

By Senator Bennett

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1                                   A bill to be entitled  
2           An act relating to growth management; amending s.  
3           163.3164, F.S; defining the terms "mobility plan" and  
4           "transit-oriented development"; amending s. 163.3177,  
5           F.S.; requiring that certain local governments update  
6           the future land use plan element by a specified date  
7           and address the compatibility of lands adjacent or  
8           proximate to a military installation or airport;  
9           providing that the amount of land required to  
10          accommodate anticipated growth in local comprehensive  
11          plans may not be limited solely by projected  
12          population; specifying a formula to be used in  
13          projecting population growth; requiring each county  
14          and municipality to enter into an interlocal agreement  
15          by a specified date which allocates the projected  
16          population among local jurisdictions; providing that  
17          local governments that fail to agree on the population  
18          allocation forfeit certain revenue-sharing funds;  
19          amending s. 163.3180, F.S.; specifying how to  
20          calculate the proportionate-share contribution for a  
21          transportation facility; defining the terms  
22          "construction cost" and "transportation deficiency"  
23          for purposes of determining the proportionate-share  
24          contribution; delaying the date by which local  
25          governments are required to adopt a methodology for  
26          assessing proportionate fair-share mitigation options;  
27          amending s. 163.3182, F.S.; revising provisions to  
28          substitute terminology relating to "transportation  
29          deficiencies" for "backlogs"; specifying schedule

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30 requirements for mass transit projects; amending s.  
31 380.06, F.S.; exempting certain transit-oriented  
32 developments from transportation impact review;  
33 amending ss. 163.3162, 163.32465, 186.513, 186.515,  
34 287.042, 288.975, 369.303, 420.5095, 420.9071, and  
35 420.9076, F.S.; conforming cross-references; providing  
36 an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 163.3164, Florida Statutes, is reordered  
41 and amended to read:

42 163.3164 Local Government Comprehensive Planning and Land  
43 Development Regulation Act; definitions.—As used in this part  
44 ~~act~~:

45 (1) "Administration Commission" means the Governor and the  
46 Cabinet, and for purposes of this chapter the commission shall  
47 act on a simple majority vote, except that for purposes of  
48 imposing the sanctions provided in s. 163.3184(11), affirmative  
49 action requires ~~shall require~~ the approval of the Governor and  
50 at least three other members of the commission.

51 (3)~~(2)~~ "Area" or "area of jurisdiction" means the total  
52 area qualifying under the provisions of this part ~~act~~, whether  
53 this is ~~be~~ all of the lands lying within the limits of an  
54 incorporated municipality, lands in and adjacent to incorporated  
55 municipalities, all unincorporated lands within a county, or  
56 areas comprising combinations of the lands in incorporated  
57 municipalities and unincorporated areas of counties.

58 (4)~~(3)~~ "Coastal area" means the 35 coastal counties and all

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59 coastal municipalities within their boundaries designated as  
60 coastal by the state land planning agency.

61 (5)~~(4)~~ "Comprehensive plan" means a plan that meets the  
62 requirements of ss. 163.3177 and 163.3178.

63 (7)~~(5)~~ "Developer" means any person, including a  
64 governmental agency, undertaking any development ~~as defined in~~  
65 ~~this act.~~

66 (8)~~(6)~~ "Development" has the same meaning as ~~given it~~ in s.  
67 380.04.

68 (9)~~(7)~~ "Development order" means any order granting,  
69 denying, or granting with conditions an application for a  
70 development permit.

71 (10)~~(8)~~ "Development permit" includes any building permit,  
72 zoning permit, subdivision approval, rezoning, certification,  
73 special exception, variance, or any other official action of  
74 local government that has ~~having~~ the effect of permitting the  
75 development of land.

76 (13)~~(9)~~ "Governing body" means the board of county  
77 commissioners of a county, the commission or council of an  
78 incorporated municipality, or any other chief governing body of  
79 a unit of local government, however designated, or the  
80 combination of such bodies where joint utilization of the  
81 provisions of this part ~~act~~ is accomplished as provided herein.

82 (14)~~(10)~~ "Governmental agency" means:

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

85 (b) This state or any department, commission, agency, or  
86 other instrumentality thereof.

87 (c) Any local government, ~~as defined in this section,~~ or

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88 any department, commission, agency, or other instrumentality  
89 thereof.

90 (d) Any school board or other special district, authority,  
91 or governmental entity.

92 (15)~~(11)~~ "Land" means the earth, water, and air, above,  
93 below, or on the surface, and includes any improvements or  
94 structures customarily regarded as land.

95 (18)~~(12)~~ "Land use" means the development that has occurred  
96 on the land, the development that is proposed by a developer on  
97 the land, or the use that is permitted or permissible on the  
98 land under an adopted comprehensive plan or element or portion  
99 thereof, land development regulations, or a land development  
100 code, as the context may indicate.

101 (19)~~(13)~~ "Local government" means any county or  
102 municipality.

103 (20)~~(14)~~ "Local planning agency" means the agency  
104 designated to prepare the comprehensive plan or plan amendments  
105 required by this part ~~act~~.

106 (21) "Mobility plan" means an integrated land use and  
107 transportation plan that promotes compact, mixed-use, and  
108 interconnected development served by a multimodal transportation  
109 system that includes roads, bicycle, and pedestrian facilities  
110 and, where feasible and appropriate, frequent transit and rail  
111 service in order to provide individuals with viable  
112 transportation options and to not have to rely solely on a motor  
113 vehicle for personal mobility.

114 (22)~~(15)~~ A "Newspaper of general circulation" means a  
115 newspaper published at least on a weekly basis and printed in  
116 the language most commonly spoken in the area within which it

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117 circulates. The term, ~~but~~ does not include a newspaper intended  
 118 primarily for members of a particular professional or  
 119 occupational group, a newspaper whose primary function is to  
 120 carry legal notices, or a newspaper that is given away primarily  
 121 to distribute advertising.

122 (24)~~(16)~~ "Parcel of land" means any quantity of land  
 123 capable of being described with such definiteness that its  
 124 locations and boundaries may be established, which is designated  
 125 by its owner or developer as land to be used, or developed as, a  
 126 unit or which has been used or developed as a unit.

127 (25)~~(17)~~ "Person" means an individual, corporation,  
 128 governmental agency, business trust, estate, trust, partnership,  
 129 association, two or more persons having a joint or common  
 130 interest, or any other legal entity.

131 (28)~~(18)~~ "Public notice" means notice as required by s.  
 132 125.66(2) for a county or by s. 166.041(3) (a) for a  
 133 municipality. The public notice procedures required under ~~in~~  
 134 this part are established as minimum public notice procedures.

135 (29)~~(19)~~ "Regional planning agency" means the agency  
 136 designated by the state land planning agency to exercise  
 137 responsibilities under law in a particular region of the state.

138 (30)~~(20)~~ "State land planning agency" means the Department  
 139 of Community Affairs.

140 (31)~~(21)~~ "Structure" has the same meaning as in ~~given it by~~  
 141 s. 380.031~~(19)~~.

142 (16)~~(22)~~ "Land development regulation commission" means a  
 143 commission designated by a local government to develop and  
 144 recommend, to the local governing body, land development  
 145 regulations that ~~which~~ implement the adopted comprehensive plan,

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146 and to review land development regulations, or amendments  
147 thereto, for consistency with the adopted plan and report to the  
148 governing body regarding its findings. The responsibilities of  
149 such ~~the land development regulation~~ commission may be performed  
150 by the local planning agency.

151 (17)~~(23)~~ "Land development regulations" means ordinances  
152 enacted by governing bodies for the regulation of any aspect of  
153 development and includes any local government zoning, rezoning,  
154 subdivision, building construction, or sign regulations or any  
155 other regulations controlling the development of land, except  
156 that this definition does ~~shall~~ not apply in s. 163.3213.

157 (27)~~(24)~~ "Public facilities" means major capital  
158 improvements, including, but not limited to, transportation,  
159 sanitary sewer, solid waste, drainage, potable water,  
160 educational, parks and recreational, and health systems and  
161 facilities, and spoil disposal sites for maintenance dredging  
162 located in the intracoastal waterways, except for spoil disposal  
163 sites owned or used by ports listed in s. 403.021(9)(b).

164 (11)~~(25)~~ "Downtown revitalization" means the physical and  
165 economic renewal of a central business district of a community  
166 as designated by local government, and includes both downtown  
167 development and redevelopment.

168 (35)~~(26)~~ "Urban redevelopment" means demolition and  
169 reconstruction or substantial renovation of existing buildings  
170 or infrastructure within urban infill areas, existing urban  
171 service areas, or community redevelopment areas created pursuant  
172 to part III.

173 (34)~~(27)~~ "Urban infill" means the development of vacant  
174 parcels in otherwise built-up areas where public facilities such

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175 as sewer systems, roads, schools, and recreation areas are  
176 already in place and the average residential density is at least  
177 five dwelling units per acre, the average nonresidential  
178 intensity is at least a floor area ratio of 1.0 and vacant,  
179 developable land does not constitute more than 10 percent of the  
180 area.

181 (26)~~(28)~~ "Projects that promote public transportation"  
182 means projects that directly affect the provisions of public  
183 transit, including transit terminals, transit lines and routes,  
184 separate lanes for the exclusive use of public transit services,  
185 transit stops (shelters and stations), office buildings or  
186 projects that include fixed-rail or transit terminals as part of  
187 the building, and projects that ~~which~~ are transit oriented and  
188 designed to complement reasonably proximate planned or existing  
189 public facilities.

190 (36)~~(29)~~ "Urban service area" means built-up areas where  
191 public facilities and services, including, but not limited to,  
192 central water and sewer capacity and roads, are already in place  
193 or are committed in the first 3 years of the capital improvement  
194 schedule. ~~In addition,~~ For counties that qualify as dense urban  
195 land areas under subsection (6) ~~(34)~~, the nonrural area of a  
196 county which has adopted into the county charter a rural area  
197 designation or areas identified in the comprehensive plan as  
198 urban service areas or urban growth boundaries on or before July  
199 1, 2009, are also urban service areas ~~under this definition~~.

200 (32) "Transit-oriented development" means projects in areas  
201 identified in a local government comprehensive plan which are  
202 served by existing or planned transit service as delineated in  
203 the plan's capital improvements element. These areas must be

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204 compact, have moderate to high density developments, be of  
205 mixed-use character, interconnected, bicycle and pedestrian  
206 friendly, and designed to support frequent transit service  
207 operating through, collectively or separately, rail, fixed  
208 guideway, streetcar, or bus systems on dedicated facilities or  
209 available roadway connections.

210 (33)~~(30)~~ "Transportation corridor management" means the  
211 coordination of the planning of designated future transportation  
212 corridors with land use planning within and adjacent to the  
213 corridor to promote orderly growth, to meet the concurrency  
214 requirements of this chapter, and to maintain the integrity of  
215 the corridor for transportation purposes.

216 (23)~~(31)~~ "Optional sector plan" means an optional process  
217 authorized by s. 163.3245 in which one or more local governments  
218 by agreement with the state land planning agency are allowed to  
219 address development-of-regional-impact issues within certain  
220 designated geographic areas identified in the local  
221 comprehensive plan as a means of fostering innovative planning  
222 and development strategies in s. 163.3177(11) (a) and (b),  
223 furthering the purposes of this part and part I of chapter 380,  
224 reducing overlapping data and analysis requirements, protecting  
225 regionally significant resources and facilities, and addressing  
226 extrajurisdictional impacts.

227 (12)~~(32)~~ "Financial feasibility" means that sufficient  
228 revenues are currently available or will be available from  
229 committed funding sources for the first 3 years, or will be  
230 available from committed or planned funding sources of a local  
231 government for years 4 through 10 of a 10-year ~~and 5, of a 5-~~  
232 ~~year~~ capital improvement schedule for financing capital



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233 improvements, such as ad valorem taxes, bonds, state and federal  
234 funds, tax revenues, impact fees, and developer contributions,  
235 which are adequate to fund the projected costs of the capital  
236 improvements identified in the comprehensive plan necessary to  
237 ensure that adopted level-of-service standards are achieved and  
238 maintained within the period covered by the 10-year ~~5-year~~  
239 schedule of capital improvements. A comprehensive plan is ~~shall~~  
240 ~~be~~ deemed financially feasible for transportation and school  
241 facilities throughout the planning period addressed by the  
242 capital improvements schedule if it can be demonstrated that the  
243 level-of-service standards will be achieved and maintained by  
244 the end of the planning period even if in a particular year such  
245 improvements are not concurrent as required by s. 163.3180.

246 (2) ~~(33)~~ "Agricultural enclave" means an unincorporated,  
247 undeveloped parcel that:

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

249 (b) Has been in continuous use for bona fide agricultural  
250 purposes, as defined by s. 193.461, for ~~a period of~~ 5 years  
251 before ~~prior to~~ the date of any comprehensive plan amendment  
252 application;

253 (c) Is surrounded on at least 75 percent of its perimeter  
254 by:

255 1. Property that has existing industrial, commercial, or  
256 residential development; or

257 2. Property that the local government has designated, in  
258 the local government's comprehensive plan, zoning map, and  
259 future land use map, as land ~~that is~~ to be developed for  
260 industrial, commercial, or residential purposes, and at least 75  
261 percent of such property is existing industrial, commercial, or

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262 residential development;

263 (d) Has public services, including water, wastewater,  
264 transportation, schools, and recreation facilities, available or  
265 such public services are scheduled in the capital improvement  
266 element to be provided by the local government or can be  
267 provided by an alternative provider of local government  
268 infrastructure in order to ensure consistency with applicable  
269 concurrency provisions of s. 163.3180; and

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

275 (6)~~(34)~~ "Dense urban land area" means:

276 (a) A municipality that has an average of at least 1,000  
277 people per square mile of land area and a minimum total  
278 population of at least 5,000;

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

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

284

285 The Office of Economic and Demographic Research ~~within the~~  
286 ~~Legislature~~ shall annually calculate the population and density  
287 criteria needed to determine which jurisdictions qualify as  
288 dense urban land areas by using the most recent land area data  
289 from the decennial census conducted by the Bureau of the Census  
290 of the United States Department of Commerce and the latest

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291 available population estimates determined pursuant to s.  
292 186.901. If any local government has had an annexation,  
293 contraction, or new incorporation, the office of ~~Economic and~~  
294 ~~Demographic Research~~ shall determine the population density  
295 using the new jurisdictional boundaries as recorded in  
296 accordance with s. 171.091. The office of ~~Economic and~~  
297 ~~Demographic Research~~ shall annually submit to the state land  
298 planning agency a list of jurisdictions that meet the total  
299 population and density criteria necessary for designation as a  
300 dense urban land area ~~by July 1, 2009, and every year~~  
301 ~~thereafter~~. The state land planning agency shall publish the  
302 list of jurisdictions on its Internet website within 7 days  
303 after the list is received. The designation of jurisdictions  
304 that qualify or do not qualify as a dense urban land area is  
305 effective upon publication on the ~~state land planning agency's~~  
306 ~~Internet~~ website.

307 Section 2. Paragraph (a) of subsection (3) and paragraph  
308 (a) of subsection (6) of section 163.3177, Florida Statutes, are  
309 amended to read:

310 163.3177 Required and optional elements of comprehensive  
311 plan; studies and surveys.—

312 (3) (a) The comprehensive plan must ~~shall~~ contain a capital  
313 improvements element designed to consider the need for and the  
314 location of public facilities in order to encourage the  
315 efficient use of such facilities and set forth:

316 1. A component that outlines principles for construction,  
317 extension, or increase in capacity of public facilities, as well  
318 as a component that outlines principles for correcting existing  
319 public facility deficiencies, which are necessary to implement

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320 the comprehensive plan. The components must ~~shall~~ cover at least  
321 a 5-year period.

322 2. Estimated public facility costs, including a delineation  
323 of when facilities will be needed, the general location of the  
324 facilities, and projected revenue sources to fund the  
325 facilities.

326 3. Standards to ensure the availability of public  
327 facilities and the adequacy of those facilities including  
328 acceptable levels of service.

329 4. Standards for the management of debt.

330 5. A schedule of capital improvements which includes  
331 publicly funded federal, state, or local government projects,  
332 and which may include privately funded projects for which the  
333 local government has no fiscal responsibility, necessary to  
334 ensure that adopted level-of-service standards are achieved and  
335 maintained. For capital improvements that will be funded by the  
336 developer, financial feasibility is ~~shall be~~ demonstrated by  
337 being guaranteed in an enforceable development agreement or  
338 interlocal agreement pursuant to paragraph (10) (h), or other  
339 enforceable agreement. These development agreements and  
340 interlocal agreements must ~~shall~~ be reflected in the schedule of  
341 capital improvements if the capital improvement is necessary to  
342 serve development within the 5-year schedule. If the local  
343 government uses planned revenue sources that require referenda  
344 or other actions to secure the revenue source, the plan ~~must~~, in  
345 the event the referenda are not passed or actions do not secure  
346 the planned revenue source, must identify other existing revenue  
347 sources that will be used to fund the capital projects or  
348 otherwise amend the plan to ensure financial feasibility.

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349           6. The schedule must include transportation improvements  
350 included in the applicable metropolitan planning organization's  
351 transportation improvement program adopted pursuant to s.  
352 339.175(8), to the extent that such improvements are relied upon  
353 to ensure concurrency and financial feasibility, and a mobility  
354 plan. The schedule must also be coordinated with the applicable  
355 metropolitan planning organization's long-range transportation  
356 plan adopted pursuant to s. 339.175(7).

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

360           (a) A future land use plan element designating proposed  
361 future general distribution, location, and extent of the uses of  
362 land for residential uses, commercial uses, industry,  
363 agriculture, recreation, conservation, education, public  
364 buildings and grounds, other public facilities, and other  
365 categories of the public and private uses of land. Counties are  
366 encouraged to designate rural land stewardship areas, pursuant  
367 to paragraph (11)(d), as overlays on the future land use map.  
368 Each future land use category must be defined in terms of uses  
369 included, and must include standards to be followed in the  
370 control and distribution of population densities and building  
371 and structure intensities. The proposed distribution, location,  
372 and extent of the various categories of land use shall be shown  
373 on a land use map or map series which shall be supplemented by  
374 goals, policies, and measurable objectives. The future land use  
375 plan must ~~shall~~ be based upon surveys, studies, and data  
376 regarding the area, including the amount of land required to  
377 accommodate anticipated growth; the projected resident and

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378 seasonal population of the area; the character of undeveloped  
379 land; the availability of water supplies, public facilities, and  
380 services; the need for redevelopment, including the renewal of  
381 blighted areas and the elimination of nonconforming uses which  
382 are inconsistent with the character of the community; the  
383 compatibility of uses on lands adjacent to or closely proximate  
384 to military installations; lands adjacent to an airport as  
385 defined in s. 330.35 and consistent with s. 333.02; the  
386 discouragement of urban sprawl; energy-efficient land use  
387 patterns accounting for existing and future electric power  
388 generation and transmission systems; greenhouse gas reduction  
389 strategies; and, in rural communities, the need for job  
390 creation, capital investment, and economic development that will  
391 strengthen and diversify the community's economy. The future  
392 land use plan may designate areas for future planned development  
393 use involving combinations of types of uses for which special  
394 regulations may be necessary to ensure development in accord  
395 with the principles and standards of the comprehensive plan and  
396 this part ~~act~~. The future land use plan element shall include  
397 criteria to be used to achieve the compatibility of lands  
398 adjacent or closely proximate to military installations,  
399 considering factors identified in s. 163.3175(5), and lands  
400 adjacent to an airport as defined in s. 330.35 and consistent  
401 with s. 333.02. Each local government that is required to update  
402 or amend its comprehensive plan to include criteria and address  
403 the compatibility of lands adjacent or closely proximate to an  
404 existing military installation, or lands adjacent to an airport  
405 as defined in s. 330.35 and consistent with s. 333.02, in its  
406 future land use plan element, shall transmit the update or

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407 amendment to the state land planning agency by June 30, 2012. ~~In~~  
408 ~~addition,~~ For rural communities, the amount of land designated  
409 for future planned industrial use shall be based upon surveys  
410 and studies that reflect the need for job creation, capital  
411 investment, and the necessity to strengthen and diversify the  
412 local economies, and may not be limited solely by the projected  
413 population of the rural community. The future land use plan of a  
414 county may also designate areas for possible future municipal  
415 incorporation. The land use maps or map series shall generally  
416 identify and depict historic district boundaries and shall  
417 designate historically significant properties meriting  
418 protection. For coastal counties, the future land use element  
419 must include, without limitation, regulatory incentives and  
420 criteria that encourage the preservation of recreational and  
421 commercial working waterfronts as defined in s. 342.07.

422 1. The future land use element must clearly identify the  
423 land use categories in which public schools are an allowable  
424 use. ~~The~~ ~~When delineating the land use categories in which~~  
425 ~~public schools are an allowable use,~~ a local government shall  
426 include in the categories sufficient land proximate to  
427 residential development to meet the projected needs for schools  
428 in coordination with public school boards and may establish  
429 differing criteria for schools of different type or size. Each  
430 local government shall include lands contiguous to existing  
431 school sites, to the maximum extent possible, within the land  
432 use categories in which public schools are an allowable use. The  
433 failure by a local government to comply with these school siting  
434 requirements will result in the prohibition of the local  
435 government's ability to amend the local comprehensive plan,

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436 except for plan amendments described in s. 163.3187(1)(b), until  
437 the school siting requirements are met. Amendments proposed by a  
438 local government for purposes of identifying the land use  
439 categories in which public schools are an allowable use are  
440 exempt from the limitation on the frequency of plan amendments  
441 contained in s. 163.3187. The future land use element shall  
442 include criteria that encourage the location of schools  
443 proximate to urban residential areas to the extent possible and  
444 shall require that the local government seek to collocate public  
445 facilities, such as parks, libraries, and community centers,  
446 with schools to the extent possible and to encourage the use of  
447 elementary schools as focal points for neighborhoods. For  
448 schools serving predominantly rural counties, defined as a  
449 county with a population of 100,000 or fewer, an agricultural  
450 land use category is eligible for the location of public school  
451 facilities if the local comprehensive plan contains school  
452 siting criteria and the location is consistent with such  
453 criteria. ~~Local governments required to update or amend their~~  
454 ~~comprehensive plan to include criteria and address compatibility~~  
455 ~~of lands adjacent or closely proximate to existing military~~  
456 ~~installations, or lands adjacent to an airport as defined in s.~~  
457 ~~330.35 and consistent with s. 333.02, in their future land use~~  
458 ~~plan element shall transmit the update or amendment to the state~~  
459 ~~land planning agency by June 30, 2012.~~

460 2. The amount of land required to accommodate anticipated  
461 growth may not be limited solely by the projected population. At  
462 a minimum, the future land use plan must provide at least the  
463 amount of land needed for each land use category in order to  
464 accommodate anticipated growth using medium population



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465 projections for a 25-year planning period from the Bureau of  
466 Economic and Business Research (BEBR) of the University of  
467 Florida and incorporating a minimum 25 percent market factor  
468 based upon the total population of the jurisdiction. A 25  
469 percent market factor is determined by multiplying the amount of  
470 land necessary to accommodate the total population at the end of  
471 the planning period by 125 percent. Population projections must  
472 be reconciled at the county level. Within each county, the  
473 county and each municipality shall, by December 1, 2011, enter  
474 into a binding interlocal agreement regarding the allocation of  
475 projected county population among the various local government  
476 jurisdictions. The sum of the population projections of the  
477 unincorporated county and each municipality may not be less than  
478 the BEBR medium population for the county as a whole. The  
479 interlocal agreement required by s. 163.31777(2) may serve as  
480 the required agreement if it is binding on and enforceable by  
481 each of the local governments. If a binding population  
482 allocation agreement is not reached among all of the local  
483 governments within a county by December 1, 2011, those local  
484 governments are not eligible for revenue sharing funds pursuant  
485 to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent  
486 that the funds are not pledged to pay bonds.

487 Section 3. Paragraphs (a) and (b) of subsection (9),  
488 subsection (12), and paragraphs (a), (b), (c), and (i) of  
489 subsection (16) of section 163.3180, Florida Statutes, are  
490 amended to read:

491 163.3180 Concurrency.—

492 (9) (a) Each local government shall ~~may~~ adopt as a part of  
493 its plan, long-term transportation and school concurrency

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494 management systems that have ~~with~~ a planning period of up to 10  
495 years for specially designated districts or areas where  
496 transportation deficiencies are projected to occur within 10  
497 years ~~significant backlogs exist~~. The plan must ~~may~~ include  
498 interim level-of-service standards on certain facilities and  
499 ~~shall~~ rely on the local government's schedule of capital  
500 improvements for up to 10 years as a basis for issuing  
501 development orders that authorize commencement of construction  
502 in these designated districts or areas. Pursuant to subsection  
503 (12), the concurrency management system must be designed to  
504 correct existing or projected deficiencies and set priorities  
505 for addressing deficient ~~backlogged~~ facilities. The concurrency  
506 management system must be financially feasible and consistent  
507 with other portions of the adopted local plan, including the  
508 future land use map.

509 (b) If a local government has a transportation deficiency  
510 or school facility deficiency ~~backlog~~ for existing development  
511 which cannot be adequately addressed in a 10-year plan, the  
512 state land planning agency may allow it to develop a plan and  
513 long-term schedule of capital improvements covering up to 15  
514 years for good and sufficient cause, based on a general  
515 comparison between that local government and all other similarly  
516 situated local jurisdictions, using the following factors:

- 517 1. The extent of the deficiency ~~backlog~~.
- 518 2. For roads, whether the deficiency ~~backlog~~ is on local or  
519 state roads.
- 520 3. The cost of eliminating the deficiency ~~backlog~~.
- 521 4. The local government's tax and other revenue-raising  
522 efforts.

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523 (12) (a) A development of regional impact may satisfy the  
524 transportation concurrency requirements of the local  
525 comprehensive plan, the local government's concurrency  
526 management system, and s. 380.06 by payment of a proportionate-  
527 share contribution for local and regionally significant traffic  
528 impacts, if:

529 1. The development of regional impact which, based on its  
530 location or mix of land uses, is designed to encourage  
531 pedestrian or other nonautomotive modes of transportation;

532 2. The proportionate-share contribution for local and  
533 regionally significant traffic impacts is sufficient to pay for  
534 one or more required mobility improvements that will benefit a  
535 regionally significant transportation facility;

536 3. The owner and developer of the development of regional  
537 impact pays or assures payment of the proportionate-share  
538 contribution; and

539 4. ~~If~~ The regionally significant transportation facility to  
540 be constructed or improved is under the maintenance authority of  
541 a governmental entity, as defined by s. 334.03(12), other than  
542 the local government with jurisdiction over the development of  
543 regional impact, in which case the developer must ~~is required to~~  
544 enter into a binding and legally enforceable commitment to  
545 transfer funds to the governmental entity having maintenance  
546 authority or to otherwise assure construction or improvement of  
547 the facility.

548 (b) The proportionate-share contribution may be applied to  
549 any transportation facility to satisfy the provisions of  
550 paragraph (a) this subsection and the local comprehensive plan.~~7~~  
551 ~~but, for the purposes of this subsection,~~ The amount of the

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552 proportionate-share contribution shall be calculated based upon  
553 the cumulative number of trips from the proposed development  
554 expected to reach roadways during the peak hour from the  
555 complete buildout of a stage or phase being approved, divided by  
556 the change in the peak hour maximum service volume of roadways  
557 resulting from construction of an improvement necessary to  
558 maintain the adopted level of service, multiplied by the  
559 construction cost, at the time of developer payment, of the  
560 improvement necessary to maintain the adopted level of service.  
561 In using this formula, the calculation shall be applied twice.  
562 In the first calculation, all existing trips, plus projected  
563 background trips from any source other than the development  
564 project under review, shall be quantified. If any road is  
565 determined to be transportation deficient, it is removed from  
566 the development-of-regional-impact list of significantly and  
567 adversely affected road segments and from the proportionate-  
568 share calculation. Improvement of the identified deficiency is  
569 the funding responsibility of the state or local government. The  
570 calculation is applied again, adding the traffic from the  
571 project under review and the improvements needed to remove the  
572 deficient condition. Roads that are determined by the second  
573 calculation to be significantly and adversely affected by the  
574 project are then used to establish the project's proportionate  
575 share of the cost of needed improvements. For purposes of this  
576 subsection, "construction cost" includes all associated costs of  
577 the improvement. Proportionate-share mitigation shall be limited  
578 to ensure that a development of regional impact meeting the  
579 requirements of this subsection mitigates its impact on the  
580 transportation system but is not responsible for the additional

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581 cost of reducing or eliminating deficiencies ~~backlogs~~. This  
582 subsection also applies to Florida Quality Developments pursuant  
583 to s. 380.061 and to detailed specific area plans implementing  
584 optional sector plans pursuant to s. 163.3245.

585 (c) ~~(b)~~ As used in this subsection, the term:

586 1. "Construction cost" includes all associated costs of the  
587 improvement.

588 2. "Transportation deficiency" ~~"backlog"~~ means a facility  
589 or facilities on which the adopted level-of-service standard is  
590 exceeded by the existing trips, plus additional projected  
591 background trips from any source other than the development  
592 project under review which ~~that~~ are forecast by established  
593 traffic standards, including traffic modeling, consistent with  
594 the University of Florida Bureau of Economic and Business  
595 Research medium population projections. Additional projected  
596 background trips are to be coincident with the particular stage  
597 or phase of development under review.

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

604 ~~(a) By December 1, 2006, each local government shall adopt~~  
605 ~~by ordinance a methodology for assessing proportionate fair-~~  
606 ~~share mitigation options. By December 1, 2005, The Department of~~  
607 ~~Transportation shall develop a model transportation concurrency~~  
608 ~~management ordinance with methodologies for assessing~~  
609 ~~proportionate fair-share mitigation options. By December 1,~~

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610 2011, each local government shall adopt by ordinance a  
611 methodology for assessing proportionate fair-share mitigation  
612 options.

613 (b)~~1~~. In its transportation concurrency management system,  
614 a local government shall, ~~by December 1, 2006,~~ include  
615 methodologies to ~~that will~~ be applied to calculate proportionate  
616 fair-share mitigation.

617 1. A developer may choose to satisfy all transportation  
618 concurrency requirements by contributing or paying proportionate  
619 fair-share mitigation if transportation facilities or facility  
620 segments identified as mitigation for traffic impacts are  
621 specifically identified for funding in the 5-year schedule of  
622 capital improvements in the capital improvements element of the  
623 local plan or the long-term concurrency management system or if  
624 such contributions or payments to such facilities or segments  
625 are reflected in the 5-year schedule of capital improvements in  
626 the next regularly scheduled update of the capital improvements  
627 element. Updates to the 5-year capital improvements element  
628 which reflect proportionate fair-share contributions may not be  
629 found not in compliance based on ss. 163.3164(12) ~~163.3164(32)~~  
630 and 163.3177(3) if additional contributions, payments or funding  
631 sources are reasonably anticipated during a period not to exceed  
632 10 years to fully mitigate impacts on the transportation  
633 facilities.

634 2. Proportionate fair-share mitigation shall be applied as  
635 a credit against impact fees to the extent that all or a portion  
636 of the proportionate fair-share mitigation is used to address  
637 the same capital infrastructure improvements contemplated by the  
638 local government's impact fee ordinance.

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639 (c) Proportionate fair-share mitigation includes, without  
640 limitation, separately or collectively, private funds,  
641 contributions of land, and construction and contribution of  
642 facilities and may include public funds as determined by the  
643 local government. Proportionate fair-share mitigation may be  
644 directed toward one or more specific transportation improvements  
645 reasonably related to the mobility demands created by the  
646 development and such improvements may address one or more modes  
647 of travel. The fair market value of the proportionate fair-share  
648 mitigation shall not differ based on the form of mitigation. A  
649 local government may not require a development to pay more than  
650 its proportionate fair-share contribution regardless of the  
651 method of mitigation. Proportionate fair-share mitigation shall  
652 be limited to ensure that a development meeting the requirements  
653 of this section mitigates its impact on the transportation  
654 system but is not responsible for the additional cost of  
655 reducing or eliminating transportation deficiencies as defined  
656 in subsection (12) backlogs.

657 ~~(i) As used in this subsection, the term "backlog" means a~~  
658 ~~facility or facilities on which the adopted level of service~~  
659 ~~standard is exceeded by the existing trips, plus additional~~  
660 ~~projected background trips from any source other than the~~  
661 ~~development project under review that are forecast by~~  
662 ~~established traffic standards, including traffic modeling,~~  
663 ~~consistent with the University of Florida Bureau of Economic and~~  
664 ~~Business Research medium population projections. Additional~~  
665 ~~projected background trips are to be coincident with the~~  
666 ~~particular stage or phase of development under review.~~

667 Section 4. Section 163.3182, Florida Statutes, is reordered

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668 and amended to read:

669 163.3182 Transportation deficiencies ~~concurrency backlogs~~.—

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

671 (f) ~~(a)~~ "Transportation deficiency ~~concurrency backlog~~ area"

672 means the geographic area within the unincorporated portion of a

673 county, or within the municipal boundary of a municipality

674 designated in a local government comprehensive plan, for which a

675 transportation deficiency ~~concurrency backlog~~ authority is

676 created pursuant to this section. A transportation deficiency

677 ~~concurrency backlog~~ area created within the corporate boundary

678 of a municipality shall be made pursuant to an interlocal

679 agreement between a county, a municipality or municipalities,

680 and any affected taxing authority or authorities.

681 (g) ~~(b)~~ "Authority" or "Transportation deficiency

682 ~~concurrency backlog~~ authority" or "authority" means the

683 governing body of a county or municipality within which an

684 authority is created.

685 (b) ~~(e)~~ "Governing body" means the council, commission, or

686 other legislative body charged with governing the county or

687 municipality within which a transportation deficiency

688 ~~concurrency backlog~~ authority is created pursuant to this

689 section.

690 (e) ~~(d)~~ "Transportation deficiency ~~concurrency backlog~~"

691 means an identified deficiency where the existing extent of

692 traffic or projected traffic volume exceeds the level of service

693 standard adopted in a local government comprehensive plan for a

694 transportation facility.

695 (h) ~~(e)~~ "Transportation deficiency ~~concurrency backlog~~ plan"

696 means the plan adopted as part of a local government



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697 comprehensive plan by the governing body of a county or  
698 municipality acting as a transportation deficiency ~~concurrency~~  
699 ~~backlog~~ authority.

700 (i) ~~(f)~~ "Transportation deficiency ~~concurrency~~ ~~backlog~~  
701 project" means any designated transportation project identified  
702 for construction within the jurisdiction of a transportation  
703 deficiency ~~concurrency~~ ~~backlog~~ authority.

704 (a) ~~(g)~~ "Debt service millage" means any millage levied  
705 pursuant to s. 12, Art. VII of the State Constitution.

706 (c) ~~(h)~~ "Increment revenue" means the amount calculated  
707 pursuant to subsection (5).

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

712 (2) CREATION OF A TRANSPORTATION DEFICIENCY AUTHORITY  
713 ~~CONCURRENCY BACKLOG AUTHORITIES.~~

714 (a) A county or municipality may create a transportation  
715 deficiency ~~concurrency~~ ~~backlog~~ authority if it has an identified  
716 transportation deficiency ~~concurrency~~ ~~backlog~~.

717 (b) Acting as the transportation deficiency ~~concurrency~~  
718 ~~backlog~~ authority within the authority's jurisdictional  
719 boundary, the governing body of a county or municipality shall  
720 adopt and implement a plan to eliminate all identified  
721 transportation deficiencies ~~concurrency~~ ~~backlogs~~ within the  
722 authority's jurisdiction using funds provided pursuant to  
723 subsection (5) and as otherwise provided pursuant to this  
724 section.

725 (c) The Legislature finds and declares that ~~there exist in~~

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726 many counties and municipalities ~~areas that~~ have significant  
 727 transportation deficiencies and inadequate transportation  
 728 facilities. These deficiencies; ~~that many insufficiencies and~~  
 729 ~~inadequacies~~ severely limit or prohibit the satisfaction of  
 730 adopted transportation level-of-service ~~concurrency~~ standards;  
 731 ~~that the transportation insufficiencies and inadequacies~~ affect  
 732 the health, safety, and welfare of the residents of these  
 733 counties and municipalities; and ~~that the transportation~~  
 734 ~~insufficiencies and inadequacies~~ adversely affect economic  
 735 development and growth of the tax base for the areas in which  
 736 they occur. ~~these insufficiencies and inadequacies exist; and~~  
 737 ~~that~~ The elimination of transportation deficiencies and  
 738 inadequacies and the satisfaction of transportation ~~concurrency~~  
 739 standards are paramount public purposes for the state and its  
 740 counties and municipalities.

741 (3) POWERS OF A TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~  
 742 ~~BACKLOG~~ AUTHORITY.—Each transportation deficiency ~~concurrency~~  
 743 ~~backlog~~ authority has the powers necessary or convenient to  
 744 carry out the purposes of this section, including the power  
 745 ~~following powers in addition to others granted in this section:~~

746 (a) To make and execute contracts and other instruments  
 747 necessary or convenient to the exercise of its powers under this  
 748 section.

749 (b) To undertake and carry out transportation deficiency  
 750 ~~concurrency backlog~~ projects for transportation facilities that  
 751 have transportation deficiencies ~~a concurrency backlog~~ within  
 752 the authority's jurisdiction. ~~Concurrency backlog~~ Projects may  
 753 include ~~transportation~~ facilities that provide for alternative  
 754 modes of travel including sidewalks, bikeways, and mass transit

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755 which are related to a deficient ~~backlogged~~ transportation  
756 facility.

757 (c) To invest ~~any~~ transportation deficiency ~~concurrency~~  
758 ~~backlog~~ funds held in reserve, sinking funds, or other ~~any~~ such  
759 funds not required for immediate disbursement in property or  
760 securities in which savings banks may legally invest funds  
761 subject to the control of the authority, ~~and~~ to redeem such  
762 bonds as have been issued pursuant to this section at the  
763 redemption price established therein, or to purchase such bonds  
764 at less than redemption price. All such bonds redeemed or  
765 purchased shall be canceled.

766 (d) To borrow money, including, but not limited to, issuing  
767 debt obligations such as, ~~but not limited to,~~ bonds, notes,  
768 certificates, and similar debt instruments; to apply for and  
769 accept advances, loans, grants, contributions, and any other  
770 forms of financial assistance from the Federal Government or the  
771 state, county, or any other public body or from any sources,  
772 public or private, for the purposes of this part; to give such  
773 security as may be required; to enter into and carry out  
774 contracts or agreements; and to include in any contracts for  
775 financial assistance with the Federal Government for or with  
776 respect to a transportation deficiency ~~concurrency~~ ~~backlog~~  
777 project and related activities such conditions imposed under  
778 federal laws as the transportation deficiency ~~concurrency~~  
779 ~~backlog~~ authority considers reasonable and appropriate and which  
780 are not inconsistent with the purposes of this section.

781 (e) To make ~~or have made~~ all surveys and transportation  
782 deficiency plans necessary to carry ~~the carrying~~ out of the  
783 purposes of this section; to contract with any persons, public

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784 or private, in making and implementing ~~carrying out~~ such plans;  
785 and to adopt, approve, modify, or amend such ~~transportation~~  
786 ~~concurrency backlog~~ plans.

787 (f) To appropriate such funds and make such expenditures as  
788 are necessary to carry out the purposes of this section, and to  
789 enter into agreements with other public bodies, which agreements  
790 may extend over any period notwithstanding any other provision  
791 ~~or rule of law to the contrary~~.

792 (4) TRANSPORTATION DEFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

793 (a) Each transportation deficiency ~~concurrency backlog~~  
794 authority shall adopt a transportation deficiency ~~concurrency~~  
795 ~~backlog~~ plan as a part of the local government comprehensive  
796 plan within 6 months after the creation of the authority. The  
797 plan must:

798 1. Identify all transportation facilities that have been  
799 designated as deficient and require the expenditure of moneys to  
800 upgrade, modify, or mitigate the deficiency.

801 2. Include a priority listing of all transportation  
802 facilities that have been designated as deficient and do not  
803 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and  
804 the applicable local government comprehensive plan.

805 3. Establish a schedule for financing and construction of  
806 transportation deficiency ~~concurrency backlog~~ projects that will  
807 eliminate deficiencies ~~transportation concurrency backlogs~~  
808 within the jurisdiction of the authority within 10 years after  
809 ~~the transportation concurrency backlog~~ plan adoption. If mass  
810 transit is selected as all or part of the system solution, the  
811 improvements and service may extend outside the transportation  
812 deficiency areas to the planned terminus of the improvement as

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813 long as the improvement provides capacity enhancements to a  
814 larger intermodal system. The schedule shall be adopted as part  
815 of the local government comprehensive plan.

816 (b) Plan ~~The adoption is of the transportation concurrency~~  
817 ~~backlog plan shall be exempt from the provisions of s.~~  
818 163.3187(1).

819  
820 Notwithstanding such schedule requirements, if as long as the  
821 schedule provides for the elimination of all transportation  
822 deficiencies ~~concurrency backlogs~~ within 10 years after the  
823 adoption of the ~~concurrency backlog~~ plan, the final maturity  
824 date of any debt incurred to finance or refinance the related  
825 projects must ~~may~~ be no later than 40 years after the date the  
826 debt is incurred and the authority may continue operations and  
827 administer the trust fund established as provided in subsection  
828 (5) for as long as the debt remains outstanding.

829 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation  
830 deficiency ~~concurrency backlog~~ authority shall establish a local  
831 ~~transportation concurrency backlog~~ trust fund upon creation of  
832 the authority. The ~~Each~~ local trust fund shall be administered  
833 by the ~~transportation concurrency backlog~~ authority within which  
834 a transportation deficiency ~~concurrency backlog~~ has been  
835 identified. The ~~Each~~ local trust fund must continue to be funded  
836 ~~under this section~~ for as long as the projects set forth in the  
837 related transportation deficiency ~~concurrency backlog~~ plan  
838 remain to be completed or until any debt incurred to finance or  
839 refinance the related projects is no longer outstanding,  
840 whichever occurs later. Beginning in the first fiscal year after  
841 the creation of the authority, each local trust fund shall be

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842 funded by the proceeds of an ad valorem tax increment collected  
843 within each transportation deficiency ~~concurrency backlog~~ area  
844 to be determined annually and shall be a minimum of 25 percent  
845 of the difference between the amounts set forth in paragraphs  
846 (a) and (b), except that if all of the affected taxing  
847 authorities agree under an interlocal agreement, a particular  
848 local trust fund may be funded by the proceeds of an ad valorem  
849 tax increment greater than 25 percent of the difference between  
850 the amounts set forth in paragraphs (a) and (b):

851 (a) The amount of ad valorem tax levied each year by each  
852 taxing authority, exclusive of any amount from any debt service  
853 millage, on taxable real property contained within the  
854 jurisdiction of the transportation deficiency ~~concurrency~~  
855 ~~backlog~~ authority and within the transportation deficiency  
856 ~~backlog~~ area; and

857 (b) The amount of ad valorem taxes which would have been  
858 produced by the rate upon which the tax is levied each year by  
859 or for each taxing authority, exclusive of any debt service  
860 millage, upon the total of the assessed value of the taxable  
861 real property within the transportation deficiency ~~concurrency~~  
862 ~~backlog~~ area as shown on the most recent assessment roll used in  
863 connection with the taxation of such property of each taxing  
864 authority before ~~prior to~~ the effective date of the ordinance  
865 funding the trust fund.

866 (6) EXEMPTIONS.—

867 (a) The following public bodies or taxing authorities are  
868 exempt from ~~the provisions of~~ this section:

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

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

877           3. A library district.

878           4. A neighborhood improvement district created under the  
879 Safe Neighborhoods Act.

880           5. A metropolitan transportation authority.

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

882           7. A community redevelopment agency.

883           (b) A transportation deficiency ~~concurrency exemption~~  
884 authority may also exempt from this section a special district  
885 that levies ad valorem taxes within the transportation  
886 deficiency ~~concurrency backlog~~ area pursuant to s.  
887 163.387(2) (d).

888           (7) TRANSPORTATION DEFICIENCY PLAN ~~CONCURRENCY~~  
889 SATISFACTION.—Upon adoption of a transportation deficiency  
890 ~~concurrency backlog~~ plan as a part of the local government  
891 comprehensive plan, and the plan going into effect, the area  
892 subject to the plan shall be deemed to have achieved and  
893 maintained transportation level-of-service standards, and to  
894 have met requirements for financial feasibility for  
895 transportation facilities, ~~and for the purpose of proposed~~  
896 ~~development transportation concurrency has been satisfied.~~  
897 Proportionate fair-share mitigation shall be limited to ensure  
898 that a development inside a transportation deficiency  
899 ~~concurrency backlog~~ area is not responsible for the additional

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900 costs of eliminating deficiencies ~~backlogs~~.

901 (8) DISSOLUTION.—Upon completion of all transportation  
902 deficiency ~~concurrency backlog~~ projects and repayment or  
903 defeasance of all debt issued to finance or refinance such  
904 projects, a transportation deficiency ~~concurrency backlog~~  
905 authority shall be dissolved, and its assets and liabilities  
906 transferred to the county or municipality within which the  
907 authority is located. All remaining assets of the authority must  
908 be used for implementation of transportation projects within the  
909 jurisdiction of the authority. The local government  
910 comprehensive plan shall be amended to remove the transportation  
911 deficiency ~~concurrency backlog~~ plan.

912 Section 5. Paragraph (f) is added to subsection (28) of  
913 section 380.06, Florida Statutes, to read:

914 380.06 Developments of regional impact.—

915 (28) PARTIAL STATUTORY EXEMPTIONS.—

916 (f) Any transit-oriented development, as defined in s.  
917 163.3164, which is incorporated into a county or municipal  
918 comprehensive plan by a county or municipality that has adopted  
919 land use and transportation strategies to support and fund the  
920 local government's concurrency or mobility plan identified in  
921 the comprehensive plan, including alternative modes of  
922 transportation, is exempt from review for transportation impacts  
923 conducted pursuant to this section. This paragraph does not  
924 apply to areas within:

925 1. The boundary of any area of critical state concern  
926 designated pursuant to s. 380.05;

927 2. The boundary of the Wekiva Study Area as described in s.  
928 369.316; or



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929       3. The 2 miles of the boundary of the Everglades Protection  
930 Area as described in s. 373.4592(2).

931       Section 6. Subsection (5) of section 163.3162, Florida  
932 Statutes, is amended to read:

933       163.3162 Agricultural Lands and Practices Act.—

934       (5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The  
935 owner of a parcel of land defined as an agricultural enclave  
936 ~~under s. 163.3164(33)~~ may apply for an amendment to the local  
937 government comprehensive plan pursuant to s. 163.3187. Such  
938 amendment is presumed to be consistent with rule 9J-5.006(5),  
939 Florida Administrative Code, and may include land uses and  
940 intensities of use that are consistent with the uses and  
941 intensities of use of the industrial, commercial, or residential  
942 areas that surround the parcel. This presumption may be rebutted  
943 by clear and convincing evidence. Each application for a  
944 comprehensive plan amendment ~~under this subsection~~ for a parcel  
945 larger than 640 acres must include appropriate new urbanism  
946 concepts such as clustering, mixed-use development, the creation  
947 of rural village and city centers, and the transfer of  
948 development rights in order to discourage urban sprawl while  
949 protecting landowner rights.

950       (a) The local government and the owner of a parcel of land  
951 that is the subject of an application for an amendment shall  
952 have 180 days following the date that the local government  
953 receives a complete application to negotiate in good faith to  
954 reach consensus on the land uses and intensities of use that are  
955 consistent with the uses and intensities of use of the  
956 industrial, commercial, or residential areas that surround the  
957 parcel. Within 30 days after the local government's receipt of

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958 such an application, the local government and owner must agree  
959 in writing to a schedule for information submittal, public  
960 hearings, negotiations, and final action on the amendment, which  
961 schedule may ~~thereafter~~ be altered only with the written consent  
962 of the local government and the owner. Compliance with the  
963 schedule in the written agreement constitutes good faith  
964 negotiations for purposes of paragraph (c).

965 (b) Upon conclusion of good faith negotiations under  
966 paragraph (a), regardless of whether the local government and  
967 owner reach consensus on the land uses and intensities of use  
968 that are consistent with the uses and intensities of use of the  
969 industrial, commercial, or residential areas that surround the  
970 parcel, the amendment must be transmitted to the state land  
971 planning agency for review pursuant to s. 163.3184. If the local  
972 government fails to transmit the amendment within 180 days after  
973 receipt of a complete application, the amendment must be  
974 immediately transferred to the state land planning agency for  
975 ~~such~~ review at the first available transmittal cycle. A plan  
976 amendment transmitted to the state land planning agency  
977 ~~submitted~~ under this subsection is presumed to be consistent  
978 with rule 9J-5.006(5), Florida Administrative Code. This  
979 presumption may be rebutted by clear and convincing evidence.

980 (c) If the owner fails to negotiate in good faith, a plan  
981 amendment submitted under this subsection is not entitled to the  
982 rebuttable presumption under this subsection in the negotiation  
983 and amendment process.

984 (d) ~~Nothing within~~ This subsection relating to agricultural  
985 enclaves does not ~~shall~~ preempt or replace any protection  
986 currently existing for any property located within the

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987 boundaries of the following areas:

- 988 1. The Wekiva Study Area, as described in s. 369.316; or  
989 2. The Everglades Protection Area, as defined in s.  
990 373.4592(2).

991 Section 7. Subsection (2) of section 163.32465, Florida  
992 Statutes, is amended to read:

993 163.32465 State review of local comprehensive plans in  
994 urban areas.—

995 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.—  
996 Pinellas and Broward Counties, and the municipalities within  
997 these counties, and Jacksonville, Miami, Tampa, and Hialeah  
998 shall follow an alternative state review process provided in  
999 this section. Municipalities within the pilot counties may  
1000 elect, by super majority vote of the governing body, not to  
1001 participate in the pilot program. In addition to the pilot  
1002 program jurisdictions, any local government may use the  
1003 alternative state review process to designate an urban service  
1004 area ~~as defined in s. 163.3164(29)~~ in its comprehensive plan.

1005 Section 8. Section 186.513, Florida Statutes, is amended to  
1006 read:

1007 186.513 Reports.—Each regional planning council shall  
1008 prepare and furnish an annual report on its activities to the  
1009 state land planning agency as defined in s. 163.3164~~(20)~~ and the  
1010 local general-purpose governments within its boundaries and,  
1011 upon payment as may be established by the council, to any  
1012 interested person. The regional planning councils shall make a  
1013 joint report and recommendations to appropriate legislative  
1014 committees.

1015 Section 9. Section 186.515, Florida Statutes, is amended to

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1016 read:

1017 186.515 Creation of regional planning councils under  
 1018 chapter 163.—Sections Nothing in ss. 186.501-186.507, 186.513,  
 1019 and 186.515 do not ~~is intended to~~ repeal or limit the provisions  
 1020 of chapter 163; however, ~~the~~ local general-purpose governments  
 1021 serving as voting members of the governing body of a regional  
 1022 planning council created pursuant to ss. 186.501-186.507,  
 1023 186.513, and 186.515 may not ~~are not authorized to~~ create a  
 1024 regional planning council pursuant to chapter 163 unless an  
 1025 agency, other than a regional planning council created pursuant  
 1026 to ss. 186.501-186.507, 186.513, and 186.515, is designated to  
 1027 exercise the powers and duties of a regional planning agency as  
 1028 defined in ss. 163.3164 and 380.031 ~~in any one or more of ss.~~  
 1029 ~~163.3164(19) and 380.031(15)~~; in which case, such a regional  
 1030 planning council is also without authority to exercise the  
 1031 powers and duties of the regional planning agency ~~in s.~~  
 1032 ~~163.3164(19) or s. 380.031(15)~~.

1033 Section 10. Subsection (15) of section 287.042, Florida  
 1034 Statutes, is amended to read:

1035 287.042 Powers, duties, and functions.—The department shall  
 1036 have the following powers, duties, and functions:

1037 (15) To enter into joint agreements with governmental  
 1038 agencies, as defined in s. 163.3164~~(10)~~, for the purpose of  
 1039 pooling funds for the purchase of commodities or information  
 1040 technology that can be used by multiple agencies.

1041 (a) Each agency that has been appropriated or has existing  
 1042 funds for such purchase, shall, upon contract award by the  
 1043 department, transfer their portion of the funds into the  
 1044 department's Operating Trust Fund for payment by the department.

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1045 The funds shall be transferred by the Executive Office of the  
 1046 Governor pursuant to the agency budget amendment request  
 1047 provisions in chapter 216.

1048 (b) Agencies that sign the joint agreements are financially  
 1049 obligated for their portion of the agreed-upon funds. If an  
 1050 agency becomes more than 90 days delinquent in paying the funds,  
 1051 the department shall certify to the Chief Financial Officer the  
 1052 amount due, and the Chief Financial Officer shall transfer the  
 1053 amount due to the Operating Trust Fund of the department from  
 1054 any of the agency's available funds. The Chief Financial Officer  
 1055 shall report these transfers and the reasons for the transfers  
 1056 to the Executive Office of the Governor and the legislative  
 1057 appropriations committees.

1058 Section 11. Paragraph (a) of subsection (2) of section  
 1059 288.975, Florida Statutes, is amended to read:

1060 288.975 Military base reuse plans.—

1061 (2) As used in this section, the term:

1062 (a) "Affected local government" means a local government  
 1063 adjoining the host local government and any other unit of local  
 1064 government that is not a host local government but that is  
 1065 identified in a proposed military base reuse plan as providing,  
 1066 operating, or maintaining one or more public facilities as  
 1067 defined in s. 163.3164(24) on lands within or serving a military  
 1068 base designated for closure by the Federal Government.

1069 Section 12. Subsection (5) of section 369.303, Florida  
 1070 Statutes, is amended to read:

1071 369.303 Definitions.—As used in this part:

1072 (5) "Land development regulation" has the same meaning as  
 1073 ~~means a regulation covered by the definition in s. 163.3164(23)~~

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1074 and includes any of the types of regulations described in s.  
1075 163.3202.

1076 Section 13. Subsection (10) of section 420.5095, Florida  
1077 Statutes, is amended to read:

1078 420.5095 Community Workforce Housing Innovation Pilot  
1079 Program.—

1080 (10) The processing of approvals of development orders or  
1081 development permits, as those terms are defined in s.  
1082 163.3164~~(7) and (8)~~, for innovative community workforce housing  
1083 projects shall be expedited.

1084 Section 14. Subsection (16) of section 420.9071, Florida  
1085 Statutes, is amended to read:

1086 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
1087 term:

1088 (16) "Local housing incentive strategies" means local  
1089 regulatory reform or incentive programs to encourage or  
1090 facilitate affordable housing production, which include at a  
1091 minimum, assurance that development orders or development  
1092 permits as those terms are defined in s. 163.3164~~(7) and (8)~~ for  
1093 affordable housing projects are expedited to a greater degree  
1094 than other projects; an ongoing process for review of local  
1095 policies, ordinances, regulations, and plan provisions that  
1096 increase the cost of housing before ~~prior to~~ their adoption; and  
1097 a schedule for implementing the incentive strategies. Local  
1098 housing incentive strategies may also include other regulatory  
1099 reforms, such as those enumerated in s. 420.9076 or those  
1100 recommended by the affordable housing advisory committee in its  
1101 triennial evaluation of the implementation of affordable housing  
1102 incentives, and adopted by the local governing body.

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1103 Section 15. Paragraph (a) of subsection (4) of section  
1104 420.9076, Florida Statutes, is amended to read:

1105 420.9076 Adoption of affordable housing incentive  
1106 strategies; committees.—

1107 (4) Triennially, the advisory committee shall review the  
1108 established policies and procedures, ordinances, land  
1109 development regulations, and adopted local government  
1110 comprehensive plan of the appointing local government and shall  
1111 recommend specific actions or initiatives to encourage or  
1112 facilitate affordable housing while protecting the ability of  
1113 the property to appreciate in value. The recommendations may  
1114 include the modification or repeal of existing policies,  
1115 procedures, ordinances, regulations, or plan provisions; the  
1116 creation of exceptions applicable to affordable housing; or the  
1117 adoption of new policies, procedures, regulations, ordinances,  
1118 or plan provisions, including recommendations to amend the local  
1119 government comprehensive plan and corresponding regulations,  
1120 ordinances, and other policies. At a minimum, each advisory  
1121 committee shall submit a report to the local governing body that  
1122 includes recommendations on, and triennially thereafter  
1123 evaluates the implementation of, affordable housing incentives  
1124 in the following areas:

1125 (a) The processing of approvals of development orders or  
1126 development permits, as those terms are defined in s.  
1127 ~~163.3164(7) and (8)~~, for affordable housing projects is  
1128 expedited to a greater degree than other projects.

1129  
1130 The advisory committee recommendations may also include other  
1131 affordable housing incentives identified by the advisory

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1132 committee. Local governments that receive the minimum allocation  
1133 under the State Housing Initiatives Partnership Program shall  
1134 perform the initial review but may elect to not perform the  
1135 triennial review.

1136 Section 16. This act shall take effect July 1, 2011.