

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Saunders offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (31) of section 163.3164, Florida  
6 Statutes, is amended to read:

7 163.3164 Local Government Comprehensive Planning and Land  
8 Development Regulation Act; definitions.—As used in this act:

9 (31) "~~Optional~~ Sector plan" means the ~~an~~ optional process  
10 authorized by s. 163.3245 in which one or more local governments  
11 by agreement with the state land planning agency are allowed to  
12 address development-of-regional-impact issues within certain  
13 designated geographic areas identified in the local  
14 comprehensive plan as a means of fostering innovative planning  
15 and development strategies in s. 163.3177(11)(a) and (b),  
16 furthering the purposes of this part and part I of chapter 380,  
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17 reducing overlapping data and analysis requirements, protecting  
18 regionally significant resources and facilities, and addressing  
19 extrajurisdictional impacts. The term includes an optional  
20 sector plan that was adopted pursuant to the optional sector  
21 plan program.

22 Section 2. Paragraph (d) of subsection (15) of section  
23 163.3177, Florida Statutes, is amended to read:

24 163.3177 Required and optional elements of comprehensive  
25 plan; studies and surveys.—

26 (15)

27 (d) This subsection does not apply to a ~~an optional~~ sector  
28 plan adopted pursuant to s. 163.3245, a rural land stewardship  
29 area designated pursuant to subsection (11), or any  
30 comprehensive plan amendment that includes an inland port  
31 terminal or affiliated port development.

32 Section 3. Paragraph (a) of subsection (12) of section  
33 163.3180, Florida Statutes, is amended to read:

34 163.3180 Concurrency.—

35 (12) (a) A development of regional impact may satisfy the  
36 transportation concurrency requirements of the local  
37 comprehensive plan, the local government's concurrency  
38 management system, and s. 380.06 by payment of a proportionate-  
39 share contribution for local and regionally significant traffic  
40 impacts, if:

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

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44           2. The proportionate-share contribution for local and  
45 regionally significant traffic impacts is sufficient to pay for  
46 one or more required mobility improvements that will benefit a  
47 regionally significant transportation facility;

48           3. The owner and developer of the development of regional  
49 impact pays or assures payment of the proportionate-share  
50 contribution; and

51           4. If the regionally significant transportation facility  
52 to be constructed or improved is under the maintenance authority  
53 of a governmental entity, as defined by s. 334.03(12), other  
54 than the local government with jurisdiction over the development  
55 of regional impact, the developer is required to enter into a  
56 binding and legally enforceable commitment to transfer funds to  
57 the governmental entity having maintenance authority or to  
58 otherwise assure construction or improvement of the facility.

59  
60 The proportionate-share contribution may be applied to any  
61 transportation facility to satisfy the provisions of this  
62 subsection and the local comprehensive plan, but, for the  
63 purposes of this subsection, the amount of the proportionate-  
64 share contribution shall be calculated based upon the cumulative  
65 number of trips from the proposed development expected to reach  
66 roadways during the peak hour from the complete buildout of a  
67 stage or phase being approved, divided by the change in the peak  
68 hour maximum service volume of roadways resulting from  
69 construction of an improvement necessary to maintain the adopted  
70 level of service, multiplied by the construction cost, at the  
71 time of developer payment, of the improvement necessary to

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72 maintain the adopted level of service. For purposes of this  
73 subsection, "construction cost" includes all associated costs of  
74 the improvement. Proportionate-share mitigation shall be limited  
75 to ensure that a development of regional impact meeting the  
76 requirements of this subsection mitigates its impact on the  
77 transportation system but is not responsible for the additional  
78 cost of reducing or eliminating backlogs. This subsection also  
79 applies to Florida Quality Developments pursuant to s. 380.061  
80 and to detailed specific area plans implementing ~~optional~~ sector  
81 plans pursuant to s. 163.3245.

82 Section 4. Paragraph (c) of subsection (11) of section  
83 163.3184, Florida Statutes, is amended to read:

84 163.3184 Process for adoption of comprehensive plan or  
85 plan amendment.—

86 (11) ADMINISTRATION COMMISSION.—

87 (c) The sanctions provided by paragraphs (a) and (b) shall  
88 not apply to a local government regarding any plan amendment,  
89 except for plan amendments that amend plans that have not been  
90 finally determined to be in compliance with this part, and  
91 except as provided in s. 163.3189(2) or s. 163.3191 (9) ~~(11)~~.

92 Section 5. Section 163.3191, Florida Statutes, is amended  
93 to read:

94 163.3191 Evaluation and appraisal of comprehensive plan.—

95 (1) The planning program shall be a continuous and ongoing  
96 process. Each local government shall prepare ~~adopt~~ an evaluation  
97 and appraisal report once every 7 years assessing the progress  
98 in implementing the local government's comprehensive plan  
99 unless:

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100        (a) The local government has issued development orders for  
101 residential units comprised of less than 10 percent of the local  
102 government's residential development capacity at the time it  
103 last submitted amendments based on an evaluation and appraisal  
104 report pursuant to subsection (8);

105        (b) The local government has not adopted amendments to its  
106 comprehensive plan that increase the local government's  
107 residential development capacity by 10 percent or more since it  
108 last submitted amendments based on an evaluation and appraisal  
109 report pursuant to subsection (8); and

110        (c) Based on resident population estimates supplied by the  
111 University of Florida, Bureau of Economic and Business Research,  
112 or the Executive Office of the Governor, the local government  
113 demonstrates that its population has not increased by more than  
114 10 percent since it last submitted amendments based on an  
115 evaluation and appraisal report pursuant to subsection (8).

116        (2) ~~Furthermore,~~ It is the intent of this section that:

117        (a) Adopted comprehensive plans be reviewed through such  
118 evaluation process to respond to changes in state, regional, and  
119 local policies on planning and growth management and changing  
120 conditions and trends, to ensure effective intergovernmental  
121 coordination, and to identify major issues regarding the  
122 community's achievement of its goals.

123        (b) After completion of the initial evaluation and  
124 appraisal report and any supporting plan amendments, each  
125 subsequent evaluation and appraisal report must evaluate the  
126 comprehensive plan in effect at the time of the initiation of  
127 the evaluation and appraisal report process.

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128 (c) Local governments identify the major issues, if  
129 applicable, with input from state agencies, regional agencies,  
130 adjacent local governments, and the public in the evaluation and  
131 appraisal report process. It is also the intent of this section  
132 to establish minimum requirements for information to ensure  
133 predictability, certainty, and integrity in the growth  
134 management process. The report is intended to serve as a summary  
135 audit of the actions that a local government has undertaken and  
136 identify changes that it may need to make. The report should be  
137 based on the local government's analysis of major issues to  
138 further the community's goals consistent with statewide minimum  
139 standards. The report is not intended to require a comprehensive  
140 rewrite of the elements within the local plan, unless a local  
141 government chooses to do so.

142 (3)~~(2)~~ The report shall present an evaluation and  
143 assessment of the comprehensive plan and the local government is  
144 encouraged to include ~~shall contain~~ appropriate statements to  
145 update the comprehensive plan, including, but not limited to,  
146 words, maps, illustrations, or other media, related to:

147 (a) Population growth and changes in land area, including  
148 annexation, since the adoption of the original plan or the most  
149 recent update amendments.

150 (b) The extent of vacant and developable land.

151 (c) The financial feasibility of implementing the  
152 comprehensive plan and of providing needed infrastructure to  
153 achieve and maintain adopted level-of-service standards and  
154 sustain concurrency management systems through the capital  
155 improvements element, as well as the ability to address

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156 infrastructure backlogs and meet the demands of growth on public  
157 services and facilities.

158 (d) The location of existing development in relation to  
159 the location of development as anticipated in the original plan,  
160 or in the plan as amended by the most recent evaluation and  
161 appraisal report update amendments, such as within areas  
162 designated for urban growth.

163 (e) An identification of the major issues for the  
164 jurisdiction and, where pertinent, the potential social,  
165 economic, and environmental impacts.

166 (f) Relevant changes to the state comprehensive plan, the  
167 requirements of this part, the minimum criteria contained in  
168 chapter 9J-5, Florida Administrative Code, and the appropriate  
169 strategic regional policy plan since the adoption of the  
170 original plan or the most recent evaluation and appraisal report  
171 update amendments.

172 (g) An assessment of whether the plan objectives within  
173 each element, as they relate to major issues, have been  
174 achieved. The report shall include, as appropriate, an  
175 identification as to whether unforeseen or unanticipated changes  
176 in circumstances have resulted in problems or opportunities with  
177 respect to major issues identified in each element and the  
178 social, economic, and environmental impacts of the issue.

179 (h) A brief assessment of successes and shortcomings  
180 related to each element of the plan.

181 (i) The identification of any actions or corrective  
182 measures, including whether plan amendments are anticipated to  
183 address the major issues identified and analyzed in the report.

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184 Such identification shall include, as appropriate, new  
185 population projections, new revised planning timeframes, a  
186 revised future conditions map or map series, an updated capital  
187 improvements element, and any new and revised goals, objectives,  
188 and policies for major issues identified within each element.  
189 This paragraph does ~~shall~~ not require the submittal of the plan  
190 amendments with the evaluation and appraisal report.

191 (j) A summary of the public participation program and  
192 activities undertaken by the local government in preparing the  
193 report.

194 (k) The coordination of the comprehensive plan with  
195 existing public schools and those identified in the applicable  
196 educational facilities plan adopted pursuant to s. 1013.35. The  
197 assessment shall address, where relevant, the success or failure  
198 of the coordination of the future land use map and associated  
199 planned residential development with public schools and their  
200 capacities, as well as the joint decisionmaking processes  
201 engaged in by the local government and the school board in  
202 regard to establishing appropriate population projections and  
203 the planning and siting of public school facilities. For those  
204 counties or municipalities that do not have a public schools  
205 interlocal agreement or public school facilities element, the  
206 assessment shall determine whether the local government  
207 continues to meet the criteria of s. 163.3177(12). If the county  
208 or municipality determines that it no longer meets the criteria,  
209 it must adopt appropriate school concurrency goals, objectives,  
210 and policies in its plan amendments pursuant to the requirements  
211 of the public school facilities element, and enter into the

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212 existing interlocal agreement required by ss. 163.3177(6)(h)2.  
213 and 163.31777 in order to fully participate in the school  
214 concurrency system.

215 (l) The extent to which the local government has been  
216 successful in identifying alternative water supply projects and  
217 traditional water supply projects, including conservation and  
218 reuse, necessary to meet the water needs identified in s.  
219 373.709(2)(a) within the local government's jurisdiction. The  
220 report must evaluate the degree to which the local government  
221 has implemented the work plan for building public, private, and  
222 regional water supply facilities, including development of  
223 alternative water supplies, identified in the element as  
224 necessary to serve existing and new development.

225 (m) If any of the jurisdiction of the local government is  
226 located within the coastal high-hazard area, an evaluation of  
227 whether any past reduction in land use density impairs the  
228 property rights of current residents when redevelopment occurs,  
229 including, but not limited to, redevelopment following a natural  
230 disaster. The property rights of current residents shall be  
231 balanced with public safety considerations. The local government  
232 must identify strategies to address redevelopment feasibility  
233 and the property rights of affected residents. These strategies  
234 may include the authorization of redevelopment up to the actual  
235 built density in existence on the property prior to the natural  
236 disaster or redevelopment.

237 (n) An assessment of whether the criteria adopted pursuant  
238 to s. 163.3177(6)(a) were successful in achieving compatibility  
239 with military installations.

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240 (o) The extent to which a concurrency exception area  
241 designated pursuant to s. 163.3180(5), a concurrency management  
242 area designated pursuant to s. 163.3180(7), or a multimodal  
243 transportation district designated pursuant to s. 163.3180(15)  
244 has achieved the purpose for which it was created and otherwise  
245 complies with the provisions of s. 163.3180.

246 (p) An assessment of the extent to which changes are  
247 needed to develop a common methodology for measuring impacts on  
248 transportation facilities for the purpose of implementing its  
249 concurrency management system in coordination with the  
250 municipalities and counties, as appropriate pursuant to s.  
251 163.3180(10).

252 ~~(4)-(3)~~ Voluntary scoping meetings may be conducted by each  
253 local government or several local governments within the same  
254 county that agree to meet together. Joint meetings among all  
255 local governments in a county are encouraged. ~~All scoping~~  
256 ~~meetings shall be completed at least 1 year prior to the~~  
257 ~~established adoption date of the report.~~ The purpose of the  
258 meetings shall be to distribute data and resources available to  
259 assist in the preparation of the report, to provide input on  
260 major issues in each community that should be addressed in the  
261 report, and to advise on the extent of the effort for the  
262 components of subsection (3) ~~(2)~~. If scoping meetings are held,  
263 the local government is encouraged to ~~shall~~ invite each state  
264 and regional reviewing agency, as well as adjacent and other  
265 affected local governments. A preliminary list of new data and  
266 major issues that have emerged since the adoption of the  
267 original plan, or the most recent evaluation and appraisal

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268 report-based update amendments, should be developed by state and  
269 regional entities and involved local governments for  
270 distribution at the scoping meeting. For purposes of this  
271 subsection, a "scoping meeting" is a meeting conducted to  
272 determine the scope of review of the evaluation and appraisal  
273 report by parties to which the report relates.

274 ~~(5)(4)~~ The local planning agency shall prepare the  
275 evaluation and appraisal report ~~and shall make recommendations~~  
276 ~~to the governing body regarding adoption of the proposed report.~~  
277 The local planning agency shall prepare the report in conformity  
278 with its public participation procedures adopted as required by  
279 s. 163.3181. To further public participation in the evaluation  
280 and appraisal process ~~During the preparation of the proposed~~  
281 ~~report and prior to making any recommendation to the governing~~  
282 ~~body,~~ the local planning agency shall hold at least one public  
283 hearing, with public notice, on the proposed report. At a  
284 minimum, the format and content of the proposed report shall  
285 include a table of contents; numbered pages; element headings;  
286 section headings within elements; a list of included tables,  
287 maps, and figures; a title and sources for all included tables;  
288 a preparation date; and the name of the preparer. Where  
289 applicable, maps shall include major natural and artificial  
290 geographic features; city, county, and state lines; and a legend  
291 indicating a north arrow, map scale, and the date.

292 ~~(5) Ninety days prior to the scheduled adoption date, the~~  
293 ~~local government may provide a proposed evaluation and appraisal~~  
294 ~~report to the state land planning agency and distribute copies~~  
295 ~~to state and regional commenting agencies as prescribed by rule,~~  
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296 ~~adjacent jurisdictions, and interested citizens for review. All~~  
297 ~~review comments, including comments by the state land planning~~  
298 ~~agency, shall be transmitted to the local government and state~~  
299 ~~land planning agency within 30 days after receipt of the~~  
300 ~~proposed report.~~

301 ~~(6) The governing body, after considering the review~~  
302 ~~comments and recommended changes, if any, shall adopt the~~  
303 ~~evaluation and appraisal report by resolution or ordinance at a~~  
304 ~~public hearing with public notice. The governing body shall~~  
305 ~~adopt the report in conformity with its public participation~~  
306 ~~procedures adopted as required by s. 163.3181. The local~~  
307 ~~government shall submit to the state land planning agency three~~  
308 ~~copies of the report, a transmittal letter indicating the dates~~  
309 ~~of public hearings, and a copy of the adoption resolution or~~  
310 ~~ordinance. The local government shall provide a copy of the~~  
311 ~~report to the reviewing agencies which provided comments for the~~  
312 ~~proposed report, or to all the reviewing agencies if a proposed~~  
313 ~~report was not provided pursuant to subsection (5), including~~  
314 ~~the adjacent local governments. Within 60 days after receipt,~~  
315 ~~the state land planning agency shall review the adopted report~~  
316 ~~and make a preliminary sufficiency determination that shall be~~  
317 ~~forwarded by the agency to the local government for its~~  
318 ~~consideration. The state land planning agency shall issue a~~  
319 ~~final sufficiency determination within 90 days after receipt of~~  
320 ~~the adopted evaluation and appraisal report.~~

321 ~~(6)-(7)~~ The intent of the evaluation and appraisal process  
322 is the preparation of a plan update that clearly and concisely  
323 achieves the purpose of this section. The evaluation and

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324 appraisal report shall be submitted as data and analysis in  
325 support of amendments based on the report. ~~Toward this end, the~~  
326 ~~sufficiency review of the state land planning agency shall~~  
327 ~~concentrate on whether the evaluation and appraisal report~~  
328 ~~sufficiently fulfills the components of subsection (2). If the~~  
329 ~~state land planning agency determines that the report is~~  
330 ~~insufficient, the governing body shall adopt a revision of the~~  
331 ~~report and submit the revised report for review pursuant to~~  
332 ~~subsection (6).~~

333 ~~(8) The state land planning agency may delegate the review~~  
334 ~~of evaluation and appraisal reports, including all state land~~  
335 ~~planning agency duties under subsections (4) (7), to the~~  
336 ~~appropriate regional planning council. When the review has been~~  
337 ~~delegated to a regional planning council, any local government~~  
338 ~~in the region may elect to have its report reviewed by the~~  
339 ~~regional planning council rather than the state land planning~~  
340 ~~agency. The state land planning agency shall by agreement~~  
341 ~~provide for uniform and adequate review of reports and shall~~  
342 ~~retain oversight for any delegation of review to a regional~~  
343 ~~planning council.~~

344 (7)(9) The state land planning agency may establish a  
345 phased schedule for adoption of amendments based on evaluation  
346 and appraisal reports. The schedule shall provide each local  
347 government at least 7 years from plan adoption or last  
348 established adoption date for amendments based on an evaluation  
349 and appraisal a report and shall allot approximately one-seventh  
350 of the reports to any 1 year. In order to allow the  
351 municipalities to use data and analyses gathered by the

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352 counties, the state land planning agency shall schedule  
353 ~~municipal report~~ adoption dates for amendments to a municipal  
354 plan which are based on an evaluation and appraisal report  
355 between 1 year and 18 months later than the ~~report~~ adoption date  
356 for amendments to a county plan which are based on an evaluation  
357 and appraisal report of the county in which those municipalities  
358 are located. ~~A local government may adopt its report no earlier~~  
359 ~~than 90 days prior to the established adoption date. Small~~  
360 ~~municipalities which were scheduled by chapter 9J-33, Florida~~  
361 ~~Administrative Code, to adopt their evaluation and appraisal~~  
362 ~~report after February 2, 1999, shall be rescheduled to adopt~~  
363 ~~their report together with the other municipalities in their~~  
364 ~~county as provided in this subsection.~~

365 (8) ~~(10)~~ The governing body shall amend its comprehensive  
366 plan based on the recommendations in the report and shall update  
367 the comprehensive plan based on the components of subsection (3)  
368 ~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187, and  
369 163.3189. Amendments to update a comprehensive plan based on the  
370 evaluation and appraisal report shall be adopted during a single  
371 amendment cycle within the time period established by the state  
372 land planning agency's schedule authorized in subsection (7) ~~18~~  
373 ~~months after the report is determined to be sufficient by the~~  
374 ~~state land planning agency, except that~~ the state land planning  
375 agency may grant an extension for adoption of a portion of such  
376 amendments. The state land planning agency may grant a 6-month  
377 extension for the adoption of such amendments if the request is  
378 justified by good and sufficient cause as determined by the  
379 agency. An additional extension may also be granted if the

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380 request will result in greater coordination between  
381 transportation and land use, for the purposes of improving  
382 Florida's transportation system, as determined by the agency in  
383 coordination with the Metropolitan Planning Organization  
384 program. Except for local governments exempted from preparing  
385 evaluation and appraisal reports pursuant to subsection (1),  
386 beginning July 1, 2006, failure to timely adopt and transmit  
387 update amendments to the comprehensive plan based on the  
388 evaluation and appraisal report shall result in a local  
389 government being prohibited from adopting amendments to the  
390 comprehensive plan until the amendments based on the evaluation  
391 and appraisal report ~~update amendments~~ have been adopted and  
392 transmitted to the state land planning agency. The prohibition  
393 on plan amendments shall commence when such ~~the update~~  
394 amendments to the comprehensive plan are past due. The  
395 comprehensive plan as amended shall be in compliance as defined  
396 in s. 163.3184(1)(b). Within 6 months after the effective date  
397 of such ~~the update~~ amendments to the comprehensive plan, the  
398 local government shall provide to the state land planning agency  
399 and to all agencies designated by rule a complete copy of the  
400 updated comprehensive plan.

401 ~~(9)(11)~~ The Administration Commission may impose the  
402 sanctions provided by s. 163.3184(11) against any local  
403 government that fails to ~~adopt and submit a report, or that~~  
404 ~~fails to~~ implement its report through timely and sufficient  
405 amendments to its local plan, except for reasons of excusable  
406 delay or valid planning reasons agreed to by the state land  
407 planning agency or found present by the Administration

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408 Commission. Sanctions for untimely or insufficient plan  
409 amendments shall be prospective only and shall begin after a  
410 final order has been issued by the Administration Commission and  
411 a reasonable period of time has been allowed for the local  
412 government to comply with an adverse determination by the  
413 Administration Commission through adoption of plan amendments  
414 that are in compliance. The state land planning agency may  
415 initiate, and an affected person may intervene in, such a  
416 proceeding by filing a petition with the Division of  
417 Administrative Hearings, which shall appoint an administrative  
418 law judge and conduct a hearing pursuant to ss. 120.569 and  
419 120.57(1) and shall submit a recommended order to the  
420 Administration Commission. The affected local government shall  
421 be a party to any such proceeding. The commission may implement  
422 this subsection by rule.

423 ~~(10)-(12)~~ The state land planning agency may ~~shall~~ not  
424 adopt rules to implement this section, other than procedural  
425 rules.

426 ~~(13)~~ ~~The state land planning agency shall regularly review~~  
427 ~~the evaluation and appraisal report process and submit a report~~  
428 ~~to the Governor, the Administration Commission, the Speaker of~~  
429 ~~the House of Representatives, the President of the Senate, and~~  
430 ~~the respective community affairs committees of the Senate and~~  
431 ~~the House of Representatives. The first report shall be~~  
432 ~~submitted by December 31, 2004, and subsequent reports shall be~~  
433 ~~submitted every 5 years thereafter. At least 9 months before the~~  
434 ~~due date of each report, the Secretary of Community Affairs~~  
435 ~~shall appoint a technical committee of at least 15 members to~~

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436 ~~assist in the preparation of the report. The membership of the~~  
437 ~~technical committee shall consist of representatives of local~~  
438 ~~governments, regional planning councils, the private sector, and~~  
439 ~~environmental organizations. The report shall assess the~~  
440 ~~effectiveness of the evaluation and appraisal report process.~~

441 ~~(11)-(14)~~ The requirement of subsection ~~(8)~~ ~~(10)~~  
442 prohibiting a local government from adopting amendments to the  
443 local comprehensive plan until the amendments based on the  
444 evaluation and appraisal report ~~update amendments~~ have been  
445 adopted and transmitted to the state land planning agency does  
446 not apply to a plan amendment proposed for adoption by the  
447 appropriate local government as defined in s. 163.3178(2)(k) in  
448 order to integrate a port comprehensive master plan with the  
449 coastal management element of the local comprehensive plan as  
450 required by s. 163.3178(2)(k) if the port comprehensive master  
451 plan or the proposed plan amendment does not cause or contribute  
452 to the failure of the local government to comply with the  
453 requirements of this section ~~the evaluation and appraisal~~  
454 ~~report.~~

455 Section 6. Section 163.3245, Florida Statutes, is amended  
456 to read:

457 163.3245 ~~Optional~~ Sector plans.-

458 (1) In recognition of the benefits of ~~conceptual~~ long-  
459 range planning, ~~for the buildout of an area, and detailed~~  
460 ~~planning for specific areas, as a demonstration project, the~~  
461 ~~requirements of s. 380.06 may be addressed as identified by this~~  
462 ~~section for up to five~~ local governments or combinations of  
463 local governments may ~~which~~ adopt into their ~~the~~ comprehensive  
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464 ~~plans a plan an optional~~ sector plan in accordance with this  
465 section. This section is intended to promote and encourage long-  
466 term planning for conservation, development, and agriculture on  
467 a landscape scale; to further the intent of s. 163.3177(11),  
468 which supports innovative and flexible planning and development  
469 strategies, and the purposes of this part, and part I of chapter  
470 380; to facilitate protection of regionally significant water  
471 courses and wildlife corridors; and to avoid duplication of  
472 effort in terms of the level of data and analysis required for a  
473 development of regional impact, while ensuring the adequate  
474 mitigation of impacts to applicable regional resources and  
475 facilities, including those within the jurisdiction of other  
476 local governments, as would otherwise be provided. ~~Optional~~  
477 Sector plans are intended for substantial geographic areas that  
478 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more  
479 local governmental jurisdictions and are to emphasize urban form  
480 and protection of regionally significant resources and public  
481 facilities. ~~The state land planning agency may approve optional~~  
482 ~~sector plans of less than 5,000 acres based on local~~  
483 ~~circumstances if it is determined that the plan would further~~  
484 ~~the purposes of this part and part I of chapter 380. Preparation~~  
485 ~~of an optional sector plan is authorized by agreement between~~  
486 ~~the state land planning agency and the applicable local~~  
487 ~~governments under s. 163.3171(4). An optional sector plan may be~~  
488 ~~adopted through one or more comprehensive plan amendments under~~  
489 ~~s. 163.3184. A~~ However, an optional sector plan may not be  
490 adopted authorized in an area of critical state concern.

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491           (2) ~~The state land planning agency may enter into an~~  
492 ~~agreement to authorize preparation of an optional sector plan~~  
493 ~~upon the request of one or more local governments based on~~  
494 ~~consideration of problems and opportunities presented by~~  
495 ~~existing development trends; the effectiveness of current~~  
496 ~~comprehensive plan provisions; the potential to further the~~  
497 ~~state comprehensive plan, applicable strategic regional policy~~  
498 ~~plans, this part, and part I of chapter 380; and those factors~~  
499 ~~identified by s. 163.3177(10)(i). Upon the request of a local~~  
500 ~~government with jurisdiction, the applicable regional planning~~  
501 ~~council shall conduct a scoping meeting with affected local~~  
502 ~~governments and those agencies identified in s. 163.3184(4)~~  
503 ~~before preparation of the sector plan ~~execution of the agreement~~~~  
504 ~~authorized by this section. The purpose of this meeting is to~~  
505 ~~assist the state land planning agency and the local government~~  
506 ~~in the identification of the relevant planning issues to be~~  
507 ~~addressed and the data and resources available to assist in the~~  
508 ~~preparation of the sector ~~subsequent plan amendments.~~ If a~~  
509 ~~scoping meeting is held, the regional planning council shall~~  
510 ~~make written recommendations to the state land planning agency~~  
511 ~~and affected local governments on the issues requested by the~~  
512 ~~local government, including whether a sustainable sector plan~~  
513 ~~would be appropriate. The scoping meeting must be noticed and~~  
514 ~~open to the public. If the entire planning area proposed for the~~  
515 ~~sector plan is within the jurisdiction of two or more local~~  
516 ~~governments, some or all of them may enter into a joint planning~~  
517 ~~agreement pursuant to s. 163.3171 with respect to agreement must~~  
518 ~~define the geographic area to be subject to the sector plan, the~~  
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519 | planning issues that will be emphasized, procedures ~~requirements~~  
520 | for intergovernmental coordination to address  
521 | extrajurisdictional impacts, supporting application materials  
522 | including data and analysis, and procedures for public  
523 | participation, or any other issues agreed to by the local  
524 | governments entering into the agreement. ~~An agreement may~~  
525 | ~~address previously adopted sector plans that are consistent with~~  
526 | ~~the standards in this section. Before executing an agreement~~  
527 | ~~under this subsection, the local government shall hold a duly~~  
528 | ~~noticed public workshop to review and explain to the public the~~  
529 | ~~optional sector planning process and the terms and conditions of~~  
530 | ~~the proposed agreement. The local government shall hold a duly~~  
531 | ~~noticed public hearing to execute the agreement. All meetings~~  
532 | ~~between the department and the local government must be open to~~  
533 | ~~the public.~~

534 | (3) ~~Optional~~ Sector planning encompasses ~~two levels:~~  
535 | adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term  
536 | master plan for the entire planning area as part of the  
537 | comprehensive plan and adoption by local development order of  
538 | two or more buildout overlay to the comprehensive plan, having  
539 | ~~no immediate effect on the issuance of development orders or the~~  
540 | ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~  
541 | detailed specific area plans that implement the ~~conceptual~~ long-  
542 | term master plan buildout overlay and authorize issuance of  
543 | ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~  
544 | ~~such time as a detailed specific area plan is adopted, the~~  
545 | ~~underlying future land use designations apply.~~

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546 (a) In addition to the other requirements of this chapter,  
547 a long-term master plan pursuant to this section ~~conceptual~~  
548 ~~long-term buildout overlay~~ must include maps, illustrations, and  
549 text supported by data and analysis to address the following:

550 1. A ~~long-range conceptual~~ framework map that, at a  
551 minimum, generally depicts ~~identifies anticipated~~ areas of  
552 urban, agricultural, rural, and conservation land use;  
553 identifies allowed uses in various parts of the planning area;  
554 specifies maximum and minimum densities and intensities of use;  
555 and provides the conceptual framework for the development  
556 pattern in developed areas with graphic illustrations based on a  
557 hierarchy of places and functional place-making components.

558 2. A general identification of the water supplies needed  
559 and available sources of water, including water resource  
560 development and water supply development projects, and water  
561 conservation measures needed to meet the projected demand of the  
562 future land uses in the long-term master plan.

563 3. A general identification of the transportation  
564 facilities to serve the future land uses in the long-term master  
565 plan, including guidelines to be used to establish each modal  
566 component intended to optimize mobility.

567 4. A general identification of other regionally  
568 significant public facilities ~~consistent with chapter 9J-2,~~  
569 ~~Florida Administrative Code, irrespective of local governmental~~  
570 ~~jurisdiction~~ necessary to support buildout of the anticipated  
571 future land uses, which may include central utilities provided  
572 on site within the planning area, and policies setting forth the

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573 procedures to be used to mitigate the impacts of future land  
574 uses on public facilities.

575 ~~5.3.~~ A general identification of regionally significant  
576 natural resources within the planning area and policies setting  
577 forth the procedures for protection or conservation of specific  
578 resources consistent with the overall conservation and  
579 development strategy for the planning area ~~consistent with~~  
580 ~~chapter 9J-2, Florida Administrative Code.~~

581 ~~6.4.~~ General principles and guidelines addressing that  
582 ~~address~~ the urban form and the interrelationships of anticipated  
583 future land uses; providing for the protection and, as  
584 appropriate, restoration and management of lands identified for  
585 permanent preservation; and a discussion, at the applicant's  
586 option, of the extent, if any, to which the plan will address  
587 ~~restoring key ecosystems,~~ achieving a cleaner more clean, more  
588 healthy environment; ~~;~~ limiting urban sprawl; providing a range  
589 of housing types; ~~;~~ protecting wildlife and natural areas;  
590 advancing the efficient use of land and other resources; ~~;~~ and  
591 creating quality communities of a design that promotes travel by  
592 multiple transportation modes; and enhancing the prospects for  
593 the creation of jobs.

594 ~~7.5.~~ Identification of general procedures and policies to  
595 facilitate ~~ensure~~ intergovernmental coordination to address  
596 extrajurisdictional impacts from the future land uses ~~long-range~~  
597 ~~conceptual framework map.~~

598  
599 A long-term master plan adopted pursuant to this section shall  
600 be based on a planning period longer than the generally

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601 applicable planning period of the local comprehensive plan,  
602 shall specify the projected population within the planning area  
603 during the chosen planning period, and may include a phasing or  
604 staging schedule that allocates a portion of the local  
605 government's future growth to the planning area through the  
606 planning period. A long-term master plan adopted pursuant to  
607 this section does not have to be based on projected population  
608 growth or any other need.

609 (b) In addition to the other requirements of this chapter,  
610 ~~including those in paragraph (a),~~ the detailed specific area  
611 plans must be consistent with the long-term master plan and must  
612 include conditions and commitments that provide for:

613 1. Development or conservation of an area of adequate size  
614 ~~to accommodate a level of development which achieves a~~  
615 ~~functional relationship between a full range of land uses within~~  
616 ~~the area and to encompass~~ at least 1,000 acres consistent with  
617 the long-term master plan. The local government state land  
618 ~~planning agency~~ may approve detailed specific area plans of less  
619 than 1,000 acres based on local circumstances if it is  
620 determined that the detailed specific area plan furthers the  
621 purposes of this part and part I of chapter 380.

622 2. Detailed identification and analysis of the maximum and  
623 minimum densities and intensities of use and the distribution,  
624 extent, and location of future land uses.

625 3. Detailed identification of water resource development  
626 and water supply development projects and related infrastructure  
627 and water conservation measures to address water needs of  
628 development in the detailed specific area plan.

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629 4. Detailed identification of the transportation  
630 facilities to serve the future land uses in the detailed  
631 specific area plan.

632 ~~5.3.~~ Detailed identification of other regionally  
633 significant public facilities, including public facilities  
634 outside the jurisdiction of the host local government,  
635 ~~anticipated~~ impacts of future land uses on those facilities, and  
636 required improvements consistent with the long-term master plan  
637 ~~chapter 9J-2, Florida Administrative Code.~~

638 ~~6.4.~~ Public facilities necessary to serve development in  
639 the detailed specific area plan for the short term, including  
640 developer contributions in a ~~financially feasible~~ 5-year capital  
641 improvement schedule of the affected local government.

642 ~~7.5.~~ Detailed analysis and identification of specific  
643 measures to ensure ~~assure~~ the protection or conservation of  
644 lands identified in the long-term master plan to be permanently  
645 preserved and, as appropriate, restored or managed of regionally  
646 ~~significant natural resources~~ and other important resources both  
647 within and outside the host jurisdiction, ~~including those~~  
648 ~~regionally significant resources identified in chapter 9J-2,~~  
649 ~~Florida Administrative Code.~~

650 ~~8.6.~~ Detailed principles and guidelines addressing that  
651 ~~address~~ the urban form and the interrelationships of anticipated  
652 future land uses; ~~and a discussion, at the applicant's option,~~  
653 ~~of the extent, if any, to which the plan will address restoring~~  
654 ~~key ecosystems,~~ achieving a cleaner ~~more clean,~~ more healthy  
655 environment; limiting urban sprawl; providing a range of  
656 housing types; protecting wildlife and natural areas;

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657 advancing the efficient use of land and other resources; ~~and~~  
658 creating quality communities of a design that promotes travel by  
659 multiple transportation modes; and enhancing the prospects for  
660 the creation of jobs.

661 9.7. Identification of specific procedures to facilitate  
662 ensure intergovernmental coordination to address  
663 extrajurisdictional impacts from ~~of~~ the detailed specific area  
664 plan.

665  
666 A detailed specific area plan adopted by local development order  
667 pursuant to this section may be based on a planning period  
668 longer than the generally applicable planning period of the  
669 local comprehensive plan and shall specify the projected  
670 population within the specific planning area during the chosen  
671 planning period. A detailed specific area plan adopted pursuant  
672 to this section does not have to be based on projected  
673 population growth or any other need.

674 (c) In its review of a long-term master plan, the state  
675 land planning agency shall consult with the Department of  
676 Agriculture and Consumer Services, the Department of  
677 Environmental Protection, the Florida Fish and Wildlife  
678 Conservation Commission, and the applicable water management  
679 district regarding the design of areas for protection and  
680 conservation of regionally significant natural resources and for  
681 the protection and, as appropriate, restoration and management  
682 of lands identified for permanent preservation.

683 (d) The state land planning agency may initiate a civil  
684 action pursuant to s. 163.3215 with respect to a detailed

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685 specific area plan which is not consistent with a long-term  
686 master plan adopted pursuant to this section. For purposes of  
687 such a proceeding, the state land planning agency shall be  
688 deemed an aggrieved and adversely affected party. Regardless of  
689 whether the local government has adopted an ordinance that  
690 establishes a local process which meets the requirements of s.  
691 163.3215(4), judicial review of a detailed specific area plan  
692 initiated by the state land planning agency shall be de novo  
693 pursuant to s. 163.3215(3) and not by petition for writ of  
694 certiorari pursuant to s. 163.3215(4). Any other aggrieved or  
695 adversely affected party shall be subject to s. 163.3215 in all  
696 respects when initiating a consistency challenge to a detailed  
697 specific area plan.

698 (e)-(e) This subsection does ~~may not be construed to~~  
699 prevent preparation and approval of the ~~optional~~ sector plan and  
700 detailed specific area plan concurrently or in the same  
701 submission.

702 (4) Upon the long-term master plan becoming legally  
703 effective:

704 (a) Any long-range transportation plan developed by a  
705 metropolitan planning organization pursuant to s. 339.175(7)  
706 must be consistent, to the maximum extent feasible, with the  
707 long-term master plan, including, but not limited to, the  
708 projected population, the approved uses and densities and  
709 intensities of use and their distribution within the planning  
710 area, and the transportation facilities identified in adopted  
711 plans pursuant to subparagraphs (3) (a)3. and (3) (b)4.

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712 (b) The water supply needs, water sources, and water  
713 resource development and water supply development projects  
714 identified in adopted plans pursuant to subparagraphs (3) (a)2.  
715 and (3) (b)3. shall be incorporated into the applicable district  
716 and regional water supply plans adopted in accordance with ss.  
717 373.036 and 373.709. Accordingly, and notwithstanding the permit  
718 durations stated in s. 373.236, an applicant may request and the  
719 applicable district may issue consumptive use permits for  
720 durations commensurate with the long-term master plan. The  
721 permitting criteria in s. 373.223 shall be applied based on the  
722 projected population and the approved densities and intensities  
723 of use and their distribution in the long-term master plan.

724 (c) A development subject to s. 380.06 may be granted  
725 development approval pursuant to s. 380.06 without submission  
726 and approval of a detailed specific area plan pursuant to this  
727 section and thereafter shall be subject to all requirements of  
728 s. 380.06 in lieu of the requirements of this section. The host  
729 ~~local government shall submit a monitoring report to the state~~  
730 ~~land planning agency and applicable regional planning council on~~  
731 ~~an annual basis after adoption of a detailed specific area plan.~~  
732 ~~The annual monitoring report must provide summarized information~~  
733 ~~on development orders issued, development that has occurred,~~  
734 ~~public facility improvements made, and public facility~~  
735 ~~improvements anticipated over the upcoming 5 years.~~

736 (5) When a ~~plan amendment adopting~~ a detailed specific  
737 area plan has become effective for a portion of the planning  
738 area governed by a long-term master plan adopted pursuant to  
739 this section under ss. 163.3184 and 163.3189(2), the provisions  
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740 of s. 380.06 do not apply to development within the geographic  
741 area of the detailed specific area plan. However, any  
742 development-of-regional-impact development order that is vested  
743 from the detailed specific area plan may be enforced pursuant to  
744 ~~under~~ s. 380.11.

745 (a) The local government adopting the detailed specific  
746 area plan is primarily responsible for monitoring and enforcing  
747 the detailed specific area plan. Local governments may ~~shall~~ not  
748 issue any permits or approvals or provide any extensions of  
749 services to development that are not consistent with the  
750 detailed specific sector area plan.

751 (b) If the state land planning agency has reason to  
752 believe that a violation of any detailed specific area plan, ~~or~~  
753 ~~of any agreement entered into under this section,~~ has occurred  
754 or is about to occur, it may institute an administrative or  
755 judicial proceeding to prevent, abate, or control the conditions  
756 or activity creating the violation, using the procedures in s.  
757 380.11.

758 (c) In instituting an administrative or judicial  
759 proceeding involving a ~~an optional~~ sector plan or detailed  
760 specific area plan, including a proceeding pursuant to paragraph  
761 (b), the complaining party must ~~shall~~ comply with the  
762 requirements of s. 163.3215(4), (5), (6), and (7), except as  
763 provided by paragraph (3)(d).

764 (d) The detailed specific area plan shall establish a  
765 buildout date prior to which the approved development is not  
766 subject to downzoning, unit density reduction, or intensity  
767 reduction unless the local government demonstrates that

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768 implementation of the plan is not continuing in good faith based  
769 on standards established by plan policy, that substantial  
770 changes in the conditions underlying the approval of the  
771 detailed specific area plan have occurred, that the detailed  
772 specific area plan was based on substantially inaccurate  
773 information provided by the applicant, or that the change is  
774 clearly essential to the public health, safety, or welfare.

775 (6) Concurrent with or subsequent to review and adoption  
776 of a long-term master plan pursuant to paragraph (3) (a), an  
777 applicant may apply for master development approval pursuant to  
778 s. 380.06(21) for the entire planning area in order to establish  
779 a buildout date prior to which the approved uses and densities  
780 and intensities of use of the master plan are not subject to  
781 downzoning, unit density reduction, or intensity reduction  
782 unless the local government demonstrates that implementation of  
783 the master plan is not continuing in good faith based on  
784 standards established by plan policy, that substantial changes  
785 in the conditions underlying the approval of the master plan  
786 have occurred, that the master plan was based on substantially  
787 inaccurate information provided by the applicant, or that change  
788 is clearly essential to the public health, safety, or welfare.

789 Review of the application for master development approval shall  
790 be at a level of detail appropriate for the long-term and  
791 conceptual nature of the long-term master plan and, to the  
792 maximum extent possible, may only consider information provided  
793 in the application for a long-term master plan. Notwithstanding  
794 any provision of s. 380.06 to the contrary, an increment of  
795 development in such an approved master development plan must be

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796 approved by a detailed specific area plan pursuant to paragraph  
797 (3) (b) and is exempt from review pursuant to s. 380.06.

798 ~~Beginning December 1, 1999, and each year thereafter, the~~  
799 ~~department shall provide a status report to the Legislative~~  
800 ~~Committee on Intergovernmental Relations regarding each optional~~  
801 ~~sector plan authorized under this section.~~

802 (7) A developer within an area subject to a long-term  
803 master plan that meets the requirements of paragraph (3) (a) and  
804 subsection (6) or a detailed specific area plan that meets the  
805 requirements of paragraph (3) (b) may enter into a development  
806 agreement with a local government pursuant to ss. 163.3220-  
807 163.3243. The duration of such a development agreement may be  
808 through the planning period of the long-term master plan or the  
809 detailed specific area plan, as the case may be, notwithstanding  
810 the limit on the duration of a development agreement pursuant to  
811 s. 163.3229.

812 (8) Any owner of property within the planning area of a  
813 proposed long-term master plan may withdraw the owner's consent  
814 to the master plan at any time prior its adoption by the local  
815 government, and the local government shall exclude such parcels  
816 from the adopted master plan. Thereafter, the long-term master  
817 plan, any detailed specific area plan, and the exemption from  
818 development-of-regional-impact review under this section does  
819 not apply to the subject parcels. After adoption of a long-term  
820 master plan, an owner may withdraw the owner's property from the  
821 plan only with the approval of the local government by means of  
822 a plan amendment.

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823       (9) The adoption of a long-term master plan or a detailed  
824 specific area plan pursuant to this section does not limit the  
825 right to continue existing agricultural or silvicultural uses or  
826 other natural resource-based operations or to establish similar  
827 new uses that are consistent with the plans approved pursuant to  
828 this section.

829       (10) Notwithstanding s. 380.06, part II of chapter 163, or  
830 any planning agreement or plan policy, a landowner or developer  
831 who has received approval of a master development of regional  
832 impact development order pursuant to s. 380.06(21) may apply to  
833 implement this order by filing one or more applications to  
834 approve a detailed specific area plan pursuant to paragraph  
835 (3) (b) .

836       (11) Notwithstanding any other provision of law, a  
837 detailed specific area plan to implement a conceptual long-term  
838 buildout overlay of less than 15,000 acres, which was adopted by  
839 a local government and found in compliance before July 1, 2011,  
840 is subject to this section.

841       (12)-(7)- This section may not be construed to abrogate the  
842 rights of any person under this chapter.

843       Section 7. Paragraph (b) of subsection (9) of section  
844 163.3246, Florida Statutes, is amended to read:

845       163.3246 Local government comprehensive planning  
846 certification program.—

847       (9)

848       (b) Plan amendments that change the boundaries of the  
849 certification area; propose a rural land stewardship area  
850 pursuant to s. 163.3177(11) (d); propose a ~~an optional~~ sector  
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851 plan pursuant to s. 163.3245; propose a school facilities  
852 element; update a comprehensive plan based on an evaluation and  
853 appraisal report; impact lands outside the certification  
854 boundary; implement new statutory requirements that require  
855 specific comprehensive plan amendments; or increase hurricane  
856 evacuation times or the need for shelter capacity on lands  
857 within the coastal high-hazard area shall be reviewed pursuant  
858 to ss. 163.3184 and 163.3187.

859 Section 8. Section 163.32465, Florida Statutes, is amended  
860 to read:

861 163.32465 State review of local comprehensive plans ~~in~~  
862 ~~urban areas.~~-

863 (1) LEGISLATIVE FINDINGS.-

864 (a) The Legislature finds that comprehensive planning  
865 programs have matured throughout the state and therefore local  
866 ~~governments in this state have a wide diversity of resources,~~  
867 ~~conditions, abilities, and needs. The Legislature also finds~~  
868 ~~that the needs and resources of urban areas are different from~~  
869 ~~those of rural areas and that different planning and growth~~  
870 ~~management approaches, strategies, and techniques are required~~  
871 ~~in urban areas. The state role in overseeing growth management~~  
872 ~~should reflect this diversity and should vary based on local~~  
873 ~~government conditions, capabilities, needs, and extent of~~  
874 ~~development. Thus, the Legislature recognizes and finds that~~  
875 reduced state oversight of local comprehensive planning is  
876 justified ~~for some local governments in urban areas.~~

877 (b) The Legislature finds and declares that this state's  
878 local governments ~~urban areas~~ require a reduced level of state  
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879 ~~oversight because of their high degree of urbanization and the~~  
880 ~~planning capabilities and resources of many of their local~~  
881 ~~governments. An alternative state review process that is~~  
882 ~~adequate to protect issues of regional or statewide importance~~  
883 ~~should be created for appropriate local governments in these~~  
884 ~~areas. Further, the Legislature finds that development,~~  
885 ~~including urban infill and redevelopment, should be encouraged~~  
886 ~~in these urban areas. Accordingly, the Legislature finds that an~~  
887 ~~alternative process provided by this section for amending local~~  
888 ~~comprehensive plans is in these areas should be established with~~  
889 ~~the an objective of streamlining the process and recognizing~~  
890 ~~local responsibility and accountability.~~

891 ~~(c) The Legislature finds a pilot program will be~~  
892 ~~beneficial in evaluating an alternative, expedited plan~~  
893 ~~amendment adoption and review process. Pilot local governments~~  
894 ~~shall represent highly developed counties and the municipalities~~  
895 ~~within these counties and highly populated municipalities.~~

896 (2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT  
897 PROGRAM. The process for amending a comprehensive plan described  
898 in this section shall be applicable statewide. On a case-by-case  
899 basis, a local government, by majority vote, may elect to follow  
900 the procedures set forth in s. 163.3184 for processing a  
901 comprehensive plan amendment in lieu of using the procedures set  
902 forth in this section. Pinellas and Broward Counties, and the  
903 municipalities within these counties, and Jacksonville, Miami,  
904 Tampa, and Hialeah shall follow an alternative state review  
905 process provided in this section. Municipalities within the  
906 pilot counties may elect, by super majority vote of the  
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907 ~~governing body, not to participate in the pilot program. In~~  
908 ~~addition to the pilot program jurisdictions, any local~~  
909 ~~government may use the alternative state review process to~~  
910 ~~designate an urban service area as defined in s. 163.3164(29) in~~  
911 ~~its comprehensive plan.~~

912 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS  
913 ~~UNDER THE PILOT PROGRAM.~~

914 ~~(a)~~ Plan amendments adopted by local governments are  
915 subject to the pilot program jurisdictions shall follow the  
916 alternate, expedited process in subsections (4) and (5), except  
917 as follows: as set forth in paragraphs (b)-(c) of this  
918 subsection.

919 ~~(a)-(b)~~ Amendments that qualify as small-scale development  
920 amendments may continue to be adopted ~~by the pilot program~~  
921 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).

922 ~~(b)-(c)~~ Plan amendments that propose a rural land  
923 stewardship area pursuant to s. 163.3177(11)(d); propose a ~~an~~  
924 ~~optional~~ sector plan; update a comprehensive plan based on an  
925 evaluation and appraisal report; or implement new statutory  
926 requirements; plan amendment packages for which local  
927 governments request a more thorough review pursuant to  
928 subsection (2); or new plans for newly incorporated  
929 municipalities are subject to state review as set forth in s.  
930 163.3184.

931 ~~(c)-(d)~~ Local governments ~~Pilot program jurisdictions~~ shall  
932 be subject to the frequency and timing requirements for plan  
933 amendments set forth in ss. 163.3187 and 163.3191, except where  
934 otherwise stated in this section.

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935        ~~(d)(e)~~ The mediation and expedited hearing provisions in  
936 s. 163.3189(3) apply to all plan amendments adopted pursuant to  
937 this section by the pilot program jurisdictions.

938        (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~  
939 ~~PILOT PROGRAM.~~—

940        (a) The local government shall hold its first public  
941 hearing on a comprehensive plan amendment on a weekday at least  
942 7 days after the day the first advertisement is published  
943 pursuant to the requirements of chapter 125 or chapter 166. Upon  
944 an affirmative vote of not less than a majority of the members  
945 of the governing body present at the hearing, the local  
946 government shall immediately transmit the amendment or  
947 amendments and appropriate supporting data and analyses to the  
948 state land planning agency; the appropriate regional planning  
949 council and water management district; the Department of  
950 Environmental Protection; the Department of State; the  
951 Department of Transportation; in the case of municipal plans, to  
952 the appropriate county; the Fish and Wildlife Conservation  
953 Commission; the Department of Agriculture and Consumer Services;  
954 and in the case of amendments that include or impact the public  
955 school facilities element, the Department ~~Office of Educational~~  
956 ~~Facilities of the Commissioner~~ of Education. The local governing  
957 body shall also transmit a copy of the amendments and supporting  
958 data and analyses to any other local government or governmental  
959 agency that has filed a written request with the governing body.

960        (b) The agencies and local governments specified in  
961 paragraph (a) may provide comments regarding the amendment or  
962 amendments to the local government. The regional planning

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963 council review and comment shall be limited to effects on  
964 regional resources or facilities identified in the strategic  
965 regional policy plan and extrajurisdictional impacts that would  
966 be inconsistent with the comprehensive plan of the affected  
967 local government. A regional planning council may ~~shall~~ not  
968 review and comment on a proposed comprehensive plan amendment  
969 prepared by such council unless the plan amendment has been  
970 changed by the local government subsequent to the preparation of  
971 the plan amendment by the regional planning council. County  
972 comments on municipal comprehensive plan amendments shall be  
973 ~~primarily~~ in the context of the relationship and effect of the  
974 proposed plan amendments on the county plan. Municipal comments  
975 on county plan amendments shall be ~~primarily~~ in the context of  
976 the relationship and effect of the amendments on the municipal  
977 plan. State agency comments may include technical guidance on  
978 issues of agency jurisdiction identified in this paragraph as it  
979 relates to the requirements of this part. Such comments shall  
980 clearly identify issues that, if not resolved, may result in an  
981 agency challenge to the plan amendment. State agencies shall ~~For~~  
982 ~~the purposes of this pilot program, agencies are encouraged to~~  
983 focus potential challenges on issues of regional or statewide  
984 importance. Agencies and local governments must transmit their  
985 comments to the affected local government such that they are  
986 received by the local government not later than 30 ~~thirty~~ days  
987 after ~~from~~ the date on which the agency or government received  
988 the amendment or amendments. With respect to comments to the  
989 state land planning agency regarding plan amendments:

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990 1. The appropriate water management district shall limit  
991 its comments to the subjects of wetlands, well fields, and  
992 consumptive use of water.

993 2. The Department of Environmental Protection shall limit  
994 its comments to the subjects of air and water pollution, solid  
995 waste, sewage, drinking water, state parks, greenways and  
996 trails, state-owned lands, and wetlands.

997 3. The Department of State shall limit its comments to the  
998 subjects of historic and archeological resources.

999 4. The Department of Transportation shall limit its  
1000 comments to the subjects of roads and transportation facilities.

1001 5. The Fish and Wildlife Conservation Commission shall  
1002 limit its comments to the subjects of fish and wildlife issues,  
1003 including issues relating to fish and wildlife habitat and  
1004 endangered species and their habitat.

1005 6. The Department of Agriculture and Consumer Services  
1006 shall limit its comments to the subjects of agriculture,  
1007 forestry, and aquaculture issues.

1008 7. The Department of Education shall limit its comments to  
1009 the subject of public school facilities.

1010 (5) ~~ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT~~  
1011 ~~AREAS.~~—

1012 (a) The local government shall hold its second public  
1013 hearing, which shall be a hearing on whether to adopt one or  
1014 more comprehensive plan amendments, on a weekday at least 5 days  
1015 after the day the second advertisement is published pursuant to  
1016 the requirements of chapter 125 or chapter 166. Adoption of  
1017 comprehensive plan amendments must be by ordinance and requires  
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1018 an affirmative vote of a majority of the members of the  
1019 governing body present at the second hearing.

1020 (b) All comprehensive plan amendments adopted by the  
1021 governing body along with the supporting data and analysis shall  
1022 be transmitted within 10 days after ~~of~~ the second public hearing  
1023 to the state land planning agency and any other agency or local  
1024 government that provided timely comments under paragraph (4) (b).

1025 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~  
1026 ~~PROGRAM.~~—

1027 (a) Any "affected person" as defined in s. 163.3184(1) (a)  
1028 may file a petition with the Division of Administrative Hearings  
1029 pursuant to ss. 120.569 and 120.57, with a copy served on the  
1030 affected local government, to request a formal hearing to  
1031 challenge whether the amendments are "in compliance" as defined  
1032 in s. 163.3184(1) (b). This petition must be filed with the  
1033 division ~~Division~~ within 30 days after the local government  
1034 adopts the amendment. The state land planning agency may  
1035 intervene in a proceeding instituted by an affected person.

1036 (b) The state land planning agency may file a petition  
1037 with the Division of Administrative Hearings pursuant to ss.  
1038 120.569 and 120.57, with a copy served on the affected local  
1039 government, to request a formal hearing. This petition must be  
1040 filed with the division ~~Division~~ within 30 days after the state  
1041 land planning agency notifies the local government that the plan  
1042 amendment package is complete. For purposes of this section, an  
1043 adopted amendment package shall be deemed complete if it  
1044 contains a full, executed copy of the adoption ordinance or  
1045 ordinances; in the case of a text amendment, a full copy of the  
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1046 amended language in legislative format with new words inserted  
1047 in the text underlined, and words to be deleted lined through  
1048 with hyphens; in the case of a future land use map amendment, a  
1049 copy of the future land use map clearly depicting the parcel,  
1050 its existing future land use designation, and its adopted  
1051 designation; and a copy of any data and analyses the local  
1052 government deems appropriate. The state land planning agency  
1053 shall notify the local government of any deficiencies within 5  
1054 working days after ~~of~~ receipt of an amendment package.

1055 (c) The state land planning agency's challenge shall be  
1056 limited to those issues raised in the comments provided by the  
1057 reviewing agencies pursuant to paragraph (4)(b). The state land  
1058 planning agency may challenge a plan amendment that has  
1059 substantially changed from the version on which the agencies  
1060 provided comments. ~~For the purposes of this pilot program, the~~  
1061 ~~Legislature strongly encourages~~ The state land planning agency  
1062 shall ~~to~~ focus any challenge on issues of regional or statewide  
1063 importance.

1064 (d) An administrative law judge shall hold a hearing in  
1065 the affected local jurisdiction. The local government's  
1066 determination that the amendment is "in compliance" is presumed  
1067 to be correct and shall be sustained unless it is shown by a  
1068 preponderance of the evidence that the amendment is not "in  
1069 compliance."

1070 (e) If the administrative law judge recommends that the  
1071 amendment be found not in compliance, the judge shall submit the  
1072 recommended order to the Administration Commission for final

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1073 agency action. The Administration Commission shall enter a final  
1074 order within 45 days after its receipt of the recommended order.

1075 (f) If the administrative law judge recommends that the  
1076 amendment be found in compliance, the judge shall submit the  
1077 recommended order to the state land planning agency.

1078 1. If the state land planning agency determines that the  
1079 plan amendment should be found not in compliance, the agency  
1080 shall refer, within 30 days after ~~of~~ receipt of the recommended  
1081 order, the recommended order and its determination to the  
1082 Administration Commission for final agency action. If the  
1083 commission determines that the amendment is not in compliance,  
1084 it may sanction the local government as set forth in s.  
1085 163.3184(11).

1086 2. If the state land planning agency determines that the  
1087 plan amendment should be found in compliance, the agency shall  
1088 enter its final order not later than 30 days after ~~from~~ receipt  
1089 of the recommended order.

1090 (g) An amendment adopted under the expedited provisions of  
1091 this section shall not become effective until 31 days after  
1092 adoption. If timely challenged, an amendment shall not become  
1093 effective until the state land planning agency or the  
1094 Administration Commission enters a final order determining the  
1095 adopted amendment to be in compliance.

1096 (h) Parties to a proceeding under this section may enter  
1097 into compliance agreements using the process in s. 163.3184(16).  
1098 Any remedial amendment adopted pursuant to a settlement  
1099 agreement shall be provided to the agencies and governments  
1100 listed in paragraph (4) (a).

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1101 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~  
1102 ~~GOVERNMENTS. Local governments and specific areas that have been~~  
1103 ~~designated for alternate review process pursuant to ss. 163.3246~~  
1104 ~~and 163.3184(17) and (18) are not subject to this section.~~

1105 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall~~  
1106 ~~not promulgate rules to implement this pilot program.~~

1107 ~~(9) REPORT. The Office of Program Policy Analysis and~~  
1108 ~~Government Accountability shall submit to the Governor, the~~  
1109 ~~President of the Senate, and the Speaker of the House of~~  
1110 ~~Representatives by December 1, 2008, a report and~~  
1111 ~~recommendations for implementing a statewide program that~~  
1112 ~~addresses the legislative findings in subsection (1) in areas~~  
1113 ~~that meet urban criteria. The Office of Program Policy Analysis~~  
1114 ~~and Government Accountability in consultation with the state~~  
1115 ~~land planning agency shall develop the report and~~  
1116 ~~recommendations with input from other state and regional~~  
1117 ~~agencies, local governments, and interest groups. Additionally,~~  
1118 ~~the office shall review local and state actions and~~  
1119 ~~correspondence relating to the pilot program to identify issues~~  
1120 ~~of process and substance in recommending changes to the pilot~~  
1121 ~~program. At a minimum, the report and recommendations shall~~  
1122 ~~include the following:~~

1123 ~~(a) Identification of local governments beyond those~~  
1124 ~~participating in the pilot program that should be subject to the~~  
1125 ~~alternative expedited state review process. The report may~~  
1126 ~~recommend that pilot program local governments may no longer be~~  
1127 ~~appropriate for such alternative review process.~~

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1128 ~~(b) Changes to the alternative expedited state review~~  
1129 ~~process for local comprehensive plan amendments identified in~~  
1130 ~~the pilot program.~~

1131 ~~(c) Criteria for determining issues of regional or~~  
1132 ~~statewide importance that are to be protected in the alternative~~  
1133 ~~state review process.~~

1134 ~~(d) In preparing the report and recommendations, the~~  
1135 ~~Office of Program Policy Analysis and Government Accountability~~  
1136 ~~shall consult with the state land planning agency, the~~  
1137 ~~Department of Transportation, the Department of Environmental~~  
1138 ~~Protection, and the regional planning agencies in identifying~~  
1139 ~~highly developed local governments to participate in the~~  
1140 ~~alternative expedited state review process. The Office of~~  
1141 ~~Program Policy Analysis and Governmental Accountability shall~~  
1142 ~~also solicit citizen input in the potentially affected areas and~~  
1143 ~~consult with the affected local governments and stakeholder~~  
1144 ~~groups.~~

1145 Section 9. Subsection (3) of section 380.115, Florida  
1146 Statutes, is amended to read:

1147 380.115 Vested rights and duties; effect of size  
1148 reduction, changes in guidelines and standards.—

1149 (3) A landowner that has filed an application for a  
1150 development-of-regional-impact review prior to the adoption of a  
1151 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to  
1152 have the application reviewed pursuant to s. 380.06,  
1153 comprehensive plan provisions in force prior to adoption of the  
1154 sector plan, and any requested comprehensive plan amendments  
1155 that accompany the application.

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1156 Section 10. This act shall take effect upon becoming a  
1157 law.

1158  
1159  
1160 -----

1161 **T I T L E A M E N D M E N T**

1162 Remove the entire title and insert:

1163 A bill to be entitled

1164 An act relating to growth management; amending s.  
1165 163.3191, F.S.; revising provisions relating to the  
1166 evaluation and appraisal of comprehensive plans; providing  
1167 requirements for exemption from such reporting  
1168 requirements; revising requirements relating to reporting  
1169 and scoping meetings; revising powers and duties of local  
1170 planning agencies and governing bodies relating to the  
1171 updating of local comprehensive plans pursuant to the  
1172 evaluation and appraisal process; amending s. 163.3245,  
1173 F.S.; revising provisions relating to optional sector  
1174 plans; renaming optional sector plans as sector plans;  
1175 increasing the minimum size of geographic areas that  
1176 qualify for the use of sector plans; revising other  
1177 terminology and deleting obsolete provisions; renaming  
1178 long-term conceptual buildout overlays as long-term master  
1179 plans; revising the content required to be included in  
1180 long-term master plans and detailed specified area plans;  
1181 requiring identification of water development projects and  
1182 transportation facilities to serve future development  
1183 needs; exempting certain developments from the requirement

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1184 to develop a detailed specific area plan; providing that  
1185 detailed specific area plans shall be adopted by local  
1186 development orders; requiring that detailed specific area  
1187 plans include a buildout date and precluding certain  
1188 changes in the development until after that date;  
1189 authorizing certain development agreements between the  
1190 developer and the local government; providing for  
1191 continuation of certain existing land uses; amending s.  
1192 163.32465, F.S.; revising provisions relating to state  
1193 review of local comprehensive plans; revising intent;  
1194 providing applicability; removing the pilot status of the  
1195 alternative state review process and authorizing that  
1196 process statewide; limiting agency comments regarding plan  
1197 amendments to subjects within their scope of  
1198 responsibility and oversight; amending ss. 163.3164,  
1199 163.3177, 163.3180, 163.3184, 163.3246, 380.115, F.S.;  
1200 revising provisions to conform to changes made by this  
1201 act; providing an effective date.

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