

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. 163.3175, F.S.; providing additional factors for local
20 government consideration in impacts to military
21 installations; clarifying requirements for adopting
22 criteria to address compatibility of lands relating to
23 military installations; amending s. 163.3177, F.S.;
24 revising and providing duties of local governments;
25 revising and providing required and optional elements of
26 comprehensive plans; revising requirements of schedules of
27 capital improvements; revising and providing provisions
28 relating to capital improvements elements; revising major

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

57 | the Office of Program Policy Analysis and the state land
58 | planning agency; providing requirements for local plans;
59 | providing for the limiting the liability of local
60 | governments under certain conditions; amending s.
61 | 163.3182, F.S.; revising definitions; revising provisions
62 | relating to transportation deficiency plans and projects;
63 | amending s. 163.3184, F.S.; providing a definition;
64 | providing requirements for comprehensive plans and plan
65 | amendments; providing a expedited state review process for
66 | adoption of comprehensive plan amendments; providing
67 | requirements for the adoption of comprehensive plan
68 | amendments; creating the state-coordinated review process;
69 | providing and revising provisions relating to the review
70 | process; revising requirements relating to local
71 | government transmittal of proposed plan or amendments;
72 | providing for comment by reviewing agencies; deleting
73 | provisions relating to regional, county, and municipal
74 | review; revising provisions relating to state land
75 | planning agency review; revising provisions relating to
76 | local government review of comments; deleting and revising
77 | provisions relating to notice of intent and processes for
78 | compliance and noncompliance; providing procedures for
79 | administrative challenges to plans and plan amendments;
80 | providing for compliance agreements; providing for
81 | mediation and expeditious resolution; revising powers and
82 | duties of the administration commission; revising
83 | provisions relating to areas of critical state concern;
84 | providing for concurrent zoning; amending s. 163.3187,

85 F.S.; deleting provisions relating to the amendment of
86 adopted comprehensive plan and providing the process for
87 adoption of small-scale comprehensive plan amendments;
88 repealing s. 163.3189, F.S., relating to process for
89 amendment of adopted comprehensive plan; amending s.
90 163.3191, F.S., relating to the evaluation and appraisal
91 of comprehensive plans; providing and revising local
92 government requirements including notice, amendments,
93 compliance, mediation, reports, and scoping meetings;
94 amending s. 163.3229, F.S.; revising limitations on
95 duration of development agreements; amending s. 163.3235,
96 F.S.; revising requirements for periodic reviews of a
97 development agreements; amending s. 163.3239, F.S.;
98 revising recording requirements; amending s. 163.3243,
99 F.S.; revising parties who may file an action for
100 injunctive relief; amending s. 163.3245, F.S.; revising
101 provisions relating to optional sector plans; authorizing
102 the adoption of sector plans under certain circumstances;
103 repealing s. 163.3246, F.S., relating to local government
104 comprehensive planning certification program; repealing s.
105 163.32465, F.S., relating to state review of local
106 comprehensive plans in urban areas; repealing s. 163.3247,
107 F.S., relating to the Century Commission for a Sustainable
108 Florida; creating s. 163.3248, F.S.; providing for the
109 designation of rural land stewardship areas; providing
110 purposes and requirements for the establishment of such
111 areas; providing for the creation of rural land
112 stewardship overlay zoning district and transferable rural

113 land use credits; providing certain limitation relating to
114 such credits; providing for incentives; providing
115 eligibility for incentives; providing legislative intent;
116 amending s. 380.06, F.S.; providing for extension of
117 certain expiration dates; revising exemptions governing
118 developments of regional impact; providing for temporary
119 increase in thresholds and substantial deviations;
120 providing a presumption; directing the Office of Program
121 Policy Analysis and Government Accountability to submit a
122 report and recommendations; revising provisions to conform
123 to changes made by this act; amending s. 380.0685, F.S.,
124 relating to use of surcharges for beach renourishment and
125 restoration; repealing Rules 9J-5 and 9J-11.023, Florida
126 Administrative Code, relating to minimum criteria for
127 review of local government comprehensive plans and plan
128 amendments, evaluation and appraisal reports, land
129 development regulations and determinations of compliance;
130 amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217,
131 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203,
132 186.513, 189.415, 190.004, 190.005, 193.501, 287.042,
133 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155,
134 339.2819, 369.303, 369.321, 378.021, 380.06, 380.115,
135 380.031, 380.061, 380.065, 403.50665, 403.973, 420.5095,
136 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30,
137 1013.33, and 1013.35, F.S.; revising provisions to conform
138 to changes made by this act; extending permits and other
139 authorizations extended under s. 14, ch. 2009-96, Laws of
140 Florida; requiring the state land planning agency to

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141 review certain administrative and judicial proceedings;
 142 providing procedures for such review; affirming statutory
 143 construction with respect to other legislation passed at
 144 the same session; providing a directive of the Division of
 145 Statutory Revision; providing an effective date.

146

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

148

149 Section 1. Subsection (26) of section 70.51, Florida
 150 Statutes, is amended to read:

151 70.51 Land use and environmental dispute resolution.—

152 (26) A special magistrate's recommendation under this
 153 section constitutes data in support of, and a support document
 154 for, a comprehensive plan or comprehensive plan amendment, but
 155 is not, in and of itself, dispositive of a determination of
 156 compliance with chapter 163. ~~Any comprehensive plan amendment~~
 157 ~~necessary to carry out the approved recommendation of a special~~
 158 ~~magistrate under this section is exempt from the twice-a-year~~
 159 ~~limit on plan amendments and may be adopted by the local~~
 160 ~~government amendments in s. 163.3184(16) (d).~~

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

165 163.06 Miami River Commission.—

166 (3) The policy committee shall have the following powers
 167 and duties:

168 ~~(g) Coordinate a joint planning area agreement between the~~

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169 ~~Department of Community Affairs, the city, and the county under~~
 170 ~~the provisions of s. 163.3177(11)(a), (b), and (c).~~

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

173 163.2517 Designation of urban infill and redevelopment
 174 area.—

175 (4) In order for a local government to designate an urban
 176 infill and redevelopment area, it must amend its comprehensive
 177 land use plan under s. 163.3187 to delineate the boundaries of
 178 the urban infill and redevelopment area within the future land
 179 use element of its comprehensive plan pursuant to its adopted
 180 urban infill and redevelopment plan. The state land planning
 181 agency shall review the boundary delineation of the urban infill
 182 and redevelopment area in the future land use element under s.
 183 163.3184. However, an urban infill and redevelopment plan
 184 adopted by a local government is not subject to review for
 185 compliance as defined by s. 163.3184(1)(b), and the local
 186 government is not required to adopt the plan as a comprehensive
 187 plan amendment. ~~An amendment to the local comprehensive plan to~~
 188 ~~designate an urban infill and redevelopment area is exempt from~~
 189 ~~the twice-a-year amendment limitation of s. 163.3187.~~

190 Section 4. Section 163.3161, Florida Statutes, is amended
 191 to read:

192 163.3161 Short title; intent and purpose.—

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

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

197 ~~of the Florida Environmental Land and Water Management Act of~~
 198 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and
 199 strengthen the existing role, processes, and powers of local
 200 governments in the establishment and implementation of
 201 comprehensive planning programs to guide and manage ~~control~~
 202 future development consistent with the proper role of local
 203 government.

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

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

224 (5) ~~(4)~~ It is the intent of this act to encourage and

225 ensure ~~assure~~ cooperation between and among municipalities and
 226 counties and to encourage and assure coordination of planning
 227 and development activities of units of local government with the
 228 planning activities of regional agencies and state government in
 229 accord with applicable provisions of law.

230 (6)~~(5)~~ It is the intent of this act that adopted
 231 comprehensive plans shall have the legal status set out in this
 232 act and that no public or private development shall be permitted
 233 except in conformity with comprehensive plans, or elements or
 234 portions thereof, prepared and adopted in conformity with this
 235 act.

236 (7)~~(6)~~ It is the intent of this act that the activities of
 237 units of local government in the preparation and adoption of
 238 comprehensive plans, or elements or portions therefor, shall be
 239 conducted in conformity with ~~the provisions of~~ this act.

240 (8)~~(7)~~ The provisions of this act in their interpretation
 241 and application are declared to be the minimum requirements
 242 necessary to accomplish the stated intent, purposes, and
 243 objectives of this act; to protect human, environmental, social,
 244 and economic resources; and to maintain, through orderly growth
 245 and development, the character and stability of present and
 246 future land use and development in this state.

247 (9)~~(8)~~ It is the intent of the Legislature that the repeal
 248 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws
 249 of Florida, and amendments to this part by this chapter law,
 250 ~~shall~~ not be interpreted to limit or restrict the powers of
 251 municipal or county officials, but ~~shall~~ be interpreted as a
 252 recognition of their broad statutory and constitutional powers

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253 to plan for and regulate the use of land. It is, further, the
 254 intent of the Legislature to reconfirm that ss. 163.3161-
 255 163.3248 ~~163.3161 through 163.3215~~ have provided and do provide
 256 the necessary statutory direction and basis for municipal and
 257 county officials to carry out their comprehensive planning and
 258 land development regulation powers, duties, and
 259 responsibilities.

260 (10) ~~(9)~~ It is the intent of the Legislature that all
 261 governmental entities in this state recognize and respect
 262 judicially acknowledged or constitutionally protected private
 263 property rights. It is the intent of the Legislature that all
 264 rules, ordinances, regulations, and programs adopted under the
 265 authority of this act must be developed, promulgated,
 266 implemented, and applied with sensitivity for private property
 267 rights and not be unduly restrictive, and property owners must
 268 be free from actions by others which would harm their property.
 269 Full and just compensation or other appropriate relief must be
 270 provided to any property owner for a governmental action that is
 271 determined to be an invalid exercise of the police power which
 272 constitutes a taking, as provided by law. Any such relief must
 273 be determined in a judicial action.

274 (11) It is the intent of this part that the traditional
 275 economic base of this state, agriculture, tourism, and military
 276 presence, be recognized and protected. Further, it is the intent
 277 of this part to encourage economic diversification, workforce
 278 development, and community planning.

279 (12) It is the intent of this part that new statutory
 280 requirements created by the Legislature will not require a local

281 government whose plan has been found to be in compliance with
 282 this part to adopt amendments implementing the new statutory
 283 requirements until the evaluation and appraisal period provided
 284 in s. 163.3191, unless otherwise specified in law. However, any
 285 new amendments must comply with the requirements of this part.

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

290 163.3162 Agricultural Lands and Practices Act.—

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

293 (4)-(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—

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

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

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

309 protecting landowner rights.

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

325 (b) Upon conclusion of good faith negotiations under
 326 paragraph (a), regardless of whether the local government and
 327 owner reach consensus on the land uses and intensities of use
 328 that are consistent with the uses and intensities of use of the
 329 industrial, commercial, or residential areas that surround the
 330 parcel, the amendment must be transmitted to the state land
 331 planning agency for review pursuant to s. 163.3184. If the local
 332 government fails to transmit the amendment within 180 days after
 333 receipt of a complete application, the amendment must be
 334 immediately transferred to the state land planning agency for
 335 such review ~~at the first available transmittal cycle~~. A plan
 336 amendment transmitted to the state land planning agency

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337 submitted under this subsection is presumed not to be urban
 338 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~
 339 ~~5.006(5), Florida Administrative Code~~. This presumption may be
 340 rebutted by clear and convincing evidence.

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

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

- 349 1. The Wekiva Study Area, as described in s. 369.316; or
- 350 2. The Everglades Protection Area, as defined in s.
 351 373.4592(2).

352 Section 6. Section 163.3164, Florida Statutes, is amended
 353 to read:

354 163.3164 Community Local Government Comprehensive Planning
 355 ~~and Land Development Regulation Act~~; definitions.—As used in
 356 this act:

357 (1) "Administration Commission" means the Governor and the
 358 Cabinet, and for purposes of this chapter the commission shall
 359 act on a simple majority vote, except that for purposes of
 360 imposing the sanctions provided in s. 163.3184 (8) ~~(11)~~,
 361 affirmative action shall require the approval of the Governor
 362 and at least two ~~three~~ other members of the commission.

363 (2) "Affordable housing" has the same meaning as in s.
 364 420.0004(3).

365 (3) ~~(33)~~ "Agricultural enclave" means an unincorporated,
 366 undeveloped parcel that:

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

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

372 (c) Is surrounded on at least 75 percent of its perimeter
 373 by:

374 1. Property that has existing industrial, commercial, or
 375 residential development; or

376 2. Property that the local government has designated, in
 377 the local government's comprehensive plan, zoning map, and
 378 future land use map, as land that is to be developed for
 379 industrial, commercial, or residential purposes, and at least 75
 380 percent of such property is existing industrial, commercial, or
 381 residential development;

382 (d) Has public services, including water, wastewater,
 383 transportation, schools, and recreation facilities, available or
 384 such public services are scheduled in the capital improvement
 385 element to be provided by the local government or can be
 386 provided by an alternative provider of local government
 387 infrastructure in order to ensure consistency with applicable
 388 concurrency provisions of s. 163.3180; and

389 (e) Does not exceed 1,280 acres; however, if the property
 390 is surrounded by existing or authorized residential development
 391 that will result in a density at buildout of at least 1,000
 392 residents per square mile, then the area shall be determined to

393 be urban and the parcel may not exceed 4,480 acres.

394 (4) "Antiquated subdivision" means a subdivision that was
 395 recorded or approved more than 20 years ago and that has
 396 substantially failed to be built and the continued buildout of
 397 the subdivision in accordance with the subdivision's zoning and
 398 land use purposes would cause an imbalance of land uses and
 399 would be detrimental to the local and regional economies and
 400 environment, hinder current planning practices, and lead to
 401 inefficient and fiscally irresponsible development patterns as
 402 determined by the respective jurisdiction in which the
 403 subdivision is located.

404 (5)~~(2)~~ "Area" or "area of jurisdiction" means the total
 405 area qualifying under ~~the provisions of~~ this act, whether this
 406 be all of the lands lying within the limits of an incorporated
 407 municipality, lands in and adjacent to incorporated
 408 municipalities, all unincorporated lands within a county, or
 409 areas comprising combinations of the lands in incorporated
 410 municipalities and unincorporated areas of counties.

411 (6) "Capital improvement" means physical assets
 412 constructed or purchased to provide, improve, or replace a
 413 public facility and which are typically large scale and high in
 414 cost. The cost of a capital improvement is generally
 415 nonrecurring and may require multiyear financing. For the
 416 purposes of this part, physical assets that have been identified
 417 as existing or projected needs in the individual comprehensive
 418 plan elements shall be considered capital improvements.

419 (7)~~(3)~~ "Coastal area" means the 35 coastal counties and
 420 all coastal municipalities within their boundaries ~~designated~~

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421 ~~coastal by the state land planning agency.~~

422 (8) "Compatibility" means a condition in which land uses
423 or conditions can coexist in relative proximity to each other in
424 a stable fashion over time such that no use or condition is
425 unduly negatively impacted directly or indirectly by another use
426 or condition.

427 (9)~~(4)~~ "Comprehensive plan" means a plan that meets the
428 requirements of ss. 163.3177 and 163.3178.

429 (10) "Deepwater ports" means the ports identified in s.
430 403.021(9).

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

434 (12)~~(5)~~ "Developer" means any person, including a
435 governmental agency, undertaking any development as defined in
436 this act.

437 (13)~~(6)~~ "Development" has the same meaning as ~~given it~~ in
438 s. 380.04.

439 (14)~~(7)~~ "Development order" means any order granting,
440 denying, or granting with conditions an application for a
441 development permit.

442 (15)~~(8)~~ "Development permit" includes any building permit,
443 zoning permit, subdivision approval, rezoning, certification,
444 special exception, variance, or any other official action of
445 local government having the effect of permitting the development
446 of land.

447 (16)~~(25)~~ "Downtown revitalization" means the physical and
448 economic renewal of a central business district of a community

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449 as designated by local government, and includes both downtown
 450 development and redevelopment.

451 (17) "Floodprone areas" means areas inundated during a
 452 100-year flood event or areas identified by the National Flood
 453 Insurance Program as an A Zone on flood insurance rate maps or
 454 flood hazard boundary maps.

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

457 (19)~~(9)~~ "Governing body" means the board of county
 458 commissioners of a county, the commission or council of an
 459 incorporated municipality, or any other chief governing body of
 460 a unit of local government, however designated, or the
 461 combination of such bodies where joint utilization of ~~the~~
 462 ~~provisions of~~ this act is accomplished as provided herein.

463 (20)~~(10)~~ "Governmental agency" means:

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

466 (b) This state or any department, commission, agency, or
 467 other instrumentality thereof.

468 (c) Any local government, as defined in this section, or
 469 any department, commission, agency, or other instrumentality
 470 thereof.

471 (d) Any school board or other special district, authority,
 472 or governmental entity.

473 (21) "Intensity" means an objective measurement of the
 474 extent to which land may be developed or used, including the
 475 consumption or use of the space above, on, or below ground; the
 476 measurement of the use of or demand on natural resources; and

477 | the measurement of the use of or demand on facilities and
 478 | services.

479 | (22) "Internal trip capture" means trips generated by a
 480 | mixed-use project that travel from one on-site land use to
 481 | another on-site land use without using the external road
 482 | network.

483 | (23)~~(11)~~ "Land" means the earth, water, and air, above,
 484 | below, or on the surface, and includes any improvements or
 485 | structures customarily regarded as land.

486 | (24)~~(22)~~ "Land development regulation commission" means a
 487 | commission designated by a local government to develop and
 488 | recommend, to the local governing body, land development
 489 | regulations which implement the adopted comprehensive plan and
 490 | to review land development regulations, or amendments thereto,
 491 | for consistency with the adopted plan and report to the
 492 | governing body regarding its findings. The responsibilities of
 493 | the land development regulation commission may be performed by
 494 | the local planning agency.

495 | (25)~~(23)~~ "Land development regulations" means ordinances
 496 | enacted by governing bodies for the regulation of any aspect of
 497 | development and includes any local government zoning, rezoning,
 498 | subdivision, building construction, or sign regulations or any
 499 | other regulations controlling the development of land, except
 500 | that this definition does ~~shall~~ not apply in s. 163.3213.

501 | (26)~~(12)~~ "Land use" means the development that has
 502 | occurred on the land, the development that is proposed by a
 503 | developer on the land, or the use that is permitted or
 504 | permissible on the land under an adopted comprehensive plan or

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505 element or portion thereof, land development regulations, or a
 506 land development code, as the context may indicate.

507 (27) "Level of service" means an indicator of the extent
 508 or degree of service provided by, or proposed to be provided by,
 509 a facility based on and related to the operational
 510 characteristics of the facility. Level of service shall indicate
 511 the capacity per unit of demand for each public facility.

512 ~~(28)(13)~~ "Local government" means any county or
 513 municipality.

514 ~~(29)(14)~~ "Local planning agency" means the agency
 515 designated to prepare the comprehensive plan or plan amendments
 516 required by this act.

517 ~~(30)(15)~~ A "Newspaper of general circulation" means a
 518 newspaper published at least on a weekly basis and printed in
 519 the language most commonly spoken in the area within which it
 520 circulates, but does not include a newspaper intended primarily
 521 for members of a particular professional or occupational group,
 522 a newspaper whose primary function is to carry legal notices, or
 523 a newspaper that is given away primarily to distribute
 524 advertising.

525 (31) "New town" means an urban activity center and
 526 community designated on the future land use map of sufficient
 527 size, population and land use composition to support a variety
 528 of economic and social activities consistent with an urban area
 529 designation. New towns shall include basic economic activities;
 530 all major land use categories, with the possible exception of
 531 agricultural and industrial; and a centrally provided full range
 532 of public facilities and services that demonstrate internal trip

533 capture. A new town shall be based on a master development plan.

534 (32) "Objective" means a specific, measurable,
 535 intermediate end that is achievable and marks progress toward a
 536 goal.

537 (33)-(16) "Parcel of land" means any quantity of land
 538 capable of being described with such definiteness that its
 539 locations and boundaries may be established, which is designated
 540 by its owner or developer as land to be used, or developed as, a
 541 unit or which has been used or developed as a unit.

542 (34)-(17) "Person" means an individual, corporation,
 543 governmental agency, business trust, estate, trust, partnership,
 544 association, two or more persons having a joint or common
 545 interest, or any other legal entity.

546 (35) "Policy" means the way in which programs and
 547 activities are conducted to achieve an identified goal.

548 (36)-(28) "Projects that promote public transportation"
 549 means projects that directly affect the provisions of public
 550 transit, including transit terminals, transit lines and routes,
 551 separate lanes for the exclusive use of public transit services,
 552 transit stops (shelters and stations), office buildings or
 553 projects that include fixed-rail or transit terminals as part of
 554 the building, and projects which are transit oriented and
 555 designed to complement reasonably proximate planned or existing
 556 public facilities.

557 (37)-(24) "Public facilities" means major capital
 558 improvements, including, ~~but not limited to,~~ transportation,
 559 sanitary sewer, solid waste, drainage, potable water,
 560 educational, parks and recreational, ~~and health systems and~~

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561 facilities, ~~and spoil disposal sites for maintenance dredging~~
 562 ~~located in the intracoastal waterways, except for spoil disposal~~
 563 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

564 ~~(38)(18)~~ "Public notice" means notice as required by s.
 565 125.66(2) for a county or by s. 166.041(3)(a) for a
 566 municipality. The public notice procedures required in this part
 567 are established as minimum public notice procedures.

568 ~~(39)(19)~~ "Regional planning agency" means the council
 569 created pursuant to chapter 186 ~~agency designated by the state~~
 570 ~~land planning agency to exercise responsibilities under law in a~~
 571 ~~particular region of the state.~~

572 (40) "Seasonal population" means part-time inhabitants who
 573 use, or may be expected to use, public facilities or services,
 574 but are not residents and includes tourists, migrant
 575 farmworkers, and other short-term and long-term visitors.

576 ~~(41)(31)~~ "Optional Sector plan" means the an optional
 577 process authorized by s. 163.3245 in which one or more local
 578 governments engage in long-term planning for a large area and by
 579 agreement with the state land planning agency are allowed to
 580 address regional development of regional impact issues through
 581 adoption of detailed specific area plans within the planning
 582 area within certain designated geographic areas identified in
 583 the local comprehensive plan as a means of fostering innovative
 584 planning and development strategies in s. 163.3177(11)(a) and
 585 (b), furthering the purposes of this part and part I of chapter
 586 380, reducing overlapping data and analysis requirements,
 587 protecting regionally significant resources and facilities, and
 588 addressing extrajurisdictional impacts. The term includes an

589 optional sector plan that was adopted before the effective date
 590 of this act.

591 (42)-(20) "State land planning agency" means the Department
 592 of Community Affairs.

593 (43)-(21) "Structure" has the same meaning as in ~~given it~~
 594 ~~by~~ s. 380.031(19).

595 (44) "Suitability" means the degree to which the existing
 596 characteristics and limitations of land and water are compatible
 597 with a proposed use or development.

598 (45) "Transit-oriented development" means a project or
 599 projects, in areas identified in a local government
 600 comprehensive plan, that is or will be served by existing or
 601 planned transit service. These designated areas shall be
 602 compact, moderate to high density developments, of mixed-use
 603 character, interconnected with other land uses, bicycle and
 604 pedestrian friendly, and designed to support frequent transit
 605 service operating through, collectively or separately, rail,
 606 fixed guideway, streetcar, or bus systems on dedicated
 607 facilities or available roadway connections.

608 (46)-(30) "Transportation corridor management" means the
 609 coordination of the planning of designated future transportation
 610 corridors with land use planning within and adjacent to the
 611 corridor to promote orderly growth, to meet the concurrency
 612 requirements of this chapter, and to maintain the integrity of
 613 the corridor for transportation purposes.

614 (47)-(27) "Urban infill" means the development of vacant
 615 parcels in otherwise built-up areas where public facilities such
 616 as sewer systems, roads, schools, and recreation areas are

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617 already in place and the average residential density is at least
618 five dwelling units per acre, the average nonresidential
619 intensity is at least a floor area ratio of 1.0 and vacant,
620 developable land does not constitute more than 10 percent of the
621 area.

622 ~~(48)(26)~~ "Urban redevelopment" means demolition and
623 reconstruction or substantial renovation of existing buildings
624 or infrastructure within urban infill areas, existing urban
625 service areas, or community redevelopment areas created pursuant
626 to part III.

627 ~~(49)(29)~~ "Urban service area" means ~~built-up~~ areas
628 identified in the comprehensive plan where public facilities and
629 services, including, but not limited to, central water and sewer
630 capacity and roads, are already in place or are identified in
631 the capital improvements element ~~committed in the first 3 years~~
632 ~~of the capital improvement schedule. In addition, for counties~~
633 ~~that qualify as dense urban land areas under subsection (34),~~
634 ~~the nonrural area of a county which has adopted into the county~~
635 ~~charter a rural area designation or areas identified in the~~
636 ~~comprehensive plan as urban service areas or urban growth~~
637 ~~boundaries on or before July 1, 2009, are also urban service~~
638 ~~areas under this definition.~~

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

645 ~~(32) "Financial feasibility" means that sufficient~~
646 ~~revenues are currently available or will be available from~~
647 ~~committed funding sources for the first 3 years, or will be~~
648 ~~available from committed or planned funding sources for years 4~~
649 ~~and 5, of a 5-year capital improvement schedule for financing~~
650 ~~capital improvements, such as ad valorem taxes, bonds, state and~~
651 ~~federal funds, tax revenues, impact fees, and developer~~
652 ~~contributions, which are adequate to fund the projected costs of~~
653 ~~the capital improvements identified in the comprehensive plan~~
654 ~~necessary to ensure that adopted level of service standards are~~
655 ~~achieved and maintained within the period covered by the 5-year~~
656 ~~schedule of capital improvements. A comprehensive plan shall be~~
657 ~~deemed financially feasible for transportation and school~~
658 ~~facilities throughout the planning period addressed by the~~
659 ~~capital improvements schedule if it can be demonstrated that the~~
660 ~~level of service standards will be achieved and maintained by~~
661 ~~the end of the planning period even if in a particular year such~~
662 ~~improvements are not concurrent as required by s. 163.3180.~~

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

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

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

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

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673 ~~The Office of Economic and Demographic Research within the~~
674 ~~Legislature shall annually calculate the population and density~~
675 ~~criteria needed to determine which jurisdictions qualify as~~
676 ~~dense urban land areas by using the most recent land area data~~
677 ~~from the decennial census conducted by the Bureau of the Census~~
678 ~~of the United States Department of Commerce and the latest~~
679 ~~available population estimates determined pursuant to s.~~
680 ~~186.901. If any local government has had an annexation,~~
681 ~~contraction, or new incorporation, the Office of Economic and~~
682 ~~Demographic Research shall determine the population density~~
683 ~~using the new jurisdictional boundaries as recorded in~~
684 ~~accordance with s. 171.091. The Office of Economic and~~
685 ~~Demographic Research shall submit to the state land planning~~
686 ~~agency a list of jurisdictions that meet the total population~~
687 ~~and density criteria necessary for designation as a dense urban~~
688 ~~land area by July 1, 2009, and every year thereafter. The state~~
689 ~~land planning agency shall publish the list of jurisdictions on~~
690 ~~its Internet website within 7 days after the list is received.~~
691 ~~The designation of jurisdictions that qualify or do not qualify~~
692 ~~as a dense urban land area is effective upon publication on the~~
693 ~~state land planning agency's Internet website.~~

694 Section 7. Section 163.3167, Florida Statutes, is amended
695 to read:

696 163.3167 Scope of act.—

697 (1) The several incorporated municipalities and counties
698 shall have power and responsibility:

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

700 (b) To adopt and amend comprehensive plans, or elements or

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701 portions thereof, to guide their future development and growth.

702 (c) To implement adopted or amended comprehensive plans by
 703 the adoption of appropriate land development regulations or
 704 elements thereof.

705 (d) To establish, support, and maintain administrative
 706 instruments and procedures to carry out the provisions and
 707 purposes of this act.

708

709 The powers and authority set out in this act may be employed by
 710 municipalities and counties individually or jointly by mutual
 711 agreement in accord with ~~the provisions of~~ this act and in such
 712 combinations as their common interests may dictate and require.

713 (2) Each local government shall maintain ~~prepare~~ a
 714 comprehensive plan of the type and in the manner set out in this
 715 part or prepare amendments to its existing comprehensive plan to
 716 conform it to the requirements of this part and in the manner
 717 set out in this part. ~~In accordance with s. 163.3184, each local~~
 718 ~~government shall submit to the state land planning agency its~~
 719 ~~complete proposed comprehensive plan or its complete~~
 720 ~~comprehensive plan as proposed to be amended.~~

721 ~~(3) When a local government has not prepared all of the~~
 722 ~~required elements or has not amended its plan as required by~~
 723 ~~subsection (2), the regional planning agency having~~
 724 ~~responsibility for the area in which the local government lies~~
 725 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~
 726 ~~missing elements or adopt by rule amendments to the existing~~
 727 ~~plan in accordance with this act by July 1, 1989, or within 1~~
 728 ~~year after the dates specified or provided in subsection (2) and~~

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729 ~~the state land planning agency review schedule, whichever is~~
730 ~~later. The regional planning agency shall provide at least 90~~
731 ~~days' written notice to any local government whose plan it is~~
732 ~~required by this subsection to prepare, prior to initiating the~~
733 ~~planning process. At least 90 days before the adoption by the~~
734 ~~regional planning agency of a comprehensive plan, or element or~~
735 ~~portion thereof, pursuant to this subsection, the regional~~
736 ~~planning agency shall transmit a copy of the proposed~~
737 ~~comprehensive plan, or element or portion thereof, to the local~~
738 ~~government and the state land planning agency for written~~
739 ~~comment. The state land planning agency shall review and comment~~
740 ~~on such plan, or element or portion thereof, in accordance with~~
741 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~
742 ~~applicable to the regional planning agency as if it were a~~
743 ~~governing body. Existing comprehensive plans shall remain in~~
744 ~~effect until they are amended pursuant to subsection (2), this~~
745 ~~subsection, s. 163.3187, or s. 163.3189.~~

746 (3)~~(4)~~ A municipality established after the effective date
747 of this act shall, within 1 year after incorporation, establish
748 a local planning agency, pursuant to s. 163.3174, and prepare
749 and adopt a comprehensive plan of the type and in the manner set
750 out in this act within 3 years after the date of such
751 incorporation. A county comprehensive plan shall be deemed
752 controlling until the municipality adopts a comprehensive plan
753 in accord with the provisions of this act. ~~If, upon the~~
754 ~~expiration of the 3-year time limit, the municipality has not~~
755 ~~adopted a comprehensive plan, the regional planning agency shall~~
756 ~~prepare and adopt a comprehensive plan for such municipality.~~

757 (4)~~(5)~~ Any comprehensive plan, or element or portion
758 thereof, adopted pursuant to ~~the provisions of this act, which~~
759 but for its adoption after the deadlines established pursuant to
760 previous versions of this act would have been valid, shall be
761 valid.

762 ~~(6) When a regional planning agency is required to prepare~~
763 ~~or amend a comprehensive plan, or element or portion thereof,~~
764 ~~pursuant to subsections (3) and (4), the regional planning~~
765 ~~agency and the local government may agree to a method of~~
766 ~~compensating the regional planning agency for any verifiable,~~
767 ~~direct costs incurred. If an agreement is not reached within 6~~
768 ~~months after the date the regional planning agency assumes~~
769 ~~planning responsibilities for the local government pursuant to~~
770 ~~subsections (3) and (4) or by the time the plan or element, or~~
771 ~~portion thereof, is completed, whichever is earlier, the~~
772 ~~regional planning agency shall file invoices for verifiable,~~
773 ~~direct costs involved with the governing body. Upon the failure~~
774 ~~of the local government to pay such invoices within 90 days, the~~
775 ~~regional planning agency may, upon filing proper vouchers with~~
776 ~~the Chief Financial Officer, request payment by the Chief~~
777 ~~Financial Officer from unencumbered revenue or other tax sharing~~
778 ~~funds due such local government from the state for work actually~~
779 ~~performed, and the Chief Financial Officer shall pay such~~
780 ~~vouchers; however, the amount of such payment shall not exceed~~
781 ~~50 percent of such funds due such local government in any one~~
782 ~~year.~~

783 ~~(7) A local government that is being requested to pay~~
784 ~~costs may seek an administrative hearing pursuant to ss. 120.569~~

785 and ~~120.57~~ to challenge the amount of costs and to determine if
 786 the statutory prerequisites for payment have been complied with.
 787 Final agency action shall be taken by the state land planning
 788 agency. Payment shall be withheld as to disputed amounts until
 789 proceedings under this subsection have been completed.

790 (5)~~(8)~~ Nothing in this act shall limit or modify the
 791 rights of any person to complete any development that has been
 792 authorized as a development of regional impact pursuant to
 793 chapter 380 or who has been issued a final local development
 794 order and development has commenced and is continuing in good
 795 faith.

796 (6)~~(9)~~ The Reedy Creek Improvement District shall exercise
 797 the authority of this part as it applies to municipalities,
 798 consistent with the legislative act under which it was
 799 established, for the total area under its jurisdiction.

800 (7)~~(10)~~ Nothing in this part shall supersede any provision
 801 of ss. 341.8201-341.842.

802 ~~(11) Each local government is encouraged to articulate a~~
 803 ~~vision of the future physical appearance and qualities of its~~
 804 ~~community as a component of its local comprehensive plan. The~~
 805 ~~vision should be developed through a collaborative planning~~
 806 ~~process with meaningful public participation and shall be~~
 807 ~~adopted by the governing body of the jurisdiction. Neighboring~~
 808 ~~communities, especially those sharing natural resources or~~
 809 ~~physical or economic infrastructure, are encouraged to create~~
 810 ~~collective visions for greater than local areas. Such collective~~
 811 ~~visions shall apply in each city or county only to the extent~~
 812 ~~that each local government chooses to make them applicable. The~~

813 ~~state land planning agency shall serve as a clearinghouse for~~
 814 ~~creating a community vision of the future and may utilize the~~
 815 ~~Growth Management Trust Fund, created by s. 186.911, to provide~~
 816 ~~grants to help pay the costs of local visioning programs. When a~~
 817 ~~local vision of the future has been created, a local government~~
 818 ~~should review its comprehensive plan, land development~~
 819 ~~regulations, and capital improvement program to ensure that~~
 820 ~~these instruments will help to move the community toward its~~
 821 ~~vision in a manner consistent with this act and with the state~~
 822 ~~comprehensive plan. A local or regional vision must be~~
 823 ~~consistent with the state vision, when adopted, and be~~
 824 ~~internally consistent with the local or regional plan of which~~
 825 ~~it is a component. The state land planning agency shall not~~
 826 ~~adopt minimum criteria for evaluating or judging the form or~~
 827 ~~content of a local or regional vision.~~

828 (8) ~~(12)~~ An initiative or referendum process in regard to
 829 any development order or in regard to any local comprehensive
 830 plan amendment or map amendment ~~that affects five or fewer~~
 831 ~~parcels of land~~ is prohibited.

832 (9) ~~(13)~~ Each local government shall address in its
 833 comprehensive plan, as enumerated in this chapter, the water
 834 supply sources necessary to meet and achieve the existing and
 835 projected water use demand for the established planning period,
 836 considering the applicable plan developed pursuant to s.
 837 373.709.

838 (10) ~~(14)~~ (a) If a local government grants a development
 839 order pursuant to its adopted land development regulations and
 840 the order is not the subject of a pending appeal and the

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841 | timeframe for filing an appeal has expired, the development
842 | order may not be invalidated by a subsequent judicial
843 | determination that such land development regulations, or any
844 | portion thereof that is relevant to the development order, are
845 | invalid because of a deficiency in the approval standards.

846 | (b) This subsection does not preclude or affect the timely
847 | institution of any other remedy available at law or equity,
848 | including a common law writ of certiorari proceeding pursuant to
849 | Rule 9.190, Florida Rules of Appellate Procedure, or an original
850 | proceeding pursuant to s. 163.3215, as applicable.

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

853 | Section 8. Section 163.3168, Florida Statutes, is created
854 | to read:

855 | 163.3168 Planning innovations and technical assistance.-

856 | (1) The Legislature recognizes the need for innovative
857 | planning and development strategies to promote a diverse economy
858 | and vibrant rural and urban communities, while protecting
859 | environmentally sensitive areas. The Legislature further
860 | recognizes the substantial advantages of innovative approaches
861 | to development directed to meet the needs of urban, rural, and
862 | suburban areas.

863 | (2) Local governments are encouraged to apply innovative
864 | planning tools, including, but not limited to, visioning, sector
865 | planning, and rural land stewardship area designations to
866 | address future new development areas, urban service area
867 | designations, urban growth boundaries, and mixed-use, high-
868 | density development in urban areas.

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869 (3) The state land planning agency shall help communities
870 find creative solutions to fostering vibrant, healthy
871 communities, while protecting the functions of important state
872 resources and facilities. The state land planning agency and all
873 other appropriate state and regional agencies may use various
874 means to provide direct and indirect technical assistance within
875 available resources. If plan amendments may adversely impact
876 important state resources or facilities, upon request by the
877 local government, the state land planning agency shall
878 coordinate multi-agency assistance, if needed, in developing an
879 amendment to minimize impacts on such resources or facilities.

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

882 163.3171 Areas of authority under this act.—

883 (4) ~~The state land planning agency and a Local governments~~
884 may government shall have the power to enter into agreements
885 with each other and to agree together to enter into agreements
886 with a landowner, developer, or governmental agency as may be
887 necessary or desirable to effectuate the provisions and purposes
888 of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,
889 and 163.3248. It is the Legislature's intent that joint
890 agreements entered into under the authority of this section be
891 liberally, broadly, and flexibly construed to facilitate
892 intergovernmental cooperation between cities and counties and to
893 encourage planning in advance of jurisdictional changes. Joint
894 agreements, executed before or after the effective date of this
895 act, include, but are not limited to, agreements that
896 contemplate municipal adoption of plans or plan amendments for

897 lands in advance of annexation of such lands into the
 898 municipality, and may permit municipalities and counties to
 899 exercise nonexclusive extrajurisdictional authority within
 900 incorporated and unincorporated areas. The state land planning
 901 agency may not interpret, invalidate, or declare inoperative
 902 such joint agreements, and the validity of joint agreements may
 903 not be a basis for finding plans or plan amendments not in
 904 compliance pursuant to chapter law.

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

907 163.3174 Local planning agency.—

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

912 Notwithstanding any special act to the contrary, all local
 913 planning agencies or equivalent agencies that first review
 914 rezoning and comprehensive plan amendments in each municipality
 915 and county shall include a representative of the school district
 916 appointed by the school board as a nonvoting member of the local
 917 planning agency or equivalent agency to attend those meetings at
 918 which the agency considers comprehensive plan amendments and
 919 rezonings that would, if approved, increase residential density
 920 on the property that is the subject of the application. However,
 921 this subsection does not prevent the governing body of the local
 922 government from granting voting status to the school board
 923 member. The governing body may designate itself as the local
 924 planning agency pursuant to this subsection with the addition of

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925 a nonvoting school board representative. ~~The governing body~~
926 ~~shall notify the state land planning agency of the establishment~~
927 ~~of its local planning agency.~~ All local planning agencies shall
928 provide opportunities for involvement by applicable community
929 college boards, which may be accomplished by formal
930 representation, membership on technical advisory committees, or
931 other appropriate means. The local planning agency shall prepare
932 the comprehensive plan or plan amendment after hearings to be
933 held after public notice and shall make recommendations to the
934 governing body regarding the adoption or amendment of the plan.
935 The agency may be a local planning commission, the planning
936 department of the local government, or other instrumentality,
937 including a countywide planning entity established by special
938 act or a council of local government officials created pursuant
939 to s. 163.02, provided the composition of the council is fairly
940 representative of all the governing bodies in the county or
941 planning area; however:

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

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

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

953 163.3175 Legislative findings on compatibility of
 954 development with military installations; exchange of information
 955 between local governments and military installations.—

956 (6) The affected local government shall take into
 957 consideration any comments provided by the commanding officer or
 958 his or her designee pursuant to subsection (4) and must also be
 959 sensitive to private property rights and not be unduly
 960 restrictive on those rights. The affected local government shall
 961 forward a copy of any comments regarding comprehensive plan
 962 amendments to the state land planning agency.

963 (9) If a local government, as required under s.
 964 163.3177(6)(a), does not adopt criteria and address
 965 compatibility of lands adjacent to or closely proximate to
 966 existing military installations in its future land use plan
 967 element by June 30, 2012, the local government, the military
 968 installation, the state land planning agency, and other parties
 969 as identified by the regional planning council, including, but
 970 not limited to, private landowner representatives, shall enter
 971 into mediation conducted pursuant to s. 186.509. If the local
 972 government comprehensive plan does not contain criteria
 973 addressing compatibility by December 31, 2013, the agency may
 974 notify the Administration Commission. The Administration
 975 Commission may impose sanctions pursuant to s. 163.3184(8)~~(11)~~.
 976 Any local government that amended its comprehensive plan to
 977 address military installation compatibility requirements after
 978 2004 and was found to be in compliance is deemed to be in
 979 compliance with this subsection until the local government
 980 conducts its evaluation and appraisal review pursuant to s.

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981 163.3191 and determines that amendments are necessary to meet
982 updated general law requirements.

983 Section 12. Section 163.3177, Florida Statutes, is amended
984 to read:

985 163.3177 Required and optional elements of comprehensive
986 plan; studies and surveys.—

987 (1) The comprehensive plan shall provide the ~~consist of~~
988 ~~materials in such descriptive form, written or graphic, as may~~
989 ~~be appropriate to the prescription of~~ principles, guidelines,
990 ~~and standards,~~ and strategies for the orderly and balanced
991 future economic, social, physical, environmental, and fiscal
992 development of the area that reflects community commitments to
993 implement the plan and its elements. These principles and
994 strategies shall guide future decisions in a consistent manner
995 and shall contain programs and activities to ensure
996 comprehensive plans are implemented. The sections of the
997 comprehensive plan containing the principles and strategies,
998 generally provided as goals, objectives, and policies, shall
999 describe how the local government's programs, activities, and
1000 land development regulations will be initiated, modified, or
1001 continued to implement the comprehensive plan in a consistent
1002 manner. It is not the intent of this part to require the
1003 inclusion of implementing regulations in the comprehensive plan
1004 but rather to require identification of those programs,
1005 activities, and land development regulations that will be part
1006 of the strategy for implementing the comprehensive plan and the
1007 principles that describe how the programs, activities, and land
1008 development regulations will be carried out. The plan shall

1009 establish meaningful and predictable standards for the use and
 1010 development of land and provide meaningful guidelines for the
 1011 content of more detailed land development and use regulations.

1012 (a) The comprehensive plan shall consist of elements as
 1013 described in this section, and may include optional elements.

1014 (b) A local government may include, as part of its adopted
 1015 plan, documents adopted by reference but not incorporated
 1016 verbatim into the plan. The adoption by reference must identify
 1017 the title and author of the document and indicate clearly what
 1018 provisions and edition of the document is being adopted.

1019 (c) The format of these principles and guidelines is at
 1020 the discretion of the local government, but typically is
 1021 expressed in goals, objectives, policies, and strategies.

1022 (d) Proposed elements shall identify procedures for
 1023 monitoring, evaluating, and appraising implementation of the
 1024 plan.

1025 (e) When a federal, state, or regional agency has
 1026 implemented a regulatory program, a local government is not
 1027 required to duplicate or exceed that regulatory program in its
 1028 local comprehensive plan.

1029 (f) All mandatory and optional elements of the
 1030 comprehensive plan and plan amendments shall be based upon a
 1031 justification by the local government that may include, but not
 1032 be limited to, surveys, studies, community goals and vision, and
 1033 other data available at the time of adoption of the
 1034 comprehensive plan or plan amendment. To be based on data means
 1035 to react to it in an appropriate way and to the extent necessary
 1036 indicated by the data available on that particular subject at

1037 the time of adoption of the plan or plan amendment at issue.
 1038 1. Surveys, studies, and data utilized in the preparation
 1039 of the comprehensive plan may not be deemed a part of the
 1040 comprehensive plan unless adopted as a part of it. Copies of
 1041 such studies, surveys, data, and supporting documents shall be
 1042 made available for public inspection, and copies of such plans
 1043 shall be made available to the public upon payment of reasonable
 1044 charges for reproduction. Support data or summaries are not
 1045 subject to the compliance review process, but the comprehensive
 1046 plan must be clearly based on appropriate data. Support data or
 1047 summaries may be used to aid in the determination of compliance
 1048 and consistency.
 1049 2. Data must be taken from professionally accepted
 1050 sources. The application of a methodology utilized in data
 1051 collection or whether a particular methodology is professionally
 1052 accepted may be evaluated. However, the evaluation may not
 1053 include whether one accepted methodology is better than another.
 1054 Original data collection by local governments is not required.
 1055 However, local governments may use original data so long as
 1056 methodologies are professionally accepted.
 1057 3. The comprehensive plan shall be based upon resident and
 1058 seasonal population estimates and projections, which shall
 1059 either be those provided by the University of Florida's Bureau
 1060 of Economic and Business Research or generated by the local
 1061 government based upon a professionally acceptable methodology.
 1062 The plan must be based on at least the minimum amount of land
 1063 required to accommodate the medium projections of the University
 1064 of Florida's Bureau of Economic and Business Research for at

1065 least a 10-year planning period unless otherwise limited under
 1066 s. 380.05, including related rules of the Administration
 1067 Commission.

1068 (2) Coordination of the several elements of the local
 1069 comprehensive plan shall be a major objective of the planning
 1070 process. The several elements of the comprehensive plan shall be
 1071 consistent. Where data is relevant to several elements,
 1072 consistent data shall be used, including population estimates
 1073 and projections unless alternative data can be justified for a
 1074 plan amendment through new supporting data and analysis. Each
 1075 map depicting future conditions must reflect the principles,
 1076 guidelines, and standards within all elements and each such map
 1077 must be contained within the comprehensive plan, ~~and the~~
 1078 ~~comprehensive plan shall be financially feasible. Financial~~
 1079 ~~feasibility shall be determined using professionally accepted~~
 1080 ~~methodologies and applies to the 5-year planning period, except~~
 1081 ~~in the case of a long-term transportation or school concurrency~~
 1082 ~~management system, in which case a 10-year or 15-year period~~
 1083 ~~applies.~~

1084 (3) (a) The comprehensive plan shall contain a capital
 1085 improvements element designed to consider the need for and the
 1086 location of public facilities in order to encourage the
 1087 efficient use of such facilities and set forth:

1088 1. A component that outlines principles for construction,
 1089 extension, or increase in capacity of public facilities, as well
 1090 as a component that outlines principles for correcting existing
 1091 public facility deficiencies, which are necessary to implement
 1092 the comprehensive plan. The components shall cover at least a 5-

1093 year period.

1094 2. Estimated public facility costs, including a
 1095 delineation of when facilities will be needed, the general
 1096 location of the facilities, and projected revenue sources to
 1097 fund the facilities.

1098 3. Standards to ensure the availability of public
 1099 facilities and the adequacy of those facilities including
 1100 acceptable levels of service.

1101 ~~4. Standards for the management of debt.~~

1102 ~~4.5.~~ A schedule of capital improvements which includes any
 1103 publicly funded projects of federal, state, or local government,
 1104 and which may include privately funded projects for which the
 1105 local government has no fiscal responsibility. Projects,
 1106 necessary to ensure that any adopted level-of-service standards
 1107 are achieved and maintained for the 5-year period must be
 1108 identified as either funded or unfunded and given a level of
 1109 priority for funding. ~~For capital improvements that will be~~
 1110 ~~funded by the developer, financial feasibility shall be~~
 1111 ~~demonstrated by being guaranteed in an enforceable development~~
 1112 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~
 1113 ~~or other enforceable agreement. These development agreements and~~
 1114 ~~interlocal agreements shall be reflected in the schedule of~~
 1115 ~~capital improvements if the capital improvement is necessary to~~
 1116 ~~serve development within the 5-year schedule. If the local~~
 1117 ~~government uses planned revenue sources that require referenda~~
 1118 ~~or other actions to secure the revenue source, the plan must, in~~
 1119 ~~the event the referenda are not passed or actions do not secure~~
 1120 ~~the planned revenue source, identify other existing revenue~~

1121 ~~sources that will be used to fund the capital projects or~~
 1122 ~~otherwise amend the plan to ensure financial feasibility.~~

1123 5.6. The schedule must include transportation improvements
 1124 included in the applicable metropolitan planning organization's
 1125 transportation improvement program adopted pursuant to s.
 1126 339.175(8) to the extent that such improvements are relied upon
 1127 to ensure concurrency and financial feasibility. The schedule
 1128 must ~~also~~ be coordinated with the applicable metropolitan
 1129 planning organization's long-range transportation plan adopted
 1130 pursuant to s. 339.175(7).

1131 (b)~~1.~~ The capital improvements element must be reviewed by
 1132 the local government on an annual basis. Modifications and
 1133 ~~modified as necessary in accordance with s. 163.3187 or s.~~
 1134 ~~163.3189 in order to~~ update the ~~maintain a financially feasible~~
 1135 ~~5-year capital improvement schedule of capital improvements.~~
 1136 ~~Corrections and modifications concerning costs; revenue sources;~~
 1137 ~~or acceptance of facilities pursuant to dedications which are~~
 1138 ~~consistent with the plan~~ may be accomplished by ordinance and
 1139 may shall not be deemed to be amendments to the local
 1140 comprehensive plan. ~~A copy of the ordinance shall be transmitted~~
 1141 ~~to the state land planning agency. An amendment to the~~
 1142 ~~comprehensive plan is required to update the schedule on an~~
 1143 ~~annual basis or to eliminate, defer, or delay the construction~~
 1144 ~~for any facility listed in the 5-year schedule. All public~~
 1145 ~~facilities must be consistent with the capital improvements~~
 1146 ~~element. The annual update to the capital improvements element~~
 1147 ~~of the comprehensive plan need not comply with the financial~~
 1148 ~~feasibility requirement until December 1, 2011. Thereafter, a~~

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1149 ~~local government may not amend its future land use map, except~~
1150 ~~for plan amendments to meet new requirements under this part and~~
1151 ~~emergency amendments pursuant to s. 163.3187(1)(a), after~~
1152 ~~December 1, 2011, and every year thereafter, unless and until~~
1153 ~~the local government has adopted the annual update and it has~~
1154 ~~been transmitted to the state land planning agency.~~

1155 ~~2. Capital improvements element amendments adopted after~~
1156 ~~the effective date of this act shall require only a single~~
1157 ~~public hearing before the governing board which shall be an~~
1158 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~
1159 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1160 ~~(c) If the local government does not adopt the required~~
1161 ~~annual update to the schedule of capital improvements, the state~~
1162 ~~land planning agency must notify the Administration Commission.~~
1163 ~~A local government that has a demonstrated lack of commitment to~~
1164 ~~meeting its obligations identified in the capital improvements~~
1165 ~~element may be subject to sanctions by the Administration~~
1166 ~~Commission pursuant to s. 163.3184(11).~~

1167 ~~(d) If a local government adopts a long-term concurrency~~
1168 ~~management system pursuant to s. 163.3180(9), it must also adopt~~
1169 ~~a long-term capital improvements schedule covering up to a 10-~~
1170 ~~year or 15-year period, and must update the long-term schedule~~
1171 ~~annually. The long-term schedule of capital improvements must be~~
1172 ~~financially feasible.~~

1173 ~~(e) At the discretion of the local government and~~
1174 ~~notwithstanding the requirements of this subsection, a~~
1175 ~~comprehensive plan, as revised by an amendment to the plan's~~
1176 ~~future land use map, shall be deemed to be financially feasible~~

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1177 ~~and to have achieved and maintained level of service standards~~
 1178 ~~as required by this section with respect to transportation~~
 1179 ~~facilities if the amendment to the future land use map is~~
 1180 ~~supported by a:~~

1181 ~~1. Condition in a development order for a development of~~
 1182 ~~regional impact or binding agreement that addresses~~
 1183 ~~proportionate share mitigation consistent with s. 163.3180(12);~~
 1184 ~~or~~

1185 ~~2. Binding agreement addressing proportionate fair-share~~
 1186 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~
 1187 ~~subject to the amendment to the future land use map is located~~
 1188 ~~within an area designated in a comprehensive plan for urban~~
 1189 ~~infill, urban redevelopment, downtown revitalization, urban~~
 1190 ~~infill and redevelopment, or an urban service area. The binding~~
 1191 ~~agreement must be based on the maximum amount of development~~
 1192 ~~identified by the future land use map amendment or as may be~~
 1193 ~~otherwise restricted through a special area plan policy or map~~
 1194 ~~notation in the comprehensive plan.~~

1195 ~~(f) A local government's comprehensive plan and plan~~
 1196 ~~amendments for land uses within all transportation concurrency~~
 1197 ~~exception areas that are designated and maintained in accordance~~
 1198 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~
 1199 ~~achieve and maintain level of service standards for~~
 1200 ~~transportation.~~

1201 (4) (a) Coordination of the local comprehensive plan with
 1202 the comprehensive plans of adjacent municipalities, the county,
 1203 adjacent counties, or the region; with the appropriate water
 1204 management district's regional water supply plans approved

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1205 pursuant to s. 373.709; and with adopted rules pertaining to
 1206 designated areas of critical state concern; ~~and with the state~~
 1207 ~~comprehensive plan~~ shall be a major objective of the local
 1208 comprehensive planning process. To that end, in the preparation
 1209 of a comprehensive plan or element thereof, and in the
 1210 comprehensive plan or element as adopted, the governing body
 1211 shall include a specific policy statement indicating the
 1212 relationship of the proposed development of the area to the
 1213 comprehensive plans of adjacent municipalities, the county,
 1214 adjacent counties, or the region ~~and to the state comprehensive~~
 1215 ~~plan~~, as the case may require and as such adopted plans or plans
 1216 in preparation may exist.

1217 (b) When all or a portion of the land in a local
 1218 government jurisdiction is or becomes part of a designated area
 1219 of critical state concern, the local government shall clearly
 1220 identify those portions of the local comprehensive plan that
 1221 shall be applicable to the critical area and shall indicate the
 1222 relationship of the proposed development of the area to the
 1223 rules for the area of critical state concern.

1224 (5) (a) Each local government comprehensive plan must
 1225 include at least two planning periods, one covering at least the
 1226 first 5-year period occurring after the plan's adoption and one
 1227 covering at least a 10-year period. Additional planning periods
 1228 for specific components, elements, land use amendments, or
 1229 projects shall be permissible and accepted as part of the
 1230 planning process.

1231 (b) The comprehensive plan and its elements shall contain
 1232 guidelines or policies ~~policy recommendations~~ for the

1233 implementation of the plan and its elements.

1234 (6) In addition to the requirements of subsections (1)-(5)
 1235 ~~and (12)~~, the comprehensive plan shall include the following
 1236 elements:

1237 (a) A future land use plan element designating proposed
 1238 future general distribution, location, and extent of the uses of
 1239 land for residential uses, commercial uses, industry,
 1240 agriculture, recreation, conservation, education, ~~public~~
 1241 ~~buildings and grounds, other~~ public facilities, and other
 1242 categories of the public and private uses of land. The
 1243 approximate acreage and the general range of density or
 1244 intensity of use shall be provided for the gross land area
 1245 included in each existing land use category. The element shall
 1246 establish the long-term end toward which land use programs and
 1247 activities are ultimately directed. ~~Counties are encouraged to~~
 1248 ~~designate rural land stewardship areas, pursuant to paragraph~~
 1249 ~~(11) (d), as overlays on the future land use map.~~

1250 1. Each future land use category must be defined in terms
 1251 of uses included, and must include standards to be followed in
 1252 the control and distribution of population densities and
 1253 building and structure intensities. The proposed distribution,
 1254 location, and extent of the various categories of land use shall
 1255 be shown on a land use map or map series which shall be
 1256 supplemented by goals, policies, and measurable objectives.

1257 2. The future land use plan and plan amendments shall be
 1258 based upon surveys, studies, and data regarding the area, as
 1259 applicable, including:

1260 a. The amount of land required to accommodate anticipated

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1261 growth.~~†~~
 1262 b. The projected residential and seasonal population of
 1263 the area.~~†~~
 1264 c. The character of undeveloped land.~~†~~
 1265 d. The availability of water supplies, public facilities,
 1266 and services.~~†~~
 1267 e. The need for redevelopment, including the renewal of
 1268 blighted areas and the elimination of nonconforming uses which
 1269 are inconsistent with the character of the community.~~†~~
 1270 f. The compatibility of uses on lands adjacent to or
 1271 closely proximate to military installations.~~†~~
 1272 g. The compatibility of uses on lands adjacent to an
 1273 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~
 1274 h. The discouragement of urban sprawl.~~†~~; ~~energy-efficient~~
 1275 ~~land use patterns accounting for existing and future electric~~
 1276 ~~power generation and transmission systems; greenhouse gas~~
 1277 ~~reduction strategies; and, in rural communities,~~
 1278 i. The need for job creation, capital investment, and
 1279 economic development that will strengthen and diversify the
 1280 community's economy.
 1281 j. The need to modify land uses and development patterns
 1282 within antiquated subdivisions. ~~The future land use plan may~~
 1283 ~~designate areas for future planned development use involving~~
 1284 ~~combinations of types of uses for which special regulations may~~
 1285 ~~be necessary to ensure development in accord with the principles~~
 1286 ~~and standards of the comprehensive plan and this act.~~
 1287 3. The future land use plan element shall include criteria
 1288 to be used to:

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1289 a. Achieve the compatibility of lands adjacent or closely
 1290 proximate to military installations, considering factors
 1291 identified in s. 163.3175(5) ~~and~~

1292 b. Achieve the compatibility of lands adjacent to an
 1293 airport as defined in s. 330.35 and consistent with s. 333.02.

1294 c. Encourage preservation of recreational and commercial
 1295 working waterfronts for water dependent uses in coastal
 1296 communities.

1297 d. Encourage the location of schools proximate to urban
 1298 residential areas to the extent possible.

1299 e. Coordinate future land uses with the topography and
 1300 soil conditions, and the availability of facilities and
 1301 services.

1302 f. Ensure the protection of natural and historic
 1303 resources.

1304 g. Provide for the compatibility of adjacent land uses.

1305 h. Provide guidelines for the implementation of mixed use
 1306 development including the types of uses allowed, the percentage
 1307 distribution among the mix of uses, or other standards, and the
 1308 density and intensity of each use.

1309 4. ~~In addition, for rural communities,~~ The amount of land
 1310 designated for future planned uses ~~industrial use~~ shall provide
 1311 a balance of uses that foster vibrant, viable communities and
 1312 economic development opportunities and address outdated
 1313 development patterns, such as antiquated subdivisions. The
 1314 amount of land designated for future land uses should allow the
 1315 operation of real estate markets to provide adequate choices for
 1316 permanent and seasonal residents and business and ~~be based upon~~

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1317 ~~surveys and studies that reflect the need for job creation,~~
1318 ~~capital investment, and the necessity to strengthen and~~
1319 ~~diversify the local economies, and may not be limited solely by~~
1320 ~~the projected population of the rural community. The element~~
1321 ~~shall accommodate at least the minimum amount of land required~~
1322 ~~to accommodate the medium projections of the University of~~
1323 ~~Florida's Bureau of Economic and Business Research for at least~~
1324 ~~a 10-year planning period unless otherwise limited under s.~~
1325 ~~380.05, including related rules of the Administration~~
1326 ~~Commission.~~

1327 5. The future land use plan of a county may ~~also~~ designate
1328 areas for possible future municipal incorporation.

1329 6. The land use maps or map series shall generally
1330 identify and depict historic district boundaries and shall
1331 designate historically significant properties meriting
1332 protection. ~~For coastal counties, the future land use element~~
1333 ~~must include, without limitation, regulatory incentives and~~
1334 ~~criteria that encourage the preservation of recreational and~~
1335 ~~commercial working waterfronts as defined in s. 342.07.~~

1336 7. The future land use element must clearly identify the
1337 land use categories in which public schools are an allowable
1338 use. When delineating the land use categories in which public
1339 schools are an allowable use, a local government shall include
1340 in the categories sufficient land proximate to residential
1341 development to meet the projected needs for schools in
1342 coordination with public school boards and may establish
1343 differing criteria for schools of different type or size. Each
1344 local government shall include lands contiguous to existing

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1345 school sites, to the maximum extent possible, within the land
1346 use categories in which public schools are an allowable use. ~~The~~
1347 ~~failure by a local government to comply with these school siting~~
1348 ~~requirements will result in the prohibition of the local~~
1349 ~~government's ability to amend the local comprehensive plan,~~
1350 ~~except for plan amendments described in s. 163.3187(1)(b), until~~
1351 ~~the school siting requirements are met. Amendments proposed by a~~
1352 ~~local government for purposes of identifying the land use~~
1353 ~~categories in which public schools are an allowable use are~~
1354 ~~exempt from the limitation on the frequency of plan amendments~~
1355 ~~contained in s. 163.3187. The future land use element shall~~
1356 ~~include criteria that encourage the location of schools~~
1357 ~~proximate to urban residential areas to the extent possible and~~
1358 ~~shall require that the local government seek to collocate public~~
1359 ~~facilities, such as parks, libraries, and community centers,~~
1360 ~~with schools to the extent possible and to encourage the use of~~
1361 ~~elementary schools as focal points for neighborhoods. For~~
1362 ~~schools serving predominantly rural counties, defined as a~~
1363 ~~county with a population of 100,000 or fewer, an agricultural~~
1364 ~~land use category is eligible for the location of public school~~
1365 ~~facilities if the local comprehensive plan contains school~~
1366 ~~siting criteria and the location is consistent with such~~
1367 ~~eriteria.~~

1368 8. Future land use map amendments shall be based upon the
1369 following analyses:

1370 a. An analysis of the availability of facilities and
1371 services.

1372 b. An analysis of the suitability of the plan amendment

1373 for its proposed use considering the character of the
 1374 undeveloped land, soils, topography, natural resources, and
 1375 historic resources on site.

1376 c. An analysis of the minimum amount of land needed as
 1377 determined by the local government.

1378 9. The future land use element and any amendment to the
 1379 future land use element shall discourage the proliferation of
 1380 urban sprawl.

1381 a. The primary indicators that a plan or plan amendment
 1382 does not discourage the proliferation of urban sprawl are listed
 1383 below. The evaluation of the presence of these indicators shall
 1384 consist of an analysis of the plan or plan amendment within the
 1385 context of features and characteristics unique to each locality
 1386 in order to determine whether the plan or plan amendment:

1387 (I) Promotes, allows, or designates for development
 1388 substantial areas of the jurisdiction to develop as low-
 1389 intensity, low-density, or single-use development or uses.

1390 (II) Promotes, allows, or designates significant amounts
 1391 of urban development to occur in rural areas at substantial
 1392 distances from existing urban areas while not using undeveloped
 1393 lands that are available and suitable for development.

1394 (III) Promotes, allows, or designates urban development in
 1395 radial, strip, isolated, or ribbon patterns generally emanating
 1396 from existing urban developments.

1397 (IV) Fails to adequately protect and conserve natural
 1398 resources, such as wetlands, floodplains, native vegetation,
 1399 environmentally sensitive areas, natural groundwater aquifer
 1400 recharge areas, lakes, rivers, shorelines, beaches, bays,

1401 estuarine systems, and other significant natural systems.
 1402 (V) Fails to adequately protect adjacent agricultural
 1403 areas and activities, including silviculture, active
 1404 agricultural and silvicultural activities, passive agricultural
 1405 activities, and dormant, unique, and prime farmlands and soils.
 1406 (VI) Fails to maximize use of existing public facilities
 1407 and services.
 1408 (VII) Fails to maximize use of future public facilities
 1409 and services.
 1410 (VIII) Allows for land use patterns or timing which
 1411 disproportionately increase the cost in time, money, and energy
 1412 of providing and maintaining facilities and services, including
 1413 roads, potable water, sanitary sewer, stormwater management, law
 1414 enforcement, education, health care, fire and emergency
 1415 response, and general government.
 1416 (IX) Fails to provide a clear separation between rural and
 1417 urban uses.
 1418 (X) Discourages or inhibits infill development or the
 1419 redevelopment of existing neighborhoods and communities.
 1420 (XI) Fails to encourage a functional mix of uses.
 1421 (XII) Results in poor accessibility among linked or
 1422 related land uses.
 1423 (XIII) Results in the loss of significant amounts of
 1424 functional open space.
 1425 b. The future land use element or plan amendment shall be
 1426 determined to discourage the proliferation of urban sprawl if it
 1427 incorporates a development pattern or urban form that achieves
 1428 four or more of the following:

1429 (I) Directs or locates economic growth and associated land
 1430 development to geographic areas of the community in a manner
 1431 that does not have an adverse impact on and protects natural
 1432 resources and ecosystems.

1433 (II) Promotes the efficient and cost-effective provision
 1434 or extension of public infrastructure and services.

1435 (III) Promotes walkable and connected communities and
 1436 provides for compact development and a mix of uses at densities
 1437 and intensities that will support a range of housing choices and
 1438 a multimodal transportation system, including pedestrian,
 1439 bicycle, and transit, if available.

1440 (IV) Promotes conservation of water and energy.

1441 (V) Preserves agricultural areas and activities, including
 1442 silviculture, and dormant, unique, and prime farmlands and
 1443 soils.

1444 (VI) Preserves open space and natural lands and provides
 1445 for public open space and recreation needs.

1446 (VII) Creates a balance of land uses based upon demands of
 1447 residential population for the nonresidential needs of an area.

1448 (VIII) Provides uses, densities, and intensities of use
 1449 and urban form that would remediate an existing or planned
 1450 development pattern in the vicinity that constitutes sprawl or
 1451 if it provides for an innovative development pattern such as
 1452 transit-oriented developments or new towns as defined in s.
 1453 163.3164.

1454 10. The future land use element shall include a future
 1455 land use map or map series.

1456 a. The proposed distribution, extent, and location of the

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1457 following uses shall be shown on the future land use map or map
 1458 series:

1459 (I) Residential.

1460 (II) Commercial.

1461 (III) Industrial.

1462 (IV) Agricultural.

1463 (V) Recreational.

1464 (VI) Conservation.

1465 (VII) Educational.

1466 (VIII) Public.

1467 b. The following areas shall also be shown on the future
 1468 land use map or map series, if applicable:

1469 (I) Historic district boundaries and designated
 1470 historically significant properties.

1471 (II) Transportation concurrency management area boundaries
 1472 or transportation concurrency exception area boundaries.

1473 (III) Multimodal transportation district boundaries.

1474 (IV) Mixed use categories.

1475 c. The following natural resources or conditions shall be
 1476 shown on the future land use map or map series, if applicable:

1477 (I) Existing and planned public potable waterwells, cones
 1478 of influence, and wellhead protection areas.

1479 (II) Beaches and shores, including estuarine systems.

1480 (III) Rivers, bays, lakes, floodplains, and harbors.

1481 (IV) Wetlands.

1482 (V) Minerals and soils.

1483 (VI) Coastal high hazard areas.

1484 11. Local governments required to update or amend their

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1485 comprehensive plan to include criteria and address compatibility
1486 of lands adjacent or closely proximate to existing military
1487 installations, or lands adjacent to an airport as defined in s.
1488 330.35 and consistent with s. 333.02, in their future land use
1489 plan element shall transmit the update or amendment to the state
1490 land planning agency by June 30, 2012.

1491 (b)1. A transportation element addressing mobility issues
1492 in relationship to the size and character of the local
1493 government. The purpose of the transportation element shall be
1494 to plan for a multimodal transportation system that places
1495 emphasis on public transportation systems, where feasible. The
1496 element shall provide for a safe, convenient multimodal
1497 transportation system, coordinated with the future land use map
1498 or map series and designed to support all elements of the
1499 comprehensive plan. A local government that has all or part of
1500 its jurisdiction included within the metropolitan planning area
1501 of a metropolitan planning organization (M.P.O.) pursuant to s.
1502 339.175 shall prepare and adopt a transportation element
1503 consistent with this subsection. Local governments that are not
1504 located within the metropolitan planning area of an M.P.O. shall
1505 address traffic circulation, mass transit, and ports, and
1506 aviation and related facilities consistent with this subsection,
1507 except that local governments with a population of 50,000 or
1508 less shall only be required to address transportation
1509 circulation. The element shall be coordinated with the plans and
1510 programs of any applicable metropolitan planning organization,
1511 transportation authority, Florida Transportation Plan, and
1512 Department of Transportation's adopted work program. The

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1513 transportation element shall address
 1514 ~~(b) A traffic circulation, including element consisting of~~
 1515 ~~the types, locations, and extent of existing and proposed major~~
 1516 ~~thoroughfares and transportation routes, including bicycle and~~
 1517 ~~pedestrian ways. Transportation corridors, as defined in s.~~
 1518 ~~334.03, may be designated in the transportation traffic~~
 1519 ~~circulation element pursuant to s. 337.273. If the~~
 1520 ~~transportation corridors are designated, the local government~~
 1521 ~~may adopt a transportation corridor management ordinance. The~~
 1522 ~~element shall reflect the data, analysis, and associated~~
 1523 ~~principles and strategies relating to:~~
 1524 a. The existing transportation system levels of service
 1525 and system needs and the availability of transportation
 1526 facilities and services.
 1527 b. The growth trends and travel patterns and interactions
 1528 between land use and transportation.
 1529 c. Existing and projected intermodal deficiencies and
 1530 needs.
 1531 d. The projected transportation system levels of service
 1532 and system needs based upon the future land use map and the
 1533 projected integrated transportation system.
 1534 e. How the local government will correct existing facility
 1535 deficiencies, meet the identified needs of the projected
 1536 transportation system, and advance the purpose of this paragraph
 1537 and the other elements of the comprehensive plan.
 1538 2. Local governments within a metropolitan planning area
 1539 designated as an M.P.O. pursuant to s. 339.175 shall also
 1540 address:

- 1541 a. All alternative modes of travel, such as public
- 1542 transportation, pedestrian, and bicycle travel.
- 1543 b. Aviation, rail, seaport facilities, access to those
- 1544 facilities, and intermodal terminals.
- 1545 c. The capability to evacuate the coastal population
- 1546 before an impending natural disaster.
- 1547 d. Airports, projected airport and aviation development,
- 1548 and land use compatibility around airports, which includes areas
- 1549 defined in ss. 333.01 and 333.02.
- 1550 e. An identification of land use densities, building
- 1551 intensities, and transportation management programs to promote
- 1552 public transportation systems in designated public
- 1553 transportation corridors so as to encourage population densities
- 1554 sufficient to support such systems.
- 1555 3. Mass-transit provisions showing proposed methods for
- 1556 the moving of people, rights-of-way, terminals, and related
- 1557 facilities shall address:
- 1558 a. The provision of efficient public transit services
- 1559 based upon existing and proposed major trip generators and
- 1560 attractors, safe and convenient public transit terminals, land
- 1561 uses, and accommodation of the special needs of the
- 1562 transportation disadvantaged.
- 1563 b. Plans for port, aviation, and related facilities
- 1564 coordinated with the general circulation and transportation
- 1565 element.
- 1566 c. Plans for the circulation of recreational traffic,
- 1567 including bicycle facilities, exercise trails, riding
- 1568 facilities, and such other matters as may be related to the

1569 improvement and safety of movement of all types of recreational
 1570 traffic.
 1571 4. An airport master plan, and any subsequent amendments
 1572 to the airport master plan, prepared by a licensed publicly
 1573 owned and operated airport under s. 333.06 may be incorporated
 1574 into the local government comprehensive plan by the local
 1575 government having jurisdiction under this act for the area in
 1576 which the airport or projected airport development is located by
 1577 the adoption of a comprehensive plan amendment. In the amendment
 1578 to the local comprehensive plan that integrates the airport
 1579 master plan, the comprehensive plan amendment shall address land
 1580 use compatibility consistent with chapter 333 regarding airport
 1581 zoning; the provision of regional transportation facilities for
 1582 the efficient use and operation of the transportation system and
 1583 airport; consistency with the local government transportation
 1584 circulation element and applicable M.P.O. long-range
 1585 transportation plans; the execution of any necessary interlocal
 1586 agreements for the purposes of the provision of public
 1587 facilities and services to maintain the adopted level-of-service
 1588 standards for facilities subject to concurrency; and may address
 1589 airport-related or aviation-related development. Development or
 1590 expansion of an airport consistent with the adopted airport
 1591 master plan that has been incorporated into the local
 1592 comprehensive plan in compliance with this part, and airport-
 1593 related or aviation-related development that has been addressed
 1594 in the comprehensive plan amendment that incorporates the
 1595 airport master plan, do not constitute a development of regional
 1596 impact. Notwithstanding any other general law, an airport that

1597 has received a development-of-regional-impact development order
 1598 pursuant to s. 380.06, but which is no longer required to
 1599 undergo development-of-regional-impact review pursuant to this
 1600 subsection, may rescind its development-of-regional-impact order
 1601 upon written notification to the applicable local government.
 1602 Upon receipt by the local government, the development-of-
 1603 regional-impact development order shall be deemed rescinded.

1604 5. The transportation element shall include a map or map
 1605 series showing the general location of the existing and proposed
 1606 transportation system features and shall be coordinated with the
 1607 future land use map or map series. ~~The traffic circulation~~
 1608 ~~element shall incorporate transportation strategies to address~~
 1609 ~~reduction in greenhouse gas emissions from the transportation~~
 1610 ~~sector.~~

1611 (c) A general sanitary sewer, solid waste, drainage,
 1612 potable water, and natural groundwater aquifer recharge element
 1613 correlated to principles and guidelines for future land use,
 1614 indicating ways to provide for future potable water, drainage,
 1615 sanitary sewer, solid waste, and aquifer recharge protection
 1616 requirements for the area. The element may be a detailed
 1617 engineering plan including a topographic map depicting areas of
 1618 prime groundwater recharge.

1619 1. Each local government shall address in the data and
 1620 analyses required by this section those facilities that provide
 1621 service within the local government's jurisdiction. Local
 1622 governments that provide facilities to serve areas within other
 1623 local government jurisdictions shall also address those
 1624 facilities in the data and analyses required by this section,

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1625 using data from the comprehensive plan for those areas for the
1626 purpose of projecting facility needs as required in this
1627 subsection. For shared facilities, each local government shall
1628 indicate the proportional capacity of the systems allocated to
1629 serve its jurisdiction.

1630 2. The element shall describe the problems and needs and
1631 the general facilities that will be required for solution of the
1632 problems and needs, including correcting existing facility
1633 deficiencies. The element shall address coordinating the
1634 extension of, or increase in the capacity of, facilities to meet
1635 future needs while maximizing the use of existing facilities and
1636 discouraging urban sprawl; conservation of potable water
1637 resources; and protecting the functions of natural groundwater
1638 recharge areas and natural drainage features. ~~The element shall~~
1639 ~~also include a topographic map depicting any areas adopted by a~~
1640 ~~regional water management district as prime groundwater recharge~~
1641 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~
1642 ~~be given special consideration when the local government is~~
1643 ~~engaged in zoning or considering future land use for said~~
1644 ~~designated areas. For areas served by septic tanks, soil surveys~~
1645 ~~shall be provided which indicate the suitability of soils for~~
1646 ~~septic tanks.~~

1647 3. Within 18 months after the governing board approves an
1648 updated regional water supply plan, the element must incorporate
1649 the alternative water supply project or projects selected by the
1650 local government from those identified in the regional water
1651 supply plan pursuant to s. 373.709(2) (a) or proposed by the
1652 local government under s. 373.709(8) (b). If a local government

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1653 is located within two water management districts, the local
 1654 government shall adopt its comprehensive plan amendment within
 1655 18 months after the later updated regional water supply plan.
 1656 The element must identify such alternative water supply projects
 1657 and traditional water supply projects and conservation and reuse
 1658 necessary to meet the water needs identified in s. 373.709(2)(a)
 1659 within the local government's jurisdiction and include a work
 1660 plan, covering at least a 10-year planning period, for building
 1661 public, private, and regional water supply facilities, including
 1662 development of alternative water supplies, which are identified
 1663 in the element as necessary to serve existing and new
 1664 development. The work plan shall be updated, at a minimum, every
 1665 5 years within 18 months after the governing board of a water
 1666 management district approves an updated regional water supply
 1667 plan. ~~Amendments to incorporate the work plan do not count~~
 1668 ~~toward the limitation on the frequency of adoption of amendments~~
 1669 ~~to the comprehensive plan.~~ Local governments, public and private
 1670 utilities, regional water supply authorities, special districts,
 1671 and water management districts are encouraged to cooperatively
 1672 plan for the development of multijurisdictional water supply
 1673 facilities that are sufficient to meet projected demands for
 1674 established planning periods, including the development of
 1675 alternative water sources to supplement traditional sources of
 1676 groundwater and surface water supplies.

1677 (d) A conservation element for the conservation, use, and
 1678 protection of natural resources in the area, including air,
 1679 water, water recharge areas, wetlands, waterwells, estuarine
 1680 marshes, soils, beaches, shores, flood plains, rivers, bays,

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1681 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1682 minerals, and other natural and environmental resources,
1683 including factors that affect energy conservation.

1684 1. The following natural resources, where present within
1685 the local government's boundaries, shall be identified and
1686 analyzed and existing recreational or conservation uses, known
1687 pollution problems, including hazardous wastes, and the
1688 potential for conservation, recreation, use, or protection shall
1689 also be identified:

1690 a. Rivers, bays, lakes, wetlands including estuarine
1691 marshes, groundwaters, and springs, including information on
1692 quality of the resource available.

1693 b. Floodplains.

1694 c. Known sources of commercially valuable minerals.

1695 d. Areas known to have experienced soil erosion problems.

1696 e. Areas that are the location of recreationally and
1697 commercially important fish or shellfish, wildlife, marine
1698 habitats, and vegetative communities, including forests,
1699 indicating known dominant species present and species listed by
1700 federal, state, or local government agencies as endangered,
1701 threatened, or species of special concern.

1702 2. The element must contain principles, guidelines, and
1703 standards for conservation that provide long-term goals and
1704 which:

1705 a. Protects air quality.

1706 b. Conserves, appropriately uses, and protects the quality
1707 and quantity of current and projected water sources and waters
1708 that flow into estuarine waters or oceanic waters and protect

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1709 from activities and land uses known to affect adversely the
1710 quality and quantity of identified water sources, including
1711 natural groundwater recharge areas, wellhead protection areas,
1712 and surface waters used as a source of public water supply.

1713 c. Provides for the emergency conservation of water
1714 sources in accordance with the plans of the regional water
1715 management district.

1716 d. Conserves, appropriately uses, and protects minerals,
1717 soils, and native vegetative communities, including forests,
1718 from destruction by development activities.

1719 e. Conserves, appropriately uses, and protects fisheries,
1720 wildlife, wildlife habitat, and marine habitat and restricts
1721 activities known to adversely affect the survival of endangered
1722 and threatened wildlife.

1723 f. Protects existing natural reservations identified in
1724 the recreation and open space element.

1725 g. Maintains cooperation with adjacent local governments
1726 to conserve, appropriately use, or protect unique vegetative
1727 communities located within more than one local jurisdiction.

1728 h. Designates environmentally sensitive lands for
1729 protection based on locally determined criteria which further
1730 the goals and objectives of the conservation element.

1731 i. Manages hazardous waste to protect natural resources.

1732 j. Protects and conserves wetlands and the natural
1733 functions of wetlands.

1734 k. Directs future land uses that are incompatible with the
1735 protection and conservation of wetlands and wetland functions
1736 away from wetlands. The type, intensity or density, extent,

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1737 distribution, and location of allowable land uses and the types,
1738 values, functions, sizes, conditions, and locations of wetlands
1739 are land use factors that shall be considered when directing
1740 incompatible land uses away from wetlands. Land uses shall be
1741 distributed in a manner that minimizes the effect and impact on
1742 wetlands. The protection and conservation of wetlands by the
1743 direction of incompatible land uses away from wetlands shall
1744 occur in combination with other principles, guidelines,
1745 standards, and strategies in the comprehensive plan. Where
1746 incompatible land uses are allowed to occur, mitigation shall be
1747 considered as one means to compensate for loss of wetlands
1748 functions.

1749 3. Local governments shall assess their Current and, as
1750 well as projected, water needs and sources for at least a 10-
1751 year period based on the demands for industrial, agricultural,
1752 and potable water use and the quality and quantity of water
1753 available to meet these demands shall be analyzed. The analysis
1754 shall consider the existing levels of water conservation, use,
1755 and protection and applicable policies of the regional water
1756 management district and further must consider, considering the
1757 appropriate regional water supply plan approved pursuant to s.
1758 373.709, or, in the absence of an approved regional water supply
1759 plan, the district water management plan approved pursuant to s.
1760 373.036(2). This information shall be submitted to the
1761 appropriate agencies. ~~The land use map or map series contained~~
1762 ~~in the future land use element shall generally identify and~~
1763 ~~depict the following:~~

1764 ~~1. Existing and planned waterwells and cones of influence~~

1765 ~~where applicable.~~

1766 ~~2. Beaches and shores, including estuarine systems.~~

1767 ~~3. Rivers, bays, lakes, flood plains, and harbors.~~

1768 ~~4. Wetlands.~~

1769 ~~5. Minerals and soils.~~

1770 ~~6. Energy conservation.~~

1771

1772 ~~The land uses identified on such maps shall be consistent with~~
 1773 ~~applicable state law and rules.~~

1774 (e) A recreation and open space element indicating a
 1775 comprehensive system of public and private sites for recreation,
 1776 including, but not limited to, natural reservations, parks and
 1777 playgrounds, parkways, beaches and public access to beaches,
 1778 open spaces, waterways, and other recreational facilities.

1779 (f)1. A housing element consisting of ~~standards, plans,~~
 1780 ~~and principles,~~ guidelines, standards, and strategies to be
 1781 followed in:

1782 a. The provision of housing for all current and
 1783 anticipated future residents of the jurisdiction.

1784 b. The elimination of substandard dwelling conditions.

1785 c. The structural and aesthetic improvement of existing
 1786 housing.

1787 d. The provision of adequate sites for future housing,
 1788 including affordable workforce housing as defined in s.
 1789 380.0651(3)(j), housing for low-income, very low-income, and
 1790 moderate-income families, mobile homes, and group home
 1791 facilities and foster care facilities, with supporting
 1792 infrastructure and public facilities.

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1793 e. Provision for relocation housing and identification of
 1794 historically significant and other housing for purposes of
 1795 conservation, rehabilitation, or replacement.

1796 f. The formulation of housing implementation programs.

1797 g. The creation or preservation of affordable housing to
 1798 minimize the need for additional local services and avoid the
 1799 concentration of affordable housing units only in specific areas
 1800 of the jurisdiction.

1801 ~~h. Energy efficiency in the design and construction of new~~
 1802 ~~housing.~~

1803 ~~i. Use of renewable energy resources.~~

1804 ~~j. Each county in which the gap between the buying power~~
 1805 ~~of a family of four and the median county home sale price~~
 1806 ~~exceeds \$170,000, as determined by the Florida Housing Finance~~
 1807 ~~Corporation, and which is not designated as an area of critical~~
 1808 ~~state concern shall adopt a plan for ensuring affordable~~
 1809 ~~workforce housing. At a minimum, the plan shall identify~~
 1810 ~~adequate sites for such housing. For purposes of this sub-~~
 1811 ~~subparagraph, the term "workforce housing" means housing that is~~
 1812 ~~affordable to natural persons or families whose total household~~
 1813 ~~income does not exceed 140 percent of the area median income,~~
 1814 ~~adjusted for household size.~~

1815 ~~k. As a precondition to receiving any state affordable~~
 1816 ~~housing funding or allocation for any project or program within~~
 1817 ~~the jurisdiction of a county that is subject to sub-subparagraph~~
 1818 ~~j., a county must, by July 1 of each year, provide certification~~
 1819 ~~that the county has complied with the requirements of sub-~~
 1820 ~~subparagraph j.~~

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1821 2. The principles, guidelines, standards, and strategies
1822 ~~goals, objectives, and policies~~ of the housing element must be
1823 based on the data and analysis prepared on housing needs,
1824 including an inventory taken from the latest decennial United
1825 States Census or more recent estimates, which shall include the
1826 number and distribution of dwelling units by type, tenure, age,
1827 rent, value, monthly cost of owner-occupied units, and rent or
1828 cost to income ratio, and shall show the number of dwelling
1829 units that are substandard. The inventory shall also include the
1830 methodology used to estimate the condition of housing, a
1831 projection of the anticipated number of households by size,
1832 income range, and age of residents derived from the population
1833 projections, and the minimum housing need of the current and
1834 anticipated future residents of the jurisdiction ~~the affordable~~
1835 ~~housing needs assessment.~~

1836 3. The housing element must express principles,
1837 guidelines, standards, and strategies that reflect, as needed,
1838 the creation and preservation of affordable housing for all
1839 current and anticipated future residents of the jurisdiction,
1840 elimination of substandard housing conditions, adequate sites,
1841 and distribution of housing for a range of incomes and types,
1842 including mobile and manufactured homes. The element must
1843 provide for specific programs and actions to partner with
1844 private and nonprofit sectors to address housing needs in the
1845 jurisdiction, streamline the permitting process, and minimize
1846 costs and delays for affordable housing, establish standards to
1847 address the quality of housing, stabilization of neighborhoods,
1848 and identification and improvement of historically significant

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1849 housing.

1850 4. State and federal housing plans prepared on behalf of
 1851 the local government must be consistent with the goals,
 1852 objectives, and policies of the housing element. Local
 1853 governments are encouraged to use job training, job creation,
 1854 and economic solutions to address a portion of their affordable
 1855 housing concerns.

1856 ~~2. To assist local governments in housing data collection~~
 1857 ~~and analysis and assure uniform and consistent information~~
 1858 ~~regarding the state's housing needs, the state land planning~~
 1859 ~~agency shall conduct an affordable housing needs assessment for~~
 1860 ~~all local jurisdictions on a schedule that coordinates the~~
 1861 ~~implementation of the needs assessment with the evaluation and~~
 1862 ~~appraisal reports required by s. 163.3191. Each local government~~
 1863 ~~shall utilize the data and analysis from the needs assessment as~~
 1864 ~~one basis for the housing element of its local comprehensive~~
 1865 ~~plan. The agency shall allow a local government the option to~~
 1866 ~~perform its own needs assessment, if it uses the methodology~~
 1867 ~~established by the agency by rule.~~

1868 (g)~~4~~. For those units of local government identified in s.
 1869 380.24, a coastal management element, appropriately related to
 1870 the particular requirements of paragraphs (d) and (e) and
 1871 meeting the requirements of s. 163.3178(2) and (3). The coastal
 1872 management element shall set forth the principles, guidelines,
 1873 standards, and strategies ~~policies~~ that shall guide the local
 1874 government's decisions and program implementation with respect
 1875 to the following objectives:

1876 1.a. Maintain, restore, and enhance Maintenance,

1877 ~~restoration, and enhancement~~ of the overall quality of the
 1878 coastal zone environment, including, but not limited to, its
 1879 amenities and aesthetic values.

1880 ~~2.b.~~ 2.b. Preserve the continued existence of viable
 1881 populations of all species of wildlife and marine life.

1882 ~~3.e.~~ 3.e. Protect the orderly and balanced utilization and
 1883 preservation, consistent with sound conservation principles, of
 1884 all living and nonliving coastal zone resources.

1885 ~~4.d.~~ 4.d. Avoid ~~Avoidance~~ of irreversible and irretrievable
 1886 loss of coastal zone resources.

1887 ~~5.e.~~ 5.e. Use ecological planning principles and assumptions ~~to~~
 1888 ~~be used~~ in the determination of the suitability ~~and extent~~ of
 1889 permitted development.

1890 ~~f.~~ ~~Proposed management and regulatory techniques.~~

1891 ~~6.g.~~ 6.g. Limit ~~Limitation~~ of public expenditures that
 1892 subsidize development in ~~high-hazard~~ coastal high-hazard areas.

1893 ~~7.h.~~ 7.h. Protect ~~Protection~~ of human life against the effects
 1894 of natural disasters.

1895 ~~8.i.~~ 8.i. Direct the orderly development, maintenance, and use
 1896 of ports identified in s. 403.021(9) to facilitate deepwater
 1897 commercial navigation and other related activities.

1898 ~~9.j.~~ 9.j. Preserve historic and archaeological resources, which
 1899 include the ~~Preservation, including~~ sensitive adaptive use of
 1900 these ~~historic and archaeological~~ resources.

1901 ~~2.~~ ~~As part of this element, a local government that has a~~
 1902 ~~coastal management element in its comprehensive plan is~~
 1903 ~~encouraged to adopt recreational surface water use policies that~~
 1904 ~~include applicable criteria for and consider such factors as~~

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1905 ~~natural resources, manatee protection needs, protection of~~
 1906 ~~working waterfronts and public access to the water, and~~
 1907 ~~recreation and economic demands. Criteria for manatee protection~~
 1908 ~~in the recreational surface water use policies should reflect~~
 1909 ~~applicable guidance outlined in the Boat Facility Siting Guide~~
 1910 ~~prepared by the Fish and Wildlife Conservation Commission. If~~
 1911 ~~the local government elects to adopt recreational surface water~~
 1912 ~~use policies by comprehensive plan amendment, such comprehensive~~
 1913 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
 1914 ~~Local governments that wish to adopt recreational surface water~~
 1915 ~~use policies may be eligible for assistance with the development~~
 1916 ~~of such policies through the Florida Coastal Management Program.~~
 1917 ~~The Office of Program Policy Analysis and Government~~
 1918 ~~Accountability shall submit a report on the adoption of~~
 1919 ~~recreational surface water use policies under this subparagraph~~
 1920 ~~to the President of the Senate, the Speaker of the House of~~
 1921 ~~Representatives, and the majority and minority leaders of the~~
 1922 ~~Senate and the House of Representatives no later than December~~
 1923 ~~1, 2010.~~

1924 (h)1. An intergovernmental coordination element showing
 1925 relationships and stating principles and guidelines to be used
 1926 in coordinating the adopted comprehensive plan with the plans of
 1927 school boards, regional water supply authorities, and other
 1928 units of local government providing services but not having
 1929 regulatory authority over the use of land, with the
 1930 comprehensive plans of adjacent municipalities, the county,
 1931 adjacent counties, or the region, with the state comprehensive
 1932 plan and with the applicable regional water supply plan approved

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1933 | pursuant to s. 373.709, as the case may require and as such
 1934 | adopted plans or plans in preparation may exist. This element of
 1935 | the local comprehensive plan must demonstrate consideration of
 1936 | the particular effects of the local plan, when adopted, upon the
 1937 | development of adjacent municipalities, the county, adjacent
 1938 | counties, or the region, or upon the state comprehensive plan,
 1939 | as the case may require.

1940 | a. The intergovernmental coordination element must provide
 1941 | procedures for identifying and implementing joint planning
 1942 | areas, especially for the purpose of annexation, municipal
 1943 | incorporation, and joint infrastructure service areas.

1944 | ~~b. The intergovernmental coordination element must provide~~
 1945 | ~~for recognition of campus master plans prepared pursuant to s.~~
 1946 | ~~1013.30 and airport master plans under paragraph (k).~~

1947 | ~~e.~~ The intergovernmental coordination element shall
 1948 | provide for a dispute resolution process, as established
 1949 | pursuant to s. 186.509, for bringing intergovernmental disputes
 1950 | to closure in a timely manner.

1951 | ~~c.d.~~ The intergovernmental coordination element shall
 1952 | provide for interlocal agreements as established pursuant to s.
 1953 | 333.03(1)(b).

1954 | 2. The intergovernmental coordination element shall also
 1955 | state principles and guidelines to be used in coordinating the
 1956 | adopted comprehensive plan with the plans of school boards and
 1957 | other units of local government providing facilities and
 1958 | services but not having regulatory authority over the use of
 1959 | land. In addition, the intergovernmental coordination element
 1960 | must describe joint processes for collaborative planning and

1961 decisionmaking on population projections and public school
 1962 siting, the location and extension of public facilities subject
 1963 to concurrency, and siting facilities with countywide
 1964 significance, including locally unwanted land uses whose nature
 1965 and identity are established in an agreement.

1966 3. Within 1 year after adopting their intergovernmental
 1967 coordination elements, each county, all the municipalities
 1968 within that county, the district school board, and any unit of
 1969 local government service providers in that county shall
 1970 establish by interlocal or other formal agreement executed by
 1971 all affected entities, the joint processes described in this
 1972 subparagraph consistent with their adopted intergovernmental
 1973 coordination elements. The element must:

1974 a. Ensure that the local government addresses through
 1975 coordination mechanisms the impacts of development proposed in
 1976 the local comprehensive plan upon development in adjacent
 1977 municipalities, the county, adjacent counties, the region, and
 1978 the state. The area of concern for municipalities shall include
 1979 adjacent municipalities, the county, and counties adjacent to
 1980 the municipality. The area of concern for counties shall include
 1981 all municipalities within the county, adjacent counties, and
 1982 adjacent municipalities.

1983 b. Ensure coordination in establishing level of service
 1984 standards for public facilities with any state, regional, or
 1985 local entity having operational and maintenance responsibility
 1986 for such facilities.

1987 ~~3. To foster coordination between special districts and~~
 1988 ~~local general-purpose governments as local general-purpose~~

1989 ~~governments implement local comprehensive plans, each~~
 1990 ~~independent special district must submit a public facilities~~
 1991 ~~report to the appropriate local government as required by s.~~
 1992 ~~189.415.~~

1993 ~~4. Local governments shall execute an interlocal agreement~~
 1994 ~~with the district school board, the county, and nonexempt~~
 1995 ~~municipalities pursuant to s. 163.31777. The local government~~
 1996 ~~shall amend the intergovernmental coordination element to ensure~~
 1997 ~~that coordination between the local government and school board~~
 1998 ~~is pursuant to the agreement and shall state the obligations of~~
 1999 ~~the local government under the agreement. Plan amendments that~~
 2000 ~~comply with this subparagraph are exempt from the provisions of~~
 2001 ~~s. 163.3187(1).~~

2002 ~~5. By January 1, 2004, any county having a population~~
 2003 ~~greater than 100,000, and the municipalities and special~~
 2004 ~~districts within that county, shall submit a report to the~~
 2005 ~~Department of Community Affairs which identifies:~~

2006 ~~a. All existing or proposed interlocal service delivery~~
 2007 ~~agreements relating to education; sanitary sewer; public safety;~~
 2008 ~~solid waste; drainage; potable water; parks and recreation; and~~
 2009 ~~transportation facilities.~~

2010 ~~b. Any deficits or duplication in the provision of~~
 2011 ~~services within its jurisdiction, whether capital or~~
 2012 ~~operational. Upon request, the Department of Community Affairs~~
 2013 ~~shall provide technical assistance to the local governments in~~
 2014 ~~identifying deficits or duplication.~~

2015 ~~6. Within 6 months after submission of the report, the~~
 2016 ~~Department of Community Affairs shall, through the appropriate~~

2017 ~~regional planning council, coordinate a meeting of all local~~
 2018 ~~governments within the regional planning area to discuss the~~
 2019 ~~reports and potential strategies to remedy any identified~~
 2020 ~~deficiencies or duplications.~~

2021 ~~7. Each local government shall update its~~
 2022 ~~intergovernmental coordination element based upon the findings~~
 2023 ~~in the report submitted pursuant to subparagraph 5. The report~~
 2024 ~~may be used as supporting data and analysis for the~~
 2025 ~~intergovernmental coordination element.~~

2026 ~~(i) The optional elements of the comprehensive plan in~~
 2027 ~~paragraphs (7) (a) and (b) are required elements for those~~
 2028 ~~municipalities having populations greater than 50,000, and those~~
 2029 ~~counties having populations greater than 75,000, as determined~~
 2030 ~~under s. 186.901.~~

2031 ~~(j) For each unit of local government within an urbanized~~
 2032 ~~area designated for purposes of s. 339.175, a transportation~~
 2033 ~~element, which must be prepared and adopted in lieu of the~~
 2034 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~
 2035 ~~and (d) and which shall address the following issues:~~

2036 ~~1. Traffic circulation, including major thoroughfares and~~
 2037 ~~other routes, including bicycle and pedestrian ways.~~

2038 ~~2. All alternative modes of travel, such as public~~
 2039 ~~transportation, pedestrian, and bicycle travel.~~

2040 ~~3. Parking facilities.~~

2041 ~~4. Aviation, rail, seaport facilities, access to those~~
 2042 ~~facilities, and intermodal terminals.~~

2043 ~~5. The availability of facilities and services to serve~~
 2044 ~~existing land uses and the compatibility between future land use~~

2045 ~~and transportation elements.~~

2046 ~~6. The capability to evacuate the coastal population prior~~

2047 ~~to an impending natural disaster.~~

2048 ~~7. Airports, projected airport and aviation development,~~

2049 ~~and land use compatibility around airports, which includes areas~~

2050 ~~defined in ss. 333.01 and 333.02.~~

2051 ~~8. An identification of land use densities, building~~

2052 ~~intensities, and transportation management programs to promote~~

2053 ~~public transportation systems in designated public~~

2054 ~~transportation corridors so as to encourage population densities~~

2055 ~~sufficient to support such systems.~~

2056 ~~9. May include transportation corridors, as defined in s.~~

2057 ~~334.03, intended for future transportation facilities designated~~

2058 ~~pursuant to s. 337.273. If transportation corridors are~~

2059 ~~designated, the local government may adopt a transportation~~

2060 ~~corridor management ordinance.~~

2061 ~~10. The incorporation of transportation strategies to~~

2062 ~~address reduction in greenhouse gas emissions from the~~

2063 ~~transportation sector.~~

2064 ~~(k) An airport master plan, and any subsequent amendments~~

2065 ~~to the airport master plan, prepared by a licensed publicly~~

2066 ~~owned and operated airport under s. 333.06 may be incorporated~~

2067 ~~into the local government comprehensive plan by the local~~

2068 ~~government having jurisdiction under this act for the area in~~

2069 ~~which the airport or projected airport development is located by~~

2070 ~~the adoption of a comprehensive plan amendment. In the amendment~~

2071 ~~to the local comprehensive plan that integrates the airport~~

2072 ~~master plan, the comprehensive plan amendment shall address land~~

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2073 ~~use compatibility consistent with chapter 333 regarding airport~~
 2074 ~~zoning; the provision of regional transportation facilities for~~
 2075 ~~the efficient use and operation of the transportation system and~~
 2076 ~~airport; consistency with the local government transportation~~
 2077 ~~circulation element and applicable metropolitan planning~~
 2078 ~~organization long-range transportation plans; and the execution~~
 2079 ~~of any necessary interlocal agreements for the purposes of the~~
 2080 ~~provision of public facilities and services to maintain the~~
 2081 ~~adopted level-of-service standards for facilities subject to~~
 2082 ~~concurrency; and may address airport-related or aviation-related~~
 2083 ~~development. Development or expansion of an airport consistent~~
 2084 ~~with the adopted airport master plan that has been incorporated~~
 2085 ~~into the local comprehensive plan in compliance with this part,~~
 2086 ~~and airport-related or aviation-related development that has~~
 2087 ~~been addressed in the comprehensive plan amendment that~~
 2088 ~~incorporates the airport master plan, shall not be a development~~
 2089 ~~of regional impact. Notwithstanding any other general law, an~~
 2090 ~~airport that has received a development-of-regional-impact~~
 2091 ~~development order pursuant to s. 380.06, but which is no longer~~
 2092 ~~required to undergo development-of-regional-impact review~~
 2093 ~~pursuant to this subsection, may abandon its development-of-~~
 2094 ~~regional-impact order upon written notification to the~~
 2095 ~~applicable local government. Upon receipt by the local~~
 2096 ~~government, the development-of-regional-impact development order~~
 2097 ~~is void.~~

2098 ~~(7) The comprehensive plan may include the following~~
 2099 ~~additional elements, or portions or phases thereof:~~

2100 ~~(a) As a part of the circulation element of paragraph~~

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2101 ~~(6) (b) or as a separate element, a mass transit element showing~~
 2102 ~~proposed methods for the moving of people, rights-of-way,~~
 2103 ~~terminals, related facilities, and fiscal considerations for the~~
 2104 ~~accomplishment of the element.~~

2105 ~~(b) As a part of the circulation element of paragraph~~
 2106 ~~(6) (b) or as a separate element, plans for port, aviation, and~~
 2107 ~~related facilities coordinated with the general circulation and~~
 2108 ~~transportation element.~~

2109 ~~(c) As a part of the circulation element of paragraph~~
 2110 ~~(6) (b) and in coordination with paragraph (6) (c), where~~
 2111 ~~applicable, a plan element for the circulation of recreational~~
 2112 ~~traffic, including bicycle facilities, exercise trails, riding~~
 2113 ~~facilities, and such other matters as may be related to the~~
 2114 ~~improvement and safety of movement of all types of recreational~~
 2115 ~~traffic.~~

2116 ~~(d) As a part of the circulation element of paragraph~~
 2117 ~~(6) (b) or as a separate element, a plan element for the~~
 2118 ~~development of offstreet parking facilities for motor vehicles~~
 2119 ~~and the fiscal considerations for the accomplishment of the~~
 2120 ~~element.~~

2121 ~~(e) A public buildings and related facilities element~~
 2122 ~~showing locations and arrangements of civic and community~~
 2123 ~~centers, public schools, hospitals, libraries, police and fire~~
 2124 ~~stations, and other public buildings. This plan element should~~
 2125 ~~show particularly how it is proposed to effect coordination with~~
 2126 ~~governmental units, such as school boards or hospital~~
 2127 ~~authorities, having public development and service~~
 2128 ~~responsibilities, capabilities, and potential but not having~~

2129 ~~land development regulatory authority. This element may include~~
 2130 ~~plans for architecture and landscape treatment of their grounds.~~

2131 ~~(f) A recommended community design element which may~~
 2132 ~~consist of design recommendations for land subdivision,~~
 2133 ~~neighborhood development and redevelopment, design of open space~~
 2134 ~~locations, and similar matters to the end that such~~
 2135 ~~recommendations may be available as aids and guides to~~
 2136 ~~developers in the future planning and development of land in the~~
 2137 ~~area.~~

2138 ~~(g) A general area redevelopment element consisting of~~
 2139 ~~plans and programs for the redevelopment of slums and blighted~~
 2140 ~~locations in the area and for community redevelopment, including~~
 2141 ~~housing sites, business and industrial sites, public buildings~~
 2142 ~~sites, recreational facilities, and other purposes authorized by~~
 2143 ~~law.~~

2144 ~~(h) A safety element for the protection of residents and~~
 2145 ~~property of the area from fire, hurricane, or manmade or natural~~
 2146 ~~catastrophe, including such necessary features for protection as~~
 2147 ~~evacuation routes and their control in an emergency, water~~
 2148 ~~supply requirements, minimum road widths, clearances around and~~
 2149 ~~elevations of structures, and similar matters.~~

2150 ~~(i) An historical and scenic preservation element setting~~
 2151 ~~out plans and programs for those structures or lands in the area~~
 2152 ~~having historical, archaeological, architectural, scenic, or~~
 2153 ~~similar significance.~~

2154 ~~(j) An economic element setting forth principles and~~
 2155 ~~guidelines for the commercial and industrial development, if~~
 2156 ~~any, and the employment and personnel utilization within the~~

2157 | ~~area. The element may detail the type of commercial and~~
2158 | ~~industrial development sought, correlated to the present and~~
2159 | ~~projected employment needs of the area and to other elements of~~
2160 | ~~the plans, and may set forth methods by which a balanced and~~
2161 | ~~stable economic base will be pursued.~~

2162 | ~~(k) Such other elements as may be peculiar to, and~~
2163 | ~~necessary for, the area concerned and as are added to the~~
2164 | ~~comprehensive plan by the governing body upon the recommendation~~
2165 | ~~of the local planning agency.~~

2166 | ~~(l) Local governments that are not required to prepare~~
2167 | ~~coastal management elements under s. 163.3178 are encouraged to~~
2168 | ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~
2169 | ~~plans should, at a minimum, establish long-term policies~~
2170 | ~~regarding redevelopment, infrastructure, densities,~~
2171 | ~~nonconforming uses, and future land use patterns. Grants to~~
2172 | ~~assist local governments in the preparation of these hazard~~
2173 | ~~mitigation/postdisaster redevelopment plans shall be available~~
2174 | ~~through the Emergency Management Preparedness and Assistance~~
2175 | ~~Account in the Grants and Donations Trust Fund administered by~~
2176 | ~~the department, if such account is created by law. The plans~~
2177 | ~~must be in compliance with the requirements of this act and~~
2178 | ~~chapter 252.~~

2179 | ~~(8) All elements of the comprehensive plan, whether~~
2180 | ~~mandatory or optional, shall be based upon data appropriate to~~
2181 | ~~the element involved. Surveys and studies utilized in the~~
2182 | ~~preparation of the comprehensive plan shall not be deemed a part~~
2183 | ~~of the comprehensive plan unless adopted as a part of it. Copies~~
2184 | ~~of such studies, surveys, and supporting documents shall be made~~

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2185 ~~available to public inspection, and copies of such plans shall~~
 2186 ~~be made available to the public upon payment of reasonable~~
 2187 ~~charges for reproduction.~~

2188 ~~(9) The state land planning agency shall, by February 15,~~
 2189 ~~1986, adopt by rule minimum criteria for the review and~~
 2190 ~~determination of compliance of the local government~~
 2191 ~~comprehensive plan elements required by this act. Such rules~~
 2192 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~
 2193 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~
 2194 ~~become effective only after they have been submitted to the~~
 2195 ~~President of the Senate and the Speaker of the House of~~
 2196 ~~Representatives for review by the Legislature no later than 30~~
 2197 ~~days prior to the next regular session of the Legislature. In~~
 2198 ~~its review the Legislature may reject, modify, or take no action~~
 2199 ~~relative to the rules. The agency shall conform the rules to the~~
 2200 ~~changes made by the Legislature, or, if no action was taken, the~~
 2201 ~~agency rules shall become effective. The rule shall include~~
 2202 ~~criteria for determining whether:~~

2203 ~~(a) Proposed elements are in compliance with the~~
 2204 ~~requirements of part II, as amended by this act.~~

2205 ~~(b) Other elements of the comprehensive plan are related~~
 2206 ~~to and consistent with each other.~~

2207 ~~(c) The local government comprehensive plan elements are~~
 2208 ~~consistent with the state comprehensive plan and the appropriate~~
 2209 ~~regional policy plan pursuant to s. 186.508.~~

2210 ~~(d) Certain bays, estuaries, and harbors that fall under~~
 2211 ~~the jurisdiction of more than one local government are managed~~
 2212 ~~in a consistent and coordinated manner in the case of local~~

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2213 ~~governments required to include a coastal management element in~~
 2214 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2215 ~~(c) Proposed elements identify the mechanisms and~~
 2216 ~~procedures for monitoring, evaluating, and appraising~~
 2217 ~~implementation of the plan. Specific measurable objectives are~~
 2218 ~~included to provide a basis for evaluating effectiveness as~~
 2219 ~~required by s. 163.3191.~~

2220 ~~(f) Proposed elements contain policies to guide future~~
 2221 ~~decisions in a consistent manner.~~

2222 ~~(g) Proposed elements contain programs and activities to~~
 2223 ~~ensure that comprehensive plans are implemented.~~

2224 ~~(h) Proposed elements identify the need for and the~~
 2225 ~~processes and procedures to ensure coordination of all~~
 2226 ~~development activities and services with other units of local~~
 2227 ~~government, regional planning agencies, water management~~
 2228 ~~districts, and state and federal agencies as appropriate.~~

2229
 2230 ~~The state land planning agency may adopt procedural rules that~~
 2231 ~~are consistent with this section and chapter 120 for the review~~
 2232 ~~of local government comprehensive plan elements required under~~
 2233 ~~this section. The state land planning agency shall provide model~~
 2234 ~~plans and ordinances and, upon request, other assistance to~~
 2235 ~~local governments in the adoption and implementation of their~~
 2236 ~~revised local government comprehensive plans. The review and~~
 2237 ~~comment provisions applicable prior to October 1, 1985, shall~~
 2238 ~~continue in effect until the criteria for review and~~
 2239 ~~determination are adopted pursuant to this subsection and the~~
 2240 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2241 ~~(10) The Legislature recognizes the importance and~~
 2242 ~~significance of chapter 9J-5, Florida Administrative Code, the~~
 2243 ~~Minimum Criteria for Review of Local Government Comprehensive~~
 2244 ~~Plans and Determination of Compliance of the Department of~~
 2245 ~~Community Affairs that will be used to determine compliance of~~
 2246 ~~local comprehensive plans. The Legislature reserved unto itself~~
 2247 ~~the right to review chapter 9J-5, Florida Administrative Code,~~
 2248 ~~and to reject, modify, or take no action relative to this rule.~~
 2249 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~
 2250 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~
 2251 ~~expresses the following legislative intent:~~

2252 ~~(a) The Legislature finds that in order for the department~~
 2253 ~~to review local comprehensive plans, it is necessary to define~~
 2254 ~~the term "consistency." Therefore, for the purpose of~~
 2255 ~~determining whether local comprehensive plans are consistent~~
 2256 ~~with the state comprehensive plan and the appropriate regional~~
 2257 ~~policy plan, a local plan shall be consistent with such plans if~~
 2258 ~~the local plan is "compatible with" and "furthers" such plans.~~
 2259 ~~The term "compatible with" means that the local plan is not in~~
 2260 ~~conflict with the state comprehensive plan or appropriate~~
 2261 ~~regional policy plan. The term "furthers" means to take action~~
 2262 ~~in the direction of realizing goals or policies of the state or~~
 2263 ~~regional plan. For the purposes of determining consistency of~~
 2264 ~~the local plan with the state comprehensive plan or the~~
 2265 ~~appropriate regional policy plan, the state or regional plan~~
 2266 ~~shall be construed as a whole and no specific goal and policy~~
 2267 ~~shall be construed or applied in isolation from the other goals~~
 2268 ~~and policies in the plans.~~

2269 ~~(b) Each local government shall review all the state~~
 2270 ~~comprehensive plan goals and policies and shall address in its~~
 2271 ~~comprehensive plan the goals and policies which are relevant to~~
 2272 ~~the circumstances or conditions in its jurisdiction. The~~
 2273 ~~decision regarding which particular state comprehensive plan~~
 2274 ~~goals and policies will be furthered by the expenditure of a~~
 2275 ~~local government's financial resources in any given year is a~~
 2276 ~~decision which rests solely within the discretion of the local~~
 2277 ~~government. Intergovernmental coordination, as set forth in~~
 2278 ~~paragraph (6) (h), shall be utilized to the extent required to~~
 2279 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~
 2280 ~~Code.~~

2281 ~~(c) The Legislature declares that if any portion of~~
 2282 ~~chapter 9J-5, Florida Administrative Code, is found to be in~~
 2283 ~~conflict with this part, the appropriate statutory provision~~
 2284 ~~shall prevail.~~

2285 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~
 2286 ~~mandate the creation, limitation, or elimination of regulatory~~
 2287 ~~authority, nor does it authorize the adoption or require the~~
 2288 ~~repeal of any rules, criteria, or standards of any local,~~
 2289 ~~regional, or state agency.~~

2290 ~~(e) It is the Legislature's intent that support data or~~
 2291 ~~summaries thereof shall not be subject to the compliance review~~
 2292 ~~process, but the Legislature intends that goals and policies be~~
 2293 ~~clearly based on appropriate data. The department may utilize~~
 2294 ~~support data or summaries thereof to aid in its determination of~~
 2295 ~~compliance and consistency. The Legislature intends that the~~
 2296 ~~department may evaluate the application of a methodology~~

2297 ~~utilized in data collection or whether a particular methodology~~
 2298 ~~is professionally accepted. However, the department shall not~~
 2299 ~~evaluate whether one accepted methodology is better than~~
 2300 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~
 2301 ~~construed to require original data collection by local~~
 2302 ~~governments; however, Local governments are not to be~~
 2303 ~~discouraged from utilizing original data so long as~~
 2304 ~~methodologies are professionally accepted.~~

2305 ~~(f) The Legislature recognizes that under this section,~~
 2306 ~~local governments are charged with setting levels of service for~~
 2307 ~~public facilities in their comprehensive plans in accordance~~
 2308 ~~with which development orders and permits will be issued~~
 2309 ~~pursuant to s. 163.3202(2)(g). Nothing herein shall supersede~~
 2310 ~~the authority of state, regional, or local agencies as otherwise~~
 2311 ~~provided by law.~~

2312 ~~(g) Definitions contained in chapter 9J-5, Florida~~
 2313 ~~Administrative Code, are not intended to modify or amend the~~
 2314 ~~definitions utilized for purposes of other programs or rules or~~
 2315 ~~to establish or limit regulatory authority. Local governments~~
 2316 ~~may establish alternative definitions in local comprehensive~~
 2317 ~~plans, as long as such definitions accomplish the intent of this~~
 2318 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2319 ~~(h) It is the intent of the Legislature that public~~
 2320 ~~facilities and services needed to support development shall be~~
 2321 ~~available concurrent with the impacts of such development in~~
 2322 ~~accordance with s. 163.3180. In meeting this intent, public~~
 2323 ~~facility and service availability shall be deemed sufficient if~~
 2324 ~~the public facilities and services for a development are phased,~~

2325 ~~or the development is phased, so that the public facilities and~~
 2326 ~~those related services which are deemed necessary by the local~~
 2327 ~~government to operate the facilities necessitated by that~~
 2328 ~~development are available concurrent with the impacts of the~~
 2329 ~~development. The public facilities and services, unless already~~
 2330 ~~available, are to be consistent with the capital improvements~~
 2331 ~~element of the local comprehensive plan as required by paragraph~~
 2332 ~~(3) (a) or guaranteed in an enforceable development agreement.~~
 2333 ~~This shall include development agreements pursuant to this~~
 2334 ~~chapter or in an agreement or a development order issued~~
 2335 ~~pursuant to chapter 380. Nothing herein shall be construed to~~
 2336 ~~require a local government to address services in its capital~~
 2337 ~~improvements plan or to limit a local government's ability to~~
 2338 ~~address any service in its capital improvements plan that it~~
 2339 ~~deems necessary.~~

2340 ~~(i) The department shall take into account the factors~~
 2341 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~
 2342 ~~it provides assistance to local governments and applies the rule~~
 2343 ~~in specific situations with regard to the detail of the data and~~
 2344 ~~analysis required.~~

2345 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~
 2346 ~~effective pursuant to subsection (9). The Legislature hereby~~
 2347 ~~directs the department to adopt amendments as necessary which~~
 2348 ~~conform chapter 9J-5, Florida Administrative Code, with the~~
 2349 ~~requirements of this legislative intent by October 1, 1986.~~

2350 ~~(k) In order for local governments to prepare and adopt~~
 2351 ~~comprehensive plans with knowledge of the rules that are applied~~
 2352 ~~to determine consistency of the plans with this part, there~~

2353 ~~should be no doubt as to the legal standing of chapter 9J-5,~~
 2354 ~~Florida Administrative Code, at the close of the 1986~~
 2355 ~~legislative session. Therefore, the Legislature declares that~~
 2356 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~
 2357 ~~subject to rule challenges under s. 120.56(2), or to drawout~~
 2358 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~
 2359 ~~Florida Administrative Code, as amended, is subject to rule~~
 2360 ~~challenges under s. 120.56(3), as nothing herein indicates~~
 2361 ~~approval or disapproval of any portion of chapter 9J-5 not~~
 2362 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~
 2363 ~~Florida Administrative Code, exclusive of the amendments adopted~~
 2364 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~
 2365 ~~to the full chapter 120 process. All amendments shall have~~
 2366 ~~effective dates as provided in chapter 120 and submission to the~~
 2367 ~~President of the Senate and Speaker of the House of~~
 2368 ~~Representatives shall not be required.~~

2369 ~~(1) The state land planning agency shall consider land use~~
 2370 ~~compatibility issues in the vicinity of all airports in~~
 2371 ~~coordination with the Department of Transportation and adjacent~~
 2372 ~~to or in close proximity to all military installations in~~
 2373 ~~coordination with the Department of Defense.~~

2374 ~~(11)(a) The Legislature recognizes the need for innovative~~
 2375 ~~planning and development strategies which will address the~~
 2376 ~~anticipated demands of continued urbanization of Florida's~~
 2377 ~~coastal and other environmentally sensitive areas, and which~~
 2378 ~~will accommodate the development of less populated regions of~~
 2379 ~~the state which seek economic development and which have~~
 2380 ~~suitable land and water resources to accommodate growth in an~~

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2381 ~~environmentally acceptable manner. The Legislature further~~
2382 ~~recognizes the substantial advantages of innovative approaches~~
2383 ~~to development which may better serve to protect environmentally~~
2384 ~~sensitive areas, maintain the economic viability of agricultural~~
2385 ~~and other predominantly rural land uses, and provide for the~~
2386 ~~cost-efficient delivery of public facilities and services.~~

2387 ~~(b) It is the intent of the Legislature that the local~~
2388 ~~government comprehensive plans and plan amendments adopted~~
2389 ~~pursuant to the provisions of this part provide for a planning~~
2390 ~~process which allows for land use efficiencies within existing~~
2391 ~~urban areas and which also allows for the conversion of rural~~
2392 ~~lands to other uses, where appropriate and consistent with the~~
2393 ~~other provisions of this part and the affected local~~
2394 ~~comprehensive plans, through the application of innovative and~~
2395 ~~flexible planning and development strategies and creative land~~
2396 ~~use planning techniques, which may include, but not be limited~~
2397 ~~to, urban villages, new towns, satellite communities, area-based~~
2398 ~~allocations, clustering and open space provisions, mixed-use~~
2399 ~~development, and sector planning.~~

2400 ~~(c) It is the further intent of the Legislature that local~~
2401 ~~government comprehensive plans and implementing land development~~
2402 ~~regulations shall provide strategies which maximize the use of~~
2403 ~~existing facilities and services through redevelopment, urban~~
2404 ~~infill development, and other strategies for urban~~
2405 ~~revitalization.~~

2406 ~~(d)1. The department, in cooperation with the Department~~
2407 ~~of Agriculture and Consumer Services, the Department of~~
2408 ~~Environmental Protection, water management districts, and~~

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2409 ~~regional planning councils, shall provide assistance to local~~
 2410 ~~governments in the implementation of this paragraph and rule 9J-~~
 2411 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~
 2412 ~~those provisions shall include a process by which the department~~
 2413 ~~may authorize local governments to designate all or portions of~~
 2414 ~~lands classified in the future land use element as predominantly~~
 2415 ~~agricultural, rural, open, open rural, or a substantively~~
 2416 ~~equivalent land use, as a rural land stewardship area within~~
 2417 ~~which planning and economic incentives are applied to encourage~~
 2418 ~~the implementation of innovative and flexible planning and~~
 2419 ~~development strategies and creative land use planning~~
 2420 ~~techniques, including those contained herein and in rule 9J-~~
 2421 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~
 2422 ~~include, but is not limited to:~~

2423 ~~a. Assistance from the Department of Environmental~~
 2424 ~~Protection and water management districts in creating the~~
 2425 ~~geographic information systems land cover database and aerial~~
 2426 ~~photogrammetry needed to prepare for a rural land stewardship~~
 2427 ~~area;~~

2428 ~~b. Support for local government implementation of rural~~
 2429 ~~land stewardship concepts by providing information and~~
 2430 ~~assistance to local governments regarding land acquisition~~
 2431 ~~programs that may be used by the local government or landowners~~
 2432 ~~to leverage the protection of greater acreage and maximize the~~
 2433 ~~effectiveness of rural land stewardship areas; and~~

2434 ~~e. Expansion of the role of the Department of Community~~
 2435 ~~Affairs as a resource agency to facilitate establishment of~~
 2436 ~~rural land stewardship areas in smaller rural counties that do~~

2437 ~~not have the staff or planning budgets to create a rural land~~
 2438 ~~stewardship area.~~

2439 ~~2. The department shall encourage participation by local~~
 2440 ~~governments of different sizes and rural characteristics in~~
 2441 ~~establishing and implementing rural land stewardship areas. It~~
 2442 ~~is the intent of the Legislature that rural land stewardship~~
 2443 ~~areas be used to further the following broad principles of rural~~
 2444 ~~sustainability: restoration and maintenance of the economic~~
 2445 ~~value of rural land; control of urban sprawl; identification and~~
 2446 ~~protection of ecosystems, habitats, and natural resources;~~
 2447 ~~promotion of rural economic activity; maintenance of the~~
 2448 ~~viability of Florida's agricultural economy; and protection of~~
 2449 ~~the character of rural areas of Florida. Rural land stewardship~~
 2450 ~~areas may be multicounty in order to encourage coordinated~~
 2451 ~~regional stewardship planning.~~

2452 ~~3. A local government, in conjunction with a regional~~
 2453 ~~planning council, a stakeholder organization of private land~~
 2454 ~~owners, or another local government, shall notify the department~~
 2455 ~~in writing of its intent to designate a rural land stewardship~~
 2456 ~~area. The written notification shall describe the basis for the~~
 2457 ~~designation, including the extent to which the rural land~~
 2458 ~~stewardship area enhances rural land values, controls urban~~
 2459 ~~sprawl, provides necessary open space for agriculture and~~
 2460 ~~protection of the natural environment, promotes rural economic~~
 2461 ~~activity, and maintains rural character and the economic~~
 2462 ~~viability of agriculture.~~

2463 ~~4. A rural land stewardship area shall be not less than~~
 2464 ~~10,000 acres and shall be located outside of municipalities and~~

2465 ~~established urban growth boundaries, and shall be designated by~~
2466 ~~plan amendment. The plan amendment designating a rural land~~
2467 ~~stewardship area shall be subject to review by the Department of~~
2468 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~
2469 ~~the following:~~

2470 ~~a. Criteria for the designation of receiving areas within~~
2471 ~~rural land stewardship areas in which innovative planning and~~
2472 ~~development strategies may be applied. Criteria shall at a~~
2473 ~~minimum provide for the following: adequacy of suitable land to~~
2474 ~~accommodate development so as to avoid conflict with~~
2475 ~~environmentally sensitive areas, resources, and habitats;~~
2476 ~~compatibility between and transition from higher density uses to~~
2477 ~~lower intensity rural uses; the establishment of receiving area~~
2478 ~~service boundaries which provide for a separation between~~
2479 ~~receiving areas and other land uses within the rural land~~
2480 ~~stewardship area through limitations on the extension of~~
2481 ~~services; and connection of receiving areas with the rest of the~~
2482 ~~rural land stewardship area using rural design and rural road~~
2483 ~~corridors.~~

2484 ~~b. Goals, objectives, and policies setting forth the~~
2485 ~~innovative planning and development strategies to be applied~~
2486 ~~within rural land stewardship areas pursuant to the provisions~~
2487 ~~of this section.~~

2488 ~~c. A process for the implementation of innovative planning~~
2489 ~~and development strategies within the rural land stewardship~~
2490 ~~area, including those described in this subsection and rule 9J-~~
2491 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~
2492 ~~functional mix of land uses, including adequate available~~

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2493 ~~workforce housing, including low, very low and moderate income~~
 2494 ~~housing for the development anticipated in the receiving area~~
 2495 ~~and which are applied through the adoption by the local~~
 2496 ~~government of zoning and land development regulations applicable~~
 2497 ~~to the rural land stewardship area.~~

2498 ~~d. A process which encourages visioning pursuant to s.~~
 2499 ~~163.3167(11) to ensure that innovative planning and development~~
 2500 ~~strategies comply with the provisions of this section.~~

2501 ~~e. The control of sprawl through the use of innovative~~
 2502 ~~strategies and creative land use techniques consistent with the~~
 2503 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~
 2504 ~~Administrative Code.~~

2505 ~~5. A receiving area shall be designated by the adoption of~~
 2506 ~~a land development regulation. Prior to the designation of a~~
 2507 ~~receiving area, the local government shall provide the~~
 2508 ~~Department of Community Affairs a period of 30 days in which to~~
 2509 ~~review a proposed receiving area for consistency with the rural~~
 2510 ~~land stewardship area plan amendment and to provide comments to~~
 2511 ~~the local government. At the time of designation of a~~
 2512 ~~stewardship receiving area, a listed species survey will be~~
 2513 ~~performed. If listed species occur on the receiving area site,~~
 2514 ~~the developer shall coordinate with each appropriate local,~~
 2515 ~~state, or federal agency to determine if adequate provisions~~
 2516 ~~have been made to protect those species in accordance with~~
 2517 ~~applicable regulations. In determining the adequacy of~~
 2518 ~~provisions for the protection of listed species and their~~
 2519 ~~habitats, the rural land stewardship area shall be considered as~~
 2520 ~~a whole, and the impacts to areas to be developed as receiving~~

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2521 ~~areas shall be considered together with the environmental~~
2522 ~~benefits of areas protected as sending areas in fulfilling this~~
2523 ~~criteria.~~

2524 ~~6. Upon the adoption of a plan amendment creating a rural~~
2525 ~~land stewardship area, the local government shall, by ordinance,~~
2526 ~~establish the methodology for the creation, conveyance, and use~~
2527 ~~of transferable rural land use credits, otherwise referred to as~~
2528 ~~stewardship credits, the application of which shall not~~
2529 ~~constitute a right to develop land, nor increase density of~~
2530 ~~land, except as provided by this section. The total amount of~~
2531 ~~transferable rural land use credits within the rural land~~
2532 ~~stewardship area must enable the realization of the long-term~~
2533 ~~vision and goals for the 25-year or greater projected population~~
2534 ~~of the rural land stewardship area, which may take into~~
2535 ~~consideration the anticipated effect of the proposed receiving~~
2536 ~~areas. Transferable rural land use credits are subject to the~~
2537 ~~following limitations:~~

2538 ~~a. Transferable rural land use credits may only exist~~
2539 ~~within a rural land stewardship area.~~

2540 ~~b. Transferable rural land use credits may only be used on~~
2541 ~~lands designated as receiving areas and then solely for the~~
2542 ~~purpose of implementing innovative planning and development~~
2543 ~~strategies and creative land use planning techniques adopted by~~
2544 ~~the local government pursuant to this section.~~

2545 ~~e. Transferable rural land use credits assigned to a~~
2546 ~~parcel of land within a rural land stewardship area shall cease~~
2547 ~~to exist if the parcel of land is removed from the rural land~~
2548 ~~stewardship area by plan amendment.~~

2549 ~~d. Neither the creation of the rural land stewardship area~~
 2550 ~~by plan amendment nor the assignment of transferable rural land~~
 2551 ~~use credits by the local government shall operate to displace~~
 2552 ~~the underlying density of land uses assigned to a parcel of land~~
 2553 ~~within the rural land stewardship area; however, if transferable~~
 2554 ~~rural land use credits are transferred from a parcel for use~~
 2555 ~~within a designated receiving area, the underlying density~~
 2556 ~~assigned to the parcel of land shall cease to exist.~~

2557 ~~e. The underlying density on each parcel of land located~~
 2558 ~~within a rural land stewardship area shall not be increased or~~
 2559 ~~decreased by the local government, except as a result of the~~
 2560 ~~conveyance or use of transferable rural land use credits, as~~
 2561 ~~long as the parcel remains within the rural land stewardship~~
 2562 ~~area.~~

2563 ~~f. Transferable rural land use credits shall cease to~~
 2564 ~~exist on a parcel of land where the underlying density assigned~~
 2565 ~~to the parcel of land is utilized.~~

2566 ~~g. An increase in the density of use on a parcel of land~~
 2567 ~~located within a designated receiving area may occur only~~
 2568 ~~through the assignment or use of transferable rural land use~~
 2569 ~~credits and shall not require a plan amendment.~~

2570 ~~h. A change in the density of land use on parcels located~~
 2571 ~~within receiving areas shall be specified in a development order~~
 2572 ~~which reflects the total number of transferable rural land use~~
 2573 ~~credits assigned to the parcel of land and the infrastructure~~
 2574 ~~and support services necessary to provide for a functional mix~~
 2575 ~~of land uses corresponding to the plan of development.~~

2576 ~~i. Land within a rural land stewardship area may be~~

2577 ~~removed from the rural land stewardship area through a plan~~
 2578 ~~amendment.~~

2579 ~~j. Transferable rural land use credits may be assigned at~~
 2580 ~~different ratios of credits per acre according to the natural~~
 2581 ~~resource or other beneficial use characteristics of the land and~~
 2582 ~~according to the land use remaining following the transfer of~~
 2583 ~~credits, with the highest number of credits per acre assigned to~~
 2584 ~~the most environmentally valuable land or, in locations where~~
 2585 ~~the retention of open space and agricultural land is a priority,~~
 2586 ~~to such lands.~~

2587 ~~k. The use or conveyance of transferable rural land use~~
 2588 ~~credits must be recorded in the public records of the county in~~
 2589 ~~which the property is located as a covenant or restrictive~~
 2590 ~~easement running with the land in favor of the county and either~~
 2591 ~~the Department of Environmental Protection, Department of~~
 2592 ~~Agriculture and Consumer Services, a water management district,~~
 2593 ~~or a recognized statewide land trust.~~

2594 ~~7. Owners of land within rural land stewardship areas~~
 2595 ~~should be provided incentives to enter into rural land~~
 2596 ~~stewardship agreements, pursuant to existing law and rules~~
 2597 ~~adopted thereto, with state agencies, water management~~
 2598 ~~districts, and local governments to achieve mutually agreed upon~~
 2599 ~~conservation objectives. Such incentives may include, but not be~~
 2600 ~~limited to, the following:~~

2601 ~~a. Opportunity to accumulate transferable mitigation~~
 2602 ~~credits.~~

2603 ~~b. Extended permit agreements.~~

2604 ~~e. Opportunities for recreational leases and ecotourism.~~

2605 ~~d. Payment for specified land management services on~~
 2606 ~~publicly owned land, or property under covenant or restricted~~
 2607 ~~easement in favor of a public entity.~~

2608 ~~e. Option agreements for sale to public entities or~~
 2609 ~~private land conservation entities, in either fee or easement,~~
 2610 ~~upon achievement of conservation objectives.~~

2611 ~~8. The department shall report to the Legislature on an~~
 2612 ~~annual basis on the results of implementation of rural land~~
 2613 ~~stewardship areas authorized by the department, including~~
 2614 ~~successes and failures in achieving the intent of the~~
 2615 ~~Legislature as expressed in this paragraph.~~

2616 ~~(c) The Legislature finds that mixed-use, high-density~~
 2617 ~~development is appropriate for urban infill and redevelopment~~
 2618 ~~areas. Mixed-use projects accommodate a variety of uses,~~
 2619 ~~including residential and commercial, and usually at higher~~
 2620 ~~densities that promote pedestrian-friendly, sustainable~~
 2621 ~~communities. The Legislature recognizes that mixed-use, high-~~
 2622 ~~density development improves the quality of life for residents~~
 2623 ~~and businesses in urban areas. The Legislature finds that mixed-~~
 2624 ~~use, high-density redevelopment and infill benefits residents by~~
 2625 ~~creating a livable community with alternative modes of~~
 2626 ~~transportation. Furthermore, the Legislature finds that local~~
 2627 ~~zoning ordinances often discourage mixed-use, high-density~~
 2628 ~~development in areas that are appropriate for urban infill and~~
 2629 ~~redevelopment. The Legislature intends to discourage single-use~~
 2630 ~~zoning in urban areas which often leads to lower-density, land-~~
 2631 ~~intensive development outside an urban service area. Therefore,~~
 2632 ~~the Department of Community Affairs shall provide technical~~

2633 ~~assistance to local governments in order to encourage mixed-use,~~
 2634 ~~high-density urban infill and redevelopment projects.~~

2635 ~~(f) The Legislature finds that a program for the transfer~~
 2636 ~~of development rights is a useful tool to preserve historic~~
 2637 ~~buildings and create public open spaces in urban areas. A~~
 2638 ~~program for the transfer of development rights allows the~~
 2639 ~~transfer of density credits from historic properties and public~~
 2640 ~~open spaces to areas designated for high-density development.~~
 2641 ~~The Legislature recognizes that high-density development is~~
 2642 ~~integral to the success of many urban infill and redevelopment~~
 2643 ~~projects. The Legislature intends to encourage high-density~~
 2644 ~~urban infill and redevelopment while preserving historic~~
 2645 ~~structures and open spaces. Therefore, the Department of~~
 2646 ~~Community Affairs shall provide technical assistance to local~~
 2647 ~~governments in order to promote the transfer of development~~
 2648 ~~rights within urban areas for high-density infill and~~
 2649 ~~redevelopment projects.~~

2650 ~~(g) The implementation of this subsection shall be subject~~
 2651 ~~to the provisions of this chapter, chapters 186 and 187, and~~
 2652 ~~applicable agency rules.~~

2653 ~~(h) The department may adopt rules necessary to implement~~
 2654 ~~the provisions of this subsection.~~

2655 ~~(12) A public school facilities element adopted to~~
 2656 ~~implement a school concurrency program shall meet the~~
 2657 ~~requirements of this subsection. Each county and each~~
 2658 ~~municipality within the county, unless exempt or subject to a~~
 2659 ~~waiver, must adopt a public school facilities element that is~~
 2660 ~~consistent with those adopted by the other local governments~~

2661 ~~within the county and enter the interlocal agreement pursuant to~~
 2662 ~~s. 163.31777.~~

2663 ~~(a) The state land planning agency may provide a waiver to~~
 2664 ~~a county and to the municipalities within the county if the~~
 2665 ~~capacity rate for all schools within the school district is no~~
 2666 ~~greater than 100 percent and the projected 5-year capital outlay~~
 2667 ~~full-time equivalent student growth rate is less than 10~~
 2668 ~~percent. The state land planning agency may allow for a~~
 2669 ~~projected 5-year capital outlay full-time equivalent student~~
 2670 ~~growth rate to exceed 10 percent when the projected 10-year~~
 2671 ~~capital outlay full-time equivalent student enrollment is less~~
 2672 ~~than 2,000 students and the capacity rate for all schools within~~
 2673 ~~the school district in the tenth year will not exceed the 100-~~
 2674 ~~percent limitation. The state land planning agency may allow for~~
 2675 ~~a single school to exceed the 100-percent limitation if it can~~
 2676 ~~be demonstrated that the capacity rate for that single school is~~
 2677 ~~not greater than 105 percent. In making this determination, the~~
 2678 ~~state land planning agency shall consider the following~~
 2679 ~~criteria:~~

2680 ~~1. Whether the exceedance is due to temporary~~
 2681 ~~circumstances;~~

2682 ~~2. Whether the projected 5-year capital outlay full time~~
 2683 ~~equivalent student growth rate for the school district is~~
 2684 ~~approaching the 10-percent threshold;~~

2685 ~~3. Whether one or more additional schools within the~~
 2686 ~~school district are at or approaching the 100-percent threshold;~~

2687 ~~and~~

2688 ~~4. The adequacy of the data and analysis submitted to~~

2689 ~~support the waiver request.~~

2690 ~~(b) A municipality in a nonexempt county is exempt if the~~
 2691 ~~municipality meets all of the following criteria for having no~~
 2692 ~~significant impact on school attendance:~~

2693 ~~1. The municipality has issued development orders for~~
 2694 ~~fewer than 50 residential dwelling units during the preceding 5~~
 2695 ~~years, or the municipality has generated fewer than 25~~
 2696 ~~additional public school students during the preceding 5 years.~~

2697 ~~2. The municipality has not annexed new land during the~~
 2698 ~~preceding 5 years in land use categories that permit residential~~
 2699 ~~uses that will affect school attendance rates.~~

2700 ~~3. The municipality has no public schools located within~~
 2701 ~~its boundaries.~~

2702 ~~(c) A public school facilities element shall be based upon~~
 2703 ~~data and analyses that address, among other items, how level of~~
 2704 ~~service standards will be achieved and maintained. Such data and~~
 2705 ~~analyses must include, at a minimum, such items as: the~~
 2706 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~
 2707 ~~year school district facilities work program adopted pursuant to~~
 2708 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~
 2709 ~~1013.31 and an existing educational and ancillary plant map or~~
 2710 ~~map series; information on existing development and development~~
 2711 ~~anticipated for the next 5 years and the long term planning~~
 2712 ~~period; an analysis of problems and opportunities for existing~~
 2713 ~~schools and schools anticipated in the future; an analysis of~~
 2714 ~~opportunities to collocate future schools with other public~~
 2715 ~~facilities such as parks, libraries, and community centers; an~~
 2716 ~~analysis of the need for supporting public facilities for~~

2717 ~~existing and future schools; an analysis of opportunities to~~
 2718 ~~locate schools to serve as community focal points; projected~~
 2719 ~~future population and associated demographics, including~~
 2720 ~~development patterns year by year for the upcoming 5-year and~~
 2721 ~~long-term planning periods; and anticipated educational and~~
 2722 ~~ancillary plants with land area requirements.~~

2723 ~~(d) The element shall contain one or more goals which~~
 2724 ~~establish the long-term end toward which public school programs~~
 2725 ~~and activities are ultimately directed.~~

2726 ~~(e) The element shall contain one or more objectives for~~
 2727 ~~each goal, setting specific, measurable, intermediate ends that~~
 2728 ~~are achievable and mark progress toward the goal.~~

2729 ~~(f) The element shall contain one or more policies for~~
 2730 ~~each objective which establish the way in which programs and~~
 2731 ~~activities will be conducted to achieve an identified goal.~~

2732 ~~(g) The objectives and policies shall address items such~~
 2733 ~~as:~~

- 2734 ~~1. The procedure for an annual update process;~~
- 2735 ~~2. The procedure for school site selection;~~
- 2736 ~~3. The procedure for school permitting;~~
- 2737 ~~4. Provision for infrastructure necessary to support~~
 2738 ~~proposed schools, including potable water, wastewater, drainage,~~
 2739 ~~solid waste, transportation, and means by which to assure safe~~
 2740 ~~access to schools, including sidewalks, bicycle paths, turn~~
 2741 ~~lanes, and signalization;~~
- 2742 ~~5. Provision for colocation of other public facilities,~~
 2743 ~~such as parks, libraries, and community centers, in proximity to~~
 2744 ~~public schools;~~

2745 ~~6. Provision for location of schools proximate to~~
 2746 ~~residential areas and to complement patterns of development,~~
 2747 ~~including the location of future school sites so they serve as~~
 2748 ~~community focal points;~~

2749 ~~7. Measures to ensure compatibility of school sites and~~
 2750 ~~surrounding land uses;~~

2751 ~~8. Coordination with adjacent local governments and the~~
 2752 ~~school district on emergency preparedness issues, including the~~
 2753 ~~use of public schools to serve as emergency shelters; and~~

2754 ~~9. Coordination with the future land use element.~~

2755 ~~(h) The element shall include one or more future~~
 2756 ~~conditions maps which depict the anticipated location of~~
 2757 ~~educational and ancillary plants, including the general location~~
 2758 ~~of improvements to existing schools or new schools anticipated~~
 2759 ~~over the 5-year or long-term planning period. The maps will of~~
 2760 ~~necessity be general for the long-term planning period and more~~
 2761 ~~specific for the 5-year period. Maps indicating general~~
 2762 ~~locations of future schools or school improvements may not~~
 2763 ~~prescribe a land use on a particular parcel of land.~~

2764 ~~(i) The state land planning agency shall establish a~~
 2765 ~~phased schedule for adoption of the public school facilities~~
 2766 ~~element and the required updates to the public schools~~
 2767 ~~interlocal agreement pursuant to s. 163.31777. The schedule~~
 2768 ~~shall provide for each county and local government within the~~
 2769 ~~county to adopt the element and update to the agreement no later~~
 2770 ~~than December 1, 2008. Plan amendments to adopt a public school~~
 2771 ~~facilities element are exempt from the provisions of s.~~
 2772 ~~163.3187(1).~~

2773 ~~(j) The state land planning agency may issue a notice to~~
 2774 ~~the school board and the local government to show cause why~~
 2775 ~~sanctions should not be enforced for failure to enter into an~~
 2776 ~~approved interlocal agreement as required by s. 163.31777 or for~~
 2777 ~~failure to implement provisions relating to public school~~
 2778 ~~concurrency. If the state land planning agency finds that~~
 2779 ~~insufficient cause exists for the school board's or local~~
 2780 ~~government's failure to enter into an approved interlocal~~
 2781 ~~agreement as required by s. 163.31777 or for the school board's~~
 2782 ~~or local government's failure to implement the provisions~~
 2783 ~~relating to public school concurrency, the state land planning~~
 2784 ~~agency shall submit its finding to the Administration Commission~~
 2785 ~~which may impose on the local government any of the sanctions~~
 2786 ~~set forth in s. 163.3184(11) (a) and (b) and may impose on the~~
 2787 ~~district school board any of the sanctions set forth in s.~~
 2788 ~~1008.32(4).~~

2789 ~~(13) Local governments are encouraged to develop a~~
 2790 ~~community vision that provides for sustainable growth,~~
 2791 ~~recognizes its fiscal constraints, and protects its natural~~
 2792 ~~resources. At the request of a local government, the applicable~~
 2793 ~~regional planning council shall provide assistance in the~~
 2794 ~~development of a community vision.~~

2795 ~~(a) As part of the process of developing a community~~
 2796 ~~vision under this section, the local government must hold two~~
 2797 ~~public meetings with at least one of those meetings before the~~
 2798 ~~local planning agency. Before those public meetings, the local~~
 2799 ~~government must hold at least one public workshop with~~
 2800 ~~stakeholder groups such as neighborhood associations, community~~

2801 ~~organizations, businesses, private property owners, housing and~~
 2802 ~~development interests, and environmental organizations.~~

2803 ~~(b) The local government must, at a minimum, discuss five~~
 2804 ~~of the following topics as part of the workshops and public~~
 2805 ~~meetings required under paragraph (a):~~

2806 ~~1. Future growth in the area using population forecasts~~
 2807 ~~from the Bureau of Economic and Business Research;~~

2808 ~~2. Priorities for economic development;~~

2809 ~~3. Preservation of open space, environmentally sensitive~~
 2810 ~~lands, and agricultural lands;~~

2811 ~~4. Appropriate areas and standards for mixed-use~~
 2812 ~~development;~~

2813 ~~5. Appropriate areas and standards for high-density~~
 2814 ~~commercial and residential development;~~

2815 ~~6. Appropriate areas and standards for economic~~
 2816 ~~development opportunities and employment centers;~~

2817 ~~7. Provisions for adequate workforce housing;~~

2818 ~~8. An efficient, interconnected multimodal transportation~~
 2819 ~~system; and~~

2820 ~~9. Opportunities to create land use patterns that~~
 2821 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2822 ~~(c) As part of the workshops and public meetings, the~~
 2823 ~~local government must discuss strategies for addressing the~~
 2824 ~~topics discussed under paragraph (b), including:~~

2825 ~~1. Strategies to preserve open space and environmentally~~
 2826 ~~sensitive lands, and to encourage a healthy agricultural~~
 2827 ~~economy, including innovative planning and development~~
 2828 ~~strategies, such as the transfer of development rights;~~

2829 ~~2. Incentives for mixed-use development, including~~
 2830 ~~increased height and intensity standards for buildings that~~
 2831 ~~provide residential use in combination with office or commercial~~
 2832 ~~space;~~

2833 ~~3. Incentives for workforce housing;~~

2834 ~~4. Designation of an urban service boundary pursuant to~~
 2835 ~~subsection (2); and~~

2836 ~~5. Strategies to provide mobility within the community and~~
 2837 ~~to protect the Strategic Intermodal System, including the~~
 2838 ~~development of a transportation corridor management plan under~~
 2839 ~~s. 337.273.~~

2840 ~~(d) The community vision must reflect the community's~~
 2841 ~~shared concept for growth and development of the community,~~
 2842 ~~including visual representations depicting the desired land use~~
 2843 ~~patterns and character of the community during a 10-year~~
 2844 ~~planning timeframe. The community vision must also take into~~
 2845 ~~consideration economic viability of the vision and private~~
 2846 ~~property interests.~~

2847 ~~(e) After the workshops and public meetings required under~~
 2848 ~~paragraph (a) are held, the local government may amend its~~
 2849 ~~comprehensive plan to include the community vision as a~~
 2850 ~~component in the plan. This plan amendment must be transmitted~~
 2851 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
 2852 ~~163.3189 at public hearings of the governing body other than~~
 2853 ~~those identified in paragraph (a).~~

2854 ~~(f) Amendments submitted under this subsection are exempt~~
 2855 ~~from the limitation on the frequency of plan amendments in s.~~
 2856 ~~163.3187.~~

2857 ~~(g) A local government that has developed a community~~
 2858 ~~vision or completed a visioning process after July 1, 2000, and~~
 2859 ~~before July 1, 2005, which substantially accomplishes the goals~~
 2860 ~~set forth in this subsection and the appropriate goals,~~
 2861 ~~policies, or objectives have been adopted as part of the~~
 2862 ~~comprehensive plan or reflected in subsequently adopted land~~
 2863 ~~development regulations and the plan amendment incorporating the~~
 2864 ~~community vision as a component has been found in compliance is~~
 2865 ~~eligible for the incentives in s. 163.3184(17).~~

2866 ~~(14) Local governments are also encouraged to designate an~~
 2867 ~~urban service boundary. This area must be appropriate for~~
 2868 ~~compact, contiguous urban development within a 10-year planning~~
 2869 ~~timeframe. The urban service area boundary must be identified on~~
 2870 ~~the future land use map or map series. The local government~~
 2871 ~~shall demonstrate that the land included within the urban~~
 2872 ~~service boundary is served or is planned to be served with~~
 2873 ~~adequate public facilities and services based on the local~~
 2874 ~~government's adopted level of service standards by adopting a~~
 2875 ~~10-year facilities plan in the capital improvements element~~
 2876 ~~which is financially feasible. The local government shall~~
 2877 ~~demonstrate that the amount of land within the urban service~~
 2878 ~~boundary does not exceed the amount of land needed to~~
 2879 ~~accommodate the projected population growth at densities~~
 2880 ~~consistent with the adopted comprehensive plan within the 10-~~
 2881 ~~year planning timeframe.~~

2882 ~~(a) As part of the process of establishing an urban~~
 2883 ~~service boundary, the local government must hold two public~~
 2884 ~~meetings with at least one of those meetings before the local~~

2885 ~~planning agency. Before those public meetings, the local~~
 2886 ~~government must hold at least one public workshop with~~
 2887 ~~stakeholder groups such as neighborhood associations, community~~
 2888 ~~organizations, businesses, private property owners, housing and~~
 2889 ~~development interests, and environmental organizations.~~

2890 ~~(b)1. After the workshops and public meetings required~~
 2891 ~~under paragraph (a) are held, the local government may amend its~~
 2892 ~~comprehensive plan to include the urban service boundary. This~~
 2893 ~~plan amendment must be transmitted and adopted pursuant to the~~
 2894 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~
 2895 ~~governing body other than those required under paragraph (a).~~

2896 ~~2. This subsection does not prohibit new development~~
 2897 ~~outside an urban service boundary. However, a local government~~
 2898 ~~that establishes an urban service boundary under this subsection~~
 2899 ~~is encouraged to require a full-cost accounting analysis for any~~
 2900 ~~new development outside the boundary and to consider the results~~
 2901 ~~of that analysis when adopting a plan amendment for property~~
 2902 ~~outside the established urban service boundary.~~

2903 ~~(c) Amendments submitted under this subsection are exempt~~
 2904 ~~from the limitation on the frequency of plan amendments in s.~~
 2905 ~~163.3187.~~

2906 ~~(d) A local government that has adopted an urban service~~
 2907 ~~boundary before July 1, 2005, which substantially accomplishes~~
 2908 ~~the goals set forth in this subsection is not required to comply~~
 2909 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
 2910 ~~to be eligible for the incentives under s. 163.3184(17). In~~
 2911 ~~order to satisfy the provisions of this paragraph, the local~~
 2912 ~~government must secure a determination from the state land~~

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2913 ~~planning agency that the urban service boundary adopted before~~
 2914 ~~July 1, 2005, substantially complies with the criteria of this~~
 2915 ~~subsection, based on data and analysis submitted by the local~~
 2916 ~~government to support this determination. The determination by~~
 2917 ~~the state land planning agency is not subject to administrative~~
 2918 ~~challenge.~~

2919 (7) ~~(15)~~ (a) The Legislature finds that:

2920 1. There are a number of rural agricultural industrial
 2921 centers in the state that process, produce, or aid in the
 2922 production or distribution of a variety of agriculturally based
 2923 products, including, but not limited to, fruits, vegetables,
 2924 timber, and other crops, and juices, paper, and building
 2925 materials. Rural agricultural industrial centers have a
 2926 significant amount of existing associated infrastructure that is
 2927 used for processing, producing, or distributing agricultural
 2928 products.

2929 2. Such rural agricultural industrial centers are often
 2930 located within or near communities in which the economy is
 2931 largely dependent upon agriculture and agriculturally based
 2932 products. The centers significantly enhance the economy of such
 2933 communities. However, these agriculturally based communities are
 2934 often socioeconomically challenged and designated as rural areas
 2935 of critical economic concern. If such rural agricultural
 2936 industrial centers are lost and not replaced with other job-
 2937 creating enterprises, the agriculturally based communities will
 2938 lose a substantial amount of their economies.

2939 3. The state has a compelling interest in preserving the
 2940 viability of agriculture and protecting rural agricultural

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2941 communities and the state from the economic upheaval that would
2942 result from short-term or long-term adverse changes in the
2943 agricultural economy. To protect these communities and promote
2944 viable agriculture for the long term, it is essential to
2945 encourage and permit diversification of existing rural
2946 agricultural industrial centers by providing for jobs that are
2947 not solely dependent upon, but are compatible with and
2948 complement, existing agricultural industrial operations and to
2949 encourage the creation and expansion of industries that use
2950 agricultural products in innovative ways. However, the expansion
2951 and diversification of these existing centers must be
2952 accomplished in a manner that does not promote urban sprawl into
2953 surrounding agricultural and rural areas.

2954 (b) As used in this subsection, the term "rural
2955 agricultural industrial center" means a developed parcel of land
2956 in an unincorporated area on which there exists an operating
2957 agricultural industrial facility or facilities that employ at
2958 least 200 full-time employees in the aggregate and process and
2959 prepare for transport a farm product, as defined in s. 163.3162,
2960 or any biomass material that could be used, directly or
2961 indirectly, for the production of fuel, renewable energy,
2962 bioenergy, or alternative fuel as defined by law. The center may
2963 also include land contiguous to the facility site which is not
2964 used for the cultivation of crops, but on which other existing
2965 activities essential to the operation of such facility or
2966 facilities are located or conducted. The parcel of land must be
2967 located within, or within 10 miles of, a rural area of critical
2968 economic concern.

2969 (c)1. A landowner whose land is located within a rural
 2970 agricultural industrial center may apply for an amendment to the
 2971 local government comprehensive plan for the purpose of
 2972 designating and expanding the existing agricultural industrial
 2973 uses of facilities located within the center or expanding the
 2974 existing center to include industrial uses or facilities that
 2975 are not dependent upon but are compatible with agriculture and
 2976 the existing uses and facilities. A local government
 2977 comprehensive plan amendment under this paragraph must:

2978 a. Not increase the physical area of the existing rural
 2979 agricultural industrial center by more than 50 percent or 320
 2980 acres, whichever is greater.

2981 b. Propose a project that would, upon completion, create
 2982 at least 50 new full-time jobs.

2983 c. Demonstrate that sufficient infrastructure capacity
 2984 exists or will be provided to support the expanded center at the
 2985 level-of-service standards adopted in the local government
 2986 comprehensive plan.

2987 d. Contain goals, objectives, and policies that will
 2988 ensure that any adverse environmental impacts of the expanded
 2989 center will be adequately addressed and mitigation implemented
 2990 or demonstrate that the local government comprehensive plan
 2991 contains such provisions.

2992 2. Within 6 months after receiving an application as
 2993 provided in this paragraph, the local government shall transmit
 2994 the application to the state land planning agency for review
 2995 pursuant to this chapter together with any needed amendments to
 2996 the applicable sections of its comprehensive plan to include

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2997 goals, objectives, and policies that provide for the expansion
 2998 of rural agricultural industrial centers and discourage urban
 2999 sprawl in the surrounding areas. Such goals, objectives, and
 3000 policies must promote and be consistent with the findings in
 3001 this subsection. An amendment that meets the requirements of
 3002 this subsection is presumed not to be urban sprawl as defined in
 3003 s. 163.3164 ~~consistent with rule 9J-5.006(5), Florida~~
 3004 ~~Administrative Code~~. This presumption may be rebutted by a
 3005 preponderance of the evidence.

3006 (d) This subsection does not apply to an optional sector
 3007 plan adopted pursuant to s. 163.3245, a rural land stewardship
 3008 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any
 3009 comprehensive plan amendment that includes an inland port
 3010 terminal or affiliated port development.

3011 (e) Nothing in this subsection shall be construed to
 3012 confer the status of rural area of critical economic concern, or
 3013 any of the rights or benefits derived from such status, on any
 3014 land area not otherwise designated as such pursuant to s.
 3015 288.0656(7).

3016 Section 13. Section 163.31777, Florida Statutes, is
 3017 amended to read:

3018 163.31777 Public schools interlocal agreement.—

3019 (1) ~~(a)~~ The county and municipalities located within the
 3020 geographic area of a school district shall enter into an
 3021 interlocal agreement with the district school board which
 3022 jointly establishes the specific ways in which the plans and
 3023 processes of the district school board and the local governments
 3024 are to be coordinated. ~~The interlocal agreements shall be~~

3025 ~~submitted to the state land planning agency and the Office of~~
 3026 ~~Educational Facilities in accordance with a schedule published~~
 3027 ~~by the state land planning agency.~~

3028 ~~(b) The schedule must establish staggered due dates for~~
 3029 ~~submission of interlocal agreements that are executed by both~~
 3030 ~~the local government and the district school board, commencing~~
 3031 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
 3032 ~~set the same date for all governmental entities within a school~~
 3033 ~~district. However, if the county where the school district is~~
 3034 ~~located contains more than 20 municipalities, the state land~~
 3035 ~~planning agency may establish staggered due dates for the~~
 3036 ~~submission of interlocal agreements by these municipalities. The~~
 3037 ~~schedule must begin with those areas where both the number of~~
 3038 ~~districtwide capital-outlay full-time-equivalent students equals~~
 3039 ~~80 percent or more of the current year's school capacity and the~~
 3040 ~~projected 5-year student growth is 1,000 or greater, or where~~
 3041 ~~the projected 5-year student growth rate is 10 percent or~~
 3042 ~~greater.~~

3043 ~~(c) If the student population has declined over the 5-year~~
 3044 ~~period preceding the due date for submittal of an interlocal~~
 3045 ~~agreement by the local government and the district school board,~~
 3046 ~~the local government and the district school board may petition~~
 3047 ~~the state land planning agency for a waiver of one or more~~
 3048 ~~requirements of subsection (2). The waiver must be granted if~~
 3049 ~~the procedures called for in subsection (2) are unnecessary~~
 3050 ~~because of the school district's declining school age~~
 3051 ~~population, considering the district's 5-year facilities work~~
 3052 ~~program prepared pursuant to s. 1013.35. The state land planning~~

3053 ~~agency may modify or revoke the waiver upon a finding that the~~
 3054 ~~conditions upon which the waiver was granted no longer exist.~~
 3055 ~~The district school board and local governments must submit an~~
 3056 ~~interlocal agreement within 1 year after notification by the~~
 3057 ~~state land planning agency that the conditions for a waiver no~~
 3058 ~~longer exist.~~

3059 ~~(d) Interlocal agreements between local governments and~~
 3060 ~~district school boards adopted pursuant to s. 163.3177 before~~
 3061 ~~the effective date of this section must be updated and executed~~
 3062 ~~pursuant to the requirements of this section, if necessary.~~
 3063 ~~Amendments to interlocal agreements adopted pursuant to this~~
 3064 ~~section must be submitted to the state land planning agency~~
 3065 ~~within 30 days after execution by the parties for review~~
 3066 ~~consistent with this section.~~ Local governments and the district
 3067 school board in each school district are encouraged to adopt a
 3068 single interlocal agreement to which all join as parties. The
 3069 state land planning agency shall assemble and make available
 3070 ~~model interlocal agreements meeting the requirements of this~~
 3071 ~~section and notify local governments and, jointly with the~~
 3072 ~~Department of Education, the district school boards of the~~
 3073 ~~requirements of this section, the dates for compliance, and the~~
 3074 ~~sanctions for noncompliance. The state land planning agency~~
 3075 ~~shall be available to informally review proposed interlocal~~
 3076 ~~agreements. If the state land planning agency has not received a~~
 3077 ~~proposed interlocal agreement for informal review, the state~~
 3078 ~~land planning agency shall, at least 60 days before the deadline~~
 3079 ~~for submission of the executed agreement, renotify the local~~
 3080 ~~government and the district school board of the upcoming~~

3081 ~~deadline and the potential for sanctions.~~

3082 (2) At a minimum, the interlocal agreement must address
 3083 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
 3084 ~~for exempt local governments as provided in s. 163.3177(12), and~~
 3085 ~~must address~~ the following issues:

3086 (a) A process by which each local government and the
 3087 district school board agree and base their plans on consistent
 3088 projections of the amount, type, and distribution of population
 3089 growth and student enrollment. The geographic distribution of
 3090 jurisdiction-wide growth forecasts is a major objective of the
 3091 process.

3092 (b) A process to coordinate and share information relating
 3093 to existing and planned public school facilities, including
 3094 school renovations and closures, and local government plans for
 3095 development and redevelopment.

3096 (c) Participation by affected local governments with the
 3097 district school board in the process of evaluating potential
 3098 school closures, significant renovations to existing schools,
 3099 and new school site selection before land acquisition. Local
 3100 governments shall advise the district school board as to the
 3101 consistency of the proposed closure, renovation, or new site
 3102 with the local comprehensive plan, including appropriate
 3103 circumstances and criteria under which a district school board
 3104 may request an amendment to the comprehensive plan for school
 3105 siting.

3106 (d) A process for determining the need for and timing of
 3107 onsite and offsite improvements to support new, proposed
 3108 expansion, or redevelopment of existing schools. The process

3109 must address identification of the party or parties responsible
 3110 for the improvements.

3111 (e) A process for the school board to inform the local
 3112 government regarding the effect of comprehensive plan amendments
 3113 on school capacity. The capacity reporting must be consistent
 3114 with laws and rules relating to measurement of school facility
 3115 capacity and must also identify how the district school board
 3116 will meet the public school demand based on the facilities work
 3117 program adopted pursuant to s. 1013.35.

3118 (f) Participation of the local governments in the
 3119 preparation of the annual update to the district school board's
 3120 5-year district facilities work program and educational plant
 3121 survey prepared pursuant to s. 1013.35.

3122 (g) A process for determining where and how joint use of
 3123 either school board or local government facilities can be shared
 3124 for mutual benefit and efficiency.

3125 (h) A procedure for the resolution of disputes between the
 3126 district school board and local governments, which may include
 3127 the dispute resolution processes contained in chapters 164 and
 3128 186.

3129 (i) An oversight process, including an opportunity for
 3130 public participation, for the implementation of the interlocal
 3131 agreement.

3132 ~~(3) (a) The Office of Educational Facilities shall submit~~
 3133 ~~any comments or concerns regarding the executed interlocal~~
 3134 ~~agreement to the state land planning agency within 30 days after~~
 3135 ~~receipt of the executed interlocal agreement. The state land~~
 3136 ~~planning agency shall review the executed interlocal agreement~~

3137 ~~to determine whether it is consistent with the requirements of~~
 3138 ~~subsection (2), the adopted local government comprehensive plan,~~
 3139 ~~and other requirements of law. Within 60 days after receipt of~~
 3140 ~~an executed interlocal agreement, the state land planning agency~~
 3141 ~~shall publish a notice of intent in the Florida Administrative~~
 3142 ~~Weekly and shall post a copy of the notice on the agency's~~
 3143 ~~Internet site. The notice of intent must state whether the~~
 3144 ~~interlocal agreement is consistent or inconsistent with the~~
 3145 ~~requirements of subsection (2) and this subsection, as~~
 3146 ~~appropriate.~~

3147 ~~(b) The state land planning agency's notice is subject to~~
 3148 ~~challenge under chapter 120; however, an affected person, as~~
 3149 ~~defined in s. 163.3184(1) (a), has standing to initiate the~~
 3150 ~~administrative proceeding, and this proceeding is the sole means~~
 3151 ~~available to challenge the consistency of an interlocal~~
 3152 ~~agreement required by this section with the criteria contained~~
 3153 ~~in subsection (2) and this subsection. In order to have~~
 3154 ~~standing, each person must have submitted oral or written~~
 3155 ~~comments, recommendations, or objections to the local government~~
 3156 ~~or the school board before the adoption of the interlocal~~
 3157 ~~agreement by the school board and local government. The district~~
 3158 ~~school board and local governments are parties to any such~~
 3159 ~~proceeding. In this proceeding, when the state land planning~~
 3160 ~~agency finds the interlocal agreement to be consistent with the~~
 3161 ~~criteria in subsection (2) and this subsection, the interlocal~~
 3162 ~~agreement shall be determined to be consistent with subsection~~
 3163 ~~(2) and this subsection if the local government's and school~~
 3164 ~~board's determination of consistency is fairly debatable. When~~

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3165 ~~the state planning agency finds the interlocal agreement to be~~
3166 ~~inconsistent with the requirements of subsection (2) and this~~
3167 ~~subsection, the local government's and school board's~~
3168 ~~determination of consistency shall be sustained unless it is~~
3169 ~~shown by a preponderance of the evidence that the interlocal~~
3170 ~~agreement is inconsistent.~~

3171 ~~(c) If the state land planning agency enters a final order~~
3172 ~~that finds that the interlocal agreement is inconsistent with~~
3173 ~~the requirements of subsection (2) or this subsection, it shall~~
3174 ~~forward it to the Administration Commission, which may impose~~
3175 ~~sanctions against the local government pursuant to s.~~
3176 ~~163.3184(11) and may impose sanctions against the district~~
3177 ~~school board by directing the Department of Education to~~
3178 ~~withhold from the district school board an equivalent amount of~~
3179 ~~funds for school construction available pursuant to ss. 1013.65,~~
3180 ~~1013.68, 1013.70, and 1013.72.~~

3181 ~~(4) If an executed interlocal agreement is not timely~~
3182 ~~submitted to the state land planning agency for review, the~~
3183 ~~state land planning agency shall, within 15 working days after~~
3184 ~~the deadline for submittal, issue to the local government and~~
3185 ~~the district school board a Notice to Show Cause why sanctions~~
3186 ~~should not be imposed for failure to submit an executed~~
3187 ~~interlocal agreement by the deadline established by the agency.~~
3188 ~~The agency shall forward the notice and the responses to the~~
3189 ~~Administration Commission, which may enter a final order citing~~
3190 ~~the failure to comply and imposing sanctions against the local~~
3191 ~~government and district school board by directing the~~
3192 ~~appropriate agencies to withhold at least 5 percent of state~~

3193 ~~funds pursuant to s. 163.3184(11) and by directing the~~
 3194 ~~Department of Education to withhold from the district school~~
 3195 ~~board at least 5 percent of funds for school construction~~
 3196 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
 3197 ~~1013.72.~~

3198 ~~(5) Any local government transmitting a public school~~
 3199 ~~element to implement school concurrency pursuant to the~~
 3200 ~~requirements of s. 163.3180 before the effective date of this~~
 3201 ~~section is not required to amend the element or any interlocal~~
 3202 ~~agreement to conform with the provisions of this section if the~~
 3203 ~~element is adopted prior to or within 1 year after the effective~~
 3204 ~~date of this section and remains in effect until the county~~
 3205 ~~conducts its evaluation and appraisal report and identifies~~
 3206 ~~changes necessary to more fully conform to the provisions of~~
 3207 ~~this section.~~

3208 ~~(6) Except as provided in subsection (7), municipalities~~
 3209 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
 3210 ~~from the requirements of subsections (1), (2), and (3).~~

3211 ~~(7) At the time of the evaluation and appraisal report,~~
 3212 ~~each exempt municipality shall assess the extent to which it~~
 3213 ~~continues to meet the criteria for exemption under s.~~
 3214 ~~163.3177(12). If the municipality continues to meet these~~
 3215 ~~eriteria, the municipality shall continue to be exempt from the~~
 3216 ~~interlocal-agreement requirement. Each municipality exempt under~~
 3217 ~~s. 163.3177(12) must comply with the provisions of this section~~
 3218 ~~within 1 year after the district school board proposes, in its~~
 3219 ~~5-year district facilities work program, a new school within the~~
 3220 ~~municipality's jurisdiction.~~

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3221 Section 14. Subsection (9) of section 163.3178, Florida
 3222 Statutes, is amended to read:

3223 163.3178 Coastal management.—

3224 (9) (a) ~~Local governments may elect to comply with rule 9J-~~
 3225 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~
 3226 ~~process provided in this section.~~ A proposed comprehensive plan
 3227 amendment shall be found in compliance with state coastal high-
 3228 hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7.,~~
 3229 ~~Florida Administrative Code, if:~~

3230 1. The adopted level of service for out-of-county
 3231 hurricane evacuation is maintained for a category 5 storm event
 3232 as measured on the Saffir-Simpson scale; or

3233 2. A 12-hour evacuation time to shelter is maintained for
 3234 a category 5 storm event as measured on the Saffir-Simpson scale
 3235 and shelter space reasonably expected to accommodate the
 3236 residents of the development contemplated by a proposed
 3237 comprehensive plan amendment is available; or

3238 3. Appropriate mitigation is provided that will satisfy
 3239 ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate
 3240 mitigation shall include, without limitation, payment of money,
 3241 contribution of land, and construction of hurricane shelters and
 3242 transportation facilities. Required mitigation may ~~shall~~ not
 3243 exceed the amount required for a developer to accommodate
 3244 impacts reasonably attributable to development. A local
 3245 government and a developer shall enter into a binding agreement
 3246 to memorialize the mitigation plan.

3247 (b) For those local governments that have not established
 3248 a level of service for out-of-county hurricane evacuation by

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3249 July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and~~
 3250 ~~7., Florida Administrative Code,~~ by following the process in
 3251 paragraph (a), the level of service shall be no greater than 16
 3252 hours for a category 5 storm event as measured on the Saffir-
 3253 Simpson scale.

3254 (c) This subsection shall become effective immediately and
 3255 shall apply to all local governments. No later than July 1,
 3256 2008, local governments shall amend their future land use map
 3257 and coastal management element to include the new definition of
 3258 coastal high-hazard area and to depict the coastal high-hazard
 3259 area on the future land use map.

3260 Section 15. Section 163.3180, Florida Statutes, is amended
 3261 to read:

3262 163.3180 Concurrency.—

3263 (1)~~(a)~~ Sanitary sewer, solid waste, drainage, and potable
 3264 water, ~~parks and recreation, schools, and transportation~~
 3265 ~~facilities, including mass transit, where applicable,~~ are the
 3266 only public facilities and services subject to the concurrency
 3267 requirement on a statewide basis. Additional public facilities
 3268 and services may not be made subject to concurrency on a
 3269 statewide basis without ~~appropriate study and~~ approval by the
 3270 Legislature; however, any local government may extend the
 3271 concurrency requirement so that it applies to additional public
 3272 facilities within its jurisdiction. If concurrency is applied to
 3273 other public facilities, the local government comprehensive plan
 3274 must provide the principles, guidelines, standards, and
 3275 strategies, including adopted levels of service, to guide its
 3276 application. In order for a local government to rescind any

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3277 optional concurrency provisions, a comprehensive plan amendment
 3278 is required. An amendment rescinding optional concurrency issues
 3279 is not subject to state review. The local government
 3280 comprehensive plan must demonstrate, for required or optional
 3281 concurrency requirements, that the levels of service adopted can
 3282 be reasonably met. Infrastructure needed to ensure that adopted
 3283 level-of-service standards are achieved and maintained for the
 3284 5-year period of the capital improvement schedule must be
 3285 identified pursuant to the requirements of s. 163.3177(3).

3286 ~~(b) Local governments shall use professionally accepted~~
 3287 ~~techniques for measuring level of service for automobiles,~~
 3288 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~
 3289 ~~be used to evaluate increased accessibility by multiple modes~~
 3290 ~~and reductions in vehicle miles of travel in an area or zone.~~
 3291 ~~The Department of Transportation shall develop methodologies to~~
 3292 ~~assist local governments in implementing this multimodal level-~~
 3293 ~~of-service analysis. The Department of Community Affairs and the~~
 3294 ~~Department of Transportation shall provide technical assistance~~
 3295 ~~to local governments in applying these methodologies.~~

3296 (2)(a) Consistent with public health and safety, sanitary
 3297 sewer, solid waste, drainage, adequate water supplies, and
 3298 potable water facilities shall be in place and available to
 3299 serve new development no later than the issuance by the local
 3300 government of a certificate of occupancy or its functional
 3301 equivalent. Prior to approval of a building permit or its
 3302 functional equivalent, the local government shall consult with
 3303 the applicable water supplier to determine whether adequate
 3304 water supplies to serve the new development will be available no

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3305 later than the anticipated date of issuance by the local
3306 government of a certificate of occupancy or its functional
3307 equivalent. A local government may meet the concurrency
3308 requirement for sanitary sewer through the use of onsite sewage
3309 treatment and disposal systems approved by the Department of
3310 Health to serve new development.

3311 ~~(b) Consistent with the public welfare, and except as~~
3312 ~~otherwise provided in this section, parks and recreation~~
3313 ~~facilities to serve new development shall be in place or under~~
3314 ~~actual construction no later than 1 year after issuance by the~~
3315 ~~local government of a certificate of occupancy or its functional~~
3316 ~~equivalent. However, the acreage for such facilities shall be~~
3317 ~~dedicated or be acquired by the local government prior to~~
3318 ~~issuance by the local government of a certificate of occupancy~~
3319 ~~or its functional equivalent, or funds in the amount of the~~
3320 ~~developer's fair share shall be committed no later than the~~
3321 ~~local government's approval to commence construction.~~

3322 ~~(c) Consistent with the public welfare, and except as~~
3323 ~~otherwise provided in this section, transportation facilities~~
3324 ~~needed to serve new development shall be in place or under~~
3325 ~~actual construction within 3 years after the local government~~
3326 ~~approves a building permit or its functional equivalent that~~
3327 ~~results in traffic generation.~~

3328 (3) Governmental entities that are not responsible for
3329 providing, financing, operating, or regulating public facilities
3330 needed to serve development may not establish binding level-of-
3331 service standards on governmental entities that do bear those
3332 responsibilities. ~~This subsection does not limit the authority~~

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3333 ~~of any agency to recommend or make objections, recommendations,~~
 3334 ~~comments, or determinations during reviews conducted under s.~~
 3335 ~~163.3184.~~

3336 (4)(a) The concurrency requirement as implemented in local
 3337 comprehensive plans applies to state and other public facilities
 3338 and development to the same extent that it applies to all other
 3339 facilities and development, as provided by law.

3340 ~~(b) The concurrency requirement as implemented in local~~
 3341 ~~comprehensive plans does not apply to public transit facilities.~~
 3342 ~~For the purposes of this paragraph, public transit facilities~~
 3343 ~~include transit stations and terminals; transit station parking;~~
 3344 ~~park and ride lots; intermodal public transit connection or~~
 3345 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~
 3346 ~~airport passenger terminals and concourses, air cargo~~
 3347 ~~facilities, and hangars for the assembly, manufacture,~~
 3348 ~~maintenance, or storage of aircraft. As used in this paragraph,~~
 3349 ~~the terms "terminals" and "transit facilities" do not include~~
 3350 ~~seaports or commercial or residential development constructed in~~
 3351 ~~conjunction with a public transit facility.~~

3352 ~~(c) The concurrency requirement, except as it relates to~~
 3353 ~~transportation facilities and public schools, as implemented in~~
 3354 ~~local government comprehensive plans, may be waived by a local~~
 3355 ~~government for urban infill and redevelopment areas designated~~
 3356 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~
 3357 ~~public health or safety as defined by the local government in~~
 3358 ~~its local government comprehensive plan. The waiver shall be~~
 3359 ~~adopted as a plan amendment pursuant to the process set forth in~~
 3360 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~

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3361 ~~exception pursuant to subsection (5) for transportation~~
3362 ~~facilities located within these urban infill and redevelopment~~
3363 ~~areas.~~

3364 (5) (a) If concurrency is applied to transportation
3365 facilities, the local government comprehensive plan must provide
3366 the principles, guidelines, standards, and strategies, including
3367 adopted levels of service to guide its application.

3368 (b) Local governments shall use professionally accepted
3369 studies to determine appropriate levels of service, which shall
3370 be based on a schedule of facilities that will be necessary to
3371 meet level of service demands reflected in the capital
3372 improvement element.

3373 (c) Local governments shall use professionally accepted
3374 techniques for measuring levels of service when evaluating
3375 potential impacts of a proposed development.

3376 (d) The premise of concurrency is that the public
3377 facilities will be provided in order to achieve and maintain the
3378 adopted level of service standard. A comprehensive plan that
3379 imposes transportation concurrency shall contain appropriate
3380 amendments to the capital improvements element of the
3381 comprehensive plan, consistent with the requirements of s.
3382 163.3177(3). The capital improvements element shall identify
3383 facilities necessary to meet adopted levels of service during a
3384 5-year period.

3385 (e) If a local government applies transportation
3386 concurrency in its jurisdiction, it is encouraged to develop
3387 policy guidelines and techniques to address potential negative
3388 impacts on future development:

- 3389 1. In urban infill and redevelopment, and urban service
 3390 areas.
- 3391 2. With special part-time demands on the transportation
 3392 system.
- 3393 3. With de minimis impacts.
- 3394 4. On community desired types of development, such as
 3395 redevelopment, or job creation projects.
- 3396 (f) Local governments are encouraged to develop tools and
 3397 techniques to complement the application of transportation
 3398 concurrency such as:
- 3399 1. Adoption of long-term strategies to facilitate
 3400 development patterns that support multimodal solutions,
 3401 including urban design, and appropriate land use mixes,
 3402 including intensity and density.
- 3403 2. Adoption of an areawide level of service not dependent
 3404 on any single road segment function.
- 3405 3. Exempting or discounting impacts of locally desired
 3406 development, such as development in urban areas, redevelopment,
 3407 job creation, and mixed use on the transportation system.
- 3408 4. Assigning secondary priority to vehicle mobility and
 3409 primary priority to ensuring a safe, comfortable, and attractive
 3410 pedestrian environment, with convenient interconnection to
 3411 transit.
- 3412 5. Establishing multimodal level of service standards that
 3413 rely primarily on nonvehicular modes of transportation where
 3414 existing or planned community design will provide adequate level
 3415 of mobility.
- 3416 6. Reducing impact fees or local access fees to promote

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3417 development within urban areas, multimodal transportation
 3418 districts, and a balance of mixed use development in certain
 3419 areas or districts, or for affordable or workforce housing.

3420 (g) Local governments are encouraged to coordinate with
 3421 adjacent local governments for the purpose of using common
 3422 methodologies for measuring impacts on transportation
 3423 facilities.

3424 (h) Local governments that implement transportation
 3425 concurrency must:

3426 1. Consult with the Department of Transportation when
 3427 proposed plan amendments affect facilities on the strategic
 3428 intermodal system.

3429 2. Exempt public transit facilities from concurrency. For
 3430 the purposes of this subparagraph, public transit facilities
 3431 include transit stations and terminals; transit station parking;
 3432 park-and-ride lots; intermodal public transit connection or
 3433 transfer facilities; fixed bus, guideway, and rail stations; and
 3434 airport passenger terminals and concourses, air cargo
 3435 facilities, and hangars for the assembly, manufacture,
 3436 maintenance, or storage of aircraft. As used in this
 3437 subparagraph, the terms "terminals" and "transit facilities" do
 3438 not include seaports or commercial or residential development
 3439 constructed in conjunction with a public transit facility.

3440 3. Allow an applicant for a development-of-regional-impact
 3441 development order, a rezoning, or other land use development
 3442 permit to satisfy the transportation concurrency requirements of
 3443 the local comprehensive plan, the local government's concurrency
 3444 management system, and s. 380.06, when applicable, if:

3445 a. The applicant enters into a binding agreement to pay
 3446 for or construct its proportionate share of required
 3447 improvements.

3448 b. The proportionate share contribution or construction is
 3449 sufficient to accomplish one or more mobility improvements that
 3450 will benefit a regionally significant transportation facility.

3451 c. The local government has provided a means by which the
 3452 landowner will be assessed a proportionate share of the cost of
 3453 providing the transportation facilities necessary to serve the
 3454 proposed development.

3455
 3456 When an applicant contributes or constructs its proportionate
 3457 share, pursuant to this subparagraph, a local government may not
 3458 require payment or construction of transportation facilities
 3459 whose costs would be greater than a development's proportionate
 3460 share of the improvements necessary to mitigate the
 3461 development's impacts. The proportionate share contribution
 3462 shall be calculated based upon the number of trips from the
 3463 proposed development expected to reach roadways during the peak
 3464 hour from the stage or phase being approved, divided by the
 3465 change in the peak hour maximum service volume of roadways
 3466 resulting from construction of an improvement necessary to
 3467 maintain or achieve the adopted level of service, multiplied by
 3468 the construction cost, at the time of development payment, of
 3469 the improvement necessary to maintain or achieve the adopted
 3470 level of service. When the requirements of this paragraph have
 3471 been satisfied for a particular stage or phase of development,
 3472 all transportation impacts from that stage or phase shall be

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3473 deemed fully mitigated in any cumulative transportation analysis
3474 for a subsequent stage or phase of development. In projecting
3475 the number of trips to be generated by the development under
3476 review, any trips assigned to a toll-financed facility shall be
3477 eliminated from the analysis. The applicant is not responsible
3478 for the cost of reducing or eliminating deficits that exist
3479 prior to the filing of the application and shall receive a
3480 credit on a dollar-for-dollar basis for transportation impact
3481 fees payable in the future for the project. This subparagraph
3482 does not require a local government to approve a development
3483 that is not otherwise qualified for approval pursuant to the
3484 applicable local comprehensive plan and land development
3485 regulations.

3486 ~~(a) The Legislature finds that under limited~~
3487 ~~circumstances, countervailing planning and public policy goals~~
3488 ~~may come into conflict with the requirement that adequate public~~
3489 ~~transportation facilities and services be available concurrent~~
3490 ~~with the impacts of such development. The Legislature further~~
3491 ~~finds that the unintended result of the concurrency requirement~~
3492 ~~for transportation facilities is often the discouragement of~~
3493 ~~urban infill development and redevelopment. Such unintended~~
3494 ~~results directly conflict with the goals and policies of the~~
3495 ~~state comprehensive plan and the intent of this part. The~~
3496 ~~Legislature also finds that in urban centers transportation~~
3497 ~~cannot be effectively managed and mobility cannot be improved~~
3498 ~~solely through the expansion of roadway capacity, that the~~
3499 ~~expansion of roadway capacity is not always physically or~~
3500 ~~financially possible, and that a range of transportation~~

3501 ~~alternatives is essential to satisfy mobility needs, reduce~~
 3502 ~~congestion, and achieve healthy, vibrant centers.~~

3503 ~~(b)1. The following are transportation concurrency~~
 3504 ~~exception areas:~~

3505 ~~a. A municipality that qualifies as a dense urban land~~
 3506 ~~area under s. 163.3164;~~

3507 ~~b. An urban service area under s. 163.3164 that has been~~
 3508 ~~adopted into the local comprehensive plan and is located within~~
 3509 ~~a county that qualifies as a dense urban land area under s.~~
 3510 ~~163.3164; and~~

3511 ~~e. A county, including the municipalities located therein,~~
 3512 ~~which has a population of at least 900,000 and qualifies as a~~
 3513 ~~dense urban land area under s. 163.3164, but does not have an~~
 3514 ~~urban service area designated in the local comprehensive plan.~~

3515 ~~2. A municipality that does not qualify as a dense urban~~
 3516 ~~land area pursuant to s. 163.3164 may designate in its local~~
 3517 ~~comprehensive plan the following areas as transportation~~
 3518 ~~concurrency exception areas:~~

3519 ~~a. Urban infill as defined in s. 163.3164;~~

3520 ~~b. Community redevelopment areas as defined in s. 163.340;~~

3521 ~~e. Downtown revitalization areas as defined in s.~~
 3522 ~~163.3164;~~

3523 ~~d. Urban infill and redevelopment under s. 163.2517; or~~

3524 ~~e. Urban service areas as defined in s. 163.3164 or areas~~
 3525 ~~within a designated urban service boundary under s.~~
 3526 ~~163.3177(14).~~

3527 ~~3. A county that does not qualify as a dense urban land~~
 3528 ~~area pursuant to s. 163.3164 may designate in its local~~

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3529 ~~comprehensive plan the following areas as transportation~~
3530 ~~concurrency exception areas:~~

3531 ~~a. Urban infill as defined in s. 163.3164;~~
3532 ~~b. Urban infill and redevelopment under s. 163.2517; or~~
3533 ~~e. Urban service areas as defined in s. 163.3164.~~

3534 ~~4. A local government that has a transportation~~
3535 ~~concurrency exception area designated pursuant to subparagraph~~
3536 ~~1., subparagraph 2., or subparagraph 3. shall, within 2 years~~
3537 ~~after the designated area becomes exempt, adopt into its local~~
3538 ~~comprehensive plan land use and transportation strategies to~~
3539 ~~support and fund mobility within the exception area, including~~
3540 ~~alternative modes of transportation. Local governments are~~
3541 ~~encouraged to adopt complementary land use and transportation~~
3542 ~~strategies that reflect the region's shared vision for its~~
3543 ~~future. If the state land planning agency finds insufficient~~
3544 ~~cause for the failure to adopt into its comprehensive plan land~~
3545 ~~use and transportation strategies to support and fund mobility~~
3546 ~~within the designated exception area after 2 years, it shall~~
3547 ~~submit the finding to the Administration Commission, which may~~
3548 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~
3549 ~~(b) against the local government.~~

3550 ~~5. Transportation concurrency exception areas designated~~
3551 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~
3552 ~~do not apply to designated transportation concurrency districts~~
3553 ~~located within a county that has a population of at least 1.5~~
3554 ~~million, has implemented and uses a transportation-related~~
3555 ~~concurrency assessment to support alternative modes of~~
3556 ~~transportation, including, but not limited to, mass transit, and~~

3557 ~~does not levy transportation impact fees within the concurrency~~
 3558 ~~district.~~

3559 ~~6. Transportation concurrency exception areas designated~~
 3560 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~
 3561 ~~not apply in any county that has exempted more than 40 percent~~
 3562 ~~of the area inside the urban service area from transportation~~
 3563 ~~concurrency for the purpose of urban infill.~~

3564 ~~7. A local government that does not have a transportation~~
 3565 ~~concurrency exception area designated pursuant to subparagraph~~
 3566 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~
 3567 ~~from the concurrency requirement for transportation facilities~~
 3568 ~~if the proposed development is otherwise consistent with the~~
 3569 ~~adopted local government comprehensive plan and is a project~~
 3570 ~~that promotes public transportation or is located within an area~~
 3571 ~~designated in the comprehensive plan for:~~

- 3572 ~~a. Urban infill development;~~
- 3573 ~~b. Urban redevelopment;~~
- 3574 ~~c. Downtown revitalization;~~
- 3575 ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3576 ~~e. An urban service area specifically designated as a~~
 3577 ~~transportation concurrency exception area which includes lands~~
 3578 ~~appropriate for compact, contiguous urban development, which~~
 3579 ~~does not exceed the amount of land needed to accommodate the~~
 3580 ~~projected population growth at densities consistent with the~~
 3581 ~~adopted comprehensive plan within the 10-year planning period,~~
 3582 ~~and which is served or is planned to be served with public~~
 3583 ~~facilities and services as provided by the capital improvements~~
 3584 ~~element.~~

3585 ~~(c) The Legislature also finds that developments located~~
3586 ~~within urban infill, urban redevelopment, urban service, or~~
3587 ~~downtown revitalization areas or areas designated as urban~~
3588 ~~infill and redevelopment areas under s. 163.2517, which pose~~
3589 ~~only special part-time demands on the transportation system, are~~
3590 ~~exempt from the concurrency requirement for transportation~~
3591 ~~facilities. A special part-time demand is one that does not have~~
3592 ~~more than 200 scheduled events during any calendar year and does~~
3593 ~~not affect the 100 highest traffic volume hours.~~

3594 ~~(d) Except for transportation concurrency exception areas~~
3595 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~
3596 ~~or subparagraph (b)3., the following requirements apply:~~

3597 ~~1. The local government shall both adopt into the~~
3598 ~~comprehensive plan and implement long-term strategies to support~~
3599 ~~and fund mobility within the designated exception area,~~
3600 ~~including alternative modes of transportation. The plan~~
3601 ~~amendment must also demonstrate how strategies will support the~~
3602 ~~purpose of the exception and how mobility within the designated~~
3603 ~~exception area will be provided.~~

3604 ~~2. The strategies must address urban design; appropriate~~
3605 ~~land use mixes, including intensity and density; and network~~
3606 ~~connectivity plans needed to promote urban infill,~~
3607 ~~redevelopment, or downtown revitalization. The comprehensive~~
3608 ~~plan amendment designating the concurrency exception area must~~
3609 ~~be accompanied by data and analysis supporting the local~~
3610 ~~government's determination of the boundaries of the~~
3611 ~~transportation concurrency exception area.~~

3612 ~~(e) Before designating a concurrency exception area~~

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3613 ~~pursuant to subparagraph (b)7., the state land planning agency~~
3614 ~~and the Department of Transportation shall be consulted by the~~
3615 ~~local government to assess the impact that the proposed~~
3616 ~~exception area is expected to have on the adopted level of~~
3617 ~~service standards established for regional transportation~~
3618 ~~facilities identified pursuant to s. 186.507, including the~~
3619 ~~Strategic Intermodal System and roadway facilities funded in~~
3620 ~~accordance with s. 339.2819. Further, the local government shall~~
3621 ~~provide a plan for the mitigation of impacts to the Strategic~~
3622 ~~Intermodal System, including, if appropriate, access management,~~
3623 ~~parallel reliever roads, transportation demand management, and~~
3624 ~~other measures.~~

3625 ~~(f) The designation of a transportation concurrency~~
3626 ~~exception area does not limit a local government's home rule~~
3627 ~~power to adopt ordinances or impose fees. This subsection does~~
3628 ~~not affect any contract or agreement entered into or development~~
3629 ~~order rendered before the creation of the transportation~~
3630 ~~concurrency exception area except as provided in s.~~
3631 ~~380.06(29)(c).~~

3632 ~~(g) The Office of Program Policy Analysis and Government~~
3633 ~~Accountability shall submit to the President of the Senate and~~
3634 ~~the Speaker of the House of Representatives by February 1, 2015,~~
3635 ~~a report on transportation concurrency exception areas created~~
3636 ~~pursuant to this subsection. At a minimum, the report shall~~
3637 ~~address the methods that local governments have used to~~
3638 ~~implement and fund transportation strategies to achieve the~~
3639 ~~purposes of designated transportation concurrency exception~~
3640 ~~areas, and the effects of the strategies on mobility,~~

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3641 ~~congestion, urban design, the density and intensity of land use~~
3642 ~~mixes, and network connectivity plans used to promote urban~~
3643 ~~infill, redevelopment, or downtown revitalization.~~

3644 ~~(6) The Legislature finds that a de minimis impact is~~
3645 ~~consistent with this part. A de minimis impact is an impact that~~
3646 ~~would not affect more than 1 percent of the maximum volume at~~
3647 ~~the adopted level of service of the affected transportation~~
3648 ~~facility as determined by the local government. No impact will~~
3649 ~~be de minimis if the sum of existing roadway volumes and the~~
3650 ~~projected volumes from approved projects on a transportation~~
3651 ~~facility would exceed 110 percent of the maximum volume at the~~
3652 ~~adopted level of service of the affected transportation~~
3653 ~~facility; provided however, that an impact of a single family~~
3654 ~~home on an existing lot will constitute a de minimis impact on~~
3655 ~~all roadways regardless of the level of the deficiency of the~~
3656 ~~roadway. Further, no impact will be de minimis if it would~~
3657 ~~exceed the adopted level of service standard of any affected~~
3658 ~~designated hurricane evacuation routes. Each local government~~
3659 ~~shall maintain sufficient records to ensure that the 110 percent~~
3660 ~~criterion is not exceeded. Each local government shall submit~~
3661 ~~annually, with its updated capital improvements element, a~~
3662 ~~summary of the de minimis records. If the state land planning~~
3663 ~~agency determines that the 110 percent criterion has been~~
3664 ~~exceeded, the state land planning agency shall notify the local~~
3665 ~~government of the exceedance and that no further de minimis~~
3666 ~~exceptions for the applicable roadway may be granted until such~~
3667 ~~time as the volume is reduced below the 110 percent. The local~~
3668 ~~government shall provide proof of this reduction to the state~~

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3669 ~~land planning agency before issuing further de minimis~~
3670 ~~exceptions.~~

3671 ~~(7) In order to promote infill development and~~
3672 ~~redevelopment, one or more transportation concurrency management~~
3673 ~~areas may be designated in a local government comprehensive~~
3674 ~~plan. A transportation concurrency management area must be a~~
3675 ~~compact geographic area with an existing network of roads where~~
3676 ~~multiple, viable alternative travel paths or modes are available~~
3677 ~~for common trips. A local government may establish an areawide~~
3678 ~~level of service standard for such a transportation concurrency~~
3679 ~~management area based upon an analysis that provides for a~~
3680 ~~justification for the areawide level of service, how urban~~
3681 ~~infill development or redevelopment will be promoted, and how~~
3682 ~~mobility will be accomplished within the transportation~~
3683 ~~concurrency management area. Prior to the designation of a~~
3684 ~~concurrency management area, the Department of Transportation~~
3685 ~~shall be consulted by the local government to assess the impact~~
3686 ~~that the proposed concurrency management area is expected to~~
3687 ~~have on the adopted level of service standards established for~~
3688 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~
3689 ~~and roadway facilities funded in accordance with s. 339.2819.~~
3690 ~~Further, the local government shall, in cooperation with the~~
3691 ~~Department of Transportation, develop a plan to mitigate any~~
3692 ~~impacts to the Strategic Intermodal System, including, if~~
3693 ~~appropriate, the development of a long-term concurrency~~
3694 ~~management system pursuant to subsection (9) and s.~~
3695 ~~163.3177(3)(d). Transportation concurrency management areas~~
3696 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~

3697 ~~provisions of this section by July 1, 2006, or at the time of~~
 3698 ~~the comprehensive plan update pursuant to the evaluation and~~
 3699 ~~appraisal report, whichever occurs last. The state land planning~~
 3700 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~
 3701 ~~be consistent with this subsection.~~

3702 ~~(8) When assessing the transportation impacts of proposed~~
 3703 ~~urban redevelopment within an established existing urban service~~
 3704 ~~area, 110 percent of the actual transportation impact caused by~~
 3705 ~~the previously existing development must be reserved for the~~
 3706 ~~redevelopment, even if the previously existing development has a~~
 3707 ~~lesser or nonexistent impact pursuant to the calculations of the~~
 3708 ~~local government. Redevelopment requiring less than 110 percent~~
 3709 ~~of the previously existing capacity shall not be prohibited due~~
 3710 ~~to the reduction of transportation levels of service below the~~
 3711 ~~adopted standards. This does not preclude the appropriate~~
 3712 ~~assessment of fees or accounting for the impacts within the~~
 3713 ~~concurrency management system and capital improvements program~~
 3714 ~~of the affected local government. This paragraph does not affect~~
 3715 ~~local government requirements for appropriate development~~
 3716 ~~permits.~~

3717 ~~(9) (a) Each local government may adopt as a part of its~~
 3718 ~~plan, long-term transportation and school concurrency management~~
 3719 ~~systems with a planning period of up to 10 years for specially~~
 3720 ~~designated districts or areas where significant backlogs exist.~~
 3721 ~~The plan may include interim level-of-service standards on~~
 3722 ~~certain facilities and shall rely on the local government's~~
 3723 ~~schedule of capital improvements for up to 10 years as a basis~~
 3724 ~~for issuing development orders that authorize commencement of~~

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3725 ~~construction in these designated districts or areas. The~~
3726 ~~concurrency management system must be designed to correct~~
3727 ~~existing deficiencies and set priorities for addressing~~
3728 ~~backlogged facilities. The concurrency management system must be~~
3729 ~~financially feasible and consistent with other portions of the~~
3730 ~~adopted local plan, including the future land use map.~~

3731 ~~(b) If a local government has a transportation or school~~
3732 ~~facility backlog for existing development which cannot be~~
3733 ~~adequately addressed in a 10-year plan, the state land planning~~
3734 ~~agency may allow it to develop a plan and long-term schedule of~~
3735 ~~capital improvements covering up to 15 years for good and~~
3736 ~~sufficient cause, based on a general comparison between that~~
3737 ~~local government and all other similarly situated local~~
3738 ~~jurisdictions, using the following factors:~~

- 3739 ~~1. The extent of the backlog.~~
3740 ~~2. For roads, whether the backlog is on local or state~~
3741 ~~roads.~~
3742 ~~3. The cost of eliminating the backlog.~~
3743 ~~4. The local government's tax and other revenue-raising~~
3744 ~~efforts.~~

3745 ~~(c) The local government may issue approvals to commence~~
3746 ~~construction notwithstanding this section, consistent with and~~
3747 ~~in areas that are subject to a long-term concurrency management~~
3748 ~~system.~~

3749 ~~(d) If the local government adopts a long-term concurrency~~
3750 ~~management system, it must evaluate the system periodically. At~~
3751 ~~a minimum, the local government must assess its progress toward~~
3752 ~~improving levels of service within the long-term concurrency~~

3753 ~~management district or area in the evaluation and appraisal~~
 3754 ~~report and determine any changes that are necessary to~~
 3755 ~~accelerate progress in meeting acceptable levels of service.~~
 3756 ~~(10) Except in transportation concurrency exception areas,~~
 3757 ~~with regard to roadway facilities on the Strategic Intermodal~~
 3758 ~~System designated in accordance with s. 339.63, local~~
 3759 ~~governments shall adopt the level of service standard~~
 3760 ~~established by the Department of Transportation by rule.~~
 3761 ~~However, if the Office of Tourism, Trade, and Economic~~
 3762 ~~Development concurs in writing with the local government that~~
 3763 ~~the proposed development is for a qualified job creation project~~
 3764 ~~under s. 288.0656 or s. 403.973, the affected local government,~~
 3765 ~~after consulting with the Department of Transportation, may~~
 3766 ~~provide for a waiver of transportation concurrency for the~~
 3767 ~~project. For all other roads on the State Highway System, local~~
 3768 ~~governments shall establish an adequate level of service~~
 3769 ~~standard that need not be consistent with any level of service~~
 3770 ~~standard established by the Department of Transportation. In~~
 3771 ~~establishing adequate level of service standards for any~~
 3772 ~~arterial roads, or collector roads as appropriate, which~~
 3773 ~~traverse multiple jurisdictions, local governments shall~~
 3774 ~~consider compatibility with the roadway facility's adopted~~
 3775 ~~level of service standards in adjacent jurisdictions. Each local~~
 3776 ~~government within a county shall use a professionally accepted~~
 3777 ~~methodology for measuring impacts on transportation facilities~~
 3778 ~~for the purposes of implementing its concurrency management~~
 3779 ~~system. Counties are encouraged to coordinate with adjacent~~
 3780 ~~counties, and local governments within a county are encouraged~~

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3781 ~~to coordinate, for the purpose of using common methodologies for~~
3782 ~~measuring impacts on transportation facilities for the purpose~~
3783 ~~of implementing their concurrency management systems.~~

3784 ~~(11) In order to limit the liability of local governments,~~
3785 ~~a local government may allow a landowner to proceed with~~
3786 ~~development of a specific parcel of land notwithstanding a~~
3787 ~~failure of the development to satisfy transportation~~
3788 ~~concurrency, when all the following factors are shown to exist:~~

3789 ~~(a) The local government with jurisdiction over the~~
3790 ~~property has adopted a local comprehensive plan that is in~~
3791 ~~compliance.~~

3792 ~~(b) The proposed development would be consistent with the~~
3793 ~~future land use designation for the specific property and with~~
3794 ~~pertinent portions of the adopted local plan, as determined by~~
3795 ~~the local government.~~

3796 ~~(c) The local plan includes a financially feasible capital~~
3797 ~~improvements element that provides for transportation facilities~~
3798 ~~adequate to serve the proposed development, and the local~~
3799 ~~government has not implemented that element.~~

3800 ~~(d) The local government has provided a means by which the~~
3801 ~~landowner will be assessed a fair share of the cost of providing~~
3802 ~~the transportation facilities necessary to serve the proposed~~
3803 ~~development.~~

3804 ~~(e) The landowner has made a binding commitment to the~~
3805 ~~local government to pay the fair share of the cost of providing~~
3806 ~~the transportation facilities to serve the proposed development.~~

3807 ~~(12) (a) A development of regional impact may satisfy the~~
3808 ~~transportation concurrency requirements of the local~~

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3809 ~~comprehensive plan, the local government's concurrency~~
 3810 ~~management system, and s. 380.06 by payment of a proportionate-~~
 3811 ~~share contribution for local and regionally significant traffic~~
 3812 ~~impacts, if:~~

3813 ~~1. The development of regional impact which, based on its~~
 3814 ~~location or mix of land uses, is designed to encourage~~
 3815 ~~pedestrian or other nonautomotive modes of transportation;~~

3816 ~~2. The proportionate-share contribution for local and~~
 3817 ~~regionally significant traffic impacts is sufficient to pay for~~
 3818 ~~one or more required mobility improvements that will benefit a~~
 3819 ~~regionally significant transportation facility;~~

3820 ~~3. The owner and developer of the development of regional~~
 3821 ~~impact pays or assures payment of the proportionate-share~~
 3822 ~~contribution; and~~

3823 ~~4. If the regionally significant transportation facility~~
 3824 ~~to be constructed or improved is under the maintenance authority~~
 3825 ~~of a governmental entity, as defined by s. 334.03(12), other~~
 3826 ~~than the local government with jurisdiction over the development~~
 3827 ~~of regional impact, the developer is required to enter into a~~
 3828 ~~binding and legally enforceable commitment to transfer funds to~~
 3829 ~~the governmental entity having maintenance authority or to~~
 3830 ~~otherwise assure construction or improvement of the facility.~~

3831
 3832 ~~The proportionate-share contribution may be applied to any~~
 3833 ~~transportation facility to satisfy the provisions of this~~
 3834 ~~subsection and the local comprehensive plan, but, for the~~
 3835 ~~purposes of this subsection, the amount of the proportionate-~~
 3836 ~~share contribution shall be calculated based upon the cumulative~~

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3837 ~~number of trips from the proposed development expected to reach~~
3838 ~~roadways during the peak hour from the complete buildout of a~~
3839 ~~stage or phase being approved, divided by the change in the peak~~
3840 ~~hour maximum service volume of roadways resulting from~~
3841 ~~construction of an improvement necessary to maintain the adopted~~
3842 ~~level of service, multiplied by the construction cost, at the~~
3843 ~~time of developer payment, of the improvement necessary to~~
3844 ~~maintain the adopted level of service. For purposes of this~~
3845 ~~subsection, "construction cost" includes all associated costs of~~
3846 ~~the improvement. Proportionate share mitigation shall be limited~~
3847 ~~to ensure that a development of regional impact meeting the~~
3848 ~~requirements of this subsection mitigates its impact on the~~
3849 ~~transportation system but is not responsible for the additional~~
3850 ~~cost of reducing or eliminating backlogs. This subsection also~~
3851 ~~applies to Florida Quality Developments pursuant to s. 380.061~~
3852 ~~and to detailed specific area plans implementing optional sector~~
3853 ~~plans pursuant to s. 163.3245.~~

3854 ~~(b) As used in this subsection, the term "backlog" means a~~
3855 ~~facility or facilities on which the adopted level of service~~
3856 ~~standard is exceeded by the existing trips, plus additional~~
3857 ~~projected background trips from any source other than the~~
3858 ~~development project under review that are forecast by~~
3859 ~~established traffic standards, including traffic modeling,~~
3860 ~~consistent with the University of Florida Bureau of Economic and~~
3861 ~~Business Research medium population projections. Additional~~
3862 ~~projected background trips are to be coincident with the~~
3863 ~~particular stage or phase of development under review.~~

3864 ~~(13) School concurrency shall be established on a~~

3865 ~~districtwide basis and shall include all public schools in the~~
 3866 ~~district and all portions of the district, whether located in a~~
 3867 ~~municipality or an unincorporated area unless exempt from the~~
 3868 ~~public school facilities element pursuant to s. 163.3177(12).~~

3869 (6) (a) If concurrency is applied to public education
 3870 facilities, The application of school concurrency to development
 3871 shall be based upon the adopted comprehensive plan, as amended.
 3872 all local governments within a county, except as provided in
 3873 paragraph (i) ~~(f)~~, shall include principles, guidelines,
 3874 standards, and strategies, including adopted levels of service,
 3875 in their comprehensive plans and adopt and transmit to the state
 3876 land planning agency the necessary plan amendments, along with
 3877 the interlocal agreements. If the county and one or more
 3878 municipalities have adopted school concurrency into its
 3879 comprehensive plan and interlocal agreement that represents at
 3880 least 80 percent of the total countywide population, the failure
 3881 of one or more municipalities to adopt the concurrency and enter
 3882 into the interlocal agreement does not preclude implementation
 3883 of school concurrency within the school district. agreement, for
 3884 a compliance review pursuant to s. 163.3184(7) and (8). The
 3885 minimum requirements for school concurrency are the following:

3886 ~~(a) Public school facilities element. A local government~~
 3887 ~~shall adopt and transmit to the state land planning agency a~~
 3888 ~~plan or plan amendment which includes a public school facilities~~
 3889 ~~element which is consistent with the requirements of s.~~
 3890 ~~163.3177(12) and which is determined to be in compliance as~~
 3891 ~~defined in s. 163.3184(1) (b). All local government provisions~~
 3892 included in comprehensive plans regarding school concurrency

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3893 ~~public school facilities plan elements~~ within a county must be
 3894 consistent with each other as well as the requirements of this
 3895 part.

3896 (b) ~~Level of service standards. The Legislature recognizes~~
 3897 ~~that an essential requirement for a concurrency management~~
 3898 ~~system is the level of service at which a public facility is~~
 3899 ~~expected to operate.~~

3900 1. Local governments and school boards imposing school
 3901 concurrency shall exercise authority in conjunction with each
 3902 other to establish jointly adequate level-of-service standards,
 3903 ~~as defined in chapter 9J-5, Florida Administrative Code,~~
 3904 necessary to implement the adopted local government
 3905 comprehensive plan, based on data and analysis.

3906 (c) 2. Public school level-of-service standards shall be
 3907 included and adopted into the capital improvements element of
 3908 the local comprehensive plan and shall apply districtwide to all
 3909 schools of the same type. Types of schools may include
 3910 elementary, middle, and high schools as well as special purpose
 3911 facilities such as magnet schools.

3912 (d) 3. Local governments and school boards may ~~shall have~~
 3913 ~~the option to~~ utilize tiered level-of-service standards to allow
 3914 time to achieve an adequate and desirable level of service as
 3915 circumstances warrant.

3916 (e) 4. ~~For the purpose of determining whether levels of~~
 3917 ~~service have been achieved, for the first 3 years of school~~
 3918 ~~concurrency implementation,~~ A school district that includes
 3919 relocatable facilities in its inventory of student stations
 3920 shall include the capacity of such relocatable facilities as

3921 provided in s. 1013.35(2)(b)2.f., provided the relocatable
 3922 facilities were purchased after 1998 and the relocatable
 3923 facilities meet the standards for long-term use pursuant to s.
 3924 1013.20.

3925 ~~(c) Service areas. The Legislature recognizes that an~~
 3926 ~~essential requirement for a concurrency system is a designation~~
 3927 ~~of the area within which the level of service will be measured~~
 3928 ~~when an application for a residential development permit is~~
 3929 ~~reviewed for school concurrency purposes. This delineation is~~
 3930 ~~also important for purposes of determining whether the local~~
 3931 ~~government has a financially feasible public school capital~~
 3932 ~~facilities program that will provide schools which will achieve~~
 3933 ~~and maintain the adopted level of service standards.~~

3934 (f)1. In order to balance competing interests, preserve
 3935 the constitutional concept of uniformity, and avoid disruption
 3936 of existing educational and growth management processes, local
 3937 governments are encouraged, if they elect to adopt school
 3938 concurrency, to ~~initially~~ apply school concurrency to
 3939 development ~~only~~ on a districtwide basis so that a concurrency
 3940 determination for a specific development will be based upon the
 3941 availability of school capacity districtwide. ~~To ensure that~~
 3942 ~~development is coordinated with schools having available~~
 3943 ~~capacity, within 5 years after adoption of school concurrency,~~

3944 2. If a local government elects to ~~governments shall~~ apply
 3945 school concurrency on a less than districtwide basis, by such as
 3946 using school attendance zones or concurrency service areas; ~~as~~
 3947 ~~provided in subparagraph 2.~~

3948 a.2. ~~For local governments applying school concurrency on~~

3949 ~~a less than districtwide basis, such as utilizing school~~
 3950 ~~attendance zones or larger school concurrency service areas,~~
 3951 Local governments and school boards shall have the burden to
 3952 demonstrate that the utilization of school capacity is maximized
 3953 to the greatest extent possible in the comprehensive plan and
 3954 amendment, taking into account transportation costs and court-
 3955 approved desegregation plans, as well as other factors. In
 3956 addition, in order to achieve concurrency within the service
 3957 area boundaries selected by local governments and school boards,
 3958 the service area boundaries, together with the standards for
 3959 establishing those boundaries, shall be identified and included
 3960 as supporting data and analysis for the comprehensive plan.

3961 b.3. Where school capacity is available on a districtwide
 3962 basis but school concurrency is applied on a less than
 3963 districtwide basis in the form of concurrency service areas, if
 3964 the adopted level-of-service standard cannot be met in a
 3965 particular service area as applied to an application for a
 3966 development permit and if the needed capacity for the particular
 3967 service area is available in one or more contiguous service
 3968 areas, as adopted by the local government, then the local
 3969 government may not deny an application for site plan or final
 3970 subdivision approval or the functional equivalent for a
 3971 development or phase of a development on the basis of school
 3972 concurrency, and if issued, development impacts shall be
 3973 subtracted from the shifted to contiguous service area's areas
 3974 with schools having available capacity totals. Students from the
 3975 development may not be required to go to the adjacent service
 3976 area unless the school board rezones the area in which the

3977 development occurs.

3978 ~~(g)(d) Financial feasibility. The Legislature recognizes~~
 3979 ~~that financial feasibility is an important issue because The~~
 3980 ~~premise of concurrency is that the public facilities will be~~
 3981 ~~provided in order to achieve and maintain the adopted level-of-~~
 3982 ~~service standard. This part and chapter 9J-5, Florida~~
 3983 ~~Administrative Code, contain specific standards to determine the~~
 3984 ~~financial feasibility of capital programs. These standards were~~
 3985 ~~adopted to make concurrency more predictable and local~~
 3986 ~~governments more accountable.~~

3987 1. A comprehensive plan that imposes ~~amendment seeking to~~
 3988 ~~impose~~ school concurrency shall contain appropriate amendments
 3989 to the capital improvements element of the comprehensive plan,
 3990 consistent with the requirements of s. 163.3177(3) ~~and rule 9J-~~
 3991 ~~5.016, Florida Administrative Code.~~ The capital improvements
 3992 element shall identify facilities necessary to meet adopted
 3993 levels of service during a 5-year period consistent with the
 3994 school board's educational set forth a financially feasible
 3995 public school capital facilities plan program, established in
 3996 conjunction with the school board, that demonstrates that the
 3997 adopted level-of-service standards will be achieved and
 3998 maintained.

3999 (h)1. In order to limit the liability of local
 4000 governments, a local government may allow a landowner to proceed
 4001 with development of a specific parcel of land notwithstanding a
 4002 failure of the development to satisfy school concurrency, if all
 4003 the following factors are shown to exist:

4004 a. The proposed development would be consistent with the

4005 future land use designation for the specific property and with
 4006 pertinent portions of the adopted local plan, as determined by
 4007 the local government.

4008 b. The local government's capital improvements element and
 4009 the school board's educational facilities plan provide for
 4010 school facilities adequate to serve the proposed development,
 4011 and the local government or school board has not implemented
 4012 that element or the project includes a plan that demonstrates
 4013 that the capital facilities needed as a result of the project
 4014 can be reasonably provided.

4015 c. The local government and school board have provided a
 4016 means by which the landowner will be assessed a proportionate
 4017 share of the cost of providing the school facilities necessary
 4018 to serve the proposed development.

4019 ~~2. Such amendments shall demonstrate that the public~~
 4020 ~~school capital facilities program meets all of the financial~~
 4021 ~~feasibility standards of this part and chapter 9J-5, Florida~~
 4022 ~~Administrative Code, that apply to capital programs which~~
 4023 ~~provide the basis for mandatory concurrency on other public~~
 4024 ~~facilities and services.~~

4025 ~~3. When the financial feasibility of a public school~~
 4026 ~~capital facilities program is evaluated by the state land~~
 4027 ~~planning agency for purposes of a compliance determination, the~~
 4028 ~~evaluation shall be based upon the service areas selected by the~~
 4029 ~~local governments and school board.~~

4030 ~~2.(c) Availability standard. Consistent with the public~~
 4031 ~~welfare, If a local government applies school concurrency, it~~
 4032 ~~may not deny an application for site plan, final subdivision~~

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4033 approval, or the functional equivalent for a development or
 4034 phase of a development authorizing residential development for
 4035 failure to achieve and maintain the level-of-service standard
 4036 for public school capacity in a local school concurrency
 4037 management system where adequate school facilities will be in
 4038 place or under actual construction within 3 years after the
 4039 issuance of final subdivision or site plan approval, or the
 4040 functional equivalent. School concurrency is satisfied if the
 4041 developer executes a legally binding commitment to provide
 4042 mitigation proportionate to the demand for public school
 4043 facilities to be created by actual development of the property,
 4044 including, but not limited to, the options described in sub-
 4045 subparagraph a. ~~subparagraph 1.~~ Options for proportionate-share
 4046 mitigation of impacts on public school facilities must be
 4047 established in the comprehensive plan ~~public school facilities~~
 4048 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.
 4049 a.1. Appropriate mitigation options include the
 4050 contribution of land; the construction, expansion, or payment
 4051 for land acquisition or construction of a public school
 4052 facility; the construction of a charter school that complies
 4053 with the requirements of s. 1002.33(18); or the creation of
 4054 mitigation banking based on the construction of a public school
 4055 facility in exchange for the right to sell capacity credits.
 4056 Such options must include execution by the applicant and the
 4057 local government of a development agreement that constitutes a
 4058 legally binding commitment to pay proportionate-share mitigation
 4059 for the additional residential units approved by the local
 4060 government in a development order and actually developed on the

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4061 property, taking into account residential density allowed on the
 4062 property prior to the plan amendment that increased the overall
 4063 residential density. The district school board must be a party
 4064 to such an agreement. As a condition of its entry into such a
 4065 development agreement, the local government may require the
 4066 landowner to agree to continuing renewal of the agreement upon
 4067 its expiration.

4068 ~~b.2.~~ If the interlocal agreement ~~education facilities plan~~
 4069 and the local government comprehensive plan ~~public educational~~
 4070 ~~facilities element~~ authorize a contribution of land; the
 4071 construction, expansion, or payment for land acquisition; the
 4072 construction or expansion of a public school facility, or a
 4073 portion thereof; or the construction of a charter school that
 4074 complies with the requirements of s. 1002.33(18), as
 4075 proportionate-share mitigation, the local government shall
 4076 credit such a contribution, construction, expansion, or payment
 4077 toward any other impact fee or exaction imposed by local
 4078 ordinance for the same need, on a dollar-for-dollar basis at
 4079 fair market value.

4080 ~~c.3.~~ Any proportionate-share mitigation must be directed
 4081 by the school board toward a school capacity improvement
 4082 identified in the a financially feasible 5-year school board's
 4083 educational facilities ~~district work~~ plan that satisfies the
 4084 demands created by the development in accordance with a binding
 4085 developer's agreement.

4086 ~~4.~~ ~~If a development is precluded from commencing because~~
 4087 ~~there is inadequate classroom capacity to mitigate the impacts~~
 4088 ~~of the development, the development may nevertheless commence if~~

4089 ~~there are accelerated facilities in an approved capital~~
 4090 ~~improvement element scheduled for construction in year four or~~
 4091 ~~later of such plan which, when built, will mitigate the proposed~~
 4092 ~~development, or if such accelerated facilities will be in the~~
 4093 ~~next annual update of the capital facilities element, the~~
 4094 ~~developer enters into a binding, financially guaranteed~~
 4095 ~~agreement with the school district to construct an accelerated~~
 4096 ~~facility within the first 3 years of an approved capital~~
 4097 ~~improvement plan, and the cost of the school facility is equal~~
 4098 ~~to or greater than the development's proportionate share. When~~
 4099 ~~the completed school facility is conveyed to the school~~
 4100 ~~district, the developer shall receive impact fee credits usable~~
 4101 ~~within the zone where the facility is constructed or any~~
 4102 ~~attendance zone contiguous with or adjacent to the zone where~~
 4103 ~~the facility is constructed.~~

4104 3.5. This paragraph does not limit the authority of a
 4105 local government to deny a development permit or its functional
 4106 equivalent pursuant to its home rule regulatory powers, except
 4107 as provided in this part.

4108 (i)(f) ~~Intergovernmental coordination.~~

4109 ~~1. When establishing concurrency requirements for public~~
 4110 ~~schools, a local government shall satisfy the requirements for~~
 4111 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~
 4112 ~~and 2., except that~~ A municipality is not required to be a
 4113 signatory to the interlocal agreement required by paragraph (j)
 4114 ~~ss. 163.3177(6)(h)2. and 163.31777(6),~~ as a prerequisite for
 4115 imposition of school concurrency, and as a nonsignatory, may
 4116 ~~shall~~ not participate in the adopted local school concurrency

4117 system, if the municipality meets all of the following criteria
4118 for having no significant impact on school attendance:

4119 1.a. The municipality has issued development orders for
4120 fewer than 50 residential dwelling units during the preceding 5
4121 years, or the municipality has generated fewer than 25
4122 additional public school students during the preceding 5 years.

4123 2.b. The municipality has not annexed new land during the
4124 preceding 5 years in land use categories which permit
4125 residential uses that will affect school attendance rates.

4126 3.e. The municipality has no public schools located within
4127 its boundaries.

4128 4.d. At least 80 percent of the developable land within
4129 the boundaries of the municipality has been built upon.

4130 ~~2. A municipality which qualifies as having no significant~~
4131 ~~impact on school attendance pursuant to the criteria of~~
4132 ~~subparagraph 1. must review and determine at the time of its~~
4133 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~
4134 ~~it continues to meet the criteria pursuant to s. 163.3177(6).~~
4135 ~~If the municipality determines that it no longer meets the~~
4136 ~~criteria, it must adopt appropriate school concurrency goals,~~
4137 ~~objectives, and policies in its plan amendments based on the~~
4138 ~~evaluation and appraisal report, and enter into the existing~~
4139 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~
4140 ~~163.31777, in order to fully participate in the school~~
4141 ~~concurrency system. If such a municipality fails to do so, it~~
4142 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4143 (j)(g) Interlocal agreement for school concurrency. When
4144 establishing concurrency requirements for public schools, a

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4145 local government must enter into an interlocal agreement that
4146 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
4147 163.31777 and the requirements of this subsection. The
4148 interlocal agreement shall acknowledge both the school board's
4149 constitutional and statutory obligations to provide a uniform
4150 system of free public schools on a countywide basis, and the
4151 land use authority of local governments, including their
4152 authority to approve or deny comprehensive plan amendments and
4153 development orders. ~~The interlocal agreement shall be submitted~~
4154 ~~to the state land planning agency by the local government as a~~
4155 ~~part of the compliance review, along with the other necessary~~
4156 ~~amendments to the comprehensive plan required by this part. In~~
4157 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
4158 ~~163.31777,~~ The interlocal agreement shall meet the following
4159 requirements:

4160 1. Establish the mechanisms for coordinating the
4161 development, adoption, and amendment of each local government's
4162 school concurrency related provisions of the comprehensive plan
4163 ~~public school facilities element~~ with each other and the plans
4164 of the school board to ensure a uniform districtwide school
4165 concurrency system.

4166 2. ~~Establish a process for the development of siting~~
4167 ~~criteria which encourages the location of public schools~~
4168 ~~proximate to urban residential areas to the extent possible and~~
4169 ~~seeks to collocate schools with other public facilities such as~~
4170 ~~parks, libraries, and community centers to the extent possible.~~

4171 2.3. Specify uniform, districtwide level-of-service
4172 standards for public schools of the same type and the process

4173 | for modifying the adopted level-of-service standards.

4174 | ~~4. Establish a process for the preparation, amendment, and~~
 4175 | ~~joint approval by each local government and the school board of~~
 4176 | ~~a public school capital facilities program which is financially~~
 4177 | ~~feasible, and a process and schedule for incorporation of the~~
 4178 | ~~public school capital facilities program into the local~~
 4179 | ~~government comprehensive plans on an annual basis.~~

4180 | 3.5. Define the geographic application of school
 4181 | concurrency. If school concurrency is to be applied on a less
 4182 | than districtwide basis in the form of concurrency service
 4183 | areas, the agreement shall establish criteria and standards for
 4184 | the establishment and modification of school concurrency service
 4185 | areas. ~~The agreement shall also establish a process and schedule~~
 4186 | ~~for the mandatory incorporation of the school concurrency~~
 4187 | ~~service areas and the criteria and standards for establishment~~
 4188 | ~~of the service areas into the local government comprehensive~~
 4189 | ~~plans.~~ The agreement shall ensure maximum utilization of school
 4190 | capacity, taking into account transportation costs and court-
 4191 | approved desegregation plans, as well as other factors. ~~The~~
 4192 | ~~agreement shall also ensure the achievement and maintenance of~~
 4193 | ~~the adopted level-of-service standards for the geographic area~~
 4194 | ~~of application throughout the 5 years covered by the public~~
 4195 | ~~school capital facilities plan and thereafter by adding a new~~
 4196 | ~~fifth year during the annual update.~~

4197 | 4.6. Establish a uniform districtwide procedure for
 4198 | implementing school concurrency which provides for:

4199 | a. The evaluation of development applications for
 4200 | compliance with school concurrency requirements, including

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4201 information provided by the school board on affected schools,
 4202 impact on levels of service, and programmed improvements for
 4203 affected schools and any options to provide sufficient capacity;

4204 b. An opportunity for the school board to review and
 4205 comment on the effect of comprehensive plan amendments and
 4206 rezonings on the public school facilities plan; and

4207 c. The monitoring and evaluation of the school concurrency
 4208 system.

4209 ~~7. Include provisions relating to amendment of the~~
 4210 ~~agreement.~~

4211 5.8. A process and uniform methodology for determining
 4212 proportionate-share mitigation pursuant to paragraph (h)
 4213 ~~subparagraph (e)1.~~

4214 ~~(k)(h) Local government authority.~~ This subsection does
 4215 not limit the authority of a local government to grant or deny a
 4216 development permit or its functional equivalent prior to the
 4217 implementation of school concurrency.

4218 ~~(14) The state land planning agency shall, by October 1,~~
 4219 ~~1998, adopt by rule minimum criteria for the review and~~
 4220 ~~determination of compliance of a public school facilities~~
 4221 ~~element adopted by a local government for purposes of imposition~~
 4222 ~~of school concurrency.~~

4223 ~~(15)(a) Multimodal transportation districts may be~~
 4224 ~~established under a local government comprehensive plan in areas~~
 4225 ~~delineated on the future land use map for which the local~~
 4226 ~~comprehensive plan assigns secondary priority to vehicle~~
 4227 ~~mobility and primary priority to assuring a safe, comfortable,~~
 4228 ~~and attractive pedestrian environment, with convenient~~

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4229 ~~interconnection to transit. Such districts must incorporate~~
4230 ~~community design features that will reduce the number of~~
4231 ~~automobile trips or vehicle miles of travel and will support an~~
4232 ~~integrated, multimodal transportation system. Prior to the~~
4233 ~~designation of multimodal transportation districts, the~~
4234 ~~Department of Transportation shall be consulted by the local~~
4235 ~~government to assess the impact that the proposed multimodal~~
4236 ~~district area is expected to have on the adopted level-of-~~
4237 ~~service standards established for Strategic Intermodal System~~
4238 ~~facilities, as defined in s. 339.64, and roadway facilities~~
4239 ~~funded in accordance with s. 339.2819. Further, the local~~
4240 ~~government shall, in cooperation with the Department of~~
4241 ~~Transportation, develop a plan to mitigate any impacts to the~~
4242 ~~Strategic Intermodal System, including the development of a~~
4243 ~~long-term concurrency management system pursuant to subsection~~
4244 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~
4245 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
4246 ~~provisions of this section by July 1, 2006, or at the time of~~
4247 ~~the comprehensive plan update pursuant to the evaluation and~~
4248 ~~appraisal report, whichever occurs last.~~

4249 ~~(b) Community design elements of such a district include:~~
4250 ~~a complementary mix and range of land uses, including~~
4251 ~~educational, recreational, and cultural uses; interconnected~~
4252 ~~networks of streets designed to encourage walking and bicycling,~~
4253 ~~with traffic-calming where desirable; appropriate densities and~~
4254 ~~intensities of use within walking distance of transit stops;~~
4255 ~~daily activities within walking distance of residences, allowing~~
4256 ~~independence to persons who do not drive; public uses, streets,~~

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4257 ~~and squares that are safe, comfortable, and attractive for the~~
4258 ~~pedestrian, with adjoining buildings open to the street and with~~
4259 ~~parking not interfering with pedestrian, transit, automobile,~~
4260 ~~and truck travel modes.~~

4261 ~~(c) Local governments may establish multimodal level-of-~~
4262 ~~service standards that rely primarily on nonvehicular modes of~~
4263 ~~transportation within the district, when justified by an~~
4264 ~~analysis demonstrating that the existing and planned community~~
4265 ~~design will provide an adequate level of mobility within the~~
4266 ~~district based upon professionally accepted multimodal level-of-~~
4267 ~~service methodologies. The analysis must also demonstrate that~~
4268 ~~the capital improvements required to promote community design~~
4269 ~~are financially feasible over the development or redevelopment~~
4270 ~~timeframe for the district and that community design features~~
4271 ~~within the district provide convenient interconnection for a~~
4272 ~~multimodal transportation system. Local governments may issue~~
4273 ~~development permits in reliance upon all planned community~~
4274 ~~design capital improvements that are financially feasible over~~
4275 ~~the development or redevelopment timeframe for the district,~~
4276 ~~without regard to the period of time between development or~~
4277 ~~redevelopment and the scheduled construction of the capital~~
4278 ~~improvements. A determination of financial feasibility shall be~~
4279 ~~based upon currently available funding or funding sources that~~
4280 ~~could reasonably be expected to become available over the~~
4281 ~~planning period.~~

4282 ~~(d) Local governments may reduce impact fees or local~~
4283 ~~access fees for development within multimodal transportation~~
4284 ~~districts based on the reduction of vehicle trips per household~~

4285 ~~or vehicle miles of travel expected from the development pattern~~
4286 ~~planned for the district.~~

4287 ~~(16) It is the intent of the Legislature to provide a~~
4288 ~~method by which the impacts of development on transportation~~
4289 ~~facilities can be mitigated by the cooperative efforts of the~~
4290 ~~public and private sectors. The methodology used to calculate~~
4291 ~~proportionate fair share mitigation under this section shall be~~
4292 ~~as provided for in subsection (12).~~

4293 ~~(a) By December 1, 2006, each local government shall adopt~~
4294 ~~by ordinance a methodology for assessing proportionate fair-~~
4295 ~~share mitigation options. By December 1, 2005, the Department of~~
4296 ~~Transportation shall develop a model transportation concurrency~~
4297 ~~management ordinance with methodologies for assessing~~
4298 ~~proportionate fair share mitigation options.~~

4299 ~~(b)1. In its transportation concurrency management system,~~
4300 ~~a local government shall, by December 1, 2006, include~~
4301 ~~methodologies that will be applied to calculate proportionate~~
4302 ~~fair share mitigation. A developer may choose to satisfy all~~
4303 ~~transportation concurrency requirements by contributing or~~
4304 ~~paying proportionate fair share mitigation if transportation~~
4305 ~~facilities or facility segments identified as mitigation for~~
4306 ~~traffic impacts are specifically identified for funding in the~~
4307 ~~5-year schedule of capital improvements in the capital~~
4308 ~~improvements element of the local plan or the long-term~~
4309 ~~concurrency management system or if such contributions or~~
4310 ~~payments to such facilities or segments are reflected in the 5-~~
4311 ~~year schedule of capital improvements in the next regularly~~
4312 ~~scheduled update of the capital improvements element. Updates to~~

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4313 ~~the 5-year capital improvements element which reflect~~
4314 ~~proportionate fair-share contributions may not be found not in~~
4315 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~
4316 ~~additional contributions, payments or funding sources are~~
4317 ~~reasonably anticipated during a period not to exceed 10 years to~~
4318 ~~fully mitigate impacts on the transportation facilities.~~

4319 ~~2. Proportionate fair-share mitigation shall be applied as~~
4320 ~~a credit against impact fees to the extent that all or a portion~~
4321 ~~of the proportionate fair-share mitigation is used to address~~
4322 ~~the same capital infrastructure improvements contemplated by the~~
4323 ~~local government's impact fee ordinance.~~

4324 ~~(c) Proportionate fair-share mitigation includes, without~~
4325 ~~limitation, separately or collectively, private funds,~~
4326 ~~contributions of land, and construction and contribution of~~
4327 ~~facilities and may include public funds as determined by the~~
4328 ~~local government. Proportionate fair-share mitigation may be~~
4329 ~~directed toward one or more specific transportation improvements~~
4330 ~~reasonably related to the mobility demands created by the~~
4331 ~~development and such improvements may address one or more modes~~
4332 ~~of travel. The fair market value of the proportionate fair-share~~
4333 ~~mitigation shall not differ based on the form of mitigation. A~~
4334 ~~local government may not require a development to pay more than~~
4335 ~~its proportionate fair-share contribution regardless of the~~
4336 ~~method of mitigation. Proportionate fair-share mitigation shall~~
4337 ~~be limited to ensure that a development meeting the requirements~~
4338 ~~of this section mitigates its impact on the transportation~~
4339 ~~system but is not responsible for the additional cost of~~
4340 ~~reducing or eliminating backlogs.~~

4341 ~~(d) This subsection does not require a local government to~~
 4342 ~~approve a development that is not otherwise qualified for~~
 4343 ~~approval pursuant to the applicable local comprehensive plan and~~
 4344 ~~land development regulations.~~

4345 ~~(e) Mitigation for development impacts to facilities on~~
 4346 ~~the Strategic Intermodal System made pursuant to this subsection~~
 4347 ~~requires the concurrence of the Department of Transportation.~~

4348 ~~(f) If the funds in an adopted 5-year capital improvements~~
 4349 ~~element are insufficient to fully fund construction of a~~
 4350 ~~transportation improvement required by the local government's~~
 4351 ~~concurrency management system, a local government and a~~
 4352 ~~developer may still enter into a binding proportionate share~~
 4353 ~~agreement authorizing the developer to construct that amount of~~
 4354 ~~development on which the proportionate share is calculated if~~
 4355 ~~the proportionate share amount in such agreement is sufficient~~
 4356 ~~to pay for one or more improvements which will, in the opinion~~
 4357 ~~of the governmental entity or entities maintaining the~~
 4358 ~~transportation facilities, significantly benefit the impacted~~
 4359 ~~transportation system. The improvements funded by the~~
 4360 ~~proportionate share component must be adopted into the 5-year~~
 4361 ~~capital improvements schedule of the comprehensive plan at the~~
 4362 ~~next annual capital improvements element update. The funding of~~
 4363 ~~any improvements that significantly benefit the impacted~~
 4364 ~~transportation system satisfies concurrency requirements as a~~
 4365 ~~mitigation of the development's impact upon the overall~~
 4366 ~~transportation system even if there remains a failure of~~
 4367 ~~concurrency on other impacted facilities.~~

4368 ~~(g) Except as provided in subparagraph (b)1., this section~~

4369 ~~may not prohibit the Department of Community Affairs from~~
 4370 ~~finding other portions of the capital improvements element~~
 4371 ~~amendments not in compliance as provided in this chapter.~~

4372 ~~(h) The provisions of this subsection do not apply to a~~
 4373 ~~development of regional impact satisfying the requirements of~~
 4374 ~~subsection (12).~~

4375 ~~(i) As used in this subsection, the term "backlog" means a~~
 4376 ~~facility or facilities on which the adopted level-of-service~~
 4377 ~~standard is exceeded by the existing trips, plus additional~~
 4378 ~~projected background trips from any source other than the~~
 4379 ~~development project under review that are forecast by~~
 4380 ~~established traffic standards, including traffic modeling,~~
 4381 ~~consistent with the University of Florida Bureau of Economic and~~
 4382 ~~Business Research medium population projections. Additional~~
 4383 ~~projected background trips are to be coincident with the~~
 4384 ~~particular stage or phase of development under review.~~

4385 ~~(17) A local government and the developer of affordable~~
 4386 ~~workforce housing units developed in accordance with s.~~
 4387 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~
 4388 ~~or centers in close proximity to the affordable workforce~~
 4389 ~~housing units. If at least 50 percent of the units are occupied~~
 4390 ~~by an employee or employees of an identified employment center~~
 4391 ~~or centers, all of the affordable workforce housing units are~~
 4392 ~~exempt from transportation concurrency requirements, and the~~
 4393 ~~local government may not reduce any transportation trip-~~
 4394 ~~generation entitlements of an approved development-of-regional-~~
 4395 ~~impact development order. As used in this subsection, the term~~
 4396 ~~"close proximity" means 5 miles from the nearest point of the~~

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4397 ~~development of regional impact to the nearest point of the~~
 4398 ~~employment center, and the term "employment center" means a~~
 4399 ~~place of employment that employs at least 25 or more full-time~~
 4400 ~~employees.~~

4401 Section 16. Section 163.3182, Florida Statutes, is amended
 4402 to read:

4403 163.3182 Transportation deficiencies ~~concurrency~~
 4404 ~~backlogs.~~—

4405 (1) DEFINITIONS.—For purposes of this section, the term:

4406 (a) "Transportation deficiency ~~concurrency~~ ~~backlog~~ area"
 4407 means the geographic area within the unincorporated portion of a
 4408 county or within the municipal boundary of a municipality
 4409 designated in a local government comprehensive plan for which a
 4410 transportation development ~~concurrency~~ ~~backlog~~ authority is
 4411 created pursuant to this section. A transportation deficiency
 4412 ~~concurrency~~ ~~backlog~~ area created within the corporate boundary
 4413 of a municipality shall be made pursuant to an interlocal
 4414 agreement between a county, a municipality or municipalities,
 4415 and any affected taxing authority or authorities.

4416 (b) "Authority" or "transportation development ~~concurrency~~
 4417 ~~backlog~~ authority" means the governing body of a county or
 4418 municipality within which an authority is created.

4419 (c) "Governing body" means the council, commission, or
 4420 other legislative body charged with governing the county or
 4421 municipality within which an ~~a~~ ~~transportation~~ ~~concurrency~~
 4422 ~~backlog~~ authority is created pursuant to this section.

4423 (d) "Transportation deficiency ~~concurrency~~ ~~backlog~~" means
 4424 an identified need ~~deficiency~~ where the existing and projected

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4425 extent of traffic volume exceeds the level of service standard
 4426 adopted in a local government comprehensive plan for a
 4427 transportation facility.

4428 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"
 4429 means the plan adopted as part of a local government
 4430 comprehensive plan by the governing body of a county or
 4431 municipality acting as a transportation development ~~concurrency~~
 4432 ~~backlog~~ authority.

4433 (f) "Transportation ~~concurrency backlog~~ project" means any
 4434 designated transportation project identified for construction
 4435 within the jurisdiction of a transportation development
 4436 ~~concurrency backlog~~ authority.

4437 (g) "Debt service millage" means any millage levied
 4438 pursuant to s. 12, Art. VII of the State Constitution.

4439 (h) "Increment revenue" means the amount calculated
 4440 pursuant to subsection (5).

4441 (i) "Taxing authority" means a public body that levies or
 4442 is authorized to levy an ad valorem tax on real property located
 4443 within a transportation deficiency ~~concurrency backlog~~ area,
 4444 except a school district.

4445 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
 4446 ~~BACKLOG~~ AUTHORITIES.—

4447 (a) A county or municipality may create a transportation
 4448 development ~~concurrency backlog~~ authority if it has an
 4449 identified transportation deficiency ~~concurrency backlog~~.

4450 (b) Acting as the transportation development ~~concurrency~~
 4451 ~~backlog~~ authority within the authority's jurisdictional
 4452 boundary, the governing body of a county or municipality shall

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4453 adopt and implement a plan to eliminate all identified
 4454 transportation deficiencies ~~concurrency backlogs~~ within the
 4455 authority's jurisdiction using funds provided pursuant to
 4456 subsection (5) and as otherwise provided pursuant to this
 4457 section.

4458 (c) The Legislature finds and declares that there exist in
 4459 many counties and municipalities areas that have significant
 4460 transportation deficiencies and inadequate transportation
 4461 facilities; that many insufficiencies and inadequacies severely
 4462 limit or prohibit the satisfaction of transportation level of
 4463 service ~~concurrency~~ standards; that the transportation
 4464 insufficiencies and inadequacies affect the health, safety, and
 4465 welfare of the residents of these counties and municipalities;
 4466 that the transportation insufficiencies and inadequacies
 4467 adversely affect economic development and growth of the tax base
 4468 for the areas in which these insufficiencies and inadequacies
 4469 exist; and that the elimination of transportation deficiencies
 4470 and inadequacies and the satisfaction of transportation
 4471 concurrency standards are paramount public purposes for the
 4472 state and its counties and municipalities.

4473 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~
 4474 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~
 4475 ~~backlog~~ authority created pursuant to this section has the
 4476 powers necessary or convenient to carry out the purposes of this
 4477 section, including the following powers in addition to others
 4478 granted in this section:

4479 (a) To make and execute contracts and other instruments
 4480 necessary or convenient to the exercise of its powers under this

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4481 section.

4482 (b) To undertake and carry out transportation ~~concurrency~~
4483 ~~backlog~~ projects for transportation facilities designed to
4484 relieve transportation deficiencies ~~that have a concurrency~~
4485 ~~backlog~~ within the authority's jurisdiction. Transportation
4486 ~~Concurrency backlog~~ projects may include transportation
4487 facilities that provide for alternative modes of travel
4488 including sidewalks, bikeways, and mass transit which are
4489 related to a deficient ~~backlogged~~ transportation facility.

4490 (c) To invest any transportation ~~concurrency backlog~~ funds
4491 held in reserve, sinking funds, or any such funds not required
4492 for immediate disbursement in property or securities in which
4493 savings banks may legally invest funds subject to the control of
4494 the authority and to redeem such bonds as have been issued
4495 pursuant to this section at the redemption price established
4496 therein, or to purchase such bonds at less than redemption
4497 price. All such bonds redeemed or purchased shall be canceled.

4498 (d) To borrow money, including, but not limited to,
4499 issuing debt obligations such as, but not limited to, bonds,
4500 notes, certificates, and similar debt instruments; to apply for
4501 and accept advances, loans, grants, contributions, and any other
4502 forms of financial assistance from the Federal Government or the
4503 state, county, or any other public body or from any sources,
4504 public or private, for the purposes of this part; to give such
4505 security as may be required; to enter into and carry out
4506 contracts or agreements; and to include in any contracts for
4507 financial assistance with the Federal Government for or with
4508 respect to a transportation ~~concurrency backlog~~ project and

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4509 related activities such conditions imposed under federal laws as
 4510 the transportation development ~~concurrency backlog~~ authority
 4511 considers reasonable and appropriate and which are not
 4512 inconsistent with the purposes of this section.

4513 (e) To make or have made all surveys and plans necessary
 4514 to the carrying out of the purposes of this section; to contract
 4515 with any persons, public or private, in making and carrying out
 4516 such plans; and to adopt, approve, modify, or amend such
 4517 transportation sufficiency ~~concurrency backlog~~ plans.

4518 (f) To appropriate such funds and make such expenditures
 4519 as are necessary to carry out the purposes of this section, and
 4520 to enter into agreements with other public bodies, which
 4521 agreements may extend over any period notwithstanding any
 4522 provision or rule of law to the contrary.

4523 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

4524 ~~(a)~~ Each transportation development ~~concurrency backlog~~
 4525 authority shall adopt a transportation sufficiency ~~concurrency~~
 4526 ~~backlog~~ plan as a part of the local government comprehensive
 4527 plan within 6 months after the creation of the authority. The
 4528 plan must:

4529 (a)~~1.~~ Identify all transportation facilities that have
 4530 been designated as deficient and require the expenditure of
 4531 moneys to upgrade, modify, or mitigate the deficiency.

4532 (b)~~2.~~ Include a priority listing of all transportation
 4533 facilities that have been designated as deficient and do not
 4534 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and
 4535 the applicable local government comprehensive plan.

4536 (c)~~3.~~ Establish a schedule for financing and construction

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4537 of transportation ~~concurrency backlog~~ projects that will
 4538 eliminate transportation deficiencies ~~concurrency backlogs~~
 4539 within the jurisdiction of the authority within 10 years after
 4540 the transportation sufficiency ~~concurrency backlog~~ plan
 4541 adoption. The schedule shall be adopted as part of the local
 4542 government comprehensive plan.

4543 ~~(b) The adoption of the transportation concurrency backlog~~
 4544 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4545
 4546 Notwithstanding such schedule requirements, as long as the
 4547 schedule provides for the elimination of all transportation
 4548 deficiencies ~~concurrency backlogs~~ within 10 years after the
 4549 adoption of the transportation sufficiency ~~concurrency backlog~~
 4550 plan, the final maturity date of any debt incurred to finance or
 4551 refinance the related projects may be no later than 40 years
 4552 after the date the debt is incurred and the authority may
 4553 continue operations and administer the trust fund established as
 4554 provided in subsection (5) for as long as the debt remains
 4555 outstanding.

4556 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
 4557 development ~~concurrency backlog~~ authority shall establish a
 4558 local transportation ~~concurrency backlog~~ trust fund upon
 4559 creation of the authority. Each local trust fund shall be
 4560 administered by the transportation development ~~concurrency~~
 4561 ~~backlog~~ authority within which a transportation deficiencies
 4562 have ~~concurrency backlog~~ ~~has~~ been identified. Each local trust
 4563 fund must continue to be funded under this section for as long
 4564 as the projects set forth in the related transportation

4565 sufficiency ~~concurrency backlog~~ plan remain to be completed or
 4566 until any debt incurred to finance or refinance the related
 4567 projects is no longer outstanding, whichever occurs later.
 4568 Beginning in the first fiscal year after the creation of the
 4569 authority, each local trust fund shall be funded by the proceeds
 4570 of an ad valorem tax increment collected within each
 4571 transportation deficiency ~~concurrency backlog~~ area to be
 4572 determined annually and shall be a minimum of 25 percent of the
 4573 difference between the amounts set forth in paragraphs (a) and
 4574 (b), except that if all of the affected taxing authorities agree
 4575 under an interlocal agreement, a particular local trust fund may
 4576 be funded by the proceeds of an ad valorem tax increment greater
 4577 than 25 percent of the difference between the amounts set forth
 4578 in paragraphs (a) and (b):

4579 (a) The amount of ad valorem tax levied each year by each
 4580 taxing authority, exclusive of any amount from any debt service
 4581 millage, on taxable real property contained within the
 4582 jurisdiction of the transportation development ~~concurrency~~
 4583 ~~backlog~~ authority and within the transportation deficiency
 4584 ~~backlog~~ area; and

4585 (b) The amount of ad valorem taxes which would have been
 4586 produced by the rate upon which the tax is levied each year by
 4587 or for each taxing authority, exclusive of any debt service
 4588 millage, upon the total of the assessed value of the taxable
 4589 real property within the transportation deficiency ~~concurrency~~
 4590 ~~backlog~~ area as shown on the most recent assessment roll used in
 4591 connection with the taxation of such property of each taxing
 4592 authority prior to the effective date of the ordinance funding

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4593 | the trust fund.

4594 | (6) EXEMPTIONS.—

4595 | (a) The following public bodies or taxing authorities are
4596 | exempt from ~~the provisions of~~ this section:

4597 | 1. A special district that levies ad valorem taxes on
4598 | taxable real property in more than one county.

4599 | 2. A special district for which the sole available source
4600 | of revenue is the authority to levy ad valorem taxes at the time
4601 | an ordinance is adopted under this section. However, revenues or
4602 | aid that may be dispensed or appropriated to a district as
4603 | defined in s. 388.011 at the discretion of an entity other than
4604 | such district are ~~shall~~ not ~~be~~ deemed available.

4605 | 3. A library district.

4606 | 4. A neighborhood improvement district created under the
4607 | Safe Neighborhoods Act.

4608 | 5. A metropolitan transportation authority.

4609 | 6. A water management district created under s. 373.069.

4610 | 7. A community redevelopment agency.

4611 | (b) A transportation development ~~concurrency exemption~~
4612 | authority may also exempt from this section a special district
4613 | that levies ad valorem taxes within the transportation
4614 | deficiency ~~concurrency backlog~~ area pursuant to s.
4615 | 163.387(2)(d).

4616 | (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption
4617 | of a transportation sufficiency ~~concurrency backlog~~ plan as a
4618 | part of the local government comprehensive plan, and the plan
4619 | going into effect, the area subject to the plan shall be deemed
4620 | to have achieved and maintained transportation level-of-service

4621 standards, ~~and to have met requirements for financial~~
 4622 ~~feasibility for transportation facilities, and for the purpose~~
 4623 ~~of proposed development transportation concurrency has been~~
 4624 ~~satisfied.~~ Proportionate fair-share mitigation shall be limited
 4625 to ensure that a development inside a transportation deficiency
 4626 ~~concurrency backlog~~ area is not responsible for the additional
 4627 costs of eliminating deficiencies ~~backlogs~~.

4628 (8) DISSOLUTION.—Upon completion of all transportation
 4629 ~~concurrency backlog~~ projects identified in the transportation
 4630 sufficiency plan and repayment or defeasance of all debt issued
 4631 to finance or refinance such projects, a transportation
 4632 development ~~concurrency backlog~~ authority shall be dissolved,
 4633 and its assets and liabilities transferred to the county or
 4634 municipality within which the authority is located. All
 4635 remaining assets of the authority must be used for
 4636 implementation of transportation projects within the
 4637 jurisdiction of the authority. The local government
 4638 comprehensive plan shall be amended to remove the transportation
 4639 concurrency backlog plan.

4640 Section 17. Section 163.3184, Florida Statutes, is amended
 4641 to read:

4642 163.3184 Process for adoption of comprehensive plan or
 4643 plan amendment.—

4644 (1) DEFINITIONS.—As used in this section, the term:

4645 (a) "Affected person" includes the affected local
 4646 government; persons owning property, residing, or owning or
 4647 operating a business within the boundaries of the local
 4648 government whose plan is the subject of the review; owners of

4649 real property abutting real property that is the subject of a
 4650 proposed change to a future land use map; and adjoining local
 4651 governments that can demonstrate that the plan or plan amendment
 4652 will produce substantial impacts on the increased need for
 4653 publicly funded infrastructure or substantial impacts on areas
 4654 designated for protection or special treatment within their
 4655 jurisdiction. Each person, other than an adjoining local
 4656 government, in order to qualify under this definition, shall
 4657 also have submitted oral or written comments, recommendations,
 4658 or objections to the local government during the period of time
 4659 beginning with the transmittal hearing for the plan or plan
 4660 amendment and ending with the adoption of the plan or plan
 4661 amendment.

4662 (b) "In compliance" means consistent with the requirements
 4663 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and
 4664 163.3248 ~~with the state comprehensive plan,~~ with the appropriate
 4665 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~
 4666 ~~Administrative Code, where such rule is not inconsistent with~~
 4667 ~~this part~~ and with the principles for guiding development in
 4668 designated areas of critical state concern and with part III of
 4669 chapter 369, where applicable.

4670 (c) "Reviewing agencies" means:

- 4671 1. The state land planning agency;
- 4672 2. The appropriate regional planning council;
- 4673 3. The appropriate water management district;
- 4674 4. The Department of Environmental Protection;
- 4675 5. The Department of State;
- 4676 6. The Department of Transportation;

4677 7. In the case of plan amendments relating to public
 4678 schools, the Department of Education;

4679 8. In the case of plans or plan amendments that affect a
 4680 military installation listed in s. 163.3175, the commanding
 4681 officer of the affected military installation;

4682 9. In the case of county plans and plan amendments, the
 4683 Fish and Wildlife Conservation Commission and the Department of
 4684 Agriculture and Consumer Services; and

4685 10. In the case of municipal plans and plan amendments,
 4686 the county in which the municipality is located.

4687 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

4688 (a) Plan amendments adopted by local governments shall
 4689 follow the expedited state review process in subsection (3),
 4690 except as set forth in paragraphs (b) and (c).

4691 (b) Plan amendments that qualify as small-scale
 4692 development amendments may follow the small-scale review process
 4693 in s. 163.3187.

4694 (c) Plan amendments that are in an area of critical state
 4695 concern designated pursuant to s. 380.05; propose a rural land
 4696 stewardship area pursuant to s. 163.3248; propose a sector plan
 4697 pursuant to s. 163.3245; update a comprehensive plan based on an
 4698 evaluation and appraisal pursuant to s. 163.3191; or are new
 4699 plans for newly incorporated municipalities adopted pursuant to
 4700 s. 163.3167 shall follow the state coordinated review process in
 4701 subsection (4).

4702 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
 4703 COMPREHENSIVE PLAN AMENDMENTS.—

4704 (a) The process for amending a comprehensive plan

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4705 described in this subsection shall apply to all amendments
4706 except as provided in paragraphs (2) (b) and (c) and shall be
4707 applicable statewide.

4708 (b)1. The local government, after the initial public
4709 hearing held pursuant to subsection (11), shall immediately
4710 transmit the amendment or amendments and appropriate supporting
4711 data and analyses to the reviewing agencies. The local governing
4712 body shall also transmit a copy of the amendments and supporting
4713 data and analyses to any other local government or governmental
4714 agency that has filed a written request with the governing body.

4715 2. The reviewing agencies and any other local government
4716 or governmental agency specified in subparagraph 1. may provide
4717 comments regarding the amendment or amendments to the local
4718 government. State agencies shall only comment on important state
4719 resources and facilities that will be adversely impacted by the
4720 amendment if adopted. Comments provided by state agencies shall
4721 state with specificity how the plan amendment will adversely
4722 impact an important state resource or facility and shall
4723 identify measures the local government may take to eliminate,
4724 reduce, or mitigate the adverse impacts. Such comments, if not
4725 resolved, may result in a challenge by the state land planning
4726 agency to the plan amendment. Agencies and local governments
4727 must transmit their comments to the affected local government
4728 such that they are received by the local government not later
4729 than 30 days from the date on which the agency or government
4730 received the amendment or amendments. Reviewing agencies shall
4731 also send a copy of their comments to the state land planning
4732 agency.

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4733 3. Comments to the local government from a regional
4734 planning council, county, or municipality shall be limited as
4735 follows:

4736 a. The regional planning council review and comments shall
4737 be limited to adverse effects on regional resources or
4738 facilities identified in the strategic regional policy plan and
4739 extrajurisdictional impacts that would be inconsistent with the
4740 comprehensive plan of any affected local government within the
4741 region. A regional planning council may not review and comment
4742 on a proposed comprehensive plan amendment prepared by such
4743 council unless the plan amendment has been changed by the local
4744 government subsequent to the preparation of the plan amendment
4745 by the regional planning council.

4746 b. County comments shall be in the context of the
4747 relationship and effect of the proposed plan amendments on the
4748 county plan.

4749 c. Municipal comments shall be in the context of the
4750 relationship and effect of the proposed plan amendments on the
4751 municipal plan.

4752 d. Military installation comments shall be provided in
4753 accordance with s. 163.3175.

4754 4. Comments to the local government from state agencies
4755 shall be limited to the following subjects as they relate to
4756 important state resources and facilities that will be adversely
4757 impacted by the amendment if adopted:

4758 a. The Department of Environmental Protection shall limit
4759 its comments to the subjects of air and water pollution;
4760 wetlands and other surface waters of the state; federal and

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4761 state-owned lands and interest in lands, including state parks,
 4762 greenways and trails, and conservation easements; solid waste;
 4763 water and wastewater treatment; and the Everglades ecosystem
 4764 restoration.

4765 b. The Department of State shall limit its comments to the
 4766 subjects of historic and archeological resources.

4767 c. The Department of Transportation shall limit its
 4768 comments to the subject of the strategic intermodal system.

4769 d. The Fish and Wildlife Conservation Commission shall
 4770 limit its comments to subjects relating to fish and wildlife
 4771 habitat and listed species and their habitat.

4772 e. The Department of Agriculture and Consumer Services
 4773 shall limit its comments to the subjects of agriculture,
 4774 forestry, and aquaculture issues.

4775 f. The Department of Education shall limit its comments to
 4776 the subject of public school facilities.

4777 g. The appropriate water management district shall limit
 4778 its comments to flood protection and floodplain management,
 4779 wetlands and other surface waters, and regional water supply.

4780 h. The state land planning agency shall limit its comments
 4781 to important state resources and facilities outside the
 4782 jurisdiction of other commenting state agencies and may include
 4783 comments on countervailing planning policies and objectives
 4784 served by the plan amendment that should be balanced against
 4785 potential adverse impacts to important state resources and
 4786 facilities.

4787 (c)1. The local government shall hold its second public
 4788 hearing, which shall be a hearing on whether to adopt one or

4789 more comprehensive plan amendments pursuant to subsection (11).
4790 If the local government fails, within 180 days after receipt of
4791 agency comments, to hold the second public hearing, the
4792 amendments shall be deemed withdrawn unless extended by
4793 agreement with notice to the state land planning agency and any
4794 affected person that provided comments on the amendment. The
4795 180-day limitation does not apply to amendments processed
4796 pursuant to s. 380.06.

4797 2. All comprehensive plan amendments adopted by the
4798 governing body, along with the supporting data and analysis,
4799 shall be transmitted within 10 days after the second public
4800 hearing to the state land planning agency and any other agency
4801 or local government that provided timely comments under
4802 subparagraph (b)2.

4803 3. The state land planning agency shall notify the local
4804 government of any deficiencies within 5 working days after
4805 receipt of an amendment package. For purposes of completeness,
4806 an amendment shall be deemed complete if it contains a full,
4807 executed copy of the adoption ordinance or ordinances; in the
4808 case of a text amendment, a full copy of the amended language in
4809 legislative format with new words inserted in the text
4810 underlined, and words deleted stricken with hyphens; in the case
4811 of a future land use map amendment, a copy of the future land
4812 use map clearly depicting the parcel, its existing future land
4813 use designation, and its adopted designation; and a copy of any
4814 data and analyses the local government deems appropriate.

4815 4. An amendment adopted under this paragraph does not
4816 become effective until 31 days after the state land planning

4817 agency notifies the local government that the plan amendment
 4818 package is complete. Amendments listed in paragraph (2) (c) and
 4819 subject to the state coordinated review process go into effect
 4820 pursuant to the state land planning agency's notice of intent.
 4821 If timely challenged, an amendment does not become effective
 4822 until the state land planning agency or the Administration
 4823 Commission enters a final order determining the adopted
 4824 amendment to be in compliance.

4825 (4) STATE COORDINATED REVIEW PROCESS.—

4826 (a)(2) Coordination.—The state land planning agency shall
 4827 only use the state coordinated review process described in this
 4828 subsection for review of comprehensive plans and plan amendments
 4829 described in paragraph (2) (c). Each comprehensive plan or plan
 4830 amendment proposed to be adopted pursuant to this subsection
 4831 part shall be transmitted, adopted, and reviewed in the manner
 4832 prescribed in this subsection section. The state land planning
 4833 agency shall have responsibility for plan review, coordination,
 4834 and the preparation and transmission of comments, pursuant to
 4835 this subsection section, to the local governing body responsible
 4836 for the comprehensive plan or plan amendment. The state land
 4837 planning agency shall maintain a single file concerning any
 4838 proposed or adopted plan amendment submitted by a local
 4839 government for any review under this section. Copies of all
 4840 correspondence, papers, notes, memoranda, and other documents
 4841 received or generated by the state land planning agency must be
 4842 placed in the appropriate file. Paper copies of all electronic
 4843 mail correspondence must be placed in the file. The file and its
 4844 contents must be available for public inspection and copying as

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4845 ~~provided in chapter 119.~~

4846 ~~(b)(3)~~ Local government transmittal of proposed plan or
 4847 amendment.—

4848 ~~(a)~~ Each local governing body proposing a plan or plan
 4849 amendment specified in paragraph (2)(c) shall transmit the
 4850 complete proposed comprehensive plan or plan amendment to the
 4851 reviewing agencies ~~state land planning agency, the appropriate~~
 4852 ~~regional planning council and water management district, the~~
 4853 ~~Department of Environmental Protection, the Department of State,~~
 4854 ~~and the Department of Transportation, and, in the case of~~
 4855 ~~municipal plans, to the appropriate county, and, in the case of~~
 4856 ~~county plans, to the Fish and Wildlife Conservation Commission~~
 4857 ~~and the Department of Agriculture and Consumer Services,~~
 4858 immediately following the first ~~a~~ public hearing pursuant to
 4859 subsection (11). The transmitted document shall clearly indicate
 4860 on the cover sheet that this plan amendment is subject to the
 4861 state coordinated review process of s. 163.3184(4)(15) as
 4862 ~~specified in the state land planning agency's procedural rules.~~
 4863 The local governing body shall also transmit a copy of the
 4864 complete proposed comprehensive plan or plan amendment to any
 4865 other unit of local government or government agency in the state
 4866 that has filed a written request with the governing body for the
 4867 plan or plan amendment. ~~The local government may request a~~
 4868 ~~review by the state land planning agency pursuant to subsection~~
 4869 ~~(6) at the time of the transmittal of an amendment.~~

4870 ~~(b)~~ A local governing body shall not transmit portions of
 4871 a plan or plan amendment unless it has previously provided to
 4872 all state agencies designated by the state land planning agency

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4873 ~~a complete copy of its adopted comprehensive plan pursuant to~~
4874 ~~subsection (7) and as specified in the agency's procedural~~
4875 ~~rules. In the case of comprehensive plan amendments, the local~~
4876 ~~governing body shall transmit to the state land planning agency,~~
4877 ~~the appropriate regional planning council and water management~~
4878 ~~district, the Department of Environmental Protection, the~~
4879 ~~Department of State, and the Department of Transportation, and,~~
4880 ~~in the case of municipal plans, to the appropriate county and,~~
4881 ~~in the case of county plans, to the Fish and Wildlife~~
4882 ~~Conservation Commission and the Department of Agriculture and~~
4883 ~~Consumer Services the materials specified in the state land~~
4884 ~~planning agency's procedural rules and, in cases in which the~~
4885 ~~plan amendment is a result of an evaluation and appraisal report~~
4886 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~
4887 ~~appraisal report. Local governing bodies shall consolidate all~~
4888 ~~proposed plan amendments into a single submission for each of~~
4889 ~~the two plan amendment adoption dates during the calendar year~~
4890 ~~pursuant to s. 163.3187.~~

4891 ~~(c) A local government may adopt a proposed plan amendment~~
4892 ~~previously transmitted pursuant to this subsection, unless~~
4893 ~~review is requested or otherwise initiated pursuant to~~
4894 ~~subsection (6).~~

4895 ~~(d) In cases in which a local government transmits~~
4896 ~~multiple individual amendments that can be clearly and legally~~
4897 ~~separated and distinguished for the purpose of determining~~
4898 ~~whether to review the proposed amendment, and the state land~~
4899 ~~planning agency elects to review several or a portion of the~~
4900 ~~amendments and the local government chooses to immediately adopt~~

4901 ~~the remaining amendments not reviewed, the amendments~~
 4902 ~~immediately adopted and any reviewed amendments that the local~~
 4903 ~~government subsequently adopts together constitute one amendment~~
 4904 ~~cycle in accordance with s. 163.3187(1).~~

4905 ~~(c) At the request of an applicant, a local government~~
 4906 ~~shall consider an application for zoning changes that would be~~
 4907 ~~required to properly enact the provisions of any proposed plan~~
 4908 ~~amendment transmitted pursuant to this subsection. Zoning~~
 4909 ~~changes approved by the local government are contingent upon the~~
 4910 ~~comprehensive plan or plan amendment transmitted becoming~~
 4911 ~~effective.~~

4912 ~~(c)(4)~~ Reviewing agency comments INTERGOVERNMENTAL
 4913 REVIEW.—~~The governmental agencies specified in paragraph (b) may~~
 4914 ~~paragraph (3) (a) shall provide comments regarding the plan or~~
 4915 plan amendments in accordance with subparagraphs (3) (b) 2.-4.
 4916 However, comments on plans or plan amendments required to be
 4917 reviewed under the state coordinated review process shall be
 4918 sent to the state land planning agency within 30 days after
 4919 receipt by the state land planning agency of the complete
 4920 proposed plan or plan amendment from the local government. If
 4921 the state land planning agency comments on a plan or plan
 4922 amendment adopted under the state coordinated review process, it
 4923 shall provide comments according to paragraph (d). Any other
 4924 unit of local government or government agency specified in
 4925 paragraph (b) may provide comments to the state land planning
 4926 agency in accordance with subparagraphs (3) (b) 2.-4. within 30
 4927 days after receipt by the state land planning agency of the
 4928 complete proposed plan or plan amendment. If the plan or plan

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4929 ~~amendment includes or relates to the public school facilities~~
 4930 ~~element pursuant to s. 163.3177(12), the state land planning~~
 4931 ~~agency shall submit a copy to the Office of Educational~~
 4932 ~~Facilities of the Commissioner of Education for review and~~
 4933 ~~comment. The appropriate regional planning council shall also~~
 4934 ~~provide its written comments to the state land planning agency~~
 4935 ~~within 30 days after receipt by the state land planning agency~~
 4936 ~~of the complete proposed plan amendment and shall specify any~~
 4937 ~~objections, recommendations for modifications, and comments of~~
 4938 ~~any other regional agencies to which the regional planning~~
 4939 ~~council may have referred the proposed plan amendment. Written~~
 4940 ~~comments submitted by the public shall be sent directly to the~~
 4941 ~~local government within 30 days after notice of transmittal by~~
 4942 ~~the local government of the proposed plan amendment will be~~
 4943 ~~considered as if submitted by governmental agencies. All written~~
 4944 ~~agency and public comments must be made part of the file~~
 4945 ~~maintained under subsection (2).~~

4946 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~
 4947 ~~the regional planning council pursuant to subsection (4) shall~~
 4948 ~~be limited to effects on regional resources or facilities~~
 4949 ~~identified in the strategic regional policy plan and~~
 4950 ~~extrajurisdictional impacts which would be inconsistent with the~~
 4951 ~~comprehensive plan of the affected local government. However,~~
 4952 ~~any inconsistency between a local plan or plan amendment and a~~
 4953 ~~strategic regional policy plan must not be the sole basis for a~~
 4954 ~~notice of intent to find a local plan or plan amendment not in~~
 4955 ~~compliance with this act. A regional planning council shall not~~
 4956 ~~review and comment on a proposed comprehensive plan it prepared~~

4957 ~~itself unless the plan has been changed by the local government~~
 4958 ~~subsequent to the preparation of the plan by the regional~~
 4959 ~~planning agency. The review of the county land planning agency~~
 4960 ~~pursuant to subsection (4) shall be primarily in the context of~~
 4961 ~~the relationship and effect of the proposed plan amendment on~~
 4962 ~~any county comprehensive plan element. Any review by~~
 4963 ~~municipalities will be primarily in the context of the~~
 4964 ~~relationship and effect on the municipal plan.~~

4965 (d) ~~(6)~~ State land planning agency review.-

4966 ~~(a) The state land planning agency shall review a proposed~~
 4967 ~~plan amendment upon request of a regional planning council,~~
 4968 ~~affected person, or local government transmitting the plan~~
 4969 ~~amendment. The request from the regional planning council or~~
 4970 ~~affected person must be received within 30 days after~~
 4971 ~~transmittal of the proposed plan amendment pursuant to~~
 4972 ~~subsection (3). A regional planning council or affected person~~
 4973 ~~requesting a review shall do so by submitting a written request~~
 4974 ~~to the agency with a notice of the request to the local~~
 4975 ~~government and any other person who has requested notice.~~

4976 ~~(b) The state land planning agency may review any proposed~~
 4977 ~~plan amendment regardless of whether a request for review has~~
 4978 ~~been made, if the agency gives notice to the local government,~~
 4979 ~~and any other person who has requested notice, of its intention~~
 4980 ~~to conduct such a review within 35 days after receipt of the~~
 4981 ~~complete proposed plan amendment.~~

4982 1. ~~(c) The state land planning agency shall establish by~~
 4983 ~~rule a schedule for receipt of comments from the various~~
 4984 ~~government agencies, as well as written public comments,~~

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4985 ~~pursuant to subsection (4).~~ If the state land planning agency
 4986 elects to review a plan or plan ~~the amendment or the agency is~~
 4987 ~~required to review the amendment as~~ specified in paragraph
 4988 (2) (c) (a), the agency shall issue a report giving its
 4989 objections, recommendations, and comments regarding the proposed
 4990 plan or plan amendment within 60 days after receipt of the
 4991 ~~complete proposed plan or plan~~ amendment ~~by the state land~~
 4992 ~~planning agency.~~ Notwithstanding the limitation on comments in
 4993 sub-subparagraph (3) (b) 4.g., the state land planning agency may
 4994 make objections, recommendations, and comments in its report
 4995 regarding whether the plan or plan amendment is in compliance
 4996 and whether the plan or plan amendment will adversely impact
 4997 important state resources and facilities. Any objection
 4998 regarding an important state resource or facility that will be
 4999 adversely impacted by the adopted plan or plan amendment shall
 5000 also state with specificity how the plan or plan amendment will
 5001 adversely impact the important state resource or facility and
 5002 shall identify measures the local government may take to
 5003 eliminate, reduce, or mitigate the adverse impacts. When a
 5004 federal, state, or regional agency has implemented a permitting
 5005 program, ~~the state land planning agency shall not require a~~
 5006 local government is not required to duplicate or exceed that
 5007 permitting program in its comprehensive plan or to implement
 5008 such a permitting program in its land development regulations.
 5009 This subparagraph does not ~~Nothing contained herein shall~~
 5010 prohibit the state land planning agency in conducting its review
 5011 of local plans or plan amendments from making objections,
 5012 recommendations, and comments ~~or making compliance~~

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5013 ~~determinations~~ regarding densities and intensities consistent
 5014 with ~~the provisions of~~ this part. In preparing its comments, the
 5015 state land planning agency shall only base its considerations on
 5016 written, and not oral, comments, ~~from any source.~~

5017 2.(d) The state land planning agency review shall identify
 5018 all written communications with the agency regarding the
 5019 proposed plan amendment. ~~If the state land planning agency does~~
 5020 ~~not issue such a review, it shall identify in writing to the~~
 5021 ~~local government all written communications received 30 days~~
 5022 ~~after transmittal.~~ The written identification must include a
 5023 list of all documents received or generated by the agency, which
 5024 list must be of sufficient specificity to enable the documents
 5025 to be identified and copies requested, if desired, and the name
 5026 of the person to be contacted to request copies of any
 5027 identified document. ~~The list of documents must be made a part~~
 5028 ~~of the public records of the state land planning agency.~~

5029 (e)(7) Local government review of comments; adoption of
 5030 plan or amendments and transmittal.—

5031 ~~(a)~~ The local government shall review the report written
 5032 ~~comments~~ submitted to it by the state land planning agency, if
 5033 any, and written comments submitted to it by any other person,
 5034 agency, or government. ~~Any comments, recommendations, or~~
 5035 ~~objections and any reply to them shall be public documents, a~~
 5036 ~~part of the permanent record in the matter, and admissible in~~
 5037 ~~any proceeding in which the comprehensive plan or plan amendment~~
 5038 ~~may be at issue.~~ The local government, upon receipt of the
 5039 report written comments from the state land planning agency,
 5040 shall follow the process in paragraph (3)(c) for the adoption of

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5041 its plan or plan amendment. After the state land planning agency
 5042 makes a determination of completeness pursuant to subparagraph
 5043 (3)(c)3. regarding the adopted plan or plan amendment, the state
 5044 land planning agency shall have 45 days to determine if the plan
 5045 or plan amendment is in compliance with this act. Unless the
 5046 plan or plan amendment is substantially changed from the one
 5047 commented on, the state land planning agency's compliance
 5048 determination shall be limited to objections raised in the
 5049 objections, recommendation, and comments report. During the time
 5050 period provided for in this subsection, the state land planning
 5051 agency shall issue, through a senior administrator or the
 5052 secretary, a notice of intent to find that the plan or plan
 5053 amendment is in compliance or not in compliance. The state land
 5054 planning agency shall post a copy of the notice of intent on the
 5055 agency's Internet site. Publication by the state land planning
 5056 agency of the notice of intent on the state land planning
 5057 agency's Internet site shall be prima facie evidence of
 5058 compliance with the publication requirements of this section.

5059 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
 5060 AMENDMENTS.—

5061 (a) Any affected person as defined in paragraph (1)(a) may
 5062 file a petition with the Division of Administrative Hearings
 5063 pursuant to ss. 120.569 and 120.57, with a copy served on the
 5064 affected local government, to request a formal hearing to
 5065 challenge whether the plan or plan amendments are in compliance
 5066 as defined in paragraph (1)(b). This petition must be filed with
 5067 the division within 30 days after the local government adopts
 5068 the amendment. The state land planning agency may not intervene

5069 in a proceeding initiated by an affected person.

5070 (b) The state land planning agency may file a petition
 5071 with the Division of Administrative Hearings pursuant to ss.
 5072 120.569 and 120.57, with a copy served on the affected local
 5073 government, to request a formal hearing to challenge whether the
 5074 plan or plan amendment is in compliance as defined in paragraph
 5075 (1)(b). The state land planning agency's petition must clearly
 5076 state the reasons for the challenge. This petition must be filed
 5077 with the division within 30 days after the state land planning
 5078 agency notifies the local government that the plan amendment
 5079 package is complete according to subparagraph (3)(c)3.

5080 1. The state land planning agency's challenge to plan
 5081 amendments adopted under the expedited state review process
 5082 shall be limited to the comments provided by the reviewing
 5083 agencies pursuant to subparagraphs (3)(b)2.-4., upon a
 5084 determination by the state land planning agency that an
 5085 important state resource or facility will be adversely impacted
 5086 by the adopted plan amendment. The state land planning agency's
 5087 petition shall state with specificity how the plan amendment
 5088 will adversely impact the important state resource or facility.
 5089 The state land planning agency may challenge a plan amendment
 5090 that has substantially changed from the version on which the
 5091 agencies provided comments but only upon a determination by the
 5092 state land planning agency that an important state resource or
 5093 facility will be adversely impacted.

5094 2. If the state land planning agency issues a notice of
 5095 intent to find the comprehensive plan or plan amendment not in
 5096 compliance with this act, the notice of intent shall be

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5097 forwarded to the Division of Administrative Hearings of the
5098 Department of Management Services, which shall conduct a
5099 proceeding under ss. 120.569 and 120.57 in the county of and
5100 convenient to the affected local jurisdiction. The parties to
5101 the proceeding shall be the state land planning agency, the
5102 affected local government, and any affected person who
5103 intervenes. No new issue may be alleged as a reason to find a
5104 plan or plan amendment not in compliance in an administrative
5105 pleading filed more than 21 days after publication of notice
5106 unless the party seeking that issue establishes good cause for
5107 not alleging the issue within that time period. Good cause does
5108 not include excusable neglect.

5109 (c) An administrative law judge shall hold a hearing in
5110 the affected local jurisdiction on whether the plan or plan
5111 amendment is in compliance.

5112 1. In challenges filed by an affected person, the
5113 comprehensive plan or plan amendment shall be determined to be
5114 in compliance if the local government's determination of
5115 compliance is fairly debatable.

5116 2.a. In challenges filed by the state land planning
5117 agency, the local government's determination that the
5118 comprehensive plan or plan amendment is in compliance is
5119 presumed to be correct, and the local government's determination
5120 shall be sustained unless it is shown by a preponderance of the
5121 evidence that the comprehensive plan or plan amendment is not in
5122 compliance.

5123 b. In challenges filed by the state land planning agency,
5124 the local government's determination that elements of its plan

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5125 are related to and consistent with each other shall be sustained
5126 if the determination is fairly debatable.

5127 3. In challenges filed by the state land planning agency
5128 that require a determination by the agency that an important
5129 state resource or facility will be adversely impacted by the
5130 adopted plan or plan amendment, the local government may contest
5131 the agency's determination of an important state resource or
5132 facility. The state land planning agency shall prove its
5133 determination by clear and convincing evidence.

5134 (d) If the administrative law judge recommends that the
5135 amendment be found not in compliance, the judge shall submit the
5136 recommended order to the Administration Commission for final
5137 agency action. The Administration Commission shall enter a final
5138 order within 45 days after its receipt of the recommended order.

5139 (e) If the administrative law judge recommends that the
5140 amendment be found in compliance, the judge shall submit the
5141 recommended order to the state land planning agency.

5142 1. If the state land planning agency determines that the
5143 plan amendment should be found not in compliance, the agency
5144 shall refer, within 30 days after receipt of the recommended
5145 order, the recommended order and its determination to the
5146 Administration Commission for final agency action.

5147 2. If the state land planning agency determines that the
5148 plan amendment should be found in compliance, the agency shall
5149 enter its final order not later than 30 days after receipt of
5150 the recommended order.

5151 (f) Parties to a proceeding under this subsection may
5152 enter into compliance agreements using the process in subsection

5153 (6).
 5154 (6) COMPLIANCE AGREEMENT.—
 5155 (a) At any time after the filing of a challenge, the state
 5156 land planning agency and the local government may voluntarily
 5157 enter into a compliance agreement to resolve one or more of the
 5158 issues raised in the proceedings. Affected persons who have
 5159 initiated a formal proceeding or have intervened in a formal
 5160 proceeding may also enter into a compliance agreement with the
 5161 local government. All parties granted intervenor status shall be
 5162 provided reasonable notice of the commencement of a compliance
 5163 agreement negotiation process and a reasonable opportunity to
 5164 participate in such negotiation process. Negotiation meetings
 5165 with local governments or intervenors shall be open to the
 5166 public. The state land planning agency shall provide each party
 5167 granted intervenor status with a copy of the compliance
 5168 agreement within 10 days after the agreement is executed. The
 5169 compliance agreement shall list each portion of the plan or plan
 5170 amendment that has been challenged, and shall specify remedial
 5171 actions that the local government has agreed to complete within
 5172 a specified time in order to resolve the challenge, including
 5173 adoption of all necessary plan amendments. The compliance
 5174 agreement may also establish monitoring requirements and
 5175 incentives to ensure that the conditions of the compliance
 5176 agreement are met.
 5177 (b) Upon the filing of a compliance agreement executed by
 5178 the parties to a challenge and the local government with the
 5179 Division of Administrative Hearings, any administrative
 5180 proceeding under ss. 120.569 and 120.57 regarding the plan or

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5181 plan amendment covered by the compliance agreement shall be
 5182 stayed.

5183 (c) Before its execution of a compliance agreement, the
 5184 local government must approve the compliance agreement at a
 5185 public hearing advertised at least 10 days before the public
 5186 hearing in a newspaper of general circulation in the area in
 5187 accordance with the advertisement requirements of chapter 125 or
 5188 chapter 166, as applicable.

5189 (d) The local government shall hold a single public
 5190 hearing for adopting remedial amendments.

5191 (e) For challenges to amendments adopted under the
 5192 expedited review process, if the local government adopts a
 5193 comprehensive plan amendment pursuant to a compliance agreement,
 5194 an affected person or the state land planning agency may file a
 5195 revised challenge with the Division of Administrative Hearings
 5196 within 15 days after the adoption of the remedial amendment.

5197 (f) For challenges to amendments adopted under the state
 5198 coordinated process, the state land planning agency, upon
 5199 receipt of a plan or plan amendment adopted pursuant to a
 5200 compliance agreement, shall issue a cumulative notice of intent
 5201 addressing both the remedial amendment and the plan or plan
 5202 amendment that was the subject of the agreement.

5203 1. If the local government adopts a comprehensive plan or
 5204 plan amendment pursuant to a compliance agreement and a notice
 5205 of intent to find the plan amendment in compliance is issued,
 5206 the state land planning agency shall forward the notice of
 5207 intent to the Division of Administrative Hearings and the
 5208 administrative law judge shall realign the parties in the

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5209 pending proceeding under ss. 120.569 and 120.57, which shall
5210 thereafter be governed by the process contained in paragraph
5211 (5) (a) and subparagraph (5) (c)1., including provisions relating
5212 to challenges by an affected person, burden of proof, and issues
5213 of a recommended order and a final order. Parties to the
5214 original proceeding at the time of realignment may continue as
5215 parties without being required to file additional pleadings to
5216 initiate a proceeding, but may timely amend their pleadings to
5217 raise any challenge to the amendment that is the subject of the
5218 cumulative notice of intent, and must otherwise conform to the
5219 rules of procedure of the Division of Administrative Hearings.
5220 Any affected person not a party to the realigned proceeding may
5221 challenge the plan amendment that is the subject of the
5222 cumulative notice of intent by filing a petition with the agency
5223 as provided in subsection (5). The agency shall forward the
5224 petition filed by the affected person not a party to the
5225 realigned proceeding to the Division of Administrative Hearings
5226 for consolidation with the realigned proceeding. If the
5227 cumulative notice of intent is not challenged, the state land
5228 planning agency shall request that the Division of
5229 Administrative Hearings relinquish jurisdiction to the state
5230 land planning agency for issuance of a final order.

5231 2. If the local government adopts a comprehensive plan
5232 amendment pursuant to a compliance agreement and a notice of
5233 intent is issued that finds the plan amendment not in
5234 compliance, the state land planning agency shall forward the
5235 notice of intent to the Division of Administrative Hearings,
5236 which shall consolidate the proceeding with the pending

5237 proceeding and immediately set a date for a hearing in the
 5238 pending proceeding under ss. 120.569 and 120.57. Affected
 5239 persons who are not a party to the underlying proceeding under
 5240 ss. 120.569 and 120.57 may challenge the plan amendment adopted
 5241 pursuant to the compliance agreement by filing a petition
 5242 pursuant to paragraph (5) (a).

5243 (g) This subsection does not prohibit a local government
 5244 from amending portions of its comprehensive plan other than
 5245 those that are the subject of a challenge. However, such
 5246 amendments to the plan may not be inconsistent with the
 5247 compliance agreement.

5248 (h) This subsection does not require settlement by any
 5249 party against its will or preclude the use of other informal
 5250 dispute resolution methods in the course of or in addition to
 5251 the method described in this subsection.

5252 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5253 (a) At any time after the matter has been forwarded to the
 5254 Division of Administrative Hearings, the local government
 5255 proposing the amendment may demand formal mediation or the local
 5256 government proposing the amendment or an affected person who is
 5257 a party to the proceeding may demand informal mediation or
 5258 expeditious resolution of the amendment proceedings by serving
 5259 written notice on the state land planning agency if a party to
 5260 the proceeding, all other parties to the proceeding, and the
 5261 administrative law judge.

5262 (b) Upon receipt of a notice pursuant to paragraph (a),
 5263 the administrative law judge shall set the matter for final
 5264 hearing no more than 30 days after receipt of the notice. Once a

5265 final hearing has been set, no continuance in the hearing, and
 5266 no additional time for post-hearing submittals, may be granted
 5267 without the written agreement of the parties absent a finding by
 5268 the administrative law judge of extraordinary circumstances.
 5269 Extraordinary circumstances do not include matters relating to
 5270 workload or need for additional time for preparation,
 5271 negotiation, or mediation.

5272 (c) Absent a showing of extraordinary circumstances, the
 5273 administrative law judge shall issue a recommended order, in a
 5274 case proceeding under subsection (5), within 30 days after
 5275 filing of the transcript, unless the parties agree in writing to
 5276 a longer time.

5277 (d) Absent a showing of extraordinary circumstances, the
 5278 Administration Commission shall issue a final order, in a case
 5279 proceeding under subsection (5), within 45 days after the
 5280 issuance of the recommended order, unless the parties agree in
 5281 writing to a longer time. ~~have 120 days to adopt or adopt with~~
 5282 ~~changes the proposed comprehensive plan or s. 163.3191 plan~~
 5283 ~~amendments. In the case of comprehensive plan amendments other~~
 5284 ~~than those proposed pursuant to s. 163.3191, the local~~
 5285 ~~government shall have 60 days to adopt the amendment, adopt the~~
 5286 ~~amendment with changes, or determine that it will not adopt the~~
 5287 ~~amendment. The adoption of the proposed plan or plan amendment~~
 5288 ~~or the determination not to adopt a plan amendment, other than a~~
 5289 ~~plan amendment proposed pursuant to s. 163.3191, shall be made~~
 5290 ~~in the course of a public hearing pursuant to subsection (15).~~
 5291 ~~The local government shall transmit the complete adopted~~
 5292 ~~comprehensive plan or plan amendment, including the names and~~

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5293 ~~addresses of persons compiled pursuant to paragraph (15) (c), to~~
 5294 ~~the state land planning agency as specified in the agency's~~
 5295 ~~procedural rules within 10 working days after adoption. The~~
 5296 ~~local governing body shall also transmit a copy of the adopted~~
 5297 ~~comprehensive plan or plan amendment to the regional planning~~
 5298 ~~agency and to any other unit of local government or governmental~~
 5299 ~~agency in the state that has filed a written request with the~~
 5300 ~~governing body for a copy of the plan or plan amendment.~~

5301 ~~(b) If the adopted plan amendment is unchanged from the~~
 5302 ~~proposed plan amendment transmitted pursuant to subsection (3)~~
 5303 ~~and an affected person as defined in paragraph (1) (a) did not~~
 5304 ~~raise any objection, the state land planning agency did not~~
 5305 ~~review the proposed plan amendment, and the state land planning~~
 5306 ~~agency did not raise any objections during its review pursuant~~
 5307 ~~to subsection (6), the local government may state in the~~
 5308 ~~transmittal letter that the plan amendment is unchanged and was~~
 5309 ~~not the subject of objections.~~

5310 ~~(8) NOTICE OF INTENT.~~

5311 ~~(a) If the transmittal letter correctly states that the~~
 5312 ~~plan amendment is unchanged and was not the subject of review or~~
 5313 ~~objections pursuant to paragraph (7) (b), the state land planning~~
 5314 ~~agency has 20 days after receipt of the transmittal letter~~
 5315 ~~within which to issue a notice of intent that the plan amendment~~
 5316 ~~is in compliance.~~

5317 ~~(b) Except as provided in paragraph (a) or in s.~~
 5318 ~~163.3187(3), the state land planning agency, upon receipt of a~~
 5319 ~~local government's complete adopted comprehensive plan or plan~~
 5320 ~~amendment, shall have 45 days for review and to determine if the~~

5321 ~~plan or plan amendment is in compliance with this act, unless~~
 5322 ~~the amendment is the result of a compliance agreement entered~~
 5323 ~~into under subsection (16), in which case the time period for~~
 5324 ~~review and determination shall be 30 days. If review was not~~
 5325 ~~conducted under subsection (6), the agency's determination must~~
 5326 ~~be based upon the plan amendment as adopted. If review was~~
 5327 ~~conducted under subsection (6), the agency's determination of~~
 5328 ~~compliance must be based only upon one or both of the following:~~

5329 ~~1. The state land planning agency's written comments to~~
 5330 ~~the local government pursuant to subsection (6); or~~

5331 ~~2. Any changes made by the local government to the~~
 5332 ~~comprehensive plan or plan amendment as adopted.~~

5333 ~~(c)1. During the time period provided for in this~~
 5334 ~~subsection, the state land planning agency shall issue, through~~
 5335 ~~a senior administrator or the secretary, as specified in the~~
 5336 ~~agency's procedural rules, a notice of intent to find that the~~
 5337 ~~plan or plan amendment is in compliance or not in compliance. A~~
 5338 ~~notice of intent shall be issued by publication in the manner~~
 5339 ~~provided by this paragraph and by mailing a copy to the local~~
 5340 ~~government. The advertisement shall be placed in that portion of~~
 5341 ~~the newspaper where legal notices appear. The advertisement~~
 5342 ~~shall be published in a newspaper that meets the size and~~
 5343 ~~circulation requirements set forth in paragraph (15) (e) and that~~
 5344 ~~has been designated in writing by the affected local government~~
 5345 ~~at the time of transmittal of the amendment. Publication by the~~
 5346 ~~state land planning agency of a notice of intent in the~~
 5347 ~~newspaper designated by the local government shall be prima~~
 5348 ~~facie evidence of compliance with the publication requirements~~

5349 ~~of this section. The state land planning agency shall post a~~
 5350 ~~copy of the notice of intent on the agency's Internet site. The~~
 5351 ~~agency shall, no later than the date the notice of intent is~~
 5352 ~~transmitted to the newspaper, send by regular mail a courtesy~~
 5353 ~~informational statement to persons who provide their names and~~
 5354 ~~addresses to the local government at the transmittal hearing or~~
 5355 ~~at the adoption hearing where the local government has provided~~
 5356 ~~the names and addresses of such persons to the department at the~~
 5357 ~~time of transmittal of the adopted amendment. The informational~~
 5358 ~~statements shall include the name of the newspaper in which the~~
 5359 ~~notice of intent will appear, the approximate date of~~
 5360 ~~publication, the ordinance number of the plan or plan amendment,~~
 5361 ~~and a statement that affected persons have 21 days after the~~
 5362 ~~actual date of publication of the notice to file a petition.~~

5363 ~~2. A local government that has an Internet site shall post~~
 5364 ~~a copy of the state land planning agency's notice of intent on~~
 5365 ~~the site within 5 days after receipt of the mailed copy of the~~
 5366 ~~agency's notice of intent.~~

5367 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.~~

5368 ~~(a) If the state land planning agency issues a notice of~~
 5369 ~~intent to find that the comprehensive plan or plan amendment~~
 5370 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~
 5371 ~~or s. 163.3191 is in compliance with this act, any affected~~
 5372 ~~person may file a petition with the agency pursuant to ss.~~
 5373 ~~120.569 and 120.57 within 21 days after the publication of~~
 5374 ~~notice. In this proceeding, the local plan or plan amendment~~
 5375 ~~shall be determined to be in compliance if the local~~
 5376 ~~government's determination of compliance is fairly debatable.~~

5377 ~~(b) The hearing shall be conducted by an administrative~~
 5378 ~~law judge of the Division of Administrative Hearings of the~~
 5379 ~~Department of Management Services, who shall hold the hearing in~~
 5380 ~~the county of and convenient to the affected local jurisdiction~~
 5381 ~~and submit a recommended order to the state land planning~~
 5382 ~~agency. The state land planning agency shall allow for the~~
 5383 ~~filing of exceptions to the recommended order and shall issue a~~
 5384 ~~final order after receipt of the recommended order if the state~~
 5385 ~~land planning agency determines that the plan or plan amendment~~
 5386 ~~is in compliance. If the state land planning agency determines~~
 5387 ~~that the plan or plan amendment is not in compliance, the agency~~
 5388 ~~shall submit the recommended order to the Administration~~
 5389 ~~Commission for final agency action.~~

5390 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~
 5391 ~~COMPLIANCE.—~~

5392 ~~(a) If the state land planning agency issues a notice of~~
 5393 ~~intent to find the comprehensive plan or plan amendment not in~~
 5394 ~~compliance with this act, the notice of intent shall be~~
 5395 ~~forwarded to the Division of Administrative Hearings of the~~
 5396 ~~Department of Management Services, which shall conduct a~~
 5397 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~
 5398 ~~convenient to the affected local jurisdiction. The parties to~~
 5399 ~~the proceeding shall be the state land planning agency, the~~
 5400 ~~affected local government, and any affected person who~~
 5401 ~~intervenes. No new issue may be alleged as a reason to find a~~
 5402 ~~plan or plan amendment not in compliance in an administrative~~
 5403 ~~pleading filed more than 21 days after publication of notice~~
 5404 ~~unless the party seeking that issue establishes good cause for~~

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5405 ~~not alleging the issue within that time period. Good cause shall~~
5406 ~~not include excusable neglect. In the proceeding, the local~~
5407 ~~government's determination that the comprehensive plan or plan~~
5408 ~~amendment is in compliance is presumed to be correct. The local~~
5409 ~~government's determination shall be sustained unless it is shown~~
5410 ~~by a preponderance of the evidence that the comprehensive plan~~
5411 ~~or plan amendment is not in compliance. The local government's~~
5412 ~~determination that elements of its plans are related to and~~
5413 ~~consistent with each other shall be sustained if the~~
5414 ~~determination is fairly debatable.~~

5415 ~~(b) The administrative law judge assigned by the division~~
5416 ~~shall submit a recommended order to the Administration~~
5417 ~~Commission for final agency action.~~

5418 ~~(c) Prior to the hearing, the state land planning agency~~
5419 ~~shall afford an opportunity to mediate or otherwise resolve the~~
5420 ~~dispute. If a party to the proceeding requests mediation or~~
5421 ~~other alternative dispute resolution, the hearing may not be~~
5422 ~~held until the state land planning agency advises the~~
5423 ~~administrative law judge in writing of the results of the~~
5424 ~~mediation or other alternative dispute resolution. However, the~~
5425 ~~hearing may not be delayed for longer than 90 days for mediation~~
5426 ~~or other alternative dispute resolution unless a longer delay is~~
5427 ~~agreed to by the parties to the proceeding. The costs of the~~
5428 ~~mediation or other alternative dispute resolution shall be borne~~
5429 ~~equally by all of the parties to the proceeding.~~

5430 ~~(8) (11)~~ ADMINISTRATION COMMISSION.—

5431 (a) If the Administration Commission, upon a hearing
5432 pursuant to subsection (5) ~~(9)~~ or subsection ~~(10)~~, finds that the

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5433 comprehensive plan or plan amendment is not in compliance with
 5434 this act, the commission shall specify remedial actions that
 5435 ~~which~~ would bring the comprehensive plan or plan amendment into
 5436 compliance.

5437 (b) The commission may specify the sanctions provided in
 5438 subparagraphs 1. and 2. to which the local government will be
 5439 subject if it elects to make the amendment effective
 5440 notwithstanding the determination of noncompliance.

5441 1. The commission may direct state agencies not to provide
 5442 funds to increase the capacity of roads, bridges, or water and
 5443 sewer systems within the boundaries of those local governmental
 5444 entities which have comprehensive plans or plan elements that
 5445 are determined not to be in compliance. The commission order may
 5446 also specify that the local government is ~~shall~~ not be eligible
 5447 for grants administered under the following programs:

5448 a.1. The Florida Small Cities Community Development Block
 5449 Grant Program, as authorized by ss. 290.0401-290.049.

5450 b.2. The Florida Recreation Development Assistance
 5451 Program, as authorized by chapter 375.

5452 c.3. Revenue sharing pursuant to ss. 206.60, 210.20, and
 5453 218.61 and chapter 212, to the extent not pledged to pay back
 5454 bonds.

5455 2.(b) If the local government is one which is required to
 5456 include a coastal management element in its comprehensive plan
 5457 pursuant to s. 163.3177(6)(g), the commission order may also
 5458 specify that the local government is not eligible for funding
 5459 pursuant to s. 161.091. The commission order may also specify
 5460 that the fact that the coastal management element has been

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5461 determined to be not in compliance shall be a consideration when
5462 the department considers permits under s. 161.053 and when the
5463 Board of Trustees of the Internal Improvement Trust Fund
5464 considers whether to sell, convey any interest in, or lease any
5465 sovereignty lands or submerged lands until the element is
5466 brought into compliance.

5467 3.(e) The sanctions provided by subparagraphs 1. and 2. do
5468 ~~paragraphs (a) and (b) shall~~ not apply to a local government
5469 regarding any plan amendment, except for plan amendments that
5470 amend plans that have not been finally determined to be in
5471 compliance with this part, and except as provided in paragraph
5472 (b) s. 163.3189(2) or s. 163.3191(11).

5473 (9)(12) GOOD FAITH FILING.—The signature of an attorney or
5474 party constitutes a certificate that he or she has read the
5475 pleading, motion, or other paper and that, to the best of his or
5476 her knowledge, information, and belief formed after reasonable
5477 inquiry, it is not interposed for any improper purpose, such as
5478 to harass or to cause unnecessary delay, or for economic
5479 advantage, competitive reasons, or frivolous purposes or
5480 needless increase in the cost of litigation. If a pleading,
5481 motion, or other paper is signed in violation of these
5482 requirements, the administrative law judge, upon motion or his
5483 or her own initiative, shall impose upon the person who signed
5484 it, a represented party, or both, an appropriate sanction, which
5485 may include an order to pay to the other party or parties the
5486 amount of reasonable expenses incurred because of the filing of
5487 the pleading, motion, or other paper, including a reasonable
5488 attorney's fee.

5489 ~~(10)-(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this
 5490 section shall be the sole proceeding or action for a
 5491 determination of whether a local government's plan, element, or
 5492 amendment is in compliance with this act.

5493 ~~(14)~~ AREAS OF CRITICAL STATE CONCERN.—No proposed local
 5494 government comprehensive plan or plan amendment which is
 5495 applicable to a designated area of critical state concern shall
 5496 be effective until a final order is issued finding the plan or
 5497 amendment to be in compliance as defined in this section.

5498 ~~(11)-(15)~~ PUBLIC HEARINGS.—

5499 (a) The procedure for transmittal of a complete proposed
 5500 comprehensive plan or plan amendment pursuant to subparagraph
 5501 ~~subsection~~ (3) (b)1. and paragraph (4) (b) and for adoption of a
 5502 comprehensive plan or plan amendment pursuant to
 5503 subparagraphs (3) (c)1. and (4) (e)1. ~~subsection (7)~~ shall be by
 5504 affirmative vote of not less than a majority of the members of
 5505 the governing body present at the hearing. The adoption of a
 5506 comprehensive plan or plan amendment shall be by ordinance. For
 5507 the purposes of transmitting or adopting a comprehensive plan or
 5508 plan amendment, the notice requirements in chapters 125 and 166
 5509 are superseded by this subsection, except as provided in this
 5510 part.

5511 (b) The local governing body shall hold at least two
 5512 advertised public hearings on the proposed comprehensive plan or
 5513 plan amendment as follows:

5514 1. The first public hearing shall be held at the
 5515 transmittal stage ~~pursuant to subsection (3)~~. It shall be held
 5516 on a weekday at least 7 days after the day that the first

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5517 advertisement is published pursuant to the requirements of
5518 chapter 125 or chapter 166.

5519 2. The second public hearing shall be held at the adoption
5520 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday
5521 at least 5 days after the day that the second advertisement is
5522 published pursuant to the requirements of chapter 125 or chapter
5523 166.

5524 (c) Nothing in this part is intended to prohibit or limit
5525 the authority of local governments to require a person
5526 requesting an amendment to pay some or all of the cost of the
5527 public notice.

5528 (12) CONCURRENT ZONING.—At the request of an applicant, a
5529 local government shall consider an application for zoning
5530 changes that would be required to properly enact any proposed
5531 plan amendment transmitted pursuant to this subsection. Zoning
5532 changes approved by the local government are contingent upon the
5533 comprehensive plan or plan amendment transmitted becoming
5534 effective.

5535 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local
5536 government comprehensive plan or plan amendment that is
5537 applicable to a designated area of critical state concern shall
5538 be effective until a final order is issued finding the plan or
5539 amendment to be in compliance as defined in paragraph (1) (b).

5540 ~~(c) The local government shall provide a sign-in form at~~
5541 ~~the transmittal hearing and at the adoption hearing for persons~~
5542 ~~to provide their names and mailing addresses. The sign-in form~~
5543 ~~must advise that any person providing the requested information~~
5544 ~~will receive a courtesy informational statement concerning~~

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5545 ~~publications of the state land planning agency's notice of~~
5546 ~~intent. The local government shall add to the sign-in form the~~
5547 ~~name and address of any person who submits written comments~~
5548 ~~concerning the proposed plan or plan amendment during the time~~
5549 ~~period between the commencement of the transmittal hearing and~~
5550 ~~the end of the adoption hearing. It is the responsibility of the~~
5551 ~~person completing the form or providing written comments to~~
5552 ~~accurately, completely, and legibly provide all information~~
5553 ~~needed in order to receive the courtesy informational statement.~~

5554 ~~(d) The agency shall provide a model sign-in form for~~
5555 ~~providing the list to the agency which may be used by the local~~
5556 ~~government to satisfy the requirements of this subsection.~~

5557 ~~(e) If the proposed comprehensive plan or plan amendment~~
5558 ~~changes the actual list of permitted, conditional, or prohibited~~
5559 ~~uses within a future land use category or changes the actual~~
5560 ~~future land use map designation of a parcel or parcels of land,~~
5561 ~~the required advertisements shall be in the format prescribed by~~
5562 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~
5563 ~~municipality.~~

5564 ~~(16) COMPLIANCE AGREEMENTS.—~~

5565 ~~(a) At any time following the issuance of a notice of~~
5566 ~~intent to find a comprehensive plan or plan amendment not in~~
5567 ~~compliance with this part or after the initiation of a hearing~~
5568 ~~pursuant to subsection (9), the state land planning agency and~~
5569 ~~the local government may voluntarily enter into a compliance~~
5570 ~~agreement to resolve one or more of the issues raised in the~~
5571 ~~proceedings. Affected persons who have initiated a formal~~
5572 ~~proceeding or have intervened in a formal proceeding may also~~

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5573 ~~enter into the compliance agreement. All parties granted~~
5574 ~~intervenor status shall be provided reasonable notice of the~~
5575 ~~commencement of a compliance agreement negotiation process and a~~
5576 ~~reasonable opportunity to participate in such negotiation~~
5577 ~~process. Negotiation meetings with local governments or~~
5578 ~~intervenor shall be open to the public. The state land planning~~
5579 ~~agency shall provide each party granted intervenor status with a~~
5580 ~~copy of the compliance agreement within 10 days after the~~
5581 ~~agreement is executed. The compliance agreement shall list each~~
5582 ~~portion of the plan or plan amendment which is not in~~
5583 ~~compliance, and shall specify remedial actions which the local~~
5584 ~~government must complete within a specified time in order to~~
5585 ~~bring the plan or plan amendment into compliance, including~~
5586 ~~adoption of all necessary plan amendments. The compliance~~
5587 ~~agreement may also establish monitoring requirements and~~
5588 ~~incentives to ensure that the conditions of the compliance~~
5589 ~~agreement are met.~~

5590 ~~(b) Upon filing by the state land planning agency of a~~
5591 ~~compliance agreement executed by the agency and the local~~
5592 ~~government with the Division of Administrative Hearings, any~~
5593 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~
5594 ~~the plan or plan amendment covered by the compliance agreement~~
5595 ~~shall be stayed.~~

5596 ~~(c) Prior to its execution of a compliance agreement, the~~
5597 ~~local government must approve the compliance agreement at a~~
5598 ~~public hearing advertised at least 10 days before the public~~
5599 ~~hearing in a newspaper of general circulation in the area in~~
5600 ~~accordance with the advertisement requirements of subsection~~

5601 ~~(15).~~

5602 ~~(d) A local government may adopt a plan amendment pursuant~~

5603 ~~to a compliance agreement in accordance with the requirements of~~

5604 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~

5605 ~~requirements of subsections (2)-(7). The local government shall~~

5606 ~~hold a single adoption public hearing pursuant to the~~

5607 ~~requirements of subparagraph (15) (b)2. and paragraph (15) (e).~~

5608 ~~Within 10 working days after adoption of a plan amendment, the~~

5609 ~~local government shall transmit the amendment to the state land~~

5610 ~~planning agency as specified in the agency's procedural rules,~~

5611 ~~and shall submit one copy to the regional planning agency and to~~

5612 ~~any other unit of local government or government agency in the~~

5613 ~~state that has filed a written request with the governing body~~

5614 ~~for a copy of the plan amendment, and one copy to any party to~~

5615 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~

5616 ~~status.~~

5617 ~~(e) The state land planning agency, upon receipt of a plan~~

5618 ~~amendment adopted pursuant to a compliance agreement, shall~~

5619 ~~issue a cumulative notice of intent addressing both the~~

5620 ~~compliance agreement amendment and the plan or plan amendment~~

5621 ~~that was the subject of the agreement, in accordance with~~

5622 ~~subsection (8).~~

5623 ~~(f)1. If the local government adopts a comprehensive plan~~

5624 ~~amendment pursuant to a compliance agreement and a notice of~~

5625 ~~intent to find the plan amendment in compliance is issued, the~~

5626 ~~state land planning agency shall forward the notice of intent to~~

5627 ~~the Division of Administrative Hearings and the administrative~~

5628 ~~law judge shall realign the parties in the pending proceeding~~

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5629 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~
5630 ~~by the process contained in paragraphs (9) (a) and (b), including~~
5631 ~~provisions relating to challenges by an affected person, burden~~
5632 ~~of proof, and issues of a recommended order and a final order,~~
5633 ~~except as provided in subparagraph 2. Parties to the original~~
5634 ~~proceeding at the time of realignment may continue as parties~~
5635 ~~without being required to file additional pleadings to initiate~~
5636 ~~a proceeding, but may timely amend their pleadings to raise any~~
5637 ~~challenge to the amendment which is the subject of the~~
5638 ~~emulative notice of intent, and must otherwise conform to the~~
5639 ~~rules of procedure of the Division of Administrative Hearings.~~
5640 ~~Any affected person not a party to the realigned proceeding may~~
5641 ~~challenge the plan amendment which is the subject of the~~
5642 ~~emulative notice of intent by filing a petition with the agency~~
5643 ~~as provided in subsection (9). The agency shall forward the~~
5644 ~~petition filed by the affected person not a party to the~~
5645 ~~realigned proceeding to the Division of Administrative Hearings~~
5646 ~~for consolidation with the realigned proceeding.~~

5647 ~~2. If any of the issues raised by the state land planning~~
5648 ~~agency in the original subsection (10) proceeding are not~~
5649 ~~resolved by the compliance agreement amendments, any intervenor~~
5650 ~~in the original subsection (10) proceeding may require those~~
5651 ~~issues to be addressed in the pending consolidated realigned~~
5652 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~
5653 ~~issues, the burden of proof shall be governed by subsection~~
5654 ~~(10).~~

5655 ~~3. If the local government adopts a comprehensive plan~~
5656 ~~amendment pursuant to a compliance agreement and a notice of~~

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5657 ~~intent to find the plan amendment not in compliance is issued,~~
 5658 ~~the state land planning agency shall forward the notice of~~
 5659 ~~intent to the Division of Administrative Hearings, which shall~~
 5660 ~~consolidate the proceeding with the pending proceeding and~~
 5661 ~~immediately set a date for hearing in the pending proceeding~~
 5662 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~
 5663 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~
 5664 ~~may challenge the plan amendment adopted pursuant to the~~
 5665 ~~compliance agreement by filing a petition pursuant to subsection~~
 5666 ~~(10).~~

5667 ~~(g) If the local government fails to adopt a comprehensive~~
 5668 ~~plan amendment pursuant to a compliance agreement, the state~~
 5669 ~~land planning agency shall notify the Division of Administrative~~
 5670 ~~Hearings, which shall set the hearing in the pending proceeding~~
 5671 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5672 ~~(h) This subsection does not prohibit a local government~~
 5673 ~~from amending portions of its comprehensive plan other than~~
 5674 ~~those which are the subject of the compliance agreement.~~
 5675 ~~However, such amendments to the plan may not be inconsistent~~
 5676 ~~with the compliance agreement.~~

5677 ~~(i) Nothing in this subsection is intended to limit the~~
 5678 ~~parties from entering into a compliance agreement at any time~~
 5679 ~~before the final order in the proceeding is issued, provided~~
 5680 ~~that the provisions of paragraph (c) shall apply regardless of~~
 5681 ~~when the compliance agreement is reached.~~

5682 ~~(j) Nothing in this subsection is intended to force any~~
 5683 ~~party into settlement against its will or to preclude the use of~~
 5684 ~~other informal dispute resolution methods, such as the services~~

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5685 ~~offered by the Florida Growth Management Dispute Resolution~~
 5686 ~~Consortium, in the course of or in addition to the method~~
 5687 ~~described in this subsection.~~

5688 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—~~
 5689 ~~A local government that has adopted a community vision and urban~~
 5690 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~
 5691 ~~amendment related to map amendments solely to property within an~~
 5692 ~~urban service boundary in the manner described in subsections~~
 5693 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~
 5694 ~~and e., 2., and 3., such that state and regional agency review~~
 5695 ~~is eliminated. The department may not issue an objections,~~
 5696 ~~recommendations, and comments report on proposed plan amendments~~
 5697 ~~or a notice of intent on adopted plan amendments; however,~~
 5698 ~~affected persons, as defined by paragraph (1)(a), may file a~~
 5699 ~~petition for administrative review pursuant to the requirements~~
 5700 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~
 5701 ~~plan amendment. This subsection does not apply to any amendment~~
 5702 ~~within an area of critical state concern, to any amendment that~~
 5703 ~~increases residential densities allowable in high-hazard coastal~~
 5704 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~
 5705 ~~the goals, policies, or objectives of the local government's~~
 5706 ~~comprehensive plan. Amendments submitted under this subsection~~
 5707 ~~are exempt from the limitation on the frequency of plan~~
 5708 ~~amendments in s. 163.3187.~~

5709 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~
 5710 ~~municipality that has a designated urban infill and~~
 5711 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~
 5712 ~~related to map amendments solely to property within a designated~~

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5713 ~~urban infill and redevelopment area in the manner described in~~
 5714 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~
 5715 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
 5716 ~~regional agency review is eliminated. The department may not~~
 5717 ~~issue an objections, recommendations, and comments report on~~
 5718 ~~proposed plan amendments or a notice of intent on adopted plan~~
 5719 ~~amendments; however, affected persons, as defined by paragraph~~
 5720 ~~(1)(a), may file a petition for administrative review pursuant~~
 5721 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~
 5722 ~~compliance of an adopted plan amendment. This subsection does~~
 5723 ~~not apply to any amendment within an area of critical state~~
 5724 ~~concern, to any amendment that increases residential densities~~
 5725 ~~allowable in high-hazard coastal areas as defined in s.~~
 5726 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~
 5727 ~~objectives of the local government's comprehensive plan.~~
 5728 ~~Amendments submitted under this subsection are exempt from the~~
 5729 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

5730 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS. Any local~~
 5731 ~~government that identifies in its comprehensive plan the types~~
 5732 ~~of housing developments and conditions for which it will~~
 5733 ~~consider plan amendments that are consistent with the local~~
 5734 ~~housing incentive strategies identified in s. 420.9076 and~~
 5735 ~~authorized by the local government may expedite consideration of~~
 5736 ~~such plan amendments. At least 30 days prior to adopting a plan~~
 5737 ~~amendment pursuant to this subsection, the local government~~
 5738 ~~shall notify the state land planning agency of its intent to~~
 5739 ~~adopt such an amendment, and the notice shall include the local~~
 5740 ~~government's evaluation of site suitability and availability of~~

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5741 ~~facilities and services. A plan amendment considered under this~~
 5742 ~~subsection shall require only a single public hearing before the~~
 5743 ~~local governing body, which shall be a plan amendment adoption~~
 5744 ~~hearing as described in subsection (7). The public notice of the~~
 5745 ~~hearing required under subparagraph (15) (b)2. must include a~~
 5746 ~~statement that the local government intends to use the expedited~~
 5747 ~~adoption process authorized under this subsection. The state~~
 5748 ~~land planning agency shall issue its notice of intent required~~
 5749 ~~under subsection (8) within 30 days after determining that the~~
 5750 ~~amendment package is complete. Any further proceedings shall be~~
 5751 ~~governed by subsections (9) - (16).~~

5752 Section 18. Section 163.3187, Florida Statutes, is amended
 5753 to read:

5754 163.3187 Process for adoption of small-scale comprehensive
 5755 plan amendment of adopted comprehensive plan.-

5756 ~~(1) Amendments to comprehensive plans adopted pursuant to~~
 5757 ~~this part may be made not more than two times during any~~
 5758 ~~calendar year, except:~~

5759 ~~(a) In the case of an emergency, comprehensive plan~~
 5760 ~~amendments may be made more often than twice during the calendar~~
 5761 ~~year if the additional plan amendment receives the approval of~~
 5762 ~~all of the members of the governing body. "Emergency" means any~~
 5763 ~~occurrence or threat thereof whether accidental or natural,~~
 5764 ~~caused by humankind, in war or peace, which results or may~~
 5765 ~~result in substantial injury or harm to the population or~~
 5766 ~~substantial damage to or loss of property or public funds.~~

5767 ~~(b) Any local government comprehensive plan amendments~~
 5768 ~~directly related to a proposed development of regional impact,~~

5769 ~~including changes which have been determined to be substantial~~
 5770 ~~deviations and including Florida Quality Developments pursuant~~
 5771 ~~to s. 380.061, may be initiated by a local planning agency and~~
 5772 ~~considered by the local governing body at the same time as the~~
 5773 ~~application for development approval using the procedures~~
 5774 ~~provided for local plan amendment in this section and applicable~~
 5775 ~~local ordinances.~~

5776 ~~(1)(c) Any local government comprehensive plan amendments~~
 5777 ~~directly related to proposed small scale development activities~~
 5778 ~~may be approved without regard to statutory limits on the~~
 5779 ~~frequency of consideration of amendments to the local~~
 5780 ~~comprehensive plan. A small scale development amendment may be~~
 5781 ~~adopted only under the following conditions:~~

5782 ~~(a)1. The proposed amendment involves a use of 10 acres or~~
 5783 ~~fewer and:~~

5784 ~~(b)a. The cumulative annual effect of the acreage for all~~
 5785 ~~small scale development amendments adopted by the local~~
 5786 ~~government does ~~shall~~ not exceed:~~

5787 ~~(I) a maximum of 120 acres in a calendar year. ~~local~~~~
 5788 ~~government that contains areas specifically designated in the~~
 5789 ~~local comprehensive plan for urban infill, urban redevelopment,~~
 5790 ~~or downtown revitalization as defined in s. 163.3164, urban~~
 5791 ~~infill and redevelopment areas designated under s. 163.2517,~~
 5792 ~~transportation concurrency exception areas approved pursuant to~~
 5793 ~~s. 163.3180(5), or regional activity centers and urban central~~
 5794 ~~business districts approved pursuant to s. 380.06(2)(c);~~
 5795 ~~however, amendments under this paragraph may be applied to no~~
 5796 ~~more than 60 acres annually of property outside the designated~~

5797 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~
 5798 ~~pursuant to paragraph (k) shall not be counted toward the~~
 5799 ~~acreage limitations for small scale amendments under this~~
 5800 ~~paragraph.~~

5801 ~~(II) A maximum of 80 acres in a local government that does~~
 5802 ~~not contain any of the designated areas set forth in sub-sub-~~
 5803 ~~subparagraph (I).~~

5804 ~~(III) A maximum of 120 acres in a county established~~
 5805 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5806 ~~b. The proposed amendment does not involve the same~~
 5807 ~~property granted a change within the prior 12 months.~~

5808 ~~e. The proposed amendment does not involve the same~~
 5809 ~~owner's property within 200 feet of property granted a change~~
 5810 ~~within the prior 12 months.~~

5811 ~~(c)d.~~ The proposed amendment does not involve a text
 5812 change to the goals, policies, and objectives of the local
 5813 government's comprehensive plan, but only proposes a land use
 5814 change to the future land use map for a site-specific small
 5815 scale development activity. However, text changes that relate
 5816 directly to, and are adopted simultaneously with, the small
 5817 scale future land use map amendment shall be permissible under
 5818 this section.

5819 ~~(d)e.~~ The property that is the subject of the proposed
 5820 amendment is not located within an area of critical state
 5821 concern, unless the project subject to the proposed amendment
 5822 involves the construction of affordable housing units meeting
 5823 the criteria of s. 420.0004(3), and is located within an area of
 5824 critical state concern designated by s. 380.0552 or by the

5825 Administration Commission pursuant to s. 380.05(1). ~~Such~~
 5826 ~~amendment is not subject to the density limitations of sub-~~
 5827 ~~subparagraph f., and shall be reviewed by the state land~~
 5828 ~~planning agency for consistency with the principles for guiding~~
 5829 ~~development applicable to the area of critical state concern~~
 5830 ~~where the amendment is located and shall not become effective~~
 5831 ~~until a final order is issued under s. 380.05(6).~~

5832 ~~f. If the proposed amendment involves a residential land~~
 5833 ~~use, the residential land use has a density of 10 units or less~~
 5834 ~~per acre or the proposed future land use category allows a~~
 5835 ~~maximum residential density of the same or less than the maximum~~
 5836 ~~residential density allowable under the existing future land use~~
 5837 ~~category, except that this limitation does not apply to small~~
 5838 ~~scale amendments involving the construction of affordable~~
 5839 ~~housing units meeting the criteria of s. 420.0004(3) on property~~
 5840 ~~which will be the subject of a land use restriction agreement,~~
 5841 ~~or small scale amendments described in sub-sub-subparagraph~~
 5842 ~~a.(I) that are designated in the local comprehensive plan for~~
 5843 ~~urban infill, urban redevelopment, or downtown revitalization as~~
 5844 ~~defined in s. 163.3164, urban infill and redevelopment areas~~
 5845 ~~designated under s. 163.2517, transportation concurrency~~
 5846 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~
 5847 ~~activity centers and urban central business districts approved~~
 5848 ~~pursuant to s. 380.06(2)(c).~~

5849 ~~2.a. A local government that proposes to consider a plan~~
 5850 ~~amendment pursuant to this paragraph is not required to comply~~
 5851 ~~with the procedures and public notice requirements of s.~~
 5852 ~~163.3184(15)(c) for such plan amendments if the local government~~

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5853 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~
 5854 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~
 5855 ~~amendment under this paragraph is initiated by other than the~~
 5856 ~~local government, public notice is required.~~

5857 ~~b. The local government shall send copies of the notice~~
 5858 ~~and amendment to the state land planning agency, the regional~~
 5859 ~~planning council, and any other person or entity requesting a~~
 5860 ~~copy. This information shall also include a statement~~
 5861 ~~identifying any property subject to the amendment that is~~
 5862 ~~located within a coastal high hazard area as identified in the~~
 5863 ~~local comprehensive plan.~~

5864 ~~(2)3.~~ Small scale development amendments adopted pursuant
 5865 to this section ~~paragraph~~ require only one public hearing before
 5866 the governing board, which shall be an adoption hearing as
 5867 described in s. 163.3184 (11) ~~(7)~~, and are not subject to the
 5868 ~~requirements of s. 163.3184(3)-(6) unless the local government~~
 5869 ~~elects to have them subject to those requirements.~~

5870 ~~(3)4.~~ If the small scale development amendment involves a
 5871 site within ~~an area that is designated by the Governor as a~~
 5872 rural area of critical economic concern as defined under s.
 5873 288.0656 (2)(d) ~~(7)~~ for the duration of such designation, the 10-
 5874 acre limit listed in subsection (1) ~~subparagraph 1.~~ shall be
 5875 increased by 100 percent to 20 acres. The local government
 5876 approving the small scale plan amendment shall certify to the
 5877 Office of Tourism, Trade, and Economic Development that the plan
 5878 amendment furthers the economic objectives set forth in the
 5879 executive order issued under s. 288.0656(7), and the property
 5880 subject to the plan amendment shall undergo public review to

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5881 ensure that all concurrency requirements and federal, state, and
5882 local environmental permit requirements are met.

5883 ~~(d) Any comprehensive plan amendment required by a~~
5884 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~
5885 ~~without regard to statutory limits on the frequency of adoption~~
5886 ~~of amendments to the comprehensive plan.~~

5887 ~~(e) A comprehensive plan amendment for location of a state~~
5888 ~~correctional facility. Such an amendment may be made at any time~~
5889 ~~and does not count toward the limitation on the frequency of~~
5890 ~~plan amendments.~~

5891 ~~(f) The capital improvements element annual update~~
5892 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~
5893 ~~related to the schedule.~~

5894 ~~(g) Any local government comprehensive plan amendments~~
5895 ~~directly related to proposed redevelopment of brownfield areas~~
5896 ~~designated under s. 376.80 may be approved without regard to~~
5897 ~~statutory limits on the frequency of consideration of amendments~~
5898 ~~to the local comprehensive plan.~~

5899 ~~(h) Any comprehensive plan amendments for port~~
5900 ~~transportation facilities and projects that are eligible for~~
5901 ~~funding by the Florida Seaport Transportation and Economic~~
5902 ~~Development Council pursuant to s. 311.07.~~

5903 ~~(i) A comprehensive plan amendment for the purpose of~~
5904 ~~designating an urban infill and redevelopment area under s.~~
5905 ~~163.2517 may be approved without regard to the statutory limits~~
5906 ~~on the frequency of amendments to the comprehensive plan.~~

5907 ~~(j) Any comprehensive plan amendment to establish public~~
5908 ~~school concurrency pursuant to s. 163.3180(13), including, but~~

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5909 ~~not limited to, adoption of a public school facilities element~~
 5910 ~~and adoption of amendments to the capital improvements element~~
 5911 ~~and intergovernmental coordination element. In order to ensure~~
 5912 ~~the consistency of local government public school facilities~~
 5913 ~~elements within a county, such elements shall be prepared and~~
 5914 ~~adopted on a similar time schedule.~~

5915 ~~(k) A local comprehensive plan amendment directly related~~
 5916 ~~to providing transportation improvements to enhance life safety~~
 5917 ~~on Controlled Access Major Arterial Highways identified in the~~
 5918 ~~Florida Intrastate Highway System, in counties as defined in s.~~
 5919 ~~125.011, where such roadways have a high incidence of traffic~~
 5920 ~~accidents resulting in serious injury or death. Any such~~
 5921 ~~amendment shall not include any amendment modifying the~~
 5922 ~~designation on a comprehensive development plan land use map nor~~
 5923 ~~any amendment modifying the allowable densities or intensities~~
 5924 ~~of any land.~~

5925 ~~(l) A comprehensive plan amendment to adopt a public~~
 5926 ~~educational facilities element pursuant to s. 163.3177(12) and~~
 5927 ~~future land use map amendments for school siting may be approved~~
 5928 ~~notwithstanding statutory limits on the frequency of adopting~~
 5929 ~~plan amendments.~~

5930 ~~(m) A comprehensive plan amendment that addresses criteria~~
 5931 ~~or compatibility of land uses adjacent to or in close proximity~~
 5932 ~~to military installations in a local government's future land~~
 5933 ~~use element does not count toward the limitation on the~~
 5934 ~~frequency of the plan amendments.~~

5935 ~~(n) Any local government comprehensive plan amendment~~
 5936 ~~establishing or implementing a rural land stewardship area~~

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5937 ~~pursuant to the provisions of s. 163.3177(11)(d).~~

5938 ~~(e) A comprehensive plan amendment that is submitted by an~~
 5939 ~~area designated by the Governor as a rural area of critical~~
 5940 ~~economic concern under s. 288.0656(7) and that meets the~~
 5941 ~~economic development objectives may be approved without regard~~
 5942 ~~to the statutory limits on the frequency of adoption of~~
 5943 ~~amendments to the comprehensive plan.~~

5944 ~~(p) Any local government comprehensive plan amendment that~~
 5945 ~~is consistent with the local housing incentive strategies~~
 5946 ~~identified in s. 420.9076 and authorized by the local~~
 5947 ~~government.~~

5948 ~~(q) Any local government plan amendment to designate an~~
 5949 ~~urban service area as a transportation concurrency exception~~
 5950 ~~area under s. 163.3180(5)(b)2. or 3. and an area exempt from the~~
 5951 ~~development of regional impact process under s. 380.06(29).~~

5952 (4)(2) Comprehensive plans may only be amended in such a
 5953 way as to preserve the internal consistency of the plan pursuant
 5954 to s. 163.3177(2). Corrections, updates, or modifications of
 5955 current costs which were set out as part of the comprehensive
 5956 plan shall not, for the purposes of this act, be deemed to be
 5957 amendments.

5958 ~~(3)(a) The state land planning agency shall not review or~~
 5959 ~~issue a notice of intent for small scale development amendments~~
 5960 ~~which satisfy the requirements of paragraph (1)(c).~~

5961 (5)(a) Any affected person may file a petition with the
 5962 Division of Administrative Hearings pursuant to ss. 120.569 and
 5963 120.57 to request a hearing to challenge the compliance of a
 5964 small scale development amendment with this act within 30 days

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5965 following the local government's adoption of the amendment and,
 5966 shall serve a copy of the petition on the local government, ~~and~~
 5967 ~~shall furnish a copy to the state land planning agency.~~ An
 5968 administrative law judge shall hold a hearing in the affected
 5969 jurisdiction not less than 30 days nor more than 60 days
 5970 following the filing of a petition and the assignment of an
 5971 administrative law judge. The parties to a hearing held pursuant
 5972 to this subsection shall be the petitioner, the local
 5973 government, and any intervenor. In the proceeding, the plan
 5974 amendment shall be determined to be in compliance if the local
 5975 government's determination that the small scale development
 5976 amendment is in compliance is fairly debatable ~~presumed to be~~
 5977 ~~correct. The local government's determination shall be sustained~~
 5978 ~~unless it is shown by a preponderance of the evidence that the~~
 5979 ~~amendment is not in compliance with the requirements of this~~
 5980 ~~act. In any proceeding initiated pursuant to this subsection,~~
 5981 The state land planning agency may not intervene in any
 5982 proceeding initiated pursuant to this section.

5983 (b)1. If the administrative law judge recommends that the
 5984 small scale development amendment be found not in compliance,
 5985 the administrative law judge shall submit the recommended order
 5986 to the Administration Commission for final agency action. If the
 5987 administrative law judge recommends that the small scale
 5988 development amendment be found in compliance, the administrative
 5989 law judge shall submit the recommended order to the state land
 5990 planning agency.

5991 2. If the state land planning agency determines that the
 5992 plan amendment is not in compliance, the agency shall submit,

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5993 within 30 days following its receipt, the recommended order to
 5994 the Administration Commission for final agency action. If the
 5995 state land planning agency determines that the plan amendment is
 5996 in compliance, the agency shall enter a final order within 30
 5997 days following its receipt of the recommended order.

5998 (c) Small scale development amendments may ~~shall~~ not
 5999 become effective until 31 days after adoption. If challenged
 6000 within 30 days after adoption, small scale development
 6001 amendments may ~~shall~~ not become effective until the state land
 6002 planning agency or the Administration Commission, respectively,
 6003 issues a final order determining that the adopted small scale
 6004 development amendment is in compliance.

6005 (d) In all challenges under this subsection, when a
 6006 determination of compliance as defined in s. 163.3184(1)(b) is
 6007 made, consideration shall be given to the plan amendment as a
 6008 whole and whether the plan amendment furthers the intent of this
 6009 part.

6010 ~~(4) Each governing body shall transmit to the state land~~
 6011 ~~planning agency a current copy of its comprehensive plan not~~
 6012 ~~later than December 1, 1985. Each governing body shall also~~
 6013 ~~transmit copies of any amendments it adopts to its comprehensive~~
 6014 ~~plan so as to continually update the plans on file with the~~
 6015 ~~state land planning agency.~~

6016 ~~(5) Nothing in this part is intended to prohibit or limit~~
 6017 ~~the authority of local governments to require that a person~~
 6018 ~~requesting an amendment pay some or all of the cost of public~~
 6019 ~~notice.~~

6020 ~~(6) (a) No local government may amend its comprehensive~~

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6021 ~~plan after the date established by the state land planning~~
6022 ~~agency for adoption of its evaluation and appraisal report~~
6023 ~~unless it has submitted its report or addendum to the state land~~
6024 ~~planning agency as prescribed by s. 163.3191, except for plan~~
6025 ~~amendments described in paragraph (1)(b) or paragraph (1)(h).~~

6026 ~~(b) A local government may amend its comprehensive plan~~
6027 ~~after it has submitted its adopted evaluation and appraisal~~
6028 ~~report and for a period of 1 year after the initial~~
6029 ~~determination of sufficiency regardless of whether the report~~
6030 ~~has been determined to be insufficient.~~

6031 ~~(c) A local government may not amend its comprehensive~~
6032 ~~plan, except for plan amendments described in paragraph (1)(b),~~
6033 ~~if the 1-year period after the initial sufficiency determination~~
6034 ~~of the report has expired and the report has not been determined~~
6035 ~~to be sufficient.~~

6036 ~~(d) When the state land planning agency has determined~~
6037 ~~that the report has sufficiently addressed all pertinent~~
6038 ~~provisions of s. 163.3191, the local government may amend its~~
6039 ~~comprehensive plan without the limitations imposed by paragraph~~
6040 ~~(a) or paragraph (c).~~

6041 ~~(e) Any plan amendment which a local government attempts~~
6042 ~~to adopt in violation of paragraph (a) or paragraph (c) is~~
6043 ~~invalid, but such invalidity may be overcome if the local~~
6044 ~~government readopts the amendment and transmits the amendment to~~
6045 ~~the state land planning agency pursuant to s. 163.3184(7) after~~
6046 ~~the report is determined to be sufficient.~~

6047 Section 19. Section 163.3189, Florida Statutes, is
6048 repealed.

6049 Section 20. Section 163.3191, Florida Statutes, is amended
 6050 to read:

6051 163.3191 Evaluation and appraisal of comprehensive plan.-

6052 (1) At least once every 7 years, each local government
 6053 shall evaluate its comprehensive plan to determine if plan
 6054 amendments are necessary to reflect changes in state
 6055 requirements in this part since the last update of the
 6056 comprehensive plan, and notify the state land planning agency as
 6057 to its determination.

6058 (2) If the local government determines amendments to its
 6059 comprehensive plan are necessary to reflect changes in state
 6060 requirements, the local government shall prepare and transmit
 6061 within 1 year such plan amendment or amendments for review
 6062 pursuant to s. 163.3184.

6063 (3) Local governments are encouraged to comprehensively
 6064 evaluate and, as necessary, update comprehensive plans to
 6065 reflect changes in local conditions. Plan amendments transmitted
 6066 pursuant to this section shall be reviewed in accordance with s.
 6067 163.3184.

6068 (4) If a local government fails to submit its letter
 6069 prescribed by subsection (1) or update its plan pursuant to
 6070 subsection (2), it may not amend its comprehensive plan until
 6071 such time as it complies with this section.

6072 ~~(1) The planning program shall be a continuous and ongoing~~
 6073 ~~process. Each local government shall adopt an evaluation and~~
 6074 ~~appraisal report once every 7 years assessing the progress in~~
 6075 ~~implementing the local government's comprehensive plan.~~
 6076 ~~Furthermore, it is the intent of this section that:~~

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6077 ~~(a) Adopted comprehensive plans be reviewed through such~~
6078 ~~evaluation process to respond to changes in state, regional, and~~
6079 ~~local policies on planning and growth management and changing~~
6080 ~~conditions and trends, to ensure effective intergovernmental~~
6081 ~~coordination, and to identify major issues regarding the~~
6082 ~~community's achievement of its goals.~~

6083 ~~(b) After completion of the initial evaluation and~~
6084 ~~appraisal report and any supporting plan amendments, each~~
6085 ~~subsequent evaluation and appraisal report must evaluate the~~
6086 ~~comprehensive plan in effect at the time of the initiation of~~
6087 ~~the evaluation and appraisal report process.~~

6088 ~~(c) Local governments identify the major issues, if~~
6089 ~~applicable, with input from state agencies, regional agencies,~~
6090 ~~adjacent local governments, and the public in the evaluation and~~
6091 ~~appraisal report process. It is also the intent of this section~~
6092 ~~to establish minimum requirements for information to ensure~~
6093 ~~predictability, certainty, and integrity in the growth~~
6094 ~~management process. The report is intended to serve as a summary~~
6095 ~~audit of the actions that a local government has undertaken and~~
6096 ~~identify changes that it may need to make. The report should be~~
6097 ~~based on the local government's analysis of major issues to~~
6098 ~~further the community's goals consistent with statewide minimum~~
6099 ~~standards. The report is not intended to require a comprehensive~~
6100 ~~rewrite of the elements within the local plan, unless a local~~
6101 ~~government chooses to do so.~~

6102 ~~(2) The report shall present an evaluation and assessment~~
6103 ~~of the comprehensive plan and shall contain appropriate~~
6104 ~~statements to update the comprehensive plan, including, but not~~

6105 ~~limited to, words, maps, illustrations, or other media, related~~
 6106 ~~to:~~

6107 ~~(a) Population growth and changes in land area, including~~
 6108 ~~annexation, since the adoption of the original plan or the most~~
 6109 ~~recent update amendments.~~

6110 ~~(b) The extent of vacant and developable land.~~

6111 ~~(c) The financial feasibility of implementing the~~
 6112 ~~comprehensive plan and of providing needed infrastructure to~~
 6113 ~~achieve and maintain adopted level of service standards and~~
 6114 ~~sustain concurrency management systems through the capital~~
 6115 ~~improvements element, as well as the ability to address~~
 6116 ~~infrastructure backlogs and meet the demands of growth on public~~
 6117 ~~services and facilities.~~

6118 ~~(d) The location of existing development in relation to~~
 6119 ~~the location of development as anticipated in the original plan,~~
 6120 ~~or in the plan as amended by the most recent evaluation and~~
 6121 ~~appraisal report update amendments, such as within areas~~
 6122 ~~designated for urban growth.~~

6123 ~~(e) An identification of the major issues for the~~
 6124 ~~jurisdiction and, where pertinent, the potential social,~~
 6125 ~~economic, and environmental impacts.~~

6126 ~~(f) Relevant changes to the state comprehensive plan, the~~
 6127 ~~requirements of this part, the minimum criteria contained in~~
 6128 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~
 6129 ~~strategic regional policy plan since the adoption of the~~
 6130 ~~original plan or the most recent evaluation and appraisal report~~
 6131 ~~update amendments.~~

6132 ~~(g) An assessment of whether the plan objectives within~~

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6133 ~~each element, as they relate to major issues, have been~~
6134 ~~achieved. The report shall include, as appropriate, an~~
6135 ~~identification as to whether unforeseen or unanticipated changes~~
6136 ~~in circumstances have resulted in problems or opportunities with~~
6137 ~~respect to major issues identified in each element and the~~
6138 ~~social, economic, and environmental impacts of the issue.~~

6139 ~~(h) A brief assessment of successes and shortcomings~~
6140 ~~related to each element of the plan.~~

6141 ~~(i) The identification of any actions or corrective~~
6142 ~~measures, including whether plan amendments are anticipated to~~
6143 ~~address the major issues identified and analyzed in the report.~~
6144 ~~Such identification shall include, as appropriate, new~~
6145 ~~population projections, new revised planning timeframes, a~~
6146 ~~revised future conditions map or map series, an updated capital~~
6147 ~~improvements element, and any new and revised goals, objectives,~~
6148 ~~and policies for major issues identified within each element.~~
6149 ~~This paragraph shall not require the submittal of the plan~~
6150 ~~amendments with the evaluation and appraisal report.~~

6151 ~~(j) A summary of the public participation program and~~
6152 ~~activities undertaken by the local government in preparing the~~
6153 ~~report.~~

6154 ~~(k) The coordination of the comprehensive plan with~~
6155 ~~existing public schools and those identified in the applicable~~
6156 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~
6157 ~~assessment shall address, where relevant, the success or failure~~
6158 ~~of the coordination of the future land use map and associated~~
6159 ~~planned residential development with public schools and their~~
6160 ~~capacities, as well as the joint decisionmaking processes~~

6161 ~~engaged in by the local government and the school board in~~
 6162 ~~regard to establishing appropriate population projections and~~
 6163 ~~the planning and siting of public school facilities. For those~~
 6164 ~~counties or municipalities that do not have a public schools~~
 6165 ~~interlocal agreement or public school facilities element, the~~
 6166 ~~assessment shall determine whether the local government~~
 6167 ~~continues to meet the criteria of s. 163.3177(12). If the county~~
 6168 ~~or municipality determines that it no longer meets the criteria,~~
 6169 ~~it must adopt appropriate school concurrency goals, objectives,~~
 6170 ~~and policies in its plan amendments pursuant to the requirements~~
 6171 ~~of the public school facilities element, and enter into the~~
 6172 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~
 6173 ~~and 163.31777 in order to fully participate in the school~~
 6174 ~~concurrency system.~~

6175 ~~(l) The extent to which the local government has been~~
 6176 ~~successful in identifying alternative water supply projects and~~
 6177 ~~traditional water supply projects, including conservation and~~
 6178 ~~reuse, necessary to meet the water needs identified in s.~~
 6179 ~~373.709(2)(a) within the local government's jurisdiction. The~~
 6180 ~~report must evaluate the degree to which the local government~~
 6181 ~~has implemented the work plan for building public, private, and~~
 6182 ~~regional water supply facilities, including development of~~
 6183 ~~alternative water supplies, identified in the element as~~
 6184 ~~necessary to serve existing and new development.~~

6185 ~~(m) If any of the jurisdiction of the local government is~~
 6186 ~~located within the coastal high-hazard area, an evaluation of~~
 6187 ~~whether any past reduction in land use density impairs the~~
 6188 ~~property rights of current residents when redevelopment occurs,~~

6189 ~~including, but not limited to, redevelopment following a natural~~
 6190 ~~disaster. The property rights of current residents shall be~~
 6191 ~~balanced with public safety considerations. The local government~~
 6192 ~~must identify strategies to address redevelopment feasibility~~
 6193 ~~and the property rights of affected residents. These strategies~~
 6194 ~~may include the authorization of redevelopment up to the actual~~
 6195 ~~built density in existence on the property prior to the natural~~
 6196 ~~disaster or redevelopment.~~

6197 ~~(n) An assessment of whether the criteria adopted pursuant~~
 6198 ~~to s. 163.3177(6)(a) were successful in achieving compatibility~~
 6199 ~~with military installations.~~

6200 ~~(o) The extent to which a concurrency exception area~~
 6201 ~~designated pursuant to s. 163.3180(5), a concurrency management~~
 6202 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~
 6203 ~~transportation district designated pursuant to s. 163.3180(15)~~
 6204 ~~has achieved the purpose for which it was created and otherwise~~
 6205 ~~complies with the provisions of s. 163.3180.~~

6206 ~~(p) An assessment of the extent to which changes are~~
 6207 ~~needed to develop a common methodology for measuring impacts on~~
 6208 ~~transportation facilities for the purpose of implementing its~~
 6209 ~~concurrency management system in coordination with the~~
 6210 ~~municipalities and counties, as appropriate pursuant to s.~~
 6211 ~~163.3180(10).~~

6212 ~~(3) Voluntary scoping meetings may be conducted by each~~
 6213 ~~local government or several local governments within the same~~
 6214 ~~county that agree to meet together. Joint meetings among all~~
 6215 ~~local governments in a county are encouraged. All scoping~~
 6216 ~~meetings shall be completed at least 1 year prior to the~~

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6217 ~~established adoption date of the report. The purpose of the~~
6218 ~~meetings shall be to distribute data and resources available to~~
6219 ~~assist in the preparation of the report, to provide input on~~
6220 ~~major issues in each community that should be addressed in the~~
6221 ~~report, and to advise on the extent of the effort for the~~
6222 ~~components of subsection (2). If scoping meetings are held, the~~
6223 ~~local government shall invite each state and regional reviewing~~
6224 ~~agency, as well as adjacent and other affected local~~
6225 ~~governments. A preliminary list of new data and major issues~~
6226 ~~that have emerged since the adoption of the original plan, or~~
6227 ~~the most recent evaluation and appraisal report-based update~~
6228 ~~amendments, should be developed by state and regional entities~~
6229 ~~and involved local governments for distribution at the scoping~~
6230 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~
6231 ~~a meeting conducted to determine the scope of review of the~~
6232 ~~evaluation and appraisal report by parties to which the report~~
6233 ~~relates.~~

6234 ~~(4) The local planning agency shall prepare the evaluation~~
6235 ~~and appraisal report and shall make recommendations to the~~
6236 ~~governing body regarding adoption of the proposed report. The~~
6237 ~~local planning agency shall prepare the report in conformity~~
6238 ~~with its public participation procedures adopted as required by~~
6239 ~~s. 163.3181. During the preparation of the proposed report and~~
6240 ~~prior to making any recommendation to the governing body, the~~
6241 ~~local planning agency shall hold at least one public hearing,~~
6242 ~~with public notice, on the proposed report. At a minimum, the~~
6243 ~~format and content of the proposed report shall include a table~~
6244 ~~of contents; numbered pages; element headings; section headings~~

6245 ~~within elements; a list of included tables, maps, and figures; a~~
 6246 ~~title and sources for all included tables; a preparation date;~~
 6247 ~~and the name of the preparer. Where applicable, maps shall~~
 6248 ~~include major natural and artificial geographic features; city,~~
 6249 ~~county, and state lines; and a legend indicating a north arrow,~~
 6250 ~~map scale, and the date.~~

6251 ~~(5) Ninety days prior to the scheduled adoption date, the~~
 6252 ~~local government may provide a proposed evaluation and appraisal~~
 6253 ~~report to the state land planning agency and distribute copies~~
 6254 ~~to state and regional commenting agencies as prescribed by rule,~~
 6255 ~~adjacent jurisdictions, and interested citizens for review. All~~
 6256 ~~review comments, including comments by the state land planning~~
 6257 ~~agency, shall be transmitted to the local government and state~~
 6258 ~~land planning agency within 30 days after receipt of the~~
 6259 ~~proposed report.~~

6260 ~~(6) The governing body, after considering the review~~
 6261 ~~comments and recommended changes, if any, shall adopt the~~
 6262 ~~evaluation and appraisal report by resolution or ordinance at a~~
 6263 ~~public hearing with public notice. The governing body shall~~
 6264 ~~adopt the report in conformity with its public participation~~
 6265 ~~procedures adopted as required by s. 163.3181. The local~~
 6266 ~~government shall submit to the state land planning agency three~~
 6267 ~~copies of the report, a transmittal letter indicating the dates~~
 6268 ~~of public hearings, and a copy of the adoption resolution or~~
 6269 ~~ordinance. The local government shall provide a copy of the~~
 6270 ~~report to the reviewing agencies which provided comments for the~~
 6271 ~~proposed report, or to all the reviewing agencies if a proposed~~
 6272 ~~report was not provided pursuant to subsection (5), including~~

6273 ~~the adjacent local governments. Within 60 days after receipt,~~
 6274 ~~the state land planning agency shall review the adopted report~~
 6275 ~~and make a preliminary sufficiency determination that shall be~~
 6276 ~~forwarded by the agency to the local government for its~~
 6277 ~~consideration. The state land planning agency shall issue a~~
 6278 ~~final sufficiency determination within 90 days after receipt of~~
 6279 ~~the adopted evaluation and appraisal report.~~

6280 ~~(7) The intent of the evaluation and appraisal process is~~
 6281 ~~the preparation of a plan update that clearly and concisely~~
 6282 ~~achieves the purpose of this section. Toward this end, the~~
 6283 ~~sufficiency review of the state land planning agency shall~~
 6284 ~~concentrate on whether the evaluation and appraisal report~~
 6285 ~~sufficiently fulfills the components of subsection (2). If the~~
 6286 ~~state land planning agency determines that the report is~~
 6287 ~~insufficient, the governing body shall adopt a revision of the~~
 6288 ~~report and submit the revised report for review pursuant to~~
 6289 ~~subsection (6).~~

6290 ~~(8) The state land planning agency may delegate the review~~
 6291 ~~of evaluation and appraisal reports, including all state land~~
 6292 ~~planning agency duties under subsections (4)-(7), to the~~
 6293 ~~appropriate regional planning council. When the review has been~~
 6294 ~~delegated to a regional planning council, any local government~~
 6295 ~~in the region may elect to have its report reviewed by the~~
 6296 ~~regional planning council rather than the state land planning~~
 6297 ~~agency. The state land planning agency shall by agreement~~
 6298 ~~provide for uniform and adequate review of reports and shall~~
 6299 ~~retain oversight for any delegation of review to a regional~~
 6300 ~~planning council.~~

6301 ~~(9) The state land planning agency may establish a phased~~
 6302 ~~schedule for adoption of reports. The schedule shall provide~~
 6303 ~~each local government at least 7 years from plan adoption or~~
 6304 ~~last established adoption date for a report and shall allot~~
 6305 ~~approximately one-seventh of the reports to any 1 year. In order~~
 6306 ~~to allow the municipalities to use data and analyses gathered by~~
 6307 ~~the counties, the state land planning agency shall schedule~~
 6308 ~~municipal report adoption dates between 1 year and 18 months~~
 6309 ~~later than the report adoption date for the county in which~~
 6310 ~~those municipalities are located. A local government may adopt~~
 6311 ~~its report no earlier than 90 days prior to the established~~
 6312 ~~adoption date. Small municipalities which were scheduled by~~
 6313 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~
 6314 ~~evaluation and appraisal report after February 2, 1999, shall be~~
 6315 ~~rescheduled to adopt their report together with the other~~
 6316 ~~municipalities in their county as provided in this subsection.~~

6317 ~~(10) The governing body shall amend its comprehensive plan~~
 6318 ~~based on the recommendations in the report and shall update the~~
 6319 ~~comprehensive plan based on the components of subsection (2),~~
 6320 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~
 6321 ~~163.3189. Amendments to update a comprehensive plan based on the~~
 6322 ~~evaluation and appraisal report shall be adopted during a single~~
 6323 ~~amendment cycle within 18 months after the report is determined~~
 6324 ~~to be sufficient by the state land planning agency, except the~~
 6325 ~~state land planning agency may grant an extension for adoption~~
 6326 ~~of a portion of such amendments. The state land planning agency~~
 6327 ~~may grant a 6-month extension for the adoption of such~~
 6328 ~~amendments if the request is justified by good and sufficient~~

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6329 ~~cause as determined by the agency. An additional extension may~~
6330 ~~also be granted if the request will result in greater~~
6331 ~~coordination between transportation and land use, for the~~
6332 ~~purposes of improving Florida's transportation system, as~~
6333 ~~determined by the agency in coordination with the Metropolitan~~
6334 ~~Planning Organization program. Beginning July 1, 2006, failure~~
6335 ~~to timely adopt and transmit update amendments to the~~
6336 ~~comprehensive plan based on the evaluation and appraisal report~~
6337 ~~shall result in a local government being prohibited from~~
6338 ~~adopting amendments to the comprehensive plan until the~~
6339 ~~evaluation and appraisal report update amendments have been~~
6340 ~~adopted and transmitted to the state land planning agency. The~~
6341 ~~prohibition on plan amendments shall commence when the update~~
6342 ~~amendments to the comprehensive plan are past due. The~~
6343 ~~comprehensive plan as amended shall be in compliance as defined~~
6344 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~
6345 ~~of the update amendments to the comprehensive plan, the local~~
6346 ~~government shall provide to the state land planning agency and~~
6347 ~~to all agencies designated by rule a complete copy of the~~
6348 ~~updated comprehensive plan.~~

6349 ~~(11) The Administration Commission may impose the~~
6350 ~~sanctions provided by s. 163.3184(11) against any local~~
6351 ~~government that fails to adopt and submit a report, or that~~
6352 ~~fails to implement its report through timely and sufficient~~
6353 ~~amendments to its local plan, except for reasons of excusable~~
6354 ~~delay or valid planning reasons agreed to by the state land~~
6355 ~~planning agency or found present by the Administration~~
6356 ~~Commission. Sanctions for untimely or insufficient plan~~

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6357 ~~amendments shall be prospective only and shall begin after a~~
 6358 ~~final order has been issued by the Administration Commission and~~
 6359 ~~a reasonable period of time has been allowed for the local~~
 6360 ~~government to comply with an adverse determination by the~~
 6361 ~~Administration Commission through adoption of plan amendments~~
 6362 ~~that are in compliance. The state land planning agency may~~
 6363 ~~initiate, and an affected person may intervene in, such a~~
 6364 ~~proceeding by filing a petition with the Division of~~
 6365 ~~Administrative Hearings, which shall appoint an administrative~~
 6366 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~
 6367 ~~120.57(1) and shall submit a recommended order to the~~
 6368 ~~Administration Commission. The affected local government shall~~
 6369 ~~be a party to any such proceeding. The commission may implement~~
 6370 ~~this subsection by rule.~~

6371 ~~(5)(12)~~ The state land planning agency may shall not adopt
 6372 rules to implement this section, other than procedural rules or
 6373 a schedule indicating when local governments must comply with
 6374 the requirements of this section.

6375 ~~(13)~~ ~~The state land planning agency shall regularly review~~
 6376 ~~the evaluation and appraisal report process and submit a report~~
 6377 ~~to the Governor, the Administration Commission, the Speaker of~~
 6378 ~~the House of Representatives, the President of the Senate, and~~
 6379 ~~the respective community affairs committees of the Senate and~~
 6380 ~~the House of Representatives. The first report shall be~~
 6381 ~~submitted by December 31, 2004, and subsequent reports shall be~~
 6382 ~~submitted every 5 years thereafter. At least 9 months before the~~
 6383 ~~due date of each report, the Secretary of Community Affairs~~
 6384 ~~shall appoint a technical committee of at least 15 members to~~

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6385 ~~assist in the preparation of the report. The membership of the~~
 6386 ~~technical committee shall consist of representatives of local~~
 6387 ~~governments, regional planning councils, the private sector, and~~
 6388 ~~environmental organizations. The report shall assess the~~
 6389 ~~effectiveness of the evaluation and appraisal report process.~~

6390 ~~(14) The requirement of subsection (10) prohibiting a~~
 6391 ~~local government from adopting amendments to the local~~
 6392 ~~comprehensive plan until the evaluation and appraisal report~~
 6393 ~~update amendments have been adopted and transmitted to the state~~
 6394 ~~land planning agency does not apply to a plan amendment proposed~~
 6395 ~~for adoption by the appropriate local government as defined in~~
 6396 ~~s. 163.3178(2)(k) in order to integrate a port comprehensive~~
 6397 ~~master plan with the coastal management element of the local~~
 6398 ~~comprehensive plan as required by s. 163.3178(2)(k) if the port~~
 6399 ~~comprehensive master plan or the proposed plan amendment does~~
 6400 ~~not cause or contribute to the failure of the local government~~
 6401 ~~to comply with the requirements of the evaluation and appraisal~~
 6402 ~~report.~~

6403 Section 21. Paragraph (b) of subsection (2) of section
 6404 163.3217, Florida Statutes, is amended to read:

6405 163.3217 Municipal overlay for municipal incorporation.—

6406 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL
 6407 OVERLAY.—

6408 (b)~~1~~. A municipal overlay shall be adopted as an amendment
 6409 to the local government comprehensive plan as prescribed by s.
 6410 163.3184.

6411 ~~2. A county may consider the adoption of a municipal~~
 6412 ~~overlay without regard to the provisions of s. 163.3187(1)~~

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6413 ~~regarding the frequency of adoption of amendments to the local~~
 6414 ~~comprehensive plan.~~

6415 Section 22. Subsection (3) of section 163.3220, Florida
 6416 Statutes, is amended to read:

6417 163.3220 Short title; legislative intent.—

6418 (3) In conformity with, in furtherance of, and to
 6419 implement the Community ~~Local Government Comprehensive Planning~~
 6420 ~~and Land Development Regulation Act~~ and the Florida State
 6421 Comprehensive Planning Act of 1972, it is the intent of the
 6422 Legislature to encourage a stronger commitment to comprehensive
 6423 and capital facilities planning, ensure the provision of
 6424 adequate public facilities for development, encourage the
 6425 efficient use of resources, and reduce the economic cost of
 6426 development.

6427 Section 23. Subsections (2) and (11) of section 163.3221,
 6428 Florida Statutes, are amended to read:

6429 163.3221 Florida Local Government Development Agreement
 6430 Act; definitions.—As used in ss. 163.3220-163.3243:

6431 (2) "Comprehensive plan" means a plan adopted pursuant to
 6432 the Community ~~"Local Government Comprehensive Planning and Land~~
 6433 ~~Development Regulation Act."~~

6434 (11) "Local planning agency" means the agency designated
 6435 to prepare a comprehensive plan or plan amendment pursuant to
 6436 the Community ~~"Florida Local Government Comprehensive Planning~~
 6437 ~~and Land Development Regulation Act."~~

6438 Section 24. Section 163.3229, Florida Statutes, is amended
 6439 to read:

6440 163.3229 Duration of a development agreement and

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6441 relationship to local comprehensive plan.—The duration of a
 6442 development agreement may ~~shall~~ not exceed 30 ~~20~~ years, unless
 6443 it is. ~~It may be~~ extended by mutual consent of the governing
 6444 body and the developer, subject to a public hearing in
 6445 accordance with s. 163.3225. No development agreement shall be
 6446 effective or be implemented by a local government unless the
 6447 local government's comprehensive plan and plan amendments
 6448 implementing or related to the agreement are ~~found~~ in compliance
 6449 ~~by the state land planning agency in accordance~~ with s.
 6450 163.3184, ~~s. 163.3187, or s. 163.3189.~~

6451 Section 25. Section 163.3235, Florida Statutes, is amended
 6452 to read:

6453 163.3235 Periodic review of a development agreement.—A
 6454 local government shall review land subject to a development
 6455 agreement at least once every 12 months to determine if there
 6456 has been demonstrated good faith compliance with the terms of
 6457 the development agreement. ~~For each annual review conducted~~
 6458 ~~during years 6 through 10 of a development agreement, the review~~
 6459 ~~shall be incorporated into a written report which shall be~~
 6460 ~~submitted to the parties to the agreement and the state land~~
 6461 ~~planning agency. The state land planning agency shall adopt~~
 6462 ~~rules regarding the contents of the report, provided that the~~
 6463 ~~report shall be limited to the information sufficient to~~
 6464 ~~determine the extent to which the parties are proceeding in good~~
 6465 ~~faith to comply with the terms of the development agreement. If~~
 6466 the local government finds, on the basis of substantial
 6467 competent evidence, that there has been a failure to comply with
 6468 the terms of the development agreement, the agreement may be

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6469 | revoked or modified by the local government.

6470 | Section 26. Section 163.3239, Florida Statutes, is amended
6471 | to read:

6472 | 163.3239 Recording and effectiveness of a development
6473 | agreement.—Within 14 days after a local government enters into a
6474 | development agreement, the local government shall record the
6475 | agreement with the clerk of the circuit court in the county
6476 | where the local government is located. ~~A copy of the recorded~~
6477 | ~~development agreement shall be submitted to the state land~~
6478 | ~~planning agency within 14 days after the agreement is recorded.~~
6479 | A development agreement is ~~shall~~ not be effective until it is
6480 | properly recorded in the public records of the county ~~and until~~
6481 | ~~30 days after having been received by the state land planning~~
6482 | ~~agency pursuant to this section.~~ The burdens of the development
6483 | agreement shall be binding upon, and the benefits of the
6484 | agreement shall inure to, all successors in interest to the
6485 | parties to the agreement.

6486 | Section 27. Section 163.3243, Florida Statutes, is amended
6487 | to read:

6488 | 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or
6489 | adversely affected person as defined in s. 163.3215(2), ~~or the~~
6490 | ~~state land planning agency~~ may file an action for injunctive
6491 | relief in the circuit court where the local government is
6492 | located to enforce the terms of a development agreement or to
6493 | challenge compliance of the agreement with ~~the provisions of~~ ss.
6494 | 163.3220-163.3243.

6495 | Section 28. Section 163.3245, Florida Statutes, is amended
6496 | to read:

6497 163.3245 ~~Optional~~ Sector plans.-

6498 (1) In recognition of the benefits of ~~conceptual~~ long-

6499 range planning for ~~the buildout of an area, and detailed~~

6500 ~~planning for specific areas, as a demonstration project, the~~

6501 ~~requirements of s. 380.06 may be addressed as identified by this~~

6502 ~~section for up to five~~ local governments or combinations of

6503 local governments may ~~which~~ adopt into their ~~the~~ comprehensive

6504 plans ~~a plan an optional~~ sector plan in accordance with this

6505 section. This section is intended to promote and encourage long-

6506 term planning for conservation, development, and agriculture on

6507 a landscape scale; to further the intent of s. 163.3177(11),

6508 which supports innovative and flexible planning and development

6509 strategies, and the purposes of this part, and part I of chapter

6510 380; to facilitate protection of regionally significant

6511 resources, including, but not limited to, regionally significant

6512 water courses and wildlife corridors; and to avoid duplication

6513 of effort in terms of the level of data and analysis required

6514 for a development of regional impact, while ensuring the

6515 adequate mitigation of impacts to applicable regional resources

6516 and facilities, including those within the jurisdiction of other

6517 local governments, as would otherwise be provided. ~~Optional~~

6518 Sector plans are intended for substantial geographic areas that

6519 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more

6520 local governmental jurisdictions and are to emphasize urban form

6521 and protection of regionally significant resources and public

6522 facilities. ~~A The state land planning agency may approve~~

6523 ~~optional sector plans of less than 5,000 acres based on local~~

6524 ~~circumstances if it is determined that the plan would further~~

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6525 ~~the purposes of this part and part I of chapter 380. Preparation~~
6526 ~~of an optional sector plan is authorized by agreement between~~
6527 ~~the state land planning agency and the applicable local~~
6528 ~~governments under s. 163.3171(4). An optional sector plan may be~~
6529 ~~adopted through one or more comprehensive plan amendments under~~
6530 ~~s. 163.3184. However, an optional sector plan may not be adopted~~
6531 ~~authorized in an area of critical state concern.~~

6532 (2) Upon the request of a local government having
6533 jurisdiction, ~~The state land planning agency may enter into an~~
6534 ~~agreement to authorize preparation of an optional sector plan~~
6535 ~~upon the request of one or more local governments based on~~
6536 ~~consideration of problems and opportunities presented by~~
6537 ~~existing development trends; the effectiveness of current~~
6538 ~~comprehensive plan provisions; the potential to further the~~
6539 ~~state comprehensive plan, applicable strategic regional policy~~
6540 ~~plans, this part, and part I of chapter 380; and those factors~~
6541 ~~identified by s. 163.3177(10)(i). the applicable regional~~
6542 ~~planning council shall conduct a scoping meeting with affected~~
6543 ~~local governments and those agencies identified in s.~~
6544 ~~163.3184(1)(c)(4) before preparation of the sector plan~~
6545 ~~execution of the agreement authorized by this section. The~~
6546 ~~purpose of this meeting is to assist the state land planning~~
6547 ~~agency and the local government in the identification of the~~
6548 ~~relevant planning issues to be addressed and the data and~~
6549 ~~resources available to assist in the preparation of the sector~~
6550 ~~plan subsequent plan amendments. If a scoping meeting is~~
6551 ~~conducted, the regional planning council shall make written~~
6552 ~~recommendations to the state land planning agency and affected~~

6553 | local governments on the issues requested by the local
 6554 | government. The scoping meeting shall be noticed and open to the
 6555 | public. If the entire planning area proposed for the sector plan
 6556 | is within the jurisdiction of two or more local governments,
 6557 | some or all of them may enter into a joint planning agreement
 6558 | pursuant to s. 163.3171 with respect to, ~~including whether a~~
 6559 | ~~sustainable sector plan would be appropriate. The agreement must~~
 6560 | ~~define~~ the geographic area to be subject to the sector plan, the
 6561 | planning issues that will be emphasized, procedures ~~requirements~~
 6562 | for intergovernmental coordination to address
 6563 | extrajurisdictional impacts, supporting application materials
 6564 | including data and analysis, ~~and~~ procedures for public
 6565 | participation, or other issues. ~~An agreement may address~~
 6566 | ~~previously adopted sector plans that are consistent with the~~
 6567 | ~~standards in this section. Before executing an agreement under~~
 6568 | ~~this subsection, the local government shall hold a duly noticed~~
 6569 | ~~public workshop to review and explain to the public the optional~~
 6570 | ~~sector planning process and the terms and conditions of the~~
 6571 | ~~proposed agreement. The local government shall hold a duly~~
 6572 | ~~noticed public hearing to execute the agreement. All meetings~~
 6573 | ~~between the department and the local government must be open to~~
 6574 | ~~the public.~~

6575 | (3) ~~Optional~~ Sector planning encompasses two levels:
 6576 | adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
 6577 | master plan for the entire planning area as part of the
 6578 | comprehensive plan, and adoption by local development order of
 6579 | two or more buildout overlay to the comprehensive plan, having
 6580 | ~~no immediate effect on the issuance of development orders or the~~

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6581 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
6582 ~~detailed specific area plans that implement the conceptual long-~~
6583 ~~term master plan buildout overlay and authorize issuance of~~
6584 ~~development orders, and within which s. 380.06 is waived. Until~~
6585 ~~such time as a detailed specific area plan is adopted, the~~
6586 ~~underlying future land use designations apply.~~

6587 (a) In addition to the other requirements of this chapter,
6588 a long-term master plan pursuant to this section ~~conceptual~~
6589 ~~long-term buildout overlay~~ must include maps, illustrations, and
6590 text supported by data and analysis to address the following:

6591 1. A ~~long-range conceptual~~ framework map that, at a
6592 minimum, generally depicts ~~identifies~~ anticipated areas of
6593 urban, agricultural, rural, and conservation land use,
6594 identifies allowed uses in various parts of the planning area,
6595 specifies maximum and minimum densities and intensities of use,
6596 and provides the general framework for the development pattern
6597 in developed areas with graphic illustrations based on a
6598 hierarchy of places and functional place-making components.

6599 2. A general identification of the water supplies needed
6600 and available sources of water, including water resource
6601 development and water supply development projects, and water
6602 conservation measures needed to meet the projected demand of the
6603 future land uses in the long-term master plan.

6604 3. A general identification of the transportation
6605 facilities to serve the future land uses in the long-term master
6606 plan, including guidelines to be used to establish each modal
6607 component intended to optimize mobility.

6608 ~~4.2.~~ A general identification of other regionally

6609 significant public facilities ~~consistent with chapter 9J-2,~~
 6610 ~~Florida Administrative Code, irrespective of local governmental~~
 6611 ~~jurisdiction necessary to support buildout of the anticipated~~
 6612 future land uses, which may include central utilities provided
 6613 onsite within the planning area, and policies setting forth the
 6614 procedures to be used to mitigate the impacts of future land
 6615 uses on public facilities.

6616 ~~5.3.~~ A general identification of regionally significant
 6617 natural resources within the planning area based on the best
 6618 available data and policies setting forth the procedures for
 6619 protection or conservation of specific resources consistent with
 6620 the overall conservation and development strategy for the
 6621 planning area ~~consistent with chapter 9J-2, Florida~~
 6622 ~~Administrative Code.~~

6623 ~~6.4.~~ General principles and guidelines addressing that
 6624 ~~address~~ the urban form and the interrelationships of anticipated
 6625 future land uses; the protection and, as appropriate,
 6626 restoration and management of lands identified for permanent
 6627 preservation through recordation of conservation easements
 6628 consistent with s. 704.06, which shall be phased or staged in
 6629 coordination with detailed specific area plans to reflect phased
 6630 or staged development within the planning area; and a
 6631 ~~discussion, at the applicant's option, of the extent, if any, to~~
 6632 ~~which the plan will address restoring key ecosystems,~~ achieving
 6633 a more clean, healthy environment; limiting urban sprawl;
 6634 providing a range of housing types; protecting wildlife and
 6635 natural areas; advancing the efficient use of land and other
 6636 resources; ~~and~~ creating quality communities of a design that

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6637 promotes travel by multiple transportation modes; and enhancing
6638 the prospects for the creation of jobs.

6639 7.5. Identification of general procedures and policies to
6640 facilitate ~~ensure~~ intergovernmental coordination to address
6641 extrajurisdictional impacts from the future land uses long-range
6642 ~~conceptual framework map.~~

6643
6644 A long-term master plan adopted pursuant to this section may be
6645 based upon a planning period longer than the generally
6646 applicable planning period of the local comprehensive plan,
6647 shall specify the projected population within the planning area
6648 during the chosen planning period, and may include a phasing or
6649 staging schedule that allocates a portion of the local
6650 government's future growth to the planning area through the
6651 planning period. A long-term master plan adopted pursuant to
6652 this section is not required to demonstrate need based upon
6653 projected population growth or on any other basis.

6654 (b) In addition to the other requirements of this chapter,
6655 ~~including those in paragraph (a),~~ the detailed specific area
6656 plans shall be consistent with the long-term master plan and
6657 must include conditions and commitments that provide for:

6658 1. Development or conservation of an area of ~~adequate size~~
6659 ~~to accommodate a level of development which achieves a~~
6660 ~~functional relationship between a full range of land uses within~~
6661 ~~the area and to encompass~~ at least 1,000 acres consistent with
6662 the long-term master plan. The local government ~~state land~~
6663 ~~planning agency~~ may approve detailed specific area plans of less
6664 than 1,000 acres based on local circumstances if it is

6665 determined that the detailed specific area plan furthers the
 6666 purposes of this part and part I of chapter 380.

6667 2. Detailed identification and analysis of the maximum and
 6668 minimum densities and intensities of use and the distribution,
 6669 extent, and location of future land uses.

6670 3. Detailed identification of water resource development
 6671 and water supply development projects and related infrastructure
 6672 and water conservation measures to address water needs of
 6673 development in the detailed specific area plan.

6674 4. Detailed identification of the transportation
 6675 facilities to serve the future land uses in the detailed
 6676 specific area plan.

6677 ~~5.3.~~ Detailed identification of other regionally
 6678 significant public facilities, including public facilities
 6679 outside the jurisdiction of the host local government,
 6680 ~~anticipated~~ impacts of future land uses on those facilities, and
 6681 required improvements consistent with the long-term master plan
 6682 ~~chapter 9J-2, Florida Administrative Code.~~

6683 ~~6.4.~~ Public facilities necessary to serve development in
 6684 the detailed specific area plan for the short term, including
 6685 developer contributions in a ~~financially feasible~~ 5-year capital
 6686 improvement schedule of the affected local government.

6687 ~~7.5.~~ Detailed analysis and identification of specific
 6688 measures to ensure ~~assure~~ the protection or conservation of
 6689 lands identified in the long-term master plan to be permanently
 6690 preserved within the planning area through recordation of a
 6691 conservation easement consistent with s. 704.06 and, as
 6692 appropriate, restored or managed, ~~of regionally significant~~

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6693 ~~natural resources~~ and other important resources both within and
 6694 outside the host jurisdiction, ~~including those regionally~~
 6695 ~~significant resources identified in chapter 9J-2, Florida~~
 6696 ~~Administrative Code.~~

6697 8.6. Detailed principles and guidelines addressing that
 6698 ~~address~~ the urban form and the interrelationships of anticipated
 6699 future land uses; ~~and a discussion, at the applicant's option,~~
 6700 ~~of the extent, if any, to which the plan will address restoring~~
 6701 ~~key ecosystems,~~ achieving a more clean, healthy environment;;
 6702 limiting urban sprawl; providing a range of housing types;
 6703 protecting wildlife and natural areas;; advancing the efficient
 6704 use of land and other resources;; ~~and~~ creating quality
 6705 communities of a design that promotes travel by multiple
 6706 transportation modes; and enhancing the prospects for the
 6707 creation of jobs.

6708 9.7. Identification of specific procedures to facilitate
 6709 ~~ensure~~ intergovernmental coordination to address
 6710 extrajurisdictional impacts from ~~of~~ the detailed specific area
 6711 plan.

6712
 6713 A detailed specific area plan adopted by local development order
 6714 pursuant to this section may be based upon a planning period
 6715 longer than the generally applicable planning period of the
 6716 local comprehensive plan and shall specify the projected
 6717 population within the specific planning area during the chosen
 6718 planning period. A detailed specific area plan adopted pursuant
 6719 to this section is not required to demonstrate need based upon
 6720 projected population growth or on any other basis.

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6721 (c) In its review of a long-term master plan, the state
6722 land planning agency shall consult with the Department of
6723 Agriculture and Consumer Services, the Department of
6724 Environmental Protection, the Fish and Wildlife Conservation
6725 Commission, and the applicable water management district
6726 regarding the design of areas for protection and conservation of
6727 regionally significant natural resources and for the protection
6728 and, as appropriate, restoration and management of lands
6729 identified for permanent preservation.

6730 (d) In its review of a long-term master plan, the state
6731 land planning agency shall consult with the Department of
6732 Transportation, the applicable metropolitan planning
6733 organization, and any urban transit agency regarding the
6734 location, capacity, design, and phasing or staging of major
6735 transportation facilities in the planning area.

6736 (e) The state land planning agency may initiate a civil
6737 action pursuant to s. 163.3215 with respect to a detailed
6738 specific area plan that is not consistent with a long-term
6739 master plan adopted pursuant to this section. For purposes of
6740 such a proceeding, the state land planning agency shall be
6741 deemed an aggrieved and adversely affected party. Regardless of
6742 whether the local government has adopted an ordinance that
6743 establishes a local process that meets the requirements of s.
6744 163.3215(4), judicial review of a detailed specific area plan
6745 initiated by the state land planning agency shall be de novo
6746 pursuant to s. 163.3215(3) and not by petition for writ of
6747 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
6748 adversely affected party shall be subject to s. 163.3215 in all

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6749 respects when initiating a consistency challenge to a detailed
6750 specific area plan.

6751 (f)~~(e)~~ This subsection does ~~may not be construed to~~
6752 prevent preparation and approval of the ~~optional~~ sector plan and
6753 detailed specific area plan concurrently or in the same
6754 submission.

6755 (4) Upon the long-term master plan becoming legally
6756 effective:

6757 (a) Any long-range transportation plan developed by a
6758 metropolitan planning organization pursuant to s. 339.175(7)
6759 must be consistent, to the maximum extent feasible, with the
6760 long-term master plan, including, but not limited to, the
6761 projected population and the approved uses and densities and
6762 intensities of use and their distribution within the planning
6763 area. The transportation facilities identified in adopted plans
6764 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
6765 in coordination with the adopted M.P.O. long-range
6766 transportation plan.

6767 (b) The water needs, sources and water resource
6768 development, and water supply development projects identified in
6769 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall
6770 be incorporated into the applicable district and regional water
6771 supply plans adopted in accordance with ss. 373.036 and 373.709.
6772 Accordingly, and notwithstanding the permit durations stated in
6773 s. 373.236, an applicant may request and the applicable district
6774 may issue consumptive use permits for durations commensurate
6775 with the long-term master plan or detailed specific area plan,
6776 considering the ability of the master plan area to contribute to

6777 regional water supply availability and the need to maximize
 6778 reasonable-beneficial use of the water resource. The permitting
 6779 criteria in s. 373.223 shall be applied based upon the projected
 6780 population and the approved densities and intensities of use and
 6781 their distribution in the long-term master plan; however, the
 6782 allocation of the water may be phased over the permit duration
 6783 to correspond to actual projected needs. This paragraph does not
 6784 supersede the public interest test set forth in s. 373.223. The
 6785 ~~host local government shall submit a monitoring report to the~~
 6786 ~~state land planning agency and applicable regional planning~~
 6787 ~~council on an annual basis after adoption of a detailed specific~~
 6788 ~~area plan. The annual monitoring report must provide summarized~~
 6789 ~~information on development orders issued, development that has~~
 6790 ~~occurred, public facility improvements made, and public facility~~
 6791 ~~improvements anticipated over the upcoming 5 years.~~

6792 (5) When a ~~plan amendment adopting~~ a detailed specific
 6793 area plan has become effective for a portion of the planning
 6794 area governed by a long-term master plan adopted pursuant to
 6795 this section under ss. 163.3184 and 163.3189(2), the provisions
 6796 of s. 380.06 does ~~de~~ not apply to development within the
 6797 geographic area of the detailed specific area plan. However, any
 6798 development-of-regional-impact development order that is vested
 6799 from the detailed specific area plan may be enforced pursuant to
 6800 ~~under~~ s. 380.11.

6801 (a) The local government adopting the detailed specific
 6802 area plan is primarily responsible for monitoring and enforcing
 6803 the detailed specific area plan. Local governments may ~~shall~~ not
 6804 issue any permits or approvals or provide any extensions of

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6805 services to development that are not consistent with the
 6806 detailed specific ~~sector~~ area plan.

6807 (b) If the state land planning agency has reason to
 6808 believe that a violation of any detailed specific area plan, ~~or~~
 6809 ~~of any agreement entered into under this section,~~ has occurred
 6810 or is about to occur, it may institute an administrative or
 6811 judicial proceeding to prevent, abate, or control the conditions
 6812 or activity creating the violation, using the procedures in s.
 6813 380.11.

6814 (c) In instituting an administrative or judicial
 6815 proceeding involving a ~~an optional~~ sector plan or detailed
 6816 specific area plan, including a proceeding pursuant to paragraph
 6817 (b), the complaining party shall comply with the requirements of
 6818 s. 163.3215(4), (5), (6), and (7), except as provided by
 6819 paragraph (3)(e).

6820 (d) The detailed specific area plan shall establish a
 6821 buildout date until which the approved development is not
 6822 subject to downzoning, unit density reduction, or intensity
 6823 reduction, unless the local government can demonstrate that
 6824 implementation of the plan is not continuing in good faith based
 6825 on standards established by plan policy, that substantial
 6826 changes in the conditions underlying the approval of the
 6827 detailed specific area plan have occurred, that the detailed
 6828 specific area plan was based on substantially inaccurate
 6829 information provided by the applicant, or that the change is
 6830 clearly established to be essential to the public health,
 6831 safety, or welfare.

6832 (6) Concurrent with or subsequent to review and adoption

6833 of a long-term master plan pursuant to paragraph (3) (a), an
 6834 applicant may apply for master development approval pursuant to
 6835 s. 380.06(21) for the entire planning area in order to establish
 6836 a buildout date until which the approved uses and densities and
 6837 intensities of use of the master plan are not subject to
 6838 downzoning, unit density reduction, or intensity reduction,
 6839 unless the local government can demonstrate that implementation
 6840 of the master plan is not continuing in good faith based on
 6841 standards established by plan policy, that substantial changes
 6842 in the conditions underlying the approval of the master plan
 6843 have occurred, that the master plan was based on substantially
 6844 inaccurate information provided by the applicant, or that change
 6845 is clearly established to be essential to the public health,
 6846 safety, or welfare. Review of the application for master
 6847 development approval shall be at a level of detail appropriate
 6848 for the long-term and conceptual nature of the long-term master
 6849 plan and, to the maximum extent possible, may only consider
 6850 information provided in the application for a long-term master
 6851 plan. Notwithstanding s. 380.06, an increment of development in
 6852 such an approved master development plan must be approved by a
 6853 detailed specific area plan pursuant to paragraph (3) (b) and is
 6854 exempt from review pursuant to s. 380.06.

6855 ~~(6) Beginning December 1, 1999, and each year thereafter,~~
 6856 ~~the department shall provide a status report to the Legislative~~
 6857 ~~Committee on Intergovernmental Relations regarding each optional~~
 6858 ~~sector plan authorized under this section.~~

6859 (7) A developer within an area subject to a long-term
 6860 master plan that meets the requirements of paragraph (3) (a) and

6861 subsection (6) or a detailed specific area plan that meets the
 6862 requirements of paragraph (3) (b) may enter into a development
 6863 agreement with a local government pursuant to ss. 163.3220-
 6864 163.3243. The duration of such a development agreement may be
 6865 through the planning period of the long-term master plan or the
 6866 detailed specific area plan, as the case may be, notwithstanding
 6867 the limit on the duration of a development agreement pursuant to
 6868 s. 163.3229.

6869 (8) Any owner of property within the planning area of a
 6870 proposed long-term master plan may withdraw his consent to the
 6871 master plan at any time prior to local government adoption, and
 6872 the local government shall exclude such parcels from the adopted
 6873 master plan. Thereafter, the long-term master plan, any detailed
 6874 specific area plan, and the exemption from development-of-
 6875 regional-impact review under this section do not apply to the
 6876 subject parcels. After adoption of a long-term master plan, an
 6877 owner may withdraw his or her property from the master plan only
 6878 with the approval of the local government by plan amendment
 6879 adopted and reviewed pursuant to s. 163.3184.

6880 (9) The adoption of a long-term master plan or a detailed
 6881 specific area plan pursuant to this section does not limit the
 6882 right to continue existing agricultural or silvicultural uses or
 6883 other natural resource-based operations or to establish similar
 6884 new uses that are consistent with the plans approved pursuant to
 6885 this section.

6886 (10) The state land planning agency may enter into an
 6887 agreement with a local government that, on or before July 1,
 6888 2011, adopted a large-area comprehensive plan amendment

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6889 consisting of at least 15,000 acres that meets the requirements
 6890 for a long-term master plan in paragraph (3) (a), after notice
 6891 and public hearing by the local government, and thereafter,
 6892 notwithstanding s. 380.06, this part, or any planning agreement
 6893 or plan policy, the large-area plan shall be implemented through
 6894 detailed specific area plans that meet the requirements of
 6895 paragraph (3) (b) and shall otherwise be subject to this section.

6896 (11) Notwithstanding this section, a detailed specific
 6897 area plan to implement a conceptual long-term buildout overlay,
 6898 adopted by a local government and found in compliance before
 6899 July 1, 2011, shall be governed by this section.

6900 (12) Notwithstanding s. 380.06, this part, or any planning
 6901 agreement or plan policy, a landowner or developer who has
 6902 received approval of a master development-of-regional-impact
 6903 development order pursuant to s. 380.06(21) may apply to
 6904 implement this order by filing one or more applications to
 6905 approve a detailed specific area plan pursuant to paragraph
 6906 (3) (b) .

6907 (13) ~~(7)~~ This section may not be construed to abrogate the
 6908 rights of any person under this chapter.

6909 Section 29. Sections 163.3246, 163.32465, and 163.3247,
 6910 Florida Statutes, are repealed.

6911 Section 30. Section 163.3248, Florida Statutes, is created
 6912 to read:

6913 163.3248 Rural land stewardship areas.—

6914 (1) Rural land stewardship areas are designed to establish
 6915 a long-term incentive based strategy to balance and guide the
 6916 allocation of land so as to accommodate future land uses in a

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6917 manner that protects the natural environment, stimulate economic
 6918 growth and diversification, and encourage the retention of land
 6919 for agriculture and other traditional rural land uses.

6920 (2) Upon written request by one or more landowners to
 6921 designate lands as a rural land stewardship area, or pursuant to
 6922 a private sector initiated comprehensive plan amendment local
 6923 governments may adopt a future land use overlay to designate all
 6924 or portions of lands classified in the future land use element
 6925 as predominantly agricultural, rural, open, open-rural, or a
 6926 substantively equivalent land use, as a rural land stewardship
 6927 area within which planning and economic incentives are applied
 6928 to encourage the implementation of innovative and flexible
 6929 planning and development strategies and creative land use
 6930 planning techniques to support a diverse economic and employment
 6931 base.

6932 (3) Rural land stewardship areas may be used to further
 6933 the following broad principles of rural sustainability:
 6934 restoration and maintenance of the economic value of rural land;
 6935 control of urban sprawl; identification and protection of
 6936 ecosystems, habitats, and natural resources; promotion and
 6937 diversification of economic activity and employment
 6938 opportunities within the rural areas; maintenance of the
 6939 viability of the state's agricultural economy; and protection of
 6940 private property rights in rural areas of the state. Rural land
 6941 stewardship areas may be multicounty in order to encourage
 6942 coordinated regional stewardship planning.

6943 (4) A local government or one or more property owners may
 6944 request assistance and participation in the development of a

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6945 plan for the rural land stewardship area from the state land
 6946 planning agency, the Department of Agriculture and Consumer
 6947 Services, the Fish and Wildlife Conservation Commission, the
 6948 Department of Environmental Protection, the appropriate water
 6949 management district, the Department of Transportation, the
 6950 regional planning council, private land owners, and
 6951 stakeholders.

6952 (5) A rural land stewardship area shall be not less than
 6953 10,000 acres, shall be located outside of municipalities and
 6954 established urban service areas, and shall be designated by plan
 6955 amendment by each local government with jurisdiction over the
 6956 rural land stewardship area. The plan amendment or amendments
 6957 designating a rural land stewardship area are subject to review
 6958 pursuant to s. 163.3184 and shall provide for the following:

6959 (a) Criteria for the designation of receiving areas which
 6960 shall, at a minimum, provide for the following: adequacy of
 6961 suitable land to accommodate development so as to avoid conflict
 6962 with significant environmentally sensitive areas, resources, and
 6963 habitats; compatibility between and transition from higher
 6964 density uses to lower intensity rural uses; and the
 6965 establishment of receiving area service boundaries that provide
 6966 for a transition from receiving areas and other land uses within
 6967 the rural land stewardship area through limitations on the
 6968 extension of services.

6969 (b) Innovative planning and development strategies to be
 6970 applied within rural land stewardship areas pursuant to this
 6971 section.

6972 (c) A process for the implementation of innovative

6973 planning and development strategies within the rural land
 6974 stewardship area, including those described in this subsection,
 6975 which provide for a functional mix of land uses through the
 6976 adoption by the local government of zoning and land development
 6977 regulations applicable to the rural land stewardship area.

6978 (d) A mix of densities and intensities that would not be
 6979 characterized as urban sprawl through the use of innovative
 6980 strategies and creative land use techniques.

6981 (6) A receiving area may be designated only pursuant to
 6982 procedures established in the local government's land
 6983 development regulations. If receiving area designation requires
 6984 the approval of the county board of county commissioners, such
 6985 approval shall be by resolution with a simple majority vote.
 6986 Before the commencement of development within a stewardship
 6987 receiving area, a listed species survey must be performed for
 6988 the area proposed for development. If listed species occur on
 6989 the receiving area development site, the applicant must
 6990 coordinate with each appropriate local, state, or federal agency
 6991 to determine if adequate provisions have been made to protect
 6992 those species in accordance with applicable regulations. In
 6993 determining the adequacy of provisions for the protection of
 6994 listed species and their habitats, the rural land stewardship
 6995 area shall be considered as a whole, and the potential impacts
 6996 and protective measures taken within areas to be developed as
 6997 receiving areas shall be considered in conjunction with and
 6998 compensated by lands set aside and protective measures taken
 6999 within the designated sending areas.

7000 (7) Upon the adoption of a plan amendment creating a rural

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7001 land stewardship area, the local government shall, by ordinance,
 7002 establish a rural land stewardship overlay zoning district,
 7003 which shall provide the methodology for the creation,
 7004 conveyance, and use of transferable rural land use credits,
 7005 hereinafter referred to as stewardship credits, the assignment
 7006 and application of which does not constitute a right to develop
 7007 land or increase the density of land, except as provided by this
 7008 section. The total amount of stewardship credits within the
 7009 rural land stewardship area must enable the realization of the
 7010 long-term vision and goals for the rural land stewardship area,
 7011 which may take into consideration the anticipated effect of the
 7012 proposed receiving areas. The estimated amount of receiving area
 7013 shall be projected based on available data, and the development
 7014 potential represented by the stewardship credits created within
 7015 the rural land stewardship area must correlate to that amount.

7016 (8) Stewardship credits are subject to the following
 7017 limitations:

7018 (a) Stewardship credits may exist only within a rural land
 7019 stewardship area.

7020 (b) Stewardship credits may be created only from lands
 7021 designated as stewardship sending areas and may be used only on
 7022 lands designated as stewardship receiving areas and then solely
 7023 for the purpose of implementing innovative planning and
 7024 development strategies and creative land use planning techniques
 7025 adopted by the local government pursuant to this section.

7026 (c) Stewardship credits assigned to a parcel of land
 7027 within a rural land stewardship area shall cease to exist if the
 7028 parcel of land is removed from the rural land stewardship area

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7029 by plan amendment.

7030 (d) Neither the creation of the rural land stewardship
7031 area by plan amendment nor the adoption of the rural land
7032 stewardship zoning overlay district by the local government may
7033 displace the underlying permitted uses or the density or
7034 intensity of land uses assigned to a parcel of land within the
7035 rural land stewardship area that existed before adoption of the
7036 plan amendment or zoning overlay district; however, once
7037 stewardship credits have been transferred from a designated
7038 sending area for use within a designated receiving area, the
7039 underlying density assigned to the designated sending area
7040 ceases to exist.

7041 (e) The underlying permitted uses, density, or intensity
7042 on each parcel of land located within a rural land stewardship
7043 area may not be increased or decreased by the local government,
7044 except as a result of the conveyance or stewardship credits, as
7045 long as the parcel remains within the rural land stewardship
7046 area.

7047 (f) Stewardship credits shall cease to exist on a parcel
7048 of land where the underlying density assigned to the parcel of
7049 land is used.

7050 (g) An increase in the density or intensity of use on a
7051 parcel of land located within a designated receiving area may
7052 occur only through the assignment or use of stewardship credits
7053 and do not require a plan amendment. A change in the type of
7054 agricultural use on property within a rural land stewardship
7055 area is not considered a change in use or intensity of use and
7056 does not require any transfer of stewardship credits.

7057 (h) A change in the density or intensity of land use on
 7058 parcels located within receiving areas shall be specified in a
 7059 development order that reflects the total number of stewardship
 7060 credits assigned to the parcel of land and the infrastructure
 7061 and support services necessary to provide for a functional mix
 7062 of land uses corresponding to the plan of development.

7063 (i) Land within a rural land stewardship area may be
 7064 removed from the rural land stewardship area through a plan
 7065 amendment.

7066 (j) Stewardship credits may be assigned at different
 7067 ratios of credits per acre according to the natural resource or
 7068 other beneficial use characteristics of the land and according
 7069 to the land use remaining after the transfer of credits, with
 7070 the highest number of credits per acre assigned to the most
 7071 environmentally valuable land or, in locations where the
 7072 retention of open space and agricultural land is a priority, to
 7073 such lands.

7074 (k) The use or conveyance of stewardship credits must be
 7075 recorded in the public records of the county in which the
 7076 property is located as a covenant or restrictive easement
 7077 running with the land in favor of the county and either the
 7078 Department of Environmental Protection, the Department of
 7079 Agriculture and Consumer Services, a water management district,
 7080 or a recognized statewide land trust.

7081 (9) Owners of land within rural land stewardship sending
 7082 areas should be provided other incentives, in addition to the
 7083 use or conveyance of stewardship credits, to enter into rural
 7084 land stewardship agreements, pursuant to existing law and rules

7085 adopted thereto, with state agencies, water management
 7086 districts, the Fish and Wildlife Conservation Commission, and
 7087 local governments to achieve mutually agreed upon objectives.
 7088 Such incentives may include, but are not limited to, the
 7089 following:

7090 (a) Opportunity to accumulate transferable wetland and
 7091 species habitat mitigation credits for use or sale.

7092 (b) Extended permit agreements.

7093 (c) Opportunities for recreational leases and ecotourism.

7094 (d) Compensation for the achievement of specified land
 7095 management activities of public benefit, including, but not
 7096 limited to, facility siting and corridors, recreational leases,
 7097 water conservation and storage, water reuse, wastewater
 7098 recycling, water supply and water resource development, nutrient
 7099 reduction, environmental restoration and mitigation, public
 7100 recreation, listed species protection and recovery, and wildlife
 7101 corridor management and enhancement.

7102 (e) Option agreements for sale to public entities or
 7103 private land conservation entities, in either fee or easement,
 7104 upon achievement of specified conservation objectives.

7105 (10) This section constitutes an overlay of land use
 7106 options that provide economic and regulatory incentives for
 7107 landowners outside of established and planned urban service
 7108 areas to conserve and manage vast areas of land for the benefit
 7109 of the state's citizens and natural environment while
 7110 maintaining and enhancing the asset value of their landholdings.
 7111 It is the intent of the Legislature that this section be
 7112 implemented pursuant to law and rulemaking is not authorized.

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7113 (11) It is the intent of the Legislature that the rural
 7114 land stewardship area located in Collier County, which was
 7115 established pursuant to the requirements of a final order by the
 7116 Governor and Cabinet, duly adopted as a growth management plan
 7117 amendment by Collier County, and found in compliance with this
 7118 chapter, be recognized as a statutory rural land stewardship
 7119 area and be afforded the incentives in this section.

7120 Section 31. Paragraph (a) of subsection (2) of section
 7121 163.360, Florida Statutes, is amended to read:

7122 163.360 Community redevelopment plans.—

7123 (2) The community redevelopment plan shall:

7124 (a) Conform to the comprehensive plan for the county or
 7125 municipality as prepared by the local planning agency under the
 7126 Community Local Government Comprehensive Planning and Land
 7127 Development Regulation Act.

7128 Section 32. Paragraph (a) of subsection (3) and subsection
 7129 (8) of section 163.516, Florida Statutes, are amended to read:

7130 163.516 Safe neighborhood improvement plans.—

7131 (3) The safe neighborhood improvement plan shall:

7132 (a) Be consistent with the adopted comprehensive plan for
 7133 the county or municipality pursuant to the Community Local
 7134 Government Comprehensive Planning and Land Development
 7135 Regulation Act. No district plan shall be implemented unless the
 7136 local governing body has determined said plan is consistent.

7137 (8) Pursuant to s. ss. ~~163.3184, 163.3187, and 163.3189,~~
 7138 the governing body of a municipality or county shall hold two
 7139 public hearings to consider the board-adopted safe neighborhood
 7140 improvement plan as an amendment or modification to the

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7141 municipality's or county's adopted local comprehensive plan.

7142 Section 33. Paragraph (f) of subsection (6), subsection
7143 (9), and paragraph (c) of subsection (11) of section 171.203,
7144 Florida Statutes, are amended to read:

7145 171.203 Interlocal service boundary agreement.—The
7146 governing body of a county and one or more municipalities or
7147 independent special districts within the county may enter into
7148 an interlocal service boundary agreement under this part. The
7149 governing bodies of a county, a municipality, or an independent
7150 special district may develop a process for reaching an
7151 interlocal service boundary agreement which provides for public
7152 participation in a manner that meets or exceeds the requirements
7153 of subsection (13), or the governing bodies may use the process
7154 established in this section.

7155 (6) An interlocal service boundary agreement may address
7156 any issue concerning service delivery, fiscal responsibilities,
7157 or boundary adjustment. The agreement may include, but need not
7158 be limited to, provisions that:

7159 (f) Establish a process for land use decisions consistent
7160 with part II of chapter 163, including those made jointly by the
7161 governing bodies of the county and the municipality, or allow a
7162 municipality to adopt land use changes consistent with part II
7163 of chapter 163 for areas that are scheduled to be annexed within
7164 the term of the interlocal agreement; however, the county
7165 comprehensive plan and land development regulations shall
7166 control until the municipality annexes the property and amends
7167 its comprehensive plan accordingly. ~~Comprehensive plan~~
7168 ~~amendments to incorporate the process established by this~~

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7169 ~~paragraph are exempt from the twice per year limitation under s.~~
 7170 ~~163.3187.~~

7171 (9) Each local government that is a party to the
 7172 interlocal service boundary agreement shall amend the
 7173 intergovernmental coordination element of its comprehensive
 7174 plan, as described in s. 163.3177(6)(h)1., no later than 6
 7175 months following entry of the interlocal service boundary
 7176 agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments~~
 7177 ~~required by this subsection are exempt from the twice per year~~
 7178 ~~limitation under s. 163.3187.~~

7179 (11)

7180 ~~(c) Any amendment required by paragraph (a) is exempt from~~
 7181 ~~the twice per year limitation under s. 163.3187.~~

7182 Section 34. Section 186.513, Florida Statutes, is amended
 7183 to read:

7184 186.513 Reports.—Each regional planning council shall
 7185 prepare and furnish an annual report on its activities to the
 7186 state land planning agency as defined in s. 163.3164(20) and the
 7187 local general-purpose governments within its boundaries and,
 7188 upon payment as may be established by the council, to any
 7189 interested person. The regional planning councils shall make a
 7190 joint report and recommendations to appropriate legislative
 7191 committees.

7192 Section 35. Section 186.515, Florida Statutes, is amended
 7193 to read:

7194 186.515 Creation of regional planning councils under
 7195 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and
 7196 186.515 is intended to repeal or limit the provisions of chapter

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7197 163; however, the local general-purpose governments serving as
 7198 voting members of the governing body of a regional planning
 7199 council created pursuant to ss. 186.501-186.507, 186.513, and
 7200 186.515 are not authorized to create a regional planning council
 7201 pursuant to chapter 163 unless an agency, other than a regional
 7202 planning council created pursuant to ss. 186.501-186.507,
 7203 186.513, and 186.515, is designated to exercise the powers and
 7204 duties in any one or more of ss. 163.3164~~(19)~~ and 380.031(15);
 7205 in which case, such a regional planning council is also without
 7206 authority to exercise the powers and duties in s. 163.3164~~(19)~~
 7207 or s. 380.031(15).

7208 Section 36. Subsection (1) of section 189.415, Florida
 7209 Statutes, is amended to read:

7210 189.415 Special district public facilities report.—

7211 (1) It is declared to be the policy of this state to
 7212 foster coordination between special districts and local general-
 7213 purpose governments as those local general-purpose governments
 7214 develop comprehensive plans under the Community Local Government
 7215 ~~Comprehensive Planning and Land Development Regulation Act,~~
 7216 pursuant to part II of chapter 163.

7217 Section 37. Subsection (3) of section 190.004, Florida
 7218 Statutes, is amended to read:

7219 190.004 Preemption; sole authority.—

7220 (3) The establishment of an independent community
 7221 development district as provided in this act is not a
 7222 development order within the meaning of chapter 380. All
 7223 governmental planning, environmental, and land development laws,
 7224 regulations, and ordinances apply to all development of the land

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7225 within a community development district. Community development
 7226 districts do not have the power of a local government to adopt a
 7227 comprehensive plan, building code, or land development code, as
 7228 those terms are defined in the Community ~~Local Government~~
 7229 ~~Comprehensive Planning and Land Development Regulation~~ Act. A
 7230 district shall take no action which is inconsistent with
 7231 applicable comprehensive plans, ordinances, or regulations of
 7232 the applicable local general-purpose government.

7233 Section 38. Paragraph (a) of subsection (1) of section
 7234 190.005, Florida Statutes, is amended to read:

7235 190.005 Establishment of district.—

7236 (1) The exclusive and uniform method for the establishment
 7237 of a community development district with a size of 1,000 acres
 7238 or more shall be pursuant to a rule, adopted under chapter 120
 7239 by the Florida Land and Water Adjudicatory Commission, granting
 7240 a petition for the establishment of a community development
 7241 district.

7242 (a) A petition for the establishment of a community
 7243 development district shall be filed by the petitioner with the
 7244 Florida Land and Water Adjudicatory Commission. The petition
 7245 shall contain:

7246 1. A metes and bounds description of the external
 7247 boundaries of the district. Any real property within the
 7248 external boundaries of the district which is to be excluded from
 7249 the district shall be specifically described, and the last known
 7250 address of all owners of such real property shall be listed. The
 7251 petition shall also address the impact of the proposed district
 7252 on any real property within the external boundaries of the

7253 district which is to be excluded from the district.

7254 2. The written consent to the establishment of the
 7255 district by all landowners whose real property is to be included
 7256 in the district or documentation demonstrating that the
 7257 petitioner has control by deed, trust agreement, contract, or
 7258 option of 100 percent of the real property to be included in the
 7259 district, and when real property to be included in the district
 7260 is owned by a governmental entity and subject to a ground lease
 7261 as described in s. 190.003(14), the written consent by such
 7262 governmental entity.

7263 3. A designation of five persons to be the initial members
 7264 of the board of supervisors, who shall serve in that office
 7265 until replaced by elected members as provided in s. 190.006.

7266 4. The proposed name of the district.

7267 5. A map of the proposed district showing current major
 7268 trunk water mains and sewer interceptors and outfalls if in
 7269 existence.

7270 6. Based upon available data, the proposed timetable for
 7271 construction of the district services and the estimated cost of
 7272 constructing the proposed services. These estimates shall be
 7273 submitted in good faith but are ~~shall~~ not be binding and may be
 7274 subject to change.

7275 7. A designation of the future general distribution,
 7276 location, and extent of public and private uses of land proposed
 7277 for the area within the district by the future land use plan
 7278 element of the effective local government comprehensive plan of
 7279 which all mandatory elements have been adopted by the applicable
 7280 general-purpose local government in compliance with the

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7281 Community ~~Local Government Comprehensive~~ Planning and Land
 7282 ~~Development Regulation~~ Act.

7283 8. A statement of estimated regulatory costs in accordance
 7284 with the requirements of s. 120.541.

7285 Section 39. Paragraph (i) of subsection (6) of section
 7286 193.501, Florida Statutes, is amended to read:

7287 193.501 Assessment of lands subject to a conservation
 7288 easement, environmentally endangered lands, or lands used for
 7289 outdoor recreational or park purposes when land development
 7290 rights have been conveyed or conservation restrictions have been
 7291 covenanted.—

7292 (6) The following terms whenever used as referred to in
 7293 this section have the following meanings unless a different
 7294 meaning is clearly indicated by the context:

7295 (i) "Qualified as environmentally endangered" means land
 7296 that has unique ecological characteristics, rare or limited
 7297 combinations of geological formations, or features of a rare or
 7298 limited nature constituting habitat suitable for fish, plants,
 7299 or wildlife, and which, if subject to a development moratorium
 7300 or one or more conservation easements or development
 7301 restrictions appropriate to retaining such land or water areas
 7302 predominantly in their natural state, would be consistent with
 7303 the conservation, recreation and open space, and, if applicable,
 7304 coastal protection elements of the comprehensive plan adopted by
 7305 formal action of the local governing body pursuant to s.
 7306 163.3161, the Community ~~Local Government Comprehensive~~ Planning
 7307 ~~and Land Development Regulation~~ Act; or surface waters and
 7308 wetlands, as determined by the methodology ratified in s.

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7309 373.4211.

7310 Section 40. Subsection (15) of section 287.042, Florida
7311 Statutes, is amended to read:

7312 287.042 Powers, duties, and functions.—The department
7313 shall have the following powers, duties, and functions:

7314 (15) To enter into joint agreements with governmental
7315 agencies, as defined in s. 163.3164~~(10)~~, for the purpose of
7316 pooling funds for the purchase of commodities or information
7317 technology that can be used by multiple agencies.

7318 (a) Each agency that has been appropriated or has existing
7319 funds for such purchase, shall, upon contract award by the
7320 department, transfer their portion of the funds into the
7321 department's Operating Trust Fund for payment by the department.
7322 The funds shall be transferred by the Executive Office of the
7323 Governor pursuant to the agency budget amendment request
7324 provisions in chapter 216.

7325 (b) Agencies that sign the joint agreements are
7326 financially obligated for their portion of the agreed-upon
7327 funds. If an agency becomes more than 90 days delinquent in
7328 paying the funds, the department shall certify to the Chief
7329 Financial Officer the amount due, and the Chief Financial
7330 Officer shall transfer the amount due to the Operating Trust
7331 Fund of the department from any of the agency's available funds.
7332 The Chief Financial Officer shall report these transfers and the
7333 reasons for the transfers to the Executive Office of the
7334 Governor and the legislative appropriations committees.

7335 Section 41. Subsection (4) of section 288.063, Florida
7336 Statutes, is amended to read:

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7337 288.063 Contracts for transportation projects.—
 7338 (4) The Office of Tourism, Trade, and Economic Development
 7339 may adopt criteria by which transportation projects are to be
 7340 reviewed and certified in accordance with s. 288.061. In
 7341 approving transportation projects for funding, the Office of
 7342 Tourism, Trade, and Economic Development shall consider factors
 7343 including, but not limited to, the cost per job created or
 7344 retained considering the amount of transportation funds
 7345 requested; the average hourly rate of wages for jobs created;
 7346 the reliance on the program as an inducement for the project's
 7347 location decision; the amount of capital investment to be made
 7348 by the business; the demonstrated local commitment; the location
 7349 of the project in an enterprise zone designated pursuant to s.
 7350 290.0055; the location of the project in a spaceport territory
 7351 as defined in s. 331.304; the unemployment rate of the
 7352 surrounding area; and the poverty rate of the community; ~~and the~~
 7353 ~~adoption of an economic element as part of its local~~
 7354 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The
 7355 Office of Tourism, Trade, and Economic Development may contact
 7356 any agency it deems appropriate for additional input regarding
 7357 the approval of projects.

7358 Section 42. Paragraph (a) of subsection (2), subsection
 7359 (10), and paragraph (d) of subsection (12) of section 288.975,
 7360 Florida Statutes, are amended to read:

7361 288.975 Military base reuse plans.—

7362 (2) As used in this section, the term:

7363 (a) "Affected local government" means a local government
 7364 adjoining the host local government and any other unit of local

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7365 government that is not a host local government but that is
 7366 identified in a proposed military base reuse plan as providing,
 7367 operating, or maintaining one or more public facilities as
 7368 defined in s. 163.3164~~(24)~~ on lands within or serving a military
 7369 base designated for closure by the Federal Government.

7370 (10) Within 60 days after receipt of a proposed military
 7371 base reuse plan, these entities shall review and provide
 7372 comments to the host local government. The commencement of this
 7373 review period shall be advertised in newspapers of general
 7374 circulation within the host local government and any affected
 7375 local government to allow for public comment. No later than 180
 7376 days after receipt and consideration of all comments, and the
 7377 holding of at least two public hearings, the host local
 7378 government shall adopt the military base reuse plan. The host
 7379 local government shall comply with the notice requirements set
 7380 forth in s. 163.3184~~(11)~~(15) to ensure full public participation
 7381 in this planning process.

7382 (12) Following receipt of a petition, the petitioning
 7383 party or parties and the host local government shall seek
 7384 resolution of the issues in dispute. The issues in dispute shall
 7385 be resolved as follows:

7386 (d) Within 45 days after receiving the report from the
 7387 state land planning agency, the Administration Commission shall
 7388 take action to resolve the issues in dispute. In deciding upon a
 7389 proper resolution, the Administration Commission shall consider
 7390 the nature of the issues in dispute, any requests for a formal
 7391 administrative hearing pursuant to chapter 120, the compliance
 7392 of the parties with this section, the extent of the conflict

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7393 between the parties, the comparative hardships and the public
 7394 interest involved. If the Administration Commission incorporates
 7395 in its final order a term or condition that requires any local
 7396 government to amend its local government comprehensive plan, the
 7397 local government shall amend its plan within 60 days after the
 7398 issuance of the order. ~~Such amendment or amendments shall be~~
 7399 ~~exempt from the limitation of the frequency of plan amendments~~
 7400 ~~contained in s. 163.3187(1), and~~ A public hearing on such
 7401 amendment or amendments pursuant to s. 163.3184 (11) ~~(15)~~ (b)1. is
 7402 ~~shall not be~~ required. The final order of the Administration
 7403 Commission is subject to appeal pursuant to s. 120.68. If the
 7404 order of the Administration Commission is appealed, the time for
 7405 the local government to amend its plan shall be tolled during
 7406 the pendency of any local, state, or federal administrative or
 7407 judicial proceeding relating to the military base reuse plan.

7408 Section 43. Subsection (4) of section 290.0475, Florida
 7409 Statutes, is amended to read:

7410 290.0475 Rejection of grant applications; penalties for
 7411 failure to meet application conditions.—Applications received
 7412 for funding under all program categories shall be rejected
 7413 without scoring only in the event that any of the following
 7414 circumstances arise:

7415 (4) The application is not consistent with the local
 7416 government's comprehensive plan adopted pursuant to s.
 7417 163.3184 ~~(7)~~.

7418 Section 44. Paragraph (c) of subsection (3) of section
 7419 311.07, Florida Statutes, is amended to read:

7420 311.07 Florida seaport transportation and economic

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7421 development funding.—

7422 (3)

7423 (c) To be eligible for consideration by the council
 7424 pursuant to this section, a project must be consistent with the
 7425 port comprehensive master plan which is incorporated as part of
 7426 the approved local government comprehensive plan as required by
 7427 s. 163.3178(2)(k) or other provisions of the Community ~~Local~~
 7428 ~~Government Comprehensive Planning and Land Development~~
 7429 ~~Regulation Act~~, part II of chapter 163.

7430 Section 45. Subsection (1) of section 331.319, Florida
 7431 Statutes, is amended to read:

7432 331.319 Comprehensive planning; building and safety
 7433 codes.—The board of directors may:

7434 (1) Adopt, and from time to time review, amend,
 7435 supplement, or repeal, a comprehensive general plan for the
 7436 physical development of the area within the spaceport territory
 7437 in accordance with the objectives and purposes of this act and
 7438 consistent with the comprehensive plans of the applicable county
 7439 or counties and municipality or municipalities adopted pursuant
 7440 to the Community ~~Local Government Comprehensive Planning and~~
 7441 ~~Land Development Regulation Act~~, part II of chapter 163.

7442 Section 46. Paragraph (e) of subsection (5) of section
 7443 339.155, Florida Statutes, is amended to read:

7444 339.155 Transportation planning.—

7445 (5) ADDITIONAL TRANSPORTATION PLANS.—

7446 (e) The regional transportation plan developed pursuant to
 7447 this section must, at a minimum, identify regionally significant
 7448 transportation facilities located within a regional

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7449 transportation area and contain a prioritized list of regionally
 7450 significant projects. ~~The level of service standards for~~
 7451 ~~facilities to be funded under this subsection shall be adopted~~
 7452 ~~by the appropriate local government in accordance with s.~~
 7453 ~~163.3180(10).~~ The projects shall be adopted into the capital
 7454 improvements schedule of the local government comprehensive plan
 7455 pursuant to s. 163.3177(3).

7456 Section 47. Paragraph (a) of subsection (4) of section
 7457 339.2819, Florida Statutes, is amended to read:

7458 339.2819 Transportation Regional Incentive Program.—

7459 (4) (a) Projects to be funded with Transportation Regional
 7460 Incentive Program funds shall, at a minimum:

7461 1. Support those transportation facilities that serve
 7462 national, statewide, or regional functions and function as an
 7463 integrated regional transportation system.

7464 2. Be identified in the capital improvements element of a
 7465 comprehensive plan that has been determined to be in compliance
 7466 with part II of chapter 163, after July 1, 2005, ~~or to implement~~
 7467 ~~a long-term concurrency management system adopted by a local~~
 7468 ~~government in accordance with s. 163.3180(9).~~ Further, the
 7469 project shall be in compliance with local government
 7470 comprehensive plan policies relative to corridor management.

7471 3. Be consistent with the Strategic Intermodal System Plan
 7472 developed under s. 339.64.

7473 4. Have a commitment for local, regional, or private
 7474 financial matching funds as a percentage of the overall project
 7475 cost.

7476 Section 48. Subsection (5) of section 369.303, Florida

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7477 Statutes, is amended to read:

7478 369.303 Definitions.—As used in this part:

7479 (5) "Land development regulation" means a regulation
 7480 covered by the definition in s. 163.3164~~(23)~~ and any of the
 7481 types of regulations described in s. 163.3202.

7482 Section 49. Subsections (5) and (7) of section 369.321,
 7483 Florida Statutes, are amended to read:

7484 369.321 Comprehensive plan amendments.—Except as otherwise
 7485 expressly provided, by January 1, 2006, each local government
 7486 within the Wekiva Study Area shall amend its local government
 7487 comprehensive plan to include the following:

7488 (5) Comprehensive plans and comprehensive plan amendments
 7489 adopted by the local governments to implement this section shall
 7490 be reviewed by the Department of Community Affairs pursuant to
 7491 s. 163.3184, ~~and shall be exempt from the provisions of s.~~
 7492 ~~163.3187(1).~~

7493 (7) During the period prior to the adoption of the
 7494 comprehensive plan amendments required by this act, any local
 7495 comprehensive plan amendment adopted by a city or county that
 7496 applies to land located within the Wekiva Study Area shall
 7497 protect surface and groundwater resources and be reviewed by the
 7498 Department of Community Affairs, ~~pursuant to chapter 163 and~~
 7499 ~~chapter 9J-5, Florida Administrative Code,~~ using best available
 7500 data, including the information presented to the Wekiva River
 7501 Basin Coordinating Committee.

7502 Section 50. Subsection (1) of section 378.021, Florida
 7503 Statutes, is amended to read:

7504 378.021 Master reclamation plan.—

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7505 (1) The Department of Environmental Protection shall amend
 7506 the master reclamation plan that provides guidelines for the
 7507 reclamation of lands mined or disturbed by the severance of
 7508 phosphate rock prior to July 1, 1975, which lands are not
 7509 subject to mandatory reclamation under part II of chapter 211.
 7510 In amending the master reclamation plan, the Department of
 7511 Environmental Protection shall continue to conduct an onsite
 7512 evaluation of all lands mined or disturbed by the severance of
 7513 phosphate rock prior to July 1, 1975, which lands are not
 7514 subject to mandatory reclamation under part II of chapter 211.
 7515 The master reclamation plan when amended by the Department of
 7516 Environmental Protection shall be consistent with local
 7517 government plans prepared pursuant to the Community Local
 7518 ~~Government Comprehensive Planning and Land Development~~
 7519 ~~Regulation Act~~.

7520 Section 51. Subsection (10) of section 380.031, Florida
 7521 Statutes, is amended to read:

7522 380.031 Definitions.—As used in this chapter:

7523 (10) "Local comprehensive plan" means any or all local
 7524 comprehensive plans or elements or portions thereof prepared,
 7525 adopted, or amended pursuant to the Community Local Government
 7526 ~~Comprehensive Planning and Land Development Regulation Act~~, as
 7527 amended.

7528 Section 52. Paragraph (b) of subsection (6), paragraph (c)
 7529 of subsection (19), subsection (24), paragraph (e) of subsection
 7530 (28), and paragraphs (a), (d), and (e) of subsection (29) of
 7531 section 380.06, Florida Statutes, are amended, and subsection
 7532 (30) is added to that section, to read:

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7533 380.06 Developments of regional impact.—

7534 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
7535 PLAN AMENDMENTS.—

7536 (b) Any local government comprehensive plan amendments
7537 related to a proposed development of regional impact, including
7538 any changes proposed under subsection (19), may be initiated by
7539 a local planning agency or the developer and must be considered
7540 by the local governing body at the same time as the application
7541 for development approval using the procedures provided for local
7542 plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable
7543 local ordinances, without regard to ~~statutory or local ordinance~~
7544 limits on the frequency of consideration of amendments to the
7545 local comprehensive plan. ~~Nothing in~~ This paragraph does not
7546 ~~shall be deemed to~~ require favorable consideration of a plan
7547 amendment solely because it is related to a development of
7548 regional impact. The procedure for processing such comprehensive
7549 plan amendments is as follows:

7550 1. If a developer seeks a comprehensive plan amendment
7551 related to a development of regional impact, the developer must
7552 so notify in writing the regional planning agency, the
7553 applicable local government, and the state land planning agency
7554 no later than the date of preapplication conference or the
7555 submission of the proposed change under subsection (19).

7556 2. When filing the application for development approval or
7557 the proposed change, the developer must include a written
7558 request for comprehensive plan amendments that would be
7559 necessitated by the development-of-regional-impact approvals
7560 sought. That request must include data and analysis upon which

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7561 the applicable local government can determine whether to
 7562 transmit the comprehensive plan amendment pursuant to s.
 7563 163.3184.

7564 3. The local government must advertise a public hearing on
 7565 the transmittal within 30 days after filing the application for
 7566 development approval or the proposed change and must make a
 7567 determination on the transmittal within 60 days after the
 7568 initial filing unless that time is extended by the developer.

7569 4. If the local government approves the transmittal,
 7570 procedures set forth in s. 163.3184 (4) (b) - (d) (3) - (6) must be
 7571 followed.

7572 5. Notwithstanding subsection (11) or subsection (19), the
 7573 local government may not hold a public hearing on the
 7574 application for development approval or the proposed change or
 7575 on the comprehensive plan amendments sooner than 30 days from
 7576 receipt of the response from the state land planning agency
 7577 pursuant to s. 163.3184 (4) (d) (6). ~~The 60-day time period for~~
 7578 ~~local governments to adopt, adopt with changes, or not adopt~~
 7579 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~
 7580 ~~concurrent plan amendments provided for in this subsection.~~

7581 6. The local government must hear both the application for
 7582 development approval or the proposed change and the
 7583 comprehensive plan amendments at the same hearing. However, the
 7584 local government must take action separately on the application
 7585 for development approval or the proposed change and on the
 7586 comprehensive plan amendments.

7587 7. Thereafter, the appeal process for the local government
 7588 development order must follow the provisions of s. 380.07, and

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7589 the compliance process for the comprehensive plan amendments
 7590 must follow the provisions of s. 163.3184.

7591 (19) SUBSTANTIAL DEVIATIONS.—

7592 (c) An extension of the date of buildout of a development,
 7593 or any phase thereof, by more than 7 years is presumed to create
 7594 a substantial deviation subject to further development-of-
 7595 regional-impact review.

7596 1. An extension of the date of buildout, or any phase
 7597 thereof, of more than 5 years but not more than 7 years is
 7598 presumed not to create a substantial deviation. The extension of
 7599 the date of buildout of an areawide development of regional
 7600 impact by more than 5 years but less than 10 years is presumed
 7601 not to create a substantial deviation. These presumptions may be
 7602 rebutted by clear and convincing evidence at the public hearing
 7603 held by the local government. An extension of 5 years or less is
 7604 not a substantial deviation.

7605 2. In recognition of the 2011 real estate market
 7606 conditions, at the option of the developer, all commencement,
 7607 phase, buildout, and expiration dates for projects that are
 7608 currently valid developments of regional impact are extended for
 7609 7 years regardless of any previous extension. Associated
 7610 mitigation requirements are extended for the same period. The 7-
 7611 year extension is not a substantial deviation, is not subject to
 7612 further development-of-regional-impact review, and may not be
 7613 considered when determining whether a subsequent extension is a
 7614 substantial deviation under this subsection. The developer must
 7615 notify the local government in writing by December 31, 2011, in
 7616 order to receive the 7-year extension.

7617
 7618 For the purpose of calculating when a buildout or phase date has
 7619 been exceeded, the time shall be tolled during the pendency of
 7620 administrative or judicial proceedings relating to development
 7621 permits. Any extension of the buildout date of a project or a
 7622 phase thereof shall automatically extend the commencement date
 7623 of the project, the termination date of the development order,
 7624 the expiration date of the development of regional impact, and
 7625 the phases thereof if applicable by a like period of time. ~~In~~
 7626 ~~recognition of the 2007 real estate market conditions, all~~
 7627 ~~phase, buildout, and expiration dates for projects that are~~
 7628 ~~developments of regional impact and under active construction on~~
 7629 ~~July 1, 2007, are extended for 3 years regardless of any prior~~
 7630 ~~extension. The 3-year extension is not a substantial deviation,~~
 7631 ~~is not subject to further development of regional impact review,~~
 7632 ~~and may not be considered when determining whether a subsequent~~
 7633 ~~extension is a substantial deviation under this subsection.~~

7634 (24) STATUTORY EXEMPTIONS.—

7635 (a) Any proposed hospital is exempt from ~~the provisions of~~
 7636 this section.

7637 (b) Any proposed electrical transmission line or
 7638 electrical power plant is exempt from ~~the provisions of~~ this
 7639 section.

7640 (c) Any proposed addition to an existing sports facility
 7641 complex is exempt from ~~the provisions of~~ this section if the
 7642 addition meets the following characteristics:

- 7643 1. It would not operate concurrently with the scheduled
 7644 hours of operation of the existing facility.

7645 2. Its seating capacity would be no more than 75 percent
7646 of the capacity of the existing facility.

7647 3. The sports facility complex property is owned by a
7648 public body prior to July 1, 1983.

7649
7650 This exemption does not apply to any pari-mutuel facility.

7651 (d) Any proposed addition or cumulative additions
7652 subsequent to July 1, 1988, to an existing sports facility
7653 complex owned by a state university is exempt if the increased
7654 seating capacity of the complex is no more than 30 percent of
7655 the capacity of the existing facility.

7656 (e) Any addition of permanent seats or parking spaces for
7657 an existing sports facility located on property owned by a
7658 public body prior to July 1, 1973, is exempt from ~~the provisions~~
7659 ~~of~~ this section if future additions do not expand existing
7660 permanent seating or parking capacity more than 15 percent
7661 annually in excess of the prior year's capacity.

7662 (f) Any increase in the seating capacity of an existing
7663 sports facility having a permanent seating capacity of at least
7664 50,000 spectators is exempt from ~~the provisions of~~ this section,
7665 provided that such an increase does not increase permanent
7666 seating capacity by more than 5 percent per year and not to
7667 exceed a total of 10 percent in any 5-year period, and provided
7668 that the sports facility notifies the appropriate local
7669 government within which the facility is located of the increase
7670 at least 6 months prior to the initial use of the increased
7671 seating, in order to permit the appropriate local government to
7672 develop a traffic management plan for the traffic generated by

7673 the increase. Any traffic management plan shall be consistent
 7674 with the local comprehensive plan, the regional policy plan, and
 7675 the state comprehensive plan.

7676 (g) Any expansion in the permanent seating capacity or
 7677 additional improved parking facilities of an existing sports
 7678 facility is exempt from ~~the provisions of~~ this section, if the
 7679 following conditions exist:

7680 1.a. The sports facility had a permanent seating capacity
 7681 on January 1, 1991, of at least 41,000 spectator seats;

7682 b. The sum of such expansions in permanent seating
 7683 capacity does not exceed a total of 10 percent in any 5-year
 7684 period and does not exceed a cumulative total of 20 percent for
 7685 any such expansions; or

7686 c. The increase in additional improved parking facilities
 7687 is a one-time addition and does not exceed 3,500 parking spaces
 7688 serving the sports facility; and

7689 2. The local government having jurisdiction of the sports
 7690 facility includes in the development order or development permit
 7691 approving such expansion under this paragraph a finding of fact
 7692 that the proposed expansion is consistent with the
 7693 transportation, water, sewer and stormwater drainage provisions
 7694 of the approved local comprehensive plan and local land
 7695 development regulations relating to those provisions.

7696
 7697 Any owner or developer who intends to rely on this statutory
 7698 exemption shall provide to the department a copy of the local
 7699 government application for a development permit. Within 45 days
 7700 of receipt of the application, the department shall render to

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7701 the local government an advisory and nonbinding opinion, in
7702 writing, stating whether, in the department's opinion, the
7703 prescribed conditions exist for an exemption under this
7704 paragraph. The local government shall render the development
7705 order approving each such expansion to the department. The
7706 owner, developer, or department may appeal the local government
7707 development order pursuant to s. 380.07, within 45 days after
7708 the order is rendered. The scope of review shall be limited to
7709 the determination of whether the conditions prescribed in this
7710 paragraph exist. If any sports facility expansion undergoes
7711 development-of-regional-impact review, all previous expansions
7712 which were exempt under this paragraph shall be included in the
7713 development-of-regional-impact review.

7714 (h) Expansion to port harbors, spoil disposal sites,
7715 navigation channels, turning basins, harbor berths, and other
7716 related inwater harbor facilities of ports listed in s.
7717 403.021(9)(b), port transportation facilities and projects
7718 listed in s. 311.07(3)(b), and intermodal transportation
7719 facilities identified pursuant to s. 311.09(3) are exempt from
7720 ~~the provisions of~~ this section when such expansions, projects,
7721 or facilities are consistent with comprehensive master plans
7722 that are in compliance with ~~the provisions of~~ s. 163.3178.

7723 (i) Any proposed facility for the storage of any petroleum
7724 product or any expansion of an existing facility is exempt from
7725 ~~the provisions of~~ this section.

7726 (j) Any renovation or redevelopment within the same land
7727 parcel which does not change land use or increase density or
7728 intensity of use.

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7729 (k) Waterport and marina development, including dry
 7730 storage facilities, are exempt from ~~the provisions of this~~
 7731 section.

7732 (l) Any proposed development within an urban service
 7733 boundary established under s. 163.3177(14), which is not
 7734 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~
 7735 ~~provisions of this section~~ if the local government having
 7736 jurisdiction over the area where the development is proposed has
 7737 adopted the urban service boundary, has entered into a binding
 7738 agreement with jurisdictions that would be impacted and with the
 7739 Department of Transportation regarding the mitigation of impacts
 7740 on state and regional transportation facilities, ~~and has adopted~~
 7741 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

7742 (m) Any proposed development within a rural land
 7743 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ is
 7744 ~~exempt from the provisions of this section if the local~~
 7745 ~~government that has adopted the rural land stewardship area has~~
 7746 ~~entered into a binding agreement with jurisdictions that would~~
 7747 ~~be impacted and the Department of Transportation regarding the~~
 7748 ~~mitigation of impacts on state and regional transportation~~
 7749 ~~facilities, and has adopted a proportionate share methodology~~
 7750 ~~pursuant to s. 163.3180(16).~~

7751 (n) The establishment, relocation, or expansion of any
 7752 military installation as defined in s. 163.3175, is exempt from
 7753 this section.

7754 (o) Any self-storage warehousing that does not allow
 7755 retail or other services is exempt from this section.

7756 (p) Any proposed nursing home or assisted living facility

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7757 is exempt from this section.

7758 (q) Any development identified in an airport master plan
 7759 and adopted into the comprehensive plan pursuant to s.
 7760 163.3177(6)(k) is exempt from this section.

7761 (r) Any development identified in a campus master plan and
 7762 adopted pursuant to s. 1013.30 is exempt from this section.

7763 (s) Any development in a detailed specific area plan which
 7764 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
 7765 ~~the comprehensive plan~~ is exempt from this section.

7766 (t) Any proposed solid mineral mine and any proposed
 7767 addition to, expansion of, or change to an existing solid
 7768 mineral mine is exempt from this section. Proposed changes to
 7769 any previously approved solid mineral mine development-of-
 7770 regional-impact development orders having vested rights is not
 7771 subject to further review or approval as a development-of-
 7772 regional-impact or notice-of-proposed-change review or approval
 7773 pursuant to subsection (19), except for those applications
 7774 pending as of July 1, 2011, which shall be governed by s.
 7775 380.115(2). Notwithstanding the foregoing, however, pursuant to
 7776 s. 380.115(1), previously approved solid mineral mine
 7777 development-of-regional-impact development orders shall continue
 7778 to enjoy vested rights and continue to be effective unless
 7779 rescinded by the developer. All local government regulations of
 7780 proposed solid mineral mines shall be applicable to any new
 7781 solid mineral mine or to any proposed addition to, expansion of,
 7782 or change to an existing solid mineral mine.

7783 (u) Notwithstanding any provisions in an agreement with or
 7784 among a local government, regional agency, or the state land

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7785 planning agency or in a local government's comprehensive plan to
 7786 the contrary, a project no longer subject to development-of-
 7787 regional-impact review under revised thresholds is not required
 7788 to undergo such review.

7789 (v)~~(t)~~ Any development within a county with a research and
 7790 education authority created by special act and that is also
 7791 within a research and development park that is operated or
 7792 managed by a research and development authority pursuant to part
 7793 V of chapter 159 is exempt from this section.

7794
 7795 If a use is exempt from review as a development of regional
 7796 impact under paragraphs (a)-(u) ~~(a)-(s)~~, but will be part of a
 7797 larger project that is subject to review as a development of
 7798 regional impact, the impact of the exempt use must be included
 7799 in the review of the larger project, unless such exempt use
 7800 involves a development of regional impact that includes a
 7801 landowner, tenant, or user that has entered into a funding
 7802 agreement with the Office of Tourism, Trade, and Economic
 7803 Development under the Innovation Incentive Program and the
 7804 agreement contemplates a state award of at least \$50 million.

7805 (28) PARTIAL STATUTORY EXEMPTIONS.—

7806 (e) The vesting provision of s. 163.3167 (5) ~~(8)~~ relating to
 7807 an authorized development of regional impact does ~~shall~~ not
 7808 apply to those projects partially exempt from the development-
 7809 of-regional-impact review process under paragraphs (a)-(d).

7810 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

7811 (a) The following are exempt from this section:

7812 1. Any proposed development in a municipality that has an

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7813 average of at least 1,000 people per square mile of land area
 7814 and a minimum total population of at least 5,000 ~~qualifies as a~~
 7815 ~~dense urban land area as defined in s. 163.3164;~~

7816 2. Any proposed development within a county that has an
 7817 average of at least 1,000 people per square mile of land area
 7818 ~~qualifies as a dense urban land area as defined in s. 163.3164~~
 7819 and that is located within an urban service area as defined in
 7820 s. 163.3164 which has been adopted into the comprehensive plan;
 7821 or

7822 3. Any proposed development within a county, including the
 7823 municipalities located therein, which has a population of at
 7824 least 900,000, that has an average of at least 1,000 people per
 7825 square mile of land area ~~which qualifies as a dense urban land~~
 7826 ~~area under s. 163.3164,~~ but which does not have an urban service
 7827 area designated in the comprehensive plan.

7828
 7829 The Office of Economic and Demographic Research within the
 7830 Legislature shall annually calculate the population and density
 7831 criteria needed to determine which jurisdictions meet the
 7832 density criteria in subparagraphs 1.-3. by using the most recent
 7833 land area data from the decennial census conducted by the Bureau
 7834 of the Census of the United States Department of Commerce and
 7835 the latest available population estimates determined pursuant to
 7836 s. 186.901. If any local government has had an annexation,
 7837 contraction, or new incorporation, the Office of Economic and
 7838 Demographic Research shall determine the population density
 7839 using the new jurisdictional boundaries as recorded in
 7840 accordance with s. 171.091. The Office of Economic and

7841 Demographic Research shall annually submit to the state land
 7842 planning agency by July 1 a list of jurisdictions that meet the
 7843 total population and density criteria. The state land planning
 7844 agency shall publish the list of jurisdictions on its Internet
 7845 website within 7 days after the list is received. The
 7846 designation of jurisdictions that meet the density criteria of
 7847 subparagraphs 1.-3. is effective upon publication on the state
 7848 land planning agency's Internet website. Any area that has met
 7849 the density criteria may not thereafter be removed from the list
 7850 of areas that qualify.

7851 (d) A development that is located partially outside an
 7852 area that is exempt from the development-of-regional-impact
 7853 program must undergo development-of-regional-impact review
 7854 pursuant to this section. However, if the total acreage that is
 7855 included within the area exempt from development-of-regional-
 7856 impact review exceeds 85 percent of the total acreage and square
 7857 footage of the approved development of regional impact, the
 7858 development-of-regional-impact development order may be
 7859 rescinded in both local governments pursuant to s. 380.115(1).

7860 (e) In an area that is exempt under paragraphs (a)-(c),
 7861 any previously approved development-of-regional-impact
 7862 development orders shall continue to be effective, but the
 7863 developer has the option to be governed by s. 380.115(1). A
 7864 pending application for development approval shall be governed
 7865 by s. 380.115(2). ~~A development that has a pending application~~
 7866 ~~for a comprehensive plan amendment and that elects not to~~
 7867 ~~continue development-of-regional-impact review is exempt from~~
 7868 ~~the limitation on plan amendments set forth in s. 163.3187(1)~~

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7869 ~~for the year following the effective date of the exemption.~~

7870 (30) TEMPORARY INCREASES IN THRESHOLDS, STANDARDS, AND
7871 SUBSTANTIAL DEVIATIONS.—

7872 (a) Notwithstanding paragraph (2) (d), a development that
7873 is below 150 percent of all numerical thresholds in the
7874 guidelines and standards is not required to undergo development-
7875 of-regional-impact review. Projects between 100 percent and 150
7876 percent of all numerical thresholds shall notify the state land
7877 planning agency and the applicable regional planning council of
7878 the proposed development plan and shall annually report, for a
7879 period of 5 years, progress in developing the development plan.

7880 (b) Notwithstanding sub-subparagraph (2) (d)1.b., a
7881 development that is at or above 200 percent of any numerical
7882 threshold must undergo development-of-regional impact review.

7883 (c) Notwithstanding subparagraph (2) (d)2., it is presumed
7884 that a development that is at or above 150 to 200 percent of a
7885 numerical threshold is required to undergo development-of-
7886 regional-impact review. This presumption may be rebutted by
7887 clear and convincing evidence.

7888 (d) Notwithstanding paragraph (19) (b), the criteria of
7889 paragraph (19) (b) shall be increased by 100 percent before a
7890 change constitutes a substantial deviation. Projects with
7891 changes that would have triggered a substantial deviation under
7892 paragraph (19) (b) if this paragraph did not apply shall notify
7893 the state land planning agency and the applicable regional
7894 planning council of the modified development plan and shall
7895 annually report, for a period of 5 years, progress in developing
7896 the modified development plan.

7897 (e) The Office of Program Policy Analysis and Government
 7898 Accountability shall submit to the Governor, the President of
 7899 the Senate, and the Speaker of the House of Representatives by
 7900 December 1, 2017, a report and recommendations for modifying
 7901 current numerical thresholds and guidelines on what projects
 7902 constitute a development of regional impact and the criteria for
 7903 what constitutes a substantial deviation. The Office of Program
 7904 Policy Analysis and Government Accountability shall review the
 7905 annual reports of the developments that have notified the state
 7906 land planning agency that they meet the criteria of this
 7907 paragraph. The Office of Program Policy Analysis and Government
 7908 Accountability shall consult the state land planning agency, the
 7909 regional planning councils, and other reviewing and permitting
 7910 agencies as appropriate, a sampling of developers with approved
 7911 developments of regional impact and their representatives, and a
 7912 sampling of developments reporting on progress in developing and
 7913 associated local governments and adjacent local governments
 7914 concerning the experience and recommendations concerning the
 7915 development-of-regional-impact program. In reviewing the
 7916 experience relating to the regional impacts of the increased
 7917 thresholds and criteria, the report should consider changes to
 7918 thresholds and criteria, removal of categories of development
 7919 types from the development-of-regional-impact provisions, and
 7920 the repeal of the program in its entirety.

7921 Section 53. Paragraph (a) of subsection (8) of section
 7922 380.061, Florida Statutes, is amended to read:

7923 380.061 The Florida Quality Developments program.—

7924 (8) (a) Any local government comprehensive plan amendments

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7925 related to a Florida Quality Development may be initiated by a
 7926 local planning agency and considered by the local governing body
 7927 at the same time as the application for development approval,
 7928 ~~using the procedures provided for local plan amendment in s.~~
 7929 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~
 7930 ~~regard to statutory or local ordinance limits on the frequency~~
 7931 ~~of consideration of amendments to the local comprehensive plan.~~
 7932 Nothing in this subsection shall be construed to require
 7933 favorable consideration of a Florida Quality Development solely
 7934 because it is related to a development of regional impact.

7935 Section 54. Paragraph (a) of subsection (2) of section
 7936 380.065, Florida Statutes, is amended to read:

7937 380.065 Certification of local government review of
 7938 development.—

7939 (2) When a petition is filed, the state land planning
 7940 agency shall have no more than 90 days to prepare and submit to
 7941 the Administration Commission a report and recommendations on
 7942 the proposed certification. In deciding whether to grant
 7943 certification, the Administration Commission shall determine
 7944 whether the following criteria are being met:

7945 (a) The petitioning local government has adopted and
 7946 effectively implemented a local comprehensive plan and
 7947 development regulations which comply with ss. 163.3161-163.3215,
 7948 the Community Local Government Comprehensive Planning and Land
 7949 Development Regulation Act.

7950 Section 55. Section 380.0685, Florida Statutes, is amended
 7951 to read:

7952 380.0685 State park in area of critical state concern in

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7953 | county which creates land authority; surcharge on admission and
 7954 | overnight occupancy.—The Department of Environmental Protection
 7955 | shall impose and collect a surcharge of 50 cents per person per
 7956 | day, or \$5 per annual family auto entrance permit, on admission
 7957 | to all state parks in areas of critical state concern located in
 7958 | a county which creates a land authority pursuant to s.
 7959 | 380.0663(1), and a surcharge of \$2.50 per night per campsite,
 7960 | cabin, or other overnight recreational occupancy unit in state
 7961 | parks in areas of critical state concern located in a county
 7962 | which creates a land authority pursuant to s. 380.0663(1);
 7963 | however, no surcharge shall be imposed or collected under this
 7964 | section for overnight use by nonprofit groups of organized group
 7965 | camps, primitive camping areas, or other facilities intended
 7966 | primarily for organized group use. Such surcharges shall be
 7967 | imposed within 90 days after any county creating a land
 7968 | authority notifies the Department of Environmental Protection
 7969 | that the land authority has been created. The proceeds from such
 7970 | surcharges, less a collection fee that shall be kept by the
 7971 | Department of Environmental Protection for the actual cost of
 7972 | collection, not to exceed 2 percent, shall be transmitted to the
 7973 | land authority of the county from which the revenue was
 7974 | generated. Such funds shall be used to purchase property in the
 7975 | area or areas of critical state concern in the county from which
 7976 | the revenue was generated. An amount not to exceed 10 percent
 7977 | may be used for administration and other costs incident to such
 7978 | purchases. However, the proceeds of the surcharges imposed and
 7979 | collected pursuant to this section in a state park or parks
 7980 | located wholly within a municipality, less the costs of

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7981 collection as provided herein, shall be transmitted to that
 7982 municipality for use by the municipality for land acquisition or
 7983 for beach renourishment or restoration, including, but not
 7984 limited to, costs associated with any design, permitting,
 7985 monitoring, and mitigation of such work, as well as the work
 7986 itself. However, these funds may not be included in any
 7987 calculation used for providing state matching funds for local
 7988 contributions for beach renourishment or restoration. The
 7989 surcharges levied under this section shall remain imposed as
 7990 long as the land authority is in existence.

7991 Section 56. Subsection (3) of section 380.115, Florida
 7992 Statutes, is amended to read:

7993 380.115 Vested rights and duties; effect of size
 7994 reduction, changes in guidelines and standards.—

7995 (3) A landowner that has filed an application for a
 7996 development-of-regional-impact review prior to the adoption of a
 7997 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
 7998 have the application reviewed pursuant to s. 380.06,
 7999 comprehensive plan provisions in force prior to adoption of the
 8000 sector plan, and any requested comprehensive plan amendments
 8001 that accompany the application.

8002 Section 57. Subsection (1) of section 403.50665, Florida
 8003 Statutes, is amended to read:

8004 403.50665 Land use consistency.—

8005 (1) The applicant shall include in the application a
 8006 statement on the consistency of the site and any associated
 8007 facilities that constitute a "development," as defined in s.
 8008 380.04, with existing land use plans and zoning ordinances that

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8009 | were in effect on the date the application was filed and a full
 8010 | description of such consistency. This information shall include
 8011 | an identification of those associated facilities that the
 8012 | applicant believes are exempt from the requirements of land use
 8013 | plans and zoning ordinances under ~~the provisions of the~~
 8014 | Community Local Government Comprehensive Planning and Land
 8015 | Development Regulation Act provisions of chapter 163 and s.
 8016 | 380.04(3).

8017 | Section 58. Subsection (13) and paragraph (a) of
 8018 | subsection (14) of section 403.973, Florida Statutes, are
 8019 | amended to read:

8020 | 403.973 Expedited permitting; amendments to comprehensive
 8021 | plans.-

8022 | (13) Notwithstanding any other provisions of law:

8023 | ~~(a) Local comprehensive plan amendments for projects~~
 8024 | ~~qualified under this section are exempt from the twice-a-year~~
 8025 | ~~limits provision in s. 163.3187; and~~

8026 | ~~(b)~~ Projects qualified under this section are not subject
 8027 | to interstate highway level-of-service standards adopted by the
 8028 | Department of Transportation for concurrency purposes. The
 8029 | memorandum of agreement specified in subsection (5) must include
 8030 | a process by which the applicant will be assessed a fair share
 8031 | of the cost of mitigating the project's significant traffic
 8032 | impacts, as defined in chapter 380 and related rules. The
 8033 | agreement must also specify whether the significant traffic
 8034 | impacts on the interstate system will be mitigated through the
 8035 | implementation of a project or payment of funds to the
 8036 | Department of Transportation. Where funds are paid, the

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8037 Department of Transportation must include in the 5-year work
8038 program transportation projects or project phases, in an amount
8039 equal to the funds received, to mitigate the traffic impacts
8040 associated with the proposed project.

8041 (14) (a) Challenges to state agency action in the expedited
8042 permitting process for projects processed under this section are
8043 subject to the summary hearing provisions of s. 120.574, except
8044 that the administrative law judge's decision, as provided in s.
8045 120.574(2) (f), shall be in the form of a recommended order and
8046 do ~~shall~~ not constitute the final action of the state agency. In
8047 those proceedings where the action of only one agency of the
8048 state other than the Department of Environmental Protection is
8049 challenged, the agency of the state shall issue the final order
8050 within 45 working days after receipt of the administrative law
8051 judge's recommended order, and the recommended order shall
8052 inform the parties of their right to file exceptions or
8053 responses to the recommended order in accordance with the
8054 uniform rules of procedure pursuant to s. 120.54. In those
8055 proceedings where the actions of more than one agency of the
8056 state are challenged, the Governor shall issue the final order
8057 within 45 working days after receipt of the administrative law
8058 judge's recommended order, and the recommended order shall
8059 inform the parties of their right to file exceptions or
8060 responses to the recommended order in accordance with the
8061 uniform rules of procedure pursuant to s. 120.54. This paragraph
8062 does not apply to the issuance of department licenses required
8063 under any federally delegated or approved permit program. In
8064 such instances, the department shall enter the final order. The

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8065 participating agencies of the state may opt at the preliminary
 8066 hearing conference to allow the administrative law judge's
 8067 decision to constitute the final agency action. ~~If a~~
 8068 ~~participating local government agrees to participate in the~~
 8069 ~~summary hearing provisions of s. 120.574 for purposes of review~~
 8070 ~~of local government comprehensive plan amendments, s.~~
 8071 ~~163.3184(9) and (10) apply.~~

8072 Section 59. Subsections (9) and (10) of section 420.5095,
 8073 Florida Statutes, are amended to read:

8074 420.5095 Community Workforce Housing Innovation Pilot
 8075 Program.—

8076 (9) Notwithstanding s. 163.3184 (4) (b) - (d) - (3) - (6), any
 8077 local government comprehensive plan amendment to implement a
 8078 Community Workforce Housing Innovation Pilot Program project
 8079 found consistent with ~~the provisions of~~ this section shall be
 8080 expedited as provided in this subsection. At least 30 days prior
 8081 to adopting a plan amendment under this subsection, the local
 8082 government shall notify the state land planning agency of its
 8083 intent to adopt such an amendment, and the notice shall include
 8084 its evaluation related to site suitability and availability of
 8085 facilities and services. The public notice of the hearing
 8086 required by s. 163.3184 (11) - (15) (b) 2. shall include a statement
 8087 that the local government intends to use the expedited adoption
 8088 process authorized by this subsection. Such amendments shall
 8089 require only a single public hearing before the governing board,
 8090 which shall be an adoption hearing as described in s.
 8091 163.3184 (4) (e) - (7). ~~The state land planning agency shall issue~~
 8092 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~

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8093 ~~after determining that the amendment package is complete. Any~~
 8094 further proceedings shall be governed by s. ss. 163.3184(5)-
 8095 (13)-(9)-(16). ~~Amendments proposed under this section are not~~
 8096 ~~subject to s. 163.3187(1), which limits the adoption of a~~
 8097 ~~comprehensive plan amendment to no more than two times during~~
 8098 ~~any calendar year.~~

8099 (10) The processing of approvals of development orders or
 8100 development permits, as defined in s. 163.3164(7) and (8), for
 8101 innovative community workforce housing projects shall be
 8102 expedited.

8103 Section 60. Subsection (5) of section 420.615, Florida
 8104 Statutes, is amended to read:

8105 420.615 Affordable housing land donation density bonus
 8106 incentives.—

8107 (5) The local government, as part of the approval process,
 8108 shall adopt a comprehensive plan amendment, pursuant to part II
 8109 of chapter 163, for the receiving land that incorporates the
 8110 density bonus. Such amendment shall be adopted in the manner as
 8111 required for small-scale amendments pursuant to s. 163.3187, is
 8112 not subject to the requirements of s. 163.3184(4)(b)-(d)(3)-(6),
 8113 and is exempt from the limitation on the frequency of plan
 8114 amendments as provided in s. 163.3187.

8115 Section 61. Subsection (16) of section 420.9071, Florida
 8116 Statutes, is amended to read:

8117 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
 8118 term:

8119 (16) "Local housing incentive strategies" means local
 8120 regulatory reform or incentive programs to encourage or

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8121 facilitate affordable housing production, which include at a
 8122 minimum, assurance that permits as defined in s. 163.3164~~(7)~~ and
 8123 ~~(8)~~ for affordable housing projects are expedited to a greater
 8124 degree than other projects; an ongoing process for review of
 8125 local policies, ordinances, regulations, and plan provisions
 8126 that increase the cost of housing prior to their adoption; and a
 8127 schedule for implementing the incentive strategies. Local
 8128 housing incentive strategies may also include other regulatory
 8129 reforms, such as those enumerated in s. 420.9076 or those
 8130 recommended by the affordable housing advisory committee in its
 8131 triennial evaluation of the implementation of affordable housing
 8132 incentives, and adopted by the local governing body.

8133 Section 62. Paragraph (a) of subsection (4) of section
 8134 420.9076, Florida Statutes, is amended to read:

8135 420.9076 Adoption of affordable housing incentive
 8136 strategies; committees.—

8137 (4) Triennially, the advisory committee shall review the
 8138 established policies and procedures, ordinances, land
 8139 development regulations, and adopted local government
 8140 comprehensive plan of the appointing local government and shall
 8141 recommend specific actions or initiatives to encourage or
 8142 facilitate affordable housing while protecting the ability of
 8143 the property to appreciate in value. The recommendations may
 8144 include the modification or repeal of existing policies,
 8145 procedures, ordinances, regulations, or plan provisions; the
 8146 creation of exceptions applicable to affordable housing; or the
 8147 adoption of new policies, procedures, regulations, ordinances,
 8148 or plan provisions, including recommendations to amend the local

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8149 government comprehensive plan and corresponding regulations,
 8150 ordinances, and other policies. At a minimum, each advisory
 8151 committee shall submit a report to the local governing body that
 8152 includes recommendations on, and triennially thereafter
 8153 evaluates the implementation of, affordable housing incentives
 8154 in the following areas:

8155 (a) The processing of approvals of development orders or
 8156 permits, as defined in s. 163.3164(7) and (8), for affordable
 8157 housing projects is expedited to a greater degree than other
 8158 projects.

8159
 8160 The advisory committee recommendations may also include other
 8161 affordable housing incentives identified by the advisory
 8162 committee. Local governments that receive the minimum allocation
 8163 under the State Housing Initiatives Partnership Program shall
 8164 perform the initial review but may elect to not perform the
 8165 triennial review.

8166 Section 63. Subsection (1) of section 720.403, Florida
 8167 Statutes, is amended to read:

8168 720.403 Preservation of residential communities; revival
 8169 of declaration of covenants.—

8170 (1) Consistent with required and optional elements of
 8171 local comprehensive plans and other applicable provisions of the
 8172 Community Local Government Comprehensive Planning and Land
 8173 Development Regulation Act, homeowners are encouraged to
 8174 preserve existing residential communities, promote available and
 8175 affordable housing, protect structural and aesthetic elements of
 8176 their residential community, and, as applicable, maintain roads

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8177 | and streets, easements, water and sewer systems, utilities,
8178 | drainage improvements, conservation and open areas, recreational
8179 | amenities, and other infrastructure and common areas that serve
8180 | and support the residential community by the revival of a
8181 | previous declaration of covenants and other governing documents
8182 | that may have ceased to govern some or all parcels in the
8183 | community.

8184 | Section 64. Subsection (6) of section 1013.30, Florida
8185 | Statutes, is amended to read:

8186 | 1013.30 University campus master plans and campus
8187 | development agreements.—

8188 | (6) Before a campus master plan is adopted, a copy of the
8189 | draft master plan must be sent for review or made available
8190 | electronically to the host and any affected local governments,
8191 | the state land planning agency, the Department of Environmental
8192 | Protection, the Department of Transportation, the Department of
8193 | State, the Fish and Wildlife Conservation Commission, and the
8194 | applicable water management district and regional planning
8195 | council. At the request of a governmental entity, a hard copy of
8196 | the draft master plan shall be submitted within 7 business days
8197 | of an electronic copy being made available. These agencies must
8198 | be given 90 days after receipt of the campus master plans in
8199 | which to conduct their review and provide comments to the
8200 | university board of trustees. The commencement of this review
8201 | period must be advertised in newspapers of general circulation
8202 | within the host local government and any affected local
8203 | government to allow for public comment. Following receipt and
8204 | consideration of all comments and the holding of an informal

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8205 information session and at least two public hearings within the
 8206 host jurisdiction, the university board of trustees shall adopt
 8207 the campus master plan. It is the intent of the Legislature that
 8208 the university board of trustees comply with the notice
 8209 requirements set forth in s. 163.3184(11)~~(15)~~ to ensure full
 8210 public participation in this planning process. The informal
 8211 public information session must be held before the first public
 8212 hearing. The first public hearing shall be held before the draft
 8213 master plan is sent to the agencies specified in this
 8214 subsection. The second public hearing shall be held in
 8215 conjunction with the adoption of the draft master plan by the
 8216 university board of trustees. Campus master plans developed
 8217 under this section are not rules and are not subject to chapter
 8218 120 except as otherwise provided in this section.

8219 Section 65. Section 1013.33, Florida Statutes, are amended
 8220 to read:

8221 1013.33 Coordination of planning with local governing
 8222 bodies.—

8223 (1) It is the policy of this state to require the
 8224 coordination of planning between boards and local governing
 8225 bodies to ensure that plans for the construction and opening of
 8226 public educational facilities are facilitated and coordinated in
 8227 time and place with plans for residential development,
 8228 concurrently with other necessary services. Such planning shall
 8229 include the integration of the educational facilities plan and
 8230 applicable policies and procedures of a board with the local
 8231 comprehensive plan and land development regulations of local
 8232 governments. The planning must include the consideration of

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8233 | allowing students to attend the school located nearest their
8234 | homes when a new housing development is constructed near a
8235 | county boundary and it is more feasible to transport the
8236 | students a short distance to an existing facility in an adjacent
8237 | county than to construct a new facility or transport students
8238 | longer distances in their county of residence. The planning must
8239 | also consider the effects of the location of public education
8240 | facilities, including the feasibility of keeping central city
8241 | facilities viable, in order to encourage central city
8242 | redevelopment and the efficient use of infrastructure and to
8243 | discourage uncontrolled urban sprawl. In addition, all parties
8244 | to the planning process must consult with state and local road
8245 | departments to assist in implementing the Safe Paths to Schools
8246 | program administered by the Department of Transportation.

8247 | (2) (a) The school board, county, and nonexempt
8248 | municipalities located within the geographic area of a school
8249 | district shall enter into an interlocal agreement that jointly
8250 | establishes the specific ways in which the plans and processes
8251 | of the district school board and the local governments are to be
8252 | coordinated. The interlocal agreements shall be submitted to the
8253 | state land planning agency and the Office of Educational
8254 | Facilities in accordance with a schedule published by the state
8255 | land planning agency.

8256 | (b) The schedule must establish staggered due dates for
8257 | submission of interlocal agreements that are executed by both
8258 | the local government and district school board, commencing on
8259 | March 1, 2003, and concluding by December 1, 2004, and must set
8260 | the same date for all governmental entities within a school

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8261 district. However, if the county where the school district is
8262 located contains more than 20 municipalities, the state land
8263 planning agency may establish staggered due dates for the
8264 submission of interlocal agreements by these municipalities. The
8265 schedule must begin with those areas where both the number of
8266 districtwide capital-outlay full-time-equivalent students equals
8267 80 percent or more of the current year's school capacity and the
8268 projected 5-year student growth rate is 1,000 or greater, or
8269 where the projected 5-year student growth rate is 10 percent or
8270 greater.

8271 (c) If the student population has declined over the 5-year
8272 period preceding the due date for submittal of an interlocal
8273 agreement by the local government and the district school board,
8274 the local government and district school board may petition the
8275 state land planning agency for a waiver of one or more of the
8276 requirements of subsection (3). The waiver must be granted if
8277 the procedures called for in subsection (3) are unnecessary
8278 because of the school district's declining school age
8279 population, considering the district's 5-year work program
8280 prepared pursuant to s. 1013.35. The state land planning agency
8281 may modify or revoke the waiver upon a finding that the
8282 conditions upon which the waiver was granted no longer exist.
8283 The district school board and local governments must submit an
8284 interlocal agreement within 1 year after notification by the
8285 state land planning agency that the conditions for a waiver no
8286 longer exist.

8287 (d) Interlocal agreements between local governments and
8288 district school boards adopted pursuant to s. 163.3177 before

8289 | the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be
 8290 | updated and executed pursuant to the requirements of subsections
 8291 | (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal
 8292 | agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must
 8293 | be submitted to the state land planning agency within 30 days
 8294 | after execution by the parties for review consistent with
 8295 | subsections (3) and (4). Local governments and the district
 8296 | school board in each school district are encouraged to adopt a
 8297 | single interlocal agreement in which all join as parties. The
 8298 | state land planning agency shall assemble and make available
 8299 | model interlocal agreements meeting the requirements of
 8300 | subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments
 8301 | and, jointly with the Department of Education, the district
 8302 | school boards of the requirements of subsections (2)-(7) ~~(2)-~~
 8303 | ~~(9)~~, the dates for compliance, and the sanctions for
 8304 | noncompliance. The state land planning agency shall be available
 8305 | to informally review proposed interlocal agreements. If the
 8306 | state land planning agency has not received a proposed
 8307 | interlocal agreement for informal review, the state land
 8308 | planning agency shall, at least 60 days before the deadline for
 8309 | submission of the executed agreement, renotify the local
 8310 | government and the district school board of the upcoming
 8311 | deadline and the potential for sanctions.

8312 | (3) At a minimum, the interlocal agreement must address
 8313 | interlocal agreement requirements in s. 163.31777 and, if
 8314 | applicable, s. 163.3180 (6) ~~(13)~~ ~~(g)~~, ~~except for exempt local~~
 8315 | ~~governments as provided in s. 163.3177(12)~~, and must address the
 8316 | following issues:

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8317 (a) A process by which each local government and the
8318 district school board agree and base their plans on consistent
8319 projections of the amount, type, and distribution of population
8320 growth and student enrollment. The geographic distribution of
8321 jurisdiction-wide growth forecasts is a major objective of the
8322 process.

8323 (b) A process to coordinate and share information relating
8324 to existing and planned public school facilities, including
8325 school renovations and closures, and local government plans for
8326 development and redevelopment.

8327 (c) Participation by affected local governments with the
8328 district school board in the process of evaluating potential
8329 school closures, significant renovations to existing schools,
8330 and new school site selection before land acquisition. Local
8331 governments shall advise the district school board as to the
8332 consistency of the proposed closure, renovation, or new site
8333 with the local comprehensive plan, including appropriate
8334 circumstances and criteria under which a district school board
8335 may request an amendment to the comprehensive plan for school
8336 siting.

8337 (d) A process for determining the need for and timing of
8338 onsite and offsite improvements to support new construction,
8339 proposed expansion, or redevelopment of existing schools. The
8340 process shall address identification of the party or parties
8341 responsible for the improvements.

8342 (e) A process for the school board to inform the local
8343 government regarding the effect of comprehensive plan amendments
8344 on school capacity. The capacity reporting must be consistent

8345 | with laws and rules regarding measurement of school facility
 8346 | capacity and must also identify how the district school board
 8347 | will meet the public school demand based on the facilities work
 8348 | program adopted pursuant to s. 1013.35.

8349 | (f) Participation of the local governments in the
 8350 | preparation of the annual update to the school board's 5-year
 8351 | district facilities work program and educational plant survey
 8352 | prepared pursuant to s. 1013.35.

8353 | (g) A process for determining where and how joint use of
 8354 | either school board or local government facilities can be shared
 8355 | for mutual benefit and efficiency.

8356 | (h) A procedure for the resolution of disputes between the
 8357 | district school board and local governments, which may include
 8358 | the dispute resolution processes contained in chapters 164 and
 8359 | 186.

8360 | (i) An oversight process, including an opportunity for
 8361 | public participation, for the implementation of the interlocal
 8362 | agreement.

8363 | (4) (a) The Office of Educational Facilities shall submit
 8364 | any comments or concerns regarding the executed interlocal
 8365 | agreement to the state land planning agency within 30 days after
 8366 | receipt of the executed interlocal agreement. The state land
 8367 | planning agency shall review the executed interlocal agreement
 8368 | to determine whether it is consistent with the requirements of
 8369 | subsection (3), the adopted local government comprehensive plan,
 8370 | and other requirements of law. Within 60 days after receipt of
 8371 | an executed interlocal agreement, the state land planning agency
 8372 | shall publish a notice of intent in the Florida Administrative

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8373 Weekly and shall post a copy of the notice on the agency's
8374 Internet site. The notice of intent must state that the
8375 interlocal agreement is consistent or inconsistent with the
8376 requirements of subsection (3) and this subsection as
8377 appropriate.

8378 (b) The state land planning agency's notice is subject to
8379 challenge under chapter 120; however, an affected person, as
8380 defined in s. 163.3184(1)(a), has standing to initiate the
8381 administrative proceeding, and this proceeding is the sole means
8382 available to challenge the consistency of an interlocal
8383 agreement required by this section with the criteria contained
8384 in subsection (3) and this subsection. In order to have
8385 standing, each person must have submitted oral or written
8386 comments, recommendations, or objections to the local government
8387 or the school board before the adoption of the interlocal
8388 agreement by the district school board and local government. The
8389 district school board and local governments are parties to any
8390 such proceeding. In this proceeding, when the state land
8391 planning agency finds the interlocal agreement to be consistent
8392 with the criteria in subsection (3) and this subsection, the
8393 interlocal agreement must be determined to be consistent with
8394 subsection (3) and this subsection if the local government's and
8395 school board's determination of consistency is fairly debatable.
8396 When the state land planning agency finds the interlocal
8397 agreement to be inconsistent with the requirements of subsection
8398 (3) and this subsection, the local government's and school
8399 board's determination of consistency shall be sustained unless
8400 it is shown by a preponderance of the evidence that the

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8401 interlocal agreement is inconsistent.

8402 (c) If the state land planning agency enters a final order
8403 that finds that the interlocal agreement is inconsistent with
8404 the requirements of subsection (3) or this subsection, the state
8405 land planning agency shall forward it to the Administration
8406 Commission, which may impose sanctions against the local
8407 government pursuant to s. 163.3184(11) and may impose sanctions
8408 against the district school board by directing the Department of
8409 Education to withhold an equivalent amount of funds for school
8410 construction available pursuant to ss. 1013.65, 1013.68,
8411 1013.70, and 1013.72.

8412 (5) If an executed interlocal agreement is not timely
8413 submitted to the state land planning agency for review, the
8414 state land planning agency shall, within 15 working days after
8415 the deadline for submittal, issue to the local government and
8416 the district school board a notice to show cause why sanctions
8417 should not be imposed for failure to submit an executed
8418 interlocal agreement by the deadline established by the agency.
8419 The agency shall forward the notice and the responses to the
8420 Administration Commission, which may enter a final order citing
8421 the failure to comply and imposing sanctions against the local
8422 government and district school board by directing the
8423 appropriate agencies to withhold at least 5 percent of state
8424 funds pursuant to s. 163.3184(11) and by directing the
8425 Department of Education to withhold from the district school
8426 board at least 5 percent of funds for school construction
8427 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
8428 1013.72.

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8429 (6) Any local government transmitting a public school
8430 element to implement school concurrency pursuant to the
8431 requirements of s. 163.3180 before the effective date of this
8432 section is not required to amend the element or any interlocal
8433 agreement to conform with the provisions of subsections (2)-(6)
8434 ~~(2)-(8)~~ if the element is adopted prior to or within 1 year
8435 after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and
8436 remains in effect.

8437 ~~(7) Except as provided in subsection (8), municipalities~~
8438 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~
8439 ~~from the requirements of subsections (2), (3), and (4).~~

8440 ~~(8) At the time of the evaluation and appraisal report,~~
8441 ~~each exempt municipality shall assess the extent to which it~~
8442 ~~continues to meet the criteria for exemption under s.~~
8443 ~~163.3177(12). If the municipality continues to meet these~~
8444 ~~criteria, the municipality shall continue to be exempt from the~~
8445 ~~interlocal agreement requirement. Each municipality exempt under~~
8446 ~~s. 163.3177(12) must comply with the provisions of subsections~~
8447 ~~(2)-(8) within 1 year after the district school board proposes,~~
8448 ~~in its 5-year district facilities work program, a new school~~
8449 ~~within the municipality's jurisdiction.~~

8450 (7)-(9) A board and the local governing body must share and
8451 coordinate information related to existing and planned school
8452 facilities; proposals for development, redevelopment, or
8453 additional development; and infrastructure required to support
8454 the school facilities, concurrent with proposed development. A
8455 school board shall use information produced by the demographic,
8456 revenue, and education estimating conferences pursuant to s.

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8457 216.136 when preparing the district educational facilities plan
 8458 pursuant to s. 1013.35, as modified and agreed to by the local
 8459 governments, when provided by interlocal agreement, and the
 8460 Office of Educational Facilities, in consideration of local
 8461 governments' population projections, to ensure that the district
 8462 educational facilities plan not only reflects enrollment
 8463 projections but also considers applicable municipal and county
 8464 growth and development projections. The projections must be
 8465 apportioned geographically with assistance from the local
 8466 governments using local government trend data and the school
 8467 district student enrollment data. A school board is precluded
 8468 from siting a new school in a jurisdiction where the school
 8469 board has failed to provide the annual educational facilities
 8470 plan for the prior year required pursuant to s. 1013.35 unless
 8471 the failure is corrected.

8472 (8)~~(10)~~ The location of educational facilities shall be
 8473 consistent with the comprehensive plan of the appropriate local
 8474 governing body developed under part II of chapter 163 and
 8475 consistent with the plan's implementing land development
 8476 regulations.

8477 (9)~~(11)~~ To improve coordination relative to potential
 8478 educational facility sites, a board shall provide written notice
 8479 to the local government that has regulatory authority over the
 8480 use of the land consistent with an interlocal agreement entered
 8481 pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior
 8482 to acquiring or leasing property that may be used for a new
 8483 public educational facility. The local government, upon receipt
 8484 of this notice, shall notify the board within 45 days if the

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8485 | site proposed for acquisition or lease is consistent with the
 8486 | land use categories and policies of the local government's
 8487 | comprehensive plan. This preliminary notice does not constitute
 8488 | the local government's determination of consistency pursuant to
 8489 | subsection (10) ~~(12)~~.

8490 | (10)~~(12)~~ As early in the design phase as feasible and
 8491 | consistent with an interlocal agreement entered pursuant to
 8492 | subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before
 8493 | commencing construction, the district school board shall in
 8494 | writing request a determination of consistency with the local
 8495 | government's comprehensive plan. The local governing body that
 8496 | regulates the use of land shall determine, in writing within 45
 8497 | days after receiving the necessary information and a school
 8498 | board's request for a determination, whether a proposed
 8499 | educational facility is consistent with the local comprehensive
 8500 | plan and consistent with local land development regulations. If
 8501 | the determination is affirmative, school construction may
 8502 | commence and further local government approvals are not
 8503 | required, except as provided in this section. Failure of the
 8504 | local governing body to make a determination in writing within
 8505 | 90 days after a district school board's request for a
 8506 | determination of consistency shall be considered an approval of
 8507 | the district school board's application. Campus master plans and
 8508 | development agreements must comply with the provisions of ss.
 8509 | 1013.30 and 1013.63.

8510 | (11)~~(13)~~ A local governing body may not deny the site
 8511 | applicant based on adequacy of the site plan as it relates
 8512 | solely to the needs of the school. If the site is consistent

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8513 | with the comprehensive plan's land use policies and categories
 8514 | in which public schools are identified as allowable uses, the
 8515 | local government may not deny the application but it may impose
 8516 | reasonable development standards and conditions in accordance
 8517 | with s. 1013.51(1) and consider the site plan and its adequacy
 8518 | as it relates to environmental concerns, health, safety and
 8519 | welfare, and effects on adjacent property. Standards and
 8520 | conditions may not be imposed which conflict with those
 8521 | established in this chapter or the Florida Building Code, unless
 8522 | mutually agreed and consistent with the interlocal agreement
 8523 | required by subsections (2)-(6) ~~(2)-(8)~~.

8524 | (12) ~~(14)~~ This section does not prohibit a local governing
 8525 | body and district school board from agreeing and establishing an
 8526 | alternative process for reviewing a proposed educational
 8527 | facility and site plan, and offsite impacts, pursuant to an
 8528 | interlocal agreement adopted in accordance with subsections (2)-
 8529 | (6) ~~(2)-(8)~~.

8530 | (13) ~~(15)~~ Existing schools shall be considered consistent
 8531 | with the applicable local government comprehensive plan adopted
 8532 | under part II of chapter 163. If a board submits an application
 8533 | to expand an existing school site, the local governing body may
 8534 | impose reasonable development standards and conditions on the
 8535 | expansion only, and in a manner consistent with s. 1013.51(1).
 8536 | Standards and conditions may not be imposed which conflict with
 8537 | those established in this chapter or the Florida Building Code,
 8538 | unless mutually agreed. Local government review or approval is
 8539 | not required for:

8540 | (a) The placement of temporary or portable classroom

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8541 facilities; or

8542 (b) Proposed renovation or construction on existing school
 8543 sites, with the exception of construction that changes the
 8544 primary use of a facility, includes stadiums, or results in a
 8545 greater than 5 percent increase in student capacity, or as
 8546 mutually agreed upon, pursuant to an interlocal agreement
 8547 adopted in accordance with subsections (2)-(6)~~(8)~~.

8548 Section 66. Paragraph (b) of subsection (2) of section
 8549 1013.35, Florida Statutes, is amended to read:

8550 1013.35 School district educational facilities plan;
 8551 definitions; preparation, adoption, and amendment; long-term
 8552 work programs.—

8553 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 8554 FACILITIES PLAN.—

8555 (b) The plan must also include a financially feasible
 8556 district facilities work program for a 5-year period. The work
 8557 program must include:

8558 1. A schedule of major repair and renovation projects
 8559 necessary to maintain the educational facilities and ancillary
 8560 facilities of the district.

8561 2. A schedule of capital outlay projects necessary to
 8562 ensure the availability of satisfactory student stations for the
 8563 projected student enrollment in K-12 programs. This schedule
 8564 shall consider:

8565 a. The locations, capacities, and planned utilization
 8566 rates of current educational facilities of the district. The
 8567 capacity of existing satisfactory facilities, as reported in the
 8568 Florida Inventory of School Houses must be compared to the

8569 capital outlay full-time-equivalent student enrollment as
 8570 determined by the department, including all enrollment used in
 8571 the calculation of the distribution formula in s. 1013.64.

8572 b. The proposed locations of planned facilities, whether
 8573 those locations are consistent with the comprehensive plans of
 8574 all affected local governments, and recommendations for
 8575 infrastructure and other improvements to land adjacent to
 8576 existing facilities. The provisions of ss. 1013.33(10), (11),
 8577 and (12), ~~(13), and (14)~~ and 1013.36 must be addressed for new
 8578 facilities planned within the first 3 years of the work plan, as
 8579 appropriate.

8580 c. Plans for the use and location of relocatable
 8581 facilities, leased facilities, and charter school facilities.

8582 d. Plans for multitrack scheduling, grade level
 8583 organization, block scheduling, or other alternatives that
 8584 reduce the need for additional permanent student stations.

8585 e. Information concerning average class size and
 8586 utilization rate by grade level within the district which will
 8587 result if the tentative district facilities work program is
 8588 fully implemented.

8589 f. The number and percentage of district students planned
 8590 to be educated in relocatable facilities during each year of the
 8591 tentative district facilities work program. For determining
 8592 future needs, student capacity may not be assigned to any
 8593 relocatable classroom that is scheduled for elimination or
 8594 replacement with a permanent educational facility in the current
 8595 year of the adopted district educational facilities plan and in
 8596 the district facilities work program adopted under this section.

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8597 Those relocatable classrooms clearly identified and scheduled
8598 for replacement in a school-board-adopted, financially feasible,
8599 5-year district facilities work program shall be counted at zero
8600 capacity at the time the work program is adopted and approved by
8601 the school board. However, if the district facilities work
8602 program is changed and the relocatable classrooms are not
8603 replaced as scheduled in the work program, the classrooms must
8604 be reentered into the system and be counted at actual capacity.
8605 Relocatable classrooms may not be perpetually added to the work
8606 program or continually extended for purposes of circumventing
8607 this section. All relocatable classrooms not identified and
8608 scheduled for replacement, including those owned, lease-
8609 purchased, or leased by the school district, must be counted at
8610 actual student capacity. The district educational facilities
8611 plan must identify the number of relocatable student stations
8612 scheduled for replacement during the 5-year survey period and
8613 the total dollar amount needed for that replacement.

8614 g. Plans for the closure of any school, including plans
8615 for disposition of the facility or usage of facility space, and
8616 anticipated revenues.

8617 h. Projects for which capital outlay and debt service
8618 funds accruing under s. 9(d), Art. XII of the State Constitution
8619 are to be used shall be identified separately in priority order
8620 on a project priority list within the district facilities work
8621 program.

8622 3. The projected cost for each project identified in the
8623 district facilities work program. For proposed projects for new
8624 student stations, a schedule shall be prepared comparing the

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8625 planned cost and square footage for each new student station, by
8626 elementary, middle, and high school levels, to the low, average,
8627 and high cost of facilities constructed throughout the state
8628 during the most recent fiscal year for which data is available
8629 from the Department of Education.

8630 4. A schedule of estimated capital outlay revenues from
8631 each currently approved source which is estimated to be
8632 available for expenditure on the projects included in the
8633 district facilities work program.

8634 5. A schedule indicating which projects included in the
8635 district facilities work program will be funded from current
8636 revenues projected in subparagraph 4.

8637 6. A schedule of options for the generation of additional
8638 revenues by the district for expenditure on projects identified
8639 in the district facilities work program which are not funded
8640 under subparagraph 5. Additional anticipated revenues may
8641 include effort index grants, SIT Program awards, and Classrooms
8642 First funds.

8643 Section 67. Rules 9J-5 and 9J-11.023, Florida
8644 Administrative Code, are repealed, and the Department of State
8645 is directed to remove those rules from the Florida
8646 Administrative Code.

8647 Section 68. Any permit or any other authorization that was
8648 extended under section 14 of chapter 2009-96, Laws of Florida,
8649 as reauthorized by section 47 of chapter 2010-147, Laws of
8650 Florida, is extended and renewed for an additional period of 2
8651 years from its extended expiration date. The holder of a valid
8652 permit or other authorization that is eligible for the

8653 additional 2-year extension must notify the authorizing agency
 8654 in writing by December 31, 2011, identifying the specific
 8655 authorization for which the holder intends to use the extension
 8656 and the anticipated timeframe for acting on the authorization.

8657 Section 69. (1) The state land planning agency, within 60
 8658 days after the effective date of this act, shall review any
 8659 administrative or judicial proceeding filed by the agency and
 8660 pending on the effective date of this act to determine whether
 8661 the issues raised by the state land planning agency are
 8662 consistent with the revised provisions of part II of chapter
 8663 163, Florida Statutes. For each proceeding, if the agency
 8664 determines that issues have been raised that are not consistent
 8665 with the revised provisions of part II of chapter 163, Florida
 8666 Statutes, the agency shall dismiss the proceeding. If the state
 8667 land planning agency determines that one or more issues have
 8668 been raised that are consistent with the revised provisions of
 8669 part II of chapter 163, Florida Statutes, the agency shall amend
 8670 its petition within 30 days after the determination to plead
 8671 with particularity as to the manner in which the plan or plan
 8672 amendment fails to meet the revised provisions of part II of
 8673 chapter 163, Florida Statutes. If the agency fails to timely
 8674 file such amended petition, the proceeding shall be dismissed.

8675 (2) In all proceedings that were initiated by the state
 8676 land planning agency before the effective date of this act, and
 8677 continue after that date, the local government's determination
 8678 that the comprehensive plan or plan amendment is in compliance
 8679 is presumed to be correct, and the local government's
 8680 determination shall be sustained unless it is shown by a

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8681 preponderance of the evidence that the comprehensive plan or
8682 plan amendment is not in compliance.

8683 Section 70. In accordance with s. 1.04, Florida Statutes,
8684 the provisions of law amended by this act shall be construed in
8685 pari materia with the provisions of law reenacted by Senate Bill
8686 174 or HB 7001, 2011 Regular Session, whichever becomes law, and
8687 incorporated therein. In addition, if any law amended by this
8688 act is also amended by any other law enacted at the same
8689 legislative session or an extension thereof which becomes law,
8690 full effect shall be given to each if possible.

8691 Section 71. The Division of Statutory Revision is directed
8692 to replace the phrase "the effective date of this act" wherever
8693 it occurs in this act with the date this act becomes a law.

8694 Section 72. This act shall take effect upon becoming a
8695 law.