maintained for the 5-year period must be  
1201 identified as either funded or unfunded and given a level of  
1202 priority for funding. ~~For capital improvements that will be~~  
1203 ~~funded by the developer, financial feasibility shall be~~  
1204 ~~demonstrated by being guaranteed in an enforceable development~~  
1205 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~  
1206 ~~or other enforceable agreement. These development agreements and~~  
1207 ~~interlocal agreements shall be reflected in the schedule of~~  
1208 ~~capital improvements if the capital improvement is necessary to~~  
1209 ~~serve development within the 5-year schedule. If the local~~  
1210 ~~government uses planned revenue sources that require referenda~~  
1211 ~~or other actions to secure the revenue source, the plan must, in~~  
1212 ~~the event the referenda are not passed or actions do not secure~~  
1213 ~~the planned revenue source, identify other existing revenue~~  
1214 ~~sources that will be used to fund the capital projects or~~  
1215 ~~otherwise amend the plan to ensure financial feasibility.~~  
1216 5.6. The schedule must include transportation improvements  
1217 included in the applicable metropolitan planning organization's  
1218 transportation improvement program adopted pursuant to s.

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1219 339.175(8) to the extent that such improvements are relied upon  
1220 to ensure concurrency or implementation of a mobility plan as  
1221 defined in s. 163.3164 and financial feasibility. The schedule  
1222 must ~~also~~ be coordinated with the applicable metropolitan  
1223 planning organization's long-range transportation plan adopted  
1224 pursuant to s. 339.175(7).

1225 (b)~~1~~. The capital improvements element must be reviewed by  
1226 the local government on an annual basis. Modifications and  
1227 ~~modified as necessary in accordance with s. 163.3187 or s.~~  
1228 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~  
1229 5-year capital improvement schedule of capital improvements.  
1230 ~~Corrections and modifications concerning costs; revenue sources;~~  
1231 ~~or acceptance of facilities pursuant to dedications which are~~  
1232 ~~consistent with the plan~~ may be accomplished by ordinance and  
1233 shall not be deemed to be amendments to the local comprehensive  
1234 plan. ~~A copy of the ordinance shall be transmitted to the state~~  
1235 ~~land planning agency. An amendment to the comprehensive plan is~~  
1236 ~~required to update the schedule on an annual basis or to~~  
1237 ~~eliminate, defer, or delay the construction for any facility~~  
1238 ~~listed in the 5-year schedule. All public facilities must be~~  
1239 ~~consistent with the capital improvements element. The annual~~  
1240 ~~update to the capital improvements element of the comprehensive~~  
1241 ~~plan need not comply with the financial feasibility requirement~~  
1242 ~~until December 1, 2011. Thereafter, a local government may not~~  
1243 ~~amend its future land use map, except for plan amendments to~~  
1244 ~~meet new requirements under this part and emergency amendments~~  
1245 ~~pursuant to s. 163.3187(1)(a), after December 1, 2011, and every~~  
1246 ~~year thereafter, unless and until the local government has~~  
1247 ~~adopted the annual update and it has been transmitted to the~~

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1248 ~~state land planning agency.~~

1249 ~~2. Capital improvements element amendments adopted after~~  
1250 ~~the effective date of this act shall require only a single~~  
1251 ~~public hearing before the governing board which shall be an~~  
1252 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~  
1253 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1254 ~~(c) If the local government does not adopt the required~~  
1255 ~~annual update to the schedule of capital improvements, the state~~  
1256 ~~land planning agency must notify the Administration Commission.~~  
1257 ~~A local government that has a demonstrated lack of commitment to~~  
1258 ~~meeting its obligations identified in the capital improvements~~  
1259 ~~element may be subject to sanctions by the Administration~~  
1260 ~~Commission pursuant to s. 163.3184(11).~~

1261 ~~(d) If a local government adopts a long-term concurrency~~  
1262 ~~management system pursuant to s. 163.3180(9), it must also adopt~~  
1263 ~~a long-term capital improvements schedule covering up to a 10-~~  
1264 ~~year or 15-year period, and must update the long-term schedule~~  
1265 ~~annually. The long-term schedule of capital improvements must be~~  
1266 ~~financially feasible.~~

1267 ~~(e) At the discretion of the local government and~~  
1268 ~~notwithstanding the requirements of this subsection, a~~  
1269 ~~comprehensive plan, as revised by an amendment to the plan's~~  
1270 ~~future land use map, shall be deemed to be financially feasible~~  
1271 ~~and to have achieved and maintained level of service standards~~  
1272 ~~as required by this section with respect to transportation~~  
1273 ~~facilities if the amendment to the future land use map is~~  
1274 ~~supported by a:~~

1275 ~~1. Condition in a development order for a development of~~  
1276 ~~regional impact or binding agreement that addresses~~

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1277 ~~proportionate share mitigation consistent with s. 163.3180(12);~~  
1278 ~~or~~

1279 ~~2. Binding agreement addressing proportionate fair share~~  
1280 ~~mitigation consistent with s. 163.3180(16) (f) and the property~~  
1281 ~~subject to the amendment to the future land use map is located~~  
1282 ~~within an area designated in a comprehensive plan for urban~~  
1283 ~~infill, urban redevelopment, downtown revitalization, urban~~  
1284 ~~infill and redevelopment, or an urban service area. The binding~~  
1285 ~~agreement must be based on the maximum amount of development~~  
1286 ~~identified by the future land use map amendment or as may be~~  
1287 ~~otherwise restricted through a special area plan policy or map~~  
1288 ~~notation in the comprehensive plan.~~

1289 ~~(f) A local government's comprehensive plan and plan~~  
1290 ~~amendments for land uses within all transportation concurrency~~  
1291 ~~exception areas that are designated and maintained in accordance~~  
1292 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~  
1293 ~~achieve and maintain level-of-service standards for~~  
1294 ~~transportation.~~

1295 (4) (a) Coordination of the local comprehensive plan with  
1296 the comprehensive plans of adjacent municipalities, the county,  
1297 adjacent counties, or the region; with the appropriate water  
1298 management district's regional water supply plans approved  
1299 pursuant to s. 373.709; and with adopted rules pertaining to  
1300 designated areas of critical state concern; ~~and with the state~~  
1301 ~~comprehensive plan~~ shall be a major objective of the local  
1302 comprehensive planning process. To that end, in the preparation  
1303 of a comprehensive plan or element thereof, and in the  
1304 comprehensive plan or element as adopted, the governing body  
1305 shall include a specific policy statement indicating the

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1306 relationship of the proposed development of the area to the  
1307 comprehensive plans of adjacent municipalities, the county,  
1308 adjacent counties, or the region ~~and to the state comprehensive~~  
1309 ~~plan~~, as the case may require and as such adopted plans or plans  
1310 in preparation may exist.

1311 (b) When all or a portion of the land in a local government  
1312 jurisdiction is or becomes part of a designated area of critical  
1313 state concern, the local government shall clearly identify those  
1314 portions of the local comprehensive plan that shall be  
1315 applicable to the critical area and shall indicate the  
1316 relationship of the proposed development of the area to the  
1317 rules for the area of critical state concern.

1318 (5) (a) Each local government comprehensive plan must  
1319 include at least two planning periods, one covering at least the  
1320 first 5-year period occurring after the plan's adoption and one  
1321 covering at least a 10-year period. Additional planning periods  
1322 for specific components, elements, land use amendments, or  
1323 projects shall be permissible and accepted as part of the  
1324 planning process.

1325 (b) The comprehensive plan and its elements shall contain  
1326 guidelines or policies ~~policy recommendations~~ for the  
1327 implementation of the plan and its elements.

1328 (6) In addition to the requirements of subsections (1)-(5)  
1329 ~~and (12)~~, the comprehensive plan shall include the following  
1330 elements:

1331 (a) A future land use plan element designating proposed  
1332 future general distribution, location, and extent of the uses of  
1333 land for residential uses, commercial uses, industry,  
1334 agriculture, recreation, conservation, education, ~~public~~

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1335 ~~buildings and grounds, other public facilities, and other~~  
1336 categories of the public and private uses of land. The  
1337 approximate acreage and the general range of density or  
1338 intensity of use shall be provided for the gross land area  
1339 included in each existing land use category. The element shall  
1340 establish the long-term end toward which land use programs and  
1341 activities are ultimately directed. Counties are encouraged to  
1342 ~~designate rural land stewardship areas, pursuant to paragraph~~  
1343 ~~(11) (d), as overlays on the future land use map.~~

1344 1. Each future land use category must be defined in terms  
1345 of uses included, and must include standards to be followed in  
1346 the control and distribution of population densities and  
1347 building and structure intensities. The proposed distribution,  
1348 location, and extent of the various categories of land use shall  
1349 be shown on a land use map or map series which shall be  
1350 supplemented by goals, policies, and measurable objectives.

1351 2. The future land use plan and plan amendments shall be  
1352 based upon surveys, studies, and data regarding the area, as  
1353 applicable, including:

1354 a. The amount of land required to accommodate anticipated  
1355 growth.†

1356 b. The projected residential and seasonal population of the  
1357 area.†

1358 c. The character of undeveloped land.†

1359 d. The availability of water supplies, public facilities,  
1360 and services.†

1361 e. The need for redevelopment, including the renewal of  
1362 blighted areas and the elimination of nonconforming uses which  
1363 are inconsistent with the character of the community.†

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1364 f. The compatibility of uses on lands adjacent to or  
1365 closely proximate to military installations.~~†~~

1366 g. The compatibility of uses on lands adjacent to an  
1367 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~

1368 h. The discouragement of urban sprawl.~~;~~ ~~energy-efficient~~  
1369 ~~land use patterns accounting for existing and future electric~~  
1370 ~~power generation and transmission systems; greenhouse gas~~  
1371 ~~reduction strategies; and, in rural communities,~~

1372 i. The need for job creation, capital investment, and  
1373 economic development that will strengthen and diversify the  
1374 community's economy.

1375 j. The need to modify land uses and development patterns  
1376 within antiquated subdivisions. ~~The future land use plan may~~  
1377 ~~designate areas for future planned development use involving~~  
1378 ~~combinations of types of uses for which special regulations may~~  
1379 ~~be necessary to ensure development in accord with the principles~~  
1380 ~~and standards of the comprehensive plan and this act.~~

1381 3. The future land use plan element shall include criteria  
1382 to be used to:

1383 a. Achieve the compatibility of lands adjacent or closely  
1384 proximate to military installations, considering factors  
1385 identified in s. 163.3175(5).~~†~~ ~~and~~

1386 b. Achieve the compatibility of lands adjacent to an  
1387 airport as defined in s. 330.35 and consistent with s. 333.02.

1388 c. Encourage preservation of recreational and commercial  
1389 working waterfronts for water dependent uses in coastal  
1390 communities.

1391 d. Encourage the location of schools proximate to urban  
1392 residential areas to the extent possible.

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1393 e. Coordinate future land uses with the topography and soil  
1394 conditions, and the availability of facilities and services.

1395 f. Ensure the protection of natural and historic resources.

1396 g. Provide for the compatibility of adjacent land uses.

1397 h. Provide guidelines for the implementation of mixed use  
1398 development including the types of uses allowed, the percentage  
1399 distribution among the mix of uses, or other standards, and the  
1400 density and intensity of each use.

1401 4. ~~In addition, for rural communities,~~ The amount of land  
1402 designated for future planned uses ~~industrial use~~ shall provide  
1403 a balance of uses that foster vibrant, viable communities and  
1404 economic development opportunities and address outdated  
1405 development patterns, such as antiquated subdivisions. The  
1406 amount of land designated for future land uses should allow the  
1407 operation of real estate markets to provide adequate choices for  
1408 permanent and seasonal residents and business and ~~be based upon~~  
1409 surveys and studies that reflect the need for job creation,  
1410 capital investment, and the necessity to strengthen and  
1411 diversify the local economies, and may not be limited solely by  
1412 the projected population of the rural community. The element  
1413 shall accommodate at least the minimum amount of land required  
1414 to accommodate the medium projections of the Office of Economic  
1415 and Demographic Research at least a 10-year planning period  
1416 unless otherwise limited under s. 380.05 including related rules  
1417 of the Administration Commission.

1418 5. The future land use plan of a county may ~~also~~ designate  
1419 areas for possible future municipal incorporation.

1420 6. The land use maps or map series shall generally identify  
1421 and depict historic district boundaries and shall designate

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1422 historically significant properties meriting protection. ~~For~~  
1423 ~~coastal counties, the future land use element must include,~~  
1424 ~~without limitation, regulatory incentives and criteria that~~  
1425 ~~encourage the preservation of recreational and commercial~~  
1426 ~~working waterfronts as defined in s. 342.07.~~

1427 7. The future land use element must clearly identify the  
1428 land use categories in which public schools are an allowable  
1429 use. When delineating the land use categories in which public  
1430 schools are an allowable use, a local government shall include  
1431 in the categories sufficient land proximate to residential  
1432 development to meet the projected needs for schools in  
1433 coordination with public school boards and may establish  
1434 differing criteria for schools of different type or size. Each  
1435 local government shall include lands contiguous to existing  
1436 school sites, to the maximum extent possible, within the land  
1437 use categories in which public schools are an allowable use. ~~The~~  
1438 ~~failure by a local government to comply with these school siting~~  
1439 ~~requirements will result in the prohibition of the local~~  
1440 ~~government's ability to amend the local comprehensive plan,~~  
1441 ~~except for plan amendments described in s. 163.3187(1)(b), until~~  
1442 ~~the school siting requirements are met. Amendments proposed by a~~  
1443 ~~local government for purposes of identifying the land use~~  
1444 ~~categories in which public schools are an allowable use are~~  
1445 ~~exempt from the limitation on the frequency of plan amendments~~  
1446 ~~contained in s. 163.3187. The future land use element shall~~  
1447 ~~include criteria that encourage the location of schools~~  
1448 ~~proximate to urban residential areas to the extent possible and~~  
1449 ~~shall require that the local government seek to collocate public~~  
1450 ~~facilities, such as parks, libraries, and community centers,~~

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1451 ~~with schools to the extent possible and to encourage the use of~~  
1452 ~~elementary schools as focal points for neighborhoods. For~~  
1453 ~~schools serving predominantly rural counties, defined as a~~  
1454 ~~county with a population of 100,000 or fewer, an agricultural~~  
1455 ~~land use category is eligible for the location of public school~~  
1456 ~~facilities if the local comprehensive plan contains school~~  
1457 ~~siting criteria and the location is consistent with such~~  
1458 ~~eriteria.~~

1459 8. Future land use map amendments shall be based upon the  
1460 following analyses:

1461 a. An analysis of the availability of facilities and  
1462 services.

1463 b. An analysis of the suitability of the plan amendment for  
1464 its proposed use considering the character of the undeveloped  
1465 land, soils, topography, natural resources, and historic  
1466 resources on site.

1467 c. An analysis of the minimum amount of land needed as  
1468 determined by the local government.

1469 9. The future land use element and any amendment to the  
1470 future land use element shall discourage the proliferation of  
1471 urban sprawl.

1472 a. The primary indicators that a plan or plan amendment  
1473 does not discourage the proliferation of urban sprawl are listed  
1474 below. The evaluation of the presence of these indicators shall  
1475 consist of an analysis of the plan or plan amendment within the  
1476 context of features and characteristics unique to each locality  
1477 in order to determine whether the plan or plan amendment:

1478 (I) Promotes, allows, or designates for development  
1479 substantial areas of the jurisdiction to develop as low-

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1480 intensity, low-density, or single-use development or uses.

1481 (II) Promotes, allows, or designates significant amounts of  
1482 urban development to occur in rural areas at substantial  
1483 distances from existing urban areas while not using undeveloped  
1484 lands that are available and suitable for development.

1485 (III) Promotes, allows, or designates urban development in  
1486 radial, strip, isolated, or ribbon patterns generally emanating  
1487 from existing urban developments.

1488 (IV) Fails to adequately protect and conserve natural  
1489 resources, such as wetlands, floodplains, native vegetation,  
1490 environmentally sensitive areas, natural groundwater aquifer  
1491 recharge areas, lakes, rivers, shorelines, beaches, bays,  
1492 estuarine systems, and other significant natural systems.

1493 (V) Fails to adequately protect adjacent agricultural areas  
1494 and activities, including silviculture, active agricultural and  
1495 silvicultural activities, passive agricultural activities, and  
1496 dormant, unique, and prime farmlands and soils.

1497 (VI) Fails to maximize use of existing public facilities  
1498 and services.

1499 (VII) Fails to maximize use of future public facilities and  
1500 services.

1501 (VIII) Allows for land use patterns or timing which  
1502 disproportionately increase the cost in time, money, and energy  
1503 of providing and maintaining facilities and services, including  
1504 roads, potable water, sanitary sewer, stormwater management, law  
1505 enforcement, education, health care, fire and emergency  
1506 response, and general government.

1507 (IX) Fails to provide a clear separation between rural and  
1508 urban uses.

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1509 (X) Discourages or inhibits infill development or the  
1510 redevelopment of existing neighborhoods and communities.

1511 (XI) Fails to encourage a functional mix of uses.

1512 (XII) Results in poor accessibility among linked or related  
1513 land uses.

1514 (XIII) Results in the loss of significant amounts of  
1515 functional open space.

1516 b. The future land use element or plan amendment shall be  
1517 determined to discourage the proliferation of urban sprawl if it  
1518 incorporates a development pattern or urban form that achieves  
1519 four or more of the following:

1520 (I) Directs or locates economic growth and associated land  
1521 development to geographic areas of the community in a manner  
1522 that does not have an adverse impact on and protects natural  
1523 resources and ecosystems.

1524 (II) Promotes the efficient and cost-effective provision or  
1525 extension of public infrastructure and services.

1526 (III) Promotes walkable and connected communities and  
1527 provides for compact development and a mix of uses at densities  
1528 and intensities that will support a range of housing choices and  
1529 a multimodal transportation system, including pedestrian,  
1530 bicycle, and transit, if available.

1531 (IV) Promotes conservation of water and energy.

1532 (V) Preserves agricultural areas and activities, including  
1533 silviculture, and dormant, unique, and prime farmlands and  
1534 soils.

1535 (VI) Preserves open space and natural lands and provides  
1536 for public open space and recreation needs.

1537 (VII) Creates a balance of land uses based upon demands of

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1538 residential population for the nonresidential needs of an area.

1539 (VIII) Provides uses, densities, and intensities of use and  
1540 urban form that would remediate an existing or planned  
1541 development pattern in the vicinity that constitutes sprawl or  
1542 if it provides for an innovative development pattern such as  
1543 transit-oriented developments or new towns as defined in s.  
1544 163.3164.

1545 10. The future land use element shall include a future land  
1546 use map or map series.

1547 a. The proposed distribution, extent, and location of the  
1548 following uses shall be shown on the future land use map or map  
1549 series:

1550 (I) Residential.

1551 (II) Commercial.

1552 (III) Industrial.

1553 (IV) Agricultural.

1554 (V) Recreational.

1555 (VI) Conservation.

1556 (VII) Educational.

1557 (VIII) Public.

1558 b. The following areas shall also be shown on the future  
1559 land use map or map series, if applicable:

1560 (I) Historic district boundaries and designated  
1561 historically significant properties.

1562 (II) Transportation concurrency management area boundaries  
1563 or transportation concurrency exception area boundaries.

1564 (III) Multimodal transportation district boundaries.

1565 (IV) Mixed use categories.

1566 c. The following natural resources or conditions shall be

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1567 shown on the future land use map or map series, if applicable:

1568 (I) Existing and planned public potable waterwells, cones  
1569 of influence, and wellhead protection areas.

1570 (II) Beaches and shores, including estuarine systems.

1571 (III) Rivers, bays, lakes, floodplains, and harbors.

1572 (IV) Wetlands.

1573 (V) Minerals and soils.

1574 (VI) Coastal high-hazard areas.

1575 11. Local governments required to update or amend their  
1576 comprehensive plan to include criteria and address compatibility  
1577 of lands adjacent or closely proximate to existing military  
1578 installations, or lands adjacent to an airport as defined in s.  
1579 330.35 and consistent with s. 333.02, in their future land use  
1580 plan element shall transmit the update or amendment to the state  
1581 land planning agency by June 30, 2012.

1582 (b)1. A transportation element addressing mobility issues  
1583 in relationship to the size and character of the local  
1584 government. The purpose of the transportation element shall be  
1585 to plan for a multimodal transportation system that places  
1586 emphasis on public transportation systems, where feasible. The  
1587 element shall provide for a safe, convenient multimodal  
1588 transportation system, coordinated with the future land use map  
1589 or map series and designed to support all elements of the  
1590 comprehensive plan. A local government that has all or part of  
1591 its jurisdiction included within the metropolitan planning area  
1592 of a metropolitan planning organization (M.P.O.) pursuant to s.  
1593 339.175 shall prepare and adopt a transportation element  
1594 consistent with this subsection. Local governments that are not  
1595 located within the metropolitan planning area of an M.P.O. shall

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1596 address traffic circulation, mass transit, and ports, and  
1597 aviation and related facilities consistent with this subsection,  
1598 except that local governments with a population of 50,000 or  
1599 less shall only be required to address transportation  
1600 circulation. The element shall be coordinated with the plans and  
1601 programs of any applicable metropolitan planning organization,  
1602 transportation authority, Florida Transportation Plan, and  
1603 Department of Transportation's adopted work program. The  
1604 transportation element shall address

1605 ~~(b) A~~ traffic circulation, including element consisting of  
1606 the types, locations, and extent of existing and proposed major  
1607 thoroughfares and transportation routes, including bicycle and  
1608 pedestrian ways. Transportation corridors, as defined in s.  
1609 334.03, may be designated in the transportation traffic  
1610 circulation element pursuant to s. 337.273. If the  
1611 transportation corridors are designated, the local government  
1612 may adopt a transportation corridor management ordinance. The  
1613 element shall reflect the data, analysis, and associated  
1614 principles and strategies relating to:

1615 a. The existing transportation system levels of service and  
1616 system needs and the availability of transportation facilities  
1617 and services.

1618 b. The growth trends and travel patterns and interactions  
1619 between land use and transportation.

1620 c. Existing and projected intermodal deficiencies and  
1621 needs.

1622 d. The projected transportation system levels of service  
1623 and system needs based upon the future land use map and the  
1624 projected integrated transportation system.

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1625 e. How the local government will correct existing facility  
1626 deficiencies, meet the identified needs of the projected  
1627 transportation system, and advance the purpose of this paragraph  
1628 and the other elements of the comprehensive plan.

1629 2. Local governments within a metropolitan planning area  
1630 designated as an M.P.O. pursuant to s. 339.175 shall also  
1631 address:

1632 a. All alternative modes of travel, such as public  
1633 transportation, pedestrian, and bicycle travel.

1634 b. Aviation, rail, seaport facilities, access to those  
1635 facilities, and intermodal terminals.

1636 c. The capability to evacuate the coastal population before  
1637 an impending natural disaster.

1638 d. Airports, projected airport and aviation development,  
1639 and land use compatibility around airports, which includes areas  
1640 defined in ss. 333.01 and 333.02.

1641 e. An identification of land use densities, building  
1642 intensities, and transportation management programs to promote  
1643 public transportation systems in designated public  
1644 transportation corridors so as to encourage population densities  
1645 sufficient to support such systems.

1646 3. Mass-transit provisions showing proposed methods for the  
1647 moving of people, rights-of-way, terminals, and related  
1648 facilities shall address:

1649 a. The provision of efficient public transit services based  
1650 upon existing and proposed major trip generators and attractors,  
1651 safe and convenient public transit terminals, land uses, and  
1652 accommodation of the special needs of the transportation  
1653 disadvantaged.

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1654 b. Plans for port, aviation, and related facilities  
1655 coordinated with the general circulation and transportation  
1656 element.

1657 c. Plans for the circulation of recreational traffic,  
1658 including bicycle facilities, exercise trails, riding  
1659 facilities, and such other matters as may be related to the  
1660 improvement and safety of movement of all types of recreational  
1661 traffic.

1662 4. An airport master plan, and any subsequent amendments to  
1663 the airport master plan, prepared by a licensed publicly owned  
1664 and operated airport under s. 333.06 may be incorporated into  
1665 the local government comprehensive plan by the local government  
1666 having jurisdiction under this act for the area in which the  
1667 airport or projected airport development is located by the  
1668 adoption of a comprehensive plan amendment. In the amendment to  
1669 the local comprehensive plan that integrates the airport master  
1670 plan, the comprehensive plan amendment shall address land use  
1671 compatibility consistent with chapter 333 regarding airport  
1672 zoning; the provision of regional transportation facilities for  
1673 the efficient use and operation of the transportation system and  
1674 airport; consistency with the local government transportation  
1675 circulation element and applicable M.P.O. long-range  
1676 transportation plans; the execution of any necessary interlocal  
1677 agreements for the purposes of the provision of public  
1678 facilities and services to maintain the adopted level-of-service  
1679 standards for facilities subject to concurrency; and may address  
1680 airport-related or aviation-related development. Development or  
1681 expansion of an airport consistent with the adopted airport  
1682 master plan that has been incorporated into the local

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1683 comprehensive plan in compliance with this part, and airport-  
1684 related or aviation-related development that has been addressed  
1685 in the comprehensive plan amendment that incorporates the  
1686 airport master plan, shall not be a development of regional  
1687 impact. Notwithstanding any other general law, an airport that  
1688 has received a development-of-regional-impact development order  
1689 pursuant to s. 380.06, but which is no longer required to  
1690 undergo development-of-regional-impact review pursuant to this  
1691 subsection, may rescind its development-of-regional-impact order  
1692 upon written notification to the applicable local government.  
1693 Upon receipt by the local government, the development-of-  
1694 regional-impact development order shall be deemed rescinded.

1695 5. The transportation element shall include a map or map  
1696 series showing the general location of the existing and proposed  
1697 transportation system features and shall be coordinated with the  
1698 future land use map or map series. ~~The traffic circulation~~  
1699 ~~element shall incorporate transportation strategies to address~~  
1700 ~~reduction in greenhouse gas emissions from the transportation~~  
1701 ~~sector.~~

1702 (c) A general sanitary sewer, solid waste, drainage,  
1703 potable water, and natural groundwater aquifer recharge element  
1704 correlated to principles and guidelines for future land use,  
1705 indicating ways to provide for future potable water, drainage,  
1706 sanitary sewer, solid waste, and aquifer recharge protection  
1707 requirements for the area. The element may be a detailed  
1708 engineering plan including a topographic map depicting areas of  
1709 prime groundwater recharge.

1710 1. Each local government shall address in the data and  
1711 analyses required by this section those facilities that provide

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1712 service within the local government's jurisdiction. Local  
1713 governments that provide facilities to serve areas within other  
1714 local government jurisdictions shall also address those  
1715 facilities in the data and analyses required by this section,  
1716 using data from the comprehensive plan for those areas for the  
1717 purpose of projecting facility needs as required in this  
1718 subsection. For shared facilities, each local government shall  
1719 indicate the proportional capacity of the systems allocated to  
1720 serve its jurisdiction.

1721 2. The element shall describe the problems and needs and  
1722 the general facilities that will be required for solution of the  
1723 problems and needs, including correcting existing facility  
1724 deficiencies. The element shall address coordinating the  
1725 extension of, or increase in the capacity of, facilities to meet  
1726 future needs while maximizing the use of existing facilities and  
1727 discouraging urban sprawl; conservation of potable water  
1728 resources; and protecting the functions of natural groundwater  
1729 recharge areas and natural drainage features. The element shall  
1730 also include a topographic map depicting any areas adopted by a  
1731 regional water management district as prime groundwater recharge  
1732 areas for the Floridan or Biscayne aquifers. These areas shall  
1733 be given special consideration when the local government is  
1734 engaged in zoning or considering future land use for said  
1735 designated areas. ~~For areas served by septic tanks, soil surveys~~  
1736 ~~shall be provided which indicate the suitability of soils for~~  
1737 ~~septic tanks.~~

1738 3. Within 18 months after the governing board approves an  
1739 updated regional water supply plan, the element must incorporate  
1740 the alternative water supply project or projects selected by the

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1741 local government from those identified in the regional water  
1742 supply plan pursuant to s. 373.709(2)(a) or proposed by the  
1743 local government under s. 373.709(8)(b). If a local government  
1744 is located within two water management districts, the local  
1745 government shall adopt its comprehensive plan amendment within  
1746 18 months after the later updated regional water supply plan.  
1747 The element must identify such alternative water supply projects  
1748 and traditional water supply projects and conservation and reuse  
1749 necessary to meet the water needs identified in s. 373.709(2)(a)  
1750 within the local government's jurisdiction and include a work  
1751 plan, covering at least a 10-year planning period, for building  
1752 public, private, and regional water supply facilities, including  
1753 development of alternative water supplies, which are identified  
1754 in the element as necessary to serve existing and new  
1755 development. The work plan shall be updated, at a minimum, every  
1756 5 years within 18 months after the governing board of a water  
1757 management district approves an updated regional water supply  
1758 plan. ~~Amendments to incorporate the work plan do not count~~  
1759 ~~toward the limitation on the frequency of adoption of amendments~~  
1760 ~~to the comprehensive plan.~~ Local governments, public and private  
1761 utilities, regional water supply authorities, special districts,  
1762 and water management districts are encouraged to cooperatively  
1763 plan for the development of multijurisdictional water supply  
1764 facilities that are sufficient to meet projected demands for  
1765 established planning periods, including the development of  
1766 alternative water sources to supplement traditional sources of  
1767 groundwater and surface water supplies.

1768 (d) A conservation element for the conservation, use, and  
1769 protection of natural resources in the area, including air,

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1770 water, water recharge areas, wetlands, waterwells, estuarine  
1771 marshes, soils, beaches, shores, flood plains, rivers, bays,  
1772 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
1773 minerals, and other natural and environmental resources,  
1774 including factors that affect energy conservation.

1775 1. The following natural resources, where present within  
1776 the local government's boundaries, shall be identified and  
1777 analyzed and existing recreational or conservation uses, known  
1778 pollution problems, including hazardous wastes, and the  
1779 potential for conservation, recreation, use, or protection shall  
1780 also be identified:

1781 a. Rivers, bays, lakes, wetlands including estuarine  
1782 marshes, groundwaters, and springs, including information on  
1783 quality of the resource available.

1784 b. Floodplains.

1785 c. Known sources of commercially valuable minerals.

1786 d. Areas known to have experienced soil erosion problems.

1787 e. Areas that are the location of recreationally and  
1788 commercially important fish or shellfish, wildlife, marine  
1789 habitats, and vegetative communities, including forests,  
1790 indicating known dominant species present and species listed by  
1791 federal, state, or local government agencies as endangered,  
1792 threatened, or species of special concern.

1793 2. The element must contain principles, guidelines, and  
1794 standards for conservation that provide long-term goals and  
1795 which:

1796 a. Protects air quality.

1797 b. Conserves, appropriately uses, and protects the quality  
1798 and quantity of current and projected water sources and waters

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1799 that flow into estuarine waters or oceanic waters and protect  
1800 from activities and land uses known to affect adversely the  
1801 quality and quantity of identified water sources, including  
1802 natural groundwater recharge areas, wellhead protection areas,  
1803 and surface waters used as a source of public water supply.

1804 c. Provides for the emergency conservation of water sources  
1805 in accordance with the plans of the regional water management  
1806 district.

1807 d. Conserves, appropriately uses, and protects minerals,  
1808 soils, and native vegetative communities, including forests,  
1809 from destruction by development activities.

1810 e. Conserves, appropriately uses, and protects fisheries,  
1811 wildlife, wildlife habitat, and marine habitat and restricts  
1812 activities known to adversely affect the survival of endangered  
1813 and threatened wildlife.

1814 f. Protects existing natural reservations identified in the  
1815 recreation and open space element.

1816 g. Maintains cooperation with adjacent local governments to  
1817 conserve, appropriately use, or protect unique vegetative  
1818 communities located within more than one local jurisdiction.

1819 h. Designates environmentally sensitive lands for  
1820 protection based on locally determined criteria which further  
1821 the goals and objectives of the conservation element.

1822 i. Manages hazardous waste to protect natural resources.

1823 j. Protects and conserves wetlands and the natural  
1824 functions of wetlands.

1825 k. Directs future land uses that are incompatible with the  
1826 protection and conservation of wetlands and wetland functions  
1827 away from wetlands. The type, intensity or density, extent,

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1828 distribution, and location of allowable land uses and the types,  
1829 values, functions, sizes, conditions, and locations of wetlands  
1830 are land use factors that shall be considered when directing  
1831 incompatible land uses away from wetlands. Land uses shall be  
1832 distributed in a manner that minimizes the effect and impact on  
1833 wetlands. The protection and conservation of wetlands by the  
1834 direction of incompatible land uses away from wetlands shall  
1835 occur in combination with other principles, guidelines,  
1836 standards, and strategies in the comprehensive plan. Where  
1837 incompatible land uses are allowed to occur, mitigation shall be  
1838 considered as one means to compensate for loss of wetlands  
1839 functions.

1840 3. Local governments shall assess their Current and, as  
1841 well as projected, water needs and sources for at least a 10-  
1842 year period based on the demands for industrial, agricultural,  
1843 and potable water use and the quality and quantity of water  
1844 available to meet these demands shall be analyzed. The analysis  
1845 shall consider the existing levels of water conservation, use,  
1846 and protection and applicable policies of the regional water  
1847 management district and further must consider, considering the  
1848 appropriate regional water supply plan approved pursuant to s.  
1849 373.709, or, in the absence of an approved regional water supply  
1850 plan, the district water management plan approved pursuant to s.  
1851 373.036(2). This information shall be submitted to the  
1852 appropriate agencies. The land use map or map series contained  
1853 in the future land use element shall generally identify and  
1854 depict the following:

1855 1. Existing and planned waterwells and cones of influence  
1856 where applicable.

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- 1857       ~~2. Beaches and shores, including estuarine systems.~~  
1858       ~~3. Rivers, bays, lakes, flood plains, and harbors.~~  
1859       ~~4. Wetlands.~~  
1860       ~~5. Minerals and soils.~~  
1861       ~~6. Energy conservation.~~

1862

1863 ~~The land uses identified on such maps shall be consistent with~~  
1864 ~~applicable state law and rules.~~

1865       (e) A recreation and open space element indicating a  
1866 comprehensive system of public and private sites for recreation,  
1867 including, but not limited to, natural reservations, parks and  
1868 playgrounds, parkways, beaches and public access to beaches,  
1869 open spaces, waterways, and other recreational facilities.

1870       (f)1. A housing element consisting of ~~standards, plans, and~~  
1871 principles, guidelines, standards, and strategies to be followed  
1872 in:

1873       a. The provision of housing for all current and anticipated  
1874 future residents of the jurisdiction.

1875       b. The elimination of substandard dwelling conditions.

1876       c. The structural and aesthetic improvement of existing  
1877 housing.

1878       d. The provision of adequate sites for future housing,  
1879 including affordable workforce housing as defined in s.  
1880 380.0651(3)(j), housing for low-income, very low-income, and  
1881 moderate-income families, mobile homes, and group home  
1882 facilities and foster care facilities, with supporting  
1883 infrastructure and public facilities.

1884       e. Provision for relocation housing and identification of  
1885 historically significant and other housing for purposes of

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1886 conservation, rehabilitation, or replacement.

1887 f. The formulation of housing implementation programs.

1888 g. The creation or preservation of affordable housing to  
1889 minimize the need for additional local services and avoid the  
1890 concentration of affordable housing units only in specific areas  
1891 of the jurisdiction.

1892 ~~h. Energy efficiency in the design and construction of new  
1893 housing.~~

1894 ~~i. Use of renewable energy resources.~~

1895 ~~j. Each county in which the gap between the buying power of  
1896 a family of four and the median county home sale price exceeds  
1897 \$170,000, as determined by the Florida Housing Finance  
1898 Corporation, and which is not designated as an area of critical  
1899 state concern shall adopt a plan for ensuring affordable  
1900 workforce housing. At a minimum, the plan shall identify  
1901 adequate sites for such housing. For purposes of this sub-  
1902 subparagraph, the term "workforce housing" means housing that is  
1903 affordable to natural persons or families whose total household  
1904 income does not exceed 140 percent of the area median income,  
1905 adjusted for household size.~~

1906 ~~k. As a precondition to receiving any state affordable  
1907 housing funding or allocation for any project or program within  
1908 the jurisdiction of a county that is subject to sub-subparagraph  
1909 j., a county must, by July 1 of each year, provide certification  
1910 that the county has complied with the requirements of sub-  
1911 subparagraph j.~~

1912 2. The principles, guidelines, standards, and strategies  
1913 goals, objectives, and policies of the housing element must be  
1914 based on the data and analysis prepared on housing needs,

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1915 including an inventory taken from the latest decennial United  
1916 States Census or more recent estimates, which shall include the  
1917 number and distribution of dwelling units by type, tenure, age,  
1918 rent, value, monthly cost of owner-occupied units, and rent or  
1919 cost to income ratio, and shall show the number of dwelling  
1920 units that are substandard. The inventory shall also include the  
1921 methodology used to estimate the condition of housing, a  
1922 projection of the anticipated number of households by size,  
1923 income range, and age of residents derived from the population  
1924 projections, and the minimum housing need of the current and  
1925 anticipated future residents of the jurisdiction ~~the affordable~~  
1926 ~~housing needs assessment.~~

1927 3. The housing element must express principles, guidelines,  
1928 standards, and strategies that reflect, as needed, the creation  
1929 and preservation of affordable housing for all current and  
1930 anticipated future residents of the jurisdiction, elimination of  
1931 substandard housing conditions, adequate sites, and distribution  
1932 of housing for a range of incomes and types, including mobile  
1933 and manufactured homes. The element must provide for specific  
1934 programs and actions to partner with private and nonprofit  
1935 sectors to address housing needs in the jurisdiction, streamline  
1936 the permitting process, and minimize costs and delays for  
1937 affordable housing, establish standards to address the quality  
1938 of housing, stabilization of neighborhoods, and identification  
1939 and improvement of historically significant housing.

1940 4. State and federal housing plans prepared on behalf of  
1941 the local government must be consistent with the goals,  
1942 objectives, and policies of the housing element. Local  
1943 governments are encouraged to use job training, job creation,

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1944 and economic solutions to address a portion of their affordable  
1945 housing concerns.

1946 5. As part of this element, a local government that has a  
1947 coastal management element in its comprehensive plan may develop  
1948 an adaptation action area designation for those low-lying  
1949 coastal zones that are experiencing coastal flooding due to  
1950 extreme high tides and storm surge and are vulnerable to the  
1951 impacts of rising sea level. Local governments that adopt an  
1952 adaptation action area may consider policies within the coastal  
1953 management element to improve resilience to coastal flooding  
1954 resulting from high-tide events, storm surge, flash floods,  
1955 stormwater runoff, and related impacts of sea level rise.  
1956 Criteria for the adaptation action area may include, but need  
1957 not be limited to, areas for which the land elevations are  
1958 below, at, or near mean higher high water, which have an  
1959 hydrologic connection to coastal waters, or which are designated  
1960 as evacuation zones for storm surge.

1961 ~~2. To assist local governments in housing data collection~~  
1962 ~~and analysis and assure uniform and consistent information~~  
1963 ~~regarding the state's housing needs, the state land planning~~  
1964 ~~agency shall conduct an affordable housing needs assessment for~~  
1965 ~~all local jurisdictions on a schedule that coordinates the~~  
1966 ~~implementation of the needs assessment with the evaluation and~~  
1967 ~~appraisal reports required by s. 163.3191. Each local government~~  
1968 ~~shall utilize the data and analysis from the needs assessment as~~  
1969 ~~one basis for the housing element of its local comprehensive~~  
1970 ~~plan. The agency shall allow a local government the option to~~  
1971 ~~perform its own needs assessment, if it uses the methodology~~  
1972 ~~established by the agency by rule.~~

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1973 (g)~~1.~~ For those units of local government identified in s.  
 1974 380.24, a coastal management element, appropriately related to  
 1975 the particular requirements of paragraphs (d) and (e) and  
 1976 meeting the requirements of s. 163.3178(2) and (3). The coastal  
 1977 management element shall set forth the principles, guidelines,  
 1978 standards, and strategies ~~policies~~ that shall guide the local  
 1979 government's decisions and program implementation with respect  
 1980 to the following objectives:

1981 1.a. Maintain, restore, and enhance ~~Maintenance,~~  
 1982 ~~restoration, and enhancement~~ of the overall quality of the  
 1983 coastal zone environment, including, but not limited to, its  
 1984 amenities and aesthetic values.

1985 2.b. Preserve the continued existence of viable populations  
 1986 of all species of wildlife and marine life.

1987 3.e. Protect the orderly and balanced utilization and  
 1988 preservation, consistent with sound conservation principles, of  
 1989 all living and nonliving coastal zone resources.

1990 4.d. Avoid ~~Avoidance~~ of irreversible and irretrievable loss  
 1991 of coastal zone resources.

1992 5.e. Use ecological planning principles and assumptions ~~to~~  
 1993 ~~be used~~ in the determination of the suitability ~~and extent~~ of  
 1994 permitted development.

1995 ~~f. Proposed management and regulatory techniques.~~

1996 6.g. Limit ~~Limitation~~ of public expenditures that subsidize  
 1997 development in ~~high-hazard~~ coastal high-hazard areas.

1998 7.h. Protect ~~Protection~~ of human life against the effects  
 1999 of natural disasters.

2000 8.i. Direct the orderly development, maintenance, and use  
 2001 of ports identified in s. 403.021(9) to facilitate deepwater

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2002 commercial navigation and other related activities.

2003 9.j. Preserve historic and archaeological resources, which  
2004 include the Preservation, including sensitive adaptive use of  
2005 these historic and archaeological resources.

2006 ~~2. As part of this element, a local government that has a~~  
2007 ~~coastal management element in its comprehensive plan is~~  
2008 ~~encouraged to adopt recreational surface water use policies that~~  
2009 ~~include applicable criteria for and consider such factors as~~  
2010 ~~natural resources, manatee protection needs, protection of~~  
2011 ~~working waterfronts and public access to the water, and~~  
2012 ~~recreation and economic demands. Criteria for manatee protection~~  
2013 ~~in the recreational surface water use policies should reflect~~  
2014 ~~applicable guidance outlined in the Boat Facility Siting Guide~~  
2015 ~~prepared by the Fish and Wildlife Conservation Commission. If~~  
2016 ~~the local government elects to adopt recreational surface water~~  
2017 ~~use policies by comprehensive plan amendment, such comprehensive~~  
2018 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~  
2019 ~~Local governments that wish to adopt recreational surface water~~  
2020 ~~use policies may be eligible for assistance with the development~~  
2021 ~~of such policies through the Florida Coastal Management Program.~~  
2022 ~~The Office of Program Policy Analysis and Government~~  
2023 ~~Accountability shall submit a report on the adoption of~~  
2024 ~~recreational surface water use policies under this subparagraph~~  
2025 ~~to the President of the Senate, the Speaker of the House of~~  
2026 ~~Representatives, and the majority and minority leaders of the~~  
2027 ~~Senate and the House of Representatives no later than December~~  
2028 ~~1, 2010.~~

2029 (h)1. An intergovernmental coordination element showing  
2030 relationships and stating principles and guidelines to be used

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2031 in coordinating the adopted comprehensive plan with the plans of  
2032 school boards, regional water supply authorities, and other  
2033 units of local government providing services but not having  
2034 regulatory authority over the use of land, with the  
2035 comprehensive plans of adjacent municipalities, the county,  
2036 adjacent counties, or the region, with the state comprehensive  
2037 plan and with the applicable regional water supply plan approved  
2038 pursuant to s. 373.709, as the case may require and as such  
2039 adopted plans or plans in preparation may exist. This element of  
2040 the local comprehensive plan must demonstrate consideration of  
2041 the particular effects of the local plan, when adopted, upon the  
2042 development of adjacent municipalities, the county, adjacent  
2043 counties, or the region, or upon the state comprehensive plan,  
2044 as the case may require.

2045 a. The intergovernmental coordination element must provide  
2046 procedures for identifying and implementing joint planning  
2047 areas, especially for the purpose of annexation, municipal  
2048 incorporation, and joint infrastructure service areas.

2049 ~~b. The intergovernmental coordination element must provide~~  
2050 ~~for recognition of campus master plans prepared pursuant to s.~~  
2051 ~~1013.30 and airport master plans under paragraph (k).~~

2052 b.e. The intergovernmental coordination element shall  
2053 provide for a dispute resolution process, as established  
2054 pursuant to s. 186.509, for bringing intergovernmental disputes  
2055 to closure in a timely manner.

2056 ~~c.d.~~ The intergovernmental coordination element shall  
2057 provide for interlocal agreements as established pursuant to s.  
2058 333.03(1)(b).

2059 2. The intergovernmental coordination element shall also

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2060 state principles and guidelines to be used in coordinating the  
2061 adopted comprehensive plan with the plans of school boards and  
2062 other units of local government providing facilities and  
2063 services but not having regulatory authority over the use of  
2064 land. In addition, the intergovernmental coordination element  
2065 must describe joint processes for collaborative planning and  
2066 decisionmaking on population projections and public school  
2067 siting, the location and extension of public facilities subject  
2068 to concurrency, and siting facilities with countywide  
2069 significance, including locally unwanted land uses whose nature  
2070 and identity are established in an agreement.

2071 3. Within 1 year after adopting their intergovernmental  
2072 coordination elements, each county, all the municipalities  
2073 within that county, the district school board, and any unit of  
2074 local government service providers in that county shall  
2075 establish by interlocal or other formal agreement executed by  
2076 all affected entities, the joint processes described in this  
2077 subparagraph consistent with their adopted intergovernmental  
2078 coordination elements. The element must:

2079 a. Ensure that the local government addresses through  
2080 coordination mechanisms the impacts of development proposed in  
2081 the local comprehensive plan upon development in adjacent  
2082 municipalities, the county, adjacent counties, the region, and  
2083 the state. The area of concern for municipalities shall include  
2084 adjacent municipalities, the county, and counties adjacent to  
2085 the municipality. The area of concern for counties shall include  
2086 all municipalities within the county, adjacent counties, and  
2087 adjacent municipalities.

2088 b. Ensure coordination in establishing level of service

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2089 standards for public facilities with any state, regional, or  
2090 local entity having operational and maintenance responsibility  
2091 for such facilities.

2092 ~~3. To foster coordination between special districts and~~  
2093 ~~local general-purpose governments as local general-purpose~~  
2094 ~~governments implement local comprehensive plans, each~~  
2095 ~~independent special district must submit a public facilities~~  
2096 ~~report to the appropriate local government as required by s.~~  
2097 ~~189.415.~~

2098 ~~4. Local governments shall execute an interlocal agreement~~  
2099 ~~with the district school board, the county, and nonexempt~~  
2100 ~~municipalities pursuant to s. 163.31777. The local government~~  
2101 ~~shall amend the intergovernmental coordination element to ensure~~  
2102 ~~that coordination between the local government and school board~~  
2103 ~~is pursuant to the agreement and shall state the obligations of~~  
2104 ~~the local government under the agreement. Plan amendments that~~  
2105 ~~comply with this subparagraph are exempt from the provisions of~~  
2106 ~~s. 163.3187(1).~~

2107 ~~5. By January 1, 2004, any county having a population~~  
2108 ~~greater than 100,000, and the municipalities and special~~  
2109 ~~districts within that county, shall submit a report to the~~  
2110 ~~Department of Community Affairs which identifies:~~

2111 ~~a. All existing or proposed interlocal service delivery~~  
2112 ~~agreements relating to education; sanitary sewer; public safety;~~  
2113 ~~solid waste; drainage; potable water; parks and recreation; and~~  
2114 ~~transportation facilities.~~

2115 ~~b. Any deficits or duplication in the provision of services~~  
2116 ~~within its jurisdiction, whether capital or operational. Upon~~  
2117 ~~request, the Department of Community Affairs shall provide~~

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2118 ~~technical assistance to the local governments in identifying~~  
2119 ~~deficits or duplication.~~

2120 ~~6. Within 6 months after submission of the report, the~~  
2121 ~~Department of Community Affairs shall, through the appropriate~~  
2122 ~~regional planning council, coordinate a meeting of all local~~  
2123 ~~governments within the regional planning area to discuss the~~  
2124 ~~reports and potential strategies to remedy any identified~~  
2125 ~~deficiencies or duplications.~~

2126 ~~7. Each local government shall update its intergovernmental~~  
2127 ~~coordination element based upon the findings in the report~~  
2128 ~~submitted pursuant to subparagraph 5. The report may be used as~~  
2129 ~~supporting data and analysis for the intergovernmental~~  
2130 ~~coordination element.~~

2131 ~~(i) The optional elements of the comprehensive plan in~~  
2132 ~~paragraphs (7) (a) and (b) are required elements for those~~  
2133 ~~municipalities having populations greater than 50,000, and those~~  
2134 ~~counties having populations greater than 75,000, as determined~~  
2135 ~~under s. 186.901.~~

2136 ~~(j) For each unit of local government within an urbanized~~  
2137 ~~area designated for purposes of s. 339.175, a transportation~~  
2138 ~~element, which must be prepared and adopted in lieu of the~~  
2139 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~  
2140 ~~and (d) and which shall address the following issues:~~

2141 ~~1. Traffic circulation, including major thoroughfares and~~  
2142 ~~other routes, including bicycle and pedestrian ways.~~

2143 ~~2. All alternative modes of travel, such as public~~  
2144 ~~transportation, pedestrian, and bicycle travel.~~

2145 ~~3. Parking facilities.~~

2146 ~~4. Aviation, rail, seaport facilities, access to those~~

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2147 ~~facilities, and intermodal terminals.~~

2148 ~~5. The availability of facilities and services to serve~~  
2149 ~~existing land uses and the compatibility between future land use~~  
2150 ~~and transportation elements.~~

2151 ~~6. The capability to evacuate the coastal population prior~~  
2152 ~~to an impending natural disaster.~~

2153 ~~7. Airports, projected airport and aviation development,~~  
2154 ~~and land use compatibility around airports, which includes areas~~  
2155 ~~defined in ss. 333.01 and 333.02.~~

2156 ~~8. An identification of land use densities, building~~  
2157 ~~intensities, and transportation management programs to promote~~  
2158 ~~public transportation systems in designated public~~  
2159 ~~transportation corridors so as to encourage population densities~~  
2160 ~~sufficient to support such systems.~~

2161 ~~9. May include transportation corridors, as defined in s.~~  
2162 ~~334.03, intended for future transportation facilities designated~~  
2163 ~~pursuant to s. 337.273. If transportation corridors are~~  
2164 ~~designated, the local government may adopt a transportation~~  
2165 ~~corridor management ordinance.~~

2166 ~~10. The incorporation of transportation strategies to~~  
2167 ~~address reduction in greenhouse gas emissions from the~~  
2168 ~~transportation sector.~~

2169 ~~(k) An airport master plan, and any subsequent amendments~~  
2170 ~~to the airport master plan, prepared by a licensed publicly~~  
2171 ~~owned and operated airport under s. 333.06 may be incorporated~~  
2172 ~~into the local government comprehensive plan by the local~~  
2173 ~~government having jurisdiction under this act for the area in~~  
2174 ~~which the airport or projected airport development is located by~~  
2175 ~~the adoption of a comprehensive plan amendment. In the amendment~~

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2176 ~~to the local comprehensive plan that integrates the airport~~  
2177 ~~master plan, the comprehensive plan amendment shall address land~~  
2178 ~~use compatibility consistent with chapter 333 regarding airport~~  
2179 ~~zoning; the provision of regional transportation facilities for~~  
2180 ~~the efficient use and operation of the transportation system and~~  
2181 ~~airport; consistency with the local government transportation~~  
2182 ~~circulation element and applicable metropolitan planning~~  
2183 ~~organization long-range transportation plans; and the execution~~  
2184 ~~of any necessary interlocal agreements for the purposes of the~~  
2185 ~~provision of public facilities and services to maintain the~~  
2186 ~~adopted level of service standards for facilities subject to~~  
2187 ~~concurrency; and may address airport-related or aviation-related~~  
2188 ~~development. Development or expansion of an airport consistent~~  
2189 ~~with the adopted airport master plan that has been incorporated~~  
2190 ~~into the local comprehensive plan in compliance with this part,~~  
2191 ~~and airport-related or aviation-related development that has~~  
2192 ~~been addressed in the comprehensive plan amendment that~~  
2193 ~~incorporates the airport master plan, shall not be a development~~  
2194 ~~of regional impact. Notwithstanding any other general law, an~~  
2195 ~~airport that has received a development of regional impact~~  
2196 ~~development order pursuant to s. 380.06, but which is no longer~~  
2197 ~~required to undergo development of regional impact review~~  
2198 ~~pursuant to this subsection, may abandon its development of~~  
2199 ~~regional impact order upon written notification to the~~  
2200 ~~applicable local government. Upon receipt by the local~~  
2201 ~~government, the development of regional impact development order~~  
2202 ~~is void.~~

2203 ~~(7) The comprehensive plan may include the following~~  
2204 ~~additional elements, or portions or phases thereof:~~

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2205 ~~(a) As a part of the circulation element of paragraph~~  
2206 ~~(6) (b) or as a separate element, a mass transit element showing~~  
2207 ~~proposed methods for the moving of people, rights-of-way,~~  
2208 ~~terminals, related facilities, and fiscal considerations for the~~  
2209 ~~accomplishment of the element.~~

2210 ~~(b) As a part of the circulation element of paragraph~~  
2211 ~~(6) (b) or as a separate element, plans for port, aviation, and~~  
2212 ~~related facilities coordinated with the general circulation and~~  
2213 ~~transportation element.~~

2214 ~~(c) As a part of the circulation element of paragraph~~  
2215 ~~(6) (b) and in coordination with paragraph (6) (c), where~~  
2216 ~~applicable, a plan element for the circulation of recreational~~  
2217 ~~traffic, including bicycle facilities, exercise trails, riding~~  
2218 ~~facilities, and such other matters as may be related to the~~  
2219 ~~improvement and safety of movement of all types of recreational~~  
2220 ~~traffic.~~

2221 ~~(d) As a part of the circulation element of paragraph~~  
2222 ~~(6) (b) or as a separate element, a plan element for the~~  
2223 ~~development of offstreet parking facilities for motor vehicles~~  
2224 ~~and the fiscal considerations for the accomplishment of the~~  
2225 ~~element.~~

2226 ~~(e) A public buildings and related facilities element~~  
2227 ~~showing locations and arrangements of civic and community~~  
2228 ~~centers, public schools, hospitals, libraries, police and fire~~  
2229 ~~stations, and other public buildings. This plan element should~~  
2230 ~~show particularly how it is proposed to effect coordination with~~  
2231 ~~governmental units, such as school boards or hospital~~  
2232 ~~authorities, having public development and service~~  
2233 ~~responsibilities, capabilities, and potential but not having~~

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2234 ~~land development regulatory authority. This element may include~~  
2235 ~~plans for architecture and landscape treatment of their grounds.~~

2236 ~~(f) A recommended community design element which may~~  
2237 ~~consist of design recommendations for land subdivision,~~  
2238 ~~neighborhood development and redevelopment, design of open space~~  
2239 ~~locations, and similar matters to the end that such~~  
2240 ~~recommendations may be available as aids and guides to~~  
2241 ~~developers in the future planning and development of land in the~~  
2242 ~~area.~~

2243 ~~(g) A general area redevelopment element consisting of~~  
2244 ~~plans and programs for the redevelopment of slums and blighted~~  
2245 ~~locations in the area and for community redevelopment, including~~  
2246 ~~housing sites, business and industrial sites, public buildings~~  
2247 ~~sites, recreational facilities, and other purposes authorized by~~  
2248 ~~law.~~

2249 ~~(h) A safety element for the protection of residents and~~  
2250 ~~property of the area from fire, hurricane, or manmade or natural~~  
2251 ~~catastrophe, including such necessary features for protection as~~  
2252 ~~evacuation routes and their control in an emergency, water~~  
2253 ~~supply requirements, minimum road widths, clearances around and~~  
2254 ~~elevations of structures, and similar matters.~~

2255 ~~(i) An historical and scenic preservation element setting~~  
2256 ~~out plans and programs for those structures or lands in the area~~  
2257 ~~having historical, archaeological, architectural, scenic, or~~  
2258 ~~similar significance.~~

2259 ~~(j) An economic element setting forth principles and~~  
2260 ~~guidelines for the commercial and industrial development, if~~  
2261 ~~any, and the employment and personnel utilization within the~~  
2262 ~~area. The element may detail the type of commercial and~~

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2263 ~~industrial development sought, correlated to the present and~~  
2264 ~~projected employment needs of the area and to other elements of~~  
2265 ~~the plans, and may set forth methods by which a balanced and~~  
2266 ~~stable economic base will be pursued.~~

2267 ~~(k) Such other elements as may be peculiar to, and~~  
2268 ~~necessary for, the area concerned and as are added to the~~  
2269 ~~comprehensive plan by the governing body upon the recommendation~~  
2270 ~~of the local planning agency.~~

2271 ~~(l) Local governments that are not required to prepare~~  
2272 ~~coastal management elements under s. 163.3178 are encouraged to~~  
2273 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~  
2274 ~~plans should, at a minimum, establish long-term policies~~  
2275 ~~regarding redevelopment, infrastructure, densities,~~  
2276 ~~nonconforming uses, and future land use patterns. Grants to~~  
2277 ~~assist local governments in the preparation of these hazard~~  
2278 ~~mitigation/postdisaster redevelopment plans shall be available~~  
2279 ~~through the Emergency Management Preparedness and Assistance~~  
2280 ~~Account in the Grants and Donations Trust Fund administered by~~  
2281 ~~the department, if such account is created by law. The plans~~  
2282 ~~must be in compliance with the requirements of this act and~~  
2283 ~~chapter 252.~~

2284 ~~(8) All elements of the comprehensive plan, whether~~  
2285 ~~mandatory or optional, shall be based upon data appropriate to~~  
2286 ~~the element involved. Surveys and studies utilized in the~~  
2287 ~~preparation of the comprehensive plan shall not be deemed a part~~  
2288 ~~of the comprehensive plan unless adopted as a part of it. Copies~~  
2289 ~~of such studies, surveys, and supporting documents shall be made~~  
2290 ~~available to public inspection, and copies of such plans shall~~  
2291 ~~be made available to the public upon payment of reasonable~~

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2292 ~~charges for reproduction.~~

2293 ~~(9) The state land planning agency shall, by February 15,~~  
2294 ~~1986, adopt by rule minimum criteria for the review and~~  
2295 ~~determination of compliance of the local government~~  
2296 ~~comprehensive plan elements required by this act. Such rules~~  
2297 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~  
2298 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~  
2299 ~~become effective only after they have been submitted to the~~  
2300 ~~President of the Senate and the Speaker of the House of~~  
2301 ~~Representatives for review by the Legislature no later than 30~~  
2302 ~~days prior to the next regular session of the Legislature. In~~  
2303 ~~its review the Legislature may reject, modify, or take no action~~  
2304 ~~relative to the rules. The agency shall conform the rules to the~~  
2305 ~~changes made by the Legislature, or, if no action was taken, the~~  
2306 ~~agency rules shall become effective. The rule shall include~~  
2307 ~~criteria for determining whether:~~

2308 ~~(a) Proposed elements are in compliance with the~~  
2309 ~~requirements of part II, as amended by this act.~~

2310 ~~(b) Other elements of the comprehensive plan are related to~~  
2311 ~~and consistent with each other.~~

2312 ~~(c) The local government comprehensive plan elements are~~  
2313 ~~consistent with the state comprehensive plan and the appropriate~~  
2314 ~~regional policy plan pursuant to s. 186.508.~~

2315 ~~(d) Certain bays, estuaries, and harbors that fall under~~  
2316 ~~the jurisdiction of more than one local government are managed~~  
2317 ~~in a consistent and coordinated manner in the case of local~~  
2318 ~~governments required to include a coastal management element in~~  
2319 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2320 ~~(e) Proposed elements identify the mechanisms and~~

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2321 ~~procedures for monitoring, evaluating, and appraising~~  
2322 ~~implementation of the plan. Specific measurable objectives are~~  
2323 ~~included to provide a basis for evaluating effectiveness as~~  
2324 ~~required by s. 163.3191.~~

2325 ~~(f) Proposed elements contain policies to guide future~~  
2326 ~~decisions in a consistent manner.~~

2327 ~~(g) Proposed elements contain programs and activities to~~  
2328 ~~ensure that comprehensive plans are implemented.~~

2329 ~~(h) Proposed elements identify the need for and the~~  
2330 ~~processes and procedures to ensure coordination of all~~  
2331 ~~development activities and services with other units of local~~  
2332 ~~government, regional planning agencies, water management~~  
2333 ~~districts, and state and federal agencies as appropriate.~~

2334  
2335 ~~The state land planning agency may adopt procedural rules that~~  
2336 ~~are consistent with this section and chapter 120 for the review~~  
2337 ~~of local government comprehensive plan elements required under~~  
2338 ~~this section. The state land planning agency shall provide model~~  
2339 ~~plans and ordinances and, upon request, other assistance to~~  
2340 ~~local governments in the adoption and implementation of their~~  
2341 ~~revised local government comprehensive plans. The review and~~  
2342 ~~comment provisions applicable prior to October 1, 1985, shall~~  
2343 ~~continue in effect until the criteria for review and~~  
2344 ~~determination are adopted pursuant to this subsection and the~~  
2345 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2346 ~~(10) The Legislature recognizes the importance and~~  
2347 ~~significance of chapter 9J-5, Florida Administrative Code, the~~  
2348 ~~Minimum Criteria for Review of Local Government Comprehensive~~  
2349 ~~Plans and Determination of Compliance of the Department of~~

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2350 ~~Community Affairs that will be used to determine compliance of~~  
2351 ~~local comprehensive plans. The Legislature reserved unto itself~~  
2352 ~~the right to review chapter 9J-5, Florida Administrative Code,~~  
2353 ~~and to reject, modify, or take no action relative to this rule.~~  
2354 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~  
2355 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~  
2356 ~~expresses the following legislative intent:~~

2357 ~~(a) The Legislature finds that in order for the department~~  
2358 ~~to review local comprehensive plans, it is necessary to define~~  
2359 ~~the term "consistency." Therefore, for the purpose of~~  
2360 ~~determining whether local comprehensive plans are consistent~~  
2361 ~~with the state comprehensive plan and the appropriate regional~~  
2362 ~~policy plan, a local plan shall be consistent with such plans if~~  
2363 ~~the local plan is "compatible with" and "furthers" such plans.~~  
2364 ~~The term "compatible with" means that the local plan is not in~~  
2365 ~~conflict with the state comprehensive plan or appropriate~~  
2366 ~~regional policy plan. The term "furthers" means to take action~~  
2367 ~~in the direction of realizing goals or policies of the state or~~  
2368 ~~regional plan. For the purposes of determining consistency of~~  
2369 ~~the local plan with the state comprehensive plan or the~~  
2370 ~~appropriate regional policy plan, the state or regional plan~~  
2371 ~~shall be construed as a whole and no specific goal and policy~~  
2372 ~~shall be construed or applied in isolation from the other goals~~  
2373 ~~and policies in the plans.~~

2374 ~~(b) Each local government shall review all the state~~  
2375 ~~comprehensive plan goals and policies and shall address in its~~  
2376 ~~comprehensive plan the goals and policies which are relevant to~~  
2377 ~~the circumstances or conditions in its jurisdiction. The~~  
2378 ~~decision regarding which particular state comprehensive plan~~

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2379 ~~goals and policies will be furthered by the expenditure of a~~  
2380 ~~local government's financial resources in any given year is a~~  
2381 ~~decision which rests solely within the discretion of the local~~  
2382 ~~government. Intergovernmental coordination, as set forth in~~  
2383 ~~paragraph (6) (h), shall be utilized to the extent required to~~  
2384 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~  
2385 ~~Code.~~

2386 ~~(c) The Legislature declares that if any portion of chapter~~  
2387 ~~9J-5, Florida Administrative Code, is found to be in conflict~~  
2388 ~~with this part, the appropriate statutory provision shall~~  
2389 ~~prevail.~~

2390 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~  
2391 ~~mandate the creation, limitation, or elimination of regulatory~~  
2392 ~~authority, nor does it authorize the adoption or require the~~  
2393 ~~repeal of any rules, criteria, or standards of any local,~~  
2394 ~~regional, or state agency.~~

2395 ~~(e) It is the Legislature's intent that support data or~~  
2396 ~~summaries thereof shall not be subject to the compliance review~~  
2397 ~~process, but the Legislature intends that goals and policies be~~  
2398 ~~clearly based on appropriate data. The department may utilize~~  
2399 ~~support data or summaries thereof to aid in its determination of~~  
2400 ~~compliance and consistency. The Legislature intends that the~~  
2401 ~~department may evaluate the application of a methodology~~  
2402 ~~utilized in data collection or whether a particular methodology~~  
2403 ~~is professionally accepted. However, the department shall not~~  
2404 ~~evaluate whether one accepted methodology is better than~~  
2405 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~  
2406 ~~construed to require original data collection by local~~  
2407 ~~governments; however, Local governments are not to be~~

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2408 ~~discouraged from utilizing original data so long as~~  
2409 ~~methodologies are professionally accepted.~~

2410 ~~(f) The Legislature recognizes that under this section,~~  
2411 ~~local governments are charged with setting levels of service for~~  
2412 ~~public facilities in their comprehensive plans in accordance~~  
2413 ~~with which development orders and permits will be issued~~  
2414 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~  
2415 ~~the authority of state, regional, or local agencies as otherwise~~  
2416 ~~provided by law.~~

2417 ~~(g) Definitions contained in chapter 9J-5, Florida~~  
2418 ~~Administrative Code, are not intended to modify or amend the~~  
2419 ~~definitions utilized for purposes of other programs or rules or~~  
2420 ~~to establish or limit regulatory authority. Local governments~~  
2421 ~~may establish alternative definitions in local comprehensive~~  
2422 ~~plans, as long as such definitions accomplish the intent of this~~  
2423 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2424 ~~(h) It is the intent of the Legislature that public~~  
2425 ~~facilities and services needed to support development shall be~~  
2426 ~~available concurrent with the impacts of such development in~~  
2427 ~~accordance with s. 163.3180. In meeting this intent, public~~  
2428 ~~facility and service availability shall be deemed sufficient if~~  
2429 ~~the public facilities and services for a development are phased,~~  
2430 ~~or the development is phased, so that the public facilities and~~  
2431 ~~those related services which are deemed necessary by the local~~  
2432 ~~government to operate the facilities necessitated by that~~  
2433 ~~development are available concurrent with the impacts of the~~  
2434 ~~development. The public facilities and services, unless already~~  
2435 ~~available, are to be consistent with the capital improvements~~  
2436 ~~element of the local comprehensive plan as required by paragraph~~

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2437 ~~(3) (a) or guaranteed in an enforceable development agreement.~~  
2438 ~~This shall include development agreements pursuant to this~~  
2439 ~~chapter or in an agreement or a development order issued~~  
2440 ~~pursuant to chapter 380. Nothing herein shall be construed to~~  
2441 ~~require a local government to address services in its capital~~  
2442 ~~improvements plan or to limit a local government's ability to~~  
2443 ~~address any service in its capital improvements plan that it~~  
2444 ~~deems necessary.~~

2445 ~~(i) The department shall take into account the factors~~  
2446 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~  
2447 ~~it provides assistance to local governments and applies the rule~~  
2448 ~~in specific situations with regard to the detail of the data and~~  
2449 ~~analysis required.~~

2450 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~  
2451 ~~effective pursuant to subsection (9). The Legislature hereby~~  
2452 ~~directs the department to adopt amendments as necessary which~~  
2453 ~~conform chapter 9J-5, Florida Administrative Code, with the~~  
2454 ~~requirements of this legislative intent by October 1, 1986.~~

2455 ~~(k) In order for local governments to prepare and adopt~~  
2456 ~~comprehensive plans with knowledge of the rules that are applied~~  
2457 ~~to determine consistency of the plans with this part, there~~  
2458 ~~should be no doubt as to the legal standing of chapter 9J-5,~~  
2459 ~~Florida Administrative Code, at the close of the 1986~~  
2460 ~~legislative session. Therefore, the Legislature declares that~~  
2461 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~  
2462 ~~subject to rule challenges under s. 120.56(2), or to drawout~~  
2463 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~  
2464 ~~Florida Administrative Code, as amended, is subject to rule~~  
2465 ~~challenges under s. 120.56(3), as nothing herein indicates~~

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2466 ~~approval or disapproval of any portion of chapter 9J-5 not~~  
2467 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~  
2468 ~~Florida Administrative Code, exclusive of the amendments adopted~~  
2469 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~  
2470 ~~to the full chapter 120 process. All amendments shall have~~  
2471 ~~effective dates as provided in chapter 120 and submission to the~~  
2472 ~~President of the Senate and Speaker of the House of~~  
2473 ~~Representatives shall not be required.~~

2474 ~~(l) The state land planning agency shall consider land use~~  
2475 ~~compatibility issues in the vicinity of all airports in~~  
2476 ~~coordination with the Department of Transportation and adjacent~~  
2477 ~~to or in close proximity to all military installations in~~  
2478 ~~coordination with the Department of Defense.~~

2479 ~~(11) (a) The Legislature recognizes the need for innovative~~  
2480 ~~planning and development strategies which will address the~~  
2481 ~~anticipated demands of continued urbanization of Florida's~~  
2482 ~~coastal and other environmentally sensitive areas, and which~~  
2483 ~~will accommodate the development of less populated regions of~~  
2484 ~~the state which seek economic development and which have~~  
2485 ~~suitable land and water resources to accommodate growth in an~~  
2486 ~~environmentally acceptable manner. The Legislature further~~  
2487 ~~recognizes the substantial advantages of innovative approaches~~  
2488 ~~to development which may better serve to protect environmentally~~  
2489 ~~sensitive areas, maintain the economic viability of agricultural~~  
2490 ~~and other predominantly rural land uses, and provide for the~~  
2491 ~~cost-efficient delivery of public facilities and services.~~

2492 ~~(b) It is the intent of the Legislature that the local~~  
2493 ~~government comprehensive plans and plan amendments adopted~~  
2494 ~~pursuant to the provisions of this part provide for a planning~~

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2495 ~~process which allows for land use efficiencies within existing~~  
2496 ~~urban areas and which also allows for the conversion of rural~~  
2497 ~~lands to other uses, where appropriate and consistent with the~~  
2498 ~~other provisions of this part and the affected local~~  
2499 ~~comprehensive plans, through the application of innovative and~~  
2500 ~~flexible planning and development strategies and creative land~~  
2501 ~~use planning techniques, which may include, but not be limited~~  
2502 ~~to, urban villages, new towns, satellite communities, area-based~~  
2503 ~~allocations, clustering and open space provisions, mixed-use~~  
2504 ~~development, and sector planning.~~

2505 ~~(c) It is the further intent of the Legislature that local~~  
2506 ~~government comprehensive plans and implementing land development~~  
2507 ~~regulations shall provide strategies which maximize the use of~~  
2508 ~~existing facilities and services through redevelopment, urban~~  
2509 ~~infill development, and other strategies for urban~~  
2510 ~~revitalization.~~

2511 ~~(d)1. The department, in cooperation with the Department of~~  
2512 ~~Agriculture and Consumer Services, the Department of~~  
2513 ~~Environmental Protection, water management districts, and~~  
2514 ~~regional planning councils, shall provide assistance to local~~  
2515 ~~governments in the implementation of this paragraph and rule 9J-~~  
2516 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~  
2517 ~~those provisions shall include a process by which the department~~  
2518 ~~may authorize local governments to designate all or portions of~~  
2519 ~~lands classified in the future land use element as predominantly~~  
2520 ~~agricultural, rural, open, open rural, or a substantively~~  
2521 ~~equivalent land use, as a rural land stewardship area within~~  
2522 ~~which planning and economic incentives are applied to encourage~~  
2523 ~~the implementation of innovative and flexible planning and~~

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2524 ~~development strategies and creative land use planning~~  
2525 ~~techniques, including those contained herein and in rule 9J-~~  
2526 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~  
2527 ~~include, but is not limited to:~~

2528 ~~a. Assistance from the Department of Environmental~~  
2529 ~~Protection and water management districts in creating the~~  
2530 ~~geographic information systems land cover database and aerial~~  
2531 ~~photogrammetry needed to prepare for a rural land stewardship~~  
2532 ~~area;~~

2533 ~~b. Support for local government implementation of rural~~  
2534 ~~land stewardship concepts by providing information and~~  
2535 ~~assistance to local governments regarding land acquisition~~  
2536 ~~programs that may be used by the local government or landowners~~  
2537 ~~to leverage the protection of greater acreage and maximize the~~  
2538 ~~effectiveness of rural land stewardship areas; and~~

2539 ~~e. Expansion of the role of the Department of Community~~  
2540 ~~Affairs as a resource agency to facilitate establishment of~~  
2541 ~~rural land stewardship areas in smaller rural counties that do~~  
2542 ~~not have the staff or planning budgets to create a rural land~~  
2543 ~~stewardship area.~~

2544 ~~2. The department shall encourage participation by local~~  
2545 ~~governments of different sizes and rural characteristics in~~  
2546 ~~establishing and implementing rural land stewardship areas. It~~  
2547 ~~is the intent of the Legislature that rural land stewardship~~  
2548 ~~areas be used to further the following broad principles of rural~~  
2549 ~~sustainability: restoration and maintenance of the economic~~  
2550 ~~value of rural land; control of urban sprawl; identification and~~  
2551 ~~protection of ecosystems, habitats, and natural resources;~~  
2552 ~~promotion of rural economic activity; maintenance of the~~

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2553 ~~viability of Florida's agricultural economy; and protection of~~  
2554 ~~the character of rural areas of Florida. Rural land stewardship~~  
2555 ~~areas may be multicounty in order to encourage coordinated~~  
2556 ~~regional stewardship planning.~~

2557 ~~3. A local government, in conjunction with a regional~~  
2558 ~~planning council, a stakeholder organization of private land~~  
2559 ~~owners, or another local government, shall notify the department~~  
2560 ~~in writing of its intent to designate a rural land stewardship~~  
2561 ~~area. The written notification shall describe the basis for the~~  
2562 ~~designation, including the extent to which the rural land~~  
2563 ~~stewardship area enhances rural land values, controls urban~~  
2564 ~~sprawl, provides necessary open space for agriculture and~~  
2565 ~~protection of the natural environment, promotes rural economic~~  
2566 ~~activity, and maintains rural character and the economic~~  
2567 ~~viability of agriculture.~~

2568 ~~4. A rural land stewardship area shall be not less than~~  
2569 ~~10,000 acres and shall be located outside of municipalities and~~  
2570 ~~established urban growth boundaries, and shall be designated by~~  
2571 ~~plan amendment. The plan amendment designating a rural land~~  
2572 ~~stewardship area shall be subject to review by the Department of~~  
2573 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~  
2574 ~~the following:~~

2575 ~~a. Criteria for the designation of receiving areas within~~  
2576 ~~rural land stewardship areas in which innovative planning and~~  
2577 ~~development strategies may be applied. Criteria shall at a~~  
2578 ~~minimum provide for the following: adequacy of suitable land to~~  
2579 ~~accommodate development so as to avoid conflict with~~  
2580 ~~environmentally sensitive areas, resources, and habitats;~~  
2581 ~~compatibility between and transition from higher density uses to~~

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2582 ~~lower intensity rural uses; the establishment of receiving area~~  
2583 ~~service boundaries which provide for a separation between~~  
2584 ~~receiving areas and other land uses within the rural land~~  
2585 ~~stewardship area through limitations on the extension of~~  
2586 ~~services; and connection of receiving areas with the rest of the~~  
2587 ~~rural land stewardship area using rural design and rural road~~  
2588 ~~corridors.~~

2589 ~~b. Goals, objectives, and policies setting forth the~~  
2590 ~~innovative planning and development strategies to be applied~~  
2591 ~~within rural land stewardship areas pursuant to the provisions~~  
2592 ~~of this section.~~

2593 ~~e. A process for the implementation of innovative planning~~  
2594 ~~and development strategies within the rural land stewardship~~  
2595 ~~area, including those described in this subsection and rule 9J-~~  
2596 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~  
2597 ~~functional mix of land uses, including adequate available~~  
2598 ~~workforce housing, including low, very-low and moderate income~~  
2599 ~~housing for the development anticipated in the receiving area~~  
2600 ~~and which are applied through the adoption by the local~~  
2601 ~~government of zoning and land development regulations applicable~~  
2602 ~~to the rural land stewardship area.~~

2603 ~~d. A process which encourages visioning pursuant to s.~~  
2604 ~~163.3167(11) to ensure that innovative planning and development~~  
2605 ~~strategies comply with the provisions of this section.~~

2606 ~~e. The control of sprawl through the use of innovative~~  
2607 ~~strategies and creative land use techniques consistent with the~~  
2608 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~  
2609 ~~Administrative Code.~~

2610 ~~5. A receiving area shall be designated by the adoption of~~

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2611 ~~a land development regulation. Prior to the designation of a~~  
2612 ~~receiving area, the local government shall provide the~~  
2613 ~~Department of Community Affairs a period of 30 days in which to~~  
2614 ~~review a proposed receiving area for consistency with the rural~~  
2615 ~~land stewardship area plan amendment and to provide comments to~~  
2616 ~~the local government. At the time of designation of a~~  
2617 ~~stewardship receiving area, a listed species survey will be~~  
2618 ~~performed. If listed species occur on the receiving area site,~~  
2619 ~~the developer shall coordinate with each appropriate local,~~  
2620 ~~state, or federal agency to determine if adequate provisions~~  
2621 ~~have been made to protect those species in accordance with~~  
2622 ~~applicable regulations. In determining the adequacy of~~  
2623 ~~provisions for the protection of listed species and their~~  
2624 ~~habitats, the rural land stewardship area shall be considered as~~  
2625 ~~a whole, and the impacts to areas to be developed as receiving~~  
2626 ~~areas shall be considered together with the environmental~~  
2627 ~~benefits of areas protected as sending areas in fulfilling this~~  
2628 ~~criteria.~~

2629 ~~6. Upon the adoption of a plan amendment creating a rural~~  
2630 ~~land stewardship area, the local government shall, by ordinance,~~  
2631 ~~establish the methodology for the creation, conveyance, and use~~  
2632 ~~of transferable rural land use credits, otherwise referred to as~~  
2633 ~~stewardship credits, the application of which shall not~~  
2634 ~~constitute a right to develop land, nor increase density of~~  
2635 ~~land, except as provided by this section. The total amount of~~  
2636 ~~transferable rural land use credits within the rural land~~  
2637 ~~stewardship area must enable the realization of the long-term~~  
2638 ~~vision and goals for the 25-year or greater projected population~~  
2639 ~~of the rural land stewardship area, which may take into~~

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2640 ~~consideration the anticipated effect of the proposed receiving~~  
2641 ~~areas. Transferable rural land use credits are subject to the~~  
2642 ~~following limitations:~~

2643 ~~a. Transferable rural land use credits may only exist~~  
2644 ~~within a rural land stewardship area.~~

2645 ~~b. Transferable rural land use credits may only be used on~~  
2646 ~~lands designated as receiving areas and then solely for the~~  
2647 ~~purpose of implementing innovative planning and development~~  
2648 ~~strategies and creative land use planning techniques adopted by~~  
2649 ~~the local government pursuant to this section.~~

2650 ~~c. Transferable rural land use credits assigned to a parcel~~  
2651 ~~of land within a rural land stewardship area shall cease to~~  
2652 ~~exist if the parcel of land is removed from the rural land~~  
2653 ~~stewardship area by plan amendment.~~

2654 ~~d. Neither the creation of the rural land stewardship area~~  
2655 ~~by plan amendment nor the assignment of transferable rural land~~  
2656 ~~use credits by the local government shall operate to displace~~  
2657 ~~the underlying density of land uses assigned to a parcel of land~~  
2658 ~~within the rural land stewardship area; however, if transferable~~  
2659 ~~rural land use credits are transferred from a parcel for use~~  
2660 ~~within a designated receiving area, the underlying density~~  
2661 ~~assigned to the parcel of land shall cease to exist.~~

2662 ~~e. The underlying density on each parcel of land located~~  
2663 ~~within a rural land stewardship area shall not be increased or~~  
2664 ~~decreased by the local government, except as a result of the~~  
2665 ~~conveyance or use of transferable rural land use credits, as~~  
2666 ~~long as the parcel remains within the rural land stewardship~~  
2667 ~~area.~~

2668 ~~f. Transferable rural land use credits shall cease to exist~~

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2669 ~~on a parcel of land where the underlying density assigned to the~~  
2670 ~~parcel of land is utilized.~~

2671 ~~g. An increase in the density of use on a parcel of land~~  
2672 ~~located within a designated receiving area may occur only~~  
2673 ~~through the assignment or use of transferable rural land use~~  
2674 ~~credits and shall not require a plan amendment.~~

2675 ~~h. A change in the density of land use on parcels located~~  
2676 ~~within receiving areas shall be specified in a development order~~  
2677 ~~which reflects the total number of transferable rural land use~~  
2678 ~~credits assigned to the parcel of land and the infrastructure~~  
2679 ~~and support services necessary to provide for a functional mix~~  
2680 ~~of land uses corresponding to the plan of development.~~

2681 ~~i. Land within a rural land stewardship area may be removed~~  
2682 ~~from the rural land stewardship area through a plan amendment.~~

2683 ~~j. Transferable rural land use credits may be assigned at~~  
2684 ~~different ratios of credits per acre according to the natural~~  
2685 ~~resource or other beneficial use characteristics of the land and~~  
2686 ~~according to the land use remaining following the transfer of~~  
2687 ~~credits, with the highest number of credits per acre assigned to~~  
2688 ~~the most environmentally valuable land or, in locations where~~  
2689 ~~the retention of open space and agricultural land is a priority,~~  
2690 ~~to such lands.~~

2691 ~~k. The use or conveyance of transferable rural land use~~  
2692 ~~credits must be recorded in the public records of the county in~~  
2693 ~~which the property is located as a covenant or restrictive~~  
2694 ~~easement running with the land in favor of the county and either~~  
2695 ~~the Department of Environmental Protection, Department of~~  
2696 ~~Agriculture and Consumer Services, a water management district,~~  
2697 ~~or a recognized statewide land trust.~~

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2698 ~~7. Owners of land within rural land stewardship areas~~  
2699 ~~should be provided incentives to enter into rural land~~  
2700 ~~stewardship agreements, pursuant to existing law and rules~~  
2701 ~~adopted thereto, with state agencies, water management~~  
2702 ~~districts, and local governments to achieve mutually agreed upon~~  
2703 ~~conservation objectives. Such incentives may include, but not be~~  
2704 ~~limited to, the following:~~

2705 ~~a. Opportunity to accumulate transferable mitigation~~  
2706 ~~credits.~~

2707 ~~b. Extended permit agreements.~~

2708 ~~c. Opportunities for recreational leases and ecotourism.~~

2709 ~~d. Payment for specified land management services on~~  
2710 ~~publicly owned land, or property under covenant or restricted~~  
2711 ~~easement in favor of a public entity.~~

2712 ~~e. Option agreements for sale to public entities or private~~  
2713 ~~land conservation entities, in either fee or easement, upon~~  
2714 ~~achievement of conservation objectives.~~

2715 ~~8. The department shall report to the Legislature on an~~  
2716 ~~annual basis on the results of implementation of rural land~~  
2717 ~~stewardship areas authorized by the department, including~~  
2718 ~~successes and failures in achieving the intent of the~~  
2719 ~~Legislature as expressed in this paragraph.~~

2720 ~~(c) The Legislature finds that mixed-use, high-density~~  
2721 ~~development is appropriate for urban infill and redevelopment~~  
2722 ~~areas. Mixed-use projects accommodate a variety of uses,~~  
2723 ~~including residential and commercial, and usually at higher~~  
2724 ~~densities that promote pedestrian-friendly, sustainable~~  
2725 ~~communities. The Legislature recognizes that mixed-use, high-~~  
2726 ~~density development improves the quality of life for residents~~

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2727 ~~and businesses in urban areas. The Legislature finds that mixed-~~  
2728 ~~use, high-density redevelopment and infill benefits residents by~~  
2729 ~~creating a livable community with alternative modes of~~  
2730 ~~transportation. Furthermore, the Legislature finds that local~~  
2731 ~~zoning ordinances often discourage mixed-use, high-density~~  
2732 ~~development in areas that are appropriate for urban infill and~~  
2733 ~~redevelopment. The Legislature intends to discourage single-use~~  
2734 ~~zoning in urban areas which often leads to lower-density, land-~~  
2735 ~~intensive development outside an urban service area. Therefore,~~  
2736 ~~the Department of Community Affairs shall provide technical~~  
2737 ~~assistance to local governments in order to encourage mixed-use,~~  
2738 ~~high-density urban infill and redevelopment projects.~~

2739 ~~(f) The Legislature finds that a program for the transfer~~  
2740 ~~of development rights is a useful tool to preserve historic~~  
2741 ~~buildings and create public open spaces in urban areas. A~~  
2742 ~~program for the transfer of development rights allows the~~  
2743 ~~transfer of density credits from historic properties and public~~  
2744 ~~open spaces to areas designated for high-density development.~~  
2745 ~~The Legislature recognizes that high-density development is~~  
2746 ~~integral to the success of many urban infill and redevelopment~~  
2747 ~~projects. The Legislature intends to encourage high-density~~  
2748 ~~urban infill and redevelopment while preserving historic~~  
2749 ~~structures and open spaces. Therefore, the Department of~~  
2750 ~~Community Affairs shall provide technical assistance to local~~  
2751 ~~governments in order to promote the transfer of development~~  
2752 ~~rights within urban areas for high-density infill and~~  
2753 ~~redevelopment projects.~~

2754 ~~(g) The implementation of this subsection shall be subject~~  
2755 ~~to the provisions of this chapter, chapters 186 and 187, and~~

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2756 ~~applicable agency rules.~~

2757 ~~(h) The department may adopt rules necessary to implement~~  
2758 ~~the provisions of this subsection.~~

2759 ~~(12) A public school facilities element adopted to~~  
2760 ~~implement a school concurrency program shall meet the~~  
2761 ~~requirements of this subsection. Each county and each~~  
2762 ~~municipality within the county, unless exempt or subject to a~~  
2763 ~~waiver, must adopt a public school facilities element that is~~  
2764 ~~consistent with those adopted by the other local governments~~  
2765 ~~within the county and enter the interlocal agreement pursuant to~~  
2766 ~~s. 163.31777.~~

2767 ~~(a) The state land planning agency may provide a waiver to~~  
2768 ~~a county and to the municipalities within the county if the~~  
2769 ~~capacity rate for all schools within the school district is no~~  
2770 ~~greater than 100 percent and the projected 5-year capital outlay~~  
2771 ~~full-time equivalent student growth rate is less than 10~~  
2772 ~~percent. The state land planning agency may allow for a~~  
2773 ~~projected 5-year capital outlay full-time equivalent student~~  
2774 ~~growth rate to exceed 10 percent when the projected 10-year~~  
2775 ~~capital outlay full-time equivalent student enrollment is less~~  
2776 ~~than 2,000 students and the capacity rate for all schools within~~  
2777 ~~the school district in the tenth year will not exceed the 100-~~  
2778 ~~percent limitation. The state land planning agency may allow for~~  
2779 ~~a single school to exceed the 100 percent limitation if it can~~  
2780 ~~be demonstrated that the capacity rate for that single school is~~  
2781 ~~not greater than 105 percent. In making this determination, the~~  
2782 ~~state land planning agency shall consider the following~~  
2783 ~~criteria:~~

2784 ~~1. Whether the exceedance is due to temporary~~

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2785 ~~circumstances;~~

2786 ~~2. Whether the projected 5-year capital outlay full-time~~  
2787 ~~equivalent student growth rate for the school district is~~  
2788 ~~approaching the 10-percent threshold;~~

2789 ~~3. Whether one or more additional schools within the school~~  
2790 ~~district are at or approaching the 100-percent threshold; and~~

2791 ~~4. The adequacy of the data and analysis submitted to~~  
2792 ~~support the waiver request.~~

2793 ~~(b) A municipality in a nonexempt county is exempt if the~~  
2794 ~~municipality meets all of the following criteria for having no~~  
2795 ~~significant impact on school attendance:~~

2796 ~~1. The municipality has issued development orders for fewer~~  
2797 ~~than 50 residential dwelling units during the preceding 5 years,~~  
2798 ~~or the municipality has generated fewer than 25 additional~~  
2799 ~~public school students during the preceding 5 years.~~

2800 ~~2. The municipality has not annexed new land during the~~  
2801 ~~preceding 5 years in land use categories that permit residential~~  
2802 ~~uses that will affect school attendance rates.~~

2803 ~~3. The municipality has no public schools located within~~  
2804 ~~its boundaries.~~

2805 ~~(c) A public school facilities element shall be based upon~~  
2806 ~~data and analyses that address, among other items, how level of~~  
2807 ~~service standards will be achieved and maintained. Such data and~~  
2808 ~~analyses must include, at a minimum, such items as: the~~  
2809 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~  
2810 ~~year school district facilities work program adopted pursuant to~~  
2811 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~  
2812 ~~1013.31 and an existing educational and ancillary plant map or~~  
2813 ~~map series; information on existing development and development~~

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2814 ~~anticipated for the next 5 years and the long-term planning~~  
2815 ~~period; an analysis of problems and opportunities for existing~~  
2816 ~~schools and schools anticipated in the future; an analysis of~~  
2817 ~~opportunities to collocate future schools with other public~~  
2818 ~~facilities such as parks, libraries, and community centers; an~~  
2819 ~~analysis of the need for supporting public facilities for~~  
2820 ~~existing and future schools; an analysis of opportunities to~~  
2821 ~~locate schools to serve as community focal points; projected~~  
2822 ~~future population and associated demographics, including~~  
2823 ~~development patterns year by year for the upcoming 5-year and~~  
2824 ~~long-term planning periods; and anticipated educational and~~  
2825 ~~ancillary plants with land area requirements.~~

2826 ~~(d) The element shall contain one or more goals which~~  
2827 ~~establish the long-term end toward which public school programs~~  
2828 ~~and activities are ultimately directed.~~

2829 ~~(e) The element shall contain one or more objectives for~~  
2830 ~~each goal, setting specific, measurable, intermediate ends that~~  
2831 ~~are achievable and mark progress toward the goal.~~

2832 ~~(f) The element shall contain one or more policies for each~~  
2833 ~~objective which establish the way in which programs and~~  
2834 ~~activities will be conducted to achieve an identified goal.~~

2835 ~~(g) The objectives and policies shall address items such~~  
2836 ~~as:~~

- 2837 ~~1. The procedure for an annual update process;~~
- 2838 ~~2. The procedure for school site selection;~~
- 2839 ~~3. The procedure for school permitting;~~
- 2840 ~~4. Provision for infrastructure necessary to support~~  
2841 ~~proposed schools, including potable water, wastewater, drainage,~~  
2842 ~~solid waste, transportation, and means by which to assure safe~~

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2843 ~~access to schools, including sidewalks, bicycle paths, turn~~  
2844 ~~lanes, and signalization;~~

2845 ~~5. Provision for colocation of other public facilities,~~  
2846 ~~such as parks, libraries, and community centers, in proximity to~~  
2847 ~~public schools;~~

2848 ~~6. Provision for location of schools proximate to~~  
2849 ~~residential areas and to complement patterns of development,~~  
2850 ~~including the location of future school sites so they serve as~~  
2851 ~~community focal points;~~

2852 ~~7. Measures to ensure compatibility of school sites and~~  
2853 ~~surrounding land uses;~~

2854 ~~8. Coordination with adjacent local governments and the~~  
2855 ~~school district on emergency preparedness issues, including the~~  
2856 ~~use of public schools to serve as emergency shelters; and~~

2857 ~~9. Coordination with the future land use element.~~

2858 ~~(h) The element shall include one or more future conditions~~  
2859 ~~maps which depict the anticipated location of educational and~~  
2860 ~~ancillary plants, including the general location of improvements~~  
2861 ~~to existing schools or new schools anticipated over the 5-year~~  
2862 ~~or long-term planning period. The maps will of necessity be~~  
2863 ~~general for the long-term planning period and more specific for~~  
2864 ~~the 5-year period. Maps indicating general locations of future~~  
2865 ~~schools or school improvements may not prescribe a land use on a~~  
2866 ~~particular parcel of land.~~

2867 ~~(i) The state land planning agency shall establish a phased~~  
2868 ~~schedule for adoption of the public school facilities element~~  
2869 ~~and the required updates to the public schools interlocal~~  
2870 ~~agreement pursuant to s. 163.31777. The schedule shall provide~~  
2871 ~~for each county and local government within the county to adopt~~

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2872 ~~the element and update to the agreement no later than December~~  
2873 ~~1, 2008. Plan amendments to adopt a public school facilities~~  
2874 ~~element are exempt from the provisions of s. 163.3187(1).~~

2875 ~~(j) The state land planning agency may issue a notice to~~  
2876 ~~the school board and the local government to show cause why~~  
2877 ~~sanctions should not be enforced for failure to enter into an~~  
2878 ~~approved interlocal agreement as required by s. 163.31777 or for~~  
2879 ~~failure to implement provisions relating to public school~~  
2880 ~~concurrency. If the state land planning agency finds that~~  
2881 ~~insufficient cause exists for the school board's or local~~  
2882 ~~government's failure to enter into an approved interlocal~~  
2883 ~~agreement as required by s. 163.31777 or for the school board's~~  
2884 ~~or local government's failure to implement the provisions~~  
2885 ~~relating to public school concurrency, the state land planning~~  
2886 ~~agency shall submit its finding to the Administration Commission~~  
2887 ~~which may impose on the local government any of the sanctions~~  
2888 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~  
2889 ~~district school board any of the sanctions set forth in s.~~  
2890 ~~1008.32(4).~~

2891 ~~(13) Local governments are encouraged to develop a~~  
2892 ~~community vision that provides for sustainable growth,~~  
2893 ~~recognizes its fiscal constraints, and protects its natural~~  
2894 ~~resources. At the request of a local government, the applicable~~  
2895 ~~regional planning council shall provide assistance in the~~  
2896 ~~development of a community vision.~~

2897 ~~(a) As part of the process of developing a community vision~~  
2898 ~~under this section, the local government must hold two public~~  
2899 ~~meetings with at least one of those meetings before the local~~  
2900 ~~planning agency. Before those public meetings, the local~~

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2901 ~~government must hold at least one public workshop with~~  
2902 ~~stakeholder groups such as neighborhood associations, community~~  
2903 ~~organizations, businesses, private property owners, housing and~~  
2904 ~~development interests, and environmental organizations.~~

2905 ~~(b) The local government must, at a minimum, discuss five~~  
2906 ~~of the following topics as part of the workshops and public~~  
2907 ~~meetings required under paragraph (a):~~

2908 ~~1. Future growth in the area using population forecasts~~  
2909 ~~from the Bureau of Economic and Business Research;~~

2910 ~~2. Priorities for economic development;~~

2911 ~~3. Preservation of open space, environmentally sensitive~~  
2912 ~~lands, and agricultural lands;~~

2913 ~~4. Appropriate areas and standards for mixed-use~~  
2914 ~~development;~~

2915 ~~5. Appropriate areas and standards for high-density~~  
2916 ~~commercial and residential development;~~

2917 ~~6. Appropriate areas and standards for economic development~~  
2918 ~~opportunities and employment centers;~~

2919 ~~7. Provisions for adequate workforce housing;~~

2920 ~~8. An efficient, interconnected multimodal transportation~~  
2921 ~~system; and~~

2922 ~~9. Opportunities to create land use patterns that~~  
2923 ~~accommodate the issues listed in subparagraphs 1-8.~~

2924 ~~(c) As part of the workshops and public meetings, the local~~  
2925 ~~government must discuss strategies for addressing the topics~~  
2926 ~~discussed under paragraph (b), including:~~

2927 ~~1. Strategies to preserve open space and environmentally~~  
2928 ~~sensitive lands, and to encourage a healthy agricultural~~  
2929 ~~economy, including innovative planning and development~~

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2930 ~~strategies, such as the transfer of development rights;~~  
2931 ~~2. Incentives for mixed-use development, including~~  
2932 ~~increased height and intensity standards for buildings that~~  
2933 ~~provide residential use in combination with office or commercial~~  
2934 ~~space;~~  
2935 ~~3. Incentives for workforce housing;~~  
2936 ~~4. Designation of an urban service boundary pursuant to~~  
2937 ~~subsection (2); and~~  
2938 ~~5. Strategies to provide mobility within the community and~~  
2939 ~~to protect the Strategic Intermodal System, including the~~  
2940 ~~development of a transportation corridor management plan under~~  
2941 ~~s. 337.273.~~

2942 ~~(d) The community vision must reflect the community's~~  
2943 ~~shared concept for growth and development of the community,~~  
2944 ~~including visual representations depicting the desired land use~~  
2945 ~~patterns and character of the community during a 10-year~~  
2946 ~~planning timeframe. The community vision must also take into~~  
2947 ~~consideration economic viability of the vision and private~~  
2948 ~~property interests.~~

2949 ~~(e) After the workshops and public meetings required under~~  
2950 ~~paragraph (a) are held, the local government may amend its~~  
2951 ~~comprehensive plan to include the community vision as a~~  
2952 ~~component in the plan. This plan amendment must be transmitted~~  
2953 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~  
2954 ~~163.3189 at public hearings of the governing body other than~~  
2955 ~~those identified in paragraph (a).~~

2956 ~~(f) Amendments submitted under this subsection are exempt~~  
2957 ~~from the limitation on the frequency of plan amendments in s.~~  
2958 ~~163.3187.~~

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2959 ~~(g) A local government that has developed a community~~  
2960 ~~vision or completed a visioning process after July 1, 2000, and~~  
2961 ~~before July 1, 2005, which substantially accomplishes the goals~~  
2962 ~~set forth in this subsection and the appropriate goals,~~  
2963 ~~policies, or objectives have been adopted as part of the~~  
2964 ~~comprehensive plan or reflected in subsequently adopted land~~  
2965 ~~development regulations and the plan amendment incorporating the~~  
2966 ~~community vision as a component has been found in compliance is~~  
2967 ~~eligible for the incentives in s. 163.3184(17).~~

2968 ~~(14) Local governments are also encouraged to designate an~~  
2969 ~~urban service boundary. This area must be appropriate for~~  
2970 ~~compact, contiguous urban development within a 10-year planning~~  
2971 ~~timeframe. The urban service area boundary must be identified on~~  
2972 ~~the future land use map or map series. The local government~~  
2973 ~~shall demonstrate that the land included within the urban~~  
2974 ~~service boundary is served or is planned to be served with~~  
2975 ~~adequate public facilities and services based on the local~~  
2976 ~~government's adopted level-of-service standards by adopting a~~  
2977 ~~10-year facilities plan in the capital improvements element~~  
2978 ~~which is financially feasible. The local government shall~~  
2979 ~~demonstrate that the amount of land within the urban service~~  
2980 ~~boundary does not exceed the amount of land needed to~~  
2981 ~~accommodate the projected population growth at densities~~  
2982 ~~consistent with the adopted comprehensive plan within the 10-~~  
2983 ~~year planning timeframe.~~

2984 ~~(a) As part of the process of establishing an urban service~~  
2985 ~~boundary, the local government must hold two public meetings~~  
2986 ~~with at least one of those meetings before the local planning~~  
2987 ~~agency. Before those public meetings, the local government must~~

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2988 ~~hold at least one public workshop with stakeholder groups such~~  
2989 ~~as neighborhood associations, community organizations,~~  
2990 ~~businesses, private property owners, housing and development~~  
2991 ~~interests, and environmental organizations.~~

2992 ~~(b)1. After the workshops and public meetings required~~  
2993 ~~under paragraph (a) are held, the local government may amend its~~  
2994 ~~comprehensive plan to include the urban service boundary. This~~  
2995 ~~plan amendment must be transmitted and adopted pursuant to the~~  
2996 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~  
2997 ~~governing body other than those required under paragraph (a).~~

2998 ~~2. This subsection does not prohibit new development~~  
2999 ~~outside an urban service boundary. However, a local government~~  
3000 ~~that establishes an urban service boundary under this subsection~~  
3001 ~~is encouraged to require a full-cost accounting analysis for any~~  
3002 ~~new development outside the boundary and to consider the results~~  
3003 ~~of that analysis when adopting a plan amendment for property~~  
3004 ~~outside the established urban service boundary.~~

3005 ~~(c) Amendments submitted under this subsection are exempt~~  
3006 ~~from the limitation on the frequency of plan amendments in s.~~  
3007 ~~163.3187.~~

3008 ~~(d) A local government that has adopted an urban service~~  
3009 ~~boundary before July 1, 2005, which substantially accomplishes~~  
3010 ~~the goals set forth in this subsection is not required to comply~~  
3011 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~  
3012 ~~to be eligible for the incentives under s. 163.3184(17). In~~  
3013 ~~order to satisfy the provisions of this paragraph, the local~~  
3014 ~~government must secure a determination from the state land~~  
3015 ~~planning agency that the urban service boundary adopted before~~  
3016 ~~July 1, 2005, substantially complies with the criteria of this~~

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3017 ~~subsection, based on data and analysis submitted by the local~~  
3018 ~~government to support this determination. The determination by~~  
3019 ~~the state land planning agency is not subject to administrative~~  
3020 ~~challenge.~~

3021 (7) ~~(15)~~ (a) The Legislature finds that:

3022 1. There are a number of rural agricultural industrial  
3023 centers in the state that process, produce, or aid in the  
3024 production or distribution of a variety of agriculturally based  
3025 products, including, but not limited to, fruits, vegetables,  
3026 timber, and other crops, and juices, paper, and building  
3027 materials. Rural agricultural industrial centers have a  
3028 significant amount of existing associated infrastructure that is  
3029 used for processing, producing, or distributing agricultural  
3030 products.

3031 2. Such rural agricultural industrial centers are often  
3032 located within or near communities in which the economy is  
3033 largely dependent upon agriculture and agriculturally based  
3034 products. The centers significantly enhance the economy of such  
3035 communities. However, these agriculturally based communities are  
3036 often socioeconomically challenged and designated as rural areas  
3037 of critical economic concern. If such rural agricultural  
3038 industrial centers are lost and not replaced with other job-  
3039 creating enterprises, the agriculturally based communities will  
3040 lose a substantial amount of their economies.

3041 3. The state has a compelling interest in preserving the  
3042 viability of agriculture and protecting rural agricultural  
3043 communities and the state from the economic upheaval that would  
3044 result from short-term or long-term adverse changes in the  
3045 agricultural economy. To protect these communities and promote

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3046 viable agriculture for the long term, it is essential to  
3047 encourage and permit diversification of existing rural  
3048 agricultural industrial centers by providing for jobs that are  
3049 not solely dependent upon, but are compatible with and  
3050 complement, existing agricultural industrial operations and to  
3051 encourage the creation and expansion of industries that use  
3052 agricultural products in innovative ways. However, the expansion  
3053 and diversification of these existing centers must be  
3054 accomplished in a manner that does not promote urban sprawl into  
3055 surrounding agricultural and rural areas.

3056 (b) As used in this subsection, the term "rural  
3057 agricultural industrial center" means a developed parcel of land  
3058 in an unincorporated area on which there exists an operating  
3059 agricultural industrial facility or facilities that employ at  
3060 least 200 full-time employees in the aggregate and process and  
3061 prepare for transport a farm product, as defined in s. 163.3162,  
3062 or any biomass material that could be used, directly or  
3063 indirectly, for the production of fuel, renewable energy,  
3064 bioenergy, or alternative fuel as defined by law. The center may  
3065 also include land contiguous to the facility site which is not  
3066 used for the cultivation of crops, but on which other existing  
3067 activities essential to the operation of such facility or  
3068 facilities are located or conducted. The parcel of land must be  
3069 located within, or within 10 miles of, a rural area of critical  
3070 economic concern.

3071 (c)1. A landowner whose land is located within a rural  
3072 agricultural industrial center may apply for an amendment to the  
3073 local government comprehensive plan for the purpose of  
3074 designating and expanding the existing agricultural industrial

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3075 uses of facilities located within the center or expanding the  
3076 existing center to include industrial uses or facilities that  
3077 are not dependent upon but are compatible with agriculture and  
3078 the existing uses and facilities. A local government  
3079 comprehensive plan amendment under this paragraph must:

3080 a. Not increase the physical area of the existing rural  
3081 agricultural industrial center by more than 50 percent or 320  
3082 acres, whichever is greater.

3083 b. Propose a project that would, upon completion, create at  
3084 least 50 new full-time jobs.

3085 c. Demonstrate that sufficient infrastructure capacity  
3086 exists or will be provided to support the expanded center at the  
3087 level-of-service standards adopted in the local government  
3088 comprehensive plan.

3089 d. Contain goals, objectives, and policies that will ensure  
3090 that any adverse environmental impacts of the expanded center  
3091 will be adequately addressed and mitigation implemented or  
3092 demonstrate that the local government comprehensive plan  
3093 contains such provisions.

3094 2. Within 6 months after receiving an application as  
3095 provided in this paragraph, the local government shall transmit  
3096 the application to the state land planning agency for review  
3097 pursuant to this chapter together with any needed amendments to  
3098 the applicable sections of its comprehensive plan to include  
3099 goals, objectives, and policies that provide for the expansion  
3100 of rural agricultural industrial centers and discourage urban  
3101 sprawl in the surrounding areas. Such goals, objectives, and  
3102 policies must promote and be consistent with the findings in  
3103 this subsection. An amendment that meets the requirements of

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3104 this subsection is presumed not to be urban sprawl as defined in  
3105 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~  
3106 ~~Administrative Code~~. This presumption may be rebutted by a  
3107 preponderance of the evidence.

3108 (d) This subsection does not apply to a ~~an optional~~ sector  
3109 plan adopted pursuant to s. 163.3245, a rural land stewardship  
3110 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any  
3111 comprehensive plan amendment that includes an inland port  
3112 terminal or affiliated port development.

3113 (e) Nothing in this subsection shall be construed to confer  
3114 the status of rural area of critical economic concern, or any of  
3115 the rights or benefits derived from such status, on any land  
3116 area not otherwise designated as such pursuant to s.  
3117 288.0656(7).

3118 Section 13. Section 163.31777, Florida Statutes, is amended  
3119 to read:

3120 163.31777 Public schools interlocal agreement.—

3121 (1) ~~(a)~~ The county and municipalities located within the  
3122 geographic area of a school district shall enter into an  
3123 interlocal agreement with the district school board which  
3124 jointly establishes the specific ways in which the plans and  
3125 processes of the district school board and the local governments  
3126 are to be coordinated. ~~The interlocal agreements shall be~~  
3127 ~~submitted to the state land planning agency and the Office of~~  
3128 ~~Educational Facilities in accordance with a schedule published~~  
3129 ~~by the state land planning agency.~~

3130 ~~(b) The schedule must establish staggered due dates for~~  
3131 ~~submission of interlocal agreements that are executed by both~~  
3132 ~~the local government and the district school board, commencing~~

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3133 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
3134 ~~set the same date for all governmental entities within a school~~  
3135 ~~district. However, if the county where the school district is~~  
3136 ~~located contains more than 20 municipalities, the state land~~  
3137 ~~planning agency may establish staggered due dates for the~~  
3138 ~~submission of interlocal agreements by these municipalities. The~~  
3139 ~~schedule must begin with those areas where both the number of~~  
3140 ~~districtwide capital outlay full-time equivalent students equals~~  
3141 ~~80 percent or more of the current year's school capacity and the~~  
3142 ~~projected 5-year student growth is 1,000 or greater, or where~~  
3143 ~~the projected 5-year student growth rate is 10 percent or~~  
3144 ~~greater.~~

3145 ~~(c) If the student population has declined over the 5-year~~  
3146 ~~period preceding the due date for submittal of an interlocal~~  
3147 ~~agreement by the local government and the district school board,~~  
3148 ~~the local government and the district school board may petition~~  
3149 ~~the state land planning agency for a waiver of one or more~~  
3150 ~~requirements of subsection (2). The waiver must be granted if~~  
3151 ~~the procedures called for in subsection (2) are unnecessary~~  
3152 ~~because of the school district's declining school age~~  
3153 ~~population, considering the district's 5-year facilities work~~  
3154 ~~program prepared pursuant to s. 1013.35. The state land planning~~  
3155 ~~agency may modify or revoke the waiver upon a finding that the~~  
3156 ~~conditions upon which the waiver was granted no longer exist.~~  
3157 ~~The district school board and local governments must submit an~~  
3158 ~~interlocal agreement within 1 year after notification by the~~  
3159 ~~state land planning agency that the conditions for a waiver no~~  
3160 ~~longer exist.~~

3161 ~~(d) Interlocal agreements between local governments and~~

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3162 ~~district school boards adopted pursuant to s. 163.3177 before~~  
3163 ~~the effective date of this section must be updated and executed~~  
3164 ~~pursuant to the requirements of this section, if necessary.~~  
3165 ~~Amendments to interlocal agreements adopted pursuant to this~~  
3166 ~~section must be submitted to the state land planning agency~~  
3167 ~~within 30 days after execution by the parties for review~~  
3168 ~~consistent with this section.~~ Local governments and the district  
3169 school board in each school district are encouraged to adopt a  
3170 single interlocal agreement to which all join as parties. ~~The~~  
3171 ~~state land planning agency shall assemble and make available~~  
3172 ~~model interlocal agreements meeting the requirements of this~~  
3173 ~~section and notify local governments and, jointly with the~~  
3174 ~~Department of Education, the district school boards of the~~  
3175 ~~requirements of this section, the dates for compliance, and the~~  
3176 ~~sanctions for noncompliance. The state land planning agency~~  
3177 ~~shall be available to informally review proposed interlocal~~  
3178 ~~agreements. If the state land planning agency has not received a~~  
3179 ~~proposed interlocal agreement for informal review, the state~~  
3180 ~~land planning agency shall, at least 60 days before the deadline~~  
3181 ~~for submission of the executed agreement, renotify the local~~  
3182 ~~government and the district school board of the upcoming~~  
3183 ~~deadline and the potential for sanctions.~~

3184 (2) At a minimum, the interlocal agreement must address  
3185 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~  
3186 ~~for exempt local governments as provided in s. 163.3177(12), and~~  
3187 ~~must address the following issues:~~

3188 (a) A process by which each local government and the  
3189 district school board agree and base their plans on consistent  
3190 projections of the amount, type, and distribution of population

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3191 growth and student enrollment. The geographic distribution of  
3192 jurisdiction-wide growth forecasts is a major objective of the  
3193 process.

3194 (b) A process to coordinate and share information relating  
3195 to existing and planned public school facilities, including  
3196 school renovations and closures, and local government plans for  
3197 development and redevelopment.

3198 (c) Participation by affected local governments with the  
3199 district school board in the process of evaluating potential  
3200 school closures, significant renovations to existing schools,  
3201 and new school site selection before land acquisition. Local  
3202 governments shall advise the district school board as to the  
3203 consistency of the proposed closure, renovation, or new site  
3204 with the local comprehensive plan, including appropriate  
3205 circumstances and criteria under which a district school board  
3206 may request an amendment to the comprehensive plan for school  
3207 siting.

3208 (d) A process for determining the need for and timing of  
3209 onsite and offsite improvements to support new, proposed  
3210 expansion, or redevelopment of existing schools. The process  
3211 must address identification of the party or parties responsible  
3212 for the improvements.

3213 (e) A process for the school board to inform the local  
3214 government regarding the effect of comprehensive plan amendments  
3215 on school capacity. The capacity reporting must be consistent  
3216 with laws and rules relating to measurement of school facility  
3217 capacity and must also identify how the district school board  
3218 will meet the public school demand based on the facilities work  
3219 program adopted pursuant to s. 1013.35.

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3220 (f) Participation of the local governments in the  
3221 preparation of the annual update to the district school board's  
3222 5-year district facilities work program and educational plant  
3223 survey prepared pursuant to s. 1013.35.

3224 (g) A process for determining where and how joint use of  
3225 either school board or local government facilities can be shared  
3226 for mutual benefit and efficiency.

3227 (h) A procedure for the resolution of disputes between the  
3228 district school board and local governments, which may include  
3229 the dispute resolution processes contained in chapters 164 and  
3230 186.

3231 (i) An oversight process, including an opportunity for  
3232 public participation, for the implementation of the interlocal  
3233 agreement.

3234 ~~(3) (a) The Office of Educational Facilities shall submit~~  
3235 ~~any comments or concerns regarding the executed interlocal~~  
3236 ~~agreement to the state land planning agency within 30 days after~~  
3237 ~~receipt of the executed interlocal agreement. The state land~~  
3238 ~~planning agency shall review the executed interlocal agreement~~  
3239 ~~to determine whether it is consistent with the requirements of~~  
3240 ~~subsection (2), the adopted local government comprehensive plan,~~  
3241 ~~and other requirements of law. Within 60 days after receipt of~~  
3242 ~~an executed interlocal agreement, the state land planning agency~~  
3243 ~~shall publish a notice of intent in the Florida Administrative~~  
3244 ~~Weekly and shall post a copy of the notice on the agency's~~  
3245 ~~Internet site. The notice of intent must state whether the~~  
3246 ~~interlocal agreement is consistent or inconsistent with the~~  
3247 ~~requirements of subsection (2) and this subsection, as~~  
3248 ~~appropriate.~~

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3249           ~~(b) The state land planning agency's notice is subject to~~  
3250 ~~challenge under chapter 120; however, an affected person, as~~  
3251 ~~defined in s. 163.3184(1) (a), has standing to initiate the~~  
3252 ~~administrative proceeding, and this proceeding is the sole means~~  
3253 ~~available to challenge the consistency of an interlocal~~  
3254 ~~agreement required by this section with the criteria contained~~  
3255 ~~in subsection (2) and this subsection. In order to have~~  
3256 ~~standing, each person must have submitted oral or written~~  
3257 ~~comments, recommendations, or objections to the local government~~  
3258 ~~or the school board before the adoption of the interlocal~~  
3259 ~~agreement by the school board and local government. The district~~  
3260 ~~school board and local governments are parties to any such~~  
3261 ~~proceeding. In this proceeding, when the state land planning~~  
3262 ~~agency finds the interlocal agreement to be consistent with the~~  
3263 ~~criteria in subsection (2) and this subsection, the interlocal~~  
3264 ~~agreement shall be determined to be consistent with subsection~~  
3265 ~~(2) and this subsection if the local government's and school~~  
3266 ~~board's determination of consistency is fairly debatable. When~~  
3267 ~~the state planning agency finds the interlocal agreement to be~~  
3268 ~~inconsistent with the requirements of subsection (2) and this~~  
3269 ~~subsection, the local government's and school board's~~  
3270 ~~determination of consistency shall be sustained unless it is~~  
3271 ~~shown by a preponderance of the evidence that the interlocal~~  
3272 ~~agreement is inconsistent.~~

3273           ~~(c) If the state land planning agency enters a final order~~  
3274 ~~that finds that the interlocal agreement is inconsistent with~~  
3275 ~~the requirements of subsection (2) or this subsection, it shall~~  
3276 ~~forward it to the Administration Commission, which may impose~~  
3277 ~~sanctions against the local government pursuant to s.~~

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3278 ~~163.3184(11) and may impose sanctions against the district~~  
3279 ~~school board by directing the Department of Education to~~  
3280 ~~withhold from the district school board an equivalent amount of~~  
3281 ~~funds for school construction available pursuant to ss. 1013.65,~~  
3282 ~~1013.68, 1013.70, and 1013.72.~~

3283 ~~(4) If an executed interlocal agreement is not timely~~  
3284 ~~submitted to the state land planning agency for review, the~~  
3285 ~~state land planning agency shall, within 15 working days after~~  
3286 ~~the deadline for submittal, issue to the local government and~~  
3287 ~~the district school board a Notice to Show Cause why sanctions~~  
3288 ~~should not be imposed for failure to submit an executed~~  
3289 ~~interlocal agreement by the deadline established by the agency.~~  
3290 ~~The agency shall forward the notice and the responses to the~~  
3291 ~~Administration Commission, which may enter a final order citing~~  
3292 ~~the failure to comply and imposing sanctions against the local~~  
3293 ~~government and district school board by directing the~~  
3294 ~~appropriate agencies to withhold at least 5 percent of state~~  
3295 ~~funds pursuant to s. 163.3184(11) and by directing the~~  
3296 ~~Department of Education to withhold from the district school~~  
3297 ~~board at least 5 percent of funds for school construction~~  
3298 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~  
3299 ~~1013.72.~~

3300 ~~(5) Any local government transmitting a public school~~  
3301 ~~element to implement school concurrency pursuant to the~~  
3302 ~~requirements of s. 163.3180 before the effective date of this~~  
3303 ~~section is not required to amend the element or any interlocal~~  
3304 ~~agreement to conform with the provisions of this section if the~~  
3305 ~~element is adopted prior to or within 1 year after the effective~~  
3306 ~~date of this section and remains in effect until the county~~

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3307 ~~conducts its evaluation and appraisal report and identifies~~  
3308 ~~changes necessary to more fully conform to the provisions of~~  
3309 ~~this section.~~

3310 ~~(6) Except as provided in subsection (7), municipalities~~  
3311 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
3312 ~~from the requirements of subsections (1), (2), and (3).~~

3313 ~~(7) At the time of the evaluation and appraisal report,~~  
3314 ~~each exempt municipality shall assess the extent to which it~~  
3315 ~~continues to meet the criteria for exemption under s.~~  
3316 ~~163.3177(12). If the municipality continues to meet these~~  
3317 ~~criteria, the municipality shall continue to be exempt from the~~  
3318 ~~interlocal agreement requirement. Each municipality exempt under~~  
3319 ~~s. 163.3177(12) must comply with the provisions of this section~~  
3320 ~~within 1 year after the district school board proposes, in its~~  
3321 ~~5-year district facilities work program, a new school within the~~  
3322 ~~municipality's jurisdiction.~~

3323 Section 14. Subsection (9) of section 163.3178, Florida  
3324 Statutes, is amended to read:

3325 163.3178 Coastal management.—

3326 (9) (a) ~~Local governments may elect to comply with rule 9J-~~  
3327 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~  
3328 ~~process provided in this section. A proposed comprehensive plan~~  
3329 ~~amendment shall be found in compliance with state coastal high-~~  
3330 ~~hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7.,~~  
3331 ~~Florida Administrative Code, if:~~

3332 1. The adopted level of service for out-of-county hurricane  
3333 evacuation is maintained for a category 5 storm event as  
3334 measured on the Saffir-Simpson scale;

3335 2. A 12-hour evacuation time to shelter is maintained for a

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3336 category 5 storm event as measured on the Saffir-Simpson scale  
3337 and shelter space reasonably expected to accommodate the  
3338 residents of the development contemplated by a proposed  
3339 comprehensive plan amendment is available; or

3340 3. Appropriate mitigation is provided that will satisfy the  
3341 provisions of subparagraph 1. or subparagraph 2. Appropriate  
3342 mitigation shall include, without limitation, payment of money,  
3343 contribution of land, and construction of hurricane shelters and  
3344 transportation facilities. Required mitigation shall not exceed  
3345 the amount required for a developer to accommodate impacts  
3346 reasonably attributable to development. A local government and a  
3347 developer shall enter into a binding agreement to memorialize  
3348 the mitigation plan.

3349 (b) For those local governments that have not established a  
3350 level of service for out-of-county hurricane evacuation by July  
3351 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7.,~~  
3352 ~~Florida Administrative Code,~~ by following the process in  
3353 paragraph (a), the level of service shall be no greater than 16  
3354 hours for a category 5 storm event as measured on the Saffir-  
3355 Simpson scale.

3356 (c) This subsection shall become effective immediately and  
3357 shall apply to all local governments. No later than July 1,  
3358 2008, local governments shall amend their future land use map  
3359 and coastal management element to include the new definition of  
3360 coastal high-hazard area and to depict the coastal high-hazard  
3361 area on the future land use map.

3362 Section 15. Section 163.3180, Florida Statutes, is amended  
3363 to read:

3364 163.3180 Concurrency.—

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3365 (1)~~(a)~~ Sanitary sewer, solid waste, drainage, and potable  
3366 water, ~~parks and recreation, schools, and transportation~~  
3367 ~~facilities, including mass transit, where applicable,~~ are the  
3368 only public facilities and services subject to the concurrency  
3369 requirement on a statewide basis. Additional public facilities  
3370 and services may not be made subject to concurrency on a  
3371 statewide basis without ~~appropriate study and~~ approval by the  
3372 Legislature; however, any local government may extend the  
3373 concurrency requirement so that it applies to additional public  
3374 facilities within its jurisdiction. If concurrency is applied to  
3375 other public facilities, the local government comprehensive plan  
3376 must provide the principles, guidelines, standards, and  
3377 strategies, including adopted levels of service, to guide its  
3378 application. In order for a local government to rescind any  
3379 optional concurrency provisions, a comprehensive plan amendment  
3380 is required. An amendment rescinding optional concurrency issues  
3381 is not subject to state review. The local government  
3382 comprehensive plan must demonstrate, for required or optional  
3383 concurrency requirements, that the levels of service adopted can  
3384 be reasonably met. Infrastructure needed to ensure that adopted  
3385 level-of-service standards are achieved and maintained for the  
3386 5-year period of the capital improvement schedule must be  
3387 identified pursuant to the requirements of s. 163.3177(3).

3388 ~~(b) Local governments shall use professionally accepted~~  
3389 ~~techniques for measuring level of service for automobiles,~~  
3390 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~  
3391 ~~be used to evaluate increased accessibility by multiple modes~~  
3392 ~~and reductions in vehicle miles of travel in an area or zone.~~  
3393 ~~The Department of Transportation shall develop methodologies to~~

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3394 ~~assist local governments in implementing this multimodal level-~~  
3395 ~~of service analysis. The Department of Community Affairs and the~~  
3396 ~~Department of Transportation shall provide technical assistance~~  
3397 ~~to local governments in applying these methodologies.~~

3398 (2) ~~(a)~~ Consistent with public health and safety, sanitary  
3399 sewer, solid waste, drainage, adequate water supplies, and  
3400 potable water facilities shall be in place and available to  
3401 serve new development no later than the issuance by the local  
3402 government of a certificate of occupancy or its functional  
3403 equivalent. Prior to approval of a building permit or its  
3404 functional equivalent, the local government shall consult with  
3405 the applicable water supplier to determine whether adequate  
3406 water supplies to serve the new development will be available no  
3407 later than the anticipated date of issuance by the local  
3408 government of a certificate of occupancy or its functional  
3409 equivalent. A local government may meet the concurrency  
3410 requirement for sanitary sewer through the use of onsite sewage  
3411 treatment and disposal systems approved by the Department of  
3412 Health to serve new development.

3413 ~~(b) Consistent with the public welfare, and except as~~  
3414 ~~otherwise provided in this section, parks and recreation~~  
3415 ~~facilities to serve new development shall be in place or under~~  
3416 ~~actual construction no later than 1 year after issuance by the~~  
3417 ~~local government of a certificate of occupancy or its functional~~  
3418 ~~equivalent. However, the acreage for such facilities shall be~~  
3419 ~~dedicated or be acquired by the local government prior to~~  
3420 ~~issuance by the local government of a certificate of occupancy~~  
3421 ~~or its functional equivalent, or funds in the amount of the~~  
3422 ~~developer's fair share shall be committed no later than the~~

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3423 ~~local government's approval to commence construction.~~

3424 ~~(c) Consistent with the public welfare, and except as~~  
3425 ~~otherwise provided in this section, transportation facilities~~  
3426 ~~needed to serve new development shall be in place or under~~  
3427 ~~actual construction within 3 years after the local government~~  
3428 ~~approves a building permit or its functional equivalent that~~  
3429 ~~results in traffic generation.~~

3430 (3) Governmental entities that are not responsible for  
3431 providing, financing, operating, or regulating public facilities  
3432 needed to serve development may not establish binding level-of-  
3433 service standards on governmental entities that do bear those  
3434 responsibilities. ~~This subsection does not limit the authority~~  
3435 ~~of any agency to recommend or make objections, recommendations,~~  
3436 ~~comments, or determinations during reviews conducted under s.~~  
3437 ~~163.3184.~~

3438 (4) ~~(a)~~ The concurrency requirement as implemented in local  
3439 comprehensive plans applies to state and other public facilities  
3440 and development to the same extent that it applies to all other  
3441 facilities and development, as provided by law.

3442 ~~(b) The concurrency requirement as implemented in local~~  
3443 ~~comprehensive plans does not apply to public transit facilities.~~  
3444 ~~For the purposes of this paragraph, public transit facilities~~  
3445 ~~include transit stations and terminals; transit station parking;~~  
3446 ~~park and ride lots; intermodal public transit connection or~~  
3447 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~  
3448 ~~airport passenger terminals and concourses, air cargo~~  
3449 ~~facilities, and hangars for the assembly, manufacture,~~  
3450 ~~maintenance, or storage of aircraft. As used in this paragraph,~~  
3451 ~~the terms "terminals" and "transit facilities" do not include~~

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3452 ~~seaports or commercial or residential development constructed in~~  
3453 ~~conjunction with a public transit facility.~~

3454 ~~(c) The concurrency requirement, except as it relates to~~  
3455 ~~transportation facilities and public schools, as implemented in~~  
3456 ~~local government comprehensive plans, may be waived by a local~~  
3457 ~~government for urban infill and redevelopment areas designated~~  
3458 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~  
3459 ~~public health or safety as defined by the local government in~~  
3460 ~~its local government comprehensive plan. The waiver shall be~~  
3461 ~~adopted as a plan amendment pursuant to the process set forth in~~  
3462 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~  
3463 ~~exception pursuant to subsection (5) for transportation~~  
3464 ~~facilities located within these urban infill and redevelopment~~  
3465 ~~areas.~~

3466 (5)(a) If concurrency is applied to transportation  
3467 facilities, the local government comprehensive plan must provide  
3468 the principles, guidelines, standards, and strategies, including  
3469 adopted levels of service to guide its application.

3470 (b) Local governments shall use professionally accepted  
3471 studies to determine appropriate levels of service, which shall  
3472 be based on a schedule of facilities that will be necessary to  
3473 meet level-of-service demands reflected in the capital  
3474 improvement element.

3475 (c) Local governments shall use professionally accepted  
3476 techniques for measuring levels of service when evaluating  
3477 potential impacts of a proposed development.

3478 (d) The premise of concurrency is that the public  
3479 facilities will be provided in order to achieve and maintain the  
3480 adopted level-of-service standard. A comprehensive plan that

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3481 imposes transportation concurrency shall contain appropriate  
3482 amendments to the capital improvements element of the  
3483 comprehensive plan, consistent with the requirements of s.  
3484 163.3177(3). The capital improvements element shall identify  
3485 facilities necessary to meet adopted levels of service during a  
3486 5-year period.

3487 (e) If a local government applies transportation  
3488 concurrency in its jurisdiction, it is encouraged to develop  
3489 policy guidelines and techniques to address potential negative  
3490 impacts on future development:

3491 1. In urban infill and redevelopment and urban service  
3492 areas.

3493 2. With special part-time demands on the transportation  
3494 system.

3495 3. With de minimis impacts.

3496 4. On community desired types of development, such as  
3497 redevelopment or job-creation projects.

3498 (f) Local governments are encouraged to develop tools and  
3499 techniques to complement the application of transportation  
3500 concurrency such as:

3501 1. Adoption of long-term strategies to facilitate  
3502 development patterns that support multimodal solutions,  
3503 including urban design and appropriate land use mixes, including  
3504 intensity and density.

3505 2. Adoption of an areawide level of service not dependent  
3506 on any single road segment function.

3507 3. Exempting or discounting impacts of locally desired  
3508 development, such as development in urban areas, redevelopment,  
3509 job creation, and mixed use on the transportation system.

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3510       4. Assigning secondary priority to vehicle mobility and  
3511 primary priority to ensuring a safe, comfortable, and attractive  
3512 pedestrian environment, with convenient interconnection to  
3513 transit.

3514       5. Establishing multimodal level-of-service standards that  
3515 rely primarily on nonvehicular modes of transportation where  
3516 existing or planned community design will provide adequate level  
3517 of mobility.

3518       6. Reducing impact fees or local access fees to promote  
3519 development within urban areas, multimodal transportation  
3520 districts, and a balance of mixed use development in certain  
3521 areas or districts, or for affordable or workforce housing.

3522       (g) Local governments are encouraged to coordinate with  
3523 adjacent local governments for the purpose of using common  
3524 methodologies for measuring impacts on transportation  
3525 facilities.

3526       (h) Local governments that implement transportation  
3527 concurrency must:

3528       1. Consult with the Department of Transportation when  
3529 proposed plan amendments affect facilities on the strategic  
3530 intermodal system.

3531       2. Exempt public transit facilities from concurrency. For  
3532 the purposes of this subparagraph, public transit facilities  
3533 include transit stations and terminals; transit station parking;  
3534 park-and-ride lots; intermodal public transit connection or  
3535 transfer facilities; fixed bus, guideway, and rail stations; and  
3536 airport passenger terminals and concourses, air cargo  
3537 facilities, and hangars for the assembly, manufacture,  
3538 maintenance, or storage of aircraft. As used in this

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3539 subparagraph, the terms "terminals" and "transit facilities" do  
3540 not include seaports or commercial or residential development  
3541 constructed in conjunction with a public transit facility.

3542 3. Allow an applicant for a development of regional impact  
3543 development order, a rezoning, or other land use development  
3544 permit to satisfy the transportation concurrency requirements of  
3545 the local comprehensive plan, the local government's concurrency  
3546 management system, and s. 380.06, when applicable, if:

3547 a. The applicant enters into a binding agreement to pay for  
3548 or construct its proportionate share of required improvements.

3549 b. The proportionate-share contribution or construction is  
3550 sufficient to accomplish one or more mobility improvements that  
3551 will benefit a regionally significant transportation facility.

3552 c. The local government has provided a means by which the  
3553 landowner will be assessed a proportionate share of the cost of  
3554 providing the transportation facilities necessary to serve the  
3555 proposed development.

3556  
3557 When an applicant contributes or constructs its proportionate  
3558 share, pursuant to this subparagraph, a local government may not  
3559 require payment or construction of transportation facilities  
3560 whose costs would be greater than a development's proportionate  
3561 share of the improvements necessary to mitigate the  
3562 development's impacts. The proportionate-share contribution  
3563 shall be calculated based upon the number of trips from the  
3564 proposed development expected to reach roadways during the peak  
3565 hour from the stage or phase being approved, divided by the  
3566 change in the peak hour maximum service volume of roadways  
3567 resulting from construction of an improvement necessary to

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3568 maintain or achieve the adopted level of service, multiplied by  
3569 the construction cost, at the time of developer payment, of the  
3570 improvement necessary to maintain or achieve the adopted level  
3571 of service. In using the proportionate-share formula provided in  
3572 this paragraph, the applicant, in its traffic analysis, shall  
3573 establish those roads or facilities that have a transportation  
3574 deficiency in accordance with the transportation deficiency  
3575 definition provided in paragraph (b). The proportionate share  
3576 formula provided in this paragraph shall be applied only to  
3577 those transportation facilities that are determined to be  
3578 significantly and adversely impacted by the project traffic  
3579 under review. If any road is determined to be transportation  
3580 deficient without the project traffic under review, the costs of  
3581 that said deficiency shall be removed from the project's  
3582 proportionate share calculation. The identified improvement to  
3583 correct the said transportation deficiency is the funding  
3584 responsibility of the entity that has maintenance responsibility  
3585 for the facility. If additional improvements, beyond those  
3586 improvements necessary to correct the existing or projected  
3587 deficiency, would be needed for an identified deficient  
3588 facility, the necessary transportation improvements to correct  
3589 the said deficiency shall be considered to be in place for  
3590 purposes of the proportionate share calculation. The  
3591 development's proportionate share shall be calculated only for  
3592 the needed transportation improvements that are greater than the  
3593 identified deficiency. In projecting the number of trips to be  
3594 generated by the development under review, any trips assigned to  
3595 a toll-financed facility shall be eliminated from the analysis.

3596 ~~(a) The Legislature finds that under limited circumstances,~~

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3597 ~~countervailing planning and public policy goals may come into~~  
3598 ~~conflict with the requirement that adequate public~~  
3599 ~~transportation facilities and services be available concurrent~~  
3600 ~~with the impacts of such development. The Legislature further~~  
3601 ~~finds that the unintended result of the concurrency requirement~~  
3602 ~~for transportation facilities is often the discouragement of~~  
3603 ~~urban infill development and redevelopment. Such unintended~~  
3604 ~~results directly conflict with the goals and policies of the~~  
3605 ~~state comprehensive plan and the intent of this part. The~~  
3606 ~~Legislature also finds that in urban centers transportation~~  
3607 ~~cannot be effectively managed and mobility cannot be improved~~  
3608 ~~solely through the expansion of roadway capacity, that the~~  
3609 ~~expansion of roadway capacity is not always physically or~~  
3610 ~~financially possible, and that a range of transportation~~  
3611 ~~alternatives is essential to satisfy mobility needs, reduce~~  
3612 ~~congestion, and achieve healthy, vibrant centers.~~

3613 ~~(b)1. The following are transportation concurrency~~  
3614 ~~exception areas:~~

3615 ~~a. A municipality that qualifies as a dense urban land area~~  
3616 ~~under s. 163.3164;~~

3617 ~~b. An urban service area under s. 163.3164 that has been~~  
3618 ~~adopted into the local comprehensive plan and is located within~~  
3619 ~~a county that qualifies as a dense urban land area under s.~~  
3620 ~~163.3164; and~~

3621 ~~e. A county, including the municipalities located therein,~~  
3622 ~~which has a population of at least 900,000 and qualifies as a~~  
3623 ~~dense urban land area under s. 163.3164, but does not have an~~  
3624 ~~urban service area designated in the local comprehensive plan.~~

3625 ~~2. A municipality that does not qualify as a dense urban~~

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3626 ~~land area pursuant to s. 163.3164 may designate in its local~~  
3627 ~~comprehensive plan the following areas as transportation~~  
3628 ~~concurrency exception areas:~~  
3629 ~~a. Urban infill as defined in s. 163.3164;~~  
3630 ~~b. Community redevelopment areas as defined in s. 163.340;~~  
3631 ~~c. Downtown revitalization areas as defined in s. 163.3164;~~  
3632 ~~d. Urban infill and redevelopment under s. 163.2517; or~~  
3633 ~~e. Urban service areas as defined in s. 163.3164 or areas~~  
3634 ~~within a designated urban service boundary under s.~~  
3635 ~~163.3177(14).~~

3636 ~~3. A county that does not qualify as a dense urban land~~  
3637 ~~area pursuant to s. 163.3164 may designate in its local~~  
3638 ~~comprehensive plan the following areas as transportation~~  
3639 ~~concurrency exception areas:~~

3640 ~~a. Urban infill as defined in s. 163.3164;~~  
3641 ~~b. Urban infill and redevelopment under s. 163.2517; or~~  
3642 ~~c. Urban service areas as defined in s. 163.3164.~~

3643 ~~4. A local government that has a transportation concurrency~~  
3644 ~~exception area designated pursuant to subparagraph 1.,~~  
3645 ~~subparagraph 2., or subparagraph 3. shall, within 2 years after~~  
3646 ~~the designated area becomes exempt, adopt into its local~~  
3647 ~~comprehensive plan land use and transportation strategies to~~  
3648 ~~support and fund mobility within the exception area, including~~  
3649 ~~alternative modes of transportation. Local governments are~~  
3650 ~~encouraged to adopt complementary land use and transportation~~  
3651 ~~strategies that reflect the region's shared vision for its~~  
3652 ~~future. If the state land planning agency finds insufficient~~  
3653 ~~cause for the failure to adopt into its comprehensive plan land~~  
3654 ~~use and transportation strategies to support and fund mobility~~

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3655 ~~within the designated exception area after 2 years, it shall~~  
3656 ~~submit the finding to the Administration Commission, which may~~  
3657 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~  
3658 ~~(b) against the local government.~~

3659 ~~5. Transportation concurrency exception areas designated~~  
3660 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~  
3661 ~~do not apply to designated transportation concurrency districts~~  
3662 ~~located within a county that has a population of at least 1.5~~  
3663 ~~million, has implemented and uses a transportation-related~~  
3664 ~~concurrency assessment to support alternative modes of~~  
3665 ~~transportation, including, but not limited to, mass transit, and~~  
3666 ~~does not levy transportation impact fees within the concurrency~~  
3667 ~~district.~~

3668 ~~6. Transportation concurrency exception areas designated~~  
3669 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~  
3670 ~~not apply in any county that has exempted more than 40 percent~~  
3671 ~~of the area inside the urban service area from transportation~~  
3672 ~~concurrency for the purpose of urban infill.~~

3673 ~~7. A local government that does not have a transportation~~  
3674 ~~concurrency exception area designated pursuant to subparagraph~~  
3675 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~  
3676 ~~from the concurrency requirement for transportation facilities~~  
3677 ~~if the proposed development is otherwise consistent with the~~  
3678 ~~adopted local government comprehensive plan and is a project~~  
3679 ~~that promotes public transportation or is located within an area~~  
3680 ~~designated in the comprehensive plan for:~~

- 3681 ~~a. Urban infill development;~~
- 3682 ~~b. Urban redevelopment;~~
- 3683 ~~c. Downtown revitalization;~~

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3684 ~~d. Urban infill and redevelopment under s. 163.2517; or~~  
3685 ~~e. An urban service area specifically designated as a~~  
3686 ~~transportation concurrency exception area which includes lands~~  
3687 ~~appropriate for compact, contiguous urban development, which~~  
3688 ~~does not exceed the amount of land needed to accommodate the~~  
3689 ~~projected population growth at densities consistent with the~~  
3690 ~~adopted comprehensive plan within the 10-year planning period,~~  
3691 ~~and which is served or is planned to be served with public~~  
3692 ~~facilities and services as provided by the capital improvements~~  
3693 ~~element.~~

3694 ~~(c) The Legislature also finds that developments located~~  
3695 ~~within urban infill, urban redevelopment, urban service, or~~  
3696 ~~downtown revitalization areas or areas designated as urban~~  
3697 ~~infill and redevelopment areas under s. 163.2517, which pose~~  
3698 ~~only special part-time demands on the transportation system, are~~  
3699 ~~exempt from the concurrency requirement for transportation~~  
3700 ~~facilities. A special part-time demand is one that does not have~~  
3701 ~~more than 200 scheduled events during any calendar year and does~~  
3702 ~~not affect the 100 highest traffic volume hours.~~

3703 ~~(d) Except for transportation concurrency exception areas~~  
3704 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~  
3705 ~~or subparagraph (b)3., the following requirements apply:~~

3706 ~~1. The local government shall both adopt into the~~  
3707 ~~comprehensive plan and implement long-term strategies to support~~  
3708 ~~and fund mobility within the designated exception area,~~  
3709 ~~including alternative modes of transportation. The plan~~  
3710 ~~amendment must also demonstrate how strategies will support the~~  
3711 ~~purpose of the exception and how mobility within the designated~~  
3712 ~~exception area will be provided.~~

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3713           ~~2. The strategies must address urban design; appropriate~~  
3714 ~~land use mixes, including intensity and density; and network~~  
3715 ~~connectivity plans needed to promote urban infill,~~  
3716 ~~redevelopment, or downtown revitalization. The comprehensive~~  
3717 ~~plan amendment designating the concurrency exception area must~~  
3718 ~~be accompanied by data and analysis supporting the local~~  
3719 ~~government's determination of the boundaries of the~~  
3720 ~~transportation concurrency exception area.~~

3721           ~~(e) Before designating a concurrency exception area~~  
3722 ~~pursuant to subparagraph (b)7., the state land planning agency~~  
3723 ~~and the Department of Transportation shall be consulted by the~~  
3724 ~~local government to assess the impact that the proposed~~  
3725 ~~exception area is expected to have on the adopted level of~~  
3726 ~~service standards established for regional transportation~~  
3727 ~~facilities identified pursuant to s. 186.507, including the~~  
3728 ~~Strategic Intermodal System and roadway facilities funded in~~  
3729 ~~accordance with s. 339.2819. Further, the local government shall~~  
3730 ~~provide a plan for the mitigation of impacts to the Strategic~~  
3731 ~~Intermodal System, including, if appropriate, access management,~~  
3732 ~~parallel reliever roads, transportation demand management, and~~  
3733 ~~other measures.~~

3734           ~~(f) The designation of a transportation concurrency~~  
3735 ~~exception area does not limit a local government's home rule~~  
3736 ~~power to adopt ordinances or impose fees. This subsection does~~  
3737 ~~not affect any contract or agreement entered into or development~~  
3738 ~~order rendered before the creation of the transportation~~  
3739 ~~concurrency exception area except as provided in s.~~  
3740 ~~380.06(29)(c).~~

3741           ~~(g) The Office of Program Policy Analysis and Government~~

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3742 ~~Accountability shall submit to the President of the Senate and~~  
3743 ~~the Speaker of the House of Representatives by February 1, 2015,~~  
3744 ~~a report on transportation concurrency exception areas created~~  
3745 ~~pursuant to this subsection. At a minimum, the report shall~~  
3746 ~~address the methods that local governments have used to~~  
3747 ~~implement and fund transportation strategies to achieve the~~  
3748 ~~purposes of designated transportation concurrency exception~~  
3749 ~~areas, and the effects of the strategies on mobility,~~  
3750 ~~congestion, urban design, the density and intensity of land use~~  
3751 ~~mixes, and network connectivity plans used to promote urban~~  
3752 ~~infill, redevelopment, or downtown revitalization.~~

3753 ~~(6) The Legislature finds that a de minimis impact is~~  
3754 ~~consistent with this part. A de minimis impact is an impact that~~  
3755 ~~would not affect more than 1 percent of the maximum volume at~~  
3756 ~~the adopted level of service of the affected transportation~~  
3757 ~~facility as determined by the local government. No impact will~~  
3758 ~~be de minimis if the sum of existing roadway volumes and the~~  
3759 ~~projected volumes from approved projects on a transportation~~  
3760 ~~facility would exceed 110 percent of the maximum volume at the~~  
3761 ~~adopted level of service of the affected transportation~~  
3762 ~~facility; provided however, that an impact of a single family~~  
3763 ~~home on an existing lot will constitute a de minimis impact on~~  
3764 ~~all roadways regardless of the level of the deficiency of the~~  
3765 ~~roadway. Further, no impact will be de minimis if it would~~  
3766 ~~exceed the adopted level of service standard of any affected~~  
3767 ~~designated hurricane evacuation routes. Each local government~~  
3768 ~~shall maintain sufficient records to ensure that the 110-percent~~  
3769 ~~criterion is not exceeded. Each local government shall submit~~  
3770 ~~annually, with its updated capital improvements element, a~~

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3771 ~~summary of the de minimis records. If the state land planning~~  
3772 ~~agency determines that the 110 percent criterion has been~~  
3773 ~~exceeded, the state land planning agency shall notify the local~~  
3774 ~~government of the exceedance and that no further de minimis~~  
3775 ~~exceptions for the applicable roadway may be granted until such~~  
3776 ~~time as the volume is reduced below the 110 percent. The local~~  
3777 ~~government shall provide proof of this reduction to the state~~  
3778 ~~land planning agency before issuing further de minimis~~  
3779 ~~exceptions.~~

3780 ~~(7) In order to promote infill development and~~  
3781 ~~redevelopment, one or more transportation concurrency management~~  
3782 ~~areas may be designated in a local government comprehensive~~  
3783 ~~plan. A transportation concurrency management area must be a~~  
3784 ~~compact geographic area with an existing network of roads where~~  
3785 ~~multiple, viable alternative travel paths or modes are available~~  
3786 ~~for common trips. A local government may establish an areawide~~  
3787 ~~level-of-service standard for such a transportation concurrency~~  
3788 ~~management area based upon an analysis that provides for a~~  
3789 ~~justification for the areawide level of service, how urban~~  
3790 ~~infill development or redevelopment will be promoted, and how~~  
3791 ~~mobility will be accomplished within the transportation~~  
3792 ~~concurrency management area. Prior to the designation of a~~  
3793 ~~concurrency management area, the Department of Transportation~~  
3794 ~~shall be consulted by the local government to assess the impact~~  
3795 ~~that the proposed concurrency management area is expected to~~  
3796 ~~have on the adopted level of service standards established for~~  
3797 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~  
3798 ~~and roadway facilities funded in accordance with s. 339.2819.~~  
3799 ~~Further, the local government shall, in cooperation with the~~

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3800 ~~Department of Transportation, develop a plan to mitigate any~~  
3801 ~~impacts to the Strategic Intermodal System, including, if~~  
3802 ~~appropriate, the development of a long-term concurrency~~  
3803 ~~management system pursuant to subsection (9) and s.~~  
3804 ~~163.3177(3) (d). Transportation concurrency management areas~~  
3805 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
3806 ~~provisions of this section by July 1, 2006, or at the time of~~  
3807 ~~the comprehensive plan update pursuant to the evaluation and~~  
3808 ~~appraisal report, whichever occurs last. The state land planning~~  
3809 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~  
3810 ~~be consistent with this subsection.~~

3811 ~~(8) When assessing the transportation impacts of proposed~~  
3812 ~~urban redevelopment within an established existing urban service~~  
3813 ~~area, 110 percent of the actual transportation impact caused by~~  
3814 ~~the previously existing development must be reserved for the~~  
3815 ~~redevelopment, even if the previously existing development has a~~  
3816 ~~lesser or nonexistent impact pursuant to the calculations of the~~  
3817 ~~local government. Redevelopment requiring less than 110 percent~~  
3818 ~~of the previously existing capacity shall not be prohibited due~~  
3819 ~~to the reduction of transportation levels of service below the~~  
3820 ~~adopted standards. This does not preclude the appropriate~~  
3821 ~~assessment of fees or accounting for the impacts within the~~  
3822 ~~concurrency management system and capital improvements program~~  
3823 ~~of the affected local government. This paragraph does not affect~~  
3824 ~~local government requirements for appropriate development~~  
3825 ~~permits.~~

3826 ~~(9) (a) Each local government may adopt as a part of its~~  
3827 ~~plan, long-term transportation and school concurrency management~~  
3828 ~~systems with a planning period of up to 10 years for specially~~

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3829 ~~designated districts or areas where significant backlogs exist.~~  
3830 ~~The plan may include interim level of service standards on~~  
3831 ~~certain facilities and shall rely on the local government's~~  
3832 ~~schedule of capital improvements for up to 10 years as a basis~~  
3833 ~~for issuing development orders that authorize commencement of~~  
3834 ~~construction in these designated districts or areas. The~~  
3835 ~~concurrency management system must be designed to correct~~  
3836 ~~existing deficiencies and set priorities for addressing~~  
3837 ~~backlogged facilities. The concurrency management system must be~~  
3838 ~~financially feasible and consistent with other portions of the~~  
3839 ~~adopted local plan, including the future land use map.~~

3840 ~~(b) If a local government has a transportation or school~~  
3841 ~~facility backlog for existing development which cannot be~~  
3842 ~~adequately addressed in a 10-year plan, the state land planning~~  
3843 ~~agency may allow it to develop a plan and long-term schedule of~~  
3844 ~~capital improvements covering up to 15 years for good and~~  
3845 ~~sufficient cause, based on a general comparison between that~~  
3846 ~~local government and all other similarly situated local~~  
3847 ~~jurisdictions, using the following factors:~~

- 3848 ~~1. The extent of the backlog.~~
- 3849 ~~2. For roads, whether the backlog is on local or state~~  
3850 ~~roads.~~
- 3851 ~~3. The cost of eliminating the backlog.~~
- 3852 ~~4. The local government's tax and other revenue-raising~~  
3853 ~~efforts.~~

3854 ~~(c) The local government may issue approvals to commence~~  
3855 ~~construction notwithstanding this section, consistent with and~~  
3856 ~~in areas that are subject to a long-term concurrency management~~  
3857 ~~system.~~

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3858           ~~(d) If the local government adopts a long-term concurrency~~  
3859 ~~management system, it must evaluate the system periodically. At~~  
3860 ~~a minimum, the local government must assess its progress toward~~  
3861 ~~improving levels of service within the long-term concurrency~~  
3862 ~~management district or area in the evaluation and appraisal~~  
3863 ~~report and determine any changes that are necessary to~~  
3864 ~~accelerate progress in meeting acceptable levels of service.~~

3865           ~~(10) Except in transportation concurrency exception areas,~~  
3866 ~~with regard to roadway facilities on the Strategic Intermodal~~  
3867 ~~System designated in accordance with s. 339.63, local~~  
3868 ~~governments shall adopt the level of service standard~~  
3869 ~~established by the Department of Transportation by rule.~~  
3870 ~~However, if the Office of Tourism, Trade, and Economic~~  
3871 ~~Development concurs in writing with the local government that~~  
3872 ~~the proposed development is for a qualified job creation project~~  
3873 ~~under s. 288.0656 or s. 403.973, the affected local government,~~  
3874 ~~after consulting with the Department of Transportation, may~~  
3875 ~~provide for a waiver of transportation concurrency for the~~  
3876 ~~project. For all other roads on the State Highway System, local~~  
3877 ~~governments shall establish an adequate level of service~~  
3878 ~~standard that need not be consistent with any level of service~~  
3879 ~~standard established by the Department of Transportation. In~~  
3880 ~~establishing adequate level of service standards for any~~  
3881 ~~arterial roads, or collector roads as appropriate, which~~  
3882 ~~traverse multiple jurisdictions, local governments shall~~  
3883 ~~consider compatibility with the roadway facility's adopted~~  
3884 ~~level of service standards in adjacent jurisdictions. Each local~~  
3885 ~~government within a county shall use a professionally accepted~~  
3886 ~~methodology for measuring impacts on transportation facilities~~

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3887 ~~for the purposes of implementing its concurrency management~~  
3888 ~~system. Counties are encouraged to coordinate with adjacent~~  
3889 ~~counties, and local governments within a county are encouraged~~  
3890 ~~to coordinate, for the purpose of using common methodologies for~~  
3891 ~~measuring impacts on transportation facilities for the purpose~~  
3892 ~~of implementing their concurrency management systems.~~

3893 ~~(11) In order to limit the liability of local governments,~~  
3894 ~~a local government may allow a landowner to proceed with~~  
3895 ~~development of a specific parcel of land notwithstanding a~~  
3896 ~~failure of the development to satisfy transportation~~  
3897 ~~concurrency, when all the following factors are shown to exist:~~

3898 ~~(a) The local government with jurisdiction over the~~  
3899 ~~property has adopted a local comprehensive plan that is in~~  
3900 ~~compliance.~~

3901 ~~(b) The proposed development would be consistent with the~~  
3902 ~~future land use designation for the specific property and with~~  
3903 ~~pertinent portions of the adopted local plan, as determined by~~  
3904 ~~the local government.~~

3905 ~~(c) The local plan includes a financially feasible capital~~  
3906 ~~improvements element that provides for transportation facilities~~  
3907 ~~adequate to serve the proposed development, and the local~~  
3908 ~~government has not implemented that element.~~

3909 ~~(d) The local government has provided a means by which the~~  
3910 ~~landowner will be assessed a fair share of the cost of providing~~  
3911 ~~the transportation facilities necessary to serve the proposed~~  
3912 ~~development.~~

3913 ~~(e) The landowner has made a binding commitment to the~~  
3914 ~~local government to pay the fair share of the cost of providing~~  
3915 ~~the transportation facilities to serve the proposed development.~~

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3916           ~~(12) (a) A development of regional impact may satisfy the~~  
3917 ~~transportation concurrency requirements of the local~~  
3918 ~~comprehensive plan, the local government's concurrency~~  
3919 ~~management system, and s. 380.06 by payment of a proportionate-~~  
3920 ~~share contribution for local and regionally significant traffic~~  
3921 ~~impacts, if:~~

3922           ~~1. The development of regional impact which, based on its~~  
3923 ~~location or mix of land uses, is designed to encourage~~  
3924 ~~pedestrian or other nonautomotive modes of transportation;~~

3925           ~~2. The proportionate share contribution for local and~~  
3926 ~~regionally significant traffic impacts is sufficient to pay for~~  
3927 ~~one or more required mobility improvements that will benefit a~~  
3928 ~~regionally significant transportation facility;~~

3929           ~~3. The owner and developer of the development of regional~~  
3930 ~~impact pays or assures payment of the proportionate share~~  
3931 ~~contribution; and~~

3932           ~~4. If the regionally significant transportation facility to~~  
3933 ~~be constructed or improved is under the maintenance authority of~~  
3934 ~~a governmental entity, as defined by s. 334.03(12), other than~~  
3935 ~~the local government with jurisdiction over the development of~~  
3936 ~~regional impact, the developer is required to enter into a~~  
3937 ~~binding and legally enforceable commitment to transfer funds to~~  
3938 ~~the governmental entity having maintenance authority or to~~  
3939 ~~otherwise assure construction or improvement of the facility.~~

3940  
3941 ~~The proportionate share contribution may be applied to any~~  
3942 ~~transportation facility to satisfy the provisions of this~~  
3943 ~~subsection and the local comprehensive plan, but, for the~~  
3944 ~~purposes of this subsection, the amount of the proportionate-~~

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3945 ~~share contribution shall be calculated based upon the cumulative~~  
3946 ~~number of trips from the proposed development expected to reach~~  
3947 ~~roadways during the peak hour from the complete buildout of a~~  
3948 ~~stage or phase being approved, divided by the change in the peak~~  
3949 ~~hour maximum service volume of roadways resulting from~~  
3950 ~~construction of an improvement necessary to maintain the adopted~~  
3951 ~~level of service, multiplied by the construction cost, at the~~  
3952 ~~time of developer payment, of the improvement necessary to~~  
3953 ~~maintain the adopted level of service. For purposes of this~~  
3954 ~~subsection, "construction cost" includes all associated costs of~~  
3955 ~~the improvement. Proportionate share mitigation shall be limited~~  
3956 ~~to ensure that a development of regional impact meeting the~~  
3957 ~~requirements of this subsection mitigates its impact on the~~  
3958 ~~transportation system but is not responsible for the additional~~  
3959 ~~cost of reducing or eliminating backlogs. This subsection also~~  
3960 ~~applies to Florida Quality Developments pursuant to s. 380.061~~  
3961 ~~and to detailed specific area plans implementing optional sector~~  
3962 ~~plans pursuant to s. 163.3245.~~

3963 ~~(b) As used in this subsection, the term "backlog" means a~~  
3964 ~~facility or facilities on which the adopted level of service~~  
3965 ~~standard is exceeded by the existing trips, plus additional~~  
3966 ~~projected background trips from any source other than the~~  
3967 ~~development project under review that are forecast by~~  
3968 ~~established traffic standards, including traffic modeling,~~  
3969 ~~consistent with the University of Florida Bureau of Economic and~~  
3970 ~~Business Research medium population projections. Additional~~  
3971 ~~projected background trips are to be coincident with the~~  
3972 ~~particular stage or phase of development under review.~~

3973 ~~(13) School concurrency shall be established on a~~

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3974 ~~districtwide basis and shall include all public schools in the~~  
3975 ~~district and all portions of the district, whether located in a~~  
3976 ~~municipality or an unincorporated area unless exempt from the~~  
3977 ~~public school facilities element pursuant to s. 163.3177(12).~~

3978 (6) (a) If concurrency is applied to public education  
3979 facilities, The application of school concurrency to development  
3980 shall be based upon the adopted comprehensive plan, as amended.  
3981 all local governments within a county, except as provided in  
3982 paragraph (i) ~~(f)~~, shall include principles, guidelines,  
3983 standards, and strategies, including adopted levels of service,  
3984 in their comprehensive plans and adopt and transmit to the state  
3985 land planning agency the necessary plan amendments, along with  
3986 the interlocal agreements. If the county and one or more  
3987 municipalities have adopted school concurrency into its  
3988 comprehensive plan and interlocal agreement that represents at  
3989 least 80 percent of the total countywide population, the failure  
3990 of one or more municipalities to adopt the concurrency and enter  
3991 into the interlocal agreement does not preclude implementation  
3992 of school concurrency within the school district agreement, for  
3993 a compliance review pursuant to s. 163.3184(7) and (8). The  
3994 minimum requirements for school concurrency are the following:

3995 (a) ~~Public school facilities element.~~ A local government  
3996 shall adopt and transmit to the state land planning agency a  
3997 plan or plan amendment which includes a public school facilities  
3998 element which is consistent with the requirements of s.  
3999 163.3177(12) and which is determined to be in compliance as  
4000 defined in s. 163.3184(1) (b). All local government provisions  
4001 included in comprehensive plans regarding school concurrency  
4002 public school facilities plan elements within a county must be

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4003 consistent with each other as well as the requirements of this  
4004 part.

4005 ~~(b) Level of service standards. The Legislature recognizes~~  
4006 ~~that an essential requirement for a concurrency management~~  
4007 ~~system is the level of service at which a public facility is~~  
4008 ~~expected to operate.~~

4009 ~~1.~~ Local governments and school boards imposing school  
4010 concurrency shall exercise authority in conjunction with each  
4011 other to establish jointly adequate level-of-service standards,  
4012 ~~as defined in chapter 9J-5, Florida Administrative Code,~~  
4013 necessary to implement the adopted local government  
4014 comprehensive plan, based on data and analysis.

4015 ~~(c) 2.~~ Public school level-of-service standards shall be  
4016 included and adopted into the capital improvements element of  
4017 the local comprehensive plan and shall apply districtwide to all  
4018 schools of the same type. Types of schools may include  
4019 elementary, middle, and high schools as well as special purpose  
4020 facilities such as magnet schools.

4021 ~~(d) 3.~~ Local governments and school boards may ~~shall have~~  
4022 ~~the option to~~ utilize tiered level-of-service standards to allow  
4023 time to achieve an adequate and desirable level of service as  
4024 circumstances warrant.

4025 ~~(e) 4.~~ ~~For the purpose of determining whether levels of~~  
4026 ~~service have been achieved, for the first 3 years of school~~  
4027 ~~concurrency implementation,~~ A school district that includes  
4028 relocatable facilities in its inventory of student stations  
4029 shall include the capacity of such relocatable facilities as  
4030 provided in s. 1013.35(2)(b)2.f., provided the relocatable  
4031 facilities were purchased after 1998 and the relocatable

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4032 facilities meet the standards for long-term use pursuant to s.  
4033 1013.20.

4034 ~~(c) Service areas. The Legislature recognizes that an~~  
4035 ~~essential requirement for a concurrency system is a designation~~  
4036 ~~of the area within which the level of service will be measured~~  
4037 ~~when an application for a residential development permit is~~  
4038 ~~reviewed for school concurrency purposes. This delineation is~~  
4039 ~~also important for purposes of determining whether the local~~  
4040 ~~government has a financially feasible public school capital~~  
4041 ~~facilities program that will provide schools which will achieve~~  
4042 ~~and maintain the adopted level of service standards.~~

4043 (f)1. In order to balance competing interests, preserve the  
4044 constitutional concept of uniformity, and avoid disruption of  
4045 existing educational and growth management processes, local  
4046 governments are encouraged, if they elect to adopt school  
4047 concurrency, to ~~initially~~ apply school concurrency to  
4048 development ~~only~~ on a districtwide basis so that a concurrency  
4049 determination for a specific development will be based upon the  
4050 availability of school capacity districtwide. ~~To ensure that~~  
4051 ~~development is coordinated with schools having available~~  
4052 ~~capacity, within 5 years after adoption of school concurrency,~~

4053 2. If a local government elects to ~~governments shall~~ apply  
4054 school concurrency on a less than districtwide basis, by such as  
4055 using school attendance zones or concurrency service areas; ~~as~~  
4056 ~~provided in subparagraph 2.~~

4057 a.2. ~~For local governments applying school concurrency on a~~  
4058 ~~less than districtwide basis, such as utilizing school~~  
4059 ~~attendance zones or larger school concurrency service areas,~~  
4060 Local governments and school boards shall have the burden to

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4061 demonstrate that the utilization of school capacity is maximized  
4062 to the greatest extent possible in the comprehensive plan and  
4063 amendment, taking into account transportation costs and court-  
4064 approved desegregation plans, as well as other factors. In  
4065 addition, in order to achieve concurrency within the service  
4066 area boundaries selected by local governments and school boards,  
4067 the service area boundaries, together with the standards for  
4068 establishing those boundaries, shall be identified and included  
4069 as supporting data and analysis for the comprehensive plan.

4070 b.3. Where school capacity is available on a districtwide  
4071 basis but school concurrency is applied on a less than  
4072 districtwide basis in the form of concurrency service areas, if  
4073 the adopted level-of-service standard cannot be met in a  
4074 particular service area as applied to an application for a  
4075 development permit and if the needed capacity for the particular  
4076 service area is available in one or more contiguous service  
4077 areas, as adopted by the local government, then the local  
4078 government may not deny an application for site plan or final  
4079 subdivision approval or the functional equivalent for a  
4080 development or phase of a development on the basis of school  
4081 concurrency, and if issued, development impacts shall be  
4082 subtracted from the shifted to contiguous service area's areas  
4083 with schools having available capacity totals. Students from the  
4084 development may not be required to go to the adjacent service  
4085 area unless the school board rezones the area in which the  
4086 development occurs.

4087 (g) (d) Financial feasibility. ~~The Legislature recognizes~~  
4088 ~~that financial feasibility is an important issue because~~ The  
4089 premise of concurrency is that the public facilities will be

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4090 provided in order to achieve and maintain the adopted level-of-  
4091 service standard. ~~This part and chapter 9J-5, Florida~~  
4092 ~~Administrative Code, contain specific standards to determine the~~  
4093 ~~financial feasibility of capital programs. These standards were~~  
4094 ~~adopted to make concurrency more predictable and local~~  
4095 ~~governments more accountable.~~

4096 1. A comprehensive plan that imposes ~~amendment seeking to~~  
4097 ~~impose~~ school concurrency shall contain appropriate amendments  
4098 to the capital improvements element of the comprehensive plan,  
4099 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~  
4100 ~~5.016, Florida Administrative Code.~~ The capital improvements  
4101 element shall identify facilities necessary to meet adopted  
4102 levels of service during a 5-year period consistent with the  
4103 school board's educational ~~set forth a financially feasible~~  
4104 ~~public school capital facilities plan program, established in~~  
4105 ~~conjunction with the school board, that demonstrates that the~~  
4106 ~~adopted level-of-service standards will be achieved and~~  
4107 ~~maintained.~~

4108 (h)1. In order to limit the liability of local governments,  
4109 a local government may allow a landowner to proceed with  
4110 development of a specific parcel of land notwithstanding a  
4111 failure of the development to satisfy school concurrency, if all  
4112 the following factors are shown to exist:

4113 a. The proposed development would be consistent with the  
4114 future land use designation for the specific property and with  
4115 pertinent portions of the adopted local plan, as determined by  
4116 the local government.

4117 b. The local government's capital improvements element and  
4118 the school board's educational facilities plan provide for

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4119 school facilities adequate to serve the proposed development,  
4120 and the local government or school board has not implemented  
4121 that element, or the project includes a plan that demonstrates  
4122 that the capital facilities needed as a result of the project  
4123 can be reasonably provided.

4124 c. The local government and school board have provided a  
4125 means by which the landowner will be assessed a proportionate  
4126 share of the cost of providing the school facilities necessary  
4127 to serve the proposed development.

4128 ~~2. Such amendments shall demonstrate that the public school~~  
4129 ~~capital facilities program meets all of the financial~~  
4130 ~~feasibility standards of this part and chapter 9J-5, Florida~~  
4131 ~~Administrative Code, that apply to capital programs which~~  
4132 ~~provide the basis for mandatory concurrency on other public~~  
4133 ~~facilities and services.~~

4134 ~~3. When the financial feasibility of a public school~~  
4135 ~~capital facilities program is evaluated by the state land~~  
4136 ~~planning agency for purposes of a compliance determination, the~~  
4137 ~~evaluation shall be based upon the service areas selected by the~~  
4138 ~~local governments and school board.~~

4139 ~~2.(e) Availability standard. If~~ Consistent with the public  
4140 ~~welfare,~~ a local government applies school concurrency, it may  
4141 not deny an application for site plan, final subdivision  
4142 approval, or the functional equivalent for a development or  
4143 phase of a development authorizing residential development for  
4144 failure to achieve and maintain the level-of-service standard  
4145 for public school capacity in a local school concurrency  
4146 management system where adequate school facilities will be in  
4147 place or under actual construction within 3 years after the

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4148 issuance of final subdivision or site plan approval, or the  
4149 functional equivalent. School concurrency is satisfied if the  
4150 developer executes a legally binding commitment to provide  
4151 mitigation proportionate to the demand for public school  
4152 facilities to be created by actual development of the property,  
4153 including, but not limited to, the options described in sub-  
4154 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share  
4155 mitigation of impacts on public school facilities must be  
4156 established in the comprehensive plan ~~public school facilities~~  
4157 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.

4158 a.1. ~~a.1.~~ Appropriate mitigation options include the  
4159 contribution of land; the construction, expansion, or payment  
4160 for land acquisition or construction of a public school  
4161 facility; the construction of a charter school that complies  
4162 with the requirements of s. 1002.33(18); or the creation of  
4163 mitigation banking based on the construction of a public school  
4164 facility in exchange for the right to sell capacity credits.  
4165 Such options must include execution by the applicant and the  
4166 local government of a development agreement that constitutes a  
4167 legally binding commitment to pay proportionate-share mitigation  
4168 for the additional residential units approved by the local  
4169 government in a development order and actually developed on the  
4170 property, taking into account residential density allowed on the  
4171 property prior to the plan amendment that increased the overall  
4172 residential density. The district school board must be a party  
4173 to such an agreement. As a condition of its entry into such a  
4174 development agreement, the local government may require the  
4175 landowner to agree to continuing renewal of the agreement upon  
4176 its expiration.

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4177        ~~b.2.~~ If the interlocal agreement ~~education facilities plan~~  
4178 and the local government comprehensive plan ~~public educational~~  
4179 ~~facilities element~~ authorize a contribution of land; the  
4180 construction, expansion, or payment for land acquisition; the  
4181 construction or expansion of a public school facility, or a  
4182 portion thereof; or the construction of a charter school that  
4183 complies with the requirements of s. 1002.33(18), as  
4184 proportionate-share mitigation, the local government shall  
4185 credit such a contribution, construction, expansion, or payment  
4186 toward any other impact fee or exaction imposed by local  
4187 ordinance for the same need, on a dollar-for-dollar basis at  
4188 fair market value.

4189        ~~c.3.~~ Any proportionate-share mitigation must be directed by  
4190 the school board toward a school capacity improvement identified  
4191 in the a financially feasible 5-year school board's educational  
4192 facilities district work plan that satisfies the demands created  
4193 by the development in accordance with a binding developer's  
4194 agreement.

4195        ~~4. If a development is precluded from commencing because~~  
4196 ~~there is inadequate classroom capacity to mitigate the impacts~~  
4197 ~~of the development, the development may nevertheless commence if~~  
4198 ~~there are accelerated facilities in an approved capital~~  
4199 ~~improvement element scheduled for construction in year four or~~  
4200 ~~later of such plan which, when built, will mitigate the proposed~~  
4201 ~~development, or if such accelerated facilities will be in the~~  
4202 ~~next annual update of the capital facilities element, the~~  
4203 ~~developer enters into a binding, financially guaranteed~~  
4204 ~~agreement with the school district to construct an accelerated~~  
4205 ~~facility within the first 3 years of an approved capital~~

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4206 ~~improvement plan, and the cost of the school facility is equal~~  
4207 ~~to or greater than the development's proportionate share. When~~  
4208 ~~the completed school facility is conveyed to the school~~  
4209 ~~district, the developer shall receive impact fee credits usable~~  
4210 ~~within the zone where the facility is constructed or any~~  
4211 ~~attendance zone contiguous with or adjacent to the zone where~~  
4212 ~~the facility is constructed.~~

4213 3.5. This paragraph does not limit the authority of a local  
4214 government to deny a development permit or its functional  
4215 equivalent pursuant to its home rule regulatory powers, except  
4216 as provided in this part.

4217 ~~(i) (f) Intergovernmental coordination.~~

4218 ~~1. When establishing concurrency requirements for public~~  
4219 ~~schools, a local government shall satisfy the requirements for~~  
4220 ~~intergovernmental coordination set forth in s. 163.3177(6) (h)1.~~  
4221 ~~and 2., except that~~ A municipality is not required to be a  
4222 signatory to the interlocal agreement required by paragraph (j)  
4223 ~~ss. 163.3177(6) (h)2. and 163.3177(6),~~ as a prerequisite for  
4224 imposition of school concurrency, and as a nonsignatory, shall  
4225 not participate in the adopted local school concurrency system,  
4226 if the municipality meets all of the following criteria for  
4227 having no significant impact on school attendance:

4228 ~~1.a.~~ The municipality has issued development orders for  
4229 fewer than 50 residential dwelling units during the preceding 5  
4230 years, or the municipality has generated fewer than 25  
4231 additional public school students during the preceding 5 years.

4232 ~~2.b.~~ The municipality has not annexed new land during the  
4233 preceding 5 years in land use categories which permit  
4234 residential uses that will affect school attendance rates.

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4235        3.e. The municipality has no public schools located within  
4236 its boundaries.

4237        4.d. At least 80 percent of the developable land within the  
4238 boundaries of the municipality has been built upon.

4239        ~~2. A municipality which qualifies as having no significant  
4240 impact on school attendance pursuant to the criteria of  
4241 subparagraph 1. must review and determine at the time of its  
4242 evaluation and appraisal report pursuant to s. 163.3191 whether  
4243 it continues to meet the criteria pursuant to s. 163.3177(6).  
4244 If the municipality determines that it no longer meets the  
4245 criteria, it must adopt appropriate school concurrency goals,  
4246 objectives, and policies in its plan amendments based on the  
4247 evaluation and appraisal report, and enter into the existing  
4248 interlocal agreement required by ss. 163.3177(6)(h)2. and  
4249 163.31777, in order to fully participate in the school  
4250 concurrency system. If such a municipality fails to do so, it  
4251 will be subject to the enforcement provisions of s. 163.3191.~~

4252        (j)(g) ~~Interlocal agreement for school concurrency.~~ When  
4253 establishing concurrency requirements for public schools, a  
4254 local government must enter into an interlocal agreement that  
4255 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and  
4256 163.31777 and the requirements of this subsection. The  
4257 interlocal agreement shall acknowledge both the school board's  
4258 constitutional and statutory obligations to provide a uniform  
4259 system of free public schools on a countywide basis, and the  
4260 land use authority of local governments, including their  
4261 authority to approve or deny comprehensive plan amendments and  
4262 development orders. ~~The interlocal agreement shall be submitted  
4263 to the state land planning agency by the local government as a~~

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4264 ~~part of the compliance review, along with the other necessary~~  
4265 ~~amendments to the comprehensive plan required by this part. In~~  
4266 ~~addition to the requirements of ss. 163.3177(6) (h) and~~  
4267 ~~163.31777, The interlocal agreement shall meet the following~~  
4268 requirements:

4269       1. Establish the mechanisms for coordinating the  
4270 development, adoption, and amendment of each local government's  
4271 school-concurrency-related provisions of the comprehensive plan  
4272 ~~public school facilities element~~ with each other and the plans  
4273 of the school board to ensure a uniform districtwide school  
4274 concurrency system.

4275       ~~2. Establish a process for the development of siting~~  
4276 ~~criteria which encourages the location of public schools~~  
4277 ~~proximate to urban residential areas to the extent possible and~~  
4278 ~~seeks to collocate schools with other public facilities such as~~  
4279 ~~parks, libraries, and community centers to the extent possible.~~

4280       ~~2.3.~~ Specify uniform, districtwide level-of-service  
4281 standards for public schools of the same type and the process  
4282 for modifying the adopted level-of-service standards.

4283       ~~4. Establish a process for the preparation, amendment, and~~  
4284 ~~joint approval by each local government and the school board of~~  
4285 ~~a public school capital facilities program which is financially~~  
4286 ~~feasible, and a process and schedule for incorporation of the~~  
4287 ~~public school capital facilities program into the local~~  
4288 ~~government comprehensive plans on an annual basis.~~

4289       ~~3.5.~~ Define the geographic application of school  
4290 concurrency. If school concurrency is to be applied on a less  
4291 than districtwide basis in the form of concurrency service  
4292 areas, the agreement shall establish criteria and standards for

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4293 the establishment and modification of school concurrency service  
4294 areas. ~~The agreement shall also establish a process and schedule~~  
4295 ~~for the mandatory incorporation of the school concurrency~~  
4296 ~~service areas and the criteria and standards for establishment~~  
4297 ~~of the service areas into the local government comprehensive~~  
4298 ~~plans.~~ The agreement shall ensure maximum utilization of school  
4299 capacity, taking into account transportation costs and court-  
4300 approved desegregation plans, as well as other factors. ~~The~~  
4301 ~~agreement shall also ensure the achievement and maintenance of~~  
4302 ~~the adopted level of service standards for the geographic area~~  
4303 ~~of application throughout the 5 years covered by the public~~  
4304 ~~school capital facilities plan and thereafter by adding a new~~  
4305 ~~fifth year during the annual update.~~

4306 4.6. Establish a uniform districtwide procedure for  
4307 implementing school concurrency which provides for:

4308 a. The evaluation of development applications for  
4309 compliance with school concurrency requirements, including  
4310 information provided by the school board on affected schools,  
4311 impact on levels of service, and programmed improvements for  
4312 affected schools and any options to provide sufficient capacity;

4313 b. An opportunity for the school board to review and  
4314 comment on the effect of comprehensive plan amendments and  
4315 rezonings on the public school facilities plan; and

4316 c. The monitoring and evaluation of the school concurrency  
4317 system.

4318 ~~7. Include provisions relating to amendment of the~~  
4319 ~~agreement.~~

4320 5.8. A process and uniform methodology for determining  
4321 proportionate-share mitigation pursuant to paragraph (h)

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4322 subparagraph (e)1.

4323 (k) ~~(h)~~ ~~Local government authority.~~ This subsection does not  
4324 limit the authority of a local government to grant or deny a  
4325 development permit or its functional equivalent prior to the  
4326 implementation of school concurrency.

4327 ~~(14) The state land planning agency shall, by October 1,~~  
4328 ~~1998, adopt by rule minimum criteria for the review and~~  
4329 ~~determination of compliance of a public school facilities~~  
4330 ~~element adopted by a local government for purposes of imposition~~  
4331 ~~of school concurrency.~~

4332 ~~(15) (a) Multimodal transportation districts may be~~  
4333 ~~established under a local government comprehensive plan in areas~~  
4334 ~~delineated on the future land use map for which the local~~  
4335 ~~comprehensive plan assigns secondary priority to vehicle~~  
4336 ~~mobility and primary priority to assuring a safe, comfortable,~~  
4337 ~~and attractive pedestrian environment, with convenient~~  
4338 ~~interconnection to transit. Such districts must incorporate~~  
4339 ~~community design features that will reduce the number of~~  
4340 ~~automobile trips or vehicle miles of travel and will support an~~  
4341 ~~integrated, multimodal transportation system. Prior to the~~  
4342 ~~designation of multimodal transportation districts, the~~  
4343 ~~Department of Transportation shall be consulted by the local~~  
4344 ~~government to assess the impact that the proposed multimodal~~  
4345 ~~district area is expected to have on the adopted level of~~  
4346 ~~service standards established for Strategic Intermodal System~~  
4347 ~~facilities, as defined in s. 339.64, and roadway facilities~~  
4348 ~~funded in accordance with s. 339.2819. Further, the local~~  
4349 ~~government shall, in cooperation with the Department of~~  
4350 ~~Transportation, develop a plan to mitigate any impacts to the~~

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4351 ~~Strategic Intermodal System, including the development of a~~  
4352 ~~long-term concurrency management system pursuant to subsection~~  
4353 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~  
4354 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
4355 ~~provisions of this section by July 1, 2006, or at the time of~~  
4356 ~~the comprehensive plan update pursuant to the evaluation and~~  
4357 ~~appraisal report, whichever occurs last.~~

4358 ~~(b) Community design elements of such a district include: a~~  
4359 ~~complementary mix and range of land uses, including educational,~~  
4360 ~~recreational, and cultural uses; interconnected networks of~~  
4361 ~~streets designed to encourage walking and bicycling, with~~  
4362 ~~traffic-calming where desirable; appropriate densities and~~  
4363 ~~intensities of use within walking distance of transit stops;~~  
4364 ~~daily activities within walking distance of residences, allowing~~  
4365 ~~independence to persons who do not drive; public uses, streets,~~  
4366 ~~and squares that are safe, comfortable, and attractive for the~~  
4367 ~~pedestrian, with adjoining buildings open to the street and with~~  
4368 ~~parking not interfering with pedestrian, transit, automobile,~~  
4369 ~~and truck travel modes.~~

4370 ~~(c) Local governments may establish multimodal level-of-~~  
4371 ~~service standards that rely primarily on nonvehicular modes of~~  
4372 ~~transportation within the district, when justified by an~~  
4373 ~~analysis demonstrating that the existing and planned community~~  
4374 ~~design will provide an adequate level of mobility within the~~  
4375 ~~district based upon professionally accepted multimodal level-of-~~  
4376 ~~service methodologies. The analysis must also demonstrate that~~  
4377 ~~the capital improvements required to promote community design~~  
4378 ~~are financially feasible over the development or redevelopment~~  
4379 ~~timeframe for the district and that community design features~~

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4380 ~~within the district provide convenient interconnection for a~~  
4381 ~~multimodal transportation system. Local governments may issue~~  
4382 ~~development permits in reliance upon all planned community~~  
4383 ~~design capital improvements that are financially feasible over~~  
4384 ~~the development or redevelopment timeframe for the district,~~  
4385 ~~without regard to the period of time between development or~~  
4386 ~~redevelopment and the scheduled construction of the capital~~  
4387 ~~improvements. A determination of financial feasibility shall be~~  
4388 ~~based upon currently available funding or funding sources that~~  
4389 ~~could reasonably be expected to become available over the~~  
4390 ~~planning period.~~

4391 ~~(d) Local governments may reduce impact fees or local~~  
4392 ~~access fees for development within multimodal transportation~~  
4393 ~~districts based on the reduction of vehicle trips per household~~  
4394 ~~or vehicle miles of travel expected from the development pattern~~  
4395 ~~planned for the district.~~

4396 ~~(16) It is the intent of the Legislature to provide a~~  
4397 ~~method by which the impacts of development on transportation~~  
4398 ~~facilities can be mitigated by the cooperative efforts of the~~  
4399 ~~public and private sectors. The methodology used to calculate~~  
4400 ~~proportionate fair share mitigation under this section shall be~~  
4401 ~~as provided for in subsection (12).~~

4402 ~~(a) By December 1, 2006, each local government shall adopt~~  
4403 ~~by ordinance a methodology for assessing proportionate fair-~~  
4404 ~~share mitigation options. By December 1, 2005, the Department of~~  
4405 ~~Transportation shall develop a model transportation concurrency~~  
4406 ~~management ordinance with methodologies for assessing~~  
4407 ~~proportionate fair-share mitigation options.~~

4408 ~~(b)1. In its transportation concurrency management system,~~

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4409 ~~a local government shall, by December 1, 2006, include~~  
4410 ~~methodologies that will be applied to calculate proportionate~~  
4411 ~~fair-share mitigation. A developer may choose to satisfy all~~  
4412 ~~transportation concurrency requirements by contributing or~~  
4413 ~~paying proportionate fair-share mitigation if transportation~~  
4414 ~~facilities or facility segments identified as mitigation for~~  
4415 ~~traffic impacts are specifically identified for funding in the~~  
4416 ~~5-year schedule of capital improvements in the capital~~  
4417 ~~improvements element of the local plan or the long-term~~  
4418 ~~concurrency management system or if such contributions or~~  
4419 ~~payments to such facilities or segments are reflected in the 5-~~  
4420 ~~year schedule of capital improvements in the next regularly~~  
4421 ~~scheduled update of the capital improvements element. Updates to~~  
4422 ~~the 5-year capital improvements element which reflect~~  
4423 ~~proportionate fair-share contributions may not be found not in~~  
4424 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~  
4425 ~~additional contributions, payments or funding sources are~~  
4426 ~~reasonably anticipated during a period not to exceed 10 years to~~  
4427 ~~fully mitigate impacts on the transportation facilities.~~

4428 ~~2. Proportionate fair-share mitigation shall be applied as~~  
4429 ~~a credit against impact fees to the extent that all or a portion~~  
4430 ~~of the proportionate fair-share mitigation is used to address~~  
4431 ~~the same capital infrastructure improvements contemplated by the~~  
4432 ~~local government's impact fee ordinance.~~

4433 ~~(c) Proportionate fair-share mitigation includes, without~~  
4434 ~~limitation, separately or collectively, private funds,~~  
4435 ~~contributions of land, and construction and contribution of~~  
4436 ~~facilities and may include public funds as determined by the~~  
4437 ~~local government. Proportionate fair-share mitigation may be~~

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4438 ~~directed toward one or more specific transportation improvements~~  
4439 ~~reasonably related to the mobility demands created by the~~  
4440 ~~development and such improvements may address one or more modes~~  
4441 ~~of travel. The fair market value of the proportionate fair-share~~  
4442 ~~mitigation shall not differ based on the form of mitigation. A~~  
4443 ~~local government may not require a development to pay more than~~  
4444 ~~its proportionate fair-share contribution regardless of the~~  
4445 ~~method of mitigation. Proportionate fair-share mitigation shall~~  
4446 ~~be limited to ensure that a development meeting the requirements~~  
4447 ~~of this section mitigates its impact on the transportation~~  
4448 ~~system but is not responsible for the additional cost of~~  
4449 ~~reducing or eliminating backlogs.~~

4450 ~~(d) This subsection does not require a local government to~~  
4451 ~~approve a development that is not otherwise qualified for~~  
4452 ~~approval pursuant to the applicable local comprehensive plan and~~  
4453 ~~land development regulations.~~

4454 ~~(e) Mitigation for development impacts to facilities on the~~  
4455 ~~Strategic Intermodal System made pursuant to this subsection~~  
4456 ~~requires the concurrence of the Department of Transportation.~~

4457 ~~(f) If the funds in an adopted 5-year capital improvements~~  
4458 ~~element are insufficient to fully fund construction of a~~  
4459 ~~transportation improvement required by the local government's~~  
4460 ~~concurrency management system, a local government and a~~  
4461 ~~developer may still enter into a binding proportionate share~~  
4462 ~~agreement authorizing the developer to construct that amount of~~  
4463 ~~development on which the proportionate share is calculated if~~  
4464 ~~the proportionate share amount in such agreement is sufficient~~  
4465 ~~to pay for one or more improvements which will, in the opinion~~  
4466 ~~of the governmental entity or entities maintaining the~~

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4467 ~~transportation facilities, significantly benefit the impacted~~  
4468 ~~transportation system. The improvements funded by the~~  
4469 ~~proportionate share component must be adopted into the 5-year~~  
4470 ~~capital improvements schedule of the comprehensive plan at the~~  
4471 ~~next annual capital improvements element update. The funding of~~  
4472 ~~any improvements that significantly benefit the impacted~~  
4473 ~~transportation system satisfies concurrency requirements as a~~  
4474 ~~mitigation of the development's impact upon the overall~~  
4475 ~~transportation system even if there remains a failure of~~  
4476 ~~concurrency on other impacted facilities.~~

4477 ~~(g) Except as provided in subparagraph (b)1., this section~~  
4478 ~~may not prohibit the Department of Community Affairs from~~  
4479 ~~finding other portions of the capital improvements element~~  
4480 ~~amendments not in compliance as provided in this chapter.~~

4481 ~~(h) The provisions of this subsection do not apply to a~~  
4482 ~~development of regional impact satisfying the requirements of~~  
4483 ~~subsection (12).~~

4484 ~~(i) As used in this subsection, the term "backlog" means a~~  
4485 ~~facility or facilities on which the adopted level of service~~  
4486 ~~standard is exceeded by the existing trips, plus additional~~  
4487 ~~projected background trips from any source other than the~~  
4488 ~~development project under review that are forecast by~~  
4489 ~~established traffic standards, including traffic modeling,~~  
4490 ~~consistent with the University of Florida Bureau of Economic and~~  
4491 ~~Business Research medium population projections. Additional~~  
4492 ~~projected background trips are to be coincident with the~~  
4493 ~~particular stage or phase of development under review.~~

4494 ~~(17) A local government and the developer of affordable~~  
4495 ~~workforce housing units developed in accordance with s.~~

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4496 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~  
4497 ~~or centers in close proximity to the affordable workforce~~  
4498 ~~housing units. If at least 50 percent of the units are occupied~~  
4499 ~~by an employee or employees of an identified employment center~~  
4500 ~~or centers, all of the affordable workforce housing units are~~  
4501 ~~exempt from transportation concurrency requirements, and the~~  
4502 ~~local government may not reduce any transportation trip-~~  
4503 ~~generation entitlements of an approved development of regional-~~  
4504 ~~impact development order. As used in this subsection, the term~~  
4505 ~~"close proximity" means 5 miles from the nearest point of the~~  
4506 ~~development of regional impact to the nearest point of the~~  
4507 ~~employment center, and the term "employment center" means a~~  
4508 ~~place of employment that employs at least 25 or more full-time~~  
4509 ~~employees.~~

4510 Section 16. Subsection (5) of section 163.31801, Florida  
4511 Statutes, is reenacted, and subsection (6) is added to that  
4512 section, to read:

4513 163.31801 Impact fees; short title; intent; definitions;  
4514 ordinances levying impact fees.—

4515 (5) In any action challenging an impact fee, the government  
4516 has the burden of proving by a preponderance of the evidence  
4517 that the imposition or amount of the fee meets the requirements  
4518 of state legal precedent or this section. The court may not use  
4519 a deferential standard.

4520 (6) Notwithstanding any law, ordinance, or resolution to  
4521 the contrary, a county, municipality, or special district may  
4522 not increase any existing impact fees or impose any new,  
4523 increased impact fees on nonresidential development. This  
4524 subsection does not affect impact fees pledged or obligated to

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4525 the retirement of debt; impact fee increases that were  
4526 previously enacted by law, ordinance, or resolution and phased  
4527 in over time or included a consumer price index or other yearly  
4528 escalator; or impact fees for water or wastewater facilities.  
4529 This subsection expires July 1, 2013.

4530 Section 17. Section 163.3182, Florida Statutes, is amended  
4531 to read:

4532 163.3182 Transportation deficiencies ~~concurrency backlogs~~.—

4533 (1) DEFINITIONS.—For purposes of this section, the term:

4534 (a) "Transportation deficiency ~~concurrency backlog~~ area"  
4535 means the geographic area within the unincorporated portion of a  
4536 county or within the municipal boundary of a municipality  
4537 designated in a local government comprehensive plan for which a  
4538 transportation development ~~concurrency backlog~~ authority is  
4539 created pursuant to this section. A transportation deficiency  
4540 ~~concurrency backlog~~ area created within the corporate boundary  
4541 of a municipality shall be made pursuant to an interlocal  
4542 agreement between a county, a municipality or municipalities,  
4543 and any affected taxing authority or authorities.

4544 (b) "Authority" or "transportation development ~~concurrency~~  
4545 ~~backlog~~ authority" means the governing body of a county or  
4546 municipality within which an authority is created.

4547 (c) "Governing body" means the council, commission, or  
4548 other legislative body charged with governing the county or  
4549 municipality within which a transportation deficiency  
4550 ~~concurrency backlog~~ authority is created pursuant to this  
4551 section.

4552 (d) "Transportation deficiency ~~concurrency backlog~~" means  
4553 an identified need ~~deficiency~~ where the existing and projected

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4554 extent of traffic or projected traffic volume exceeds the level  
4555 of service standard adopted in a local government comprehensive  
4556 plan for a transportation facility.

4557 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"  
4558 means the plan adopted as part of a local government  
4559 comprehensive plan by the governing body of a county or  
4560 municipality acting as a transportation development ~~concurrency~~  
4561 ~~backlog~~ authority.

4562 (f) "Transportation ~~concurrency backlog~~ project" means any  
4563 designated transportation project that will mitigate a  
4564 deficiency identified in a transportation sufficiency plan  
4565 ~~identified for construction within the jurisdiction of a~~  
4566 ~~transportation concurrency backlog~~ authority.

4567 (g) "Debt service millage" means any millage levied  
4568 pursuant to s. 12, Art. VII of the State Constitution.

4569 (h) "Increment revenue" means the amount calculated  
4570 pursuant to subsection (5).

4571 (i) "Taxing authority" means a public body that levies or  
4572 is authorized to levy an ad valorem tax on real property located  
4573 within a transportation deficiency ~~concurrency backlog~~ area,  
4574 except a school district.

4575 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
4576 ~~BACKLOG~~ AUTHORITIES.—

4577 (a) A county or municipality may create a transportation  
4578 development ~~concurrency backlog~~ authority if it has an  
4579 identified transportation deficiency ~~concurrency backlog~~.

4580 (b) Acting as the transportation development ~~concurrency~~  
4581 ~~backlog~~ authority within the authority's jurisdictional  
4582 boundary, the governing body of a county or municipality shall

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4583 adopt and implement a plan to eliminate all identified  
4584 transportation deficiencies ~~concurrency backlogs~~ within the  
4585 authority's jurisdiction using funds provided pursuant to  
4586 subsection (5) and as otherwise provided pursuant to this  
4587 section.

4588 (c) The Legislature finds and declares that there exist in  
4589 many counties and municipalities areas that have significant  
4590 transportation deficiencies and inadequate transportation  
4591 facilities; that many insufficiencies and inadequacies severely  
4592 limit or prohibit the satisfaction of adopted transportation  
4593 level-of-service ~~concurrency~~ standards; that the transportation  
4594 insufficiencies and inadequacies affect the health, safety, and  
4595 welfare of the residents of these counties and municipalities;  
4596 that the transportation insufficiencies and inadequacies  
4597 adversely affect economic development and growth of the tax base  
4598 for the areas in which these insufficiencies and inadequacies  
4599 exist; and that the elimination of transportation deficiencies  
4600 and inadequacies and the satisfaction of transportation level-  
4601 of-service ~~concurrency~~ standards are paramount public purposes  
4602 for the state and its counties and municipalities.

4603 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
4604 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~  
4605 ~~backlog~~ authority created pursuant to this section has the  
4606 powers necessary or convenient to carry out the purposes of this  
4607 section, including the following powers in addition to others  
4608 granted in this section:

4609 (a) To make and execute contracts and other instruments  
4610 necessary or convenient to the exercise of its powers under this  
4611 section.

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4612 (b) To undertake and carry out transportation ~~concurrency~~  
4613 ~~backlog~~ projects for transportation facilities designed to  
4614 relieve transportation deficiencies that have a concurrency  
4615 ~~backlog~~ within the authority's jurisdiction. Transportation  
4616 ~~Concurrency backlog~~ projects may include transportation  
4617 facilities that provide for alternative modes of travel  
4618 including sidewalks, bikeways, and mass transit which are  
4619 related to a deficient ~~backlogged~~ transportation facility.

4620 (c) To invest any transportation ~~concurrency backlog~~ funds  
4621 held in reserve, sinking funds, or any such funds not required  
4622 for immediate disbursement in property or securities in which  
4623 savings banks may legally invest funds subject to the control of  
4624 the authority and to redeem such bonds as have been issued  
4625 pursuant to this section at the redemption price established  
4626 therein, or to purchase such bonds at less than redemption  
4627 price. All such bonds redeemed or purchased shall be canceled.

4628 (d) To borrow money, including, but not limited to, issuing  
4629 debt obligations such as, but not limited to, bonds, notes,  
4630 certificates, and similar debt instruments; to apply for and  
4631 accept advances, loans, grants, contributions, and any other  
4632 forms of financial assistance from the Federal Government or the  
4633 state, county, or any other public body or from any sources,  
4634 public or private, for the purposes of this part; to give such  
4635 security as may be required; to enter into and carry out  
4636 contracts or agreements; and to include in any contracts for  
4637 financial assistance with the Federal Government for or with  
4638 respect to a transportation ~~concurrency backlog~~ project and  
4639 related activities such conditions imposed under federal laws as  
4640 the transportation deficiency ~~concurrency backlog~~ authority

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4641 considers reasonable and appropriate and which are not  
4642 inconsistent with the purposes of this section.

4643 (e) To make or have made all surveys and plans necessary to  
4644 the carrying out of the purposes of this section; to contract  
4645 with any persons, public or private, in making and carrying out  
4646 such plans; and to adopt, approve, modify, or amend such  
4647 transportation sufficiency ~~concurrency backlog~~ plans.

4648 (f) To appropriate such funds and make such expenditures as  
4649 are necessary to carry out the purposes of this section, and to  
4650 enter into agreements with other public bodies, which agreements  
4651 may extend over any period notwithstanding any provision or rule  
4652 of law to the contrary.

4653 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.-

4654 ~~(a)~~ Each transportation development ~~concurrency backlog~~  
4655 authority shall adopt a transportation sufficiency ~~concurrency~~  
4656 ~~backlog~~ plan as a part of the local government comprehensive  
4657 plan within 6 months after the creation of the authority. The  
4658 plan must:

4659 (a)~~1~~. Identify all transportation facilities that have been  
4660 designated as deficient and require the expenditure of moneys to  
4661 upgrade, modify, or mitigate the deficiency.

4662 (b)~~2~~. Include a priority listing of all transportation  
4663 facilities that have been designated as deficient and do not  
4664 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and  
4665 the applicable local government comprehensive plan.

4666 (c)~~3~~. Establish a schedule for financing and construction  
4667 of transportation ~~concurrency backlog~~ projects that will  
4668 eliminate transportation deficiencies ~~concurrency backlogs~~  
4669 within the jurisdiction of the authority within 10 years after

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4670 the transportation sufficiency ~~concurrency backlog~~ plan  
4671 adoption. If the utilization of mass transit is selected as all  
4672 or part of the system solution, the improvements and service may  
4673 extend outside the area of the transportation deficiency areas  
4674 to the planned terminus of the improvement as long as the  
4675 improvement provides capacity enhancements to a larger  
4676 intermodal system. The schedule shall be adopted as part of the  
4677 local government comprehensive plan.

4678 ~~(b) The adoption of the transportation concurrency backlog~~  
4679 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4680  
4681 Notwithstanding such schedule requirements, as long as the  
4682 schedule provides for the elimination of all transportation  
4683 deficiencies ~~concurrency backlogs~~ within 10 years after the  
4684 adoption of the transportation sufficiency ~~concurrency backlog~~  
4685 plan, the final maturity date of any debt incurred to finance or  
4686 refinance the related projects may be no later than 40 years  
4687 after the date the debt is incurred and the authority may  
4688 continue operations and administer the trust fund established as  
4689 provided in subsection (5) for as long as the debt remains  
4690 outstanding.

4691 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation  
4692 development ~~concurrency backlog~~ authority shall establish a  
4693 local transportation ~~concurrency backlog~~ trust fund upon  
4694 creation of the authority. Each local trust fund shall be  
4695 administered by the transportation development ~~concurrency~~  
4696 ~~backlog~~ authority within which a transportation deficiencies  
4697 have ~~concurrency backlog~~ has been identified. Each local trust  
4698 fund must continue to be funded under this section for as long

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4699 as the projects set forth in the related transportation  
4700 sufficiency ~~concurrency backlog~~ plan remain to be completed or  
4701 until any debt incurred to finance or refinance the related  
4702 projects is no longer outstanding, whichever occurs later.  
4703 Beginning in the first fiscal year after the creation of the  
4704 authority, each local trust fund shall be funded by the proceeds  
4705 of an ad valorem tax increment collected within each  
4706 transportation deficiency ~~concurrency backlog~~ area to be  
4707 determined annually and shall be a minimum of 25 percent of the  
4708 difference between the amounts set forth in paragraphs (a) and  
4709 (b), except that if all of the affected taxing authorities agree  
4710 under an interlocal agreement, a particular local trust fund may  
4711 be funded by the proceeds of an ad valorem tax increment greater  
4712 than 25 percent of the difference between the amounts set forth  
4713 in paragraphs (a) and (b):

4714 (a) The amount of ad valorem tax levied each year by each  
4715 taxing authority, exclusive of any amount from any debt service  
4716 millage, on taxable real property contained within the  
4717 jurisdiction of the transportation development ~~concurrency~~  
4718 ~~backlog~~ authority and within the transportation deficiency  
4719 ~~backlog~~ area; and

4720 (b) The amount of ad valorem taxes which would have been  
4721 produced by the rate upon which the tax is levied each year by  
4722 or for each taxing authority, exclusive of any debt service  
4723 millage, upon the total of the assessed value of the taxable  
4724 real property within the transportation deficiency ~~concurrency~~  
4725 ~~backlog~~ area as shown on the most recent assessment roll used in  
4726 connection with the taxation of such property of each taxing  
4727 authority prior to the effective date of the ordinance funding

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4728 the trust fund.

4729 (6) EXEMPTIONS.—

4730 (a) The following public bodies or taxing authorities are  
4731 exempt from the provisions of this section:

4732 1. A special district that levies ad valorem taxes on  
4733 taxable real property in more than one county.

4734 2. A special district for which the sole available source  
4735 of revenue is the authority to levy ad valorem taxes at the time  
4736 an ordinance is adopted under this section. However, revenues or  
4737 aid that may be dispensed or appropriated to a district as  
4738 defined in s. 388.011 at the discretion of an entity other than  
4739 such district shall not be deemed available.

4740 3. A library district.

4741 4. A neighborhood improvement district created under the  
4742 Safe Neighborhoods Act.

4743 5. A metropolitan transportation authority.

4744 6. A water management district created under s. 373.069.

4745 7. A community redevelopment agency.

4746 (b) A transportation development ~~concurrency exemption~~  
4747 authority may also exempt from this section a special district  
4748 that levies ad valorem taxes within the transportation  
4749 deficiency ~~concurrency backlog~~ area pursuant to s.  
4750 163.387(2)(d).

4751 (7) TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~ SATISFACTION.—

4752 Upon adoption of a transportation sufficiency ~~concurrency~~  
4753 ~~backlog~~ plan as a part of the local government comprehensive  
4754 plan, and the plan going into effect, the area subject to the  
4755 plan shall be deemed to have achieved and maintained  
4756 transportation level-of-service standards, and to have met

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4757 requirements for financial feasibility for transportation  
4758 facilities, ~~and for the purpose of proposed development~~  
4759 ~~transportation concurrency has been satisfied~~. Proportionate  
4760 fair-share mitigation shall be limited to ensure that a  
4761 development inside a transportation deficiency ~~concurrency~~  
4762 ~~backlog~~ area is not responsible for the additional costs of  
4763 eliminating deficiencies ~~backlogs~~.

4764 (8) DISSOLUTION.—Upon completion of all transportation  
4765 ~~concurrency backlog~~ projects identified in the transportation  
4766 sufficiency plan and repayment or defeasance of all debt issued  
4767 to finance or refinance such projects, a transportation  
4768 development ~~concurrency backlog~~ authority shall be dissolved,  
4769 and its assets and liabilities transferred to the county or  
4770 municipality within which the authority is located. All  
4771 remaining assets of the authority must be used for  
4772 implementation of transportation projects within the  
4773 jurisdiction of the authority. The local government  
4774 comprehensive plan shall be amended to remove the transportation  
4775 deficiency ~~concurrency backlog~~ plan.

4776 Section 18. Section 163.3184, Florida Statutes, is amended  
4777 to read:

4778 163.3184 Process for adoption of comprehensive plan or plan  
4779 amendment.—

4780 (1) DEFINITIONS.—As used in this section, the term:

4781 (a) "Affected person" includes the affected local  
4782 government; persons owning property, residing, or owning or  
4783 operating a business within the boundaries of the local  
4784 government whose plan is the subject of the review; owners of  
4785 real property abutting real property that is the subject of a

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4786 proposed change to a future land use map; and adjoining local  
4787 governments that can demonstrate that the plan or plan amendment  
4788 will produce substantial impacts on the increased need for  
4789 publicly funded infrastructure or substantial impacts on areas  
4790 designated for protection or special treatment within their  
4791 jurisdiction. Each person, other than an adjoining local  
4792 government, in order to qualify under this definition, shall  
4793 also have submitted oral or written comments, recommendations,  
4794 or objections to the local government during the period of time  
4795 beginning with the transmittal hearing for the plan or plan  
4796 amendment and ending with the adoption of the plan or plan  
4797 amendment.

4798 (b) "In compliance" means consistent with the requirements  
4799 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and 163.3245, and~~  
4800 163.3248 ~~with the state comprehensive plan,~~ with the appropriate  
4801 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~  
4802 ~~Administrative Code, where such rule is not inconsistent with~~  
4803 ~~this part~~ and with the principles for guiding development in  
4804 designated areas of critical state concern and with part III of  
4805 chapter 369, where applicable.

4806 (c) "Reviewing agencies" means:

- 4807 1. The state land planning agency;
- 4808 2. The appropriate regional planning council;
- 4809 3. The appropriate water management district;
- 4810 4. The Department of Environmental Protection;
- 4811 5. The Department of State;
- 4812 6. The Department of Transportation;
- 4813 7. In the case of plan amendments relating to public  
4814 schools, the Department of Education;

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4815 8. In the case of plans or plan amendments that affect a  
4816 military installation listed in s. 163.3175, the commanding  
4817 officer of the affected military installation;

4818 9. In the case of county plans and plan amendments, the  
4819 Fish and Wildlife Conservation Commission and the Department of  
4820 Agriculture and Consumer Services; and

4821 10. In the case of municipal plans and plan amendments, the  
4822 county in which the municipality is located.

4823 (2) COORDINATION.—Each comprehensive plan or plan amendment  
4824 proposed to be adopted pursuant to this part, except amendments  
4825 adopted pursuant to s. 163.32465 or s. 163.3187, shall be  
4826 transmitted, adopted, and reviewed in the manner prescribed in  
4827 this section. The state land planning agency shall have  
4828 responsibility for plan review, coordination, and the  
4829 preparation and transmission of comments, pursuant to this  
4830 section, to the local governing body responsible for the  
4831 comprehensive plan. The state land planning agency shall  
4832 maintain a single file concerning any proposed or adopted plan  
4833 amendment submitted by a local government for any review under  
4834 this section. Copies of all correspondence, papers, notes,  
4835 memoranda, and other documents received or generated by the  
4836 state land planning agency must be placed in the appropriate  
4837 file. Paper copies of all electronic mail correspondence must be  
4838 placed in the file. The file and its contents must be available  
4839 for public inspection and copying as provided in chapter 119.

4840 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR  
4841 AMENDMENT.—

4842 (a) Each local governing body shall transmit the complete  
4843 proposed comprehensive plan or plan amendment to the reviewing

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4844 ~~agencies state land planning agency, the appropriate regional~~  
4845 ~~planning council and water management district, the Department~~  
4846 ~~of Environmental Protection, the Department of State, and the~~  
4847 ~~Department of Transportation, and, in the case of municipal~~  
4848 ~~plans, to the appropriate county, and, in the case of county~~  
4849 ~~plans, to the Fish and Wildlife Conservation Commission and the~~  
4850 ~~Department of Agriculture and Consumer Services, immediately~~  
4851 following a public hearing pursuant to subsection (15) ~~as~~  
4852 ~~specified in the state land planning agency's procedural rules.~~  
4853 The local governing body shall also transmit a copy of the  
4854 complete proposed comprehensive plan or plan amendment to any  
4855 other unit of local government or government agency in the state  
4856 that has filed a written request with the governing body for the  
4857 plan or plan amendment. The local government may request a  
4858 review by the state land planning agency pursuant to subsection  
4859 (6) at the time of the transmittal of an amendment.

4860 (b) A local governing body shall not transmit portions of a  
4861 plan or plan amendment unless it has previously provided to all  
4862 state agencies designated by the state land planning agency a  
4863 complete copy of its adopted comprehensive plan pursuant to  
4864 subsection (7) ~~and as specified in the agency's procedural~~  
4865 ~~rules.~~ In the case of comprehensive plan amendments, the local  
4866 governing body shall transmit to the state land planning agency,  
4867 the other reviewing agencies ~~appropriate regional planning~~  
4868 ~~council and water management district, the Department of~~  
4869 ~~Environmental Protection, the Department of State, and the~~  
4870 ~~Department of Transportation, and, in the case of municipal~~  
4871 ~~plans, to the appropriate county and, in the case of county~~  
4872 ~~plans, to the Fish and Wildlife Conservation Commission and the~~

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4873 ~~Department of Agriculture and Consumer Services~~ the supporting  
4874 ~~materials specified in the state land planning agency's~~  
4875 ~~procedural rules~~ and, in cases in which the plan amendment is a  
4876 result of an evaluation and appraisal report adopted pursuant to  
4877 s. 163.3191, a copy of the evaluation and appraisal report.  
4878 Local governing bodies shall consolidate all proposed plan  
4879 amendments into a single submission for each of the two plan  
4880 amendment adoption dates during the calendar year pursuant to s.  
4881 163.3187.

4882 (c) A local government may adopt a proposed plan amendment  
4883 previously transmitted pursuant to this subsection, unless  
4884 review is requested or otherwise initiated pursuant to  
4885 subsection (6).

4886 (d) In cases in which a local government transmits multiple  
4887 individual amendments that can be clearly and legally separated  
4888 and distinguished for the purpose of determining whether to  
4889 review the proposed amendment, and the state land planning  
4890 agency elects to review several or a portion of the amendments  
4891 and the local government chooses to immediately adopt the  
4892 remaining amendments not reviewed, the amendments immediately  
4893 adopted and any reviewed amendments that the local government  
4894 subsequently adopts together constitute one amendment cycle in  
4895 accordance with s. 163.3187(1).

4896 (e) At the request of an applicant, a local government  
4897 shall consider an application for zoning changes that would be  
4898 required to properly enact the provisions of any proposed plan  
4899 amendment transmitted pursuant to this subsection. Zoning  
4900 changes approved by the local government are contingent upon the  
4901 comprehensive plan or plan amendment transmitted becoming

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4902 effective.

4903 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies  
4904 specified in paragraph (3)(a) shall provide comments to the  
4905 state land planning agency within 30 days after receipt by the  
4906 state land planning agency of the complete proposed plan  
4907 amendment. ~~If the plan or plan amendment includes or relates to~~  
4908 ~~the public school facilities element pursuant to s.~~  
4909 ~~163.3177(12), the state land planning agency shall submit a copy~~  
4910 ~~to the Office of Educational Facilities of the Commissioner of~~  
4911 ~~Education for review and comment.~~ The appropriate regional  
4912 planning council shall also provide its written comments to the  
4913 state land planning agency within 30 days after receipt by the  
4914 state land planning agency of the complete proposed plan  
4915 amendment and shall specify any objections, recommendations for  
4916 modifications, and comments of any other regional agencies to  
4917 which the regional planning council may have referred the  
4918 proposed plan amendment. Written comments submitted by the  
4919 public within 30 days after notice of transmittal by the local  
4920 government of the proposed plan amendment will be considered as  
4921 if submitted by governmental agencies. All written agency and  
4922 public comments must be made part of the file maintained under  
4923 subsection (2).

4924 (5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.—The review of  
4925 the regional planning council pursuant to subsection (4) shall  
4926 be limited to effects on regional resources or facilities  
4927 identified in the strategic regional policy plan and  
4928 extrajurisdictional impacts which would be inconsistent with the  
4929 comprehensive plan of the affected local government. However,  
4930 any inconsistency between a local plan or plan amendment and a

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4931 strategic regional policy plan must not be the sole basis for a  
4932 notice of intent to find a local plan or plan amendment not in  
4933 compliance with this act. A regional planning council shall not  
4934 review and comment on a proposed comprehensive plan it prepared  
4935 itself unless the plan has been changed by the local government  
4936 subsequent to the preparation of the plan by the regional  
4937 planning agency. The review of the county land planning agency  
4938 pursuant to subsection (4) shall be primarily in the context of  
4939 the relationship and effect of the proposed plan amendment on  
4940 any county comprehensive plan element. Any review by  
4941 municipalities will be primarily in the context of the  
4942 relationship and effect on the municipal plan.

4943 (6) STATE LAND PLANNING AGENCY REVIEW.—

4944 (a) For plan amendments being reviewed under this section,  
4945 the state land planning agency shall review a proposed plan  
4946 amendment upon request of a regional planning council, affected  
4947 person, or local government transmitting the plan amendment. The  
4948 request from the regional planning council or affected person  
4949 must be received within 30 days after transmittal of the  
4950 proposed plan amendment pursuant to subsection (3). A regional  
4951 planning council or affected person requesting a review shall do  
4952 so by submitting a written request to the agency with a notice  
4953 of the request to the local government and any other person who  
4954 has requested notice.

4955 (b) For plan amendments being reviewed under this section,  
4956 the state land planning agency may review any proposed plan  
4957 amendment regardless of whether a request for review has been  
4958 made, if the agency gives notice to the local government, and  
4959 any other person who has requested notice, of its intention to

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4960 conduct such a review within 35 days after receipt of the  
4961 complete proposed plan amendment.

4962 ~~(c) The state land planning agency shall establish by rule~~  
4963 ~~a schedule for receipt of comments from the various government~~  
4964 ~~agencies, as well as written public comments, pursuant to~~  
4965 ~~subsection (4).~~ If the state land planning agency elects to  
4966 review the amendment or the agency is required to review the  
4967 amendment as specified in paragraph (a), the agency shall issue  
4968 a report giving its objections, recommendations, and comments  
4969 regarding the proposed amendment within 60 days after receipt of  
4970 the complete proposed amendment by the state land planning  
4971 agency. When a federal, state, or regional agency has  
4972 implemented a permitting program, the state land planning agency  
4973 shall not require a local government to duplicate or exceed that  
4974 permitting program in its comprehensive plan or to implement  
4975 such a permitting program in its land development regulations.  
4976 Nothing contained herein shall prohibit the state land planning  
4977 agency in conducting its review of local plans or plan  
4978 amendments from making objections, recommendations, and comments  
4979 or making compliance determinations regarding densities and  
4980 intensities consistent with the provisions of this part. In  
4981 preparing its comments, the state land planning agency shall  
4982 only base its considerations on written, and not oral, comments,  
4983 from any source.

4984 (d) The state land planning agency review shall identify  
4985 all written communications with the agency regarding the  
4986 proposed plan amendment. If the state land planning agency does  
4987 not issue such a review, it shall identify in writing to the  
4988 local government all written communications received 30 days

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4989 after transmittal. The written identification must include a  
4990 list of all documents received or generated by the agency, which  
4991 list must be of sufficient specificity to enable the documents  
4992 to be identified and copies requested, if desired, and the name  
4993 of the person to be contacted to request copies of any  
4994 identified document. The list of documents must be made a part  
4995 of the public records of the state land planning agency.

4996 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN  
4997 OR AMENDMENTS AND TRANSMITTAL.—

4998 (a) The local government shall review the written comments  
4999 submitted to it by the state land planning agency, and any other  
5000 person, agency, or government. Any comments, recommendations, or  
5001 objections and any reply to them shall be public documents, a  
5002 part of the permanent record in the matter, and admissible in  
5003 any proceeding in which the comprehensive plan or plan amendment  
5004 may be at issue. The local government, upon receipt of written  
5005 comments from the state land planning agency, shall have 120  
5006 days to adopt or adopt with changes the proposed comprehensive  
5007 plan or s. 163.3191 plan amendments. In the case of  
5008 comprehensive plan amendments other than those proposed pursuant  
5009 to s. 163.3191, the local government shall have 60 days to adopt  
5010 the amendment, adopt the amendment with changes, or determine  
5011 that it will not adopt the amendment. The adoption of the  
5012 proposed plan or plan amendment or the determination not to  
5013 adopt a plan amendment, other than a plan amendment proposed  
5014 pursuant to s. 163.3191, shall be made in the course of a public  
5015 hearing pursuant to subsection (15). The local government shall  
5016 transmit the complete adopted comprehensive plan or plan  
5017 amendment, including the names and addresses of persons compiled

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5018 pursuant to paragraph (15)(c), to the state land planning agency  
5019 ~~as specified in the agency's procedural rules~~ within 10 working  
5020 days after adoption. The local governing body shall also  
5021 transmit a copy of the adopted comprehensive plan or plan  
5022 amendment to the regional planning agency and to any other unit  
5023 of local government or governmental agency in the state that has  
5024 filed a written request with the governing body for a copy of  
5025 the plan or plan amendment.

5026 (b) If the adopted plan amendment is unchanged from the  
5027 proposed plan amendment transmitted pursuant to subsection (3)  
5028 and an affected person as defined in paragraph (1)(a) did not  
5029 raise any objection and, the state land planning agency did not  
5030 review the proposed plan amendment, ~~and the state land planning~~  
5031 ~~agency did not raise any objections during its review pursuant~~  
5032 ~~to subsection (6)~~, the local government may state in the  
5033 transmittal letter that the plan amendment is unchanged and was  
5034 not the subject of objections.

5035 (8) NOTICE OF INTENT.—

5036 (a) If the transmittal letter correctly states that the  
5037 plan amendment is unchanged and was not the subject of review or  
5038 objections pursuant to paragraph (7)(b), the state land planning  
5039 agency has 20 days after receipt of the transmittal letter  
5040 within which to issue a notice of intent that the plan amendment  
5041 is in compliance.

5042 (b) Except as provided in paragraph (a) or in s.  
5043 163.3187(3), the state land planning agency, upon receipt of a  
5044 local government's complete adopted comprehensive plan or plan  
5045 amendment, shall have 45 days for review and to determine if the  
5046 plan or plan amendment is in compliance with this act, unless

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5047 the amendment is the result of a compliance agreement entered  
5048 into under subsection (16), in which case the time period for  
5049 review and determination shall be 30 days. ~~If review was not~~  
5050 ~~conducted under subsection (6),~~ The agency's determination must  
5051 be based upon the plan amendment as adopted. ~~If review was~~  
5052 ~~conducted under subsection (6), the agency's determination of~~  
5053 ~~compliance must be based only upon one or both of the following:~~

5054 ~~1. The state land planning agency's written comments to the~~  
5055 ~~local government pursuant to subsection (6); or~~

5056 ~~2. Any changes made by the local government to the~~  
5057 ~~comprehensive plan or plan amendment as adopted.~~

5058 (c)1. During the time period provided for in this  
5059 subsection, the state land planning agency shall issue, through  
5060 a senior administrator or the secretary, ~~as specified in the~~  
5061 ~~agency's procedural rules,~~ a notice of intent to find that the  
5062 plan or plan amendment is in compliance or not in compliance. A  
5063 notice of intent shall be issued by publication in the manner  
5064 provided by this paragraph and by mailing a copy to the local  
5065 government. The advertisement shall be placed in that portion of  
5066 the newspaper where legal notices appear. The advertisement  
5067 shall be published in a newspaper that meets the size and  
5068 circulation requirements set forth in paragraph (15)(e) and that  
5069 has been designated in writing by the affected local government  
5070 at the time of transmittal of the amendment. Publication by the  
5071 state land planning agency of a notice of intent in the  
5072 newspaper designated by the local government shall be prima  
5073 facie evidence of compliance with the publication requirements  
5074 of this section. The state land planning agency shall post a  
5075 copy of the notice of intent on the agency's Internet site. The

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5076 agency shall, no later than the date the notice of intent is  
5077 transmitted to the newspaper, send by regular mail a courtesy  
5078 informational statement to persons who provide their names and  
5079 addresses to the local government at the transmittal hearing or  
5080 at the adoption hearing where the local government has provided  
5081 the names and addresses of such persons to the department at the  
5082 time of transmittal of the adopted amendment. The informational  
5083 statements shall include the name of the newspaper in which the  
5084 notice of intent will appear, the approximate date of  
5085 publication, the ordinance number of the plan or plan amendment,  
5086 and a statement that affected persons have 21 days after the  
5087 actual date of publication of the notice to file a petition.

5088 2. A local government that has an Internet site shall post  
5089 a copy of the state land planning agency's notice of intent on  
5090 the site within 5 days after receipt of the mailed copy of the  
5091 agency's notice of intent.

5092 (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

5093 (a) If the state land planning agency issues a notice of  
5094 intent to find that the comprehensive plan or plan amendment  
5095 transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,  
5096 or s. 163.3191 is in compliance with this act, any affected  
5097 person may file a petition with the agency pursuant to ss.  
5098 120.569 and 120.57 within 21 days after the publication of  
5099 notice. In this proceeding, the local plan or plan amendment  
5100 shall be determined to be in compliance if the local  
5101 government's determination of compliance is fairly debatable.

5102 (b) The hearing shall be conducted by an administrative law  
5103 judge of the Division of Administrative Hearings of the  
5104 Department of Management Services, who shall hold the hearing in

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5105 the county of and convenient to the affected local jurisdiction  
5106 and submit a recommended order to the state land planning  
5107 agency. The state land planning agency shall allow for the  
5108 filing of exceptions to the recommended order and shall issue a  
5109 final order after receipt of the recommended order if the state  
5110 land planning agency determines that the plan or plan amendment  
5111 is in compliance. If the state land planning agency determines  
5112 that the plan or plan amendment is not in compliance, the agency  
5113 shall submit the recommended order to the Administration  
5114 Commission for final agency action.

5115 (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN  
5116 COMPLIANCE.—

5117 (a) If the state land planning agency issues a notice of  
5118 intent to find the comprehensive plan or plan amendment not in  
5119 compliance with this act, the notice of intent shall be  
5120 forwarded to the Division of Administrative Hearings of the  
5121 Department of Management Services, which shall conduct a  
5122 proceeding under ss. 120.569 and 120.57 in the county of and  
5123 convenient to the affected local jurisdiction. The parties to  
5124 the proceeding shall be the state land planning agency, the  
5125 affected local government, and any affected person who  
5126 intervenes. No new issue may be alleged as a reason to find a  
5127 plan or plan amendment not in compliance in an administrative  
5128 pleading filed more than 21 days after publication of notice  
5129 unless the party seeking that issue establishes good cause for  
5130 not alleging the issue within that time period. Good cause shall  
5131 not include excusable neglect. In the proceeding, the local  
5132 government's determination that the comprehensive plan or plan  
5133 amendment is in compliance is presumed to be correct. The local

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5134 government's determination shall be sustained unless it is shown  
5135 by a preponderance of the evidence that the comprehensive plan  
5136 or plan amendment is not in compliance. The local government's  
5137 determination that elements of its plans are related to and  
5138 consistent with each other shall be sustained if the  
5139 determination is fairly debatable.

5140 (b) The administrative law judge assigned by the division  
5141 shall submit a recommended order to the Administration  
5142 Commission for final agency action.

5143 (c) Prior to the hearing, the state land planning agency  
5144 shall afford an opportunity to mediate or otherwise resolve the  
5145 dispute. If a party to the proceeding requests mediation or  
5146 other alternative dispute resolution, the hearing may not be  
5147 held until the state land planning agency advises the  
5148 administrative law judge in writing of the results of the  
5149 mediation or other alternative dispute resolution. However, the  
5150 hearing may not be delayed for longer than 90 days for mediation  
5151 or other alternative dispute resolution unless a longer delay is  
5152 agreed to by the parties to the proceeding. The costs of the  
5153 mediation or other alternative dispute resolution shall be borne  
5154 equally by all of the parties to the proceeding.

5155 (11) ADMINISTRATION COMMISSION.—

5156 (a) If the Administration Commission, upon a hearing  
5157 pursuant to subsection (9) or subsection (10), finds that the  
5158 comprehensive plan or plan amendment is not in compliance with  
5159 this act, the commission shall specify remedial actions which  
5160 would bring the comprehensive plan or plan amendment into  
5161 compliance. The commission may direct state agencies not to  
5162 provide funds to increase the capacity of roads, bridges, or

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5163 water and sewer systems within the boundaries of those local  
5164 governmental entities which have comprehensive plans or plan  
5165 elements that are determined not to be in compliance. The  
5166 commission order may also specify that the local government  
5167 shall not be eligible for grants administered under the  
5168 following programs:

5169 1. The Florida Small Cities Community Development Block  
5170 Grant Program, as authorized by ss. 290.0401-290.049.

5171 2. The Florida Recreation Development Assistance Program,  
5172 as authorized by chapter 375.

5173 3. Revenue sharing pursuant to ss. 206.60, 210.20, and  
5174 218.61 and chapter 212, to the extent not pledged to pay back  
5175 bonds.

5176 (b) If the local government is one which is required to  
5177 include a coastal management element in its comprehensive plan  
5178 ~~pursuant to s. 163.3177(6)(g)~~, the commission order may also  
5179 specify that the local government is not eligible for funding  
5180 pursuant to s. 161.091. The commission order may also specify  
5181 that the fact that the coastal management element has been  
5182 determined to be not in compliance shall be a consideration when  
5183 the department considers permits under s. 161.053 and when the  
5184 Board of Trustees of the Internal Improvement Trust Fund  
5185 considers whether to sell, convey any interest in, or lease any  
5186 sovereignty lands or submerged lands until the element is  
5187 brought into compliance.

5188 (c) The sanctions provided by paragraphs (a) and (b) do  
5189 ~~shall~~ not apply to a local government regarding any plan  
5190 amendment, except for plan amendments that amend plans that have  
5191 not been finally determined to be in compliance with this part,

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5192 and except as provided in s. 163.3189(2) or s. 163.3191 ~~s.~~  
5193 ~~163.3191(11)~~.

5194 (12) GOOD FAITH FILING.—The signature of an attorney or  
5195 party constitutes a certificate that he or she has read the  
5196 pleading, motion, or other paper and that, to the best of his or  
5197 her knowledge, information, and belief formed after reasonable  
5198 inquiry, it is not interposed for any improper purpose, such as  
5199 to harass or to cause unnecessary delay, or for economic  
5200 advantage, competitive reasons, or frivolous purposes or  
5201 needless increase in the cost of litigation. If a pleading,  
5202 motion, or other paper is signed in violation of these  
5203 requirements, the administrative law judge, upon motion or his  
5204 or her own initiative, shall impose upon the person who signed  
5205 it, a represented party, or both, an appropriate sanction, which  
5206 may include an order to pay to the other party or parties the  
5207 amount of reasonable expenses incurred because of the filing of  
5208 the pleading, motion, or other paper, including a reasonable  
5209 attorney's fee.

5210 (13) EXCLUSIVE PROCEEDINGS.—The proceedings under this  
5211 section shall be the sole proceeding or action for a  
5212 determination of whether a local government's plan, element, or  
5213 amendment is in compliance with this act.

5214 (14) AREAS OF CRITICAL STATE CONCERN.—No proposed local  
5215 government comprehensive plan or plan amendment which is  
5216 applicable to a designated area of critical state concern shall  
5217 be effective until a final order is issued finding the plan or  
5218 amendment to be in compliance as defined in this section.

5219 (15) PUBLIC HEARINGS.—

5220 (a) The procedure for transmittal of a complete proposed

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5221 comprehensive plan or plan amendment pursuant to subsection (3)  
5222 and for adoption of a comprehensive plan or plan amendment  
5223 pursuant to subsection (7) shall be by affirmative vote of not  
5224 less than a majority of the members of the governing body  
5225 present at the hearing. The adoption of a comprehensive plan or  
5226 plan amendment shall be by ordinance. For the purposes of  
5227 transmitting or adopting a comprehensive plan or plan amendment,  
5228 the notice requirements in chapters 125 and 166 are superseded  
5229 by this subsection, except as provided in this part.

5230 (b) The local governing body shall hold at least two  
5231 advertised public hearings on the proposed comprehensive plan or  
5232 plan amendment as follows:

5233 1. The first public hearing shall be held at the  
5234 transmittal stage pursuant to subsection (3). It shall be held  
5235 on a weekday at least 7 days after the day that the first  
5236 advertisement is published.

5237 2. The second public hearing shall be held at the adoption  
5238 stage pursuant to subsection (7). It shall be held on a weekday  
5239 at least 5 days after the day that the second advertisement is  
5240 published.

5241 (c) The local government shall provide a sign-in form at  
5242 the transmittal hearing and at the adoption hearing for persons  
5243 to provide their names and mailing addresses. The sign-in form  
5244 must advise that any person providing the requested information  
5245 will receive a courtesy informational statement concerning  
5246 publications of the state land planning agency's notice of  
5247 intent. The local government shall add to the sign-in form the  
5248 name and address of any person who submits written comments  
5249 concerning the proposed plan or plan amendment during the time

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5250 period between the commencement of the transmittal hearing and  
5251 the end of the adoption hearing. It is the responsibility of the  
5252 person completing the form or providing written comments to  
5253 accurately, completely, and legibly provide all information  
5254 needed in order to receive the courtesy informational statement.

5255 (d) The agency shall provide a model sign-in form for  
5256 providing the list to the agency which may be used by the local  
5257 government to satisfy the requirements of this subsection.

5258 (e) If the proposed comprehensive plan or plan amendment  
5259 changes the actual list of permitted, conditional, or prohibited  
5260 uses within a future land use category or changes the actual  
5261 future land use map designation of a parcel or parcels of land,  
5262 the required advertisements shall be in the format prescribed by  
5263 s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a  
5264 municipality.

5265 (16) COMPLIANCE AGREEMENTS.—

5266 (a) At any time following the issuance of a notice of  
5267 intent to find a comprehensive plan or plan amendment not in  
5268 compliance with this part or after the initiation of a hearing  
5269 pursuant to subsection (9), the state land planning agency and  
5270 the local government may voluntarily enter into a compliance  
5271 agreement to resolve one or more of the issues raised in the  
5272 proceedings. Affected persons who have initiated a formal  
5273 proceeding or have intervened in a formal proceeding may also  
5274 enter into the compliance agreement. All parties granted  
5275 intervenor status shall be provided reasonable notice of the  
5276 commencement of a compliance agreement negotiation process and a  
5277 reasonable opportunity to participate in such negotiation  
5278 process. Negotiation meetings with local governments or

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5279 intervenors shall be open to the public. The state land planning  
5280 agency shall provide each party granted intervenor status with a  
5281 copy of the compliance agreement within 10 days after the  
5282 agreement is executed. The compliance agreement shall list each  
5283 portion of the plan or plan amendment which is not in  
5284 compliance, and shall specify remedial actions which the local  
5285 government must complete within a specified time in order to  
5286 bring the plan or plan amendment into compliance, including  
5287 adoption of all necessary plan amendments. The compliance  
5288 agreement may also establish monitoring requirements and  
5289 incentives to ensure that the conditions of the compliance  
5290 agreement are met.

5291 (b) Upon filing by the state land planning agency of a  
5292 compliance agreement executed by the agency and the local  
5293 government with the Division of Administrative Hearings, any  
5294 administrative proceeding under ss. 120.569 and 120.57 regarding  
5295 the plan or plan amendment covered by the compliance agreement  
5296 shall be stayed.

5297 (c) Prior to its execution of a compliance agreement, the  
5298 local government must approve the compliance agreement at a  
5299 public hearing advertised at least 10 days before the public  
5300 hearing in a newspaper of general circulation in the area in  
5301 accordance with the advertisement requirements of subsection  
5302 (15).

5303 (d) A local government may adopt a plan amendment pursuant  
5304 to a compliance agreement in accordance with the requirements of  
5305 paragraph (15)(a). The plan amendment shall be exempt from the  
5306 requirements of subsections (2)-(7). The local government shall  
5307 hold a single adoption public hearing pursuant to the

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5308 requirements of subparagraph (15)(b)2. and paragraph (15)(e).  
5309 Within 10 working days after adoption of a plan amendment, the  
5310 local government shall transmit the amendment to the state land  
5311 planning agency as specified in the agency's procedural rules,  
5312 and shall submit one copy to the regional planning agency and to  
5313 any other unit of local government or government agency in the  
5314 state that has filed a written request with the governing body  
5315 for a copy of the plan amendment, and one copy to any party to  
5316 the proceeding under ss. 120.569 and 120.57 granted intervenor  
5317 status.

5318 (e) The state land planning agency, upon receipt of a plan  
5319 amendment adopted pursuant to a compliance agreement, shall  
5320 issue a cumulative notice of intent addressing both the  
5321 compliance agreement amendment and the plan or plan amendment  
5322 that was the subject of the agreement, in accordance with  
5323 subsection (8).

5324 (f)1. If the local government adopts a comprehensive plan  
5325 amendment pursuant to a compliance agreement and a notice of  
5326 intent to find the plan amendment in compliance is issued, the  
5327 state land planning agency shall forward the notice of intent to  
5328 the Division of Administrative Hearings and the administrative  
5329 law judge shall realign the parties in the pending proceeding  
5330 under ss. 120.569 and 120.57, which shall thereafter be governed  
5331 by the process contained in paragraphs (9)(a) and (b), including  
5332 provisions relating to challenges by an affected person, burden  
5333 of proof, and issues of a recommended order and a final order,  
5334 except as provided in subparagraph 2. Parties to the original  
5335 proceeding at the time of realignment may continue as parties  
5336 without being required to file additional pleadings to initiate

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5337 a proceeding, but may timely amend their pleadings to raise any  
5338 challenge to the amendment which is the subject of the  
5339 cumulative notice of intent, and must otherwise conform to the  
5340 rules of procedure of the Division of Administrative Hearings.  
5341 Any affected person not a party to the realigned proceeding may  
5342 challenge the plan amendment which is the subject of the  
5343 cumulative notice of intent by filing a petition with the agency  
5344 as provided in subsection (9). The agency shall forward the  
5345 petition filed by the affected person not a party to the  
5346 realigned proceeding to the Division of Administrative Hearings  
5347 for consolidation with the realigned proceeding.

5348 2. If any of the issues raised by the state land planning  
5349 agency in the original subsection (10) proceeding are not  
5350 resolved by the compliance agreement amendments, any intervenor  
5351 in the original subsection (10) proceeding may require those  
5352 issues to be addressed in the pending consolidated realigned  
5353 proceeding under ss. 120.569 and 120.57. As to those unresolved  
5354 issues, the burden of proof shall be governed by subsection  
5355 (10).

5356 3. If the local government adopts a comprehensive plan  
5357 amendment pursuant to a compliance agreement and a notice of  
5358 intent to find the plan amendment not in compliance is issued,  
5359 the state land planning agency shall forward the notice of  
5360 intent to the Division of Administrative Hearings, which shall  
5361 consolidate the proceeding with the pending proceeding and  
5362 immediately set a date for hearing in the pending proceeding  
5363 under ss. 120.569 and 120.57. Affected persons who are not a  
5364 party to the underlying proceeding under ss. 120.569 and 120.57  
5365 may challenge the plan amendment adopted pursuant to the

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5366 compliance agreement by filing a petition pursuant to subsection  
5367 (10).

5368 (g) If the local government fails to adopt a comprehensive  
5369 plan amendment pursuant to a compliance agreement, the state  
5370 land planning agency shall notify the Division of Administrative  
5371 Hearings, which shall set the hearing in the pending proceeding  
5372 under ss. 120.569 and 120.57 at the earliest convenient time.

5373 (h) This subsection does not prohibit a local government  
5374 from amending portions of its comprehensive plan other than  
5375 those which are the subject of the compliance agreement.  
5376 However, such amendments to the plan may not be inconsistent  
5377 with the compliance agreement.

5378 (i) Nothing in this subsection is intended to limit the  
5379 parties from entering into a compliance agreement at any time  
5380 before the final order in the proceeding is issued, provided  
5381 that the provisions of paragraph (c) shall apply regardless of  
5382 when the compliance agreement is reached.

5383 (j) Nothing in this subsection is intended to force any  
5384 party into settlement against its will or to preclude the use of  
5385 other informal dispute resolution methods, such as the services  
5386 offered by the Florida Growth Management Dispute Resolution  
5387 Consortium, in the course of or in addition to the method  
5388 described in this subsection.

5389 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS. A~~  
5390 ~~local government that has adopted a community vision and urban~~  
5391 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~  
5392 ~~amendment related to map amendments solely to property within an~~  
5393 ~~urban service boundary in the manner described in subsections~~  
5394 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~

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5395 and e., 2., and 3., such that state and regional agency review  
5396 is eliminated. The department may not issue an objections,  
5397 recommendations, and comments report on proposed plan amendments  
5398 or a notice of intent on adopted plan amendments; however,  
5399 affected persons, as defined by paragraph (1) (a), may file a  
5400 petition for administrative review pursuant to the requirements  
5401 of s. 163.3187(3) (a) to challenge the compliance of an adopted  
5402 plan amendment. This subsection does not apply to any amendment  
5403 within an area of critical state concern, to any amendment that  
5404 increases residential densities allowable in high hazard coastal  
5405 areas as defined in s. 163.3178(2) (h), or to a text change to  
5406 the goals, policies, or objectives of the local government's  
5407 comprehensive plan. Amendments submitted under this subsection  
5408 are exempt from the limitation on the frequency of plan  
5409 amendments in s. 163.3187.

5410 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~  
5411 municipality that has a designated urban infill and  
5412 redevelopment area under s. 163.2517 may adopt a plan amendment  
5413 related to map amendments solely to property within a designated  
5414 urban infill and redevelopment area in the manner described in  
5415 subsections (1), (2), (7), (14), (15), and (16) and s.  
5416 163.3187(1) (c) 1.d. and e., 2., and 3., such that state and  
5417 regional agency review is eliminated. The department may not  
5418 issue an objections, recommendations, and comments report on  
5419 proposed plan amendments or a notice of intent on adopted plan  
5420 amendments; however, affected persons, as defined by paragraph  
5421 (1) (a), may file a petition for administrative review pursuant  
5422 to the requirements of s. 163.3187(3) (a) to challenge the  
5423 compliance of an adopted plan amendment. This subsection does

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5424 ~~not apply to any amendment within an area of critical state~~  
5425 ~~concern, to any amendment that increases residential densities~~  
5426 ~~allowable in high-hazard coastal areas as defined in s.~~  
5427 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~  
5428 ~~objectives of the local government's comprehensive plan.~~  
5429 ~~Amendments submitted under this subsection are exempt from the~~  
5430 ~~limitation on the frequency of plan amendments in s. 163.3187.~~  
5431 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~  
5432 ~~government that identifies in its comprehensive plan the types~~  
5433 ~~of housing developments and conditions for which it will~~  
5434 ~~consider plan amendments that are consistent with the local~~  
5435 ~~housing incentive strategies identified in s. 420.9076 and~~  
5436 ~~authorized by the local government may expedite consideration of~~  
5437 ~~such plan amendments. At least 30 days prior to adopting a plan~~  
5438 ~~amendment pursuant to this subsection, the local government~~  
5439 ~~shall notify the state land planning agency of its intent to~~  
5440 ~~adopt such an amendment, and the notice shall include the local~~  
5441 ~~government's evaluation of site suitability and availability of~~  
5442 ~~facilities and services. A plan amendment considered under this~~  
5443 ~~subsection shall require only a single public hearing before the~~  
5444 ~~local governing body, which shall be a plan amendment adoption~~  
5445 ~~hearing as described in subsection (7). The public notice of the~~  
5446 ~~hearing required under subparagraph (15)(b)2. must include a~~  
5447 ~~statement that the local government intends to use the expedited~~  
5448 ~~adoption process authorized under this subsection. The state~~  
5449 ~~land planning agency shall issue its notice of intent required~~  
5450 ~~under subsection (8) within 30 days after determining that the~~  
5451 ~~amendment package is complete. Any further proceedings shall be~~  
5452 ~~governed by subsections (9)-(16).~~

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5453 Section 19. Section 163.3187, Florida Statutes, is amended  
5454 to read:

5455 163.3187 Process for adoption of small-scale comprehensive  
5456 plan amendment of adopted comprehensive plan.-

5457 ~~(1) Amendments to comprehensive plans adopted pursuant to~~  
5458 ~~this part may be made not more than two times during any~~  
5459 ~~calendar year, except:~~

5460 ~~(a) In the case of an emergency, comprehensive plan~~  
5461 ~~amendments may be made more often than twice during the calendar~~  
5462 ~~year if the additional plan amendment receives the approval of~~  
5463 ~~all of the members of the governing body. "Emergency" means any~~  
5464 ~~occurrence or threat thereof whether accidental or natural,~~  
5465 ~~caused by humankind, in war or peace, which results or may~~  
5466 ~~result in substantial injury or harm to the population or~~  
5467 ~~substantial damage to or loss of property or public funds.~~

5468 ~~(b) Any local government comprehensive plan amendments~~  
5469 ~~directly related to a proposed development of regional impact,~~  
5470 ~~including changes which have been determined to be substantial~~  
5471 ~~deviations and including Florida Quality Developments pursuant~~  
5472 ~~to s. 380.061, may be initiated by a local planning agency and~~  
5473 ~~considered by the local governing body at the same time as the~~  
5474 ~~application for development approval using the procedures~~  
5475 ~~provided for local plan amendment in this section and applicable~~  
5476 ~~local ordinances.~~

5477 (1)(c) Any local government comprehensive plan amendments  
5478 directly related to proposed small scale development activities  
5479 may be approved without regard to statutory limits on the  
5480 frequency of consideration of amendments to the local  
5481 comprehensive plan. A small scale development amendment may be

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5482 adopted ~~only~~ under the following conditions:

5483 (a)~~1.~~ The proposed amendment involves a use of 10 acres or  
5484 fewer and:

5485 (b)~~a.~~ The cumulative annual effect of the acreage for all  
5486 small scale development amendments adopted by the local  
5487 government shall not exceed:

5488 ~~(I) a maximum of 120 acres in a calendar year. local~~  
5489 ~~government that contains areas specifically designated in the~~  
5490 ~~local comprehensive plan for urban infill, urban redevelopment,~~  
5491 ~~or downtown revitalization as defined in s. 163.3164, urban~~  
5492 ~~infill and redevelopment areas designated under s. 163.2517,~~  
5493 ~~transportation concurrency exception areas approved pursuant to~~  
5494 ~~s. 163.3180(5), or regional activity centers and urban central~~  
5495 ~~business districts approved pursuant to s. 380.06(2)(e);~~  
5496 ~~however, amendments under this paragraph may be applied to no~~  
5497 ~~more than 60 acres annually of property outside the designated~~  
5498 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~  
5499 ~~pursuant to paragraph (k) shall not be counted toward the~~  
5500 ~~acreage limitations for small scale amendments under this~~  
5501 ~~paragraph.~~

5502 ~~(II) A maximum of 80 acres in a local government that does~~  
5503 ~~not contain any of the designated areas set forth in sub-sub-~~  
5504 ~~subparagraph (I).~~

5505 ~~(III) A maximum of 120 acres in a county established~~  
5506 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5507 ~~b. The proposed amendment does not involve the same~~  
5508 ~~property granted a change within the prior 12 months.~~

5509 ~~e. The proposed amendment does not involve the same owner's~~  
5510 ~~property within 200 feet of property granted a change within the~~

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5511 ~~prior 12 months.~~

5512 (c)d. The proposed amendment does not involve a text change  
5513 to the goals, policies, and objectives of the local government's  
5514 comprehensive plan, but only proposes a land use change to the  
5515 future land use map for a site-specific small scale development  
5516 activity. However, text changes that relate directly to, and are  
5517 adopted simultaneously with, the small scale future land use map  
5518 amendment shall be permissible under this section.

5519 (d)e. The property that is the subject of the proposed  
5520 amendment is not located within an area of critical state  
5521 concern, unless the project subject to the proposed amendment  
5522 involves the construction of affordable housing units meeting  
5523 the criteria of s. 420.0004(3), and is located within an area of  
5524 critical state concern designated by s. 380.0552 or by the  
5525 Administration Commission pursuant to s. 380.05(1). ~~Such~~  
5526 ~~amendment is not subject to the density limitations of sub-~~  
5527 ~~subparagraph f., and shall be reviewed by the state land~~  
5528 ~~planning agency for consistency with the principles for guiding~~  
5529 ~~development applicable to the area of critical state concern~~  
5530 ~~where the amendment is located and shall not become effective~~  
5531 ~~until a final order is issued under s. 380.05(6).~~

5532 ~~f.~~ If the proposed amendment involves a residential land  
5533 use, the residential land use has a density of 10 units or less  
5534 per acre or the proposed future land use category allows a  
5535 maximum residential density of the same or less than the maximum  
5536 residential density allowable under the existing future land use  
5537 category, ~~except that this limitation does not apply to small~~  
5538 ~~scale amendments involving the construction of affordable~~  
5539 ~~housing units meeting the criteria of s. 420.0004(3) on property~~

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5540 ~~which will be the subject of a land use restriction agreement,~~  
5541 ~~or small scale amendments described in sub-sub-subparagraph~~  
5542 ~~a.(I) that are designated in the local comprehensive plan for~~  
5543 ~~urban infill, urban redevelopment, or downtown revitalization as~~  
5544 ~~defined in s. 163.3164, urban infill and redevelopment areas~~  
5545 ~~designated under s. 163.2517, transportation concurrency~~  
5546 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~  
5547 ~~activity centers and urban central business districts approved~~  
5548 ~~pursuant to s. 380.06(2)(c).~~

5549 ~~2.a. A local government that proposes to consider a plan~~  
5550 ~~amendment pursuant to this paragraph is not required to comply~~  
5551 ~~with the procedures and public notice requirements of s.~~  
5552 ~~163.3184(15)(c) for such plan amendments if the local government~~  
5553 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~  
5554 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~  
5555 ~~amendment under this paragraph is initiated by other than the~~  
5556 ~~local government, public notice is required.~~

5557 ~~b. The local government shall send copies of the notice and~~  
5558 ~~amendment to the state land planning agency, the regional~~  
5559 ~~planning council, and any other person or entity requesting a~~  
5560 ~~copy. This information shall also include a statement~~  
5561 ~~identifying any property subject to the amendment that is~~  
5562 ~~located within a coastal high hazard area as identified in the~~  
5563 ~~local comprehensive plan.~~

5564 ~~(2)3.~~ Small scale development amendments adopted pursuant  
5565 to this section paragraph require only one public hearing before  
5566 the governing board, which shall be an adoption hearing as  
5567 described in s. 163.3184(7), ~~and are not subject to the~~  
5568 ~~requirements of s. 163.3184(3)-(6) unless the local government~~

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5569 ~~elects to have them subject to those requirements.~~

5570 (3)4. If the small scale development amendment involves a  
5571 site within ~~an area that is designated by the Governor as a~~  
5572 rural area of critical economic concern as defined under s.  
5573 288.0656(2) (d) ~~(7)~~ for the duration of such designation, the 10-  
5574 acre limit listed in subsection (1) subparagraph 1. shall be  
5575 increased by 100 percent to 20 acres. The local government  
5576 approving the small scale plan amendment shall certify to the  
5577 Office of Tourism, Trade, and Economic Development that the plan  
5578 amendment furthers the economic objectives set forth in the  
5579 executive order issued under s. 288.0656(7), and the property  
5580 subject to the plan amendment shall undergo public review to  
5581 ensure that all concurrency requirements and federal, state, and  
5582 local environmental permit requirements are met.

5583 ~~(d) Any comprehensive plan amendment required by a~~  
5584 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~  
5585 ~~without regard to statutory limits on the frequency of adoption~~  
5586 ~~of amendments to the comprehensive plan.~~

5587 ~~(e) A comprehensive plan amendment for location of a state~~  
5588 ~~correctional facility. Such an amendment may be made at any time~~  
5589 ~~and does not count toward the limitation on the frequency of~~  
5590 ~~plan amendments.~~

5591 ~~(f) The capital improvements element annual update required~~  
5592 ~~in s. 163.3177(3) (b)1. and any amendments directly related to~~  
5593 ~~the schedule.~~

5594 ~~(g) Any local government comprehensive plan amendments~~  
5595 ~~directly related to proposed redevelopment of brownfield areas~~  
5596 ~~designated under s. 376.80 may be approved without regard to~~  
5597 ~~statutory limits on the frequency of consideration of amendments~~

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5598 ~~to the local comprehensive plan.~~

5599 ~~(h) Any comprehensive plan amendments for port~~  
5600 ~~transportation facilities and projects that are eligible for~~  
5601 ~~funding by the Florida Seaport Transportation and Economic~~  
5602 ~~Development Council pursuant to s. 311.07.~~

5603 ~~(i) A comprehensive plan amendment for the purpose of~~  
5604 ~~designating an urban infill and redevelopment area under s.~~  
5605 ~~163.2517 may be approved without regard to the statutory limits~~  
5606 ~~on the frequency of amendments to the comprehensive plan.~~

5607 ~~(j) Any comprehensive plan amendment to establish public~~  
5608 ~~school concurrency pursuant to s. 163.3180(13), including, but~~  
5609 ~~not limited to, adoption of a public school facilities element~~  
5610 ~~and adoption of amendments to the capital improvements element~~  
5611 ~~and intergovernmental coordination element. In order to ensure~~  
5612 ~~the consistency of local government public school facilities~~  
5613 ~~elements within a county, such elements shall be prepared and~~  
5614 ~~adopted on a similar time schedule.~~

5615 ~~(k) A local comprehensive plan amendment directly related~~  
5616 ~~to providing transportation improvements to enhance life safety~~  
5617 ~~on Controlled Access Major Arterial Highways identified in the~~  
5618 ~~Florida Intrastate Highway System, in counties as defined in s.~~  
5619 ~~125.011, where such roadways have a high incidence of traffic~~  
5620 ~~accidents resulting in serious injury or death. Any such~~  
5621 ~~amendment shall not include any amendment modifying the~~  
5622 ~~designation on a comprehensive development plan land use map nor~~  
5623 ~~any amendment modifying the allowable densities or intensities~~  
5624 ~~of any land.~~

5625 ~~(l) A comprehensive plan amendment to adopt a public~~  
5626 ~~educational facilities element pursuant to s. 163.3177(12) and~~

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5627 ~~future land use map amendments for school siting may be approved~~  
5628 ~~notwithstanding statutory limits on the frequency of adopting~~  
5629 ~~plan amendments.~~

5630 ~~(m) A comprehensive plan amendment that addresses criteria~~  
5631 ~~or compatibility of land uses adjacent to or in close proximity~~  
5632 ~~to military installations in a local government's future land~~  
5633 ~~use element does not count toward the limitation on the~~  
5634 ~~frequency of the plan amendments.~~

5635 ~~(n) Any local government comprehensive plan amendment~~  
5636 ~~establishing or implementing a rural land stewardship area~~  
5637 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

5638 ~~(o) A comprehensive plan amendment that is submitted by an~~  
5639 ~~area designated by the Governor as a rural area of critical~~  
5640 ~~economic concern under s. 288.0656(7) and that meets the~~  
5641 ~~economic development objectives may be approved without regard~~  
5642 ~~to the statutory limits on the frequency of adoption of~~  
5643 ~~amendments to the comprehensive plan.~~

5644 ~~(p) Any local government comprehensive plan amendment that~~  
5645 ~~is consistent with the local housing incentive strategies~~  
5646 ~~identified in s. 420.9076 and authorized by the local~~  
5647 ~~government.~~

5648 ~~(q) Any local government plan amendment to designate an~~  
5649 ~~urban service area as a transportation concurrency exception~~  
5650 ~~area under s. 163.3180(5) (b)2. or 3. and an area exempt from the~~  
5651 ~~development of regional impact process under s. 380.06(29).~~

5652 ~~(4)(2)~~ Comprehensive plans may only be amended in such a  
5653 way as to preserve the internal consistency of the plan pursuant  
5654 to s. 163.3177(2). Corrections, updates, or modifications of  
5655 current costs which were set out as part of the comprehensive

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5656 plan shall not, for the purposes of this act, be deemed to be  
5657 amendments.

5658 ~~(3) (a) The state land planning agency shall not review or~~  
5659 ~~issue a notice of intent for small scale development amendments~~  
5660 ~~which satisfy the requirements of paragraph (1) (c).~~

5661 (5) (a) Any affected person may file a petition with the  
5662 Division of Administrative Hearings pursuant to ss. 120.569 and  
5663 120.57 to request a hearing to challenge the compliance of a  
5664 small scale development amendment with this act within 30 days  
5665 following the local government's adoption of the amendment and,  
5666 shall serve a copy of the petition on the local government, ~~and~~  
5667 ~~shall furnish a copy to the state land planning agency.~~ An  
5668 administrative law judge shall hold a hearing in the affected  
5669 jurisdiction not less than 30 days nor more than 60 days  
5670 following the filing of a petition and the assignment of an  
5671 administrative law judge. The parties to a hearing held pursuant  
5672 to this subsection shall be the petitioner, the local  
5673 government, and any intervenor. In the proceeding, the plan  
5674 amendment shall be determined to be in compliance if the local  
5675 government's determination that the small scale development  
5676 amendment is in compliance is fairly debatable ~~presumed to be~~  
5677 ~~correct. The local government's determination shall be sustained~~  
5678 ~~unless it is shown by a preponderance of the evidence that the~~  
5679 ~~amendment is not in compliance with the requirements of this~~  
5680 ~~act. In any proceeding initiated pursuant to this subsection,~~  
5681 The state land planning agency may not intervene in any  
5682 proceeding initiated pursuant to this section.

5683 (b)1. If the administrative law judge recommends that the  
5684 small scale development amendment be found not in compliance,

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5685 the administrative law judge shall submit the recommended order  
5686 to the Administration Commission for final agency action. If the  
5687 administrative law judge recommends that the small scale  
5688 development amendment be found in compliance, the administrative  
5689 law judge shall submit the recommended order to the state land  
5690 planning agency.

5691 2. If the state land planning agency determines that the  
5692 plan amendment is not in compliance, the agency shall submit,  
5693 within 30 days following its receipt, the recommended order to  
5694 the Administration Commission for final agency action. If the  
5695 state land planning agency determines that the plan amendment is  
5696 in compliance, the agency shall enter a final order within 30  
5697 days following its receipt of the recommended order.

5698 (c) Small scale development amendments shall not become  
5699 effective until 31 days after adoption. If challenged within 30  
5700 days after adoption, small scale development amendments shall  
5701 not become effective until the state land planning agency or the  
5702 Administration Commission, respectively, issues a final order  
5703 determining that the adopted small scale development amendment  
5704 is in compliance.

5705 (d) In all challenges under this subsection, when a  
5706 determination of compliance as defined in s. 163.3184(1)(b) is  
5707 made, consideration shall be given to the plan amendment as a  
5708 whole and whether the plan amendment furthers the intent of this  
5709 part.

5710 ~~(4) Each governing body shall transmit to the state land~~  
5711 ~~planning agency a current copy of its comprehensive plan not~~  
5712 ~~later than December 1, 1985. Each governing body shall also~~  
5713 ~~transmit copies of any amendments it adopts to its comprehensive~~

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5714 ~~plan so as to continually update the plans on file with the~~  
5715 ~~state land planning agency.~~

5716 ~~(5) Nothing in this part is intended to prohibit or limit~~  
5717 ~~the authority of local governments to require that a person~~  
5718 ~~requesting an amendment pay some or all of the cost of public~~  
5719 ~~notice.~~

5720 ~~(6) (a) No local government may amend its comprehensive plan~~  
5721 ~~after the date established by the state land planning agency for~~  
5722 ~~adoption of its evaluation and appraisal report unless it has~~  
5723 ~~submitted its report or addendum to the state land planning~~  
5724 ~~agency as prescribed by s. 163.3191, except for plan amendments~~  
5725 ~~described in paragraph (1) (b) or paragraph (1) (h).~~

5726 ~~(b) A local government may amend its comprehensive plan~~  
5727 ~~after it has submitted its adopted evaluation and appraisal~~  
5728 ~~report and for a period of 1 year after the initial~~  
5729 ~~determination of sufficiency regardless of whether the report~~  
5730 ~~has been determined to be insufficient.~~

5731 ~~(c) A local government may not amend its comprehensive~~  
5732 ~~plan, except for plan amendments described in paragraph (1) (b),~~  
5733 ~~if the 1-year period after the initial sufficiency determination~~  
5734 ~~of the report has expired and the report has not been determined~~  
5735 ~~to be sufficient.~~

5736 ~~(d) When the state land planning agency has determined that~~  
5737 ~~the report has sufficiently addressed all pertinent provisions~~  
5738 ~~of s. 163.3191, the local government may amend its comprehensive~~  
5739 ~~plan without the limitations imposed by paragraph (a) or~~  
5740 ~~paragraph (c).~~

5741 ~~(e) Any plan amendment which a local government attempts to~~  
5742 ~~adopt in violation of paragraph (a) or paragraph (c) is invalid,~~

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5743 ~~but such invalidity may be overcome if the local government~~  
5744 ~~readopts the amendment and transmits the amendment to the state~~  
5745 ~~land planning agency pursuant to s. 163.3184(7) after the report~~  
5746 ~~is determined to be sufficient.~~

5747 Section 20. Section 163.3191, Florida Statutes, is amended  
5748 to read:

5749 163.3191 Evaluation and appraisal of comprehensive plan.—

5750 (1) At least once every 7 years, each local government  
5751 shall evaluate its comprehensive plan to determine if plan  
5752 amendments are necessary to reflect changes in state  
5753 requirements in this part since the last update of the  
5754 comprehensive plan, and notify the state land planning agency as  
5755 to its determination.

5756 (2) If the local government determines amendments to its  
5757 comprehensive plan are necessary to reflect changes in state  
5758 requirements, the local government shall prepare and transmit  
5759 within 1 year such plan amendment or amendments for review  
5760 pursuant to s. 163.3184.

5761 (3) Local governments are encouraged to comprehensively  
5762 evaluate and, as necessary, update comprehensive plans to  
5763 reflect changes in local conditions. Plan amendments transmitted  
5764 pursuant to this section shall be reviewed in accordance with s.  
5765 163.3184.

5766 (4) If a local government fails to submit its letter  
5767 prescribed by subsection (1) or update its plan pursuant to  
5768 subsection (2), it may not amend its comprehensive plan until  
5769 such time as it complies with this section.

5770 ~~(1) The planning program shall be a continuous and ongoing~~  
5771 ~~process. Each local government shall adopt an evaluation and~~

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5772 ~~appraisal report once every 7 years assessing the progress in~~  
5773 ~~implementing the local government's comprehensive plan.~~  
5774 ~~Furthermore, it is the intent of this section that:~~

5775 ~~(a) Adopted comprehensive plans be reviewed through such~~  
5776 ~~evaluation process to respond to changes in state, regional, and~~  
5777 ~~local policies on planning and growth management and changing~~  
5778 ~~conditions and trends, to ensure effective intergovernmental~~  
5779 ~~coordination, and to identify major issues regarding the~~  
5780 ~~community's achievement of its goals.~~

5781 ~~(b) After completion of the initial evaluation and~~  
5782 ~~appraisal report and any supporting plan amendments, each~~  
5783 ~~subsequent evaluation and appraisal report must evaluate the~~  
5784 ~~comprehensive plan in effect at the time of the initiation of~~  
5785 ~~the evaluation and appraisal report process.~~

5786 ~~(c) Local governments identify the major issues, if~~  
5787 ~~applicable, with input from state agencies, regional agencies,~~  
5788 ~~adjacent local governments, and the public in the evaluation and~~  
5789 ~~appraisal report process. It is also the intent of this section~~  
5790 ~~to establish minimum requirements for information to ensure~~  
5791 ~~predictability, certainty, and integrity in the growth~~  
5792 ~~management process. The report is intended to serve as a summary~~  
5793 ~~audit of the actions that a local government has undertaken and~~  
5794 ~~identify changes that it may need to make. The report should be~~  
5795 ~~based on the local government's analysis of major issues to~~  
5796 ~~further the community's goals consistent with statewide minimum~~  
5797 ~~standards. The report is not intended to require a comprehensive~~  
5798 ~~rewrite of the elements within the local plan, unless a local~~  
5799 ~~government chooses to do so.~~

5800 ~~(2) The report shall present an evaluation and assessment~~

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5801 ~~of the comprehensive plan and shall contain appropriate~~  
5802 ~~statements to update the comprehensive plan, including, but not~~  
5803 ~~limited to, words, maps, illustrations, or other media, related~~  
5804 ~~to:~~

5805 ~~(a) Population growth and changes in land area, including~~  
5806 ~~annexation, since the adoption of the original plan or the most~~  
5807 ~~recent update amendments.~~

5808 ~~(b) The extent of vacant and developable land.~~

5809 ~~(c) The financial feasibility of implementing the~~  
5810 ~~comprehensive plan and of providing needed infrastructure to~~  
5811 ~~achieve and maintain adopted level of service standards and~~  
5812 ~~sustain concurrency management systems through the capital~~  
5813 ~~improvements element, as well as the ability to address~~  
5814 ~~infrastructure backlogs and meet the demands of growth on public~~  
5815 ~~services and facilities.~~

5816 ~~(d) The location of existing development in relation to the~~  
5817 ~~location of development as anticipated in the original plan, or~~  
5818 ~~in the plan as amended by the most recent evaluation and~~  
5819 ~~appraisal report update amendments, such as within areas~~  
5820 ~~designated for urban growth.~~

5821 ~~(e) An identification of the major issues for the~~  
5822 ~~jurisdiction and, where pertinent, the potential social,~~  
5823 ~~economic, and environmental impacts.~~

5824 ~~(f) Relevant changes to the state comprehensive plan, the~~  
5825 ~~requirements of this part, the minimum criteria contained in~~  
5826 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~  
5827 ~~strategic regional policy plan since the adoption of the~~  
5828 ~~original plan or the most recent evaluation and appraisal report~~  
5829 ~~update amendments.~~

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5830           ~~(g) An assessment of whether the plan objectives within~~  
5831 ~~each element, as they relate to major issues, have been~~  
5832 ~~achieved. The report shall include, as appropriate, an~~  
5833 ~~identification as to whether unforeseen or unanticipated changes~~  
5834 ~~in circumstances have resulted in problems or opportunities with~~  
5835 ~~respect to major issues identified in each element and the~~  
5836 ~~social, economic, and environmental impacts of the issue.~~

5837           ~~(h) A brief assessment of successes and shortcomings~~  
5838 ~~related to each element of the plan.~~

5839           ~~(i) The identification of any actions or corrective~~  
5840 ~~measures, including whether plan amendments are anticipated to~~  
5841 ~~address the major issues identified and analyzed in the report.~~  
5842 ~~Such identification shall include, as appropriate, new~~  
5843 ~~population projections, new revised planning timeframes, a~~  
5844 ~~revised future conditions map or map series, an updated capital~~  
5845 ~~improvements element, and any new and revised goals, objectives,~~  
5846 ~~and policies for major issues identified within each element.~~  
5847 ~~This paragraph shall not require the submittal of the plan~~  
5848 ~~amendments with the evaluation and appraisal report.~~

5849           ~~(j) A summary of the public participation program and~~  
5850 ~~activities undertaken by the local government in preparing the~~  
5851 ~~report.~~

5852           ~~(k) The coordination of the comprehensive plan with~~  
5853 ~~existing public schools and those identified in the applicable~~  
5854 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~  
5855 ~~assessment shall address, where relevant, the success or failure~~  
5856 ~~of the coordination of the future land use map and associated~~  
5857 ~~planned residential development with public schools and their~~  
5858 ~~capacities, as well as the joint decisionmaking processes~~

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5859 ~~engaged in by the local government and the school board in~~  
5860 ~~regard to establishing appropriate population projections and~~  
5861 ~~the planning and siting of public school facilities. For those~~  
5862 ~~counties or municipalities that do not have a public schools~~  
5863 ~~interlocal agreement or public school facilities element, the~~  
5864 ~~assessment shall determine whether the local government~~  
5865 ~~continues to meet the criteria of s. 163.3177(12). If the county~~  
5866 ~~or municipality determines that it no longer meets the criteria,~~  
5867 ~~it must adopt appropriate school concurrency goals, objectives,~~  
5868 ~~and policies in its plan amendments pursuant to the requirements~~  
5869 ~~of the public school facilities element, and enter into the~~  
5870 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~  
5871 ~~and 163.31777 in order to fully participate in the school~~  
5872 ~~concurrency system.~~

5873 ~~(l) The extent to which the local government has been~~  
5874 ~~successful in identifying alternative water supply projects and~~  
5875 ~~traditional water supply projects, including conservation and~~  
5876 ~~reuse, necessary to meet the water needs identified in s.~~  
5877 ~~373.709(2)(a) within the local government's jurisdiction. The~~  
5878 ~~report must evaluate the degree to which the local government~~  
5879 ~~has implemented the work plan for building public, private, and~~  
5880 ~~regional water supply facilities, including development of~~  
5881 ~~alternative water supplies, identified in the element as~~  
5882 ~~necessary to serve existing and new development.~~

5883 ~~(m) If any of the jurisdiction of the local government is~~  
5884 ~~located within the coastal high hazard area, an evaluation of~~  
5885 ~~whether any past reduction in land use density impairs the~~  
5886 ~~property rights of current residents when redevelopment occurs,~~  
5887 ~~including, but not limited to, redevelopment following a natural~~

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5888 ~~disaster. The property rights of current residents shall be~~  
5889 ~~balanced with public safety considerations. The local government~~  
5890 ~~must identify strategies to address redevelopment feasibility~~  
5891 ~~and the property rights of affected residents. These strategies~~  
5892 ~~may include the authorization of redevelopment up to the actual~~  
5893 ~~built density in existence on the property prior to the natural~~  
5894 ~~disaster or redevelopment.~~

5895 ~~(n) An assessment of whether the criteria adopted pursuant to~~  
5896 ~~s. 163.3177(6)(a) were successful in achieving compatibility~~  
5897 ~~with military installations.~~

5898 ~~(o) The extent to which a concurrency exception area~~  
5899 ~~designated pursuant to s. 163.3180(5), a concurrency management~~  
5900 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~  
5901 ~~transportation district designated pursuant to s. 163.3180(15)~~  
5902 ~~has achieved the purpose for which it was created and otherwise~~  
5903 ~~complies with the provisions of s. 163.3180.~~

5904 ~~(p) An assessment of the extent to which changes are needed~~  
5905 ~~to develop a common methodology for measuring impacts on~~  
5906 ~~transportation facilities for the purpose of implementing its~~  
5907 ~~concurrency management system in coordination with the~~  
5908 ~~municipalities and counties, as appropriate pursuant to s.~~  
5909 ~~163.3180(10).~~

5910 ~~(3) Voluntary scoping meetings may be conducted by each~~  
5911 ~~local government or several local governments within the same~~  
5912 ~~county that agree to meet together. Joint meetings among all~~  
5913 ~~local governments in a county are encouraged. All scoping~~  
5914 ~~meetings shall be completed at least 1 year prior to the~~  
5915 ~~established adoption date of the report. The purpose of the~~  
5916 ~~meetings shall be to distribute data and resources available to~~

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5917 ~~assist in the preparation of the report, to provide input on~~  
5918 ~~major issues in each community that should be addressed in the~~  
5919 ~~report, and to advise on the extent of the effort for the~~  
5920 ~~components of subsection (2). If scoping meetings are held, the~~  
5921 ~~local government shall invite each state and regional reviewing~~  
5922 ~~agency, as well as adjacent and other affected local~~  
5923 ~~governments. A preliminary list of new data and major issues~~  
5924 ~~that have emerged since the adoption of the original plan, or~~  
5925 ~~the most recent evaluation and appraisal report-based update~~  
5926 ~~amendments, should be developed by state and regional entities~~  
5927 ~~and involved local governments for distribution at the scoping~~  
5928 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~  
5929 ~~a meeting conducted to determine the scope of review of the~~  
5930 ~~evaluation and appraisal report by parties to which the report~~  
5931 ~~relates.~~

5932 ~~(4) The local planning agency shall prepare the evaluation~~  
5933 ~~and appraisal report and shall make recommendations to the~~  
5934 ~~governing body regarding adoption of the proposed report. The~~  
5935 ~~local planning agency shall prepare the report in conformity~~  
5936 ~~with its public participation procedures adopted as required by~~  
5937 ~~s. 163.3181. During the preparation of the proposed report and~~  
5938 ~~prior to making any recommendation to the governing body, the~~  
5939 ~~local planning agency shall hold at least one public hearing,~~  
5940 ~~with public notice, on the proposed report. At a minimum, the~~  
5941 ~~format and content of the proposed report shall include a table~~  
5942 ~~of contents; numbered pages; element headings; section headings~~  
5943 ~~within elements; a list of included tables, maps, and figures; a~~  
5944 ~~title and sources for all included tables; a preparation date;~~  
5945 ~~and the name of the preparer. Where applicable, maps shall~~

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5946 ~~include major natural and artificial geographic features; city,~~  
5947 ~~county, and state lines; and a legend indicating a north arrow,~~  
5948 ~~map scale, and the date.~~

5949 ~~(5) Ninety days prior to the scheduled adoption date, the~~  
5950 ~~local government may provide a proposed evaluation and appraisal~~  
5951 ~~report to the state land planning agency and distribute copies~~  
5952 ~~to state and regional commenting agencies as prescribed by rule,~~  
5953 ~~adjacent jurisdictions, and interested citizens for review. All~~  
5954 ~~review comments, including comments by the state land planning~~  
5955 ~~agency, shall be transmitted to the local government and state~~  
5956 ~~land planning agency within 30 days after receipt of the~~  
5957 ~~proposed report.~~

5958 ~~(6) The governing body, after considering the review~~  
5959 ~~comments and recommended changes, if any, shall adopt the~~  
5960 ~~evaluation and appraisal report by resolution or ordinance at a~~  
5961 ~~public hearing with public notice. The governing body shall~~  
5962 ~~adopt the report in conformity with its public participation~~  
5963 ~~procedures adopted as required by s. 163.3181. The local~~  
5964 ~~government shall submit to the state land planning agency three~~  
5965 ~~copies of the report, a transmittal letter indicating the dates~~  
5966 ~~of public hearings, and a copy of the adoption resolution or~~  
5967 ~~ordinance. The local government shall provide a copy of the~~  
5968 ~~report to the reviewing agencies which provided comments for the~~  
5969 ~~proposed report, or to all the reviewing agencies if a proposed~~  
5970 ~~report was not provided pursuant to subsection (5), including~~  
5971 ~~the adjacent local governments. Within 60 days after receipt,~~  
5972 ~~the state land planning agency shall review the adopted report~~  
5973 ~~and make a preliminary sufficiency determination that shall be~~  
5974 ~~forwarded by the agency to the local government for its~~

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5975 ~~consideration. The state land planning agency shall issue a~~  
5976 ~~final sufficiency determination within 90 days after receipt of~~  
5977 ~~the adopted evaluation and appraisal report.~~

5978 ~~(7) The intent of the evaluation and appraisal process is~~  
5979 ~~the preparation of a plan update that clearly and concisely~~  
5980 ~~achieves the purpose of this section. Toward this end, the~~  
5981 ~~sufficiency review of the state land planning agency shall~~  
5982 ~~concentrate on whether the evaluation and appraisal report~~  
5983 ~~sufficiently fulfills the components of subsection (2). If the~~  
5984 ~~state land planning agency determines that the report is~~  
5985 ~~insufficient, the governing body shall adopt a revision of the~~  
5986 ~~report and submit the revised report for review pursuant to~~  
5987 ~~subsection (6).~~

5988 ~~(8) The state land planning agency may delegate the review~~  
5989 ~~of evaluation and appraisal reports, including all state land~~  
5990 ~~planning agency duties under subsections (4)-(7), to the~~  
5991 ~~appropriate regional planning council. When the review has been~~  
5992 ~~delegated to a regional planning council, any local government~~  
5993 ~~in the region may elect to have its report reviewed by the~~  
5994 ~~regional planning council rather than the state land planning~~  
5995 ~~agency. The state land planning agency shall by agreement~~  
5996 ~~provide for uniform and adequate review of reports and shall~~  
5997 ~~retain oversight for any delegation of review to a regional~~  
5998 ~~planning council.~~

5999 ~~(9) The state land planning agency may establish a phased~~  
6000 ~~schedule for adoption of reports. The schedule shall provide~~  
6001 ~~each local government at least 7 years from plan adoption or~~  
6002 ~~last established adoption date for a report and shall allot~~  
6003 ~~approximately one-seventh of the reports to any 1 year. In order~~

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6004 ~~to allow the municipalities to use data and analyses gathered by~~  
6005 ~~the counties, the state land planning agency shall schedule~~  
6006 ~~municipal report adoption dates between 1 year and 18 months~~  
6007 ~~later than the report adoption date for the county in which~~  
6008 ~~those municipalities are located. A local government may adopt~~  
6009 ~~its report no earlier than 90 days prior to the established~~  
6010 ~~adoption date. Small municipalities which were scheduled by~~  
6011 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~  
6012 ~~evaluation and appraisal report after February 2, 1999, shall be~~  
6013 ~~rescheduled to adopt their report together with the other~~  
6014 ~~municipalities in their county as provided in this subsection.~~

6015 ~~(10) The governing body shall amend its comprehensive plan~~  
6016 ~~based on the recommendations in the report and shall update the~~  
6017 ~~comprehensive plan based on the components of subsection (2),~~  
6018 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~  
6019 ~~163.3189. Amendments to update a comprehensive plan based on the~~  
6020 ~~evaluation and appraisal report shall be adopted during a single~~  
6021 ~~amendment cycle within 18 months after the report is determined~~  
6022 ~~to be sufficient by the state land planning agency, except the~~  
6023 ~~state land planning agency may grant an extension for adoption~~  
6024 ~~of a portion of such amendments. The state land planning agency~~  
6025 ~~may grant a 6-month extension for the adoption of such~~  
6026 ~~amendments if the request is justified by good and sufficient~~  
6027 ~~cause as determined by the agency. An additional extension may~~  
6028 ~~also be granted if the request will result in greater~~  
6029 ~~coordination between transportation and land use, for the~~  
6030 ~~purposes of improving Florida's transportation system, as~~  
6031 ~~determined by the agency in coordination with the Metropolitan~~  
6032 ~~Planning Organization program. Beginning July 1, 2006, failure~~

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6033 ~~to timely adopt and transmit update amendments to the~~  
6034 ~~comprehensive plan based on the evaluation and appraisal report~~  
6035 ~~shall result in a local government being prohibited from~~  
6036 ~~adopting amendments to the comprehensive plan until the~~  
6037 ~~evaluation and appraisal report update amendments have been~~  
6038 ~~adopted and transmitted to the state land planning agency. The~~  
6039 ~~prohibition on plan amendments shall commence when the update~~  
6040 ~~amendments to the comprehensive plan are past due. The~~  
6041 ~~comprehensive plan as amended shall be in compliance as defined~~  
6042 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~  
6043 ~~of the update amendments to the comprehensive plan, the local~~  
6044 ~~government shall provide to the state land planning agency and~~  
6045 ~~to all agencies designated by rule a complete copy of the~~  
6046 ~~updated comprehensive plan.~~

6047 ~~(11) The Administration Commission may impose the sanctions~~  
6048 ~~provided by s. 163.3184(11) against any local government that~~  
6049 ~~fails to adopt and submit a report, or that fails to implement~~  
6050 ~~its report through timely and sufficient amendments to its local~~  
6051 ~~plan, except for reasons of excusable delay or valid planning~~  
6052 ~~reasons agreed to by the state land planning agency or found~~  
6053 ~~present by the Administration Commission. Sanctions for untimely~~  
6054 ~~or insufficient plan amendments shall be prospective only and~~  
6055 ~~shall begin after a final order has been issued by the~~  
6056 ~~Administration Commission and a reasonable period of time has~~  
6057 ~~been allowed for the local government to comply with an adverse~~  
6058 ~~determination by the Administration Commission through adoption~~  
6059 ~~of plan amendments that are in compliance. The state land~~  
6060 ~~planning agency may initiate, and an affected person may~~  
6061 ~~intervene in, such a proceeding by filing a petition with the~~

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6062 ~~Division of Administrative Hearings, which shall appoint an~~  
6063 ~~administrative law judge and conduct a hearing pursuant to ss.~~  
6064 ~~120.569 and 120.57(1) and shall submit a recommended order to~~  
6065 ~~the Administration Commission. The affected local government~~  
6066 ~~shall be a party to any such proceeding. The commission may~~  
6067 ~~implement this subsection by rule.~~

6068 (5)~~(12)~~ The state land planning agency shall not adopt  
6069 rules to implement this section, other than procedural rules.

6070 ~~(13)~~ The state land planning agency shall regularly review  
6071 the evaluation and appraisal report process and submit a report  
6072 to the Governor, the Administration Commission, the Speaker of  
6073 the House of Representatives, the President of the Senate, and  
6074 the respective community affairs committees of the Senate and  
6075 the House of Representatives. The first report shall be  
6076 submitted by December 31, 2004, and subsequent reports shall be  
6077 submitted every 5 years thereafter. At least 9 months before the  
6078 due date of each report, the Secretary of Community Affairs  
6079 shall appoint a technical committee of at least 15 members to  
6080 assist in the preparation of the report. The membership of the  
6081 technical committee shall consist of representatives of local  
6082 governments, regional planning councils, the private sector, and  
6083 environmental organizations. The report shall assess the  
6084 effectiveness of the evaluation and appraisal report process.

6085 ~~(14)~~ The requirement of subsection (10) prohibiting a local  
6086 government from adopting amendments to the local comprehensive  
6087 plan until the evaluation and appraisal report update amendments  
6088 have been adopted and transmitted to the state land planning  
6089 agency does not apply to a plan amendment proposed for adoption  
6090 by the appropriate local government as defined in s.

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6091 ~~163.3178(2)(k) in order to integrate a port comprehensive master~~  
6092 ~~plan with the coastal management element of the local~~  
6093 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~  
6094 ~~comprehensive master plan or the proposed plan amendment does~~  
6095 ~~not cause or contribute to the failure of the local government~~  
6096 ~~to comply with the requirements of the evaluation and appraisal~~  
6097 ~~report.~~

6098 Section 21. Present subsections (3), (4), (5), and (6) of  
6099 section 163.3194, Florida Statutes, are renumbered as  
6100 subsections (4), (5), (6), and (7), respectively, and a new  
6101 subsection (3) is added to that section, to read:

6102 163.3194 Legal status of comprehensive plan.—

6103 (3) A governing body may not issue a development order or  
6104 permit to erect, operate, use, or maintain a sign requiring a  
6105 permit by s. 479.07 unless the sign is located on a parcel  
6106 designated for commercial or industrial use, or located in an  
6107 unzoned commercial or industrial area, or located on an unzoned  
6108 commercial or industrial parcel.

6109 (a) As used in this subsection, the term:

6110 1. "Designated for commercial or industrial use" means a  
6111 parcel of land designated predominately for commercial or  
6112 industrial uses under both the future land use map approved by  
6113 the state land planning agency and the land development  
6114 regulations adopted pursuant to this chapter.

6115 2. "In an unzoned commercial or industrial area or on an  
6116 unzoned commercial or industrial parcel" means an area or parcel  
6117 that is not specifically designated for commercial or industrial  
6118 uses under the land development regulations and is located in an  
6119 area designated by the future land use map of a plan approved by

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6120 the state land planning agency for multiple uses that include  
6121 commercial or industrial uses within which three or more  
6122 separate and distinct conforming industrial or commercial  
6123 activities are located within the area as provided in s.  
6124 479.01(26) (a) .

6125 (b) If a parcel is located in an area designated for  
6126 multiple uses on the future land use map of the comprehensive  
6127 plan and the zoning category of the land development regulations  
6128 does not clearly designate that parcel for a specific use, the  
6129 parcel will be considered an unzoned commercial or industrial  
6130 parcel if it meets the criteria of s. 479.01(26) .

6131 Notwithstanding the provisions of s. 479.02(7), only the  
6132 activities listed under s. 479.01(26) (b) may not be recognized  
6133 as commercial or industrial activities for purposes of this  
6134 subsection.

6135 (c) A development order or permit to erect, operate, use,  
6136 or maintain a sign issued pursuant to a plan approved by the  
6137 state land planning agency on a parcel designated for commercial  
6138 or industrial use, or located in an area or on a parcel which  
6139 qualifies as an unzoned commercial or industrial area is under  
6140 the effective control of the state and in compliance with s.  
6141 479.07 and s. 479.111(2) and the Department of Transportation  
6142 shall rely upon such determination by the local permitting  
6143 agency for the purposes of such sections and any determinations  
6144 required by s. 479.02(3) and (7) .

6145 (d) Permitting action by a governing body for the erection,  
6146 operation, use or maintenance of a sign requiring a permit by s.  
6147 479.07, which is inconsistent with the provisions of this  
6148 subsection and implemented primarily to permit such a sign, is

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6149 not authorized by this subsection.

6150 (e) The provisions under this subsection may not be  
6151 implemented if the US Secretary of Transportation provides  
6152 written notification to the department that implementation will  
6153 adversely affect the allocation of federal funds to the  
6154 department.

6155 Section 22. Paragraph (b) of subsection (2) of section  
6156 163.3217, Florida Statutes, is amended to read:

6157 163.3217 Municipal overlay for municipal incorporation.—

6158 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL  
6159 OVERLAY.—

6160 (b)~~1~~. A municipal overlay shall be adopted as an amendment  
6161 to the local government comprehensive plan as prescribed by s.  
6162 163.3184.

6163 ~~2. A county may consider the adoption of a municipal~~  
6164 ~~overlay without regard to the provisions of s. 163.3187(1)~~  
6165 ~~regarding the frequency of adoption of amendments to the local~~  
6166 ~~comprehensive plan.~~

6167 Section 23. Subsection (3) of section 163.3220, Florida  
6168 Statutes, is amended to read:

6169 163.3220 Short title; legislative intent.—

6170 (3) In conformity with, in furtherance of, and to implement  
6171 the Community Local Government Comprehensive Planning and Land  
6172 Development Regulation Act and the Florida State Comprehensive  
6173 Planning Act of 1972, it is the intent of the Legislature to  
6174 encourage a stronger commitment to comprehensive and capital  
6175 facilities planning, ensure the provision of adequate public  
6176 facilities for development, encourage the efficient use of  
6177 resources, and reduce the economic cost of development.

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6178 Section 24. Subsections (2) and (11) of section 163.3221,  
6179 Florida Statutes, are amended to read:

6180 163.3221 Florida Local Government Development Agreement  
6181 Act; definitions.—As used in ss. 163.3220-163.3243:

6182 (2) "Comprehensive plan" means a plan adopted pursuant to  
6183 the Community ~~"Local Government Comprehensive Planning and Land~~  
6184 ~~Development Regulation Act."~~

6185 (11) "Local planning agency" means the agency designated to  
6186 prepare a comprehensive plan or plan amendment pursuant to the  
6187 Community ~~"Florida Local Government Comprehensive Planning and~~  
6188 ~~Land Development Regulation Act."~~

6189 Section 25. Section 163.3229, Florida Statutes, is amended  
6190 to read:

6191 163.3229 Duration of a development agreement and  
6192 relationship to local comprehensive plan.—The duration of a  
6193 development agreement may ~~shall~~ not exceed 30 ~~20~~ years, unless  
6194 it is. ~~It may be~~ extended by mutual consent of the governing  
6195 body and the developer, subject to a public hearing in  
6196 accordance with s. 163.3225. No development agreement shall be  
6197 effective or be implemented by a local government unless the  
6198 local government's comprehensive plan and plan amendments  
6199 implementing or related to the agreement are ~~found~~ in compliance  
6200 ~~by the state land planning agency~~ in accordance with s.  
6201 ~~163.3184, s. 163.3187,~~ or s. 163.3189.

6202 Section 26. Section 163.3235, Florida Statutes, is amended  
6203 to read:

6204 163.3235 Periodic review of a development agreement.—A  
6205 local government shall review land subject to a development  
6206 agreement at least once every 12 months to determine if there

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6207 has been demonstrated good faith compliance with the terms of  
6208 the development agreement. ~~For each annual review conducted~~  
6209 ~~during years 6 through 10 of a development agreement, the review~~  
6210 ~~shall be incorporated into a written report which shall be~~  
6211 ~~submitted to the parties to the agreement and the state land~~  
6212 ~~planning agency. The state land planning agency shall adopt~~  
6213 ~~rules regarding the contents of the report, provided that the~~  
6214 ~~report shall be limited to the information sufficient to~~  
6215 ~~determine the extent to which the parties are proceeding in good~~  
6216 ~~faith to comply with the terms of the development agreement. If~~  
6217 the local government finds, on the basis of substantial  
6218 competent evidence, that there has been a failure to comply with  
6219 the terms of the development agreement, the agreement may be  
6220 revoked or modified by the local government.

6221 Section 27. Section 163.3239, Florida Statutes, is amended  
6222 to read:

6223 163.3239 Recording and effectiveness of a development  
6224 agreement.—Within 14 days after a local government enters into a  
6225 development agreement, the local government shall record the  
6226 agreement with the clerk of the circuit court in the county  
6227 where the local government is located. ~~A copy of the recorded~~  
6228 ~~development agreement shall be submitted to the state land~~  
6229 ~~planning agency within 14 days after the agreement is recorded.~~  
6230 A development agreement shall not be effective until it is  
6231 properly recorded in the public records of the county ~~and until~~  
6232 ~~30 days after having been received by the state land planning~~  
6233 ~~agency pursuant to this section.~~ The burdens of the development  
6234 agreement shall be binding upon, and the benefits of the  
6235 agreement shall inure to, all successors in interest to the

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6236 parties to the agreement.

6237 Section 28. Section 163.3243, Florida Statutes, is amended  
6238 to read:

6239 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or  
6240 adversely affected person as defined in s. 163.3215(2), ~~or the~~  
6241 ~~state land planning agency~~ may file an action for injunctive  
6242 relief in the circuit court where the local government is  
6243 located to enforce the terms of a development agreement or to  
6244 challenge compliance of the agreement with the provisions of ss.  
6245 163.3220-163.3243.

6246 Section 29. Section 163.3245, Florida Statutes, is amended  
6247 to read:

6248 163.3245 ~~Optional~~ Sector plans.—

6249 (1) In recognition of the benefits of ~~conceptual~~ long-range  
6250 planning for ~~the buildout of an area, and detailed planning for~~  
6251 ~~specific areas, as a demonstration project, the requirements of~~  
6252 ~~s. 380.06 may be addressed as identified by this section for up~~  
6253 ~~to five~~ local governments or combinations of local governments  
6254 may which adopt into their ~~the~~ comprehensive plans ~~an~~  
6255 ~~optional~~ sector plan in accordance with this section. This  
6256 section is intended to promote and encourage long-term planning  
6257 for conservation, development, and agriculture on a landscape  
6258 scale; to further the intent of s. 163.3177(11), which supports  
6259 innovative and flexible planning and development strategies, and  
6260 the purposes of this part, ~~and part I of chapter 380; to~~  
6261 facilitate protection of regionally significant resources,  
6262 including, but not limited to, regionally significant water  
6263 courses and wildlife corridors; ~~and to avoid duplication of~~  
6264 effort in terms of the level of data and analysis required for a

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6265 development of regional impact, while ensuring the adequate  
6266 mitigation of impacts to applicable regional resources and  
6267 facilities, including those within the jurisdiction of other  
6268 local governments, as would otherwise be provided. ~~Optional~~  
6269 Sector plans are intended for substantial geographic areas that  
6270 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more  
6271 local governmental jurisdictions and are to emphasize urban form  
6272 and protection of regionally significant resources and public  
6273 facilities. ~~A The state land planning agency may approve~~  
6274 ~~optional sector plans of less than 5,000 acres based on local~~  
6275 ~~circumstances if it is determined that the plan would further~~  
6276 ~~the purposes of this part and part I of chapter 380. Preparation~~  
6277 ~~of an optional sector plan is authorized by agreement between~~  
6278 ~~the state land planning agency and the applicable local~~  
6279 ~~governments under s. 163.3171(4). An optional sector plan may be~~  
6280 ~~adopted through one or more comprehensive plan amendments under~~  
6281 ~~s. 163.3184. However, an optional sector plan may not be~~ adopted  
6282 authorized in an area of critical state concern.

6283 (2) Upon the request of a local government having  
6284 jurisdiction, ~~The state land planning agency may enter into an~~  
6285 ~~agreement to authorize preparation of an optional sector plan~~  
6286 ~~upon the request of one or more local governments based on~~  
6287 ~~consideration of problems and opportunities presented by~~  
6288 ~~existing development trends; the effectiveness of current~~  
6289 ~~comprehensive plan provisions; the potential to further the~~  
6290 ~~state comprehensive plan, applicable strategic regional policy~~  
6291 ~~plans, this part, and part I of chapter 380; and those factors~~  
6292 ~~identified by s. 163.3177(10)(i).~~ the applicable regional  
6293 planning council shall conduct a scoping meeting with affected

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6294 local governments and those agencies identified in s.  
6295 163.3184(4) before preparation of the sector plan ~~execution of~~  
6296 ~~the agreement authorized by this section.~~ The purpose of this  
6297 meeting is to assist the state land planning agency and the  
6298 local government in the identification of the relevant planning  
6299 issues to be addressed and the data and resources available to  
6300 assist in the preparation of the sector plan. In the event that  
6301 a scoping meeting is conducted, ~~subsequent plan amendments,~~ the  
6302 regional planning council shall make written recommendations to  
6303 the state land planning agency and affected local governments,  
6304 on the issues requested by the local government. The scoping  
6305 meeting shall be noticed and open to the public. In the event  
6306 that the entire planning area proposed for the sector plan is  
6307 within the jurisdiction of two or more local governments, some  
6308 or all of them may enter into a joint planning agreement  
6309 pursuant to s. 163.3171 with respect to ~~including whether a~~  
6310 ~~sustainable sector plan would be appropriate.~~ The agreement must  
6311 ~~define~~ the geographic area to be subject to the sector plan, the  
6312 planning issues that will be emphasized, procedures ~~requirements~~  
6313 for intergovernmental coordination to address  
6314 extrajurisdictional impacts, supporting application materials  
6315 including data and analysis, ~~and~~ procedures for public  
6316 participation, or other issues. ~~An agreement may address~~  
6317 ~~previously adopted sector plans that are consistent with the~~  
6318 ~~standards in this section.~~ Before ~~executing an agreement under~~  
6319 ~~this subsection,~~ the local government shall hold a ~~duly noticed~~  
6320 ~~public workshop to review and explain to the public the optional~~  
6321 ~~sector planning process and the terms and conditions of the~~  
6322 ~~proposed agreement.~~ The local government shall hold a duly

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6323 ~~noticed public hearing to execute the agreement. All meetings~~  
6324 ~~between the department and the local government must be open to~~  
6325 ~~the public.~~

6326 (3) ~~Optional~~ Sector planning encompasses two levels:  
6327 adoption pursuant to under s. 163.3184 of a ~~conceptual~~ long-term  
6328 master plan for the entire planning area as part of the  
6329 comprehensive plan, and adoption by local development order of  
6330 two or more buildout overlay to the comprehensive plan, having  
6331 ~~no immediate effect on the issuance of development orders or the~~  
6332 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~  
6333 ~~detailed specific area plans that implement the conceptual long-~~  
6334 ~~term master plan buildout overlay and authorize issuance of~~  
6335 ~~development orders, and within which s. 380.06 is waived. Until~~  
6336 ~~such time as a detailed specific area plan is adopted, the~~  
6337 ~~underlying future land use designations apply.~~

6338 (a) In addition to the other requirements of this chapter,  
6339 a long-term master plan pursuant to this section ~~conceptual~~  
6340 ~~long-term buildout overlay~~ must include maps, illustrations, and  
6341 text supported by data and analysis to address the following:

6342 1. A ~~long-range conceptual~~ framework map that, at a  
6343 minimum, generally depicts ~~identifies~~ anticipated areas of  
6344 urban, agricultural, rural, and conservation land use,  
6345 identifies allowed uses in various parts of the planning area,  
6346 specifies maximum and minimum densities and intensities of use,  
6347 and provides the general framework for the development pattern  
6348 in developed areas with graphic illustrations based on a  
6349 hierarchy of places and functional place-making components.

6350 2. A general identification of the water supplies needed  
6351 and available sources of water, including water resource

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6352 development and water supply development projects, and water  
6353 conservation measures needed to meet the projected demand of the  
6354 future land uses in the long-term master plan.

6355 3. A general identification of the transportation  
6356 facilities to serve the future land uses in the long-term master  
6357 plan, including guidelines to be used to establish each modal  
6358 component intended to optimize mobility.

6359 4. A general identification of other regionally significant  
6360 public facilities ~~consistent with chapter 9J-2, Florida~~  
6361 ~~Administrative Code, irrespective of local governmental~~  
6362 ~~jurisdiction necessary to support buildout of the anticipated~~  
6363 ~~future land uses, which may include central utilities provided~~  
6364 ~~on site within the planning area, and policies setting forth the~~  
6365 ~~procedures to be used to mitigate the impacts of future land~~  
6366 ~~uses on public facilities.~~

6367 ~~5.3. A general~~ identification of regionally significant  
6368 natural resources within the planning area based on the best  
6369 available data and policies setting forth the procedures for  
6370 protection or conservation of specific resources consistent with  
6371 the overall conservation and development strategy for the  
6372 planning area ~~consistent with chapter 9J-2, Florida~~  
6373 ~~Administrative Code.~~

6374 ~~6.4. General~~ principles and guidelines addressing ~~that~~  
6375 ~~address~~ the urban form and the interrelationships of anticipated  
6376 future land uses; the protection and, as appropriate,  
6377 restoration and management of lands identified for permanent  
6378 preservation through recordation of conservation easements  
6379 consistent with s. 704.06, which shall be phased or staged in  
6380 coordination with detailed specific area plans to reflect phased

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6381 or staged development within the planning area; and a  
6382 discussion, at the applicant's option, of the extent, if any, to  
6383 which the plan will address restoring key ecosystems, achieving  
6384 a more clean, healthy environment;; limiting urban sprawl;  
6385 providing a range of housing types;; protecting wildlife and  
6386 natural areas;; advancing the efficient use of land and other  
6387 resources;; ~~and~~ creating quality communities of a design that  
6388 promotes travel by multiple transportation modes; and enhancing  
6389 the prospects for the creation of jobs.

6390 7.5. Identification of general procedures and policies to  
6391 facilitate ~~ensure~~ intergovernmental coordination to address  
6392 extrajurisdictional impacts from the future land uses long-range  
6393 conceptual framework map.

6394  
6395 A long-term master plan adopted pursuant to this section shall  
6396 be based upon a planning period longer than the generally  
6397 applicable planning period of the local comprehensive plan,  
6398 shall specify the projected population within the planning area  
6399 during the chosen planning period, and may include a phasing or  
6400 staging schedule that allocates a portion of the local  
6401 government's future growth to the planning area through the  
6402 planning period. It shall not be a requirement for a long-term  
6403 master plan adopted pursuant to this section to demonstrate need  
6404 based upon projected population growth or on any other basis.

6405 (b) In addition to the other requirements of this chapter,  
6406 ~~including those in paragraph (a),~~ the detailed specific area  
6407 plans shall be consistent with the long-term master plan and  
6408 must include conditions and commitments which provide for:

6409 1. Development or conservation of an area of adequate size

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6410 ~~to accommodate a level of development which achieves a~~  
6411 ~~functional relationship between a full range of land uses within~~  
6412 ~~the area and to encompass~~ at least 1,000 acres consistent with  
6413 the long-term master plan. The local government ~~state land~~  
6414 ~~planning agency~~ may approve detailed specific area plans of less  
6415 than 1,000 acres based on local circumstances if it is  
6416 determined that the detailed specific area plan furthers the  
6417 purposes of this part and part I of chapter 380.

6418       2. Detailed identification and analysis of the maximum and  
6419 minimum densities and intensities of use, and the distribution,  
6420 extent, and location of future land uses.

6421       3. Detailed identification of water resource development  
6422 and water supply development projects and related  
6423 infrastructure, and water conservation measures to address water  
6424 needs of development in the detailed specific area plan.

6425       4. Detailed identification of the transportation facilities  
6426 to serve the future land uses in the detailed specific area  
6427 plan.

6428       ~~5.3.~~ Detailed identification of other regionally  
6429 significant public facilities, including public facilities  
6430 outside the jurisdiction of the host local government,  
6431 ~~anticipated~~ impacts of future land uses on those facilities, and  
6432 required improvements consistent with the long-term master plan  
6433 ~~chapter 9J-2, Florida Administrative Code.~~

6434       ~~6.4.~~ Public facilities necessary to serve development in  
6435 the detailed specific area plan for the short term, including  
6436 developer contributions in a ~~financially feasible~~ 5-year capital  
6437 improvement schedule of the affected local government.

6438       ~~7.5.~~ Detailed analysis and identification of specific

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6439 measures to assure the protection or conservation of lands  
 6440 identified in the long-term master plan to be permanently  
 6441 preserved within the planning area through recordation of a  
 6442 conservation easement consistent with s. 704.06 and, as  
 6443 appropriate, restored or managed, ~~of regionally significant~~  
 6444 natural resources and other important resources both within and  
 6445 outside the host jurisdiction, ~~including those regionally~~  
 6446 ~~significant resources identified in chapter 9J-2, Florida~~  
 6447 ~~Administrative Code.~~

6448 8.6. Detailed principles and guidelines addressing that  
 6449 ~~address~~ the urban form and the interrelationships of ~~anticipated~~  
 6450 future land uses; ~~and a discussion, at the applicant's option,~~  
 6451 ~~of the extent, if any, to which the plan will address restoring~~  
 6452 ~~key ecosystems,~~ achieving a more clean, healthy environment; ~~;~~  
 6453 limiting urban sprawl; ; providing a range of housing types;  
 6454 protecting wildlife and natural areas; ; advancing the efficient  
 6455 use of land and other resources; ~~;~~ ~~and~~ creating quality  
 6456 communities of a design that promotes travel by multiple  
 6457 transportation modes; and enhancing the prospects for the  
 6458 creation of jobs.

6459 9.7. Identification of specific procedures to facilitate  
 6460 ~~ensure~~ intergovernmental coordination to address  
 6461 extrajurisdictional impacts from ~~of~~ the detailed specific area  
 6462 plan.

6463  
 6464 A detailed specific area plan adopted by local development order  
 6465 pursuant to this section may be based upon a planning period  
 6466 longer than the generally applicable planning period of the  
 6467 local comprehensive plan and shall specify the projected

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6468 population within the specific planning area during the chosen  
6469 planning period. It shall not be a requirement for a detailed  
6470 specific area plan adopted pursuant to this section to  
6471 demonstrate need based upon projected population growth or on  
6472 any other basis.

6473 (c) In its review of a long-term master plan, the state  
6474 land planning agency shall consult with the Department of  
6475 Agriculture and Consumer Services, the Department of  
6476 Environmental Protection, the Fish and Wildlife Conservation  
6477 Commission, and the applicable water management district  
6478 regarding the design of areas for protection and conservation of  
6479 regionally significant natural resources and for the protection  
6480 and, as appropriate, restoration and management of lands  
6481 identified for permanent preservation.

6482 (d) In its review of a long-term master plan, the state  
6483 land planning agency shall consult with the Department of  
6484 Transportation, the applicable metropolitan planning  
6485 organization, and any urban transit agency regarding the  
6486 location, capacity, design, and phasing or staging of major  
6487 transportation facilities in the planning area.

6488 (e) The state land planning agency may initiate a civil  
6489 action pursuant to s. 163.3215 with respect to a detailed  
6490 specific area plan that is not consistent with a long-term  
6491 master plan adopted pursuant to this section. For purposes of  
6492 such a proceeding, the state land planning agency shall be  
6493 deemed an aggrieved and adversely affected party. Regardless of  
6494 whether the local government has adopted an ordinance that  
6495 establishes a local process that meets the requirements of s.  
6496 163.3215(4), judicial review of a detailed specific area plan

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6497 initiated by the state land planning agency shall be de novo  
6498 pursuant to s. 163.3215(3) and not by petition for writ of  
6499 certiorari pursuant to s. 163.3215(4). Any other aggrieved or  
6500 adversely affected party shall be subject to s. 163.3215 in all  
6501 respects when initiating a consistency challenge to a detailed  
6502 specific area plan.

6503 (f) ~~(e)~~ This subsection does may not be construed to prevent  
6504 preparation and approval of the optional sector plan and  
6505 detailed specific area plan concurrently or in the same  
6506 submission.

6507 (4) Upon the long-term master plan becoming legally  
6508 effective:

6509 (a) Any long-range transportation plan developed by a  
6510 metropolitan planning organization pursuant to s. 339.175(7)  
6511 must be consistent, to the maximum extent feasible, with the  
6512 long-term master plan, including, but not limited to, the  
6513 projected population, the approved uses and densities and  
6514 intensities of use and their distribution within the planning  
6515 area. The transportation facilities identified in adopted plans  
6516 pursuant to subparagraphs (3)(a)3. and (3)(b)4. must be  
6517 developed in coordination with the adopted M.P.O. long-range  
6518 transportation plan.

6519 (b) The water needs, sources and water resource  
6520 development, and water supply development projects identified in  
6521 adopted plans pursuant to sub-subparagraphs (3)(a)2. and  
6522 (3)(b)3. shall be incorporated into the applicable district and  
6523 regional water supply plans adopted in accordance with ss.  
6524 373.036 and 373.709. Accordingly, and notwithstanding the permit  
6525 durations stated in s. 373.236, an applicant may request and the

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6526 applicable district may issue consumptive use permits for  
6527 durations commensurate with the long-term master plan or  
6528 detailed specific area plan, considering the ability of the  
6529 master-plan area to contribute to regional water supply  
6530 availability and the need to maximize reasonable-beneficial use  
6531 of the water resource. The permitting criteria in s. 373.223  
6532 shall be applied based upon the projected population, the  
6533 approved densities and intensities of use and their distribution  
6534 in the long-term master plan, however, the allocation of the  
6535 water may be phased over the permit duration to correspond to  
6536 actual projected needs. Nothing in this paragraph is intended to  
6537 supersede the public interest test set forth in s. 373.223. The  
6538 ~~host local government shall submit a monitoring report to the~~  
6539 ~~state land planning agency and applicable regional planning~~  
6540 ~~council on an annual basis after adoption of a detailed specific~~  
6541 ~~area plan. The annual monitoring report must provide summarized~~  
6542 ~~information on development orders issued, development that has~~  
6543 ~~occurred, public facility improvements made, and public facility~~  
6544 ~~improvements anticipated over the upcoming 5 years.~~

6545 (5) When a ~~plan amendment adopting~~ a detailed specific area  
6546 plan has become effective for a portion of the planning area  
6547 governed by a long-term master plan adopted pursuant to this  
6548 section under ss. 163.3184 and 163.3189(2), the provisions of s.  
6549 380.06 do not apply to development within the geographic area of  
6550 the detailed specific area plan. However, any development-of-  
6551 regional-impact development order that is vested from the  
6552 detailed specific area plan may be enforced pursuant to ~~under~~ s.  
6553 380.11.

6554 (a) The local government adopting the detailed specific

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6555 area plan is primarily responsible for monitoring and enforcing  
6556 the detailed specific area plan. Local governments shall not  
6557 issue any permits or approvals or provide any extensions of  
6558 services to development that are not consistent with the  
6559 detailed specific ~~sector~~ area plan.

6560 (b) If the state land planning agency has reason to believe  
6561 that a violation of any detailed specific area plan, ~~or of any~~  
6562 ~~agreement entered into under this section,~~ has occurred or is  
6563 about to occur, it may institute an administrative or judicial  
6564 proceeding to prevent, abate, or control the conditions or  
6565 activity creating the violation, using the procedures in s.  
6566 380.11.

6567 (c) In instituting an administrative or judicial proceeding  
6568 involving an ~~optional~~ sector plan or detailed specific area  
6569 plan, including a proceeding pursuant to paragraph (b), the  
6570 complaining party shall comply with the requirements of s.  
6571 163.3215(4), (5), (6), and (7), except as provided by paragraph  
6572 (3) (d).

6573 (d) The detailed specific area plan shall establish a  
6574 buildout date until which the approved development shall not be  
6575 subject to downzoning, unit density reduction, or intensity  
6576 reduction, unless the local government can demonstrate that  
6577 implementation of the plan is not continuing in good faith based  
6578 on standards established by plan policy, or that substantial  
6579 changes in the conditions underlying the approval of the  
6580 detailed specific area plan have occurred, or that the detailed  
6581 specific area plan was based on substantially inaccurate  
6582 information provided by the applicant, or that the change is  
6583 clearly established to be essential to the public health,

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6584 safety, or welfare.

6585 (6) Concurrent with or subsequent to review and adoption of  
6586 a long-term master plan pursuant to paragraph (3) (a), an  
6587 applicant may apply for master development approval pursuant to  
6588 s. 380.06(21) for the entire planning area in order to establish  
6589 a buildout date until which the approved uses and densities and  
6590 intensities of use of the master plan shall not be subject to  
6591 downzoning, unit density reduction, or intensity reduction,  
6592 unless the local government can demonstrate that implementation  
6593 of the master plan is not continuing in good faith based on  
6594 standards established by plan policy, or that substantial  
6595 changes in the conditions underlying the approval of the master  
6596 plan have occurred, or that the master plan was based on  
6597 substantially inaccurate information provided by the applicant,  
6598 or that change is clearly established to be essential to the  
6599 public health, safety, or welfare. Review of the application for  
6600 master development approval shall be at a level of detail  
6601 appropriate for the long-term and conceptual nature of the long-  
6602 term master plan and, to the maximum extent possible, shall only  
6603 consider information provided in the application for a long-term  
6604 master plan. Notwithstanding any provision of s. 380.06 to the  
6605 contrary, an increment of development in such an approved master  
6606 development plan shall be approved by a detailed specific area  
6607 plan pursuant to paragraph (3) (b) and shall be exempt from  
6608 review pursuant to s. 380.06. Beginning December 1, 1999, and  
6609 each year thereafter, the department shall provide a status  
6610 report to the Legislative Committee on Intergovernmental  
6611 Relations regarding each optional sector plan authorized under  
6612 this section.

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6613       (7) A developer within an area subject to a long-term  
6614 master plan which meets the requirements of paragraph (3) (a) and  
6615 subsection (6) or a detailed specific area plan which meets the  
6616 requirements of paragraph (3) (b) may enter into a development  
6617 agreement with a local government pursuant to ss. 163.3220-  
6618 163.3243. The duration of such a development agreement may be  
6619 through the planning period of the long-term master plan or the  
6620 detailed specific area plan, as the case may be, notwithstanding  
6621 the limit on the duration of a development agreement pursuant to  
6622 s. 163.3229.

6623       (8) Any owner of property within the planning area of a  
6624 proposed long-term master plan may withdraw his consent to the  
6625 master plan at any time prior to local government adoption, and  
6626 the local government shall exclude such parcels from the adopted  
6627 master plan. Thereafter, the long-term master plan, any detailed  
6628 specific area plan, and the exemption from development-of-  
6629 regional-impact review under this section shall not apply to the  
6630 subject parcels. After adoption of a long-term master plan, an  
6631 owner may withdraw his or her property from the master plan only  
6632 with the approval of the local government by plan amendment  
6633 adopted and reviewed pursuant to s. 163.3184.

6634       (9) The adoption of a long-term master plan or a detailed  
6635 specific area plan pursuant to this section shall not limit the  
6636 right to continue existing agricultural or silvicultural uses or  
6637 other natural resource-based operations or to establish similar  
6638 new uses that are consistent with the plans approved pursuant to  
6639 this section.

6640       (10) The state land planning agency may enter into an  
6641 agreement with a local government which, on or before July 1,

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6642 2011, adopted a large-area comprehensive plan amendment  
6643 consisting of at least 15,000 acres that meets the requirements  
6644 for a long-term master plan in paragraph (3) (a), after notice  
6645 and public hearing by the local government, and thereafter,  
6646 notwithstanding any provision of s. 380.06 or this part or any  
6647 planning agreement or plan policy, that large-area plan shall be  
6648 implemented through detailed specific area plans that meet the  
6649 requirements of paragraph (3) (b) and shall otherwise be subject  
6650 to the provisions of this section.

6651 (11) Notwithstanding any provision to the contrary of s.  
6652 380.06 or this part II or any planning agreement or plan policy,  
6653 a landowner or developer who has received approval of a master  
6654 development of regional impact development order pursuant to s.  
6655 380.06(21) may apply to implement this order by filing one or  
6656 more applications to approve detailed specific area plan  
6657 pursuant to paragraph (3) (b).

6658 (12) Notwithstanding the provisions of this section, a  
6659 detailed specific area plan to implement a conceptual long-term  
6660 buildout overlay adopted by a local government and found in  
6661 compliance prior to July 1, 2011, shall be governed by the  
6662 provisions of this section.

6663 (13)~~(7)~~ This section may not be construed to abrogate the  
6664 rights of any person under this chapter.

6665 Section 30. Section 163.3247, Florida Statutes, as amended  
6666 by section 42 of chapter 2010-153, Laws of Florida, is amended,  
6667 and subsection (6) is added to that section, to read:

6668 163.3247 Century Commission for a Sustainable Florida.—

6669 (1) POPULAR NAME.—This section may be cited as the "Century  
6670 Commission for a Sustainable Florida Act."

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6671 (2) FINDINGS AND INTENT.—The Legislature finds and declares  
6672 that the population of this state is expected to more than  
6673 double over the next 100 years, with commensurate impacts to the  
6674 state's natural resources and public infrastructure.  
6675 Consequently, it is in the best interests of the people of the  
6676 state to ensure sound planning for the proper placement of this  
6677 growth and protection of the state's land, water, and other  
6678 natural resources since such resources are essential to our  
6679 collective quality of life and a strong economy. The state's  
6680 growth management system should foster economic stability  
6681 through regional solutions and strategies, urban renewal and  
6682 infill, and the continued viability of agricultural economies,  
6683 while allowing for rural economic development and protecting the  
6684 unique characteristics of rural areas, and should reduce the  
6685 complexity of the regulatory process while carrying out the  
6686 intent of the laws and encouraging greater citizen  
6687 participation. The Legislature further finds that it is  
6688 imperative that the state have a specific strategic plan  
6689 addressing its growth management system.

6690 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION;  
6691 ORGANIZATION.—The Century Commission for a Sustainable Florida  
6692 is created as a standing body to help the citizens of this state  
6693 envision and plan their collective future with an eye towards  
6694 10-year, both 25-year, and 50-year horizons.

6695 (a) The commission shall consist of 18 ~~15~~ members appointed  
6696 as follows:

- 6697 1. Two members ~~5~~ appointed by the Governor;7
- 6698 2. Five members ~~5~~ appointed by the President of the  
6699 Senate;7 and

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6700 3. Five members ~~5~~ appointed by the Speaker of the House of  
6701 Representatives;

6702 4. The chairs of the legislative growth management  
6703 committees;

6704 5. The Secretary of Community Affairs;

6705 6. The Secretary of Environmental Protection;

6706 7. The Secretary of Transportation; and

6707 8. The director of the Office of Tourism, Trade, and  
6708 Economic Development.

6709 (b) Members of the commission ~~Appointments shall be made no~~  
6710 ~~later than October 1, 2005. The membership~~ must represent local  
6711 governments, school boards, developers and homebuilders, the  
6712 business community, the agriculture community, the environmental  
6713 community, and other appropriate stakeholders. Beginning July 1,  
6714 2011, through June 30, 2013, one member shall be elected to  
6715 serve as chair by a vote of the commission membership. However,  
6716 the chairs of the legislative growth management committees, the  
6717 Secretary of Community Affairs, the Secretary of Environmental  
6718 Protection, the Secretary of Transportation, and the director of  
6719 the Office of Tourism, Trade, and Economic Development may not  
6720 serve as chair during this period ~~designated by the Governor as~~  
6721 ~~chair of the commission.~~ Any vacancy that occurs on the  
6722 commission must be filled in the same manner as the original  
6723 appointment and shall be for the unexpired term of that  
6724 commission seat. ~~Members shall serve 4-year terms, except that,~~  
6725 ~~initially, to provide for staggered terms, the Governor, the~~  
6726 ~~President of the Senate, and the Speaker of the House of~~  
6727 ~~Representatives shall each appoint one member to serve a 2-year~~  
6728 ~~term, two members to serve 3-year terms, and two members to~~

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6729 ~~serve 4-year terms.~~ Members shall be appointed to serve All  
 6730 ~~subsequent appointments shall be for 4-year terms.~~ An appointee  
 6731 may not serve more than 6 years. However, members who are  
 6732 appointed on or before January 1, 2011, shall have their terms  
 6733 automatically extended to June 30, 2013, to ensure continuity  
 6734 during the development of the strategic plan.

6735 (c) ~~(b)~~ The fiscal year of the commission begins July 1 each  
 6736 year and ends June 30 of the following year. The first meeting  
 6737 ~~of~~ The commission shall be held no later than December 1, 2005,  
 6738 ~~and~~ shall meet at the call of the chair but not less frequently  
 6739 than six ~~three~~ times per fiscal year in different regions of the  
 6740 ~~state~~ to solicit input from the public or any other individuals  
 6741 offering testimony relevant to the issues to be considered. The  
 6742 executive director shall establish a meeting calendar for the  
 6743 fiscal year which considers the availability of members. The  
 6744 commission must vote to approve the meeting calendar before the  
 6745 beginning of the fiscal year. The commission may vote to form  
 6746 subcommittees and schedule meetings as necessary.

6747 (d) ~~(e)~~ Each member of the commission is entitled to one  
 6748 vote, and the actions of the commission are not binding unless  
 6749 taken by a majority ~~three-fifths~~ vote of the members present. A  
 6750 majority of the members is required to constitute a quorum, and  
 6751 the affirmative vote of a quorum is required for a binding vote.

6752 (e) ~~(d)~~ Members of the commission shall serve without  
 6753 compensation, but are ~~shall be~~ entitled to receive reimbursement  
 6754 for per diem and travel expenses as provided in accordance with  
 6755 s. 112.061 while in the performance of their duties.

6756 (4) POWERS AND DUTIES.—

6757 (a) The commission shall:

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6758           ~~(a) Annually conduct a process through which the commission~~  
6759 ~~envisions the future for the state and then develops and~~  
6760 ~~recommends policies, plans, action steps, or strategies to~~  
6761 ~~assist in achieving the vision.~~

6762           ~~(b) Continuously review and consider statutory and~~  
6763 ~~regulatory provisions, governmental processes, and societal and~~  
6764 ~~economic trends in its inquiry of how state, regional, and local~~  
6765 ~~governments and entities and citizens of this state can best~~  
6766 ~~accommodate projected increased populations while maintaining~~  
6767 ~~the natural, historical, cultural, and manmade life qualities~~  
6768 ~~that best represent the state.~~

6769           ~~(c)~~ bring together people representing varied interests to  
6770 develop a shared image of the state and its developed and  
6771 natural areas. The process should involve exploring the impact  
6772 of the estimated population increase and other emerging trends  
6773 and issues; creating a vision for the future; and developing a  
6774 strategic action plan to achieve that vision using 10-year, 25-  
6775 year, and 50-year intermediate planning timeframes. The plan  
6776 must:

6777           1. ~~(d)~~ Focus on essential state interests, defined as those  
6778 interests that transcend local or regional boundaries and are  
6779 most appropriately conserved, protected, and promoted at the  
6780 state level;

6781           2. Accommodate the projections for an increase in  
6782 population while maintaining the state's natural, historical,  
6783 cultural, and manmade life qualities; and

6784           3. Be developed through a coordinated, integrated, and  
6785 comprehensive effort across agencies, local governments, and  
6786 nongovernmental stakeholders.

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6787       (b) The commission shall submit the strategic plan to the  
6788 Governor and the Legislature by November 15, 2012, along with  
6789 progress reports by November 15, 2011, and March 15, 2012. The  
6790 commission shall also make presentations, at least annually, to  
6791 the Governor and the Legislature.

6792       ~~(c) Serve as an objective, nonpartisan repository of~~  
6793 ~~exemplary community building ideas and as a source to recommend~~  
6794 ~~strategies and practices to assist others in working~~  
6795 ~~collaboratively to problem solve on issues relating to growth~~  
6796 ~~management.~~

6797       ~~(f) Annually, beginning January 16, 2007, and every year~~  
6798 ~~thereafter on the same date, provide to the Governor, the~~  
6799 ~~President of the Senate, and the Speaker of the House of~~  
6800 ~~Representatives a written report containing specific~~  
6801 ~~recommendations for addressing growth management in the state,~~  
6802 ~~including executive and legislative recommendations. Further,~~  
6803 ~~the report shall contain discussions regarding the need for~~  
6804 ~~intergovernmental cooperation and the balancing of environmental~~  
6805 ~~protection and future development and recommendations on issues,~~  
6806 ~~including, but not limited to, recommendations regarding~~  
6807 ~~dedicated sources of funding for sewer facilities, water supply~~  
6808 ~~and quality, transportation facilities that are not adequately~~  
6809 ~~addressed by the Strategic Intermodal System, and educational~~  
6810 ~~infrastructure to support existing development and projected~~  
6811 ~~population growth.~~

6812       (c)~~(g)~~ Beginning with the 2007 Regular Session of the  
6813 Legislature, the President of the Senate and the Speaker of the  
6814 House of Representatives shall create a joint select committee,  
6815 the task of which shall be to review the findings and

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6816 recommendations of the Century Commission for a Sustainable  
6817 Florida for potential action.

6818 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

6819 (a) ~~The Secretary of Community Affairs shall select An~~  
6820 executive director shall be appointed by the Secretary of  
6821 Community Affairs and ratified by the commission and ~~of the~~  
6822 ~~commission, and the executive director shall serve at the~~  
6823 ~~pleasure of the secretary under the supervision and control of~~  
6824 the commission under the direction of the chair.

6825 (b) The Department of Community Affairs shall provide a  
6826 specific line item in its annual legislative budget request to  
6827 fund the commission for the period beginning July 1, 2011,  
6828 through June 30, 2013. The department may obtain additional  
6829 funding through external grants. The department shall provide  
6830 sufficient funds and staff support for the purpose of assisting  
6831 the commission in completing the strategic plan ~~staff and other~~  
6832 ~~resources necessary to accomplish the goals of the commission~~  
6833 ~~based upon recommendations of the Governor.~~

6834 (c) All agencies under the control of the Governor are  
6835 directed, and all other agencies are requested, to render  
6836 assistance to, and cooperate with, the commission.

6837 (6) EXPIRATION.—This section expires and the commission is  
6838 abolished June 30, 2013.

6839 Section 31. Section 163.3248, Florida Statutes, is created  
6840 to read:

6841 163.3248 Rural land stewardship areas.—

6842 (1) Rural land stewardship areas are designed to establish  
6843 a long-term incentive based strategy to balance and guide the  
6844 allocation of land so as to accommodate future land uses in a

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6845 manner that protects the natural environment, stimulates  
6846 economic growth and diversification, and encourages the  
6847 retention of land for agriculture and other traditional rural  
6848 land uses.

6849 (2) Upon written request by one or more landowners to  
6850 designate lands as a rural land stewardship area, or pursuant to  
6851 a private sector initiated comprehensive plan amendment, local  
6852 governments may adopt by a majority vote a future land use  
6853 overlay, which shall not require a demonstration of need based  
6854 on population projections or any other factor, to designate all  
6855 or portions of lands classified in the future land use element  
6856 as predominantly agricultural, rural, open, open-rural, or a  
6857 substantively equivalent land use, as a rural land stewardship  
6858 area within which planning and economic incentives are applied  
6859 to encourage the implementation of innovative and flexible  
6860 planning and development strategies and creative land use  
6861 planning techniques to support a diverse economic and employment  
6862 base.

6863 (3) Rural land stewardship areas may be used to further the  
6864 following broad principles of rural sustainability: restoration  
6865 and maintenance of the economic value of rural land; control of  
6866 urban sprawl; identification and protection of ecosystems,  
6867 habitats, and natural resources; promotion and diversification  
6868 of economic activity and employment opportunities within the  
6869 rural areas; maintenance of the viability of the state's  
6870 agricultural economy; and protection of private property rights  
6871 in rural areas of the state. Rural land stewardship areas may be  
6872 multicounty in order to encourage coordinated regional  
6873 stewardship planning.

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6874       (4) A local government or one or more property owners may  
6875 request assistance in participation of the development of a plan  
6876 for the rural land stewardship area from the state land planning  
6877 agency, the Department of Agriculture and Consumer Services, the  
6878 Fish and Wildlife Conservation Commission, the Department of  
6879 Environmental Protection, the appropriate water management  
6880 district, the Department of Transportation, the regional  
6881 planning council, private land owners, and stakeholders.

6882       (5) A rural land stewardship area shall be not less than  
6883 10,000 acres and shall be located outside of municipalities and  
6884 established urban service areas, and shall be designated by plan  
6885 amendment by each local government with jurisdiction over the  
6886 rural land stewardship area. The plan amendment or amendments  
6887 designating a rural land stewardship area shall be subject to  
6888 review pursuant to s. 163.3184 and shall provide for the  
6889 following:

6890       (a) Criteria for the designation of receiving areas which  
6891 shall at a minimum provide for the following: adequacy of  
6892 suitable land to accommodate development so as to avoid conflict  
6893 with significant environmentally sensitive areas, resources, and  
6894 habitats; compatibility between and transition from higher  
6895 density uses to lower intensity rural uses; and the  
6896 establishment of receiving area service boundaries which provide  
6897 for a transition from receiving areas and other land uses within  
6898 the rural land stewardship area through limitations on the  
6899 extension of services.

6900       (b) Innovative planning and development strategies to be  
6901 applied within rural land stewardship areas pursuant to the  
6902 provisions of this section.

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6903       (c) A process for the implementation of innovative planning  
6904 and development strategies within the rural land stewardship  
6905 area, including those described in this subsection, which  
6906 provide for a functional mix of land uses through the adoption  
6907 by the local government of zoning and land development  
6908 regulations applicable to the rural land stewardship area.

6909       (d) A mix of densities and intensities that would not be  
6910 characterized as urban sprawl through the use of innovative  
6911 strategies and creative land use techniques.

6912       (6) A receiving area may only be designated pursuant to  
6913 procedures established in the local government's land  
6914 development regulations. At the time of designation of a  
6915 stewardship receiving area, a listed species survey will be  
6916 performed. If listed species occur on the receiving area site,  
6917 the applicant shall coordinate with each appropriate local,  
6918 state, or federal agency to determine if adequate provisions  
6919 have been made to protect those species in accordance with  
6920 applicable regulations. In determining the adequacy of  
6921 provisions for the protection of listed species and their  
6922 habitats, the rural land stewardship area shall be considered as  
6923 a whole, and the potential impacts and protective measures taken  
6924 within areas to be developed as receiving areas shall be  
6925 considered in conjunction with the substantial benefits derived  
6926 from lands set aside and protective measures taken outside of  
6927 the designation of receiving areas.

6928       (7) Upon the adoption of a plan amendment creating a rural  
6929 land stewardship area, the local government shall, by ordinance,  
6930 establish a rural land stewardship overlay zoning district,  
6931 which shall provide the methodology for the creation,

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6932 conveyance, and use of transferable rural land use credits,  
6933 hereinafter referred to as stewardship credits, the assignment  
6934 and application of which shall not constitute a right to develop  
6935 land, nor increase density of land, except as provided by this  
6936 section. The total amount of stewardship credits within the  
6937 rural land stewardship area must enable the realization of the  
6938 long-term vision and goals for the rural land stewardship area,  
6939 which may take into consideration the anticipated effect of the  
6940 proposed receiving areas. The estimated amount of receiving area  
6941 shall be projected based on available data and the development  
6942 potential represented by the stewardship credits created within  
6943 the rural land stewardship area must correlate to that amount.

6944 (8) Stewardship credits are subject to the following  
6945 limitations:

6946 (a) Stewardship credits may exist only within a rural land  
6947 stewardship area.

6948 (b) Stewardship credits may be created only from lands  
6949 designated as stewardship sending areas and may be used only on  
6950 lands designated as stewardship receiving areas and then solely  
6951 for the purpose of implementing innovative planning and  
6952 development strategies and creative land use planning techniques  
6953 adopted by the local government pursuant to this section.

6954 (c) Stewardship credits can be transferred from sending  
6955 areas only after a stewardship easement is placed on the sending  
6956 area land assigned stewardship credits. A stewardship easement  
6957 means a covenant or restrictive easement running with the land  
6958 which specifies the allowable uses and development restrictions  
6959 for the portion of a sending area from which stewardship credits  
6960 have been transferred. The stewardship easement must be jointly

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6961 held by the county and either the Department of Environmental  
6962 Protection, Department of Agriculture and Consumer Services, a  
6963 water management district, or a recognized statewide land trust.

6964 (d) Stewardship credits assigned to a parcel of land within  
6965 a rural land stewardship area shall cease to exist if the parcel  
6966 of land is removed from the rural land stewardship area by plan  
6967 amendment.

6968 (e) Neither the creation of the rural land stewardship area  
6969 by plan amendment nor the adoption of the rural land stewardship  
6970 zoning overlay district by the local government shall displace  
6971 the underlying permitted uses, density or intensity of land uses  
6972 assigned to a parcel of land within the rural land stewardship  
6973 area that existed before adoption of the plan amendment or  
6974 zoning overlay district; however, once stewardship credits have  
6975 been transferred from a designated sending area for use within a  
6976 designated receiving area, the underlying density assigned to  
6977 the designated sending area shall cease to exist.

6978 (f) The underlying permitted uses, density, or intensity on  
6979 each parcel of land located within a rural land stewardship area  
6980 shall not be increased or decreased by the local government,  
6981 except as a result of the conveyance or stewardship credits, as  
6982 long as the parcel remains within the rural land stewardship  
6983 area.

6984 (g) Stewardship credits shall cease to exist on a parcel of  
6985 land where the underlying density assigned to the parcel of land  
6986 is used.

6987 (h) An increase in the density or intensity of use on a  
6988 parcel of land located within a designated receiving area may  
6989 occur only through the assignment or use of stewardship credits

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6990 and shall not require a plan amendment. A change in the type of  
6991 agricultural use on property within a rural land stewardship  
6992 area shall not be considered a change in use or intensity of use  
6993 and shall not require any transfer of stewardship credits.

6994 (i) A change in the density or intensity of land use on  
6995 parcels located within receiving areas shall be specified in a  
6996 development order that reflects the total number of stewardship  
6997 credits assigned to the parcel of land and the infrastructure  
6998 and support services necessary to provide for a functional mix  
6999 of land uses corresponding to the plan of development.

7000 (j) Land within a rural land stewardship area may be  
7001 removed from the rural land stewardship area through a plan  
7002 amendment.

7003 (k) Stewardship credits may be assigned at different ratios  
7004 of credits per acre according to the natural resource or other  
7005 beneficial use characteristics of the land and according to the  
7006 land use remaining following the transfer of credits, with the  
7007 highest number of credits per acre assigned to the most  
7008 environmentally valuable land or, in locations where the  
7009 retention of open space and agricultural land is a priority, to  
7010 such lands.

7011 (l) The use or conveyance of stewardship credits must be  
7012 recorded in the public records of the county in which the  
7013 property is located as a covenant or restrictive easement  
7014 running with the land in favor of the county and the Department  
7015 of Environmental Protection, the Department of Agriculture and  
7016 Consumer Services, a water management district, or a recognized  
7017 statewide land trust.

7018 (9) Owners of land within rural land stewardship sending

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7019 areas should be provided other incentives, in addition to the  
7020 use or conveyance of stewardship credits, to enter into rural  
7021 land stewardship agreements, pursuant to existing law and rules  
7022 adopted thereto, with state agencies, water management  
7023 districts, the Fish and Wildlife Conservation Commission, and  
7024 local governments to achieve mutually agreed upon objectives.  
7025 Such incentives may include, but need not be limited to, the  
7026 following:

7027 (a) Opportunity to accumulate transferable wetland and  
7028 species habitat mitigation credits for use or sale.

7029 (b) Extended permit agreements.

7030 (c) Opportunities for recreational leases and ecotourism.

7031 (d) Compensation for the achievement of specified land  
7032 management activities of public benefit, including, but not  
7033 limited to, facility siting and corridors, recreational leases,  
7034 water conservation and storage, water reuse, wastewater  
7035 recycling, water supply and water resource development, nutrient  
7036 reduction, environmental restoration and mitigation, public  
7037 recreation, listed species protection and recovery, and wildlife  
7038 corridor management and enhancement.

7039 (e) Option agreements for sale to public entities or  
7040 private land conservation entities, in either fee or easement,  
7041 upon achievement of specified conservation objectives.

7042 (10) The provisions of paragraph (9) (d) constitute an  
7043 overlay of land use options that provide economic and regulatory  
7044 incentives for landowners outside of established and planned  
7045 urban service areas to conserve and manage vast areas of land  
7046 for the benefit of the state's citizens and natural environment  
7047 while maintaining and enhancing the asset value of their

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7048 landholdings. It is the intent of the Legislature that the  
7049 provisions of this section be implemented pursuant to law and  
7050 rulemaking is not authorized.

7051 (11) It is the intent of the legislature that the Rural  
7052 Land Stewardship Area located in Collier County, which is  
7053 consistent in all materials aspects with this section, be  
7054 recognized as a Statutory Rural Land Stewardship Area, and be  
7055 afforded the incentives as set forth in this section.

7056 Section 32. Section 163.32465, Florida Statutes, is amended  
7057 to read:

7058 163.32465 State review of local comprehensive plans ~~in~~  
7059 ~~urban areas.~~

7060 (1) LEGISLATIVE FINDINGS.—

7061 (a) The Legislature finds that local governments in this  
7062 state have a wide diversity of resources, conditions, abilities,  
7063 and needs. The Legislature also finds that comprehensive  
7064 planning has been implemented throughout the state and that it  
7065 is appropriate for local governments to have the primary role in  
7066 planning for their growth ~~the needs and resources of urban areas~~  
7067 ~~are different from those of rural areas and that different~~  
7068 ~~planning and growth management approaches, strategies, and~~  
7069 ~~techniques are required in urban areas. The state role in~~  
7070 ~~overseeing growth management should reflect this diversity and~~  
7071 ~~should vary based on local government conditions, capabilities,~~  
7072 ~~needs, and extent of development.~~ Thus, the Legislature  
7073 recognizes and finds that reduced state oversight of local  
7074 comprehensive planning is justified ~~for some local governments~~  
7075 ~~in urban areas.~~

7076 (b) The Legislature finds and declares that this state's

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7077 local governments ~~urban areas~~ require a reduced level of state  
7078 oversight ~~because of their high degree of urbanization and the~~  
7079 ~~planning capabilities and resources of many of their local~~  
7080 ~~governments. Accordingly, the~~ An alternative state review  
7081 ~~process that is adequate to protect issues of regional or~~  
7082 ~~statewide importance should be created for appropriate local~~  
7083 ~~governments in these areas. Further, the Legislature finds that~~  
7084 ~~development, including urban infill and redevelopment, should be~~  
7085 ~~encouraged in these urban areas. The Legislature finds that an~~  
7086 ~~alternative process provided by this section~~ for amending local  
7087 comprehensive plans is in these areas should be established with  
7088 the ~~an~~ objective of streamlining the process and recognizing  
7089 local responsibility and accountability.

7090 ~~(c) The Legislature finds a pilot program will be~~  
7091 ~~beneficial in evaluating an alternative, expedited plan~~  
7092 ~~amendment adoption and review process. Pilot local governments~~  
7093 ~~shall represent highly developed counties and the municipalities~~  
7094 ~~within these counties and highly populated municipalities.~~

7095 (2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT  
7096 PROGRAM. ~~The process for amending a comprehensive plan described~~  
7097 in this section is applicable statewide. ~~Pinellas and Broward~~  
7098 ~~Counties, and the municipalities within these counties, and~~  
7099 ~~Jacksonville, Miami, Tampa, and Hialeah shall follow an~~  
7100 ~~alternative state review process provided in this section.~~  
7101 ~~Municipalities within the pilot counties may elect, by super~~  
7102 ~~majority vote of the governing body, not to participate in the~~  
7103 ~~pilot program. In addition to the pilot program jurisdictions,~~  
7104 ~~any local government may use the alternative state review~~  
7105 ~~process to designate an urban service area as defined in s.~~

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7106 ~~163.3164(29) in its comprehensive plan.~~

7107 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS  
7108 ~~UNDER THE PILOT PROGRAM.—~~

7109 ~~(a) Effective July 1, 2011, all plan amendments adopted by~~  
7110 ~~local governments are subject to the pilot program jurisdictions~~  
7111 ~~shall follow the alternate, expedited process in subsections (4)~~  
7112 ~~and (5), except as follows: set forth in paragraphs (b) (e) of~~  
7113 ~~this subsection.~~

7114 ~~(a) (b)~~ Amendments that qualify as small-scale development  
7115 amendments may continue to be adopted by the pilot program  
7116 jurisdictions pursuant to s. 163.3187(1)(c) and (3).

7117 ~~(b) (e)~~ Plan amendments that propose a rural land  
7118 stewardship area pursuant to s. 163.3177(11)(d); propose an  
7119 optional sector plan; update a comprehensive plan based on an  
7120 evaluation and appraisal report; ~~implement new statutory~~  
7121 ~~requirements; or~~ new plans for newly incorporated  
7122 municipalities; or are in an area of critical state concern  
7123 designated pursuant to s. 380.05 are subject to state review as  
7124 set forth in s. 163.3184.

7125 (c) Any small county as that term is defined in s.  
7126 120.52(19) which transmits a resolution to the state land  
7127 planning agency specifying that it wants to follow the process  
7128 set forth in s. 163.3184 for all comprehensive plan amendments.  
7129 Such counties, at their option, may pass a subsequent resolution  
7130 specifying that they plan to follow the process specified in  
7131 this section. Such subsequent resolution may not be passed in  
7132 the same calendar year as the one specifying that the county  
7133 will follow the process set forth in s. 163.3184.

7134 (d) A municipality of special financial concern, as defined

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7135 in s. 200.185(1)(b), with a per capita taxable value of assessed  
7136 property of \$58,000 or less which transmits a resolution to the  
7137 state land planning agency specifying that it wants to follow  
7138 the process set forth in s. 163.3184 for all comprehensive plan  
7139 amendments. Such municipalities, at their option, may pass a  
7140 subsequent resolution specifying that they plan to follow the  
7141 process specified in this section. Such subsequent resolution  
7142 may not be passed in the same calendar year as the one  
7143 specifying that the county will follow the process set forth in  
7144 s. 163.3184.

7145 (e) A municipality that has a population under 20,000 with  
7146 a per capita taxable value of assessed property of \$46,000 or  
7147 less and that transmits a resolution to the state land planning  
7148 agency specifying that it wants to follow the process set forth  
7149 in s. 163.3184 for all comprehensive plan amendments. Such  
7150 municipalities, at their option, may pass a subsequent  
7151 resolution specifying that they plan to follow the process  
7152 specified in this section. Such subsequent resolution may not be  
7153 passed in the same calendar year as the one specifying that the  
7154 county will follow the process set forth in s. 163.3184.

7155 (f) ~~(d)~~ Local governments are ~~Pilot program jurisdictions~~  
7156 ~~shall be~~ subject to the frequency and timing requirements for  
7157 ~~plan amendments set forth in ss. 163.3187 and 163.3191, except~~  
7158 ~~where otherwise stated in this section.~~

7159 (g) ~~(e)~~ The mediation and expedited hearing provisions in s.  
7160 163.3189(3) apply to all plan amendments adopted pursuant to  
7161 this section ~~by the pilot program jurisdictions.~~

7162 (h) Local governments shall not combine plan amendments  
7163 adopted pursuant to this section with plan amendments adopted

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7164 pursuant to s. 163.3184 in the same amendment package. Each  
7165 transmittal and adoption amendment package shall contain a cover  
7166 letter stating whether the amendment or amendments contained  
7167 within the package are adopted pursuant to this section or s.  
7168 163.3184.

7169 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~  
7170 ~~PILOT PROGRAM.~~—

7171 (a) The local government shall hold its first public  
7172 hearing on a comprehensive plan amendment on a weekday at least  
7173 7 days after the day the first advertisement is published  
7174 pursuant to the requirements of chapter 125 or chapter 166. Upon  
7175 an affirmative vote of not less than a majority of the members  
7176 of the governing body present at the hearing, the local  
7177 government shall immediately transmit the amendment or  
7178 amendments and appropriate supporting data and analyses to the  
7179 state land planning agency; the appropriate regional planning  
7180 council and water management district; the Department of  
7181 Environmental Protection; the Department of State; the  
7182 Department of Transportation; in the case of municipal plans, to  
7183 the appropriate county; the Fish and Wildlife Conservation  
7184 Commission; the Department of Agriculture and Consumer Services;  
7185 when required by s. 163.3175, the applicable military  
7186 installation or installations; and in the case of amendments  
7187 that include or impact the public school facilities element, the  
7188 Department of Education ~~Office of Educational Facilities of the~~  
7189 ~~Commissioner of Education~~. The local governing body shall also  
7190 transmit a copy of the amendments and supporting data and  
7191 analyses to any other local government or governmental agency  
7192 that has filed a written request with the governing body.

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7193 (b) The agencies and local governments specified in  
7194 paragraph (a) may provide comments regarding the amendment or  
7195 amendments to the local government. The regional planning  
7196 council review and comment shall be limited to effects on  
7197 regional resources or facilities identified in the strategic  
7198 regional policy plan and extrajurisdictional impacts that would  
7199 be inconsistent with the comprehensive plan of the affected  
7200 local government. A regional planning council shall not review  
7201 and comment on a proposed comprehensive plan amendment prepared  
7202 by such council unless the plan amendment has been changed by  
7203 the local government subsequent to the preparation of the plan  
7204 amendment by the regional planning council. County comments on  
7205 municipal comprehensive plan amendments shall be ~~primarily~~ in  
7206 the context of the relationship and effect of the proposed plan  
7207 amendments on the county plan. Municipal comments on county plan  
7208 amendments shall be ~~primarily~~ in the context of the relationship  
7209 and effect of the amendments on the municipal plan. State agency  
7210 comments must be limited to issues within the agency's  
7211 jurisdiction as it relates to the requirements of this part and  
7212 may include technical guidance ~~on issues of agency jurisdiction~~  
7213 ~~as it relates to the requirements of this part.~~ Such comments  
7214 shall clearly identify issues that, if not resolved, may result  
7215 in an agency challenge to the plan amendment. ~~For the purposes~~  
7216 ~~of this pilot program,~~ Agencies are encouraged to focus  
7217 potential challenges on issues of regional or statewide  
7218 importance. Agencies and local governments must transmit their  
7219 comments to the affected local government such that they are  
7220 received by the local government not later than thirty days from  
7221 the date on which the agency or government received the

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7222 amendment or amendments.

7223 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~  
7224 ~~AREAS.~~—

7225 (a) The local government shall hold its second public  
7226 hearing, which shall be a hearing on whether to adopt one or  
7227 more comprehensive plan amendments, on a weekday at least 5 days  
7228 after the day the second advertisement is published pursuant to  
7229 the requirements of chapter 125 or chapter 166. Adoption of  
7230 comprehensive plan amendments must be by ordinance and requires  
7231 an affirmative vote of a majority of the members of the  
7232 governing body present at the second hearing.

7233 (b) All comprehensive plan amendments adopted by the  
7234 governing body along with the supporting data and analysis shall  
7235 be transmitted within 10 days of the second public hearing to  
7236 the state land planning agency and any other agency or local  
7237 government that provided timely comments under paragraph (4) (b).

7238 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~  
7239 ~~PROGRAM.~~—

7240 (a) Any "affected person" as defined in s. 163.3184(1) (a)  
7241 may file a petition with the Division of Administrative Hearings  
7242 pursuant to ss. 120.569 and 120.57, with a copy served on the  
7243 affected local government, to request a formal hearing to  
7244 challenge whether the amendments are "in compliance" as defined  
7245 in s. 163.3184(1) (b). This petition must be filed with the  
7246 Division within 30 days after the state land planning agency  
7247 notifies the local government that the plan amendment package is  
7248 complete ~~the local government adopts the amendment~~. The state  
7249 land planning agency may intervene in a proceeding instituted by  
7250 an affected person if necessary to protect interests of regional

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7251 or statewide importance.

7252 (b) The state land planning agency may file a petition with  
7253 the Division of Administrative Hearings pursuant to ss. 120.569  
7254 and 120.57, with a copy served on the affected local government,  
7255 to request a formal hearing if necessary to protect interests of  
7256 regional or statewide importance. This petition must be filed  
7257 with the Division within 30 days after the state land planning  
7258 agency notifies the local government that the plan amendment  
7259 package is complete. For purposes of this section, an adopted  
7260 amendment package shall be deemed complete if it contains a  
7261 full, executed copy of the adoption ordinance or ordinances; in  
7262 the case of a text amendment, a full copy of the amended  
7263 language in legislative format with new words inserted in the  
7264 text underlined, and words to be deleted lined through with  
7265 hyphens; in the case of a future land use map amendment, a copy  
7266 of the future land use map clearly depicting the parcel, its  
7267 existing future land use designation, and its adopted  
7268 designation; and a copy of any data and analyses the local  
7269 government deems appropriate. The state land planning agency  
7270 shall notify the local government that the package is complete  
7271 or that the package contains ~~of any~~ deficiencies within 5  
7272 working days of receipt of an amendment package.

7273 (c) The state land planning agency's challenge shall be  
7274 limited to those issues raised in the comments provided by the  
7275 reviewing agencies pursuant to paragraph (4)(b). The state land  
7276 planning agency may challenge a plan amendment that has  
7277 substantially changed from the version on which the agencies  
7278 provided comments. ~~For the purposes of this pilot program, the~~  
7279 ~~Legislature strongly encourages~~ The state land planning agency

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7280 shall ~~to~~ focus any challenge on issues of regional or statewide  
7281 importance.

7282 (d) An administrative law judge shall hold a hearing in the  
7283 affected local jurisdiction. The local government's  
7284 determination that the amendment is "in compliance" is presumed  
7285 to be correct and shall be sustained unless it is shown by a  
7286 preponderance of the evidence that the amendment is not "in  
7287 compliance."

7288 (e) If the administrative law judge recommends that the  
7289 amendment be found not in compliance, the judge shall submit the  
7290 recommended order to the Administration Commission for final  
7291 agency action. The Administration Commission shall enter a final  
7292 order within 45 days after its receipt of the recommended order.

7293 (f) If the administrative law judge recommends that the  
7294 amendment be found in compliance, the judge shall submit the  
7295 recommended order to the state land planning agency.

7296 1. If the state land planning agency determines that the  
7297 plan amendment should be found not in compliance, the agency  
7298 shall refer, within 30 days of receipt of the recommended order,  
7299 the recommended order and its determination to the  
7300 Administration Commission for final agency action. If the  
7301 commission determines that the amendment is not in compliance,  
7302 it may sanction the local government as set forth in s.  
7303 163.3184(11).

7304 2. If the state land planning agency determines that the  
7305 plan amendment should be found in compliance, the agency shall  
7306 enter its final order not later than 30 days from receipt of the  
7307 recommended order.

7308 (g) An amendment adopted under the expedited provisions of

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7309 this section shall not become effective until 31 days after the  
7310 state land plan agency notifies the local government that the  
7311 plan amendment package is complete adoption. If timely  
7312 challenged, an amendment shall not become effective until the  
7313 state land planning agency or the Administration Commission  
7314 enters a final order determining the adopted amendment to be in  
7315 compliance.

7316 (h) Parties to a proceeding under this section may enter  
7317 into compliance agreements using the process in s. 163.3184(16).  
7318 Any remedial amendment adopted pursuant to a settlement  
7319 agreement shall be provided to the agencies and governments  
7320 listed in paragraph (4) (a).

7321 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~  
7322 ~~GOVERNMENTS. Local governments and specific areas that have been~~  
7323 ~~designated for alternate review process pursuant to ss. 163.3246~~  
7324 ~~and 163.3184(17) and (18) are not subject to this section.~~

7325 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall~~  
7326 ~~not promulgate rules to implement this pilot program.~~

7327 ~~(9) REPORT. The Office of Program Policy Analysis and~~  
7328 ~~Government Accountability shall submit to the Governor, the~~  
7329 ~~President of the Senate, and the Speaker of the House of~~  
7330 ~~Representatives by December 1, 2008, a report and~~  
7331 ~~recommendations for implementing a statewide program that~~  
7332 ~~addresses the legislative findings in subsection (1) in areas~~  
7333 ~~that meet urban criteria. The Office of Program Policy Analysis~~  
7334 ~~and Government Accountability in consultation with the state~~  
7335 ~~land planning agency shall develop the report and~~  
7336 ~~recommendations with input from other state and regional~~  
7337 ~~agencies, local governments, and interest groups. Additionally,~~

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7338 ~~the office shall review local and state actions and~~  
7339 ~~correspondence relating to the pilot program to identify issues~~  
7340 ~~of process and substance in recommending changes to the pilot~~  
7341 ~~program. At a minimum, the report and recommendations shall~~  
7342 ~~include the following:~~

7343 ~~(a) Identification of local governments beyond those~~  
7344 ~~participating in the pilot program that should be subject to the~~  
7345 ~~alternative expedited state review process. The report may~~  
7346 ~~recommend that pilot program local governments may no longer be~~  
7347 ~~appropriate for such alternative review process.~~

7348 ~~(b) Changes to the alternative expedited state review~~  
7349 ~~process for local comprehensive plan amendments identified in~~  
7350 ~~the pilot program.~~

7351 ~~(c) Criteria for determining issues of regional or~~  
7352 ~~statewide importance that are to be protected in the alternative~~  
7353 ~~state review process.~~

7354 ~~(d) In preparing the report and recommendations, the Office~~  
7355 ~~of Program Policy Analysis and Government Accountability shall~~  
7356 ~~consult with the state land planning agency, the Department of~~  
7357 ~~Transportation, the Department of Environmental Protection, and~~  
7358 ~~the regional planning agencies in identifying highly developed~~  
7359 ~~local governments to participate in the alternative expedited~~  
7360 ~~state review process. The Office of Program Policy Analysis and~~  
7361 ~~Governmental Accountability shall also solicit citizen input in~~  
7362 ~~the potentially affected areas and consult with the affected~~  
7363 ~~local governments and stakeholder groups.~~

7364 Section 33. Paragraph (a) of subsection (2) of section  
7365 163.360, Florida Statutes, is amended to read:

7366 163.360 Community redevelopment plans.-

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7367 (2) The community redevelopment plan shall:

7368 (a) Conform to the comprehensive plan for the county or  
7369 municipality as prepared by the local planning agency under the  
7370 Community Local Government Comprehensive Planning and Land  
7371 ~~Development Regulation~~ Act.

7372 Section 34. Paragraph (a) of subsection (3) and subsection  
7373 (8) of section 163.516, Florida Statutes, are amended to read:  
7374 163.516 Safe neighborhood improvement plans.—

7375 (3) The safe neighborhood improvement plan shall:

7376 (a) Be consistent with the adopted comprehensive plan for  
7377 the county or municipality pursuant to the Community Local  
7378 ~~Government Comprehensive Planning and Land Development~~  
7379 ~~Regulation~~ Act. No district plan shall be implemented unless the  
7380 local governing body has determined said plan is consistent.

7381 (8) Pursuant to ss. 163.3184, ~~163.3187~~, and 163.3189, the  
7382 governing body of a municipality or county shall hold two public  
7383 hearings to consider the board-adopted safe neighborhood  
7384 improvement plan as an amendment or modification to the  
7385 municipality's or county's adopted local comprehensive plan.

7386 Section 35. Paragraph (f) of subsection (6), subsection  
7387 (9), and paragraph (c) of subsection (11) of section 171.203,  
7388 Florida Statutes, are amended to read:

7389 171.203 Interlocal service boundary agreement.—The  
7390 governing body of a county and one or more municipalities or  
7391 independent special districts within the county may enter into  
7392 an interlocal service boundary agreement under this part. The  
7393 governing bodies of a county, a municipality, or an independent  
7394 special district may develop a process for reaching an  
7395 interlocal service boundary agreement which provides for public

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7396 participation in a manner that meets or exceeds the requirements  
7397 of subsection (13), or the governing bodies may use the process  
7398 established in this section.

7399 (6) An interlocal service boundary agreement may address  
7400 any issue concerning service delivery, fiscal responsibilities,  
7401 or boundary adjustment. The agreement may include, but need not  
7402 be limited to, provisions that:

7403 (f) Establish a process for land use decisions consistent  
7404 with part II of chapter 163, including those made jointly by the  
7405 governing bodies of the county and the municipality, or allow a  
7406 municipality to adopt land use changes consistent with part II  
7407 of chapter 163 for areas that are scheduled to be annexed within  
7408 the term of the interlocal agreement; however, the county  
7409 comprehensive plan and land development regulations shall  
7410 control until the municipality annexes the property and amends  
7411 its comprehensive plan accordingly. ~~Comprehensive plan~~  
7412 ~~amendments to incorporate the process established by this~~  
7413 ~~paragraph are exempt from the twice-per-year limitation under s.~~  
7414 ~~163.3187.~~

7415 (9) Each local government that is a party to the interlocal  
7416 service boundary agreement shall amend the intergovernmental  
7417 coordination element of its comprehensive plan, as described in  
7418 s. 163.3177(6)(h)1., no later than 6 months following entry of  
7419 the interlocal service boundary agreement consistent with s.  
7420 163.3177(6)(h)1. ~~Plan amendments required by this subsection are~~  
7421 ~~exempt from the twice-per-year limitation under s. 163.3187.~~

7422 (11)

7423 ~~(c) Any amendment required by paragraph (a) is exempt from~~  
7424 ~~the twice-per-year limitation under s. 163.3187.~~

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7425 Section 36. Paragraph (c) of subsection (2) and subsection  
7426 (3) of section 186.504, Florida Statutes, are amended to read:

7427 186.504 Regional planning councils; creation; membership.-

7428 (2) Membership on the regional planning council shall be as  
7429 follows:

7430 (c) Representatives appointed by the Governor from the  
7431 geographic area covered by the regional planning council,  
7432 including an elected school board member from the geographic  
7433 area covered by the regional planning council, to be nominated  
7434 by the Florida School Board Association and a representative of  
7435 the civic and business community which shall be selected and  
7436 recommended by the Florida Chamber of Commerce, the Office of  
7437 Tourism, Trade, and Economic Development, and Enterprise  
7438 Florida. These representatives must include two or more of the  
7439 following: a representative of the region's business community,  
7440 a representative of the commercial development community, a  
7441 representative of the banking and financial community, and a  
7442 representative of the agricultural community.

7443 (3) Not less than two-thirds of the representatives serving  
7444 as voting members on the governing bodies of such regional  
7445 planning councils shall be elected officials of local general-  
7446 purpose governments chosen by the cities and counties of the  
7447 region, provided each county shall have at least one vote. The  
7448 remaining one-third of the voting members on the governing board  
7449 shall be appointed by the Governor, ~~to include one elected~~  
7450 ~~school board member, subject to confirmation by the Senate, and~~  
7451 ~~shall reside in the region.~~ No two appointees of the Governor  
7452 shall have their places of residence in the same county until  
7453 each county within the region is represented by a Governor's

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7454 appointee to the governing board. Nothing contained in this  
7455 section shall deny to local governing bodies or the Governor the  
7456 option of appointing either locally elected officials or lay  
7457 citizens provided at least two-thirds of the governing body of  
7458 the regional planning council is composed of locally elected  
7459 officials.

7460 Section 37. Section 186.513, Florida Statutes, is amended  
7461 to read:

7462 186.513 Reports.—Each regional planning council shall  
7463 prepare and furnish an annual report on its activities to the  
7464 state land planning agency as defined in s. 163.3164~~(20)~~ and the  
7465 local general-purpose governments within its boundaries and,  
7466 upon payment as may be established by the council, to any  
7467 interested person. The regional planning councils shall make a  
7468 joint report and recommendations to appropriate legislative  
7469 committees.

7470 Section 38. Section 186.515, Florida Statutes, is amended  
7471 to read:

7472 186.515 Creation of regional planning councils under  
7473 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and  
7474 186.515 is intended to repeal or limit the provisions of chapter  
7475 163; however, the local general-purpose governments serving as  
7476 voting members of the governing body of a regional planning  
7477 council created pursuant to ss. 186.501-186.507, 186.513, and  
7478 186.515 are not authorized to create a regional planning council  
7479 pursuant to chapter 163 unless an agency, other than a regional  
7480 planning council created pursuant to ss. 186.501-186.507,  
7481 186.513, and 186.515, is designated to exercise the powers and  
7482 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);

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7483 in which case, such a regional planning council is also without  
7484 authority to exercise the powers and duties in s. 163.3164~~(19)~~  
7485 or s. 380.031(15).

7486 Section 39. Subsection (1) of section 189.415, Florida  
7487 Statutes, is amended to read:

7488 189.415 Special district public facilities report.—

7489 (1) It is declared to be the policy of this state to foster  
7490 coordination between special districts and local general-purpose  
7491 governments as those local general-purpose governments develop  
7492 comprehensive plans under the Community Local Government  
7493 ~~Comprehensive Planning and Land Development Regulation Act~~,  
7494 pursuant to part II of chapter 163.

7495 Section 40. Subsection (3) of section 190.004, Florida  
7496 Statutes, is amended to read:

7497 190.004 Preemption; sole authority.—

7498 (3) The establishment of an independent community  
7499 development district as provided in this act is not a  
7500 development order within the meaning of chapter 380. All  
7501 governmental planning, environmental, and land development laws,  
7502 regulations, and ordinances apply to all development of the land  
7503 within a community development district. Community development  
7504 districts do not have the power of a local government to adopt a  
7505 comprehensive plan, building code, or land development code, as  
7506 those terms are defined in the Community Local Government  
7507 ~~Comprehensive Planning and Land Development Regulation Act~~. A  
7508 district shall take no action which is inconsistent with  
7509 applicable comprehensive plans, ordinances, or regulations of  
7510 the applicable local general-purpose government.

7511 Section 41. Paragraph (a) of subsection (1) of section

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7512 190.005, Florida Statutes, is amended to read:

7513 190.005 Establishment of district.—

7514 (1) The exclusive and uniform method for the establishment  
7515 of a community development district with a size of 1,000 acres  
7516 or more shall be pursuant to a rule, adopted under chapter 120  
7517 by the Florida Land and Water Adjudicatory Commission, granting  
7518 a petition for the establishment of a community development  
7519 district.

7520 (a) A petition for the establishment of a community  
7521 development district shall be filed by the petitioner with the  
7522 Florida Land and Water Adjudicatory Commission. The petition  
7523 shall contain:

7524 1. A metes and bounds description of the external  
7525 boundaries of the district. Any real property within the  
7526 external boundaries of the district which is to be excluded from  
7527 the district shall be specifically described, and the last known  
7528 address of all owners of such real property shall be listed. The  
7529 petition shall also address the impact of the proposed district  
7530 on any real property within the external boundaries of the  
7531 district which is to be excluded from the district.

7532 2. The written consent to the establishment of the district  
7533 by all landowners whose real property is to be included in the  
7534 district or documentation demonstrating that the petitioner has  
7535 control by deed, trust agreement, contract, or option of 100  
7536 percent of the real property to be included in the district, and  
7537 when real property to be included in the district is owned by a  
7538 governmental entity and subject to a ground lease as described  
7539 in s. 190.003(14), the written consent by such governmental  
7540 entity.

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7541           3. A designation of five persons to be the initial members  
7542 of the board of supervisors, who shall serve in that office  
7543 until replaced by elected members as provided in s. 190.006.

7544           4. The proposed name of the district.

7545           5. A map of the proposed district showing current major  
7546 trunk water mains and sewer interceptors and outfalls if in  
7547 existence.

7548           6. Based upon available data, the proposed timetable for  
7549 construction of the district services and the estimated cost of  
7550 constructing the proposed services. These estimates shall be  
7551 submitted in good faith but shall not be binding and may be  
7552 subject to change.

7553           7. A designation of the future general distribution,  
7554 location, and extent of public and private uses of land proposed  
7555 for the area within the district by the future land use plan  
7556 element of the effective local government comprehensive plan of  
7557 which all mandatory elements have been adopted by the applicable  
7558 general-purpose local government in compliance with the  
7559 Community Local Government Comprehensive Planning and Land  
7560 Development Regulation Act.

7561           8. A statement of estimated regulatory costs in accordance  
7562 with the requirements of s. 120.541.

7563           Section 42. Paragraph (i) of subsection (6) of section  
7564 193.501, Florida Statutes, is amended to read:

7565           193.501 Assessment of lands subject to a conservation  
7566 easement, environmentally endangered lands, or lands used for  
7567 outdoor recreational or park purposes when land development  
7568 rights have been conveyed or conservation restrictions have been  
7569 covenanted.—

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7570 (6) The following terms whenever used as referred to in  
7571 this section have the following meanings unless a different  
7572 meaning is clearly indicated by the context:

7573 (i) "Qualified as environmentally endangered" means land  
7574 that has unique ecological characteristics, rare or limited  
7575 combinations of geological formations, or features of a rare or  
7576 limited nature constituting habitat suitable for fish, plants,  
7577 or wildlife, and which, if subject to a development moratorium  
7578 or one or more conservation easements or development  
7579 restrictions appropriate to retaining such land or water areas  
7580 predominantly in their natural state, would be consistent with  
7581 the conservation, recreation and open space, and, if applicable,  
7582 coastal protection elements of the comprehensive plan adopted by  
7583 formal action of the local governing body pursuant to s.  
7584 163.3161, the Community Local Government Comprehensive Planning  
7585 ~~and Land Development Regulation~~ Act; or surface waters and  
7586 wetlands, as determined by the methodology ratified in s.  
7587 373.4211.

7588 Section 43. Subsection (15) of section 287.042, Florida  
7589 Statutes, is amended to read:

7590 287.042 Powers, duties, and functions.—The department shall  
7591 have the following powers, duties, and functions:

7592 (15) To enter into joint agreements with governmental  
7593 agencies, as defined in s. 163.3164(10), for the purpose of  
7594 pooling funds for the purchase of commodities or information  
7595 technology that can be used by multiple agencies.

7596 (a) Each agency that has been appropriated or has existing  
7597 funds for such purchase, shall, upon contract award by the  
7598 department, transfer their portion of the funds into the

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7599 department's Operating Trust Fund for payment by the department.  
7600 The funds shall be transferred by the Executive Office of the  
7601 Governor pursuant to the agency budget amendment request  
7602 provisions in chapter 216.

7603 (b) Agencies that sign the joint agreements are financially  
7604 obligated for their portion of the agreed-upon funds. If an  
7605 agency becomes more than 90 days delinquent in paying the funds,  
7606 the department shall certify to the Chief Financial Officer the  
7607 amount due, and the Chief Financial Officer shall transfer the  
7608 amount due to the Operating Trust Fund of the department from  
7609 any of the agency's available funds. The Chief Financial Officer  
7610 shall report these transfers and the reasons for the transfers  
7611 to the Executive Office of the Governor and the legislative  
7612 appropriations committees.

7613 Section 44. Subsection (4) of section 288.063, Florida  
7614 Statutes, is amended to read:

7615 288.063 Contracts for transportation projects.—

7616 (4) The Office of Tourism, Trade, and Economic Development  
7617 may adopt criteria by which transportation projects are to be  
7618 reviewed and certified in accordance with s. 288.061. In  
7619 approving transportation projects for funding, the Office of  
7620 Tourism, Trade, and Economic Development shall consider factors  
7621 including, but not limited to, the cost per job created or  
7622 retained considering the amount of transportation funds  
7623 requested; the average hourly rate of wages for jobs created;  
7624 the reliance on the program as an inducement for the project's  
7625 location decision; the amount of capital investment to be made  
7626 by the business; the demonstrated local commitment; the location  
7627 of the project in an enterprise zone designated pursuant to s.

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7628 290.0055; the location of the project in a spaceport territory  
7629 as defined in s. 331.304; the unemployment rate of the  
7630 surrounding area; and the poverty rate of the community; ~~and the~~  
7631 ~~adoption of an economic element as part of its local~~  
7632 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The  
7633 Office of Tourism, Trade, and Economic Development may contact  
7634 any agency it deems appropriate for additional input regarding  
7635 the approval of projects.

7636 Section 45. Paragraph (a) of subsection (2), subsection  
7637 (10), and paragraph (d) of subsection (12) of section 288.975,  
7638 Florida Statutes, are amended to read:

7639 288.975 Military base reuse plans.—

7640 (2) As used in this section, the term:

7641 (a) "Affected local government" means a local government  
7642 adjoining the host local government and any other unit of local  
7643 government that is not a host local government but that is  
7644 identified in a proposed military base reuse plan as providing,  
7645 operating, or maintaining one or more public facilities as  
7646 defined in s. 163.3164~~(24)~~ on lands within or serving a military  
7647 base designated for closure by the Federal Government.

7648 (10) Within 60 days after receipt of a proposed military  
7649 base reuse plan, these entities shall review and provide  
7650 comments to the host local government. The commencement of this  
7651 review period shall be advertised in newspapers of general  
7652 circulation within the host local government and any affected  
7653 local government to allow for public comment. No later than 180  
7654 days after receipt and consideration of all comments, and the  
7655 holding of at least two public hearings, the host local  
7656 government shall adopt the military base reuse plan. The host

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7657 local government shall comply with the notice requirements set  
7658 forth in s. 163.3184(15) to ensure full public participation in  
7659 this planning process.

7660 (12) Following receipt of a petition, the petitioning party  
7661 or parties and the host local government shall seek resolution  
7662 of the issues in dispute. The issues in dispute shall be  
7663 resolved as follows:

7664 (d) Within 45 days after receiving the report from the  
7665 state land planning agency, the Administration Commission shall  
7666 take action to resolve the issues in dispute. In deciding upon a  
7667 proper resolution, the Administration Commission shall consider  
7668 the nature of the issues in dispute, any requests for a formal  
7669 administrative hearing pursuant to chapter 120, the compliance  
7670 of the parties with this section, the extent of the conflict  
7671 between the parties, the comparative hardships and the public  
7672 interest involved. If the Administration Commission incorporates  
7673 in its final order a term or condition that requires any local  
7674 government to amend its local government comprehensive plan, the  
7675 local government shall amend its plan within 60 days after the  
7676 issuance of the order. Such amendment or amendments shall be  
7677 exempt from the limitation of the frequency of plan amendments  
7678 contained in s. 163.3187(1), and a public hearing on such  
7679 amendment or amendments pursuant to s. 163.3184~~(15)~~~~(b)1~~.(14)(b)1.  
7680 shall not be required. The final order of the Administration  
7681 Commission is subject to appeal pursuant to s. 120.68. If the  
7682 order of the Administration Commission is appealed, the time for  
7683 the local government to amend its plan shall be tolled during  
7684 the pendency of any local, state, or federal administrative or  
7685 judicial proceeding relating to the military base reuse plan.

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7686 Section 46. Subsection (4) of section 290.0475, Florida  
7687 Statutes, is amended to read:

7688 290.0475 Rejection of grant applications; penalties for  
7689 failure to meet application conditions.—Applications received  
7690 for funding under all program categories shall be rejected  
7691 without scoring only in the event that any of the following  
7692 circumstances arise:

7693 (4) The application is not consistent with the local  
7694 government's comprehensive plan adopted pursuant to s.  
7695 163.3184~~(7)~~.

7696 Section 47. Paragraph (c) of subsection (3) of section  
7697 311.07, Florida Statutes, is amended to read:

7698 311.07 Florida seaport transportation and economic  
7699 development funding.—

7700 (3)

7701 (c) To be eligible for consideration by the council  
7702 pursuant to this section, a project must be consistent with the  
7703 port comprehensive master plan which is incorporated as part of  
7704 the approved local government comprehensive plan as required by  
7705 s. 163.3178(2)(k) or other provisions of the Community Local  
7706 ~~Government Comprehensive Planning and Land Development~~  
7707 ~~Regulation Act~~, part II of chapter 163.

7708 Section 48. Subsection (1) of section 331.319, Florida  
7709 Statutes, is amended to read:

7710 331.319 Comprehensive planning; building and safety codes.—  
7711 The board of directors may:

7712 (1) Adopt, and from time to time review, amend, supplement,  
7713 or repeal, a comprehensive general plan for the physical  
7714 development of the area within the spaceport territory in

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7715 accordance with the objectives and purposes of this act and  
7716 consistent with the comprehensive plans of the applicable county  
7717 or counties and municipality or municipalities adopted pursuant  
7718 to the Community ~~Local Government Comprehensive~~ Planning and  
7719 ~~Land Development Regulation~~ Act, part II of chapter 163.

7720 Section 49. Paragraph (e) of subsection (5) of section  
7721 339.155, Florida Statutes, is amended to read:

7722 339.155 Transportation planning.—

7723 (5) ADDITIONAL TRANSPORTATION PLANS.—

7724 (e) The regional transportation plan developed pursuant to  
7725 this section must, at a minimum, identify regionally significant  
7726 transportation facilities located within a regional  
7727 transportation area and contain a prioritized list of regionally  
7728 significant projects. ~~The level of service standards for~~  
7729 ~~facilities to be funded under this subsection shall be adopted~~  
7730 ~~by the appropriate local government in accordance with s.~~  
7731 ~~163.3180(10).~~ The projects shall be adopted into the capital  
7732 improvements schedule of the local government comprehensive plan  
7733 pursuant to s. 163.3177(3).

7734 Section 50. Paragraph (a) of subsection (4) of section  
7735 339.2819, Florida Statutes, is amended to read:

7736 339.2819 Transportation Regional Incentive Program.—

7737 (4) (a) Projects to be funded with Transportation Regional  
7738 Incentive Program funds shall, at a minimum:

7739 1. Support those transportation facilities that serve  
7740 national, statewide, or regional functions and function as an  
7741 integrated regional transportation system.

7742 2. Be identified in the capital improvements element of a  
7743 comprehensive plan that has been determined to be in compliance

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7744 with part II of chapter 163, after July 1, 2005, ~~or to implement~~  
7745 ~~a long-term concurrency management system adopted by a local~~  
7746 ~~government in accordance with s. 163.3180(9)~~. Further, the  
7747 project shall be in compliance with local government  
7748 comprehensive plan policies relative to corridor management.

7749 3. Be consistent with the Strategic Intermodal System Plan  
7750 developed under s. 339.64.

7751 4. Have a commitment for local, regional, or private  
7752 financial matching funds as a percentage of the overall project  
7753 cost.

7754 Section 51. Present subsections (9), (10), (11), (12), and  
7755 (13) of section 367.021, Florida Statutes, are renumbered as  
7756 subsections (11), (12), (13), (14), and (15), respectively, and  
7757 new subsections (9) and (10) are added to that section, to read:

7758 367.021 Definitions.—As used in this chapter, the following  
7759 words or terms shall have the meanings indicated:

7760 (9) "Large landowner" means any applicant for a certificate  
7761 pursuant to s. 367.045 who owns or controls at least 1,000 acres  
7762 in a single county or adjacent counties which are proposed to be  
7763 certified.

7764 (10) "Need" means, for the purposes of an application under  
7765 s. 367.045, by a large landowner, a showing that the certificate  
7766 is sought for planning purposes to allow the landowner to be  
7767 prepared to provide service to its properties as and when needed  
7768 to meet demands for any residential, commercial, or industrial  
7769 service, or for such other lawful purposes as may arise within  
7770 the territory to be certified. A large landowner is not required  
7771 to demonstrate that the need for service is either immediate or  
7772 imminent, or that such service will be required within a

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7773 specific timeframe.

7774 Section 52. Subsection (5) of section 369.303, Florida  
7775 Statutes, is amended to read:

7776 369.303 Definitions.—As used in this part:

7777 (5) "Land development regulation" means a regulation  
7778 covered by the definition in s. 163.3164~~(23)~~ and any of the  
7779 types of regulations described in s. 163.3202.

7780 Section 53. Subsection (7) of section 369.321, Florida  
7781 Statutes, is amended to read:

7782 369.321 Comprehensive plan amendments.—Except as otherwise  
7783 expressly provided, by January 1, 2006, each local government  
7784 within the Wekiva Study Area shall amend its local government  
7785 comprehensive plan to include the following:

7786 (7) During the period prior to the adoption of the  
7787 comprehensive plan amendments required by this act, any local  
7788 comprehensive plan amendment adopted by a city or county that  
7789 applies to land located within the Wekiva Study Area shall  
7790 protect surface and groundwater resources and be reviewed by the  
7791 Department of Community Affairs, ~~pursuant to chapter 163 and~~  
7792 ~~chapter 9J-5, Florida Administrative Code,~~ using best available  
7793 data, including the information presented to the Wekiva River  
7794 Basin Coordinating Committee.

7795 Section 54. Subsection (1) of section 378.021, Florida  
7796 Statutes, is amended to read:

7797 378.021 Master reclamation plan.—

7798 (1) The Department of Environmental Protection shall amend  
7799 the master reclamation plan that provides guidelines for the  
7800 reclamation of lands mined or disturbed by the severance of  
7801 phosphate rock prior to July 1, 1975, which lands are not

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7802 subject to mandatory reclamation under part II of chapter 211.  
7803 In amending the master reclamation plan, the Department of  
7804 Environmental Protection shall continue to conduct an onsite  
7805 evaluation of all lands mined or disturbed by the severance of  
7806 phosphate rock prior to July 1, 1975, which lands are not  
7807 subject to mandatory reclamation under part II of chapter 211.  
7808 The master reclamation plan when amended by the Department of  
7809 Environmental Protection shall be consistent with local  
7810 government plans prepared pursuant to the Community Local  
7811 ~~Government Comprehensive Planning and Land Development~~  
7812 ~~Regulation Act.~~

7813 Section 55. Subsection (10) of section 380.031, Florida  
7814 Statutes, is amended to read:

7815 380.031 Definitions.—As used in this chapter:

7816 (10) "Local comprehensive plan" means any or all local  
7817 comprehensive plans or elements or portions thereof prepared,  
7818 adopted, or amended pursuant to the Community Local Government  
7819 ~~Comprehensive Planning and Land Development Regulation Act~~, as  
7820 amended.

7821 Section 56. Paragraph (b) of subsection (6), paragraphs  
7822 (l), (m), and (s) of subsection (24), paragraph (e) of  
7823 subsection (28), and paragraphs (a) and (e) of subsection (29)  
7824 of section 380.06, Florida Statutes, are amended, and paragraph  
7825 (u) is added to subsection (24) of that section, to read:

7826 380.06 Developments of regional impact.—

7827 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT  
7828 PLAN AMENDMENTS.—

7829 (b) Any local government comprehensive plan amendments  
7830 related to a proposed development of regional impact, including

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7831 any changes proposed under subsection (19), may be initiated by  
7832 a local planning agency or the developer and must be considered  
7833 by the local governing body at the same time as the application  
7834 for development approval using the procedures provided for local  
7835 plan amendment in s. 163.3187 or s. 163.3189 and applicable  
7836 local ordinances, without regard to statutory or local ordinance  
7837 limits on the frequency of consideration of amendments to the  
7838 local comprehensive plan. Nothing in this paragraph shall be  
7839 deemed to require favorable consideration of a plan amendment  
7840 solely because it is related to a development of regional  
7841 impact. The procedure for processing such comprehensive plan  
7842 amendments is as follows:

7843 1. If a developer seeks a comprehensive plan amendment  
7844 related to a development of regional impact, the developer must  
7845 so notify in writing the regional planning agency, the  
7846 applicable local government, and the state land planning agency  
7847 no later than the date of preapplication conference or the  
7848 submission of the proposed change under subsection (19).

7849 2. When filing the application for development approval or  
7850 the proposed change, the developer must include a written  
7851 request for comprehensive plan amendments that would be  
7852 necessitated by the development-of-regional-impact approvals  
7853 sought. That request must include data and analysis upon which  
7854 the applicable local government can determine whether to  
7855 transmit the comprehensive plan amendment pursuant to s.  
7856 163.3184.

7857 3. The local government must advertise a public hearing on  
7858 the transmittal within 30 days after filing the application for  
7859 development approval or the proposed change and must make a

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7860 determination on the transmittal within 60 days after the  
7861 initial filing unless that time is extended by the developer.

7862 4. If the local government approves the transmittal,  
7863 procedures set forth in s. 163.3184~~(3)-(6)~~ must be followed.

7864 5. Notwithstanding subsection (11) or subsection (19), the  
7865 local government may not hold a public hearing on the  
7866 application for development approval or the proposed change or  
7867 on the comprehensive plan amendments sooner than 30 days from  
7868 receipt of the response from the state land planning agency  
7869 pursuant to s. 163.3184~~(6)~~. The 60-day time period for local  
7870 governments to adopt, adopt with changes, or not adopt plan  
7871 amendments pursuant to s. 163.3184(7) shall not apply to  
7872 concurrent plan amendments provided for in this subsection.

7873 6. The local government must hear both the application for  
7874 development approval or the proposed change and the  
7875 comprehensive plan amendments at the same hearing. However, the  
7876 local government must take action separately on the application  
7877 for development approval or the proposed change and on the  
7878 comprehensive plan amendments.

7879 7. Thereafter, the appeal process for the local government  
7880 development order must follow the provisions of s. 380.07, and  
7881 the compliance process for the comprehensive plan amendments  
7882 must follow the provisions of s. 163.3184.

7883 (24) STATUTORY EXEMPTIONS.—

7884 (1) Any proposed development within an urban service  
7885 boundary established under s. 163.3177(14), which is not  
7886 otherwise exempt pursuant to subsection (29), is exempt from the  
7887 provisions of this section if the local government having  
7888 jurisdiction over the area where the development is proposed has

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7889 adopted the urban service boundary, has entered into a binding  
7890 agreement with jurisdictions that would be impacted and with the  
7891 Department of Transportation regarding the mitigation of impacts  
7892 on state and regional transportation facilities, ~~and has adopted~~  
7893 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

7894 (m) Any proposed development within a rural land  
7895 stewardship area created under s. 163.3248 ~~163.3177(11)(d) is~~  
7896 ~~exempt from the provisions of this section if the local~~  
7897 ~~government that has adopted the rural land stewardship area has~~  
7898 ~~entered into a binding agreement with jurisdictions that would~~  
7899 ~~be impacted and the Department of Transportation regarding the~~  
7900 ~~mitigation of impacts on state and regional transportation~~  
7901 ~~facilities, and has adopted a proportionate share methodology~~  
7902 ~~pursuant to s. 163.3180(16).~~

7903 (s) Any development in a detailed specific area plan which  
7904 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~  
7905 ~~the comprehensive plan~~ is exempt from this section.

7906 (u) Any transit-oriented development as defined in s.  
7907 163.3164 incorporated into the county or municipality  
7908 comprehensive plan that has adopted land use and transportation  
7909 strategies to support and fund the local government concurrency  
7910 or mobility plan identified in the comprehensive plan, including  
7911 alternative modes of transportation, is exempt from review for  
7912 transportation impacts conducted pursuant to this section. This  
7913 paragraph does not apply to areas:

7914 1. Within the boundary of any area of critical state  
7915 concern designated pursuant to s. 380.05;

7916 2. Within the boundary of the Wekiva Study Area as  
7917 described in s. 369.316; or

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7918       3. Within 2 miles of the boundary of the Everglades  
7919 Protection Area as defined in s. 373.4592(2).

7920

7921 If a use is exempt from review as a development of regional  
7922 impact under paragraphs (a)-(s), but will be part of a larger  
7923 project that is subject to review as a development of regional  
7924 impact, the impact of the exempt use must be included in the  
7925 review of the larger project, unless such exempt use involves a  
7926 development of regional impact that includes a landowner,  
7927 tenant, or user that has entered into a funding agreement with  
7928 the Office of Tourism, Trade, and Economic Development under the  
7929 Innovation Incentive Program and the agreement contemplates a  
7930 state award of at least \$50 million.

7931       (28) PARTIAL STATUTORY EXEMPTIONS.—

7932       (e) The vesting provision of s. 163.3167(5)~~(8)~~ relating to  
7933 an authorized development of regional impact shall not apply to  
7934 those projects partially exempt from the development-of-  
7935 regional-impact review process under paragraphs (a)-(d).

7936       (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

7937       (a) The following are exempt from this section:

7938       1. Any proposed development in a municipality that has an  
7939 average of at least 1,000 people per square mile of land area  
7940 and a minimum total population of at least 5,000 ~~qualifies as a~~  
7941 ~~dense urban land area as defined in s. 163.3164;~~

7942       2. Any proposed development within a county, including the  
7943 municipalities located therein, which has an average of at least  
7944 1,000 people per square mile of land area ~~that qualifies as a~~  
7945 ~~dense urban land area as defined in s. 163.3164~~ and ~~that is~~  
7946 located within an urban service area as defined in s. 163.3164

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7947 which has been adopted into the comprehensive plan; or

7948 3. Any proposed development within a county, including the  
7949 municipalities located therein, which has a population of at  
7950 least 900,000, which has an average of at least 1,000 people per  
7951 square mile of land area ~~which qualifies as a dense urban land~~  
7952 ~~area under s. 163.3164~~, but which does not have an urban service  
7953 area designated in the comprehensive plan.

7954  
7955 The Office of Economic and Demographic Research within the  
7956 Legislature shall annually calculate the population and density  
7957 criteria needed to determine which jurisdictions meet the  
7958 density criteria in subparagraphs 1.-3. by using the most recent  
7959 land area data from the decennial census conducted by the Bureau  
7960 of the Census of the United States Department of Commerce and  
7961 the latest available population estimates determined pursuant to  
7962 s. 186.901. If any local government has had an annexation,  
7963 contraction, or new incorporation, the Office of Economic and  
7964 Demographic Research shall determine the population density  
7965 using the new jurisdictional boundaries as recorded in  
7966 accordance with s. 171.091. The Office of Economic and  
7967 Demographic Research shall annually submit to the state land  
7968 planning agency by July 1 a list of jurisdictions that meet the  
7969 total population and density criteria. The state land planning  
7970 agency shall publish the list of jurisdictions on its Internet  
7971 website within 7 days after the list is received. The  
7972 designation of jurisdictions that meet the density criteria of  
7973 subparagraphs 1.-3. is effective upon publication on the state  
7974 land planning agency's Internet website. Any area that meets the  
7975 density criteria may not thereafter be removed from the list of

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7976 areas that qualify.

7977 (e) In an area that is exempt under paragraphs (a)-(c), any  
7978 previously approved development-of-regional-impact development  
7979 orders shall continue to be effective, but the developer has the  
7980 option to be governed by s. 380.115(1). A pending application  
7981 for development approval shall be governed by s. 380.115(2). A  
7982 ~~development that has a pending application for a comprehensive~~  
7983 ~~plan amendment and that elects not to continue development-of-~~  
7984 ~~regional-impact review is exempt from the limitation on plan~~  
7985 ~~amendments set forth in s. 163.3187(1) for the year following~~  
7986 ~~the effective date of the exemption.~~

7987 Section 57. Paragraph (a) of subsection (8) of section  
7988 380.061, Florida Statutes, is amended to read:

7989 380.061 The Florida Quality Developments program.—

7990 (8) (a) Any local government comprehensive plan amendments  
7991 related to a Florida Quality Development may be initiated by a  
7992 local planning agency and considered by the local governing body  
7993 at the same time as the application for development approval,  
7994 ~~using the procedures provided for local plan amendment in s.~~  
7995 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~  
7996 ~~regard to statutory or local ordinance limits on the frequency~~  
7997 ~~of consideration of amendments to the local comprehensive plan.~~  
7998 Nothing in this subsection shall be construed to require  
7999 favorable consideration of a Florida Quality Development solely  
8000 because it is related to a development of regional impact.

8001 Section 58. Paragraph (a) of subsection (2) of section  
8002 380.065, Florida Statutes, is amended to read:

8003 380.065 Certification of local government review of  
8004 development.—

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8005 (2) When a petition is filed, the state land planning  
8006 agency shall have no more than 90 days to prepare and submit to  
8007 the Administration Commission a report and recommendations on  
8008 the proposed certification. In deciding whether to grant  
8009 certification, the Administration Commission shall determine  
8010 whether the following criteria are being met:

8011 (a) The petitioning local government has adopted and  
8012 effectively implemented a local comprehensive plan and  
8013 development regulations which comply with ss. 163.3161-163.3215,  
8014 the Community Local Government Comprehensive Planning and Land  
8015 Development Regulation Act.

8016 Section 59. Section 380.0685, Florida Statutes, is amended  
8017 to read:

8018 380.0685 State park in area of critical state concern in  
8019 county which creates land authority; surcharge on admission and  
8020 overnight occupancy.—The Department of Environmental Protection  
8021 shall impose and collect a surcharge of 50 cents per person per  
8022 day, or \$5 per annual family auto entrance permit, on admission  
8023 to all state parks in areas of critical state concern located in  
8024 a county which creates a land authority pursuant to s.  
8025 380.0663(1), and a surcharge of \$2.50 per night per campsite,  
8026 cabin, or other overnight recreational occupancy unit in state  
8027 parks in areas of critical state concern located in a county  
8028 which creates a land authority pursuant to s. 380.0663(1);  
8029 however, no surcharge shall be imposed or collected under this  
8030 section for overnight use by nonprofit groups of organized group  
8031 camps, primitive camping areas, or other facilities intended  
8032 primarily for organized group use. Such surcharges shall be  
8033 imposed within 90 days after any county creating a land

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8034 authority notifies the Department of Environmental Protection  
8035 that the land authority has been created. The proceeds from such  
8036 surcharges, less a collection fee that shall be kept by the  
8037 Department of Environmental Protection for the actual cost of  
8038 collection, not to exceed 2 percent, shall be transmitted to the  
8039 land authority of the county from which the revenue was  
8040 generated. Such funds shall be used to purchase property in the  
8041 area or areas of critical state concern in the county from which  
8042 the revenue was generated. An amount not to exceed 10 percent  
8043 may be used for administration and other costs incident to such  
8044 purchases. However, the proceeds of the surcharges imposed and  
8045 collected pursuant to this section in a state park or parks  
8046 located wholly within a municipality, less the costs of  
8047 collection as provided herein, shall be transmitted to that  
8048 municipality for use by the municipality for land acquisition or  
8049 for beach renourishment or restoration, including, but not  
8050 limited to, costs associated with any design, permitting,  
8051 monitoring and mitigation of such work, as well as the work  
8052 itself. The surcharges levied under this section shall remain  
8053 imposed as long as the land authority is in existence.

8054 Section 60. Subsection (3) of section 380.115, Florida  
8055 Statutes, is amended to read:

8056 380.115 Vested rights and duties; effect of size reduction,  
8057 changes in guidelines and standards.—

8058 (3) A landowner that has filed an application for a  
8059 development-of-regional-impact review prior to the adoption of a  
8060 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to  
8061 have the application reviewed pursuant to s. 380.06,  
8062 comprehensive plan provisions in force prior to adoption of the

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8063 sector plan, and any requested comprehensive plan amendments  
8064 that accompany the application.

8065 Section 61. Subsection (1) of section 403.50665, Florida  
8066 Statutes, is amended to read:

8067 403.50665 Land use consistency.—

8068 (1) The applicant shall include in the application a  
8069 statement on the consistency of the site and any associated  
8070 facilities that constitute a "development," as defined in s.  
8071 380.04, with existing land use plans and zoning ordinances that  
8072 were in effect on the date the application was filed and a full  
8073 description of such consistency. This information shall include  
8074 an identification of those associated facilities that the  
8075 applicant believes are exempt from the requirements of land use  
8076 plans and zoning ordinances under the provisions of the  
8077 Community Local Government Comprehensive Planning and Land  
8078 ~~Development Regulation~~ Act provisions of chapter 163 and s.  
8079 380.04(3).

8080 Section 62. Subsection (16) of section 420.9071, Florida  
8081 Statutes, is amended to read:

8082 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
8083 term:

8084 (16) "Local housing incentive strategies" means local  
8085 regulatory reform or incentive programs to encourage or  
8086 facilitate affordable housing production, which include at a  
8087 minimum, assurance that permits as defined in s. 163.3164(7) ~~and~~  
8088 ~~(8)~~ for affordable housing projects are expedited to a greater  
8089 degree than other projects; an ongoing process for review of  
8090 local policies, ordinances, regulations, and plan provisions  
8091 that increase the cost of housing prior to their adoption; and a

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8092 schedule for implementing the incentive strategies. Local  
8093 housing incentive strategies may also include other regulatory  
8094 reforms, such as those enumerated in s. 420.9076 or those  
8095 recommended by the affordable housing advisory committee in its  
8096 triennial evaluation of the implementation of affordable housing  
8097 incentives, and adopted by the local governing body.

8098 Section 63. Subsection (13) and paragraph (a) of subsection  
8099 (14) of section 403.973, Florida Statutes, are amended to read:

8100 403.973 Expedited permitting; amendments to comprehensive  
8101 plans.—

8102 (13) Notwithstanding any other provisions of law:

8103 ~~(a) Local comprehensive plan amendments for projects~~  
8104 ~~qualified under this section are exempt from the twice-a-year~~  
8105 ~~limits provision in s. 163.3187; and~~

8106 ~~(b)~~ Projects qualified under this section are not subject  
8107 to interstate highway level-of-service standards adopted by the  
8108 Department of Transportation for concurrency purposes. The  
8109 memorandum of agreement specified in subsection (5) must include  
8110 a process by which the applicant will be assessed a fair share  
8111 of the cost of mitigating the project's significant traffic  
8112 impacts, as defined in chapter 380 and related rules. The  
8113 agreement must also specify whether the significant traffic  
8114 impacts on the interstate system will be mitigated through the  
8115 implementation of a project or payment of funds to the  
8116 Department of Transportation. Where funds are paid, the  
8117 Department of Transportation must include in the 5-year work  
8118 program transportation projects or project phases, in an amount  
8119 equal to the funds received, to mitigate the traffic impacts  
8120 associated with the proposed project.

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8121 (14) (a) Challenges to state agency action in the expedited  
8122 permitting process for projects processed under this section are  
8123 subject to the summary hearing provisions of s. 120.574, except  
8124 that the administrative law judge's decision, as provided in s.  
8125 120.574(2) (f), shall be in the form of a recommended order and  
8126 shall not constitute the final action of the state agency. In  
8127 those proceedings where the action of only one agency of the  
8128 state other than the Department of Environmental Protection is  
8129 challenged, the agency of the state shall issue the final order  
8130 within 45 working days after receipt of the administrative law  
8131 judge's recommended order, and the recommended order shall  
8132 inform the parties of their right to file exceptions or  
8133 responses to the recommended order in accordance with the  
8134 uniform rules of procedure pursuant to s. 120.54. In those  
8135 proceedings where the actions of more than one agency of the  
8136 state are challenged, the Governor shall issue the final order  
8137 within 45 working days after receipt of the administrative law  
8138 judge's recommended order, and the recommended order shall  
8139 inform the parties of their right to file exceptions or  
8140 responses to the recommended order in accordance with the  
8141 uniform rules of procedure pursuant to s. 120.54. This paragraph  
8142 does not apply to the issuance of department licenses required  
8143 under any federally delegated or approved permit program. In  
8144 such instances, the department shall enter the final order. The  
8145 participating agencies of the state may opt at the preliminary  
8146 hearing conference to allow the administrative law judge's  
8147 decision to constitute the final agency action. ~~If a~~  
8148 ~~participating local government agrees to participate in the~~  
8149 ~~summary hearing provisions of s. 120.574 for purposes of review~~

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8150 ~~of local government comprehensive plan amendments, s.~~  
 8151 ~~163.3184(9) and (10) apply.~~

8152 Section 64. Subsections (9) and (10) of section 420.5095,  
 8153 Florida Statutes, are amended to read:

8154 420.5095 Community Workforce Housing Innovation Pilot  
 8155 Program.—

8156 (9) Notwithstanding s. 163.3184~~(3)~~~~(6)~~, any local  
 8157 government comprehensive plan amendment to implement a Community  
 8158 Workforce Housing Innovation Pilot Program project found  
 8159 consistent with the provisions of this section shall be  
 8160 expedited as provided in this subsection. At least 30 days prior  
 8161 to adopting a plan amendment under this subsection, the local  
 8162 government shall notify the state land planning agency of its  
 8163 intent to adopt such an amendment, and the notice shall include  
 8164 its evaluation related to site suitability and availability of  
 8165 facilities and services. The public notice of the hearing  
 8166 required by s. 163.3184~~(11)~~~~(15)~~(b)2. shall include a statement  
 8167 that the local government intends to use the expedited adoption  
 8168 process authorized by this subsection. Such amendments shall  
 8169 require only a single public hearing before the governing board,  
 8170 which shall be an adoption hearing as described in s.  
 8171 163.3184~~(6)~~~~(7)~~. The state land planning agency shall issue its  
 8172 notice of intent pursuant to s. 163.3184(8) within 30 days after  
 8173 determining that the amendment package is complete. Any further  
 8174 proceedings shall be governed by s. ~~ss.~~ 163.3184~~(9)~~~~(16)~~.

8175 ~~Amendments proposed under this section are not subject to s.~~  
 8176 ~~163.3187(1), which limits the adoption of a comprehensive plan~~  
 8177 ~~amendment to no more than two times during any calendar year.~~

8178 (10) The processing of approvals of development orders or

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8179 development permits, as defined in s. 163.3164~~(7)~~ and ~~(8)~~, for  
8180 innovative community workforce housing projects shall be  
8181 expedited.

8182 Section 65. Subsection (5) of section 420.615, Florida  
8183 Statutes, is amended to read:

8184 420.615 Affordable housing land donation density bonus  
8185 incentives.—

8186 (5) The local government, as part of the approval process,  
8187 shall adopt a comprehensive plan amendment, pursuant to part II  
8188 of chapter 163, for the receiving land that incorporates the  
8189 density bonus. Such amendment shall be adopted in the manner as  
8190 required for small-scale amendments pursuant to s. 163.3187, is  
8191 not subject to the requirements of s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~,  
8192 and is exempt from the limitation on the frequency of plan  
8193 amendments as provided in s. 163.3187.

8194 Section 66. Subsection (16) of section 420.9071, Florida  
8195 Statutes, is amended to read:

8196 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
8197 term:

8198 (16) "Local housing incentive strategies" means local  
8199 regulatory reform or incentive programs to encourage or  
8200 facilitate affordable housing production, which include at a  
8201 minimum, assurance that permits as defined in s. 163.3164~~(7)~~ and  
8202 ~~(8)~~ for affordable housing projects are expedited to a greater  
8203 degree than other projects; an ongoing process for review of  
8204 local policies, ordinances, regulations, and plan provisions  
8205 that increase the cost of housing prior to their adoption; and a  
8206 schedule for implementing the incentive strategies. Local  
8207 housing incentive strategies may also include other regulatory

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8208 reforms, such as those enumerated in s. 420.9076 or those  
8209 recommended by the affordable housing advisory committee in its  
8210 triennial evaluation of the implementation of affordable housing  
8211 incentives, and adopted by the local governing body.

8212 Section 67. Paragraph (a) of subsection (4) of section  
8213 420.9076, Florida Statutes, is amended to read:

8214 420.9076 Adoption of affordable housing incentive  
8215 strategies; committees.—

8216 (4) Triennially, the advisory committee shall review the  
8217 established policies and procedures, ordinances, land  
8218 development regulations, and adopted local government  
8219 comprehensive plan of the appointing local government and shall  
8220 recommend specific actions or initiatives to encourage or  
8221 facilitate affordable housing while protecting the ability of  
8222 the property to appreciate in value. The recommendations may  
8223 include the modification or repeal of existing policies,  
8224 procedures, ordinances, regulations, or plan provisions; the  
8225 creation of exceptions applicable to affordable housing; or the  
8226 adoption of new policies, procedures, regulations, ordinances,  
8227 or plan provisions, including recommendations to amend the local  
8228 government comprehensive plan and corresponding regulations,  
8229 ordinances, and other policies. At a minimum, each advisory  
8230 committee shall submit a report to the local governing body that  
8231 includes recommendations on, and triennially thereafter  
8232 evaluates the implementation of, affordable housing incentives  
8233 in the following areas:

8234 (a) The processing of approvals of development orders or  
8235 permits, as defined in s. 163.3164 ~~(7) and (8)~~, for affordable  
8236 housing projects is expedited to a greater degree than other

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8237 projects.

8238

8239 The advisory committee recommendations may also include other  
8240 affordable housing incentives identified by the advisory  
8241 committee. Local governments that receive the minimum allocation  
8242 under the State Housing Initiatives Partnership Program shall  
8243 perform the initial review but may elect to not perform the  
8244 triennial review.

8245 Section 68. Subsection (1) of section 720.403, Florida  
8246 Statutes, is amended to read:

8247 720.403 Preservation of residential communities; revival of  
8248 declaration of covenants.—

8249 (1) Consistent with required and optional elements of local  
8250 comprehensive plans and other applicable provisions of the  
8251 Community Local Government Comprehensive Planning and Land  
8252 ~~Development Regulation~~ Act, homeowners are encouraged to  
8253 preserve existing residential communities, promote available and  
8254 affordable housing, protect structural and aesthetic elements of  
8255 their residential community, and, as applicable, maintain roads  
8256 and streets, easements, water and sewer systems, utilities,  
8257 drainage improvements, conservation and open areas, recreational  
8258 amenities, and other infrastructure and common areas that serve  
8259 and support the residential community by the revival of a  
8260 previous declaration of covenants and other governing documents  
8261 that may have ceased to govern some or all parcels in the  
8262 community.

8263 Section 69. Subsection (6) of section 1013.30, Florida  
8264 Statutes, is amended to read:

8265 1013.30 University campus master plans and campus

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8266 development agreements.-

8267 (6) Before a campus master plan is adopted, a copy of the  
8268 draft master plan must be sent for review or made available  
8269 electronically to the host and any affected local governments,  
8270 the state land planning agency, the Department of Environmental  
8271 Protection, the Department of Transportation, the Department of  
8272 State, the Fish and Wildlife Conservation Commission, and the  
8273 applicable water management district and regional planning  
8274 council. At the request of a governmental entity, a hard copy of  
8275 the draft master plan shall be submitted within 7 business days  
8276 of an electronic copy being made available. These agencies must  
8277 be given 90 days after receipt of the campus master plans in  
8278 which to conduct their review and provide comments to the  
8279 university board of trustees. The commencement of this review  
8280 period must be advertised in newspapers of general circulation  
8281 within the host local government and any affected local  
8282 government to allow for public comment. Following receipt and  
8283 consideration of all comments and the holding of an informal  
8284 information session and at least two public hearings within the  
8285 host jurisdiction, the university board of trustees shall adopt  
8286 the campus master plan. It is the intent of the Legislature that  
8287 the university board of trustees comply with the notice  
8288 requirements set forth in s. 163.3184 (11) ~~(15)~~ to ensure full  
8289 public participation in this planning process. The informal  
8290 public information session must be held before the first public  
8291 hearing. The first public hearing shall be held before the draft  
8292 master plan is sent to the agencies specified in this  
8293 subsection. The second public hearing shall be held in  
8294 conjunction with the adoption of the draft master plan by the

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8295 university board of trustees. Campus master plans developed  
8296 under this section are not rules and are not subject to chapter  
8297 120 except as otherwise provided in this section.

8298 Section 70. Subsections (3), (7), and (8) of section  
8299 1013.33, Florida Statutes, are amended to read:

8300 1013.33 Coordination of planning with local governing  
8301 bodies.—

8302 (3) At a minimum, the interlocal agreement must address  
8303 interlocal agreement requirements in s. 163.31777 and, if  
8304 applicable, s. 163.3180 ~~(6)-(13)-(g)~~, ~~except for exempt local~~  
8305 ~~governments as provided in s. 163.3177(12)~~, and must address the  
8306 following issues:

8307 (a) A process by which each local government and the  
8308 district school board agree and base their plans on consistent  
8309 projections of the amount, type, and distribution of population  
8310 growth and student enrollment. The geographic distribution of  
8311 jurisdiction-wide growth forecasts is a major objective of the  
8312 process.

8313 (b) A process to coordinate and share information relating  
8314 to existing and planned public school facilities, including  
8315 school renovations and closures, and local government plans for  
8316 development and redevelopment.

8317 (c) Participation by affected local governments with the  
8318 district school board in the process of evaluating potential  
8319 school closures, significant renovations to existing schools,  
8320 and new school site selection before land acquisition. Local  
8321 governments shall advise the district school board as to the  
8322 consistency of the proposed closure, renovation, or new site  
8323 with the local comprehensive plan, including appropriate

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8324 circumstances and criteria under which a district school board  
8325 may request an amendment to the comprehensive plan for school  
8326 siting.

8327 (d) A process for determining the need for and timing of  
8328 onsite and offsite improvements to support new construction,  
8329 proposed expansion, or redevelopment of existing schools. The  
8330 process shall address identification of the party or parties  
8331 responsible for the improvements.

8332 (e) A process for the school board to inform the local  
8333 government regarding the effect of comprehensive plan amendments  
8334 on school capacity. The capacity reporting must be consistent  
8335 with laws and rules regarding measurement of school facility  
8336 capacity and must also identify how the district school board  
8337 will meet the public school demand based on the facilities work  
8338 program adopted pursuant to s. 1013.35.

8339 (f) Participation of the local governments in the  
8340 preparation of the annual update to the school board's 5-year  
8341 district facilities work program and educational plant survey  
8342 prepared pursuant to s. 1013.35.

8343 (g) A process for determining where and how joint use of  
8344 either school board or local government facilities can be shared  
8345 for mutual benefit and efficiency.

8346 (h) A procedure for the resolution of disputes between the  
8347 district school board and local governments, which may include  
8348 the dispute resolution processes contained in chapters 164 and  
8349 186.

8350 (i) An oversight process, including an opportunity for  
8351 public participation, for the implementation of the interlocal  
8352 agreement.

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8353           ~~(7) Except as provided in subsection (8), municipalities~~  
8354 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
8355 ~~from the requirements of subsections (2), (3), and (4).~~

8356           ~~(8) At the time of the evaluation and appraisal report,~~  
8357 ~~each exempt municipality shall assess the extent to which it~~  
8358 ~~continues to meet the criteria for exemption under s.~~  
8359 ~~163.3177(12). If the municipality continues to meet these~~  
8360 ~~criteria, the municipality shall continue to be exempt from the~~  
8361 ~~interlocal agreement requirement. Each municipality exempt under~~  
8362 ~~s. 163.3177(12) must comply with the provisions of subsections~~  
8363 ~~(2)–(8) within 1 year after the district school board proposes,~~  
8364 ~~in its 5-year district facilities work program, a new school~~  
8365 ~~within the municipality's jurisdiction.~~

8366           Section 71. Rules 9J-5 and 9J-11.023, Florida  
8367 Administrative Code, are repealed, and the Department of State  
8368 is directed to remove those rules from the Florida  
8369 Administrative Code.

8370           Section 72. Any permit or any other authorization that was  
8371 extended under section 14, chapter 2009-96, Laws of Florida, as  
8372 reauthorized by section 47, chapter 2010-147, Laws of Florida,  
8373 is extended and renewed for an additional period of 2 years from  
8374 its extended expiration date. The holder of a valid permit or  
8375 other authorization that is eligible for the additional 22-year  
8376 extension must notify the authorizing agency in writing by  
8377 December 31, 2011, identifying the specific authorization for  
8378 which the holder intends to use the extension and the  
8379 anticipated timeframe for acting on the authorization.

8380           Section 73. The Legislature finds that this act fulfills an  
8381 important state interest.

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8382           Section 74. (1) The state land planning agency, within 60  
8383 days after the effective date of this act, shall review any  
8384 administrative or judicial proceeding filed by the agency and  
8385 pending on the effective date of this act to determine whether  
8386 the issues raised by the state land planning agency are  
8387 consistent with the revised provisions of part II of chapter  
8388 163, Florida Statutes. For each proceeding, if the agency  
8389 determines that issues have been raised that are not consistent  
8390 with the revised provisions of part II of chapter 163, Florida  
8391 Statutes, the agency shall dismiss the proceeding. If the state  
8392 land planning agency determines that one or more issues have  
8393 been raised that are consistent with the revised provisions of  
8394 part II of chapter 163, Florida Statutes, the agency shall amend  
8395 its petition within 30 days after the determination to plead  
8396 with particularity as to the manner in which the plan or plan  
8397 amendment fails to meet the revised provisions of part II of  
8398 chapter 163, Florida Statutes. If the agency fails to timely  
8399 file such amended petition, the proceeding shall be dismissed.

8400           (2) In all proceedings that were initiated by the state  
8401 land planning agency before the effective date of this act, and  
8402 continue after that date, the local government's determination  
8403 that the comprehensive plan or plan amendment is in compliance  
8404 is presumed to be correct, and the local government's  
8405 determination shall be sustained unless it is shown by a  
8406 preponderance of the evidence that the comprehensive plan or  
8407 plan amendment is not in compliance.

8408           Section 75. In accordance with s. 1.04, Florida Statutes,  
8409 the provisions of law amended by this act shall be construed in  
8410 pari materia with the provisions of law reenacted by Senate Bill

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8411 174 or HB 7001, 2011 Regular Session, whichever becomes law, and  
8412 incorporated therein. In addition, if any law amended by this  
8413 act is also amended by any other law enacted at the same  
8414 legislative session or an extension thereof which becomes law,  
8415 full effect shall be given to each if possible.

8416 Section 76. The Division of Statutory Revision is directed  
8417 to replace the phrase "the effective date of this act" wherever  
8418 it occurs in this act with the date this act becomes a law. The  
8419 Division of Statutory revision is further directed to replace  
8420 all references to s. 163.3184, Florida Statutes, with s.  
8421 163.32465, Florida Statutes, except for provisions related  
8422 specifically to plan amendments that propose a rural land  
8423 stewardship area pursuant to s. 163.3177(11)(d), Florida  
8424 Statutes; propose an optional sector plan; update a  
8425 comprehensive plan based on an evaluation and appraisal report;  
8426 new plans for newly incorporated municipalities are subject to  
8427 state review as set forth in s. 163.3184, Florida Statutes; or  
8428 are in an area of critical state concern designated pursuant to  
8429 s. 380.05, Florida Statutes.

8430 Section 77. The reenactment of s. 163.31801(5), Florida  
8431 Statutes, in section 16 of this act shall take effect upon this  
8432 act becoming a law, and shall operate retroactively to July 1,  
8433 2009. If such retroactive application is held by a court of last  
8434 resort to be unconstitutional, this act shall apply  
8435 prospectively from the date that this act becomes a law.

8436 Section 78. Except as otherwise expressly provided in this  
8437 act and except for this section, which shall take effect upon  
8438 this act becoming a law, this act shall take effect July 1,  
8439 2011.