

HB 7129

2011

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3161, F.S.; redesignating the "Local Government
4 Comprehensive Planning and Land Development Regulation
5 Act" as the "Community Planning Act"; revising and
6 providing intent and purpose of act; amending s. 163.3164,
7 F.S.; revising definitions; amending s. 163.3167, F.S.;
8 revising scope of the act; revising and providing duties
9 of local governments and municipalities relating to
10 comprehensive plans; deleting retroactive effect; creating
11 s. 163.3168, F.S.; encouraging local governments to apply
12 for certain innovative planning tools; authorizing the
13 state land planning agency and other appropriate state and
14 regional agencies to use direct and indirect technical
15 assistance; amending s. 163.3171, F.S.; providing
16 legislative intent; amending s. 163.3174, F.S.; deleting
17 certain notice requirements relating to the establishment
18 of local planning agencies by a governing body; amending
19 s. 163.3177, F.S.; revising and providing duties of local
20 governments; revising and providing required and optional
21 elements of comprehensive plans; revising requirements of
22 schedules of capital improvements; revising and providing
23 provisions relating to capital improvements elements;
24 revising major objectives of, and procedures relating to,
25 the local comprehensive planning process; revising and
26 providing required and optional elements of future land
27 use plans; providing required transportation elements;
28 revising and providing required conservation elements;

HB 7129

2011

29 | revising and providing required housing elements; revising
30 | and providing required coastal management elements;
31 | revising and providing required intergovernmental
32 | coordination elements; amending s. 163.31777, F.S.;
33 | revising requirements relating to public schools'
34 | interlocal agreements; deleting duties of the Office of
35 | Educational Facilities, the state land planning agency,
36 | and local governments relating to such agreements;
37 | deleting an exemption; amending s. 163.3178, F.S.;
38 | deleting a deadline for local governments to amend coastal
39 | management elements and future land use maps; amending s.
40 | 163.3180, F.S.; revising and providing provisions relating
41 | to concurrency; revising concurrency requirements;
42 | revising application and findings; revising local
43 | government requirements; revising and providing
44 | requirements relating to transportation concurrency,
45 | transportation concurrency exception areas, urban infill,
46 | urban redevelopment, urban service, downtown
47 | revitalization areas, transportation concurrency
48 | management areas, long-term transportation and school
49 | concurrency management systems, development of regional
50 | impact, school concurrency, service areas, financial
51 | feasibility, interlocal agreements, and multimodal
52 | transportation districts; revising duties of the Office of
53 | Program Policy Analysis and the state land planning
54 | agency; providing requirements for local plans; providing
55 | for the limiting the liability of local governments under
56 | certain conditions; amending s. 163.3182, F.S.; revising

HB 7129

2011

57 definitions; revising provisions relating to
58 transportation deficiency plans and projects; amending s.
59 163.3184, F.S.; providing a definition; providing
60 requirements for comprehensive plans and plan amendments;
61 providing a expedited state review process for adoption of
62 comprehensive plan amendments; providing requirements for
63 the adoption of comprehensive plan amendments; creating
64 the state-coordinated review process; providing and
65 revising provisions relating to the review process;
66 revising requirements relating to local government
67 transmittal of proposed plan or amendments; providing for
68 comment by reviewing agencies; deleting provisions
69 relating to regional, county, and municipal review;
70 revising provisions relating to state land planning agency
71 review; revising provisions relating to local government
72 review of comments; deleting provisions relating to notice
73 of intent and processes for compliance and noncompliance;
74 providing procedures for administrative challenges to
75 plans and plan amendments; providing for compliance
76 agreements; providing for mediation and expeditious
77 resolution; revising powers and duties of the
78 administration commission; revising provisions relating to
79 areas of critical state concern; providing for concurrent
80 zoning; amending s. 163.3187, F.S.; deleting provisions
81 relating to the amendment of adopted comprehensive plan
82 and providing the process for adoption of small-scale
83 comprehensive plan amendments; repealing s. 163.3189,
84 F.S., relating to process for amendment of adopted

HB 7129

2011

85 | comprehensive plan; amending s. 163.3191, F.S., relating
86 | to the evaluation and appraisal of comprehensive plans;
87 | providing and revising local government requirements
88 | including notice, amendments, compliance, mediation,
89 | reports, and scoping meetings; amending s. 163.3229, F.S.;
90 | revising limitations on duration of development
91 | agreements; amending s. 163.3235, F.S.; revising
92 | requirements for periodic reviews of a development
93 | agreements; amending s. 163.3239, F.S.; revising recording
94 | requirements; amending s. 163.3243, F.S.; revising parties
95 | who may file an action for injunctive relief; amending s.
96 | 163.3245, F.S.; revising provisions relating to optional
97 | sector plans; authorizing the adoption of sector plans
98 | under certain circumstances; repealing s. 163.3246, F.S.,
99 | relating to local government comprehensive planning
100 | certification program; repealing s. 163.32465, F.S.,
101 | relating to state review of local comprehensive plans in
102 | urban areas; repealing s. 163.3247, F.S., relating to the
103 | Century Commission for a Sustainable Florida; creating s.
104 | 163.3248, F.S.; providing for the designation of rural
105 | land stewardship areas; providing purposes and
106 | requirements for the establishment of such areas;
107 | providing for the creation of rural land stewardship
108 | overlay zoning district and transferable rural land use
109 | credits; providing certain limitation relating to such
110 | credits; providing for incentives; providing legislative
111 | intent; amending s. 380.06, F.S.; revising exemptions;
112 | revising provisions to conform to changes made by this

HB 7129

2011

113 act; repealing Rules 9J-5 and 9J-11.023, Florida
 114 Administrative Code, relating to minimum criteria for
 115 review of local government comprehensive plans and plan
 116 amendments, evaluation and appraisal reports, land
 117 development regulations and determinations of compliance;
 118 amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217,
 119 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203,
 120 186.513, 189.415, 190.004, 190.005, 193.501, 287.042,
 121 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155,
 122 339.2819, 369.303, 369.321, 378.021, 380.06, 380.115,
 123 380.031, 380.061, 380.065, 403.50665, 403.973, 420.5095,
 124 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30,
 125 and 1013.33, F.S.; revising provisions to conform to
 126 changes made by this act; requiring the state land
 127 planning agency to review certain administrative and
 128 judicial proceedings; providing procedures for such
 129 review; affirming statutory construction with respect to
 130 other legislation passed at the same session; providing a
 131 directive of the Division of Statutory Revision; providing
 132 an effective date.

133
 134 Be It Enacted by the Legislature of the State of Florida:

135
 136 Section 1. Subsection (26) of section 70.51, Florida
 137 Statutes, is amended to read:
 138 70.51 Land use and environmental dispute resolution.—
 139 (26) A special magistrate's recommendation under this
 140 section constitutes data in support of, and a support document

HB 7129

2011

141 for, a comprehensive plan or comprehensive plan amendment, but
 142 is not, in and of itself, dispositive of a determination of
 143 compliance with chapter 163. ~~Any comprehensive plan amendment~~
 144 ~~necessary to carry out the approved recommendation of a special~~
 145 ~~magistrate under this section is exempt from the twice-a-year~~
 146 ~~limit on plan amendments and may be adopted by the local~~
 147 ~~government amendments in s. 163.3184(16)(d).~~

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

152 163.06 Miami River Commission.—

153 (3) The policy committee shall have the following powers
 154 and duties:

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

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

160 163.2517 Designation of urban infill and redevelopment
 161 area.—

162 (4) In order for a local government to designate an urban
 163 infill and redevelopment area, it must amend its comprehensive
 164 land use plan under s. 163.3187 to delineate the boundaries of
 165 the urban infill and redevelopment area within the future land
 166 use element of its comprehensive plan pursuant to its adopted
 167 urban infill and redevelopment plan. The state land planning
 168 agency shall review the boundary delineation of the urban infill

HB 7129

2011

169 and redevelopment area in the future land use element under s.
 170 163.3184. However, an urban infill and redevelopment plan
 171 adopted by a local government is not subject to review for
 172 compliance as defined by s. 163.3184(1)(b), and the local
 173 government is not required to adopt the plan as a comprehensive
 174 plan amendment. ~~An amendment to the local comprehensive plan to~~
 175 ~~designate an urban infill and redevelopment area is exempt from~~
 176 ~~the twice-a-year amendment limitation of s. 163.3187.~~

177 Section 4. Section 163.3161, Florida Statutes, is amended
 178 to read:

179 163.3161 Short title; intent and purpose.—

180 (1) This part shall be known and may be cited as the
 181 "Community Local Government Comprehensive Planning and Land
 182 Development Regulation Act."

183 (2) ~~In conformity with, and in furtherance of, the purpose~~
 184 ~~of the Florida Environmental Land and Water Management Act of~~
 185 ~~1972, chapter 380, It is the purpose of this act to utilize and~~
 186 strengthen the existing role, processes, and powers of local
 187 governments in the establishment and implementation of
 188 comprehensive planning programs to guide and manage ~~control~~
 189 future development consistent with the proper role of local
 190 government.

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

194 (4) It is the intent of this act that the ability of its
 195 ~~adoption is necessary so that~~ local governments to ~~can~~ preserve
 196 and enhance present advantages; encourage the most appropriate

HB 7129

2011

197 use of land, water, and resources, consistent with the public
198 interest; overcome present handicaps; and deal effectively with
199 future problems that may result from the use and development of
200 land within their jurisdictions. Through the process of
201 comprehensive planning, it is intended that units of local
202 government can preserve, promote, protect, and improve the
203 public health, safety, comfort, good order, appearance,
204 convenience, law enforcement and fire prevention, and general
205 welfare; ~~prevent the overcrowding of land and avoid undue~~
206 ~~concentration of population;~~ facilitate the adequate and
207 efficient provision of transportation, water, sewerage, schools,
208 parks, recreational facilities, housing, and other requirements
209 and services; and conserve, develop, utilize, and protect
210 natural resources within their jurisdictions.

211 (5)~~(4)~~ It is the intent of this act to encourage and
212 ensure ~~assure~~ cooperation between and among municipalities and
213 counties and to encourage and assure coordination of planning
214 and development activities of units of local government with the
215 planning activities of regional agencies and state government in
216 accord with applicable provisions of law.

217 (6)~~(5)~~ It is the intent of this act that adopted
218 comprehensive plans shall have the legal status set out in this
219 act and that no public or private development shall be permitted
220 except in conformity with comprehensive plans, or elements or
221 portions thereof, prepared and adopted in conformity with this
222 act.

223 (7)~~(6)~~ It is the intent of this act that the activities of
224 units of local government in the preparation and adoption of

HB 7129

2011

225 comprehensive plans, or elements or portions therefor, shall be
 226 conducted in conformity with the provisions of this act.

227 (8)~~(7)~~ The provisions of this act in their interpretation
 228 and application are declared to be the minimum requirements
 229 necessary to accomplish the stated intent, purposes, and
 230 objectives of this act; to protect human, environmental, social,
 231 and economic resources; and to maintain, through orderly growth
 232 and development, the character and stability of present and
 233 future land use and development in this state.

234 (9)~~(8)~~ It is the intent of the Legislature that the repeal
 235 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws
 236 of Florida, and amendments to this part by this chapter law,
 237 shall not be interpreted to limit or restrict the powers of
 238 municipal or county officials, but shall be interpreted as a
 239 recognition of their broad statutory and constitutional powers
 240 to plan for and regulate the use of land. It is, further, the
 241 intent of the Legislature to reconfirm that ss. 163.3161 through
 242 163.3248 ~~163.3215~~ have provided and do provide the necessary
 243 statutory direction and basis for municipal and county officials
 244 to carry out their comprehensive planning and land development
 245 regulation powers, duties, and responsibilities.

246 (10)~~(9)~~ It is the intent of the Legislature that all
 247 governmental entities in this state recognize and respect
 248 judicially acknowledged or constitutionally protected private
 249 property rights. It is the intent of the Legislature that all
 250 rules, ordinances, regulations, and programs adopted under the
 251 authority of this act must be developed, promulgated,
 252 implemented, and applied with sensitivity for private property

HB 7129

2011

253 | rights and not be unduly restrictive, and property owners must
 254 | be free from actions by others which would harm their property.
 255 | Full and just compensation or other appropriate relief must be
 256 | provided to any property owner for a governmental action that is
 257 | determined to be an invalid exercise of the police power which
 258 | constitutes a taking, as provided by law. Any such relief must
 259 | be determined in a judicial action.

260 | (11) It is the intent of this part that the traditional
 261 | economic base of this state, agriculture, tourism, and military
 262 | presence, be recognized and protected. Further, it is the intent
 263 | of this part to encourage economic diversification, workforce
 264 | development, and community planning.

265 | (12) It is the intent of this part that new statutory
 266 | requirements created by the Legislature will not require a local
 267 | government whose plan has been found to be in compliance with
 268 | this part to adopt amendments implementing the new statutory
 269 | requirements until the evaluation and appraisal period provided
 270 | in s. 163.3191, unless otherwise specified in law. However, any
 271 | new amendments must comply with the requirements of this part.

272 | Section 5. Subsections (2) through (5) of section
 273 | 163.3162, Florida Statutes, are renumbered as subsections (1)
 274 | through (4), respectively, and present subsections (1) and (5)
 275 | of that section are amended to read:

276 | 163.3162 Agricultural Lands and Practices Act.—

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

279 | (4) (5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—
 280 | The owner of a parcel of land defined as an agricultural enclave

HB 7129

2011

281 | under s. 163.3164~~(33)~~ may apply for an amendment to the local
 282 | government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.
 283 | Such amendment is presumed not to be urban sprawl as defined in
 284 | s. 163.3164 if it includes ~~consistent with rule 9J-5.006(5),~~
 285 | ~~Florida Administrative Code,~~ and may include land uses and
 286 | intensities of use that are consistent with the uses and
 287 | intensities of use of the industrial, commercial, or residential
 288 | areas that surround the parcel. This presumption may be rebutted
 289 | by clear and convincing evidence. Each application for a
 290 | comprehensive plan amendment under this subsection for a parcel
 291 | larger than 640 acres must include appropriate new urbanism
 292 | concepts such as clustering, mixed-use development, the creation
 293 | of rural village and city centers, and the transfer of
 294 | development rights in order to discourage urban sprawl while
 295 | protecting landowner rights.

296 | (a) The local government and the owner of a parcel of land
 297 | that is the subject of an application for an amendment shall
 298 | have 180 days following the date that the local government
 299 | receives a complete application to negotiate in good faith to
 300 | reach consensus on the land uses and intensities of use that are
 301 | consistent with the uses and intensities of use of the
 302 | industrial, commercial, or residential areas that surround the
 303 | parcel. Within 30 days after the local government's receipt of
 304 | such an application, the local government and owner must agree
 305 | in writing to a schedule for information submittal, public
 306 | hearings, negotiations, and final action on the amendment, which
 307 | schedule may thereafter be altered only with the written consent
 308 | of the local government and the owner. Compliance with the

309 | schedule in the written agreement constitutes good faith
 310 | negotiations for purposes of paragraph (c).

311 | (b) Upon conclusion of good faith negotiations under
 312 | paragraph (a), regardless of whether the local government and
 313 | owner reach consensus on the land uses and intensities of use
 314 | that are consistent with the uses and intensities of use of the
 315 | industrial, commercial, or residential areas that surround the
 316 | parcel, the amendment must be transmitted to the state land
 317 | planning agency for review pursuant to s. 163.3184. If the local
 318 | government fails to transmit the amendment within 180 days after
 319 | receipt of a complete application, the amendment must be
 320 | immediately transferred to the state land planning agency for
 321 | such review ~~at the first available transmittal cycle~~. A plan
 322 | amendment transmitted to the state land planning agency
 323 | submitted under this subsection is presumed not to be urban
 324 | sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~
 325 | ~~5.006(5), Florida Administrative Code~~. This presumption may be
 326 | rebutted by clear and convincing evidence.

327 | (c) If the owner fails to negotiate in good faith, a plan
 328 | amendment submitted under this subsection is not entitled to the
 329 | rebuttable presumption under this subsection in the negotiation
 330 | and amendment process.

331 | (d) Nothing within this subsection relating to
 332 | agricultural enclaves shall preempt or replace any protection
 333 | currently existing for any property located within the
 334 | boundaries of the following areas:

- 335 | 1. The Wekiva Study Area, as described in s. 369.316; or
- 336 | 2. The Everglades Protection Area, as defined in s.

HB 7129

2011

337 373.4592(2).

338 Section 6. Section 163.3164, Florida Statutes, is amended
 339 to read:

340 163.3164 Community ~~Local Government Comprehensive~~ Planning
 341 ~~and Land Development Regulation~~ Act; definitions.—As used in
 342 this act:

343 (1) "Administration Commission" means the Governor and the
 344 Cabinet, and for purposes of this chapter the commission shall
 345 act on a simple majority vote, except that for purposes of
 346 imposing the sanctions provided in s. 163.3184 (8) ~~(11)~~,
 347 affirmative action shall require the approval of the Governor
 348 and at least two ~~three~~ other members of the commission.

349 (2) "Affordable housing" has the same meaning as in s.
 350 420.0004(3).

351 (3) ~~(33)~~ "Agricultural enclave" means an unincorporated,
 352 undeveloped parcel that:

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

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

358 (c) Is surrounded on at least 75 percent of its perimeter
 359 by:

360 1. Property that has existing industrial, commercial, or
 361 residential development; or

362 2. Property that the local government has designated, in
 363 the local government's comprehensive plan, zoning map, and
 364 future land use map, as land that is to be developed for

HB 7129

2011

365 industrial, commercial, or residential purposes, and at least 75
 366 percent of such property is existing industrial, commercial, or
 367 residential development;

368 (d) Has public services, including water, wastewater,
 369 transportation, schools, and recreation facilities, available or
 370 such public services are scheduled in the capital improvement
 371 element to be provided by the local government or can be
 372 provided by an alternative provider of local government
 373 infrastructure in order to ensure consistency with applicable
 374 concurrency provisions of s. 163.3180; and

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

380 (4) "Antiquated subdivision" means a subdivision that was
 381 recorded or approved more than 20 years ago and that has
 382 substantially failed to be built and the continued buildout of
 383 the subdivision in accordance with the subdivision's zoning and
 384 land use purposes would cause an imbalance of land uses and
 385 would be detrimental to the local and regional economies and
 386 environment, hinder current planning practices, and lead to
 387 inefficient and fiscally irresponsible development patterns as
 388 determined by the respective jurisdiction in which the
 389 subdivision is located.

390 ~~(5)-(2)~~ "Area" or "area of jurisdiction" means the total
 391 area qualifying under the provisions of this act, whether this
 392 be all of the lands lying within the limits of an incorporated

HB 7129

2011

393 municipality, lands in and adjacent to incorporated
 394 municipalities, all unincorporated lands within a county, or
 395 areas comprising combinations of the lands in incorporated
 396 municipalities and unincorporated areas of counties.

397 (6) "Capital improvement" means physical assets
 398 constructed or purchased to provide, improve, or replace a
 399 public facility and which are typically large scale and high in
 400 cost. The cost of a capital improvement is generally
 401 nonrecurring and may require multiyear financing. For the
 402 purposes of this part, physical assets that have been identified
 403 as existing or projected needs in the individual comprehensive
 404 plan elements shall be considered capital improvements.

405 (7)-(3) "Coastal area" means the 35 coastal counties and
 406 all coastal municipalities within their boundaries designated
 407 coastal by the state land planning agency.

408 (8) "Compatibility" means a condition in which land uses
 409 or conditions can coexist in relative proximity to each other in
 410 a stable fashion over time such that no use or condition is
 411 unduly negatively impacted directly or indirectly by another use
 412 or condition.

413 (9)-(4) "Comprehensive plan" means a plan that meets the
 414 requirements of ss. 163.3177 and 163.3178.

415 (10) "Deepwater ports" means the ports identified in s.
 416 403.021(9).

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

420 (12)-(5) "Developer" means any person, including a

HB 7129

2011

421 governmental agency, undertaking any development as defined in
422 this act.

423 ~~(13)-(6)~~ "Development" has the same meaning as ~~given it~~ in
424 s. 380.04.

425 ~~(14)-(7)~~ "Development order" means any order granting,
426 denying, or granting with conditions an application for a
427 development permit.

428 ~~(15)-(8)~~ "Development permit" includes any building permit,
429 zoning permit, subdivision approval, rezoning, certification,
430 special exception, variance, or any other official action of
431 local government having the effect of permitting the development
432 of land.

433 ~~(16)-(25)~~ "Downtown revitalization" means the physical and
434 economic renewal of a central business district of a community
435 as designated by local government, and includes both downtown
436 development and redevelopment.

437 (17) "Floodprone areas" means areas inundated during a
438 100-year flood event or areas identified by the National Flood
439 Insurance Program as an A Zone on flood insurance rate maps or
440 flood hazard boundary maps.

441 (18) "Goal" means the long-term end toward which programs
442 or activities are ultimately directed.

443 ~~(19)-(9)~~ "Governing body" means the board of county
444 commissioners of a county, the commission or council of an
445 incorporated municipality, or any other chief governing body of
446 a unit of local government, however designated, or the
447 combination of such bodies where joint utilization of the
448 provisions of this act is accomplished as provided herein.

HB 7129

2011

449 (20)~~(10)~~ "Governmental agency" means:

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

452 (b) This state or any department, commission, agency, or
453 other instrumentality thereof.

454 (c) Any local government, as defined in this section, or
455 any department, commission, agency, or other instrumentality
456 thereof.

457 (d) Any school board or other special district, authority,
458 or governmental entity.

459 (21) "Intensity" means an objective measurement of the
460 extent to which land may be developed or used, including the
461 consumption or use of the space above, on, or below ground; the
462 measurement of the use of or demand on natural resources; and
463 the measurement of the use of or demand on facilities and
464 services.

465 (22) "Internal trip capture" means trips generated by a
466 mixed-use project that travel from one on-site land use to
467 another on-site land use without using the external road
468 network.

469 (23)~~(11)~~ "Land" means the earth, water, and air, above,
470 below, or on the surface, and includes any improvements or
471 structures customarily regarded as land.

472 (24)~~(22)~~ "Land development regulation commission" means a
473 commission designated by a local government to develop and
474 recommend, to the local governing body, land development
475 regulations which implement the adopted comprehensive plan and
476 to review land development regulations, or amendments thereto,

477 for consistency with the adopted plan and report to the
 478 governing body regarding its findings. The responsibilities of
 479 the land development regulation commission may be performed by
 480 the local planning agency.

481 (25)~~(23)~~ "Land development regulations" means ordinances
 482 enacted by governing bodies for the regulation of any aspect of
 483 development and includes any local government zoning, rezoning,
 484 subdivision, building construction, or sign regulations or any
 485 other regulations controlling the development of land, except
 486 that this definition shall not apply in s. 163.3213.

487 (26)~~(12)~~ "Land use" means the development that has
 488 occurred on the land, the development that is proposed by a
 489 developer on the land, or the use that is permitted or
 490 permissible on the land under an adopted comprehensive plan or
 491 element or portion thereof, land development regulations, or a
 492 land development code, as the context may indicate.

493 (27) "Level of service" means an indicator of the extent
 494 or degree of service provided by, or proposed to be provided by,
 495 a facility based on and related to the operational
 496 characteristics of the facility. Level of service shall indicate
 497 the capacity per unit of demand for each public facility.

498 (28)~~(13)~~ "Local government" means any county or
 499 municipality.

500 (29)~~(14)~~ "Local planning agency" means the agency
 501 designated to prepare the comprehensive plan or plan amendments
 502 required by this act.

503 (30)~~(15)~~ A "Newspaper of general circulation" means a
 504 newspaper published at least on a weekly basis and printed in

HB 7129

2011

505 the language most commonly spoken in the area within which it
 506 circulates, but does not include a newspaper intended primarily
 507 for members of a particular professional or occupational group,
 508 a newspaper whose primary function is to carry legal notices, or
 509 a newspaper that is given away primarily to distribute
 510 advertising.

511 (31) "New town" means an urban activity center and
 512 community designated on the future land use map of sufficient
 513 size, population and land use composition to support a variety
 514 of economic and social activities consistent with an urban area
 515 designation. New towns shall include basic economic activities;
 516 all major land use categories, with the possible exception of
 517 agricultural and industrial; and a centrally provided full range
 518 of public facilities and services that demonstrate internal trip
 519 capture. A new town shall be based on a master development plan.

520 (32) "Objective" means a specific, measurable,
 521 intermediate end that is achievable and marks progress toward a
 522 goal.

523 (33)~~(16)~~ "Parcel of land" means any quantity of land
 524 capable of being described with such definiteness that its
 525 locations and boundaries may be established, which is designated
 526 by its owner or developer as land to be used, or developed as, a
 527 unit or which has been used or developed as a unit.

528 (34)~~(17)~~ "Person" means an individual, corporation,
 529 governmental agency, business trust, estate, trust, partnership,
 530 association, two or more persons having a joint or common
 531 interest, or any other legal entity.

532 (35) "Policy" means the way in which programs and

HB 7129

2011

533 activities are conducted to achieve an identified goal.

534 ~~(36)-(28)~~ "Projects that promote public transportation"
 535 means projects that directly affect the provisions of public
 536 transit, including transit terminals, transit lines and routes,
 537 separate lanes for the exclusive use of public transit services,
 538 transit stops (shelters and stations), office buildings or
 539 projects that include fixed-rail or transit terminals as part of
 540 the building, and projects which are transit oriented and
 541 designed to complement reasonably proximate planned or existing
 542 public facilities.

543 ~~(37)-(24)~~ "Public facilities" means major capital
 544 improvements, including, ~~but not limited to,~~ transportation,
 545 sanitary sewer, solid waste, drainage, potable water,
 546 educational, parks and recreational, ~~and health systems and~~
 547 ~~facilities, and spoil disposal sites for maintenance dredging~~
 548 ~~located in the intracoastal waterways, except for spoil disposal~~
 549 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

550 ~~(38)-(18)~~ "Public notice" means notice as required by s.
 551 125.66(2) for a county or by s. 166.041(3)(a) for a
 552 municipality. The public notice procedures required in this part
 553 are established as minimum public notice procedures.

554 ~~(39)-(19)~~ "Regional planning agency" means the council
 555 created pursuant to chapter 186 ~~agency designated by the state~~
 556 ~~land planning agency to exercise responsibilities under law in a~~
 557 ~~particular region of the state.~~

558 (40) "Seasonal population" means part-time inhabitants who
 559 use, or may be expected to use, public facilities or services,
 560 but are not residents and includes tourists, migrant

HB 7129

2011

561 farmworkers, and other short-term and long-term visitors.

562 ~~(41)-(31)~~ "Optional Sector plan" means the an optional

563 process authorized by s. 163.3245 in which one or more local

564 governments engage in long-term planning for a large area and by

565 agreement with the state land planning agency are allowed to

566 address regional development of regional impact issues through

567 adoption of detailed specific area plans within the planning

568 area within certain designated geographic areas identified in

569 the local comprehensive plan as a means of fostering innovative

570 planning and development strategies in s. 163.3177(11) (a) and

571 (b), furthering the purposes of this part and part I of chapter

572 380, reducing overlapping data and analysis requirements,

573 protecting regionally significant resources and facilities, and

574 addressing extrajurisdictional impacts. The term includes an

575 optional sector plan that was adopted before the effective date

576 of this act.

577 ~~(42)-(20)~~ "State land planning agency" means the Department

578 of Community Affairs.

579 ~~(43)-(21)~~ "Structure" has the same meaning as in given it

580 by s. 380.031(19).

581 ~~(44)~~ "Suitability" means the degree to which the existing

582 characteristics and limitations of land and water are compatible

583 with a proposed use or development.

584 ~~(45)~~ "Transit-oriented development" means a project or

585 projects, in areas identified in a local government

586 comprehensive plan, that is or will be served by existing or

587 planned transit service. These designated areas shall be

588 compact, moderate to high density developments, of mixed-use

HB 7129

2011

589 character, interconnected with other land uses, bicycle and
590 pedestrian friendly, and designed to support frequent transit
591 service operating through, collectively or separately, rail,
592 fixed guideway, streetcar, or bus systems on dedicated
593 facilities or available roadway connections.

594 ~~(46)-(30)~~ "Transportation corridor management" means the
595 coordination of the planning of designated future transportation
596 corridors with land use planning within and adjacent to the
597 corridor to promote orderly growth, to meet the concurrency
598 requirements of this chapter, and to maintain the integrity of
599 the corridor for transportation purposes.

600 ~~(47)-(27)~~ "Urban infill" means the development of vacant
601 parcels in otherwise built-up areas where public facilities such
602 as sewer systems, roads, schools, and recreation areas are
603 already in place and the average residential density is at least
604 five dwelling units per acre, the average nonresidential
605 intensity is at least a floor area ratio of 1.0 and vacant,
606 developable land does not constitute more than 10 percent of the
607 area.

608 ~~(48)-(26)~~ "Urban redevelopment" means demolition and
609 reconstruction or substantial renovation of existing buildings
610 or infrastructure within urban infill areas, existing urban
611 service areas, or community redevelopment areas created pursuant
612 to part III.

613 ~~(49)-(29)~~ "Urban service area" means built-up areas where
614 public facilities and services, including, but not limited to,
615 central water and sewer capacity and roads, are already in place
616 or are committed in the first 3 years of the capital improvement

HB 7129

2011

617 ~~schedule. In addition, for counties that qualify as dense urban~~
618 ~~land areas under subsection (34), the nonrural area of a county~~
619 ~~which has adopted into the county charter a rural area~~
620 ~~designation or areas identified in the comprehensive plan as~~
621 ~~urban service areas or urban growth boundaries on or before July~~
622 ~~1, 2009, are also urban service areas under this definition.~~

623 (50) "Urban sprawl" means a development pattern
624 characterized by low density, automobile-dependent development
625 with either a single use or multiple uses that are not
626 functionally related, requiring the extension of public
627 facilities and services in an inefficient manner, and failing to
628 provide a clear separation between urban and rural uses.

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

HB 7129

2011

645 ~~the end of the planning period even if in a particular year such~~
646 ~~improvements are not concurrent as required by s. 163.3180.~~

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

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

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

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

656

657 ~~The Office of Economic and Demographic Research within the~~
658 ~~Legislature shall annually calculate the population and density~~
659 ~~criteria needed to determine which jurisdictions qualify as~~
660 ~~dense urban land areas by using the most recent land area data~~
661 ~~from the decennial census conducted by the Bureau of the Census~~
662 ~~of the United States Department of Commerce and the latest~~
663 ~~available population estimates determined pursuant to s.~~
664 ~~186.901. If any local government has had an annexation,~~
665 ~~contraction, or new incorporation, the Office of Economic and~~
666 ~~Demographic Research shall determine the population density~~
667 ~~using the new jurisdictional boundaries as recorded in~~
668 ~~accordance with s. 171.091. The Office of Economic and~~
669 ~~Demographic Research shall submit to the state land planning~~
670 ~~agency a list of jurisdictions that meet the total population~~
671 ~~and density criteria necessary for designation as a dense urban~~
672 ~~land area by July 1, 2009, and every year thereafter. The state~~

HB 7129

2011

673 ~~land planning agency shall publish the list of jurisdictions on~~
 674 ~~its Internet website within 7 days after the list is received.~~
 675 ~~The designation of jurisdictions that qualify or do not qualify~~
 676 ~~as a dense urban land area is effective upon publication on the~~
 677 ~~state land planning agency's Internet website.~~

678 Section 7. Section 163.3167, Florida Statutes, is amended
 679 to read:

680 163.3167 Scope of act.—

681 (1) The several incorporated municipalities and counties
 682 shall have power and responsibility:

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

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

686 (c) To implement adopted or amended comprehensive plans by
 687 the adoption of appropriate land development regulations or
 688 elements thereof.

689 (d) To establish, support, and maintain administrative
 690 instruments and procedures to carry out the provisions and
 691 purposes of this act.

692
 693 The powers and authority set out in this act may be employed by
 694 municipalities and counties individually or jointly by mutual
 695 agreement in accord with the provisions of this act and in such
 696 combinations as their common interests may dictate and require.

697 (2) Each local government shall maintain ~~prepare~~ a
 698 comprehensive plan of the type and in the manner set out in this
 699 part or prepare amendments to its existing comprehensive plan to
 700 conform it to the requirements of this part and in the manner

701 set out in this part. ~~In accordance with s. 163.3184, each local~~
 702 ~~government shall submit to the state land planning agency its~~
 703 ~~complete proposed comprehensive plan or its complete~~
 704 ~~comprehensive plan as proposed to be amended.~~

705 ~~(3) When a local government has not prepared all of the~~
 706 ~~required elements or has not amended its plan as required by~~
 707 ~~subsection (2), the regional planning agency having~~
 708 ~~responsibility for the area in which the local government lies~~
 709 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
 710 ~~missing elements or adopt by rule amendments to the existing~~
 711 ~~plan in accordance with this act by July 1, 1989, or within 1~~
 712 ~~year after the dates specified or provided in subsection (2) and~~
 713 ~~the state land planning agency review schedule, whichever is~~
 714 ~~later. The regional planning agency shall provide at least 90~~
 715 ~~days' written notice to any local government whose plan it is~~
 716 ~~required by this subsection to prepare, prior to initiating the~~
 717 ~~planning process. At least 90 days before the adoption by the~~
 718 ~~regional planning agency of a comprehensive plan, or element or~~
 719 ~~portion thereof, pursuant to this subsection, the regional~~
 720 ~~planning agency shall transmit a copy of the proposed~~
 721 ~~comprehensive plan, or element or portion thereof, to the local~~
 722 ~~government and the state land planning agency for written~~
 723 ~~comment. The state land planning agency shall review and comment~~
 724 ~~on such plan, or element or portion thereof, in accordance with~~
 725 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~
 726 ~~applicable to the regional planning agency as if it were a~~
 727 ~~governing body. Existing comprehensive plans shall remain in~~
 728 ~~effect until they are amended pursuant to subsection (2), this~~

HB 7129

2011

729 ~~subsection, s. 163.3187, or s. 163.3189.~~

730 (3)~~(4)~~ A municipality established after the effective date
731 of this act shall, within 1 year after incorporation, establish
732 a local planning agency, pursuant to s. 163.3174, and prepare
733 and adopt a comprehensive plan of the type and in the manner set
734 out in this act within 3 years after the date of such
735 incorporation. A county comprehensive plan shall be deemed
736 controlling until the municipality adopts a comprehensive plan
737 in accord with the provisions of this act. ~~If, upon the~~
738 ~~expiration of the 3-year time limit, the municipality has not~~
739 ~~adopted a comprehensive plan, the regional planning agency shall~~
740 ~~prepare and adopt a comprehensive plan for such municipality.~~

741 (4)~~(5)~~ Any comprehensive plan, or element or portion
742 thereof, adopted pursuant to the provisions of this act, which
743 but for its adoption after the deadlines established pursuant to
744 previous versions of this act would have been valid, shall be
745 valid.

746 ~~(6) When a regional planning agency is required to prepare~~
747 ~~or amend a comprehensive plan, or element or portion thereof,~~
748 ~~pursuant to subsections (3) and (4), the regional planning~~
749 ~~agency and the local government may agree to a method of~~
750 ~~compensating the regional planning agency for any verifiable,~~
751 ~~direct costs incurred. If an agreement is not reached within 6~~
752 ~~months after the date the regional planning agency assumes~~
753 ~~planning responsibilities for the local government pursuant to~~
754 ~~subsections (3) and (4) or by the time the plan or element, or~~
755 ~~portion thereof, is completed, whichever is earlier, the~~
756 ~~regional planning agency shall file invoices for verifiable,~~

HB 7129

2011

757 ~~direct costs involved with the governing body. Upon the failure~~
758 ~~of the local government to pay such invoices within 90 days, the~~
759 ~~regional planning agency may, upon filing proper vouchers with~~
760 ~~the Chief Financial Officer, request payment by the Chief~~
761 ~~Financial Officer from unencumbered revenue or other tax sharing~~
762 ~~funds due such local government from the state for work actually~~
763 ~~performed, and the Chief Financial Officer shall pay such~~
764 ~~vouchers; however, the amount of such payment shall not exceed~~
765 ~~50 percent of such funds due such local government in any one~~
766 ~~year.~~

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

774 ~~(5)-(8)~~ (5) Nothing in this act shall limit or modify the
775 rights of any person to complete any development that has been
776 authorized as a development of regional impact pursuant to
777 chapter 380 or who has been issued a final local development
778 order and development has commenced and is continuing in good
779 faith.

780 ~~(6)-(9)~~ (6) The Reedy Creek Improvement District shall exercise
781 the authority of this part as it applies to municipalities,
782 consistent with the legislative act under which it was
783 established, for the total area under its jurisdiction.

784 ~~(7)-(10)~~ (7) Nothing in this part shall supersede any provision

HB 7129

2011

785 of ss. 341.8201-341.842.

786 ~~(11) Each local government is encouraged to articulate a~~
787 ~~vision of the future physical appearance and qualities of its~~
788 ~~community as a component of its local comprehensive plan. The~~
789 ~~vision should be developed through a collaborative planning~~
790 ~~process with meaningful public participation and shall be~~
791 ~~adopted by the governing body of the jurisdiction. Neighboring~~
792 ~~communities, especially those sharing natural resources or~~
793 ~~physical or economic infrastructure, are encouraged to create~~
794 ~~collective visions for greater than local areas. Such collective~~
795 ~~visions shall apply in each city or county only to the extent~~
796 ~~that each local government chooses to make them applicable. The~~
797 ~~state land planning agency shall serve as a clearinghouse for~~
798 ~~creating a community vision of the future and may utilize the~~
799 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~
800 ~~grants to help pay the costs of local visioning programs. When a~~
801 ~~local vision of the future has been created, a local government~~
802 ~~should review its comprehensive plan, land development~~
803 ~~regulations, and capital improvement program to ensure that~~
804 ~~these instruments will help to move the community toward its~~
805 ~~vision in a manner consistent with this act and with the state~~
806 ~~comprehensive plan. A local or regional vision must be~~
807 ~~consistent with the state vision, when adopted, and be~~
808 ~~internally consistent with the local or regional plan of which~~
809 ~~it is a component. The state land planning agency shall not~~
810 ~~adopt minimum criteria for evaluating or judging the form or~~
811 ~~content of a local or regional vision.~~

812 (8)~~(12)~~ An initiative or referendum process in regard to

HB 7129

2011

813 any development order or in regard to any local comprehensive
 814 plan amendment or map amendment ~~that affects five or fewer~~
 815 ~~parcels of land~~ is prohibited.

816 (9) ~~(13)~~ Each local government shall address in its
 817 comprehensive plan, as enumerated in this chapter, the water
 818 supply sources necessary to meet and achieve the existing and
 819 projected water use demand for the established planning period,
 820 considering the applicable plan developed pursuant to s.
 821 373.709.

822 (10) ~~(14)~~ (a) If a local government grants a development
 823 order pursuant to its adopted land development regulations and
 824 the order is not the subject of a pending appeal and the
 825 timeframe for filing an appeal has expired, the development
 826 order may not be invalidated by a subsequent judicial
 827 determination that such land development regulations, or any
 828 portion thereof that is relevant to the development order, are
 829 invalid because of a deficiency in the approval standards.

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

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

837 Section 8. Section 163.3168, Florida Statutes, is created
 838 to read:

839 163.3168 Planning innovations and technical assistance.—

840 (1) The Legislature recognizes the need for innovative

HB 7129

2011

841 planning and development strategies to promote a diverse economy
842 and vibrant rural and urban communities, while protecting
843 environmentally sensitive areas. The Legislature further
844 recognizes the substantial advantages of innovative approaches
845 to development directed to meet the needs of urban, rural, and
846 suburban areas.

847 (2) Local governments are encouraged to apply innovative
848 planning tools, including, but not limited to, visioning, sector
849 planning, and rural land stewardship area designations to
850 address future new development areas, urban service area
851 designations, urban growth boundaries, and mixed-use, high-
852 density development in urban areas.

853 (3) The state land planning agency shall help communities
854 find creative solutions to fostering vibrant, healthy
855 communities, while protecting the functions of important state
856 resources and facilities. The state land planning agency and all
857 other appropriate state and regional agencies may use various
858 means to provide direct and indirect technical assistance within
859 available resources. If plan amendments may adversely impact
860 important state resources or facilities, upon request by the
861 local government, the state land planning agency shall
862 coordinate multi-agency assistance, if needed, in developing an
863 amendment to minimize impacts on such resources or facilities.

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

866 163.3171 Areas of authority under this act.—

867 ~~(4) The state land planning agency and a Local governments~~
868 ~~may government shall have the power to enter into agreements~~

HB 7129

2011

869 with each other and ~~to agree together to enter into agreements~~
 870 with a landowner, developer, or governmental agency as may be
 871 necessary or desirable to effectuate the provisions and purposes
 872 of ss. 163.3177(6) (h), ~~and (11) (a), (b), and (c),~~ and 163.3245,
 873 and 163.3248. It is the Legislature's intent that joint
 874 agreements entered into under the authority of this section be
 875 liberally, broadly, and flexibly construed to facilitate
 876 intergovernmental cooperation between cities and counties and to
 877 encourage planning in advance of jurisdictional changes. Joint
 878 agreements, executed before or after the effective date of this
 879 act, include, but are not limited to, agreements that
 880 contemplate municipal adoption of plans or plan amendments for
 881 lands in advance of annexation of such lands into the
 882 municipality, and may permit municipalities and counties to
 883 exercise nonexclusive extrajurisdictional authority within
 884 incorporated and unincorporated areas. The state land planning
 885 agency shall not have authority to interpret, invalidate, or
 886 declare inoperative such joint agreements, and the validity of
 887 joint agreements may not be a basis for finding plans or plan
 888 amendments not in compliance pursuant to the provisions of
 889 chapter law.

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

892 163.3174 Local planning agency.—

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

HB 7129

2011

897 | Notwithstanding any special act to the contrary, all local
898 | planning agencies or equivalent agencies that first review
899 | rezoning and comprehensive plan amendments in each municipality
900 | and county shall include a representative of the school district
901 | appointed by the school board as a nonvoting member of the local
902 | planning agency or equivalent agency to attend those meetings at
903 | which the agency considers comprehensive plan amendments and
904 | rezonings that would, if approved, increase residential density
905 | on the property that is the subject of the application. However,
906 | this subsection does not prevent the governing body of the local
907 | government from granting voting status to the school board
908 | member. The governing body may designate itself as the local
909 | planning agency pursuant to this subsection with the addition of
910 | a nonvoting school board representative. ~~The governing body~~
911 | ~~shall notify the state land planning agency of the establishment~~
912 | ~~of its local planning agency.~~ All local planning agencies shall
913 | provide opportunities for involvement by applicable community
914 | college boards, which may be accomplished by formal
915 | representation, membership on technical advisory committees, or
916 | other appropriate means. The local planning agency shall prepare
917 | the comprehensive plan or plan amendment after hearings to be
918 | held after public notice and shall make recommendations to the
919 | governing body regarding the adoption or amendment of the plan.
920 | The agency may be a local planning commission, the planning
921 | department of the local government, or other instrumentality,
922 | including a countywide planning entity established by special
923 | act or a council of local government officials created pursuant
924 | to s. 163.02, provided the composition of the council is fairly

HB 7129

2011

925 representative of all the governing bodies in the county or
 926 planning area; however:

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

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

936 Section 11. Section 163.3177, Florida Statutes, is amended
 937 to read:

938 163.3177 Required and optional elements of comprehensive
 939 plan; studies and surveys.—

940 (1) The comprehensive plan shall provide the ~~consist of~~
 941 ~~materials in such descriptive form, written or graphic, as may~~
 942 ~~be appropriate to the prescription of principles, guidelines,~~
 943 ~~and standards, and strategies~~ for the orderly and balanced
 944 future economic, social, physical, environmental, and fiscal
 945 development of the area that reflects community commitments to
 946 implement the plan and its elements. These principles and
 947 strategies shall guide future decisions in a consistent manner
 948 and shall contain programs and activities to ensure
 949 comprehensive plans are implemented. The sections of the
 950 comprehensive plan containing the principles and strategies,
 951 generally provided as goals, objectives, and policies, shall
 952 describe how the local government's programs, activities, and

HB 7129

2011

953 land development regulations will be initiated, modified, or
954 continued to implement the comprehensive plan in a consistent
955 manner. It is not the intent of this part to require the
956 inclusion of implementing regulations in the comprehensive plan
957 but rather to require identification of those programs,
958 activities, and land development regulations that will be part
959 of the strategy for implementing the comprehensive plan and the
960 principles that describe how the programs, activities, and land
961 development regulations will be carried out. The plan shall
962 establish meaningful and predictable standards for the use and
963 development of land and provide meaningful guidelines for the
964 content of more detailed land development and use regulations.

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

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

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

975 (d) Proposed elements shall identify procedures for
976 monitoring, evaluating, and appraising implementation of the
977 plan.

978 (e) When a federal, state, or regional agency has
979 implemented a regulatory program, a local government is not
980 required to duplicate or exceed that regulatory program in its

HB 7129

2011

981 local comprehensive plan.

982 (f) All mandatory and optional elements of the
983 comprehensive plan and plan amendments shall be based upon a
984 justification by the local government that may include, but not
985 be limited to, surveys, studies, community goals and vision, and
986 other data available at the time of adoption of the
987 comprehensive plan or plan amendment. To be based on data means
988 to react to it in an appropriate way and to the extent necessary
989 indicated by the data available on that particular subject at
990 the time of adoption of the plan or plan amendment at issue.

991 1. Surveys, studies, and data utilized in the preparation
992 of the comprehensive plan shall not be deemed a part of the
993 comprehensive plan unless adopted as a part of it. Copies of
994 such studies, surveys, data, and supporting documents shall be
995 made available for public inspection, and copies of such plans
996 shall be made available to the public upon payment of reasonable
997 charges for reproduction. Support data or summaries shall not be
998 subject to the compliance review process, but the comprehensive
999 plan must be clearly based on appropriate data. Support data or
1000 summaries may be used to aid in the determination of compliance
1001 and consistency.

1002 2. Data must be taken from professionally accepted
1003 sources. The application of a methodology utilized in data
1004 collection or whether a particular methodology is professionally
1005 accepted may be evaluated. However, the evaluation shall not
1006 include whether one accepted methodology is better than another.
1007 Original data collection by local governments is not required.
1008 However, local governments may use original data so long as

1009 methodologies are professionally accepted.

1010 3. The comprehensive plan shall be based upon resident and
 1011 seasonal population estimates and projections, which shall
 1012 either be those provided by the University of Florida's Bureau
 1013 of Economic and Business Research or generated by the local
 1014 government based upon a professionally acceptable methodology.
 1015 The plan must be based on at least the minimum amount of land
 1016 required to accommodate the medium projections of the University
 1017 of Florida's Bureau of Economic and Business Research.

1018 (2) Coordination of the several elements of the local
 1019 comprehensive plan shall be a major objective of the planning
 1020 process. The several elements of the comprehensive plan shall be
 1021 consistent. Where data is relevant to several elements,
 1022 consistent data shall be used, including population estimates
 1023 and projections unless alternative data can be justified for a
 1024 plan amendment through new supporting data and analysis. Each
 1025 map depicting future conditions must reflect the principles,
 1026 guidelines, and standards within all elements and each such map
 1027 must be contained within the comprehensive plan, ~~and the~~
 1028 ~~comprehensive plan shall be financially feasible. Financial~~
 1029 ~~feasibility shall be determined using professionally accepted~~
 1030 ~~methodologies and applies to the 5-year planning period, except~~
 1031 ~~in the case of a long-term transportation or school concurrency~~
 1032 ~~management system, in which case a 10-year or 15-year period~~
 1033 ~~applies.~~

1034 (3) (a) The comprehensive plan shall contain a capital
 1035 improvements element designed to consider the need for and the
 1036 location of public facilities in order to encourage the

1037 efficient use of such facilities and set forth:

1038 1. A component that outlines principles for construction,
 1039 extension, or increase in capacity of public facilities, as well
 1040 as a component that outlines principles for correcting existing
 1041 public facility deficiencies, which are necessary to implement
 1042 the comprehensive plan. The components shall cover at least a 5-
 1043 year period.

1044 2. Estimated public facility costs, including a
 1045 delineation of when facilities will be needed, the general
 1046 location of the facilities, and projected revenue sources to
 1047 fund the facilities.

1048 3. Standards to ensure the availability of public
 1049 facilities and the adequacy of those facilities including
 1050 acceptable levels of service.

1051 ~~4. Standards for the management of debt.~~

1052 ~~4.5.~~ A schedule of capital improvements which includes any
 1053 publicly funded projects of federal, state, or local government,
 1054 and which may include privately funded projects for which the
 1055 local government has no fiscal responsibility. Projects,
 1056 necessary to ensure that any adopted level-of-service standards
 1057 are achieved and maintained for the 5-year period must be
 1058 identified as either funded or unfunded and given a level of
 1059 priority for funding. ~~For capital improvements that will be~~
 1060 ~~funded by the developer, financial feasibility shall be~~
 1061 ~~demonstrated by being guaranteed in an enforceable development~~
 1062 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~
 1063 ~~or other enforceable agreement. These development agreements and~~
 1064 ~~interlocal agreements shall be reflected in the schedule of~~

HB 7129

2011

1065 ~~capital improvements if the capital improvement is necessary to~~
 1066 ~~serve development within the 5-year schedule. If the local~~
 1067 ~~government uses planned revenue sources that require referenda~~
 1068 ~~or other actions to secure the revenue source, the plan must, in~~
 1069 ~~the event the referenda are not passed or actions do not secure~~
 1070 ~~the planned revenue source, identify other existing revenue~~
 1071 ~~sources that will be used to fund the capital projects or~~
 1072 ~~otherwise amend the plan to ensure financial feasibility.~~

1073 5.6. The schedule must include transportation improvements
 1074 included in the applicable metropolitan planning organization's
 1075 transportation improvement program adopted pursuant to s.
 1076 339.175(8) to the extent that such improvements are relied upon
 1077 to ensure concurrency and financial feasibility. The schedule
 1078 must ~~also~~ be coordinated with the applicable metropolitan
 1079 planning organization's long-range transportation plan adopted
 1080 pursuant to s. 339.175(7).

1081 (b)~~1.~~ The capital improvements element must be reviewed by
 1082 the local government on an annual basis. Modifications ~~and~~
 1083 ~~modified as necessary in accordance with s. 163.3187 or s.~~
 1084 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~
 1085 ~~5-year~~ capital improvement ~~schedule of capital improvements.~~
 1086 ~~Corrections and modifications concerning costs; revenue sources;~~
 1087 ~~or acceptance of facilities pursuant to dedications which are~~
 1088 ~~consistent with the plan~~ may be accomplished by ordinance and
 1089 shall not be deemed to be amendments to the local comprehensive
 1090 plan. ~~A copy of the ordinance shall be transmitted to the state~~
 1091 ~~land planning agency. An amendment to the comprehensive plan is~~
 1092 ~~required to update the schedule on an annual basis or to~~

HB 7129

2011

1093 ~~eliminate, defer, or delay the construction for any facility~~
1094 ~~listed in the 5-year schedule. All public facilities must be~~
1095 ~~consistent with the capital improvements element. The annual~~
1096 ~~update to the capital improvements element of the comprehensive~~
1097 ~~plan need not comply with the financial feasibility requirement~~
1098 ~~until December 1, 2011. Thereafter, a local government may not~~
1099 ~~amend its future land use map, except for plan amendments to~~
1100 ~~meet new requirements under this part and emergency amendments~~
1101 ~~pursuant to s. 163.3187(1)(a), after December 1, 2011, and every~~
1102 ~~year thereafter, unless and until the local government has~~
1103 ~~adopted the annual update and it has been transmitted to the~~
1104 ~~state land planning agency.~~

1105 ~~2. Capital improvements element amendments adopted after~~
1106 ~~the effective date of this act shall require only a single~~
1107 ~~public hearing before the governing board which shall be an~~
1108 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
1109 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1110 ~~(c) If the local government does not adopt the required~~
1111 ~~annual update to the schedule of capital improvements, the state~~
1112 ~~land planning agency must notify the Administration Commission.~~
1113 ~~A local government that has a demonstrated lack of commitment to~~
1114 ~~meeting its obligations identified in the capital improvements~~
1115 ~~element may be subject to sanctions by the Administration~~
1116 ~~Commission pursuant to s. 163.3184(11).~~

1117 ~~(d) If a local government adopts a long-term concurrency~~
1118 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
1119 ~~a long-term capital improvements schedule covering up to a 10-~~
1120 ~~year or 15-year period, and must update the long-term schedule~~

HB 7129

2011

1121 ~~annually. The long-term schedule of capital improvements must be~~
 1122 ~~financially feasible.~~

1123 ~~(c) At the discretion of the local government and~~
 1124 ~~notwithstanding the requirements of this subsection, a~~
 1125 ~~comprehensive plan, as revised by an amendment to the plan's~~
 1126 ~~future land use map, shall be deemed to be financially feasible~~
 1127 ~~and to have achieved and maintained level of service standards~~
 1128 ~~as required by this section with respect to transportation~~
 1129 ~~facilities if the amendment to the future land use map is~~
 1130 ~~supported by a:~~

1131 ~~1. Condition in a development order for a development of~~
 1132 ~~regional impact or binding agreement that addresses~~
 1133 ~~proportionate share mitigation consistent with s. 163.3180(12);~~
 1134 ~~or~~

1135 ~~2. Binding agreement addressing proportionate fair share~~
 1136 ~~mitigation consistent with s. 163.3180(16) (f) and the property~~
 1137 ~~subject to the amendment to the future land use map is located~~
 1138 ~~within an area designated in a comprehensive plan for urban~~
 1139 ~~infill, urban redevelopment, downtown revitalization, urban~~
 1140 ~~infill and redevelopment, or an urban service area. The binding~~
 1141 ~~agreement must be based on the maximum amount of development~~
 1142 ~~identified by the future land use map amendment or as may be~~
 1143 ~~otherwise restricted through a special area plan policy or map~~
 1144 ~~notation in the comprehensive plan.~~

1145 ~~(f) A local government's comprehensive plan and plan~~
 1146 ~~amendments for land uses within all transportation concurrency~~
 1147 ~~exception areas that are designated and maintained in accordance~~
 1148 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~

HB 7129

2011

1149 ~~achieve and maintain level of service standards for~~
1150 ~~transportation.~~

1151 (4) (a) Coordination of the local comprehensive plan with
1152 the comprehensive plans of adjacent municipalities, the county,
1153 adjacent counties, or the region; with the appropriate water
1154 management district's regional water supply plans approved
1155 pursuant to s. 373.709; and with adopted rules pertaining to
1156 designated areas of critical state concern; ~~and with the state~~
1157 ~~comprehensive plan~~ shall be a major objective of the local
1158 comprehensive planning process. ~~To that end, in the preparation~~
1159 ~~of a comprehensive plan or element thereof, and in the~~
1160 ~~comprehensive plan or element as adopted, the governing body~~
1161 ~~shall include a specific policy statement indicating the~~
1162 ~~relationship of the proposed development of the area to the~~
1163 ~~comprehensive plans of adjacent municipalities, the county,~~
1164 ~~adjacent counties, or the region and to the state comprehensive~~
1165 ~~plan, as the case may require and as such adopted plans or plans~~
1166 ~~in preparation may exist.~~

1167 (b) When all or a portion of the land in a local
1168 government jurisdiction is or becomes part of a designated area
1169 of critical state concern, the local government shall clearly
1170 identify those portions of the local comprehensive plan that
1171 shall be applicable to the critical area and shall indicate the
1172 relationship of the proposed development of the area to the
1173 rules for the area of critical state concern.

1174 (5) (a) Each local government comprehensive plan must
1175 include at least two planning periods, one covering at least the
1176 first 5-year period occurring after the plan's adoption and one

HB 7129

2011

1177 covering at least a 10-year period. Additional planning periods
 1178 for specific components, elements, land use amendments, or
 1179 projects shall be permissible and accepted as part of the
 1180 planning process.

1181 (b) The comprehensive plan and its elements shall contain
 1182 guidelines or policies ~~policy recommendations~~ for the
 1183 implementation of the plan and its elements.

1184 (6) In addition to the requirements of subsections (1)-(5)
 1185 ~~and (12)~~, the comprehensive plan shall include the following
 1186 elements:

1187 (a) A future land use plan element designating proposed
 1188 future general distribution, location, and extent of the uses of
 1189 land for residential uses, commercial uses, industry,
 1190 agriculture, recreation, conservation, education, ~~public~~
 1191 ~~buildings and grounds, other~~ public facilities, and other
 1192 categories of the public and private uses of land. The
 1193 approximate acreage and the general range of density or
 1194 intensity of use shall be provided for the gross land area
 1195 included in each existing land use category. The element shall
 1196 establish the long-term end toward which land use programs and
 1197 activities are ultimately directed. ~~Counties are encouraged to~~
 1198 ~~designate rural land stewardship areas, pursuant to paragraph~~
 1199 ~~(11)(d), as overlays on the future land use map.~~

1200 1. Each future land use category must be defined in terms
 1201 of uses included, and must include standards to be followed in
 1202 the control and distribution of population densities and
 1203 building and structure intensities. The proposed distribution,
 1204 location, and extent of the various categories of land use shall

HB 7129

2011

1205 be shown on a land use map or map series which shall be
 1206 supplemented by goals, policies, and measurable objectives.
 1207 2. The future land use plan and plan amendments shall be
 1208 based upon surveys, studies, and data regarding the area, as
 1209 applicable, including:
 1210 a. The amount of land required to accommodate anticipated
 1211 growth.~~†~~
 1212 b. The projected residential and seasonal population of
 1213 the area.~~†~~
 1214 c. The character of undeveloped land.~~†~~
 1215 d. The availability of water supplies, public facilities,
 1216 and services.~~†~~
 1217 e. The need for redevelopment, including the renewal of
 1218 blighted areas and the elimination of nonconforming uses which
 1219 are inconsistent with the character of the community.~~†~~
 1220 f. The compatibility of uses on lands adjacent to or
 1221 closely proximate to military installations.~~†~~
 1222 g. The compatibility of uses on lands adjacent to an
 1223 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~
 1224 h. The discouragement of urban sprawl.~~†~~ ~~energy efficient~~
 1225 ~~land use patterns accounting for existing and future electric~~
 1226 ~~power generation and transmission systems; greenhouse gas~~
 1227 ~~reduction strategies; and, in rural communities,~~
 1228 i. The need for job creation, capital investment, and
 1229 economic development that will strengthen and diversify the
 1230 community's economy.
 1231 j. The need to modify land uses and development patterns
 1232 within antiquated subdivisions. ~~The future land use plan may~~

HB 7129

2011

1233 ~~designate areas for future planned development use involving~~
 1234 ~~combinations of types of uses for which special regulations may~~
 1235 ~~be necessary to ensure development in accord with the principles~~
 1236 ~~and standards of the comprehensive plan and this act.~~

1237 3. The future land use plan element shall include criteria
 1238 to be used to:

1239 a. Achieve the compatibility of lands adjacent or closely
 1240 proximate to military installations, considering factors
 1241 identified in s. 163.3175(5) ~~.~~ and

1242 b. Achieve the compatibility of lands adjacent to an
 1243 airport as defined in s. 330.35 and consistent with s. 333.02.

1244 c. Encourage preservation of recreational and commercial
 1245 working waterfronts for water dependent uses in coastal
 1246 communities.

1247 d. Encourage the location of schools proximate to urban
 1248 residential areas to the extent possible.

1249 e. Coordinate future land uses with the topography and
 1250 soil conditions, and the availability of facilities and
 1251 services.

1252 f. Ensure the protection of natural and historic
 1253 resources.

1254 g. Provide for the compatibility of adjacent land uses.

1255 h. Provide guidelines for the implementation of mixed use
 1256 development including the types of uses allowed, the percentage
 1257 distribution among the mix of uses, or other standards, and the
 1258 density and intensity of each use.

1259 4. ~~In addition, for rural communities,~~ The amount of land
 1260 designated for future planned uses ~~industrial use~~ shall provide

1261 a balance of uses that foster vibrant, viable communities and
 1262 economic development opportunities and address outdated
 1263 development patterns, such as antiquated subdivisions. The
 1264 amount of land designated for future land uses should allow the
 1265 operation of real estate markets to provide adequate choices for
 1266 permanent and seasonal residents and business and ~~be based upon~~
 1267 ~~surveys and studies that reflect the need for job creation,~~
 1268 ~~capital investment, and the necessity to strengthen and~~
 1269 ~~diversify the local economies, and may not be limited solely by~~
 1270 ~~the projected population of the rural community. The element~~
 1271 shall accommodate at least the minimum amount of land required
 1272 to accommodate the medium projections of the University of
 1273 Florida's Bureau of Economic and Business Research.

1274 5. The future land use plan of a county may ~~also~~ designate
 1275 areas for possible future municipal incorporation.

1276 6. The land use maps or map series shall generally
 1277 identify and depict historic district boundaries and shall
 1278 designate historically significant properties meriting
 1279 protection. ~~For coastal counties, the future land use element~~
 1280 ~~must include, without limitation, regulatory incentives and~~
 1281 ~~criteria that encourage the preservation of recreational and~~
 1282 ~~commercial working waterfronts as defined in s. 342.07.~~

1283 7. The future land use element must clearly identify the
 1284 land use categories in which public schools are an allowable
 1285 use. When delineating the land use categories in which public
 1286 schools are an allowable use, a local government shall include
 1287 in the categories sufficient land proximate to residential
 1288 development to meet the projected needs for schools in

HB 7129

2011

1289 coordination with public school boards and may establish
1290 differing criteria for schools of different type or size. Each
1291 local government shall include lands contiguous to existing
1292 school sites, to the maximum extent possible, within the land
1293 use categories in which public schools are an allowable use. ~~The~~
1294 ~~failure by a local government to comply with these school siting~~
1295 ~~requirements will result in the prohibition of the local~~
1296 ~~government's ability to amend the local comprehensive plan,~~
1297 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
1298 ~~the school siting requirements are met. Amendments proposed by a~~
1299 ~~local government for purposes of identifying the land use~~
1300 ~~categories in which public schools are an allowable use are~~
1301 ~~exempt from the limitation on the frequency of plan amendments~~
1302 ~~contained in s. 163.3187. The future land use element shall~~
1303 ~~include criteria that encourage the location of schools~~
1304 ~~proximate to urban residential areas to the extent possible and~~
1305 ~~shall require that the local government seek to collocate public~~
1306 ~~facilities, such as parks, libraries, and community centers,~~
1307 ~~with schools to the extent possible and to encourage the use of~~
1308 ~~elementary schools as focal points for neighborhoods. For~~
1309 ~~schools serving predominantly rural counties, defined as a~~
1310 ~~county with a population of 100,000 or fewer, an agricultural~~
1311 ~~land use category is eligible for the location of public school~~
1312 ~~facilities if the local comprehensive plan contains school~~
1313 ~~siting criteria and the location is consistent with such~~
1314 ~~criteria.~~

1315 8. Future land use map amendments shall be based upon the
1316 following analyses:

1317 a. An analysis of the availability of facilities and
 1318 services.

1319 b. An analysis of the suitability of the plan amendment
 1320 for its proposed use considering the character of the
 1321 undeveloped land, soils, topography, natural resources, and
 1322 historic resources on site.

1323 c. An analysis of the minimum amount of land needed as
 1324 determined by the local government.

1325 9. The future land use element and any amendment to the
 1326 future land use element shall discourage the proliferation of
 1327 urban sprawl.

1328 a. The primary indicators that a plan or plan amendment
 1329 does not discourage the proliferation of urban sprawl are listed
 1330 below. The evaluation of the presence of these indicators shall
 1331 consist of an analysis of the plan or plan amendment within the
 1332 context of features and characteristics unique to each locality
 1333 in order to determine whether the plan or plan amendment:

1334 (I) Promotes, allows, or designates for development
 1335 substantial areas of the jurisdiction to develop as low-
 1336 intensity, low-density, or single-use development or uses.

1337 (II) Promotes, allows, or designates significant amounts
 1338 of urban development to occur in rural areas at substantial
 1339 distances from existing urban areas while not using undeveloped
 1340 lands that are available and suitable for development.

1341 (III) Promotes, allows, or designates urban development in
 1342 radial, strip, isolated, or ribbon patterns generally emanating
 1343 from existing urban developments.

1344 (IV) Fails to adequately protect and conserve natural

HB 7129

2011

1345 resources, such as wetlands, floodplains, native vegetation,
 1346 environmentally sensitive areas, natural groundwater aquifer
 1347 recharge areas, lakes, rivers, shorelines, beaches, bays,
 1348 estuarine systems, and other significant natural systems.

1349 (V) Fails to adequately protect adjacent agricultural
 1350 areas and activities, including silviculture, active
 1351 agricultural and silvicultural activities, passive agricultural
 1352 activities, and dormant, unique, and prime farmlands and soils.

1353 (VI) Fails to maximize use of existing public facilities
 1354 and services.

1355 (VII) Fails to maximize use of future public facilities
 1356 and services.

1357 (VIII) Allows for land use patterns or timing which
 1358 disproportionately increase the cost in time, money, and energy
 1359 of providing and maintaining facilities and services, including
 1360 roads, potable water, sanitary sewer, stormwater management, law
 1361 enforcement, education, health care, fire and emergency
 1362 response, and general government.

1363 (IX) Fails to provide a clear separation between rural and
 1364 urban uses.

1365 (X) Discourages or inhibits infill development or the
 1366 redevelopment of existing neighborhoods and communities.

1367 (XI) Fails to encourage a functional mix of uses.

1368 (XII) Results in poor accessibility among linked or
 1369 related land uses.

1370 (XIII) Results in the loss of significant amounts of
 1371 functional open space.

1372 b. The future land use element or plan amendment shall be

HB 7129

2011

1373 determined to discourage the proliferation of urban sprawl if it
 1374 incorporates a development pattern or urban form that achieves
 1375 four or more of the following:

1376 (I) Directs or locates economic growth and associated land
 1377 development to geographic areas of the community in a manner
 1378 that does not have an adverse impact on and protects natural
 1379 resources and ecosystems.

1380 (II) Promotes the efficient and cost-effective provision
 1381 or extension of public infrastructure and services.

1382 (III) Promotes walkable and connected communities and
 1383 provides for compact development and a mix of uses at densities
 1384 and intensities that will support a range of housing choices and
 1385 a multimodal transportation system, including pedestrian,
 1386 bicycle, and transit, if available.

1387 (IV) Promotes conservation of water and energy.

1388 (V) Preserves agricultural areas and activities, including
 1389 silviculture, and dormant, unique, and prime farmlands and
 1390 soils.

1391 (VI) Preserves open space and natural lands and provides
 1392 for public open space and recreation needs.

1393 (VII) Creates a balance of land uses based upon demands of
 1394 residential population for the nonresidential needs of an area.

1395 (VIII) Provides uses, densities, and intensities of use
 1396 and urban form that would remediate an existing or planned
 1397 development pattern in the vicinity that constitutes sprawl or
 1398 if it provides for an innovative development pattern such as
 1399 transit-oriented developments or new towns as defined in s.
 1400 163.3164.

HB 7129

2011

1401 10. The future land use element shall include a future
 1402 land use map or map series.

1403 a. The proposed distribution, extent, and location of the
 1404 following uses shall be shown on the future land use map or map
 1405 series:

1406 (I) Residential.

1407 (II) Commercial.

1408 (III) Industrial.

1409 (IV) Agricultural.

1410 (V) Recreational.

1411 (VI) Conservation.

1412 (VII) Educational.

1413 (VIII) Public.

1414 b. The following areas shall also be shown on the future
 1415 land use map or map series, if applicable:

1416 (I) Historic district boundaries and designated
 1417 historically significant properties.

1418 (II) Transportation concurrency management area boundaries
 1419 or transportation concurrency exception area boundaries.

1420 (III) Multimodal transportation district boundaries.

1421 (IV) Mixed use categories.

1422 c. The following natural resources or conditions shall be
 1423 shown on the future land use map or map series, if applicable:

1424 (I) Existing and planned public potable waterwells, cones
 1425 of influence, and wellhead protection areas.

1426 (II) Beaches and shores, including estuarine systems.

1427 (III) Rivers, bays, lakes, floodplains, and harbors.

1428 (IV) Wetlands.

HB 7129

2011

1429 (V) Minerals and soils.
1430 (VI) Coastal high hazard areas.
1431 11. Local governments required to update or amend their
1432 comprehensive plan to include criteria and address compatibility
1433 of lands adjacent or closely proximate to existing military
1434 installations, or lands adjacent to an airport as defined in s.
1435 330.35 and consistent with s. 333.02, in their future land use
1436 plan element shall transmit the update or amendment to the state
1437 land planning agency by June 30, 2012.
1438 (b)1. A transportation element addressing mobility issues
1439 in relationship to the size and character of the local
1440 government. The purpose of the transportation element shall be
1441 to plan for a multimodal transportation system that places
1442 emphasis on public transportation systems, where feasible. The
1443 element shall provide for a safe, convenient multimodal
1444 transportation system, coordinated with the future land use map
1445 or map series and designed to support all elements of the
1446 comprehensive plan. A local government that has all or part of
1447 its jurisdiction included within the metropolitan planning area
1448 of a metropolitan planning organization (M.P.O.) pursuant to s.
1449 339.175 shall prepare and adopt a transportation element
1450 consistent with this subsection. Local governments that are not
1451 located within the metropolitan planning area of an M.P.O. shall
1452 address traffic circulation, mass transit, and ports, and
1453 aviation and related facilities consistent with this subsection,
1454 except that local governments with a population of 50,000 or
1455 less shall only be required to address transportation
1456 circulation. The element shall be coordinated with the plans and

1457 programs of any applicable metropolitan planning organization,
 1458 transportation authority, Florida Transportation Plan, and
 1459 Department of Transportation's adopted work program. The
 1460 transportation element shall address

1461 ~~(b)~~—A traffic circulation, including element consisting of
 1462 the types, locations, and extent of existing and proposed major
 1463 thoroughfares and transportation routes, including bicycle and
 1464 pedestrian ways. Transportation corridors, as defined in s.
 1465 334.03, may be designated in the transportation traffic
 1466 circulation element pursuant to s. 337.273. If the
 1467 transportation corridors are designated, the local government
 1468 may adopt a transportation corridor management ordinance. The
 1469 element shall reflect the data, analysis, and associated
 1470 principles and strategies relating to:

1471 a. The existing transportation system levels of service
 1472 and system needs and the availability of transportation
 1473 facilities and services.

1474 b. The growth trends and travel patterns and interactions
 1475 between land use and transportation.

1476 c. Existing and projected intermodal deficiencies and
 1477 needs.

1478 d. The projected transportation system levels of service
 1479 and system needs based upon the future land use map and the
 1480 projected integrated transportation system.

1481 e. How the local government will correct existing facility
 1482 deficiencies, meet the identified needs of the projected
 1483 transportation system, and advance the purpose of this paragraph
 1484 and the other elements of the comprehensive plan.

1485 2. Local governments within a metropolitan planning area
 1486 designated as an M.P.O. pursuant to s. 339.175 shall also
 1487 address:

1488 a. All alternative modes of travel, such as public
 1489 transportation, pedestrian, and bicycle travel.

1490 b. Aviation, rail, seaport facilities, access to those
 1491 facilities, and intermodal terminals.

1492 c. The capability to evacuate the coastal population
 1493 before an impending natural disaster.

1494 d. Airports, projected airport and aviation development,
 1495 and land use compatibility around airports, which includes areas
 1496 defined in ss. 333.01 and 333.02.

1497 e. An identification of land use densities, building
 1498 intensities, and transportation management programs to promote
 1499 public transportation systems in designated public
 1500 transportation corridors so as to encourage population densities
 1501 sufficient to support such systems.

1502 3. Mass-transit provisions showing proposed methods for
 1503 the moving of people, rights-of-way, terminals, and related
 1504 facilities shall address:

1505 a. The provision of efficient public transit services
 1506 based upon existing and proposed major trip generators and
 1507 attractors, safe and convenient public transit terminals, land
 1508 uses, and accommodation of the special needs of the
 1509 transportation disadvantaged.

1510 b. Plans for port, aviation, and related facilities
 1511 coordinated with the general circulation and transportation
 1512 element.

HB 7129

2011

1513 c. Plans for the circulation of recreational traffic,
1514 including bicycle facilities, exercise trails, riding
1515 facilities, and such other matters as may be related to the
1516 improvement and safety of movement of all types of recreational
1517 traffic.

1518 4. An airport master plan, and any subsequent amendments
1519 to the airport master plan, prepared by a licensed publicly
1520 owned and operated airport under s. 333.06 may be incorporated
1521 into the local government comprehensive plan by the local
1522 government having jurisdiction under this act for the area in
1523 which the airport or projected airport development is located by
1524 the adoption of a comprehensive plan amendment. In the amendment
1525 to the local comprehensive plan that integrates the airport
1526 master plan, the comprehensive plan amendment shall address land
1527 use compatibility consistent with chapter 333 regarding airport
1528 zoning; the provision of regional transportation facilities for
1529 the efficient use and operation of the transportation system and
1530 airport; consistency with the local government transportation
1531 circulation element and applicable M.P.O. long-range
1532 transportation plans; the execution of any necessary interlocal
1533 agreements for the purposes of the provision of public
1534 facilities and services to maintain the adopted level-of-service
1535 standards for facilities subject to concurrency; and may address
1536 airport-related or aviation-related development. Development or
1537 expansion of an airport consistent with the adopted airport
1538 master plan that has been incorporated into the local
1539 comprehensive plan in compliance with this part, and airport-
1540 related or aviation-related development that has been addressed

HB 7129

2011

1541 in the comprehensive plan amendment that incorporates the
1542 airport master plan, shall not be a development of regional
1543 impact. Notwithstanding any other general law, an airport that
1544 has received a development-of-regional-impact development order
1545 pursuant to s. 380.06, but which is no longer required to
1546 undergo development-of-regional-impact review pursuant to this
1547 subsection, may rescind its development-of-regional-impact order
1548 upon written notification to the applicable local government.
1549 Upon receipt by the local government, the development-of-
1550 regional-impact development order shall be deemed rescinded.

1551 5. The transportation element shall include a map or map
1552 series showing the general location of the existing and proposed
1553 transportation system features and shall be coordinated with the
1554 future land use map or map series. ~~The traffic circulation~~
1555 ~~element shall incorporate transportation strategies to address~~
1556 ~~reduction in greenhouse gas emissions from the transportation~~
1557 ~~sector.~~

1558 (c) A general sanitary sewer, solid waste, drainage,
1559 potable water, and natural groundwater aquifer recharge element
1560 correlated to principles and guidelines for future land use,
1561 indicating ways to provide for future potable water, drainage,
1562 sanitary sewer, solid waste, and aquifer recharge protection
1563 requirements for the area. The element may be a detailed
1564 engineering plan including a topographic map depicting areas of
1565 prime groundwater recharge.

1566 1. Each local government shall address in the data and
1567 analyses required by this section those facilities that provide
1568 service within the local government's jurisdiction. Local

HB 7129

2011

1569 governments that provide facilities to serve areas within other
1570 local government jurisdictions shall also address those
1571 facilities in the data and analyses required by this section,
1572 using data from the comprehensive plan for those areas for the
1573 purpose of projecting facility needs as required in this
1574 subsection. For shared facilities, each local government shall
1575 indicate the proportional capacity of the systems allocated to
1576 serve its jurisdiction.

1577 2. The element shall describe the problems and needs and
1578 the general facilities that will be required for solution of the
1579 problems and needs, including correcting existing facility
1580 deficiencies. The element shall address coordinating the
1581 extension of, or increase in the capacity of, facilities to meet
1582 future needs while maximizing the use of existing facilities and
1583 discouraging urban sprawl; conservation of potable water
1584 resources; and protecting the functions of natural groundwater
1585 recharge areas and natural drainage features. ~~The element shall~~
1586 ~~also include a topographic map depicting any areas adopted by a~~
1587 ~~regional water management district as prime groundwater recharge~~
1588 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~
1589 ~~be given special consideration when the local government is~~
1590 ~~engaged in zoning or considering future land use for said~~
1591 ~~designated areas. For areas served by septic tanks, soil surveys~~
1592 ~~shall be provided which indicate the suitability of soils for~~
1593 ~~septic tanks.~~

1594 3. Within 18 months after the governing board approves an
1595 updated regional water supply plan, the element must incorporate
1596 the alternative water supply project or projects selected by the

HB 7129

2011

1597 local government from those identified in the regional water
 1598 supply plan pursuant to s. 373.709(2)(a) or proposed by the
 1599 local government under s. 373.709(8)(b). If a local government
 1600 is located within two water management districts, the local
 1601 government shall adopt its comprehensive plan amendment within
 1602 18 months after the later updated regional water supply plan.
 1603 The element must identify such alternative water supply projects
 1604 and traditional water supply projects and conservation and reuse
 1605 necessary to meet the water needs identified in s. 373.709(2)(a)
 1606 within the local government's jurisdiction and include a work
 1607 plan, covering at least a 10-year planning period, for building
 1608 public, private, and regional water supply facilities, including
 1609 development of alternative water supplies, which are identified
 1610 in the element as necessary to serve existing and new
 1611 development. The work plan shall be updated, at a minimum, every
 1612 5 years within 18 months after the governing board of a water
 1613 management district approves an updated regional water supply
 1614 plan. ~~Amendments to incorporate the work plan do not count~~
 1615 ~~toward the limitation on the frequency of adoption of amendments~~
 1616 ~~to the comprehensive plan.~~ Local governments, public and private
 1617 utilities, regional water supply authorities, special districts,
 1618 and water management districts are encouraged to cooperatively
 1619 plan for the development of multijurisdictional water supply
 1620 facilities that are sufficient to meet projected demands for
 1621 established planning periods, including the development of
 1622 alternative water sources to supplement traditional sources of
 1623 groundwater and surface water supplies.
 1624 (d) A conservation element for the conservation, use, and

HB 7129

2011

1625 protection of natural resources in the area, including air,
1626 water, water recharge areas, wetlands, waterwells, estuarine
1627 marshes, soils, beaches, shores, flood plains, rivers, bays,
1628 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1629 minerals, and other natural and environmental resources,
1630 including factors that affect energy conservation.

1631 1. The following natural resources, where present within
1632 the local government's boundaries, shall be identified and
1633 analyzed and existing recreational or conservation uses, known
1634 pollution problems, including hazardous wastes, and the
1635 potential for conservation, recreation, use, or protection shall
1636 also be identified:

1637 a. Rivers, bays, lakes, wetlands including estuarine
1638 marshes, groundwaters, and springs, including information on
1639 quality of the resource available.

1640 b. Floodplains.

1641 c. Known sources of commercially valuable minerals.

1642 d. Areas known to have experienced soil erosion problems.

1643 e. Areas that are the location of recreationally and
1644 commercially important fish or shellfish, wildlife, marine
1645 habitats, and vegetative communities, including forests,
1646 indicating known dominant species present and species listed by
1647 federal, state, or local government agencies as endangered,
1648 threatened, or species of special concern.

1649 2. The element must contain principles, guidelines, and
1650 standards for conservation that provide long-term goals and
1651 which:

1652 a. Protects air quality.

HB 7129

2011

1653 b. Conserves, appropriately uses, and protects the quality
1654 and quantity of current and projected water sources and waters
1655 that flow into estuarine waters or oceanic waters and protect
1656 from activities and land uses known to affect adversely the
1657 quality and quantity of identified water sources, including
1658 natural groundwater recharge areas, wellhead protection areas,
1659 and surface waters used as a source of public water supply.

1660 c. Provides for the emergency conservation of water
1661 sources in accordance with the plans of the regional water
1662 management district.

1663 d. Conserves, appropriately uses, and protects minerals,
1664 soils, and native vegetative communities, including forests,
1665 from destruction by development activities.

1666 e. Conserves, appropriately uses, and protects fisheries,
1667 wildlife, wildlife habitat, and marine habitat and restricts
1668 activities known to adversely affect the survival of endangered
1669 and threatened wildlife.

1670 f. Protects existing natural reservations identified in
1671 the recreation and open space element.

1672 g. Maintains cooperation with adjacent local governments
1673 to conserve, appropriately use, or protect unique vegetative
1674 communities located within more than one local jurisdiction.

1675 h. Designates environmentally sensitive lands for
1676 protection based on locally determined criteria which further
1677 the goals and objectives of the conservation element.

1678 i. Manages hazardous waste to protect natural resources.

1679 j. Protects and conserves wetlands and the natural
1680 functions of wetlands.

HB 7129

2011

1681 k. Directs future land uses that are incompatible with the
1682 protection and conservation of wetlands and wetland functions
1683 away from wetlands. The type, intensity or density, extent,
1684 distribution, and location of allowable land uses and the types,
1685 values, functions, sizes, conditions, and locations of wetlands
1686 are land use factors that shall be considered when directing
1687 incompatible land uses away from wetlands. Land uses shall be
1688 distributed in a manner that minimizes the effect and impact on
1689 wetlands. The protection and conservation of wetlands by the
1690 direction of incompatible land uses away from wetlands shall
1691 occur in combination with other principles, guidelines,
1692 standards, and strategies in the comprehensive plan. Where
1693 incompatible land uses are allowed to occur, mitigation shall be
1694 considered as one means to compensate for loss of wetlands
1695 functions.

1696 3. ~~Local governments shall assess their~~ Current ~~and,~~ as
1697 well as projected, ~~water~~ needs and sources for at least a 10-
1698 year period based on the demands for industrial, agricultural,
1699 and potable water use and the quality and quantity of water
1700 available to meet these demands shall be analyzed. The analysis
1701 shall consider the existing levels of water conservation, use,
1702 and protection and applicable policies of the regional water
1703 management district and further must consider, ~~considering~~ the
1704 appropriate regional water supply plan approved pursuant to s.
1705 373.709, or, in the absence of an approved regional water supply
1706 plan, the district water management plan approved pursuant to s.
1707 373.036(2). This information shall be submitted to the
1708 appropriate agencies. ~~The land use map or map series contained~~

HB 7129

2011

1709 ~~in the future land use element shall generally identify and~~
 1710 ~~depict the following:~~

- 1711 ~~1. Existing and planned waterwells and cones of influence~~
- 1712 ~~where applicable.~~
- 1713 ~~2. Beaches and shores, including estuarine systems.~~
- 1714 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~
- 1715 ~~4. Wetlands.~~
- 1716 ~~5. Minerals and soils.~~
- 1717 ~~6. Energy conservation.~~

1718
 1719 ~~The land uses identified on such maps shall be consistent with~~
 1720 ~~applicable state law and rules.~~

1721 (e) A recreation and open space element indicating a
 1722 comprehensive system of public and private sites for recreation,
 1723 including, but not limited to, natural reservations, parks and
 1724 playgrounds, parkways, beaches and public access to beaches,
 1725 open spaces, waterways, and other recreational facilities.

1726 (f)1. A housing element consisting of ~~standards, plans,~~
 1727 and principles, guidelines, standards, and strategies to be
 1728 followed in:

- 1729 a. The provision of housing for all current and
- 1730 anticipated future residents of the jurisdiction.
- 1731 b. The elimination of substandard dwelling conditions.
- 1732 c. The structural and aesthetic improvement of existing
- 1733 housing.
- 1734 d. The provision of adequate sites for future housing,
- 1735 including affordable workforce housing as defined in s.
- 1736 380.0651(3)(j), housing for low-income, very low-income, and

HB 7129

2011

1737 moderate-income families, mobile homes, and group home
 1738 facilities and foster care facilities, with supporting
 1739 infrastructure and public facilities.

1740 e. Provision for relocation housing and identification of
 1741 historically significant and other housing for purposes of
 1742 conservation, rehabilitation, or replacement.

1743 f. The formulation of housing implementation programs.

1744 g. The creation or preservation of affordable housing to
 1745 minimize the need for additional local services and avoid the
 1746 concentration of affordable housing units only in specific areas
 1747 of the jurisdiction.

1748 ~~h. Energy efficiency in the design and construction of new~~
 1749 ~~housing.~~

1750 ~~i. Use of renewable energy resources.~~

1751 ~~j. Each county in which the gap between the buying power~~
 1752 ~~of a family of four and the median county home sale price~~
 1753 ~~exceeds \$170,000, as determined by the Florida Housing Finance~~
 1754 ~~Corporation, and which is not designated as an area of critical~~
 1755 ~~state concern shall adopt a plan for ensuring affordable~~
 1756 ~~workforce housing. At a minimum, the plan shall identify~~
 1757 ~~adequate sites for such housing. For purposes of this sub-~~
 1758 ~~subparagraph, the term "workforce housing" means housing that is~~
 1759 ~~affordable to natural persons or families whose total household~~
 1760 ~~income does not exceed 140 percent of the area median income,~~
 1761 ~~adjusted for household size.~~

1762 ~~k. As a precondition to receiving any state affordable~~
 1763 ~~housing funding or allocation for any project or program within~~
 1764 ~~the jurisdiction of a county that is subject to sub-subparagraph~~

HB 7129

2011

1765 ~~j., a county must, by July 1 of each year, provide certification~~
1766 ~~that the county has complied with the requirements of sub-~~
1767 ~~subparagraph j.~~

1768 2. The principles, guidelines, standards, and strategies
1769 goals, objectives, and policies of the housing element must be
1770 based on the data and analysis prepared on housing needs,
1771 including an inventory taken from the latest decennial United
1772 States Census or more recent estimates, which shall include the
1773 number and distribution of dwelling units by type, tenure, age,
1774 rent, value, monthly cost of owner-occupied units, and rent or
1775 cost to income ratio, and shall show the number of dwelling
1776 units that are substandard. The inventory shall also include the
1777 methodology used to estimate the condition of housing, a
1778 projection of the anticipated number of households by size,
1779 income range, and age of residents derived from the population
1780 projections, and the minimum housing need of the current and
1781 anticipated future residents of the jurisdiction ~~the affordable~~
1782 ~~housing needs assessment.~~

1783 3. The housing element must express principles,
1784 guidelines, standards, and strategies that reflect, as needed,
1785 the creation and preservation of affordable housing for all
1786 current and anticipated future residents of the jurisdiction,
1787 elimination of substandard housing conditions, adequate sites,
1788 and distribution of housing for a range of incomes and types,
1789 including mobile and manufactured homes. The element must
1790 provide for specific programs and actions to partner with
1791 private and nonprofit sectors to address housing needs in the
1792 jurisdiction, streamline the permitting process, and minimize

HB 7129

2011

1793 costs and delays for affordable housing, establish standards to
 1794 address the quality of housing, stabilization of neighborhoods,
 1795 and identification and improvement of historically significant
 1796 housing.

1797 4. State and federal housing plans prepared on behalf of
 1798 the local government must be consistent with the goals,
 1799 objectives, and policies of the housing element. Local
 1800 governments are encouraged to use job training, job creation,
 1801 and economic solutions to address a portion of their affordable
 1802 housing concerns.

1803 ~~2. To assist local governments in housing data collection~~
 1804 ~~and analysis and assure uniform and consistent information~~
 1805 ~~regarding the state's housing needs, the state land planning~~
 1806 ~~agency shall conduct an affordable housing needs assessment for~~
 1807 ~~all local jurisdictions on a schedule that coordinates the~~
 1808 ~~implementation of the needs assessment with the evaluation and~~
 1809 ~~appraisal reports required by s. 163.3191. Each local government~~
 1810 ~~shall utilize the data and analysis from the needs assessment as~~
 1811 ~~one basis for the housing element of its local comprehensive~~
 1812 ~~plan. The agency shall allow a local government the option to~~
 1813 ~~perform its own needs assessment, if it uses the methodology~~
 1814 ~~established by the agency by rule.~~

1815 (g)~~1.~~ For those units of local government identified in s.
 1816 380.24, a coastal management element, appropriately related to
 1817 the particular requirements of paragraphs (d) and (e) and
 1818 meeting the requirements of s. 163.3178(2) and (3). The coastal
 1819 management element shall set forth the principles, guidelines,
 1820 standards, and strategies ~~policies~~ that shall guide the local

HB 7129

2011

1821 government's decisions and program implementation with respect
1822 to the following objectives:

1823 1.a. Maintain, restore, and enhance ~~Maintenance,~~
1824 ~~restoration, and enhancement~~ of the overall quality of the
1825 coastal zone environment, including, but not limited to, its
1826 amenities and aesthetic values.

1827 2.b. Preserve the continued existence of viable
1828 populations of all species of wildlife and marine life.

1829 3.e. Protect the orderly and balanced utilization and
1830 preservation, consistent with sound conservation principles, of
1831 all living and nonliving coastal zone resources.

1832 4.d. Avoid ~~Avoidance~~ of irreversible and irretrievable
1833 loss of coastal zone resources.

1834 5.e. Use ecological planning principles and assumptions ~~to~~
1835 ~~be used~~ in the determination of the suitability ~~and extent~~ of
1836 permitted development.

1837 ~~f. Proposed management and regulatory techniques.~~

1838 6.g. Limit ~~Limitation~~ of public expenditures that
1839 subsidize development in ~~high-hazard~~ coastal high-hazard areas.

1840 7.h. Protect ~~Protection~~ of human life against the effects
1841 of natural disasters.

1842 8.i. Direct the orderly development, maintenance, and use
1843 of ports identified in s. 403.021(9) to facilitate deepwater
1844 commercial navigation and other related activities.

1845 9.j. Preserve historic and archaeological resources, which
1846 include the ~~Preservation, including~~ sensitive adaptive use of
1847 these ~~historic and archaeological~~ resources.

1848 ~~2. As part of this element, a local government that has a~~

HB 7129

2011

1849 ~~coastal management element in its comprehensive plan is~~
1850 ~~encouraged to adopt recreational surface water use policies that~~
1851 ~~include applicable criteria for and consider such factors as~~
1852 ~~natural resources, manatee protection needs, protection of~~
1853 ~~working waterfronts and public access to the water, and~~
1854 ~~recreation and economic demands. Criteria for manatee protection~~
1855 ~~in the recreational surface water use policies should reflect~~
1856 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
1857 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
1858 ~~the local government elects to adopt recreational surface water~~
1859 ~~use policies by comprehensive plan amendment, such comprehensive~~
1860 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
1861 ~~Local governments that wish to adopt recreational surface water~~
1862 ~~use policies may be eligible for assistance with the development~~
1863 ~~of such policies through the Florida Coastal Management Program.~~
1864 ~~The Office of Program Policy Analysis and Government~~
1865 ~~Accountability shall submit a report on the adoption of~~
1866 ~~recreational surface water use policies under this subparagraph~~
1867 ~~to the President of the Senate, the Speaker of the House of~~
1868 ~~Representatives, and the majority and minority leaders of the~~
1869 ~~Senate and the House of Representatives no later than December~~
1870 ~~1, 2010.~~

1871 (h)1. An intergovernmental coordination element showing
1872 relationships and stating principles and guidelines to be used
1873 in coordinating the adopted comprehensive plan with the plans of
1874 school boards, regional water supply authorities, and other
1875 units of local government providing services but not having
1876 regulatory authority over the use of land, with the

HB 7129

2011

1877 | comprehensive plans of adjacent municipalities, the county,
 1878 | adjacent counties, or the region, with the state comprehensive
 1879 | plan and with the applicable regional water supply plan approved
 1880 | pursuant to s. 373.709, as the case may require and as such
 1881 | adopted plans or plans in preparation may exist. This element of
 1882 | the local comprehensive plan must demonstrate consideration of
 1883 | the particular effects of the local plan, when adopted, upon the
 1884 | development of adjacent municipalities, the county, adjacent
 1885 | counties, or the region, or upon the state comprehensive plan,
 1886 | as the case may require.

1887 | a. The intergovernmental coordination element must provide
 1888 | procedures for identifying and implementing joint planning
 1889 | areas, especially for the purpose of annexation, municipal
 1890 | incorporation, and joint infrastructure service areas.

1891 | ~~b. The intergovernmental coordination element must provide~~
 1892 | ~~for recognition of campus master plans prepared pursuant to s.~~
 1893 | ~~1013.30 and airport master plans under paragraph (k).~~

1894 | ~~e.~~ The intergovernmental coordination element shall
 1895 | provide for a dispute resolution process, as established
 1896 | pursuant to s. 186.509, for bringing intergovernmental disputes
 1897 | to closure in a timely manner.

1898 | c.d. The intergovernmental coordination element shall
 1899 | provide for interlocal agreements as established pursuant to s.
 1900 | 333.03(1)(b).

1901 | 2. The intergovernmental coordination element shall also
 1902 | state principles and guidelines to be used in coordinating the
 1903 | adopted comprehensive plan with the plans of school boards and
 1904 | other units of local government providing facilities and

HB 7129

2011

1905 services but not having regulatory authority over the use of
 1906 land. In addition, the intergovernmental coordination element
 1907 must describe joint processes for collaborative planning and
 1908 decisionmaking on population projections and public school
 1909 siting, the location and extension of public facilities subject
 1910 to concurrency, and siting facilities with countywide
 1911 significance, including locally unwanted land uses whose nature
 1912 and identity are established in an agreement.

1913 3. Within 1 year after adopting their intergovernmental
 1914 coordination elements, each county, all the municipalities
 1915 within that county, the district school board, and any unit of
 1916 local government service providers in that county shall
 1917 establish by interlocal or other formal agreement executed by
 1918 all affected entities, the joint processes described in this
 1919 subparagraph consistent with their adopted intergovernmental
 1920 coordination elements. The element must:

1921 a. Ensure that the local government addresses through
 1922 coordination mechanisms the impacts of development proposed in
 1923 the local comprehensive plan upon development in adjacent
 1924 municipalities, the county, adjacent counties, the region, and
 1925 the state. The area of concern for municipalities shall include
 1926 adjacent municipalities, the county, and counties adjacent to
 1927 the municipality. The area of concern for counties shall include
 1928 all municipalities within the county, adjacent counties, and
 1929 adjacent municipalities.

1930 b. Ensure coordination in establishing level of service
 1931 standards for public facilities with any state, regional, or
 1932 local entity having operational and maintenance responsibility

HB 7129

2011

1933 for such facilities.

1934 ~~3. To foster coordination between special districts and~~
 1935 ~~local general-purpose governments as local general-purpose~~
 1936 ~~governments implement local comprehensive plans, each~~
 1937 ~~independent special district must submit a public facilities~~
 1938 ~~report to the appropriate local government as required by s.~~
 1939 ~~189.415.~~

1940 ~~4. Local governments shall execute an interlocal agreement~~
 1941 ~~with the district school board, the county, and nonexempt~~
 1942 ~~municipalities pursuant to s. 163.31777. The local government~~
 1943 ~~shall amend the intergovernmental coordination element to ensure~~
 1944 ~~that coordination between the local government and school board~~
 1945 ~~is pursuant to the agreement and shall state the obligations of~~
 1946 ~~the local government under the agreement. Plan amendments that~~
 1947 ~~comply with this subparagraph are exempt from the provisions of~~
 1948 ~~s. 163.3187(1).~~

1949 ~~5. By January 1, 2004, any county having a population~~
 1950 ~~greater than 100,000, and the municipalities and special~~
 1951 ~~districts within that county, shall submit a report to the~~
 1952 ~~Department of Community Affairs which identifies:~~

1953 ~~a. All existing or proposed interlocal service delivery~~
 1954 ~~agreements relating to education; sanitary sewer; public safety;~~
 1955 ~~solid waste; drainage; potable water; parks and recreation; and~~
 1956 ~~transportation facilities.~~

1957 ~~b. Any deficits or duplication in the provision of~~
 1958 ~~services within its jurisdiction, whether capital or~~
 1959 ~~operational. Upon request, the Department of Community Affairs~~
 1960 ~~shall provide technical assistance to the local governments in~~

1961 ~~identifying deficits or duplication.~~

1962 ~~6. Within 6 months after submission of the report, the~~
 1963 ~~Department of Community Affairs shall, through the appropriate~~
 1964 ~~regional planning council, coordinate a meeting of all local~~
 1965 ~~governments within the regional planning area to discuss the~~
 1966 ~~reports and potential strategies to remedy any identified~~
 1967 ~~deficiencies or duplications.~~

1968 ~~7. Each local government shall update its~~
 1969 ~~intergovernmental coordination element based upon the findings~~
 1970 ~~in the report submitted pursuant to subparagraph 5. The report~~
 1971 ~~may be used as supporting data and analysis for the~~
 1972 ~~intergovernmental coordination element.~~

1973 ~~(i) The optional elements of the comprehensive plan in~~
 1974 ~~paragraphs (7) (a) and (b) are required elements for those~~
 1975 ~~municipalities having populations greater than 50,000, and those~~
 1976 ~~counties having populations greater than 75,000, as determined~~
 1977 ~~under s. 186.901.~~

1978 ~~(j) For each unit of local government within an urbanized~~
 1979 ~~area designated for purposes of s. 339.175, a transportation~~
 1980 ~~element, which must be prepared and adopted in lieu of the~~
 1981 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
 1982 ~~and (d) and which shall address the following issues:~~

1983 ~~1. Traffic circulation, including major thoroughfares and~~
 1984 ~~other routes, including bicycle and pedestrian ways.~~

1985 ~~2. All alternative modes of travel, such as public~~
 1986 ~~transportation, pedestrian, and bicycle travel.~~

1987 ~~3. Parking facilities.~~

1988 ~~4. Aviation, rail, seaport facilities, access to those~~

1989 ~~facilities, and intermodal terminals.~~

1990 ~~5. The availability of facilities and services to serve~~

1991 ~~existing land uses and the compatibility between future land use~~

1992 ~~and transportation elements.~~

1993 ~~6. The capability to evacuate the coastal population prior~~

1994 ~~to an impending natural disaster.~~

1995 ~~7. Airports, projected airport and aviation development,~~

1996 ~~and land use compatibility around airports, which includes areas~~

1997 ~~defined in ss. 333.01 and 333.02.~~

1998 ~~8. An identification of land use densities, building~~

1999 ~~intensities, and transportation management programs to promote~~

2000 ~~public transportation systems in designated public~~

2001 ~~transportation corridors so as to encourage population densities~~

2002 ~~sufficient to support such systems.~~

2003 ~~9. May include transportation corridors, as defined in s.~~

2004 ~~334.03, intended for future transportation facilities designated~~

2005 ~~pursuant to s. 337.273. If transportation corridors are~~

2006 ~~designated, the local government may adopt a transportation~~

2007 ~~corridor management ordinance.~~

2008 ~~10. The incorporation of transportation strategies to~~

2009 ~~address reduction in greenhouse gas emissions from the~~

2010 ~~transportation sector.~~

2011 ~~(k) An airport master plan, and any subsequent amendments~~

2012 ~~to the airport master plan, prepared by a licensed publicly~~

2013 ~~owned and operated airport under s. 333.06 may be incorporated~~

2014 ~~into the local government comprehensive plan by the local~~

2015 ~~government having jurisdiction under this act for the area in~~

2016 ~~which the airport or projected airport development is located by~~

HB 7129

2011

2017 ~~the adoption of a comprehensive plan amendment. In the amendment~~
 2018 ~~to the local comprehensive plan that integrates the airport~~
 2019 ~~master plan, the comprehensive plan amendment shall address land~~
 2020 ~~use compatibility consistent with chapter 333 regarding airport~~
 2021 ~~zoning; the provision of regional transportation facilities for~~
 2022 ~~the efficient use and operation of the transportation system and~~
 2023 ~~airport; consistency with the local government transportation~~
 2024 ~~circulation element and applicable metropolitan planning~~
 2025 ~~organization long-range transportation plans; and the execution~~
 2026 ~~of any necessary interlocal agreements for the purposes of the~~
 2027 ~~provision of public facilities and services to maintain the~~
 2028 ~~adopted level of service standards for facilities subject to~~
 2029 ~~concurrency; and may address airport-related or aviation-related~~
 2030 ~~development. Development or expansion of an airport consistent~~
 2031 ~~with the adopted airport master plan that has been incorporated~~
 2032 ~~into the local comprehensive plan in compliance with this part,~~
 2033 ~~and airport-related or aviation-related development that has~~
 2034 ~~been addressed in the comprehensive plan amendment that~~
 2035 ~~incorporates the airport master plan, shall not be a development~~
 2036 ~~of regional impact. Notwithstanding any other general law, an~~
 2037 ~~airport that has received a development-of-regional-impact~~
 2038 ~~development order pursuant to s. 380.06, but which is no longer~~
 2039 ~~required to undergo development-of-regional-impact review~~
 2040 ~~pursuant to this subsection, may abandon its development-of-~~
 2041 ~~regional-impact order upon written notification to the~~
 2042 ~~applicable local government. Upon receipt by the local~~
 2043 ~~government, the development-of-regional-impact development order~~
 2044 ~~is void.~~

2045 ~~(7) The comprehensive plan may include the following~~
 2046 ~~additional elements, or portions or phases thereof:~~

2047 ~~(a) As a part of the circulation element of paragraph~~
 2048 ~~(6) (b) or as a separate element, a mass transit element showing~~
 2049 ~~proposed methods for the moving of people, rights-of-way,~~
 2050 ~~terminals, related facilities, and fiscal considerations for the~~
 2051 ~~accomplishment of the element.~~

2052 ~~(b) As a part of the circulation element of paragraph~~
 2053 ~~(6) (b) or as a separate element, plans for port, aviation, and~~
 2054 ~~related facilities coordinated with the general circulation and~~
 2055 ~~transportation element.~~

2056 ~~(c) As a part of the circulation element of paragraph~~
 2057 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
 2058 ~~applicable, a plan element for the circulation of recreational~~
 2059 ~~traffic, including bicycle facilities, exercise trails, riding~~
 2060 ~~facilities, and such other matters as may be related to the~~
 2061 ~~improvement and safety of movement of all types of recreational~~
 2062 ~~traffic.~~

2063 ~~(d) As a part of the circulation element of paragraph~~
 2064 ~~(6) (b) or as a separate element, a plan element for the~~
 2065 ~~development of offstreet parking facilities for motor vehicles~~
 2066 ~~and the fiscal considerations for the accomplishment of the~~
 2067 ~~element.~~

2068 ~~(e) A public buildings and related facilities element~~
 2069 ~~showing locations and arrangements of civic and community~~
 2070 ~~centers, public schools, hospitals, libraries, police and fire~~
 2071 ~~stations, and other public buildings. This plan element should~~
 2072 ~~show particularly how it is proposed to effect coordination with~~

HB 7129

2011

2073 ~~governmental units, such as school boards or hospital~~
2074 ~~authorities, having public development and service~~
2075 ~~responsibilities, capabilities, and potential but not having~~
2076 ~~land development regulatory authority. This element may include~~
2077 ~~plans for architecture and landscape treatment of their grounds.~~

2078 ~~(f) A recommended community design element which may~~
2079 ~~consist of design recommendations for land subdivision,~~
2080 ~~neighborhood development and redevelopment, design of open space~~
2081 ~~locations, and similar matters to the end that such~~
2082 ~~recommendations may be available as aids and guides to~~
2083 ~~developers in the future planning and development of land in the~~
2084 ~~area.~~

2085 ~~(g) A general area redevelopment element consisting of~~
2086 ~~plans and programs for the redevelopment of slums and blighted~~
2087 ~~locations in the area and for community redevelopment, including~~
2088 ~~housing sites, business and industrial sites, public buildings~~
2089 ~~sites, recreational facilities, and other purposes authorized by~~
2090 ~~law.~~

2091 ~~(h) A safety element for the protection of residents and~~
2092 ~~property of the area from fire, hurricane, or manmade or natural~~
2093 ~~catastrophe, including such necessary features for protection as~~
2094 ~~evacuation routes and their control in an emergency, water~~
2095 ~~supply requirements, minimum road widths, clearances around and~~
2096 ~~elevations of structures, and similar matters.~~

2097 ~~(i) An historical and scenic preservation element setting~~
2098 ~~out plans and programs for those structures or lands in the area~~
2099 ~~having historical, archaeological, architectural, scenic, or~~
2100 ~~similar significance.~~

2101 ~~(j) An economic element setting forth principles and~~
 2102 ~~guidelines for the commercial and industrial development, if~~
 2103 ~~any, and the employment and personnel utilization within the~~
 2104 ~~area. The element may detail the type of commercial and~~
 2105 ~~industrial development sought, correlated to the present and~~
 2106 ~~projected employment needs of the area and to other elements of~~
 2107 ~~the plans, and may set forth methods by which a balanced and~~
 2108 ~~stable economic base will be pursued.~~

2109 ~~(k) Such other elements as may be peculiar to, and~~
 2110 ~~necessary for, the area concerned and as are added to the~~
 2111 ~~comprehensive plan by the governing body upon the recommendation~~
 2112 ~~of the local planning agency.~~

2113 ~~(l) Local governments that are not required to prepare~~
 2114 ~~coastal management elements under s. 163.3178 are encouraged to~~
 2115 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
 2116 ~~plans should, at a minimum, establish long-term policies~~
 2117 ~~regarding redevelopment, infrastructure, densities,~~
 2118 ~~nonconforming uses, and future land use patterns. Grants to~~
 2119 ~~assist local governments in the preparation of these hazard~~
 2120 ~~mitigation/postdisaster redevelopment plans shall be available~~
 2121 ~~through the Emergency Management Preparedness and Assistance~~
 2122 ~~Account in the Grants and Donations Trust Fund administered by~~
 2123 ~~the department, if such account is created by law. The plans~~
 2124 ~~must be in compliance with the requirements of this act and~~
 2125 ~~chapter 252.~~

2126 ~~(8) All elements of the comprehensive plan, whether~~
 2127 ~~mandatory or optional, shall be based upon data appropriate to~~
 2128 ~~the element involved. Surveys and studies utilized in the~~

HB 7129

2011

2129 ~~preparation of the comprehensive plan shall not be deemed a part~~
 2130 ~~of the comprehensive plan unless adopted as a part of it. Copies~~
 2131 ~~of such studies, surveys, and supporting documents shall be made~~
 2132 ~~available to public inspection, and copies of such plans shall~~
 2133 ~~be made available to the public upon payment of reasonable~~
 2134 ~~charges for reproduction.~~

2135 ~~(9) The state land planning agency shall, by February 15,~~
 2136 ~~1986, adopt by rule minimum criteria for the review and~~
 2137 ~~determination of compliance of the local government~~
 2138 ~~comprehensive plan elements required by this act. Such rules~~
 2139 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
 2140 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
 2141 ~~become effective only after they have been submitted to the~~
 2142 ~~President of the Senate and the Speaker of the House of~~
 2143 ~~Representatives for review by the Legislature no later than 30~~
 2144 ~~days prior to the next regular session of the Legislature. In~~
 2145 ~~its review the Legislature may reject, modify, or take no action~~
 2146 ~~relative to the rules. The agency shall conform the rules to the~~
 2147 ~~changes made by the Legislature, or, if no action was taken, the~~
 2148 ~~agency rules shall become effective. The rule shall include~~
 2149 ~~criteria for determining whether:~~

2150 ~~(a) Proposed elements are in compliance with the~~
 2151 ~~requirements of part II, as amended by this act.~~

2152 ~~(b) Other elements of the comprehensive plan are related~~
 2153 ~~to and consistent with each other.~~

2154 ~~(c) The local government comprehensive plan elements are~~
 2155 ~~consistent with the state comprehensive plan and the appropriate~~
 2156 ~~regional policy plan pursuant to s. 186.508.~~

2157 ~~(d) Certain bays, estuaries, and harbors that fall under~~
 2158 ~~the jurisdiction of more than one local government are managed~~
 2159 ~~in a consistent and coordinated manner in the case of local~~
 2160 ~~governments required to include a coastal management element in~~
 2161 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2162 ~~(e) Proposed elements identify the mechanisms and~~
 2163 ~~procedures for monitoring, evaluating, and appraising~~
 2164 ~~implementation of the plan. Specific measurable objectives are~~
 2165 ~~included to provide a basis for evaluating effectiveness as~~
 2166 ~~required by s. 163.3191.~~

2167 ~~(f) Proposed elements contain policies to guide future~~
 2168 ~~decisions in a consistent manner.~~

2169 ~~(g) Proposed elements contain programs and activities to~~
 2170 ~~ensure that comprehensive plans are implemented.~~

2171 ~~(h) Proposed elements identify the need for and the~~
 2172 ~~processes and procedures to ensure coordination of all~~
 2173 ~~development activities and services with other units of local~~
 2174 ~~government, regional planning agencies, water management~~
 2175 ~~districts, and state and federal agencies as appropriate.~~

2176
 2177 ~~The state land planning agency may adopt procedural rules that~~
 2178 ~~are consistent with this section and chapter 120 for the review~~
 2179 ~~of local government comprehensive plan elements required under~~
 2180 ~~this section. The state land planning agency shall provide model~~
 2181 ~~plans and ordinances and, upon request, other assistance to~~
 2182 ~~local governments in the adoption and implementation of their~~
 2183 ~~revised local government comprehensive plans. The review and~~
 2184 ~~comment provisions applicable prior to October 1, 1985, shall~~

HB 7129

2011

2185 ~~continue in effect until the criteria for review and~~
 2186 ~~determination are adopted pursuant to this subsection and the~~
 2187 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2188 ~~(10) The Legislature recognizes the importance and~~
 2189 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
 2190 ~~Minimum Criteria for Review of Local Government Comprehensive~~
 2191 ~~Plans and Determination of Compliance of the Department of~~
 2192 ~~Community Affairs that will be used to determine compliance of~~
 2193 ~~local comprehensive plans. The Legislature reserved unto itself~~
 2194 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
 2195 ~~and to reject, modify, or take no action relative to this rule.~~
 2196 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
 2197 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
 2198 ~~expresses the following legislative intent:~~

2199 ~~(a) The Legislature finds that in order for the department~~
 2200 ~~to review local comprehensive plans, it is necessary to define~~
 2201 ~~the term "consistency." Therefore, for the purpose of~~
 2202 ~~determining whether local comprehensive plans are consistent~~
 2203 ~~with the state comprehensive plan and the appropriate regional~~
 2204 ~~policy plan, a local plan shall be consistent with such plans if~~
 2205 ~~the local plan is "compatible with" and "furthers" such plans.~~
 2206 ~~The term "compatible with" means that the local plan is not in~~
 2207 ~~conflict with the state comprehensive plan or appropriate~~
 2208 ~~regional policy plan. The term "furthers" means to take action~~
 2209 ~~in the direction of realizing goals or policies of the state or~~
 2210 ~~regional plan. For the purposes of determining consistency of~~
 2211 ~~the local plan with the state comprehensive plan or the~~
 2212 ~~appropriate regional policy plan, the state or regional plan~~

2213 ~~shall be construed as a whole and no specific goal and policy~~
 2214 ~~shall be construed or applied in isolation from the other goals~~
 2215 ~~and policies in the plans.~~

2216 ~~(b) Each local government shall review all the state~~
 2217 ~~comprehensive plan goals and policies and shall address in its~~
 2218 ~~comprehensive plan the goals and policies which are relevant to~~
 2219 ~~the circumstances or conditions in its jurisdiction. The~~
 2220 ~~decision regarding which particular state comprehensive plan~~
 2221 ~~goals and policies will be furthered by the expenditure of a~~
 2222 ~~local government's financial resources in any given year is a~~
 2223 ~~decision which rests solely within the discretion of the local~~
 2224 ~~government. Intergovernmental coordination, as set forth in~~
 2225 ~~paragraph (6) (h), shall be utilized to the extent required to~~
 2226 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
 2227 ~~Code.~~

2228 ~~(c) The Legislature declares that if any portion of~~
 2229 ~~chapter 9J-5, Florida Administrative Code, is found to be in~~
 2230 ~~conflict with this part, the appropriate statutory provision~~
 2231 ~~shall prevail.~~

2232 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
 2233 ~~mandate the creation, limitation, or elimination of regulatory~~
 2234 ~~authority, nor does it authorize the adoption or require the~~
 2235 ~~repeal of any rules, criteria, or standards of any local,~~
 2236 ~~regional, or state agency.~~

2237 ~~(e) It is the Legislature's intent that support data or~~
 2238 ~~summaries thereof shall not be subject to the compliance review~~
 2239 ~~process, but the Legislature intends that goals and policies be~~
 2240 ~~clearly based on appropriate data. The department may utilize~~

2241 ~~support data or summaries thereof to aid in its determination of~~
 2242 ~~compliance and consistency. The Legislature intends that the~~
 2243 ~~department may evaluate the application of a methodology~~
 2244 ~~utilized in data collection or whether a particular methodology~~
 2245 ~~is professionally accepted. However, the department shall not~~
 2246 ~~evaluate whether one accepted methodology is better than~~
 2247 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
 2248 ~~construed to require original data collection by local~~
 2249 ~~governments; however, Local governments are not to be~~
 2250 ~~discouraged from utilizing original data so long as~~
 2251 ~~methodologies are professionally accepted.~~

2252 ~~(f) The Legislature recognizes that under this section,~~
 2253 ~~local governments are charged with setting levels of service for~~
 2254 ~~public facilities in their comprehensive plans in accordance~~
 2255 ~~with which development orders and permits will be issued~~
 2256 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~
 2257 ~~the authority of state, regional, or local agencies as otherwise~~
 2258 ~~provided by law.~~

2259 ~~(g) Definitions contained in chapter 9J-5, Florida~~
 2260 ~~Administrative Code, are not intended to modify or amend the~~
 2261 ~~definitions utilized for purposes of other programs or rules or~~
 2262 ~~to establish or limit regulatory authority. Local governments~~
 2263 ~~may establish alternative definitions in local comprehensive~~
 2264 ~~plans, as long as such definitions accomplish the intent of this~~
 2265 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2266 ~~(h) It is the intent of the Legislature that public~~
 2267 ~~facilities and services needed to support development shall be~~
 2268 ~~available concurrent with the impacts of such development in~~

2269 ~~accordance with s. 163.3180. In meeting this intent, public~~
 2270 ~~facility and service availability shall be deemed sufficient if~~
 2271 ~~the public facilities and services for a development are phased,~~
 2272 ~~or the development is phased, so that the public facilities and~~
 2273 ~~those related services which are deemed necessary by the local~~
 2274 ~~government to operate the facilities necessitated by that~~
 2275 ~~development are available concurrent with the impacts of the~~
 2276 ~~development. The public facilities and services, unless already~~
 2277 ~~available, are to be consistent with the capital improvements~~
 2278 ~~element of the local comprehensive plan as required by paragraph~~
 2279 ~~(3) (a) or guaranteed in an enforceable development agreement.~~
 2280 ~~This shall include development agreements pursuant to this~~
 2281 ~~chapter or in an agreement or a development order issued~~
 2282 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
 2283 ~~require a local government to address services in its capital~~
 2284 ~~improvements plan or to limit a local government's ability to~~
 2285 ~~address any service in its capital improvements plan that it~~
 2286 ~~deems necessary.~~

2287 ~~(i) The department shall take into account the factors~~
 2288 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
 2289 ~~it provides assistance to local governments and applies the rule~~
 2290 ~~in specific situations with regard to the detail of the data and~~
 2291 ~~analysis required.~~

2292 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
 2293 ~~effective pursuant to subsection (9). The Legislature hereby~~
 2294 ~~directs the department to adopt amendments as necessary which~~
 2295 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
 2296 ~~requirements of this legislative intent by October 1, 1986.~~

HB 7129

2011

2297 ~~(k) In order for local governments to prepare and adopt~~
 2298 ~~comprehensive plans with knowledge of the rules that are applied~~
 2299 ~~to determine consistency of the plans with this part, there~~
 2300 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
 2301 ~~Florida Administrative Code, at the close of the 1986~~
 2302 ~~legislative session. Therefore, the Legislature declares that~~
 2303 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
 2304 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
 2305 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~
 2306 ~~Florida Administrative Code, as amended, is subject to rule~~
 2307 ~~challenges under s. 120.56(3), as nothing herein indicates~~
 2308 ~~approval or disapproval of any portion of chapter 9J-5 not~~
 2309 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
 2310 ~~Florida Administrative Code, exclusive of the amendments adopted~~
 2311 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
 2312 ~~to the full chapter 120 process. All amendments shall have~~
 2313 ~~effective dates as provided in chapter 120 and submission to the~~
 2314 ~~President of the Senate and Speaker of the House of~~
 2315 ~~Representatives shall not be required.~~

2316 ~~(l) The state land planning agency shall consider land use~~
 2317 ~~compatibility issues in the vicinity of all airports in~~
 2318 ~~coordination with the Department of Transportation and adjacent~~
 2319 ~~to or in close proximity to all military installations in~~
 2320 ~~coordination with the Department of Defense.~~

2321 ~~(11)(a) The Legislature recognizes the need for innovative~~
 2322 ~~planning and development strategies which will address the~~
 2323 ~~anticipated demands of continued urbanization of Florida's~~
 2324 ~~coastal and other environmentally sensitive areas, and which~~

HB 7129

2011

2325 ~~will accommodate the development of less populated regions of~~
 2326 ~~the state which seek economic development and which have~~
 2327 ~~suitable land and water resources to accommodate growth in an~~
 2328 ~~environmentally acceptable manner. The Legislature further~~
 2329 ~~recognizes the substantial advantages of innovative approaches~~
 2330 ~~to development which may better serve to protect environmentally~~
 2331 ~~sensitive areas, maintain the economic viability of agricultural~~
 2332 ~~and other predominantly rural land uses, and provide for the~~
 2333 ~~cost-efficient delivery of public facilities and services.~~

2334 ~~(b) It is the intent of the Legislature that the local~~
 2335 ~~government comprehensive plans and plan amendments adopted~~
 2336 ~~pursuant to the provisions of this part provide for a planning~~
 2337 ~~process which allows for land use efficiencies within existing~~
 2338 ~~urban areas and which also allows for the conversion of rural~~
 2339 ~~lands to other uses, where appropriate and consistent with the~~
 2340 ~~other provisions of this part and the affected local~~
 2341 ~~comprehensive plans, through the application of innovative and~~
 2342 ~~flexible planning and development strategies and creative land~~
 2343 ~~use planning techniques, which may include, but not be limited~~
 2344 ~~to, urban villages, new towns, satellite communities, area-based~~
 2345 ~~allocations, clustering and open space provisions, mixed-use~~
 2346 ~~development, and sector planning.~~

2347 ~~(c) It is the further intent of the Legislature that local~~
 2348 ~~government comprehensive plans and implementing land development~~
 2349 ~~regulations shall provide strategies which maximize the use of~~
 2350 ~~existing facilities and services through redevelopment, urban~~
 2351 ~~infill development, and other strategies for urban~~
 2352 ~~revitalization.~~

2353 ~~(d)1. The department, in cooperation with the Department~~
 2354 ~~of Agriculture and Consumer Services, the Department of~~
 2355 ~~Environmental Protection, water management districts, and~~
 2356 ~~regional planning councils, shall provide assistance to local~~
 2357 ~~governments in the implementation of this paragraph and rule 9J-~~
 2358 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~
 2359 ~~those provisions shall include a process by which the department~~
 2360 ~~may authorize local governments to designate all or portions of~~
 2361 ~~lands classified in the future land use element as predominantly~~
 2362 ~~agricultural, rural, open, open-rural, or a substantively~~
 2363 ~~equivalent land use, as a rural land stewardship area within~~
 2364 ~~which planning and economic incentives are applied to encourage~~
 2365 ~~the implementation of innovative and flexible planning and~~
 2366 ~~development strategies and creative land use planning~~
 2367 ~~techniques, including those contained herein and in rule 9J-~~
 2368 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
 2369 ~~include, but is not limited to:~~

2370 ~~a. Assistance from the Department of Environmental~~
 2371 ~~Protection and water management districts in creating the~~
 2372 ~~geographic information systems land cover database and aerial~~
 2373 ~~photogrammetry needed to prepare for a rural land stewardship~~
 2374 ~~area;~~

2375 ~~b. Support for local government implementation of rural~~
 2376 ~~land stewardship concepts by providing information and~~
 2377 ~~assistance to local governments regarding land acquisition~~
 2378 ~~programs that may be used by the local government or landowners~~
 2379 ~~to leverage the protection of greater acreage and maximize the~~
 2380 ~~effectiveness of rural land stewardship areas; and~~

2381 ~~e. Expansion of the role of the Department of Community~~
 2382 ~~Affairs as a resource agency to facilitate establishment of~~
 2383 ~~rural land stewardship areas in smaller rural counties that do~~
 2384 ~~not have the staff or planning budgets to create a rural land~~
 2385 ~~stewardship area.~~

2386 ~~2. The department shall encourage participation by local~~
 2387 ~~governments of different sizes and rural characteristics in~~
 2388 ~~establishing and implementing rural land stewardship areas. It~~
 2389 ~~is the intent of the Legislature that rural land stewardship~~
 2390 ~~areas be used to further the following broad principles of rural~~
 2391 ~~sustainability: restoration and maintenance of the economic~~
 2392 ~~value of rural land; control of urban sprawl; identification and~~
 2393 ~~protection of ecosystems, habitats, and natural resources;~~
 2394 ~~promotion of rural economic activity; maintenance of the~~
 2395 ~~viability of Florida's agricultural economy; and protection of~~
 2396 ~~the character of rural areas of Florida. Rural land stewardship~~
 2397 ~~areas may be multicounty in order to encourage coordinated~~
 2398 ~~regional stewardship planning.~~

2399 ~~3. A local government, in conjunction with a regional~~
 2400 ~~planning council, a stakeholder organization of private land~~
 2401 ~~owners, or another local government, shall notify the department~~
 2402 ~~in writing of its intent to designate a rural land stewardship~~
 2403 ~~area. The written notification shall describe the basis for the~~
 2404 ~~designation, including the extent to which the rural land~~
 2405 ~~stewardship area enhances rural land values, controls urban~~
 2406 ~~sprawl, provides necessary open space for agriculture and~~
 2407 ~~protection of the natural environment, promotes rural economic~~
 2408 ~~activity, and maintains rural character and the economic~~

2409 ~~viability of agriculture.~~

2410 ~~4. A rural land stewardship area shall be not less than~~
 2411 ~~10,000 acres and shall be located outside of municipalities and~~
 2412 ~~established urban growth boundaries, and shall be designated by~~
 2413 ~~plan amendment. The plan amendment designating a rural land~~
 2414 ~~stewardship area shall be subject to review by the Department of~~
 2415 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
 2416 ~~the following:~~

2417 ~~a. Criteria for the designation of receiving areas within~~
 2418 ~~rural land stewardship areas in which innovative planning and~~
 2419 ~~development strategies may be applied. Criteria shall at a~~
 2420 ~~minimum provide for the following: adequacy of suitable land to~~
 2421 ~~accommodate development so as to avoid conflict with~~
 2422 ~~environmentally sensitive areas, resources, and habitats;~~
 2423 ~~compatibility between and transition from higher density uses to~~
 2424 ~~lower intensity rural uses; the establishment of receiving area~~
 2425 ~~service boundaries which provide for a separation between~~
 2426 ~~receiving areas and other land uses within the rural land~~
 2427 ~~stewardship area through limitations on the extension of~~
 2428 ~~services; and connection of receiving areas with the rest of the~~
 2429 ~~rural land stewardship area using rural design and rural road~~
 2430 ~~corridors.~~

2431 ~~b. Goals, objectives, and policies setting forth the~~
 2432 ~~innovative planning and development strategies to be applied~~
 2433 ~~within rural land stewardship areas pursuant to the provisions~~
 2434 ~~of this section.~~

2435 ~~e. A process for the implementation of innovative planning~~
 2436 ~~and development strategies within the rural land stewardship~~

HB 7129

2011

2437 ~~area, including those described in this subsection and rule 9J-~~
 2438 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
 2439 ~~functional mix of land uses, including adequate available~~
 2440 ~~workforce housing, including low, very low and moderate income~~
 2441 ~~housing for the development anticipated in the receiving area~~
 2442 ~~and which are applied through the adoption by the local~~
 2443 ~~government of zoning and land development regulations applicable~~
 2444 ~~to the rural land stewardship area.~~

2445 ~~d. A process which encourages visioning pursuant to s.~~
 2446 ~~163.3167(11) to ensure that innovative planning and development~~
 2447 ~~strategies comply with the provisions of this section.~~

2448 ~~e. The control of sprawl through the use of innovative~~
 2449 ~~strategies and creative land use techniques consistent with the~~
 2450 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
 2451 ~~Administrative Code.~~

2452 ~~5. A receiving area shall be designated by the adoption of~~
 2453 ~~a land development regulation. Prior to the designation of a~~
 2454 ~~receiving area, the local government shall provide the~~
 2455 ~~Department of Community Affairs a period of 30 days in which to~~
 2456 ~~review a proposed receiving area for consistency with the rural~~
 2457 ~~land stewardship area plan amendment and to provide comments to~~
 2458 ~~the local government. At the time of designation of a~~
 2459 ~~stewardship receiving area, a listed species survey will be~~
 2460 ~~performed. If listed species occur on the receiving area site,~~
 2461 ~~the developer shall coordinate with each appropriate local,~~
 2462 ~~state, or federal agency to determine if adequate provisions~~
 2463 ~~have been made to protect those species in accordance with~~
 2464 ~~applicable regulations. In determining the adequacy of~~

HB 7129

2011

2465 ~~provisions for the protection of listed species and their~~
2466 ~~habitats, the rural land stewardship area shall be considered as~~
2467 ~~a whole, and the impacts to areas to be developed as receiving~~
2468 ~~areas shall be considered together with the environmental~~
2469 ~~benefits of areas protected as sending areas in fulfilling this~~
2470 ~~criteria.~~

2471 ~~6. Upon the adoption of a plan amendment creating a rural~~
2472 ~~land stewardship area, the local government shall, by ordinance,~~
2473 ~~establish the methodology for the creation, conveyance, and use~~
2474 ~~of transferable rural land use credits, otherwise referred to as~~
2475 ~~stewardship credits, the application of which shall not~~
2476 ~~constitute a right to develop land, nor increase density of~~
2477 ~~land, except as provided by this section. The total amount of~~
2478 ~~transferable rural land use credits within the rural land~~
2479 ~~stewardship area must enable the realization of the long-term~~
2480 ~~vision and goals for the 25-year or greater projected population~~
2481 ~~of the rural land stewardship area, which may take into~~
2482 ~~consideration the anticipated effect of the proposed receiving~~
2483 ~~areas. Transferable rural land use credits are subject to the~~
2484 ~~following limitations:~~

2485 ~~a. Transferable rural land use credits may only exist~~
2486 ~~within a rural land stewardship area.~~

2487 ~~b. Transferable rural land use credits may only be used on~~
2488 ~~lands designated as receiving areas and then solely for the~~
2489 ~~purpose of implementing innovative planning and development~~
2490 ~~strategies and creative land use planning techniques adopted by~~
2491 ~~the local government pursuant to this section.~~

2492 ~~e. Transferable rural land use credits assigned to a~~

2493 ~~parcel of land within a rural land stewardship area shall cease~~
 2494 ~~to exist if the parcel of land is removed from the rural land~~
 2495 ~~stewardship area by plan amendment.~~

2496 ~~d. Neither the creation of the rural land stewardship area~~
 2497 ~~by plan amendment nor the assignment of transferable rural land~~
 2498 ~~use credits by the local government shall operate to displace~~
 2499 ~~the underlying density of land uses assigned to a parcel of land~~
 2500 ~~within the rural land stewardship area; however, if transferable~~
 2501 ~~rural land use credits are transferred from a parcel for use~~
 2502 ~~within a designated receiving area, the underlying density~~
 2503 ~~assigned to the parcel of land shall cease to exist.~~

2504 ~~e. The underlying density on each parcel of land located~~
 2505 ~~within a rural land stewardship area shall not be increased or~~
 2506 ~~decreased by the local government, except as a result of the~~
 2507 ~~conveyance or use of transferable rural land use credits, as~~
 2508 ~~long as the parcel remains within the rural land stewardship~~
 2509 ~~area.~~

2510 ~~f. Transferable rural land use credits shall cease to~~
 2511 ~~exist on a parcel of land where the underlying density assigned~~
 2512 ~~to the parcel of land is utilized.~~

2513 ~~g. An increase in the density of use on a parcel of land~~
 2514 ~~located within a designated receiving area may occur only~~
 2515 ~~through the assignment or use of transferable rural land use~~
 2516 ~~credits and shall not require a plan amendment.~~

2517 ~~h. A change in the density of land use on parcels located~~
 2518 ~~within receiving areas shall be specified in a development order~~
 2519 ~~which reflects the total number of transferable rural land use~~
 2520 ~~credits assigned to the parcel of land and the infrastructure~~

2521 ~~and support services necessary to provide for a functional mix~~
 2522 ~~of land uses corresponding to the plan of development.~~

2523 ~~i. Land within a rural land stewardship area may be~~
 2524 ~~removed from the rural land stewardship area through a plan~~
 2525 ~~amendment.~~

2526 ~~j. Transferable rural land use credits may be assigned at~~
 2527 ~~different ratios of credits per acre according to the natural~~
 2528 ~~resource or other beneficial use characteristics of the land and~~
 2529 ~~according to the land use remaining following the transfer of~~
 2530 ~~credits, with the highest number of credits per acre assigned to~~
 2531 ~~the most environmentally valuable land or, in locations where~~
 2532 ~~the retention of open space and agricultural land is a priority,~~
 2533 ~~to such lands.~~

2534 ~~k. The use or conveyance of transferable rural land use~~
 2535 ~~credits must be recorded in the public records of the county in~~
 2536 ~~which the property is located as a covenant or restrictive~~
 2537 ~~easement running with the land in favor of the county and either~~
 2538 ~~the Department of Environmental Protection, Department of~~
 2539 ~~Agriculture and Consumer Services, a water management district,~~
 2540 ~~or a recognized statewide land trust.~~

2541 ~~7. Owners of land within rural land stewardship areas~~
 2542 ~~should be provided incentives to enter into rural land~~
 2543 ~~stewardship agreements, pursuant to existing law and rules~~
 2544 ~~adopted thereto, with state agencies, water management~~
 2545 ~~districts, and local governments to achieve mutually agreed upon~~
 2546 ~~conservation objectives. Such incentives may include, but not be~~
 2547 ~~limited to, the following:~~

2548 ~~a. Opportunity to accumulate transferable mitigation~~

HB 7129

2011

2549 ~~credits.~~

2550 ~~b. Extended permit agreements.~~

2551 ~~c. Opportunities for recreational leases and ecotourism.~~

2552 ~~d. Payment for specified land management services on~~

2553 ~~publicly owned land, or property under covenant or restricted~~

2554 ~~easement in favor of a public entity.~~

2555 ~~e. Option agreements for sale to public entities or~~

2556 ~~private land conservation entities, in either fee or easement,~~

2557 ~~upon achievement of conservation objectives.~~

2558 ~~8. The department shall report to the Legislature on an~~

2559 ~~annual basis on the results of implementation of rural land~~

2560 ~~stewardship areas authorized by the department, including~~

2561 ~~successes and failures in achieving the intent of the~~

2562 ~~Legislature as expressed in this paragraph.~~

2563 ~~(c) The Legislature finds that mixed-use, high-density~~

2564 ~~development is appropriate for urban infill and redevelopment~~

2565 ~~areas. Mixed-use projects accommodate a variety of uses,~~

2566 ~~including residential and commercial, and usually at higher~~

2567 ~~densities that promote pedestrian-friendly, sustainable~~

2568 ~~communities. The Legislature recognizes that mixed-use, high-~~

2569 ~~density development improves the quality of life for residents~~

2570 ~~and businesses in urban areas. The Legislature finds that mixed-~~

2571 ~~use, high-density redevelopment and infill benefits residents by~~

2572 ~~creating a livable community with alternative modes of~~

2573 ~~transportation. Furthermore, the Legislature finds that local~~

2574 ~~zoning ordinances often discourage mixed-use, high-density~~

2575 ~~development in areas that are appropriate for urban infill and~~

2576 ~~redevelopment. The Legislature intends to discourage single-use~~

HB 7129

2011

2577 ~~zoning in urban areas which often leads to lower density, land-~~
2578 ~~intensive development outside an urban service area. Therefore,~~
2579 ~~the Department of Community Affairs shall provide technical~~
2580 ~~assistance to local governments in order to encourage mixed-use,~~
2581 ~~high-density urban infill and redevelopment projects.~~

2582 ~~(f) The Legislature finds that a program for the transfer~~
2583 ~~of development rights is a useful tool to preserve historic~~
2584 ~~buildings and create public open spaces in urban areas. A~~
2585 ~~program for the transfer of development rights allows the~~
2586 ~~transfer of density credits from historic properties and public~~
2587 ~~open spaces to areas designated for high-density development.~~
2588 ~~The Legislature recognizes that high-density development is~~
2589 ~~integral to the success of many urban infill and redevelopment~~
2590 ~~projects. The Legislature intends to encourage high-density~~
2591 ~~urban infill and redevelopment while preserving historic~~
2592 ~~structures and open spaces. Therefore, the Department of~~
2593 ~~Community Affairs shall provide technical assistance to local~~
2594 ~~governments in order to promote the transfer of development~~
2595 ~~rights within urban areas for high-density infill and~~
2596 ~~redevelopment projects.~~

2597 ~~(g) The implementation of this subsection shall be subject~~
2598 ~~to the provisions of this chapter, chapters 186 and 187, and~~
2599 ~~applicable agency rules.~~

2600 ~~(h) The department may adopt rules necessary to implement~~
2601 ~~the provisions of this subsection.~~

2602 ~~(12) A public school facilities element adopted to~~
2603 ~~implement a school concurrency program shall meet the~~
2604 ~~requirements of this subsection. Each county and each~~

2605 ~~municipality within the county, unless exempt or subject to a~~
 2606 ~~waiver, must adopt a public school facilities element that is~~
 2607 ~~consistent with those adopted by the other local governments~~
 2608 ~~within the county and enter the interlocal agreement pursuant to~~
 2609 ~~s. 163.31777.~~

2610 ~~(a) The state land planning agency may provide a waiver to~~
 2611 ~~a county and to the municipalities within the county if the~~
 2612 ~~capacity rate for all schools within the school district is no~~
 2613 ~~greater than 100 percent and the projected 5-year capital outlay~~
 2614 ~~full-time equivalent student growth rate is less than 10~~
 2615 ~~percent. The state land planning agency may allow for a~~
 2616 ~~projected 5-year capital outlay full-time equivalent student~~
 2617 ~~growth rate to exceed 10 percent when the projected 10-year~~
 2618 ~~capital outlay full-time equivalent student enrollment is less~~
 2619 ~~than 2,000 students and the capacity rate for all schools within~~
 2620 ~~the school district in the tenth year will not exceed the 100-~~
 2621 ~~percent limitation. The state land planning agency may allow for~~
 2622 ~~a single school to exceed the 100-percent limitation if it can~~
 2623 ~~be demonstrated that the capacity rate for that single school is~~
 2624 ~~not greater than 105 percent. In making this determination, the~~
 2625 ~~state land planning agency shall consider the following~~
 2626 ~~criteria:~~

2627 ~~1. Whether the exceedance is due to temporary~~
 2628 ~~circumstances;~~

2629 ~~2. Whether the projected 5-year capital outlay full time~~
 2630 ~~equivalent student growth rate for the school district is~~
 2631 ~~approaching the 10 percent threshold;~~

2632 ~~3. Whether one or more additional schools within the~~

HB 7129

2011

2633 ~~school district are at or approaching the 100 percent threshold;~~
 2634 ~~and~~

2635 ~~4. The adequacy of the data and analysis submitted to~~
 2636 ~~support the waiver request.~~

2637 ~~(b) A municipality in a nonexempt county is exempt if the~~
 2638 ~~municipality meets all of the following criteria for having no~~
 2639 ~~significant impact on school attendance:~~

2640 ~~1. The municipality has issued development orders for~~
 2641 ~~fewer than 50 residential dwelling units during the preceding 5~~
 2642 ~~years, or the municipality has generated fewer than 25~~
 2643 ~~additional public school students during the preceding 5 years.~~

2644 ~~2. The municipality has not annexed new land during the~~
 2645 ~~preceding 5 years in land use categories that permit residential~~
 2646 ~~uses that will affect school attendance rates.~~

2647 ~~3. The municipality has no public schools located within~~
 2648 ~~its boundaries.~~

2649 ~~(c) A public school facilities element shall be based upon~~
 2650 ~~data and analyses that address, among other items, how level-of-~~
 2651 ~~service standards will be achieved and maintained. Such data and~~
 2652 ~~analyses must include, at a minimum, such items as: the~~
 2653 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
 2654 ~~year school district facilities work program adopted pursuant to~~
 2655 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
 2656 ~~1013.31 and an existing educational and ancillary plant map or~~
 2657 ~~map series; information on existing development and development~~
 2658 ~~anticipated for the next 5 years and the long-term planning~~
 2659 ~~period; an analysis of problems and opportunities for existing~~
 2660 ~~schools and schools anticipated in the future; an analysis of~~

2661 ~~opportunities to collocate future schools with other public~~
 2662 ~~facilities such as parks, libraries, and community centers; an~~
 2663 ~~analysis of the need for supporting public facilities for~~
 2664 ~~existing and future schools; an analysis of opportunities to~~
 2665 ~~locate schools to serve as community focal points; projected~~
 2666 ~~future population and associated demographics, including~~
 2667 ~~development patterns year by year for the upcoming 5-year and~~
 2668 ~~long-term planning periods; and anticipated educational and~~
 2669 ~~ancillary plants with land area requirements.~~

2670 ~~(d) The element shall contain one or more goals which~~
 2671 ~~establish the long-term end toward which public school programs~~
 2672 ~~and activities are ultimately directed.~~

2673 ~~(e) The element shall contain one or more objectives for~~
 2674 ~~each goal, setting specific, measurable, intermediate ends that~~
 2675 ~~are achievable and mark progress toward the goal.~~

2676 ~~(f) The element shall contain one or more policies for~~
 2677 ~~each objective which establish the way in which programs and~~
 2678 ~~activities will be conducted to achieve an identified goal.~~

2679 ~~(g) The objectives and policies shall address items such~~
 2680 ~~as:~~

- 2681 ~~1. The procedure for an annual update process;~~
- 2682 ~~2. The procedure for school site selection;~~
- 2683 ~~3. The procedure for school permitting;~~
- 2684 ~~4. Provision for infrastructure necessary to support~~
 2685 ~~proposed schools, including potable water, wastewater, drainage,~~
 2686 ~~solid waste, transportation, and means by which to assure safe~~
 2687 ~~access to schools, including sidewalks, bicycle paths, turn~~
 2688 ~~lanes, and signalization;~~

2689 ~~5. Provision for colocation of other public facilities,~~
 2690 ~~such as parks, libraries, and community centers, in proximity to~~
 2691 ~~public schools;~~

2692 ~~6. Provision for location of schools proximate to~~
 2693 ~~residential areas and to complement patterns of development,~~
 2694 ~~including the location of future school sites so they serve as~~
 2695 ~~community focal points;~~

2696 ~~7. Measures to ensure compatibility of school sites and~~
 2697 ~~surrounding land uses;~~

2698 ~~8. Coordination with adjacent local governments and the~~
 2699 ~~school district on emergency preparedness issues, including the~~
 2700 ~~use of public schools to serve as emergency shelters; and~~

2701 ~~9. Coordination with the future land use element.~~

2702 ~~(h) The element shall include one or more future~~
 2703 ~~conditions maps which depict the anticipated location of~~
 2704 ~~educational and ancillary plants, including the general location~~
 2705 ~~of improvements to existing schools or new schools anticipated~~
 2706 ~~over the 5-year or long-term planning period. The maps will of~~
 2707 ~~necessity be general for the long-term planning period and more~~
 2708 ~~specific for the 5-year period. Maps indicating general~~
 2709 ~~locations of future schools or school improvements may not~~
 2710 ~~prescribe a land use on a particular parcel of land.~~

2711 ~~(i) The state land planning agency shall establish a~~
 2712 ~~phased schedule for adoption of the public school facilities~~
 2713 ~~element and the required updates to the public schools~~
 2714 ~~interlocal agreement pursuant to s. 163.31777. The schedule~~
 2715 ~~shall provide for each county and local government within the~~
 2716 ~~county to adopt the element and update to the agreement no later~~

HB 7129

2011

2717 ~~than December 1, 2008. Plan amendments to adopt a public school~~
2718 ~~facilities element are exempt from the provisions of s.~~
2719 ~~163.3187(1).~~

2720 ~~(j) The state land planning agency may issue a notice to~~
2721 ~~the school board and the local government to show cause why~~
2722 ~~sanctions should not be enforced for failure to enter into an~~
2723 ~~approved interlocal agreement as required by s. 163.31777 or for~~
2724 ~~failure to implement provisions relating to public school~~
2725 ~~concurrency. If the state land planning agency finds that~~
2726 ~~insufficient cause exists for the school board's or local~~
2727 ~~government's failure to enter into an approved interlocal~~
2728 ~~agreement as required by s. 163.31777 or for the school board's~~
2729 ~~or local government's failure to implement the provisions~~
2730 ~~relating to public school concurrency, the state land planning~~
2731 ~~agency shall submit its finding to the Administration Commission~~
2732 ~~which may impose on the local government any of the sanctions~~
2733 ~~set forth in s. 163.3184(11)(a) and (b) and may impose on the~~
2734 ~~district school board any of the sanctions set forth in s.~~
2735 ~~1008.32(4).~~

2736 ~~(13) Local governments are encouraged to develop a~~
2737 ~~community vision that provides for sustainable growth,~~
2738 ~~recognizes its fiscal constraints, and protects its natural~~
2739 ~~resources. At the request of a local government, the applicable~~
2740 ~~regional planning council shall provide assistance in the~~
2741 ~~development of a community vision.~~

2742 ~~(a) As part of the process of developing a community~~
2743 ~~vision under this section, the local government must hold two~~
2744 ~~public meetings with at least one of those meetings before the~~

HB 7129

2011

2745 ~~local planning agency. Before those public meetings, the local~~
 2746 ~~government must hold at least one public workshop with~~
 2747 ~~stakeholder groups such as neighborhood associations, community~~
 2748 ~~organizations, businesses, private property owners, housing and~~
 2749 ~~development interests, and environmental organizations.~~

2750 ~~(b) The local government must, at a minimum, discuss five~~
 2751 ~~of the following topics as part of the workshops and public~~
 2752 ~~meetings required under paragraph (a):~~

2753 ~~1. Future growth in the area using population forecasts~~
 2754 ~~from the Bureau of Economic and Business Research;~~

2755 ~~2. Priorities for economic development;~~

2756 ~~3. Preservation of open space, environmentally sensitive~~
 2757 ~~lands, and agricultural lands;~~

2758 ~~4. Appropriate areas and standards for mixed-use~~
 2759 ~~development;~~

2760 ~~5. Appropriate areas and standards for high-density~~
 2761 ~~commercial and residential development;~~

2762 ~~6. Appropriate areas and standards for economic~~
 2763 ~~development opportunities and employment centers;~~

2764 ~~7. Provisions for adequate workforce housing;~~

2765 ~~8. An efficient, interconnected multimodal transportation~~
 2766 ~~system; and~~

2767 ~~9. Opportunities to create land use patterns that~~
 2768 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2769 ~~(c) As part of the workshops and public meetings, the~~
 2770 ~~local government must discuss strategies for addressing the~~
 2771 ~~topics discussed under paragraph (b), including:~~

2772 ~~1. Strategies to preserve open space and environmentally~~

2773 ~~sensitive lands, and to encourage a healthy agricultural~~
 2774 ~~economy, including innovative planning and development~~
 2775 ~~strategies, such as the transfer of development rights;~~
 2776 ~~2. Incentives for mixed-use development, including~~
 2777 ~~increased height and intensity standards for buildings that~~
 2778 ~~provide residential use in combination with office or commercial~~
 2779 ~~space;~~
 2780 ~~3. Incentives for workforce housing;~~
 2781 ~~4. Designation of an urban service boundary pursuant to~~
 2782 ~~subsection (2); and~~
 2783 ~~5. Strategies to provide mobility within the community and~~
 2784 ~~to protect the Strategic Intermodal System, including the~~
 2785 ~~development of a transportation corridor management plan under~~
 2786 ~~s. 337.273.~~
 2787 ~~(d) The community vision must reflect the community's~~
 2788 ~~shared concept for growth and development of the community,~~
 2789 ~~including visual representations depicting the desired land use~~
 2790 ~~patterns and character of the community during a 10-year~~
 2791 ~~planning timeframe. The community vision must also take into~~
 2792 ~~consideration economic viability of the vision and private~~
 2793 ~~property interests.~~
 2794 ~~(e) After the workshops and public meetings required under~~
 2795 ~~paragraph (a) are held, the local government may amend its~~
 2796 ~~comprehensive plan to include the community vision as a~~
 2797 ~~component in the plan. This plan amendment must be transmitted~~
 2798 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
 2799 ~~163.3189 at public hearings of the governing body other than~~
 2800 ~~those identified in paragraph (a).~~

HB 7129

2011

2801 ~~(f) Amendments submitted under this subsection are exempt~~
 2802 ~~from the limitation on the frequency of plan amendments in s.~~
 2803 ~~163.3187.~~

2804 ~~(g) A local government that has developed a community~~
 2805 ~~vision or completed a visioning process after July 1, 2000, and~~
 2806 ~~before July 1, 2005, which substantially accomplishes the goals~~
 2807 ~~set forth in this subsection and the appropriate goals,~~
 2808 ~~policies, or objectives have been adopted as part of the~~
 2809 ~~comprehensive plan or reflected in subsequently adopted land~~
 2810 ~~development regulations and the plan amendment incorporating the~~
 2811 ~~community vision as a component has been found in compliance is~~
 2812 ~~eligible for the incentives in s. 163.3184(17).~~

2813 ~~(14) Local governments are also encouraged to designate an~~
 2814 ~~urban service boundary. This area must be appropriate for~~
 2815 ~~compact, contiguous urban development within a 10-year planning~~
 2816 ~~timeframe. The urban service area boundary must be identified on~~
 2817 ~~the future land use map or map series. The local government~~
 2818 ~~shall demonstrate that the land included within the urban~~
 2819 ~~service boundary is served or is planned to be served with~~
 2820 ~~adequate public facilities and services based on the local~~
 2821 ~~government's adopted level of service standards by adopting a~~
 2822 ~~10-year facilities plan in the capital improvements element~~
 2823 ~~which is financially feasible. The local government shall~~
 2824 ~~demonstrate that the amount of land within the urban service~~
 2825 ~~boundary does not exceed the amount of land needed to~~
 2826 ~~accommodate the projected population growth at densities~~
 2827 ~~consistent with the adopted comprehensive plan within the 10-~~
 2828 ~~year planning timeframe.~~

2829 ~~(a) As part of the process of establishing an urban~~
 2830 ~~service boundary, the local government must hold two public~~
 2831 ~~meetings with at least one of those meetings before the local~~
 2832 ~~planning agency. Before those public meetings, the local~~
 2833 ~~government must hold at least one public workshop with~~
 2834 ~~stakeholder groups such as neighborhood associations, community~~
 2835 ~~organizations, businesses, private property owners, housing and~~
 2836 ~~development interests, and environmental organizations.~~

2837 ~~(b)1. After the workshops and public meetings required~~
 2838 ~~under paragraph (a) are held, the local government may amend its~~
 2839 ~~comprehensive plan to include the urban service boundary. This~~
 2840 ~~plan amendment must be transmitted and adopted pursuant to the~~
 2841 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
 2842 ~~governing body other than those required under paragraph (a).~~

2843 ~~2. This subsection does not prohibit new development~~
 2844 ~~outside an urban service boundary. However, a local government~~
 2845 ~~that establishes an urban service boundary under this subsection~~
 2846 ~~is encouraged to require a full-cost-accounting analysis for any~~
 2847 ~~new development outside the boundary and to consider the results~~
 2848 ~~of that analysis when adopting a plan amendment for property~~
 2849 ~~outside the established urban service boundary.~~

2850 ~~(c) Amendments submitted under this subsection are exempt~~
 2851 ~~from the limitation on the frequency of plan amendments in s.~~
 2852 ~~163.3187.~~

2853 ~~(d) A local government that has adopted an urban service~~
 2854 ~~boundary before July 1, 2005, which substantially accomplishes~~
 2855 ~~the goals set forth in this subsection is not required to comply~~
 2856 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~

HB 7129

2011

2857 ~~to be eligible for the incentives under s. 163.3184(17). In~~
2858 ~~order to satisfy the provisions of this paragraph, the local~~
2859 ~~government must secure a determination from the state land~~
2860 ~~planning agency that the urban service boundary adopted before~~
2861 ~~July 1, 2005, substantially complies with the criteria of this~~
2862 ~~subsection, based on data and analysis submitted by the local~~
2863 ~~government to support this determination. The determination by~~
2864 ~~the state land planning agency is not subject to administrative~~
2865 ~~challenge.~~

2866 (7)~~(15)~~(a) The Legislature finds that:

2867 1. There are a number of rural agricultural industrial
2868 centers in the state that process, produce, or aid in the
2869 production or distribution of a variety of agriculturally based
2870 products, including, but not limited to, fruits, vegetables,
2871 timber, and other crops, and juices, paper, and building
2872 materials. Rural agricultural industrial centers have a
2873 significant amount of existing associated infrastructure that is
2874 used for processing, producing, or distributing agricultural
2875 products.

2876 2. Such rural agricultural industrial centers are often
2877 located within or near communities in which the economy is
2878 largely dependent upon agriculture and agriculturally based
2879 products. The centers significantly enhance the economy of such
2880 communities. However, these agriculturally based communities are
2881 often socioeconomically challenged and designated as rural areas
2882 of critical economic concern. If such rural agricultural
2883 industrial centers are lost and not replaced with other job-
2884 creating enterprises, the agriculturally based communities will

HB 7129

2011

2885 | lose a substantial amount of their economies.

2886 | 3. The state has a compelling interest in preserving the
2887 | viability of agriculture and protecting rural agricultural
2888 | communities and the state from the economic upheaval that would
2889 | result from short-term or long-term adverse changes in the
2890 | agricultural economy. To protect these communities and promote
2891 | viable agriculture for the long term, it is essential to
2892 | encourage and permit diversification of existing rural
2893 | agricultural industrial centers by providing for jobs that are
2894 | not solely dependent upon, but are compatible with and
2895 | complement, existing agricultural industrial operations and to
2896 | encourage the creation and expansion of industries that use
2897 | agricultural products in innovative ways. However, the expansion
2898 | and diversification of these existing centers must be
2899 | accomplished in a manner that does not promote urban sprawl into
2900 | surrounding agricultural and rural areas.

2901 | (b) As used in this subsection, the term "rural
2902 | agricultural industrial center" means a developed parcel of land
2903 | in an unincorporated area on which there exists an operating
2904 | agricultural industrial facility or facilities that employ at
2905 | least 200 full-time employees in the aggregate and process and
2906 | prepare for transport a farm product, as defined in s. 163.3162,
2907 | or any biomass material that could be used, directly or
2908 | indirectly, for the production of fuel, renewable energy,
2909 | bioenergy, or alternative fuel as defined by law. The center may
2910 | also include land contiguous to the facility site which is not
2911 | used for the cultivation of crops, but on which other existing
2912 | activities essential to the operation of such facility or

HB 7129

2011

2913 facilities are located or conducted. The parcel of land must be
 2914 located within, or within 10 miles of, a rural area of critical
 2915 economic concern.

2916 (c)1. A landowner whose land is located within a rural
 2917 agricultural industrial center may apply for an amendment to the
 2918 local government comprehensive plan for the purpose of
 2919 designating and expanding the existing agricultural industrial
 2920 uses of facilities located within the center or expanding the
 2921 existing center to include industrial uses or facilities that
 2922 are not dependent upon but are compatible with agriculture and
 2923 the existing uses and facilities. A local government
 2924 comprehensive plan amendment under this paragraph must:

2925 a. Not increase the physical area of the existing rural
 2926 agricultural industrial center by more than 50 percent or 320
 2927 acres, whichever is greater.

2928 b. Propose a project that would, upon completion, create
 2929 at least 50 new full-time jobs.

2930 c. Demonstrate that sufficient infrastructure capacity
 2931 exists or will be provided to support the expanded center at the
 2932 level-of-service standards adopted in the local government
 2933 comprehensive plan.

2934 d. Contain goals, objectives, and policies that will
 2935 ensure that any adverse environmental impacts of the expanded
 2936 center will be adequately addressed and mitigation implemented
 2937 or demonstrate that the local government comprehensive plan
 2938 contains such provisions.

2939 2. Within 6 months after receiving an application as
 2940 provided in this paragraph, the local government shall transmit

HB 7129

2011

2941 the application to the state land planning agency for review
 2942 pursuant to this chapter together with any needed amendments to
 2943 the applicable sections of its comprehensive plan to include
 2944 goals, objectives, and policies that provide for the expansion
 2945 of rural agricultural industrial centers and discourage urban
 2946 sprawl in the surrounding areas. Such goals, objectives, and
 2947 policies must promote and be consistent with the findings in
 2948 this subsection. An amendment that meets the requirements of
 2949 this subsection is presumed not to be urban sprawl as defined in
 2950 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~
 2951 ~~Administrative Code~~. This presumption may be rebutted by a
 2952 preponderance of the evidence.

2953 (d) This subsection does not apply to an optional sector
 2954 plan adopted pursuant to s. 163.3245, a rural land stewardship
 2955 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
 2956 comprehensive plan amendment that includes an inland port
 2957 terminal or affiliated port development.

2958 (e) Nothing in this subsection shall be construed to
 2959 confer the status of rural area of critical economic concern, or
 2960 any of the rights or benefits derived from such status, on any
 2961 land area not otherwise designated as such pursuant to s.
 2962 288.0656(7).

2963 Section 12. Section 163.31777, Florida Statutes, is
 2964 amended to read:

2965 163.31777 Public schools interlocal agreement.—

2966 (1) ~~(a)~~ The county and municipalities located within the
 2967 geographic area of a school district shall enter into an
 2968 interlocal agreement with the district school board which

2969 jointly establishes the specific ways in which the plans and
 2970 processes of the district school board and the local governments
 2971 are to be coordinated. ~~The interlocal agreements shall be~~
 2972 ~~submitted to the state land planning agency and the Office of~~
 2973 ~~Educational Facilities in accordance with a schedule published~~
 2974 ~~by the state land planning agency.~~

2975 ~~(b) The schedule must establish staggered due dates for~~
 2976 ~~submission of interlocal agreements that are executed by both~~
 2977 ~~the local government and the district school board, commencing~~
 2978 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
 2979 ~~set the same date for all governmental entities within a school~~
 2980 ~~district. However, if the county where the school district is~~
 2981 ~~located contains more than 20 municipalities, the state land~~
 2982 ~~planning agency may establish staggered due dates for the~~
 2983 ~~submission of interlocal agreements by these municipalities. The~~
 2984 ~~schedule must begin with those areas where both the number of~~
 2985 ~~districtwide capital outlay full-time equivalent students equals~~
 2986 ~~80 percent or more of the current year's school capacity and the~~
 2987 ~~projected 5-year student growth is 1,000 or greater, or where~~
 2988 ~~the projected 5-year student growth rate is 10 percent or~~
 2989 ~~greater.~~

2990 ~~(c) If the student population has declined over the 5-year~~
 2991 ~~period preceding the due date for submittal of an interlocal~~
 2992 ~~agreement by the local government and the district school board,~~
 2993 ~~the local government and the district school board may petition~~
 2994 ~~the state land planning agency for a waiver of one or more~~
 2995 ~~requirements of subsection (2). The waiver must be granted if~~
 2996 ~~the procedures called for in subsection (2) are unnecessary~~

HB 7129

2011

2997 ~~because of the school district's declining school age~~
 2998 ~~population, considering the district's 5-year facilities work~~
 2999 ~~program prepared pursuant to s. 1013.35. The state land planning~~
 3000 ~~agency may modify or revoke the waiver upon a finding that the~~
 3001 ~~conditions upon which the waiver was granted no longer exist.~~
 3002 ~~The district school board and local governments must submit an~~
 3003 ~~interlocal agreement within 1 year after notification by the~~
 3004 ~~state land planning agency that the conditions for a waiver no~~
 3005 ~~longer exist.~~

3006 ~~(d) Interlocal agreements between local governments and~~
 3007 ~~district school boards adopted pursuant to s. 163.3177 before~~
 3008 ~~the effective date of this section must be updated and executed~~
 3009 ~~pursuant to the requirements of this section, if necessary.~~
 3010 ~~Amendments to interlocal agreements adopted pursuant to this~~
 3011 ~~section must be submitted to the state land planning agency~~
 3012 ~~within 30 days after execution by the parties for review~~
 3013 ~~consistent with this section. Local governments and the district~~
 3014 ~~school board in each school district are encouraged to adopt a~~
 3015 ~~single interlocal agreement to which all join as parties. The~~
 3016 ~~state land planning agency shall assemble and make available~~
 3017 ~~model interlocal agreements meeting the requirements of this~~
 3018 ~~section and notify local governments and, jointly with the~~
 3019 ~~Department of Education, the district school boards of the~~
 3020 ~~requirements of this section, the dates for compliance, and the~~
 3021 ~~sanctions for noncompliance. The state land planning agency~~
 3022 ~~shall be available to informally review proposed interlocal~~
 3023 ~~agreements. If the state land planning agency has not received a~~
 3024 ~~proposed interlocal agreement for informal review, the state~~

HB 7129

2011

3025 ~~land planning agency shall, at least 60 days before the deadline~~
 3026 ~~for submission of the executed agreement, renotify the local~~
 3027 ~~government and the district school board of the upcoming~~
 3028 ~~deadline and the potential for sanctions.~~

3029 (2) At a minimum, the interlocal agreement must address
 3030 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
 3031 ~~for exempt local governments as provided in s. 163.3177(12), and~~
 3032 ~~must address~~ the following issues:

3033 (a) A process by which each local government and the
 3034 district school board agree and base their plans on consistent
 3035 projections of the amount, type, and distribution of population
 3036 growth and student enrollment. The geographic distribution of
 3037 jurisdiction-wide growth forecasts is a major objective of the
 3038 process.

3039 (b) A process to coordinate and share information relating
 3040 to existing and planned public school facilities, including
 3041 school renovations and closures, and local government plans for
 3042 development and redevelopment.

3043 (c) Participation by affected local governments with the
 3044 district school board in the process of evaluating potential
 3045 school closures, significant renovations to existing schools,
 3046 and new school site selection before land acquisition. Local
 3047 governments shall advise the district school board as to the
 3048 consistency of the proposed closure, renovation, or new site
 3049 with the local comprehensive plan, including appropriate
 3050 circumstances and criteria under which a district school board
 3051 may request an amendment to the comprehensive plan for school
 3052 siting.

HB 7129

2011

3053 (d) A process for determining the need for and timing of
 3054 onsite and offsite improvements to support new, proposed
 3055 expansion, or redevelopment of existing schools. The process
 3056 must address identification of the party or parties responsible
 3057 for the improvements.

3058 (e) A process for the school board to inform the local
 3059 government regarding the effect of comprehensive plan amendments
 3060 on school capacity. The capacity reporting must be consistent
 3061 with laws and rules relating to measurement of school facility
 3062 capacity and must also identify how the district school board
 3063 will meet the public school demand based on the facilities work
 3064 program adopted pursuant to s. 1013.35.

3065 (f) Participation of the local governments in the
 3066 preparation of the annual update to the district school board's
 3067 5-year district facilities work program and educational plant
 3068 survey prepared pursuant to s. 1013.35.

3069 (g) A process for determining where and how joint use of
 3070 either school board or local government facilities can be shared
 3071 for mutual benefit and efficiency.

3072 (h) A procedure for the resolution of disputes between the
 3073 district school board and local governments, which may include
 3074 the dispute resolution processes contained in chapters 164 and
 3075 186.

3076 (i) An oversight process, including an opportunity for
 3077 public participation, for the implementation of the interlocal
 3078 agreement.

3079 ~~(3)(a) The Office of Educational Facilities shall submit~~
 3080 ~~any comments or concerns regarding the executed interlocal~~

HB 7129

2011

3081 ~~agreement to the state land planning agency within 30 days after~~
3082 ~~receipt of the executed interlocal agreement. The state land~~
3083 ~~planning agency shall review the executed interlocal agreement~~
3084 ~~to determine whether it is consistent with the requirements of~~
3085 ~~subsection (2), the adopted local government comprehensive plan,~~
3086 ~~and other requirements of law. Within 60 days after receipt of~~
3087 ~~an executed interlocal agreement, the state land planning agency~~
3088 ~~shall publish a notice of intent in the Florida Administrative~~
3089 ~~Weekly and shall post a copy of the notice on the agency's~~
3090 ~~Internet site. The notice of intent must state whether the~~
3091 ~~interlocal agreement is consistent or inconsistent with the~~
3092 ~~requirements of subsection (2) and this subsection, as~~
3093 ~~appropriate.~~

3094 ~~(b) The state land planning agency's notice is subject to~~
3095 ~~challenge under chapter 120; however, an affected person, as~~
3096 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
3097 ~~administrative proceeding, and this proceeding is the sole means~~
3098 ~~available to challenge the consistency of an interlocal~~
3099 ~~agreement required by this section with the criteria contained~~
3100 ~~in subsection (2) and this subsection. In order to have~~
3101 ~~standing, each person must have submitted oral or written~~
3102 ~~comments, recommendations, or objections to the local government~~
3103 ~~or the school board before the adoption of the interlocal~~
3104 ~~agreement by the school board and local government. The district~~
3105 ~~school board and local governments are parties to any such~~
3106 ~~proceeding. In this proceeding, when the state land planning~~
3107 ~~agency finds the interlocal agreement to be consistent with the~~
3108 ~~criteria in subsection (2) and this subsection, the interlocal~~

HB 7129

2011

3109 ~~agreement shall be determined to be consistent with subsection~~
3110 ~~(2) and this subsection if the local government's and school~~
3111 ~~board's determination of consistency is fairly debatable. When~~
3112 ~~the state planning agency finds the interlocal agreement to be~~
3113 ~~inconsistent with the requirements of subsection (2) and this~~
3114 ~~subsection, the local government's and school board's~~
3115 ~~determination of consistency shall be sustained unless it is~~
3116 ~~shown by a preponderance of the evidence that the interlocal~~
3117 ~~agreement is inconsistent.~~

3118 ~~(c) If the state land planning agency enters a final order~~
3119 ~~that finds that the interlocal agreement is inconsistent with~~
3120 ~~the requirements of subsection (2) or this subsection, it shall~~
3121 ~~forward it to the Administration Commission, which may impose~~
3122 ~~sanctions against the local government pursuant to s.~~
3123 ~~163.3184(11) and may impose sanctions against the district~~
3124 ~~school board by directing the Department of Education to~~
3125 ~~withhold from the district school board an equivalent amount of~~
3126 ~~funds for school construction available pursuant to ss. 1013.65,~~
3127 ~~1013.68, 1013.70, and 1013.72.~~

3128 ~~(4) If an executed interlocal agreement is not timely~~
3129 ~~submitted to the state land planning agency for review, the~~
3130 ~~state land planning agency shall, within 15 working days after~~
3131 ~~the deadline for submittal, issue to the local government and~~
3132 ~~the district school board a Notice to Show Cause why sanctions~~
3133 ~~should not be imposed for failure to submit an executed~~
3134 ~~interlocal agreement by the deadline established by the agency.~~
3135 ~~The agency shall forward the notice and the responses to the~~
3136 ~~Administration Commission, which may enter a final order citing~~

3137 ~~the failure to comply and imposing sanctions against the local~~
 3138 ~~government and district school board by directing the~~
 3139 ~~appropriate agencies to withhold at least 5 percent of state~~
 3140 ~~funds pursuant to s. 163.3184(11) and by directing the~~
 3141 ~~Department of Education to withhold from the district school~~
 3142 ~~board at least 5 percent of funds for school construction~~
 3143 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
 3144 ~~1013.72.~~

3145 ~~(5) Any local government transmitting a public school~~
 3146 ~~element to implement school concurrency pursuant to the~~
 3147 ~~requirements of s. 163.3180 before the effective date of this~~
 3148 ~~section is not required to amend the element or any interlocal~~
 3149 ~~agreement to conform with the provisions of this section if the~~
 3150 ~~element is adopted prior to or within 1 year after the effective~~
 3151 ~~date of this section and remains in effect until the county~~
 3152 ~~conducts its evaluation and appraisal report and identifies~~
 3153 ~~changes necessary to more fully conform to the provisions of~~
 3154 ~~this section.~~

3155 ~~(6) Except as provided in subsection (7), municipalities~~
 3156 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
 3157 ~~from the requirements of subsections (1), (2), and (3).~~

3158 ~~(7) At the time of the evaluation and appraisal report,~~
 3159 ~~each exempt municipality shall assess the extent to which it~~
 3160 ~~continues to meet the criteria for exemption under s.~~
 3161 ~~163.3177(12). If the municipality continues to meet these~~
 3162 ~~criteria, the municipality shall continue to be exempt from the~~
 3163 ~~interlocal agreement requirement. Each municipality exempt under~~
 3164 ~~s. 163.3177(12) must comply with the provisions of this section~~

HB 7129

2011

3165 ~~within 1 year after the district school board proposes, in its~~
3166 ~~5-year district facilities work program, a new school within the~~
3167 ~~municipality's jurisdiction.~~

3168 Section 13. Subsection (9) of section 163.3178, Florida
3169 Statutes, is amended to read:

3170 163.3178 Coastal management.—

3171 ~~(9) (a) Local governments may elect to comply with rule 9J-~~
3172 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
3173 ~~process provided in this section.~~ A proposed comprehensive plan
3174 amendment shall be found in compliance with state coastal high-
3175 hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
3176 ~~Florida Administrative Code, if:~~

3177 1. The adopted level of service for out-of-county
3178 hurricane evacuation is maintained for a category 5 storm event
3179 as measured on the Saffir-Simpson scale; or

3180 2. A 12-hour evacuation time to shelter is maintained for
3181 a category 5 storm event as measured on the Saffir-Simpson scale
3182 and shelter space reasonably expected to accommodate the
3183 residents of the development contemplated by a proposed
3184 comprehensive plan amendment is available; or

3185 3. Appropriate mitigation is provided that will satisfy
3186 the provisions of subparagraph 1. or subparagraph 2. Appropriate
3187 mitigation shall include, without limitation, payment of money,
3188 contribution of land, and construction of hurricane shelters and
3189 transportation facilities. Required mitigation shall not exceed
3190 the amount required for a developer to accommodate impacts
3191 reasonably attributable to development. A local government and a
3192 developer shall enter into a binding agreement to memorialize

HB 7129

2011

3193 the mitigation plan.

3194 (b) For those local governments that have not established
 3195 a level of service for out-of-county hurricane evacuation by
 3196 July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and~~
 3197 ~~7., Florida Administrative Code,~~ by following the process in
 3198 paragraph (a), the level of service shall be no greater than 16
 3199 hours for a category 5 storm event as measured on the Saffir-
 3200 Simpson scale.

3201 (c) This subsection shall become effective immediately and
 3202 shall apply to all local governments. No later than July 1,
 3203 2008, local governments shall amend their future land use map
 3204 and coastal management element to include the new definition of
 3205 coastal high-hazard area and to depict the coastal high-hazard
 3206 area on the future land use map.

3207 Section 14. Section 163.3180, Florida Statutes, is amended
 3208 to read:

3209 163.3180 Concurrency.—

3210 (1) ~~(a)~~ Sanitary sewer, solid waste, drainage, and potable
 3211 water, ~~parks and recreation, schools, and transportation~~
 3212 ~~facilities, including mass transit, where applicable,~~ are the
 3213 only public facilities and services subject to the concurrency
 3214 requirement on a statewide basis. Additional public facilities
 3215 and services may not be made subject to concurrency on a
 3216 statewide basis without ~~appropriate study and~~ approval by the
 3217 Legislature; however, any local government may extend the
 3218 concurrency requirement so that it applies to additional public
 3219 facilities within its jurisdiction. If concurrency is applied to
 3220 other public facilities, the local government comprehensive plan

HB 7129

2011

3221 must provide the principles, guidelines, standards, and
3222 strategies, including adopted levels of service, to guide its
3223 application. In order for a local government to rescind any
3224 optional concurrency provisions, a comprehensive plan amendment
3225 is required. An amendment rescinding optional concurrency issues
3226 is not subject to state review. The local government
3227 comprehensive plan must demonstrate, for required or optional
3228 concurrency requirements, that the levels of service adopted can
3229 be reasonably met. Infrastructure needed to ensure that adopted
3230 level-of-service standards are achieved and maintained for the
3231 5-year period of the capital improvement schedule must be
3232 identified pursuant to the requirements of s. 163.3177(3).

3233 ~~(b) Local governments shall use professionally accepted~~
3234 ~~techniques for measuring level of service for automobiles,~~
3235 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
3236 ~~be used to evaluate increased accessibility by multiple modes~~
3237 ~~and reductions in vehicle miles of travel in an area or zone.~~
3238 ~~The Department of Transportation shall develop methodologies to~~
3239 ~~assist local governments in implementing this multimodal level-~~
3240 ~~of-service analysis. The Department of Community Affairs and the~~
3241 ~~Department of Transportation shall provide technical assistance~~
3242 ~~to local governments in applying these methodologies.~~

3243 (2)(a) Consistent with public health and safety, sanitary
3244 sewer, solid waste, drainage, adequate water supplies, and
3245 potable water facilities shall be in place and available to
3246 serve new development no later than the issuance by the local
3247 government of a certificate of occupancy or its functional
3248 equivalent. Prior to approval of a building permit or its

HB 7129

2011

3249 functional equivalent, the local government shall consult with
 3250 the applicable water supplier to determine whether adequate
 3251 water supplies to serve the new development will be available no
 3252 later than the anticipated date of issuance by the local
 3253 government of a certificate of occupancy or its functional
 3254 equivalent. A local government may meet the concurrency
 3255 requirement for sanitary sewer through the use of onsite sewage
 3256 treatment and disposal systems approved by the Department of
 3257 Health to serve new development.

3258 ~~(b) Consistent with the public welfare, and except as~~
 3259 ~~otherwise provided in this section, parks and recreation~~
 3260 ~~facilities to serve new development shall be in place or under~~
 3261 ~~actual construction no later than 1 year after issuance by the~~
 3262 ~~local government of a certificate of occupancy or its functional~~
 3263 ~~equivalent. However, the acreage for such facilities shall be~~
 3264 ~~dedicated or be acquired by the local government prior to~~
 3265 ~~issuance by the local government of a certificate of occupancy~~
 3266 ~~or its functional equivalent, or funds in the amount of the~~
 3267 ~~developer's fair share shall be committed no later than the~~
 3268 ~~local government's approval to commence construction.~~

3269 ~~(c) Consistent with the public welfare, and except as~~
 3270 ~~otherwise provided in this section, transportation facilities~~
 3271 ~~needed to serve new development shall be in place or under~~
 3272 ~~actual construction within 3 years after the local government~~
 3273 ~~approves a building permit or its functional equivalent that~~
 3274 ~~results in traffic generation.~~

3275 (3) Governmental entities that are not responsible for
 3276 providing, financing, operating, or regulating public facilities

HB 7129

2011

3277 needed to serve development may not establish binding level-of-
 3278 service standards on governmental entities that do bear those
 3279 responsibilities. ~~This subsection does not limit the authority~~
 3280 ~~of any agency to recommend or make objections, recommendations,~~
 3281 ~~comments, or determinations during reviews conducted under s.~~
 3282 ~~163.3184.~~

3283 (4)(a) The concurrency requirement as implemented in local
 3284 comprehensive plans applies to state and other public facilities
 3285 and development to the same extent that it applies to all other
 3286 facilities and development, as provided by law.

3287 ~~(b) The concurrency requirement as implemented in local~~
 3288 ~~comprehensive plans does not apply to public transit facilities.~~
 3289 ~~For the purposes of this paragraph, public transit facilities~~
 3290 ~~include transit stations and terminals; transit station parking;~~
 3291 ~~park and ride lots; intermodal public transit connection or~~
 3292 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
 3293 ~~airport passenger terminals and concourses, air cargo~~
 3294 ~~facilities, and hangars for the assembly, manufacture,~~
 3295 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
 3296 ~~the terms "terminals" and "transit facilities" do not include~~
 3297 ~~seaports or commercial or residential development constructed in~~
 3298 ~~conjunction with a public transit facility.~~

3299 ~~(c) The concurrency requirement, except as it relates to~~
 3300 ~~transportation facilities and public schools, as implemented in~~
 3301 ~~local government comprehensive plans, may be waived by a local~~
 3302 ~~government for urban infill and redevelopment areas designated~~
 3303 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
 3304 ~~public health or safety as defined by the local government in~~

HB 7129

2011

3305 ~~its local government comprehensive plan. The waiver shall be~~
 3306 ~~adopted as a plan amendment pursuant to the process set forth in~~
 3307 ~~s. 163.3187(3) (a). A local government may grant a concurrency~~
 3308 ~~exception pursuant to subsection (5) for transportation~~
 3309 ~~facilities located within these urban infill and redevelopment~~
 3310 ~~areas.~~

3311 (5) (a) If concurrency is applied to transportation
 3312 facilities, the local government comprehensive plan must provide
 3313 the principles, guidelines, standards, and strategies, including
 3314 adopted levels of service to guide its application.

3315 (b) Local governments shall use professionally accepted
 3316 studies to determine appropriate levels of service, which shall
 3317 be based on a schedule of facilities that will be necessary to
 3318 meet level of service demands reflected in the capital
 3319 improvement element.

3320 (c) Local governments shall use professionally accepted
 3321 techniques for measuring levels of service when evaluating
 3322 potential impacts of a proposed development.

3323 (d) The premise of concurrency is that the public
 3324 facilities will be provided in order to achieve and maintain the
 3325 adopted level of service standard. A comprehensive plan that
 3326 imposes transportation concurrency shall contain appropriate
 3327 amendments to the capital improvements element of the
 3328 comprehensive plan, consistent with the requirements of s.
 3329 163.3177(3). The capital improvements element shall identify
 3330 facilities necessary to meet adopted levels of service during a
 3331 5-year period.

3332 (e) If a local government applies transportation

3333 concurrency in its jurisdiction, it is encouraged to develop
 3334 policy guidelines and techniques to address potential negative
 3335 impacts on future development:

3336 1. In urban infill and redevelopment, and urban service
 3337 areas.

3338 2. With special part-time demands on the transportation
 3339 system.

3340 3. With de minimis impacts.

3341 4. On community desired types of development, such as
 3342 redevelopment, or job creation projects.

3343 (f) Local governments are encouraged to develop tools and
 3344 techniques to complement the application of transportation
 3345 concurrency such as:

3346 1. Adoption of long-term strategies to facilitate
 3347 development patterns that support multimodal solutions,
 3348 including urban design, and appropriate land use mixes,
 3349 including intensity and density.

3350 2. Adoption of an areawide level of service not dependent
 3351 on any single road segment function.

3352 3. Exempting or discounting impacts of locally desired
 3353 development, such as development in urban areas, redevelopment,
 3354 job creation, and mixed use on the transportation system.

3355 4. Assigning secondary priority to vehicle mobility and
 3356 primary priority to ensuring a safe, comfortable, and attractive
 3357 pedestrian environment, with convenient interconnection to
 3358 transit.

3359 5. Establishing multimodal level of service standards that
 3360 rely primarily on nonvehicular modes of transportation where

3361 existing or planned community design will provide adequate level
 3362 of mobility.

3363 6. Reducing impact fees or local access fees to promote
 3364 development within urban areas, multimodal transportation
 3365 districts, and a balance of mixed use development in certain
 3366 areas or districts, or for affordable or workforce housing.

3367 (g) Local governments are encouraged to coordinate with
 3368 adjacent local governments for the purpose of using common
 3369 methodologies for measuring impacts on transportation
 3370 facilities.

3371 (h) Local governments that implement transportation
 3372 concurrency must:

3373 1. Consult with the Department of Transportation when
 3374 proposed plan amendments affect facilities on the strategic
 3375 intermodal system.

3376 2. Exempt public transit facilities from concurrency. For
 3377 the purposes of this subparagraph, public transit facilities
 3378 include transit stations and terminals; transit station parking;
 3379 park-and-ride lots; intermodal public transit connection or
 3380 transfer facilities; fixed bus, guideway, and rail stations; and
 3381 airport passenger terminals and concourses, air cargo
 3382 facilities, and hangars for the assembly, manufacture,
 3383 maintenance, or storage of aircraft. As used in this
 3384 subparagraph, the terms "terminals" and "transit facilities" do
 3385 not include seaports or commercial or residential development
 3386 constructed in conjunction with a public transit facility.

3387 3. Allow an applicant for a development of regional impact
 3388 development order, a rezoning, or other land use development

HB 7129

2011

3389 permit to satisfy the transportation concurrency requirements of
 3390 the local comprehensive plan, the local government's concurrency
 3391 management system, and s. 380.06, when applicable, if:

3392 a. The applicant enters into a binding agreement to pay
 3393 for or construct its proportionate share of required
 3394 improvements.

3395 b. The proportionate share contribution or construction is
 3396 sufficient to accomplish one or more mobility improvements that
 3397 will benefit a regionally significant transportation facility.

3398 c. The local government has provided a means by which the
 3399 landowner will be assessed a proportionate share of the cost of
 3400 providing the transportation facilities necessary to serve the
 3401 proposed development.

3402
 3403 When an applicant contributes or constructs its proportionate
 3404 share, pursuant to this subparagraph, a local government may not
 3405 require payment or construction of transportation facilities
 3406 whose costs would be greater than a development's proportionate
 3407 share of the improvements necessary to mitigate the
 3408 development's impacts. The proportionate share contribution
 3409 shall be calculated based upon the number of trips from the
 3410 proposed development expected to reach roadways during the peak
 3411 hour from the stage or phase being approved, divided by the
 3412 change in the peak hour maximum service volume of roadways
 3413 resulting from construction of an improvement necessary to
 3414 maintain or achieve the adopted level of service, multiplied by
 3415 the construction cost, at the time of development payment, of
 3416 the improvement necessary to maintain or achieve the adopted

HB 7129

2011

3417 level of service. When the provisions of this paragraph have
 3418 been satisfied for a particular stage or phase of development,
 3419 all transportation impacts from that stage or phase shall be
 3420 deemed fully mitigated in any cumulative transportation analysis
 3421 for a subsequent stage or phase of development. In projecting
 3422 the number of trips to be generated by the development under
 3423 review, any trips assigned to a toll-financed facility shall be
 3424 eliminated from the analysis. The applicant is not responsible
 3425 for the cost of reducing or eliminating deficits that exist
 3426 prior to the filing of the application and shall receive a
 3427 credit on a dollar-for-dollar basis for transportation impact
 3428 fees payable in the future for the project. This subparagraph
 3429 does not require a local government to approve a development
 3430 that is not otherwise qualified for approval pursuant to the
 3431 applicable local comprehensive plan and land development
 3432 regulations.

3433 ~~(a) The Legislature finds that under limited~~
 3434 ~~circumstances, countervailing planning and public policy goals~~
 3435 ~~may come into conflict with the requirement that adequate public~~
 3436 ~~transportation facilities and services be available concurrent~~
 3437 ~~with the impacts of such development. The Legislature further~~
 3438 ~~finds that the unintended result of the concurrency requirement~~
 3439 ~~for transportation facilities is often the discouragement of~~
 3440 ~~urban infill development and redevelopment. Such unintended~~
 3441 ~~results directly conflict with the goals and policies of the~~
 3442 ~~state comprehensive plan and the intent of this part. The~~
 3443 ~~Legislature also finds that in urban centers transportation~~
 3444 ~~cannot be effectively managed and mobility cannot be improved~~

3445 ~~solely through the expansion of roadway capacity, that the~~
 3446 ~~expansion of roadway capacity is not always physically or~~
 3447 ~~financially possible, and that a range of transportation~~
 3448 ~~alternatives is essential to satisfy mobility needs, reduce~~
 3449 ~~congestion, and achieve healthy, vibrant centers.~~

3450 ~~(b)1. The following are transportation concurrency~~
 3451 ~~exception areas:~~

3452 ~~a. A municipality that qualifies as a dense urban land~~
 3453 ~~area under s. 163.3164;~~

3454 ~~b. An urban service area under s. 163.3164 that has been~~
 3455 ~~adopted into the local comprehensive plan and is located within~~
 3456 ~~a county that qualifies as a dense urban land area under s.~~
 3457 ~~163.3164; and~~

3458 ~~e. A county, including the municipalities located therein,~~
 3459 ~~which has a population of at least 900,000 and qualifies as a~~
 3460 ~~dense urban land area under s. 163.3164, but does not have an~~
 3461 ~~urban service area designated in the local comprehensive plan.~~

3462 ~~2. A municipality that does not qualify as a dense urban~~
 3463 ~~land area pursuant to s. 163.3164 may designate in its local~~
 3464 ~~comprehensive plan the following areas as transportation~~
 3465 ~~concurrency exception areas:~~

3466 ~~a. Urban infill as defined in s. 163.3164;~~

3467 ~~b. Community redevelopment areas as defined in s. 163.340;~~

3468 ~~e. Downtown revitalization areas as defined in s.~~
 3469 ~~163.3164;~~

3470 ~~d. Urban infill and redevelopment under s. 163.2517; or~~

3471 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
 3472 ~~within a designated urban service boundary under s.~~

3473
3474
3475
3476
3477
3478
3479
3480
3481
3482
3483
3484
3485
3486
3487
3488
3489
3490
3491
3492
3493
3494
3495
3496
3497
3498
3499
3500

~~163.3177(14).~~

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

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

~~4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.~~

~~5. Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5~~

3501 million, has implemented and uses a transportation-related
 3502 concurrency assessment to support alternative modes of
 3503 transportation, including, but not limited to, mass transit, and
 3504 does not levy transportation impact fees within the concurrency
 3505 district.

3506 ~~6. Transportation concurrency exception areas designated~~
 3507 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
 3508 ~~not apply in any county that has exempted more than 40 percent~~
 3509 ~~of the area inside the urban service area from transportation~~
 3510 ~~concurrency for the purpose of urban infill.~~

3511 ~~7. A local government that does not have a transportation~~
 3512 ~~concurrency exception area designated pursuant to subparagraph~~
 3513 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
 3514 ~~from the concurrency requirement for transportation facilities~~
 3515 ~~if the proposed development is otherwise consistent with the~~
 3516 ~~adopted local government comprehensive plan and is a project~~
 3517 ~~that promotes public transportation or is located within an area~~
 3518 ~~designated in the comprehensive plan for:~~

- 3519 ~~a. Urban infill development;~~
- 3520 ~~b. Urban redevelopment;~~
- 3521 ~~c. Downtown revitalization;~~
- 3522 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3523 ~~e. An urban service area specifically designated as a~~
 3524 ~~transportation concurrency exception area which includes lands~~
 3525 ~~appropriate for compact, contiguous urban development, which~~
 3526 ~~does not exceed the amount of land needed to accommodate the~~
 3527 ~~projected population growth at densities consistent with the~~
 3528 ~~adopted comprehensive plan within the 10-year planning period,~~

HB 7129

2011

3529 ~~and which is served or is planned to be served with public~~
3530 ~~facilities and services as provided by the capital improvements~~
3531 ~~element.~~

3532 ~~(c) The Legislature also finds that developments located~~
3533 ~~within urban infill, urban redevelopment, urban service, or~~
3534 ~~downtown revitalization areas or areas designated as urban~~
3535 ~~infill and redevelopment areas under s. 163.2517, which pose~~
3536 ~~only special part-time demands on the transportation system, are~~
3537 ~~exempt from the concurrency requirement for transportation~~
3538 ~~facilities. A special part-time demand is one that does not have~~
3539 ~~more than 200 scheduled events during any calendar year and does~~
3540 ~~not affect the 100 highest traffic volume hours.~~

3541 ~~(d) Except for transportation concurrency exception areas~~
3542 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
3543 ~~or subparagraph (b)3., the following requirements apply:~~

3544 ~~1. The local government shall both adopt into the~~
3545 ~~comprehensive plan and implement long-term strategies to support~~
3546 ~~and fund mobility within the designated exception area,~~
3547 ~~including alternative modes of transportation. The plan~~
3548 ~~amendment must also demonstrate how strategies will support the~~
3549 ~~purpose of the exception and how mobility within the designated~~
3550 ~~exception area will be provided.~~

3551 ~~2. The strategies must address urban design; appropriate~~
3552 ~~land use mixes, including intensity and density; and network~~
3553 ~~connectivity plans needed to promote urban infill,~~
3554 ~~redevelopment, or downtown revitalization. The comprehensive~~
3555 ~~plan amendment designating the concurrency exception area must~~
3556 ~~be accompanied by data and analysis supporting the local~~

HB 7129

2011

3557 ~~government's determination of the boundaries of the~~
3558 ~~transportation concurrency exception area.~~

3559 ~~(c) Before designating a concurrency exception area~~
3560 ~~pursuant to subparagraph (b)7., the state land planning agency~~
3561 ~~and the Department of Transportation shall be consulted by the~~
3562 ~~local government to assess the impact that the proposed~~
3563 ~~exception area is expected to have on the adopted level of~~
3564 ~~service standards established for regional transportation~~
3565 ~~facilities identified pursuant to s. 186.507, including the~~
3566 ~~Strategic Intermodal System and roadway facilities funded in~~
3567 ~~accordance with s. 339.2819. Further, the local government shall~~
3568 ~~provide a plan for the mitigation of impacts to the Strategic~~
3569 ~~Intermodal System, including, if appropriate, access management,~~
3570 ~~parallel reliever roads, transportation demand management, and~~
3571 ~~other measures.~~

3572 ~~(f) The designation of a transportation concurrency~~
3573 ~~exception area does not limit a local government's home rule~~
3574 ~~power to adopt ordinances or impose fees. This subsection does~~
3575 ~~not affect any contract or agreement entered into or development~~
3576 ~~order rendered before the creation of the transportation~~
3577 ~~concurrency exception area except as provided in s.~~
3578 ~~380.06(29)(c).~~

3579 ~~(g) The Office of Program Policy Analysis and Government~~
3580 ~~Accountability shall submit to the President of the Senate and~~
3581 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3582 ~~a report on transportation concurrency exception areas created~~
3583 ~~pursuant to this subsection. At a minimum, the report shall~~
3584 ~~address the methods that local governments have used to~~

HB 7129

2011

3585 ~~implement and fund transportation strategies to achieve the~~
3586 ~~purposes of designated transportation concurrency exception~~
3587 ~~areas, and the effects of the strategies on mobility,~~
3588 ~~congestion, urban design, the density and intensity of land use~~
3589 ~~mixes, and network connectivity plans used to promote urban~~
3590 ~~infill, redevelopment, or downtown revitalization.~~

3591 ~~(6) The Legislature finds that a de minimis impact is~~
3592 ~~consistent with this part. A de minimis impact is an impact that~~
3593 ~~would not affect more than 1 percent of the maximum volume at~~
3594 ~~the adopted level of service of the affected transportation~~
3595 ~~facility as determined by the local government. No impact will~~
3596 ~~be de minimis if the sum of existing roadway volumes and the~~
3597 ~~projected volumes from approved projects on a transportation~~
3598 ~~facility would exceed 110 percent of the maximum volume at the~~
3599 ~~adopted level of service of the affected transportation~~
3600 ~~facility; provided however, that an impact of a single family~~
3601 ~~home on an existing lot will constitute a de minimis impact on~~
3602 ~~all roadways regardless of the level of the deficiency of the~~
3603 ~~roadway. Further, no impact will be de minimis if it would~~
3604 ~~exceed the adopted level of service standard of any affected~~
3605 ~~designated hurricane evacuation routes. Each local government~~
3606 ~~shall maintain sufficient records to ensure that the 110-percent~~
3607 ~~criterion is not exceeded. Each local government shall submit~~
3608 ~~annually, with its updated capital improvements element, a~~
3609 ~~summary of the de minimis records. If the state land planning~~
3610 ~~agency determines that the 110-percent criterion has been~~
3611 ~~exceeded, the state land planning agency shall notify the local~~
3612 ~~government of the exceedance and that no further de minimis~~

3613 ~~exceptions for the applicable roadway may be granted until such~~
 3614 ~~time as the volume is reduced below the 110 percent. The local~~
 3615 ~~government shall provide proof of this reduction to the state~~
 3616 ~~land planning agency before issuing further de minimis~~
 3617 ~~exceptions.~~

3618 ~~(7) In order to promote infill development and~~
 3619 ~~redevelopment, one or more transportation concurrency management~~
 3620 ~~areas may be designated in a local government comprehensive~~
 3621 ~~plan. A transportation concurrency management area must be a~~
 3622 ~~compact geographic area with an existing network of roads where~~
 3623 ~~multiple, viable alternative travel paths or modes are available~~
 3624 ~~for common trips. A local government may establish an areawide~~
 3625 ~~level-of-service standard for such a transportation concurrency~~
 3626 ~~management area based upon an analysis that provides for a~~
 3627 ~~justification for the areawide level of service, how urban~~
 3628 ~~infill development or redevelopment will be promoted, and how~~
 3629 ~~mobility will be accomplished within the transportation~~
 3630 ~~concurrency management area. Prior to the designation of a~~
 3631 ~~concurrency management area, the Department of Transportation~~
 3632 ~~shall be consulted by the local government to assess the impact~~
 3633 ~~that the proposed concurrency management area is expected to~~
 3634 ~~have on the adopted level-of-service standards established for~~
 3635 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
 3636 ~~and roadway facilities funded in accordance with s. 339.2819.~~
 3637 ~~Further, the local government shall, in cooperation with the~~
 3638 ~~Department of Transportation, develop a plan to mitigate any~~
 3639 ~~impacts to the Strategic Intermodal System, including, if~~
 3640 ~~appropriate, the development of a long-term concurrency~~

HB 7129

2011

3641 ~~management system pursuant to subsection (9) and s.~~
3642 ~~163.3177(3) (d). Transportation concurrency management areas~~
3643 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
3644 ~~provisions of this section by July 1, 2006, or at the time of~~
3645 ~~the comprehensive plan update pursuant to the evaluation and~~
3646 ~~appraisal report, whichever occurs last. The state land planning~~
3647 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
3648 ~~be consistent with this subsection.~~

3649 ~~(8) When assessing the transportation impacts of proposed~~
3650 ~~urban redevelopment within an established existing urban service~~
3651 ~~area, 110 percent of the actual transportation impact caused by~~
3652 ~~the previously existing development must be reserved for the~~
3653 ~~redevelopment, even if the previously existing development has a~~
3654 ~~lesser or nonexisting impact pursuant to the calculations of the~~
3655 ~~local government. Redevelopment requiring less than 110 percent~~
3656 ~~of the previously existing capacity shall not be prohibited due~~
3657 ~~to the reduction of transportation levels of service below the~~
3658 ~~adopted standards. This does not preclude the appropriate~~
3659 ~~assessment of fees or accounting for the impacts within the~~
3660 ~~concurrency management system and capital improvements program~~
3661 ~~of the affected local government. This paragraph does not affect~~
3662 ~~local government requirements for appropriate development~~
3663 ~~permits.~~

3664 ~~(9) (a) Each local government may adopt as a part of its~~
3665 ~~plan, long term transportation and school concurrency management~~
3666 ~~systems with a planning period of up to 10 years for specially~~
3667 ~~designated districts or areas where significant backlogs exist.~~
3668 ~~The plan may include interim level of service standards on~~

3669 ~~ertain facilities and shall rely on the local government's~~
 3670 ~~schedule of capital improvements for up to 10 years as a basis~~
 3671 ~~for issuing development orders that authorize commencement of~~
 3672 ~~construction in these designated districts or areas. The~~
 3673 ~~concurrency management system must be designed to correct~~
 3674 ~~existing deficiencies and set priorities for addressing~~
 3675 ~~backlogged facilities. The concurrency management system must be~~
 3676 ~~financially feasible and consistent with other portions of the~~
 3677 ~~adopted local plan, including the future land use map.~~

3678 ~~(b) If a local government has a transportation or school~~
 3679 ~~facility backlog for existing development which cannot be~~
 3680 ~~adequately addressed in a 10-year plan, the state land planning~~
 3681 ~~agency may allow it to develop a plan and long-term schedule of~~
 3682 ~~capital improvements covering up to 15 years for good and~~
 3683 ~~sufficient cause, based on a general comparison between that~~
 3684 ~~local government and all other similarly situated local~~
 3685 ~~jurisdictions, using the following factors:~~

- 3686 ~~1. The extent of the backlog.~~
- 3687 ~~2. For roads, whether the backlog is on local or state~~
 3688 ~~roads.~~
- 3689 ~~3. The cost of eliminating the backlog.~~
- 3690 ~~4. The local government's tax and other revenue-raising~~
 3691 ~~efforts.~~

3692 ~~(c) The local government may issue approvals to commence~~
 3693 ~~construction notwithstanding this section, consistent with and~~
 3694 ~~in areas that are subject to a long-term concurrency management~~
 3695 ~~system.~~

3696 ~~(d) If the local government adopts a long-term concurrency~~

3697 ~~management system, it must evaluate the system periodically. At~~
 3698 ~~a minimum, the local government must assess its progress toward~~
 3699 ~~improving levels of service within the long-term concurrency~~
 3700 ~~management district or area in the evaluation and appraisal~~
 3701 ~~report and determine any changes that are necessary to~~
 3702 ~~accelerate progress in meeting acceptable levels of service.~~

3703 ~~(10) Except in transportation concurrency exception areas,~~
 3704 ~~with regard to roadway facilities on the Strategic Intermodal~~
 3705 ~~System designated in accordance with s. 339.63, local~~
 3706 ~~governments shall adopt the level of service standard~~
 3707 ~~established by the Department of Transportation by rule.~~
 3708 ~~However, if the Office of Tourism, Trade, and Economic~~
 3709 ~~Development concurs in writing with the local government that~~
 3710 ~~the proposed development is for a qualified job creation project~~
 3711 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
 3712 ~~after consulting with the Department of Transportation, may~~
 3713 ~~provide for a waiver of transportation concurrency for the~~
 3714 ~~project. For all other roads on the State Highway System, local~~
 3715 ~~governments shall establish an adequate level of service~~
 3716 ~~standard that need not be consistent with any level of service~~
 3717 ~~standard established by the Department of Transportation. In~~
 3718 ~~establishing adequate level of service standards for any~~
 3719 ~~arterial roads, or collector roads as appropriate, which~~
 3720 ~~traverse multiple jurisdictions, local governments shall~~
 3721 ~~consider compatibility with the roadway facility's adopted~~
 3722 ~~level of service standards in adjacent jurisdictions. Each local~~
 3723 ~~government within a county shall use a professionally accepted~~
 3724 ~~methodology for measuring impacts on transportation facilities~~

HB 7129

2011

3725 ~~for the purposes of implementing its concurrency management~~
3726 ~~system. Counties are encouraged to coordinate with adjacent~~
3727 ~~counties, and local governments within a county are encouraged~~
3728 ~~to coordinate, for the purpose of using common methodologies for~~
3729 ~~measuring impacts on transportation facilities for the purpose~~
3730 ~~of implementing their concurrency management systems.~~

3731 ~~(11) In order to limit the liability of local governments,~~
3732 ~~a local government may allow a landowner to proceed with~~
3733 ~~development of a specific parcel of land notwithstanding a~~
3734 ~~failure of the development to satisfy transportation~~
3735 ~~concurrency, when all the following factors are shown to exist:~~

3736 ~~(a) The local government with jurisdiction over the~~
3737 ~~property has adopted a local comprehensive plan that is in~~
3738 ~~compliance.~~

3739 ~~(b) The proposed development would be consistent with the~~
3740 ~~future land use designation for the specific property and with~~
3741 ~~pertinent portions of the adopted local plan, as determined by~~
3742 ~~the local government.~~

3743 ~~(c) The local plan includes a financially feasible capital~~
3744 ~~improvements element that provides for transportation facilities~~
3745 ~~adequate to serve the proposed development, and the local~~
3746 ~~government has not implemented that element.~~

3747 ~~(d) The local government has provided a means by which the~~
3748 ~~landowner will be assessed a fair share of the cost of providing~~
3749 ~~the transportation facilities necessary to serve the proposed~~
3750 ~~development.~~

3751 ~~(e) The landowner has made a binding commitment to the~~
3752 ~~local government to pay the fair share of the cost of providing~~

HB 7129

2011

3753 ~~the transportation facilities to serve the proposed development.~~

3754 ~~(12) (a) A development of regional impact may satisfy the~~
 3755 ~~transportation concurrency requirements of the local~~
 3756 ~~comprehensive plan, the local government's concurrency~~
 3757 ~~management system, and s. 380.06 by payment of a proportionate-~~
 3758 ~~share contribution for local and regionally significant traffic~~
 3759 ~~impacts, if:~~

3760 ~~1. The development of regional impact which, based on its~~
 3761 ~~location or mix of land uses, is designed to encourage~~
 3762 ~~pedestrian or other nonautomotive modes of transportation;~~

3763 ~~2. The proportionate-share contribution for local and~~
 3764 ~~regionally significant traffic impacts is sufficient to pay for~~
 3765 ~~one or more required mobility improvements that will benefit a~~
 3766 ~~regionally significant transportation facility;~~

3767 ~~3. The owner and developer of the development of regional~~
 3768 ~~impact pays or assures payment of the proportionate-share~~
 3769 ~~contribution; and~~

3770 ~~4. If the regionally significant transportation facility~~
 3771 ~~to be constructed or improved is under the maintenance authority~~
 3772 ~~of a governmental entity, as defined by s. 334.03(12), other~~
 3773 ~~than the local government with jurisdiction over the development~~
 3774 ~~of regional impact, the developer is required to enter into a~~
 3775 ~~binding and legally enforceable commitment to transfer funds to~~
 3776 ~~the governmental entity having maintenance authority or to~~
 3777 ~~otherwise assure construction or improvement of the facility.~~

3778
 3779 ~~The proportionate-share contribution may be applied to any~~
 3780 ~~transportation facility to satisfy the provisions of this~~

HB 7129

2011

3781 ~~subsection and the local comprehensive plan, but, for the~~
3782 ~~purposes of this subsection, the amount of the proportionate-~~
3783 ~~share contribution shall be calculated based upon the cumulative~~
3784 ~~number of trips from the proposed development expected to reach~~
3785 ~~roadways during the peak hour from the complete buildout of a~~
3786 ~~stage or phase being approved, divided by the change in the peak~~
3787 ~~hour maximum service volume of roadways resulting from~~
3788 ~~construction of an improvement necessary to maintain the adopted~~
3789 ~~level of service, multiplied by the construction cost, at the~~
3790 ~~time of developer payment, of the improvement necessary to~~
3791 ~~maintain the adopted level of service. For purposes of this~~
3792 ~~subsection, "construction cost" includes all associated costs of~~
3793 ~~the improvement. Proportionate-share mitigation shall be limited~~
3794 ~~to ensure that a development of regional impact meeting the~~
3795 ~~requirements of this subsection mitigates its impact on the~~
3796 ~~transportation system but is not responsible for the additional~~
3797 ~~cost of reducing or eliminating backlogs. This subsection also~~
3798 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
3799 ~~and to detailed specific area plans implementing optional sector~~
3800 ~~plans pursuant to s. 163.3245.~~

3801 ~~(b) As used in this subsection, the term "backlog" means a~~
3802 ~~facility or facilities on which the adopted level-of-service~~
3803 ~~standard is exceeded by the existing trips, plus additional~~
3804 ~~projected background trips from any source other than the~~
3805 ~~development project under review that are forecast by~~
3806 ~~established traffic standards, including traffic modeling,~~
3807 ~~consistent with the University of Florida Bureau of Economic and~~
3808 ~~Business Research medium population projections. Additional~~

HB 7129

2011

3809 ~~projected background trips are to be coincident with the~~
3810 ~~particular stage or phase of development under review.~~

3811 ~~(13) School concurrency shall be established on a~~
3812 ~~districtwide basis and shall include all public schools in the~~
3813 ~~district and all portions of the district, whether located in a~~
3814 ~~municipality or an unincorporated area unless exempt from the~~
3815 ~~public school facilities element pursuant to s. 163.3177(12).~~

3816 (6) (a) If concurrency is applied to public education
3817 facilities, The application of school concurrency to development
3818 shall be based upon the adopted comprehensive plan, as amended.
3819 all local governments within a county, except as provided in
3820 paragraph (i) (f), shall include principles, guidelines,
3821 standards, and strategies, including adopted levels of service,
3822 in their comprehensive plans and adopt and transmit to the state
3823 land planning agency the necessary plan amendments, along with
3824 the interlocal agreements. If the county and one or more
3825 municipalities have adopted school concurrency into its
3826 comprehensive plan and interlocal agreement that represents at
3827 least 80 percent of the total countywide population, the failure
3828 of one or more municipalities to adopt the concurrency and enter
3829 into the interlocal agreement does not preclude implementation
3830 of school concurrency within the school district. agreement, for
3831 a compliance review pursuant to s. 163.3184(7) and (8). The
3832 minimum requirements for school concurrency are the following:
3833 (a) Public school facilities element. A local government
3834 shall adopt and transmit to the state land planning agency a
3835 plan or plan amendment which includes a public school facilities
3836 element which is consistent with the requirements of s.

HB 7129

2011

3837 ~~163.3177(12) and which is determined to be in compliance as~~
 3838 ~~defined in s. 163.3184(1)(b).~~ All local government provisions
 3839 included in comprehensive plans regarding school concurrency
 3840 ~~public school facilities plan elements~~ within a county must be
 3841 consistent with each other as well as the requirements of this
 3842 part.

3843 (b) ~~Level of service standards. The Legislature recognizes~~
 3844 ~~that an essential requirement for a concurrency management~~
 3845 ~~system is the level of service at which a public facility is~~
 3846 ~~expected to operate.~~

3847 ~~1.~~ Local governments and school boards imposing school
 3848 concurrency shall exercise authority in conjunction with each
 3849 other to establish jointly adequate level-of-service standards,
 3850 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
 3851 necessary to implement the adopted local government
 3852 comprehensive plan, based on data and analysis.

3853 (c)2. Public school level-of-service standards shall be
 3854 included and adopted into the capital improvements element of
 3855 the local comprehensive plan and shall apply districtwide to all
 3856 schools of the same type. Types of schools may include
 3857 elementary, middle, and high schools as well as special purpose
 3858 facilities such as magnet schools.

3859 (d)3. Local governments and school boards may ~~shall have~~
 3860 ~~the option to~~ utilize tiered level-of-service standards to allow
 3861 time to achieve an adequate and desirable level of service as
 3862 circumstances warrant.

3863 (e)4. ~~For the purpose of determining whether levels of~~
 3864 ~~service have been achieved, for the first 3 years of school~~

HB 7129

2011

3865 ~~concurrency implementation,~~ A school district that includes
3866 relocatable facilities in its inventory of student stations
3867 shall include the capacity of such relocatable facilities as
3868 provided in s. 1013.35(2)(b)2.f., provided the relocatable
3869 facilities were purchased after 1998 and the relocatable
3870 facilities meet the standards for long-term use pursuant to s.
3871 1013.20.

3872 ~~(c) Service areas. The Legislature recognizes that an~~
3873 ~~essential requirement for a concurrency system is a designation~~
3874 ~~of the area within which the level of service will be measured~~
3875 ~~when an application for a residential development permit is~~
3876 ~~reviewed for school concurrency purposes. This delineation is~~
3877 ~~also important for purposes of determining whether the local~~
3878 ~~government has a financially feasible public school capital~~
3879 ~~facilities program that will provide schools which will achieve~~
3880 ~~and maintain the adopted level of service standards.~~

3881 (f)1. In order to balance competing interests, preserve
3882 the constitutional concept of uniformity, and avoid disruption
3883 of existing educational and growth management processes, local
3884 governments are encouraged, if they elect to adopt school
3885 concurrency, to ~~initially~~ apply school concurrency to
3886 development ~~only~~ on a districtwide basis so that a concurrency
3887 determination for a specific development will be based upon the
3888 availability of school capacity districtwide. ~~To ensure that~~
3889 ~~development is coordinated with schools having available~~
3890 ~~capacity, within 5 years after adoption of school concurrency,~~

3891 2. If a local government elects to ~~governments shall~~ apply
3892 school concurrency on a less than districtwide basis, by ~~such as~~

HB 7129

2011

3893 using school attendance zones or concurrency service areas; ~~as~~
 3894 ~~provided in subparagraph 2.~~

3895 ~~a.2. For local governments applying school concurrency on~~
 3896 ~~a less than districtwide basis, such as utilizing school~~
 3897 ~~attendance zones or larger school concurrency service areas,~~
 3898 Local governments and school boards shall have the burden to
 3899 demonstrate that the utilization of school capacity is maximized
 3900 to the greatest extent possible in the comprehensive plan and
 3901 amendment, taking into account transportation costs and court-
 3902 approved desegregation plans, as well as other factors. In
 3903 addition, in order to achieve concurrency within the service
 3904 area boundaries selected by local governments and school boards,
 3905 the service area boundaries, together with the standards for
 3906 establishing those boundaries, shall be identified and included
 3907 as supporting data and analysis for the comprehensive plan.

3908 ~~b.3.~~ Where school capacity is available on a districtwide
 3909 basis but school concurrency is applied on a less than
 3910 districtwide basis in the form of concurrency service areas, if
 3911 the adopted level-of-service standard cannot be met in a
 3912 particular service area as applied to an application for a
 3913 development permit and if the needed capacity for the particular
 3914 service area is available in one or more contiguous service
 3915 areas, as adopted by the local government, then the local
 3916 government may not deny an application for site plan or final
 3917 subdivision approval or the functional equivalent for a
 3918 development or phase of a development on the basis of school
 3919 concurrency, and if issued, development impacts shall be
 3920 subtracted from the ~~shifted to~~ contiguous service area's ~~areas~~

HB 7129

2011

3921 ~~with schools having available capacity totals. Students from the~~
 3922 ~~development may not be required to go to the adjacent service~~
 3923 ~~area unless the school board rezones the area in which the~~
 3924 ~~development occurs.~~

3925 ~~(g)(d) Financial feasibility. The Legislature recognizes~~
 3926 ~~that financial feasibility is an important issue because The~~
 3927 ~~premise of concurrency is that the public facilities will be~~
 3928 ~~provided in order to achieve and maintain the adopted level-of-~~
 3929 ~~service standard. This part and chapter 9J-5, Florida~~
 3930 ~~Administrative Code, contain specific standards to determine the~~
 3931 ~~financial feasibility of capital programs. These standards were~~
 3932 ~~adopted to make concurrency more predictable and local~~
 3933 ~~governments more accountable.~~

3934 ~~1. A comprehensive plan that imposes amendment seeking to~~
 3935 ~~impose school concurrency shall contain appropriate amendments~~
 3936 ~~to the capital improvements element of the comprehensive plan,~~
 3937 ~~consistent with the requirements of s. 163.3177(3) and rule 9J-~~
 3938 ~~5.016, Florida Administrative Code. The capital improvements~~
 3939 ~~element shall identify facilities necessary to meet adopted~~
 3940 ~~levels of service during a 5-year period consistent with the~~
 3941 ~~school board's educational set forth a financially feasible~~
 3942 ~~public school capital facilities plan program, established in~~
 3943 ~~conjunction with the school board, that demonstrates that the~~
 3944 ~~adopted level-of-service standards will be achieved and~~
 3945 ~~maintained.~~

3946 ~~(h)1. In order to limit the liability of local~~
 3947 ~~governments, a local government may allow a landowner to proceed~~
 3948 ~~with development of a specific parcel of land notwithstanding a~~

3949 failure of the development to satisfy school concurrency, if all
 3950 the following factors are shown to exist:

3951 a. The proposed development would be consistent with the
 3952 future land use designation for the specific property and with
 3953 pertinent portions of the adopted local plan, as determined by
 3954 the local government.

3955 b. The local government's capital improvements element and
 3956 the school board's educational facilities plan provide for
 3957 school facilities adequate to serve the proposed development,
 3958 and the local government or school board has not implemented
 3959 that element or the project includes a plan that demonstrates
 3960 that the capital facilities needed as a result of the project
 3961 can be reasonably provided.

3962 c. The local government and school board have provided a
 3963 means by which the landowner will be assessed a proportionate
 3964 share of the cost of providing the school facilities necessary
 3965 to serve the proposed development.

3966 ~~2. Such amendments shall demonstrate that the public~~
 3967 ~~school capital facilities program meets all of the financial~~
 3968 ~~feasibility standards of this part and chapter 9J-5, Florida~~
 3969 ~~Administrative Code, that apply to capital programs which~~
 3970 ~~provide the basis for mandatory concurrency on other public~~
 3971 ~~facilities and services.~~

3972 ~~3. When the financial feasibility of a public school~~
 3973 ~~capital facilities program is evaluated by the state land~~
 3974 ~~planning agency for purposes of a compliance determination, the~~
 3975 ~~evaluation shall be based upon the service areas selected by the~~
 3976 ~~local governments and school board.~~

3977 ~~2.(e) Availability standard. Consistent with the public~~
 3978 ~~welfare,~~ If a local government applies school concurrency, it
 3979 may not deny an application for site plan, final subdivision
 3980 approval, or the functional equivalent for a development or
 3981 phase of a development authorizing residential development for
 3982 failure to achieve and maintain the level-of-service standard
 3983 for public school capacity in a local school concurrency
 3984 management system where adequate school facilities will be in
 3985 place or under actual construction within 3 years after the
 3986 issuance of final subdivision or site plan approval, or the
 3987 functional equivalent. School concurrency is satisfied if the
 3988 developer executes a legally binding commitment to provide
 3989 mitigation proportionate to the demand for public school
 3990 facilities to be created by actual development of the property,
 3991 including, but not limited to, the options described in sub-
 3992 subparagraph a. subparagraph 1. Options for proportionate-share
 3993 mitigation of impacts on public school facilities must be
 3994 established in the comprehensive plan ~~public school facilities~~
 3995 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.
 3996 a.1. Appropriate mitigation options include the
 3997 contribution of land; the construction, expansion, or payment
 3998 for land acquisition or construction of a public school
 3999 facility; the construction of a charter school that complies
 4000 with the requirements of s. 1002.33(18); or the creation of
 4001 mitigation banking based on the construction of a public school
 4002 facility in exchange for the right to sell capacity credits.
 4003 Such options must include execution by the applicant and the
 4004 local government of a development agreement that constitutes a

HB 7129

2011

4005 | legally binding commitment to pay proportionate-share mitigation
 4006 | for the additional residential units approved by the local
 4007 | government in a development order and actually developed on the
 4008 | property, taking into account residential density allowed on the
 4009 | property prior to the plan amendment that increased the overall
 4010 | residential density. The district school board must be a party
 4011 | to such an agreement. As a condition of its entry into such a
 4012 | development agreement, the local government may require the
 4013 | landowner to agree to continuing renewal of the agreement upon
 4014 | its expiration.

4015 | **b.2.** If the interlocal agreement ~~education facilities plan~~
 4016 | and the local government comprehensive plan ~~public educational~~
 4017 | ~~facilities element~~ authorize a contribution of land; the
 4018 | construction, expansion, or payment for land acquisition; the
 4019 | construction or expansion of a public school facility, or a
 4020 | portion thereof; or the construction of a charter school that
 4021 | complies with the requirements of s. 1002.33(18), as
 4022 | proportionate-share mitigation, the local government shall
 4023 | credit such a contribution, construction, expansion, or payment
 4024 | toward any other impact fee or exaction imposed by local
 4025 | ordinance for the same need, on a dollar-for-dollar basis at
 4026 | fair market value.

4027 | **c.3.** Any proportionate-share mitigation must be directed
 4028 | by the school board toward a school capacity improvement
 4029 | identified in the ~~a financially feasible~~ 5-year school board's
 4030 | educational facilities ~~district work~~ plan that satisfies the
 4031 | demands created by the development in accordance with a binding
 4032 | developer's agreement.

HB 7129

2011

4033 ~~4. If a development is precluded from commencing because~~
 4034 ~~there is inadequate classroom capacity to mitigate the impacts~~
 4035 ~~of the development, the development may nevertheless commence if~~
 4036 ~~there are accelerated facilities in an approved capital~~
 4037 ~~improvement element scheduled for construction in year four or~~
 4038 ~~later of such plan which, when built, will mitigate the proposed~~
 4039 ~~development, or if such accelerated facilities will be in the~~
 4040 ~~next annual update of the capital facilities element, the~~
 4041 ~~developer enters into a binding, financially guaranteed~~
 4042 ~~agreement with the school district to construct an accelerated~~
 4043 ~~facility within the first 3 years of an approved capital~~
 4044 ~~improvement plan, and the cost of the school facility is equal~~
 4045 ~~to or greater than the development's proportionate share. When~~
 4046 ~~the completed school facility is conveyed to the school~~
 4047 ~~district, the developer shall receive impact fee credits usable~~
 4048 ~~within the zone where the facility is constructed or any~~
 4049 ~~attendance zone contiguous with or adjacent to the zone where~~
 4050 ~~the facility is constructed.~~

4051 3.5. This paragraph does not limit the authority of a
 4052 local government to deny a development permit or its functional
 4053 equivalent pursuant to its home rule regulatory powers, except
 4054 as provided in this part.

4055 (i)-(f) ~~Intergovernmental coordination.~~

4056 ~~1. When establishing concurrency requirements for public~~
 4057 ~~schools, a local government shall satisfy the requirements for~~
 4058 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
 4059 ~~and 2., except that A municipality is not required to be a~~
 4060 ~~signatory to the interlocal agreement required by paragraph (j)~~

HB 7129

2011

4061 ~~ss. 163.3177(6)(h)2. and 163.31777(6),~~ as a prerequisite for
 4062 imposition of school concurrency, and as a nonsignatory, shall
 4063 not participate in the adopted local school concurrency system,
 4064 if the municipality meets all of the following criteria for
 4065 having no significant impact on school attendance:

4066 1.a. The municipality has issued development orders for
 4067 fewer than 50 residential dwelling units during the preceding 5
 4068 years, or the municipality has generated fewer than 25
 4069 additional public school students during the preceding 5 years.

4070 2.b. The municipality has not annexed new land during the
 4071 preceding 5 years in land use categories which permit
 4072 residential uses that will affect school attendance rates.

4073 3.e. The municipality has no public schools located within
 4074 its boundaries.

4075 4.d. At least 80 percent of the developable land within
 4076 the boundaries of the municipality has been built upon.

4077 ~~2. A municipality which qualifies as having no significant~~
 4078 ~~impact on school attendance pursuant to the criteria of~~
 4079 ~~subparagraph 1. must review and determine at the time of its~~
 4080 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
 4081 ~~it continues to meet the criteria pursuant to s. 163.31777(6).~~
 4082 ~~If the municipality determines that it no longer meets the~~
 4083 ~~criteria, it must adopt appropriate school concurrency goals,~~
 4084 ~~objectives, and policies in its plan amendments based on the~~
 4085 ~~evaluation and appraisal report, and enter into the existing~~
 4086 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
 4087 ~~163.31777, in order to fully participate in the school~~
 4088 ~~concurrency system. If such a municipality fails to do so, it~~

HB 7129

2011

4089 ~~will be subject to the enforcement provisions of s. 163.3191.~~
4090 ~~(j)(g) Interlocal agreement for school concurrency. When~~
4091 ~~establishing concurrency requirements for public schools, a~~
4092 ~~local government must enter into an interlocal agreement that~~
4093 ~~satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and~~
4094 ~~163.31777 and the requirements of this subsection. The~~
4095 ~~interlocal agreement shall acknowledge both the school board's~~
4096 ~~constitutional and statutory obligations to provide a uniform~~
4097 ~~system of free public schools on a countywide basis, and the~~
4098 ~~land use authority of local governments, including their~~
4099 ~~authority to approve or deny comprehensive plan amendments and~~
4100 ~~development orders. The interlocal agreement shall be submitted~~
4101 ~~to the state land planning agency by the local government as a~~
4102 ~~part of the compliance review, along with the other necessary~~
4103 ~~amendments to the comprehensive plan required by this part. In~~
4104 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
4105 ~~163.31777, The interlocal agreement shall meet the following~~
4106 ~~requirements:~~

4107 1. Establish the mechanisms for coordinating the
4108 development, adoption, and amendment of each local government's
4109 school concurrency related provisions of the comprehensive plan
4110 ~~public school facilities element~~ with each other and the plans
4111 of the school board to ensure a uniform districtwide school
4112 concurrency system.

4113 2. ~~Establish a process for the development of siting~~
4114 ~~criteria which encourages the location of public schools~~
4115 ~~proximate to urban residential areas to the extent possible and~~
4116 ~~seeks to collocate schools with other public facilities such as~~

4117 ~~parks, libraries, and community centers to the extent possible.~~

4118 2.3. Specify uniform, districtwide level-of-service
 4119 standards for public schools of the same type and the process
 4120 for modifying the adopted level-of-service standards.

4121 ~~4. Establish a process for the preparation, amendment, and~~
 4122 ~~joint approval by each local government and the school board of~~
 4123 ~~a public school capital facilities program which is financially~~
 4124 ~~feasible, and a process and schedule for incorporation of the~~
 4125 ~~public school capital facilities program into the local~~
 4126 ~~government comprehensive plans on an annual basis.~~

4127 3.5. Define the geographic application of school
 4128 concurrency. If school concurrency is to be applied on a less
 4129 than districtwide basis in the form of concurrency service
 4130 areas, the agreement shall establish criteria and standards for
 4131 the establishment and modification of school concurrency service
 4132 areas. ~~The agreement shall also establish a process and schedule~~
 4133 ~~for the mandatory incorporation of the school concurrency~~
 4134 ~~service areas and the criteria and standards for establishment~~
 4135 ~~of the service areas into the local government comprehensive~~
 4136 ~~plans.~~ The agreement shall ensure maximum utilization of school
 4137 capacity, taking into account transportation costs and court-
 4138 approved desegregation plans, as well as other factors. ~~The~~
 4139 ~~agreement shall also ensure the achievement and maintenance of~~
 4140 ~~the adopted level-of-service standards for the geographic area~~
 4141 ~~of application throughout the 5 years covered by the public~~
 4142 ~~school capital facilities plan and thereafter by adding a new~~
 4143 ~~fifth year during the annual update.~~

4144 4.6. Establish a uniform districtwide procedure for

4145 implementing school concurrency which provides for:
 4146 a. The evaluation of development applications for
 4147 compliance with school concurrency requirements, including
 4148 information provided by the school board on affected schools,
 4149 impact on levels of service, and programmed improvements for
 4150 affected schools and any options to provide sufficient capacity;
 4151 b. An opportunity for the school board to review and
 4152 comment on the effect of comprehensive plan amendments and
 4153 rezonings on the public school facilities plan; and
 4154 c. The monitoring and evaluation of the school concurrency
 4155 system.

4156 ~~7. Include provisions relating to amendment of the~~
 4157 ~~agreement.~~

4158 5.8. A process and uniform methodology for determining
 4159 proportionate-share mitigation pursuant to subparagraph ~~(h)(e)~~1.
 4160 ~~(k)(h) Local government authority.~~ This subsection does
 4161 not limit the authority of a local government to grant or deny a
 4162 development permit or its functional equivalent prior to the
 4163 implementation of school concurrency.

4164 ~~(14) The state land planning agency shall, by October 1,~~
 4165 ~~1998, adopt by rule minimum criteria for the review and~~
 4166 ~~determination of compliance of a public school facilities~~
 4167 ~~element adopted by a local government for purposes of imposition~~
 4168 ~~of school concurrency.~~

4169 ~~(15)(a) Multimodal transportation districts may be~~
 4170 ~~established under a local government comprehensive plan in areas~~
 4171 ~~delineated on the future land use map for which the local~~
 4172 ~~comprehensive plan assigns secondary priority to vehicle~~

4173 ~~mobility and primary priority to assuring a safe, comfortable,~~
 4174 ~~and attractive pedestrian environment, with convenient~~
 4175 ~~interconnection to transit. Such districts must incorporate~~
 4176 ~~community design features that will reduce the number of~~
 4177 ~~automobile trips or vehicle miles of travel and will support an~~
 4178 ~~integrated, multimodal transportation system. Prior to the~~
 4179 ~~designation of multimodal transportation districts, the~~
 4180 ~~Department of Transportation shall be consulted by the local~~
 4181 ~~government to assess the impact that the proposed multimodal~~
 4182 ~~district area is expected to have on the adopted level of-~~
 4183 ~~service standards established for Strategic Intermodal System~~
 4184 ~~facilities, as defined in s. 339.64, and roadway facilities~~
 4185 ~~funded in accordance with s. 339.2819. Further, the local~~
 4186 ~~government shall, in cooperation with the Department of~~
 4187 ~~Transportation, develop a plan to mitigate any impacts to the~~
 4188 ~~Strategic Intermodal System, including the development of a~~
 4189 ~~long-term concurrency management system pursuant to subsection~~
 4190 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~
 4191 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
 4192 ~~provisions of this section by July 1, 2006, or at the time of~~
 4193 ~~the comprehensive plan update pursuant to the evaluation and~~
 4194 ~~appraisal report, whichever occurs last.~~

4195 ~~(b) Community design elements of such a district include:~~
 4196 ~~a complementary mix and range of land uses, including~~
 4197 ~~educational, recreational, and cultural uses; interconnected~~
 4198 ~~networks of streets designed to encourage walking and bicycling,~~
 4199 ~~with traffic-calming where desirable; appropriate densities and~~
 4200 ~~intensities of use within walking distance of transit stops;~~

HB 7129

2011

4201 ~~daily activities within walking distance of residences, allowing~~
4202 ~~independence to persons who do not drive; public uses, streets,~~
4203 ~~and squares that are safe, comfortable, and attractive for the~~
4204 ~~pedestrian, with adjoining buildings open to the street and with~~
4205 ~~parking not interfering with pedestrian, transit, automobile,~~
4206 ~~and truck travel modes.~~

4207 ~~(c) Local governments may establish multimodal level of~~
4208 ~~service standards that rely primarily on nonvehicular modes of~~
4209 ~~transportation within the district, when justified by an~~
4210 ~~analysis demonstrating that the existing and planned community~~
4211 ~~design will provide an adequate level of mobility within the~~
4212 ~~district based upon professionally accepted multimodal level of~~
4213 ~~service methodologies. The analysis must also demonstrate that~~
4214 ~~the capital improvements required to promote community design~~
4215 ~~are financially feasible over the development or redevelopment~~
4216 ~~timeframe for the district and that community design features~~
4217 ~~within the district provide convenient interconnection for a~~
4218 ~~multimodal transportation system. Local governments may issue~~
4219 ~~development permits in reliance upon all planned community~~
4220 ~~design capital improvements that are financially feasible over~~
4221 ~~the development or redevelopment timeframe for the district,~~
4222 ~~without regard to the period of time between development or~~
4223 ~~redevelopment and the scheduled construction of the capital~~
4224 ~~improvements. A determination of financial feasibility shall be~~
4225 ~~based upon currently available funding or funding sources that~~
4226 ~~could reasonably be expected to become available over the~~
4227 ~~planning period.~~

4228 ~~(d) Local governments may reduce impact fees or local~~

HB 7129

2011

4229 ~~access fees for development within multimodal transportation~~
 4230 ~~districts based on the reduction of vehicle trips per household~~
 4231 ~~or vehicle miles of travel expected from the development pattern~~
 4232 ~~planned for the district.~~

4233 ~~(16) It is the intent of the Legislature to provide a~~
 4234 ~~method by which the impacts of development on transportation~~
 4235 ~~facilities can be mitigated by the cooperative efforts of the~~
 4236 ~~public and private sectors. The methodology used to calculate~~
 4237 ~~proportionate fair-share mitigation under this section shall be~~
 4238 ~~as provided for in subsection (12).~~

4239 ~~(a) By December 1, 2006, each local government shall adopt~~
 4240 ~~by ordinance a methodology for assessing proportionate fair-~~
 4241 ~~share mitigation options. By December 1, 2005, the Department of~~
 4242 ~~Transportation shall develop a model transportation concurrency~~
 4243 ~~management ordinance with methodologies for assessing~~
 4244 ~~proportionate fair-share mitigation options.~~

4245 ~~(b)1. In its transportation concurrency management system,~~
 4246 ~~a local government shall, by December 1, 2006, include~~
 4247 ~~methodologies that will be applied to calculate proportionate~~
 4248 ~~fair-share mitigation. A developer may choose to satisfy all~~
 4249 ~~transportation concurrency requirements by contributing or~~
 4250 ~~paying proportionate fair-share mitigation if transportation~~
 4251 ~~facilities or facility segments identified as mitigation for~~
 4252 ~~traffic impacts are specifically identified for funding in the~~
 4253 ~~5-year schedule of capital improvements in the capital~~
 4254 ~~improvements element of the local plan or the long-term~~
 4255 ~~concurrency management system or if such contributions or~~
 4256 ~~payments to such facilities or segments are reflected in the 5-~~

4257 ~~year schedule of capital improvements in the next regularly~~
 4258 ~~scheduled update of the capital improvements element. Updates to~~
 4259 ~~the 5-year capital improvements element which reflect~~
 4260 ~~proportionate fair-share contributions may not be found not in~~
 4261 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
 4262 ~~additional contributions, payments or funding sources are~~
 4263 ~~reasonably anticipated during a period not to exceed 10 years to~~
 4264 ~~fully mitigate impacts on the transportation facilities.~~

4265 ~~2. Proportionate fair-share mitigation shall be applied as~~
 4266 ~~a credit against impact fees to the extent that all or a portion~~
 4267 ~~of the proportionate fair-share mitigation is used to address~~
 4268 ~~the same capital infrastructure improvements contemplated by the~~
 4269 ~~local government's impact fee ordinance.~~

4270 ~~(c) Proportionate fair-share mitigation includes, without~~
 4271 ~~limitation, separately or collectively, private funds,~~
 4272 ~~contributions of land, and construction and contribution of~~
 4273 ~~facilities and may include public funds as determined by the~~
 4274 ~~local government. Proportionate fair-share mitigation may be~~
 4275 ~~directed toward one or more specific transportation improvements~~
 4276 ~~reasonably related to the mobility demands created by the~~
 4277 ~~development and such improvements may address one or more modes~~
 4278 ~~of travel. The fair market value of the proportionate fair-share~~
 4279 ~~mitigation shall not differ based on the form of mitigation. A~~
 4280 ~~local government may not require a development to pay more than~~
 4281 ~~its proportionate fair-share contribution regardless of the~~
 4282 ~~method of mitigation. Proportionate fair-share mitigation shall~~
 4283 ~~be limited to ensure that a development meeting the requirements~~
 4284 ~~of this section mitigates its impact on the transportation~~

HB 7129

2011

4285 ~~system but is not responsible for the additional cost of~~
4286 ~~reducing or eliminating backlogs.~~

4287 ~~(d) This subsection does not require a local government to~~
4288 ~~approve a development that is not otherwise qualified for~~
4289 ~~approval pursuant to the applicable local comprehensive plan and~~
4290 ~~land development regulations.~~

4291 ~~(e) Mitigation for development impacts to facilities on~~
4292 ~~the Strategic Intermodal System made pursuant to this subsection~~
4293 ~~requires the concurrence of the Department of Transportation.~~

4294 ~~(f) If the funds in an adopted 5-year capital improvements~~
4295 ~~element are insufficient to fully fund construction of a~~
4296 ~~transportation improvement required by the local government's~~
4297 ~~concurrency management system, a local government and a~~
4298 ~~developer may still enter into a binding proportionate-share~~
4299 ~~agreement authorizing the developer to construct that amount of~~
4300 ~~development on which the proportionate share is calculated if~~
4301 ~~the proportionate share amount in such agreement is sufficient~~
4302 ~~to pay for one or more improvements which will, in the opinion~~
4303 ~~of the governmental entity or entities maintaining the~~
4304 ~~transportation facilities, significantly benefit the impacted~~
4305 ~~transportation system. The improvements funded by the~~
4306 ~~proportionate-share component must be adopted into the 5-year~~
4307 ~~capital improvements schedule of the comprehensive plan at the~~
4308 ~~next annual capital improvements element update. The funding of~~
4309 ~~any improvements that significantly benefit the impacted~~
4310 ~~transportation system satisfies concurrency requirements as a~~
4311 ~~mitigation of the development's impact upon the overall~~
4312 ~~transportation system even if there remains a failure of~~

4313 ~~concurrency on other impacted facilities.~~

4314 ~~(g) Except as provided in subparagraph (b)1., this section~~
 4315 ~~may not prohibit the Department of Community Affairs from~~
 4316 ~~finding other portions of the capital improvements element~~
 4317 ~~amendments not in compliance as provided in this chapter.~~

4318 ~~(h) The provisions of this subsection do not apply to a~~
 4319 ~~development of regional impact satisfying the requirements of~~
 4320 ~~subsection (12).~~

4321 ~~(i) As used in this subsection, the term "backlog" means a~~
 4322 ~~facility or facilities on which the adopted level of service~~
 4323 ~~standard is exceeded by the existing trips, plus additional~~
 4324 ~~projected background trips from any source other than the~~
 4325 ~~development project under review that are forecast by~~
 4326 ~~established traffic standards, including traffic modeling,~~
 4327 ~~consistent with the University of Florida Bureau of Economic and~~
 4328 ~~Business Research medium population projections. Additional~~
 4329 ~~projected background trips are to be coincident with the~~
 4330 ~~particular stage or phase of development under review.~~

4331 ~~(17) A local government and the developer of affordable~~
 4332 ~~workforce housing units developed in accordance with s.~~
 4333 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
 4334 ~~or centers in close proximity to the affordable workforce~~
 4335 ~~housing units. If at least 50 percent of the units are occupied~~
 4336 ~~by an employee or employees of an identified employment center~~
 4337 ~~or centers, all of the affordable workforce housing units are~~
 4338 ~~exempt from transportation concurrency requirements, and the~~
 4339 ~~local government may not reduce any transportation trip-~~
 4340 ~~generation entitlements of an approved development of regional-~~

HB 7129

2011

4341 ~~impact development order. As used in this subsection, the term~~
 4342 ~~"close proximity" means 5 miles from the nearest point of the~~
 4343 ~~development of regional impact to the nearest point of the~~
 4344 ~~employment center, and the term "employment center" means a~~
 4345 ~~place of employment that employs at least 25 or more full-time~~
 4346 ~~employees.~~

4347 Section 15. Section 163.3182, Florida Statutes, is amended
 4348 to read:

4349 163.3182 Transportation deficiencies ~~concurrency~~
 4350 ~~backlogs.~~—

4351 (1) DEFINITIONS.—For purposes of this section, the term:

4352 (a) "Transportation deficiency ~~concurrency backlog~~ area"
 4353 means the geographic area within the unincorporated portion of a
 4354 county or within the municipal boundary of a municipality
 4355 designated in a local government comprehensive plan for which a
 4356 transportation development ~~concurrency backlog~~ authority is
 4357 created pursuant to this section. A transportation deficiency
 4358 ~~concurrency backlog~~ area created within the corporate boundary
 4359 of a municipality shall be made pursuant to an interlocal
 4360 agreement between a county, a municipality or municipalities,
 4361 and any affected taxing authority or authorities.

4362 (b) "Authority" or "transportation development ~~concurrency~~
 4363 ~~backlog~~ authority" means the governing body of a county or
 4364 municipality within which an authority is created.

4365 (c) "Governing body" means the council, commission, or
 4366 other legislative body charged with governing the county or
 4367 municipality within which an ~~a transportation concurrency~~
 4368 ~~backlog~~ authority is created pursuant to this section.

4369 (d) "Transportation deficiency ~~concurrency backlog~~" means
 4370 an identified need ~~deficiency~~ where the existing and projected
 4371 extent of traffic volume exceeds the level of service standard
 4372 adopted in a local government comprehensive plan for a
 4373 transportation facility.

4374 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"
 4375 means the plan adopted as part of a local government
 4376 comprehensive plan by the governing body of a county or
 4377 municipality acting as a transportation development ~~concurrency~~
 4378 ~~backlog~~ authority.

4379 (f) "Transportation ~~concurrency backlog~~ project" means any
 4380 designated transportation project identified for construction
 4381 within the jurisdiction of a transportation development
 4382 ~~concurrency backlog~~ authority.

4383 (g) "Debt service millage" means any millage levied
 4384 pursuant to s. 12, Art. VII of the State Constitution.

4385 (h) "Increment revenue" means the amount calculated
 4386 pursuant to subsection (5).

4387 (i) "Taxing authority" means a public body that levies or
 4388 is authorized to levy an ad valorem tax on real property located
 4389 within a transportation deficiency ~~concurrency backlog~~ area,
 4390 except a school district.

4391 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
 4392 ~~BACKLOG~~ AUTHORITIES.—

4393 (a) A county or municipality may create a transportation
 4394 development ~~concurrency backlog~~ authority if it has an
 4395 identified transportation deficiency ~~concurrency backlog~~.

4396 (b) Acting as the transportation development ~~concurrency~~

HB 7129

2011

4397 ~~backlog~~ authority within the authority's jurisdictional
 4398 boundary, the governing body of a county or municipality shall
 4399 adopt and implement a plan to eliminate all identified
 4400 transportation deficiencies ~~concurrency backlogs~~ within the
 4401 authority's jurisdiction using funds provided pursuant to
 4402 subsection (5) and as otherwise provided pursuant to this
 4403 section.

4404 (c) The Legislature finds and declares that there exist in
 4405 many counties and municipalities areas that have significant
 4406 transportation deficiencies and inadequate transportation
 4407 facilities; that many insufficiencies and inadequacies severely
 4408 limit or prohibit the satisfaction of transportation level of
 4409 service ~~concurrency~~ standards; that the transportation
 4410 insufficiencies and inadequacies affect the health, safety, and
 4411 welfare of the residents of these counties and municipalities;
 4412 that the transportation insufficiencies and inadequacies
 4413 adversely affect economic development and growth of the tax base
 4414 for the areas in which these insufficiencies and inadequacies
 4415 exist; and that the elimination of transportation deficiencies
 4416 and inadequacies and the satisfaction of transportation
 4417 concurrency standards are paramount public purposes for the
 4418 state and its counties and municipalities.

4419 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
 4420 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~
 4421 ~~backlog~~ authority created pursuant to this section has the
 4422 powers necessary or convenient to carry out the purposes of this
 4423 section, including the following powers in addition to others
 4424 granted in this section:

HB 7129

2011

4425 (a) To make and execute contracts and other instruments
 4426 necessary or convenient to the exercise of its powers under this
 4427 section.

4428 (b) To undertake and carry out transportation ~~concurrency~~
 4429 ~~backlog~~ projects for transportation facilities designed to
 4430 relieve transportation deficiencies ~~that have a concurrency~~
 4431 ~~backlog~~ within the authority's jurisdiction. Transportation
 4432 ~~Concurrency backlog~~ projects may include transportation
 4433 facilities that provide for alternative modes of travel
 4434 including sidewalks, bikeways, and mass transit which are
 4435 related to a deficient ~~backlogged~~ transportation facility.

4436 (c) To invest any transportation ~~concurrency backlog~~ funds
 4437 held in reserve, sinking funds, or any such funds not required
 4438 for immediate disbursement in property or securities in which
 4439 savings banks may legally invest funds subject to the control of
 4440 the authority and to redeem such bonds as have been issued
 4441 pursuant to this section at the redemption price established
 4442 therein, or to purchase such bonds at less than redemption
 4443 price. All such bonds redeemed or purchased shall be canceled.

4444 (d) To borrow money, including, but not limited to,
 4445 issuing debt obligations such as, but not limited to, bonds,
 4446 notes, certificates, and similar debt instruments; to apply for
 4447 and accept advances, loans, grants, contributions, and any other
 4448 forms of financial assistance from the Federal Government or the
 4449 state, county, or any other public body or from any sources,
 4450 public or private, for the purposes of this part; to give such
 4451 security as may be required; to enter into and carry out
 4452 contracts or agreements; and to include in any contracts for

HB 7129

2011

4453 financial assistance with the Federal Government for or with
 4454 respect to a transportation ~~concurrency backlog~~ project and
 4455 related activities such conditions imposed under federal laws as
 4456 the transportation development ~~concurrency backlog~~ authority
 4457 considers reasonable and appropriate and which are not
 4458 inconsistent with the purposes of this section.

4459 (e) To make or have made all surveys and plans necessary
 4460 to the carrying out of the purposes of this section; to contract
 4461 with any persons, public or private, in making and carrying out
 4462 such plans; and to adopt, approve, modify, or amend such
 4463 transportation sufficiency ~~concurrency backlog~~ plans.

4464 (f) To appropriate such funds and make such expenditures
 4465 as are necessary to carry out the purposes of this section, and
 4466 to enter into agreements with other public bodies, which
 4467 agreements may extend over any period notwithstanding any
 4468 provision or rule of law to the contrary.

4469 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

4470 ~~(a)~~ Each transportation development ~~concurrency backlog~~
 4471 authority shall adopt a transportation sufficiency ~~concurrency~~
 4472 ~~backlog~~ plan as a part of the local government comprehensive
 4473 plan within 6 months after the creation of the authority. The
 4474 plan must:

4475 (a)1. Identify all transportation facilities that have
 4476 been designated as deficient and require the expenditure of
 4477 moneys to upgrade, modify, or mitigate the deficiency.

4478 (b)2. Include a priority listing of all transportation
 4479 facilities that have been designated as deficient and do not
 4480 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and

HB 7129

2011

4481 the applicable local government comprehensive plan.

4482 ~~(c)3-~~ Establish a schedule for financing and construction
 4483 of transportation ~~concurrency backlog~~ projects that will
 4484 eliminate transportation deficiencies ~~concurrency backlogs~~
 4485 within the jurisdiction of the authority within 10 years after
 4486 the transportation sufficiency ~~concurrency backlog~~ plan
 4487 adoption. The schedule shall be adopted as part of the local
 4488 government comprehensive plan.

4489 ~~(b) The adoption of the transportation concurrency backlog~~
 4490 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4491
 4492 Notwithstanding such schedule requirements, as long as the
 4493 schedule provides for the elimination of all transportation
 4494 deficiencies ~~concurrency backlogs~~ within 10 years after the
 4495 adoption of the transportation sufficiency ~~concurrency backlog~~
 4496 plan, the final maturity date of any debt incurred to finance or
 4497 refinance the related projects may be no later than 40 years
 4498 after the date the debt is incurred and the authority may
 4499 continue operations and administer the trust fund established as
 4500 provided in subsection (5) for as long as the debt remains
 4501 outstanding.

4502 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
 4503 development ~~concurrency backlog~~ authority shall establish a
 4504 local transportation ~~concurrency backlog~~ trust fund upon
 4505 creation of the authority. Each local trust fund shall be
 4506 administered by the transportation development ~~concurrency~~
 4507 ~~backlog~~ authority within which a transportation deficiencies
 4508 have ~~concurrency backlog~~ has been identified. Each local trust

HB 7129

2011

4509 fund must continue to be funded under this section for as long
 4510 as the projects set forth in the related transportation
 4511 sufficiency ~~concurrency backlog~~ plan remain to be completed or
 4512 until any debt incurred to finance or refinance the related
 4513 projects is no longer outstanding, whichever occurs later.
 4514 Beginning in the first fiscal year after the creation of the
 4515 authority, each local trust fund shall be funded by the proceeds
 4516 of an ad valorem tax increment collected within each
 4517 transportation deficiency ~~concurrency backlog~~ area to be
 4518 determined annually and shall be a minimum of 25 percent of the
 4519 difference between the amounts set forth in paragraphs (a) and
 4520 (b), except that if all of the affected taxing authorities agree
 4521 under an interlocal agreement, a particular local trust fund may
 4522 be funded by the proceeds of an ad valorem tax increment greater
 4523 than 25 percent of the difference between the amounts set forth
 4524 in paragraphs (a) and (b):

4525 (a) The amount of ad valorem tax levied each year by each
 4526 taxing authority, exclusive of any amount from any debt service
 4527 millage, on taxable real property contained within the
 4528 jurisdiction of the transportation development ~~concurrency~~
 4529 ~~backlog~~ authority and within the transportation deficiency
 4530 ~~backlog~~ area; and

4531 (b) The amount of ad valorem taxes which would have been
 4532 produced by the rate upon which the tax is levied each year by
 4533 or for each taxing authority, exclusive of any debt service
 4534 millage, upon the total of the assessed value of the taxable
 4535 real property within the transportation deficiency ~~concurrency~~
 4536 ~~backlog~~ area as shown on the most recent assessment roll used in

HB 7129

2011

4537 connection with the taxation of such property of each taxing
 4538 authority prior to the effective date of the ordinance funding
 4539 the trust fund.

4540 (6) EXEMPTIONS.—

4541 (a) The following public bodies or taxing authorities are
 4542 exempt from the provisions of this section:

4543 1. A special district that levies ad valorem taxes on
 4544 taxable real property in more than one county.

4545 2. A special district for which the sole available source
 4546 of revenue is the authority to levy ad valorem taxes at the time
 4547 an ordinance is adopted under this section. However, revenues or
 4548 aid that may be dispensed or appropriated to a district as
 4549 defined in s. 388.011 at the discretion of an entity other than
 4550 such district shall not be deemed available.

4551 3. A library district.

4552 4. A neighborhood improvement district created under the
 4553 Safe Neighborhoods Act.

4554 5. A metropolitan transportation authority.

4555 6. A water management district created under s. 373.069.

4556 7. A community redevelopment agency.

4557 (b) A transportation development ~~concurrency exemption~~
 4558 authority may also exempt from this section a special district
 4559 that levies ad valorem taxes within the transportation
 4560 deficiency ~~concurrency backlog~~ area pursuant to s.
 4561 163.387(2)(d).

4562 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption
 4563 of a transportation sufficiency ~~concurrency backlog~~ plan as a
 4564 part of the local government comprehensive plan, and the plan

HB 7129

2011

4565 going into effect, the area subject to the plan shall be deemed
 4566 to have achieved and maintained transportation level-of-service
 4567 standards, ~~and to have met requirements for financial~~
 4568 ~~feasibility for transportation facilities, and for the purpose~~
 4569 ~~of proposed development transportation concurrency has been~~
 4570 ~~satisfied.~~ Proportionate fair-share mitigation shall be limited
 4571 to ensure that a development inside a transportation deficiency
 4572 ~~concurrency backlog~~ area is not responsible for the additional
 4573 costs of eliminating deficiencies ~~backlogs~~.

4574 (8) DISSOLUTION.—Upon completion of all transportation
 4575 ~~concurrency backlog~~ projects identified in the transportation
 4576 sufficiency plan and repayment or defeasance of all debt issued
 4577 to finance or refinance such projects, a transportation
 4578 development ~~concurrency backlog~~ authority shall be dissolved,
 4579 and its assets and liabilities transferred to the county or
 4580 municipality within which the authority is located. All
 4581 remaining assets of the authority must be used for
 4582 implementation of transportation projects within the
 4583 jurisdiction of the authority. The local government
 4584 comprehensive plan shall be amended to remove the transportation
 4585 concurrency backlog plan.

4586 Section 16. Section 163.3184, Florida Statutes, is amended
 4587 to read:

4588 163.3184 Process for adoption of comprehensive plan or
 4589 plan amendment.—

4590 (1) DEFINITIONS.—As used in this section, the term:

4591 (a) "Affected person" includes the affected local
 4592 government; persons owning property, residing, or owning or

HB 7129

2011

4593 | operating a business within the boundaries of the local
 4594 | government whose plan is the subject of the review; owners of
 4595 | real property abutting real property that is the subject of a
 4596 | proposed change to a future land use map; and adjoining local
 4597 | governments that can demonstrate that the plan or plan amendment
 4598 | will produce substantial impacts on the increased need for
 4599 | publicly funded infrastructure or substantial impacts on areas
 4600 | designated for protection or special treatment within their
 4601 | jurisdiction. Each person, other than an adjoining local
 4602 | government, in order to qualify under this definition, shall
 4603 | also have submitted oral or written comments, recommendations,
 4604 | or objections to the local government during the period of time
 4605 | beginning with the transmittal hearing for the plan or plan
 4606 | amendment and ending with the adoption of the plan or plan
 4607 | amendment.

4608 | (b) "In compliance" means consistent with the requirements
 4609 | of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and
 4610 | 163.3248 ~~with the state comprehensive plan~~, with the appropriate
 4611 | strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
 4612 | ~~Administrative Code, where such rule is not inconsistent with~~
 4613 | ~~this part~~ and with the principles for guiding development in
 4614 | designated areas of critical state concern and with part III of
 4615 | chapter 369, where applicable.

- 4616 | (c) "Reviewing agencies" means:
- 4617 | 1. The state land planning agency;
 - 4618 | 2. The appropriate regional planning council;
 - 4619 | 3. The appropriate water management district;
 - 4620 | 4. The Department of Environmental Protection;

HB 7129

2011

4621 5. The Department of State;
 4622 6. The Department of Transportation;
 4623 7. In the case of plan amendments relating to public
 4624 schools, the Department of Education;
 4625 8. In the case of plans or plan amendments that affect a
 4626 military installation listed in s. 163.3175, the commanding
 4627 officer of the affected military installation;
 4628 9. In the case of county plans and plan amendments, the
 4629 Fish and Wildlife Conservation Commission and the Department of
 4630 Agriculture and Consumer Services; and
 4631 10. In the case of municipal plans and plan amendments,
 4632 the county in which the municipality is located.
 4633 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
 4634 (a) Plan amendments adopted by local governments shall
 4635 follow the expedited state review process in subsection (3),
 4636 except as set forth in paragraphs (b) and (c).
 4637 (b) Plan amendments that qualify as small-scale
 4638 development amendments may follow the small-scale review process
 4639 in s. 163.3187.
 4640 (c) Plan amendments that are in an area of critical state
 4641 concern designated pursuant to s. 380.05; propose a rural land
 4642 stewardship area pursuant to s. 163.3248; propose a sector plan
 4643 pursuant to s. 163.3245; update a comprehensive plan based on an
 4644 evaluation and appraisal pursuant to s. 163.3191; or are new
 4645 plans for newly incorporated municipalities adopted pursuant to
 4646 s. 163.3167 shall follow the state coordinated review process in
 4647 subsection (4).
 4648 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF

HB 7129

2011

4649 COMPREHENSIVE PLAN AMENDMENTS.—

4650 (a) The process for amending a comprehensive plan
 4651 described in this subsection shall apply to all amendments
 4652 except as provided in paragraphs (2)(b) and (c) and shall be
 4653 applicable statewide.

4654 (b)1. The local government, after the initial public
 4655 hearing held pursuant to subsection (11), shall immediately
 4656 transmit the amendment or amendments and appropriate supporting
 4657 data and analyses to the reviewing agencies. The local governing
 4658 body shall also transmit a copy of the amendments and supporting
 4659 data and analyses to any other local government or governmental
 4660 agency that has filed a written request with the governing body.

4661 2. The reviewing agencies and any other local government
 4662 or governmental agency specified in subparagraph 1. may provide
 4663 comments regarding the amendment or amendments to the local
 4664 government. State agencies shall only comment on important state
 4665 resources and facilities that will be adversely impacted by the
 4666 amendment if adopted. Comments provided by state agencies shall
 4667 state with specificity how the plan amendment will adversely
 4668 impact an important state resource or facility and shall
 4669 identify measures the local government may take to eliminate,
 4670 reduce, or mitigate the adverse impacts. Such comments, if not
 4671 resolved, may result in a challenge by the state land planning
 4672 agency to the plan amendment. Agencies and local governments
 4673 must transmit their comments to the affected local government
 4674 such that they are received by the local government not later
 4675 than 30 days from the date on which the agency or government
 4676 received the amendment or amendments. Reviewing agencies shall

HB 7129

2011

4677 also send a copy of their comments to the state land planning
4678 agency.

4679 3. Comments to the local government from a regional
4680 planning council, county, or municipality shall be limited as
4681 follows:

4682 a. The regional planning council review and comments shall
4683 be limited to adverse effects on regional resources or
4684 facilities identified in the strategic regional policy plan and
4685 extrajurisdictional impacts that would be inconsistent with the
4686 comprehensive plan of any affected local government within the
4687 region. A regional planning council shall not review and comment
4688 on a proposed comprehensive plan amendment prepared by such
4689 council unless the plan amendment has been changed by the local
4690 government subsequent to the preparation of the plan amendment
4691 by the regional planning council.

4692 b. County comments shall be in the context of the
4693 relationship and effect of the proposed plan amendments on the
4694 county plan.

4695 c. Municipal comments shall be in the context of the
4696 relationship and effect of the proposed plan amendments on the
4697 municipal plan.

4698 d. Military installation comments shall be provided in
4699 accordance with s. 163.3175.

4700 4. Comments to the local government from state agencies
4701 shall be limited to the following subjects as they relate to
4702 important state resources and facilities that will be adversely
4703 impacted by the amendment if adopted:

4704 a. The Department of Environmental Protection shall limit

HB 7129

2011

4705 its comments to the subjects of air and water pollution, solid
4706 waste, sewage, drinking water, state parks, greenways and
4707 trails, state-owned lands, and wetlands.

4708 b. The Department of State shall limit its comments to the
4709 subjects of historic and archeological resources.

4710 c. The Department of Transportation shall limit its
4711 comments to the subject of the strategic intermodal system.

4712 d. The Fish and Wildlife Conservation Commission shall
4713 limit its comments to subjects relating to fish and wildlife
4714 habitat and listed species and their habitat.

4715 e. The Department of Agriculture and Consumer Services
4716 shall limit its comments to the subjects of agriculture,
4717 forestry, and aquaculture issues.

4718 f. The Department of Education shall limit its comments to
4719 the subject of public school facilities.

4720 g. The appropriate water management district shall limit
4721 its comments to the subjects of wellfields, the regional water
4722 supply plan, and wetlands where the Department of Environmental
4723 Protection has delegated such authority.

4724 h. The state land planning agency shall limit its comments
4725 to important state resources and facilities outside the
4726 jurisdiction of other commenting state agencies and may include
4727 comments on countervailing planning policies and objectives
4728 served by the plan amendment that should be balanced against
4729 potential adverse impacts to important state resources and
4730 facilities.

4731 (c)1. The local government shall hold its second public
4732 hearing, which shall be a hearing on whether to adopt one or

4733 more comprehensive plan amendments pursuant to subsection (11).
 4734 If the local government fails, within 180 days after receipt of
 4735 agency comments, to hold the second public hearing, the
 4736 amendments shall be deemed withdrawn.

4737 2. All comprehensive plan amendments adopted by the
 4738 governing body, along with the supporting data and analysis,
 4739 shall be transmitted within 10 days after the second public
 4740 hearing to the state land planning agency and any other agency
 4741 or local government that provided timely comments under
 4742 subsection (3)(b)2.

4743 3. The state land planning agency shall notify the local
 4744 government of any deficiencies within 5 working days of receipt
 4745 of an amendment package. For purposes of completeness, an
 4746 amendment shall be deemed complete if it contains a full,
 4747 executed copy of the adoption ordinance or ordinances; in the
 4748 case of a text amendment, a full copy of the amended language in
 4749 legislative format with new words inserted in the text
 4750 underlined, and words deleted stricken with hyphens; in the case
 4751 of a future land use map amendment, a copy of the future land
 4752 use map clearly depicting the parcel, its existing future land
 4753 use designation, and its adopted designation; and a copy of any
 4754 data and analyses the local government deems appropriate.

4755 4. An amendment adopted under the provisions of this
 4756 paragraph shall not become effective until 31 days after the
 4757 state land planning agency notifies the local government that
 4758 the plan amendment package is complete. If timely challenged, an
 4759 amendment shall not become effective until the state land
 4760 planning agency or the Administration Commission enters a final

HB 7129

2011

4761 order determining the adopted amendment to be in compliance.

4762 (4) STATE COORDINATED REVIEW PROCESS.—

4763 (a)(2) Coordination.—The state land planning agency shall
4764 only use the state coordinated review process described in this
4765 subsection for review of comprehensive plans and plan amendments
4766 described in paragraph (2)(c). Each comprehensive plan or plan
4767 amendment proposed to be adopted pursuant to this subsection
4768 ~~part~~ shall be transmitted, adopted, and reviewed in the manner
4769 prescribed in this subsection section. The state land planning
4770 agency shall have responsibility for plan review, coordination,
4771 and the preparation and transmission of comments, pursuant to
4772 this subsection section, to the local governing body responsible
4773 for the comprehensive plan or plan amendment. ~~The state land~~
4774 ~~planning agency shall maintain a single file concerning any~~
4775 ~~proposed or adopted plan amendment submitted by a local~~
4776 ~~government for any review under this section. Copies of all~~
4777 ~~correspondence, papers, notes, memoranda, and other documents~~
4778 ~~received or generated by the state land planning agency must be~~
4779 ~~placed in the appropriate file. Paper copies of all electronic~~
4780 ~~mail correspondence must be placed in the file. The file and its~~
4781 ~~contents must be available for public inspection and copying as~~
4782 ~~provided in chapter 119.~~

4783 (b)(3) Local government transmittal of proposed plan or
4784 amendment.—

4785 (a) Each local governing body proposing a plan or plan
4786 amendment specified in paragraph (2)(c) shall transmit the
4787 complete proposed comprehensive plan or plan amendment to the
4788 reviewing agencies state land planning agency, the appropriate

HB 7129

2011

4789 ~~regional planning council and water management district, the~~
 4790 ~~Department of Environmental Protection, the Department of State,~~
 4791 ~~and the Department of Transportation, and, in the case of~~
 4792 ~~municipal plans, to the appropriate county, and, in the case of~~
 4793 ~~county plans, to the Fish and Wildlife Conservation Commission~~
 4794 ~~and the Department of Agriculture and Consumer Services,~~
 4795 immediately following the first a public hearing pursuant to
 4796 subsection (11). The transmitted document shall clearly indicate
 4797 on the cover sheet that this plan amendment is subject to the
 4798 state coordinated review process of s. 163.3184(4) (15) as
 4799 ~~specified in the state land planning agency's procedural rules.~~
 4800 The local governing body shall also transmit a copy of the
 4801 complete proposed comprehensive plan or plan amendment to any
 4802 other unit of local government or government agency in the state
 4803 that has filed a written request with the governing body for the
 4804 plan or plan amendment. ~~The local government may request a~~
 4805 ~~review by the state land planning agency pursuant to subsection~~
 4806 ~~(6) at the time of the transmittal of an amendment.~~
 4807 (b) ~~A local governing body shall not transmit portions of~~
 4808 ~~a plan or plan amendment unless it has previously provided to~~
 4809 ~~all state agencies designated by the state land planning agency~~
 4810 ~~a complete copy of its adopted comprehensive plan pursuant to~~
 4811 ~~subsection (7) and as specified in the agency's procedural~~
 4812 ~~rules. In the case of comprehensive plan amendments, the local~~
 4813 ~~governing body shall transmit to the state land planning agency,~~
 4814 ~~the appropriate regional planning council and water management~~
 4815 ~~district, the Department of Environmental Protection, the~~
 4816 ~~Department of State, and the Department of Transportation, and,~~

HB 7129

2011

4817 ~~in the case of municipal plans, to the appropriate county and,~~
4818 ~~in the case of county plans, to the Fish and Wildlife~~
4819 ~~Conservation Commission and the Department of Agriculture and~~
4820 ~~Consumer Services the materials specified in the state land~~
4821 ~~planning agency's procedural rules and, in cases in which the~~
4822 ~~plan amendment is a result of an evaluation and appraisal report~~
4823 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~
4824 ~~appraisal report. Local governing bodies shall consolidate all~~
4825 ~~proposed plan amendments into a single submission for each of~~
4826 ~~the two plan amendment adoption dates during the calendar year~~
4827 ~~pursuant to s. 163.3187.~~

4828 ~~(c) A local government may adopt a proposed plan amendment~~
4829 ~~previously transmitted pursuant to this subsection, unless~~
4830 ~~review is requested or otherwise initiated pursuant to~~
4831 ~~subsection (6).~~

4832 ~~(d) In cases in which a local government transmits~~
4833 ~~multiple individual amendments that can be clearly and legally~~
4834 ~~separated and distinguished for the purpose of determining~~
4835 ~~whether to review the proposed amendment, and the state land~~
4836 ~~planning agency elects to review several or a portion of the~~
4837 ~~amendments and the local government chooses to immediately adopt~~
4838 ~~the remaining amendments not reviewed, the amendments~~
4839 ~~immediately adopted and any reviewed amendments that the local~~
4840 ~~government subsequently adopts together constitute one amendment~~
4841 ~~cycle in accordance with s. 163.3187(1).~~

4842 ~~(e) At the request of an applicant, a local government~~
4843 ~~shall consider an application for zoning changes that would be~~
4844 ~~required to properly enact the provisions of any proposed plan~~

4845 ~~amendment transmitted pursuant to this subsection. Zoning~~
 4846 ~~changes approved by the local government are contingent upon the~~
 4847 ~~comprehensive plan or plan amendment transmitted becoming~~
 4848 ~~effective.~~

4849 (c)(4) Reviewing agency comments INTERGOVERNMENTAL
 4850 REVIEW.—The governmental agencies specified in subparagraph
 4851 (4) (b) may paragraph (3) (a) shall provide comments regarding the
 4852 plan or plan amendments in accordance with subparagraph
 4853 (3) (b)2.-4. However, comments on plans or plan amendments
 4854 required to be reviewed under the state coordinated review
 4855 process shall be sent to the state land planning agency within
 4856 30 days after receipt by the state land planning agency of the
 4857 complete proposed plan or plan amendment from the local
 4858 government. If the state land planning agency comments on a plan
 4859 or plan amendment adopted under the state coordinated review
 4860 process, it shall provide comments according to paragraph (d).
 4861 Any other unit of local government or government agency
 4862 specified in subparagraph (4) (b) may provide comments to the
 4863 state land planning agency in accordance with subparagraphs
 4864 (3) (b)2.-4. within 30 days after receipt by the state land
 4865 planning agency of the complete proposed plan or plan amendment.
 4866 ~~If the plan or plan amendment includes or relates to the public~~
 4867 ~~school facilities element pursuant to s. 163.3177(12), the state~~
 4868 ~~land planning agency shall submit a copy to the Office of~~
 4869 ~~Educational Facilities of the Commissioner of Education for~~
 4870 ~~review and comment. The appropriate regional planning council~~
 4871 ~~shall also provide its written comments to the state land~~
 4872 ~~planning agency within 30 days after receipt by the state land~~

4873 ~~planning agency of the complete proposed plan amendment and~~
 4874 ~~shall specify any objections, recommendations for modifications,~~
 4875 ~~and comments of any other regional agencies to which the~~
 4876 ~~regional planning council may have referred the proposed plan~~
 4877 ~~amendment. Written comments submitted by the public shall be~~
 4878 ~~sent directly to the local government within 30 days after~~
 4879 ~~notice of transmittal by the local government of the proposed~~
 4880 ~~plan amendment will be considered as if submitted by~~
 4881 ~~governmental agencies. All written agency and public comments~~
 4882 ~~must be made part of the file maintained under subsection (2).~~

4883 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~
 4884 ~~the regional planning council pursuant to subsection (4) shall~~
 4885 ~~be limited to effects on regional resources or facilities~~
 4886 ~~identified in the strategic regional policy plan and~~
 4887 ~~extrajurisdictional impacts which would be inconsistent with the~~
 4888 ~~comprehensive plan of the affected local government. However,~~
 4889 ~~any inconsistency between a local plan or plan amendment and a~~
 4890 ~~strategic regional policy plan must not be the sole basis for a~~
 4891 ~~notice of intent to find a local plan or plan amendment not in~~
 4892 ~~compliance with this act. A regional planning council shall not~~
 4893 ~~review and comment on a proposed comprehensive plan it prepared~~
 4894 ~~itself unless the plan has been changed by the local government~~
 4895 ~~subsequent to the preparation of the plan by the regional~~
 4896 ~~planning agency. The review of the county land planning agency~~
 4897 ~~pursuant to subsection (4) shall be primarily in the context of~~
 4898 ~~the relationship and effect of the proposed plan amendment on~~
 4899 ~~any county comprehensive plan element. Any review by~~
 4900 ~~municipalities will be primarily in the context of the~~

HB 7129

2011

4901 ~~relationship and effect on the municipal plan.~~
 4902 (d)~~(6)~~ State land planning agency review.-
 4903 ~~(a) The state land planning agency shall review a proposed~~
 4904 ~~plan amendment upon request of a regional planning council,~~
 4905 ~~affected person, or local government transmitting the plan~~
 4906 ~~amendment. The request from the regional planning council or~~
 4907 ~~affected person must be received within 30 days after~~
 4908 ~~transmittal of the proposed plan amendment pursuant to~~
 4909 ~~subsection (3). A regional planning council or affected person~~
 4910 ~~requesting a review shall do so by submitting a written request~~
 4911 ~~to the agency with a notice of the request to the local~~
 4912 ~~government and any other person who has requested notice.~~
 4913 ~~(b) The state land planning agency may review any proposed~~
 4914 ~~plan amendment regardless of whether a request for review has~~
 4915 ~~been made, if the agency gives notice to the local government,~~
 4916 ~~and any other person who has requested notice, of its intention~~
 4917 ~~to conduct such a review within 35 days after receipt of the~~
 4918 ~~complete proposed plan amendment.~~
 4919 1.(c) ~~The state land planning agency shall establish by~~
 4920 ~~rule a schedule for receipt of comments from the various~~
 4921 ~~government agencies, as well as written public comments,~~
 4922 ~~pursuant to subsection (4). If the state land planning agency~~
 4923 ~~elects to review a plan or plan the amendment ~~or the agency is~~~~
 4924 ~~required to review the amendment as specified in paragraph~~
 4925 (2)(c)(a), the agency shall issue a report giving its
 4926 objections, recommendations, and comments regarding the proposed
 4927 plan or plan amendment within 60 days after receipt of the
 4928 complete proposed plan or plan amendment ~~by the state land~~

HB 7129

2011

4929 ~~planning agency.~~ Notwithstanding the limitation on comments in
 4930 sub-subparagraph (3) (b) 4.g., the state land planning agency may
 4931 make objections, recommendations, and comments in its report
 4932 regarding whether the plan or plan amendment is in compliance
 4933 and whether the plan or plan amendment will adversely impact
 4934 important state resources and facilities. In making objections
 4935 as to whether a plan or plan amendment is in compliance, the
 4936 state land planning agency shall consider the plan or plan
 4937 amendment as a whole and whether the intent of this part is
 4938 furthered by the plan or plan amendment. In making objections
 4939 regarding an important state resource or facility that will be
 4940 adversely impacted by the adopted plan or plan amendment, the
 4941 state land planning agency shall only make an objection if on
 4942 the whole the plan or plan amendment's adverse impacts to the
 4943 important state resource or facility outweigh the plan or plan
 4944 amendment's benefits to the affected local community or the
 4945 amendment's furtherance of the intent of this part. Any
 4946 objection regarding an important state resource or facility that
 4947 will be adversely impacted by the adopted plan or plan amendment
 4948 shall also state with specificity how the plan or plan amendment
 4949 will adversely impact the important state resource or facility
 4950 and shall identify measures the local government may take to
 4951 eliminate, reduce, or mitigate the adverse impacts. When a
 4952 federal, state, or regional agency has implemented a permitting
 4953 program, ~~the state land planning agency shall not require a~~
 4954 local government is not required to duplicate or exceed that
 4955 permitting program in its comprehensive plan or to implement
 4956 such a permitting program in its land development regulations.

HB 7129

2011

4957 Nothing contained herein shall prohibit the state land planning
 4958 agency in conducting its review of local plans or plan
 4959 amendments from making objections, recommendations, and comments
 4960 ~~or making compliance determinations~~ regarding densities and
 4961 intensities consistent with the provisions of this part. In
 4962 preparing its comments, the state land planning agency shall
 4963 only base its considerations on written, and not oral, comments,
 4964 ~~from any source.~~

4965 2.~~(d)~~ The state land planning agency review shall identify
 4966 all written communications with the agency regarding the
 4967 proposed plan amendment. ~~If the state land planning agency does~~
 4968 ~~not issue such a review, it shall identify in writing to the~~
 4969 ~~local government all written communications received 30 days~~
 4970 ~~after transmittal.~~ The written identification must include a
 4971 list of all documents received or generated by the agency, which
 4972 list must be of sufficient specificity to enable the documents
 4973 to be identified and copies requested, if desired, and the name
 4974 of the person to be contacted to request copies of any
 4975 identified document. ~~The list of documents must be made a part~~
 4976 ~~of the public records of the state land planning agency.~~

4977 (e)~~(7)~~ Local government review of comments; adoption of
 4978 plan or amendments and transmittal.—

4979 ~~(a)~~ The local government shall review the report written
 4980 ~~comments~~ submitted to it by the state land planning agency, if
 4981 any, and written comments submitted to it by any other person,
 4982 agency, or government. ~~Any comments, recommendations, or~~
 4983 ~~objections and any reply to them shall be public documents, a~~
 4984 ~~part of the permanent record in the matter, and admissible in~~

HB 7129

2011

4985 ~~any proceeding in which the comprehensive plan or plan amendment~~
 4986 ~~may be at issue. The local government, upon receipt of the~~
 4987 ~~report written comments from the state land planning agency,~~
 4988 ~~shall follow the process in paragraph (3)(c) for the adoption of~~
 4989 ~~its plan or plan amendment. shall have 120 days to adopt or~~
 4990 ~~adopt with changes the proposed comprehensive plan or s.~~
 4991 ~~163.3191 plan amendments. In the case of comprehensive plan~~
 4992 ~~amendments other than those proposed pursuant to s. 163.3191,~~
 4993 ~~the local government shall have 60 days to adopt the amendment,~~
 4994 ~~adopt the amendment with changes, or determine that it will not~~
 4995 ~~adopt the amendment. The adoption of the proposed plan or plan~~
 4996 ~~amendment or the determination not to adopt a plan amendment,~~
 4997 ~~other than a plan amendment proposed pursuant to s. 163.3191,~~
 4998 ~~shall be made in the course of a public hearing pursuant to~~
 4999 ~~subsection (15). The local government shall transmit the~~
 5000 ~~complete adopted comprehensive plan or plan amendment, including~~
 5001 ~~the names and addresses of persons compiled pursuant to~~
 5002 ~~paragraph (15)(c), to the state land planning agency as~~
 5003 ~~specified in the agency's procedural rules within 10 working~~
 5004 ~~days after adoption. The local governing body shall also~~
 5005 ~~transmit a copy of the adopted comprehensive plan or plan~~
 5006 ~~amendment to the regional planning agency and to any other unit~~
 5007 ~~of local government or governmental agency in the state that has~~
 5008 ~~filed a written request with the governing body for a copy of~~
 5009 ~~the plan or plan amendment.~~

5010 ~~(b) If the adopted plan amendment is unchanged from the~~
 5011 ~~proposed plan amendment transmitted pursuant to subsection (3)~~
 5012 ~~and an affected person as defined in paragraph (1)(a) did not~~

HB 7129

2011

5013 ~~raise any objection, the state land planning agency did not~~
 5014 ~~review the proposed plan amendment, and the state land planning~~
 5015 ~~agency did not raise any objections during its review pursuant~~
 5016 ~~to subsection (6), the local government may state in the~~
 5017 ~~transmittal letter that the plan amendment is unchanged and was~~
 5018 ~~not the subject of objections.~~

5019 ~~(8) NOTICE OF INTENT.—~~

5020 ~~(a) If the transmittal letter correctly states that the~~
 5021 ~~plan amendment is unchanged and was not the subject of review or~~
 5022 ~~objections pursuant to paragraph (7) (b), the state land planning~~
 5023 ~~agency has 20 days after receipt of the transmittal letter~~
 5024 ~~within which to issue a notice of intent that the plan amendment~~
 5025 ~~is in compliance.~~

5026 ~~(b) Except as provided in paragraph (a) or in s.~~
 5027 ~~163.3187(3), the state land planning agency, upon receipt of a~~
 5028 ~~local government's complete adopted comprehensive plan or plan~~
 5029 ~~amendment, shall have 45 days for review and to determine if the~~
 5030 ~~plan or plan amendment is in compliance with this act, unless~~
 5031 ~~the amendment is the result of a compliance agreement entered~~
 5032 ~~into under subsection (16), in which case the time period for~~
 5033 ~~review and determination shall be 30 days. If review was not~~
 5034 ~~conducted under subsection (6), the agency's determination must~~
 5035 ~~be based upon the plan amendment as adopted. If review was~~
 5036 ~~conducted under subsection (6), the agency's determination of~~
 5037 ~~compliance must be based only upon one or both of the following:~~

- 5038 ~~1. The state land planning agency's written comments to~~
- 5039 ~~the local government pursuant to subsection (6); or~~
- 5040 ~~2. Any changes made by the local government to the~~

5041 ~~comprehensive plan or plan amendment as adopted.~~
 5042 ~~(c)1. During the time period provided for in this~~
 5043 ~~subsection, the state land planning agency shall issue, through~~
 5044 ~~a senior administrator or the secretary, as specified in the~~
 5045 ~~agency's procedural rules, a notice of intent to find that the~~
 5046 ~~plan or plan amendment is in compliance or not in compliance. A~~
 5047 ~~notice of intent shall be issued by publication in the manner~~
 5048 ~~provided by this paragraph and by mailing a copy to the local~~
 5049 ~~government. The advertisement shall be placed in that portion of~~
 5050 ~~the newspaper where legal notices appear. The advertisement~~
 5051 ~~shall be published in a newspaper that meets the size and~~
 5052 ~~circulation requirements set forth in paragraph (15)(c) and that~~
 5053 ~~has been designated in writing by the affected local government~~
 5054 ~~at the time of transmittal of the amendment. Publication by the~~
 5055 ~~state land planning agency of a notice of intent in the~~
 5056 ~~newspaper designated by the local government shall be prima~~
 5057 ~~facie evidence of compliance with the publication requirements~~
 5058 ~~of this section. The state land planning agency shall post a~~
 5059 ~~copy of the notice of intent on the agency's Internet site. The~~
 5060 ~~agency shall, no later than the date the notice of intent is~~
 5061 ~~transmitted to the newspaper, send by regular mail a courtesy~~
 5062 ~~informational statement to persons who provide their names and~~
 5063 ~~addresses to the local government at the transmittal hearing or~~
 5064 ~~at the adoption hearing where the local government has provided~~
 5065 ~~the names and addresses of such persons to the department at the~~
 5066 ~~time of transmittal of the adopted amendment. The informational~~
 5067 ~~statements shall include the name of the newspaper in which the~~
 5068 ~~notice of intent will appear, the approximate date of~~

HB 7129

2011

5069 ~~publication, the ordinance number of the plan or plan amendment,~~
 5070 ~~and a statement that affected persons have 21 days after the~~
 5071 ~~actual date of publication of the notice to file a petition.~~

5072 ~~2. A local government that has an Internet site shall post~~
 5073 ~~a copy of the state land planning agency's notice of intent on~~
 5074 ~~the site within 5 days after receipt of the mailed copy of the~~
 5075 ~~agency's notice of intent.~~

5076 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.~~

5077 ~~(a) If the state land planning agency issues a notice of~~
 5078 ~~intent to find that the comprehensive plan or plan amendment~~
 5079 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~
 5080 ~~or s. 163.3191 is in compliance with this act, any affected~~
 5081 ~~person may file a petition with the agency pursuant to ss.~~
 5082 ~~120.569 and 120.57 within 21 days after the publication of~~
 5083 ~~notice. In this proceeding, the local plan or plan amendment~~
 5084 ~~shall be determined to be in compliance if the local~~
 5085 ~~government's determination of compliance is fairly debatable.~~

5086 ~~(b) The hearing shall be conducted by an administrative~~
 5087 ~~law judge of the Division of Administrative Hearings of the~~
 5088 ~~Department of Management Services, who shall hold the hearing in~~
 5089 ~~the county of and convenient to the affected local jurisdiction~~
 5090 ~~and submit a recommended order to the state land planning~~
 5091 ~~agency. The state land planning agency shall allow for the~~
 5092 ~~filing of exceptions to the recommended order and shall issue a~~
 5093 ~~final order after receipt of the recommended order if the state~~
 5094 ~~land planning agency determines that the plan or plan amendment~~
 5095 ~~is in compliance. If the state land planning agency determines~~
 5096 ~~that the plan or plan amendment is not in compliance, the agency~~

HB 7129

2011

5097 ~~shall submit the recommended order to the Administration~~
 5098 ~~Commission for final agency action.~~

5099 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~
 5100 ~~COMPLIANCE.~~

5101 ~~(a) If the state land planning agency issues a notice of~~
 5102 ~~intent to find the comprehensive plan or plan amendment not in~~
 5103 ~~compliance with this act, the notice of intent shall be~~
 5104 ~~forwarded to the Division of Administrative Hearings of the~~
 5105 ~~Department of Management Services, which shall conduct a~~
 5106 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~
 5107 ~~convenient to the affected local jurisdiction. The parties to~~
 5108 ~~the proceeding shall be the state land planning agency, the~~
 5109 ~~affected local government, and any affected person who~~
 5110 ~~intervenes. No new issue may be alleged as a reason to find a~~
 5111 ~~plan or plan amendment not in compliance in an administrative~~
 5112 ~~pleading filed more than 21 days after publication of notice~~
 5113 ~~unless the party seeking that issue establishes good cause for~~
 5114 ~~not alleging the issue within that time period. Good cause shall~~
 5115 ~~not include excusable neglect. In the proceeding, the local~~
 5116 ~~government's determination that the comprehensive plan or plan~~
 5117 ~~amendment is in compliance is presumed to be correct. The local~~
 5118 ~~government's determination shall be sustained unless it is shown~~
 5119 ~~by a preponderance of the evidence that the comprehensive plan~~
 5120 ~~or plan amendment is not in compliance. The local government's~~
 5121 ~~determination that elements of its plans are related to and~~
 5122 ~~consistent with each other shall be sustained if the~~
 5123 ~~determination is fairly debatable.~~

5124 ~~(b) The administrative law judge assigned by the division~~

HB 7129

2011

5125 ~~shall submit a recommended order to the Administration~~
5126 ~~Commission for final agency action.~~

5127 ~~(c) Prior to the hearing, the state land planning agency~~
5128 ~~shall afford an opportunity to mediate or otherwise resolve the~~
5129 ~~dispute. If a party to the proceeding requests mediation or~~
5130 ~~other alternative dispute resolution, the hearing may not be~~
5131 ~~held until the state land planning agency advises the~~
5132 ~~administrative law judge in writing of the results of the~~
5133 ~~mediation or other alternative dispute resolution. However, the~~
5134 ~~hearing may not be delayed for longer than 90 days for mediation~~
5135 ~~or other alternative dispute resolution unless a longer delay is~~
5136 ~~agreed to by the parties to the proceeding. The costs of the~~
5137 ~~mediation or other alternative dispute resolution shall be borne~~
5138 ~~equally by all of the parties to the proceeding.~~

5139 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
5140 AMENDMENTS.—

5141 (a) Any affected person as defined in paragraph (1)(a) may
5142 file a petition with the Division of Administrative Hearings
5143 pursuant to ss. 120.569 and 120.57, with a copy served on the
5144 affected local government, to request a formal hearing to
5145 challenge whether the plan or plan amendments are in compliance
5146 as defined in paragraph (1)(b). This petition must be filed with
5147 the division within 30 days after the local government adopts
5148 the amendment. The state land planning agency may not intervene
5149 in a proceeding initiated by an affected person.

5150 (b) The state land planning agency may file a petition
5151 with the Division of Administrative Hearings pursuant to ss.
5152 120.569 and 120.57, with a copy served on the affected local

HB 7129

2011

5153 government, to request a formal hearing to challenge whether the
5154 plan or plan amendment is in compliance as defined in paragraph
5155 (1) (b). The state land planning agency's petition must clearly
5156 state the reasons for the challenge. This petition must be filed
5157 with the division within 30 days after the state land planning
5158 agency notifies the local government that the plan amendment
5159 package is complete according to subparagraph (3) (c)3.

5160 1. The state land planning agency's challenge to plan
5161 amendments adopted under the expedited state review process
5162 shall be limited to the comments provided by the reviewing
5163 agencies pursuant to subparagraphs (3) (b)2.-4., upon a
5164 determination by the state land planning agency that an
5165 important state resource or facility will be adversely impacted
5166 by the adopted plan amendment. The state land planning agency's
5167 petition shall state with specificity how the plan amendment
5168 will adversely impact the important state resource or facility.
5169 The state land planning agency shall only make such a
5170 determination if on the whole the amendment's adverse impacts to
5171 the important state resource or facility outweigh the
5172 amendment's benefits to the affected local community or the
5173 amendment's furtherance of the intent of this part. The state
5174 land planning agency may challenge a plan amendment that has
5175 substantially changed from the version on which the agencies
5176 provided comments but only upon a determination by the state
5177 land planning agency that an important state resource or
5178 facility will be adversely impacted.

5179 2. The state land planning agency's challenge to plans and
5180 plan amendments pursuant to paragraph (2) (c) adopted under the

HB 7129

2011

5181 state coordinated review process, unless the plan or plan
 5182 amendment is substantially changed from the one commented on, is
 5183 limited to objections raised in the objections, recommendations,
 5184 and comments report. Any state land planning agency challenge to
 5185 a plan amendment that updates a comprehensive plan based on an
 5186 evaluation and appraisal pursuant to s. 163.3191, unless the
 5187 amendment has substantially changed from the one commented on,
 5188 is limited to objections raised in the objections,
 5189 recommendations, and comments report where the state land
 5190 planning agency has made a determination that the plan amendment
 5191 will adversely impact an important state resource or facility.

5192 (c) An administrative law judge shall hold a hearing in
 5193 the affected local jurisdiction on whether the plan or plan
 5194 amendment is in compliance.

5195 1. In challenges filed by an affected person, the
 5196 comprehensive plan or plan amendment shall be determined to be
 5197 in compliance if the local government's determination of
 5198 compliance is fairly debatable.

5199 2.a. In challenges filed by the state land planning
 5200 agency, the local government's determination that the
 5201 comprehensive plan or plan amendment is in compliance is
 5202 presumed to be correct, and the local government's determination
 5203 shall be sustained unless it is shown by a preponderance of the
 5204 evidence that the comprehensive plan or plan amendment is not in
 5205 compliance.

5206 b. In challenges filed by the state land planning agency,
 5207 the local government's determination that elements of its plan
 5208 are related to and consistent with each other shall be sustained

HB 7129

2011

5209 if the determination is fairly debatable.

5210 3. In challenges filed by the state land planning agency
 5211 that require a determination by the agency that an important
 5212 state resource or facility will be adversely impacted by the
 5213 adopted plan or plan amendment, the local government may contest
 5214 the agency's determination that the amendment would adversely
 5215 impact an important state resource or facility. The state land
 5216 planning agency shall prove its determination by clear and
 5217 convincing evidence.

5218 (d) If the administrative law judge recommends that the
 5219 amendment be found not in compliance, the judge shall submit the
 5220 recommended order to the Administration Commission for final
 5221 agency action. The Administration Commission shall enter a final
 5222 order within 45 days after its receipt of the recommended order.

5223 (e) If the administrative law judge recommends that the
 5224 amendment be found in compliance, the judge shall submit the
 5225 recommended order to the state land planning agency.

5226 1. If the state land planning agency determines that the
 5227 plan amendment should be found not in compliance, the agency
 5228 shall refer, within 30 days after receipt of the recommended
 5229 order, the recommended order and its determination to the
 5230 Administration Commission for final agency action.

5231 2. If the state land planning agency determines that the
 5232 plan amendment should be found in compliance, the agency shall
 5233 enter its final order not later than 30 days after receipt of
 5234 the recommended order.

5235 (f)1. In all challenges under this subsection, when a
 5236 determination of compliance as defined in paragraph (1) (b) is

HB 7129

2011

5237 made, consideration shall be given to the plan or plan amendment
 5238 as a whole and whether the plan or plan amendment furthers the
 5239 intent of this part.

5240 2. In challenges that require the state land planning
 5241 agency to make a determination that an important state resource
 5242 or facility will be adversely impacted by the adopted plan or
 5243 plan amendment, the plan or plan amendment shall be found to be
 5244 in compliance unless it is determined that on the whole the plan
 5245 or plan amendment's adverse impacts to the important state
 5246 resource or facility outweigh the plan or plan amendment's
 5247 benefits to the affected local community or the plan or plan
 5248 amendment's furtherance of the intent of this part.

5249 (g) Parties to a proceeding under this subsection may
 5250 enter into compliance agreements using the process in subsection
 5251 (6).

5252 (6) COMPLIANCE AGREEMENT.—

5253 (a) At any time after the filing of a challenge, the state
 5254 land planning agency and the local government may voluntarily
 5255 enter into a compliance agreement to resolve one or more of the
 5256 issues raised in the proceedings. Affected persons who have
 5257 initiated a formal proceeding or have intervened in a formal
 5258 proceeding may also enter into a compliance agreement with the
 5259 local government. All parties granted intervenor status shall be
 5260 provided reasonable notice of the commencement of a compliance
 5261 agreement negotiation process and a reasonable opportunity to
 5262 participate in such negotiation process. Negotiation meetings
 5263 with local governments or intervenors shall be open to the
 5264 public. The state land planning agency shall provide each party

HB 7129

2011

5265 granted intervenor status with a copy of the compliance
 5266 agreement within 10 days after the agreement is executed. The
 5267 compliance agreement shall list each portion of the plan or plan
 5268 amendment that has been challenged, and shall specify remedial
 5269 actions that the local government has agreed to complete within
 5270 a specified time in order to resolve the challenge, including
 5271 adoption of all necessary plan amendments. The compliance
 5272 agreement may also establish monitoring requirements and
 5273 incentives to ensure that the conditions of the compliance
 5274 agreement are met.

5275 (b) Upon the filing of a compliance agreement executed by
 5276 the parties to a challenge and the local government with the
 5277 Division of Administrative Hearings, any administrative
 5278 proceeding under ss. 120.569 and 120.57 regarding the plan or
 5279 plan amendment covered by the compliance agreement shall be
 5280 stayed.

5281 (c) Before its execution of a compliance agreement, the
 5282 local government must approve the compliance agreement at a
 5283 public hearing advertised at least 10 days before the public
 5284 hearing in a newspaper of general circulation in the area in
 5285 accordance with the advertisement requirements of chapter 125 or
 5286 166, as applicable.

5287 (d) The local government shall hold a single adoption
 5288 public hearing for remedial amendments.

5289 (e) If the local government adopts a comprehensive plan
 5290 amendment pursuant to a compliance agreement, an affected person
 5291 or the state land planning agency may file a revised challenge
 5292 with the Division of Administrative Hearings within 15 days

HB 7129

2011

5293 after the adoption of the amendment.

5294 (f) This subsection does not prohibit a local government
 5295 from amending portions of its comprehensive plan other than
 5296 those that are the subject of a challenge. However, such
 5297 amendments to the plan may not be inconsistent with the
 5298 compliance agreement.

5299 (g) Nothing in this subsection is intended to require
 5300 settlement by any party against its will or to preclude the use
 5301 of other informal dispute resolution methods, in the course of
 5302 or in addition to the method described in this subsection.

5303 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5304 (a) At any time after the matter has been forwarded to the
 5305 Division of Administrative Hearings, the local government
 5306 proposing the amendment may demand formal mediation or the local
 5307 government proposing the amendment or an affected person who is
 5308 a party to the proceeding may demand informal mediation or
 5309 expeditious resolution of the amendment proceedings by serving
 5310 written notice on the state land planning agency if a party to
 5311 the proceeding, all other parties to the proceeding, and the
 5312 administrative law judge.

5313 (b) Upon receipt of a notice pursuant to paragraph (a),
 5314 the administrative law judge shall set the matter for final
 5315 hearing no more than 30 days after receipt of the notice. Once a
 5316 final hearing has been set, no continuance in the hearing, and
 5317 no additional time for post-hearing submittals, may be granted
 5318 without the written agreement of the parties absent a finding by
 5319 the administrative law judge of extraordinary circumstances.
 5320 Extraordinary circumstances do not include matters relating to

HB 7129

2011

5321 workload or need for additional time for preparation,
 5322 negotiation, or mediation.

5323 (c) Absent a showing of extraordinary circumstances, the
 5324 administrative law judge shall issue a recommended order, in a
 5325 case proceeding under subsection (5), within 30 days after
 5326 filing of the transcript, unless the parties agree in writing to
 5327 a longer time.

5328 (d) Absent a showing of extraordinary circumstances, the
 5329 Administration Commission shall issue a final order, in a case
 5330 proceeding under subsection (5), within 45 days after the
 5331 issuance of the recommended order, unless the parties agree in
 5332 writing to a longer time.

5333 (8)-(11) ADMINISTRATION COMMISSION.-

5334 (a) If the Administration Commission, upon a hearing
 5335 pursuant to subsection (5)-(9) or subsection (10), finds that the
 5336 comprehensive plan or plan amendment is not in compliance with
 5337 this act, the commission shall specify remedial actions that
 5338 ~~which~~ would bring the comprehensive plan or plan amendment into
 5339 compliance.

5340 (b) The commission may specify the sanctions provided in
 5341 subparagraphs 1. and 2. to which the local government will be
 5342 subject if it elects to make the amendment effective
 5343 notwithstanding the determination of noncompliance.

5344 1. The commission may direct state agencies not to provide
 5345 funds to increase the capacity of roads, bridges, or water and
 5346 sewer systems within the boundaries of those local governmental
 5347 entities which have comprehensive plans or plan elements that
 5348 are determined not to be in compliance. The commission order may

HB 7129

2011

5349 also specify that the local government shall not be eligible for
5350 grants administered under the following programs:

5351 ~~a.1.~~ The Florida Small Cities Community Development Block
5352 Grant Program, as authorized by ss. 290.0401-290.049.

5353 ~~b.2.~~ The Florida Recreation Development Assistance
5354 Program, as authorized by chapter 375.

5355 ~~c.3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and
5356 218.61 and chapter 212, to the extent not pledged to pay back
5357 bonds.

5358 ~~2.(b)~~ If the local government is one which is required to
5359 include a coastal management element in its comprehensive plan
5360 pursuant to s. 163.3177(6)(g), the commission order may also
5361 specify that the local government is not eligible for funding
5362 pursuant to s. 161.091. The commission order may also specify
5363 that the fact that the coastal management element has been
5364 determined to be not in compliance shall be a consideration when
5365 the department considers permits under s. 161.053 and when the
5366 Board of Trustees of the Internal Improvement Trust Fund
5367 considers whether to sell, convey any interest in, or lease any
5368 sovereignty lands or submerged lands until the element is
5369 brought into compliance.

5370 ~~3.(e)~~ The sanctions provided by subparagraphs ~~paragraphs~~
5371 ~~1.(a)~~ and ~~2.(b)~~ shall not apply to a local government regarding
5372 any plan amendment, except for plan amendments that amend plans
5373 that have not been finally determined to be in compliance with
5374 this part, and except as provided in paragraph (b) ~~s.~~
5375 ~~163.3189(2) or s. 163.3191(11).~~

5376 ~~(9)-(12)~~ GOOD FAITH FILING.—The signature of an attorney or

HB 7129

2011

5377 party constitutes a certificate that he or she has read the
 5378 pleading, motion, or other paper and that, to the best of his or
 5379 her knowledge, information, and belief formed after reasonable
 5380 inquiry, it is not interposed for any improper purpose, such as
 5381 to harass or to cause unnecessary delay, or for economic
 5382 advantage, competitive reasons, or frivolous purposes or
 5383 needless increase in the cost of litigation. If a pleading,
 5384 motion, or other paper is signed in violation of these
 5385 requirements, the administrative law judge, upon motion or his
 5386 or her own initiative, shall impose upon the person who signed
 5387 it, a represented party, or both, an appropriate sanction, which
 5388 may include an order to pay to the other party or parties the
 5389 amount of reasonable expenses incurred because of the filing of
 5390 the pleading, motion, or other paper, including a reasonable
 5391 attorney's fee.

5392 (10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
 5393 section shall be the sole proceeding or action for a
 5394 determination of whether a local government's plan, element, or
 5395 amendment is in compliance with this act.

5396 ~~(14) AREAS OF CRITICAL STATE CONCERN.—No proposed local
 5397 government comprehensive plan or plan amendment which is
 5398 applicable to a designated area of critical state concern shall
 5399 be effective until a final order is issued finding the plan or
 5400 amendment to be in compliance as defined in this section.~~

5401 (11)~~(15)~~ PUBLIC HEARINGS.—

5402 (a) The procedure for transmittal of a complete proposed
 5403 comprehensive plan or plan amendment pursuant to subparagraphs
 5404 ~~subsection~~ (3) (b)1. and (4) (b) and for adoption of a

HB 7129

2011

5405 comprehensive plan or plan amendment pursuant to
 5406 subparagraphs(3)(c)1. and (4)(e)1. ~~subsection (7)~~ shall be by
 5407 affirmative vote of not less than a majority of the members of
 5408 the governing body present at the hearing. The adoption of a
 5409 comprehensive plan or plan amendment shall be by ordinance. For
 5410 the purposes of transmitting or adopting a comprehensive plan or
 5411 plan amendment, the notice requirements in chapters 125 and 166
 5412 are superseded by this subsection, except as provided in this
 5413 part.

5414 (b) The local governing body shall hold at least two
 5415 advertised public hearings on the proposed comprehensive plan or
 5416 plan amendment as follows:

5417 1. The first public hearing shall be held at the
 5418 transmittal stage ~~pursuant to subsection (3)~~. It shall be held
 5419 on a weekday at least 7 days after the day that the first
 5420 advertisement is published pursuant to the requirements of
 5421 chapter 125 or chapter 166.

5422 2. The second public hearing shall be held at the adoption
 5423 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday
 5424 at least 5 days after the day that the second advertisement is
 5425 published pursuant to the requirements of chapter 125 or chapter
 5426 166.

5427 (c) Nothing in this part is intended to prohibit or limit
 5428 the authority of local governments to require a person
 5429 requesting an amendment to pay some or all of the cost of the
 5430 public notice.

5431 (12) CONCURRENT ZONING.—At the request of an applicant, a
 5432 local government shall consider an application for zoning

5433 changes that would be required to properly enact the provisions
 5434 of any proposed plan amendment transmitted pursuant to this
 5435 subsection. Zoning changes approved by the local government are
 5436 contingent upon the comprehensive plan or plan amendment
 5437 transmitted becoming effective.

5438 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local
 5439 government comprehensive plan or plan amendment that is
 5440 applicable to a designated area of critical state concern shall
 5441 be effective until a final order is issued finding the plan or
 5442 amendment to be in compliance as defined in paragraph (1) (b).

5443 ~~(c) The local government shall provide a sign-in form at~~
 5444 ~~the transmittal hearing and at the adoption hearing for persons~~
 5445 ~~to provide their names and mailing addresses. The sign-in form~~
 5446 ~~must advise that any person providing the requested information~~
 5447 ~~will receive a courtesy informational statement concerning~~
 5448 ~~publications of the state land planning agency's notice of~~
 5449 ~~intent. The local government shall add to the sign-in form the~~
 5450 ~~name and address of any person who submits written comments~~
 5451 ~~concerning the proposed plan or plan amendment during the time~~
 5452 ~~period between the commencement of the transmittal hearing and~~
 5453 ~~the end of the adoption hearing. It is the responsibility of the~~
 5454 ~~person completing the form or providing written comments to~~
 5455 ~~accurately, completely, and legibly provide all information~~
 5456 ~~needed in order to receive the courtesy informational statement.~~

5457 ~~(d) The agency shall provide a model sign-in form for~~
 5458 ~~providing the list to the agency which may be used by the local~~
 5459 ~~government to satisfy the requirements of this subsection.~~

5460 ~~(e) If the proposed comprehensive plan or plan amendment~~

HB 7129

2011

5461 ~~changes the actual list of permitted, conditional, or prohibited~~
5462 ~~uses within a future land use category or changes the actual~~
5463 ~~future land use map designation of a parcel or parcels of land,~~
5464 ~~the required advertisements shall be in the format prescribed by~~
5465 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~
5466 ~~municipality.~~

5467 ~~(16) COMPLIANCE AGREEMENTS.—~~

5468 ~~(a) At any time following the issuance of a notice of~~
5469 ~~intent to find a comprehensive plan or plan amendment not in~~
5470 ~~compliance with this part or after the initiation of a hearing~~
5471 ~~pursuant to subsection (9), the state land planning agency and~~
5472 ~~the local government may voluntarily enter into a compliance~~
5473 ~~agreement to resolve one or more of the issues raised in the~~
5474 ~~proceedings. Affected persons who have initiated a formal~~
5475 ~~proceeding or have intervened in a formal proceeding may also~~
5476 ~~enter into the compliance agreement. All parties granted~~
5477 ~~intervenor status shall be provided reasonable notice of the~~
5478 ~~commencement of a compliance agreement negotiation process and a~~
5479 ~~reasonable opportunity to participate in such negotiation~~
5480 ~~process. Negotiation meetings with local governments or~~
5481 ~~intervenor shall be open to the public. The state land planning~~
5482 ~~agency shall provide each party granted intervenor status with a~~
5483 ~~copy of the compliance agreement within 10 days after the~~
5484 ~~agreement is executed. The compliance agreement shall list each~~
5485 ~~portion of the plan or plan amendment which is not in~~
5486 ~~compliance, and shall specify remedial actions which the local~~
5487 ~~government must complete within a specified time in order to~~
5488 ~~bring the plan or plan amendment into compliance, including~~

HB 7129

2011

5489 ~~adoption of all necessary plan amendments. The compliance~~
5490 ~~agreement may also establish monitoring requirements and~~
5491 ~~incentives to ensure that the conditions of the compliance~~
5492 ~~agreement are met.~~

5493 ~~(b) Upon filing by the state land planning agency of a~~
5494 ~~compliance agreement executed by the agency and the local~~
5495 ~~government with the Division of Administrative Hearings, any~~
5496 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~
5497 ~~the plan or plan amendment covered by the compliance agreement~~
5498 ~~shall be stayed.~~

5499 ~~(c) Prior to its execution of a compliance agreement, the~~
5500 ~~local government must approve the compliance agreement at a~~
5501 ~~public hearing advertised at least 10 days before the public~~
5502 ~~hearing in a newspaper of general circulation in the area in~~
5503 ~~accordance with the advertisement requirements of subsection~~
5504 ~~(15).~~

5505 ~~(d) A local government may adopt a plan amendment pursuant~~
5506 ~~to a compliance agreement in accordance with the requirements of~~
5507 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~
5508 ~~requirements of subsections (2) (7). The local government shall~~
5509 ~~hold a single adoption public hearing pursuant to the~~
5510 ~~requirements of subparagraph (15) (b) 2. and paragraph (15) (c).~~
5511 ~~Within 10 working days after adoption of a plan amendment, the~~
5512 ~~local government shall transmit the amendment to the state land~~
5513 ~~planning agency as specified in the agency's procedural rules,~~
5514 ~~and shall submit one copy to the regional planning agency and to~~
5515 ~~any other unit of local government or government agency in the~~
5516 ~~state that has filed a written request with the governing body~~

HB 7129

2011

5517 ~~for a copy of the plan amendment, and one copy to any party to~~
5518 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~
5519 ~~status.~~

5520 ~~(c) The state land planning agency, upon receipt of a plan~~
5521 ~~amendment adopted pursuant to a compliance agreement, shall~~
5522 ~~issue a cumulative notice of intent addressing both the~~
5523 ~~compliance agreement amendment and the plan or plan amendment~~
5524 ~~that was the subject of the agreement, in accordance with~~
5525 ~~subsection (8).~~

5526 ~~(f)1. If the local government adopts a comprehensive plan~~
5527 ~~amendment pursuant to a compliance agreement and a notice of~~
5528 ~~intent to find the plan amendment in compliance is issued, the~~
5529 ~~state land planning agency shall forward the notice of intent to~~
5530 ~~the Division of Administrative Hearings and the administrative~~
5531 ~~law judge shall realign the parties in the pending proceeding~~
5532 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~
5533 ~~by the process contained in paragraphs (9)(a) and (b), including~~
5534 ~~provisions relating to challenges by an affected person, burden~~
5535 ~~of proof, and issues of a recommended order and a final order,~~
5536 ~~except as provided in subparagraph 2. Parties to the original~~
5537 ~~proceeding at the time of realignment may continue as parties~~
5538 ~~without being required to file additional pleadings to initiate~~
5539 ~~a proceeding, but may timely amend their pleadings to raise any~~
5540 ~~challenge to the amendment which is the subject of the~~
5541 ~~cumulative notice of intent, and must otherwise conform to the~~
5542 ~~rules of procedure of the Division of Administrative Hearings.~~
5543 ~~Any affected person not a party to the realigned proceeding may~~
5544 ~~challenge the plan amendment which is the subject of the~~

HB 7129

2011

5545 ~~cumulative notice of intent by filing a petition with the agency~~
5546 ~~as provided in subsection (9). The agency shall forward the~~
5547 ~~petition filed by the affected person not a party to the~~
5548 ~~realigned proceeding to the Division of Administrative Hearings~~
5549 ~~for consolidation with the realigned proceeding.~~

5550 ~~2. If any of the issues raised by the state land planning~~
5551 ~~agency in the original subsection (10) proceeding are not~~
5552 ~~resolved by the compliance agreement amendments, any intervenor~~
5553 ~~in the original subsection (10) proceeding may require those~~
5554 ~~issues to be addressed in the pending consolidated realigned~~
5555 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~
5556 ~~issues, the burden of proof shall be governed by subsection~~
5557 ~~(10).~~

5558 ~~3. If the local government adopts a comprehensive plan~~
5559 ~~amendment pursuant to a compliance agreement and a notice of~~
5560 ~~intent to find the plan amendment not in compliance is issued,~~
5561 ~~the state land planning agency shall forward the notice of~~
5562 ~~intent to the Division of Administrative Hearings, which shall~~
5563 ~~consolidate the proceeding with the pending proceeding and~~
5564 ~~immediately set a date for hearing in the pending proceeding~~
5565 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~
5566 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~
5567 ~~may challenge the plan amendment adopted pursuant to the~~
5568 ~~compliance agreement by filing a petition pursuant to subsection~~
5569 ~~(10).~~

5570 ~~(g) If the local government fails to adopt a comprehensive~~
5571 ~~plan amendment pursuant to a compliance agreement, the state~~
5572 ~~land planning agency shall notify the Division of Administrative~~

HB 7129

2011

5573 ~~Hearings, which shall set the hearing in the pending proceeding~~
 5574 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5575 ~~(h) This subsection does not prohibit a local government~~
 5576 ~~from amending portions of its comprehensive plan other than~~
 5577 ~~those which are the subject of the compliance agreement.~~

5578 ~~However, such amendments to the plan may not be inconsistent~~
 5579 ~~with the compliance agreement.~~

5580 ~~(i) Nothing in this subsection is intended to limit the~~
 5581 ~~parties from entering into a compliance agreement at any time~~
 5582 ~~before the final order in the proceeding is issued, provided~~
 5583 ~~that the provisions of paragraph (c) shall apply regardless of~~
 5584 ~~when the compliance agreement is reached.~~

5585 ~~(j) Nothing in this subsection is intended to force any~~
 5586 ~~party into settlement against its will or to preclude the use of~~
 5587 ~~other informal dispute resolution methods, such as the services~~
 5588 ~~offered by the Florida Growth Management Dispute Resolution~~
 5589 ~~Consortium, in the course of or in addition to the method~~
 5590 ~~described in this subsection.~~

5591 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—~~
 5592 ~~A local government that has adopted a community vision and urban~~
 5593 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
 5594 ~~amendment related to map amendments solely to property within an~~
 5595 ~~urban service boundary in the manner described in subsections~~
 5596 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
 5597 ~~and e., 2., and 3., such that state and regional agency review~~
 5598 ~~is eliminated. The department may not issue an objections,~~
 5599 ~~recommendations, and comments report on proposed plan amendments~~
 5600 ~~or a notice of intent on adopted plan amendments; however,~~

5601 ~~affected persons, as defined by paragraph (1) (a), may file a~~
 5602 ~~petition for administrative review pursuant to the requirements~~
 5603 ~~of s. 163.3187(3) (a) to challenge the compliance of an adopted~~
 5604 ~~plan amendment. This subsection does not apply to any amendment~~
 5605 ~~within an area of critical state concern, to any amendment that~~
 5606 ~~increases residential densities allowable in high hazard coastal~~
 5607 ~~areas as defined in s. 163.3178(2) (h), or to a text change to~~
 5608 ~~the goals, policies, or objectives of the local government's~~
 5609 ~~comprehensive plan. Amendments submitted under this subsection~~
 5610 ~~are exempt from the limitation on the frequency of plan~~
 5611 ~~amendments in s. 163.3187.~~

5612 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS. A~~
 5613 ~~municipality that has a designated urban infill and~~
 5614 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
 5615 ~~related to map amendments solely to property within a designated~~
 5616 ~~urban infill and redevelopment area in the manner described in~~
 5617 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
 5618 ~~163.3187(1) (c) 1.d. and e., 2., and 3., such that state and~~
 5619 ~~regional agency review is eliminated. The department may not~~
 5620 ~~issue an objections, recommendations, and comments report on~~
 5621 ~~proposed plan amendments or a notice of intent on adopted plan~~
 5622 ~~amendments; however, affected persons, as defined by paragraph~~
 5623 ~~(1) (a), may file a petition for administrative review pursuant~~
 5624 ~~to the requirements of s. 163.3187(3) (a) to challenge the~~
 5625 ~~compliance of an adopted plan amendment. This subsection does~~
 5626 ~~not apply to any amendment within an area of critical state~~
 5627 ~~concern, to any amendment that increases residential densities~~
 5628 ~~allowable in high hazard coastal areas as defined in s.~~

HB 7129

2011

5629 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~
 5630 ~~objectives of the local government's comprehensive plan.~~

5631 ~~Amendments submitted under this subsection are exempt from the~~
 5632 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

5633 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
 5634 ~~government that identifies in its comprehensive plan the types~~
 5635 ~~of housing developments and conditions for which it will~~
 5636 ~~consider plan amendments that are consistent with the local~~
 5637 ~~housing incentive strategies identified in s. 420.9076 and~~
 5638 ~~authorized by the local government may expedite consideration of~~
 5639 ~~such plan amendments. At least 30 days prior to adopting a plan~~
 5640 ~~amendment pursuant to this subsection, the local government~~
 5641 ~~shall notify the state land planning agency of its intent to~~
 5642 ~~adopt such an amendment, and the notice shall include the local~~
 5643 ~~government's evaluation of site suitability and availability of~~
 5644 ~~facilities and services. A plan amendment considered under this~~
 5645 ~~subsection shall require only a single public hearing before the~~
 5646 ~~local governing body, which shall be a plan amendment adoption~~
 5647 ~~hearing as described in subsection (7). The public notice of the~~
 5648 ~~hearing required under subparagraph (15)(b)2. must include a~~
 5649 ~~statement that the local government intends to use the expedited~~
 5650 ~~adoption process authorized under this subsection. The state~~
 5651 ~~land planning agency shall issue its notice of intent required~~
 5652 ~~under subsection (8) within 30 days after determining that the~~
 5653 ~~amendment package is complete. Any further proceedings shall be~~
 5654 ~~governed by subsections (9)-(16).~~

5655 Section 17. Section 163.3187, Florida Statutes, is amended
 5656 to read:-

HB 7129

2011

5657 163.3187 Process for adoption of small-scale comprehensive
 5658 plan amendment of adopted comprehensive plan.—

5659 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
 5660 ~~this part may be made not more than two times during any~~
 5661 ~~calendar year, except:~~

5662 ~~(a) In the case of an emergency, comprehensive plan~~
 5663 ~~amendments may be made more often than twice during the calendar~~
 5664 ~~year if the additional plan amendment receives the approval of~~
 5665 ~~all of the members of the governing body. "Emergency" means any~~
 5666 ~~occurrence or threat thereof whether accidental or natural,~~
 5667 ~~caused by humankind, in war or peace, which results or may~~
 5668 ~~result in substantial injury or harm to the population or~~
 5669 ~~substantial damage to or loss of property or public funds.~~

5670 ~~(b) Any local government comprehensive plan amendments~~
 5671 ~~directly related to a proposed development of regional impact,~~
 5672 ~~including changes which have been determined to be substantial~~
 5673 ~~deviations and including Florida Quality Developments pursuant~~
 5674 ~~to s. 380.061, may be initiated by a local planning agency and~~
 5675 ~~considered by the local governing body at the same time as the~~
 5676 ~~application for development approval using the procedures~~
 5677 ~~provided for local plan amendment in this section and applicable~~
 5678 ~~local ordinances.~~

5679 (1)(c) ~~Any local government comprehensive plan amendments~~
 5680 ~~directly related to proposed small scale development activities~~
 5681 ~~may be approved without regard to statutory limits on the~~
 5682 ~~frequency of consideration of amendments to the local~~
 5683 ~~comprehensive plan. A small scale development amendment may be~~
 5684 ~~adopted only~~ under the following conditions:

HB 7129

2011

5685 (a)1. The proposed amendment involves a use of 10 acres or
5686 fewer and:

5687 (b)a. The cumulative annual effect of the acreage for all
5688 small scale development amendments adopted by the local
5689 government shall not exceed:

5690 ~~(I) a maximum of 120 acres in a calendar year. local~~
5691 ~~government that contains areas specifically designated in the~~
5692 ~~local comprehensive plan for urban infill, urban redevelopment,~~
5693 ~~or downtown revitalization as defined in s. 163.3164, urban~~
5694 ~~infill and redevelopment areas designated under s. 163.2517,~~
5695 ~~transportation concurrency exception areas approved pursuant to~~
5696 ~~s. 163.3180(5), or regional activity centers and urban central~~
5697 ~~business districts approved pursuant to s. 380.06(2)(e);~~
5698 ~~however, amendments under this paragraph may be applied to no~~
5699 ~~more than 60 acres annually of property outside the designated~~
5700 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~
5701 ~~pursuant to paragraph (k) shall not be counted toward the~~
5702 ~~acreage limitations for small scale amendments under this~~
5703 ~~paragraph.~~

5704 ~~(II) A maximum of 80 acres in a local government that does~~
5705 ~~not contain any of the designated areas set forth in sub-sub-~~
5706 ~~subparagraph (I).~~

5707 ~~(III) A maximum of 120 acres in a county established~~
5708 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5709 ~~b. The proposed amendment does not involve the same~~
5710 ~~property granted a change within the prior 12 months.~~

5711 ~~e. The proposed amendment does not involve the same~~
5712 ~~owner's property within 200 feet of property granted a change~~

HB 7129

2011

5713 ~~within the prior 12 months.~~

5714 (c)d. The proposed amendment does not involve a text
 5715 change to the goals, policies, and objectives of the local
 5716 government's comprehensive plan, but only proposes a land use
 5717 change to the future land use map for a site-specific small
 5718 scale development activity. However, text changes that relate
 5719 directly to, and are adopted simultaneously with, the small
 5720 scale future land use map amendment shall be permissible under
 5721 this section.

5722 (d)e. The property that is the subject of the proposed
 5723 amendment is not located within an area of critical state
 5724 concern, unless the project subject to the proposed amendment
 5725 involves the construction of affordable housing units meeting
 5726 the criteria of s. 420.0004(3), and is located within an area of
 5727 critical state concern designated by s. 380.0552 or by the
 5728 Administration Commission pursuant to s. 380.05(1). ~~Such~~
 5729 ~~amendment is not subject to the density limitations of sub-~~
 5730 ~~subparagraph f., and shall be reviewed by the state land~~
 5731 ~~planning agency for consistency with the principles for guiding~~
 5732 ~~development applicable to the area of critical state concern~~
 5733 ~~where the amendment is located and shall not become effective~~
 5734 ~~until a final order is issued under s. 380.05(6).~~

5735 ~~f.~~ If the proposed amendment involves a residential land
 5736 use, the residential land use has a density of 10 units or less
 5737 per acre or the proposed future land use category allows a
 5738 maximum residential density of the same or less than the maximum
 5739 residential density allowable under the existing future land use
 5740 category, except that this limitation does not apply to small

HB 7129

2011

5741 ~~scale amendments involving the construction of affordable~~
5742 ~~housing units meeting the criteria of s. 420.0004(3) on property~~
5743 ~~which will be the subject of a land use restriction agreement,~~
5744 ~~or small scale amendments described in sub-sub-subparagraph~~
5745 ~~a.(I) that are designated in the local comprehensive plan for~~
5746 ~~urban infill, urban redevelopment, or downtown revitalization as~~
5747 ~~defined in s. 163.3164, urban infill and redevelopment areas~~
5748 ~~designated under s. 163.2517, transportation concurrency~~
5749 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~
5750 ~~activity centers and urban central business districts approved~~
5751 ~~pursuant to s. 380.06(2)(c).~~

5752 ~~2.a. A local government that proposes to consider a plan~~
5753 ~~amendment pursuant to this paragraph is not required to comply~~
5754 ~~with the procedures and public notice requirements of s.~~
5755 ~~163.3184(15)(c) for such plan amendments if the local government~~
5756 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~
5757 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~
5758 ~~amendment under this paragraph is initiated by other than the~~
5759 ~~local government, public notice is required.~~

5760 ~~b. The local government shall send copies of the notice~~
5761 ~~and amendment to the state land planning agency, the regional~~
5762 ~~planning council, and any other person or entity requesting a~~
5763 ~~copy. This information shall also include a statement~~
5764 ~~identifying any property subject to the amendment that is~~
5765 ~~located within a coastal high hazard area as identified in the~~
5766 ~~local comprehensive plan.~~

5767 ~~(2)3.~~ (2)3. Small scale development amendments adopted pursuant
5768 to this section ~~paragraph~~ require only one public hearing before

HB 7129

2011

5769 the governing board, which shall be an adoption hearing as
5770 described in s. 163.3184(11)(7), and are not subject to the
5771 requirements of s. 163.3184(3)-(6) unless the local government
5772 elects to have them subject to those requirements.

5773 (3)4. If the small scale development amendment involves a
5774 site within an area that is designated by the Governor as a
5775 rural area of critical economic concern as defined under s.
5776 288.0656(2)(d)(7) for the duration of such designation, the 10-
5777 acre limit listed in subsection (1) subparagraph 1. shall be
5778 increased by 100 percent to 20 acres. The local government
5779 approving the small scale plan amendment shall certify to the
5780 Office of Tourism, Trade, and Economic Development that the plan
5781 amendment furthers the economic objectives set forth in the
5782 executive order issued under s. 288.0656(7), and the property
5783 subject to the plan amendment shall undergo public review to
5784 ensure that all concurrency requirements and federal, state, and
5785 local environmental permit requirements are met.

5786 ~~(d) Any comprehensive plan amendment required by a~~
5787 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~
5788 ~~without regard to statutory limits on the frequency of adoption~~
5789 ~~of amendments to the comprehensive plan.~~

5790 ~~(e) A comprehensive plan amendment for location of a state~~
5791 ~~correctional facility. Such an amendment may be made at any time~~
5792 ~~and does not count toward the limitation on the frequency of~~
5793 ~~plan amendments.~~

5794 ~~(f) The capital improvements element annual update~~
5795 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~
5796 ~~related to the schedule.~~

5797 ~~(g) Any local government comprehensive plan amendments~~
 5798 ~~directly related to proposed redevelopment of brownfield areas~~
 5799 ~~designated under s. 376.80 may be approved without regard to~~
 5800 ~~statutory limits on the frequency of consideration of amendments~~
 5801 ~~to the local comprehensive plan.~~

5802 ~~(h) Any comprehensive plan amendments for port~~
 5803 ~~transportation facilities and projects that are eligible for~~
 5804 ~~funding by the Florida Seaport Transportation and Economic~~
 5805 ~~Development Council pursuant to s. 311.07.~~

5806 ~~(i) A comprehensive plan amendment for the purpose of~~
 5807 ~~designating an urban infill and redevelopment area under s.~~
 5808 ~~163.2517 may be approved without regard to the statutory limits~~
 5809 ~~on the frequency of amendments to the comprehensive plan.~~

5810 ~~(j) Any comprehensive plan amendment to establish public~~
 5811 ~~school concurrency pursuant to s. 163.3180(13), including, but~~
 5812 ~~not limited to, adoption of a public school facilities element~~
 5813 ~~and adoption of amendments to the capital improvements element~~
 5814 ~~and intergovernmental coordination element. In order to ensure~~
 5815 ~~the consistency of local government public school facilities~~
 5816 ~~elements within a county, such elements shall be prepared and~~
 5817 ~~adopted on a similar time schedule.~~

5818 ~~(k) A local comprehensive plan amendment directly related~~
 5819 ~~to providing transportation improvements to enhance life safety~~
 5820 ~~on Controlled Access Major Arterial Highways identified in the~~
 5821 ~~Florida Intrastate Highway System, in counties as defined in s.~~
 5822 ~~125.011, where such roadways have a high incidence of traffic~~
 5823 ~~accidents resulting in serious injury or death. Any such~~
 5824 ~~amendment shall not include any amendment modifying the~~

HB 7129

2011

5825 ~~designation on a comprehensive development plan land use map nor~~
5826 ~~any amendment modifying the allowable densities or intensities~~
5827 ~~of any land.~~

5828 ~~(l) A comprehensive plan amendment to adopt a public~~
5829 ~~educational facilities element pursuant to s. 163.3177(12) and~~
5830 ~~future land use map amendments for school siting may be approved~~
5831 ~~notwithstanding statutory limits on the frequency of adopting~~
5832 ~~plan amendments.~~

5833 ~~(m) A comprehensive plan amendment that addresses criteria~~
5834 ~~or compatibility of land uses adjacent to or in close proximity~~
5835 ~~to military installations in a local government's future land~~
5836 ~~use element does not count toward the limitation on the~~
5837 ~~frequency of the plan amendments.~~

5838 ~~(n) Any local government comprehensive plan amendment~~
5839 ~~establishing or implementing a rural land stewardship area~~
5840 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

5841 ~~(o) A comprehensive plan amendment that is submitted by an~~
5842 ~~area designated by the Governor as a rural area of critical~~
5843 ~~economic concern under s. 288.0656(7) and that meets the~~
5844 ~~economic development objectives may be approved without regard~~
5845 ~~to the statutory limits on the frequency of adoption of~~
5846 ~~amendments to the comprehensive plan.~~

5847 ~~(p) Any local government comprehensive plan amendment that~~
5848 ~~is consistent with the local housing incentive strategies~~
5849 ~~identified in s. 420.9076 and authorized by the local~~
5850 ~~government.~~

5851 ~~(q) Any local government plan amendment to designate an~~
5852 ~~urban service area as a transportation concurrency exception~~

HB 7129

2011

5853 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~
 5854 ~~development of regional impact process under s. 380.06(29).~~

5855 (4)(2) Comprehensive plans may only be amended in such a
 5856 way as to preserve the internal consistency of the plan pursuant
 5857 to s. 163.3177(2). Corrections, updates, or modifications of
 5858 current costs which were set out as part of the comprehensive
 5859 plan shall not, for the purposes of this act, be deemed to be
 5860 amendments.

5861 ~~(3)(a) The state land planning agency shall not review or~~
 5862 ~~issue a notice of intent for small scale development amendments~~
 5863 ~~which satisfy the requirements of paragraph (1)(c).~~

5864 (5)(a) Any affected person may file a petition with the
 5865 Division of Administrative Hearings pursuant to ss. 120.569 and
 5866 120.57 to request a hearing to challenge the compliance of a
 5867 small scale development amendment with this act within 30 days
 5868 following the local government's adoption of the amendment and,
 5869 shall serve a copy of the petition on the local government, ~~and~~
 5870 ~~shall furnish a copy to the state land planning agency.~~ An
 5871 administrative law judge shall hold a hearing in the affected
 5872 jurisdiction not less than 30 days nor more than 60 days
 5873 following the filing of a petition and the assignment of an
 5874 administrative law judge. The parties to a hearing held pursuant
 5875 to this subsection shall be the petitioner, the local
 5876 government, and any intervenor. In the proceeding, the plan
 5877 amendment shall be determined to be in compliance if the local
 5878 government's determination that the small scale development
 5879 amendment is in compliance is fairly debatable ~~presumed to be~~
 5880 ~~correct. The local government's determination shall be sustained~~

HB 7129

2011

5881 ~~unless it is shown by a preponderance of the evidence that the~~
5882 ~~amendment is not in compliance with the requirements of this~~
5883 ~~act. In any proceeding initiated pursuant to this subsection,~~
5884 The state land planning agency may not intervene in any
5885 proceeding initiated pursuant to this section.

5886 (b)1. If the administrative law judge recommends that the
5887 small scale development amendment be found not in compliance,
5888 the administrative law judge shall submit the recommended order
5889 to the Administration Commission for final agency action. If the
5890 administrative law judge recommends that the small scale
5891 development amendment be found in compliance, the administrative
5892 law judge shall submit the recommended order to the state land
5893 planning agency.

5894 2. If the state land planning agency determines that the
5895 plan amendment is not in compliance, the agency shall submit,
5896 within 30 days following its receipt, the recommended order to
5897 the Administration Commission for final agency action. If the
5898 state land planning agency determines that the plan amendment is
5899 in compliance, the agency shall enter a final order within 30
5900 days following its receipt of the recommended order.

5901 (c) Small scale development amendments shall not become
5902 effective until 31 days after adoption. If challenged within 30
5903 days after adoption, small scale development amendments shall
5904 not become effective until the state land planning agency or the
5905 Administration Commission, respectively, issues a final order
5906 determining that the adopted small scale development amendment
5907 is in compliance.

5908 (d) In all challenges under this subsection, when a

5909 determination of compliance as defined in s. 163.3184(1)(b) is
 5910 made, consideration shall be given to the plan amendment as a
 5911 whole and whether the plan amendment furthers the intent of this
 5912 part.

5913 ~~(4) Each governing body shall transmit to the state land~~
 5914 ~~planning agency a current copy of its comprehensive plan not~~
 5915 ~~later than December 1, 1985. Each governing body shall also~~
 5916 ~~transmit copies of any amendments it adopts to its comprehensive~~
 5917 ~~plan so as to continually update the plans on file with the~~
 5918 ~~state land planning agency.~~

5919 ~~(5) Nothing in this part is intended to prohibit or limit~~
 5920 ~~the authority of local governments to require that a person~~
 5921 ~~requesting an amendment pay some or all of the cost of public~~
 5922 ~~notice.~~

5923 ~~(6)(a) No local government may amend its comprehensive~~
 5924 ~~plan after the date established by the state land planning~~
 5925 ~~agency for adoption of its evaluation and appraisal report~~
 5926 ~~unless it has submitted its report or addendum to the state land~~
 5927 ~~planning agency as prescribed by s. 163.3191, except for plan~~
 5928 ~~amendments described in paragraph (1)(b) or paragraph (1)(h).~~

5929 ~~(b) A local government may amend its comprehensive plan~~
 5930 ~~after it has submitted its adopted evaluation and appraisal~~
 5931 ~~report and for a period of 1 year after the initial~~
 5932 ~~determination of sufficiency regardless of whether the report~~
 5933 ~~has been determined to be insufficient.~~

5934 ~~(c) A local government may not amend its comprehensive~~
 5935 ~~plan, except for plan amendments described in paragraph (1)(b),~~
 5936 ~~if the 1-year period after the initial sufficiency determination~~

HB 7129

2011

5937 ~~of the report has expired and the report has not been determined~~
 5938 ~~to be sufficient.~~

5939 ~~(d) When the state land planning agency has determined~~
 5940 ~~that the report has sufficiently addressed all pertinent~~
 5941 ~~provisions of s. 163.3191, the local government may amend its~~
 5942 ~~comprehensive plan without the limitations imposed by paragraph~~
 5943 ~~(a) or paragraph (c).~~

5944 ~~(e) Any plan amendment which a local government attempts~~
 5945 ~~to adopt in violation of paragraph (a) or paragraph (c) is~~
 5946 ~~invalid, but such invalidity may be overcome if the local~~
 5947 ~~government readopts the amendment and transmits the amendment to~~
 5948 ~~the state land planning agency pursuant to s. 163.3184(7) after~~
 5949 ~~the report is determined to be sufficient.~~

5950 Section 18. Section 163.3189, Florida Statutes, is
 5951 repealed.

5952 Section 19. Section 163.3191, Florida Statutes, is amended
 5953 to read:

5954 163.3191 Evaluation and appraisal of comprehensive plan.-

5955 (1) At least once every 7 years, each local government
 5956 shall evaluate its comprehensive plan to determine if plan
 5957 amendments are necessary to reflect changes in state
 5958 requirements in this part since the last update of the
 5959 comprehensive plan, and notify the state land planning agency as
 5960 to its determination.

5961 (2) If the local government determines amendments to its
 5962 comprehensive plan are necessary to reflect changes in state
 5963 requirements, the local government shall prepare and transmit
 5964 within 1 year such plan amendment or amendments for review

HB 7129

2011

5965 pursuant to s. 163.3184.

5966 (3) Local governments are encouraged to comprehensively
 5967 evaluate and, as necessary, update comprehensive plans to
 5968 reflect changes in local conditions. Plan amendments transmitted
 5969 pursuant to this section shall be reviewed in accordance with s.
 5970 163.3184.

5971 (4) If a local government fails to submit its letter
 5972 prescribed by subsection (1) or update its plan pursuant to
 5973 subsection (2), it may not amend its comprehensive plan until
 5974 such time as it complies with this section.

5975 ~~(1) The planning program shall be a continuous and ongoing~~
 5976 ~~process. Each local government shall adopt an evaluation and~~
 5977 ~~appraisal report once every 7 years assessing the progress in~~
 5978 ~~implementing the local government's comprehensive plan.~~
 5979 ~~Furthermore, it is the intent of this section that:~~

5980 ~~(a) Adopted comprehensive plans be reviewed through such~~
 5981 ~~evaluation process to respond to changes in state, regional, and~~
 5982 ~~local policies on planning and growth management and changing~~
 5983 ~~conditions and trends, to ensure effective intergovernmental~~
 5984 ~~coordination, and to identify major issues regarding the~~
 5985 ~~community's achievement of its goals.~~

5986 ~~(b) After completion of the initial evaluation and~~
 5987 ~~appraisal report and any supporting plan amendments, each~~
 5988 ~~subsequent evaluation and appraisal report must evaluate the~~
 5989 ~~comprehensive plan in effect at the time of the initiation of~~
 5990 ~~the evaluation and appraisal report process.~~

5991 ~~(c) Local governments identify the major issues, if~~
 5992 ~~applicable, with input from state agencies, regional agencies,~~

5993 ~~adjacent local governments, and the public in the evaluation and~~
 5994 ~~appraisal report process. It is also the intent of this section~~
 5995 ~~to establish minimum requirements for information to ensure~~
 5996 ~~predictability, certainty, and integrity in the growth~~
 5997 ~~management process. The report is intended to serve as a summary~~
 5998 ~~audit of the actions that a local government has undertaken and~~
 5999 ~~identify changes that it may need to make. The report should be~~
 6000 ~~based on the local government's analysis of major issues to~~
 6001 ~~further the community's goals consistent with statewide minimum~~
 6002 ~~standards. The report is not intended to require a comprehensive~~
 6003 ~~rewrite of the elements within the local plan, unless a local~~
 6004 ~~government chooses to do so.~~

6005 ~~(2) The report shall present an evaluation and assessment~~
 6006 ~~of the comprehensive plan and shall contain appropriate~~
 6007 ~~statements to update the comprehensive plan, including, but not~~
 6008 ~~limited to, words, maps, illustrations, or other media, related~~
 6009 ~~to:~~

6010 ~~(a) Population growth and changes in land area, including~~
 6011 ~~annexation, since the adoption of the original plan or the most~~
 6012 ~~recent update amendments.~~

6013 ~~(b) The extent of vacant and developable land.~~

6014 ~~(c) The financial feasibility of implementing the~~
 6015 ~~comprehensive plan and of providing needed infrastructure to~~
 6016 ~~achieve and maintain adopted level-of-service standards and~~
 6017 ~~sustain concurrency management systems through the capital~~
 6018 ~~improvements element, as well as the ability to address~~
 6019 ~~infrastructure backlogs and meet the demands of growth on public~~
 6020 ~~services and facilities.~~

6021 ~~(d) The location of existing development in relation to~~
 6022 ~~the location of development as anticipated in the original plan,~~
 6023 ~~or in the plan as amended by the most recent evaluation and~~
 6024 ~~appraisal report update amendments, such as within areas~~
 6025 ~~designated for urban growth.~~

6026 ~~(e) An identification of the major issues for the~~
 6027 ~~jurisdiction and, where pertinent, the potential social,~~
 6028 ~~economic, and environmental impacts.~~

6029 ~~(f) Relevant changes to the state comprehensive plan, the~~
 6030 ~~requirements of this part, the minimum criteria contained in~~
 6031 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~
 6032 ~~strategic regional policy plan since the adoption of the~~
 6033 ~~original plan or the most recent evaluation and appraisal report~~
 6034 ~~update amendments.~~

6035 ~~(g) An assessment of whether the plan objectives within~~
 6036 ~~each element, as they relate to major issues, have been~~
 6037 ~~achieved. The report shall include, as appropriate, an~~
 6038 ~~identification as to whether unforeseen or unanticipated changes~~
 6039 ~~in circumstances have resulted in problems or opportunities with~~
 6040 ~~respect to major issues identified in each element and the~~
 6041 ~~social, economic, and environmental impacts of the issue.~~

6042 ~~(h) A brief assessment of successes and shortcomings~~
 6043 ~~related to each element of the plan.~~

6044 ~~(i) The identification of any actions or corrective~~
 6045 ~~measures, including whether plan amendments are anticipated to~~
 6046 ~~address the major issues identified and analyzed in the report.~~
 6047 ~~Such identification shall include, as appropriate, new~~
 6048 ~~population projections, new revised planning timeframes, a~~

6049 ~~revised future conditions map or map series, an updated capital~~
 6050 ~~improvements element, and any new and revised goals, objectives,~~
 6051 ~~and policies for major issues identified within each element.~~
 6052 ~~This paragraph shall not require the submittal of the plan~~
 6053 ~~amendments with the evaluation and appraisal report.~~

6054 ~~(j) A summary of the public participation program and~~
 6055 ~~activities undertaken by the local government in preparing the~~
 6056 ~~report.~~

6057 ~~(k) The coordination of the comprehensive plan with~~
 6058 ~~existing public schools and those identified in the applicable~~
 6059 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
 6060 ~~assessment shall address, where relevant, the success or failure~~
 6061 ~~of the coordination of the future land use map and associated~~
 6062 ~~planned residential development with public schools and their~~
 6063 ~~capacities, as well as the joint decisionmaking processes~~
 6064 ~~engaged in by the local government and the school board in~~
 6065 ~~regard to establishing appropriate population projections and~~
 6066 ~~the planning and siting of public school facilities. For those~~
 6067 ~~counties or municipalities that do not have a public schools~~
 6068 ~~interlocal agreement or public school facilities element, the~~
 6069 ~~assessment shall determine whether the local government~~
 6070 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
 6071 ~~or municipality determines that it no longer meets the criteria,~~
 6072 ~~it must adopt appropriate school concurrency goals, objectives,~~
 6073 ~~and policies in its plan amendments pursuant to the requirements~~
 6074 ~~of the public school facilities element, and enter into the~~
 6075 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~
 6076 ~~and 163.31777 in order to fully participate in the school~~

HB 7129

2011

6077 ~~concurrency system.~~

6078 ~~(l) The extent to which the local government has been~~
6079 ~~successful in identifying alternative water supply projects and~~
6080 ~~traditional water supply projects, including conservation and~~
6081 ~~reuse, necessary to meet the water needs identified in s.~~
6082 ~~373.709(2)(a) within the local government's jurisdiction. The~~
6083 ~~report must evaluate the degree to which the local government~~
6084 ~~has implemented the work plan for building public, private, and~~
6085 ~~regional water supply facilities, including development of~~
6086 ~~alternative water supplies, identified in the element as~~
6087 ~~necessary to serve existing and new development.~~

6088 ~~(m) If any of the jurisdiction of the local government is~~
6089 ~~located within the coastal high-hazard area, an evaluation of~~
6090 ~~whether any past reduction in land use density impairs the~~
6091 ~~property rights of current residents when redevelopment occurs,~~
6092 ~~including, but not limited to, redevelopment following a natural~~
6093 ~~disaster. The property rights of current residents shall be~~
6094 ~~balanced with public safety considerations. The local government~~
6095 ~~must identify strategies to address redevelopment feasibility~~
6096 ~~and the property rights of affected residents. These strategies~~
6097 ~~may include the authorization of redevelopment up to the actual~~
6098 ~~built density in existence on the property prior to the natural~~
6099 ~~disaster or redevelopment.~~

6100 ~~(n) An assessment of whether the criteria adopted pursuant~~
6101 ~~to s. 163.3177(6)(a) were successful in achieving compatibility~~
6102 ~~with military installations.~~

6103 ~~(o) The extent to which a concurrency exception area~~
6104 ~~designated pursuant to s. 163.3180(5), a concurrency management~~

HB 7129

2011

6105 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
6106 ~~transportation district designated pursuant to s. 163.3180(15)~~
6107 ~~has achieved the purpose for which it was created and otherwise~~
6108 ~~complies with the provisions of s. 163.3180.~~

6109 ~~(p) An assessment of the extent to which changes are~~
6110 ~~needed to develop a common methodology for measuring impacts on~~
6111 ~~transportation facilities for the purpose of implementing its~~
6112 ~~concurrency management system in coordination with the~~
6113 ~~municipalities and counties, as appropriate pursuant to s.~~
6114 ~~163.3180(10).~~

6115 ~~(3) Voluntary scoping meetings may be conducted by each~~
6116 ~~local government or several local governments within the same~~
6117 ~~county that agree to meet together. Joint meetings among all~~
6118 ~~local governments in a county are encouraged. All scoping~~
6119 ~~meetings shall be completed at least 1 year prior to the~~
6120 ~~established adoption date of the report. The purpose of the~~
6121 ~~meetings shall be to distribute data and resources available to~~
6122 ~~assist in the preparation of the report, to provide input on~~
6123 ~~major issues in each community that should be addressed in the~~
6124 ~~report, and to advise on the extent of the effort for the~~
6125 ~~components of subsection (2). If scoping meetings are held, the~~
6126 ~~local government shall invite each state and regional reviewing~~
6127 ~~agency, as well as adjacent and other affected local~~
6128 ~~governments. A preliminary list of new data and major issues~~
6129 ~~that have emerged since the adoption of the original plan, or~~
6130 ~~the most recent evaluation and appraisal report-based update~~
6131 ~~amendments, should be developed by state and regional entities~~
6132 ~~and involved local governments for distribution at the scoping~~

HB 7129

2011

6133 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
6134 ~~a meeting conducted to determine the scope of review of the~~
6135 ~~evaluation and appraisal report by parties to which the report~~
6136 ~~relates.~~

6137 ~~(4) The local planning agency shall prepare the evaluation~~
6138 ~~and appraisal report and shall make recommendations to the~~
6139 ~~governing body regarding adoption of the proposed report. The~~
6140 ~~local planning agency shall prepare the report in conformity~~
6141 ~~with its public participation procedures adopted as required by~~
6142 ~~s. 163.3181. During the preparation of the proposed report and~~
6143 ~~prior to making any recommendation to the governing body, the~~
6144 ~~local planning agency shall hold at least one public hearing,~~
6145 ~~with public notice, on the proposed report. At a minimum, the~~
6146 ~~format and content of the proposed report shall include a table~~
6147 ~~of contents; numbered pages; element headings; section headings~~
6148 ~~within elements; a list of included tables, maps, and figures; a~~
6149 ~~title and sources for all included tables; a preparation date;~~
6150 ~~and the name of the preparer. Where applicable, maps shall~~
6151 ~~include major natural and artificial geographic features; city,~~
6152 ~~county, and state lines; and a legend indicating a north arrow,~~
6153 ~~map scale, and the date.~~

6154 ~~(5) Ninety days prior to the scheduled adoption date, the~~
6155 ~~local government may provide a proposed evaluation and appraisal~~
6156 ~~report to the state land planning agency and distribute copies~~
6157 ~~to state and regional commenting agencies as prescribed by rule,~~
6158 ~~adjacent jurisdictions, and interested citizens for review. All~~
6159 ~~review comments, including comments by the state land planning~~
6160 ~~agency, shall be transmitted to the local government and state~~

HB 7129

2011

6161 ~~land planning agency within 30 days after receipt of the~~
6162 ~~proposed report.~~

6163 ~~(6) The governing body, after considering the review~~
6164 ~~comments and recommended changes, if any, shall adopt the~~
6165 ~~evaluation and appraisal report by resolution or ordinance at a~~
6166 ~~public hearing with public notice. The governing body shall~~
6167 ~~adopt the report in conformity with its public participation~~
6168 ~~procedures adopted as required by s. 163.3181. The local~~
6169 ~~government shall submit to the state land planning agency three~~
6170 ~~copies of the report, a transmittal letter indicating the dates~~
6171 ~~of public hearings, and a copy of the adoption resolution or~~
6172 ~~ordinance. The local government shall provide a copy of the~~
6173 ~~report to the reviewing agencies which provided comments for the~~
6174 ~~proposed report, or to all the reviewing agencies if a proposed~~
6175 ~~report was not provided pursuant to subsection (5), including~~
6176 ~~the adjacent local governments. Within 60 days after receipt,~~
6177 ~~the state land planning agency shall review the adopted report~~
6178 ~~and make a preliminary sufficiency determination that shall be~~
6179 ~~forwarded by the agency to the local government for its~~
6180 ~~consideration. The state land planning agency shall issue a~~
6181 ~~final sufficiency determination within 90 days after receipt of~~
6182 ~~the adopted evaluation and appraisal report.~~

6183 ~~(7) The intent of the evaluation and appraisal process is~~
6184 ~~the preparation of a plan update that clearly and concisely~~
6185 ~~achieves the purpose of this section. Toward this end, the~~
6186 ~~sufficiency review of the state land planning agency shall~~
6187 ~~concentrate on whether the evaluation and appraisal report~~
6188 ~~sufficiently fulfills the components of subsection (2). If the~~

HB 7129

2011

6189 ~~state land planning agency determines that the report is~~
 6190 ~~insufficient, the governing body shall adopt a revision of the~~
 6191 ~~report and submit the revised report for review pursuant to~~
 6192 ~~subsection (6).~~

6193 ~~(8) The state land planning agency may delegate the review~~
 6194 ~~of evaluation and appraisal reports, including all state land~~
 6195 ~~planning agency duties under subsections (4) (7), to the~~
 6196 ~~appropriate regional planning council. When the review has been~~
 6197 ~~delegated to a regional planning council, any local government~~
 6198 ~~in the region may elect to have its report reviewed by the~~
 6199 ~~regional planning council rather than the state land planning~~
 6200 ~~agency. The state land planning agency shall by agreement~~
 6201 ~~provide for uniform and adequate review of reports and shall~~
 6202 ~~retain oversight for any delegation of review to a regional~~
 6203 ~~planning council.~~

6204 ~~(9) The state land planning agency may establish a phased~~
 6205 ~~schedule for adoption of reports. The schedule shall provide~~
 6206 ~~each local government at least 7 years from plan adoption or~~
 6207 ~~last established adoption date for a report and shall allot~~
 6208 ~~approximately one-seventh of the reports to any 1 year. In order~~
 6209 ~~to allow the municipalities to use data and analyses gathered by~~
 6210 ~~the counties, the state land planning agency shall schedule~~
 6211 ~~municipal report adoption dates between 1 year and 18 months~~
 6212 ~~later than the report adoption date for the county in which~~
 6213 ~~those municipalities are located. A local government may adopt~~
 6214 ~~its report no earlier than 90 days prior to the established~~
 6215 ~~adoption date. Small municipalities which were scheduled by~~
 6216 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~

6217 ~~evaluation and appraisal report after February 2, 1999, shall be~~
 6218 ~~rescheduled to adopt their report together with the other~~
 6219 ~~municipalities in their county as provided in this subsection.~~

6220 ~~(10) The governing body shall amend its comprehensive plan~~
 6221 ~~based on the recommendations in the report and shall update the~~
 6222 ~~comprehensive plan based on the components of subsection (2),~~
 6223 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~
 6224 ~~163.3189. Amendments to update a comprehensive plan based on the~~
 6225 ~~evaluation and appraisal report shall be adopted during a single~~
 6226 ~~amendment cycle within 18 months after the report is determined~~
 6227 ~~to be sufficient by the state land planning agency, except the~~
 6228 ~~state land planning agency may grant an extension for adoption~~
 6229 ~~of a portion of such amendments. The state land planning agency~~
 6230 ~~may grant a 6-month extension for the adoption of such~~
 6231 ~~amendments if the request is justified by good and sufficient~~
 6232 ~~cause as determined by the agency. An additional extension may~~
 6233 ~~also be granted if the request will result in greater~~
 6234 ~~coordination between transportation and land use, for the~~
 6235 ~~purposes of improving Florida's transportation system, as~~
 6236 ~~determined by the agency in coordination with the Metropolitan~~
 6237 ~~Planning Organization program. Beginning July 1, 2006, failure~~
 6238 ~~to timely adopt and transmit update amendments to the~~
 6239 ~~comprehensive plan based on the evaluation and appraisal report~~
 6240 ~~shall result in a local government being prohibited from~~
 6241 ~~adopting amendments to the comprehensive plan until the~~
 6242 ~~evaluation and appraisal report update amendments have been~~
 6243 ~~adopted and transmitted to the state land planning agency. The~~
 6244 ~~prohibition on plan amendments shall commence when the update~~

HB 7129

2011

6245 ~~amendments to the comprehensive plan are past due. The~~
 6246 ~~comprehensive plan as amended shall be in compliance as defined~~
 6247 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~
 6248 ~~of the update amendments to the comprehensive plan, the local~~
 6249 ~~government shall provide to the state land planning agency and~~
 6250 ~~to all agencies designated by rule a complete copy of the~~
 6251 ~~updated comprehensive plan.~~

6252 ~~(11) The Administration Commission may impose the~~
 6253 ~~sanctions provided by s. 163.3184(11) against any local~~
 6254 ~~government that fails to adopt and submit a report, or that~~
 6255 ~~fails to implement its report through timely and sufficient~~
 6256 ~~amendments to its local plan, except for reasons of excusable~~
 6257 ~~delay or valid planning reasons agreed to by the state land~~
 6258 ~~planning agency or found present by the Administration~~
 6259 ~~Commission. Sanctions for untimely or insufficient plan~~
 6260 ~~amendments shall be prospective only and shall begin after a~~
 6261 ~~final order has been issued by the Administration Commission and~~
 6262 ~~a reasonable period of time has been allowed for the local~~
 6263 ~~government to comply with an adverse determination by the~~
 6264 ~~Administration Commission through adoption of plan amendments~~
 6265 ~~that are in compliance. The state land planning agency may~~
 6266 ~~initiate, and an affected person may intervene in, such a~~
 6267 ~~proceeding by filing a petition with the Division of~~
 6268 ~~Administrative Hearings, which shall appoint an administrative~~
 6269 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~
 6270 ~~120.57(1) and shall submit a recommended order to the~~
 6271 ~~Administration Commission. The affected local government shall~~
 6272 ~~be a party to any such proceeding. The commission may implement~~

6273 ~~this subsection by rule.~~

6274 (5)~~(12)~~ The state land planning agency shall not adopt
 6275 rules to implement this section, other than procedural rules.

6276 ~~(13) The state land planning agency shall regularly review~~
 6277 ~~the evaluation and appraisal report process and submit a report~~
 6278 ~~to the Governor, the Administration Commission, the Speaker of~~
 6279 ~~the House of Representatives, the President of the Senate, and~~
 6280 ~~the respective community affairs committees of the Senate and~~
 6281 ~~the House of Representatives. The first report shall be~~
 6282 ~~submitted by December 31, 2004, and subsequent reports shall be~~
 6283 ~~submitted every 5 years thereafter. At least 9 months before the~~
 6284 ~~due date of each report, the Secretary of Community Affairs~~
 6285 ~~shall appoint a technical committee of at least 15 members to~~
 6286 ~~assist in the preparation of the report. The membership of the~~
 6287 ~~technical committee shall consist of representatives of local~~
 6288 ~~governments, regional planning councils, the private sector, and~~
 6289 ~~environmental organizations. The report shall assess the~~
 6290 ~~effectiveness of the evaluation and appraisal report process.~~

6291 ~~(14) The requirement of subsection (10) prohibiting a~~
 6292 ~~local government from adopting amendments to the local~~
 6293 ~~comprehensive plan until the evaluation and appraisal report~~
 6294 ~~update amendments have been adopted and transmitted to the state~~
 6295 ~~land planning agency does not apply to a plan amendment proposed~~
 6296 ~~for adoption by the appropriate local government as defined in~~
 6297 ~~s. 163.3178(2)(k) in order to integrate a port comprehensive~~
 6298 ~~master plan with the coastal management element of the local~~
 6299 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~
 6300 ~~comprehensive master plan or the proposed plan amendment does~~

HB 7129

2011

6301 ~~not cause or contribute to the failure of the local government~~
 6302 ~~to comply with the requirements of the evaluation and appraisal~~
 6303 ~~report.~~

6304 Section 20. Paragraph (b) of subsection (2) of section
 6305 163.3217, Florida Statutes, is amended to read:

6306 163.3217 Municipal overlay for municipal incorporation.—

6307 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
 6308 OVERLAY.—

6309 (b)~~1~~. A municipal overlay shall be adopted as an amendment
 6310 to the local government comprehensive plan as prescribed by s.
 6311 163.3184.

6312 ~~2. A county may consider the adoption of a municipal~~
 6313 ~~overlay without regard to the provisions of s. 163.3187(1)~~
 6314 ~~regarding the frequency of adoption of amendments to the local~~
 6315 ~~comprehensive plan.~~

6316 Section 21. Subsection (3) of section 163.3220, Florida
 6317 Statutes, is amended to read:

6318 163.3220 Short title; legislative intent.—

6319 (3) In conformity with, in furtherance of, and to
 6320 implement the Community Local Government Comprehensive Planning
 6321 ~~and Land Development Regulation Act~~ and the Florida State
 6322 Comprehensive Planning Act of 1972, it is the intent of the
 6323 Legislature to encourage a stronger commitment to comprehensive
 6324 and capital facilities planning, ensure the provision of
 6325 adequate public facilities for development, encourage the
 6326 efficient use of resources, and reduce the economic cost of
 6327 development.

6328 Section 22. Subsections (2) and (11) of section 163.3221,

HB 7129

2011

6329 Florida Statutes, are amended to read:

6330 163.3221 Florida Local Government Development Agreement
6331 Act; definitions.—As used in ss. 163.3220-163.3243:

6332 (2) "Comprehensive plan" means a plan adopted pursuant to
6333 the Community ~~"Local Government Comprehensive Planning and Land~~
6334 ~~Development Regulation Act."~~

6335 (11) "Local planning agency" means the agency designated
6336 to prepare a comprehensive plan or plan amendment pursuant to
6337 the Community ~~"Florida Local Government Comprehensive Planning~~
6338 ~~and Land Development Regulation Act."~~

6339 Section 23. Section 163.3229, Florida Statutes, is amended
6340 to read:

6341 163.3229 Duration of a development agreement and
6342 relationship to local comprehensive plan.—The duration of a
6343 development agreement may ~~shall~~ not exceed 20 years, unless it
6344 is. ~~It may be~~ extended by mutual consent of the governing body
6345 and the developer, subject to a public hearing in accordance
6346 with s. 163.3225. No development agreement shall be effective or
6347 be implemented by a local government unless the local
6348 government's comprehensive plan and plan amendments implementing
6349 or related to the agreement are ~~found~~ in compliance ~~by the state~~
6350 ~~land planning agency~~ in accordance with s. 163.3184, ~~s.~~
6351 ~~163.3187, or s. 163.3189.~~

6352 Section 24. Section 163.3235, Florida Statutes, is amended
6353 to read:

6354 163.3235 Periodic review of a development agreement.—A
6355 local government shall review land subject to a development
6356 agreement at least once every 12 months to determine if there

HB 7129

2011

6357 | has been demonstrated good faith compliance with the terms of
 6358 | the development agreement. ~~For each annual review conducted~~
 6359 | ~~during years 6 through 10 of a development agreement, the review~~
 6360 | ~~shall be incorporated into a written report which shall be~~
 6361 | ~~submitted to the parties to the agreement and the state land~~
 6362 | ~~planning agency. The state land planning agency shall adopt~~
 6363 | ~~rules regarding the contents of the report, provided that the~~
 6364 | ~~report shall be limited to the information sufficient to~~
 6365 | ~~determine the extent to which the parties are proceeding in good~~
 6366 | ~~faith to comply with the terms of the development agreement. If~~
 6367 | the local government finds, on the basis of substantial
 6368 | competent evidence, that there has been a failure to comply with
 6369 | the terms of the development agreement, the agreement may be
 6370 | revoked or modified by the local government.

6371 | Section 25. Section 163.3239, Florida Statutes, is amended
 6372 | to read:

6373 | 163.3239 Recording and effectiveness of a development
 6374 | agreement.—Within 14 days after a local government enters into a
 6375 | development agreement, the local government shall record the
 6376 | agreement with the clerk of the circuit court in the county
 6377 | where the local government is located. ~~A copy of the recorded~~
 6378 | ~~development agreement shall be submitted to the state land~~
 6379 | ~~planning agency within 14 days after the agreement is recorded.~~
 6380 | A development agreement shall not be effective until it is
 6381 | properly recorded in the public records of the county ~~and until~~
 6382 | ~~30 days after having been received by the state land planning~~
 6383 | ~~agency pursuant to this section. The burdens of the development~~
 6384 | agreement shall be binding upon, and the benefits of the

HB 7129

2011

6385 agreement shall inure to, all successors in interest to the
 6386 parties to the agreement.

6387 Section 26. Section 163.3243, Florida Statutes, is amended
 6388 to read:

6389 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or
 6390 adversely affected person as defined in s. 163.3215(2), ~~or the~~
 6391 ~~state land planning agency~~ may file an action for injunctive
 6392 relief in the circuit court where the local government is
 6393 located to enforce the terms of a development agreement or to
 6394 challenge compliance of the agreement with the provisions of ss.
 6395 163.3220-163.3243.

6396 Section 27. Section 163.3245, Florida Statutes, is amended
 6397 to read:

6398 163.3245 ~~Optional~~ Sector plans.—

6399 (1) In recognition of the benefits of ~~conceptual~~ long-
 6400 range planning for ~~the buildout of an area, and detailed~~
 6401 ~~planning for specific areas, as a demonstration project, the~~
 6402 ~~requirements of s. 380.06 may be addressed as identified by this~~
 6403 ~~section for up to five~~ local governments or combinations of
 6404 local governments may ~~which~~ adopt into their ~~the~~ comprehensive
 6405 plans ~~plan~~ an ~~optional~~ sector plan in accordance with this
 6406 section. This section is intended to promote and encourage long-
 6407 term planning for conservation, development, and agriculture on
 6408 a landscape scale; to further the intent of s. 163.3168
 6409 ~~163.3177(11)~~, which supports innovative and flexible planning
 6410 and development strategies, and the purposes of this part, and
 6411 part I of chapter 380 to facilitate protection of regionally
 6412 significant natural resources, including water courses and

HB 7129

2011

6413 wildlife corridors;~~7~~ and to avoid duplication of effort in terms
 6414 of the level of data and analysis required for a development of
 6415 regional impact, while ensuring the adequate mitigation of
 6416 impacts to applicable state and regional resources and
 6417 facilities, including those within the jurisdiction of other
 6418 local governments, as would otherwise be provided. ~~Optional~~
 6419 Sector plans are intended for substantial geographic areas that
 6420 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
 6421 local governmental jurisdictions and are to emphasize urban form
 6422 and protection of state and regionally significant resources and
 6423 public facilities. ~~The state land planning agency may approve~~
 6424 ~~optional sector plans of less than 5,000 acres based on local~~
 6425 ~~circumstances if it is determined that the plan would further~~
 6426 ~~the purposes of this part and part I of chapter 380. Preparation~~
 6427 ~~of an optional sector plan is authorized by agreement between~~
 6428 ~~the state land planning agency and the applicable local~~
 6429 ~~governments under s. 163.3171(4). An optional sector plan may be~~
 6430 ~~adopted through one or more comprehensive plan amendments under~~
 6431 ~~s. 163.3184. However, an optional~~ A sector plan may not be
 6432 adopted ~~authorized~~ in an area of critical state concern.

6433 (2) Upon the request of a local government with
 6434 jurisdiction, ~~The state land planning agency may enter into an~~
 6435 ~~agreement to authorize preparation of an optional sector plan~~
 6436 ~~upon the request of one or more local governments based on~~
 6437 ~~consideration of problems and opportunities presented by~~
 6438 ~~existing development trends; the effectiveness of current~~
 6439 ~~comprehensive plan provisions; the potential to further the~~
 6440 ~~state comprehensive plan, applicable strategic regional policy~~

6441 ~~plans, this part, and part I of chapter 380; and those factors~~
 6442 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
 6443 planning council shall conduct a scoping meeting with affected
 6444 local governments and those agencies identified in s.
 6445 ~~163.3184(1)(c)-(4) before~~ preparation of the sector plan
 6446 ~~execution of the agreement authorized by this section.~~ The
 6447 purpose of this meeting is to assist the state land planning
 6448 agency and the local government in the identification of the
 6449 relevant planning issues to be addressed and the data and
 6450 resources available to assist in the preparation of the sector
 6451 plan subsequent plan amendments. In the event that a scoping
 6452 meeting is conducted, the regional planning council shall make
 6453 written recommendations to the state land planning agency and
 6454 affected local governments, on the issues requested by the local
 6455 government. The scoping meeting shall be noticed and open to the
 6456 public. In the event that the entire planning area proposed for
 6457 the sector plan is within the jurisdiction of two or more local
 6458 governments, some or all of them may enter into a joint planning
 6459 agreement pursuant to s. 163.3171 with respect to including
 6460 ~~whether a sustainable sector plan would be appropriate.~~ The
 6461 ~~agreement must define~~ the geographic area to be subject to the
 6462 sector plan, the planning issues that will be emphasized,
 6463 procedures requirements for intergovernmental coordination to
 6464 address extrajurisdictional impacts, supporting application
 6465 materials including data and analysis, ~~and~~ procedures for public
 6466 participation, or other issues. ~~An agreement may address~~
 6467 ~~previously adopted sector plans that are consistent with the~~
 6468 ~~standards in this section.~~ ~~Before executing an agreement under~~

HB 7129

2011

6469 ~~this subsection, the local government shall hold a duly noticed~~
6470 ~~public workshop to review and explain to the public the optional~~
6471 ~~sector planning process and the terms and conditions of the~~
6472 ~~proposed agreement. The local government shall hold a duly~~
6473 ~~noticed public hearing to execute the agreement. All meetings~~
6474 ~~between the department and the local government must be open to~~
6475 ~~the public.~~

6476 (3) ~~Optional~~ Sector planning encompasses two levels:
6477 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
6478 master plan for the entire planning area as part of the
6479 comprehensive plan, and adoption by local development order of
6480 two or more buildout overlay to the comprehensive plan, having
6481 ~~no immediate effect on the issuance of development orders or the~~
6482 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
6483 detailed specific area plans that implement the ~~conceptual~~ long-
6484 term master plan buildout overlay and authorize issuance of
6485 ~~development orders,~~ and within which s. 380.06 is waived. Until
6486 ~~such time as a detailed specific area plan is adopted, the~~
6487 ~~underlying future land use designations apply.~~

6488 (a) In addition to the other requirements of this chapter,
6489 a long-term master plan pursuant to this section ~~conceptual~~
6490 ~~long-term buildout overlay~~ must include maps, illustrations, and
6491 text supported by data and analysis to address the following:

6492 1. A ~~long-range conceptual~~ framework map that, at a
6493 minimum, generally depicts ~~identifies~~ anticipated areas of
6494 urban, agricultural, rural, and conservation land use;
6495 identifies allowed uses in various parts of the planning area;
6496 specifies maximum and minimum densities and intensities of use;

HB 7129

2011

6497 and provides the conceptual framework for the development
 6498 pattern in developed areas with graphic illustrations based on a
 6499 hierarchy of places and functional place-making components.

6500 2. A general identification of the water supplies needed
 6501 and available sources of water, including water resource
 6502 development and water supply development projects, and water
 6503 conservation measures needed to meet the projected demand of the
 6504 future land uses in the long-term master plan.

6505 3. A general identification of the transportation
 6506 facilities to serve the future land uses in the long-term master
 6507 plan, including guidelines to be used to establish each modal
 6508 component intended to optimize mobility.

6509 4.2. A general identification of other state or regionally
 6510 significant public facilities consistent with chapter 9J-2,
 6511 Florida Administrative Code, irrespective of local governmental
 6512 jurisdiction necessary to support buildout of the anticipated
 6513 future land uses, which may include central utilities provided
 6514 on-site within the planning area, and policies setting forth the
 6515 procedures to be used to mitigate the impacts of future land
 6516 uses on public facilities.

6517 5.3. A general identification of state or regionally
 6518 significant natural resources within the planning area and
 6519 policies setting forth the procedures for protection or
 6520 conservation of specific resources consistent with the overall
 6521 conservation and development strategy for the planning area
 6522 consistent with chapter 9J-2, Florida Administrative Code.

6523 6.4. General principles and guidelines addressing that
 6524 address the urban form and the interrelationships of anticipated

HB 7129

2011

6525 future land uses; the protection and, as appropriate,
6526 restoration and management of lands identified for permanent
6527 preservation; conservation easements pursuant to s. 704.06; and
6528 ~~a discussion, at the applicant's option, of the extent, if any,~~
6529 ~~to which the plan will address restoring key ecosystems,~~
6530 achieving a more clean, healthy environment; limiting urban
6531 sprawl; providing a range of housing types; protecting wildlife
6532 and natural areas; advancing the efficient use of land and
6533 other resources; ~~and~~ creating quality communities of a design
6534 that promotes travel by multiple transportation modes; and
6535 enhancing the prospects for the creation of jobs.

6536 ~~7.5.~~ Identification of general procedures and policies to
6537 facilitate ensure intergovernmental coordination to address
6538 extrajurisdictional impacts from the future land uses ~~long-range~~
6539 ~~conceptual framework map.~~

6540
6541 A long-term master plan adopted pursuant to this paragraph may
6542 be based upon a planning period longer than the generally
6543 applicable planning period of the local comprehensive plan,
6544 shall specify the projected population within the planning area
6545 during the chosen planning period, and may include a phasing or
6546 staging schedule that allocates a portion of the local
6547 government's future growth to the planning area through the
6548 planning period. It shall not be a requirement for a long-term
6549 master plan adopted pursuant to this section to demonstrate need
6550 based upon projected population growth or on any other basis.

6551 (b) In addition to the other requirements of this chapter,
6552 ~~including those in paragraph (a),~~ the detailed specific area

HB 7129

2011

6553 | plans shall be consistent with and implement the long-term
6554 | master plan and must include conditions and commitments which
6555 | provide for:

6556 | 1. Development or conservation of an area of ~~adequate size~~
6557 | ~~to accommodate a level of development which achieves a~~
6558 | ~~functional relationship between a full range of land uses within~~
6559 | ~~the area and to encompass~~ at least 1,000 acres consistent with
6560 | the long-term master plan. The local government ~~state land~~
6561 | ~~planning agency~~ may approve detailed specific area plans of less
6562 | than 1,000 acres based on local circumstances if it is
6563 | determined that the detailed specific area plan furthers the
6564 | purposes of this part and part I of chapter 380.

6565 | 2. Detailed identification and analysis of the maximum and
6566 | minimum densities and intensities of use and the distribution,
6567 | extent, and location of future land uses.

6568 | 3. Detailed identification of water resource development
6569 | and water supply development projects and related infrastructure
6570 | and water conservation measures to address water needs of
6571 | development in the detailed specific area plan.

6572 | 4. Detailed identification of the transportation
6573 | facilities to serve the future land uses in the detailed
6574 | specific area plan.

6575 | ~~5.3.~~ Detailed identification of other state or regionally
6576 | significant public facilities, including public facilities
6577 | outside the jurisdiction of the host local government,
6578 | ~~anticipated~~ impacts of future land uses on those facilities, and
6579 | required improvements consistent with the long-term master plan
6580 | ~~chapter 9J-2, Florida Administrative Code.~~

HB 7129

2011

6581 ~~6.4.~~ Public facilities necessary to serve development in
6582 the detailed specific area plan for the short term, including
6583 developer contributions in a ~~financially feasible~~ 5-year capital
6584 improvement schedule of the affected local government.

6585 ~~7.5.~~ Detailed analysis and identification of specific
6586 measures to assure the protection or conservation of lands
6587 identified in the long-term master plan to be permanently
6588 preserved and, as appropriate, restored or managed, ~~of~~
6589 ~~regionally significant natural resources~~ and other important
6590 resources both within and outside the host jurisdiction,
6591 ~~including those regionally significant resources identified in~~
6592 ~~chapter 9J-2, Florida Administrative Code.~~

6593 ~~8.6.~~ Detailed principles and guidelines addressing that
6594 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
6595 future land uses; and a discussion, at the applicant's option,
6596 ~~of the extent, if any, to which the plan will address restoring~~
6597 ~~key ecosystems,~~ achieving a cleaner, healthier ~~more clean,~~
6598 ~~healthy~~ environment; limiting urban sprawl; providing a range
6599 of housing types; protecting wildlife and natural areas;
6600 ~~advancing the efficient use of land and other resources;~~ and
6601 creating quality communities of a design that promotes travel by
6602 multiple transportation modes; and enhancing the prospects for
6603 the creation of jobs.

6604 ~~9.7.~~ Identification of specific procedures to facilitate
6605 ~~ensure~~ intergovernmental coordination to address
6606 extrajurisdictional impacts from ~~of~~ the detailed specific area
6607 plan.
6608

HB 7129

2011

6609 A detailed specific area plan adopted by local development order
 6610 pursuant to this paragraph may be based upon a planning period
 6611 longer than the generally applicable planning period of the
 6612 local comprehensive plan and shall specify the projected
 6613 population within the specific planning area during the chosen
 6614 planning period. It shall not be a requirement for a long-term
 6615 master plan adopted pursuant to this section to demonstrate need
 6616 based upon projected population growth or on any other basis.

6617 (c) Notwithstanding the limitations on comments of
 6618 agencies in s. 163.3184, in its review of a long-term master
 6619 plan, the state land planning agency shall consult with the
 6620 Department of Agriculture and Consumer Services, the Department
 6621 of Environmental Protection, the Fish and Wildlife Conservation
 6622 Commission, and the applicable water management district may
 6623 comment on the design of areas for protection and conservation
 6624 of state or regionally significant natural resources and for the
 6625 protection by conservation easements pursuant to s. 704.06, or
 6626 other methods and, as appropriate, restoration and management of
 6627 lands identified for permanent preservation.

6628 (d) Notwithstanding the limitations on comments of
 6629 agencies in s. 163.3184, in its review of a long-term master
 6630 plan, the state land planning agency shall consult with the
 6631 Department of Transportation, the applicable metropolitan
 6632 planning organization, and any urban transit agency regarding
 6633 the location, capacity, design, and phasing or staging of major
 6634 transportation facilities in the planning area.

6635 (e) The local government must transmit the detail specific
 6636 area plan development order to the state land planning agency.

HB 7129

2011

6637 The state land planning agency may initiate a civil action
6638 pursuant to s. 163.3215 with respect to a detailed specific area
6639 plan that is not consistent with a long-term master plan adopted
6640 pursuant to this section. For purposes of such a proceeding, the
6641 state land planning agency shall be deemed an aggrieved and
6642 adversely affected party. Regardless of whether the local
6643 government has adopted an ordinance that establishes a local
6644 process which meets the requirements of s. 163.3215(4), judicial
6645 review of a detailed specific area plan initiated by the state
6646 land planning agency shall be de novo pursuant to s. 163.3215(3)
6647 and not by petition for writ of certiorari pursuant to s.
6648 163.3215(4). Any other aggrieved or adversely affected party
6649 shall be subject to s. 163.3215 in all respects when initiating
6650 a consistency challenge to a detailed specific area plan.

6651 (f)~~(e)~~ This subsection does ~~may not be construed to~~
6652 prevent preparation and approval of the ~~optional~~ sector plan and
6653 detailed specific area plan concurrently or in the same
6654 submission.

6655 (4) Upon the long-term master plan becoming legally
6656 effective:

6657 (a) Any long-range transportation plan developed by a
6658 metropolitan planning organization pursuant to s. 339.175(7)
6659 must be consistent, to the maximum extent feasible, with the
6660 long-term master plan, including but not limited to the
6661 projected population, the approved use and densities and
6662 intensities of use and their distribution within the planning
6663 area. The transportation facilities identified in adopted plans
6664 pursuant to subparagraphs (3) (a)3. and (3) (b)4. must be

HB 7129

2011

6665 developed in coordination with the adopted metropolitan planning
6666 organization long-range transportation plan.

6667 (b) The water needs, sources, and water resource
6668 development and water supply development projects identified in
6669 adopted plans pursuant to sub-subparagraphs (3)(a)2. and
6670 (3)(b)3. shall be incorporated into the applicable district and
6671 regional water supply plans adopted in accordance with ss.
6672 373.036 and 373.079. Accordingly, and notwithstanding the permit
6673 durations stated in s. 373.236, an applicant may request and the
6674 applicable district may issue consumptive use permits for
6675 durations commensurate with the long-term master plan. The
6676 permitting criteria in s. 373.223 shall be applied based upon
6677 the projected population and the approved densities and
6678 intensities of use and their distribution in the long-term
6679 master plan. However, nothing in this paragraph shall be
6680 interpreted to supersede the public interest test set forth in
6681 s. 373.223. ~~The host local government shall submit a monitoring~~
6682 ~~report to the state land planning agency and applicable regional~~
6683 ~~planning council on an annual basis after adoption of a detailed~~
6684 ~~specific area plan. The annual monitoring report must provide~~
6685 ~~summarized information on development orders issued, development~~
6686 ~~that has occurred, public facility improvements made, and public~~
6687 ~~facility improvements anticipated over the upcoming 5 years.~~

6688 (5) When a ~~plan amendment adopting~~ a detailed specific
6689 area plan has become effective for a portion of the planning
6690 area governed by a long-term master plan adopted pursuant to
6691 this section under ~~ss. 163.3184 and 163.3189(2)~~, the provisions
6692 of s. 380.06 do not apply to development within the geographic

HB 7129

2011

6693 area of the detailed specific area plan. However, any
 6694 development-of-regional-impact development order that is vested
 6695 from the detailed specific area plan may be enforced pursuant to
 6696 ~~under~~ s. 380.11.

6697 (a) The local government adopting the detailed specific
 6698 area plan is primarily responsible for monitoring and enforcing
 6699 the detailed specific area plan. Local governments shall not
 6700 issue any permits or approvals or provide any extensions of
 6701 services to development that are not consistent with the
 6702 detailed specific ~~sector~~ area plan.

6703 (b) If the state land planning agency has reason to
 6704 believe that a violation of any detailed specific area plan, ~~or~~
 6705 ~~of any agreement entered into under this section,~~ has occurred
 6706 or is about to occur, it may institute an administrative or
 6707 judicial proceeding to prevent, abate, or control the conditions
 6708 or activity creating the violation, using the procedures in s.
 6709 380.11.

6710 (c) In instituting an administrative or judicial
 6711 proceeding involving an ~~optional~~ sector plan or detailed
 6712 specific area plan, including a proceeding pursuant to paragraph
 6713 (b), the complaining party shall comply with the requirements of
 6714 s. 163.3215(4), (5), (6), and (7), except as provided by
 6715 paragraph (3)(e).

6716 (d) The detailed specific area plan shall establish a
 6717 buildout date until which the approved development shall not be
 6718 subject to downzoning, unit density reduction, or intensity
 6719 reduction, unless the local government can demonstrate that
 6720 implementation of the plan is not continuing in good faith based

HB 7129

2011

6721 on standards established by plan policy, or that substantial
6722 changes in the conditions underlying the approval of the
6723 detailed specific area plan have occurred, or that the detailed
6724 specific area plan was based on substantially inaccurate
6725 information provided by the applicant, or that the change is
6726 clearly established to be essential to the public health,
6727 safety, or welfare.

6728 (6) Concurrent with or subsequent to review and adoption
6729 of a long-term master plan pursuant to paragraph (3) (a), an
6730 applicant may apply for master development approval pursuant to
6731 s. 380.06(21) for the entire planning area in order to establish
6732 a buildout date until which the approved uses and densities and
6733 intensities of use of the master plan shall not be subject to
6734 downzoning, unit density reduction, or intensity reduction,
6735 unless the local government can demonstrate that implementation
6736 of the master plan is not continuing in good faith based on
6737 standards established by plan policy, or that substantial
6738 changes in the conditions underlying the approval of the master
6739 plan have occurred, or that the master plan was based on
6740 substantially inaccurate information provided by the applicant,
6741 or that change is clearly established to be essential to the
6742 public health, safety, or welfare. Review of the application for
6743 master development approval shall be at a level of detail
6744 appropriate for the long-term and conceptual nature of the long-
6745 term master plan and, to the maximum extent possible, shall only
6746 consider information provided in the application for a long-term
6747 master plan. Notwithstanding any provision of s. 380.06 to the
6748 contrary, an increment of development in such an approved master

HB 7129

2011

6749 development plan shall be approved by a detailed specific area
6750 plan pursuant to paragraph (3) (b) and shall be exempt from
6751 review pursuant to s 380.06.

6752 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
6753 ~~the department shall provide a status report to the Legislative~~
6754 ~~Committee on Intergovernmental Relations regarding each optional~~
6755 ~~sector plan authorized under this section.~~

6756 (7) A developer within an area subject to a long-term
6757 master plan that meets the requirements of paragraph (3) (a) and
6758 subsection (6) or a detailed specific area plan which meets the
6759 requirements of paragraph (3) (b) may enter into a development
6760 agreement with a local government pursuant to ss. 163.3220-
6761 163.3243. The duration of such a development agreement may be
6762 through the planning period of the long-term master plan or the
6763 detailed specific area plan, as the case may be, notwithstanding
6764 the limit on the duration of a development agreement pursuant to
6765 s. 163.3229.

6766 (8) Any owner of property within the planning area of a
6767 proposed long-term master plan may withdraw his consent to the
6768 master plan at any time prior to local government adoption, and
6769 the local government shall exclude such parcels from the adopted
6770 master plan. Thereafter, the long-term master plan, any detailed
6771 specific area plan, and the exemption from development-of-
6772 regional-impact review under this section shall not apply to the
6773 subject parcels. After adoption of a long-term master plan, an
6774 owner may withdraw his or her property from the master plan only
6775 with the approval of the local government by plan amendment.

6776 (9) The adoption of a long-term master plan or a detailed

HB 7129

2011

6777 specific area plan pursuant to this section shall not limit the
 6778 right to continue existing agricultural or silvicultural uses or
 6779 other natural resource-based operations or to establish similar
 6780 new uses that are consistent with the plans approved pursuant to
 6781 this section.

6782 (10) Notwithstanding any provision to the contrary of s.
 6783 380.06, part II of chapter 163, or any planning agreement or
 6784 plan policy, a landowner or developer who has received approval
 6785 of a master development of regional impact development order
 6786 pursuant to s. 380.06(21) may apply to implement this order by
 6787 filing one or more applications to approve a detailed specific
 6788 area plan pursuant to paragraph (3) (b).

6789 (11) Notwithstanding the provisions of this act, a
 6790 detailed specific area plan to implement a conceptual long-term
 6791 buildout overlay, adopted by a local government and found in
 6792 compliance before July 1, 2011, shall be governed by the
 6793 provisions of this section.

6794 (12) ~~(7)~~ This section may not be construed to abrogate the
 6795 rights of any person under this chapter.

6796 Section 28. Sections 163.3246, 163.32465, and 163.3247,
 6797 Florida Statutes, are repealed.

6798 Section 29. Section 163.3248, Florida Statutes, is created
 6799 to read:

6800 163.3248 Rural land stewardship areas.—

6801 (1) Rural land stewardship areas are designed to establish
 6802 a long-term incentive based strategy to balance and guide the
 6803 allocation of land so as to accommodate future land uses in a
 6804 manner that protects the natural environment, stimulate economic

HB 7129

2011

6805 growth and diversification, and encourage the retention of land
6806 for agriculture and other traditional rural land uses.

6807 (2) Upon written request by one or more landowners to
6808 designate lands as a rural land stewardship area, or pursuant to
6809 a private sector initiated comprehensive plan amendment local
6810 governments may adopt a future land use overlay to designate all
6811 or portions of lands classified in the future land use element
6812 as predominantly agricultural, rural, open, open-rural, or a
6813 substantively equivalent land use, as a rural land stewardship
6814 area within which planning and economic incentives are applied
6815 to encourage the implementation of innovative and flexible
6816 planning and development strategies and creative land use
6817 planning techniques to support a diverse economic and employment
6818 base.

6819 (3) Rural land stewardship areas may be used to further
6820 the following broad principles of rural sustainability:
6821 restoration and maintenance of the economic value of rural land;
6822 control of urban sprawl; identification and protection of
6823 ecosystems, habitats, and natural resources; promotion and
6824 diversification of economic activity and employment
6825 opportunities within the rural areas; maintenance of the
6826 viability of the state's agricultural economy; and protection of
6827 private property rights in rural areas of the state. Rural land
6828 stewardship areas may be multicounty in order to encourage
6829 coordinated regional stewardship planning.

6830 (4) A local government or one or more property owners may
6831 request assistance in participation of the development of a plan
6832 for the rural land stewardship area from the state land planning

HB 7129

2011

6833 agency, the Department of Agriculture and Consumer Services, the
6834 Fish and Wildlife Conservation Commission, the Department of
6835 Environmental Protection, the appropriate water management
6836 district, the Department of Transportation, the regional
6837 planning council, private land owners, and stakeholders.

6838 (5) A rural land stewardship area shall be not less than
6839 10,000 acres and shall be located outside of municipalities and
6840 established urban service areas, and shall be designated by plan
6841 amendment by each local government with jurisdiction over the
6842 rural land stewardship area. The plan amendment or amendments
6843 designating a rural land stewardship area shall be subject to
6844 review pursuant to s. 163.3184 and shall provide for the
6845 following:

6846 (a) Criteria for the designation of receiving areas which
6847 shall at a minimum provide for the following: adequacy of
6848 suitable land to accommodate development so as to avoid conflict
6849 with significant environmentally sensitive areas, resources, and
6850 habitats; compatibility between and transition from higher
6851 density uses to lower intensity rural uses; and the
6852 establishment of receiving area service boundaries which provide
6853 for a transition from receiving areas and other land uses within
6854 the rural land stewardship area through limitations on the
6855 extension of services.

6856 (b) Innovative planning and development strategies to be
6857 applied within rural land stewardship areas pursuant to the
6858 provisions of this section.

6859 (c) A process for the implementation of innovative
6860 planning and development strategies within the rural land

HB 7129

2011

6861 stewardship area, including those described in this subsection,
6862 which provide for a functional mix of land uses through the
6863 adoption by the local government of zoning and land development
6864 regulations applicable to the rural land stewardship area.

6865 (d) A mix of densities and intensities that would not be
6866 characterized as urban sprawl through the use of innovative
6867 strategies and creative land use techniques.

6868 (6) A receiving area may only be designated pursuant to
6869 procedures established in the local government's land
6870 development regulations. At the time of designation of a
6871 stewardship receiving area, a listed species survey will be
6872 performed. If listed species occur on the receiving area site,
6873 the applicant shall coordinate with each appropriate local,
6874 state, or federal agency to determine if adequate provisions
6875 have been made to protect those species in accordance with
6876 applicable regulations. In determining the adequacy of
6877 provisions for the protection of listed species and their
6878 habitats, the rural land stewardship area shall be considered as
6879 a whole, and the potential impacts and protective measures taken
6880 within areas to be developed as receiving areas shall be
6881 considered in conjunction with the substantial benefits derived
6882 from lands set aside and protective measures taken outside of
6883 the designation of receiving areas.

6884 (7) Upon the adoption of a plan amendment creating a rural
6885 land stewardship area, the local government shall, by ordinance,
6886 establish a rural land stewardship overlay zoning district,
6887 which shall provide the methodology for the creation,
6888 conveyance, and use of transferable rural land use credits,

HB 7129

2011

6889 hereinafter referred to as stewardship credits, the assignment
 6890 and application of which shall not constitute a right to develop
 6891 land, nor increase density of land, except as provided by this
 6892 section. The total amount of stewardship credits within the
 6893 rural land stewardship area must enable the realization of the
 6894 long-term vision and goals for the rural land stewardship area,
 6895 which may take into consideration the anticipated effect of the
 6896 proposed receiving areas. The estimated amount of receiving area
 6897 shall be projected based on available data and the development
 6898 potential represented by the stewardship credits created within
 6899 the rural land stewardship area must correlate to that amount.

6900 (8) Stewardship credits are subject to the following
 6901 limitations:

6902 (a) Stewardship credits may only exist within a rural land
 6903 stewardship area.

6904 (b) Stewardship credits may only be created from lands
 6905 designated as stewardship sending areas and may only be used on
 6906 lands designated as stewardship receiving areas and then solely
 6907 for the purpose of implementing innovative planning and
 6908 development strategies and creative land use planning techniques
 6909 adopted by the local government pursuant to this section.

6910 (c) Stewardship credits assigned to a parcel of land
 6911 within a rural land stewardship area shall cease to exist if the
 6912 parcel of land is removed from the rural land stewardship area
 6913 by plan amendment.

6914 (d) Neither the creation of the rural land stewardship
 6915 area by plan amendment nor the adoption of the rural land
 6916 stewardship zoning overlay district by the local government

HB 7129

2011

6917 shall displace the underlying permitted uses, density or
 6918 intensity of land uses assigned to a parcel of land within the
 6919 rural land stewardship area that existed before adoption of the
 6920 plan amendment or zoning overlay district; however, once
 6921 stewardship credits have been transferred from a designated
 6922 sending area for use within a designated receiving area, the
 6923 underlying density assigned to the designated sending area shall
 6924 cease to exist.

6925 (e) The underlying permitted uses, density, or intensity
 6926 on each parcel of land located within a rural land stewardship
 6927 area shall not be increased or decreased by the local
 6928 government, except as a result of the conveyance or stewardship
 6929 credits, as long as the parcel remains within the rural land
 6930 stewardship area.

6931 (f) Stewardship credits shall cease to exist on a parcel
 6932 of land where the underlying density assigned to the parcel of
 6933 land is used.

6934 (g) An increase in the density or intensity of use on a
 6935 parcel of land located within a designated receiving area may
 6936 occur only through the assignment or use of stewardship credits
 6937 and shall not require a plan amendment. A change in the type of
 6938 agricultural use on property within a rural land stewardship
 6939 area shall not be considered a change in use or intensity of use
 6940 and shall not require any transfer of stewardship credits.

6941 (h) A change in the density or intensity of land use on
 6942 parcels located within receiving areas shall be specified in a
 6943 development order which reflects the total number of stewardship
 6944 credits assigned to the parcel of land and the infrastructure

6945 and support services necessary to provide for a functional mix
 6946 of land uses corresponding to the plan of development.

6947 (i) Land within a rural land stewardship area may be
 6948 removed from the rural land stewardship area through a plan
 6949 amendment.

6950 (j) Stewardship credits may be assigned at different
 6951 ratios of credits per acre according to the natural resource or
 6952 other beneficial use characteristics of the land and according
 6953 to the land use remaining following the transfer of credits,
 6954 with the highest number of credits per acre assigned to the most
 6955 environmentally valuable land or, in locations where the
 6956 retention of open space and agricultural land is a priority, to
 6957 such lands.

6958 (k) The use or conveyance of stewardship credits must be
 6959 recorded in the public records of the county in which the
 6960 property is located as a covenant or restrictive easement
 6961 running with the land in favor of the county and either the
 6962 Department of Environmental Protection, Department of
 6963 Agriculture and Consumer Services, a water management district,
 6964 or a recognized statewide land trust.

6965 (9) Owners of land within rural land stewardship sending
 6966 areas should be provided other incentives, in addition to the
 6967 use or conveyance of stewardship credits, to enter into rural
 6968 land stewardship agreements, pursuant to existing law and rules
 6969 adopted thereto, with state agencies, water management
 6970 districts, the Fish and Wildlife Conservation Commission, and
 6971 local governments to achieve mutually agreed upon objectives.
 6972 Such incentives may include, but not be limited to, the

HB 7129

2011

6973 following:

6974 (a) Opportunity to accumulate transferable wetland and
 6975 species habitat mitigation credits for use or sale.

6976 (b) Extended permit agreements.

6977 (c) Opportunities for recreational leases and ecotourism.

6978 (d) Compensation for the achievement of specified land
 6979 management activities of public benefit, including, but not
 6980 limited to, facility siting and corridors, recreational leases,
 6981 water conservation and storage, water reuse, wastewater
 6982 recycling, water supply and water resource development, nutrient
 6983 reduction, environmental restoration and mitigation, public
 6984 recreation, listed species protection and recovery, and wildlife
 6985 corridor management and enhancement.

6986 (e) Option agreements for sale to public entities or
 6987 private land conservation entities, in either fee or easement,
 6988 upon achievement of specified conservation objectives.

6989 (10) The provisions of paragraph (9) (d) constitute an
 6990 overlay of land use options that provide economic and regulatory
 6991 incentives for landowners outside of established and planned
 6992 urban service areas to conserve and manage vast areas of land
 6993 for the benefit of the state's citizens and natural environment
 6994 while maintaining and enhancing the asset value of their
 6995 landholdings. It is the intent of the Legislature that the
 6996 provisions of this section be implemented pursuant to law and
 6997 rulemaking is not authorized.

6998 Section 30. Paragraph (a) of subsection (2) of section
 6999 163.360, Florida Statutes, is amended to read:

7000 163.360 Community redevelopment plans.—

HB 7129

2011

7001 (2) The community redevelopment plan shall:
 7002 (a) Conform to the comprehensive plan for the county or
 7003 municipality as prepared by the local planning agency under the
 7004 Community ~~Local Government Comprehensive~~ Planning and Land
 7005 ~~Development Regulation~~ Act.

7006 Section 31. Paragraph (a) of subsection (3) and subsection
 7007 (8) of section 163.516, Florida Statutes, are amended to read:
 7008 163.516 Safe neighborhood improvement plans.—

7009 (3) The safe neighborhood improvement plan shall:
 7010 (a) Be consistent with the adopted comprehensive plan for
 7011 the county or municipality pursuant to the Community ~~Local~~
 7012 ~~Government Comprehensive~~ Planning and Land Development
 7013 ~~Regulation~~ Act. No district plan shall be implemented unless the
 7014 local governing body has determined said plan is consistent.

7015 (8) Pursuant to s. ss. ~~163.3184, 163.3187, and 163.3189,~~
 7016 the governing body of a municipality or county shall hold two
 7017 public hearings to consider the board-adopted safe neighborhood
 7018 improvement plan as an amendment or modification to the
 7019 municipality's or county's adopted local comprehensive plan.

7020 Section 32. Paragraph (f) of subsection (6), subsection
 7021 (9), and paragraph (c) of subsection (11) of section 171.203,
 7022 Florida Statutes, are amended to read:

7023 171.203 Interlocal service boundary agreement.—The
 7024 governing body of a county and one or more municipalities or
 7025 independent special districts within the county may enter into
 7026 an interlocal service boundary agreement under this part. The
 7027 governing bodies of a county, a municipality, or an independent
 7028 special district may develop a process for reaching an

HB 7129

2011

7029 interlocal service boundary agreement which provides for public
 7030 participation in a manner that meets or exceeds the requirements
 7031 of subsection (13), or the governing bodies may use the process
 7032 established in this section.

7033 (6) An interlocal service boundary agreement may address
 7034 any issue concerning service delivery, fiscal responsibilities,
 7035 or boundary adjustment. The agreement may include, but need not
 7036 be limited to, provisions that:

7037 (f) Establish a process for land use decisions consistent
 7038 with part II of chapter 163, including those made jointly by the
 7039 governing bodies of the county and the municipality, or allow a
 7040 municipality to adopt land use changes consistent with part II
 7041 of chapter 163 for areas that are scheduled to be annexed within
 7042 the term of the interlocal agreement; however, the county
 7043 comprehensive plan and land development regulations shall
 7044 control until the municipality annexes the property and amends
 7045 its comprehensive plan accordingly. ~~Comprehensive plan~~
 7046 ~~amendments to incorporate the process established by this~~
 7047 ~~paragraph are exempt from the twice per year limitation under s.~~
 7048 ~~163.3187.~~

7049 (9) Each local government that is a party to the
 7050 interlocal service boundary agreement shall amend the
 7051 intergovernmental coordination element of its comprehensive
 7052 plan, as described in s. 163.3177(6)(h)1., no later than 6
 7053 months following entry of the interlocal service boundary
 7054 agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments~~
 7055 ~~required by this subsection are exempt from the twice per year~~
 7056 ~~limitation under s. 163.3187.~~

HB 7129

2011

7057 (11)
 7058 ~~(c) Any amendment required by paragraph (a) is exempt from~~
 7059 ~~the twice-per-year limitation under s. 163.3187.~~

7060 Section 33. Section 186.513, Florida Statutes, is amended
 7061 to read:

7062 186.513 Reports.—Each regional planning council shall
 7063 prepare and furnish an annual report on its activities to the
 7064 state land planning agency as defined in s. 163.3164~~(20)~~ and the
 7065 local general-purpose governments within its boundaries and,
 7066 upon payment as may be established by the council, to any
 7067 interested person. The regional planning councils shall make a
 7068 joint report and recommendations to appropriate legislative
 7069 committees.

7070 Section 34. Section 186.515, Florida Statutes, is amended
 7071 to read:

7072 186.515 Creation of regional planning councils under
 7073 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
 7074 186.515 is intended to repeal or limit the provisions of chapter
 7075 163; however, the local general-purpose governments serving as
 7076 voting members of the governing body of a regional planning
 7077 council created pursuant to ss. 186.501-186.507, 186.513, and
 7078 186.515 are not authorized to create a regional planning council
 7079 pursuant to chapter 163 unless an agency, other than a regional
 7080 planning council created pursuant to ss. 186.501-186.507,
 7081 186.513, and 186.515, is designated to exercise the powers and
 7082 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);
 7083 in which case, such a regional planning council is also without
 7084 authority to exercise the powers and duties in s. 163.3164~~(19)~~

HB 7129

2011

7085 or s. 380.031(15).

7086 Section 35. Subsection (1) of section 189.415, Florida
7087 Statutes, is amended to read:

7088 189.415 Special district public facilities report.—

7089 (1) It is declared to be the policy of this state to
7090 foster coordination between special districts and local general-
7091 purpose governments as those local general-purpose governments
7092 develop comprehensive plans under the Community Local Government
7093 ~~Comprehensive Planning and Land Development Regulation~~ Act,
7094 pursuant to part II of chapter 163.

7095 Section 36. Subsection (3) of section 190.004, Florida
7096 Statutes, is amended to read:

7097 190.004 Preemption; sole authority.—

7098 (3) The establishment of an independent community
7099 development district as provided in this act is not a
7100 development order within the meaning of chapter 380. All
7101 governmental planning, environmental, and land development laws,
7102 regulations, and ordinances apply to all development of the land
7103 within a community development district. Community development
7104 districts do not have the power of a local government to adopt a
7105 comprehensive plan, building code, or land development code, as
7106 those terms are defined in the Community Local Government
7107 ~~Comprehensive Planning and Land Development Regulation~~ Act. A
7108 district shall take no action which is inconsistent with
7109 applicable comprehensive plans, ordinances, or regulations of
7110 the applicable local general-purpose government.

7111 Section 37. Paragraph (a) of subsection (1) of section
7112 190.005, Florida Statutes, is amended to read:

HB 7129

2011

7113 | 190.005 Establishment of district.—

7114 | (1) The exclusive and uniform method for the establishment
 7115 | of a community development district with a size of 1,000 acres
 7116 | or more shall be pursuant to a rule, adopted under chapter 120
 7117 | by the Florida Land and Water Adjudicatory Commission, granting
 7118 | a petition for the establishment of a community development
 7119 | district.

7120 | (a) A petition for the establishment of a community
 7121 | development district shall be filed by the petitioner with the
 7122 | Florida Land and Water Adjudicatory Commission. The petition
 7123 | shall contain:

7124 | 1. A metes and bounds description of the external
 7125 | boundaries of the district. Any real property within the
 7126 | external boundaries of the district which is to be excluded from
 7127 | the district shall be specifically described, and the last known
 7128 | address of all owners of such real property shall be listed. The
 7129 | petition shall also address the impact of the proposed district
 7130 | on any real property within the external boundaries of the
 7131 | district which is to be excluded from the district.

7132 | 2. The written consent to the establishment of the
 7133 | district by all landowners whose real property is to be included
 7134 | in the district or documentation demonstrating that the
 7135 | petitioner has control by deed, trust agreement, contract, or
 7136 | option of 100 percent of the real property to be included in the
 7137 | district, and when real property to be included in the district
 7138 | is owned by a governmental entity and subject to a ground lease
 7139 | as described in s. 190.003(14), the written consent by such
 7140 | governmental entity.

HB 7129

2011

7141 3. A designation of five persons to be the initial members
 7142 of the board of supervisors, who shall serve in that office
 7143 until replaced by elected members as provided in s. 190.006.

7144 4. The proposed name of the district.

7145 5. A map of the proposed district showing current major
 7146 trunk water mains and sewer interceptors and outfalls if in
 7147 existence.

7148 6. Based upon available data, the proposed timetable for
 7149 construction of the district services and the estimated cost of
 7150 constructing the proposed services. These estimates shall be
 7151 submitted in good faith but shall not be binding and may be
 7152 subject to change.

7153 7. A designation of the future general distribution,
 7154 location, and extent of public and private uses of land proposed
 7155 for the area within the district by the future land use plan
 7156 element of the effective local government comprehensive plan of
 7157 which all mandatory elements have been adopted by the applicable
 7158 general-purpose local government in compliance with the
 7159 Community ~~Local Government Comprehensive~~ Planning and Land
 7160 ~~Development Regulation~~ Act.

7161 8. A statement of estimated regulatory costs in accordance
 7162 with the requirements of s. 120.541.

7163 Section 38. Paragraph (i) of subsection (6) of section
 7164 193.501, Florida Statutes, is amended to read:

7165 193.501 Assessment of lands subject to a conservation
 7166 easement, environmentally endangered lands, or lands used for
 7167 outdoor recreational or park purposes when land development
 7168 rights have been conveyed or conservation restrictions have been

HB 7129

2011

7169 covenanted.—

7170 (6) The following terms whenever used as referred to in
7171 this section have the following meanings unless a different
7172 meaning is clearly indicated by the context:

7173 (i) "Qualified as environmentally endangered" means land
7174 that has unique ecological characteristics, rare or limited
7175 combinations of geological formations, or features of a rare or
7176 limited nature constituting habitat suitable for fish, plants,
7177 or wildlife, and which, if subject to a development moratorium
7178 or one or more conservation easements or development
7179 restrictions appropriate to retaining such land or water areas
7180 predominantly in their natural state, would be consistent with
7181 the conservation, recreation and open space, and, if applicable,
7182 coastal protection elements of the comprehensive plan adopted by
7183 formal action of the local governing body pursuant to s.
7184 163.3161, the Community ~~Local Government Comprehensive~~ Planning
7185 ~~and Land Development Regulation~~ Act; or surface waters and
7186 wetlands, as determined by the methodology ratified in s.
7187 373.4211.

7188 Section 39. Subsection (15) of section 287.042, Florida
7189 Statutes, is amended to read:

7190 287.042 Powers, duties, and functions.—The department
7191 shall have the following powers, duties, and functions:

7192 (15) To enter into joint agreements with governmental
7193 agencies, as defined in s. 163.3164(10), for the purpose of
7194 pooling funds for the purchase of commodities or information
7195 technology that can be used by multiple agencies.

7196 (a) Each agency that has been appropriated or has existing

HB 7129

2011

7197 funds for such purchase, shall, upon contract award by the
 7198 department, transfer their portion of the funds into the
 7199 department's Operating Trust Fund for payment by the department.
 7200 The funds shall be transferred by the Executive Office of the
 7201 Governor pursuant to the agency budget amendment request
 7202 provisions in chapter 216.

7203 (b) Agencies that sign the joint agreements are
 7204 financially obligated for their portion of the agreed-upon
 7205 funds. If an agency becomes more than 90 days delinquent in
 7206 paying the funds, the department shall certify to the Chief
 7207 Financial Officer the amount due, and the Chief Financial
 7208 Officer shall transfer the amount due to the Operating Trust
 7209 Fund of the department from any of the agency's available funds.
 7210 The Chief Financial Officer shall report these transfers and the
 7211 reasons for the transfers to the Executive Office of the
 7212 Governor and the legislative appropriations committees.

7213 Section 40. Subsection (4) of section 288.063, Florida
 7214 Statutes, is amended to read:

7215 288.063 Contracts for transportation projects.—

7216 (4) The Office of Tourism, Trade, and Economic Development
 7217 may adopt criteria by which transportation projects are to be
 7218 reviewed and certified in accordance with s. 288.061. In
 7219 approving transportation projects for funding, the Office of
 7220 Tourism, Trade, and Economic Development shall consider factors
 7221 including, but not limited to, the cost per job created or
 7222 retained considering the amount of transportation funds
 7223 requested; the average hourly rate of wages for jobs created;
 7224 the reliance on the program as an inducement for the project's

HB 7129

2011

7225 location decision; the amount of capital investment to be made
 7226 by the business; the demonstrated local commitment; the location
 7227 of the project in an enterprise zone designated pursuant to s.
 7228 290.0055; the location of the project in a spaceport territory
 7229 as defined in s. 331.304; the unemployment rate of the
 7230 surrounding area; and the poverty rate of the community; ~~and the~~
 7231 ~~adoption of an economic element as part of its local~~
 7232 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The
 7233 Office of Tourism, Trade, and Economic Development may contact
 7234 any agency it deems appropriate for additional input regarding
 7235 the approval of projects.

7236 Section 41. Paragraph (a) of subsection (2), subsection
 7237 (10), and paragraph (d) of subsection (12) of section 288.975,
 7238 Florida Statutes, are amended to read:

7239 288.975 Military base reuse plans.—

7240 (2) As used in this section, the term:

7241 (a) "Affected local government" means a local government
 7242 adjoining the host local government and any other unit of local
 7243 government that is not a host local government but that is
 7244 identified in a proposed military base reuse plan as providing,
 7245 operating, or maintaining one or more public facilities as
 7246 defined in s. 163.3164~~(24)~~ on lands within or serving a military
 7247 base designated for closure by the Federal Government.

7248 (10) Within 60 days after receipt of a proposed military
 7249 base reuse plan, these entities shall review and provide
 7250 comments to the host local government. The commencement of this
 7251 review period shall be advertised in newspapers of general
 7252 circulation within the host local government and any affected

HB 7129

2011

7253 local government to allow for public comment. No later than 180
 7254 days after receipt and consideration of all comments, and the
 7255 holding of at least two public hearings, the host local
 7256 government shall adopt the military base reuse plan. The host
 7257 local government shall comply with the notice requirements set
 7258 forth in s. 163.3184 (11) ~~(15)~~ to ensure full public participation
 7259 in this planning process.

7260 (12) Following receipt of a petition, the petitioning
 7261 party or parties and the host local government shall seek
 7262 resolution of the issues in dispute. The issues in dispute shall
 7263 be resolved as follows:

7264 (d) Within 45 days after receiving the report from the
 7265 state land planning agency, the Administration Commission shall
 7266 take action to resolve the issues in dispute. In deciding upon a
 7267 proper resolution, the Administration Commission shall consider
 7268 the nature of the issues in dispute, any requests for a formal
 7269 administrative hearing pursuant to chapter 120, the compliance
 7270 of the parties with this section, the extent of the conflict
 7271 between the parties, the comparative hardships and the public
 7272 interest involved. If the Administration Commission incorporates
 7273 in its final order a term or condition that requires any local
 7274 government to amend its local government comprehensive plan, the
 7275 local government shall amend its plan within 60 days after the
 7276 issuance of the order. ~~Such amendment or amendments shall be~~
 7277 ~~exempt from the limitation of the frequency of plan amendments~~
 7278 ~~contained in s. 163.3187(1), and~~ A public hearing on such
 7279 amendment or amendments pursuant to s. 163.3184 (11) ~~(15)~~ (b)1.
 7280 shall not be required. The final order of the Administration

HB 7129

2011

7281 Commission is subject to appeal pursuant to s. 120.68. If the
 7282 order of the Administration Commission is appealed, the time for
 7283 the local government to amend its plan shall be tolled during
 7284 the pendency of any local, state, or federal administrative or
 7285 judicial proceeding relating to the military base reuse plan.

7286 Section 42. Subsection (4) of section 290.0475, Florida
 7287 Statutes, is amended to read:

7288 290.0475 Rejection of grant applications; penalties for
 7289 failure to meet application conditions.—Applications received
 7290 for funding under all program categories shall be rejected
 7291 without scoring only in the event that any of the following
 7292 circumstances arise:

7293 (4) The application is not consistent with the local
 7294 government's comprehensive plan adopted pursuant to s.
 7295 163.3184(7).

7296 Section 43. Paragraph (c) of subsection (3) of section
 7297 311.07, Florida Statutes, is amended to read:

7298 311.07 Florida seaport transportation and economic
 7299 development funding.—

7300 (3)

7301 (c) To be eligible for consideration by the council
 7302 pursuant to this section, a project must be consistent with the
 7303 port comprehensive master plan which is incorporated as part of
 7304 the approved local government comprehensive plan as required by
 7305 s. 163.3178(2)(k) or other provisions of the Community Local
 7306 ~~Government Comprehensive Planning and Land Development~~
 7307 ~~Regulation~~ Act, part II of chapter 163.

7308 Section 44. Subsection (1) of section 331.319, Florida

HB 7129

2011

7309 Statutes, is amended to read:

7310 331.319 Comprehensive planning; building and safety
7311 codes.—The board of directors may:

7312 (1) Adopt, and from time to time review, amend,
7313 supplement, or repeal, a comprehensive general plan for the
7314 physical development of the area within the spaceport territory
7315 in accordance with the objectives and purposes of this act and
7316 consistent with the comprehensive plans of the applicable county
7317 or counties and municipality or municipalities adopted pursuant
7318 to the Community ~~Local Government Comprehensive Planning and~~
7319 ~~Land Development Regulation~~ Act, part II of chapter 163.

7320 Section 45. Paragraph (e) of subsection (5) of section
7321 339.155, Florida Statutes, is amended to read:

7322 339.155 Transportation planning.—

7323 (5) ADDITIONAL TRANSPORTATION PLANS.—

7324 (e) The regional transportation plan developed pursuant to
7325 this section must, at a minimum, identify regionally significant
7326 transportation facilities located within a regional
7327 transportation area and contain a prioritized list of regionally
7328 significant projects. ~~The level of service standards for~~
7329 ~~facilities to be funded under this subsection shall be adopted~~
7330 ~~by the appropriate local government in accordance with s.~~
7331 ~~163.3180(10).~~ The projects shall be adopted into the capital
7332 improvements schedule of the local government comprehensive plan
7333 pursuant to s. 163.3177(3).

7334 Section 46. Paragraph (a) of subsection (4) of section
7335 339.2819, Florida Statutes, is amended to read:

7336 339.2819 Transportation Regional Incentive Program.—

HB 7129

2011

7337 (4) (a) Projects to be funded with Transportation Regional
7338 Incentive Program funds shall, at a minimum:

7339 1. Support those transportation facilities that serve
7340 national, statewide, or regional functions and function as an
7341 integrated regional transportation system.

7342 2. Be identified in the capital improvements element of a
7343 comprehensive plan that has been determined to be in compliance
7344 with part II of chapter 163, after July 1, 2005, ~~or to implement~~
7345 ~~a long-term concurrency management system adopted by a local~~
7346 ~~government in accordance with s. 163.3180(9)~~. Further, the
7347 project shall be in compliance with local government
7348 comprehensive plan policies relative to corridor management.

7349 3. Be consistent with the Strategic Intermodal System Plan
7350 developed under s. 339.64.

7351 4. Have a commitment for local, regional, or private
7352 financial matching funds as a percentage of the overall project
7353 cost.

7354 Section 47. Subsection (5) of section 369.303, Florida
7355 Statutes, is amended to read:

7356 369.303 Definitions.—As used in this part:

7357 (5) "Land development regulation" means a regulation
7358 covered by the definition in s. 163.3164(23) and any of the
7359 types of regulations described in s. 163.3202.

7360 Section 48. Subsections (5) and (7) of section 369.321,
7361 Florida Statutes, are amended to read:

7362 369.321 Comprehensive plan amendments.—Except as otherwise
7363 expressly provided, by January 1, 2006, each local government
7364 within the Wekiva Study Area shall amend its local government

HB 7129

2011

7365 comprehensive plan to include the following:

7366 (5) Comprehensive plans and comprehensive plan amendments
 7367 adopted by the local governments to implement this section shall
 7368 be reviewed by the Department of Community Affairs pursuant to
 7369 s. 163.3184, ~~and shall be exempt from the provisions of s.~~
 7370 ~~163.3187(1).~~

7371 (7) During the period prior to the adoption of the
 7372 comprehensive plan amendments required by this act, any local
 7373 comprehensive plan amendment adopted by a city or county that
 7374 applies to land located within the Wekiva Study Area shall
 7375 protect surface and groundwater resources and be reviewed by the
 7376 Department of Community Affairs, ~~pursuant to chapter 163 and~~
 7377 ~~chapter 9J-5, Florida Administrative Code,~~ using best available
 7378 data, including the information presented to the Wekiva River
 7379 Basin Coordinating Committee.

7380 Section 49. Subsection (1) of section 378.021, Florida
 7381 Statutes, is amended to read:

7382 378.021 Master reclamation plan.—

7383 (1) The Department of Environmental Protection shall amend
 7384 the master reclamation plan that provides guidelines for the
 7385 reclamation of lands mined or disturbed by the severance of
 7386 phosphate rock prior to July 1, 1975, which lands are not
 7387 subject to mandatory reclamation under part II of chapter 211.
 7388 In amending the master reclamation plan, the Department of
 7389 Environmental Protection shall continue to conduct an onsite
 7390 evaluation of all lands mined or disturbed by the severance of
 7391 phosphate rock prior to July 1, 1975, which lands are not
 7392 subject to mandatory reclamation under part II of chapter 211.

HB 7129

2011

7393 The master reclamation plan when amended by the Department of
 7394 Environmental Protection shall be consistent with local
 7395 government plans prepared pursuant to the Community Local
 7396 ~~Government Comprehensive Planning and Land Development~~
 7397 ~~Regulation Act.~~

7398 Section 50. Subsection (10) of section 380.031, Florida
 7399 Statutes, is amended to read:

7400 380.031 Definitions.—As used in this chapter:

7401 (10) "Local comprehensive plan" means any or all local
 7402 comprehensive plans or elements or portions thereof prepared,
 7403 adopted, or amended pursuant to the Community Local Government
 7404 ~~Comprehensive Planning and Land Development Regulation Act~~, as
 7405 amended.

7406 Section 51. Paragraph (b) of subsection (6), paragraphs
 7407 (l), (m), and (s) of subsection (24), paragraph (e) of
 7408 subsection (28), and paragraphs (a) and (e) of subsection (29)
 7409 of section 380.06, Florida Statutes, are amended to read:

7410 380.06 Developments of regional impact.—

7411 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
 7412 PLAN AMENDMENTS.—

7413 (b) Any local government comprehensive plan amendments
 7414 related to a proposed development of regional impact, including
 7415 any changes proposed under subsection (19), may be initiated by
 7416 a local planning agency or the developer and must be considered
 7417 by the local governing body at the same time as the application
 7418 for development approval ~~using the procedures provided for local~~
 7419 ~~plan amendment in s. 163.3187 or s. 163.3189 and applicable~~
 7420 ~~local ordinances, without regard to statutory or local ordinance~~

HB 7129

2011

7421 ~~limits on the frequency of consideration of amendments to the~~
 7422 ~~local comprehensive plan.~~ Nothing in this paragraph shall be
 7423 deemed to require favorable consideration of a plan amendment
 7424 solely because it is related to a development of regional
 7425 impact. The procedure for processing such comprehensive plan
 7426 amendments is as follows:

7427 1. If a developer seeks a comprehensive plan amendment
 7428 related to a development of regional impact, the developer must
 7429 so notify in writing the regional planning agency, the
 7430 applicable local government, and the state land planning agency
 7431 no later than the date of preapplication conference or the
 7432 submission of the proposed change under subsection (19).

7433 2. When filing the application for development approval or
 7434 the proposed change, the developer must include a written
 7435 request for comprehensive plan amendments that would be
 7436 necessitated by the development-of-regional-impact approvals
 7437 sought. That request must include data and analysis upon which
 7438 the applicable local government can determine whether to
 7439 transmit the comprehensive plan amendment pursuant to s.
 7440 163.3184.

7441 3. The local government must advertise a public hearing on
 7442 the transmittal within 30 days after filing the application for
 7443 development approval or the proposed change and must make a
 7444 determination on the transmittal within 60 days after the
 7445 initial filing unless that time is extended by the developer.

7446 4. If the local government approves the transmittal,
 7447 procedures set forth in s. 163.3184(4)(b)-(d) ~~(3)-(6)~~ must be
 7448 followed.

HB 7129

2011

7449 5. Notwithstanding subsection (11) or subsection (19), the
 7450 local government may not hold a public hearing on the
 7451 application for development approval or the proposed change or
 7452 on the comprehensive plan amendments sooner than 30 days from
 7453 receipt of the response from the state land planning agency
 7454 pursuant to s. 163.3184(4) (d) ~~(6)~~. ~~The 60-day time period for~~
 7455 ~~local governments to adopt, adopt with changes, or not adopt~~
 7456 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~
 7457 ~~concurrent plan amendments provided for in this subsection.~~

7458 6. The local government must hear both the application for
 7459 development approval or the proposed change and the
 7460 comprehensive plan amendments at the same hearing. However, the
 7461 local government must take action separately on the application
 7462 for development approval or the proposed change and on the
 7463 comprehensive plan amendments.

7464 7. Thereafter, the appeal process for the local government
 7465 development order must follow the provisions of s. 380.07, and
 7466 the compliance process for the comprehensive plan amendments
 7467 must follow the provisions of s. 163.3184.

7468 (24) STATUTORY EXEMPTIONS.—

7469 (1) Any proposed development within an urban service
 7470 boundary established under s. 163.3177(14), which is not
 7471 otherwise exempt pursuant to subsection (29), is exempt from the
 7472 provisions of this section if the local government having
 7473 jurisdiction over the area where the development is proposed has
 7474 adopted the urban service boundary, has entered into a binding
 7475 agreement with jurisdictions that would be impacted and with the
 7476 Department of Transportation regarding the mitigation of impacts

HB 7129

2011

7477 on state and regional transportation facilities, ~~and has adopted~~
7478 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

7479 (m) Any proposed development within a rural land
7480 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ ~~is~~
7481 ~~exempt from the provisions of this section if the local~~
7482 ~~government that has adopted the rural land stewardship area has~~
7483 ~~entered into a binding agreement with jurisdictions that would~~
7484 ~~be impacted and the Department of Transportation regarding the~~
7485 ~~mitigation of impacts on state and regional transportation~~
7486 ~~facilities, and has adopted a proportionate share methodology~~
7487 ~~pursuant to s. 163.3180(16).~~

7488 (s) Any development in a detailed specific area plan which
7489 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
7490 ~~the comprehensive plan~~ is exempt from this section.

7491
7492 If a use is exempt from review as a development of regional
7493 impact under paragraphs (a)-(s), but will be part of a larger
7494 project that is subject to review as a development of regional
7495 impact, the impact of the exempt use must be included in the
7496 review of the larger project, unless such exempt use involves a
7497 development of regional impact that includes a landowner,
7498 tenant, or user that has entered into a funding agreement with
7499 the Office of Tourism, Trade, and Economic Development under the
7500 Innovation Incentive Program and the agreement contemplates a
7501 state award of at least \$50 million.

7502 (28) PARTIAL STATUTORY EXEMPTIONS.—

7503 (e) The vesting provision of s. 163.3167 (5) ~~(8)~~ relating to
7504 an authorized development of regional impact shall not apply to

HB 7129

2011

7505 those projects partially exempt from the development-of-
7506 regional-impact review process under paragraphs (a)-(d).

7507 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

7508 (a) The following are exempt from this section:

7509 1. Any proposed development in a municipality that has an
7510 average of at least 1,000 people per square mile of land area
7511 and a minimum total population of at least 5,000 ~~qualifies as a~~
7512 ~~dense urban land area as defined in s. 163.3164;~~

7513 2. Any proposed development within a county that has an
7514 average of at least 1,000 people per square mile of land area
7515 ~~qualifies as a dense urban land area as defined in s. 163.3164~~
7516 and that is located within an urban service area as defined in
7517 s. 163.3164 which has been adopted into the comprehensive plan;
7518 or

7519 3. Any proposed development within a county, including the
7520 municipalities located therein, which has a population of at
7521 least 900,000, that has an average of at least 1,000 people per
7522 square mile of land area ~~which qualifies as a dense urban land~~
7523 ~~area under s. 163.3164~~, but which does not have an urban service
7524 area designated in the comprehensive plan.

7525
7526 The Office of Economic and Demographic Research within the
7527 Legislature shall annually calculate the population and density
7528 criteria needed to determine which jurisdictions meet the
7529 density criteria in subparagraphs 1.-3. by using the most recent
7530 land area data from the decennial census conducted by the Bureau
7531 of the Census of the United States Department of Commerce and
7532 the latest available population estimates determined pursuant to

HB 7129

2011

7533 s. 186.901. If any local government has had an annexation,
 7534 contraction, or new incorporation, the Office of Economic and
 7535 Demographic Research shall determine the population density
 7536 using the new jurisdictional boundaries as recorded in
 7537 accordance with s. 171.091. The Office of Economic and
 7538 Demographic Research shall annually submit to the state land
 7539 planning agency by July 1 a list of jurisdictions that meet the
 7540 total population and density criteria. The state land planning
 7541 agency shall publish the list of jurisdictions on its Internet
 7542 website within 7 days after the list is received. The
 7543 designation of jurisdictions that meet the density criteria of
 7544 subparagraphs 1.-3. is effective upon publication on the state
 7545 land planning agency's Internet website. Any area that meets the
 7546 density criteria may not thereafter be removed from the list of
 7547 areas that qualify.

7548 (e) In an area that is exempt under paragraphs (a)-(c),
 7549 any previously approved development-of-regional-impact
 7550 development orders shall continue to be effective, but the
 7551 developer has the option to be governed by s. 380.115(1). A
 7552 pending application for development approval shall be governed
 7553 by s. 380.115(2). ~~A development that has a pending application~~
 7554 ~~for a comprehensive plan amendment and that elects not to~~
 7555 ~~continue development-of-regional-impact review is exempt from~~
 7556 ~~the limitation on plan amendments set forth in s. 163.3187(1)~~
 7557 ~~for the year following the effective date of the exemption.~~

7558 Section 52. Paragraph (a) of subsection (8) of section
 7559 380.061, Florida Statutes, is amended to read:

7560 380.061 The Florida Quality Developments program.—

HB 7129

2011

7561 (8) (a) Any local government comprehensive plan amendments
 7562 related to a Florida Quality Development may be initiated by a
 7563 local planning agency and considered by the local governing body
 7564 at the same time as the application for development approval,
 7565 ~~using the procedures provided for local plan amendment in s.~~
 7566 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~
 7567 ~~regard to statutory or local ordinance limits on the frequency~~
 7568 ~~of consideration of amendments to the local comprehensive plan.~~
 7569 Nothing in this subsection shall be construed to require
 7570 favorable consideration of a Florida Quality Development solely
 7571 because it is related to a development of regional impact.

7572 Section 53. Paragraph (a) of subsection (2) of section
 7573 380.065, Florida Statutes, is amended to read:

7574 380.065 Certification of local government review of
 7575 development.—

7576 (2) When a petition is filed, the state land planning
 7577 agency shall have no more than 90 days to prepare and submit to
 7578 the Administration Commission a report and recommendations on
 7579 the proposed certification. In deciding whether to grant
 7580 certification, the Administration Commission shall determine
 7581 whether the following criteria are being met:

7582 (a) The petitioning local government has adopted and
 7583 effectively implemented a local comprehensive plan and
 7584 development regulations which comply with ss. 163.3161-163.3215,
 7585 the Community Local Government Comprehensive Planning and Land
 7586 Development Regulation Act.

7587 Section 54. Subsection (3) of section 380.115, Florida
 7588 Statutes, is amended to read:

HB 7129

2011

7589 380.115 Vested rights and duties; effect of size
 7590 reduction, changes in guidelines and standards.—

7591 (3) A landowner that has filed an application for a
 7592 development-of-regional-impact review prior to the adoption of a
 7593 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
 7594 have the application reviewed pursuant to s. 380.06,
 7595 comprehensive plan provisions in force prior to adoption of the
 7596 sector plan, and any requested comprehensive plan amendments
 7597 that accompany the application.

7598 Section 55. Subsection (1) of section 403.50665, Florida
 7599 Statutes, is amended to read:

7600 403.50665 Land use consistency.—

7601 (1) The applicant shall include in the application a
 7602 statement on the consistency of the site and any associated
 7603 facilities that constitute a "development," as defined in s.
 7604 380.04, with existing land use plans and zoning ordinances that
 7605 were in effect on the date the application was filed and a full
 7606 description of such consistency. This information shall include
 7607 an identification of those associated facilities that the
 7608 applicant believes are exempt from the requirements of land use
 7609 plans and zoning ordinances under the provisions of the
 7610 Community Local Government Comprehensive Planning and Land
 7611 ~~Development Regulation~~ Act provisions of chapter 163 and s.
 7612 380.04(3).

7613 Section 56. Subsection (13) and paragraph (a) of
 7614 subsection (14) of section 403.973, Florida Statutes, are
 7615 amended to read:

7616 403.973 Expedited permitting; amendments to comprehensive

HB 7129

2011

7617 plans.-

7618 (13) Notwithstanding any other provisions of law:

7619 ~~(a) Local comprehensive plan amendments for projects~~
 7620 ~~qualified under this section are exempt from the twice-a-year~~
 7621 ~~limits provision in s. 163.3187; and~~

7622 ~~(b)~~ Projects qualified under this section are not subject
 7623 to interstate highway level-of-service standards adopted by the
 7624 Department of Transportation for concurrency purposes. The
 7625 memorandum of agreement specified in subsection (5) must include
 7626 a process by which the applicant will be assessed a fair share
 7627 of the cost of mitigating the project's significant traffic
 7628 impacts, as defined in chapter 380 and related rules. The
 7629 agreement must also specify whether the significant traffic
 7630 impacts on the interstate system will be mitigated through the
 7631 implementation of a project or payment of funds to the
 7632 Department of Transportation. Where funds are paid, the
 7633 Department of Transportation must include in the 5-year work
 7634 program transportation projects or project phases, in an amount
 7635 equal to the funds received, to mitigate the traffic impacts
 7636 associated with the proposed project.

7637 (14) (a) Challenges to state agency action in the expedited
 7638 permitting process for projects processed under this section are
 7639 subject to the summary hearing provisions of s. 120.574, except
 7640 that the administrative law judge's decision, as provided in s.
 7641 120.574(2)(f), shall be in the form of a recommended order and
 7642 shall not constitute the final action of the state agency. In
 7643 those proceedings where the action of only one agency of the
 7644 state other than the Department of Environmental Protection is

HB 7129

2011

7645 | challenged, the agency of the state shall issue the final order
 7646 | within 45 working days after receipt of the administrative law
 7647 | judge's recommended order, and the recommended order shall
 7648 | inform the parties of their right to file exceptions or
 7649 | responses to the recommended order in accordance with the
 7650 | uniform rules of procedure pursuant to s. 120.54. In those
 7651 | proceedings where the actions of more than one agency of the
 7652 | state are challenged, the Governor shall issue the final order
 7653 | within 45 working days after receipt of the administrative law
 7654 | judge's recommended order, and the recommended order shall
 7655 | inform the parties of their right to file exceptions or
 7656 | responses to the recommended order in accordance with the
 7657 | uniform rules of procedure pursuant to s. 120.54. This paragraph
 7658 | does not apply to the issuance of department licenses required
 7659 | under any federally delegated or approved permit program. In
 7660 | such instances, the department shall enter the final order. The
 7661 | participating agencies of the state may opt at the preliminary
 7662 | hearing conference to allow the administrative law judge's
 7663 | decision to constitute the final agency action. ~~If a~~
 7664 | ~~participating local government agrees to participate in the~~
 7665 | ~~summary hearing provisions of s. 120.574 for purposes of review~~
 7666 | ~~of local government comprehensive plan amendments, s.~~
 7667 | ~~163.3184(9) and (10) apply.~~

7668 | Section 57. Subsections (9) and (10) of section 420.5095,
 7669 | Florida Statutes, are amended to read:

7670 | 420.5095 Community Workforce Housing Innovation Pilot
 7671 | Program.—

7672 | (9) Notwithstanding s. 163.3184(4)(b)-(d) ~~(3)-(6)~~, any

HB 7129

2011

7673 local government comprehensive plan amendment to implement a
 7674 Community Workforce Housing Innovation Pilot Program project
 7675 found consistent with the provisions of this section shall be
 7676 expedited as provided in this subsection. At least 30 days prior
 7677 to adopting a plan amendment under this subsection, the local
 7678 government shall notify the state land planning agency of its
 7679 intent to adopt such an amendment, and the notice shall include
 7680 its evaluation related to site suitability and availability of
 7681 facilities and services. The public notice of the hearing
 7682 required by s. 163.3184(11)-(15)(b)2. shall include a statement
 7683 that the local government intends to use the expedited adoption
 7684 process authorized by this subsection. Such amendments shall
 7685 require only a single public hearing before the governing board,
 7686 which shall be an adoption hearing as described in s.
 7687 163.3184(4)(e)(7). ~~The state land planning agency shall issue~~
 7688 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~
 7689 ~~after determining that the amendment package is complete. Any~~
 7690 further proceedings shall be governed by s. ss. 163.3184(5)-
 7691 (13)(9)-(16). ~~Amendments proposed under this section are not~~
 7692 ~~subject to s. 163.3187(1), which limits the adoption of a~~
 7693 ~~comprehensive plan amendment to no more than two times during~~
 7694 ~~any calendar year.~~

7695 (10) The processing of approvals of development orders or
 7696 development permits, as defined in s. 163.3164(7) and (8), for
 7697 innovative community workforce housing projects shall be
 7698 expedited.

7699 Section 58. Subsection (5) of section 420.615, Florida
 7700 Statutes, is amended to read:

HB 7129

2011

7701 420.615 Affordable housing land donation density bonus
7702 incentives.—

7703 (5) The local government, as part of the approval process,
7704 shall adopt a comprehensive plan amendment, pursuant to part II
7705 of chapter 163, for the receiving land that incorporates the
7706 density bonus. Such amendment shall be adopted in the manner as
7707 required for small-scale amendments pursuant to s. 163.3187, is
7708 not subject to the requirements of s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~,
7709 and is exempt from the limitation on the frequency of plan
7710 amendments as provided in s. 163.3187.

7711 Section 59. Subsection (16) of section 420.9071, Florida
7712 Statutes, is amended to read:

7713 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
7714 term:

7715 (16) "Local housing incentive strategies" means local
7716 regulatory reform or incentive programs to encourage or
7717 facilitate affordable housing production, which include at a
7718 minimum, assurance that permits as defined in s. 163.3164 ~~(7)~~ and
7719 ~~(8)~~ for affordable housing projects are expedited to a greater
7720 degree than other projects; an ongoing process for review of
7721 local policies, ordinances, regulations, and plan provisions
7722 that increase the cost of housing prior to their adoption; and a
7723 schedule for implementing the incentive strategies. Local
7724 housing incentive strategies may also include other regulatory
7725 reforms, such as those enumerated in s. 420.9076 or those
7726 recommended by the affordable housing advisory committee in its
7727 triennial evaluation of the implementation of affordable housing
7728 incentives, and adopted by the local governing body.

HB 7129

2011

7729 Section 60. Paragraph (a) of subsection (4) of section
 7730 420.9076, Florida Statutes, is amended to read:

7731 420.9076 Adoption of affordable housing incentive
 7732 strategies; committees.—

7733 (4) Triennially, the advisory committee shall review the
 7734 established policies and procedures, ordinances, land
 7735 development regulations, and adopted local government
 7736 comprehensive plan of the appointing local government and shall
 7737 recommend specific actions or initiatives to encourage or
 7738 facilitate affordable housing while protecting the ability of
 7739 the property to appreciate in value. The recommendations may
 7740 include the modification or repeal of existing policies,
 7741 procedures, ordinances, regulations, or plan provisions; the
 7742 creation of exceptions applicable to affordable housing; or the
 7743 adoption of new policies, procedures, regulations, ordinances,
 7744 or plan provisions, including recommendations to amend the local
 7745 government comprehensive plan and corresponding regulations,
 7746 ordinances, and other policies. At a minimum, each advisory
 7747 committee shall submit a report to the local governing body that
 7748 includes recommendations on, and triennially thereafter
 7749 evaluates the implementation of, affordable housing incentives
 7750 in the following areas:

7751 (a) The processing of approvals of development orders or
 7752 permits, as defined in s. 163.3164(7) and (8), for affordable
 7753 housing projects is expedited to a greater degree than other
 7754 projects.

7755
 7756 The advisory committee recommendations may also include other

HB 7129

2011

7757 affordable housing incentives identified by the advisory
 7758 committee. Local governments that receive the minimum allocation
 7759 under the State Housing Initiatives Partnership Program shall
 7760 perform the initial review but may elect to not perform the
 7761 triennial review.

7762 Section 61. Subsection (1) of section 720.403, Florida
 7763 Statutes, is amended to read:

7764 720.403 Preservation of residential communities; revival
 7765 of declaration of covenants.—

7766 (1) Consistent with required and optional elements of
 7767 local comprehensive plans and other applicable provisions of the
 7768 Community Local Government Comprehensive Planning and Land
 7769 ~~Development Regulation Act~~, homeowners are encouraged to
 7770 preserve existing residential communities, promote available and
 7771 affordable housing, protect structural and aesthetic elements of
 7772 their residential community, and, as applicable, maintain roads
 7773 and streets, easements, water and sewer systems, utilities,
 7774 drainage improvements, conservation and open areas, recreational
 7775 amenities, and other infrastructure and common areas that serve
 7776 and support the residential community by the revival of a
 7777 previous declaration of covenants and other governing documents
 7778 that may have ceased to govern some or all parcels in the
 7779 community.

7780 Section 62. Subsection (6) of section 1013.30, Florida
 7781 Statutes, is amended to read:

7782 1013.30 University campus master plans and campus
 7783 development agreements.—

7784 (6) Before a campus master plan is adopted, a copy of the

HB 7129

2011

7785 draft master plan must be sent for review or made available
 7786 electronically to the host and any affected local governments,
 7787 the state land planning agency, the Department of Environmental
 7788 Protection, the Department of Transportation, the Department of
 7789 State, the Fish and Wildlife Conservation Commission, and the
 7790 applicable water management district and regional planning
 7791 council. At the request of a governmental entity, a hard copy of
 7792 the draft master plan shall be submitted within 7 business days
 7793 of an electronic copy being made available. These agencies must
 7794 be given 90 days after receipt of the campus master plans in
 7795 which to conduct their review and provide comments to the
 7796 university board of trustees. The commencement of this review
 7797 period must be advertised in newspapers of general circulation
 7798 within the host local government and any affected local
 7799 government to allow for public comment. Following receipt and
 7800 consideration of all comments and the holding of an informal
 7801 information session and at least two public hearings within the
 7802 host jurisdiction, the university board of trustees shall adopt
 7803 the campus master plan. It is the intent of the Legislature that
 7804 the university board of trustees comply with the notice
 7805 requirements set forth in s. 163.3184 (11) ~~(15)~~ to ensure full
 7806 public participation in this planning process. The informal
 7807 public information session must be held before the first public
 7808 hearing. The first public hearing shall be held before the draft
 7809 master plan is sent to the agencies specified in this
 7810 subsection. The second public hearing shall be held in
 7811 conjunction with the adoption of the draft master plan by the
 7812 university board of trustees. Campus master plans developed

HB 7129

2011

7813 | under this section are not rules and are not subject to chapter
 7814 | 120 except as otherwise provided in this section.

7815 | Section 63. Subsections (3), (7), and (8) of section
 7816 | 1013.33, Florida Statutes, are amended to read:

7817 | 1013.33 Coordination of planning with local governing
 7818 | bodies.—

7819 | (3) At a minimum, the interlocal agreement must address
 7820 | interlocal agreement requirements in s. 163.31777 and, if
 7821 | applicable, s. 163.3180(6)(13)(g), ~~except for exempt local~~
 7822 | ~~governments as provided in s. 163.3177(12)~~, and must address the
 7823 | following issues:

7824 | (a) A process by which each local government and the
 7825 | district school board agree and base their plans on consistent
 7826 | projections of the amount, type, and distribution of population
 7827 | growth and student enrollment. The geographic distribution of
 7828 | jurisdiction-wide growth forecasts is a major objective of the
 7829 | process.

7830 | (b) A process to coordinate and share information relating
 7831 | to existing and planned public school facilities, including
 7832 | school renovations and closures, and local government plans for
 7833 | development and redevelopment.

7834 | (c) Participation by affected local governments with the
 7835 | district school board in the process of evaluating potential
 7836 | school closures, significant renovations to existing schools,
 7837 | and new school site selection before land acquisition. Local
 7838 | governments shall advise the district school board as to the
 7839 | consistency of the proposed closure, renovation, or new site
 7840 | with the local comprehensive plan, including appropriate

HB 7129

2011

7841 | circumstances and criteria under which a district school board
7842 | may request an amendment to the comprehensive plan for school
7843 | siting.

7844 | (d) A process for determining the need for and timing of
7845 | onsite and offsite improvements to support new construction,
7846 | proposed expansion, or redevelopment of existing schools. The
7847 | process shall address identification of the party or parties
7848 | responsible for the improvements.

7849 | (e) A process for the school board to inform the local
7850 | government regarding the effect of comprehensive plan amendments
7851 | on school capacity. The capacity reporting must be consistent
7852 | with laws and rules regarding measurement of school facility
7853 | capacity and must also identify how the district school board
7854 | will meet the public school demand based on the facilities work
7855 | program adopted pursuant to s. 1013.35.

7856 | (f) Participation of the local governments in the
7857 | preparation of the annual update to the school board's 5-year
7858 | district facilities work program and educational plant survey
7859 | prepared pursuant to s. 1013.35.

7860 | (g) A process for determining where and how joint use of
7861 | either school board or local government facilities can be shared
7862 | for mutual benefit and efficiency.

7863 | (h) A procedure for the resolution of disputes between the
7864 | district school board and local governments, which may include
7865 | the dispute resolution processes contained in chapters 164 and
7866 | 186.

7867 | (i) An oversight process, including an opportunity for
7868 | public participation, for the implementation of the interlocal

HB 7129

2011

7869 agreement.

7870 ~~(7) Except as provided in subsection (8), municipalities~~
 7871 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
 7872 ~~from the requirements of subsections (2), (3), and (4).~~

7873 ~~(8) At the time of the evaluation and appraisal report,~~
 7874 ~~each exempt municipality shall assess the extent to which it~~
 7875 ~~continues to meet the criteria for exemption under s.~~
 7876 ~~163.3177(12). If the municipality continues to meet these~~
 7877 ~~criteria, the municipality shall continue to be exempt from the~~
 7878 ~~interlocal agreement requirement. Each municipality exempt under~~
 7879 ~~s. 163.3177(12) must comply with the provisions of subsections~~
 7880 ~~(2) (8) within 1 year after the district school board proposes,~~
 7881 ~~in its 5-year district facilities work program, a new school~~
 7882 ~~within the municipality's jurisdiction.~~

7883 Section 64. Rules 9J-5 and 9J-11.023, Florida
 7884 Administrative Code, are repealed, and the Department of State
 7885 is directed to remove those rules from the Florida
 7886 Administrative Code.

7887 Section 65. (1) The state land planning agency, within 60
 7888 days after the effective date of this act, shall review any
 7889 administrative or judicial proceeding filed by the agency and
 7890 pending on the effective date of this act to determine whether
 7891 the issues raised by the state land planning agency are
 7892 consistent with the revised provisions of part II of chapter
 7893 163, Florida Statutes. For each proceeding, if the agency
 7894 determines that issues have been raised that are not consistent
 7895 with the revised provisions of part II of chapter 163, Florida
 7896 Statutes, the agency shall dismiss the proceeding. If the state

HB 7129

2011

7897 land planning agency determines that one or more issues have
7898 been raised that are consistent with the revised provisions of
7899 part II of chapter 163, Florida Statutes, the agency shall amend
7900 its petition within 30 days after the determination to plead
7901 with particularity as to the manner in which the plan or plan
7902 amendment fails to meet the revised provisions of part II of
7903 chapter 163, Florida Statutes. If the agency fails to timely
7904 file such amended petition, the proceeding shall be dismissed.

7905 (2) In all proceedings that were initiated by the state
7906 land planning agency before the effective date of this act, and
7907 continue after that date, the local government's determination
7908 that the comprehensive plan or plan amendment is in compliance
7909 is presumed to be correct, and the local government's
7910 determination shall be sustained unless it is shown by a
7911 preponderance of the evidence that the comprehensive plan or
7912 plan amendment is not in compliance.

7913 Section 66. In accordance with s. 1.04, Florida Statutes,
7914 the provisions of law amended by this act shall be construed in
7915 pari materia with the provisions of law reenacted by Senate Bill
7916 174 or HB 7001, 2011 Regular Session, whichever becomes law, and
7917 incorporated therein. In addition, if any law amended by this
7918 act is also amended by any other law enacted at the same
7919 legislative session or an extension thereof which becomes law,
7920 full effect shall be given to each if possible.

7921 Section 67. The Division of Statutory Revision is directed
7922 to replace the phrase "the effective date of this act" wherever
7923 it occurs in this act with the date this act becomes a law.

HB 7129

2011

7924 Section 68. This act shall take effect upon becoming a
7925 law.