

## ENROLLED

HB 7207, Engrossed 2

2011 Legislature

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 that certain comments,  
20          underlying studies, and reports provided by a military  
21          installation's commanding officer are not binding on local  
22          governments; providing additional factors for local  
23          government consideration in impacts to military  
24          installations; clarifying requirements for adopting  
25          criteria to address compatibility of lands relating to  
26          military installations; amending s. 163.3177, F.S.;  
27          revising and providing duties of local governments;  
28          revising and providing required and optional elements of

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

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

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85 | duties of the administration commission; revising  
86 | provisions relating to areas of critical state concern;  
87 | providing for concurrent zoning; amending s. 163.3187,  
88 | F.S.; deleting provisions relating to the amendment of  
89 | adopted comprehensive plan and providing the process for  
90 | adoption of small-scale comprehensive plan amendments;  
91 | repealing s. 163.3189, F.S., relating to process for  
92 | amendment of adopted comprehensive plan; amending s.  
93 | 163.3191, F.S., relating to the evaluation and appraisal  
94 | of comprehensive plans; providing and revising local  
95 | government requirements including notice, amendments,  
96 | compliance, mediation, reports, and scoping meetings;  
97 | amending s. 163.3229, F.S.; revising limitations on  
98 | duration of development agreements; amending s. 163.3235,  
99 | F.S.; revising requirements for periodic reviews of a  
100 | development agreements; amending s. 163.3239, F.S.;  
101 | revising recording requirements; amending s. 163.3243,  
102 | F.S.; revising parties who may file an action for  
103 | injunctive relief; amending s. 163.3245, F.S.; revising  
104 | provisions relating to optional sector plans; authorizing  
105 | the adoption of sector plans under certain circumstances;  
106 | amending s. 163.3246, F.S.; revising provisions relating  
107 | to the local government comprehensive planning  
108 | certification program; conforming provisions to changes  
109 | made by the act; deleting reporting requirements of the  
110 | Office of Program Policy Analysis and Government  
111 | Accountability; repealing s. 163.32465, F.S., relating to  
112 | state review of local comprehensive plans in urban areas;

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113 | amending s. 163.3247, F.S.; providing for future repeal  
 114 | and abolition of the Century Commission for a Sustainable  
 115 | Florida; creating s. 163.3248, F.S.; providing for the  
 116 | designation of rural land stewardship areas; providing  
 117 | purposes and requirements for the establishment of such  
 118 | areas; providing for the creation of rural land  
 119 | stewardship overlay zoning district and transferable rural  
 120 | land use credits; providing certain limitation relating to  
 121 | such credits; providing for incentives; providing  
 122 | eligibility for incentives; providing legislative intent;  
 123 | amending s. 380.06, F.S.; revising requirements relating  
 124 | to the issuance of permits for development by local  
 125 | governments; revising criteria for the determination of  
 126 | substantial deviation; providing for extension of certain  
 127 | expiration dates; revising exemptions governing  
 128 | developments of regional impact; revising provisions to  
 129 | conform to changes made by this act; amending s. 380.0651,  
 130 | F.S.; revising provisions relating to statewide guidelines  
 131 | and standards for certain multiscreen movie theaters,  
 132 | industrial plants, industrial parks, distribution,  
 133 | warehousing and wholesaling facilities, and hotels and  
 134 | motels; revising criteria for the determination of when to  
 135 | treat two or more developments as a single development;  
 136 | amending s. 331.303, F.S.; conforming a cross-reference;  
 137 | amending s. 380.115, F.S.; subjecting certain developments  
 138 | required to undergo development-of-regional-impact review  
 139 | to certain procedures; amending s. 380.065, F.S.; deleting  
 140 | certain reporting requirements; conforming provisions to

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141 changes made by the act; amending s. 380.0685, F.S.,  
 142 relating to use of surcharges for beach renourishment and  
 143 restoration; repealing Rules 9J-5 and 9J-11.023, Florida  
 144 Administrative Code, relating to minimum criteria for  
 145 review of local government comprehensive plans and plan  
 146 amendments, evaluation and appraisal reports, land  
 147 development regulations, and determinations of compliance;  
 148 amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217,  
 149 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203,  
 150 186.513, 189.415, 190.004, 190.005, 193.501, 287.042,  
 151 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155,  
 152 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031,  
 153 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095,  
 154 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and  
 155 1013.35, F.S.; revising provisions to conform to changes  
 156 made by this act; extending permits and other  
 157 authorizations extended under s. 14, ch. 2009-96, Laws of  
 158 Florida; extending certain previously granted buildout  
 159 dates; requiring a permitholder to notify the authorizing  
 160 agency of its intended use of the extension; exempting  
 161 certain permits from eligibility for an extension;  
 162 providing for applicability of rules governing permits;  
 163 declaring that certain provisions do not impair the  
 164 authority of counties and municipalities under certain  
 165 circumstances; requiring the state land planning agency to  
 166 review certain administrative and judicial proceedings;  
 167 providing procedures for such review; providing that all  
 168 local governments shall be governed by certain provisions

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169 of general law; allowing specified amendments to be  
 170 adopted upon approval by the local government; directing  
 171 the Department of Transportation to report on the  
 172 calculation of proportionate share; providing for  
 173 severability; creating a 2-year permit extension;  
 174 providing a directive of the Division of Statutory  
 175 Revision; providing an effective date.

176  
 177 Be It Enacted by the Legislature of the State of Florida:

178  
 179 Section 1. Subsection (26) of section 70.51, Florida  
 180 Statutes, is amended to read:

181 70.51 Land use and environmental dispute resolution.—

182 (26) A special magistrate's recommendation under this  
 183 section constitutes data in support of, and a support document  
 184 for, a comprehensive plan or comprehensive plan amendment, but  
 185 is not, in and of itself, dispositive of a determination of  
 186 compliance with chapter 163. ~~Any comprehensive plan amendment~~  
 187 ~~necessary to carry out the approved recommendation of a special~~  
 188 ~~magistrate under this section is exempt from the twice-a-year~~  
 189 ~~limit on plan amendments and may be adopted by the local~~  
 190 ~~government amendments in s. 163.3184(16) (d).~~

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

195 163.06 Miami River Commission.—

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196 (3) The policy committee shall have the following powers  
 197 and duties:

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

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

203 163.2517 Designation of urban infill and redevelopment  
 204 area.—

205 (4) In order for a local government to designate an urban  
 206 infill and redevelopment area, it must amend its comprehensive  
 207 land use plan under s. 163.3187 to delineate the boundaries of  
 208 the urban infill and redevelopment area within the future land  
 209 use element of its comprehensive plan pursuant to its adopted  
 210 urban infill and redevelopment plan. The state land planning  
 211 agency shall review the boundary delineation of the urban infill  
 212 and redevelopment area in the future land use element under s.  
 213 163.3184. However, an urban infill and redevelopment plan  
 214 adopted by a local government is not subject to review for  
 215 compliance as defined by s. 163.3184(1)(b), and the local  
 216 government is not required to adopt the plan as a comprehensive  
 217 plan amendment. ~~An amendment to the local comprehensive plan to~~  
 218 ~~designate an urban infill and redevelopment area is exempt from~~  
 219 ~~the twice-a-year amendment limitation of s. 163.3187.~~

220 Section 4. Section 163.3161, Florida Statutes, is amended  
 221 to read:

222 163.3161 Short title; intent and purpose.—



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

226 (2) ~~In conformity with, and in furtherance of, the purpose~~  
 227 ~~of the Florida Environmental Land and Water Management Act of~~  
 228 ~~1972, chapter 380,~~ It is the purpose of this act to utilize and  
 229 strengthen the existing role, processes, and powers of local  
 230 governments in the establishment and implementation of  
 231 comprehensive planning programs to guide and manage ~~control~~  
 232 future development consistent with the proper role of local  
 233 government.

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

237 (4) It is the intent of this act that ~~its adoption is~~  
 238 ~~necessary so that~~ local governments have the ability to ~~can~~  
 239 preserve and enhance present advantages; encourage the most  
 240 appropriate use of land, water, and resources, consistent with  
 241 the public interest; overcome present handicaps; and deal  
 242 effectively with future problems that may result from the use  
 243 and development of land within their jurisdictions. Through the  
 244 process of comprehensive planning, it is intended that units of  
 245 local government can preserve, promote, protect, and improve the  
 246 public health, safety, comfort, good order, appearance,  
 247 convenience, law enforcement and fire prevention, and general  
 248 welfare; ~~prevent the overcrowding of land and avoid undue~~  
 249 ~~concentration of population;~~ facilitate the adequate and  
 250 efficient provision of transportation, water, sewerage, schools,

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251 parks, recreational facilities, housing, and other requirements  
 252 and services; and conserve, develop, utilize, and protect  
 253 natural resources within their jurisdictions.

254 (5)~~(4)~~ It is the intent of this act to encourage and  
 255 ensure ~~assure~~ cooperation between and among municipalities and  
 256 counties and to encourage and ensure ~~assure~~ coordination of  
 257 planning and development activities of units of local government  
 258 with the planning activities of regional agencies and state  
 259 government in accord with applicable provisions of law.

260 (6)~~(5)~~ It is the intent of this act that adopted  
 261 comprehensive plans shall have the legal status set out in this  
 262 act and that no public or private development shall be permitted  
 263 except in conformity with comprehensive plans, or elements or  
 264 portions thereof, prepared and adopted in conformity with this  
 265 act.

266 (7)~~(6)~~ It is the intent of this act that the activities of  
 267 units of local government in the preparation and adoption of  
 268 comprehensive plans, or elements or portions therefor, shall be  
 269 conducted in conformity with ~~the provisions of~~ this act.

270 (8)~~(7)~~ The provisions of this act in their interpretation  
 271 and application are declared to be the minimum requirements  
 272 necessary to accomplish the stated intent, purposes, and  
 273 objectives of this act; to protect human, environmental, social,  
 274 and economic resources; and to maintain, through orderly growth  
 275 and development, the character and stability of present and  
 276 future land use and development in this state.

277 (9)~~(8)~~ It is the intent of the Legislature that the repeal  
 278 of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws

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279 of Florida, and amendments to this part by this chapter law,  
 280 ~~shall~~ not be interpreted to limit or restrict the powers of  
 281 municipal or county officials, but ~~shall~~ be interpreted as a  
 282 recognition of their broad statutory and constitutional powers  
 283 to plan for and regulate the use of land. It is, further, the  
 284 intent of the Legislature to reconfirm that ss. 163.3161-  
 285 163.3248 ~~163.3161 through 163.3215~~ have provided and do provide  
 286 the necessary statutory direction and basis for municipal and  
 287 county officials to carry out their comprehensive planning and  
 288 land development regulation powers, duties, and  
 289 responsibilities.

290 ~~(10)-(9)~~ It is the intent of the Legislature that all  
 291 governmental entities in this state recognize and respect  
 292 judicially acknowledged or constitutionally protected private  
 293 property rights. It is the intent of the Legislature that all  
 294 rules, ordinances, regulations, comprehensive plans and  
 295 amendments thereto, and programs adopted under the authority of  
 296 this act must be developed, promulgated, implemented, and  
 297 applied with sensitivity for private property rights and not be  
 298 unduly restrictive, and property owners must be free from  
 299 actions by others which would harm their property or which would  
 300 constitute an inordinate burden on property rights as those  
 301 terms are defined in s. 70.001(3)(e) and (f). Full and just  
 302 compensation or other appropriate relief must be provided to any  
 303 property owner for a governmental action that is determined to  
 304 be an invalid exercise of the police power which constitutes a  
 305 taking, as provided by law. Any such relief must ultimately be  
 306 determined in a judicial action.

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307           (11) It is the intent of this part that the traditional  
 308 economic base of this state, agriculture, tourism, and military  
 309 presence, be recognized and protected. Further, it is the intent  
 310 of this part to encourage economic diversification, workforce  
 311 development, and community planning.

312           (12) It is the intent of this part that new statutory  
 313 requirements created by the Legislature will not require a local  
 314 government whose plan has been found to be in compliance with  
 315 this part to adopt amendments implementing the new statutory  
 316 requirements until the evaluation and appraisal period provided  
 317 in s. 163.3191, unless otherwise specified in law. However, any  
 318 new amendments must comply with the requirements of this part.

319           Section 5. Subsections (2) through (5) of section  
 320 163.3162, Florida Statutes, are renumbered as subsections (1)  
 321 through (4), respectively, and present subsections (1) and (5)  
 322 of that section are amended to read:

323           163.3162 Agricultural Lands and Practices ~~Act.~~-

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

326           (4)(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.-  
 327 The owner of a parcel of land defined as an agricultural enclave  
 328 under s. 163.3164~~(33)~~ may apply for an amendment to the local  
 329 government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~.  
 330 Such amendment is presumed not to be urban sprawl as defined in  
 331 s. 163.3164 if it includes ~~consistent with rule 9J-5.006(5),~~  
 332 ~~Florida Administrative Code, and may include~~ land uses and  
 333 intensities of use that are consistent with the uses and  
 334 intensities of use of the industrial, commercial, or residential

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335 areas that surround the parcel. This presumption may be rebutted  
336 by clear and convincing evidence. Each application for a  
337 comprehensive plan amendment under this subsection for a parcel  
338 larger than 640 acres must include appropriate new urbanism  
339 concepts such as clustering, mixed-use development, the creation  
340 of rural village and city centers, and the transfer of  
341 development rights in order to discourage urban sprawl while  
342 protecting landowner rights.

343 (a) The local government and the owner of a parcel of land  
344 that is the subject of an application for an amendment shall  
345 have 180 days following the date that the local government  
346 receives a complete application to negotiate in good faith to  
347 reach consensus on the land uses and intensities of use that are  
348 consistent with the uses and intensities of use of the  
349 industrial, commercial, or residential areas that surround the  
350 parcel. Within 30 days after the local government's receipt of  
351 such an application, the local government and owner must agree  
352 in writing to a schedule for information submittal, public  
353 hearings, negotiations, and final action on the amendment, which  
354 schedule may thereafter be altered only with the written consent  
355 of the local government and the owner. Compliance with the  
356 schedule in the written agreement constitutes good faith  
357 negotiations for purposes of paragraph (c).

358 (b) Upon conclusion of good faith negotiations under  
359 paragraph (a), regardless of whether the local government and  
360 owner reach consensus on the land uses and intensities of use  
361 that are consistent with the uses and intensities of use of the  
362 industrial, commercial, or residential areas that surround the

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363 parcel, the amendment must be transmitted to the state land  
 364 planning agency for review pursuant to s. 163.3184. If the local  
 365 government fails to transmit the amendment within 180 days after  
 366 receipt of a complete application, the amendment must be  
 367 immediately transferred to the state land planning agency for  
 368 such review ~~at the first available transmittal cycle~~. A plan  
 369 amendment transmitted to the state land planning agency  
 370 submitted under this subsection is presumed not to be urban  
 371 sprawl as defined in s. 163.3164 ~~consistent with rule 9J-~~  
 372 ~~5.006(5), Florida Administrative Code~~. This presumption may be  
 373 rebutted by clear and convincing evidence.

374 (c) If the owner fails to negotiate in good faith, a plan  
 375 amendment submitted under this subsection is not entitled to the  
 376 rebuttable presumption under this subsection in the negotiation  
 377 and amendment process.

378 (d) Nothing within this subsection relating to  
 379 agricultural enclaves shall preempt or replace any protection  
 380 currently existing for any property located within the  
 381 boundaries of the following areas:

- 382 1. The Wekiva Study Area, as described in s. 369.316; or
- 383 2. The Everglades Protection Area, as defined in s.
- 384 373.4592(2).

385 Section 6. Section 163.3164, Florida Statutes, is amended  
 386 to read:

387 163.3164 Community ~~Local Government Comprehensive Planning~~  
 388 ~~and Land Development Regulation Act~~; definitions.—As used in  
 389 this act:

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

397           (2) "Administration Commission" means the Governor and the  
 398 Cabinet, and for purposes of this chapter the commission shall  
 399 act on a simple majority vote, except that for purposes of  
 400 imposing the sanctions provided in s. 163.3184 (8) ~~(11)~~,  
 401 affirmative action shall require the approval of the Governor  
 402 and at least three other members of the commission.

403           (3) "Affordable housing" has the same meaning as in s.  
 404 420.0004(3).

405           (4) ~~(33)~~ "Agricultural enclave" means an unincorporated,  
 406 undeveloped parcel that:

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

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

412           (c) Is surrounded on at least 75 percent of its perimeter  
 413 by:

414           1. Property that has existing industrial, commercial, or  
 415 residential development; or

416           2. Property that the local government has designated, in  
 417 the local government's comprehensive plan, zoning map, and

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418 future land use map, as land that is to be developed for  
 419 industrial, commercial, or residential purposes, and at least 75  
 420 percent of such property is existing industrial, commercial, or  
 421 residential development;

422 (d) Has public services, including water, wastewater,  
 423 transportation, schools, and recreation facilities, available or  
 424 such public services are scheduled in the capital improvement  
 425 element to be provided by the local government or can be  
 426 provided by an alternative provider of local government  
 427 infrastructure in order to ensure consistency with applicable  
 428 concurrency provisions of s. 163.3180; and

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

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

444 (6) ~~(2)~~ "Area" or "area of jurisdiction" means the total  
 445 area qualifying under ~~the provisions of~~ this act, whether this



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446 be all of the lands lying within the limits of an incorporated  
 447 municipality, lands in and adjacent to incorporated  
 448 municipalities, all unincorporated lands within a county, or  
 449 areas comprising combinations of the lands in incorporated  
 450 municipalities and unincorporated areas of counties.

451 (7) "Capital improvement" means physical assets  
 452 constructed or purchased to provide, improve, or replace a  
 453 public facility and which are typically large scale and high in  
 454 cost. The cost of a capital improvement is generally  
 455 nonrecurring and may require multiyear financing. For the  
 456 purposes of this part, physical assets that have been identified  
 457 as existing or projected needs in the individual comprehensive  
 458 plan elements shall be considered capital improvements.

459 (8)~~(3)~~ "Coastal area" means the 35 coastal counties and  
 460 all coastal municipalities within their boundaries ~~designated~~  
 461 ~~coastal by the state land planning agency.~~

462 (9) "Compatibility" means a condition in which land uses  
 463 or conditions can coexist in relative proximity to each other in  
 464 a stable fashion over time such that no use or condition is  
 465 unduly negatively impacted directly or indirectly by another use  
 466 or condition.

467 (10)~~(4)~~ "Comprehensive plan" means a plan that meets the  
 468 requirements of ss. 163.3177 and 163.3178.

469 (11) "Deepwater ports" means the ports identified in s.  
 470 403.021(9).

471 (12) "Density" means an objective measurement of the  
 472 number of people or residential units allowed per unit of land,  
 473 such as residents or employees per acre.

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474        ~~(13)-(5)~~ "Developer" means any person, including a  
 475 governmental agency, undertaking any development as defined in  
 476 this act.

477        ~~(14)-(6)~~ "Development" has the same meaning as ~~given it~~ in  
 478 s. 380.04.

479        ~~(15)-(7)~~ "Development order" means any order granting,  
 480 denying, or granting with conditions an application for a  
 481 development permit.

482        ~~(16)-(8)~~ "Development permit" includes any building permit,  
 483 zoning permit, subdivision approval, rezoning, certification,  
 484 special exception, variance, or any other official action of  
 485 local government having the effect of permitting the development  
 486 of land.

487        ~~(17)-(25)~~ "Downtown revitalization" means the physical and  
 488 economic renewal of a central business district of a community  
 489 as designated by local government, and includes both downtown  
 490 development and redevelopment.

491        (18) "Floodprone areas" means areas inundated during a  
 492 100-year flood event or areas identified by the National Flood  
 493 Insurance Program as an A Zone on flood insurance rate maps or  
 494 flood hazard boundary maps.

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

497        ~~(20)-(9)~~ "Governing body" means the board of county  
 498 commissioners of a county, the commission or council of an  
 499 incorporated municipality, or any other chief governing body of  
 500 a unit of local government, however designated, or the

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501 combination of such bodies where joint utilization of ~~the~~  
 502 ~~provisions of~~ this act is accomplished as provided herein.

503 (21)~~(10)~~ "Governmental agency" means:

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

506 (b) This state or any department, commission, agency, or  
 507 other instrumentality thereof.

508 (c) Any local government, as defined in this section, or  
 509 any department, commission, agency, or other instrumentality  
 510 thereof.

511 (d) Any school board or other special district, authority,  
 512 or governmental entity.

513 (22) "Intensity" means an objective measurement of the  
 514 extent to which land may be developed or used, including the  
 515 consumption or use of the space above, on, or below ground; the  
 516 measurement of the use of or demand on natural resources; and  
 517 the measurement of the use of or demand on facilities and  
 518 services.

519 (23) "Internal trip capture" means trips generated by a  
 520 mixed-use project that travel from one on-site land use to  
 521 another on-site land use without using the external road  
 522 network.

523 (24)~~(11)~~ "Land" means the earth, water, and air, above,  
 524 below, or on the surface, and includes any improvements or  
 525 structures customarily regarded as land.

526 (25)~~(22)~~ "Land development regulation commission" means a  
 527 commission designated by a local government to develop and  
 528 recommend, to the local governing body, land development

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529 regulations which implement the adopted comprehensive plan and  
 530 to review land development regulations, or amendments thereto,  
 531 for consistency with the adopted plan and report to the  
 532 governing body regarding its findings. The responsibilities of  
 533 the land development regulation commission may be performed by  
 534 the local planning agency.

535 (26)~~(23)~~ "Land development regulations" means ordinances  
 536 enacted by governing bodies for the regulation of any aspect of  
 537 development and includes any local government zoning, rezoning,  
 538 subdivision, building construction, or sign regulations or any  
 539 other regulations controlling the development of land, except  
 540 that this definition does ~~shall~~ not apply in s. 163.3213.

541 (27)~~(12)~~ "Land use" means the development that has  
 542 occurred on the land, the development that is proposed by a  
 543 developer on the land, or the use that is permitted or  
 544 permissible on the land under an adopted comprehensive plan or  
 545 element or portion thereof, land development regulations, or a  
 546 land development code, as the context may indicate.

547 (28) "Level of service" means an indicator of the extent  
 548 or degree of service provided by, or proposed to be provided by,  
 549 a facility based on and related to the operational  
 550 characteristics of the facility. Level of service shall indicate  
 551 the capacity per unit of demand for each public facility.

552 (29)~~(13)~~ "Local government" means any county or  
 553 municipality.

554 (30)~~(14)~~ "Local planning agency" means the agency  
 555 designated to prepare the comprehensive plan or plan amendments  
 556 required by this act.

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557        ~~(31)-(15)~~ A "Newspaper of general circulation" means a  
 558 newspaper published at least on a weekly basis and printed in  
 559 the language most commonly spoken in the area within which it  
 560 circulates, but does not include a newspaper intended primarily  
 561 for members of a particular professional or occupational group,  
 562 a newspaper whose primary function is to carry legal notices, or  
 563 a newspaper that is given away primarily to distribute  
 564 advertising.

565        (32) "New town" means an urban activity center and  
 566 community designated on the future land use map of sufficient  
 567 size, population and land use composition to support a variety  
 568 of economic and social activities consistent with an urban area  
 569 designation. New towns shall include basic economic activities;  
 570 all major land use categories, with the possible exception of  
 571 agricultural and industrial; and a centrally provided full range  
 572 of public facilities and services that demonstrate internal trip  
 573 capture. A new town shall be based on a master development plan.

574        (33) "Objective" means a specific, measurable,  
 575 intermediate end that is achievable and marks progress toward a  
 576 goal.

577        ~~(34)-(16)~~ "Parcel of land" means any quantity of land  
 578 capable of being described with such definiteness that its  
 579 locations and boundaries may be established, which is designated  
 580 by its owner or developer as land to be used, or developed as, a  
 581 unit or which has been used or developed as a unit.

582        ~~(35)-(17)~~ "Person" means an individual, corporation,  
 583 governmental agency, business trust, estate, trust, partnership,

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584 association, two or more persons having a joint or common  
 585 interest, or any other legal entity.

586 (36) "Policy" means the way in which programs and  
 587 activities are conducted to achieve an identified goal.

588 ~~(37)-(28)~~ "Projects that promote public transportation"  
 589 means projects that directly affect the provisions of public  
 590 transit, including transit terminals, transit lines and routes,  
 591 separate lanes for the exclusive use of public transit services,  
 592 transit stops (shelters and stations), office buildings or  
 593 projects that include fixed-rail or transit terminals as part of  
 594 the building, and projects which are transit oriented and  
 595 designed to complement reasonably proximate planned or existing  
 596 public facilities.

597 ~~(38)-(24)~~ "Public facilities" means major capital  
 598 improvements, including, ~~but not limited to,~~ transportation,  
 599 sanitary sewer, solid waste, drainage, potable water,  
 600 educational, parks and recreational, ~~and health systems and~~  
 601 ~~facilities, and spoil disposal sites for maintenance dredging~~  
 602 ~~located in the intracoastal waterways, except for spoil disposal~~  
 603 ~~sites owned or used by ports listed in s. 403.021(9)(b).~~

604 ~~(39)-(18)~~ "Public notice" means notice as required by s.  
 605 125.66(2) for a county or by s. 166.041(3)(a) for a  
 606 municipality. The public notice procedures required in this part  
 607 are established as minimum public notice procedures.

608 ~~(40)-(19)~~ "Regional planning agency" means the council  
 609 created pursuant to chapter 186 ~~agency designated by the state~~  
 610 ~~land planning agency to exercise responsibilities under law in a~~  
 611 ~~particular region of the state.~~

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612           (41) "Seasonal population" means part-time inhabitants who  
 613 use, or may be expected to use, public facilities or services,  
 614 but are not residents and includes tourists, migrant  
 615 farmworkers, and other short-term and long-term visitors.

616           ~~(42)-(31)~~ "Optional Sector plan" means the an optional  
 617 process authorized by s. 163.3245 in which one or more local  
 618 governments engage in long-term planning for a large area and by  
 619 agreement with the state land planning agency are allowed to  
 620 address regional development-of-regional-impact issues through  
 621 adoption of detailed specific area plans within the planning  
 622 area within certain designated geographic areas identified in  
 623 the local comprehensive plan as a means of fostering innovative  
 624 planning and development strategies in s. 163.3177(11)(a) and  
 625 ~~(b)~~, furthering the purposes of this part and part I of chapter  
 626 380, reducing overlapping data and analysis requirements,  
 627 protecting regionally significant resources and facilities, and  
 628 addressing extrajurisdictional impacts. The term includes an  
 629 optional sector plan that was adopted before the effective date  
 630 of this act.

631           ~~(43)-(20)~~ "State land planning agency" means the Department  
 632 of Community Affairs.

633           ~~(44)-(21)~~ "Structure" has the same meaning as in given it  
 634 by s. 380.031(19).

635           (45) "Suitability" means the degree to which the existing  
 636 characteristics and limitations of land and water are compatible  
 637 with a proposed use or development.

638           (46) "Transit-oriented development" means a project or  
 639 projects, in areas identified in a local government

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640 comprehensive plan, that is or will be served by existing or  
 641 planned transit service. These designated areas shall be  
 642 compact, moderate to high density developments, of mixed-use  
 643 character, interconnected with other land uses, bicycle and  
 644 pedestrian friendly, and designed to support frequent transit  
 645 service operating through, collectively or separately, rail,  
 646 fixed guideway, streetcar, or bus systems on dedicated  
 647 facilities or available roadway connections.

648 ~~(47)~~~~(30)~~ "Transportation corridor management" means the  
 649 coordination of the planning of designated future transportation  
 650 corridors with land use planning within and adjacent to the  
 651 corridor to promote orderly growth, to meet the concurrency  
 652 requirements of this chapter, and to maintain the integrity of  
 653 the corridor for transportation purposes.

654 ~~(48)~~~~(27)~~ "Urban infill" means the development of vacant  
 655 parcels in otherwise built-up areas where public facilities such  
 656 as sewer systems, roads, schools, and recreation areas are  
 657 already in place and the average residential density is at least  
 658 five dwelling units per acre, the average nonresidential  
 659 intensity is at least a floor area ratio of 1.0 and vacant,  
 660 developable land does not constitute more than 10 percent of the  
 661 area.

662 ~~(49)~~~~(26)~~ "Urban redevelopment" means demolition and  
 663 reconstruction or substantial renovation of existing buildings  
 664 or infrastructure within urban infill areas, existing urban  
 665 service areas, or community redevelopment areas created pursuant  
 666 to part III.



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667 ~~(50)-(29)~~ "Urban service area" means ~~built-up~~ areas  
 668 identified in the comprehensive plan where public facilities and  
 669 services, including, but not limited to, central water and sewer  
 670 capacity and roads, are already in place or are identified in  
 671 the capital improvements element. The term includes any areas  
 672 identified in the comprehensive plan as urban service areas,  
 673 regardless of local government limitation ~~committed in the first~~  
 674 ~~3 years of the capital improvement schedule. In addition, for~~  
 675 ~~counties that qualify as dense urban land areas under subsection~~  
 676 ~~(34), the nonrural area of a county which has adopted into the~~  
 677 ~~county charter a rural area designation or areas identified in~~  
 678 ~~the comprehensive plan as urban service areas or urban growth~~  
 679 ~~boundaries on or before July 1, 2009, are also urban service~~  
 680 ~~areas under this definition.~~

681 (51) "Urban sprawl" means a development pattern  
 682 characterized by low density, automobile-dependent development  
 683 with either a single use or multiple uses that are not  
 684 functionally related, requiring the extension of public  
 685 facilities and services in an inefficient manner, and failing to  
 686 provide a clear separation between urban and rural uses.

687 ~~(32) "Financial feasibility" means that sufficient~~  
 688 ~~revenues are currently available or will be available from~~  
 689 ~~committed funding sources for the first 3 years, or will be~~  
 690 ~~available from committed or planned funding sources for years 4~~  
 691 ~~and 5, of a 5-year capital improvement schedule for financing~~  
 692 ~~capital improvements, such as ad valorem taxes, bonds, state and~~  
 693 ~~federal funds, tax revenues, impact fees, and developer~~  
 694 ~~contributions, which are adequate to fund the projected costs of~~

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695 ~~the capital improvements identified in the comprehensive plan~~  
 696 ~~necessary to ensure that adopted level of service standards are~~  
 697 ~~achieved and maintained within the period covered by the 5-year~~  
 698 ~~schedule of capital improvements. A comprehensive plan shall be~~  
 699 ~~deemed financially feasible for transportation and school~~  
 700 ~~facilities throughout the planning period addressed by the~~  
 701 ~~capital improvements schedule if it can be demonstrated that the~~  
 702 ~~level of service standards will be achieved and maintained by~~  
 703 ~~the end of the planning period even if in a particular year such~~  
 704 ~~improvements are not concurrent as required by s. 163.3180.~~

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

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

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

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

714  
 715 ~~The Office of Economic and Demographic Research within the~~  
 716 ~~Legislature shall annually calculate the population and density~~  
 717 ~~criteria needed to determine which jurisdictions qualify as~~  
 718 ~~dense urban land areas by using the most recent land area data~~  
 719 ~~from the decennial census conducted by the Bureau of the Census~~  
 720 ~~of the United States Department of Commerce and the latest~~  
 721 ~~available population estimates determined pursuant to s.~~  
 722 ~~186.901. If any local government has had an annexation,~~

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723 ~~contraction, or new incorporation, the Office of Economic and~~  
 724 ~~Demographic Research shall determine the population density~~  
 725 ~~using the new jurisdictional boundaries as recorded in~~  
 726 ~~accordance with s. 171.091. The Office of Economic and~~  
 727 ~~Demographic Research shall submit to the state land planning~~  
 728 ~~agency a list of jurisdictions that meet the total population~~  
 729 ~~and density criteria necessary for designation as a dense urban~~  
 730 ~~land area by July 1, 2009, and every year thereafter. The state~~  
 731 ~~land planning agency shall publish the list of jurisdictions on~~  
 732 ~~its Internet website within 7 days after the list is received.~~  
 733 ~~The designation of jurisdictions that qualify or do not qualify~~  
 734 ~~as a dense urban land area is effective upon publication on the~~  
 735 ~~state land planning agency's Internet website.~~

736 Section 7. Section 163.3167, Florida Statutes, is amended  
 737 to read:

738 163.3167 Scope of act.—

739 (1) The several incorporated municipalities and counties  
 740 shall have power and responsibility:

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

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

744 (c) To implement adopted or amended comprehensive plans by  
 745 the adoption of appropriate land development regulations or  
 746 elements thereof.

747 (d) To establish, support, and maintain administrative  
 748 instruments and procedures to carry out the provisions and  
 749 purposes of this act.

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

755 (2) Each local government shall maintain ~~prepare~~ a  
 756 comprehensive plan of the type and in the manner set out in this  
 757 part or prepare amendments to its existing comprehensive plan to  
 758 conform it to the requirements of this part and in the manner  
 759 set out in this part. ~~In accordance with s. 163.3184, each local~~  
 760 ~~government shall submit to the state land planning agency its~~  
 761 ~~complete proposed comprehensive plan or its complete~~  
 762 ~~comprehensive plan as proposed to be amended.~~

763 ~~(3) When a local government has not prepared all of the~~  
 764 ~~required elements or has not amended its plan as required by~~  
 765 ~~subsection (2), the regional planning agency having~~  
 766 ~~responsibility for the area in which the local government lies~~  
 767 ~~shall prepare and adopt by rule, pursuant to chapter 120, the~~  
 768 ~~missing elements or adopt by rule amendments to the existing~~  
 769 ~~plan in accordance with this act by July 1, 1989, or within 1~~  
 770 ~~year after the dates specified or provided in subsection (2) and~~  
 771 ~~the state land planning agency review schedule, whichever is~~  
 772 ~~later. The regional planning agency shall provide at least 90~~  
 773 ~~days' written notice to any local government whose plan it is~~  
 774 ~~required by this subsection to prepare, prior to initiating the~~  
 775 ~~planning process. At least 90 days before the adoption by the~~  
 776 ~~regional planning agency of a comprehensive plan, or element or~~  
 777 ~~portion thereof, pursuant to this subsection, the regional~~  
 778 ~~planning agency shall transmit a copy of the proposed~~

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779 ~~comprehensive plan, or element or portion thereof, to the local~~  
 780 ~~government and the state land planning agency for written~~  
 781 ~~comment. The state land planning agency shall review and comment~~  
 782 ~~on such plan, or element or portion thereof, in accordance with~~  
 783 ~~s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be~~  
 784 ~~applicable to the regional planning agency as if it were a~~  
 785 ~~governing body. Existing comprehensive plans shall remain in~~  
 786 ~~effect until they are amended pursuant to subsection (2), this~~  
 787 ~~subsection, s. 163.3187, or s. 163.3189.~~

788 (3)~~(4)~~ A municipality established after the effective date  
 789 of this act shall, within 1 year after incorporation, establish  
 790 a local planning agency, pursuant to s. 163.3174, and prepare  
 791 and adopt a comprehensive plan of the type and in the manner set  
 792 out in this act within 3 years after the date of such  
 793 incorporation. A county comprehensive plan shall be deemed  
 794 controlling until the municipality adopts a comprehensive plan  
 795 in accord with ~~the provisions of this act. If, upon the~~  
 796 ~~expiration of the 3-year time limit, the municipality has not~~  
 797 ~~adopted a comprehensive plan, the regional planning agency shall~~  
 798 ~~prepare and adopt a comprehensive plan for such municipality.~~

799 (4)~~(5)~~ Any comprehensive plan, or element or portion  
 800 thereof, adopted pursuant to ~~the provisions of this act, which~~  
 801 but for its adoption after the deadlines established pursuant to  
 802 previous versions of this act would have been valid, shall be  
 803 valid.

804 ~~(6)~~ ~~When a regional planning agency is required to prepare~~  
 805 ~~or amend a comprehensive plan, or element or portion thereof,~~  
 806 ~~pursuant to subsections (3) and (4), the regional planning~~

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807 ~~agency and the local government may agree to a method of~~  
 808 ~~compensating the regional planning agency for any verifiable,~~  
 809 ~~direct costs incurred. If an agreement is not reached within 6~~  
 810 ~~months after the date the regional planning agency assumes~~  
 811 ~~planning responsibilities for the local government pursuant to~~  
 812 ~~subsections (3) and (4) or by the time the plan or element, or~~  
 813 ~~portion thereof, is completed, whichever is earlier, the~~  
 814 ~~regional planning agency shall file invoices for verifiable,~~  
 815 ~~direct costs involved with the governing body. Upon the failure~~  
 816 ~~of the local government to pay such invoices within 90 days, the~~  
 817 ~~regional planning agency may, upon filing proper vouchers with~~  
 818 ~~the Chief Financial Officer, request payment by the Chief~~  
 819 ~~Financial Officer from unencumbered revenue or other tax sharing~~  
 820 ~~funds due such local government from the state for work actually~~  
 821 ~~performed, and the Chief Financial Officer shall pay such~~  
 822 ~~vouchers; however, the amount of such payment shall not exceed~~  
 823 ~~50 percent of such funds due such local government in any one~~  
 824 ~~year.~~

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

832 ~~(5)(8)~~ (5) Nothing in this act shall limit or modify the  
 833 rights of any person to complete any development that has been  
 834 authorized as a development of regional impact pursuant to

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835 chapter 380 or who has been issued a final local development  
 836 order and development has commenced and is continuing in good  
 837 faith.

838 (6)~~(9)~~ The Reedy Creek Improvement District shall exercise  
 839 the authority of this part as it applies to municipalities,  
 840 consistent with the legislative act under which it was  
 841 established, for the total area under its jurisdiction.

842 (7)~~(10)~~ Nothing in this part shall supersede any provision  
 843 of ss. 341.8201-341.842.

844 ~~(11) Each local government is encouraged to articulate a  
 845 vision of the future physical appearance and qualities of its  
 846 community as a component of its local comprehensive plan. The  
 847 vision should be developed through a collaborative planning  
 848 process with meaningful public participation and shall be  
 849 adopted by the governing body of the jurisdiction. Neighboring  
 850 communities, especially those sharing natural resources or  
 851 physical or economic infrastructure, are encouraged to create  
 852 collective visions for greater than local areas. Such collective  
 853 visions shall apply in each city or county only to the extent  
 854 that each local government chooses to make them applicable. The  
 855 state land planning agency shall serve as a clearinghouse for  
 856 creating a community vision of the future and may utilize the  
 857 Growth Management Trust Fund, created by s. 186.911, to provide  
 858 grants to help pay the costs of local visioning programs. When a  
 859 local vision of the future has been created, a local government  
 860 should review its comprehensive plan, land development  
 861 regulations, and capital improvement program to ensure that  
 862 these instruments will help to move the community toward its~~

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863 ~~vision in a manner consistent with this act and with the state~~  
 864 ~~comprehensive plan. A local or regional vision must be~~  
 865 ~~consistent with the state vision, when adopted, and be~~  
 866 ~~internally consistent with the local or regional plan of which~~  
 867 ~~it is a component. The state land planning agency shall not~~  
 868 ~~adopt minimum criteria for evaluating or judging the form or~~  
 869 ~~content of a local or regional vision.~~

870 (8)~~(12)~~ An initiative or referendum process in regard to  
 871 any development order or in regard to any local comprehensive  
 872 plan amendment or map amendment ~~that affects five or fewer~~  
 873 ~~parcels of land~~ is prohibited.

874 (9)~~(13)~~ Each local government shall address in its  
 875 comprehensive plan, as enumerated in this chapter, the water  
 876 supply sources necessary to meet and achieve the existing and  
 877 projected water use demand for the established planning period,  
 878 considering the applicable plan developed pursuant to s.  
 879 373.709.

880 (10)~~(14)~~(a) If a local government grants a development  
 881 order pursuant to its adopted land development regulations and  
 882 the order is not the subject of a pending appeal and the  
 883 timeframe for filing an appeal has expired, the development  
 884 order may not be invalidated by a subsequent judicial  
 885 determination that such land development regulations, or any  
 886 portion thereof that is relevant to the development order, are  
 887 invalid because of a deficiency in the approval standards.

888 (b) This subsection does not preclude or affect the timely  
 889 institution of any other remedy available at law or equity,  
 890 including a common law writ of certiorari proceeding pursuant to



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891 Rule 9.190, Florida Rules of Appellate Procedure, or an original  
 892 proceeding pursuant to s. 163.3215, as applicable.

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

895 Section 8. Section 163.3168, Florida Statutes, is created  
 896 to read:

897 163.3168 Planning innovations and technical assistance.-

898 (1) The Legislature recognizes the need for innovative  
 899 planning and development strategies to promote a diverse economy  
 900 and vibrant rural and urban communities, while protecting  
 901 environmentally sensitive areas. The Legislature further  
 902 recognizes the substantial advantages of innovative approaches  
 903 to development directed to meet the needs of urban, rural, and  
 904 suburban areas.

905 (2) Local governments are encouraged to apply innovative  
 906 planning tools, including, but not limited to, visioning, sector  
 907 planning, and rural land stewardship area designations to  
 908 address future new development areas, urban service area  
 909 designations, urban growth boundaries, and mixed-use, high-  
 910 density development in urban areas.

911 (3) The state land planning agency shall help communities  
 912 find creative solutions to fostering vibrant, healthy  
 913 communities, while protecting the functions of important state  
 914 resources and facilities. The state land planning agency and all  
 915 other appropriate state and regional agencies may use various  
 916 means to provide direct and indirect technical assistance within  
 917 available resources. If plan amendments may adversely impact  
 918 important state resources or facilities, upon request by the

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919 local government, the state land planning agency shall  
 920 coordinate multi-agency assistance, if needed, in developing an  
 921 amendment to minimize impacts on such resources or facilities.

922 (4) The state land planning agency shall provide, on its  
 923 website, guidance on the submittal and adoption of comprehensive  
 924 plans, plan amendments, and land development regulations. Such  
 925 guidance shall not be adopted as a rule and is exempt from s.  
 926 120.54(1)(a).

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

929 163.3171 Areas of authority under this act.—

930 ~~(4) The state land planning agency and a Local governments~~  
 931 ~~may government shall have the power to enter into agreements~~  
 932 ~~with each other and to agree together to enter into agreements~~  
 933 ~~with a landowner, developer, or governmental agency as may be~~  
 934 ~~necessary or desirable to effectuate the provisions and purposes~~  
 935 ~~of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245,~~  
 936 ~~and 163.3248. It is the Legislature's intent that joint~~  
 937 ~~agreements entered into under the authority of this section be~~  
 938 ~~liberally, broadly, and flexibly construed to facilitate~~  
 939 ~~intergovernmental cooperation between cities and counties and to~~  
 940 ~~encourage planning in advance of jurisdictional changes. Joint~~  
 941 ~~agreements, executed before or after the effective date of this~~  
 942 ~~act, include, but are not limited to, agreements that~~  
 943 ~~contemplate municipal adoption of plans or plan amendments for~~  
 944 ~~lands in advance of annexation of such lands into the~~  
 945 ~~municipality, and may permit municipalities and counties to~~  
 946 ~~exercise nonexclusive extrajurisdictional authority within~~

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947 incorporated and unincorporated areas. The state land planning  
 948 agency may not interpret, invalidate, or declare inoperative  
 949 such joint agreements, and the validity of joint agreements may  
 950 not be a basis for finding plans or plan amendments not in  
 951 compliance pursuant to chapter law.

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

954 163.3174 Local planning agency.—

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

959 Notwithstanding any special act to the contrary, all local  
 960 planning agencies or equivalent agencies that first review  
 961 rezoning and comprehensive plan amendments in each municipality  
 962 and county shall include a representative of the school district  
 963 appointed by the school board as a nonvoting member of the local  
 964 planning agency or equivalent agency to attend those meetings at  
 965 which the agency considers comprehensive plan amendments and  
 966 rezonings that would, if approved, increase residential density  
 967 on the property that is the subject of the application. However,  
 968 this subsection does not prevent the governing body of the local  
 969 government from granting voting status to the school board  
 970 member. The governing body may designate itself as the local  
 971 planning agency pursuant to this subsection with the addition of  
 972 a nonvoting school board representative. ~~The governing body~~  
 973 ~~shall notify the state land planning agency of the establishment~~  
 974 ~~of its local planning agency.~~ All local planning agencies shall

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975 provide opportunities for involvement by applicable community  
976 college boards, which may be accomplished by formal  
977 representation, membership on technical advisory committees, or  
978 other appropriate means. The local planning agency shall prepare  
979 the comprehensive plan or plan amendment after hearings to be  
980 held after public notice and shall make recommendations to the  
981 governing body regarding the adoption or amendment of the plan.  
982 The agency may be a local planning commission, the planning  
983 department of the local government, or other instrumentality,  
984 including a countywide planning entity established by special  
985 act or a council of local government officials created pursuant  
986 to s. 163.02, provided the composition of the council is fairly  
987 representative of all the governing bodies in the county or  
988 planning area; however:

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

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

998 Section 11. Subsections (5), (6), and (9) of section  
999 163.3175, Florida Statutes, are amended to read:

1000 163.3175 Legislative findings on compatibility of  
1001 development with military installations; exchange of information  
1002 between local governments and military installations.-

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1003 (5) The commanding officer or his or her designee may  
 1004 provide comments to the affected local government on the impact  
 1005 such proposed changes may have on the mission of the military  
 1006 installation. Such comments may include:

1007 (a) If the installation has an airfield, whether such  
 1008 proposed changes will be incompatible with the safety and noise  
 1009 standards contained in the Air Installation Compatible Use Zone  
 1010 (AICUZ) adopted by the military installation for that airfield;

1011 (b) Whether such changes are incompatible with the  
 1012 Installation Environmental Noise Management Program (IENMP) of  
 1013 the United States Army;

1014 (c) Whether such changes are incompatible with the  
 1015 findings of a Joint Land Use Study (JLUS) for the area if one  
 1016 has been completed; and

1017 (d) Whether the military installation's mission will be  
 1018 adversely affected by the proposed actions of the county or  
 1019 affected local government.

1020  
 1021 The commanding officer's comments, underlying studies, and  
 1022 reports are not binding on the local government.

1023 (6) The affected local government shall take into  
 1024 consideration any comments provided by the commanding officer or  
 1025 his or her designee pursuant to subsection (4) and must also be  
 1026 sensitive to private property rights and not be unduly  
 1027 restrictive on those rights. The affected local government shall  
 1028 forward a copy of any comments regarding comprehensive plan  
 1029 amendments to the state land planning agency.

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1030 (9) If a local government, as required under s.  
 1031 163.3177(6) (a), does not adopt criteria and address  
 1032 compatibility of lands adjacent to or closely proximate to  
 1033 existing military installations in its future land use plan  
 1034 element by June 30, 2012, the local government, the military  
 1035 installation, the state land planning agency, and other parties  
 1036 as identified by the regional planning council, including, but  
 1037 not limited to, private landowner representatives, shall enter  
 1038 into mediation conducted pursuant to s. 186.509. If the local  
 1039 government comprehensive plan does not contain criteria  
 1040 addressing compatibility by December 31, 2013, the agency may  
 1041 notify the Administration Commission. The Administration  
 1042 Commission may impose sanctions pursuant to s. 163.3184(8)~~(11)~~.  
 1043 Any local government that amended its comprehensive plan to  
 1044 address military installation compatibility requirements after  
 1045 2004 and was found to be in compliance is deemed to be in  
 1046 compliance with this subsection until the local government  
 1047 conducts its evaluation and appraisal review pursuant to s.  
 1048 163.3191 and determines that amendments are necessary to meet  
 1049 updated general law requirements.

1050 Section 12. Section 163.3177, Florida Statutes, is amended  
 1051 to read:

1052 163.3177 Required and optional elements of comprehensive  
 1053 plan; studies and surveys.—

1054 (1) The comprehensive plan shall provide the ~~consist of~~  
 1055 ~~materials in such descriptive form, written or graphic, as may~~  
 1056 ~~be appropriate to the prescription of principles, guidelines,~~  
 1057 ~~and standards,~~ and strategies for the orderly and balanced

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1058 future economic, social, physical, environmental, and fiscal  
 1059 development of the area that reflects community commitments to  
 1060 implement the plan and its elements. These principles and  
 1061 strategies shall guide future decisions in a consistent manner  
 1062 and shall contain programs and activities to ensure  
 1063 comprehensive plans are implemented. The sections of the  
 1064 comprehensive plan containing the principles and strategies,  
 1065 generally provided as goals, objectives, and policies, shall  
 1066 describe how the local government's programs, activities, and  
 1067 land development regulations will be initiated, modified, or  
 1068 continued to implement the comprehensive plan in a consistent  
 1069 manner. It is not the intent of this part to require the  
 1070 inclusion of implementing regulations in the comprehensive plan  
 1071 but rather to require identification of those programs,  
 1072 activities, and land development regulations that will be part  
 1073 of the strategy for implementing the comprehensive plan and the  
 1074 principles that describe how the programs, activities, and land  
 1075 development regulations will be carried out. The plan shall  
 1076 establish meaningful and predictable standards for the use and  
 1077 development of land and provide meaningful guidelines for the  
 1078 content of more detailed land development and use regulations.

1079 (a) The comprehensive plan shall consist of elements as  
 1080 described in this section, and may include optional elements.

1081 (b) A local government may include, as part of its adopted  
 1082 plan, documents adopted by reference but not incorporated  
 1083 verbatim into the plan. The adoption by reference must identify  
 1084 the title and author of the document and indicate clearly what  
 1085 provisions and edition of the document is being adopted.

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1086        (c) The format of these principles and guidelines is at  
1087 the discretion of the local government, but typically is  
1088 expressed in goals, objectives, policies, and strategies.

1089        (d) The comprehensive plan shall identify procedures for  
1090 monitoring, evaluating, and appraising implementation of the  
1091 plan.

1092        (e) When a federal, state, or regional agency has  
1093 implemented a regulatory program, a local government is not  
1094 required to duplicate or exceed that regulatory program in its  
1095 local comprehensive plan.

1096        (f) All mandatory and optional elements of the  
1097 comprehensive plan and plan amendments shall be based upon  
1098 relevant and appropriate data and an analysis by the local  
1099 government that may include, but not be limited to, surveys,  
1100 studies, community goals and vision, and other data available at  
1101 the time of adoption of the comprehensive plan or plan  
1102 amendment. To be based on data means to react to it in an  
1103 appropriate way and to the extent necessary indicated by the  
1104 data available on that particular subject at the time of  
1105 adoption of the plan or plan amendment at issue.

1106        1. Surveys, studies, and data utilized in the preparation  
1107 of the comprehensive plan may not be deemed a part of the  
1108 comprehensive plan unless adopted as a part of it. Copies of  
1109 such studies, surveys, data, and supporting documents for  
1110 proposed plans and plan amendments shall be made available for  
1111 public inspection, and copies of such plans shall be made  
1112 available to the public upon payment of reasonable charges for  
1113 reproduction. Support data or summaries are not subject to the



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1114 compliance review process, but the comprehensive plan must be  
1115 clearly based on appropriate data. Support data or summaries may  
1116 be used to aid in the determination of compliance and  
1117 consistency.

1118 2. Data must be taken from professionally accepted  
1119 sources. The application of a methodology utilized in data  
1120 collection or whether a particular methodology is professionally  
1121 accepted may be evaluated. However, the evaluation may not  
1122 include whether one accepted methodology is better than another.  
1123 Original data collection by local governments is not required.  
1124 However, local governments may use original data so long as  
1125 methodologies are professionally accepted.

1126 3. The comprehensive plan shall be based upon permanent  
1127 and seasonal population estimates and projections, which shall  
1128 either be those provided by the University of Florida's Bureau  
1129 of Economic and Business Research or generated by the local  
1130 government based upon a professionally acceptable methodology.  
1131 The plan must be based on at least the minimum amount of land  
1132 required to accommodate the medium projections of the University  
1133 of Florida's Bureau of Economic and Business Research for at  
1134 least a 10-year planning period unless otherwise limited under  
1135 s. 380.05, including related rules of the Administration  
1136 Commission.

1137 (2) Coordination of the several elements of the local  
1138 comprehensive plan shall be a major objective of the planning  
1139 process. The several elements of the comprehensive plan shall be  
1140 consistent. Where data is relevant to several elements,  
1141 consistent data shall be used, including population estimates

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1142 and projections unless alternative data can be justified for a  
 1143 plan amendment through new supporting data and analysis. Each  
 1144 map depicting future conditions must reflect the principles,  
 1145 guidelines, and standards within all elements and each such map  
 1146 must be contained within the comprehensive plan, ~~and the~~  
 1147 ~~comprehensive plan shall be financially feasible. Financial~~  
 1148 ~~feasibility shall be determined using professionally accepted~~  
 1149 ~~methodologies and applies to the 5-year planning period, except~~  
 1150 ~~in the case of a long-term transportation or school concurrency~~  
 1151 ~~management system, in which case a 10-year or 15-year period~~  
 1152 ~~applies.~~

1153 (3) (a) The comprehensive plan shall contain a capital  
 1154 improvements element designed to consider the need for and the  
 1155 location of public facilities in order to encourage the  
 1156 efficient use of such facilities and set forth:

1157 1. A component that outlines principles for construction,  
 1158 extension, or increase in capacity of public facilities, as well  
 1159 as a component that outlines principles for correcting existing  
 1160 public facility deficiencies, which are necessary to implement  
 1161 the comprehensive plan. The components shall cover at least a 5-  
 1162 year period.

1163 2. Estimated public facility costs, including a  
 1164 delineation of when facilities will be needed, the general  
 1165 location of the facilities, and projected revenue sources to  
 1166 fund the facilities.

1167 3. Standards to ensure the availability of public  
 1168 facilities and the adequacy of those facilities to meet  
 1169 established ~~including~~ acceptable levels of service.

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1170           ~~4. Standards for the management of debt.~~

1171           ~~4.5.~~ A schedule of capital improvements which includes any

1172 publicly funded projects of federal, state, or local government,

1173 and which may include privately funded projects for which the

1174 local government has no fiscal responsibility. Projects,

1175 necessary to ensure that any adopted level-of-service standards

1176 are achieved and maintained for the 5-year period must be

1177 identified as either funded or unfunded and given a level of

1178 priority for funding. ~~For capital improvements that will be~~

1179 ~~funded by the developer, financial feasibility shall be~~

1180 ~~demonstrated by being guaranteed in an enforceable development~~

1181 ~~agreement or interlocal agreement pursuant to paragraph (10) (h),~~

1182 ~~or other enforceable agreement. These development agreements and~~

1183 ~~interlocal agreements shall be reflected in the schedule of~~

1184 ~~capital improvements if the capital improvement is necessary to~~

1185 ~~serve development within the 5-year schedule. If the local~~

1186 ~~government uses planned revenue sources that require referenda~~

1187 ~~or other actions to secure the revenue source, the plan must, in~~

1188 ~~the event the referenda are not passed or actions do not secure~~

1189 ~~the planned revenue source, identify other existing revenue~~

1190 ~~sources that will be used to fund the capital projects or~~

1191 ~~otherwise amend the plan to ensure financial feasibility.~~

1192           ~~5.6.~~ The schedule must include transportation improvements

1193 included in the applicable metropolitan planning organization's

1194 transportation improvement program adopted pursuant to s.

1195 339.175(8) to the extent that such improvements are relied upon

1196 to ensure concurrency and financial feasibility. The schedule

1197 must ~~also~~ be coordinated with the applicable metropolitan

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1198 | planning organization's long-range transportation plan adopted  
 1199 | pursuant to s. 339.175(7).

1200 |       (b)~~1~~. The capital improvements element must be reviewed by  
 1201 | the local government on an annual basis. Modifications and  
 1202 | ~~modified as necessary in accordance with s. 163.3187 or s.~~  
 1203 | ~~163.3189 in order to update the~~ maintain a financially feasible  
 1204 | 5-year capital improvement schedule ~~of capital improvements.~~  
 1205 | ~~Corrections and modifications concerning costs; revenue sources;~~  
 1206 | ~~or acceptance of facilities pursuant to dedications which are~~  
 1207 | ~~consistent with the plan may be accomplished by ordinance and~~  
 1208 | may shall not be deemed to be amendments to the local  
 1209 | comprehensive plan. ~~A copy of the ordinance shall be transmitted~~  
 1210 | ~~to the state land planning agency. An amendment to the~~  
 1211 | ~~comprehensive plan is required to update the schedule on an~~  
 1212 | ~~annual basis or to eliminate, defer, or delay the construction~~  
 1213 | ~~for any facility listed in the 5-year schedule. All public~~  
 1214 | ~~facilities must be consistent with the capital improvements~~  
 1215 | ~~element. The annual update to the capital improvements element~~  
 1216 | ~~of the comprehensive plan need not comply with the financial~~  
 1217 | ~~feasibility requirement until December 1, 2011. Thereafter, a~~  
 1218 | ~~local government may not amend its future land use map, except~~  
 1219 | ~~for plan amendments to meet new requirements under this part and~~  
 1220 | ~~emergency amendments pursuant to s. 163.3187(1)(a), after~~  
 1221 | ~~December 1, 2011, and every year thereafter, unless and until~~  
 1222 | ~~the local government has adopted the annual update and it has~~  
 1223 | ~~been transmitted to the state land planning agency.~~

1224 |       ~~2.~~ Capital improvements element amendments adopted after  
 1225 | ~~the effective date of this act shall require only a single~~

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1226 ~~public hearing before the governing board which shall be an~~  
 1227 ~~adoption hearing as described in s. 163.3184(7). Such amendments~~  
 1228 ~~are not subject to the requirements of s. 163.3184(3)-(6).~~

1229 ~~(c) If the local government does not adopt the required~~  
 1230 ~~annual update to the schedule of capital improvements, the state~~  
 1231 ~~land planning agency must notify the Administration Commission.~~  
 1232 ~~A local government that has a demonstrated lack of commitment to~~  
 1233 ~~meeting its obligations identified in the capital improvements~~  
 1234 ~~element may be subject to sanctions by the Administration~~  
 1235 ~~Commission pursuant to s. 163.3184(11).~~

1236 ~~(d) If a local government adopts a long-term concurrency~~  
 1237 ~~management system pursuant to s. 163.3180(9), it must also adopt~~  
 1238 ~~a long-term capital improvements schedule covering up to a 10-~~  
 1239 ~~year or 15-year period, and must update the long-term schedule~~  
 1240 ~~annually. The long-term schedule of capital improvements must be~~  
 1241 ~~financially feasible.~~

1242 ~~(e) At the discretion of the local government and~~  
 1243 ~~notwithstanding the requirements of this subsection, a~~  
 1244 ~~comprehensive plan, as revised by an amendment to the plan's~~  
 1245 ~~future land use map, shall be deemed to be financially feasible~~  
 1246 ~~and to have achieved and maintained level-of-service standards~~  
 1247 ~~as required by this section with respect to transportation~~  
 1248 ~~facilities if the amendment to the future land use map is~~  
 1249 ~~supported by a:~~

1250 ~~1. Condition in a development order for a development of~~  
 1251 ~~regional impact or binding agreement that addresses~~  
 1252 ~~proportionate share mitigation consistent with s. 163.3180(12);~~  
 1253 ~~or~~

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1254           ~~2. Binding agreement addressing proportionate fair share~~  
 1255 ~~mitigation consistent with s. 163.3180(16)(f) and the property~~  
 1256 ~~subject to the amendment to the future land use map is located~~  
 1257 ~~within an area designated in a comprehensive plan for urban~~  
 1258 ~~infill, urban redevelopment, downtown revitalization, urban~~  
 1259 ~~infill and redevelopment, or an urban service area. The binding~~  
 1260 ~~agreement must be based on the maximum amount of development~~  
 1261 ~~identified by the future land use map amendment or as may be~~  
 1262 ~~otherwise restricted through a special area plan policy or map~~  
 1263 ~~notation in the comprehensive plan.~~

1264           ~~(f) A local government's comprehensive plan and plan~~  
 1265 ~~amendments for land uses within all transportation concurrency~~  
 1266 ~~exception areas that are designated and maintained in accordance~~  
 1267 ~~with s. 163.3180(5) shall be deemed to meet the requirement to~~  
 1268 ~~achieve and maintain level of service standards for~~  
 1269 ~~transportation.~~

1270           (4) (a) Coordination of the local comprehensive plan with  
 1271 the comprehensive plans of adjacent municipalities, the county,  
 1272 adjacent counties, or the region; with the appropriate water  
 1273 management district's regional water supply plans approved  
 1274 pursuant to s. 373.709; and with adopted rules pertaining to  
 1275 designated areas of critical state concern; ~~and with the state~~  
 1276 ~~comprehensive plan~~ shall be a major objective of the local  
 1277 comprehensive planning process. To that end, in the preparation  
 1278 of a comprehensive plan or element thereof, and in the  
 1279 comprehensive plan or element as adopted, the governing body  
 1280 shall include a specific policy statement indicating the  
 1281 relationship of the proposed development of the area to the

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1282 comprehensive plans of adjacent municipalities, the county,  
 1283 adjacent counties, or the region ~~and to the state comprehensive~~  
 1284 ~~plan~~, as the case may require and as such adopted plans or plans  
 1285 in preparation may exist.

1286 (b) When all or a portion of the land in a local  
 1287 government jurisdiction is or becomes part of a designated area  
 1288 of critical state concern, the local government shall clearly  
 1289 identify those portions of the local comprehensive plan that  
 1290 shall be applicable to the critical area and shall indicate the  
 1291 relationship of the proposed development of the area to the  
 1292 rules for the area of critical state concern.

1293 (5) (a) Each local government comprehensive plan must  
 1294 include at least two planning periods, one covering at least the  
 1295 first 5-year period occurring after the plan's adoption and one  
 1296 covering at least a 10-year period. Additional planning periods  
 1297 for specific components, elements, land use amendments, or  
 1298 projects shall be permissible and accepted as part of the  
 1299 planning process.

1300 (b) The comprehensive plan and its elements shall contain  
 1301 guidelines or policies ~~policy recommendations~~ for the  
 1302 implementation of the plan and its elements.

1303 (6) In addition to the requirements of subsections (1)-(5)  
 1304 ~~and (12)~~, the comprehensive plan shall include the following  
 1305 elements:

1306 (a) A future land use plan element designating proposed  
 1307 future general distribution, location, and extent of the uses of  
 1308 land for residential uses, commercial uses, industry,  
 1309 agriculture, recreation, conservation, education, ~~public~~

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1310 ~~buildings and grounds, other public facilities, and other~~  
 1311 categories of the public and private uses of land. The  
 1312 approximate acreage and the general range of density or  
 1313 intensity of use shall be provided for the gross land area  
 1314 included in each existing land use category. The element shall  
 1315 establish the long-term end toward which land use programs and  
 1316 activities are ultimately directed. ~~Counties are encouraged to~~  
 1317 ~~designate rural land stewardship areas, pursuant to paragraph~~  
 1318 ~~(11) (d), as overlays on the future land use map.~~

1319       1. Each future land use category must be defined in terms  
 1320 of uses included, and must include standards to be followed in  
 1321 the control and distribution of population densities and  
 1322 building and structure intensities. The proposed distribution,  
 1323 location, and extent of the various categories of land use shall  
 1324 be shown on a land use map or map series which shall be  
 1325 supplemented by goals, policies, and measurable objectives.

1326       2. The future land use plan and plan amendments shall be  
 1327 based upon surveys, studies, and data regarding the area, as  
 1328 applicable, including:

1329           a. The amount of land required to accommodate anticipated  
 1330 growth.†

1331           b. The projected permanent and seasonal population of the  
 1332 area.†

1333           c. The character of undeveloped land.†

1334           d. The availability of water supplies, public facilities,  
 1335 and services.†



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1336        e. The need for redevelopment, including the renewal of  
 1337 blighted areas and the elimination of nonconforming uses which  
 1338 are inconsistent with the character of the community.~~†~~

1339        f. The compatibility of uses on lands adjacent to or  
 1340 closely proximate to military installations.~~†~~

1341        g. The compatibility of uses on lands adjacent to an  
 1342 airport as defined in s. 330.35 and consistent with s. 333.02.~~†~~

1343        h. The discouragement of urban sprawl.~~†; energy-efficient~~  
 1344 ~~land use patterns accounting for existing and future electric~~  
 1345 ~~power generation and transmission systems; greenhouse gas~~  
 1346 ~~reduction strategies; and, in rural communities,~~

1347        i. The need for job creation, capital investment, and  
 1348 economic development that will strengthen and diversify the  
 1349 community's economy.

1350        j. The need to modify land uses and development patterns  
 1351 within antiquated subdivisions. ~~The future land use plan may~~  
 1352 ~~designate areas for future planned development use involving~~  
 1353 ~~combinations of types of uses for which special regulations may~~  
 1354 ~~be necessary to ensure development in accord with the principles~~  
 1355 ~~and standards of the comprehensive plan and this act.~~

1356        3. The future land use plan element shall include criteria  
 1357 to be used to:

1358        a. Achieve the compatibility of lands adjacent or closely  
 1359 proximate to military installations, considering factors  
 1360 identified in s. 163.3175(5).~~†, and~~

1361        b. Achieve the compatibility of lands adjacent to an  
 1362 airport as defined in s. 330.35 and consistent with s. 333.02.

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1363 c. Encourage preservation of recreational and commercial  
 1364 working waterfronts for water dependent uses in coastal  
 1365 communities.

1366 d. Encourage the location of schools proximate to urban  
 1367 residential areas to the extent possible.

1368 e. Coordinate future land uses with the topography and  
 1369 soil conditions, and the availability of facilities and  
 1370 services.

1371 f. Ensure the protection of natural and historic  
 1372 resources.

1373 g. Provide for the compatibility of adjacent land uses.

1374 h. Provide guidelines for the implementation of mixed use  
 1375 development including the types of uses allowed, the percentage  
 1376 distribution among the mix of uses, or other standards, and the  
 1377 density and intensity of each use.

1378 4. ~~In addition, for rural communities,~~ The amount of land  
 1379 designated for future planned ~~uses~~ industrial use shall provide  
 1380 a balance of uses that foster vibrant, viable communities and  
 1381 economic development opportunities and address outdated  
 1382 development patterns, such as antiquated subdivisions. The  
 1383 amount of land designated for future land uses should allow the  
 1384 operation of real estate markets to provide adequate choices for  
 1385 permanent and seasonal residents and business and ~~be based upon~~  
 1386 ~~surveys and studies that reflect the need for job creation,~~  
 1387 ~~capital investment, and the necessity to strengthen and~~  
 1388 ~~diversify the local economies, and may not be limited solely by~~  
 1389 the projected population ~~of the rural community.~~ The element  
 1390 shall accommodate at least the minimum amount of land required

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1391 to accommodate the medium projections of the University of  
 1392 Florida's Bureau of Economic and Business Research for at least  
 1393 a 10-year planning period unless otherwise limited under s.  
 1394 380.05, including related rules of the Administration  
 1395 Commission.

1396 5. The future land use plan of a county may ~~also~~ designate  
 1397 areas for possible future municipal incorporation.

1398 6. The land use maps or map series shall generally  
 1399 identify and depict historic district boundaries and shall  
 1400 designate historically significant properties meriting  
 1401 protection. ~~For coastal counties, the future land use element~~  
 1402 ~~must include, without limitation, regulatory incentives and~~  
 1403 ~~criteria that encourage the preservation of recreational and~~  
 1404 ~~commercial working waterfronts as defined in s. 342.07.~~

1405 7. The future land use element must clearly identify the  
 1406 land use categories in which public schools are an allowable  
 1407 use. When delineating the land use categories in which public  
 1408 schools are an allowable use, a local government shall include  
 1409 in the categories sufficient land proximate to residential  
 1410 development to meet the projected needs for schools in  
 1411 coordination with public school boards and may establish  
 1412 differing criteria for schools of different type or size. Each  
 1413 local government shall include lands contiguous to existing  
 1414 school sites, to the maximum extent possible, within the land  
 1415 use categories in which public schools are an allowable use. ~~The~~  
 1416 ~~failure by a local government to comply with these school siting~~  
 1417 ~~requirements will result in the prohibition of the local~~  
 1418 ~~government's ability to amend the local comprehensive plan,~~

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1419 ~~except for plan amendments described in s. 163.3187(1)(b), until~~  
1420 ~~the school siting requirements are met. Amendments proposed by a~~  
1421 ~~local government for purposes of identifying the land use~~  
1422 ~~categories in which public schools are an allowable use are~~  
1423 ~~exempt from the limitation on the frequency of plan amendments~~  
1424 ~~contained in s. 163.3187. The future land use element shall~~  
1425 ~~include criteria that encourage the location of schools~~  
1426 ~~proximate to urban residential areas to the extent possible and~~  
1427 ~~shall require that the local government seek to collocate public~~  
1428 ~~facilities, such as parks, libraries, and community centers,~~  
1429 ~~with schools to the extent possible and to encourage the use of~~  
1430 ~~elementary schools as focal points for neighborhoods. For~~  
1431 ~~schools serving predominantly rural counties, defined as a~~  
1432 ~~county with a population of 100,000 or fewer, an agricultural~~  
1433 ~~land use category is eligible for the location of public school~~  
1434 ~~facilities if the local comprehensive plan contains school~~  
1435 ~~siting criteria and the location is consistent with such~~  
1436 ~~criteria.~~

1437 8. Future land use map amendments shall be based upon the  
1438 following analyses:

1439 a. An analysis of the availability of facilities and  
1440 services.

1441 b. An analysis of the suitability of the plan amendment  
1442 for its proposed use considering the character of the  
1443 undeveloped land, soils, topography, natural resources, and  
1444 historic resources on site.

1445 c. An analysis of the minimum amount of land needed as  
1446 determined by the local government.

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1447 9. The future land use element and any amendment to the  
 1448 future land use element shall discourage the proliferation of  
 1449 urban sprawl.

1450 a. The primary indicators that a plan or plan amendment  
 1451 does not discourage the proliferation of urban sprawl are listed  
 1452 below. The evaluation of the presence of these indicators shall  
 1453 consist of an analysis of the plan or plan amendment within the  
 1454 context of features and characteristics unique to each locality  
 1455 in order to determine whether the plan or plan amendment:

1456 (I) Promotes, allows, or designates for development  
 1457 substantial areas of the jurisdiction to develop as low-  
 1458 intensity, low-density, or single-use development or uses.

1459 (II) Promotes, allows, or designates significant amounts  
 1460 of urban development to occur in rural areas at substantial  
 1461 distances from existing urban areas while not using undeveloped  
 1462 lands that are available and suitable for development.

1463 (III) Promotes, allows, or designates urban development in  
 1464 radial, strip, isolated, or ribbon patterns generally emanating  
 1465 from existing urban developments.

1466 (IV) Fails to adequately protect and conserve natural  
 1467 resources, such as wetlands, floodplains, native vegetation,  
 1468 environmentally sensitive areas, natural groundwater aquifer  
 1469 recharge areas, lakes, rivers, shorelines, beaches, bays,  
 1470 estuarine systems, and other significant natural systems.

1471 (V) Fails to adequately protect adjacent agricultural  
 1472 areas and activities, including silviculture, active  
 1473 agricultural and silvicultural activities, passive agricultural  
 1474 activities, and dormant, unique, and prime farmlands and soils.

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1475           (VI) Fails to maximize use of existing public facilities  
 1476 and services.

1477           (VII) Fails to maximize use of future public facilities  
 1478 and services.

1479           (VIII) Allows for land use patterns or timing which  
 1480 disproportionately increase the cost in time, money, and energy  
 1481 of providing and maintaining facilities and services, including  
 1482 roads, potable water, sanitary sewer, stormwater management, law  
 1483 enforcement, education, health care, fire and emergency  
 1484 response, and general government.

1485           (IX) Fails to provide a clear separation between rural and  
 1486 urban uses.

1487           (X) Discourages or inhibits infill development or the  
 1488 redevelopment of existing neighborhoods and communities.

1489           (XI) Fails to encourage a functional mix of uses.

1490           (XII) Results in poor accessibility among linked or  
 1491 related land uses.

1492           (XIII) Results in the loss of significant amounts of  
 1493 functional open space.

1494           b. The future land use element or plan amendment shall be  
 1495 determined to discourage the proliferation of urban sprawl if it  
 1496 incorporates a development pattern or urban form that achieves  
 1497 four or more of the following:

1498           (I) Directs or locates economic growth and associated land  
 1499 development to geographic areas of the community in a manner  
 1500 that does not have an adverse impact on and protects natural  
 1501 resources and ecosystems.

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1502 (II) Promotes the efficient and cost-effective provision  
 1503 or extension of public infrastructure and services.

1504 (III) Promotes walkable and connected communities and  
 1505 provides for compact development and a mix of uses at densities  
 1506 and intensities that will support a range of housing choices and  
 1507 a multimodal transportation system, including pedestrian,  
 1508 bicycle, and transit, if available.

1509 (IV) Promotes conservation of water and energy.

1510 (V) Preserves agricultural areas and activities, including  
 1511 silviculture, and dormant, unique, and prime farmlands and  
 1512 soils.

1513 (VI) Preserves open space and natural lands and provides  
 1514 for public open space and recreation needs.

1515 (VII) Creates a balance of land uses based upon demands of  
 1516 residential population for the nonresidential needs of an area.

1517 (VIII) Provides uses, densities, and intensities of use  
 1518 and urban form that would remediate an existing or planned  
 1519 development pattern in the vicinity that constitutes sprawl or  
 1520 if it provides for an innovative development pattern such as  
 1521 transit-oriented developments or new towns as defined in s.  
 1522 163.3164.

1523 10. The future land use element shall include a future  
 1524 land use map or map series.

1525 a. The proposed distribution, extent, and location of the  
 1526 following uses shall be shown on the future land use map or map  
 1527 series:

1528 (I) Residential.

1529 (II) Commercial.

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1530           (III) Industrial.  
 1531           (IV) Agricultural.  
 1532           (V) Recreational.  
 1533           (VI) Conservation.  
 1534           (VII) Educational.  
 1535           (VIII) Public.  
 1536           b. The following areas shall also be shown on the future  
 1537 land use map or map series, if applicable:  
 1538           (I) Historic district boundaries and designated  
 1539 historically significant properties.  
 1540           (II) Transportation concurrency management area boundaries  
 1541 or transportation concurrency exception area boundaries.  
 1542           (III) Multimodal transportation district boundaries.  
 1543           (IV) Mixed use categories.  
 1544           c. The following natural resources or conditions shall be  
 1545 shown on the future land use map or map series, if applicable:  
 1546           (I) Existing and planned public potable waterwells, cones  
 1547 of influence, and wellhead protection areas.  
 1548           (II) Beaches and shores, including estuarine systems.  
 1549           (III) Rivers, bays, lakes, floodplains, and harbors.  
 1550           (IV) Wetlands.  
 1551           (V) Minerals and soils.  
 1552           (VI) Coastal high hazard areas.  
 1553           11. Local governments required to update or amend their  
 1554 comprehensive plan to include criteria and address compatibility  
 1555 of lands adjacent or closely proximate to existing military  
 1556 installations, or lands adjacent to an airport as defined in s.  
 1557 330.35 and consistent with s. 333.02, in their future land use



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1558 plan element shall transmit the update or amendment to the state  
 1559 land planning agency by June 30, 2012.

1560 (b) A transportation element addressing mobility issues in  
 1561 relationship to the size and character of the local government.  
 1562 The purpose of the transportation element shall be to plan for a  
 1563 multimodal transportation system that places emphasis on public  
 1564 transportation systems, where feasible. The element shall  
 1565 provide for a safe, convenient multimodal transportation system,  
 1566 coordinated with the future land use map or map series and  
 1567 designed to support all elements of the comprehensive plan. A  
 1568 local government that has all or part of its jurisdiction  
 1569 included within the metropolitan planning area of a metropolitan  
 1570 planning organization (M.P.O.) pursuant to s. 339.175 shall  
 1571 prepare and adopt a transportation element consistent with this  
 1572 subsection. Local governments that are not located within the  
 1573 metropolitan planning area of an M.P.O. shall address traffic  
 1574 circulation, mass transit, and ports, and aviation and related  
 1575 facilities consistent with this subsection, except that local  
 1576 governments with a population of 50,000 or less shall only be  
 1577 required to address transportation circulation. The element  
 1578 shall be coordinated with the plans and programs of any  
 1579 applicable metropolitan planning organization, transportation  
 1580 authority, Florida Transportation Plan, and Department of  
 1581 Transportation's adopted work program.

1582 1. Each local government's transportation element shall  
 1583 address

1584 ~~(b) A traffic circulation, including element consisting of~~  
 1585 ~~the types, locations, and extent of existing and proposed major~~

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1586 thoroughfares and transportation routes, including bicycle and  
 1587 pedestrian ways. Transportation corridors, as defined in s.  
 1588 334.03, may be designated in the transportation ~~traffie~~  
 1589 ~~circulation~~ element pursuant to s. 337.273. If the  
 1590 transportation corridors are designated, the local government  
 1591 may adopt a transportation corridor management ordinance. The  
 1592 element shall include a map or map series showing the general  
 1593 location of the existing and proposed transportation system  
 1594 features and shall be coordinated with the future land use map  
 1595 or map series. The element shall reflect the data, analysis, and  
 1596 associated principles and strategies relating to:

1597       a. The existing transportation system levels of service  
 1598 and system needs and the availability of transportation  
 1599 facilities and services.

1600       b. The growth trends and travel patterns and interactions  
 1601 between land use and transportation.

1602       c. Existing and projected intermodal deficiencies and  
 1603 needs.

1604       d. The projected transportation system levels of service  
 1605 and system needs based upon the future land use map and the  
 1606 projected integrated transportation system.

1607       e. How the local government will correct existing facility  
 1608 deficiencies, meet the identified needs of the projected  
 1609 transportation system, and advance the purpose of this paragraph  
 1610 and the other elements of the comprehensive plan.

1611       2. Local governments within a metropolitan planning area  
 1612 designated as an M.P.O. pursuant to s. 339.175 shall also  
 1613 address:

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- 1614        a. All alternative modes of travel, such as public
- 1615 transportation, pedestrian, and bicycle travel.
- 1616        b. Aviation, rail, seaport facilities, access to those
- 1617 facilities, and intermodal terminals.
- 1618        c. The capability to evacuate the coastal population
- 1619 before an impending natural disaster.
- 1620        d. Airports, projected airport and aviation development,
- 1621 and land use compatibility around airports, which includes areas
- 1622 defined in ss. 333.01 and 333.02.
- 1623        e. An identification of land use densities, building
- 1624 intensities, and transportation management programs to promote
- 1625 public transportation systems in designated public
- 1626 transportation corridors so as to encourage population densities
- 1627 sufficient to support such systems.
- 1628        3. Municipalities having populations greater than 50,000,
- 1629 and counties having populations greater than 75,000, shall
- 1630 include mass-transit provisions showing proposed methods for the
- 1631 moving of people, rights-of-way, terminals, and related
- 1632 facilities and shall address:
- 1633        a. The provision of efficient public transit services
- 1634 based upon existing and proposed major trip generators and
- 1635 attractors, safe and convenient public transit terminals, land
- 1636 uses, and accommodation of the special needs of the
- 1637 transportation disadvantaged.
- 1638        b. Plans for port, aviation, and related facilities
- 1639 coordinated with the general circulation and transportation
- 1640 element.

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1641 c. Plans for the circulation of recreational traffic,  
 1642 including bicycle facilities, exercise trails, riding  
 1643 facilities, and such other matters as may be related to the  
 1644 improvement and safety of movement of all types of recreational  
 1645 traffic.

1646 4. At the option of a local government, an airport master  
 1647 plan, and any subsequent amendments to the airport master plan,  
 1648 prepared by a licensed publicly owned and operated airport under  
 1649 s. 333.06 may be incorporated into the local government  
 1650 comprehensive plan by the local government having jurisdiction  
 1651 under this act for the area in which the airport or projected  
 1652 airport development is located by the adoption of a  
 1653 comprehensive plan amendment. In the amendment to the local  
 1654 comprehensive plan that integrates the airport master plan, the  
 1655 comprehensive plan amendment shall address land use  
 1656 compatibility consistent with chapter 333 regarding airport  
 1657 zoning; the provision of regional transportation facilities for  
 1658 the efficient use and operation of the transportation system and  
 1659 airport; consistency with the local government transportation  
 1660 circulation element and applicable M.P.O. long-range  
 1661 transportation plans; the execution of any necessary interlocal  
 1662 agreements for the purposes of the provision of public  
 1663 facilities and services to maintain the adopted level-of-service  
 1664 standards for facilities subject to concurrency; and may address  
 1665 airport-related or aviation-related development. Development or  
 1666 expansion of an airport consistent with the adopted airport  
 1667 master plan that has been incorporated into the local  
 1668 comprehensive plan in compliance with this part, and airport-

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1669 related or aviation-related development that has been addressed  
 1670 in the comprehensive plan amendment that incorporates the  
 1671 airport master plan, do not constitute a development of regional  
 1672 impact. Notwithstanding any other general law, an airport that  
 1673 has received a development-of-regional-impact development order  
 1674 pursuant to s. 380.06, but which is no longer required to  
 1675 undergo development-of-regional-impact review pursuant to this  
 1676 subsection, may rescind its development-of-regional-impact order  
 1677 upon written notification to the applicable local government.  
 1678 Upon receipt by the local government, the development-of-  
 1679 regional-impact development order shall be deemed rescinded. The  
 1680 ~~traffic circulation element shall incorporate transportation~~  
 1681 ~~strategies to address reduction in greenhouse gas emissions from~~  
 1682 ~~the transportation sector.~~

1683 (c) A general sanitary sewer, solid waste, drainage,  
 1684 potable water, and natural groundwater aquifer recharge element  
 1685 correlated to principles and guidelines for future land use,  
 1686 indicating ways to provide for future potable water, drainage,  
 1687 sanitary sewer, solid waste, and aquifer recharge protection  
 1688 requirements for the area. The element may be a detailed  
 1689 engineering plan including a topographic map depicting areas of  
 1690 prime groundwater recharge.

1691 1. Each local government shall address in the data and  
 1692 analyses required by this section those facilities that provide  
 1693 service within the local government's jurisdiction. Local  
 1694 governments that provide facilities to serve areas within other  
 1695 local government jurisdictions shall also address those  
 1696 facilities in the data and analyses required by this section,

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1697 using data from the comprehensive plan for those areas for the  
 1698 purpose of projecting facility needs as required in this  
 1699 subsection. For shared facilities, each local government shall  
 1700 indicate the proportional capacity of the systems allocated to  
 1701 serve its jurisdiction.

1702 2. The element shall describe the problems and needs and  
 1703 the general facilities that will be required for solution of the  
 1704 problems and needs, including correcting existing facility  
 1705 deficiencies. The element shall address coordinating the  
 1706 extension of, or increase in the capacity of, facilities to meet  
 1707 future needs while maximizing the use of existing facilities and  
 1708 discouraging urban sprawl; conservation of potable water  
 1709 resources; and protecting the functions of natural groundwater  
 1710 recharge areas and natural drainage features. ~~The element shall~~  
 1711 ~~also include a topographic map depicting any areas adopted by a~~  
 1712 ~~regional water management district as prime groundwater recharge~~  
 1713 ~~areas for the Floridan or Biscayne aquifers. These areas shall~~  
 1714 ~~be given special consideration when the local government is~~  
 1715 ~~engaged in zoning or considering future land use for said~~  
 1716 ~~designated areas. For areas served by septic tanks, soil surveys~~  
 1717 ~~shall be provided which indicate the suitability of soils for~~  
 1718 ~~septic tanks.~~

1719 3. Within 18 months after the governing board approves an  
 1720 updated regional water supply plan, the element must incorporate  
 1721 the alternative water supply project or projects selected by the  
 1722 local government from those identified in the regional water  
 1723 supply plan pursuant to s. 373.709(2) (a) or proposed by the  
 1724 local government under s. 373.709(8) (b). If a local government

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1725 is located within two water management districts, the local  
 1726 government shall adopt its comprehensive plan amendment within  
 1727 18 months after the later updated regional water supply plan.  
 1728 The element must identify such alternative water supply projects  
 1729 and traditional water supply projects and conservation and reuse  
 1730 necessary to meet the water needs identified in s. 373.709(2) (a)  
 1731 within the local government's jurisdiction and include a work  
 1732 plan, covering at least a 10-year planning period, for building  
 1733 public, private, and regional water supply facilities, including  
 1734 development of alternative water supplies, which are identified  
 1735 in the element as necessary to serve existing and new  
 1736 development. The work plan shall be updated, at a minimum, every  
 1737 5 years within 18 months after the governing board of a water  
 1738 management district approves an updated regional water supply  
 1739 plan. ~~Amendments to incorporate the work plan do not count~~  
 1740 ~~toward the limitation on the frequency of adoption of amendments~~  
 1741 ~~to the comprehensive plan.~~ Local governments, public and private  
 1742 utilities, regional water supply authorities, special districts,  
 1743 and water management districts are encouraged to cooperatively  
 1744 plan for the development of multijurisdictional water supply  
 1745 facilities that are sufficient to meet projected demands for  
 1746 established planning periods, including the development of  
 1747 alternative water sources to supplement traditional sources of  
 1748 groundwater and surface water supplies.

1749 (d) A conservation element for the conservation, use, and  
 1750 protection of natural resources in the area, including air,  
 1751 water, water recharge areas, wetlands, waterwells, estuarine  
 1752 marshes, soils, beaches, shores, flood plains, rivers, bays,

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1753 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
1754 minerals, and other natural and environmental resources,  
1755 including factors that affect energy conservation.

1756 1. The following natural resources, where present within  
1757 the local government's boundaries, shall be identified and  
1758 analyzed and existing recreational or conservation uses, known  
1759 pollution problems, including hazardous wastes, and the  
1760 potential for conservation, recreation, use, or protection shall  
1761 also be identified:

1762 a. Rivers, bays, lakes, wetlands including estuarine  
1763 marshes, groundwaters, and springs, including information on  
1764 quality of the resource available.

1765 b. Floodplains.

1766 c. Known sources of commercially valuable minerals.

1767 d. Areas known to have experienced soil erosion problems.

1768 e. Areas that are the location of recreationally and  
1769 commercially important fish or shellfish, wildlife, marine  
1770 habitats, and vegetative communities, including forests,  
1771 indicating known dominant species present and species listed by  
1772 federal, state, or local government agencies as endangered,  
1773 threatened, or species of special concern.

1774 2. The element must contain principles, guidelines, and  
1775 standards for conservation that provide long-term goals and  
1776 which:

1777 a. Protects air quality.

1778 b. Conserves, appropriately uses, and protects the quality  
1779 and quantity of current and projected water sources and waters  
1780 that flow into estuarine waters or oceanic waters and protect



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1781 from activities and land uses known to affect adversely the  
 1782 quality and quantity of identified water sources, including  
 1783 natural groundwater recharge areas, wellhead protection areas,  
 1784 and surface waters used as a source of public water supply.

1785 c. Provides for the emergency conservation of water  
 1786 sources in accordance with the plans of the regional water  
 1787 management district.

1788 d. Conserves, appropriately uses, and protects minerals,  
 1789 soils, and native vegetative communities, including forests,  
 1790 from destruction by development activities.

1791 e. Conserves, appropriately uses, and protects fisheries,  
 1792 wildlife, wildlife habitat, and marine habitat and restricts  
 1793 activities known to adversely affect the survival of endangered  
 1794 and threatened wildlife.

1795 f. Protects existing natural reservations identified in  
 1796 the recreation and open space element.

1797 g. Maintains cooperation with adjacent local governments  
 1798 to conserve, appropriately use, or protect unique vegetative  
 1799 communities located within more than one local jurisdiction.

1800 h. Designates environmentally sensitive lands for  
 1801 protection based on locally determined criteria which further  
 1802 the goals and objectives of the conservation element.

1803 i. Manages hazardous waste to protect natural resources.

1804 j. Protects and conserves wetlands and the natural  
 1805 functions of wetlands.

1806 k. Directs future land uses that are incompatible with the  
 1807 protection and conservation of wetlands and wetland functions  
 1808 away from wetlands. The type, intensity or density, extent,

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1809 distribution, and location of allowable land uses and the types,  
 1810 values, functions, sizes, conditions, and locations of wetlands  
 1811 are land use factors that shall be considered when directing  
 1812 incompatible land uses away from wetlands. Land uses shall be  
 1813 distributed in a manner that minimizes the effect and impact on  
 1814 wetlands. The protection and conservation of wetlands by the  
 1815 direction of incompatible land uses away from wetlands shall  
 1816 occur in combination with other principles, guidelines,  
 1817 standards, and strategies in the comprehensive plan. Where  
 1818 incompatible land uses are allowed to occur, mitigation shall be  
 1819 considered as one means to compensate for loss of wetlands  
 1820 functions.

1821 3. Local governments shall assess their Current and, as  
 1822 ~~well as~~ projected, ~~water~~ needs and sources for at least a 10-  
 1823 year period based on the demands for industrial, agricultural,  
 1824 and potable water use and the quality and quantity of water  
 1825 available to meet these demands shall be analyzed. The analysis  
 1826 shall consider the existing levels of water conservation, use,  
 1827 and protection and applicable policies of the regional water  
 1828 management district and further must consider, ~~considering~~ the  
 1829 appropriate regional water supply plan approved pursuant to s.  
 1830 373.709, or, in the absence of an approved regional water supply  
 1831 plan, the district water management plan approved pursuant to s.  
 1832 373.036(2). This information shall be submitted to the  
 1833 appropriate agencies. ~~The land use map or map series contained~~  
 1834 ~~in the future land use element shall generally identify and~~  
 1835 ~~depict the following:~~

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- 1836           1. ~~Existing and planned waterwells and cones of influence~~
- 1837 ~~where applicable.~~
- 1838           2. ~~Beaches and shores, including estuarine systems.~~
- 1839           3. ~~Rivers, bays, lakes, flood plains, and harbors.~~
- 1840           4. ~~Wetlands.~~
- 1841           5. ~~Minerals and soils.~~
- 1842           6. ~~Energy conservation.~~

1843

1844 ~~The land uses identified on such maps shall be consistent with~~

1845 ~~applicable state law and rules.~~

1846           (e) A recreation and open space element indicating a

1847 comprehensive system of public and private sites for recreation,

1848 including, but not limited to, natural reservations, parks and

1849 playgrounds, parkways, beaches and public access to beaches,

1850 open spaces, waterways, and other recreational facilities.

1851           (f)1. A housing element consisting of ~~standards, plans,~~

1852 ~~and principles,~~ guidelines, standards, and strategies to be

1853 followed in:

- 1854           a. The provision of housing for all current and
- 1855 anticipated future residents of the jurisdiction.
- 1856           b. The elimination of substandard dwelling conditions.
- 1857           c. The structural and aesthetic improvement of existing
- 1858 housing.
- 1859           d. The provision of adequate sites for future housing,
- 1860 including affordable workforce housing as defined in s.
- 1861 380.0651(3) (h) ~~(j)~~, housing for low-income, very low-income, and
- 1862 moderate-income families, mobile homes, and group home

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1863 facilities and foster care facilities, with supporting  
 1864 infrastructure and public facilities.

1865 e. Provision for relocation housing and identification of  
 1866 historically significant and other housing for purposes of  
 1867 conservation, rehabilitation, or replacement.

1868 f. The formulation of housing implementation programs.

1869 g. The creation or preservation of affordable housing to  
 1870 minimize the need for additional local services and avoid the  
 1871 concentration of affordable housing units only in specific areas  
 1872 of the jurisdiction.

1873 ~~h. Energy efficiency in the design and construction of new~~  
 1874 ~~housing.~~

1875 ~~i. Use of renewable energy resources.~~

1876 ~~j. Each county in which the gap between the buying power~~  
 1877 ~~of a family of four and the median county home sale price~~  
 1878 ~~exceeds \$170,000, as determined by the Florida Housing Finance~~  
 1879 ~~Corporation, and which is not designated as an area of critical~~  
 1880 ~~state concern shall adopt a plan for ensuring affordable~~  
 1881 ~~workforce housing. At a minimum, the plan shall identify~~  
 1882 ~~adequate sites for such housing. For purposes of this sub-~~  
 1883 ~~subparagraph, the term "workforce housing" means housing that is~~  
 1884 ~~affordable to natural persons or families whose total household~~  
 1885 ~~income does not exceed 140 percent of the area median income,~~  
 1886 ~~adjusted for household size.~~

1887 ~~k. As a precondition to receiving any state affordable~~  
 1888 ~~housing funding or allocation for any project or program within~~  
 1889 ~~the jurisdiction of a county that is subject to sub-subparagraph~~  
 1890 ~~j., a county must, by July 1 of each year, provide certification~~

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1891 ~~that the county has complied with the requirements of sub-~~  
 1892 ~~subparagraph j.~~

1893 2. The principles, guidelines, standards, and strategies  
 1894 goals, objectives, and policies of the housing element must be  
 1895 based on the data and analysis prepared on housing needs,  
 1896 including an inventory taken from the latest decennial United  
 1897 States Census or more recent estimates, which shall include the  
 1898 number and distribution of dwelling units by type, tenure, age,  
 1899 rent, value, monthly cost of owner-occupied units, and rent or  
 1900 cost to income ratio, and shall show the number of dwelling  
 1901 units that are substandard. The inventory shall also include the  
 1902 methodology used to estimate the condition of housing, a  
 1903 projection of the anticipated number of households by size,  
 1904 income range, and age of residents derived from the population  
 1905 projections, and the minimum housing need of the current and  
 1906 anticipated future residents of the jurisdiction ~~the affordable~~  
 1907 ~~housing needs assessment.~~

1908 3. The housing element must express principles,  
 1909 guidelines, standards, and strategies that reflect, as needed,  
 1910 the creation and preservation of affordable housing for all  
 1911 current and anticipated future residents of the jurisdiction,  
 1912 elimination of substandard housing conditions, adequate sites,  
 1913 and distribution of housing for a range of incomes and types,  
 1914 including mobile and manufactured homes. The element must  
 1915 provide for specific programs and actions to partner with  
 1916 private and nonprofit sectors to address housing needs in the  
 1917 jurisdiction, streamline the permitting process, and minimize  
 1918 costs and delays for affordable housing, establish standards to

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1919 address the quality of housing, stabilization of neighborhoods,  
 1920 and identification and improvement of historically significant  
 1921 housing.

1922 4. State and federal housing plans prepared on behalf of  
 1923 the local government must be consistent with the goals,  
 1924 objectives, and policies of the housing element. Local  
 1925 governments are encouraged to use job training, job creation,  
 1926 and economic solutions to address a portion of their affordable  
 1927 housing concerns.

1928 ~~2. To assist local governments in housing data collection~~  
 1929 ~~and analysis and assure uniform and consistent information~~  
 1930 ~~regarding the state's housing needs, the state land planning~~  
 1931 ~~agency shall conduct an affordable housing needs assessment for~~  
 1932 ~~all local jurisdictions on a schedule that coordinates the~~  
 1933 ~~implementation of the needs assessment with the evaluation and~~  
 1934 ~~appraisal reports required by s. 163.3191. Each local government~~  
 1935 ~~shall utilize the data and analysis from the needs assessment as~~  
 1936 ~~one basis for the housing element of its local comprehensive~~  
 1937 ~~plan. The agency shall allow a local government the option to~~  
 1938 ~~perform its own needs assessment, if it uses the methodology~~  
 1939 ~~established by the agency by rule.~~

1940 (g)~~1.~~ For those units of local government identified in s.  
 1941 380.24, a coastal management element, appropriately related to  
 1942 the particular requirements of paragraphs (d) and (e) and  
 1943 meeting the requirements of s. 163.3178(2) and (3). The coastal  
 1944 management element shall set forth the principles, guidelines,  
 1945 standards, and strategies ~~policies~~ that shall guide the local

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1946 government's decisions and program implementation with respect  
 1947 to the following objectives:

1948 1.a. Maintain, restore, and enhance ~~Maintenance,~~  
 1949 ~~restoration, and enhancement~~ of the overall quality of the  
 1950 coastal zone environment, including, but not limited to, its  
 1951 amenities and aesthetic values.

1952 2.b. Preserve the continued existence of viable  
 1953 populations of all species of wildlife and marine life.

1954 3.e. Protect the orderly and balanced utilization and  
 1955 preservation, consistent with sound conservation principles, of  
 1956 all living and nonliving coastal zone resources.

1957 4.d. Avoid ~~Avoidance~~ of irreversible and irretrievable  
 1958 loss of coastal zone resources.

1959 5.e. Use ecological planning principles and assumptions ~~to~~  
 1960 ~~be used~~ in the determination of the suitability ~~and extent~~ of  
 1961 permitted development.

1962 ~~f. Proposed management and regulatory techniques.~~

1963 6.g. Limit ~~Limitation~~ of public expenditures that  
 1964 subsidize development in ~~high-hazard~~ coastal high-hazard areas.

1965 7.h. Protect ~~Protection~~ of human life against the effects  
 1966 of natural disasters.

1967 8.i. Direct the orderly development, maintenance, and use  
 1968 of ports identified in s. 403.021(9) to facilitate deepwater  
 1969 commercial navigation and other related activities.

1970 9.j. Preserve historic and archaeological resources, which  
 1971 include the ~~Preservation, including~~ sensitive adaptive use of  
 1972 these ~~historic and archaeological~~ resources.

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1973           10. At the option of the local government, develop an  
 1974 adaptation action area designation for those low-lying coastal  
 1975 zones that are experiencing coastal flooding due to extreme high  
 1976 tides and storm surge and are vulnerable to the impacts of  
 1977 rising sea level. Local governments that adopt an adaptation  
 1978 action area may consider policies within the coastal management  
 1979 element to improve resilience to coastal flooding resulting from  
 1980 high-tide events, storm surge, flash floods, stormwater runoff,  
 1981 and related impacts of sea level rise. Criteria for the  
 1982 adaptation action area may include, but need not be limited to,  
 1983 areas for which the land elevations are below, at, or near mean  
 1984 higher high water, which have an hydrologic connection to  
 1985 coastal waters, or which are designated as evacuation zones for  
 1986 storm surge.

1987           ~~2. As part of this element, a local government that has a~~  
 1988 ~~coastal management element in its comprehensive plan is~~  
 1989 ~~encouraged to adopt recreational surface water use policies that~~  
 1990 ~~include applicable criteria for and consider such factors as~~  
 1991 ~~natural resources, manatee protection needs, protection of~~  
 1992 ~~working waterfronts and public access to the water, and~~  
 1993 ~~recreation and economic demands. Criteria for manatee protection~~  
 1994 ~~in the recreational surface water use policies should reflect~~  
 1995 ~~applicable guidance outlined in the Boat Facility Siting Guide~~  
 1996 ~~prepared by the Fish and Wildlife Conservation Commission. If~~  
 1997 ~~the local government elects to adopt recreational surface water~~  
 1998 ~~use policies by comprehensive plan amendment, such comprehensive~~  
 1999 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~  
 2000 ~~Local governments that wish to adopt recreational surface water~~



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2001 ~~use policies may be eligible for assistance with the development~~  
 2002 ~~of such policies through the Florida Coastal Management Program.~~  
 2003 ~~The Office of Program Policy Analysis and Government~~  
 2004 ~~Accountability shall submit a report on the adoption of~~  
 2005 ~~recreational surface water use policies under this subparagraph~~  
 2006 ~~to the President of the Senate, the Speaker of the House of~~  
 2007 ~~Representatives, and the majority and minority leaders of the~~  
 2008 ~~Senate and the House of Representatives no later than December~~  
 2009 ~~1, 2010.~~

2010 (h)1. An intergovernmental coordination element showing  
 2011 relationships and stating principles and guidelines to be used  
 2012 in coordinating the adopted comprehensive plan with the plans of  
 2013 school boards, regional water supply authorities, and other  
 2014 units of local government providing services but not having  
 2015 regulatory authority over the use of land, with the  
 2016 comprehensive plans of adjacent municipalities, the county,  
 2017 adjacent counties, or the region, with the state comprehensive  
 2018 plan and with the applicable regional water supply plan approved  
 2019 pursuant to s. 373.709, as the case may require and as such  
 2020 adopted plans or plans in preparation may exist. This element of  
 2021 the local comprehensive plan must demonstrate consideration of  
 2022 the particular effects of the local plan, when adopted, upon the  
 2023 development of adjacent municipalities, the county, adjacent  
 2024 counties, or the region, or upon the state comprehensive plan,  
 2025 as the case may require.

2026 a. The intergovernmental coordination element must provide  
 2027 procedures for identifying and implementing joint planning

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2028 areas, especially for the purpose of annexation, municipal  
 2029 incorporation, and joint infrastructure service areas.

2030 ~~b. The intergovernmental coordination element must provide~~  
 2031 ~~for recognition of campus master plans prepared pursuant to s.~~  
 2032 ~~1013.30 and airport master plans under paragraph (k).~~

2033 ~~e.~~ The intergovernmental coordination element shall  
 2034 provide for a dispute resolution process, as established  
 2035 pursuant to s. 186.509, for bringing intergovernmental disputes  
 2036 to closure in a timely manner.

2037 ~~c.d.~~ The intergovernmental coordination element shall  
 2038 provide for interlocal agreements as established pursuant to s.  
 2039 333.03(1)(b).

2040 2. The intergovernmental coordination element shall also  
 2041 state principles and guidelines to be used in coordinating the  
 2042 adopted comprehensive plan with the plans of school boards and  
 2043 other units of local government providing facilities and  
 2044 services but not having regulatory authority over the use of  
 2045 land. In addition, the intergovernmental coordination element  
 2046 must describe joint processes for collaborative planning and  
 2047 decisionmaking on population projections and public school  
 2048 siting, the location and extension of public facilities subject  
 2049 to concurrency, and siting facilities with countywide  
 2050 significance, including locally unwanted land uses whose nature  
 2051 and identity are established in an agreement.

2052 3. Within 1 year after adopting their intergovernmental  
 2053 coordination elements, each county, all the municipalities  
 2054 within that county, the district school board, and any unit of  
 2055 local government service providers in that county shall

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2056 establish by interlocal or other formal agreement executed by  
 2057 all affected entities, the joint processes described in this  
 2058 subparagraph consistent with their adopted intergovernmental  
 2059 coordination elements. The element must:

2060       a. Ensure that the local government addresses through  
 2061 coordination mechanisms the impacts of development proposed in  
 2062 the local comprehensive plan upon development in adjacent  
 2063 municipalities, the county, adjacent counties, the region, and  
 2064 the state. The area of concern for municipalities shall include  
 2065 adjacent municipalities, the county, and counties adjacent to  
 2066 the municipality. The area of concern for counties shall include  
 2067 all municipalities within the county, adjacent counties, and  
 2068 adjacent municipalities.

2069       b. Ensure coordination in establishing level of service  
 2070 standards for public facilities with any state, regional, or  
 2071 local entity having operational and maintenance responsibility  
 2072 for such facilities.

2073       ~~3. To foster coordination between special districts and~~  
 2074 ~~local general purpose governments as local general purpose~~  
 2075 ~~governments implement local comprehensive plans, each~~  
 2076 ~~independent special district must submit a public facilities~~  
 2077 ~~report to the appropriate local government as required by s.~~  
 2078 ~~189.415.~~

2079       ~~4. Local governments shall execute an interlocal agreement~~  
 2080 ~~with the district school board, the county, and nonexempt~~  
 2081 ~~municipalities pursuant to s. 163.31777. The local government~~  
 2082 ~~shall amend the intergovernmental coordination element to ensure~~  
 2083 ~~that coordination between the local government and school board~~

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2084 ~~is pursuant to the agreement and shall state the obligations of~~  
 2085 ~~the local government under the agreement. Plan amendments that~~  
 2086 ~~comply with this subparagraph are exempt from the provisions of~~  
 2087 ~~s. 163.3187(1).~~

2088 ~~5. By January 1, 2004, any county having a population~~  
 2089 ~~greater than 100,000, and the municipalities and special~~  
 2090 ~~districts within that county, shall submit a report to the~~  
 2091 ~~Department of Community Affairs which identifies:~~

2092 ~~a. All existing or proposed interlocal service delivery~~  
 2093 ~~agreements relating to education; sanitary sewer; public safety;~~  
 2094 ~~solid waste; drainage; potable water; parks and recreation; and~~  
 2095 ~~transportation facilities.~~

2096 ~~b. Any deficits or duplication in the provision of~~  
 2097 ~~services within its jurisdiction, whether capital or~~  
 2098 ~~operational. Upon request, the Department of Community Affairs~~  
 2099 ~~shall provide technical assistance to the local governments in~~  
 2100 ~~identifying deficits or duplication.~~

2101 ~~6. Within 6 months after submission of the report, the~~  
 2102 ~~Department of Community Affairs shall, through the appropriate~~  
 2103 ~~regional planning council, coordinate a meeting of all local~~  
 2104 ~~governments within the regional planning area to discuss the~~  
 2105 ~~reports and potential strategies to remedy any identified~~  
 2106 ~~deficiencies or duplications.~~

2107 ~~7. Each local government shall update its~~  
 2108 ~~intergovernmental coordination element based upon the findings~~  
 2109 ~~in the report submitted pursuant to subparagraph 5. The report~~  
 2110 ~~may be used as supporting data and analysis for the~~  
 2111 ~~intergovernmental coordination element.~~

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2112           ~~(i) The optional elements of the comprehensive plan in~~  
 2113 ~~paragraphs (7) (a) and (b) are required elements for those~~  
 2114 ~~municipalities having populations greater than 50,000, and those~~  
 2115 ~~counties having populations greater than 75,000, as determined~~  
 2116 ~~under s. 186.901.~~

2117           ~~(j) For each unit of local government within an urbanized~~  
 2118 ~~area designated for purposes of s. 339.175, a transportation~~  
 2119 ~~element, which must be prepared and adopted in lieu of the~~  
 2120 ~~requirements of paragraph (b) and paragraphs (7) (a), (b), (c),~~  
 2121 ~~and (d) and which shall address the following issues:~~

2122           ~~1. Traffic circulation, including major thoroughfares and~~  
 2123 ~~other routes, including bicycle and pedestrian ways.~~

2124           ~~2. All alternative modes of travel, such as public~~  
 2125 ~~transportation, pedestrian, and bicycle travel.~~

2126           ~~3. Parking facilities.~~

2127           ~~4. Aviation, rail, seaport facilities, access to those~~  
 2128 ~~facilities, and intermodal terminals.~~

2129           ~~5. The availability of facilities and services to serve~~  
 2130 ~~existing land uses and the compatibility between future land use~~  
 2131 ~~and transportation elements.~~

2132           ~~6. The capability to evacuate the coastal population prior~~  
 2133 ~~to an impending natural disaster.~~

2134           ~~7. Airports, projected airport and aviation development,~~  
 2135 ~~and land use compatibility around airports, which includes areas~~  
 2136 ~~defined in ss. 333.01 and 333.02.~~

2137           ~~8. An identification of land use densities, building~~  
 2138 ~~intensities, and transportation management programs to promote~~  
 2139 ~~public transportation systems in designated public~~

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2140 ~~transportation corridors so as to encourage population densities~~  
 2141 ~~sufficient to support such systems.~~

2142 ~~9. May include transportation corridors, as defined in s.~~  
 2143 ~~334.03, intended for future transportation facilities designated~~  
 2144 ~~pursuant to s. 337.273. If transportation corridors are~~  
 2145 ~~designated, the local government may adopt a transportation~~  
 2146 ~~corridor management ordinance.~~

2147 ~~10. The incorporation of transportation strategies to~~  
 2148 ~~address reduction in greenhouse gas emissions from the~~  
 2149 ~~transportation sector.~~

2150 ~~(k) An airport master plan, and any subsequent amendments~~  
 2151 ~~to the airport master plan, prepared by a licensed publicly~~  
 2152 ~~owned and operated airport under s. 333.06 may be incorporated~~  
 2153 ~~into the local government comprehensive plan by the local~~  
 2154 ~~government having jurisdiction under this act for the area in~~  
 2155 ~~which the airport or projected airport development is located by~~  
 2156 ~~the adoption of a comprehensive plan amendment. In the amendment~~  
 2157 ~~to the local comprehensive plan that integrates the airport~~  
 2158 ~~master plan, the comprehensive plan amendment shall address land~~  
 2159 ~~use compatibility consistent with chapter 333 regarding airport~~  
 2160 ~~zoning; the provision of regional transportation facilities for~~  
 2161 ~~the efficient use and operation of the transportation system and~~  
 2162 ~~airport; consistency with the local government transportation~~  
 2163 ~~circulation element and applicable metropolitan planning~~  
 2164 ~~organization long-range transportation plans; and the execution~~  
 2165 ~~of any necessary interlocal agreements for the purposes of the~~  
 2166 ~~provision of public facilities and services to maintain the~~  
 2167 ~~adopted level of service standards for facilities subject to~~

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2168 ~~concurrency; and may address airport-related or aviation-related~~  
 2169 ~~development. Development or expansion of an airport consistent~~  
 2170 ~~with the adopted airport master plan that has been incorporated~~  
 2171 ~~into the local comprehensive plan in compliance with this part,~~  
 2172 ~~and airport-related or aviation-related development that has~~  
 2173 ~~been addressed in the comprehensive plan amendment that~~  
 2174 ~~incorporates the airport master plan, shall not be a development~~  
 2175 ~~of regional impact. Notwithstanding any other general law, an~~  
 2176 ~~airport that has received a development-of-regional-impact~~  
 2177 ~~development order pursuant to s. 380.06, but which is no longer~~  
 2178 ~~required to undergo development-of-regional-impact review~~  
 2179 ~~pursuant to this subsection, may abandon its development-of-~~  
 2180 ~~regional-impact order upon written notification to the~~  
 2181 ~~applicable local government. Upon receipt by the local~~  
 2182 ~~government, the development-of-regional-impact development order~~  
 2183 ~~is void.~~

2184 ~~(7) The comprehensive plan may include the following~~  
 2185 ~~additional elements, or portions or phases thereof:~~

2186 ~~(a) As a part of the circulation element of paragraph~~  
 2187 ~~(6)(b) or as a separate element, a mass transit element showing~~  
 2188 ~~proposed methods for the moving of people, rights-of-way,~~  
 2189 ~~terminals, related facilities, and fiscal considerations for the~~  
 2190 ~~accomplishment of the element.~~

2191 ~~(b) As a part of the circulation element of paragraph~~  
 2192 ~~(6)(b) or as a separate element, plans for port, aviation, and~~  
 2193 ~~related facilities coordinated with the general circulation and~~  
 2194 ~~transportation element.~~

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2195 ~~(c) As a part of the circulation element of paragraph~~  
2196 ~~(6) (b) and in coordination with paragraph (6) (c), where~~  
2197 ~~applicable, a plan element for the circulation of recreational~~  
2198 ~~traffic, including bicycle facilities, exercise trails, riding~~  
2199 ~~facilities, and such other matters as may be related to the~~  
2200 ~~improvement and safety of movement of all types of recreational~~  
2201 ~~traffic.~~

2202 ~~(d) As a part of the circulation element of paragraph~~  
2203 ~~(6) (b) or as a separate element, a plan element for the~~  
2204 ~~development of offstreet parking facilities for motor vehicles~~  
2205 ~~and the fiscal considerations for the accomplishment of the~~  
2206 ~~element.~~

2207 ~~(e) A public buildings and related facilities element~~  
2208 ~~showing locations and arrangements of civic and community~~  
2209 ~~centers, public schools, hospitals, libraries, police and fire~~  
2210 ~~stations, and other public buildings. This plan element should~~  
2211 ~~show particularly how it is proposed to effect coordination with~~  
2212 ~~governmental units, such as school boards or hospital~~  
2213 ~~authorities, having public development and service~~  
2214 ~~responsibilities, capabilities, and potential but not having~~  
2215 ~~land development regulatory authority. This element may include~~  
2216 ~~plans for architecture and landscape treatment of their grounds.~~

2217 ~~(f) A recommended community design element which may~~  
2218 ~~consist of design recommendations for land subdivision,~~  
2219 ~~neighborhood development and redevelopment, design of open space~~  
2220 ~~locations, and similar matters to the end that such~~  
2221 ~~recommendations may be available as aids and guides to~~



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2222 ~~developers in the future planning and development of land in the~~  
 2223 ~~area.~~

2224 ~~(g) A general area redevelopment element consisting of~~  
 2225 ~~plans and programs for the redevelopment of slums and blighted~~  
 2226 ~~locations in the area and for community redevelopment, including~~  
 2227 ~~housing sites, business and industrial sites, public buildings~~  
 2228 ~~sites, recreational facilities, and other purposes authorized by~~  
 2229 ~~law.~~

2230 ~~(h) A safety element for the protection of residents and~~  
 2231 ~~property of the area from fire, hurricane, or manmade or natural~~  
 2232 ~~catastrophe, including such necessary features for protection as~~  
 2233 ~~evacuation routes and their control in an emergency, water~~  
 2234 ~~supply requirements, minimum road widths, clearances around and~~  
 2235 ~~elevations of structures, and similar matters.~~

2236 ~~(i) An historical and scenic preservation element setting~~  
 2237 ~~out plans and programs for those structures or lands in the area~~  
 2238 ~~having historical, archaeological, architectural, scenic, or~~  
 2239 ~~similar significance.~~

2240 ~~(j) An economic element setting forth principles and~~  
 2241 ~~guidelines for the commercial and industrial development, if~~  
 2242 ~~any, and the employment and personnel utilization within the~~  
 2243 ~~area. The element may detail the type of commercial and~~  
 2244 ~~industrial development sought, correlated to the present and~~  
 2245 ~~projected employment needs of the area and to other elements of~~  
 2246 ~~the plans, and may set forth methods by which a balanced and~~  
 2247 ~~stable economic base will be pursued.~~

2248 ~~(k) Such other elements as may be peculiar to, and~~  
 2249 ~~necessary for, the area concerned and as are added to the~~

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2250 ~~comprehensive plan by the governing body upon the recommendation~~  
 2251 ~~of the local planning agency.~~

2252 ~~(1) Local governments that are not required to prepare~~  
 2253 ~~coastal management elements under s. 163.3178 are encouraged to~~  
 2254 ~~adopt hazard mitigation/postdisaster redevelopment plans. These~~  
 2255 ~~plans should, at a minimum, establish long-term policies~~  
 2256 ~~regarding redevelopment, infrastructure, densities,~~  
 2257 ~~nonconforming uses, and future land use patterns. Grants to~~  
 2258 ~~assist local governments in the preparation of these hazard~~  
 2259 ~~mitigation/postdisaster redevelopment plans shall be available~~  
 2260 ~~through the Emergency Management Preparedness and Assistance~~  
 2261 ~~Account in the Grants and Donations Trust Fund administered by~~  
 2262 ~~the department, if such account is created by law. The plans~~  
 2263 ~~must be in compliance with the requirements of this act and~~  
 2264 ~~chapter 252.~~

2265 ~~(8) All elements of the comprehensive plan, whether~~  
 2266 ~~mandatory or optional, shall be based upon data appropriate to~~  
 2267 ~~the element involved. Surveys and studies utilized in the~~  
 2268 ~~preparation of the comprehensive plan shall not be deemed a part~~  
 2269 ~~of the comprehensive plan unless adopted as a part of it. Copies~~  
 2270 ~~of such studies, surveys, and supporting documents shall be made~~  
 2271 ~~available to public inspection, and copies of such plans shall~~  
 2272 ~~be made available to the public upon payment of reasonable~~  
 2273 ~~charges for reproduction.~~

2274 ~~(9) The state land planning agency shall, by February 15,~~  
 2275 ~~1986, adopt by rule minimum criteria for the review and~~  
 2276 ~~determination of compliance of the local government~~  
 2277 ~~comprehensive plan elements required by this act. Such rules~~

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2278 ~~shall not be subject to rule challenges under s. 120.56(2) or to~~  
 2279 ~~drawout proceedings under s. 120.54(3)(c)2. Such rules shall~~  
 2280 ~~become effective only after they have been submitted to the~~  
 2281 ~~President of the Senate and the Speaker of the House of~~  
 2282 ~~Representatives for review by the Legislature no later than 30~~  
 2283 ~~days prior to the next regular session of the Legislature. In~~  
 2284 ~~its review the Legislature may reject, modify, or take no action~~  
 2285 ~~relative to the rules. The agency shall conform the rules to the~~  
 2286 ~~changes made by the Legislature, or, if no action was taken, the~~  
 2287 ~~agency rules shall become effective. The rule shall include~~  
 2288 ~~criteria for determining whether:~~

2289 ~~(a) Proposed elements are in compliance with the~~  
 2290 ~~requirements of part II, as amended by this act.~~

2291 ~~(b) Other elements of the comprehensive plan are related~~  
 2292 ~~to and consistent with each other.~~

2293 ~~(c) The local government comprehensive plan elements are~~  
 2294 ~~consistent with the state comprehensive plan and the appropriate~~  
 2295 ~~regional policy plan pursuant to s. 186.508.~~

2296 ~~(d) Certain bays, estuaries, and harbors that fall under~~  
 2297 ~~the jurisdiction of more than one local government are managed~~  
 2298 ~~in a consistent and coordinated manner in the case of local~~  
 2299 ~~governments required to include a coastal management element in~~  
 2300 ~~their comprehensive plans pursuant to paragraph (6)(g).~~

2301 ~~(e) Proposed elements identify the mechanisms and~~  
 2302 ~~procedures for monitoring, evaluating, and appraising~~  
 2303 ~~implementation of the plan. Specific measurable objectives are~~  
 2304 ~~included to provide a basis for evaluating effectiveness as~~  
 2305 ~~required by s. 163.3191.~~

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2306           ~~(f) Proposed elements contain policies to guide future~~  
 2307 ~~decisions in a consistent manner.~~

2308           ~~(g) Proposed elements contain programs and activities to~~  
 2309 ~~ensure that comprehensive plans are implemented.~~

2310           ~~(h) Proposed elements identify the need for and the~~  
 2311 ~~processes and procedures to ensure coordination of all~~  
 2312 ~~development activities and services with other units of local~~  
 2313 ~~government, regional planning agencies, water management~~  
 2314 ~~districts, and state and federal agencies as appropriate.~~

2315

2316 ~~The state land planning agency may adopt procedural rules that~~  
 2317 ~~are consistent with this section and chapter 120 for the review~~  
 2318 ~~of local government comprehensive plan elements required under~~  
 2319 ~~this section. The state land planning agency shall provide model~~  
 2320 ~~plans and ordinances and, upon request, other assistance to~~  
 2321 ~~local governments in the adoption and implementation of their~~  
 2322 ~~revised local government comprehensive plans. The review and~~  
 2323 ~~comment provisions applicable prior to October 1, 1985, shall~~  
 2324 ~~continue in effect until the criteria for review and~~  
 2325 ~~determination are adopted pursuant to this subsection and the~~  
 2326 ~~comprehensive plans required by s. 163.3167(2) are due.~~

2327           ~~(10) The Legislature recognizes the importance and~~  
 2328 ~~significance of chapter 9J-5, Florida Administrative Code, the~~  
 2329 ~~Minimum Criteria for Review of Local Government Comprehensive~~  
 2330 ~~Plans and Determination of Compliance of the Department of~~  
 2331 ~~Community Affairs that will be used to determine compliance of~~  
 2332 ~~local comprehensive plans. The Legislature reserved unto itself~~  
 2333 ~~the right to review chapter 9J-5, Florida Administrative Code,~~

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2334 ~~and to reject, modify, or take no action relative to this rule.~~  
 2335 ~~Therefore, pursuant to subsection (9), the Legislature hereby~~  
 2336 ~~has reviewed chapter 9J-5, Florida Administrative Code, and~~  
 2337 ~~expresses the following legislative intent:~~

2338 ~~(a) The Legislature finds that in order for the department~~  
 2339 ~~to review local comprehensive plans, it is necessary to define~~  
 2340 ~~the term "consistency." Therefore, for the purpose of~~  
 2341 ~~determining whether local comprehensive plans are consistent~~  
 2342 ~~with the state comprehensive plan and the appropriate regional~~  
 2343 ~~policy plan, a local plan shall be consistent with such plans if~~  
 2344 ~~the local plan is "compatible with" and "furthers" such plans.~~  
 2345 ~~The term "compatible with" means that the local plan is not in~~  
 2346 ~~conflict with the state comprehensive plan or appropriate~~  
 2347 ~~regional policy plan. The term "furthers" means to take action~~  
 2348 ~~in the direction of realizing goals or policies of the state or~~  
 2349 ~~regional plan. For the purposes of determining consistency of~~  
 2350 ~~the local plan with the state comprehensive plan or the~~  
 2351 ~~appropriate regional policy plan, the state or regional plan~~  
 2352 ~~shall be construed as a whole and no specific goal and policy~~  
 2353 ~~shall be construed or applied in isolation from the other goals~~  
 2354 ~~and policies in the plans.~~

2355 ~~(b) Each local government shall review all the state~~  
 2356 ~~comprehensive plan goals and policies and shall address in its~~  
 2357 ~~comprehensive plan the goals and policies which are relevant to~~  
 2358 ~~the circumstances or conditions in its jurisdiction. The~~  
 2359 ~~decision regarding which particular state comprehensive plan~~  
 2360 ~~goals and policies will be furthered by the expenditure of a~~  
 2361 ~~local government's financial resources in any given year is a~~

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2362 ~~decision which rests solely within the discretion of the local~~  
 2363 ~~government. Intergovernmental coordination, as set forth in~~  
 2364 ~~paragraph (6) (h), shall be utilized to the extent required to~~  
 2365 ~~carry out the provisions of chapter 9J-5, Florida Administrative~~  
 2366 ~~Code.~~

2367 ~~(c) The Legislature declares that if any portion of~~  
 2368 ~~chapter 9J-5, Florida Administrative Code, is found to be in~~  
 2369 ~~conflict with this part, the appropriate statutory provision~~  
 2370 ~~shall prevail.~~

2371 ~~(d) Chapter 9J-5, Florida Administrative Code, does not~~  
 2372 ~~mandate the creation, limitation, or elimination of regulatory~~  
 2373 ~~authority, nor does it authorize the adoption or require the~~  
 2374 ~~repeal of any rules, criteria, or standards of any local,~~  
 2375 ~~regional, or state agency.~~

2376 ~~(e) It is the Legislature's intent that support data or~~  
 2377 ~~summaries thereof shall not be subject to the compliance review~~  
 2378 ~~process, but the Legislature intends that goals and policies be~~  
 2379 ~~clearly based on appropriate data. The department may utilize~~  
 2380 ~~support data or summaries thereof to aid in its determination of~~  
 2381 ~~compliance and consistency. The Legislature intends that the~~  
 2382 ~~department may evaluate the application of a methodology~~  
 2383 ~~utilized in data collection or whether a particular methodology~~  
 2384 ~~is professionally accepted. However, the department shall not~~  
 2385 ~~evaluate whether one accepted methodology is better than~~  
 2386 ~~another. Chapter 9J-5, Florida Administrative Code, shall not be~~  
 2387 ~~construed to require original data collection by local~~  
 2388 ~~governments; however, Local governments are not to be~~

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2389 ~~discouraged from utilizing original data so long as~~  
 2390 ~~methodologies are professionally accepted.~~

2391 ~~(f) The Legislature recognizes that under this section,~~  
 2392 ~~local governments are charged with setting levels of service for~~  
 2393 ~~public facilities in their comprehensive plans in accordance~~  
 2394 ~~with which development orders and permits will be issued~~  
 2395 ~~pursuant to s. 163.3202(2) (g). Nothing herein shall supersede~~  
 2396 ~~the authority of state, regional, or local agencies as otherwise~~  
 2397 ~~provided by law.~~

2398 ~~(g) Definitions contained in chapter 9J-5, Florida~~  
 2399 ~~Administrative Code, are not intended to modify or amend the~~  
 2400 ~~definitions utilized for purposes of other programs or rules or~~  
 2401 ~~to establish or limit regulatory authority. Local governments~~  
 2402 ~~may establish alternative definitions in local comprehensive~~  
 2403 ~~plans, as long as such definitions accomplish the intent of this~~  
 2404 ~~chapter, and chapter 9J-5, Florida Administrative Code.~~

2405 ~~(h) It is the intent of the Legislature that public~~  
 2406 ~~facilities and services needed to support development shall be~~  
 2407 ~~available concurrent with the impacts of such development in~~  
 2408 ~~accordance with s. 163.3180. In meeting this intent, public~~  
 2409 ~~facility and service availability shall be deemed sufficient if~~  
 2410 ~~the public facilities and services for a development are phased,~~  
 2411 ~~or the development is phased, so that the public facilities and~~  
 2412 ~~those related services which are deemed necessary by the local~~  
 2413 ~~government to operate the facilities necessitated by that~~  
 2414 ~~development are available concurrent with the impacts of the~~  
 2415 ~~development. The public facilities and services, unless already~~  
 2416 ~~available, are to be consistent with the capital improvements~~

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2417 ~~element of the local comprehensive plan as required by paragraph~~  
 2418 ~~(3)(a) or guaranteed in an enforceable development agreement.~~  
 2419 ~~This shall include development agreements pursuant to this~~  
 2420 ~~chapter or in an agreement or a development order issued~~  
 2421 ~~pursuant to chapter 380. Nothing herein shall be construed to~~  
 2422 ~~require a local government to address services in its capital~~  
 2423 ~~improvements plan or to limit a local government's ability to~~  
 2424 ~~address any service in its capital improvements plan that it~~  
 2425 ~~deems necessary.~~

2426 ~~(i) The department shall take into account the factors~~  
 2427 ~~delineated in rule 9J-5.002(2), Florida Administrative Code, as~~  
 2428 ~~it provides assistance to local governments and applies the rule~~  
 2429 ~~in specific situations with regard to the detail of the data and~~  
 2430 ~~analysis required.~~

2431 ~~(j) Chapter 9J-5, Florida Administrative Code, has become~~  
 2432 ~~effective pursuant to subsection (9). The Legislature hereby~~  
 2433 ~~directs the department to adopt amendments as necessary which~~  
 2434 ~~conform chapter 9J-5, Florida Administrative Code, with the~~  
 2435 ~~requirements of this legislative intent by October 1, 1986.~~

2436 ~~(k) In order for local governments to prepare and adopt~~  
 2437 ~~comprehensive plans with knowledge of the rules that are applied~~  
 2438 ~~to determine consistency of the plans with this part, there~~  
 2439 ~~should be no doubt as to the legal standing of chapter 9J-5,~~  
 2440 ~~Florida Administrative Code, at the close of the 1986~~  
 2441 ~~legislative session. Therefore, the Legislature declares that~~  
 2442 ~~changes made to chapter 9J-5 before October 1, 1986, are not~~  
 2443 ~~subject to rule challenges under s. 120.56(2), or to drawout~~  
 2444 ~~proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5,~~



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2445 ~~Florida Administrative Code, as amended, is subject to rule~~  
 2446 ~~challenges under s. 120.56(3), as nothing herein indicates~~  
 2447 ~~approval or disapproval of any portion of chapter 9J-5 not~~  
 2448 ~~specifically addressed herein. Any amendments to chapter 9J-5,~~  
 2449 ~~Florida Administrative Code, exclusive of the amendments adopted~~  
 2450 ~~prior to October 1, 1986, pursuant to this act, shall be subject~~  
 2451 ~~to the full chapter 120 process. All amendments shall have~~  
 2452 ~~effective dates as provided in chapter 120 and submission to the~~  
 2453 ~~President of the Senate and Speaker of the House of~~  
 2454 ~~Representatives shall not be required.~~

2455 ~~(1) The state land planning agency shall consider land use~~  
 2456 ~~compatibility issues in the vicinity of all airports in~~  
 2457 ~~coordination with the Department of Transportation and adjacent~~  
 2458 ~~to or in close proximity to all military installations in~~  
 2459 ~~coordination with the Department of Defense.~~

2460 ~~(11) (a) The Legislature recognizes the need for innovative~~  
 2461 ~~planning and development strategies which will address the~~  
 2462 ~~anticipated demands of continued urbanization of Florida's~~  
 2463 ~~coastal and other environmentally sensitive areas, and which~~  
 2464 ~~will accommodate the development of less populated regions of~~  
 2465 ~~the state which seek economic development and which have~~  
 2466 ~~suitable land and water resources to accommodate growth in an~~  
 2467 ~~environmentally acceptable manner. The Legislature further~~  
 2468 ~~recognizes the substantial advantages of innovative approaches~~  
 2469 ~~to development which may better serve to protect environmentally~~  
 2470 ~~sensitive areas, maintain the economic viability of agricultural~~  
 2471 ~~and other predominantly rural land uses, and provide for the~~  
 2472 ~~cost-efficient delivery of public facilities and services.~~

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2473           ~~(b) It is the intent of the Legislature that the local~~  
 2474 ~~government comprehensive plans and plan amendments adopted~~  
 2475 ~~pursuant to the provisions of this part provide for a planning~~  
 2476 ~~process which allows for land use efficiencies within existing~~  
 2477 ~~urban areas and which also allows for the conversion of rural~~  
 2478 ~~lands to other uses, where appropriate and consistent with the~~  
 2479 ~~other provisions of this part and the affected local~~  
 2480 ~~comprehensive plans, through the application of innovative and~~  
 2481 ~~flexible planning and development strategies and creative land~~  
 2482 ~~use planning techniques, which may include, but not be limited~~  
 2483 ~~to, urban villages, new towns, satellite communities, area-based~~  
 2484 ~~allocations, clustering and open space provisions, mixed-use~~  
 2485 ~~development, and sector planning.~~

2486           ~~(c) It is the further intent of the Legislature that local~~  
 2487 ~~government comprehensive plans and implementing land development~~  
 2488 ~~regulations shall provide strategies which maximize the use of~~  
 2489 ~~existing facilities and services through redevelopment, urban~~  
 2490 ~~infill development, and other strategies for urban~~  
 2491 ~~revitalization.~~

2492           ~~(d)1. The department, in cooperation with the Department~~  
 2493 ~~of Agriculture and Consumer Services, the Department of~~  
 2494 ~~Environmental Protection, water management districts, and~~  
 2495 ~~regional planning councils, shall provide assistance to local~~  
 2496 ~~governments in the implementation of this paragraph and rule 9J-~~  
 2497 ~~5.006(5)(1), Florida Administrative Code. Implementation of~~  
 2498 ~~those provisions shall include a process by which the department~~  
 2499 ~~may authorize local governments to designate all or portions of~~  
 2500 ~~lands classified in the future land use element as predominantly~~

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2501 ~~agricultural, rural, open, open-rural, or a substantively~~  
 2502 ~~equivalent land use, as a rural land stewardship area within~~  
 2503 ~~which planning and economic incentives are applied to encourage~~  
 2504 ~~the implementation of innovative and flexible planning and~~  
 2505 ~~development strategies and creative land use planning~~  
 2506 ~~techniques, including those contained herein and in rule 9J-~~  
 2507 ~~5.006(5)(1), Florida Administrative Code. Assistance may~~  
 2508 ~~include, but is not limited to:~~

2509 ~~a. Assistance from the Department of Environmental~~  
 2510 ~~Protection and water management districts in creating the~~  
 2511 ~~geographic information systems land cover database and aerial~~  
 2512 ~~photogrammetry needed to prepare for a rural land stewardship~~  
 2513 ~~area;~~

2514 ~~b. Support for local government implementation of rural~~  
 2515 ~~land stewardship concepts by providing information and~~  
 2516 ~~assistance to local governments regarding land acquisition~~  
 2517 ~~programs that may be used by the local government or landowners~~  
 2518 ~~to leverage the protection of greater acreage and maximize the~~  
 2519 ~~effectiveness of rural land stewardship areas; and~~

2520 ~~e. Expansion of the role of the Department of Community~~  
 2521 ~~Affairs as a resource agency to facilitate establishment of~~  
 2522 ~~rural land stewardship areas in smaller rural counties that do~~  
 2523 ~~not have the staff or planning budgets to create a rural land~~  
 2524 ~~stewardship area.~~

2525 ~~2. The department shall encourage participation by local~~  
 2526 ~~governments of different sizes and rural characteristics in~~  
 2527 ~~establishing and implementing rural land stewardship areas. It~~  
 2528 ~~is the intent of the Legislature that rural land stewardship~~

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2529 ~~areas be used to further the following broad principles of rural~~  
 2530 ~~sustainability: restoration and maintenance of the economic~~  
 2531 ~~value of rural land; control of urban sprawl; identification and~~  
 2532 ~~protection of ecosystems, habitats, and natural resources;~~  
 2533 ~~promotion of rural economic activity; maintenance of the~~  
 2534 ~~viability of Florida's agricultural economy; and protection of~~  
 2535 ~~the character of rural areas of Florida. Rural land stewardship~~  
 2536 ~~areas may be multicounty in order to encourage coordinated~~  
 2537 ~~regional stewardship planning.~~

2538 ~~3. A local government, in conjunction with a regional~~  
 2539 ~~planning council, a stakeholder organization of private land~~  
 2540 ~~owners, or another local government, shall notify the department~~  
 2541 ~~in writing of its intent to designate a rural land stewardship~~  
 2542 ~~area. The written notification shall describe the basis for the~~  
 2543 ~~designation, including the extent to which the rural land~~  
 2544 ~~stewardship area enhances rural land values, controls urban~~  
 2545 ~~sprawl, provides necessary open space for agriculture and~~  
 2546 ~~protection of the natural environment, promotes rural economic~~  
 2547 ~~activity, and maintains rural character and the economic~~  
 2548 ~~viability of agriculture.~~

2549 ~~4. A rural land stewardship area shall be not less than~~  
 2550 ~~10,000 acres and shall be located outside of municipalities and~~  
 2551 ~~established urban growth boundaries, and shall be designated by~~  
 2552 ~~plan amendment. The plan amendment designating a rural land~~  
 2553 ~~stewardship area shall be subject to review by the Department of~~  
 2554 ~~Community Affairs pursuant to s. 163.3184 and shall provide for~~  
 2555 ~~the following:~~

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2556           ~~a. Criteria for the designation of receiving areas within~~  
 2557 ~~rural land stewardship areas in which innovative planning and~~  
 2558 ~~development strategies may be applied. Criteria shall at a~~  
 2559 ~~minimum provide for the following: adequacy of suitable land to~~  
 2560 ~~accommodate development so as to avoid conflict with~~  
 2561 ~~environmentally sensitive areas, resources, and habitats;~~  
 2562 ~~compatibility between and transition from higher density uses to~~  
 2563 ~~lower intensity rural uses; the establishment of receiving area~~  
 2564 ~~service boundaries which provide for a separation between~~  
 2565 ~~receiving areas and other land uses within the rural land~~  
 2566 ~~stewardship area through limitations on the extension of~~  
 2567 ~~services; and connection of receiving areas with the rest of the~~  
 2568 ~~rural land stewardship area using rural design and rural road~~  
 2569 ~~corridors.~~

2570           ~~b. Goals, objectives, and policies setting forth the~~  
 2571 ~~innovative planning and development strategies to be applied~~  
 2572 ~~within rural land stewardship areas pursuant to the provisions~~  
 2573 ~~of this section.~~

2574           ~~e. A process for the implementation of innovative planning~~  
 2575 ~~and development strategies within the rural land stewardship~~  
 2576 ~~area, including those described in this subsection and rule 9J-~~  
 2577 ~~5.006(5)(1), Florida Administrative Code, which provide for a~~  
 2578 ~~functional mix of land uses, including adequate available~~  
 2579 ~~workforce housing, including low, very-low and moderate income~~  
 2580 ~~housing for the development anticipated in the receiving area~~  
 2581 ~~and which are applied through the adoption by the local~~  
 2582 ~~government of zoning and land development regulations applicable~~  
 2583 ~~to the rural land stewardship area.~~

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2584 ~~d. A process which encourages visioning pursuant to s.~~  
 2585 ~~163.3167(11) to ensure that innovative planning and development~~  
 2586 ~~strategies comply with the provisions of this section.~~

2587 ~~e. The control of sprawl through the use of innovative~~  
 2588 ~~strategies and creative land use techniques consistent with the~~  
 2589 ~~provisions of this subsection and rule 9J-5.006(5)(1), Florida~~  
 2590 ~~Administrative Code.~~

2591 ~~5. A receiving area shall be designated by the adoption of~~  
 2592 ~~a land development regulation. Prior to the designation of a~~  
 2593 ~~receiving area, the local government shall provide the~~  
 2594 ~~Department of Community Affairs a period of 30 days in which to~~  
 2595 ~~review a proposed receiving area for consistency with the rural~~  
 2596 ~~land stewardship area plan amendment and to provide comments to~~  
 2597 ~~the local government. At the time of designation of a~~  
 2598 ~~stewardship receiving area, a listed species survey will be~~  
 2599 ~~performed. If listed species occur on the receiving area site,~~  
 2600 ~~the developer shall coordinate with each appropriate local,~~  
 2601 ~~state, or federal agency to determine if adequate provisions~~  
 2602 ~~have been made to protect those species in accordance with~~  
 2603 ~~applicable regulations. In determining the adequacy of~~  
 2604 ~~provisions for the protection of listed species and their~~  
 2605 ~~habitats, the rural land stewardship area shall be considered as~~  
 2606 ~~a whole, and the impacts to areas to be developed as receiving~~  
 2607 ~~areas shall be considered together with the environmental~~  
 2608 ~~benefits of areas protected as sending areas in fulfilling this~~  
 2609 ~~criteria.~~

2610 ~~6. Upon the adoption of a plan amendment creating a rural~~  
 2611 ~~land stewardship area, the local government shall, by ordinance,~~

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2612 ~~establish the methodology for the creation, conveyance, and use~~  
 2613 ~~of transferable rural land use credits, otherwise referred to as~~  
 2614 ~~stewardship credits, the application of which shall not~~  
 2615 ~~constitute a right to develop land, nor increase density of~~  
 2616 ~~land, except as provided by this section. The total amount of~~  
 2617 ~~transferable rural land use credits within the rural land~~  
 2618 ~~stewardship area must enable the realization of the long-term~~  
 2619 ~~vision and goals for the 25-year or greater projected population~~  
 2620 ~~of the rural land stewardship area, which may take into~~  
 2621 ~~consideration the anticipated effect of the proposed receiving~~  
 2622 ~~areas. Transferable rural land use credits are subject to the~~  
 2623 ~~following limitations:~~

2624 ~~a. Transferable rural land use credits may only exist~~  
 2625 ~~within a rural land stewardship area.~~

2626 ~~b. Transferable rural land use credits may only be used on~~  
 2627 ~~lands designated as receiving areas and then solely for the~~  
 2628 ~~purpose of implementing innovative planning and development~~  
 2629 ~~strategies and creative land use planning techniques adopted by~~  
 2630 ~~the local government pursuant to this section.~~

2631 ~~e. Transferable rural land use credits assigned to a~~  
 2632 ~~parcel of land within a rural land stewardship area shall cease~~  
 2633 ~~to exist if the parcel of land is removed from the rural land~~  
 2634 ~~stewardship area by plan amendment.~~

2635 ~~d. Neither the creation of the rural land stewardship area~~  
 2636 ~~by plan amendment nor the assignment of transferable rural land~~  
 2637 ~~use credits by the local government shall operate to displace~~  
 2638 ~~the underlying density of land uses assigned to a parcel of land~~  
 2639 ~~within the rural land stewardship area; however, if transferable~~

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2640 ~~rural land use credits are transferred from a parcel for use~~  
 2641 ~~within a designated receiving area, the underlying density~~  
 2642 ~~assigned to the parcel of land shall cease to exist.~~

2643 ~~e. The underlying density on each parcel of land located~~  
 2644 ~~within a rural land stewardship area shall not be increased or~~  
 2645 ~~decreased by the local government, except as a result of the~~  
 2646 ~~conveyance or use of transferable rural land use credits, as~~  
 2647 ~~long as the parcel remains within the rural land stewardship~~  
 2648 ~~area.~~

2649 ~~f. Transferable rural land use credits shall cease to~~  
 2650 ~~exist on a parcel of land where the underlying density assigned~~  
 2651 ~~to the parcel of land is utilized.~~

2652 ~~g. An increase in the density of use on a parcel of land~~  
 2653 ~~located within a designated receiving area may occur only~~  
 2654 ~~through the assignment or use of transferable rural land use~~  
 2655 ~~credits and shall not require a plan amendment.~~

2656 ~~h. A change in the density of land use on parcels located~~  
 2657 ~~within receiving areas shall be specified in a development order~~  
 2658 ~~which reflects the total number of transferable rural land use~~  
 2659 ~~credits assigned to the parcel of land and the infrastructure~~  
 2660 ~~and support services necessary to provide for a functional mix~~  
 2661 ~~of land uses corresponding to the plan of development.~~

2662 ~~i. Land within a rural land stewardship area may be~~  
 2663 ~~removed from the rural land stewardship area through a plan~~  
 2664 ~~amendment.~~

2665 ~~j. Transferable rural land use credits may be assigned at~~  
 2666 ~~different ratios of credits per acre according to the natural~~  
 2667 ~~resource or other beneficial use characteristics of the land and~~



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2668 ~~according to the land use remaining following the transfer of~~  
 2669 ~~credits, with the highest number of credits per acre assigned to~~  
 2670 ~~the most environmentally valuable land or, in locations where~~  
 2671 ~~the retention of open space and agricultural land is a priority,~~  
 2672 ~~to such lands.~~

2673 ~~k. The use or conveyance of transferable rural land use~~  
 2674 ~~credits must be recorded in the public records of the county in~~  
 2675 ~~which the property is located as a covenant or restrictive~~  
 2676 ~~easement running with the land in favor of the county and either~~  
 2677 ~~the Department of Environmental Protection, Department of~~  
 2678 ~~Agriculture and Consumer Services, a water management district,~~  
 2679 ~~or a recognized statewide land trust.~~

2680 ~~7. Owners of land within rural land stewardship areas~~  
 2681 ~~should be provided incentives to enter into rural land~~  
 2682 ~~stewardship agreements, pursuant to existing law and rules~~  
 2683 ~~adopted thereto, with state agencies, water management~~  
 2684 ~~districts, and local governments to achieve mutually agreed upon~~  
 2685 ~~conservation objectives. Such incentives may include, but not be~~  
 2686 ~~limited to, the following:~~

2687 ~~a. Opportunity to accumulate transferable mitigation~~  
 2688 ~~credits.~~

2689 ~~b. Extended permit agreements.~~

2690 ~~e. Opportunities for recreational leases and ecotourism.~~

2691 ~~d. Payment for specified land management services on~~  
 2692 ~~publicly owned land, or property under covenant or restricted~~  
 2693 ~~easement in favor of a public entity.~~

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2694 ~~e. Option agreements for sale to public entities or~~  
 2695 ~~private land conservation entities, in either fee or easement,~~  
 2696 ~~upon achievement of conservation objectives.~~

2697 ~~8. The department shall report to the Legislature on an~~  
 2698 ~~annual basis on the results of implementation of rural land~~  
 2699 ~~stewardship areas authorized by the department, including~~  
 2700 ~~successes and failures in achieving the intent of the~~  
 2701 ~~Legislature as expressed in this paragraph.~~

2702 ~~(c) The Legislature finds that mixed-use, high-density~~  
 2703 ~~development is appropriate for urban infill and redevelopment~~  
 2704 ~~areas. Mixed-use projects accommodate a variety of uses,~~  
 2705 ~~including residential and commercial, and usually at higher~~  
 2706 ~~densities that promote pedestrian-friendly, sustainable~~  
 2707 ~~communities. The Legislature recognizes that mixed-use, high-~~  
 2708 ~~density development improves the quality of life for residents~~  
 2709 ~~and businesses in urban areas. The Legislature finds that mixed-~~  
 2710 ~~use, high-density redevelopment and infill benefits residents by~~  
 2711 ~~creating a livable community with alternative modes of~~  
 2712 ~~transportation. Furthermore, the Legislature finds that local~~  
 2713 ~~zoning ordinances often discourage mixed-use, high-density~~  
 2714 ~~development in areas that are appropriate for urban infill and~~  
 2715 ~~redevelopment. The Legislature intends to discourage single-use~~  
 2716 ~~zoning in urban areas which often leads to lower-density, land-~~  
 2717 ~~intensive development outside an urban service area. Therefore,~~  
 2718 ~~the Department of Community Affairs shall provide technical~~  
 2719 ~~assistance to local governments in order to encourage mixed-use,~~  
 2720 ~~high-density urban infill and redevelopment projects.~~

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2721           ~~(f) The Legislature finds that a program for the transfer~~  
 2722 ~~of development rights is a useful tool to preserve historic~~  
 2723 ~~buildings and create public open spaces in urban areas. A~~  
 2724 ~~program for the transfer of development rights allows the~~  
 2725 ~~transfer of density credits from historic properties and public~~  
 2726 ~~open spaces to areas designated for high-density development.~~  
 2727 ~~The Legislature recognizes that high-density development is~~  
 2728 ~~integral to the success of many urban infill and redevelopment~~  
 2729 ~~projects. The Legislature intends to encourage high-density~~  
 2730 ~~urban infill and redevelopment while preserving historic~~  
 2731 ~~structures and open spaces. Therefore, the Department of~~  
 2732 ~~Community Affairs shall provide technical assistance to local~~  
 2733 ~~governments in order to promote the transfer of development~~  
 2734 ~~rights within urban areas for high-density infill and~~  
 2735 ~~redevelopment projects.~~

2736           ~~(g) The implementation of this subsection shall be subject~~  
 2737 ~~to the provisions of this chapter, chapters 186 and 187, and~~  
 2738 ~~applicable agency rules.~~

2739           ~~(h) The department may adopt rules necessary to implement~~  
 2740 ~~the provisions of this subsection.~~

2741           ~~(12) A public school facilities element adopted to~~  
 2742 ~~implement a school concurrency program shall meet the~~  
 2743 ~~requirements of this subsection. Each county and each~~  
 2744 ~~municipality within the county, unless exempt or subject to a~~  
 2745 ~~waiver, must adopt a public school facilities element that is~~  
 2746 ~~consistent with those adopted by the other local governments~~  
 2747 ~~within the county and enter the interlocal agreement pursuant to~~  
 2748 ~~s. 163.31777.~~

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2749           ~~(a) The state land planning agency may provide a waiver to~~  
 2750 ~~a county and to the municipalities within the county if the~~  
 2751 ~~capacity rate for all schools within the school district is no~~  
 2752 ~~greater than 100 percent and the projected 5-year capital outlay~~  
 2753 ~~full-time equivalent student growth rate is less than 10~~  
 2754 ~~percent. The state land planning agency may allow for a~~  
 2755 ~~projected 5-year capital outlay full-time equivalent student~~  
 2756 ~~growth rate to exceed 10 percent when the projected 10-year~~  
 2757 ~~capital outlay full-time equivalent student enrollment is less~~  
 2758 ~~than 2,000 students and the capacity rate for all schools within~~  
 2759 ~~the school district in the tenth year will not exceed the 100-~~  
 2760 ~~percent limitation. The state land planning agency may allow for~~  
 2761 ~~a single school to exceed the 100-percent limitation if it can~~  
 2762 ~~be demonstrated that the capacity rate for that single school is~~  
 2763 ~~not greater than 105 percent. In making this determination, the~~  
 2764 ~~state land planning agency shall consider the following~~  
 2765 ~~criteria:~~

2766           ~~1. Whether the exceedance is due to temporary~~  
 2767 ~~circumstances;~~

2768           ~~2. Whether the projected 5-year capital outlay full time~~  
 2769 ~~equivalent student growth rate for the school district is~~  
 2770 ~~approaching the 10-percent threshold;~~

2771           ~~3. Whether one or more additional schools within the~~  
 2772 ~~school district are at or approaching the 100-percent threshold;~~  
 2773 ~~and~~

2774           ~~4. The adequacy of the data and analysis submitted to~~  
 2775 ~~support the waiver request.~~

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2776           ~~(b) A municipality in a nonexempt county is exempt if the~~  
 2777 ~~municipality meets all of the following criteria for having no~~  
 2778 ~~significant impact on school attendance:~~

2779           ~~1. The municipality has issued development orders for~~  
 2780 ~~fewer than 50 residential dwelling units during the preceding 5~~  
 2781 ~~years, or the municipality has generated fewer than 25~~  
 2782 ~~additional public school students during the preceding 5 years.~~

2783           ~~2. The municipality has not annexed new land during the~~  
 2784 ~~preceding 5 years in land use categories that permit residential~~  
 2785 ~~uses that will affect school attendance rates.~~

2786           ~~3. The municipality has no public schools located within~~  
 2787 ~~its boundaries.~~

2788           ~~(c) A public school facilities element shall be based upon~~  
 2789 ~~data and analyses that address, among other items, how level-of-~~  
 2790 ~~service standards will be achieved and maintained. Such data and~~  
 2791 ~~analyses must include, at a minimum, such items as: the~~  
 2792 ~~interlocal agreement adopted pursuant to s. 163.31777 and the 5-~~  
 2793 ~~year school district facilities work program adopted pursuant to~~  
 2794 ~~s. 1013.35; the educational plant survey prepared pursuant to s.~~  
 2795 ~~1013.31 and an existing educational and ancillary plant map or~~  
 2796 ~~map series; information on existing development and development~~  
 2797 ~~anticipated for the next 5 years and the long-term planning~~  
 2798 ~~period; an analysis of problems and opportunities for existing~~  
 2799 ~~schools and schools anticipated in the future; an analysis of~~  
 2800 ~~opportunities to collocate future schools with other public~~  
 2801 ~~facilities such as parks, libraries, and community centers; an~~  
 2802 ~~analysis of the need for supporting public facilities for~~  
 2803 ~~existing and future schools; an analysis of opportunities to~~

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2804 ~~locate schools to serve as community focal points; projected~~  
 2805 ~~future population and associated demographics, including~~  
 2806 ~~development patterns year by year for the upcoming 5-year and~~  
 2807 ~~long-term planning periods; and anticipated educational and~~  
 2808 ~~ancillary plants with land area requirements.~~

2809 ~~(d) The element shall contain one or more goals which~~  
 2810 ~~establish the long-term end toward which public school programs~~  
 2811 ~~and activities are ultimately directed.~~

2812 ~~(e) The element shall contain one or more objectives for~~  
 2813 ~~each goal, setting specific, measurable, intermediate ends that~~  
 2814 ~~are achievable and mark progress toward the goal.~~

2815 ~~(f) The element shall contain one or more policies for~~  
 2816 ~~each objective which establish the way in which programs and~~  
 2817 ~~activities will be conducted to achieve an identified goal.~~

2818 ~~(g) The objectives and policies shall address items such~~  
 2819 ~~as:~~

- 2820 ~~1. The procedure for an annual update process;~~
- 2821 ~~2. The procedure for school site selection;~~
- 2822 ~~3. The procedure for school permitting;~~
- 2823 ~~4. Provision for infrastructure necessary to support~~  
 2824 ~~proposed schools, including potable water, wastewater, drainage,~~  
 2825 ~~solid waste, transportation, and means by which to assure safe~~  
 2826 ~~access to schools, including sidewalks, bicycle paths, turn~~  
 2827 ~~lanes, and signalization;~~
- 2828 ~~5. Provision for colocation of other public facilities,~~  
 2829 ~~such as parks, libraries, and community centers, in proximity to~~  
 2830 ~~public schools;~~

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2831           ~~6. Provision for location of schools proximate to~~  
 2832 ~~residential areas and to complement patterns of development,~~  
 2833 ~~including the location of future school sites so they serve as~~  
 2834 ~~community focal points;~~

2835           ~~7. Measures to ensure compatibility of school sites and~~  
 2836 ~~surrounding land uses;~~

2837           ~~8. Coordination with adjacent local governments and the~~  
 2838 ~~school district on emergency preparedness issues, including the~~  
 2839 ~~use of public schools to serve as emergency shelters; and~~

2840           ~~9. Coordination with the future land use element.~~

2841           ~~(h) The element shall include one or more future~~  
 2842 ~~conditions maps which depict the anticipated location of~~  
 2843 ~~educational and ancillary plants, including the general location~~  
 2844 ~~of improvements to existing schools or new schools anticipated~~  
 2845 ~~over the 5-year or long-term planning period. The maps will of~~  
 2846 ~~necessity be general for the long-term planning period and more~~  
 2847 ~~specific for the 5-year period. Maps indicating general~~  
 2848 ~~locations of future schools or school improvements may not~~  
 2849 ~~prescribe a land use on a particular parcel of land.~~

2850           ~~(i) The state land planning agency shall establish a~~  
 2851 ~~phased schedule for adoption of the public school facilities~~  
 2852 ~~element and the required updates to the public schools~~  
 2853 ~~interlocal agreement pursuant to s. 163.31777. The schedule~~  
 2854 ~~shall provide for each county and local government within the~~  
 2855 ~~county to adopt the element and update to the agreement no later~~  
 2856 ~~than December 1, 2008. Plan amendments to adopt a public school~~  
 2857 ~~facilities element are exempt from the provisions of s.~~  
 2858 ~~163.3187(1).~~

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2859           ~~(j) The state land planning agency may issue a notice to~~  
 2860 ~~the school board and the local government to show cause why~~  
 2861 ~~sanctions should not be enforced for failure to enter into an~~  
 2862 ~~approved interlocal agreement as required by s. 163.31777 or for~~  
 2863 ~~failure to implement provisions relating to public school~~  
 2864 ~~concurrency. If the state land planning agency finds that~~  
 2865 ~~insufficient cause exists for the school board's or local~~  
 2866 ~~government's failure to enter into an approved interlocal~~  
 2867 ~~agreement as required by s. 163.31777 or for the school board's~~  
 2868 ~~or local government's failure to implement the provisions~~  
 2869 ~~relating to public school concurrency, the state land planning~~  
 2870 ~~agency shall submit its finding to the Administration Commission~~  
 2871 ~~which may impose on the local government any of the sanctions~~  
 2872 ~~set forth in s. 163.3184(11) (a) and (b) and may impose on the~~  
 2873 ~~district school board any of the sanctions set forth in s.~~  
 2874 ~~1008.32(4).~~

2875           ~~(13) Local governments are encouraged to develop a~~  
 2876 ~~community vision that provides for sustainable growth,~~  
 2877 ~~recognizes its fiscal constraints, and protects its natural~~  
 2878 ~~resources. At the request of a local government, the applicable~~  
 2879 ~~regional planning council shall provide assistance in the~~  
 2880 ~~development of a community vision.~~

2881           ~~(a) As part of the process of developing a community~~  
 2882 ~~vision under this section, the local government must hold two~~  
 2883 ~~public meetings with at least one of those meetings before the~~  
 2884 ~~local planning agency. Before those public meetings, the local~~  
 2885 ~~government must hold at least one public workshop with~~  
 2886 ~~stakeholder groups such as neighborhood associations, community~~



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2887 ~~organizations, businesses, private property owners, housing and~~  
 2888 ~~development interests, and environmental organizations.~~

2889 ~~(b) The local government must, at a minimum, discuss five~~  
 2890 ~~of the following topics as part of the workshops and public~~  
 2891 ~~meetings required under paragraph (a):~~

2892 ~~1. Future growth in the area using population forecasts~~  
 2893 ~~from the Bureau of Economic and Business Research;~~

2894 ~~2. Priorities for economic development;~~

2895 ~~3. Preservation of open space, environmentally sensitive~~  
 2896 ~~lands, and agricultural lands;~~

2897 ~~4. Appropriate areas and standards for mixed-use~~  
 2898 ~~development;~~

2899 ~~5. Appropriate areas and standards for high-density~~  
 2900 ~~commercial and residential development;~~

2901 ~~6. Appropriate areas and standards for economic~~  
 2902 ~~development opportunities and employment centers;~~

2903 ~~7. Provisions for adequate workforce housing;~~

2904 ~~8. An efficient, interconnected multimodal transportation~~  
 2905 ~~system; and~~

2906 ~~9. Opportunities to create land use patterns that~~  
 2907 ~~accommodate the issues listed in subparagraphs 1.-8.~~

2908 ~~(c) As part of the workshops and public meetings, the~~  
 2909 ~~local government must discuss strategies for addressing the~~  
 2910 ~~topics discussed under paragraph (b), including:~~

2911 ~~1. Strategies to preserve open space and environmentally~~  
 2912 ~~sensitive lands, and to encourage a healthy agricultural~~  
 2913 ~~economy, including innovative planning and development~~  
 2914 ~~strategies, such as the transfer of development rights;~~

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2915 ~~2. Incentives for mixed-use development, including~~  
 2916 ~~increased height and intensity standards for buildings that~~  
 2917 ~~provide residential use in combination with office or commercial~~  
 2918 ~~space;~~

2919 ~~3. Incentives for workforce housing;~~

2920 ~~4. Designation of an urban service boundary pursuant to~~  
 2921 ~~subsection (2); and~~

2922 ~~5. Strategies to provide mobility within the community and~~  
 2923 ~~to protect the Strategic Intermodal System, including the~~  
 2924 ~~development of a transportation corridor management plan under~~  
 2925 ~~s. 337.273.~~

2926 ~~(d) The community vision must reflect the community's~~  
 2927 ~~shared concept for growth and development of the community,~~  
 2928 ~~including visual representations depicting the desired land use~~  
 2929 ~~patterns and character of the community during a 10-year~~  
 2930 ~~planning timeframe. The community vision must also take into~~  
 2931 ~~consideration economic viability of the vision and private~~  
 2932 ~~property interests.~~

2933 ~~(e) After the workshops and public meetings required under~~  
 2934 ~~paragraph (a) are held, the local government may amend its~~  
 2935 ~~comprehensive plan to include the community vision as a~~  
 2936 ~~component in the plan. This plan amendment must be transmitted~~  
 2937 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~  
 2938 ~~163.3189 at public hearings of the governing body other than~~  
 2939 ~~those identified in paragraph (a).~~

2940 ~~(f) Amendments submitted under this subsection are exempt~~  
 2941 ~~from the limitation on the frequency of plan amendments in s.~~  
 2942 ~~163.3187.~~

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2943 ~~(g) A local government that has developed a community~~  
 2944 ~~vision or completed a visioning process after July 1, 2000, and~~  
 2945 ~~before July 1, 2005, which substantially accomplishes the goals~~  
 2946 ~~set forth in this subsection and the appropriate goals,~~  
 2947 ~~policies, or objectives have been adopted as part of the~~  
 2948 ~~comprehensive plan or reflected in subsequently adopted land~~  
 2949 ~~development regulations and the plan amendment incorporating the~~  
 2950 ~~community vision as a component has been found in compliance is~~  
 2951 ~~eligible for the incentives in s. 163.3184(17).~~

2952 ~~(14) Local governments are also encouraged to designate an~~  
 2953 ~~urban service boundary. This area must be appropriate for~~  
 2954 ~~compact, contiguous urban development within a 10-year planning~~  
 2955 ~~timeframe. The urban service area boundary must be identified on~~  
 2956 ~~the future land use map or map series. The local government~~  
 2957 ~~shall demonstrate that the land included within the urban~~  
 2958 ~~service boundary is served or is planned to be served with~~  
 2959 ~~adequate public facilities and services based on the local~~  
 2960 ~~government's adopted level of service standards by adopting a~~  
 2961 ~~10-year facilities plan in the capital improvements element~~  
 2962 ~~which is financially feasible. The local government shall~~  
 2963 ~~demonstrate that the amount of land within the urban service~~  
 2964 ~~boundary does not exceed the amount of land needed to~~  
 2965 ~~accommodate the projected population growth at densities~~  
 2966 ~~consistent with the adopted comprehensive plan within the 10-~~  
 2967 ~~year planning timeframe.~~

2968 ~~(a) As part of the process of establishing an urban~~  
 2969 ~~service boundary, the local government must hold two public~~  
 2970 ~~meetings with at least one of those meetings before the local~~

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2971 ~~planning agency. Before those public meetings, the local~~  
 2972 ~~government must hold at least one public workshop with~~  
 2973 ~~stakeholder groups such as neighborhood associations, community~~  
 2974 ~~organizations, businesses, private property owners, housing and~~  
 2975 ~~development interests, and environmental organizations.~~

2976 ~~(b)1. After the workshops and public meetings required~~  
 2977 ~~under paragraph (a) are held, the local government may amend its~~  
 2978 ~~comprehensive plan to include the urban service boundary. This~~  
 2979 ~~plan amendment must be transmitted and adopted pursuant to the~~  
 2980 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~  
 2981 ~~governing body other than those required under paragraph (a).~~

2982 ~~2. This subsection does not prohibit new development~~  
 2983 ~~outside an urban service boundary. However, a local government~~  
 2984 ~~that establishes an urban service boundary under this subsection~~  
 2985 ~~is encouraged to require a full-cost accounting analysis for any~~  
 2986 ~~new development outside the boundary and to consider the results~~  
 2987 ~~of that analysis when adopting a plan amendment for property~~  
 2988 ~~outside the established urban service boundary.~~

2989 ~~(c) Amendments submitted under this subsection are exempt~~  
 2990 ~~from the limitation on the frequency of plan amendments in s.~~  
 2991 ~~163.3187.~~

2992 ~~(d) A local government that has adopted an urban service~~  
 2993 ~~boundary before July 1, 2005, which substantially accomplishes~~  
 2994 ~~the goals set forth in this subsection is not required to comply~~  
 2995 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~  
 2996 ~~to be eligible for the incentives under s. 163.3184(17). In~~  
 2997 ~~order to satisfy the provisions of this paragraph, the local~~  
 2998 ~~government must secure a determination from the state land~~

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2999 ~~planning agency that the urban service boundary adopted before~~  
 3000 ~~July 1, 2005, substantially complies with the criteria of this~~  
 3001 ~~subsection, based on data and analysis submitted by the local~~  
 3002 ~~government to support this determination. The determination by~~  
 3003 ~~the state land planning agency is not subject to administrative~~  
 3004 ~~challenge.~~

3005 (7) ~~(15)~~ (a) The Legislature finds that:

3006 1. There are a number of rural agricultural industrial  
 3007 centers in the state that process, produce, or aid in the  
 3008 production or distribution of a variety of agriculturally based  
 3009 products, including, but not limited to, fruits, vegetables,  
 3010 timber, and other crops, and juices, paper, and building  
 3011 materials. Rural agricultural industrial centers have a  
 3012 significant amount of existing associated infrastructure that is  
 3013 used for processing, producing, or distributing agricultural  
 3014 products.

3015 2. Such rural agricultural industrial centers are often  
 3016 located within or near communities in which the economy is  
 3017 largely dependent upon agriculture and agriculturally based  
 3018 products. The centers significantly enhance the economy of such  
 3019 communities. However, these agriculturally based communities are  
 3020 often socioeconomically challenged and designated as rural areas  
 3021 of critical economic concern. If such rural agricultural  
 3022 industrial centers are lost and not replaced with other job-  
 3023 creating enterprises, the agriculturally based communities will  
 3024 lose a substantial amount of their economies.

3025 3. The state has a compelling interest in preserving the  
 3026 viability of agriculture and protecting rural agricultural

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3027 communities and the state from the economic upheaval that would  
 3028 result from short-term or long-term adverse changes in the  
 3029 agricultural economy. To protect these communities and promote  
 3030 viable agriculture for the long term, it is essential to  
 3031 encourage and permit diversification of existing rural  
 3032 agricultural industrial centers by providing for jobs that are  
 3033 not solely dependent upon, but are compatible with and  
 3034 complement, existing agricultural industrial operations and to  
 3035 encourage the creation and expansion of industries that use  
 3036 agricultural products in innovative ways. However, the expansion  
 3037 and diversification of these existing centers must be  
 3038 accomplished in a manner that does not promote urban sprawl into  
 3039 surrounding agricultural and rural areas.

3040 (b) As used in this subsection, the term "rural  
 3041 agricultural industrial center" means a developed parcel of land  
 3042 in an unincorporated area on which there exists an operating  
 3043 agricultural industrial facility or facilities that employ at  
 3044 least 200 full-time employees in the aggregate and process and  
 3045 prepare for transport a farm product, as defined in s. 163.3162,  
 3046 or any biomass material that could be used, directly or  
 3047 indirectly, for the production of fuel, renewable energy,  
 3048 bioenergy, or alternative fuel as defined by law. The center may  
 3049 also include land contiguous to the facility site which is not  
 3050 used for the cultivation of crops, but on which other existing  
 3051 activities essential to the operation of such facility or  
 3052 facilities are located or conducted. The parcel of land must be  
 3053 located within, or within 10 miles of, a rural area of critical  
 3054 economic concern.

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3055 (c)1. A landowner whose land is located within a rural  
3056 agricultural industrial center may apply for an amendment to the  
3057 local government comprehensive plan for the purpose of  
3058 designating and expanding the existing agricultural industrial  
3059 uses of facilities located within the center or expanding the  
3060 existing center to include industrial uses or facilities that  
3061 are not dependent upon but are compatible with agriculture and  
3062 the existing uses and facilities. A local government  
3063 comprehensive plan amendment under this paragraph must:

3064 a. Not increase the physical area of the existing rural  
3065 agricultural industrial center by more than 50 percent or 320  
3066 acres, whichever is greater.

3067 b. Propose a project that would, upon completion, create  
3068 at least 50 new full-time jobs.

3069 c. Demonstrate that sufficient infrastructure capacity  
3070 exists or will be provided to support the expanded center at the  
3071 level-of-service standards adopted in the local government  
3072 comprehensive plan.

3073 d. Contain goals, objectives, and policies that will  
3074 ensure that any adverse environmental impacts of the expanded  
3075 center will be adequately addressed and mitigation implemented  
3076 or demonstrate that the local government comprehensive plan  
3077 contains such provisions.

3078 2. Within 6 months after receiving an application as  
3079 provided in this paragraph, the local government shall transmit  
3080 the application to the state land planning agency for review  
3081 pursuant to this chapter together with any needed amendments to  
3082 the applicable sections of its comprehensive plan to include

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3083 goals, objectives, and policies that provide for the expansion  
 3084 of rural agricultural industrial centers and discourage urban  
 3085 sprawl in the surrounding areas. Such goals, objectives, and  
 3086 policies must promote and be consistent with the findings in  
 3087 this subsection. An amendment that meets the requirements of  
 3088 this subsection is presumed not to be urban sprawl as defined in  
 3089 s. 163.3164 and shall be considered within 90 days after any  
 3090 review required by the state land planning agency if required by  
 3091 s. 163.3184. ~~consistent with rule 9J-5.006(5), Florida~~  
 3092 ~~Administrative Code.~~ This presumption may be rebutted by a  
 3093 preponderance of the evidence.

3094 (d) This subsection does not apply to an optional sector  
 3095 plan adopted pursuant to s. 163.3245, a rural land stewardship  
 3096 area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any  
 3097 comprehensive plan amendment that includes an inland port  
 3098 terminal or affiliated port development.

3099 (e) Nothing in this subsection shall be construed to  
 3100 confer the status of rural area of critical economic concern, or  
 3101 any of the rights or benefits derived from such status, on any  
 3102 land area not otherwise designated as such pursuant to s.  
 3103 288.0656(7).

3104 Section 13. Section 163.31777, Florida Statutes, is  
 3105 amended to read:

3106 163.31777 Public schools interlocal agreement.—

3107 (1)~~(a)~~ The county and municipalities located within the  
 3108 geographic area of a school district shall enter into an  
 3109 interlocal agreement with the district school board which  
 3110 jointly establishes the specific ways in which the plans and



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3111 processes of the district school board and the local governments  
3112 are to be coordinated. ~~The interlocal agreements shall be~~  
3113 ~~submitted to the state land planning agency and the Office of~~  
3114 ~~Educational Facilities in accordance with a schedule published~~  
3115 ~~by the state land planning agency.~~

3116 ~~(b) The schedule must establish staggered due dates for~~  
3117 ~~submission of interlocal agreements that are executed by both~~  
3118 ~~the local government and the district school board, commencing~~  
3119 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
3120 ~~set the same date for all governmental entities within a school~~  
3121 ~~district. However, if the county where the school district is~~  
3122 ~~located contains more than 20 municipalities, the state land~~  
3123 ~~planning agency may establish staggered due dates for the~~  
3124 ~~submission of interlocal agreements by these municipalities. The~~  
3125 ~~schedule must begin with those areas where both the number of~~  
3126 ~~districtwide capital-outlay full-time-equivalent students equals~~  
3127 ~~80 percent or more of the current year's school capacity and the~~  
3128 ~~projected 5-year student growth is 1,000 or greater, or where~~  
3129 ~~the projected 5-year student growth rate is 10 percent or~~  
3130 ~~greater.~~

3131 ~~(c) If the student population has declined over the 5-year~~  
3132 ~~period preceding the due date for submittal of an interlocal~~  
3133 ~~agreement by the local government and the district school board,~~  
3134 ~~the local government and the district school board may petition~~  
3135 ~~the state land planning agency for a waiver of one or more~~  
3136 ~~requirements of subsection (2). The waiver must be granted if~~  
3137 ~~the procedures called for in subsection (2) are unnecessary~~  
3138 ~~because of the school district's declining school age~~

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3139 ~~population, considering the district's 5-year facilities work~~  
 3140 ~~program prepared pursuant to s. 1013.35. The state land planning~~  
 3141 ~~agency may modify or revoke the waiver upon a finding that the~~  
 3142 ~~conditions upon which the waiver was granted no longer exist.~~  
 3143 ~~The district school board and local governments must submit an~~  
 3144 ~~interlocal agreement within 1 year after notification by the~~  
 3145 ~~state land planning agency that the conditions for a waiver no~~  
 3146 ~~longer exist.~~

3147 ~~(d) Interlocal agreements between local governments and~~  
 3148 ~~district school boards adopted pursuant to s. 163.3177 before~~  
 3149 ~~the effective date of this section must be updated and executed~~  
 3150 ~~pursuant to the requirements of this section, if necessary.~~  
 3151 ~~Amendments to interlocal agreements adopted pursuant to this~~  
 3152 ~~section must be submitted to the state land planning agency~~  
 3153 ~~within 30 days after execution by the parties for review~~  
 3154 ~~consistent with this section. Local governments and the district~~  
 3155 ~~school board in each school district are encouraged to adopt a~~  
 3156 ~~single interlocal agreement to which all join as parties. The~~  
 3157 ~~state land planning agency shall assemble and make available~~  
 3158 ~~model interlocal agreements meeting the requirements of this~~  
 3159 ~~section and notify local governments and, jointly with the~~  
 3160 ~~Department of Education, the district school boards of the~~  
 3161 ~~requirements of this section, the dates for compliance, and the~~  
 3162 ~~sanctions for noncompliance. The state land planning agency~~  
 3163 ~~shall be available to informally review proposed interlocal~~  
 3164 ~~agreements. If the state land planning agency has not received a~~  
 3165 ~~proposed interlocal agreement for informal review, the state~~  
 3166 ~~land planning agency shall, at least 60 days before the deadline~~

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3167 ~~for submission of the executed agreement, renotify the local~~  
 3168 ~~government and the district school board of the upcoming~~  
 3169 ~~deadline and the potential for sanctions.~~

3170 (2) At a minimum, the interlocal agreement must address  
 3171 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~  
 3172 ~~for exempt local governments as provided in s. 163.3177(12), and~~  
 3173 ~~must address~~ the following issues:

3174 (a) A process by which each local government and the  
 3175 district school board agree and base their plans on consistent  
 3176 projections of the amount, type, and distribution of population  
 3177 growth and student enrollment. The geographic distribution of  
 3178 jurisdiction-wide growth forecasts is a major objective of the  
 3179 process.

3180 (b) A process to coordinate and share information relating  
 3181 to existing and planned public school facilities, including  
 3182 school renovations and closures, and local government plans for  
 3183 development and redevelopment.

3184 (c) Participation by affected local governments with the  
 3185 district school board in the process of evaluating potential  
 3186 school closures, significant renovations to existing schools,  
 3187 and new school site selection before land acquisition. Local  
 3188 governments shall advise the district school board as to the  
 3189 consistency of the proposed closure, renovation, or new site  
 3190 with the local comprehensive plan, including appropriate  
 3191 circumstances and criteria under which a district school board  
 3192 may request an amendment to the comprehensive plan for school  
 3193 siting.

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3194 (d) A process for determining the need for and timing of  
3195 onsite and offsite improvements to support new, proposed  
3196 expansion, or redevelopment of existing schools. The process  
3197 must address identification of the party or parties responsible  
3198 for the improvements.

3199 (e) A process for the school board to inform the local  
3200 government regarding the effect of comprehensive plan amendments  
3201 on school capacity. The capacity reporting must be consistent  
3202 with laws and rules relating to measurement of school facility  
3203 capacity and must also identify how the district school board  
3204 will meet the public school demand based on the facilities work  
3205 program adopted pursuant to s. 1013.35.

3206 (f) Participation of the local governments in the  
3207 preparation of the annual update to the district school board's  
3208 5-year district facilities work program and educational plant  
3209 survey prepared pursuant to s. 1013.35.

3210 (g) A process for determining where and how joint use of  
3211 either school board or local government facilities can be shared  
3212 for mutual benefit and efficiency.

3213 (h) A procedure for the resolution of disputes between the  
3214 district school board and local governments, which may include  
3215 the dispute resolution processes contained in chapters 164 and  
3216 186.

3217 (i) An oversight process, including an opportunity for  
3218 public participation, for the implementation of the interlocal  
3219 agreement.

3220 ~~(3)(a) The Office of Educational Facilities shall submit~~  
3221 ~~any comments or concerns regarding the executed interlocal~~

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3222 ~~agreement to the state land planning agency within 30 days after~~  
 3223 ~~receipt of the executed interlocal agreement. The state land~~  
 3224 ~~planning agency shall review the executed interlocal agreement~~  
 3225 ~~to determine whether it is consistent with the requirements of~~  
 3226 ~~subsection (2), the adopted local government comprehensive plan,~~  
 3227 ~~and other requirements of law. Within 60 days after receipt of~~  
 3228 ~~an executed interlocal agreement, the state land planning agency~~  
 3229 ~~shall publish a notice of intent in the Florida Administrative~~  
 3230 ~~Weekly and shall post a copy of the notice on the agency's~~  
 3231 ~~Internet site. The notice of intent must state whether the~~  
 3232 ~~interlocal agreement is consistent or inconsistent with the~~  
 3233 ~~requirements of subsection (2) and this subsection, as~~  
 3234 ~~appropriate.~~

3235 ~~(b) The state land planning agency's notice is subject to~~  
 3236 ~~challenge under chapter 120; however, an affected person, as~~  
 3237 ~~defined in s. 163.3184(1) (a), has standing to initiate the~~  
 3238 ~~administrative proceeding, and this proceeding is the sole means~~  
 3239 ~~available to challenge the consistency of an interlocal~~  
 3240 ~~agreement required by this section with the criteria contained~~  
 3241 ~~in subsection (2) and this subsection. In order to have~~  
 3242 ~~standing, each person must have submitted oral or written~~  
 3243 ~~comments, recommendations, or objections to the local government~~  
 3244 ~~or the school board before the adoption of the interlocal~~  
 3245 ~~agreement by the school board and local government. The district~~  
 3246 ~~school board and local governments are parties to any such~~  
 3247 ~~proceeding. In this proceeding, when the state land planning~~  
 3248 ~~agency finds the interlocal agreement to be consistent with the~~  
 3249 ~~criteria in subsection (2) and this subsection, the interlocal~~

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3250 ~~agreement shall be determined to be consistent with subsection~~  
 3251 ~~(2) and this subsection if the local government's and school~~  
 3252 ~~board's determination of consistency is fairly debatable. When~~  
 3253 ~~the state planning agency finds the interlocal agreement to be~~  
 3254 ~~inconsistent with the requirements of subsection (2) and this~~  
 3255 ~~subsection, the local government's and school board's~~  
 3256 ~~determination of consistency shall be sustained unless it is~~  
 3257 ~~shown by a preponderance of the evidence that the interlocal~~  
 3258 ~~agreement is inconsistent.~~

3259 ~~(c) If the state land planning agency enters a final order~~  
 3260 ~~that finds that the interlocal agreement is inconsistent with~~  
 3261 ~~the requirements of subsection (2) or this subsection, it shall~~  
 3262 ~~forward it to the Administration Commission, which may impose~~  
 3263 ~~sanctions against the local government pursuant to s.~~  
 3264 ~~163.3184(11) and may impose sanctions against the district~~  
 3265 ~~school board by directing the Department of Education to~~  
 3266 ~~withhold from the district school board an equivalent amount of~~  
 3267 ~~funds for school construction available pursuant to ss. 1013.65,~~  
 3268 ~~1013.68, 1013.70, and 1013.72.~~

3269 ~~(4) If an executed interlocal agreement is not timely~~  
 3270 ~~submitted to the state land planning agency for review, the~~  
 3271 ~~state land planning agency shall, within 15 working days after~~  
 3272 ~~the deadline for submittal, issue to the local government and~~  
 3273 ~~the district school board a Notice to Show Cause why sanctions~~  
 3274 ~~should not be imposed for failure to submit an executed~~  
 3275 ~~interlocal agreement by the deadline established by the agency.~~  
 3276 ~~The agency shall forward the notice and the responses to the~~  
 3277 ~~Administration Commission, which may enter a final order citing~~

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3278 ~~the failure to comply and imposing sanctions against the local~~  
 3279 ~~government and district school board by directing the~~  
 3280 ~~appropriate agencies to withhold at least 5 percent of state~~  
 3281 ~~funds pursuant to s. 163.3184(11) and by directing the~~  
 3282 ~~Department of Education to withhold from the district school~~  
 3283 ~~board at least 5 percent of funds for school construction~~  
 3284 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~  
 3285 ~~1013.72.~~

3286 ~~(5) Any local government transmitting a public school~~  
 3287 ~~element to implement school concurrency pursuant to the~~  
 3288 ~~requirements of s. 163.3180 before the effective date of this~~  
 3289 ~~section is not required to amend the element or any interlocal~~  
 3290 ~~agreement to conform with the provisions of this section if the~~  
 3291 ~~element is adopted prior to or within 1 year after the effective~~  
 3292 ~~date of this section and remains in effect until the county~~  
 3293 ~~conducts its evaluation and appraisal report and identifies~~  
 3294 ~~changes necessary to more fully conform to the provisions of~~  
 3295 ~~this section.~~

3296 ~~(6) Except as provided in subsection (7), municipalities~~  
 3297 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
 3298 ~~from the requirements of subsections (1), (2), and (3).~~

3299 ~~(7) At the time of the evaluation and appraisal report,~~  
 3300 ~~each exempt municipality shall assess the extent to which it~~  
 3301 ~~continues to meet the criteria for exemption under s.~~  
 3302 ~~163.3177(12). If the municipality continues to meet these~~  
 3303 ~~criteria, the municipality shall continue to be exempt from the~~  
 3304 ~~interlocal agreement requirement. Each municipality exempt under~~  
 3305 ~~s. 163.3177(12) must comply with the provisions of this section~~

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3306 ~~within 1 year after the district school board proposes, in its~~  
 3307 ~~5-year district facilities work program, a new school within the~~  
 3308 ~~municipality's jurisdiction.~~

3309 Section 14. Subsection (9) of section 163.3178, Florida  
 3310 Statutes, is amended to read:

3311 163.3178 Coastal management.—

3312 (9) (a) ~~Local governments may elect to comply with rule 9J-~~  
 3313 ~~5.012(3)(b)6. and 7., Florida Administrative Code, through the~~  
 3314 ~~process provided in this section.~~ A proposed comprehensive plan  
 3315 amendment shall be found in compliance with state coastal high-  
 3316 hazard provisions ~~pursuant to rule 9J-5.012(3)(b)6. and 7.,~~  
 3317 ~~Florida Administrative Code, if:~~

3318 1. The adopted level of service for out-of-county  
 3319 hurricane evacuation is maintained for a category 5 storm event  
 3320 as measured on the Saffir-Simpson scale; or

3321 2. A 12-hour evacuation time to shelter is maintained for  
 3322 a category 5 storm event as measured on the Saffir-Simpson scale  
 3323 and shelter space reasonably expected to accommodate the  
 3324 residents of the development contemplated by a proposed  
 3325 comprehensive plan amendment is available; or

3326 3. Appropriate mitigation is provided that will satisfy  
 3327 ~~the provisions of~~ subparagraph 1. or subparagraph 2. Appropriate  
 3328 mitigation shall include, without limitation, payment of money,  
 3329 contribution of land, and construction of hurricane shelters and  
 3330 transportation facilities. Required mitigation may ~~shall~~ not  
 3331 exceed the amount required for a developer to accommodate  
 3332 impacts reasonably attributable to development. A local



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3333 government and a developer shall enter into a binding agreement  
 3334 to memorialize the mitigation plan.

3335 (b) For those local governments that have not established  
 3336 a level of service for out-of-county hurricane evacuation by  
 3337 July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and~~  
 3338 ~~7., Florida Administrative Code,~~ by following the process in  
 3339 paragraph (a), the level of service shall be no greater than 16  
 3340 hours for a category 5 storm event as measured on the Saffir-  
 3341 Simpson scale.

3342 (c) This subsection shall become effective immediately and  
 3343 shall apply to all local governments. No later than July 1,  
 3344 2008, local governments shall amend their future land use map  
 3345 and coastal management element to include the new definition of  
 3346 coastal high-hazard area and to depict the coastal high-hazard  
 3347 area on the future land use map.

3348 Section 15. Section 163.3180, Florida Statutes, is amended  
 3349 to read:

3350 163.3180 Concurrency.—

3351 (1)~~(a)~~ Sanitary sewer, solid waste, drainage, and potable  
 3352 water, ~~parks and recreation, schools, and transportation~~  
 3353 ~~facilities, including mass transit, where applicable,~~ are the  
 3354 only public facilities and services subject to the concurrency  
 3355 requirement on a statewide basis. Additional public facilities  
 3356 and services may not be made subject to concurrency on a  
 3357 statewide basis without ~~appropriate study and~~ approval by the  
 3358 Legislature; however, any local government may extend the  
 3359 concurrency requirement so that it applies to additional public  
 3360 facilities within its jurisdiction.

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3361 (a) If concurrency is applied to other public facilities,  
 3362 the local government comprehensive plan must provide the  
 3363 principles, guidelines, standards, and strategies, including  
 3364 adopted levels of service, to guide its application. In order  
 3365 for a local government to rescind any optional concurrency  
 3366 provisions, a comprehensive plan amendment is required. An  
 3367 amendment rescinding optional concurrency issues is not subject  
 3368 to state review.

3369 (b) The local government comprehensive plan must  
 3370 demonstrate, for required or optional concurrency requirements,  
 3371 that the levels of service adopted can be reasonably met.  
 3372 Infrastructure needed to ensure that adopted level-of-service  
 3373 standards are achieved and maintained for the 5-year period of  
 3374 the capital improvement schedule must be identified pursuant to  
 3375 the requirements of s. 163.3177(3). The comprehensive plan must  
 3376 include principles, guidelines, standards, and strategies for  
 3377 the establishment of a concurrency management system.

3378 ~~(b) Local governments shall use professionally accepted~~  
 3379 ~~techniques for measuring level of service for automobiles,~~  
 3380 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~  
 3381 ~~be used to evaluate increased accessibility by multiple modes~~  
 3382 ~~and reductions in vehicle miles of travel in an area or zone.~~  
 3383 ~~The Department of Transportation shall develop methodologies to~~  
 3384 ~~assist local governments in implementing this multimodal level-~~  
 3385 ~~of-service analysis. The Department of Community Affairs and the~~  
 3386 ~~Department of Transportation shall provide technical assistance~~  
 3387 ~~to local governments in applying these methodologies.~~

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3388           (2) ~~(a)~~ Consistent with public health and safety, sanitary  
 3389 sewer, solid waste, drainage, adequate water supplies, and  
 3390 potable water facilities shall be in place and available to  
 3391 serve new development no later than the issuance by the local  
 3392 government of a certificate of occupancy or its functional  
 3393 equivalent. Prior to approval of a building permit or its  
 3394 functional equivalent, the local government shall consult with  
 3395 the applicable water supplier to determine whether adequate  
 3396 water supplies to serve the new development will be available no  
 3397 later than the anticipated date of issuance by the local  
 3398 government of a certificate of occupancy or its functional  
 3399 equivalent. A local government may meet the concurrency  
 3400 requirement for sanitary sewer through the use of onsite sewage  
 3401 treatment and disposal systems approved by the Department of  
 3402 Health to serve new development.

3403           ~~(b) Consistent with the public welfare, and except as~~  
 3404 ~~otherwise provided in this section, parks and recreation~~  
 3405 ~~facilities to serve new development shall be in place or under~~  
 3406 ~~actual construction no later than 1 year after issuance by the~~  
 3407 ~~local government of a certificate of occupancy or its functional~~  
 3408 ~~equivalent. However, the acreage for such facilities shall be~~  
 3409 ~~dedicated or be acquired by the local government prior to~~  
 3410 ~~issuance by the local government of a certificate of occupancy~~  
 3411 ~~or its functional equivalent, or funds in the amount of the~~  
 3412 ~~developer's fair share shall be committed no later than the~~  
 3413 ~~local government's approval to commence construction.~~

3414           ~~(c) Consistent with the public welfare, and except as~~  
 3415 ~~otherwise provided in this section, transportation facilities~~

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3416 ~~needed to serve new development shall be in place or under~~  
 3417 ~~actual construction within 3 years after the local government~~  
 3418 ~~approves a building permit or its functional equivalent that~~  
 3419 ~~results in traffic generation.~~

3420 (3) Governmental entities that are not responsible for  
 3421 providing, financing, operating, or regulating public facilities  
 3422 needed to serve development may not establish binding level-of-  
 3423 service standards on governmental entities that do bear those  
 3424 responsibilities. ~~This subsection does not limit the authority~~  
 3425 ~~of any agency to recommend or make objections, recommendations,~~  
 3426 ~~comments, or determinations during reviews conducted under s.~~  
 3427 ~~163.3184.~~

3428 (4) ~~(a)~~ The concurrency requirement as implemented in local  
 3429 comprehensive plans applies to state and other public facilities  
 3430 and development to the same extent that it applies to all other  
 3431 facilities and development, as provided by law.

3432 ~~(b)~~ ~~The concurrency requirement as implemented in local~~  
 3433 ~~comprehensive plans does not apply to public transit facilities.~~  
 3434 ~~For the purposes of this paragraph, public transit facilities~~  
 3435 ~~include transit stations and terminals; transit station parking;~~  
 3436 ~~park-and-ride lots; intermodal public transit connection or~~  
 3437 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~  
 3438 ~~airport passenger terminals and concourses, air cargo~~  
 3439 ~~facilities, and hangars for the assembly, manufacture,~~  
 3440 ~~maintenance, or storage of aircraft. As used in this paragraph,~~  
 3441 ~~the terms "terminals" and "transit facilities" do not include~~  
 3442 ~~seaports or commercial or residential development constructed in~~  
 3443 ~~conjunction with a public transit facility.~~

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3444 ~~(c) The concurrency requirement, except as it relates to~~  
3445 ~~transportation facilities and public schools, as implemented in~~  
3446 ~~local government comprehensive plans, may be waived by a local~~  
3447 ~~government for urban infill and redevelopment areas designated~~  
3448 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~  
3449 ~~public health or safety as defined by the local government in~~  
3450 ~~its local government comprehensive plan. The waiver shall be~~  
3451 ~~adopted as a plan amendment pursuant to the process set forth in~~  
3452 ~~s. 163.3187(3)(a). A local government may grant a concurrency~~  
3453 ~~exception pursuant to subsection (5) for transportation~~  
3454 ~~facilities located within these urban infill and redevelopment~~  
3455 ~~areas.~~

3456 (5)(a) If concurrency is applied to transportation  
3457 facilities, the local government comprehensive plan must provide  
3458 the principles, guidelines, standards, and strategies, including  
3459 adopted levels of service to guide its application.

3460 (b) Local governments shall use professionally accepted  
3461 studies to evaluate the appropriate levels of service. Local  
3462 governments should consider the number of facilities that will  
3463 be necessary to meet level-of-service demands when determining  
3464 the appropriate levels of service. The schedule of facilities  
3465 that are necessary to meet the adopted level of service shall be  
3466 reflected in the capital improvement element.

3467 (c) Local governments shall use professionally accepted  
3468 techniques for measuring levels of service when evaluating  
3469 potential impacts of a proposed development.

3470 (d) The premise of concurrency is that the public  
3471 facilities will be provided in order to achieve and maintain the

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3472 adopted level of service standard. A comprehensive plan that  
 3473 imposes transportation concurrency shall contain appropriate  
 3474 amendments to the capital improvements element of the  
 3475 comprehensive plan, consistent with the requirements of s.  
 3476 163.3177(3). The capital improvements element shall identify  
 3477 facilities necessary to meet adopted levels of service during a  
 3478 5-year period.

3479 (e) If a local government applies transportation  
 3480 concurrency in its jurisdiction, it is encouraged to develop  
 3481 policy guidelines and techniques to address potential negative  
 3482 impacts on future development:

3483 1. In urban infill and redevelopment, and urban service  
 3484 areas.

3485 2. With special part-time demands on the transportation  
 3486 system.

3487 3. With de minimis impacts.

3488 4. On community desired types of development, such as  
 3489 redevelopment, or job creation projects.

3490 (f) Local governments are encouraged to develop tools and  
 3491 techniques to complement the application of transportation  
 3492 concurrency such as:

3493 1. Adoption of long-term strategies to facilitate  
 3494 development patterns that support multimodal solutions,  
 3495 including urban design, and appropriate land use mixes,  
 3496 including intensity and density.

3497 2. Adoption of an areawide level of service not dependent  
 3498 on any single road segment function.

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3499           3. Exempting or discounting impacts of locally desired  
 3500 development, such as development in urban areas, redevelopment,  
 3501 job creation, and mixed use on the transportation system.

3502           4. Assigning secondary priority to vehicle mobility and  
 3503 primary priority to ensuring a safe, comfortable, and attractive  
 3504 pedestrian environment, with convenient interconnection to  
 3505 transit.

3506           5. Establishing multimodal level of service standards that  
 3507 rely primarily on nonvehicular modes of transportation where  
 3508 existing or planned community design will provide adequate level  
 3509 of mobility.

3510           6. Reducing impact fees or local access fees to promote  
 3511 development within urban areas, multimodal transportation  
 3512 districts, and a balance of mixed use development in certain  
 3513 areas or districts, or for affordable or workforce housing.

3514           (g) Local governments are encouraged to coordinate with  
 3515 adjacent local governments for the purpose of using common  
 3516 methodologies for measuring impacts on transportation  
 3517 facilities.

3518           (h) Local governments that implement transportation  
 3519 concurrency must:

3520           1. Consult with the Department of Transportation when  
 3521 proposed plan amendments affect facilities on the strategic  
 3522 intermodal system.

3523           2. Exempt public transit facilities from concurrency. For  
 3524 the purposes of this subparagraph, public transit facilities  
 3525 include transit stations and terminals; transit station parking;  
 3526 park-and-ride lots; intermodal public transit connection or

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3527 transfer facilities; fixed bus, guideway, and rail stations; and  
 3528 airport passenger terminals and concourses, air cargo  
 3529 facilities, and hangars for the assembly, manufacture,  
 3530 maintenance, or storage of aircraft. As used in this  
 3531 subparagraph, the terms "terminals" and "transit facilities" do  
 3532 not include seaports or commercial or residential development  
 3533 constructed in conjunction with a public transit facility.

3534 3. Allow an applicant for a development-of-regional-impact  
 3535 development order, a rezoning, or other land use development  
 3536 permit to satisfy the transportation concurrency requirements of  
 3537 the local comprehensive plan, the local government's concurrency  
 3538 management system, and s. 380.06, when applicable, if:

3539 a. The applicant enters into a binding agreement to pay  
 3540 for or construct its proportionate share of required  
 3541 improvements.

3542 b. The proportionate-share contribution or construction is  
 3543 sufficient to accomplish one or more mobility improvements that  
 3544 will benefit a regionally significant transportation facility.

3545 c.(I) The local government has provided a means by which  
 3546 the landowner will be assessed a proportionate share of the cost  
 3547 of providing the transportation facilities necessary to serve  
 3548 the proposed development. An applicant shall not be held  
 3549 responsible for the additional cost of reducing or eliminating  
 3550 deficiencies.

3551 (II) When an applicant contributes or constructs its  
 3552 proportionate share pursuant to this subparagraph, a local  
 3553 government may not require payment or construction of  
 3554 transportation facilities whose costs would be greater than a



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3555 development's proportionate share of the improvements necessary  
 3556 to mitigate the development's impacts.

3557 (A) The proportionate-share contribution shall be  
 3558 calculated based upon the number of trips from the proposed  
 3559 development expected to reach roadways during the peak hour from  
 3560 the stage or phase being approved, divided by the change in the  
 3561 peak hour maximum service volume of roadways resulting from  
 3562 construction of an improvement necessary to maintain or achieve  
 3563 the adopted level of service, multiplied by the construction  
 3564 cost, at the time of development payment, of the improvement  
 3565 necessary to maintain or achieve the adopted level of service.

3566 (B) In using the proportionate-share formula provided in  
 3567 this subparagraph, the applicant, in its traffic analysis, shall  
 3568 identify those roads or facilities that have a transportation  
 3569 deficiency in accordance with the transportation deficiency as  
 3570 defined in sub-subparagraph e. The proportionate-share formula  
 3571 provided in this subparagraph shall be applied only to those  
 3572 facilities that are determined to be significantly impacted by  
 3573 the project traffic under review. If any road is determined to  
 3574 be transportation deficient without the project traffic under  
 3575 review, the costs of correcting that deficiency shall be removed  
 3576 from the project's proportionate-share calculation and the  
 3577 necessary transportation improvements to correct that deficiency  
 3578 shall be considered to be in place for purposes of the  
 3579 proportionate-share calculation. The improvement necessary to  
 3580 correct the transportation deficiency is the funding  
 3581 responsibility of the entity that has maintenance responsibility  
 3582 for the facility. The development's proportionate share shall be

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3583 calculated only for the needed transportation improvements that  
 3584 are greater than the identified deficiency.

3585 (C) When the provisions of this subparagraph have been  
 3586 satisfied for a particular stage or phase of development, all  
 3587 transportation impacts from that stage or phase for which  
 3588 mitigation was required and provided shall be deemed fully  
 3589 mitigated in any transportation analysis for a subsequent stage  
 3590 or phase of development. Trips from a previous stage or phase  
 3591 that did not result in impacts for which mitigation was required  
 3592 or provided may be cumulatively analyzed with trips from a  
 3593 subsequent stage or phase to determine whether an impact  
 3594 requires mitigation for the subsequent stage or phase.

3595 (D) In projecting the number of trips to be generated by  
 3596 the development under review, any trips assigned to a toll-  
 3597 financed facility shall be eliminated from the analysis.

3598 (E) The applicant shall receive a credit on a dollar-for-  
 3599 dollar basis for impact fees, mobility fees, and other  
 3600 transportation concurrency mitigation requirements paid or  
 3601 payable in the future for the project. The credit shall be  
 3602 reduced up to 20 percent by the percentage share that the  
 3603 project's traffic represents of the added capacity of the  
 3604 selected improvement, or by the amount specified by local  
 3605 ordinance, whichever yields the greater credit.

3606 d. This subsection does not require a local government to  
 3607 approve a development that is not otherwise qualified for  
 3608 approval pursuant to the applicable local comprehensive plan and  
 3609 land development regulations.

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3610 e. As used in this subsection, the term "transportation  
 3611 deficiency" means a facility or facilities on which the adopted  
 3612 level-of-service standard is exceeded by the existing,  
 3613 committed, and vested trips, plus additional projected  
 3614 background trips from any source other than the development  
 3615 project under review, and trips that are forecast by established  
 3616 traffic standards, including traffic modeling, consistent with  
 3617 the University of Florida's Bureau of Economic and Business  
 3618 Research medium population projections. Additional projected  
 3619 background trips are to be coincident with the particular stage  
 3620 or phase of development under review.

3621 ~~(a) The Legislature finds that under limited~~  
 3622 ~~circumstances, countervailing planning and public policy goals~~  
 3623 ~~may come into conflict with the requirement that adequate public~~  
 3624 ~~transportation facilities and services be available concurrent~~  
 3625 ~~with the impacts of such development. The Legislature further~~  
 3626 ~~finds that the unintended result of the concurrency requirement~~  
 3627 ~~for transportation facilities is often the discouragement of~~  
 3628 ~~urban infill development and redevelopment. Such unintended~~  
 3629 ~~results directly conflict with the goals and policies of the~~  
 3630 ~~state comprehensive plan and the intent of this part. The~~  
 3631 ~~Legislature also finds that in urban centers transportation~~  
 3632 ~~cannot be effectively managed and mobility cannot be improved~~  
 3633 ~~solely through the expansion of roadway capacity, that the~~  
 3634 ~~expansion of roadway capacity is not always physically or~~  
 3635 ~~financially possible, and that a range of transportation~~  
 3636 ~~alternatives is essential to satisfy mobility needs, reduce~~  
 3637 ~~congestion, and achieve healthy, vibrant centers.~~

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3638           ~~(b)1. The following are transportation concurrency~~  
 3639 ~~exception areas:~~

3640           ~~a. A municipality that qualifies as a dense urban land~~  
 3641 ~~area under s. 163.3164;~~

3642           ~~b. An urban service area under s. 163.3164 that has been~~  
 3643 ~~adopted into the local comprehensive plan and is located within~~  
 3644 ~~a county that qualifies as a dense urban land area under s.~~  
 3645 ~~163.3164; and~~

3646           ~~e. A county, including the municipalities located therein,~~  
 3647 ~~which has a population of at least 900,000 and qualifies as a~~  
 3648 ~~dense urban land area under s. 163.3164, but does not have an~~  
 3649 ~~urban service area designated in the local comprehensive plan.~~

3650           ~~2. A municipality that does not qualify as a dense urban~~  
 3651 ~~land area pursuant to s. 163.3164 may designate in its local~~  
 3652 ~~comprehensive plan the following areas as transportation~~  
 3653 ~~concurrency exception areas:~~

3654           ~~a. Urban infill as defined in s. 163.3164;~~

3655           ~~b. Community redevelopment areas as defined in s. 163.340;~~

3656           ~~e. Downtown revitalization areas as defined in s.~~  
 3657 ~~163.3164;~~

3658           ~~d. Urban infill and redevelopment under s. 163.2517; or~~

3659           ~~e. Urban service areas as defined in s. 163.3164 or areas~~  
 3660 ~~within a designated urban service boundary under s.~~  
 3661 ~~163.3177(14).~~

3662           ~~3. A county that does not qualify as a dense urban land~~  
 3663 ~~area pursuant to s. 163.3164 may designate in its local~~  
 3664 ~~comprehensive plan the following areas as transportation~~  
 3665 ~~concurrency exception areas:~~

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3666           ~~a. Urban infill as defined in s. 163.3164;~~  
 3667           ~~b. Urban infill and redevelopment under s. 163.2517; or~~  
 3668           ~~c. Urban service areas as defined in s. 163.3164.~~  
 3669           ~~4. A local government that has a transportation~~  
 3670 ~~concurrency exception area designated pursuant to subparagraph~~  
 3671 ~~1., subparagraph 2., or subparagraph 3. shall, within 2 years~~  
 3672 ~~after the designated area becomes exempt, adopt into its local~~  
 3673 ~~comprehensive plan land use and transportation strategies to~~  
 3674 ~~support and fund mobility within the exception area, including~~  
 3675 ~~alternative modes of transportation. Local governments are~~  
 3676 ~~encouraged to adopt complementary land use and transportation~~  
 3677 ~~strategies that reflect the region's shared vision for its~~  
 3678 ~~future. If the state land planning agency finds insufficient~~  
 3679 ~~cause for the failure to adopt into its comprehensive plan land~~  
 3680 ~~use and transportation strategies to support and fund mobility~~  
 3681 ~~within the designated exception area after 2 years, it shall~~  
 3682 ~~submit the finding to the Administration Commission, which may~~  
 3683 ~~impose any of the sanctions set forth in s. 163.3184(11)(a) and~~  
 3684 ~~(b) against the local government.~~  
 3685           ~~5. Transportation concurrency exception areas designated~~  
 3686 ~~pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.~~  
 3687 ~~do not apply to designated transportation concurrency districts~~  
 3688 ~~located within a county that has a population of at least 1.5~~  
 3689 ~~million, has implemented and uses a transportation-related~~  
 3690 ~~concurrency assessment to support alternative modes of~~  
 3691 ~~transportation, including, but not limited to, mass transit, and~~  
 3692 ~~does not levy transportation impact fees within the concurrency~~  
 3693 ~~district.~~

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3694           ~~6. Transportation concurrency exception areas designated~~  
 3695 ~~under subparagraph 1., subparagraph 2., or subparagraph 3. do~~  
 3696 ~~not apply in any county that has exempted more than 40 percent~~  
 3697 ~~of the area inside the urban service area from transportation~~  
 3698 ~~concurrency for the purpose of urban infill.~~

3699           ~~7. A local government that does not have a transportation~~  
 3700 ~~concurrency exception area designated pursuant to subparagraph~~  
 3701 ~~1., subparagraph 2., or subparagraph 3. may grant an exception~~  
 3702 ~~from the concurrency requirement for transportation facilities~~  
 3703 ~~if the proposed development is otherwise consistent with the~~  
 3704 ~~adopted local government comprehensive plan and is a project~~  
 3705 ~~that promotes public transportation or is located within an area~~  
 3706 ~~designated in the comprehensive plan for:~~

- 3707           ~~a. Urban infill development;~~
- 3708           ~~b. Urban redevelopment;~~
- 3709           ~~c. Downtown revitalization;~~
- 3710           ~~d. Urban infill and redevelopment under s. 163.2517; or~~
- 3711           ~~e. An urban service area specifically designated as a~~  
 3712 ~~transportation concurrency exception area which includes lands~~  
 3713 ~~appropriate for compact, contiguous urban development, which~~  
 3714 ~~does not exceed the amount of land needed to accommodate the~~  
 3715 ~~projected population growth at densities consistent with the~~  
 3716 ~~adopted comprehensive plan within the 10-year planning period,~~  
 3717 ~~and which is served or is planned to be served with public~~  
 3718 ~~facilities and services as provided by the capital improvements~~  
 3719 ~~element.~~

3720           ~~(c) The Legislature also finds that developments located~~  
 3721 ~~within urban infill, urban redevelopment, urban service, or~~

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3722 ~~downtown revitalization areas or areas designated as urban~~  
 3723 ~~infill and redevelopment areas under s. 163.2517, which pose~~  
 3724 ~~only special part-time demands on the transportation system, are~~  
 3725 ~~exempt from the concurrency requirement for transportation~~  
 3726 ~~facilities. A special part-time demand is one that does not have~~  
 3727 ~~more than 200 scheduled events during any calendar year and does~~  
 3728 ~~not affect the 100 highest traffic volume hours.~~

3729 ~~(d) Except for transportation concurrency exception areas~~  
 3730 ~~designated pursuant to subparagraph (b)1., subparagraph (b)2.,~~  
 3731 ~~or subparagraph (b)3., the following requirements apply:~~

3732 ~~1. The local government shall both adopt into the~~  
 3733 ~~comprehensive plan and implement long-term strategies to support~~  
 3734 ~~and fund mobility within the designated exception area,~~  
 3735 ~~including alternative modes of transportation. The plan~~  
 3736 ~~amendment must also demonstrate how strategies will support the~~  
 3737 ~~purpose of the exception and how mobility within the designated~~  
 3738 ~~exception area will be provided.~~

3739 ~~2. The strategies must address urban design; appropriate~~  
 3740 ~~land use mixes, including intensity and density; and network~~  
 3741 ~~connectivity plans needed to promote urban infill,~~  
 3742 ~~redevelopment, or downtown revitalization. The comprehensive~~  
 3743 ~~plan amendment designating the concurrency exception area must~~  
 3744 ~~be accompanied by data and analysis supporting the local~~  
 3745 ~~government's determination of the boundaries of the~~  
 3746 ~~transportation concurrency exception area.~~

3747 ~~(e) Before designating a concurrency exception area~~  
 3748 ~~pursuant to subparagraph (b)7., the state land planning agency~~  
 3749 ~~and the Department of Transportation shall be consulted by the~~

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3750 ~~local government to assess the impact that the proposed~~  
3751 ~~exception area is expected to have on the adopted level of~~  
3752 ~~service standards established for regional transportation~~  
3753 ~~facilities identified pursuant to s. 186.507, including the~~  
3754 ~~Strategic Intermodal System and roadway facilities funded in~~  
3755 ~~accordance with s. 339.2819. Further, the local government shall~~  
3756 ~~provide a plan for the mitigation of impacts to the Strategic~~  
3757 ~~Intermodal System, including, if appropriate, access management,~~  
3758 ~~parallel reliever roads, transportation demand management, and~~  
3759 ~~other measures.~~

3760 ~~(f) The designation of a transportation concurrency~~  
3761 ~~exception area does not limit a local government's home rule~~  
3762 ~~power to adopt ordinances or impose fees. This subsection does~~  
3763 ~~not affect any contract or agreement entered into or development~~  
3764 ~~order rendered before the creation of the transportation~~  
3765 ~~concurrency exception area except as provided in s.~~  
3766 ~~380.06(29)(c).~~

3767 ~~(g) The Office of Program Policy Analysis and Government~~  
3768 ~~Accountability shall submit to the President of the Senate and~~  
3769 ~~the Speaker of the House of Representatives by February 1, 2015,~~  
3770 ~~a report on transportation concurrency exception areas created~~  
3771 ~~pursuant to this subsection. At a minimum, the report shall~~  
3772 ~~address the methods that local governments have used to~~  
3773 ~~implement and fund transportation strategies to achieve the~~  
3774 ~~purposes of designated transportation concurrency exception~~  
3775 ~~areas, and the effects of the strategies on mobility,~~  
3776 ~~congestion, urban design, the density and intensity of land use~~



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3777 ~~mixes, and network connectivity plans used to promote urban~~  
 3778 ~~infill, redevelopment, or downtown revitalization.~~

3779 ~~(6) The Legislature finds that a de minimis impact is~~  
 3780 ~~consistent with this part. A de minimis impact is an impact that~~  
 3781 ~~would not affect more than 1 percent of the maximum volume at~~  
 3782 ~~the adopted level of service of the affected transportation~~  
 3783 ~~facility as determined by the local government. No impact will~~  
 3784 ~~be de minimis if the sum of existing roadway volumes and the~~  
 3785 ~~projected volumes from approved projects on a transportation~~  
 3786 ~~facility would exceed 110 percent of the maximum volume at the~~  
 3787 ~~adopted level of service of the affected transportation~~  
 3788 ~~facility; provided however, that an impact of a single family~~  
 3789 ~~home on an existing lot will constitute a de minimis impact on~~  
 3790 ~~all roadways regardless of the level of the deficiency of the~~  
 3791 ~~roadway. Further, no impact will be de minimis if it would~~  
 3792 ~~exceed the adopted level-of-service standard of any affected~~  
 3793 ~~designated hurricane evacuation routes. Each local government~~  
 3794 ~~shall maintain sufficient records to ensure that the 110-percent~~  
 3795 ~~criterion is not exceeded. Each local government shall submit~~  
 3796 ~~annually, with its updated capital improvements element, a~~  
 3797 ~~summary of the de minimis records. If the state land planning~~  
 3798 ~~agency determines that the 110-percent criterion has been~~  
 3799 ~~exceeded, the state land planning agency shall notify the local~~  
 3800 ~~government of the exceedance and that no further de minimis~~  
 3801 ~~exceptions for the applicable roadway may be granted until such~~  
 3802 ~~time as the volume is reduced below the 110 percent. The local~~  
 3803 ~~government shall provide proof of this reduction to the state~~

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3804 ~~land planning agency before issuing further de minimis~~  
 3805 ~~exceptions.~~

3806 ~~(7) In order to promote infill development and~~  
 3807 ~~redevelopment, one or more transportation concurrency management~~  
 3808 ~~areas may be designated in a local government comprehensive~~  
 3809 ~~plan. A transportation concurrency management area must be a~~  
 3810 ~~compact geographic area with an existing network of roads where~~  
 3811 ~~multiple, viable alternative travel paths or modes are available~~  
 3812 ~~for common trips. A local government may establish an areawide~~  
 3813 ~~level of service standard for such a transportation concurrency~~  
 3814 ~~management area based upon an analysis that provides for a~~  
 3815 ~~justification for the areawide level of service, how urban~~  
 3816 ~~infill development or redevelopment will be promoted, and how~~  
 3817 ~~mobility will be accomplished within the transportation~~  
 3818 ~~concurrency management area. Prior to the designation of a~~  
 3819 ~~concurrency management area, the Department of Transportation~~  
 3820 ~~shall be consulted by the local government to assess the impact~~  
 3821 ~~that the proposed concurrency management area is expected to~~  
 3822 ~~have on the adopted level of service standards established for~~  
 3823 ~~Strategic Intermodal System facilities, as defined in s. 339.64,~~  
 3824 ~~and roadway facilities funded in accordance with s. 339.2819.~~  
 3825 ~~Further, the local government shall, in cooperation with the~~  
 3826 ~~Department of Transportation, develop a plan to mitigate any~~  
 3827 ~~impacts to the Strategic Intermodal System, including, if~~  
 3828 ~~appropriate, the development of a long-term concurrency~~  
 3829 ~~management system pursuant to subsection (9) and s.~~  
 3830 ~~163.3177(3)(d). Transportation concurrency management areas~~  
 3831 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~

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3832 ~~provisions of this section by July 1, 2006, or at the time of~~  
 3833 ~~the comprehensive plan update pursuant to the evaluation and~~  
 3834 ~~appraisal report, whichever occurs last. The state land planning~~  
 3835 ~~agency shall amend chapter 9J-5, Florida Administrative Code, to~~  
 3836 ~~be consistent with this subsection.~~

3837 ~~(8) When assessing the transportation impacts of proposed~~  
 3838 ~~urban redevelopment within an established existing urban service~~  
 3839 ~~area, 110 percent of the actual transportation impact caused by~~  
 3840 ~~the previously existing development must be reserved for the~~  
 3841 ~~redevelopment, even if the previously existing development has a~~  
 3842 ~~lesser or nonexistent impact pursuant to the calculations of the~~  
 3843 ~~local government. Redevelopment requiring less than 110 percent~~  
 3844 ~~of the previously existing capacity shall not be prohibited due~~  
 3845 ~~to the reduction of transportation levels of service below the~~  
 3846 ~~adopted standards. This does not preclude the appropriate~~  
 3847 ~~assessment of fees or accounting for the impacts within the~~  
 3848 ~~concurrency management system and capital improvements program~~  
 3849 ~~of the affected local government. This paragraph does not affect~~  
 3850 ~~local government requirements for appropriate development~~  
 3851 ~~permits.~~

3852 ~~(9) (a) Each local government may adopt as a part of its~~  
 3853 ~~plan, long-term transportation and school concurrency management~~  
 3854 ~~systems with a planning period of up to 10 years for specially~~  
 3855 ~~designated districts or areas where significant backlogs exist.~~  
 3856 ~~The plan may include interim level-of-service standards on~~  
 3857 ~~certain facilities and shall rely on the local government's~~  
 3858 ~~schedule of capital improvements for up to 10 years as a basis~~  
 3859 ~~for issuing development orders that authorize commencement of~~

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3860 ~~construction in these designated districts or areas. The~~  
 3861 ~~concurrency management system must be designed to correct~~  
 3862 ~~existing deficiencies and set priorities for addressing~~  
 3863 ~~backlogged facilities. The concurrency management system must be~~  
 3864 ~~financially feasible and consistent with other portions of the~~  
 3865 ~~adopted local plan, including the future land use map.~~

3866 ~~(b) If a local government has a transportation or school~~  
 3867 ~~facility backlog for existing development which cannot be~~  
 3868 ~~adequately addressed in a 10-year plan, the state land planning~~  
 3869 ~~agency may allow it to develop a plan and long-term schedule of~~  
 3870 ~~capital improvements covering up to 15 years for good and~~  
 3871 ~~sufficient cause, based on a general comparison between that~~  
 3872 ~~local government and all other similarly situated local~~  
 3873 ~~jurisdictions, using the following factors:~~

- 3874 ~~1. The extent of the backlog.~~
- 3875 ~~2. For roads, whether the backlog is on local or state~~  
 3876 ~~roads.~~
- 3877 ~~3. The cost of eliminating the backlog.~~
- 3878 ~~4. The local government's tax and other revenue-raising~~  
 3879 ~~efforts.~~

3880 ~~(c) The local government may issue approvals to commence~~  
 3881 ~~construction notwithstanding this section, consistent with and~~  
 3882 ~~in areas that are subject to a long-term concurrency management~~  
 3883 ~~system.~~

3884 ~~(d) If the local government adopts a long-term concurrency~~  
 3885 ~~management system, it must evaluate the system periodically. At~~  
 3886 ~~a minimum, the local government must assess its progress toward~~  
 3887 ~~improving levels of service within the long-term concurrency~~

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3888 ~~management district or area in the evaluation and appraisal~~  
 3889 ~~report and determine any changes that are necessary to~~  
 3890 ~~accelerate progress in meeting acceptable levels of service.~~  
 3891 ~~(10) Except in transportation concurrency exception areas,~~  
 3892 ~~with regard to roadway facilities on the Strategic Intermodal~~  
 3893 ~~System designated in accordance with s. 339.63, local~~  
 3894 ~~governments shall adopt the level of service standard~~  
 3895 ~~established by the Department of Transportation by rule.~~  
 3896 ~~However, if the Office of Tourism, Trade, and Economic~~  
 3897 ~~Development concurs in writing with the local government that~~  
 3898 ~~the proposed development is for a qualified job creation project~~  
 3899 ~~under s. 288.0656 or s. 403.973, the affected local government,~~  
 3900 ~~after consulting with the Department of Transportation, may~~  
 3901 ~~provide for a waiver of transportation concurrency for the~~  
 3902 ~~project. For all other roads on the State Highway System, local~~  
 3903 ~~governments shall establish an adequate level of service~~  
 3904 ~~standard that need not be consistent with any level of service~~  
 3905 ~~standard established by the Department of Transportation. In~~  
 3906 ~~establishing adequate level of service standards for any~~  
 3907 ~~arterial roads, or collector roads as appropriate, which~~  
 3908 ~~traverse multiple jurisdictions, local governments shall~~  
 3909 ~~consider compatibility with the roadway facility's adopted~~  
 3910 ~~level of service standards in adjacent jurisdictions. Each local~~  
 3911 ~~government within a county shall use a professionally accepted~~  
 3912 ~~methodology for measuring impacts on transportation facilities~~  
 3913 ~~for the purposes of implementing its concurrency management~~  
 3914 ~~system. Counties are encouraged to coordinate with adjacent~~  
 3915 ~~counties, and local governments within a county are encouraged~~

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3916 ~~to coordinate, for the purpose of using common methodologies for~~  
 3917 ~~measuring impacts on transportation facilities for the purpose~~  
 3918 ~~of implementing their concurrency management systems.~~

3919 ~~(11) In order to limit the liability of local governments,~~  
 3920 ~~a local government may allow a landowner to proceed with~~  
 3921 ~~development of a specific parcel of land notwithstanding a~~  
 3922 ~~failure of the development to satisfy transportation~~  
 3923 ~~concurrency, when all the following factors are shown to exist:~~

3924 ~~(a) The local government with jurisdiction over the~~  
 3925 ~~property has adopted a local comprehensive plan that is in~~  
 3926 ~~compliance.~~

3927 ~~(b) The proposed development would be consistent with the~~  
 3928 ~~future land use designation for the specific property and with~~  
 3929 ~~pertinent portions of the adopted local plan, as determined by~~  
 3930 ~~the local government.~~

3931 ~~(c) The local plan includes a financially feasible capital~~  
 3932 ~~improvements element that provides for transportation facilities~~  
 3933 ~~adequate to serve the proposed development, and the local~~  
 3934 ~~government has not implemented that element.~~

3935 ~~(d) The local government has provided a means by which the~~  
 3936 ~~landowner will be assessed a fair share of the cost of providing~~  
 3937 ~~the transportation facilities necessary to serve the proposed~~  
 3938 ~~development.~~

3939 ~~(e) The landowner has made a binding commitment to the~~  
 3940 ~~local government to pay the fair share of the cost of providing~~  
 3941 ~~the transportation facilities to serve the proposed development.~~

3942 ~~(12) (a) A development of regional impact may satisfy the~~  
 3943 ~~transportation concurrency requirements of the local~~

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3944 ~~comprehensive plan, the local government's concurrency~~  
 3945 ~~management system, and s. 380.06 by payment of a proportionate-~~  
 3946 ~~share contribution for local and regionally significant traffic~~  
 3947 ~~impacts, if:~~

- 3948 ~~1. The development of regional impact which, based on its~~  
 3949 ~~location or mix of land uses, is designed to encourage~~  
 3950 ~~pedestrian or other nonautomotive modes of transportation;~~
- 3951 ~~2. The proportionate-share contribution for local and~~  
 3952 ~~regionally significant traffic impacts is sufficient to pay for~~  
 3953 ~~one or more required mobility improvements that will benefit a~~  
 3954 ~~regionally significant transportation facility;~~
- 3955 ~~3. The owner and developer of the development of regional~~  
 3956 ~~impact pays or assures payment of the proportionate-share~~  
 3957 ~~contribution; and~~
- 3958 ~~4. If the regionally significant transportation facility~~  
 3959 ~~to be constructed or improved is under the maintenance authority~~  
 3960 ~~of a governmental entity, as defined by s. 334.03(12), other~~  
 3961 ~~than the local government with jurisdiction over the development~~  
 3962 ~~of regional impact, the developer is required to enter into a~~  
 3963 ~~binding and legally enforceable commitment to transfer funds to~~  
 3964 ~~the governmental entity having maintenance authority or to~~  
 3965 ~~otherwise assure construction or improvement of the facility.~~

3966

3967 ~~The proportionate-share contribution may be applied to any~~  
 3968 ~~transportation facility to satisfy the provisions of this~~  
 3969 ~~subsection and the local comprehensive plan, but, for the~~  
 3970 ~~purposes of this subsection, the amount of the proportionate-~~  
 3971 ~~share contribution shall be calculated based upon the cumulative~~

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3972 ~~number of trips from the proposed development expected to reach~~  
 3973 ~~roadways during the peak hour from the complete buildout of a~~  
 3974 ~~stage or phase being approved, divided by the change in the peak~~  
 3975 ~~hour maximum service volume of roadways resulting from~~  
 3976 ~~construction of an improvement necessary to maintain the adopted~~  
 3977 ~~level of service, multiplied by the construction cost, at the~~  
 3978 ~~time of developer payment, of the improvement necessary to~~  
 3979 ~~maintain the adopted level of service. For purposes of this~~  
 3980 ~~subsection, "construction cost" includes all associated costs of~~  
 3981 ~~the improvement. Proportionate share mitigation shall be limited~~  
 3982 ~~to ensure that a development of regional impact meeting the~~  
 3983 ~~requirements of this subsection mitigates its impact on the~~  
 3984 ~~transportation system but is not responsible for the additional~~  
 3985 ~~cost of reducing or eliminating backlogs. This subsection also~~  
 3986 ~~applies to Florida Quality Developments pursuant to s. 380.061~~  
 3987 ~~and to detailed specific area plans implementing optional sector~~  
 3988 ~~plans pursuant to s. 163.3245.~~

3989 ~~(b) As used in this subsection, the term "backlog" means a~~  
 3990 ~~facility or facilities on which the adopted level of service~~  
 3991 ~~standard is exceeded by the existing trips, plus additional~~  
 3992 ~~projected background trips from any source other than the~~  
 3993 ~~development project under review that are forecast by~~  
 3994 ~~established traffic standards, including traffic modeling,~~  
 3995 ~~consistent with the University of Florida Bureau of Economic and~~  
 3996 ~~Business Research medium population projections. Additional~~  
 3997 ~~projected background trips are to be coincident with the~~  
 3998 ~~particular stage or phase of development under review.~~



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3999 ~~(13) School concurrency shall be established on a~~  
 4000 ~~districtwide basis and shall include all public schools in the~~  
 4001 ~~district and all portions of the district, whether located in a~~  
 4002 ~~municipality or an unincorporated area unless exempt from the~~  
 4003 ~~public school facilities element pursuant to s. 163.3177(12).~~

4004 (6) (a) If concurrency is applied to public education  
 4005 facilities, The application of school concurrency to development  
 4006 shall be based upon the adopted comprehensive plan, as amended.  
 4007 all local governments within a county, except as provided in  
 4008 paragraph (i) (f), shall include principles, guidelines,  
 4009 standards, and strategies, including adopted levels of service,  
 4010 in their comprehensive plans and adopt and transmit to the state  
 4011 land planning agency the necessary plan amendments, along with  
 4012 the interlocal agreements. If the county and one or more  
 4013 municipalities have adopted school concurrency into its  
 4014 comprehensive plan and interlocal agreement that represents at  
 4015 least 80 percent of the total countywide population, the failure  
 4016 of one or more municipalities to adopt the concurrency and enter  
 4017 into the interlocal agreement does not preclude implementation  
 4018 of school concurrency within jurisdictions of the school  
 4019 district that have opted to implement concurrency. agreement,  
 4020 for a compliance review pursuant to s. 163.3184(7) and (8). The  
 4021 minimum requirements for school concurrency are the following:

4022 ~~(a) Public school facilities element. A local government~~  
 4023 ~~shall adopt and transmit to the state land planning agency a~~  
 4024 ~~plan or plan amendment which includes a public school facilities~~  
 4025 ~~element which is consistent with the requirements of s.~~  
 4026 ~~163.3177(12) and which is determined to be in compliance as~~

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4027 ~~defined in s. 163.3184(1)(b).~~ All local government provisions  
 4028 included in comprehensive plans regarding school concurrency  
 4029 ~~public school facilities plan elements~~ within a county must be  
 4030 consistent with each other as well as the requirements of this  
 4031 part.

4032 (b) ~~Level of service standards.~~ The Legislature recognizes  
 4033 that an essential requirement for a concurrency management  
 4034 system is the level of service at which a public facility is  
 4035 expected to operate.

4036 1. Local governments and school boards imposing school  
 4037 concurrency shall exercise authority in conjunction with each  
 4038 other to establish jointly adequate level-of-service standards,  
 4039 ~~as defined in chapter 9J-5, Florida Administrative Code,~~  
 4040 necessary to implement the adopted local government  
 4041 comprehensive plan, based on data and analysis.

4042 (c) 2. Public school level-of-service standards shall be  
 4043 included and adopted into the capital improvements element of  
 4044 the local comprehensive plan and shall apply districtwide to all  
 4045 schools of the same type. Types of schools may include  
 4046 elementary, middle, and high schools as well as special purpose  
 4047 facilities such as magnet schools.

4048 (d) 3. Local governments and school boards may ~~shall~~ have  
 4049 ~~the option to~~ utilize tiered level-of-service standards to allow  
 4050 time to achieve an adequate and desirable level of service as  
 4051 circumstances warrant.

4052 (e) 4. ~~For the purpose of determining whether levels of~~  
 4053 ~~service have been achieved, for the first 3 years of school~~  
 4054 ~~concurrency implementation,~~ A school district that includes

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4055 relocatable facilities in its inventory of student stations  
 4056 shall include the capacity of such relocatable facilities as  
 4057 provided in s. 1013.35(2)(b)2.f., provided the relocatable  
 4058 facilities were purchased after 1998 and the relocatable  
 4059 facilities meet the standards for long-term use pursuant to s.  
 4060 1013.20.

4061 ~~(c) Service areas. The Legislature recognizes that an~~  
 4062 ~~essential requirement for a concurrency system is a designation~~  
 4063 ~~of the area within which the level of service will be measured~~  
 4064 ~~when an application for a residential development permit is~~  
 4065 ~~reviewed for school concurrency purposes. This delineation is~~  
 4066 ~~also important for purposes of determining whether the local~~  
 4067 ~~government has a financially feasible public school capital~~  
 4068 ~~facilities program that will provide schools which will achieve~~  
 4069 ~~and maintain the adopted level of service standards.~~

4070 (f)1. In order to balance competing interests, preserve  
 4071 the constitutional concept of uniformity, and avoid disruption  
 4072 of existing educational and growth management processes, local  
 4073 governments are encouraged, if they elect to adopt school  
 4074 concurrency, to ~~initially~~ apply school concurrency to  
 4075 development ~~only~~ on a districtwide basis so that a concurrency  
 4076 determination for a specific development will be based upon the  
 4077 availability of school capacity districtwide. ~~To ensure that~~  
 4078 ~~development is coordinated with schools having available~~  
 4079 ~~capacity, within 5 years after adoption of school concurrency,~~  
 4080 2. If a local government elects to ~~governments shall~~ apply  
 4081 school concurrency on a less than districtwide basis, by ~~such as~~

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4082 using school attendance zones or concurrency service areas; ~~as~~  
 4083 ~~provided in subparagraph 2.~~

4084 ~~a.2. For local governments applying school concurrency on~~  
 4085 ~~a less than districtwide basis, such as utilizing school~~  
 4086 ~~attendance zones or larger school concurrency service areas,~~  
 4087 Local governments and school boards shall have the burden to  
 4088 demonstrate that the utilization of school capacity is maximized  
 4089 to the greatest extent possible in the comprehensive plan and  
 4090 amendment, taking into account transportation costs and court-  
 4091 approved desegregation plans, as well as other factors. In  
 4092 addition, in order to achieve concurrency within the service  
 4093 area boundaries selected by local governments and school boards,  
 4094 the service area boundaries, together with the standards for  
 4095 establishing those boundaries, shall be identified and included  
 4096 as supporting data and analysis for the comprehensive plan.

4097 ~~b.3.~~ Where school capacity is available on a districtwide  
 4098 basis but school concurrency is applied on a less than  
 4099 districtwide basis in the form of concurrency service areas, if  
 4100 the adopted level-of-service standard cannot be met in a  
 4101 particular service area as applied to an application for a  
 4102 development permit and if the needed capacity for the particular  
 4103 service area is available in one or more contiguous service  
 4104 areas, as adopted by the local government, then the local  
 4105 government may not deny an application for site plan or final  
 4106 subdivision approval or the functional equivalent for a  
 4107 development or phase of a development on the basis of school  
 4108 concurrency, and if issued, development impacts shall be  
 4109 subtracted from the ~~shifted to~~ contiguous service area's ~~areas~~

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4110 ~~with schools having available capacity totals. Students from the~~  
 4111 ~~development may not be required to go to the adjacent service~~  
 4112 ~~area unless the school board rezones the area in which the~~  
 4113 ~~development occurs.~~

4114 ~~(g)(d) *Financial feasibility.* The Legislature recognizes~~  
 4115 ~~that financial feasibility is an important issue because The~~  
 4116 ~~premise of concurrency is that the public facilities will be~~  
 4117 ~~provided in order to achieve and maintain the adopted level-of-~~  
 4118 ~~service standard. This part and chapter 9J-5, Florida~~  
 4119 ~~Administrative Code, contain specific standards to determine the~~  
 4120 ~~financial feasibility of capital programs. These standards were~~  
 4121 ~~adopted to make concurrency more predictable and local~~  
 4122 ~~governments more accountable.~~

4123 ~~1. A comprehensive plan that imposes amendment seeking to~~  
 4124 ~~impose school concurrency shall contain appropriate amendments~~  
 4125 ~~to the capital improvements element of the comprehensive plan,~~  
 4126 ~~consistent with the requirements of s. 163.3177(3) and rule 9J-~~  
 4127 ~~5.016, Florida Administrative Code. The capital improvements~~  
 4128 ~~element shall identify facilities necessary to meet adopted~~  
 4129 ~~levels of service during a 5-year period consistent with the~~  
 4130 ~~school board's educational set forth a financially feasible~~  
 4131 ~~public school capital facilities plan program, established in~~  
 4132 ~~conjunction with the school board, that demonstrates that the~~  
 4133 ~~adopted level-of-service standards will be achieved and~~  
 4134 ~~maintained.~~

4135 ~~(h)1. In order to limit the liability of local~~  
 4136 ~~governments, a local government may allow a landowner to proceed~~  
 4137 ~~with development of a specific parcel of land notwithstanding a~~

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4138 failure of the development to satisfy school concurrency, if all  
 4139 the following factors are shown to exist:

4140 a. The proposed development would be consistent with the  
 4141 future land use designation for the specific property and with  
 4142 pertinent portions of the adopted local plan, as determined by  
 4143 the local government.

4144 b. The local government's capital improvements element and  
 4145 the school board's educational facilities plan provide for  
 4146 school facilities adequate to serve the proposed development,  
 4147 and the local government or school board has not implemented  
 4148 that element or the project includes a plan that demonstrates  
 4149 that the capital facilities needed as a result of the project  
 4150 can be reasonably provided.

4151 c. The local government and school board have provided a  
 4152 means by which the landowner will be assessed a proportionate  
 4153 share of the cost of providing the school facilities necessary  
 4154 to serve the proposed development.

4155 ~~2. Such amendments shall demonstrate that the public~~  
 4156 ~~school capital facilities program meets all of the financial~~  
 4157 ~~feasibility standards of this part and chapter 9J-5, Florida~~  
 4158 ~~Administrative Code, that apply to capital programs which~~  
 4159 ~~provide the basis for mandatory concurrency on other public~~  
 4160 ~~facilities and services.~~

4161 ~~3. When the financial feasibility of a public school~~  
 4162 ~~capital facilities program is evaluated by the state land~~  
 4163 ~~planning agency for purposes of a compliance determination, the~~  
 4164 ~~evaluation shall be based upon the service areas selected by the~~  
 4165 ~~local governments and school board.~~

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4166           ~~2.(e) Availability standard. Consistent with the public~~  
 4167 ~~welfare,~~ If a local government applies school concurrency, it  
 4168 may not deny an application for site plan, final subdivision  
 4169 approval, or the functional equivalent for a development or  
 4170 phase of a development authorizing residential development for  
 4171 failure to achieve and maintain the level-of-service standard  
 4172 for public school capacity in a local school concurrency  
 4173 management system where adequate school facilities will be in  
 4174 place or under actual construction within 3 years after the  
 4175 issuance of final subdivision or site plan approval, or the  
 4176 functional equivalent. School concurrency is satisfied if the  
 4177 developer executes a legally binding commitment to provide  
 4178 mitigation proportionate to the demand for public school  
 4179 facilities to be created by actual development of the property,  
 4180 including, but not limited to, the options described in sub-  
 4181 subparagraph a. subparagraph 1. Options for proportionate-share  
 4182 mitigation of impacts on public school facilities must be  
 4183 established in the comprehensive plan ~~public school facilities~~  
 4184 ~~element~~ and the interlocal agreement pursuant to s. 163.31777.  
 4185           a.1. Appropriate mitigation options include the  
 4186 contribution of land; the construction, expansion, or payment  
 4187 for land acquisition or construction of a public school  
 4188 facility; the construction of a charter school that complies  
 4189 with the requirements of s. 1002.33(18); or the creation of  
 4190 mitigation banking based on the construction of a public school  
 4191 facility in exchange for the right to sell capacity credits.  
 4192 Such options must include execution by the applicant and the  
 4193 local government of a development agreement that constitutes a

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4194 | legally binding commitment to pay proportionate-share mitigation  
 4195 | for the additional residential units approved by the local  
 4196 | government in a development order and actually developed on the  
 4197 | property, taking into account residential density allowed on the  
 4198 | property prior to the plan amendment that increased the overall  
 4199 | residential density. The district school board must be a party  
 4200 | to such an agreement. As a condition of its entry into such a  
 4201 | development agreement, the local government may require the  
 4202 | landowner to agree to continuing renewal of the agreement upon  
 4203 | its expiration.

4204 |       **b.2.** If the interlocal agreement ~~education facilities plan~~  
 4205 | and the local government comprehensive plan ~~public educational~~  
 4206 | ~~facilities element~~ authorize a contribution of land; the  
 4207 | construction, expansion, or payment for land acquisition; the  
 4208 | construction or expansion of a public school facility, or a  
 4209 | portion thereof; or the construction of a charter school that  
 4210 | complies with the requirements of s. 1002.33(18), as  
 4211 | proportionate-share mitigation, the local government shall  
 4212 | credit such a contribution, construction, expansion, or payment  
 4213 | toward any other impact fee or exaction imposed by local  
 4214 | ordinance for the same need, on a dollar-for-dollar basis at  
 4215 | fair market value.

4216 |       **c.3.** Any proportionate-share mitigation must be directed  
 4217 | by the school board toward a school capacity improvement  
 4218 | identified in the ~~a financially feasible~~ 5-year school board's  
 4219 | educational facilities ~~district work~~ plan that satisfies the  
 4220 | demands created by the development in accordance with a binding  
 4221 | developer's agreement.



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4222 ~~4. If a development is precluded from commencing because~~  
 4223 ~~there is inadequate classroom capacity to mitigate the impacts~~  
 4224 ~~of the development, the development may nevertheless commence if~~  
 4225 ~~there are accelerated facilities in an approved capital~~  
 4226 ~~improvement element scheduled for construction in year four or~~  
 4227 ~~later of such plan which, when built, will mitigate the proposed~~  
 4228 ~~development, or if such accelerated facilities will be in the~~  
 4229 ~~next annual update of the capital facilities element, the~~  
 4230 ~~developer enters into a binding, financially guaranteed~~  
 4231 ~~agreement with the school district to construct an accelerated~~  
 4232 ~~facility within the first 3 years of an approved capital~~  
 4233 ~~improvement plan, and the cost of the school facility is equal~~  
 4234 ~~to or greater than the development's proportionate share. When~~  
 4235 ~~the completed school facility is conveyed to the school~~  
 4236 ~~district, the developer shall receive impact fee credits usable~~  
 4237 ~~within the zone where the facility is constructed or any~~  
 4238 ~~attendance zone contiguous with or adjacent to the zone where~~  
 4239 ~~the facility is constructed.~~

4240 3.5. This paragraph does not limit the authority of a  
 4241 local government to deny a development permit or its functional  
 4242 equivalent pursuant to its home rule regulatory powers, except  
 4243 as provided in this part.

4244 (i)-(f) ~~Intergovernmental coordination.~~

4245 ~~1. When establishing concurrency requirements for public~~  
 4246 ~~schools, a local government shall satisfy the requirements for~~  
 4247 ~~intergovernmental coordination set forth in s. 163.3177(6)(h)1.~~  
 4248 ~~and 2., except that A municipality is not required to be a~~  
 4249 ~~signatory to the interlocal agreement required by paragraph (j)~~

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4250 ~~ss. 163.3177(6)(h)2. and 163.31777(6),~~ as a prerequisite for  
 4251 imposition of school concurrency, and as a nonsignatory, may  
 4252 ~~shall~~ not participate in the adopted local school concurrency  
 4253 system, if the municipality meets all of the following criteria  
 4254 for having no significant impact on school attendance:

4255 1.a. The municipality has issued development orders for  
 4256 fewer than 50 residential dwelling units during the preceding 5  
 4257 years, or the municipality has generated fewer than 25  
 4258 additional public school students during the preceding 5 years.

4259 2.b. The municipality has not annexed new land during the  
 4260 preceding 5 years in land use categories which permit  
 4261 residential uses that will affect school attendance rates.

4262 3.e. The municipality has no public schools located within  
 4263 its boundaries.

4264 4.d. At least 80 percent of the developable land within  
 4265 the boundaries of the municipality has been built upon.

4266 ~~2. A municipality which qualifies as having no significant~~  
 4267 ~~impact on school attendance pursuant to the criteria of~~  
 4268 ~~subparagraph 1. must review and determine at the time of its~~  
 4269 ~~evaluation and appraisal report pursuant to s. 163.3191 whether~~  
 4270 ~~it continues to meet the criteria pursuant to s. 163.31777(6).~~  
 4271 ~~If the municipality determines that it no longer meets the~~  
 4272 ~~criteria, it must adopt appropriate school concurrency goals,~~  
 4273 ~~objectives, and policies in its plan amendments based on the~~  
 4274 ~~evaluation and appraisal report, and enter into the existing~~  
 4275 ~~interlocal agreement required by ss. 163.3177(6)(h)2. and~~  
 4276 ~~163.31777, in order to fully participate in the school~~

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4277 ~~concurrency system. If such a municipality fails to do so, it~~  
 4278 ~~will be subject to the enforcement provisions of s. 163.3191.~~

4279 (j)(g) ~~Interlocal agreement for school concurrency.~~ When  
 4280 establishing concurrency requirements for public schools, a  
 4281 local government must enter into an interlocal agreement that  
 4282 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and  
 4283 163.31777 and the requirements of this subsection. The  
 4284 interlocal agreement shall acknowledge both the school board's  
 4285 constitutional and statutory obligations to provide a uniform  
 4286 system of free public schools on a countywide basis, and the  
 4287 land use authority of local governments, including their  
 4288 authority to approve or deny comprehensive plan amendments and  
 4289 development orders. ~~The interlocal agreement shall be submitted~~  
 4290 ~~to the state land planning agency by the local government as a~~  
 4291 ~~part of the compliance review, along with the other necessary~~  
 4292 ~~amendments to the comprehensive plan required by this part. In~~  
 4293 ~~addition to the requirements of ss. 163.3177(6)(h) and~~  
 4294 ~~163.31777,~~ The interlocal agreement shall meet the following  
 4295 requirements:

4296 1. Establish the mechanisms for coordinating the  
 4297 development, adoption, and amendment of each local government's  
 4298 school concurrency related provisions of the comprehensive plan  
 4299 ~~public school facilities element~~ with each other and the plans  
 4300 of the school board to ensure a uniform districtwide school  
 4301 concurrency system.

4302 ~~2. Establish a process for the development of siting~~  
 4303 ~~criteria which encourages the location of public schools~~  
 4304 ~~proximate to urban residential areas to the extent possible and~~

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4305 ~~seeks to collocate schools with other public facilities such as~~  
 4306 ~~parks, libraries, and community centers to the extent possible.~~

4307 2.3. Specify uniform, districtwide level-of-service  
 4308 standards for public schools of the same type and the process  
 4309 for modifying the adopted level-of-service standards.

4310 ~~4. Establish a process for the preparation, amendment, and~~  
 4311 ~~joint approval by each local government and the school board of~~  
 4312 ~~a public school capital facilities program which is financially~~  
 4313 ~~feasible, and a process and schedule for incorporation of the~~  
 4314 ~~public school capital facilities program into the local~~  
 4315 ~~government comprehensive plans on an annual basis.~~

4316 3.5. Define the geographic application of school  
 4317 concurrency. If school concurrency is to be applied on a less  
 4318 than districtwide basis in the form of concurrency service  
 4319 areas, the agreement shall establish criteria and standards for  
 4320 the establishment and modification of school concurrency service  
 4321 areas. ~~The agreement shall also establish a process and schedule~~  
 4322 ~~for the mandatory incorporation of the school concurrency~~  
 4323 ~~service areas and the criteria and standards for establishment~~  
 4324 ~~of the service areas into the local government comprehensive~~  
 4325 ~~plans.~~ The agreement shall ensure maximum utilization of school  
 4326 capacity, taking into account transportation costs and court-  
 4327 approved desegregation plans, as well as other factors. ~~The~~  
 4328 ~~agreement shall also ensure the achievement and maintenance of~~  
 4329 ~~the adopted level-of-service standards for the geographic area~~  
 4330 ~~of application throughout the 5 years covered by the public~~  
 4331 ~~school capital facilities plan and thereafter by adding a new~~  
 4332 ~~fifth year during the annual update.~~

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4333           ~~4.6.~~ Establish a uniform districtwide procedure for  
 4334 implementing school concurrency which provides for:  
 4335           a. The evaluation of development applications for  
 4336 compliance with school concurrency requirements, including  
 4337 information provided by the school board on affected schools,  
 4338 impact on levels of service, and programmed improvements for  
 4339 affected schools and any options to provide sufficient capacity;  
 4340           b. An opportunity for the school board to review and  
 4341 comment on the effect of comprehensive plan amendments and  
 4342 rezonings on the public school facilities plan; and  
 4343           c. The monitoring and evaluation of the school concurrency  
 4344 system.  
 4345           ~~7. Include provisions relating to amendment of the~~  
 4346 ~~agreement.~~  
 4347           ~~5.8.~~ A process and uniform methodology for determining  
 4348 proportionate-share mitigation pursuant to paragraph (h)  
 4349 ~~subparagraph (e)1.~~  
 4350           (k)(h) ~~Local government authority.~~ This subsection does  
 4351 not limit the authority of a local government to grant or deny a  
 4352 development permit or its functional equivalent prior to the  
 4353 implementation of school concurrency.  
 4354           ~~(14) The state land planning agency shall, by October 1,~~  
 4355 ~~1998, adopt by rule minimum criteria for the review and~~  
 4356 ~~determination of compliance of a public school facilities~~  
 4357 ~~element adopted by a local government for purposes of imposition~~  
 4358 ~~of school concurrency.~~  
 4359           ~~(15) (a) Multimodal transportation districts may be~~  
 4360 ~~established under a local government comprehensive plan in areas~~

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4361 ~~delineated on the future land use map for which the local~~  
 4362 ~~comprehensive plan assigns secondary priority to vehicle~~  
 4363 ~~mobility and primary priority to assuring a safe, comfortable,~~  
 4364 ~~and attractive pedestrian environment, with convenient~~  
 4365 ~~interconnection to transit. Such districts must incorporate~~  
 4366 ~~community design features that will reduce the number of~~  
 4367 ~~automobile trips or vehicle miles of travel and will support an~~  
 4368 ~~integrated, multimodal transportation system. Prior to the~~  
 4369 ~~designation of multimodal transportation districts, the~~  
 4370 ~~Department of Transportation shall be consulted by the local~~  
 4371 ~~government to assess the impact that the proposed multimodal~~  
 4372 ~~district area is expected to have on the adopted level of-~~  
 4373 ~~service standards established for Strategic Intermodal System~~  
 4374 ~~facilities, as defined in s. 339.64, and roadway facilities~~  
 4375 ~~funded in accordance with s. 339.2819. Further, the local~~  
 4376 ~~government shall, in cooperation with the Department of~~  
 4377 ~~Transportation, develop a plan to mitigate any impacts to the~~  
 4378 ~~Strategic Intermodal System, including the development of a~~  
 4379 ~~long-term concurrency management system pursuant to subsection~~  
 4380 ~~(9) and s. 163.3177(3)(d). Multimodal transportation districts~~  
 4381 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
 4382 ~~provisions of this section by July 1, 2006, or at the time of~~  
 4383 ~~the comprehensive plan update pursuant to the evaluation and~~  
 4384 ~~appraisal report, whichever occurs last.~~

4385 ~~(b) Community design elements of such a district include:~~  
 4386 ~~a complementary mix and range of land uses, including~~  
 4387 ~~educational, recreational, and cultural uses; interconnected~~  
 4388 ~~networks of streets designed to encourage walking and bicycling,~~

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4389 ~~with traffic calming where desirable; appropriate densities and~~  
 4390 ~~intensities of use within walking distance of transit stops;~~  
 4391 ~~daily activities within walking distance of residences, allowing~~  
 4392 ~~independence to persons who do not drive; public uses, streets,~~  
 4393 ~~and squares that are safe, comfortable, and attractive for the~~  
 4394 ~~pedestrian, with adjoining buildings open to the street and with~~  
 4395 ~~parking not interfering with pedestrian, transit, automobile,~~  
 4396 ~~and truck travel modes.~~

4397 ~~(c) Local governments may establish multimodal level-of-~~  
 4398 ~~service standards that rely primarily on nonvehicular modes of~~  
 4399 ~~transportation within the district, when justified by an~~  
 4400 ~~analysis demonstrating that the existing and planned community~~  
 4401 ~~design will provide an adequate level of mobility within the~~  
 4402 ~~district based upon professionally accepted multimodal level-of-~~  
 4403 ~~service methodologies. The analysis must also demonstrate that~~  
 4404 ~~the capital improvements required to promote community design~~  
 4405 ~~are financially feasible over the development or redevelopment~~  
 4406 ~~timeframe for the district and that community design features~~  
 4407 ~~within the district provide convenient interconnection for a~~  
 4408 ~~multimodal transportation system. Local governments may issue~~  
 4409 ~~development permits in reliance upon all planned community~~  
 4410 ~~design capital improvements that are financially feasible over~~  
 4411 ~~the development or redevelopment timeframe for the district,~~  
 4412 ~~without regard to the period of time between development or~~  
 4413 ~~redevelopment and the scheduled construction of the capital~~  
 4414 ~~improvements. A determination of financial feasibility shall be~~  
 4415 ~~based upon currently available funding or funding sources that~~

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4416 ~~could reasonably be expected to become available over the~~  
4417 ~~planning period.~~

4418 ~~(d) Local governments may reduce impact fees or local~~  
4419 ~~access fees for development within multimodal transportation~~  
4420 ~~districts based on the reduction of vehicle trips per household~~  
4421 ~~or vehicle miles of travel expected from the development pattern~~  
4422 ~~planned for the district.~~

4423 ~~(16) It is the intent of the Legislature to provide a~~  
4424 ~~method by which the impacts of development on transportation~~  
4425 ~~facilities can be mitigated by the cooperative efforts of the~~  
4426 ~~public and private sectors. The methodology used to calculate~~  
4427 ~~proportionate fair share mitigation under this section shall be~~  
4428 ~~as provided for in subsection (12).~~

4429 ~~(a) By December 1, 2006, each local government shall adopt~~  
4430 ~~by ordinance a methodology for assessing proportionate fair-~~  
4431 ~~share mitigation options. By December 1, 2005, the Department of~~  
4432 ~~Transportation shall develop a model transportation concurrency~~  
4433 ~~management ordinance with methodologies for assessing~~  
4434 ~~proportionate fair share mitigation options.~~

4435 ~~(b)1. In its transportation concurrency management system,~~  
4436 ~~a local government shall, by December 1, 2006, include~~  
4437 ~~methodologies that will be applied to calculate proportionate~~  
4438 ~~fair share mitigation. A developer may choose to satisfy all~~  
4439 ~~transportation concurrency requirements by contributing or~~  
4440 ~~paying proportionate fair share mitigation if transportation~~  
4441 ~~facilities or facility segments identified as mitigation for~~  
4442 ~~traffic impacts are specifically identified for funding in the~~  
4443 ~~5-year schedule of capital improvements in the capital~~



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4444 ~~improvements element of the local plan or the long-term~~  
 4445 ~~concurrency management system or if such contributions or~~  
 4446 ~~payments to such facilities or segments are reflected in the 5-~~  
 4447 ~~year schedule of capital improvements in the next regularly~~  
 4448 ~~scheduled update of the capital improvements element. Updates to~~  
 4449 ~~the 5-year capital improvements element which reflect~~  
 4450 ~~proportionate fair-share contributions may not be found not in~~  
 4451 ~~compliance based on ss. 163.3164(32) and 163.3177(3) if~~  
 4452 ~~additional contributions, payments or funding sources are~~  
 4453 ~~reasonably anticipated during a period not to exceed 10 years to~~  
 4454 ~~fully mitigate impacts on the transportation facilities.~~

4455 ~~2. Proportionate fair-share mitigation shall be applied as~~  
 4456 ~~a credit against impact fees to the extent that all or a portion~~  
 4457 ~~of the proportionate fair-share mitigation is used to address~~  
 4458 ~~the same capital infrastructure improvements contemplated by the~~  
 4459 ~~local government's impact fee ordinance.~~

4460 ~~(c) Proportionate fair-share mitigation includes, without~~  
 4461 ~~limitation, separately or collectively, private funds,~~  
 4462 ~~contributions of land, and construction and contribution of~~  
 4463 ~~facilities and may include public funds as determined by the~~  
 4464 ~~local government. Proportionate fair-share mitigation may be~~  
 4465 ~~directed toward one or more specific transportation improvements~~  
 4466 ~~reasonably related to the mobility demands created by the~~  
 4467 ~~development and such improvements may address one or more modes~~  
 4468 ~~of travel. The fair market value of the proportionate fair-share~~  
 4469 ~~mitigation shall not differ based on the form of mitigation. A~~  
 4470 ~~local government may not require a development to pay more than~~  
 4471 ~~its proportionate fair-share contribution regardless of the~~

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4472 ~~method of mitigation. Proportionate fair share mitigation shall~~  
 4473 ~~be limited to ensure that a development meeting the requirements~~  
 4474 ~~of this section mitigates its impact on the transportation~~  
 4475 ~~system but is not responsible for the additional cost of~~  
 4476 ~~reducing or eliminating backlogs.~~

4477 ~~(d) This subsection does not require a local government to~~  
 4478 ~~approve a development that is not otherwise qualified for~~  
 4479 ~~approval pursuant to the applicable local comprehensive plan and~~  
 4480 ~~land development regulations.~~

4481 ~~(e) Mitigation for development impacts to facilities on~~  
 4482 ~~the Strategic Intermodal System made pursuant to this subsection~~  
 4483 ~~requires the concurrence of the Department of Transportation.~~

4484 ~~(f) If the funds in an adopted 5-year capital improvements~~  
 4485 ~~element are insufficient to fully fund construction of a~~  
 4486 ~~transportation improvement required by the local government's~~  
 4487 ~~concurrency management system, a local government and a~~  
 4488 ~~developer may still enter into a binding proportionate share~~  
 4489 ~~agreement authorizing the developer to construct that amount of~~  
 4490 ~~development on which the proportionate share is calculated if~~  
 4491 ~~the proportionate share amount in such agreement is sufficient~~  
 4492 ~~to pay for one or more improvements which will, in the opinion~~  
 4493 ~~of the governmental entity or entities maintaining the~~  
 4494 ~~transportation facilities, significantly benefit the impacted~~  
 4495 ~~transportation system. The improvements funded by the~~  
 4496 ~~proportionate share component must be adopted into the 5-year~~  
 4497 ~~capital improvements schedule of the comprehensive plan at the~~  
 4498 ~~next annual capital improvements element update. The funding of~~  
 4499 ~~any improvements that significantly benefit the impacted~~

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4500 ~~transportation system satisfies concurrency requirements as a~~  
 4501 ~~mitigation of the development's impact upon the overall~~  
 4502 ~~transportation system even if there remains a failure of~~  
 4503 ~~concurrency on other impacted facilities.~~

4504 ~~(g) Except as provided in subparagraph (b)1., this section~~  
 4505 ~~may not prohibit the Department of Community Affairs from~~  
 4506 ~~finding other portions of the capital improvements element~~  
 4507 ~~amendments not in compliance as provided in this chapter.~~

4508 ~~(h) The provisions of this subsection do not apply to a~~  
 4509 ~~development of regional impact satisfying the requirements of~~  
 4510 ~~subsection (12).~~

4511 ~~(i) As used in this subsection, the term "backlog" means a~~  
 4512 ~~facility or facilities on which the adopted level-of-service~~  
 4513 ~~standard is exceeded by the existing trips, plus additional~~  
 4514 ~~projected background trips from any source other than the~~  
 4515 ~~development project under review that are forecast by~~  
 4516 ~~established traffic standards, including traffic modeling,~~  
 4517 ~~consistent with the University of Florida Bureau of Economic and~~  
 4518 ~~Business Research medium population projections. Additional~~  
 4519 ~~projected background trips are to be coincident with the~~  
 4520 ~~particular stage or phase of development under review.~~

4521 ~~(17) A local government and the developer of affordable~~  
 4522 ~~workforce housing units developed in accordance with s.~~  
 4523 ~~380.06(19) or s. 380.0651(3) may identify an employment center~~  
 4524 ~~or centers in close proximity to the affordable workforce~~  
 4525 ~~housing units. If at least 50 percent of the units are occupied~~  
 4526 ~~by an employee or employees of an identified employment center~~  
 4527 ~~or centers, all of the affordable workforce housing units are~~

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4528 ~~exempt from transportation concurrency requirements, and the~~  
 4529 ~~local government may not reduce any transportation trip-~~  
 4530 ~~generation entitlements of an approved development-of-regional-~~  
 4531 ~~impact development order. As used in this subsection, the term~~  
 4532 ~~"close proximity" means 5 miles from the nearest point of the~~  
 4533 ~~development of regional impact to the nearest point of the~~  
 4534 ~~employment center, and the term "employment center" means a~~  
 4535 ~~place of employment that employs at least 25 or more full-time~~  
 4536 ~~employees.~~

4537 Section 16. Section 163.3182, Florida Statutes, is amended  
 4538 to read:

4539 163.3182 Transportation deficiencies ~~concurrency~~  
 4540 ~~backlogs.~~-

4541 (1) DEFINITIONS.-For purposes of this section, the term:

4542 (a) "Transportation deficiency ~~concurrency backlog~~ area"  
 4543 means the geographic area within the unincorporated portion of a  
 4544 county or within the municipal boundary of a municipality  
 4545 designated in a local government comprehensive plan for which a  
 4546 transportation development ~~concurrency backlog~~ authority is  
 4547 created pursuant to this section. A transportation deficiency  
 4548 ~~concurrency backlog~~ area created within the corporate boundary  
 4549 of a municipality shall be made pursuant to an interlocal  
 4550 agreement between a county, a municipality or municipalities,  
 4551 and any affected taxing authority or authorities.

4552 (b) "Authority" or "transportation development ~~concurrency~~  
 4553 ~~backlog~~ authority" means the governing body of a county or  
 4554 municipality within which an authority is created.

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4555 (c) "Governing body" means the council, commission, or  
 4556 other legislative body charged with governing the county or  
 4557 municipality within which an ~~a transportation concurrency~~  
 4558 ~~backlog~~ authority is created pursuant to this section.

4559 (d) "Transportation deficiency ~~concurrency backlog~~" means  
 4560 an identified need ~~deficiency~~ where the existing and projected  
 4561 extent of traffic volume exceeds the level of service standard  
 4562 adopted in a local government comprehensive plan for a  
 4563 transportation facility.

4564 (e) "Transportation sufficiency ~~concurrency backlog~~ plan"  
 4565 means the plan adopted as part of a local government  
 4566 comprehensive plan by the governing body of a county or  
 4567 municipality acting as a transportation development ~~concurrency~~  
 4568 ~~backlog~~ authority.

4569 (f) "Transportation ~~concurrency backlog~~ project" means any  
 4570 designated transportation project identified for construction  
 4571 within the jurisdiction of a transportation development  
 4572 ~~concurrency backlog~~ authority.

4573 (g) "Debt service millage" means any millage levied  
 4574 pursuant to s. 12, Art. VII of the State Constitution.

4575 (h) "Increment revenue" means the amount calculated  
 4576 pursuant to subsection (5).

4577 (i) "Taxing authority" means a public body that levies or  
 4578 is authorized to levy an ad valorem tax on real property located  
 4579 within a transportation deficiency ~~concurrency backlog~~ area,  
 4580 except a school district.

4581 (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
 4582 ~~BACKLOG~~ AUTHORITIES.—

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4583 (a) A county or municipality may create a transportation  
 4584 development ~~concurrency backlog~~ authority if it has an  
 4585 identified transportation deficiency ~~concurrency backlog~~.

4586 (b) Acting as the transportation development ~~concurrency~~  
 4587 ~~backlog~~ authority within the authority's jurisdictional  
 4588 boundary, the governing body of a county or municipality shall  
 4589 adopt and implement a plan to eliminate all identified  
 4590 transportation deficiencies ~~concurrency backlogs~~ within the  
 4591 authority's jurisdiction using funds provided pursuant to  
 4592 subsection (5) and as otherwise provided pursuant to this  
 4593 section.

4594 (c) The Legislature finds and declares that there exist in  
 4595 many counties and municipalities areas that have significant  
 4596 transportation deficiencies and inadequate transportation  
 4597 facilities; that many insufficiencies and inadequacies severely  
 4598 limit or prohibit the satisfaction of transportation level of  
 4599 service ~~concurrency~~ standards; that the transportation  
 4600 insufficiencies and inadequacies affect the health, safety, and  
 4601 welfare of the residents of these counties and municipalities;  
 4602 that the transportation insufficiencies and inadequacies  
 4603 adversely affect economic development and growth of the tax base  
 4604 for the areas in which these insufficiencies and inadequacies  
 4605 exist; and that the elimination of transportation deficiencies  
 4606 and inadequacies and the satisfaction of transportation  
 4607 concurrency standards are paramount public purposes for the  
 4608 state and its counties and municipalities.

4609 (3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY~~  
 4610 ~~BACKLOG~~ AUTHORITY.—Each transportation development ~~concurrency~~

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4611 ~~backlog~~ authority created pursuant to this section has the  
 4612 powers necessary or convenient to carry out the purposes of this  
 4613 section, including the following powers in addition to others  
 4614 granted in this section:

4615 (a) To make and execute contracts and other instruments  
 4616 necessary or convenient to the exercise of its powers under this  
 4617 section.

4618 (b) To undertake and carry out transportation ~~concurrency~~  
 4619 ~~backlog~~ projects for transportation facilities designed to  
 4620 relieve transportation deficiencies ~~that have a concurrency~~  
 4621 ~~backlog~~ within the authority's jurisdiction. Transportation  
 4622 ~~Concurrency backlog~~ projects may include transportation  
 4623 facilities that provide for alternative modes of travel  
 4624 including sidewalks, bikeways, and mass transit which are  
 4625 related to a deficient ~~backlogged~~ transportation facility.

4626 (c) To invest any transportation ~~concurrency backlog~~ funds  
 4627 held in reserve, sinking funds, or any such funds not required  
 4628 for immediate disbursement in property or securities in which  
 4629 savings banks may legally invest funds subject to the control of  
 4630 the authority and to redeem such bonds as have been issued  
 4631 pursuant to this section at the redemption price established  
 4632 therein, or to purchase such bonds at less than redemption  
 4633 price. All such bonds redeemed or purchased shall be canceled.

4634 (d) To borrow money, including, but not limited to,  
 4635 issuing debt obligations such as, but not limited to, bonds,  
 4636 notes, certificates, and similar debt instruments; to apply for  
 4637 and accept advances, loans, grants, contributions, and any other  
 4638 forms of financial assistance from the Federal Government or the

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4639 state, county, or any other public body or from any sources,  
 4640 public or private, for the purposes of this part; to give such  
 4641 security as may be required; to enter into and carry out  
 4642 contracts or agreements; and to include in any contracts for  
 4643 financial assistance with the Federal Government for or with  
 4644 respect to a transportation ~~concurrency backlog~~ project and  
 4645 related activities such conditions imposed under federal laws as  
 4646 the transportation development ~~concurrency backlog~~ authority  
 4647 considers reasonable and appropriate and which are not  
 4648 inconsistent with the purposes of this section.

4649 (e) To make or have made all surveys and plans necessary  
 4650 to the carrying out of the purposes of this section; to contract  
 4651 with any persons, public or private, in making and carrying out  
 4652 such plans; and to adopt, approve, modify, or amend such  
 4653 transportation sufficiency ~~concurrency backlog~~ plans.

4654 (f) To appropriate such funds and make such expenditures  
 4655 as are necessary to carry out the purposes of this section, and  
 4656 to enter into agreements with other public bodies, which  
 4657 agreements may extend over any period notwithstanding any  
 4658 provision or rule of law to the contrary.

4659 (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

4660 ~~(a)~~ Each transportation development ~~concurrency backlog~~  
 4661 authority shall adopt a transportation sufficiency ~~concurrency~~  
 4662 ~~backlog~~ plan as a part of the local government comprehensive  
 4663 plan within 6 months after the creation of the authority. The  
 4664 plan must:



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4665            (a)1. Identify all transportation facilities that have  
 4666 been designated as deficient and require the expenditure of  
 4667 moneys to upgrade, modify, or mitigate the deficiency.

4668            (b)2. Include a priority listing of all transportation  
 4669 facilities that have been designated as deficient and do not  
 4670 satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and  
 4671 the applicable local government comprehensive plan.

4672            (c)3. Establish a schedule for financing and construction  
 4673 of transportation ~~concurrency backlog~~ projects that will  
 4674 eliminate transportation deficiencies ~~concurrency backlogs~~  
 4675 within the jurisdiction of the authority within 10 years after  
 4676 the transportation sufficiency ~~concurrency backlog~~ plan  
 4677 adoption. The schedule shall be adopted as part of the local  
 4678 government comprehensive plan.

4679            ~~(b) The adoption of the transportation concurrency backlog~~  
 4680 ~~plan shall be exempt from the provisions of s. 163.3187(1).~~

4681  
 4682 Notwithstanding such schedule requirements, as long as the  
 4683 schedule provides for the elimination of all transportation  
 4684 deficiencies ~~concurrency backlogs~~ within 10 years after the  
 4685 adoption of the transportation sufficiency ~~concurrency backlog~~  
 4686 plan, the final maturity date of any debt incurred to finance or  
 4687 refinance the related projects may be no later than 40 years  
 4688 after the date the debt is incurred and the authority may  
 4689 continue operations and administer the trust fund established as  
 4690 provided in subsection (5) for as long as the debt remains  
 4691 outstanding.

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4692 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation  
 4693 development ~~concurrency backlog~~ authority shall establish a  
 4694 local transportation ~~concurrency backlog~~ trust fund upon  
 4695 creation of the authority. Each local trust fund shall be  
 4696 administered by the transportation development ~~concurrency~~  
 4697 ~~backlog~~ authority within which a transportation deficiencies  
 4698 have ~~concurrency backlog~~ has been identified. Each local trust  
 4699 fund must continue to be funded under this section for as long  
 4700 as the projects set forth in the related transportation  
 4701 sufficiency ~~concurrency backlog~~ plan remain to be completed or  
 4702 until any debt incurred to finance or refinance the related  
 4703 projects is no longer outstanding, whichever occurs later.  
 4704 Beginning in the first fiscal year after the creation of the  
 4705 authority, each local trust fund shall be funded by the proceeds  
 4706 of an ad valorem tax increment collected within each  
 4707 transportation deficiency ~~concurrency backlog~~ area to be  
 4708 determined annually and shall be a minimum of 25 percent of the  
 4709 difference between the amounts set forth in paragraphs (a) and  
 4710 (b), except that if all of the affected taxing authorities agree  
 4711 under an interlocal agreement, a particular local trust fund may  
 4712 be funded by the proceeds of an ad valorem tax increment greater  
 4713 than 25 percent of the difference between the amounts set forth  
 4714 in paragraphs (a) and (b):

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

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4719 ~~backlog~~ authority and within the transportation deficiency  
 4720 ~~backlog~~ area; and

4721 (b) The amount of ad valorem taxes which would have been  
 4722 produced by the rate upon which the tax is levied each year by  
 4723 or for each taxing authority, exclusive of any debt service  
 4724 millage, upon the total of the assessed value of the taxable  
 4725 real property within the transportation deficiency ~~concurrency~~  
 4726 ~~backlog~~ area as shown on the most recent assessment roll used in  
 4727 connection with the taxation of such property of each taxing  
 4728 authority prior to the effective date of the ordinance funding  
 4729 the trust fund.

4730 (6) EXEMPTIONS.—

4731 (a) The following public bodies or taxing authorities are  
 4732 exempt from ~~the provisions of~~ this section:

4733 1. A special district that levies ad valorem taxes on  
 4734 taxable real property in more than one county.

4735 2. A special district for which the sole available source  
 4736 of revenue is the authority to levy ad valorem taxes at the time  
 4737 an ordinance is adopted under this section. However, revenues or  
 4738 aid that may be dispensed or appropriated to a district as  
 4739 defined in s. 388.011 at the discretion of an entity other than  
 4740 such district are ~~shall~~ not be deemed available.

4741 3. A library district.

4742 4. A neighborhood improvement district created under the  
 4743 Safe Neighborhoods Act.

4744 5. A metropolitan transportation authority.

4745 6. A water management district created under s. 373.069.

4746 7. A community redevelopment agency.

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4747 (b) A transportation development ~~concurrency exemption~~  
 4748 authority may also exempt from this section a special district  
 4749 that levies ad valorem taxes within the transportation  
 4750 deficiency ~~concurrency backlog~~ area pursuant to s.  
 4751 163.387(2)(d).

4752 (7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption  
 4753 of a transportation sufficiency ~~concurrency backlog~~ plan as a  
 4754 part of the local government comprehensive plan, and the plan  
 4755 going into effect, the area subject to the plan shall be deemed  
 4756 to have achieved and maintained transportation level-of-service  
 4757 standards, ~~and to have met requirements for financial~~  
 4758 ~~feasibility for transportation facilities, and for the purpose~~  
 4759 ~~of proposed development transportation concurrency has been~~  
 4760 ~~satisfied~~. Proportionate fair-share mitigation shall be limited  
 4761 to ensure that a development inside a transportation deficiency  
 4762 ~~concurrency backlog~~ area is not responsible for the additional  
 4763 costs of eliminating deficiencies ~~backlogs~~.

4764 (8) DISSOLUTION.—Upon completion of all transportation  
 4765 ~~concurrency backlog~~ projects identified in the transportation  
 4766 sufficiency plan and repayment or defeasance of all debt issued  
 4767 to finance or refinance such projects, a transportation  
 4768 development ~~concurrency backlog~~ authority shall be dissolved,  
 4769 and its assets and liabilities transferred to the county or  
 4770 municipality within which the authority is located. All  
 4771 remaining assets of the authority must be used for  
 4772 implementation of transportation projects within the  
 4773 jurisdiction of the authority. The local government

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4774 comprehensive plan shall be amended to remove the transportation  
 4775 concurrency backlog plan.

4776 Section 17. Section 163.3184, Florida Statutes, is amended  
 4777 to read:

4778 163.3184 Process for adoption of comprehensive plan or  
 4779 plan amendment.—

4780 (1) DEFINITIONS.—As used in this section, the term:

4781 (a) "Affected person" includes the affected local  
 4782 government; persons owning property, residing, or owning or  
 4783 operating a business within the boundaries of the local  
 4784 government whose plan is the subject of the review; owners of  
 4785 real property abutting real property that is the subject of a  
 4786 proposed change to a future land use map; and adjoining local  
 4787 governments that can demonstrate that the plan or plan amendment  
 4788 will produce substantial impacts on the increased need for  
 4789 publicly funded infrastructure or substantial impacts on areas  
 4790 designated for protection or special treatment within their  
 4791 jurisdiction. Each person, other than an adjoining local  
 4792 government, in order to qualify under this definition, shall  
 4793 also have submitted oral or written comments, recommendations,  
 4794 or objections to the local government during the period of time  
 4795 beginning with the transmittal hearing for the plan or plan  
 4796 amendment and ending with the adoption of the plan or plan  
 4797 amendment.

4798 (b) "In compliance" means consistent with the requirements  
 4799 of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, and  
 4800 163.3248 ~~with the state comprehensive plan~~, with the appropriate  
 4801 strategic regional policy plan, ~~and with chapter 9J-5, Florida~~

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4802 ~~Administrative Code, where such rule is not inconsistent with~~  
 4803 ~~this part~~ and with the principles for guiding development in  
 4804 designated areas of critical state concern and with part III of  
 4805 chapter 369, where applicable.

4806 (c) "Reviewing agencies" means:

4807 1. The state land planning agency;

4808 2. The appropriate regional planning council;

4809 3. The appropriate water management district;

4810 4. The Department of Environmental Protection;

4811 5. The Department of State;

4812 6. The Department of Transportation;

4813 7. In the case of plan amendments relating to public  
 4814 schools, the Department of Education;

4815 8. In the case of plans or plan amendments that affect a  
 4816 military installation listed in s. 163.3175, the commanding  
 4817 officer of the affected military installation;

4818 9. In the case of county plans and plan amendments, the  
 4819 Fish and Wildlife Conservation Commission and the Department of  
 4820 Agriculture and Consumer Services; and

4821 10. In the case of municipal plans and plan amendments,  
 4822 the county in which the municipality is located.

4823 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

4824 (a) Plan amendments adopted by local governments shall  
 4825 follow the expedited state review process in subsection (3),  
 4826 except as set forth in paragraphs (b) and (c).

4827 (b) Plan amendments that qualify as small-scale  
 4828 development amendments may follow the small-scale review process  
 4829 in s. 163.3187.

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4830           (c) Plan amendments that are in an area of critical state  
 4831 concern designated pursuant to s. 380.05; propose a rural land  
 4832 stewardship area pursuant to s. 163.3248; propose a sector plan  
 4833 pursuant to s. 163.3245; update a comprehensive plan based on an  
 4834 evaluation and appraisal pursuant to s. 163.3191; or are new  
 4835 plans for newly incorporated municipalities adopted pursuant to  
 4836 s. 163.3167 shall follow the state coordinated review process in  
 4837 subsection (4).

4838           (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF  
 4839 COMPREHENSIVE PLAN AMENDMENTS.—

4840           (a) The process for amending a comprehensive plan  
 4841 described in this subsection shall apply to all amendments  
 4842 except as provided in paragraphs (2)(b) and (c) and shall be  
 4843 applicable statewide.

4844           (b)1. The local government, after the initial public  
 4845 hearing held pursuant to subsection (11), shall transmit within  
 4846 10 days the amendment or amendments and appropriate supporting  
 4847 data and analyses to the reviewing agencies. The local governing  
 4848 body shall also transmit a copy of the amendments and supporting  
 4849 data and analyses to any other local government or governmental  
 4850 agency that has filed a written request with the governing body.

4851           2. The reviewing agencies and any other local government  
 4852 or governmental agency specified in subparagraph 1. may provide  
 4853 comments regarding the amendment or amendments to the local  
 4854 government. State agencies shall only comment on important state  
 4855 resources and facilities that will be adversely impacted by the  
 4856 amendment if adopted. Comments provided by state agencies shall  
 4857 state with specificity how the plan amendment will adversely

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4858 impact an important state resource or facility and shall  
 4859 identify measures the local government may take to eliminate,  
 4860 reduce, or mitigate the adverse impacts. Such comments, if not  
 4861 resolved, may result in a challenge by the state land planning  
 4862 agency to the plan amendment. Agencies and local governments  
 4863 must transmit their comments to the affected local government  
 4864 such that they are received by the local government not later  
 4865 than 30 days from the date on which the agency or government  
 4866 received the amendment or amendments. Reviewing agencies shall  
 4867 also send a copy of their comments to the state land planning  
 4868 agency.

4869 3. Comments to the local government from a regional  
 4870 planning council, county, or municipality shall be limited as  
 4871 follows:

4872 a. The regional planning council review and comments shall  
 4873 be limited to adverse effects on regional resources or  
 4874 facilities identified in the strategic regional policy plan and  
 4875 extrajurisdictional impacts that would be inconsistent with the  
 4876 comprehensive plan of any affected local government within the  
 4877 region. A regional planning council may not review and comment  
 4878 on a proposed comprehensive plan amendment prepared by such  
 4879 council unless the plan amendment has been changed by the local  
 4880 government subsequent to the preparation of the plan amendment  
 4881 by the regional planning council.

4882 b. County comments shall be in the context of the  
 4883 relationship and effect of the proposed plan amendments on the  
 4884 county plan.



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4885 c. Municipal comments shall be in the context of the  
 4886 relationship and effect of the proposed plan amendments on the  
 4887 municipal plan.

4888 d. Military installation comments shall be provided in  
 4889 accordance with s. 163.3175.

4890 4. Comments to the local government from state agencies  
 4891 shall be limited to the following subjects as they relate to  
 4892 important state resources and facilities that will be adversely  
 4893 impacted by the amendment if adopted:

4894 a. The Department of Environmental Protection shall limit  
 4895 its comments to the subjects of air and water pollution;  
 4896 wetlands and other surface waters of the state; federal and  
 4897 state-owned lands and interest in lands, including state parks,  
 4898 greenways and trails, and conservation easements; solid waste;  
 4899 water and wastewater treatment; and the Everglades ecosystem  
 4900 restoration.

4901 b. The Department of State shall limit its comments to the  
 4902 subjects of historic and archeological resources.

4903 c. The Department of Transportation shall limit its  
 4904 comments to issues within the agency's jurisdiction as it  
 4905 relates to transportation resources and facilities of state  
 4906 importance.

4907 d. The Fish and Wildlife Conservation Commission shall  
 4908 limit its comments to subjects relating to fish and wildlife  
 4909 habitat and listed species and their habitat.

4910 e. The Department of Agriculture and Consumer Services  
 4911 shall limit its comments to the subjects of agriculture,  
 4912 forestry, and aquaculture issues.

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4913 f. The Department of Education shall limit its comments to  
 4914 the subject of public school facilities.

4915 g. The appropriate water management district shall limit  
 4916 its comments to flood protection and floodplain management,  
 4917 wetlands and other surface waters, and regional water supply.

4918 h. The state land planning agency shall limit its comments  
 4919 to important state resources and facilities outside the  
 4920 jurisdiction of other commenting state agencies and may include  
 4921 comments on countervailing planning policies and objectives  
 4922 served by the plan amendment that should be balanced against  
 4923 potential adverse impacts to important state resources and  
 4924 facilities.

4925 (c)1. The local government shall hold its second public  
 4926 hearing, which shall be a hearing on whether to adopt one or  
 4927 more comprehensive plan amendments pursuant to subsection (11).  
 4928 If the local government fails, within 180 days after receipt of  
 4929 agency comments, to hold the second public hearing, the  
 4930 amendments shall be deemed withdrawn unless extended by  
 4931 agreement with notice to the state land planning agency and any  
 4932 affected person that provided comments on the amendment. The  
 4933 180-day limitation does not apply to amendments processed  
 4934 pursuant to s. 380.06.

4935 2. All comprehensive plan amendments adopted by the  
 4936 governing body, along with the supporting data and analysis,  
 4937 shall be transmitted within 10 days after the second public  
 4938 hearing to the state land planning agency and any other agency  
 4939 or local government that provided timely comments under  
 4940 subparagraph (b)2.

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4941           3. The state land planning agency shall notify the local  
 4942 government of any deficiencies within 5 working days after  
 4943 receipt of an amendment package. For purposes of completeness,  
 4944 an amendment shall be deemed complete if it contains a full,  
 4945 executed copy of the adoption ordinance or ordinances; in the  
 4946 case of a text amendment, a full copy of the amended language in  
 4947 legislative format with new words inserted in the text  
 4948 underlined, and words deleted stricken with hyphens; in the case  
 4949 of a future land use map amendment, a copy of the future land  
 4950 use map clearly depicting the parcel, its existing future land  
 4951 use designation, and its adopted designation; and a copy of any  
 4952 data and analyses the local government deems appropriate.

4953           4. An amendment adopted under this paragraph does not  
 4954 become effective until 31 days after the state land planning  
 4955 agency notifies the local government that the plan amendment  
 4956 package is complete. If timely challenged, an amendment does not  
 4957 become effective until the state land planning agency or the  
 4958 Administration Commission enters a final order determining the  
 4959 adopted amendment to be in compliance.

4960           (4) STATE COORDINATED REVIEW PROCESS.—

4961           (a) ~~(2)~~ Coordination.—The state land planning agency shall  
 4962 only use the state coordinated review process described in this  
 4963 subsection for review of comprehensive plans and plan amendments  
 4964 described in paragraph (2) (c). Each comprehensive plan or plan  
 4965 amendment proposed to be adopted pursuant to this subsection  
 4966 ~~part~~ shall be transmitted, adopted, and reviewed in the manner  
 4967 prescribed in this subsection ~~section~~. The state land planning  
 4968 agency shall have responsibility for plan review, coordination,

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4969 and the preparation and transmission of comments, pursuant to  
 4970 this subsection ~~section~~, to the local governing body responsible  
 4971 for the comprehensive plan or plan amendment. ~~The state land~~  
 4972 ~~planning agency shall maintain a single file concerning any~~  
 4973 ~~proposed or adopted plan amendment submitted by a local~~  
 4974 ~~government for any review under this section. Copies of all~~  
 4975 ~~correspondence, papers, notes, memoranda, and other documents~~  
 4976 ~~received or generated by the state land planning agency must be~~  
 4977 ~~placed in the appropriate file. Paper copies of all electronic~~  
 4978 ~~mail correspondence must be placed in the file. The file and its~~  
 4979 ~~contents must be available for public inspection and copying as~~  
 4980 ~~provided in chapter 119.~~

4981 (b)(3) Local government transmittal of proposed plan or  
 4982 amendment.—

4983 (a) Each local governing body proposing a plan or plan  
 4984 amendment specified in paragraph (2)(c) shall transmit the  
 4985 complete proposed comprehensive plan or plan amendment to the  
 4986 reviewing agencies ~~state land planning agency, the appropriate~~  
 4987 ~~regional planning council and water management district, the~~  
 4988 ~~Department of Environmental Protection, the Department of State,~~  
 4989 ~~and the Department of Transportation, and, in the case of~~  
 4990 ~~municipal plans, to the appropriate county, and, in the case of~~  
 4991 ~~county plans, to the Fish and Wildlife Conservation Commission~~  
 4992 ~~and the Department of Agriculture and Consumer Services,~~  
 4993 immediately following the first a public hearing pursuant to  
 4994 subsection (11). The transmitted document shall clearly indicate  
 4995 on the cover sheet that this plan amendment is subject to the  
 4996 state coordinated review process of s. 163.3184(4) ~~(15)~~ as

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4997 ~~specified in the state land planning agency's procedural rules.~~  
 4998 The local governing body shall also transmit a copy of the  
 4999 complete proposed comprehensive plan or plan amendment to any  
 5000 other unit of local government or government agency in the state  
 5001 that has filed a written request with the governing body for the  
 5002 plan or plan amendment. ~~The local government may request a~~  
 5003 ~~review by the state land planning agency pursuant to subsection~~  
 5004 ~~(6) at the time of the transmittal of an amendment.~~  
 5005 ~~(b) A local governing body shall not transmit portions of~~  
 5006 ~~a plan or plan amendment unless it has previously provided to~~  
 5007 ~~all state agencies designated by the state land planning agency~~  
 5008 ~~a complete copy of its adopted comprehensive plan pursuant to~~  
 5009 ~~subsection (7) and as specified in the agency's procedural~~  
 5010 ~~rules. In the case of comprehensive plan amendments, the local~~  
 5011 ~~governing body shall transmit to the state land planning agency,~~  
 5012 ~~the appropriate regional planning council and water management~~  
 5013 ~~district, the Department of Environmental Protection, the~~  
 5014 ~~Department of State, and the Department of Transportation, and,~~  
 5015 ~~in the case of municipal plans, to the appropriate county and,~~  
 5016 ~~in the case of county plans, to the Fish and Wildlife~~  
 5017 ~~Conservation Commission and the Department of Agriculture and~~  
 5018 ~~Consumer Services the materials specified in the state land~~  
 5019 ~~planning agency's procedural rules and, in cases in which the~~  
 5020 ~~plan amendment is a result of an evaluation and appraisal report~~  
 5021 ~~adopted pursuant to s. 163.3191, a copy of the evaluation and~~  
 5022 ~~appraisal report. Local governing bodies shall consolidate all~~  
 5023 ~~proposed plan amendments into a single submission for each of~~

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5024 ~~the two plan amendment adoption dates during the calendar year~~  
 5025 ~~pursuant to s. 163.3187.~~

5026 ~~(c) A local government may adopt a proposed plan amendment~~  
 5027 ~~previously transmitted pursuant to this subsection, unless~~  
 5028 ~~review is requested or otherwise initiated pursuant to~~  
 5029 ~~subsection (6).~~

5030 ~~(d) In cases in which a local government transmits~~  
 5031 ~~multiple individual amendments that can be clearly and legally~~  
 5032 ~~separated and distinguished for the purpose of determining~~  
 5033 ~~whether to review the proposed amendment, and the state land~~  
 5034 ~~planning agency elects to review several or a portion of the~~  
 5035 ~~amendments and the local government chooses to immediately adopt~~  
 5036 ~~the remaining amendments not reviewed, the amendments~~  
 5037 ~~immediately adopted and any reviewed amendments that the local~~  
 5038 ~~government subsequently adopts together constitute one amendment~~  
 5039 ~~cycle in accordance with s. 163.3187(1).~~

5040 ~~(e) At the request of an applicant, a local government~~  
 5041 ~~shall consider an application for zoning changes that would be~~  
 5042 ~~required to properly enact the provisions of any proposed plan~~  
 5043 ~~amendment transmitted pursuant to this subsection. Zoning~~  
 5044 ~~changes approved by the local government are contingent upon the~~  
 5045 ~~comprehensive plan or plan amendment transmitted becoming~~  
 5046 ~~effective.~~

5047 (c)(4) Reviewing agency comments INTERGOVERNMENTAL  
 5048 REVIEW.—The governmental agencies specified in paragraph (b) may  
 5049 paragraph (3)(a) shall provide comments regarding the plan or  
 5050 plan amendments in accordance with subparagraphs (3)(b)2.-4.  
 5051 However, comments on plans or plan amendments required to be

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5052 reviewed under the state coordinated review process shall be  
 5053 sent to the state land planning agency within 30 days after  
 5054 receipt by the state land planning agency of the complete  
 5055 proposed plan or plan amendment from the local government. If  
 5056 the state land planning agency comments on a plan or plan  
 5057 amendment adopted under the state coordinated review process, it  
 5058 shall provide comments according to paragraph (d). Any other  
 5059 unit of local government or government agency specified in  
 5060 paragraph (b) may provide comments to the state land planning  
 5061 agency in accordance with subparagraphs (3)(b)2.-4. within 30  
 5062 days after receipt by the state land planning agency of the  
 5063 complete proposed plan or plan amendment. If the plan or plan  
 5064 amendment includes or relates to the public school facilities  
 5065 element pursuant to s. 163.3177(12), the state land planning  
 5066 agency shall submit a copy to the Office of Educational  
 5067 Facilities of the Commissioner of Education for review and  
 5068 comment. The appropriate regional planning council shall also  
 5069 provide its written comments to the state land planning agency  
 5070 within 30 days after receipt by the state land planning agency  
 5071 of the complete proposed plan amendment and shall specify any  
 5072 objections, recommendations for modifications, and comments of  
 5073 any other regional agencies to which the regional planning  
 5074 council may have referred the proposed plan amendment. Written  
 5075 comments submitted by the public shall be sent directly to the  
 5076 local government within 30 days after notice of transmittal by  
 5077 the local government of the proposed plan amendment will be  
 5078 considered as if submitted by governmental agencies. All written

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5079 ~~agency and public comments must be made part of the file~~  
 5080 ~~maintained under subsection (2).~~

5081 ~~(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW. The review of~~  
 5082 ~~the regional planning council pursuant to subsection (4) shall~~  
 5083 ~~be limited to effects on regional resources or facilities~~  
 5084 ~~identified in the strategic regional policy plan and~~  
 5085 ~~extrajurisdictional impacts which would be inconsistent with the~~  
 5086 ~~comprehensive plan of the affected local government. However,~~  
 5087 ~~any inconsistency between a local plan or plan amendment and a~~  
 5088 ~~strategic regional policy plan must not be the sole basis for a~~  
 5089 ~~notice of intent to find a local plan or plan amendment not in~~  
 5090 ~~compliance with this act. A regional planning council shall not~~  
 5091 ~~review and comment on a proposed comprehensive plan it prepared~~  
 5092 ~~itself unless the plan has been changed by the local government~~  
 5093 ~~subsequent to the preparation of the plan by the regional~~  
 5094 ~~planning agency. The review of the county land planning agency~~  
 5095 ~~pursuant to subsection (4) shall be primarily in the context of~~  
 5096 ~~the relationship and effect of the proposed plan amendment on~~  
 5097 ~~any county comprehensive plan element. Any review by~~  
 5098 ~~municipalities will be primarily in the context of the~~  
 5099 ~~relationship and effect on the municipal plan.~~

5100 (d) ~~(6)~~ State land planning agency review.-

5101 ~~(a) The state land planning agency shall review a proposed~~  
 5102 ~~plan amendment upon request of a regional planning council,~~  
 5103 ~~affected person, or local government transmitting the plan~~  
 5104 ~~amendment. The request from the regional planning council or~~  
 5105 ~~affected person must be received within 30 days after~~  
 5106 ~~transmittal of the proposed plan amendment pursuant to~~



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5107 ~~subsection (3). A regional planning council or affected person~~  
5108 ~~requesting a review shall do so by submitting a written request~~  
5109 ~~to the agency with a notice of the request to the local~~  
5110 ~~government and any other person who has requested notice.~~

5111 ~~(b) The state land planning agency may review any proposed~~  
5112 ~~plan amendment regardless of whether a request for review has~~  
5113 ~~been made, if the agency gives notice to the local government,~~  
5114 ~~and any other person who has requested notice, of its intention~~  
5115 ~~to conduct such a review within 35 days after receipt of the~~  
5116 ~~complete proposed plan amendment.~~

5117 ~~1.(c) The state land planning agency shall establish by~~  
5118 ~~rule a schedule for receipt of comments from the various~~  
5119 ~~government agencies, as well as written public comments,~~  
5120 ~~pursuant to subsection (4). If the state land planning agency~~  
5121 ~~elects to review a plan or plan the amendment ~~or the agency is~~~~  
5122 ~~required to review the amendment as specified in paragraph~~  
5123 ~~(2)(c)(a), the agency shall issue a report giving its~~  
5124 ~~objections, recommendations, and comments regarding the proposed~~  
5125 ~~plan or plan amendment within 60 days after receipt of the~~  
5126 ~~complete proposed plan or plan amendment ~~by the state land~~~~  
5127 ~~planning agency. Notwithstanding the limitation on comments in~~  
5128 ~~sub-subparagraph (3)(b)4.g., the state land planning agency may~~  
5129 ~~make objections, recommendations, and comments in its report~~  
5130 ~~regarding whether the plan or plan amendment is in compliance~~  
5131 ~~and whether the plan or plan amendment will adversely impact~~  
5132 ~~important state resources and facilities. Any objection~~  
5133 ~~regarding an important state resource or facility that will be~~  
5134 ~~adversely impacted by the adopted plan or plan amendment shall~~

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5135 also state with specificity how the plan or plan amendment will  
 5136 adversely impact the important state resource or facility and  
 5137 shall identify measures the local government may take to  
 5138 eliminate, reduce, or mitigate the adverse impacts. When a  
 5139 federal, state, or regional agency has implemented a permitting  
 5140 program, ~~the state land planning agency shall not require a~~  
 5141 local government is not required to duplicate or exceed that  
 5142 permitting program in its comprehensive plan or to implement  
 5143 such a permitting program in its land development regulations.  
 5144 This subparagraph does not ~~Nothing contained herein shall~~  
 5145 prohibit the state land planning agency in conducting its review  
 5146 of local plans or plan amendments from making objections,  
 5147 recommendations, and comments ~~or making compliance~~  
 5148 ~~determinations~~ regarding densities and intensities consistent  
 5149 with ~~the provisions of~~ this part. In preparing its comments, the  
 5150 state land planning agency shall only base its considerations on  
 5151 written, and not oral, comments, ~~from any source.~~

5152 2.(d) The state land planning agency review shall identify  
 5153 all written communications with the agency regarding the  
 5154 proposed plan amendment. ~~If the state land planning agency does~~  
 5155 ~~not issue such a review, it shall identify in writing to the~~  
 5156 ~~local government all written communications received 30 days~~  
 5157 ~~after transmittal.~~ The written identification must include a  
 5158 list of all documents received or generated by the agency, which  
 5159 list must be of sufficient specificity to enable the documents  
 5160 to be identified and copies requested, if desired, and the name  
 5161 of the person to be contacted to request copies of any

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5162 identified document. ~~The list of documents must be made a part~~  
 5163 ~~of the public records of the state land planning agency.~~

5164 (e)-(7) Local government review of comments; adoption of  
 5165 plan or amendments and transmittal.-

5166 1.(a) The local government shall review the report written  
 5167 ~~comments~~ submitted to it by the state land planning agency, if  
 5168 any, and written comments submitted to it by any other person,  
 5169 agency, or government. ~~Any comments, recommendations, or~~  
 5170 ~~objections and any reply to them shall be public documents, a~~  
 5171 ~~part of the permanent record in the matter, and admissible in~~  
 5172 ~~any proceeding in which the comprehensive plan or plan amendment~~  
 5173 ~~may be at issue.~~ The local government, upon receipt of the  
 5174 report written comments from the state land planning agency,  
 5175 shall hold its second public hearing, which shall be a hearing  
 5176 to determine whether to adopt the comprehensive plan or one or  
 5177 more comprehensive plan amendments pursuant to subsection (11).  
 5178 If the local government fails to hold the second hearing within  
 5179 180 days after receipt of the state land planning agency's  
 5180 report, the amendments shall be deemed withdrawn unless extended  
 5181 by agreement with notice to the state land planning agency and  
 5182 any affected person that provided comments on the amendment. The  
 5183 180-day limitation does not apply to amendments processed  
 5184 pursuant to s. 380.06.

5185 2. All comprehensive plan amendments adopted by the  
 5186 governing body, along with the supporting data and analysis,  
 5187 shall be transmitted within 10 days after the second public  
 5188 hearing to the state land planning agency and any other agency

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5189 or local government that provided timely comments under  
 5190 paragraph (c).

5191 3. The state land planning agency shall notify the local  
 5192 government of any deficiencies within 5 working days after  
 5193 receipt of a plan or plan amendment package. For purposes of  
 5194 completeness, a plan or plan amendment shall be deemed complete  
 5195 if it contains a full, executed copy of the adoption ordinance  
 5196 or ordinances; in the case of a text amendment, a full copy of  
 5197 the amended language in legislative format with new words  
 5198 inserted in the text underlined, and words deleted stricken with  
 5199 hyphens; in the case of a future land use map amendment, a copy  
 5200 of the future land use map clearly depicting the parcel, its  
 5201 existing future land use designation, and its adopted  
 5202 designation; and a copy of any data and analyses the local  
 5203 government deems appropriate.

5204 4. After the state land planning agency makes a  
 5205 determination of completeness regarding the adopted plan or plan  
 5206 amendment, the state land planning agency shall have 45 days to  
 5207 determine if the plan or plan amendment is in compliance with  
 5208 this act. Unless the plan or plan amendment is substantially  
 5209 changed from the one commented on, the state land planning  
 5210 agency's compliance determination shall be limited to objections  
 5211 raised in the objections, recommendations, and comments report.  
 5212 During the period provided for in this subparagraph, the state  
 5213 land planning agency shall issue, through a senior administrator  
 5214 or the secretary, a notice of intent to find that the plan or  
 5215 plan amendment is in compliance or not in compliance. The state  
 5216 land planning agency shall post a copy of the notice of intent

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5217 on the agency's Internet website. Publication by the state land  
 5218 planning agency of the notice of intent on the state land  
 5219 planning agency's Internet site shall be prima facie evidence of  
 5220 compliance with the publication requirements of this  
 5221 subparagraph.

5222 5. A plan or plan amendment adopted under the state  
 5223 coordinated review process shall go into effect pursuant to the  
 5224 state land planning agency's notice of intent. If timely  
 5225 challenged, an amendment does not become effective until the  
 5226 state land planning agency or the Administration Commission  
 5227 enters a final order determining the adopted amendment to be in  
 5228 compliance.

5229 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
 5230 AMENDMENTS.—

5231 (a) Any affected person as defined in paragraph (1)(a) may  
 5232 file a petition with the Division of Administrative Hearings  
 5233 pursuant to ss. 120.569 and 120.57, with a copy served on the  
 5234 affected local government, to request a formal hearing to  
 5235 challenge whether the plan or plan amendments are in compliance  
 5236 as defined in paragraph (1)(b). This petition must be filed with  
 5237 the division within 30 days after the local government adopts  
 5238 the amendment. The state land planning agency may not intervene  
 5239 in a proceeding initiated by an affected person.

5240 (b) The state land planning agency may file a petition  
 5241 with the Division of Administrative Hearings pursuant to ss.  
 5242 120.569 and 120.57, with a copy served on the affected local  
 5243 government, to request a formal hearing to challenge whether the  
 5244 plan or plan amendment is in compliance as defined in paragraph

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5245 (1) (b). The state land planning agency's petition must clearly  
 5246 state the reasons for the challenge. Under the expedited state  
 5247 review process, this petition must be filed with the division  
 5248 within 30 days after the state land planning agency notifies the  
 5249 local government that the plan amendment package is complete  
 5250 according to subparagraph (3) (c)3. Under the state coordinated  
 5251 review process, this petition must be filed with the division  
 5252 within 45 days after the state land planning agency notifies the  
 5253 local government that the plan amendment package is complete  
 5254 according to subparagraph (3) (c)3.

5255 1. The state land planning agency's challenge to plan  
 5256 amendments adopted under the expedited state review process  
 5257 shall be limited to the comments provided by the reviewing  
 5258 agencies pursuant to subparagraphs (3) (b)2.-4., upon a  
 5259 determination by the state land planning agency that an  
 5260 important state resource or facility will be adversely impacted  
 5261 by the adopted plan amendment. The state land planning agency's  
 5262 petition shall state with specificity how the plan amendment  
 5263 will adversely impact the important state resource or facility.  
 5264 The state land planning agency may challenge a plan amendment  
 5265 that has substantially changed from the version on which the  
 5266 agencies provided comments but only upon a determination by the  
 5267 state land planning agency that an important state resource or  
 5268 facility will be adversely impacted.

5269 2. If the state land planning agency issues a notice of  
 5270 intent to find the comprehensive plan or plan amendment not in  
 5271 compliance with this act, the notice of intent shall be  
 5272 forwarded to the Division of Administrative Hearings of the

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5273 Department of Management Services, which shall conduct a  
 5274 proceeding under ss. 120.569 and 120.57 in the county of and  
 5275 convenient to the affected local jurisdiction. The parties to  
 5276 the proceeding shall be the state land planning agency, the  
 5277 affected local government, and any affected person who  
 5278 intervenes. No new issue may be alleged as a reason to find a  
 5279 plan or plan amendment not in compliance in an administrative  
 5280 pleading filed more than 21 days after publication of notice  
 5281 unless the party seeking that issue establishes good cause for  
 5282 not alleging the issue within that time period. Good cause does  
 5283 not include excusable neglect.

5284 (c) An administrative law judge shall hold a hearing in  
 5285 the affected local jurisdiction on whether the plan or plan  
 5286 amendment is in compliance.

5287 1. In challenges filed by an affected person, the  
 5288 comprehensive plan or plan amendment shall be determined to be  
 5289 in compliance if the local government's determination of  
 5290 compliance is fairly debatable.

5291 2.a. In challenges filed by the state land planning  
 5292 agency, the local government's determination that the  
 5293 comprehensive plan or plan amendment is in compliance is  
 5294 presumed to be correct, and the local government's determination  
 5295 shall be sustained unless it is shown by a preponderance of the  
 5296 evidence that the comprehensive plan or plan amendment is not in  
 5297 compliance.

5298 b. In challenges filed by the state land planning agency,  
 5299 the local government's determination that elements of its plan

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5300 are related to and consistent with each other shall be sustained  
 5301 if the determination is fairly debatable.

5302 3. In challenges filed by the state land planning agency  
 5303 that require a determination by the agency that an important  
 5304 state resource or facility will be adversely impacted by the  
 5305 adopted plan or plan amendment, the local government may contest  
 5306 the agency's determination of an important state resource or  
 5307 facility. The state land planning agency shall prove its  
 5308 determination by clear and convincing evidence.

5309 (d) If the administrative law judge recommends that the  
 5310 amendment be found not in compliance, the judge shall submit the  
 5311 recommended order to the Administration Commission for final  
 5312 agency action. The Administration Commission shall enter a final  
 5313 order within 45 days after its receipt of the recommended order.

5314 (e) If the administrative law judge recommends that the  
 5315 amendment be found in compliance, the judge shall submit the  
 5316 recommended order to the state land planning agency.

5317 1. If the state land planning agency determines that the  
 5318 plan amendment should be found not in compliance, the agency  
 5319 shall refer, within 30 days after receipt of the recommended  
 5320 order, the recommended order and its determination to the  
 5321 Administration Commission for final agency action.

5322 2. If the state land planning agency determines that the  
 5323 plan amendment should be found in compliance, the agency shall  
 5324 enter its final order not later than 30 days after receipt of  
 5325 the recommended order.



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5326 (f) Parties to a proceeding under this subsection may  
 5327 enter into compliance agreements using the process in subsection  
 5328 (6).

5329 (6) COMPLIANCE AGREEMENT.—

5330 (a) At any time after the filing of a challenge, the state  
 5331 land planning agency and the local government may voluntarily  
 5332 enter into a compliance agreement to resolve one or more of the  
 5333 issues raised in the proceedings. Affected persons who have  
 5334 initiated a formal proceeding or have intervened in a formal  
 5335 proceeding may also enter into a compliance agreement with the  
 5336 local government. All parties granted intervenor status shall be  
 5337 provided reasonable notice of the commencement of a compliance  
 5338 agreement negotiation process and a reasonable opportunity to  
 5339 participate in such negotiation process. Negotiation meetings  
 5340 with local governments or intervenors shall be open to the  
 5341 public. The state land planning agency shall provide each party  
 5342 granted intervenor status with a copy of the compliance  
 5343 agreement within 10 days after the agreement is executed. The  
 5344 compliance agreement shall list each portion of the plan or plan  
 5345 amendment that has been challenged, and shall specify remedial  
 5346 actions that the local government has agreed to complete within  
 5347 a specified time in order to resolve the challenge, including  
 5348 adoption of all necessary plan amendments. The compliance  
 5349 agreement may also establish monitoring requirements and  
 5350 incentives to ensure that the conditions of the compliance  
 5351 agreement are met.

5352 (b) Upon the filing of a compliance agreement executed by  
 5353 the parties to a challenge and the local government with the

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5354 Division of Administrative Hearings, any administrative  
 5355 proceeding under ss. 120.569 and 120.57 regarding the plan or  
 5356 plan amendment covered by the compliance agreement shall be  
 5357 stayed.

5358 (c) Before its execution of a compliance agreement, the  
 5359 local government must approve the compliance agreement at a  
 5360 public hearing advertised at least 10 days before the public  
 5361 hearing in a newspaper of general circulation in the area in  
 5362 accordance with the advertisement requirements of chapter 125 or  
 5363 chapter 166, as applicable.

5364 (d) The local government shall hold a single public  
 5365 hearing for adopting remedial amendments.

5366 (e) For challenges to amendments adopted under the  
 5367 expedited review process, if the local government adopts a  
 5368 comprehensive plan amendment pursuant to a compliance agreement,  
 5369 an affected person or the state land planning agency may file a  
 5370 revised challenge with the Division of Administrative Hearings  
 5371 within 15 days after the adoption of the remedial amendment.

5372 (f) For challenges to amendments adopted under the state  
 5373 coordinated process, the state land planning agency, upon  
 5374 receipt of a plan or plan amendment adopted pursuant to a  
 5375 compliance agreement, shall issue a cumulative notice of intent  
 5376 addressing both the remedial amendment and the plan or plan  
 5377 amendment that was the subject of the agreement.

5378 1. If the local government adopts a comprehensive plan or  
 5379 plan amendment pursuant to a compliance agreement and a notice  
 5380 of intent to find the plan amendment in compliance is issued,  
 5381 the state land planning agency shall forward the notice of

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5382 intent to the Division of Administrative Hearings and the  
 5383 administrative law judge shall realign the parties in the  
 5384 pending proceeding under ss. 120.569 and 120.57, which shall  
 5385 thereafter be governed by the process contained in paragraph  
 5386 (5) (a) and subparagraph (5) (c)1., including provisions relating  
 5387 to challenges by an affected person, burden of proof, and issues  
 5388 of a recommended order and a final order. Parties to the  
 5389 original proceeding at the time of realignment may continue as  
 5390 parties without being required to file additional pleadings to  
 5391 initiate a proceeding, but may timely amend their pleadings to  
 5392 raise any challenge to the amendment that is the subject of the  
 5393 cumulative notice of intent, and must otherwise conform to the  
 5394 rules of procedure of the Division of Administrative Hearings.  
 5395 Any affected person not a party to the realigned proceeding may  
 5396 challenge the plan amendment that is the subject of the  
 5397 cumulative notice of intent by filing a petition with the agency  
 5398 as provided in subsection (5). The agency shall forward the  
 5399 petition filed by the affected person not a party to the  
 5400 realigned proceeding to the Division of Administrative Hearings  
 5401 for consolidation with the realigned proceeding. If the  
 5402 cumulative notice of intent is not challenged, the state land  
 5403 planning agency shall request that the Division of  
 5404 Administrative Hearings relinquish jurisdiction to the state  
 5405 land planning agency for issuance of a final order.

5406 2. If the local government adopts a comprehensive plan  
 5407 amendment pursuant to a compliance agreement and a notice of  
 5408 intent is issued that finds the plan amendment not in  
 5409 compliance, the state land planning agency shall forward the

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5410 notice of intent to the Division of Administrative Hearings,  
 5411 which shall consolidate the proceeding with the pending  
 5412 proceeding and immediately set a date for a hearing in the  
 5413 pending proceeding under ss. 120.569 and 120.57. Affected  
 5414 persons who are not a party to the underlying proceeding under  
 5415 ss. 120.569 and 120.57 may challenge the plan amendment adopted  
 5416 pursuant to the compliance agreement by filing a petition  
 5417 pursuant to paragraph (5) (a).

5418 (g) This subsection does not prohibit a local government  
 5419 from amending portions of its comprehensive plan other than  
 5420 those that are the subject of a challenge. However, such  
 5421 amendments to the plan may not be inconsistent with the  
 5422 compliance agreement.

5423 (h) This subsection does not require settlement by any  
 5424 party against its will or preclude the use of other informal  
 5425 dispute resolution methods in the course of or in addition to  
 5426 the method described in this subsection.

5427 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

5428 (a) At any time after the matter has been forwarded to the  
 5429 Division of Administrative Hearings, the local government  
 5430 proposing the amendment may demand formal mediation or the local  
 5431 government proposing the amendment or an affected person who is  
 5432 a party to the proceeding may demand informal mediation or  
 5433 expeditious resolution of the amendment proceedings by serving  
 5434 written notice on the state land planning agency if a party to  
 5435 the proceeding, all other parties to the proceeding, and the  
 5436 administrative law judge.

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5437        (b) Upon receipt of a notice pursuant to paragraph (a),  
 5438 the administrative law judge shall set the matter for final  
 5439 hearing no more than 30 days after receipt of the notice. Once a  
 5440 final hearing has been set, no continuance in the hearing, and  
 5441 no additional time for post-hearing submittals, may be granted  
 5442 without the written agreement of the parties absent a finding by  
 5443 the administrative law judge of extraordinary circumstances.  
 5444 Extraordinary circumstances do not include matters relating to  
 5445 workload or need for additional time for preparation,  
 5446 negotiation, or mediation.

5447        (c) Absent a showing of extraordinary circumstances, the  
 5448 administrative law judge shall issue a recommended order, in a  
 5449 case proceeding under subsection (5), within 30 days after  
 5450 filing of the transcript, unless the parties agree in writing to  
 5451 a longer time.

5452        (d) Absent a showing of extraordinary circumstances, the  
 5453 Administration Commission shall issue a final order, in a case  
 5454 proceeding under subsection (5), within 45 days after the  
 5455 issuance of the recommended order, unless the parties agree in  
 5456 writing to a longer time. ~~have 120 days to adopt or adopt with~~  
 5457 ~~changes the proposed comprehensive plan or s. 163.3191 plan~~  
 5458 ~~amendments. In the case of comprehensive plan amendments other~~  
 5459 ~~than those proposed pursuant to s. 163.3191, the local~~  
 5460 ~~government shall have 60 days to adopt the amendment, adopt the~~  
 5461 ~~amendment with changes, or determine that it will not adopt the~~  
 5462 ~~amendment. The adoption of the proposed plan or plan amendment~~  
 5463 ~~or the determination not to adopt a plan amendment, other than a~~  
 5464 ~~plan amendment proposed pursuant to s. 163.3191, shall be made~~

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5465 ~~in the course of a public hearing pursuant to subsection (15).~~  
5466 ~~The local government shall transmit the complete adopted~~  
5467 ~~comprehensive plan or plan amendment, including the names and~~  
5468 ~~addresses of persons compiled pursuant to paragraph (15) (c), to~~  
5469 ~~the state land planning agency as specified in the agency's~~  
5470 ~~procedural rules within 10 working days after adoption. The~~  
5471 ~~local governing body shall also transmit a copy of the adopted~~  
5472 ~~comprehensive plan or plan amendment to the regional planning~~  
5473 ~~agency and to any other unit of local government or governmental~~  
5474 ~~agency in the state that has filed a written request with the~~  
5475 ~~governing body for a copy of the plan or plan amendment.~~

5476 ~~(b) If the adopted plan amendment is unchanged from the~~  
5477 ~~proposed plan amendment transmitted pursuant to subsection (3)~~  
5478 ~~and an affected person as defined in paragraph (1) (a) did not~~  
5479 ~~raise any objection, the state land planning agency did not~~  
5480 ~~review the proposed plan amendment, and the state land planning~~  
5481 ~~agency did not raise any objections during its review pursuant~~  
5482 ~~to subsection (6), the local government may state in the~~  
5483 ~~transmittal letter that the plan amendment is unchanged and was~~  
5484 ~~not the subject of objections.~~

5485 ~~(8) NOTICE OF INTENT.—~~

5486 ~~(a) If the transmittal letter correctly states that the~~  
5487 ~~plan amendment is unchanged and was not the subject of review or~~  
5488 ~~objections pursuant to paragraph (7) (b), the state land planning~~  
5489 ~~agency has 20 days after receipt of the transmittal letter~~  
5490 ~~within which to issue a notice of intent that the plan amendment~~  
5491 ~~is in compliance.~~

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5492           ~~(b) Except as provided in paragraph (a) or in s.~~  
 5493 ~~163.3187(3), the state land planning agency, upon receipt of a~~  
 5494 ~~local government's complete adopted comprehensive plan or plan~~  
 5495 ~~amendment, shall have 45 days for review and to determine if the~~  
 5496 ~~plan or plan amendment is in compliance with this act, unless~~  
 5497 ~~the amendment is the result of a compliance agreement entered~~  
 5498 ~~into under subsection (16), in which case the time period for~~  
 5499 ~~review and determination shall be 30 days. If review was not~~  
 5500 ~~conducted under subsection (6), the agency's determination must~~  
 5501 ~~be based upon the plan amendment as adopted. If review was~~  
 5502 ~~conducted under subsection (6), the agency's determination of~~  
 5503 ~~compliance must be based only upon one or both of the following:~~  
 5504           ~~1. The state land planning agency's written comments to~~  
 5505 ~~the local government pursuant to subsection (6); or~~  
 5506           ~~2. Any changes made by the local government to the~~  
 5507 ~~comprehensive plan or plan amendment as adopted.~~  
 5508           ~~(c)1. During the time period provided for in this~~  
 5509 ~~subsection, the state land planning agency shall issue, through~~  
 5510 ~~a senior administrator or the secretary, as specified in the~~  
 5511 ~~agency's procedural rules, a notice of intent to find that the~~  
 5512 ~~plan or plan amendment is in compliance or not in compliance. A~~  
 5513 ~~notice of intent shall be issued by publication in the manner~~  
 5514 ~~provided by this paragraph and by mailing a copy to the local~~  
 5515 ~~government. The advertisement shall be placed in that portion of~~  
 5516 ~~the newspaper where legal notices appear. The advertisement~~  
 5517 ~~shall be published in a newspaper that meets the size and~~  
 5518 ~~circulation requirements set forth in paragraph (15)(c) and that~~  
 5519 ~~has been designated in writing by the affected local government~~

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5520 ~~at the time of transmittal of the amendment. Publication by the~~  
 5521 ~~state land planning agency of a notice of intent in the~~  
 5522 ~~newspaper designated by the local government shall be prima~~  
 5523 ~~facie evidence of compliance with the publication requirements~~  
 5524 ~~of this section. The state land planning agency shall post a~~  
 5525 ~~copy of the notice of intent on the agency's Internet site. The~~  
 5526 ~~agency shall, no later than the date the notice of intent is~~  
 5527 ~~transmitted to the newspaper, send by regular mail a courtesy~~  
 5528 ~~informational statement to persons who provide their names and~~  
 5529 ~~addresses to the local government at the transmittal hearing or~~  
 5530 ~~at the adoption hearing where the local government has provided~~  
 5531 ~~the names and addresses of such persons to the department at the~~  
 5532 ~~time of transmittal of the adopted amendment. The informational~~  
 5533 ~~statements shall include the name of the newspaper in which the~~  
 5534 ~~notice of intent will appear, the approximate date of~~  
 5535 ~~publication, the ordinance number of the plan or plan amendment,~~  
 5536 ~~and a statement that affected persons have 21 days after the~~  
 5537 ~~actual date of publication of the notice to file a petition.~~

5538 ~~2. A local government that has an Internet site shall post~~  
 5539 ~~a copy of the state land planning agency's notice of intent on~~  
 5540 ~~the site within 5 days after receipt of the mailed copy of the~~  
 5541 ~~agency's notice of intent.~~

5542 ~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.~~

5543 ~~(a) If the state land planning agency issues a notice of~~  
 5544 ~~intent to find that the comprehensive plan or plan amendment~~  
 5545 ~~transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189,~~  
 5546 ~~or s. 163.3191 is in compliance with this act, any affected~~  
 5547 ~~person may file a petition with the agency pursuant to ss.~~



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5548 ~~120.569 and 120.57 within 21 days after the publication of~~  
 5549 ~~notice. In this proceeding, the local plan or plan amendment~~  
 5550 ~~shall be determined to be in compliance if the local~~  
 5551 ~~government's determination of compliance is fairly debatable.~~

5552 ~~(b) The hearing shall be conducted by an administrative~~  
 5553 ~~law judge of the Division of Administrative Hearings of the~~  
 5554 ~~Department of Management Services, who shall hold the hearing in~~  
 5555 ~~the county of and convenient to the affected local jurisdiction~~  
 5556 ~~and submit a recommended order to the state land planning~~  
 5557 ~~agency. The state land planning agency shall allow for the~~  
 5558 ~~filing of exceptions to the recommended order and shall issue a~~  
 5559 ~~final order after receipt of the recommended order if the state~~  
 5560 ~~land planning agency determines that the plan or plan amendment~~  
 5561 ~~is in compliance. If the state land planning agency determines~~  
 5562 ~~that the plan or plan amendment is not in compliance, the agency~~  
 5563 ~~shall submit the recommended order to the Administration~~  
 5564 ~~Commission for final agency action.~~

5565 ~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN~~  
 5566 ~~COMPLIANCE.—~~

5567 ~~(a) If the state land planning agency issues a notice of~~  
 5568 ~~intent to find the comprehensive plan or plan amendment not in~~  
 5569 ~~compliance with this act, the notice of intent shall be~~  
 5570 ~~forwarded to the Division of Administrative Hearings of the~~  
 5571 ~~Department of Management Services, which shall conduct a~~  
 5572 ~~proceeding under ss. 120.569 and 120.57 in the county of and~~  
 5573 ~~convenient to the affected local jurisdiction. The parties to~~  
 5574 ~~the proceeding shall be the state land planning agency, the~~  
 5575 ~~affected local government, and any affected person who~~

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5576 ~~intervenes. No new issue may be alleged as a reason to find a~~  
 5577 ~~plan or plan amendment not in compliance in an administrative~~  
 5578 ~~pleading filed more than 21 days after publication of notice~~  
 5579 ~~unless the party seeking that issue establishes good cause for~~  
 5580 ~~not alleging the issue within that time period. Good cause shall~~  
 5581 ~~not include excusable neglect. In the proceeding, the local~~  
 5582 ~~government's determination that the comprehensive plan or plan~~  
 5583 ~~amendment is in compliance is presumed to be correct. The local~~  
 5584 ~~government's determination shall be sustained unless it is shown~~  
 5585 ~~by a preponderance of the evidence that the comprehensive plan~~  
 5586 ~~or plan amendment is not in compliance. The local government's~~  
 5587 ~~determination that elements of its plans are related to and~~  
 5588 ~~consistent with each other shall be sustained if the~~  
 5589 ~~determination is fairly debatable.~~

5590 ~~(b) The administrative law judge assigned by the division~~  
 5591 ~~shall submit a recommended order to the Administration~~  
 5592 ~~Commission for final agency action.~~

5593 ~~(c) Prior to the hearing, the state land planning agency~~  
 5594 ~~shall afford an opportunity to mediate or otherwise resolve the~~  
 5595 ~~dispute. If a party to the proceeding requests mediation or~~  
 5596 ~~other alternative dispute resolution, the hearing may not be~~  
 5597 ~~held until the state land planning agency advises the~~  
 5598 ~~administrative law judge in writing of the results of the~~  
 5599 ~~mediation or other alternative dispute resolution. However, the~~  
 5600 ~~hearing may not be delayed for longer than 90 days for mediation~~  
 5601 ~~or other alternative dispute resolution unless a longer delay is~~  
 5602 ~~agreed to by the parties to the proceeding. The costs of the~~

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5603 ~~mediation or other alternative dispute resolution shall be borne~~  
 5604 ~~equally by all of the parties to the proceeding.~~

5605 ~~(8)-(11)~~ ADMINISTRATION COMMISSION.—

5606 (a) If the Administration Commission, upon a hearing  
 5607 pursuant to subsection ~~(5)-(9) or subsection (10)~~, finds that the  
 5608 comprehensive plan or plan amendment is not in compliance with  
 5609 this act, the commission shall specify remedial actions that  
 5610 ~~which~~ would bring the comprehensive plan or plan amendment into  
 5611 compliance.

5612 (b) The commission may specify the sanctions provided in  
 5613 subparagraphs 1. and 2. to which the local government will be  
 5614 subject if it elects to make the amendment effective  
 5615 notwithstanding the determination of noncompliance.

5616 1. The commission may direct state agencies not to provide  
 5617 funds to increase the capacity of roads, bridges, or water and  
 5618 sewer systems within the boundaries of those local governmental  
 5619 entities which have comprehensive plans or plan elements that  
 5620 are determined not to be in compliance. The commission order may  
 5621 also specify that the local government is ~~shall~~ not be eligible  
 5622 for grants administered under the following programs:

5623 ~~a.1.~~ The Florida Small Cities Community Development Block  
 5624 Grant Program, as authorized by ss. 290.0401-290.049.

5625 ~~b.2.~~ The Florida Recreation Development Assistance  
 5626 Program, as authorized by chapter 375.

5627 ~~c.3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and  
 5628 218.61 and chapter 212, to the extent not pledged to pay back  
 5629 bonds.

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5630           ~~2.(b)~~ If the local government is one which is required to  
5631 include a coastal management element in its comprehensive plan  
5632 pursuant to s. 163.3177(6)(g), the commission order may also  
5633 specify that the local government is not eligible for funding  
5634 pursuant to s. 161.091. The commission order may also specify  
5635 that the fact that the coastal management element has been  
5636 determined to be not in compliance shall be a consideration when  
5637 the department considers permits under s. 161.053 and when the  
5638 Board of Trustees of the Internal Improvement Trust Fund  
5639 considers whether to sell, convey any interest in, or lease any  
5640 sovereignty lands or submerged lands until the element is  
5641 brought into compliance.

5642           ~~3.(e)~~ The sanctions provided by subparagraphs 1. and 2. do  
5643 ~~paragraphs (a) and (b) shall~~ not apply to a local government  
5644 regarding any plan amendment, except for plan amendments that  
5645 amend plans that have not been finally determined to be in  
5646 compliance with this part, and except as provided in paragraph  
5647 (b) s. 163.3189(2) or s. 163.3191(11).

5648           ~~(9)(12)~~ GOOD FAITH FILING.—The signature of an attorney or  
5649 party constitutes a certificate that he or she has read the  
5650 pleading, motion, or other paper and that, to the best of his or  
5651 her knowledge, information, and belief formed after reasonable  
5652 inquiry, it is not interposed for any improper purpose, such as  
5653 to harass or to cause unnecessary delay, or for economic  
5654 advantage, competitive reasons, or frivolous purposes or  
5655 needless increase in the cost of litigation. If a pleading,  
5656 motion, or other paper is signed in violation of these  
5657 requirements, the administrative law judge, upon motion or his

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5658 or her own initiative, shall impose upon the person who signed  
 5659 it, a represented party, or both, an appropriate sanction, which  
 5660 may include an order to pay to the other party or parties the  
 5661 amount of reasonable expenses incurred because of the filing of  
 5662 the pleading, motion, or other paper, including a reasonable  
 5663 attorney's fee.

5664 (10)~~(13)~~ EXCLUSIVE PROCEEDINGS.—The proceedings under this  
 5665 section shall be the sole proceeding or action for a  
 5666 determination of whether a local government's plan, element, or  
 5667 amendment is in compliance with this act.

5668 ~~(14) AREAS OF CRITICAL STATE CONCERN.—No proposed local~~  
 5669 ~~government comprehensive plan or plan amendment which is~~  
 5670 ~~applicable to a designated area of critical state concern shall~~  
 5671 ~~be effective until a final order is issued finding the plan or~~  
 5672 ~~amendment to be in compliance as defined in this section.~~

5673 (11)~~(15)~~ PUBLIC HEARINGS.—

5674 (a) The procedure for transmittal of a complete proposed  
 5675 comprehensive plan or plan amendment pursuant to subparagraph  
 5676 ~~subsection~~ (3) (b)1. and paragraph (4) (b) and for adoption of a  
 5677 comprehensive plan or plan amendment pursuant to  
 5678 subparagraphs(3) (c)1. and (4) (e)1. ~~subsection (7)~~ shall be by  
 5679 affirmative vote of not less than a majority of the members of  
 5680 the governing body present at the hearing. The adoption of a  
 5681 comprehensive plan or plan amendment shall be by ordinance. For  
 5682 the purposes of transmitting or adopting a comprehensive plan or  
 5683 plan amendment, the notice requirements in chapters 125 and 166  
 5684 are superseded by this subsection, except as provided in this  
 5685 part.

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5686 (b) The local governing body shall hold at least two  
 5687 advertised public hearings on the proposed comprehensive plan or  
 5688 plan amendment as follows:

5689 1. The first public hearing shall be held at the  
 5690 transmittal stage ~~pursuant to subsection (3)~~. It shall be held  
 5691 on a weekday at least 7 days after the day that the first  
 5692 advertisement is published pursuant to the requirements of  
 5693 chapter 125 or chapter 166.

5694 2. The second public hearing shall be held at the adoption  
 5695 stage ~~pursuant to subsection (7)~~. It shall be held on a weekday  
 5696 at least 5 days after the day that the second advertisement is  
 5697 published pursuant to the requirements of chapter 125 or chapter  
 5698 166.

5699 (c) Nothing in this part is intended to prohibit or limit  
 5700 the authority of local governments to require a person  
 5701 requesting an amendment to pay some or all of the cost of the  
 5702 public notice.

5703 (12) CONCURRENT ZONING.—At the request of an applicant, a  
 5704 local government shall consider an application for zoning  
 5705 changes that would be required to properly enact any proposed  
 5706 plan amendment transmitted pursuant to this subsection. Zoning  
 5707 changes approved by the local government are contingent upon the  
 5708 comprehensive plan or plan amendment transmitted becoming  
 5709 effective.

5710 (13) AREAS OF CRITICAL STATE CONCERN.—No proposed local  
 5711 government comprehensive plan or plan amendment that is  
 5712 applicable to a designated area of critical state concern shall

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5713 be effective until a final order is issued finding the plan or  
 5714 amendment to be in compliance as defined in paragraph (1)(b).

5715 ~~(c) The local government shall provide a sign-in form at~~  
 5716 ~~the transmittal hearing and at the adoption hearing for persons~~  
 5717 ~~to provide their names and mailing addresses. The sign-in form~~  
 5718 ~~must advise that any person providing the requested information~~  
 5719 ~~will receive a courtesy informational statement concerning~~  
 5720 ~~publications of the state land planning agency's notice of~~  
 5721 ~~intent. The local government shall add to the sign-in form the~~  
 5722 ~~name and address of any person who submits written comments~~  
 5723 ~~concerning the proposed plan or plan amendment during the time~~  
 5724 ~~period between the commencement of the transmittal hearing and~~  
 5725 ~~the end of the adoption hearing. It is the responsibility of the~~  
 5726 ~~person completing the form or providing written comments to~~  
 5727 ~~accurately, completely, and legibly provide all information~~  
 5728 ~~needed in order to receive the courtesy informational statement.~~

5729 ~~(d) The agency shall provide a model sign-in form for~~  
 5730 ~~providing the list to the agency which may be used by the local~~  
 5731 ~~government to satisfy the requirements of this subsection.~~

5732 ~~(e) If the proposed comprehensive plan or plan amendment~~  
 5733 ~~changes the actual list of permitted, conditional, or prohibited~~  
 5734 ~~uses within a future land use category or changes the actual~~  
 5735 ~~future land use map designation of a parcel or parcels of land,~~  
 5736 ~~the required advertisements shall be in the format prescribed by~~  
 5737 ~~s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a~~  
 5738 ~~municipality.~~

5739 ~~(16) COMPLIANCE AGREEMENTS.—~~

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5740           ~~(a) At any time following the issuance of a notice of~~  
 5741 ~~intent to find a comprehensive plan or plan amendment not in~~  
 5742 ~~compliance with this part or after the initiation of a hearing~~  
 5743 ~~pursuant to subsection (9), the state land planning agency and~~  
 5744 ~~the local government may voluntarily enter into a compliance~~  
 5745 ~~agreement to resolve one or more of the issues raised in the~~  
 5746 ~~proceedings. Affected persons who have initiated a formal~~  
 5747 ~~proceeding or have intervened in a formal proceeding may also~~  
 5748 ~~enter into the compliance agreement. All parties granted~~  
 5749 ~~intervenor status shall be provided reasonable notice of the~~  
 5750 ~~commencement of a compliance agreement negotiation process and a~~  
 5751 ~~reasonable opportunity to participate in such negotiation~~  
 5752 ~~process. Negotiation meetings with local governments or~~  
 5753 ~~intervenor shall be open to the public. The state land planning~~  
 5754 ~~agency shall provide each party granted intervenor status with a~~  
 5755 ~~copy of the compliance agreement within 10 days after the~~  
 5756 ~~agreement is executed. The compliance agreement shall list each~~  
 5757 ~~portion of the plan or plan amendment which is not in~~  
 5758 ~~compliance, and shall specify remedial actions which the local~~  
 5759 ~~government must complete within a specified time in order to~~  
 5760 ~~bring the plan or plan amendment into compliance, including~~  
 5761 ~~adoption of all necessary plan amendments. The compliance~~  
 5762 ~~agreement may also establish monitoring requirements and~~  
 5763 ~~incentives to ensure that the conditions of the compliance~~  
 5764 ~~agreement are met.~~

5765           ~~(b) Upon filing by the state land planning agency of a~~  
 5766 ~~compliance agreement executed by the agency and the local~~  
 5767 ~~government with the Division of Administrative Hearings, any~~



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5768 ~~administrative proceeding under ss. 120.569 and 120.57 regarding~~  
 5769 ~~the plan or plan amendment covered by the compliance agreement~~  
 5770 ~~shall be stayed.~~

5771 ~~(c) Prior to its execution of a compliance agreement, the~~  
 5772 ~~local government must approve the compliance agreement at a~~  
 5773 ~~public hearing advertised at least 10 days before the public~~  
 5774 ~~hearing in a newspaper of general circulation in the area in~~  
 5775 ~~accordance with the advertisement requirements of subsection~~  
 5776 ~~(15).~~

5777 ~~(d) A local government may adopt a plan amendment pursuant~~  
 5778 ~~to a compliance agreement in accordance with the requirements of~~  
 5779 ~~paragraph (15) (a). The plan amendment shall be exempt from the~~  
 5780 ~~requirements of subsections (2)-(7). The local government shall~~  
 5781 ~~hold a single adoption public hearing pursuant to the~~  
 5782 ~~requirements of subparagraph (15) (b)2. and paragraph (15) (e).~~  
 5783 ~~Within 10 working days after adoption of a plan amendment, the~~  
 5784 ~~local government shall transmit the amendment to the state land~~  
 5785 ~~planning agency as specified in the agency's procedural rules,~~  
 5786 ~~and shall submit one copy to the regional planning agency and to~~  
 5787 ~~any other unit of local government or government agency in the~~  
 5788 ~~state that has filed a written request with the governing body~~  
 5789 ~~for a copy of the plan amendment, and one copy to any party to~~  
 5790 ~~the proceeding under ss. 120.569 and 120.57 granted intervenor~~  
 5791 ~~status.~~

5792 ~~(e) The state land planning agency, upon receipt of a plan~~  
 5793 ~~amendment adopted pursuant to a compliance agreement, shall~~  
 5794 ~~issue a cumulative notice of intent addressing both the~~  
 5795 ~~compliance agreement amendment and the plan or plan amendment~~

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5796 ~~that was the subject of the agreement, in accordance with~~  
 5797 ~~subsection (8).~~

5798 ~~(f)1. If the local government adopts a comprehensive plan~~  
 5799 ~~amendment pursuant to a compliance agreement and a notice of~~  
 5800 ~~intent to find the plan amendment in compliance is issued, the~~  
 5801 ~~state land planning agency shall forward the notice of intent to~~  
 5802 ~~the Division of Administrative Hearings and the administrative~~  
 5803 ~~law judge shall realign the parties in the pending proceeding~~  
 5804 ~~under ss. 120.569 and 120.57, which shall thereafter be governed~~  
 5805 ~~by the process contained in paragraphs (9) (a) and (b), including~~  
 5806 ~~provisions relating to challenges by an affected person, burden~~  
 5807 ~~of proof, and issues of a recommended order and a final order,~~  
 5808 ~~except as provided in subparagraph 2. Parties to the original~~  
 5809 ~~proceeding at the time of realignment may continue as parties~~  
 5810 ~~without being required to file additional pleadings to initiate~~  
 5811 ~~a proceeding, but may timely amend their pleadings to raise any~~  
 5812 ~~challenge to the amendment which is the subject of the~~  
 5813 ~~eumulative notice of intent, and must otherwise conform to the~~  
 5814 ~~rules of procedure of the Division of Administrative Hearings.~~  
 5815 ~~Any affected person not a party to the realigned proceeding may~~  
 5816 ~~challenge the plan amendment which is the subject of the~~  
 5817 ~~eumulative notice of intent by filing a petition with the agency~~  
 5818 ~~as provided in subsection (9). The agency shall forward the~~  
 5819 ~~petition filed by the affected person not a party to the~~  
 5820 ~~realigned proceeding to the Division of Administrative Hearings~~  
 5821 ~~for consolidation with the realigned proceeding.~~

5822 ~~2. If any of the issues raised by the state land planning~~  
 5823 ~~agency in the original subsection (10) proceeding are not~~

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5824 ~~resolved by the compliance agreement amendments, any intervenor~~  
 5825 ~~in the original subsection (10) proceeding may require those~~  
 5826 ~~issues to be addressed in the pending consolidated realigned~~  
 5827 ~~proceeding under ss. 120.569 and 120.57. As to those unresolved~~  
 5828 ~~issues, the burden of proof shall be governed by subsection~~  
 5829 ~~(10).~~

5830 ~~3. If the local government adopts a comprehensive plan~~  
 5831 ~~amendment pursuant to a compliance agreement and a notice of~~  
 5832 ~~intent to find the plan amendment not in compliance is issued,~~  
 5833 ~~the state land planning agency shall forward the notice of~~  
 5834 ~~intent to the Division of Administrative Hearings, which shall~~  
 5835 ~~consolidate the proceeding with the pending proceeding and~~  
 5836 ~~immediately set a date for hearing in the pending proceeding~~  
 5837 ~~under ss. 120.569 and 120.57. Affected persons who are not a~~  
 5838 ~~party to the underlying proceeding under ss. 120.569 and 120.57~~  
 5839 ~~may challenge the plan amendment adopted pursuant to the~~  
 5840 ~~compliance agreement by filing a petition pursuant to subsection~~  
 5841 ~~(10).~~

5842 ~~(g) If the local government fails to adopt a comprehensive~~  
 5843 ~~plan amendment pursuant to a compliance agreement, the state~~  
 5844 ~~land planning agency shall notify the Division of Administrative~~  
 5845 ~~Hearings, which shall set the hearing in the pending proceeding~~  
 5846 ~~under ss. 120.569 and 120.57 at the earliest convenient time.~~

5847 ~~(h) This subsection does not prohibit a local government~~  
 5848 ~~from amending portions of its comprehensive plan other than~~  
 5849 ~~those which are the subject of the compliance agreement.~~  
 5850 ~~However, such amendments to the plan may not be inconsistent~~  
 5851 ~~with the compliance agreement.~~

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5852 ~~(i) Nothing in this subsection is intended to limit the~~  
 5853 ~~parties from entering into a compliance agreement at any time~~  
 5854 ~~before the final order in the proceeding is issued, provided~~  
 5855 ~~that the provisions of paragraph (c) shall apply regardless of~~  
 5856 ~~when the compliance agreement is reached.~~

5857 ~~(j) Nothing in this subsection is intended to force any~~  
 5858 ~~party into settlement against its will or to preclude the use of~~  
 5859 ~~other informal dispute resolution methods, such as the services~~  
 5860 ~~offered by the Florida Growth Management Dispute Resolution~~  
 5861 ~~Consortium, in the course of or in addition to the method~~  
 5862 ~~described in this subsection.~~

5863 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.—~~  
 5864 ~~A local government that has adopted a community vision and urban~~  
 5865 ~~service boundary under s. 163.3177(13) and (14) may adopt a plan~~  
 5866 ~~amendment related to map amendments solely to property within an~~  
 5867 ~~urban service boundary in the manner described in subsections~~  
 5868 ~~(1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d.~~  
 5869 ~~and e., 2., and 3., such that state and regional agency review~~  
 5870 ~~is eliminated. The department may not issue an objections,~~  
 5871 ~~recommendations, and comments report on proposed plan amendments~~  
 5872 ~~or a notice of intent on adopted plan amendments; however,~~  
 5873 ~~affected persons, as defined by paragraph (1)(a), may file a~~  
 5874 ~~petition for administrative review pursuant to the requirements~~  
 5875 ~~of s. 163.3187(3)(a) to challenge the compliance of an adopted~~  
 5876 ~~plan amendment. This subsection does not apply to any amendment~~  
 5877 ~~within an area of critical state concern, to any amendment that~~  
 5878 ~~increases residential densities allowable in high-hazard coastal~~  
 5879 ~~areas as defined in s. 163.3178(2)(h), or to a text change to~~

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5880 ~~the goals, policies, or objectives of the local government's~~  
 5881 ~~comprehensive plan. Amendments submitted under this subsection~~  
 5882 ~~are exempt from the limitation on the frequency of plan~~  
 5883 ~~amendments in s. 163.3187.~~

5884 ~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.—A~~  
 5885 ~~municipality that has a designated urban infill and~~  
 5886 ~~redevelopment area under s. 163.2517 may adopt a plan amendment~~  
 5887 ~~related to map amendments solely to property within a designated~~  
 5888 ~~urban infill and redevelopment area in the manner described in~~  
 5889 ~~subsections (1), (2), (7), (14), (15), and (16) and s.~~  
 5890 ~~163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~  
 5891 ~~regional agency review is eliminated. The department may not~~  
 5892 ~~issue an objections, recommendations, and comments report on~~  
 5893 ~~proposed plan amendments or a notice of intent on adopted plan~~  
 5894 ~~amendments; however, affected persons, as defined by paragraph~~  
 5895 ~~(1)(a), may file a petition for administrative review pursuant~~  
 5896 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~  
 5897 ~~compliance of an adopted plan amendment. This subsection does~~  
 5898 ~~not apply to any amendment within an area of critical state~~  
 5899 ~~concern, to any amendment that increases residential densities~~  
 5900 ~~allowable in high-hazard coastal areas as defined in s.~~  
 5901 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~  
 5902 ~~objectives of the local government's comprehensive plan.~~  
 5903 ~~Amendments submitted under this subsection are exempt from the~~  
 5904 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

5905 ~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.—Any local~~  
 5906 ~~government that identifies in its comprehensive plan the types~~  
 5907 ~~of housing developments and conditions for which it will~~

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5908 ~~consider plan amendments that are consistent with the local~~  
 5909 ~~housing incentive strategies identified in s. 420.9076 and~~  
 5910 ~~authorized by the local government may expedite consideration of~~  
 5911 ~~such plan amendments. At least 30 days prior to adopting a plan~~  
 5912 ~~amendment pursuant to this subsection, the local government~~  
 5913 ~~shall notify the state land planning agency of its intent to~~  
 5914 ~~adopt such an amendment, and the notice shall include the local~~  
 5915 ~~government's evaluation of site suitability and availability of~~  
 5916 ~~facilities and services. A plan amendment considered under this~~  
 5917 ~~subsection shall require only a single public hearing before the~~  
 5918 ~~local governing body, which shall be a plan amendment adoption~~  
 5919 ~~hearing as described in subsection (7). The public notice of the~~  
 5920 ~~hearing required under subparagraph (15) (b)2. must include a~~  
 5921 ~~statement that the local government intends to use the expedited~~  
 5922 ~~adoption process authorized under this subsection. The state~~  
 5923 ~~land planning agency shall issue its notice of intent required~~  
 5924 ~~under subsection (8) within 30 days after determining that the~~  
 5925 ~~amendment package is complete. Any further proceedings shall be~~  
 5926 ~~governed by subsections (9)-(16).~~

5927 Section 18. Section 163.3187, Florida Statutes, is amended  
 5928 to read:

5929 163.3187 Process for adoption of small-scale comprehensive  
 5930 plan amendment ~~of adopted comprehensive plan.-~~

5931 ~~(1) Amendments to comprehensive plans adopted pursuant to~~  
 5932 ~~this part may be made not more than two times during any~~  
 5933 ~~calendar year, except:~~

5934 ~~(a) In the case of an emergency, comprehensive plan~~  
 5935 ~~amendments may be made more often than twice during the calendar~~

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5936 ~~year if the additional plan amendment receives the approval of~~  
 5937 ~~all of the members of the governing body. "Emergency" means any~~  
 5938 ~~occurrence or threat thereof whether accidental or natural,~~  
 5939 ~~caused by humankind, in war or peace, which results or may~~  
 5940 ~~result in substantial injury or harm to the population or~~  
 5941 ~~substantial damage to or loss of property or public funds.~~

5942 ~~(b) Any local government comprehensive plan amendments~~  
 5943 ~~directly related to a proposed development of regional impact,~~  
 5944 ~~including changes which have been determined to be substantial~~  
 5945 ~~deviations and including Florida Quality Developments pursuant~~  
 5946 ~~to s. 380.061, may be initiated by a local planning agency and~~  
 5947 ~~considered by the local governing body at the same time as the~~  
 5948 ~~application for development approval using the procedures~~  
 5949 ~~provided for local plan amendment in this section and applicable~~  
 5950 ~~local ordinances.~~

5951 ~~(1)(c) Any local government comprehensive plan amendments~~  
 5952 ~~directly related to proposed small scale development activities~~  
 5953 ~~may be approved without regard to statutory limits on the~~  
 5954 ~~frequency of consideration of amendments to the local~~  
 5955 ~~comprehensive plan. A small scale development amendment may be~~  
 5956 ~~adopted only under the following conditions:~~

5957 ~~(a)1. The proposed amendment involves a use of 10 acres or~~  
 5958 ~~fewer and:~~

5959 ~~(b)a. The cumulative annual effect of the acreage for all~~  
 5960 ~~small scale development amendments adopted by the local~~  
 5961 ~~government does ~~shall~~ not exceed:~~

5962 ~~(I) a maximum of 120 acres in a calendar year. ~~local~~~~  
 5963 ~~government that contains areas specifically designated in the~~

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5964 ~~local comprehensive plan for urban infill, urban redevelopment,~~  
 5965 ~~or downtown revitalization as defined in s. 163.3164, urban~~  
 5966 ~~infill and redevelopment areas designated under s. 163.2517,~~  
 5967 ~~transportation concurrency exception areas approved pursuant to~~  
 5968 ~~s. 163.3180(5), or regional activity centers and urban central~~  
 5969 ~~business districts approved pursuant to s. 380.06(2)(e);~~  
 5970 ~~however, amendments under this paragraph may be applied to no~~  
 5971 ~~more than 60 acres annually of property outside the designated~~  
 5972 ~~areas listed in this sub-sub-subparagraph. Amendments adopted~~  
 5973 ~~pursuant to paragraph (k) shall not be counted toward the~~  
 5974 ~~acreage limitations for small scale amendments under this~~  
 5975 ~~paragraph.~~

5976 ~~(II) A maximum of 80 acres in a local government that does~~  
 5977 ~~not contain any of the designated areas set forth in sub-sub-~~  
 5978 ~~subparagraph (I).~~

5979 ~~(III) A maximum of 120 acres in a county established~~  
 5980 ~~pursuant to s. 9, Art. VIII of the State Constitution.~~

5981 ~~b. The proposed amendment does not involve the same~~  
 5982 ~~property granted a change within the prior 12 months.~~

5983 ~~e. The proposed amendment does not involve the same~~  
 5984 ~~owner's property within 200 feet of property granted a change~~  
 5985 ~~within the prior 12 months.~~

5986 ~~(c)d.~~ The proposed amendment does not involve a text  
 5987 change to the goals, policies, and objectives of the local  
 5988 government's comprehensive plan, but only proposes a land use  
 5989 change to the future land use map for a site-specific small  
 5990 scale development activity. However, text changes that relate  
 5991 directly to, and are adopted simultaneously with, the small



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5992 scale future land use map amendment shall be permissible under  
 5993 this section.

5994 (d)e. The property that is the subject of the proposed  
 5995 amendment is not located within an area of critical state  
 5996 concern, unless the project subject to the proposed amendment  
 5997 involves the construction of affordable housing units meeting  
 5998 the criteria of s. 420.0004(3), and is located within an area of  
 5999 critical state concern designated by s. 380.0552 or by the  
 6000 Administration Commission pursuant to s. 380.05(1). ~~Such~~  
 6001 ~~amendment is not subject to the density limitations of sub-~~  
 6002 ~~subparagraph f., and shall be reviewed by the state land~~  
 6003 ~~planning agency for consistency with the principles for guiding~~  
 6004 ~~development applicable to the area of critical state concern~~  
 6005 ~~where the amendment is located and shall not become effective~~  
 6006 ~~until a final order is issued under s. 380.05(6).~~

6007 ~~f.~~ If the proposed amendment involves a residential land  
 6008 use, the residential land use has a density of 10 units or less  
 6009 per acre or the proposed future land use category allows a  
 6010 maximum residential density of the same or less than the maximum  
 6011 residential density allowable under the existing future land use  
 6012 category, except that this limitation does not apply to small  
 6013 scale amendments involving the construction of affordable  
 6014 housing units meeting the criteria of s. 420.0004(3) on property  
 6015 which will be the subject of a land use restriction agreement,  
 6016 or small scale amendments described in sub-sub-subparagraph  
 6017 a.(I) that are designated in the local comprehensive plan for  
 6018 urban infill, urban redevelopment, or downtown revitalization as  
 6019 defined in s. 163.3164, urban infill and redevelopment areas

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6020 ~~designated under s. 163.2517, transportation concurrency~~  
 6021 ~~exception areas approved pursuant to s. 163.3180(5), or regional~~  
 6022 ~~activity centers and urban central business districts approved~~  
 6023 ~~pursuant to s. 380.06(2)(c).~~

6024 ~~2.a. A local government that proposes to consider a plan~~  
 6025 ~~amendment pursuant to this paragraph is not required to comply~~  
 6026 ~~with the procedures and public notice requirements of s.~~  
 6027 ~~163.3184(15)(c) for such plan amendments if the local government~~  
 6028 ~~complies with the provisions in s. 125.66(4)(a) for a county or~~  
 6029 ~~in s. 166.041(3)(c) for a municipality. If a request for a plan~~  
 6030 ~~amendment under this paragraph is initiated by other than the~~  
 6031 ~~local government, public notice is required.~~

6032 ~~b. The local government shall send copies of the notice~~  
 6033 ~~and amendment to the state land planning agency, the regional~~  
 6034 ~~planning council, and any other person or entity requesting a~~  
 6035 ~~copy. This information shall also include a statement~~  
 6036 ~~identifying any property subject to the amendment that is~~  
 6037 ~~located within a coastal high-hazard area as identified in the~~  
 6038 ~~local comprehensive plan.~~

6039 ~~(2)3.~~ (2)3. Small scale development amendments adopted pursuant  
 6040 to this section ~~paragraph~~ require only one public hearing before  
 6041 the governing board, which shall be an adoption hearing as  
 6042 described in s. 163.3184 (11)(7), ~~and are not subject to the~~  
 6043 ~~requirements of s. 163.3184(3)-(6) unless the local government~~  
 6044 ~~elects to have them subject to those requirements.~~

6045 (3)4. If the small scale development amendment involves a  
 6046 site within an area that is designated by the Governor as a  
 6047 rural area of critical economic concern as defined under s.

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6048 288.0656(2) (d) ~~(7)~~ for the duration of such designation, the 10-  
 6049 acre limit listed in subsection (1) ~~subparagraph 1.~~ shall be  
 6050 increased by 100 percent to 20 acres. The local government  
 6051 approving the small scale plan amendment shall certify to the  
 6052 Office of Tourism, Trade, and Economic Development that the plan  
 6053 amendment furthers the economic objectives set forth in the  
 6054 executive order issued under s. 288.0656(7), and the property  
 6055 subject to the plan amendment shall undergo public review to  
 6056 ensure that all concurrency requirements and federal, state, and  
 6057 local environmental permit requirements are met.

6058 ~~(d) Any comprehensive plan amendment required by a~~  
 6059 ~~compliance agreement pursuant to s. 163.3184(16) may be approved~~  
 6060 ~~without regard to statutory limits on the frequency of adoption~~  
 6061 ~~of amendments to the comprehensive plan.~~

6062 ~~(e) A comprehensive plan amendment for location of a state~~  
 6063 ~~correctional facility. Such an amendment may be made at any time~~  
 6064 ~~and does not count toward the limitation on the frequency of~~  
 6065 ~~plan amendments.~~

6066 ~~(f) The capital improvements element annual update~~  
 6067 ~~required in s. 163.3177(3)(b)1. and any amendments directly~~  
 6068 ~~related to the schedule.~~

6069 ~~(g) Any local government comprehensive plan amendments~~  
 6070 ~~directly related to proposed redevelopment of brownfield areas~~  
 6071 ~~designated under s. 376.80 may be approved without regard to~~  
 6072 ~~statutory limits on the frequency of consideration of amendments~~  
 6073 ~~to the local comprehensive plan.~~

6074 ~~(h) Any comprehensive plan amendments for port~~  
 6075 ~~transportation facilities and projects that are eligible for~~

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6076 ~~funding by the Florida Seaport Transportation and Economic~~  
 6077 ~~Development Council pursuant to s. 311.07.~~

6078 ~~(i) A comprehensive plan amendment for the purpose of~~  
 6079 ~~designating an urban infill and redevelopment area under s.~~  
 6080 ~~163.2517 may be approved without regard to the statutory limits~~  
 6081 ~~on the frequency of amendments to the comprehensive plan.~~

6082 ~~(j) Any comprehensive plan amendment to establish public~~  
 6083 ~~school concurrency pursuant to s. 163.3180(13), including, but~~  
 6084 ~~not limited to, adoption of a public school facilities element~~  
 6085 ~~and adoption of amendments to the capital improvements element~~  
 6086 ~~and intergovernmental coordination element. In order to ensure~~  
 6087 ~~the consistency of local government public school facilities~~  
 6088 ~~elements within a county, such elements shall be prepared and~~  
 6089 ~~adopted on a similar time schedule.~~

6090 ~~(k) A local comprehensive plan amendment directly related~~  
 6091 ~~to providing transportation improvements to enhance life safety~~  
 6092 ~~on Controlled Access Major Arterial Highways identified in the~~  
 6093 ~~Florida Intrastate Highway System, in counties as defined in s.~~  
 6094 ~~125.011, where such roadways have a high incidence of traffic~~  
 6095 ~~accidents resulting in serious injury or death. Any such~~  
 6096 ~~amendment shall not include any amendment modifying the~~  
 6097 ~~designation on a comprehensive development plan land use map nor~~  
 6098 ~~any amendment modifying the allowable densities or intensities~~  
 6099 ~~of any land.~~

6100 ~~(l) A comprehensive plan amendment to adopt a public~~  
 6101 ~~educational facilities element pursuant to s. 163.3177(12) and~~  
 6102 ~~future land use map amendments for school siting may be approved~~

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6103 ~~notwithstanding statutory limits on the frequency of adopting~~  
 6104 ~~plan amendments.~~

6105 ~~(m) A comprehensive plan amendment that addresses criteria~~  
 6106 ~~or compatibility of land uses adjacent to or in close proximity~~  
 6107 ~~to military installations in a local government's future land~~  
 6108 ~~use element does not count toward the limitation on the~~  
 6109 ~~frequency of the plan amendments.~~

6110 ~~(n) Any local government comprehensive plan amendment~~  
 6111 ~~establishing or implementing a rural land stewardship area~~  
 6112 ~~pursuant to the provisions of s. 163.3177(11) (d).~~

6113 ~~(o) A comprehensive plan amendment that is submitted by an~~  
 6114 ~~area designated by the Governor as a rural area of critical~~  
 6115 ~~economic concern under s. 288.0656(7) and that meets the~~  
 6116 ~~economic development objectives may be approved without regard~~  
 6117 ~~to the statutory limits on the frequency of adoption of~~  
 6118 ~~amendments to the comprehensive plan.~~

6119 ~~(p) Any local government comprehensive plan amendment that~~  
 6120 ~~is consistent with the local housing incentive strategies~~  
 6121 ~~identified in s. 420.9076 and authorized by the local~~  
 6122 ~~government.~~

6123 ~~(q) Any local government plan amendment to designate an~~  
 6124 ~~urban service area as a transportation concurrency exception~~  
 6125 ~~area under s. 163.3180(5) (b)2. or 3. and an area exempt from the~~  
 6126 ~~development of regional impact process under s. 380.06(29).~~

6127 (4)(2) Comprehensive plans may only be amended in such a  
 6128 way as to preserve the internal consistency of the plan pursuant  
 6129 to s. 163.3177(2). Corrections, updates, or modifications of  
 6130 current costs which were set out as part of the comprehensive

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6131 | plan shall not, for the purposes of this act, be deemed to be  
 6132 | amendments.  
 6133 | ~~(3) (a) The state land planning agency shall not review or~~  
 6134 | ~~issue a notice of intent for small scale development amendments~~  
 6135 | ~~which satisfy the requirements of paragraph (1) (c).~~  
 6136 | (5) (a) Any affected person may file a petition with the  
 6137 | Division of Administrative Hearings pursuant to ss. 120.569 and  
 6138 | 120.57 to request a hearing to challenge the compliance of a  
 6139 | small scale development amendment with this act within 30 days  
 6140 | following the local government's adoption of the amendment and~~,~~  
 6141 | shall serve a copy of the petition on the local government, ~~and~~  
 6142 | ~~shall furnish a copy to the state land planning agency.~~ An  
 6143 | administrative law judge shall hold a hearing in the affected  
 6144 | jurisdiction not less than 30 days nor more than 60 days  
 6145 | following the filing of a petition and the assignment of an  
 6146 | administrative law judge. The parties to a hearing held pursuant  
 6147 | to this subsection shall be the petitioner, the local  
 6148 | government, and any intervenor. In the proceeding, the plan  
 6149 | amendment shall be determined to be in compliance if the local  
 6150 | government's determination that the small scale development  
 6151 | amendment is in compliance is fairly debatable ~~presumed to be~~  
 6152 | ~~correct. The local government's determination shall be sustained~~  
 6153 | ~~unless it is shown by a preponderance of the evidence that the~~  
 6154 | ~~amendment is not in compliance with the requirements of this~~  
 6155 | ~~act. In any proceeding initiated pursuant to this subsection,~~  
 6156 | The state land planning agency may not intervene in any  
 6157 | proceeding initiated pursuant to this section.

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6158 (b)1. If the administrative law judge recommends that the  
6159 small scale development amendment be found not in compliance,  
6160 the administrative law judge shall submit the recommended order  
6161 to the Administration Commission for final agency action. If the  
6162 administrative law judge recommends that the small scale  
6163 development amendment be found in compliance, the administrative  
6164 law judge shall submit the recommended order to the state land  
6165 planning agency.

6166 2. If the state land planning agency determines that the  
6167 plan amendment is not in compliance, the agency shall submit,  
6168 within 30 days following its receipt, the recommended order to  
6169 the Administration Commission for final agency action. If the  
6170 state land planning agency determines that the plan amendment is  
6171 in compliance, the agency shall enter a final order within 30  
6172 days following its receipt of the recommended order.

6173 (c) Small scale development amendments may ~~shall~~ not  
6174 become effective until 31 days after adoption. If challenged  
6175 within 30 days after adoption, small scale development  
6176 amendments may ~~shall~~ not become effective until the state land  
6177 planning agency or the Administration Commission, respectively,  
6178 issues a final order determining that the adopted small scale  
6179 development amendment is in compliance.

6180 (d) In all challenges under this subsection, when a  
6181 determination of compliance as defined in s. 163.3184(1)(b) is  
6182 made, consideration shall be given to the plan amendment as a  
6183 whole and whether the plan amendment furthers the intent of this  
6184 part.

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6185 ~~(4) Each governing body shall transmit to the state land~~  
 6186 ~~planning agency a current copy of its comprehensive plan not~~  
 6187 ~~later than December 1, 1985. Each governing body shall also~~  
 6188 ~~transmit copies of any amendments it adopts to its comprehensive~~  
 6189 ~~plan so as to continually update the plans on file with the~~  
 6190 ~~state land planning agency.~~

6191 ~~(5) Nothing in this part is intended to prohibit or limit~~  
 6192 ~~the authority of local governments to require that a person~~  
 6193 ~~requesting an amendment pay some or all of the cost of public~~  
 6194 ~~notice.~~

6195 ~~(6) (a) No local government may amend its comprehensive~~  
 6196 ~~plan after the date established by the state land planning~~  
 6197 ~~agency for adoption of its evaluation and appraisal report~~  
 6198 ~~unless it has submitted its report or addendum to the state land~~  
 6199 ~~planning agency as prescribed by s. 163.3191, except for plan~~  
 6200 ~~amendments described in paragraph (1) (b) or paragraph (1) (h).~~

6201 ~~(b) A local government may amend its comprehensive plan~~  
 6202 ~~after it has submitted its adopted evaluation and appraisal~~  
 6203 ~~report and for a period of 1 year after the initial~~  
 6204 ~~determination of sufficiency regardless of whether the report~~  
 6205 ~~has been determined to be insufficient.~~

6206 ~~(c) A local government may not amend its comprehensive~~  
 6207 ~~plan, except for plan amendments described in paragraph (1) (b),~~  
 6208 ~~if the 1-year period after the initial sufficiency determination~~  
 6209 ~~of the report has expired and the report has not been determined~~  
 6210 ~~to be sufficient.~~

6211 ~~(d) When the state land planning agency has determined~~  
 6212 ~~that the report has sufficiently addressed all pertinent~~



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6213 ~~provisions of s. 163.3191, the local government may amend its~~  
 6214 ~~comprehensive plan without the limitations imposed by paragraph~~  
 6215 ~~(a) or paragraph (c).~~

6216 ~~(c) Any plan amendment which a local government attempts~~  
 6217 ~~to adopt in violation of paragraph (a) or paragraph (c) is~~  
 6218 ~~invalid, but such invalidity may be overcome if the local~~  
 6219 ~~government readopts the amendment and transmits the amendment to~~  
 6220 ~~the state land planning agency pursuant to s. 163.3184(7) after~~  
 6221 ~~the report is determined to be sufficient.~~

6222 Section 19. Section 163.3189, Florida Statutes, is  
 6223 repealed.

6224 Section 20. Section 163.3191, Florida Statutes, is amended  
 6225 to read:

6226 163.3191 Evaluation and appraisal of comprehensive plan.—

6227 (1) At least once every 7 years, each local government  
 6228 shall evaluate its comprehensive plan to determine if plan  
 6229 amendments are necessary to reflect changes in state  
 6230 requirements in this part since the last update of the  
 6231 comprehensive plan, and notify the state land planning agency as  
 6232 to its determination.

6233 (2) If the local government determines amendments to its  
 6234 comprehensive plan are necessary to reflect changes in state  
 6235 requirements, the local government shall prepare and transmit  
 6236 within 1 year such plan amendment or amendments for review  
 6237 pursuant to s. 163.3184.

6238 (3) Local governments are encouraged to comprehensively  
 6239 evaluate and, as necessary, update comprehensive plans to  
 6240 reflect changes in local conditions. Plan amendments transmitted

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6241 pursuant to this section shall be reviewed in accordance with s.  
 6242 163.3184.

6243 (4) If a local government fails to submit its letter  
 6244 prescribed by subsection (1) or update its plan pursuant to  
 6245 subsection (2), it may not amend its comprehensive plan until  
 6246 such time as it complies with this section.

6247 ~~(1) The planning program shall be a continuous and ongoing~~  
 6248 ~~process. Each local government shall adopt an evaluation and~~  
 6249 ~~appraisal report once every 7 years assessing the progress in~~  
 6250 ~~implementing the local government's comprehensive plan.~~  
 6251 ~~Furthermore, it is the intent of this section that:~~

6252 ~~(a) Adopted comprehensive plans be reviewed through such~~  
 6253 ~~evaluation process to respond to changes in state, regional, and~~  
 6254 ~~local policies on planning and growth management and changing~~  
 6255 ~~conditions and trends, to ensure effective intergovernmental~~  
 6256 ~~coordination, and to identify major issues regarding the~~  
 6257 ~~community's achievement of its goals.~~

6258 ~~(b) After completion of the initial evaluation and~~  
 6259 ~~appraisal report and any supporting plan amendments, each~~  
 6260 ~~subsequent evaluation and appraisal report must evaluate the~~  
 6261 ~~comprehensive plan in effect at the time of the initiation of~~  
 6262 ~~the evaluation and appraisal report process.~~

6263 ~~(c) Local governments identify the major issues, if~~  
 6264 ~~applicable, with input from state agencies, regional agencies,~~  
 6265 ~~adjacent local governments, and the public in the evaluation and~~  
 6266 ~~appraisal report process. It is also the intent of this section~~  
 6267 ~~to establish minimum requirements for information to ensure~~  
 6268 ~~predictability, certainty, and integrity in the growth~~

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6269 ~~management process. The report is intended to serve as a summary~~  
 6270 ~~audit of the actions that a local government has undertaken and~~  
 6271 ~~identify changes that it may need to make. The report should be~~  
 6272 ~~based on the local government's analysis of major issues to~~  
 6273 ~~further the community's goals consistent with statewide minimum~~  
 6274 ~~standards. The report is not intended to require a comprehensive~~  
 6275 ~~rewrite of the elements within the local plan, unless a local~~  
 6276 ~~government chooses to do so.~~

6277 ~~(2) The report shall present an evaluation and assessment~~  
 6278 ~~of the comprehensive plan and shall contain appropriate~~  
 6279 ~~statements to update the comprehensive plan, including, but not~~  
 6280 ~~limited to, words, maps, illustrations, or other media, related~~  
 6281 ~~to:~~

6282 ~~(a) Population growth and changes in land area, including~~  
 6283 ~~annexation, since the adoption of the original plan or the most~~  
 6284 ~~recent update amendments.~~

6285 ~~(b) The extent of vacant and developable land.~~

6286 ~~(c) The financial feasibility of implementing the~~  
 6287 ~~comprehensive plan and of providing needed infrastructure to~~  
 6288 ~~achieve and maintain adopted level of service standards and~~  
 6289 ~~sustain concurrency management systems through the capital~~  
 6290 ~~improvements element, as well as the ability to address~~  
 6291 ~~infrastructure backlogs and meet the demands of growth on public~~  
 6292 ~~services and facilities.~~

6293 ~~(d) The location of existing development in relation to~~  
 6294 ~~the location of development as anticipated in the original plan,~~  
 6295 ~~or in the plan as amended by the most recent evaluation and~~

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6296 ~~appraisal report update amendments, such as within areas~~  
 6297 ~~designated for urban growth.~~

6298 ~~(c) An identification of the major issues for the~~  
 6299 ~~jurisdiction and, where pertinent, the potential social,~~  
 6300 ~~economic, and environmental impacts.~~

6301 ~~(f) Relevant changes to the state comprehensive plan, the~~  
 6302 ~~requirements of this part, the minimum criteria contained in~~  
 6303 ~~chapter 9J-5, Florida Administrative Code, and the appropriate~~  
 6304 ~~strategic regional policy plan since the adoption of the~~  
 6305 ~~original plan or the most recent evaluation and appraisal report~~  
 6306 ~~update amendments.~~

6307 ~~(g) An assessment of whether the plan objectives within~~  
 6308 ~~each element, as they relate to major issues, have been~~  
 6309 ~~achieved. The report shall include, as appropriate, an~~  
 6310 ~~identification as to whether unforeseen or unanticipated changes~~  
 6311 ~~in circumstances have resulted in problems or opportunities with~~  
 6312 ~~respect to major issues identified in each element and the~~  
 6313 ~~social, economic, and environmental impacts of the issue.~~

6314 ~~(h) A brief assessment of successes and shortcomings~~  
 6315 ~~related to each element of the plan.~~

6316 ~~(i) The identification of any actions or corrective~~  
 6317 ~~measures, including whether plan amendments are anticipated to~~  
 6318 ~~address the major issues identified and analyzed in the report.~~  
 6319 ~~Such identification shall include, as appropriate, new~~  
 6320 ~~population projections, new revised planning timeframes, a~~  
 6321 ~~revised future conditions map or map series, an updated capital~~  
 6322 ~~improvements element, and any new and revised goals, objectives,~~  
 6323 ~~and policies for major issues identified within each element.~~

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6324 ~~This paragraph shall not require the submittal of the plan~~  
 6325 ~~amendments with the evaluation and appraisal report.~~

6326 ~~(j) A summary of the public participation program and~~  
 6327 ~~activities undertaken by the local government in preparing the~~  
 6328 ~~report.~~

6329 ~~(k) The coordination of the comprehensive plan with~~  
 6330 ~~existing public schools and those identified in the applicable~~  
 6331 ~~educational facilities plan adopted pursuant to s. 1013.35. The~~  
 6332 ~~assessment shall address, where relevant, the success or failure~~  
 6333 ~~of the coordination of the future land use map and associated~~  
 6334 ~~planned residential development with public schools and their~~  
 6335 ~~capacities, as well as the joint decisionmaking processes~~  
 6336 ~~engaged in by the local government and the school board in~~  
 6337 ~~regard to establishing appropriate population projections and~~  
 6338 ~~the planning and siting of public school facilities. For those~~  
 6339 ~~counties or municipalities that do not have a public schools~~  
 6340 ~~interlocal agreement or public school facilities element, the~~  
 6341 ~~assessment shall determine whether the local government~~  
 6342 ~~continues to meet the criteria of s. 163.3177(12). If the county~~  
 6343 ~~or municipality determines that it no longer meets the criteria,~~  
 6344 ~~it must adopt appropriate school concurrency goals, objectives,~~  
 6345 ~~and policies in its plan amendments pursuant to the requirements~~  
 6346 ~~of the public school facilities element, and enter into the~~  
 6347 ~~existing interlocal agreement required by ss. 163.3177(6)(h)2.~~  
 6348 ~~and 163.31777 in order to fully participate in the school~~  
 6349 ~~concurrency system.~~

6350 ~~(l) The extent to which the local government has been~~  
 6351 ~~successful in identifying alternative water supply projects and~~

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6352 ~~traditional water supply projects, including conservation and~~  
 6353 ~~reuse, necessary to meet the water needs identified in s.~~  
 6354 ~~373.709(2) (a) within the local government's jurisdiction. The~~  
 6355 ~~report must evaluate the degree to which the local government~~  
 6356 ~~has implemented the work plan for building public, private, and~~  
 6357 ~~regional water supply facilities, including development of~~  
 6358 ~~alternative water supplies, identified in the element as~~  
 6359 ~~necessary to serve existing and new development.~~

6360 ~~(m) If any of the jurisdiction of the local government is~~  
 6361 ~~located within the coastal high hazard area, an evaluation of~~  
 6362 ~~whether any past reduction in land use density impairs the~~  
 6363 ~~property rights of current residents when redevelopment occurs,~~  
 6364 ~~including, but not limited to, redevelopment following a natural~~  
 6365 ~~disaster. The property rights of current residents shall be~~  
 6366 ~~balanced with public safety considerations. The local government~~  
 6367 ~~must identify strategies to address redevelopment feasibility~~  
 6368 ~~and the property rights of affected residents. These strategies~~  
 6369 ~~may include the authorization of redevelopment up to the actual~~  
 6370 ~~built density in existence on the property prior to the natural~~  
 6371 ~~disaster or redevelopment.~~

6372 ~~(n) An assessment of whether the criteria adopted pursuant~~  
 6373 ~~to s. 163.3177(6) (a) were successful in achieving compatibility~~  
 6374 ~~with military installations.~~

6375 ~~(o) The extent to which a concurrency exception area~~  
 6376 ~~designated pursuant to s. 163.3180(5), a concurrency management~~  
 6377 ~~area designated pursuant to s. 163.3180(7), or a multimodal~~  
 6378 ~~transportation district designated pursuant to s. 163.3180(15)~~

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6379 ~~has achieved the purpose for which it was created and otherwise~~  
6380 ~~complies with the provisions of s. 163.3180.~~

6381 ~~(p) An assessment of the extent to which changes are~~  
6382 ~~needed to develop a common methodology for measuring impacts on~~  
6383 ~~transportation facilities for the purpose of implementing its~~  
6384 ~~concurrency management system in coordination with the~~  
6385 ~~municipalities and counties, as appropriate pursuant to s.~~  
6386 ~~163.3180(10).~~

6387 ~~(3) Voluntary scoping meetings may be conducted by each~~  
6388 ~~local government or several local governments within the same~~  
6389 ~~county that agree to meet together. Joint meetings among all~~  
6390 ~~local governments in a county are encouraged. All scoping~~  
6391 ~~meetings shall be completed at least 1 year prior to the~~  
6392 ~~established adoption date of the report. The purpose of the~~  
6393 ~~meetings shall be to distribute data and resources available to~~  
6394 ~~assist in the preparation of the report, to provide input on~~  
6395 ~~major issues in each community that should be addressed in the~~  
6396 ~~report, and to advise on the extent of the effort for the~~  
6397 ~~components of subsection (2). If scoping meetings are held, the~~  
6398 ~~local government shall invite each state and regional reviewing~~  
6399 ~~agency, as well as adjacent and other affected local~~  
6400 ~~governments. A preliminary list of new data and major issues~~  
6401 ~~that have emerged since the adoption of the original plan, or~~  
6402 ~~the most recent evaluation and appraisal report-based update~~  
6403 ~~amendments, should be developed by state and regional entities~~  
6404 ~~and involved local governments for distribution at the scoping~~  
6405 ~~meeting. For purposes of this subsection, a "scoping meeting" is~~  
6406 ~~a meeting conducted to determine the scope of review of the~~

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6407 ~~evaluation and appraisal report by parties to which the report~~  
6408 ~~relates.~~

6409 ~~(4) The local planning agency shall prepare the evaluation~~  
6410 ~~and appraisal report and shall make recommendations to the~~  
6411 ~~governing body regarding adoption of the proposed report. The~~  
6412 ~~local planning agency shall prepare the report in conformity~~  
6413 ~~with its public participation procedures adopted as required by~~  
6414 ~~s. 163.3181. During the preparation of the proposed report and~~  
6415 ~~prior to making any recommendation to the governing body, the~~  
6416 ~~local planning agency shall hold at least one public hearing,~~  
6417 ~~with public notice, on the proposed report. At a minimum, the~~  
6418 ~~format and content of the proposed report shall include a table~~  
6419 ~~of contents; numbered pages; element headings; section headings~~  
6420 ~~within elements; a list of included tables, maps, and figures; a~~  
6421 ~~title and sources for all included tables; a preparation date;~~  
6422 ~~and the name of the preparer. Where applicable, maps shall~~  
6423 ~~include major natural and artificial geographic features; city,~~  
6424 ~~county, and state lines; and a legend indicating a north arrow,~~  
6425 ~~map scale, and the date.~~

6426 ~~(5) Ninety days prior to the scheduled adoption date, the~~  
6427 ~~local government may provide a proposed evaluation and appraisal~~  
6428 ~~report to the state land planning agency and distribute copies~~  
6429 ~~to state and regional commenting agencies as prescribed by rule,~~  
6430 ~~adjacent jurisdictions, and interested citizens for review. All~~  
6431 ~~review comments, including comments by the state land planning~~  
6432 ~~agency, shall be transmitted to the local government and state~~  
6433 ~~land planning agency within 30 days after receipt of the~~  
6434 ~~proposed report.~~



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6435           ~~(6) The governing body, after considering the review~~  
 6436 ~~comments and recommended changes, if any, shall adopt the~~  
 6437 ~~evaluation and appraisal report by resolution or ordinance at a~~  
 6438 ~~public hearing with public notice. The governing body shall~~  
 6439 ~~adopt the report in conformity with its public participation~~  
 6440 ~~procedures adopted as required by s. 163.3181. The local~~  
 6441 ~~government shall submit to the state land planning agency three~~  
 6442 ~~copies of the report, a transmittal letter indicating the dates~~  
 6443 ~~of public hearings, and a copy of the adoption resolution or~~  
 6444 ~~ordinance. The local government shall provide a copy of the~~  
 6445 ~~report to the reviewing agencies which provided comments for the~~  
 6446 ~~proposed report, or to all the reviewing agencies if a proposed~~  
 6447 ~~report was not provided pursuant to subsection (5), including~~  
 6448 ~~the adjacent local governments. Within 60 days after receipt,~~  
 6449 ~~the state land planning agency shall review the adopted report~~  
 6450 ~~and make a preliminary sufficiency determination that shall be~~  
 6451 ~~forwarded by the agency to the local government for its~~  
 6452 ~~consideration. The state land planning agency shall issue a~~  
 6453 ~~final sufficiency determination within 90 days after receipt of~~  
 6454 ~~the adopted evaluation and appraisal report.~~

6455           ~~(7) The intent of the evaluation and appraisal process is~~  
 6456 ~~the preparation of a plan update that clearly and concisely~~  
 6457 ~~achieves the purpose of this section. Toward this end, the~~  
 6458 ~~sufficiency review of the state land planning agency shall~~  
 6459 ~~concentrate on whether the evaluation and appraisal report~~  
 6460 ~~sufficiently fulfills the components of subsection (2). If the~~  
 6461 ~~state land planning agency determines that the report is~~  
 6462 ~~insufficient, the governing body shall adopt a revision of the~~

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6463 ~~report and submit the revised report for review pursuant to~~  
 6464 ~~subsection (6).~~

6465 ~~(8) The state land planning agency may delegate the review~~  
 6466 ~~of evaluation and appraisal reports, including all state land~~  
 6467 ~~planning agency duties under subsections (4)-(7), to the~~  
 6468 ~~appropriate regional planning council. When the review has been~~  
 6469 ~~delegated to a regional planning council, any local government~~  
 6470 ~~in the region may elect to have its report reviewed by the~~  
 6471 ~~regional planning council rather than the state land planning~~  
 6472 ~~agency. The state land planning agency shall by agreement~~  
 6473 ~~provide for uniform and adequate review of reports and shall~~  
 6474 ~~retain oversight for any delegation of review to a regional~~  
 6475 ~~planning council.~~

6476 ~~(9) The state land planning agency may establish a phased~~  
 6477 ~~schedule for adoption of reports. The schedule shall provide~~  
 6478 ~~each local government at least 7 years from plan adoption or~~  
 6479 ~~last established adoption date for a report and shall allot~~  
 6480 ~~approximately one-seventh of the reports to any 1 year. In order~~  
 6481 ~~to allow the municipalities to use data and analyses gathered by~~  
 6482 ~~the counties, the state land planning agency shall schedule~~  
 6483 ~~municipal report adoption dates between 1 year and 18 months~~  
 6484 ~~later than the report adoption date for the county in which~~  
 6485 ~~those municipalities are located. A local government may adopt~~  
 6486 ~~its report no earlier than 90 days prior to the established~~  
 6487 ~~adoption date. Small municipalities which were scheduled by~~  
 6488 ~~chapter 9J-33, Florida Administrative Code, to adopt their~~  
 6489 ~~evaluation and appraisal report after February 2, 1999, shall be~~

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6490 ~~rescheduled to adopt their report together with the other~~  
 6491 ~~municipalities in their county as provided in this subsection.~~  
 6492 ~~(10) The governing body shall amend its comprehensive plan~~  
 6493 ~~based on the recommendations in the report and shall update the~~  
 6494 ~~comprehensive plan based on the components of subsection (2),~~  
 6495 ~~pursuant to the provisions of ss. 163.3184, 163.3187, and~~  
 6496 ~~163.3189. Amendments to update a comprehensive plan based on the~~  
 6497 ~~evaluation and appraisal report shall be adopted during a single~~  
 6498 ~~amendment cycle within 18 months after the report is determined~~  
 6499 ~~to be sufficient by the state land planning agency, except the~~  
 6500 ~~state land planning agency may grant an extension for adoption~~  
 6501 ~~of a portion of such amendments. The state land planning agency~~  
 6502 ~~may grant a 6-month extension for the adoption of such~~  
 6503 ~~amendments if the request is justified by good and sufficient~~  
 6504 ~~cause as determined by the agency. An additional extension may~~  
 6505 ~~also be granted if the request will result in greater~~  
 6506 ~~coordination between transportation and land use, for the~~  
 6507 ~~purposes of improving Florida's transportation system, as~~  
 6508 ~~determined by the agency in coordination with the Metropolitan~~  
 6509 ~~Planning Organization program. Beginning July 1, 2006, failure~~  
 6510 ~~to timely adopt and transmit update amendments to the~~  
 6511 ~~comprehensive plan based on the evaluation and appraisal report~~  
 6512 ~~shall result in a local government being prohibited from~~  
 6513 ~~adopting amendments to the comprehensive plan until the~~  
 6514 ~~evaluation and appraisal report update amendments have been~~  
 6515 ~~adopted and transmitted to the state land planning agency. The~~  
 6516 ~~prohibition on plan amendments shall commence when the update~~  
 6517 ~~amendments to the comprehensive plan are past due. The~~

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6518 ~~comprehensive plan as amended shall be in compliance as defined~~  
 6519 ~~in s. 163.3184(1)(b). Within 6 months after the effective date~~  
 6520 ~~of the update amendments to the comprehensive plan, the local~~  
 6521 ~~government shall provide to the state land planning agency and~~  
 6522 ~~to all agencies designated by rule a complete copy of the~~  
 6523 ~~updated comprehensive plan.~~

6524 ~~(11) The Administration Commission may impose the~~  
 6525 ~~sanctions provided by s. 163.3184(11) against any local~~  
 6526 ~~government that fails to adopt and submit a report, or that~~  
 6527 ~~fails to implement its report through timely and sufficient~~  
 6528 ~~amendments to its local plan, except for reasons of excusable~~  
 6529 ~~delay or valid planning reasons agreed to by the state land~~  
 6530 ~~planning agency or found present by the Administration~~  
 6531 ~~Commission. Sanctions for untimely or insufficient plan~~  
 6532 ~~amendments shall be prospective only and shall begin after a~~  
 6533 ~~final order has been issued by the Administration Commission and~~  
 6534 ~~a reasonable period of time has been allowed for the local~~  
 6535 ~~government to comply with an adverse determination by the~~  
 6536 ~~Administration Commission through adoption of plan amendments~~  
 6537 ~~that are in compliance. The state land planning agency may~~  
 6538 ~~initiate, and an affected person may intervene in, such a~~  
 6539 ~~proceeding by filing a petition with the Division of~~  
 6540 ~~Administrative Hearings, which shall appoint an administrative~~  
 6541 ~~law judge and conduct a hearing pursuant to ss. 120.569 and~~  
 6542 ~~120.57(1) and shall submit a recommended order to the~~  
 6543 ~~Administration Commission. The affected local government shall~~  
 6544 ~~be a party to any such proceeding. The commission may implement~~  
 6545 ~~this subsection by rule.~~

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6546            (5) ~~(12)~~ The state land planning agency may ~~shall~~ not adopt  
 6547 rules to implement this section, other than procedural rules or  
 6548 a schedule indicating when local governments must comply with  
 6549 the requirements of this section.

6550            ~~(13)~~ The state land planning agency shall regularly review  
 6551 the evaluation and appraisal report process and submit a report  
 6552 to the Governor, the Administration Commission, the Speaker of  
 6553 the House of Representatives, the President of the Senate, and  
 6554 the respective community affairs committees of the Senate and  
 6555 the House of Representatives. The first report shall be  
 6556 submitted by December 31, 2004, and subsequent reports shall be  
 6557 submitted every 5 years thereafter. At least 9 months before the  
 6558 due date of each report, the Secretary of Community Affairs  
 6559 shall appoint a technical committee of at least 15 members to  
 6560 assist in the preparation of the report. The membership of the  
 6561 technical committee shall consist of representatives of local  
 6562 governments, regional planning councils, the private sector, and  
 6563 environmental organizations. The report shall assess the  
 6564 effectiveness of the evaluation and appraisal report process.

6565            ~~(14)~~ The requirement of subsection (10) prohibiting a  
 6566 local government from adopting amendments to the local  
 6567 comprehensive plan until the evaluation and appraisal report  
 6568 update amendments have been adopted and transmitted to the state  
 6569 land planning agency does not apply to a plan amendment proposed  
 6570 for adoption by the appropriate local government as defined in  
 6571 s. 163.3178(2)(k) in order to integrate a port comprehensive  
 6572 master plan with the coastal management element of the local  
 6573 comprehensive plan as required by s. 163.3178(2)(k) if the port

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6574 ~~comprehensive master plan or the proposed plan amendment does~~  
 6575 ~~not cause or contribute to the failure of the local government~~  
 6576 ~~to comply with the requirements of the evaluation and appraisal~~  
 6577 ~~report.~~

6578 Section 21. Paragraph (b) of subsection (2) of section  
 6579 163.3217, Florida Statutes, is amended to read:

6580 163.3217 Municipal overlay for municipal incorporation.—

6581 (2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL  
 6582 OVERLAY.—

6583 (b)~~1~~. A municipal overlay shall be adopted as an amendment  
 6584 to the local government comprehensive plan as prescribed by s.  
 6585 163.3184.

6586 ~~2. A county may consider the adoption of a municipal~~  
 6587 ~~overlay without regard to the provisions of s. 163.3187(1)~~  
 6588 ~~regarding the frequency of adoption of amendments to the local~~  
 6589 ~~comprehensive plan.~~

6590 Section 22. Subsection (3) of section 163.3220, Florida  
 6591 Statutes, is amended to read:

6592 163.3220 Short title; legislative intent.—

6593 (3) In conformity with, in furtherance of, and to  
 6594 implement the Community Local Government Comprehensive Planning  
 6595 ~~and Land Development Regulation Act~~ and the Florida State  
 6596 Comprehensive Planning Act of 1972, it is the intent of the  
 6597 Legislature to encourage a stronger commitment to comprehensive  
 6598 and capital facilities planning, ensure the provision of  
 6599 adequate public facilities for development, encourage the  
 6600 efficient use of resources, and reduce the economic cost of  
 6601 development.

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6602 Section 23. Subsections (2) and (11) of section 163.3221,  
 6603 Florida Statutes, are amended to read:

6604 163.3221 Florida Local Government Development Agreement  
 6605 Act; definitions.—As used in ss. 163.3220-163.3243:

6606 (2) "Comprehensive plan" means a plan adopted pursuant to  
 6607 the Community ~~"Local Government Comprehensive Planning and Land~~  
 6608 ~~Development Regulation Act."~~

6609 (11) "Local planning agency" means the agency designated  
 6610 to prepare a comprehensive plan or plan amendment pursuant to  
 6611 the Community ~~"Florida Local Government Comprehensive Planning~~  
 6612 ~~and Land Development Regulation Act."~~

6613 Section 24. Section 163.3229, Florida Statutes, is amended  
 6614 to read:

6615 163.3229 Duration of a development agreement and  
 6616 relationship to local comprehensive plan.—The duration of a  
 6617 development agreement may ~~shall~~ not exceed 30 ~~20~~ years, unless  
 6618 it is. ~~It may be~~ extended by mutual consent of the governing  
 6619 body and the developer, subject to a public hearing in  
 6620 accordance with s. 163.3225. No development agreement shall be  
 6621 effective or be implemented by a local government unless the  
 6622 local government's comprehensive plan and plan amendments  
 6623 implementing or related to the agreement are ~~found~~ in compliance  
 6624 ~~by the state land planning agency in accordance with s.~~  
 6625 ~~163.3184, s. 163.3187, or s. 163.3189.~~

6626 Section 25. Section 163.3235, Florida Statutes, is amended  
 6627 to read:

6628 163.3235 Periodic review of a development agreement.—A  
 6629 local government shall review land subject to a development

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6630 agreement at least once every 12 months to determine if there  
 6631 has been demonstrated good faith compliance with the terms of  
 6632 the development agreement. ~~For each annual review conducted~~  
 6633 ~~during years 6 through 10 of a development agreement, the review~~  
 6634 ~~shall be incorporated into a written report which shall be~~  
 6635 ~~submitted to the parties to the agreement and the state land~~  
 6636 ~~planning agency. The state land planning agency shall adopt~~  
 6637 ~~rules regarding the contents of the report, provided that the~~  
 6638 ~~report shall be limited to the information sufficient to~~  
 6639 ~~determine the extent to which the parties are proceeding in good~~  
 6640 ~~faith to comply with the terms of the development agreement. If~~  
 6641 the local government finds, on the basis of substantial  
 6642 competent evidence, that there has been a failure to comply with  
 6643 the terms of the development agreement, the agreement may be  
 6644 revoked or modified by the local government.

6645 Section 26. Section 163.3239, Florida Statutes, is amended  
 6646 to read:

6647 163.3239 Recording and effectiveness of a development  
 6648 agreement.—Within 14 days after a local government enters into a  
 6649 development agreement, the local government shall record the  
 6650 agreement with the clerk of the circuit court in the county  
 6651 where the local government is located. ~~A copy of the recorded~~  
 6652 ~~development agreement shall be submitted to the state land~~  
 6653 ~~planning agency within 14 days after the agreement is recorded.~~  
 6654 A development agreement is shall not be effective until it is  
 6655 properly recorded in the public records of the county ~~and until~~  
 6656 ~~30 days after having been received by the state land planning~~  
 6657 ~~agency pursuant to this section.~~ The burdens of the development



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6658 agreement shall be binding upon, and the benefits of the  
 6659 agreement shall inure to, all successors in interest to the  
 6660 parties to the agreement.

6661 Section 27. Section 163.3243, Florida Statutes, is amended  
 6662 to read:

6663 163.3243 Enforcement.—Any party or, ~~any~~ aggrieved or  
 6664 adversely affected person as defined in s. 163.3215(2), ~~or the~~  
 6665 ~~state land planning agency~~ may file an action for injunctive  
 6666 relief in the circuit court where the local government is  
 6667 located to enforce the terms of a development agreement or to  
 6668 challenge compliance of the agreement with ~~the provisions of~~ ss.  
 6669 163.3220- 163.3243.

6670 Section 28. Section 163.3245, Florida Statutes, is amended  
 6671 to read:

6672 163.3245 ~~Optional~~ Sector plans.—  
 6673 (1) In recognition of the benefits of ~~conceptual~~ long-  
 6674 range planning for ~~the buildout of an area, and detailed~~  
 6675 ~~planning for~~ specific areas, ~~as a demonstration project, the~~  
 6676 ~~requirements of s. 380.06 may be addressed as identified by this~~  
 6677 ~~section for up to five~~ local governments or combinations of  
 6678 local governments may ~~which~~ adopt into their ~~the~~ comprehensive  
 6679 plans ~~a plan an optional~~ sector plan in accordance with this  
 6680 section. This section is intended to promote and encourage long-  
 6681 term planning for conservation, development, and agriculture on  
 6682 a landscape scale; to further the intent of s. 163.3177(11),  
 6683 which supports innovative and flexible planning and development  
 6684 strategies, and the purposes of this part, ~~and part I of chapter~~  
 6685 380; to facilitate protection of regionally significant

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6686 resources, including, but not limited to, regionally significant  
 6687 water courses and wildlife corridors; and to avoid duplication  
 6688 of effort in terms of the level of data and analysis required  
 6689 for a development of regional impact, while ensuring the  
 6690 adequate mitigation of impacts to applicable regional resources  
 6691 and facilities, including those within the jurisdiction of other  
 6692 local governments, as would otherwise be provided. ~~Optional~~  
 6693 Sector plans are intended for substantial geographic areas that  
 6694 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more  
 6695 local governmental jurisdictions and are to emphasize urban form  
 6696 and protection of regionally significant resources and public  
 6697 facilities. A ~~The state land planning agency may approve~~  
 6698 ~~optional sector plans of less than 5,000 acres based on local~~  
 6699 ~~circumstances if it is determined that the plan would further~~  
 6700 ~~the purposes of this part and part I of chapter 380. Preparation~~  
 6701 ~~of an optional sector plan is authorized by agreement between~~  
 6702 ~~the state land planning agency and the applicable local~~  
 6703 ~~governments under s. 163.3171(4). An optional sector plan may be~~  
 6704 ~~adopted through one or more comprehensive plan amendments under~~  
 6705 ~~s. 163.3184. However, an optional sector plan may not be~~ adopted  
 6706 ~~authorized~~ in an area of critical state concern.

6707 (2) Upon the request of a local government having  
 6708 jurisdiction, ~~The state land planning agency may enter into an~~  
 6709 ~~agreement to authorize preparation of an optional sector plan~~  
 6710 ~~upon the request of one or more local governments based on~~  
 6711 ~~consideration of problems and opportunities presented by~~  
 6712 ~~existing development trends; the effectiveness of current~~  
 6713 ~~comprehensive plan provisions; the potential to further the~~

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6714 ~~state comprehensive plan, applicable strategic regional policy~~  
6715 ~~plans, this part, and part I of chapter 380; and those factors~~  
6716 ~~identified by s. 163.3177(10)(i).~~ the applicable regional  
6717 planning council shall conduct a scoping meeting with affected  
6718 local governments and those agencies identified in s.  
6719 163.3184(1)(c)~~(4)~~ before preparation of the sector plan  
6720 ~~execution of the agreement authorized by this section.~~ The  
6721 purpose of this meeting is to assist the state land planning  
6722 agency and the local government in the identification of the  
6723 relevant planning issues to be addressed and the data and  
6724 resources available to assist in the preparation of the sector  
6725 plan subsequent plan amendments. If a scoping meeting is  
6726 conducted, the regional planning council shall make written  
6727 recommendations to the state land planning agency and affected  
6728 local governments on the issues requested by the local  
6729 government. The scoping meeting shall be noticed and open to the  
6730 public. If the entire planning area proposed for the sector plan  
6731 is within the jurisdiction of two or more local governments,  
6732 some or all of them may enter into a joint planning agreement  
6733 pursuant to s. 163.3171 with respect to, ~~including whether a~~  
6734 ~~sustainable sector plan would be appropriate.~~ ~~The agreement must~~  
6735 ~~define~~ the geographic area to be subject to the sector plan, the  
6736 planning issues that will be emphasized, procedures ~~requirements~~  
6737 for intergovernmental coordination to address  
6738 extrajurisdictional impacts, supporting application materials  
6739 including data and analysis, ~~and~~ procedures for public  
6740 participation, or other issues. ~~An agreement may address~~  
6741 ~~previously adopted sector plans that are consistent with the~~

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6742 ~~standards in this section. Before executing an agreement under~~  
 6743 ~~this subsection, the local government shall hold a duly noticed~~  
 6744 ~~public workshop to review and explain to the public the optional~~  
 6745 ~~sector planning process and the terms and conditions of the~~  
 6746 ~~proposed agreement. The local government shall hold a duly~~  
 6747 ~~noticed public hearing to execute the agreement. All meetings~~  
 6748 ~~between the department and the local government must be open to~~  
 6749 ~~the public.~~

6750 (3) ~~Optional~~ Sector planning encompasses two levels:  
 6751 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term  
 6752 master plan for the entire planning area as part of the  
 6753 comprehensive plan, and adoption by local development order of  
 6754 two or more buildout overlay to the comprehensive plan, having  
 6755 ~~no immediate effect on the issuance of development orders or the~~  
 6756 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~  
 6757 detailed specific area plans that implement the ~~conceptual~~ long-  
 6758 term master plan buildout overlay and ~~authorize issuance of~~  
 6759 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~  
 6760 ~~such time as a detailed specific area plan is adopted, the~~  
 6761 ~~underlying future land use designations apply.~~

6762 (a) In addition to the other requirements of this chapter,  
 6763 a long-term master plan pursuant to this section ~~conceptual~~  
 6764 ~~long-term buildout overlay~~ must include maps, illustrations, and  
 6765 text supported by data and analysis to address the following:

- 6766 1. A ~~long-range conceptual~~ framework map that, at a  
 6767 minimum, generally depicts ~~identifies~~ ~~anticipated~~ areas of  
 6768 urban, agricultural, rural, and conservation land use,   
 6769 identifies allowed uses in various parts of the planning area,

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6770 specifies maximum and minimum densities and intensities of use,  
 6771 and provides the general framework for the development pattern  
 6772 in developed areas with graphic illustrations based on a  
 6773 hierarchy of places and functional place-making components.

6774 2. A general identification of the water supplies needed  
 6775 and available sources of water, including water resource  
 6776 development and water supply development projects, and water  
 6777 conservation measures needed to meet the projected demand of the  
 6778 future land uses in the long-term master plan.

6779 3. A general identification of the transportation  
 6780 facilities to serve the future land uses in the long-term master  
 6781 plan, including guidelines to be used to establish each modal  
 6782 component intended to optimize mobility.

6783 ~~4.2.~~ A general identification of other regionally  
 6784 significant public facilities consistent with chapter 9J-2,  
 6785 ~~Florida Administrative Code, irrespective of local governmental~~  
 6786 ~~jurisdiction necessary to support buildout of the anticipated~~  
 6787 future land uses, which may include central utilities provided  
 6788 onsite within the planning area, and policies setting forth the  
 6789 procedures to be used to mitigate the impacts of future land  
 6790 uses on public facilities.

6791 ~~5.3.~~ A general identification of regionally significant  
 6792 natural resources within the planning area based on the best  
 6793 available data and policies setting forth the procedures for  
 6794 protection or conservation of specific resources consistent with  
 6795 the overall conservation and development strategy for the  
 6796 planning area consistent with chapter 9J-2, Florida  
 6797 ~~Administrative Code.~~

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6798           ~~6.4.~~ General principles and guidelines addressing that  
 6799 ~~address~~ the urban form and the interrelationships of ~~anticipated~~  
 6800 future land uses; the protection and, as appropriate,  
 6801 restoration and management of lands identified for permanent  
 6802 preservation through recordation of conservation easements  
 6803 consistent with s. 704.06, which shall be phased or staged in  
 6804 coordination with detailed specific area plans to reflect phased  
 6805 or staged development within the planning area; and a  
 6806 ~~discussion, at the applicant's option, of the extent, if any, to~~  
 6807 ~~which the plan will address restoring key ecosystems,~~ achieving  
 6808 a more clean, healthy environment; limiting urban sprawl;  
 6809 providing a range of housing types; protecting wildlife and  
 6810 natural areas; advancing the efficient use of land and other  
 6811 resources; ~~and~~ creating quality communities of a design that  
 6812 promotes travel by multiple transportation modes; and enhancing  
 6813 the prospects for the creation of jobs.

6814           ~~7.5.~~ Identification of general procedures and policies to  
 6815 facilitate ~~ensure~~ intergovernmental coordination to address  
 6816 extrajurisdictional impacts from the future land uses ~~long-range~~  
 6817 ~~conceptual framework map.~~

6818  
 6819 A long-term master plan adopted pursuant to this section may be  
 6820 based upon a planning period longer than the generally  
 6821 applicable planning period of the local comprehensive plan,  
 6822 shall specify the projected population within the planning area  
 6823 during the chosen planning period, and may include a phasing or  
 6824 staging schedule that allocates a portion of the local  
 6825 government's future growth to the planning area through the

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6826 planning period. A long-term master plan adopted pursuant to  
 6827 this section is not required to demonstrate need based upon  
 6828 projected population growth or on any other basis.

6829 (b) In addition to the other requirements of this chapter,  
 6830 ~~including those in paragraph (a),~~ the detailed specific area  
 6831 plans shall be consistent with the long-term master plan and  
 6832 must include conditions and commitments that provide for:

6833 1. Development or conservation of an area of adequate size  
 6834 ~~to accommodate a level of development which achieves a~~  
 6835 ~~functional relationship between a full range of land uses within~~  
 6836 ~~the area and to encompass~~ at least 1,000 acres consistent with  
 6837 the long-term master plan. The local government ~~state land~~  
 6838 ~~planning agency~~ may approve detailed specific area plans of less  
 6839 than 1,000 acres based on local circumstances if it is  
 6840 determined that the detailed specific area plan furthers the  
 6841 purposes of this part and part I of chapter 380.

6842 2. Detailed identification and analysis of the maximum and  
 6843 minimum densities and intensities of use and the distribution,  
 6844 extent, and location of future land uses.

6845 3. Detailed identification of water resource development  
 6846 and water supply development projects and related infrastructure  
 6847 and water conservation measures to address water needs of  
 6848 development in the detailed specific area plan.

6849 4. Detailed identification of the transportation  
 6850 facilities to serve the future land uses in the detailed  
 6851 specific area plan.

6852 ~~5.3.~~ Detailed identification of other regionally  
 6853 significant public facilities, including public facilities

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6854 outside the jurisdiction of the host local government,  
 6855 ~~anticipated~~ impacts of future land uses on those facilities, and  
 6856 required improvements consistent with the long-term master plan  
 6857 ~~chapter 9J-2, Florida Administrative Code.~~

6858 6.4. Public facilities necessary to serve development in  
 6859 the detailed specific area plan for the short term, including  
 6860 developer contributions in a ~~financially feasible~~ 5-year capital  
 6861 improvement schedule of the affected local government.

6862 7.5. Detailed analysis and identification of specific  
 6863 measures to ensure ~~assure~~ the protection and, as appropriate,  
 6864 restoration and management of lands within the boundary of the  
 6865 detailed specific area plan identified for permanent  
 6866 preservation through recordation of conservation easements  
 6867 consistent with s. 704.06, which easements shall be effective  
 6868 before or concurrent with the effective date of the detailed  
 6869 specific area plan of regionally significant natural resources  
 6870 and other important resources both within and outside the host  
 6871 jurisdiction, ~~including those regionally significant resources~~  
 6872 ~~identified in chapter 9J-2, Florida Administrative Code.~~

6873 8.6. Detailed principles and guidelines addressing that  
 6874 ~~address~~ the urban form and the interrelationships of ~~anticipated~~  
 6875 future land uses; and a discussion, at the applicant's option,  
 6876 ~~of the extent, if any, to which the plan will address restoring~~  
 6877 ~~key ecosystems,~~ achieving a more clean, healthy environment; ;  
 6878 limiting urban sprawl; providing a range of housing types; ;  
 6879 protecting wildlife and natural areas; ; advancing the efficient  
 6880 use of land and other resources; ; ~~and~~ creating quality  
 6881 communities of a design that promotes travel by multiple



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6882 transportation modes; and enhancing the prospects for the  
 6883 creation of jobs.

6884 9.7. Identification of specific procedures to facilitate  
 6885 ~~ensure~~ intergovernmental coordination to address  
 6886 extrajurisdictional impacts from ~~of~~ the detailed specific area  
 6887 plan.

6888

6889 A detailed specific area plan adopted by local development order  
 6890 pursuant to this section may be based upon a planning period  
 6891 longer than the generally applicable planning period of the  
 6892 local comprehensive plan and shall specify the projected  
 6893 population within the specific planning area during the chosen  
 6894 planning period. A detailed specific area plan adopted pursuant  
 6895 to this section is not required to demonstrate need based upon  
 6896 projected population growth or on any other basis. All lands  
 6897 identified in the long-term master plan for permanent  
 6898 preservation shall be subject to a recorded conservation  
 6899 easement consistent with s. 704.06 before or concurrent with the  
 6900 effective date of the final detailed specific area plan to be  
 6901 approved within the planning area.

6902 (c) In its review of a long-term master plan, the state  
 6903 land planning agency shall consult with the Department of  
 6904 Agriculture and Consumer Services, the Department of  
 6905 Environmental Protection, the Fish and Wildlife Conservation  
 6906 Commission, and the applicable water management district  
 6907 regarding the design of areas for protection and conservation of  
 6908 regionally significant natural resources and for the protection

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6909 and, as appropriate, restoration and management of lands  
6910 identified for permanent preservation.

6911 (d) In its review of a long-term master plan, the state  
6912 land planning agency shall consult with the Department of  
6913 Transportation, the applicable metropolitan planning  
6914 organization, and any urban transit agency regarding the  
6915 location, capacity, design, and phasing or staging of major  
6916 transportation facilities in the planning area.

6917 (e) Whenever a local government issues a development order  
6918 approving a detailed specific area plan, a copy of such order  
6919 shall be rendered to the state land planning agency and the  
6920 owner or developer of the property affected by such order, as  
6921 prescribed by rules of the state land planning agency for a  
6922 development order for a development of regional impact. Within  
6923 45 days after the order is rendered, the owner, the developer,  
6924 or the state land planning agency may appeal the order to the  
6925 Florida Land and Water Adjudicatory Commission by filing a  
6926 petition alleging that the detailed specific area plan is not  
6927 consistent with the comprehensive plan or with the long-term  
6928 master plan adopted pursuant to this section. The appellant  
6929 shall furnish a copy of the petition to the opposing party, as  
6930 the case may be, and to the local government that issued the  
6931 order. The filing of the petition stays the effectiveness of the  
6932 order until after completion of the appeal process. However, if  
6933 a development order approving a detailed specific area plan has  
6934 been challenged by an aggrieved or adversely affected party in a  
6935 judicial proceeding pursuant to s. 163.3215, and a party to such  
6936 proceeding serves notice to the state land planning agency, the

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6937 state land planning agency shall dismiss its appeal to the  
 6938 commission and shall have the right to intervene in the pending  
 6939 judicial proceeding pursuant to s. 163.3215. Proceedings for  
 6940 administrative review of an order approving a detailed specific  
 6941 area plan shall be conducted consistent with s. 380.07(6). The  
 6942 commission shall issue a decision granting or denying permission  
 6943 to develop pursuant to the long-term master plan and the  
 6944 standards of this part and may attach conditions or restrictions  
 6945 to its decisions.

6946 (f)(e) This subsection does ~~may not be construed to~~  
 6947 prevent preparation and approval of the ~~optional~~ sector plan and  
 6948 detailed specific area plan concurrently or in the same  
 6949 submission.

6950 (4) Upon the long-term master plan becoming legally  
 6951 effective:

6952 (a) Any long-range transportation plan developed by a  
 6953 metropolitan planning organization pursuant to s. 339.175(7)  
 6954 must be consistent, to the maximum extent feasible, with the  
 6955 long-term master plan, including, but not limited to, the  
 6956 projected population and the approved uses and densities and  
 6957 intensities of use and their distribution within the planning  
 6958 area. The transportation facilities identified in adopted plans  
 6959 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed  
 6960 in coordination with the adopted M.P.O. long-range  
 6961 transportation plan.

6962 (b) The water needs, sources and water resource  
 6963 development, and water supply development projects identified in  
 6964 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall

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6965 be incorporated into the applicable district and regional water  
 6966 supply plans adopted in accordance with ss. 373.036 and 373.709.  
 6967 Accordingly, and notwithstanding the permit durations stated in  
 6968 s. 373.236, an applicant may request and the applicable district  
 6969 may issue consumptive use permits for durations commensurate  
 6970 with the long-term master plan or detailed specific area plan,  
 6971 considering the ability of the master plan area to contribute to  
 6972 regional water supply availability and the need to maximize  
 6973 reasonable-beneficial use of the water resource. The permitting  
 6974 criteria in s. 373.223 shall be applied based upon the projected  
 6975 population and the approved densities and intensities of use and  
 6976 their distribution in the long-term master plan; however, the  
 6977 allocation of the water may be phased over the permit duration  
 6978 to correspond to actual projected needs. This paragraph does not  
 6979 supersede the public interest test set forth in s. 373.223. The  
 6980 ~~host local government shall submit a monitoring report to the~~  
 6981 ~~state land planning agency and applicable regional planning~~  
 6982 ~~council on an annual basis after adoption of a detailed specific~~  
 6983 ~~area plan. The annual monitoring report must provide summarized~~  
 6984 ~~information on development orders issued, development that has~~  
 6985 ~~occurred, public facility improvements made, and public facility~~  
 6986 ~~improvements anticipated over the upcoming 5 years.~~

6987 (5) When a ~~plan amendment~~ adopting a detailed specific  
 6988 area plan has become effective for a portion of the planning  
 6989 area governed by a long-term master plan adopted pursuant to  
 6990 this section under ss. 163.3184 and 163.3189(2), the provisions  
 6991 ~~of~~ s. 380.06 does ~~do~~ not apply to development within the  
 6992 geographic area of the detailed specific area plan. However, any

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6993 development-of-regional-impact development order that is vested  
 6994 from the detailed specific area plan may be enforced pursuant to  
 6995 ~~under~~ s. 380.11.

6996 (a) The local government adopting the detailed specific  
 6997 area plan is primarily responsible for monitoring and enforcing  
 6998 the detailed specific area plan. Local governments may ~~shall~~ not  
 6999 issue any permits or approvals or provide any extensions of  
 7000 services to development that are not consistent with the  
 7001 detailed specific ~~sector~~ area plan.

7002 (b) If the state land planning agency has reason to  
 7003 believe that a violation of any detailed specific area plan, ~~or~~  
 7004 ~~of any agreement entered into under this section,~~ has occurred  
 7005 or is about to occur, it may institute an administrative or  
 7006 judicial proceeding to prevent, abate, or control the conditions  
 7007 or activity creating the violation, using the procedures in s.  
 7008 380.11.

7009 (c) In instituting an administrative or judicial  
 7010 proceeding involving a ~~an optional~~ sector plan or detailed  
 7011 specific area plan, including a proceeding pursuant to paragraph  
 7012 (b), the complaining party shall comply with the requirements of  
 7013 s. 163.3215(4), (5), (6), and (7), except as provided by  
 7014 paragraph (3)(e).

7015 (d) The detailed specific area plan shall establish a  
 7016 buildout date until which the approved development is not  
 7017 subject to downzoning, unit density reduction, or intensity  
 7018 reduction, unless the local government can demonstrate that  
 7019 implementation of the plan is not continuing in good faith based  
 7020 on standards established by plan policy, that substantial

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7021 changes in the conditions underlying the approval of the  
 7022 detailed specific area plan have occurred, that the detailed  
 7023 specific area plan was based on substantially inaccurate  
 7024 information provided by the applicant, or that the change is  
 7025 clearly established to be essential to the public health,  
 7026 safety, or welfare.

7027 (6) Concurrent with or subsequent to review and adoption  
 7028 of a long-term master plan pursuant to paragraph (3) (a), an  
 7029 applicant may apply for master development approval pursuant to  
 7030 s. 380.06(21) for the entire planning area in order to establish  
 7031 a buildout date until which the approved uses and densities and  
 7032 intensities of use of the master plan are not subject to  
 7033 downzoning, unit density reduction, or intensity reduction,  
 7034 unless the local government can demonstrate that implementation  
 7035 of the master plan is not continuing in good faith based on  
 7036 standards established by plan policy, that substantial changes  
 7037 in the conditions underlying the approval of the master plan  
 7038 have occurred, that the master plan was based on substantially  
 7039 inaccurate information provided by the applicant, or that change  
 7040 is clearly established to be essential to the public health,  
 7041 safety, or welfare. Review of the application for master  
 7042 development approval shall be at a level of detail appropriate  
 7043 for the long-term and conceptual nature of the long-term master  
 7044 plan and, to the maximum extent possible, may only consider  
 7045 information provided in the application for a long-term master  
 7046 plan. Notwithstanding s. 380.06, an increment of development in  
 7047 such an approved master development plan must be approved by a

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7048 detailed specific area plan pursuant to paragraph (3)(b) and is  
 7049 exempt from review pursuant to s. 380.06.

7050 ~~(6) Beginning December 1, 1999, and each year thereafter,~~  
 7051 ~~the department shall provide a status report to the Legislative~~  
 7052 ~~Committee on Intergovernmental Relations regarding each optional~~  
 7053 ~~sector plan authorized under this section.~~

7054 (7) A developer within an area subject to a long-term  
 7055 master plan that meets the requirements of paragraph (3)(a) and  
 7056 subsection (6) or a detailed specific area plan that meets the  
 7057 requirements of paragraph (3)(b) may enter into a development  
 7058 agreement with a local government pursuant to ss. 163.3220-  
 7059 163.3243. The duration of such a development agreement may be  
 7060 through the planning period of the long-term master plan or the  
 7061 detailed specific area plan, as the case may be, notwithstanding  
 7062 the limit on the duration of a development agreement pursuant to  
 7063 s. 163.3229.

7064 (8) Any owner of property within the planning area of a  
 7065 proposed long-term master plan may withdraw his consent to the  
 7066 master plan at any time prior to local government adoption, and  
 7067 the local government shall exclude such parcels from the adopted  
 7068 master plan. Thereafter, the long-term master plan, any detailed  
 7069 specific area plan, and the exemption from development-of-  
 7070 regional-impact review under this section do not apply to the  
 7071 subject parcels. After adoption of a long-term master plan, an  
 7072 owner may withdraw his or her property from the master plan only  
 7073 with the approval of the local government by plan amendment  
 7074 adopted and reviewed pursuant to s. 163.3184.

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7075       (9) The adoption of a long-term master plan or a detailed  
 7076 specific area plan pursuant to this section does not limit the  
 7077 right to continue existing agricultural or silvicultural uses or  
 7078 other natural resource-based operations or to establish similar  
 7079 new uses that are consistent with the plans approved pursuant to  
 7080 this section.

7081       (10) The state land planning agency may enter into an  
 7082 agreement with a local government that, on or before July 1,  
 7083 2011, adopted a large-area comprehensive plan amendment  
 7084 consisting of at least 15,000 acres that meets the requirements  
 7085 for a long-term master plan in paragraph (3) (a), after notice  
 7086 and public hearing by the local government, and thereafter,  
 7087 notwithstanding s. 380.06, this part, or any planning agreement  
 7088 or plan policy, the large-area plan shall be implemented through  
 7089 detailed specific area plans that meet the requirements of  
 7090 paragraph (3) (b) and shall otherwise be subject to this section.

7091       (11) Notwithstanding this section, a detailed specific  
 7092 area plan to implement a conceptual long-term buildout overlay,  
 7093 adopted by a local government and found in compliance before  
 7094 July 1, 2011, shall be governed by this section.

7095       (12) Notwithstanding s. 380.06, this part, or any planning  
 7096 agreement or plan policy, a landowner or developer who has  
 7097 received approval of a master development-of-regional-impact  
 7098 development order pursuant to s. 380.06(21) may apply to  
 7099 implement this order by filing one or more applications to  
 7100 approve a detailed specific area plan pursuant to paragraph  
 7101 (3) (b).



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7102           ~~(13)(7)~~ This section may not be construed to abrogate the  
 7103 rights of any person under this chapter.

7104           Section 29. Subsections (9), (12), and (14) of section  
 7105 163.3246, Florida Statutes, are amended to read:

7106           163.3246 Local government comprehensive planning  
 7107 certification program.—

7108           (9) (a) Upon certification all comprehensive plan  
 7109 amendments associated with the area certified must be adopted  
 7110 and reviewed in the manner described in s. ~~ss.~~ 163.3184(5)-  
 7111 (11)(1), (2), (7), (14), (15), and (16) and 163.3187, such that  
 7112 state and regional agency review is eliminated. Plan amendments  
 7113 that qualify as small scale development amendments may follow  
 7114 the small scale review process in s. 163.3187. The department  
 7115 may not issue any objections, recommendations, and comments  
 7116 report on proposed plan amendments or a notice of intent on  
 7117 adopted plan amendments; however, affected persons, as defined  
 7118 by s. 163.3184(1) (a), may file a petition for administrative  
 7119 review pursuant to the requirements of s. 163.3184(5)  
 7120 ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan  
 7121 amendment.

7122           (b) Plan amendments that change the boundaries of the  
 7123 certification area; propose a rural land stewardship area  
 7124 pursuant to s. 163.3248 ~~163.3177(11)(d)~~; propose a ~~an optional~~  
 7125 sector plan pursuant to s. 163.3245; ~~propose a school facilities~~  
 7126 ~~element~~; update a comprehensive plan based on an evaluation and  
 7127 appraisal review report; impact lands outside the certification  
 7128 boundary; implement new statutory requirements that require  
 7129 specific comprehensive plan amendments; or increase hurricane

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7130 evacuation times or the need for shelter capacity on lands  
 7131 within the coastal high-hazard area shall be reviewed pursuant  
 7132 to s. ss. 163.3184 and ~~163.3187~~.

7133 (12) A local government's certification shall be reviewed  
 7134 by the local government and the department as part of the  
 7135 evaluation and appraisal process pursuant to s. 163.3191. Within  
 7136 1 year after the deadline for the local government to update its  
 7137 comprehensive plan based on the evaluation and appraisal report,  
 7138 the department shall renew or revoke the certification. The  
 7139 local government's ~~failure to adopt a timely evaluation and~~  
 7140 ~~appraisal report, failure to adopt an evaluation and appraisal~~  
 7141 ~~report found to be sufficient, or failure to timely adopt~~  
 7142 necessary amendments to update its comprehensive plan based on  
 7143 an evaluation and appraisal, which are ~~report~~ found to be in  
 7144 compliance by the department, shall be cause for revoking the  
 7145 certification agreement. The department's decision to renew or  
 7146 revoke shall be considered agency action subject to challenge  
 7147 under s. 120.569.

7148 ~~(14) The Office of Program Policy Analysis and Government~~  
 7149 ~~Accountability shall prepare a report evaluating the~~  
 7150 ~~certification program, which shall be submitted to the Governor,~~  
 7151 ~~the President of the Senate, and the Speaker of the House of~~  
 7152 ~~Representatives by December 1, 2007.~~

7153 Section 30. Section 163.32465, Florida Statutes, is  
 7154 repealed.

7155 Section 31. Subsection (6) is added to section 163.3247,  
 7156 Florida Statutes, to read:

7157 163.3247 Century Commission for a Sustainable Florida.—

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7158           (6) EXPIRATION.-This section is repealed and the  
 7159 commission is abolished June 30, 2013.

7160           Section 32. Section 163.3248, Florida Statutes, is created  
 7161 to read:

7162           163.3248 Rural land stewardship areas.-

7163           (1) Rural land stewardship areas are designed to establish  
 7164 a long-term incentive based strategy to balance and guide the  
 7165 allocation of land so as to accommodate future land uses in a  
 7166 manner that protects the natural environment, stimulate economic  
 7167 growth and diversification, and encourage the retention of land  
 7168 for agriculture and other traditional rural land uses.

7169           (2) Upon written request by one or more landowners of the  
 7170 subject lands to designate lands as a rural land stewardship  
 7171 area, or pursuant to a private-sector-initiated comprehensive  
 7172 plan amendment filed by, or with the consent of the owners of  
 7173 the subject lands, local governments may adopt a future land use  
 7174 overlay to designate all or portions of lands classified in the  
 7175 future land use element as predominantly agricultural, rural,  
 7176 open, open-rural, or a substantively equivalent land use, as a  
 7177 rural land stewardship area within which planning and economic  
 7178 incentives are applied to encourage the implementation of  
 7179 innovative and flexible planning and development strategies and  
 7180 creative land use planning techniques to support a diverse  
 7181 economic and employment base. The future land use overlay may  
 7182 not require a demonstration of need based on population  
 7183 projections or any other factors.

7184           (3) Rural land stewardship areas may be used to further  
 7185 the following broad principles of rural sustainability:

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7186 restoration and maintenance of the economic value of rural land;  
 7187 control of urban sprawl; identification and protection of  
 7188 ecosystems, habitats, and natural resources; promotion and  
 7189 diversification of economic activity and employment  
 7190 opportunities within the rural areas; maintenance of the  
 7191 viability of the state's agricultural economy; and protection of  
 7192 private property rights in rural areas of the state. Rural land  
 7193 stewardship areas may be multicounty in order to encourage  
 7194 coordinated regional stewardship planning.

7195 (4) A local government or one or more property owners may  
 7196 request assistance and participation in the development of a  
 7197 plan for the rural land stewardship area from the state land  
 7198 planning agency, the Department of Agriculture and Consumer  
 7199 Services, the Fish and Wildlife Conservation Commission, the  
 7200 Department of Environmental Protection, the appropriate water  
 7201 management district, the Department of Transportation, the  
 7202 regional planning council, private land owners, and  
 7203 stakeholders.

7204 (5) A rural land stewardship area shall be not less than  
 7205 10,000 acres, shall be located outside of municipalities and  
 7206 established urban service areas, and shall be designated by plan  
 7207 amendment by each local government with jurisdiction over the  
 7208 rural land stewardship area. The plan amendment or amendments  
 7209 designating a rural land stewardship area are subject to review  
 7210 pursuant to s. 163.3184 and shall provide for the following:

7211 (a) Criteria for the designation of receiving areas which  
 7212 shall, at a minimum, provide for the following: adequacy of  
 7213 suitable land to accommodate development so as to avoid conflict

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7214 with significant environmentally sensitive areas, resources, and  
 7215 habitats; compatibility between and transition from higher  
 7216 density uses to lower intensity rural uses; and the  
 7217 establishment of receiving area service boundaries that provide  
 7218 for a transition from receiving areas and other land uses within  
 7219 the rural land stewardship area through limitations on the  
 7220 extension of services.

7221 (b) Innovative planning and development strategies to be  
 7222 applied within rural land stewardship areas pursuant to this  
 7223 section.

7224 (c) A process for the implementation of innovative  
 7225 planning and development strategies within the rural land  
 7226 stewardship area, including those described in this subsection,  
 7227 which provide for a functional mix of land uses through the  
 7228 adoption by the local government of zoning and land development  
 7229 regulations applicable to the rural land stewardship area.

7230 (d) A mix of densities and intensities that would not be  
 7231 characterized as urban sprawl through the use of innovative  
 7232 strategies and creative land use techniques.

7233 (6) A receiving area may be designated only pursuant to  
 7234 procedures established in the local government's land  
 7235 development regulations. If receiving area designation requires  
 7236 the approval of the county board of county commissioners, such  
 7237 approval shall be by resolution with a simple majority vote.  
 7238 Before the commencement of development within a stewardship  
 7239 receiving area, a listed species survey must be performed for  
 7240 the area proposed for development. If listed species occur on  
 7241 the receiving area development site, the applicant must

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7242 coordinate with each appropriate local, state, or federal agency  
 7243 to determine if adequate provisions have been made to protect  
 7244 those species in accordance with applicable regulations. In  
 7245 determining the adequacy of provisions for the protection of  
 7246 listed species and their habitats, the rural land stewardship  
 7247 area shall be considered as a whole, and the potential impacts  
 7248 and protective measures taken within areas to be developed as  
 7249 receiving areas shall be considered in conjunction with and  
 7250 compensated by lands set aside and protective measures taken  
 7251 within the designated sending areas.

7252 (7) Upon the adoption of a plan amendment creating a rural  
 7253 land stewardship area, the local government shall, by ordinance,  
 7254 establish a rural land stewardship overlay zoning district,  
 7255 which shall provide the methodology for the creation,  
 7256 conveyance, and use of transferable rural land use credits,  
 7257 hereinafter referred to as stewardship credits, the assignment  
 7258 and application of which does not constitute a right to develop  
 7259 land or increase the density of land, except as provided by this  
 7260 section. The total amount of stewardship credits within the  
 7261 rural land stewardship area must enable the realization of the  
 7262 long-term vision and goals for the rural land stewardship area,  
 7263 which may take into consideration the anticipated effect of the  
 7264 proposed receiving areas. The estimated amount of receiving area  
 7265 shall be projected based on available data, and the development  
 7266 potential represented by the stewardship credits created within  
 7267 the rural land stewardship area must correlate to that amount.

7268 (8) Stewardship credits are subject to the following  
 7269 limitations:

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7270           (a) Stewardship credits may exist only within a rural land  
 7271 stewardship area.

7272           (b) Stewardship credits may be created only from lands  
 7273 designated as stewardship sending areas and may be used only on  
 7274 lands designated as stewardship receiving areas and then solely  
 7275 for the purpose of implementing innovative planning and  
 7276 development strategies and creative land use planning techniques  
 7277 adopted by the local government pursuant to this section.

7278           (c) Stewardship credits assigned to a parcel of land  
 7279 within a rural land stewardship area shall cease to exist if the  
 7280 parcel of land is removed from the rural land stewardship area  
 7281 by plan amendment.

7282           (d) Neither the creation of the rural land stewardship  
 7283 area by plan amendment nor the adoption of the rural land  
 7284 stewardship zoning overlay district by the local government may  
 7285 displace the underlying permitted uses or the density or  
 7286 intensity of land uses assigned to a parcel of land within the  
 7287 rural land stewardship area that existed before adoption of the  
 7288 plan amendment or zoning overlay district; however, once  
 7289 stewardship credits have been transferred from a designated  
 7290 sending area for use within a designated receiving area, the  
 7291 underlying density assigned to the designated sending area  
 7292 ceases to exist.

7293           (e) The underlying permitted uses, density, or intensity  
 7294 on each parcel of land located within a rural land stewardship  
 7295 area may not be increased or decreased by the local government,  
 7296 except as a result of the conveyance or stewardship credits, as

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7297 long as the parcel remains within the rural land stewardship  
 7298 area.

7299 (f) Stewardship credits shall cease to exist on a parcel  
 7300 of land where the underlying density assigned to the parcel of  
 7301 land is used.

7302 (g) An increase in the density or intensity of use on a  
 7303 parcel of land located within a designated receiving area may  
 7304 occur only through the assignment or use of stewardship credits  
 7305 and do not require a plan amendment. A change in the type of  
 7306 agricultural use on property within a rural land stewardship  
 7307 area is not considered a change in use or intensity of use and  
 7308 does not require any transfer of stewardship credits.

7309 (h) A change in the density or intensity of land use on  
 7310 parcels located within receiving areas shall be specified in a  
 7311 development order that reflects the total number of stewardship  
 7312 credits assigned to the parcel of land and the infrastructure  
 7313 and support services necessary to provide for a functional mix  
 7314 of land uses corresponding to the plan of development.

7315 (i) Land within a rural land stewardship area may be  
 7316 removed from the rural land stewardship area through a plan  
 7317 amendment.

7318 (j) Stewardship credits may be assigned at different  
 7319 ratios of credits per acre according to the natural resource or  
 7320 other beneficial use characteristics of the land and according  
 7321 to the land use remaining after the transfer of credits, with  
 7322 the highest number of credits per acre assigned to the most  
 7323 environmentally valuable land or, in locations where the



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7324 retention of open space and agricultural land is a priority, to  
 7325 such lands.

7326 (k) Stewardship credits may be transferred from a sending  
 7327 area only after a stewardship easement is placed on the sending  
 7328 area land with assigned stewardship credits. A stewardship  
 7329 easement is a covenant or restrictive easement running with the  
 7330 land which specifies the allowable uses and development  
 7331 restrictions for the portion of a sending area from which  
 7332 stewardship credits have been transferred. The stewardship  
 7333 easement must be jointly held by the county and the Department  
 7334 of Environmental Protection, the Department of Agriculture and  
 7335 Consumer Services, a water management district, or a recognized  
 7336 statewide land trust.

7337 (9) Owners of land within rural land stewardship sending  
 7338 areas should be provided other incentives, in addition to the  
 7339 use or conveyance of stewardship credits, to enter into rural  
 7340 land stewardship agreements, pursuant to existing law and rules  
 7341 adopted thereto, with state agencies, water management  
 7342 districts, the Fish and Wildlife Conservation Commission, and  
 7343 local governments to achieve mutually agreed upon objectives.  
 7344 Such incentives may include, but are not limited to, the  
 7345 following:

7346 (a) Opportunity to accumulate transferable wetland and  
 7347 species habitat mitigation credits for use or sale.

7348 (b) Extended permit agreements.

7349 (c) Opportunities for recreational leases and ecotourism.

7350 (d) Compensation for the achievement of specified land  
 7351 management activities of public benefit, including, but not

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7352 limited to, facility siting and corridors, recreational leases,  
 7353 water conservation and storage, water reuse, wastewater  
 7354 recycling, water supply and water resource development, nutrient  
 7355 reduction, environmental restoration and mitigation, public  
 7356 recreation, listed species protection and recovery, and wildlife  
 7357 corridor management and enhancement.

7358 (e) Option agreements for sale to public entities or  
 7359 private land conservation entities, in either fee or easement,  
 7360 upon achievement of specified conservation objectives.

7361 (10) This section constitutes an overlay of land use  
 7362 options that provide economic and regulatory incentives for  
 7363 landowners outside of established and planned urban service  
 7364 areas to conserve and manage vast areas of land for the benefit  
 7365 of the state's citizens and natural environment while  
 7366 maintaining and enhancing the asset value of their landholdings.  
 7367 It is the intent of the Legislature that this section be  
 7368 implemented pursuant to law and rulemaking is not authorized.

7369 (11) It is the intent of the Legislature that the rural  
 7370 land stewardship area located in Collier County, which was  
 7371 established pursuant to the requirements of a final order by the  
 7372 Governor and Cabinet, duly adopted as a growth management plan  
 7373 amendment by Collier County, and found in compliance with this  
 7374 chapter, be recognized as a statutory rural land stewardship  
 7375 area and be afforded the incentives in this section.

7376 Section 33. Paragraph (a) of subsection (2) of section  
 7377 163.360, Florida Statutes, is amended to read:

7378 163.360 Community redevelopment plans.—

7379 (2) The community redevelopment plan shall:

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7380 (a) Conform to the comprehensive plan for the county or  
 7381 municipality as prepared by the local planning agency under the  
 7382 Community Local Government Comprehensive Planning and Land  
 7383 Development Regulation Act.

7384 Section 34. Paragraph (a) of subsection (3) and subsection  
 7385 (8) of section 163.516, Florida Statutes, are amended to read:

7386 163.516 Safe neighborhood improvement plans.—

7387 (3) The safe neighborhood improvement plan shall:

7388 (a) Be consistent with the adopted comprehensive plan for  
 7389 the county or municipality pursuant to the Community Local  
 7390 Government Comprehensive Planning and Land Development  
 7391 Regulation Act. No district plan shall be implemented unless the  
 7392 local governing body has determined said plan is consistent.

7393 (8) Pursuant to s. ss. ~~163.3184, 163.3187, and 163.3189,~~  
 7394 the governing body of a municipality or county shall hold two  
 7395 public hearings to consider the board-adopted safe neighborhood  
 7396 improvement plan as an amendment or modification to the  
 7397 municipality's or county's adopted local comprehensive plan.

7398 Section 35. Paragraph (f) of subsection (6), subsection  
 7399 (9), and paragraph (c) of subsection (11) of section 171.203,  
 7400 Florida Statutes, are amended to read:

7401 171.203 Interlocal service boundary agreement.—The  
 7402 governing body of a county and one or more municipalities or  
 7403 independent special districts within the county may enter into  
 7404 an interlocal service boundary agreement under this part. The  
 7405 governing bodies of a county, a municipality, or an independent  
 7406 special district may develop a process for reaching an  
 7407 interlocal service boundary agreement which provides for public

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7408 participation in a manner that meets or exceeds the requirements  
 7409 of subsection (13), or the governing bodies may use the process  
 7410 established in this section.

7411 (6) An interlocal service boundary agreement may address  
 7412 any issue concerning service delivery, fiscal responsibilities,  
 7413 or boundary adjustment. The agreement may include, but need not  
 7414 be limited to, provisions that:

7415 (f) Establish a process for land use decisions consistent  
 7416 with part II of chapter 163, including those made jointly by the  
 7417 governing bodies of the county and the municipality, or allow a  
 7418 municipality to adopt land use changes consistent with part II  
 7419 of chapter 163 for areas that are scheduled to be annexed within  
 7420 the term of the interlocal agreement; however, the county  
 7421 comprehensive plan and land development regulations shall  
 7422 control until the municipality annexes the property and amends  
 7423 its comprehensive plan accordingly. ~~Comprehensive plan~~  
 7424 ~~amendments to incorporate the process established by this~~  
 7425 ~~paragraph are exempt from the twice-per-year limitation under s.~~  
 7426 ~~163.3187.~~

7427 (9) Each local government that is a party to the  
 7428 interlocal service boundary agreement shall amend the  
 7429 intergovernmental coordination element of its comprehensive  
 7430 plan, as described in s. 163.3177(6)(h)1., no later than 6  
 7431 months following entry of the interlocal service boundary  
 7432 agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments~~  
 7433 ~~required by this subsection are exempt from the twice-per-year~~  
 7434 ~~limitation under s. 163.3187.~~

7435 (11)

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7436 ~~(c) Any amendment required by paragraph (a) is exempt from~~  
 7437 ~~the twice per year limitation under s. 163.3187.~~

7438 Section 36. Section 186.513, Florida Statutes, is amended  
 7439 to read:

7440 186.513 Reports.—Each regional planning council shall  
 7441 prepare and furnish an annual report on its activities to the  
 7442 state land planning agency as defined in s. 163.3164(20) and the  
 7443 local general-purpose governments within its boundaries and,  
 7444 upon payment as may be established by the council, to any  
 7445 interested person. The regional planning councils shall make a  
 7446 joint report and recommendations to appropriate legislative  
 7447 committees.

7448 Section 37. Section 186.515, Florida Statutes, is amended  
 7449 to read:

7450 186.515 Creation of regional planning councils under  
 7451 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and  
 7452 186.515 is intended to repeal or limit the provisions of chapter  
 7453 163; however, the local general-purpose governments serving as  
 7454 voting members of the governing body of a regional planning  
 7455 council created pursuant to ss. 186.501-186.507, 186.513, and  
 7456 186.515 are not authorized to create a regional planning council  
 7457 pursuant to chapter 163 unless an agency, other than a regional  
 7458 planning council created pursuant to ss. 186.501-186.507,  
 7459 186.513, and 186.515, is designated to exercise the powers and  
 7460 duties in any one or more of ss. 163.3164(19) and 380.031(15);  
 7461 in which case, such a regional planning council is also without  
 7462 authority to exercise the powers and duties in s. 163.3164(19)  
 7463 or s. 380.031(15).

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7464 Section 38. Subsection (1) of section 189.415, Florida  
 7465 Statutes, is amended to read:

7466 189.415 Special district public facilities report.—

7467 (1) It is declared to be the policy of this state to  
 7468 foster coordination between special districts and local general-  
 7469 purpose governments as those local general-purpose governments  
 7470 develop comprehensive plans under the Community Local Government  
 7471 ~~Comprehensive Planning and Land Development Regulation Act~~,  
 7472 pursuant to part II of chapter 163.

7473 Section 39. Subsection (3) of section 190.004, Florida  
 7474 Statutes, is amended to read:

7475 190.004 Preemption; sole authority.—

7476 (3) The establishment of an independent community  
 7477 development district as provided in this act is not a  
 7478 development order within the meaning of chapter 380. All  
 7479 governmental planning, environmental, and land development laws,  
 7480 regulations, and ordinances apply to all development of the land  
 7481 within a community development district. Community development  
 7482 districts do not have the power of a local government to adopt a  
 7483 comprehensive plan, building code, or land development code, as  
 7484 those terms are defined in the Community Local Government  
 7485 ~~Comprehensive Planning and Land Development Regulation Act~~. A  
 7486 district shall take no action which is inconsistent with  
 7487 applicable comprehensive plans, ordinances, or regulations of  
 7488 the applicable local general-purpose government.

7489 Section 40. Paragraph (a) of subsection (1) of section  
 7490 190.005, Florida Statutes, is amended to read:

7491 190.005 Establishment of district.—

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7492 (1) The exclusive and uniform method for the establishment  
 7493 of a community development district with a size of 1,000 acres  
 7494 or more shall be pursuant to a rule, adopted under chapter 120  
 7495 by the Florida Land and Water Adjudicatory Commission, granting  
 7496 a petition for the establishment of a community development  
 7497 district.

7498 (a) A petition for the establishment of a community  
 7499 development district shall be filed by the petitioner with the  
 7500 Florida Land and Water Adjudicatory Commission. The petition  
 7501 shall contain:

7502 1. A metes and bounds description of the external  
 7503 boundaries of the district. Any real property within the  
 7504 external boundaries of the district which is to be excluded from  
 7505 the district shall be specifically described, and the last known  
 7506 address of all owners of such real property shall be listed. The  
 7507 petition shall also address the impact of the proposed district  
 7508 on any real property within the external boundaries of the  
 7509 district which is to be excluded from the district.

7510 2. The written consent to the establishment of the  
 7511 district by all landowners whose real property is to be included  
 7512 in the district or documentation demonstrating that the  
 7513 petitioner has control by deed, trust agreement, contract, or  
 7514 option of 100 percent of the real property to be included in the  
 7515 district, and when real property to be included in the district  
 7516 is owned by a governmental entity and subject to a ground lease  
 7517 as described in s. 190.003(14), the written consent by such  
 7518 governmental entity.

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7519           3. A designation of five persons to be the initial members  
 7520 of the board of supervisors, who shall serve in that office  
 7521 until replaced by elected members as provided in s. 190.006.

7522           4. The proposed name of the district.

7523           5. A map of the proposed district showing current major  
 7524 trunk water mains and sewer interceptors and outfalls if in  
 7525 existence.

7526           6. Based upon available data, the proposed timetable for  
 7527 construction of the district services and the estimated cost of  
 7528 constructing the proposed services. These estimates shall be  
 7529 submitted in good faith but are ~~shall~~ not ~~be~~ binding and may be  
 7530 subject to change.

7531           7. A designation of the future general distribution,  
 7532 location, and extent of public and private uses of land proposed  
 7533 for the area within the district by the future land use plan  
 7534 element of the effective local government comprehensive plan of  
 7535 which all mandatory elements have been adopted by the applicable  
 7536 general-purpose local government in compliance with the  
 7537 Community ~~Local Government Comprehensive~~ Planning and Land  
 7538 ~~Development Regulation~~ Act.

7539           8. A statement of estimated regulatory costs in accordance  
 7540 with the requirements of s. 120.541.

7541           Section 41. Paragraph (i) of subsection (6) of section  
 7542 193.501, Florida Statutes, is amended to read:

7543           193.501 Assessment of lands subject to a conservation  
 7544 easement, environmentally endangered lands, or lands used for  
 7545 outdoor recreational or park purposes when land development



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7546 | rights have been conveyed or conservation restrictions have been  
 7547 | covenanted.—

7548 |         (6) The following terms whenever used as referred to in  
 7549 | this section have the following meanings unless a different  
 7550 | meaning is clearly indicated by the context:

7551 |         (i) "Qualified as environmentally endangered" means land  
 7552 | that has unique ecological characteristics, rare or limited  
 7553 | combinations of geological formations, or features of a rare or  
 7554 | limited nature constituting habitat suitable for fish, plants,  
 7555 | or wildlife, and which, if subject to a development moratorium  
 7556 | or one or more conservation easements or development  
 7557 | restrictions appropriate to retaining such land or water areas  
 7558 | predominantly in their natural state, would be consistent with  
 7559 | the conservation, recreation and open space, and, if applicable,  
 7560 | coastal protection elements of the comprehensive plan adopted by  
 7561 | formal action of the local governing body pursuant to s.  
 7562 | 163.3161, the Community Local Government Comprehensive Planning  
 7563 | ~~and Land Development Regulation Act~~; or surface waters and  
 7564 | wetlands, as determined by the methodology ratified in s.  
 7565 | 373.4211.

7566 |         Section 42. Subsection (15) of section 287.042, Florida  
 7567 | Statutes, is amended to read:

7568 |         287.042 Powers, duties, and functions.—The department  
 7569 | shall have the following powers, duties, and functions:

7570 |         (15) To enter into joint agreements with governmental  
 7571 | agencies, as defined in s. 163.3164(10), for the purpose of  
 7572 | pooling funds for the purchase of commodities or information  
 7573 | technology that can be used by multiple agencies.

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7574 (a) Each agency that has been appropriated or has existing  
 7575 funds for such purchase, shall, upon contract award by the  
 7576 department, transfer their portion of the funds into the  
 7577 department's Operating Trust Fund for payment by the department.  
 7578 The funds shall be transferred by the Executive Office of the  
 7579 Governor pursuant to the agency budget amendment request  
 7580 provisions in chapter 216.

7581 (b) Agencies that sign the joint agreements are  
 7582 financially obligated for their portion of the agreed-upon  
 7583 funds. If an agency becomes more than 90 days delinquent in  
 7584 paying the funds, the department shall certify to the Chief  
 7585 Financial Officer the amount due, and the Chief Financial  
 7586 Officer shall transfer the amount due to the Operating Trust  
 7587 Fund of the department from any of the agency's available funds.  
 7588 The Chief Financial Officer shall report these transfers and the  
 7589 reasons for the transfers to the Executive Office of the  
 7590 Governor and the legislative appropriations committees.

7591 Section 43. Subsection (4) of section 288.063, Florida  
 7592 Statutes, is amended to read:

7593 288.063 Contracts for transportation projects.—

7594 (4) The Office of Tourism, Trade, and Economic Development  
 7595 may adopt criteria by which transportation projects are to be  
 7596 reviewed and certified in accordance with s. 288.061. In  
 7597 approving transportation projects for funding, the Office of  
 7598 Tourism, Trade, and Economic Development shall consider factors  
 7599 including, but not limited to, the cost per job created or  
 7600 retained considering the amount of transportation funds  
 7601 requested; the average hourly rate of wages for jobs created;

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7602 the reliance on the program as an inducement for the project's  
 7603 location decision; the amount of capital investment to be made  
 7604 by the business; the demonstrated local commitment; the location  
 7605 of the project in an enterprise zone designated pursuant to s.  
 7606 290.0055; the location of the project in a spaceport territory  
 7607 as defined in s. 331.304; the unemployment rate of the  
 7608 surrounding area; and the poverty rate of the community; ~~and the~~  
 7609 ~~adoption of an economic element as part of its local~~  
 7610 ~~comprehensive plan in accordance with s. 163.3177(7)(j).~~ The  
 7611 Office of Tourism, Trade, and Economic Development may contact  
 7612 any agency it deems appropriate for additional input regarding  
 7613 the approval of projects.

7614 Section 44. Paragraph (a) of subsection (2), subsection  
 7615 (10), and paragraph (d) of subsection (12) of section 288.975,  
 7616 Florida Statutes, are amended to read:

7617 288.975 Military base reuse plans.—

7618 (2) As used in this section, the term:

7619 (a) "Affected local government" means a local government  
 7620 adjoining the host local government and any other unit of local  
 7621 government that is not a host local government but that is  
 7622 identified in a proposed military base reuse plan as providing,  
 7623 operating, or maintaining one or more public facilities as  
 7624 defined in s. 163.3164~~(24)~~ on lands within or serving a military  
 7625 base designated for closure by the Federal Government.

7626 (10) Within 60 days after receipt of a proposed military  
 7627 base reuse plan, these entities shall review and provide  
 7628 comments to the host local government. The commencement of this  
 7629 review period shall be advertised in newspapers of general

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7630 circulation within the host local government and any affected  
 7631 local government to allow for public comment. No later than 180  
 7632 days after receipt and consideration of all comments, and the  
 7633 holding of at least two public hearings, the host local  
 7634 government shall adopt the military base reuse plan. The host  
 7635 local government shall comply with the notice requirements set  
 7636 forth in s. 163.3184(11)~~(15)~~ to ensure full public participation  
 7637 in this planning process.

7638 (12) Following receipt of a petition, the petitioning  
 7639 party or parties and the host local government shall seek  
 7640 resolution of the issues in dispute. The issues in dispute shall  
 7641 be resolved as follows:

7642 (d) Within 45 days after receiving the report from the  
 7643 state land planning agency, the Administration Commission shall  
 7644 take action to resolve the issues in dispute. In deciding upon a  
 7645 proper resolution, the Administration Commission shall consider  
 7646 the nature of the issues in dispute, any requests for a formal  
 7647 administrative hearing pursuant to chapter 120, the compliance  
 7648 of the parties with this section, the extent of the conflict  
 7649 between the parties, the comparative hardships and the public  
 7650 interest involved. If the Administration Commission incorporates  
 7651 in its final order a term or condition that requires any local  
 7652 government to amend its local government comprehensive plan, the  
 7653 local government shall amend its plan within 60 days after the  
 7654 issuance of the order. ~~Such amendment or amendments shall be~~  
 7655 ~~exempt from the limitation of the frequency of plan amendments~~  
 7656 ~~contained in s. 163.3187(1), and A public hearing on such~~  
 7657 amendment or amendments pursuant to s. 163.3184(11)~~(15)~~(b)1. is

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7658 ~~shall not be~~ required. The final order of the Administration  
 7659 Commission is subject to appeal pursuant to s. 120.68. If the  
 7660 order of the Administration Commission is appealed, the time for  
 7661 the local government to amend its plan shall be tolled during  
 7662 the pendency of any local, state, or federal administrative or  
 7663 judicial proceeding relating to the military base reuse plan.

7664 Section 45. Subsection (4) of section 290.0475, Florida  
 7665 Statutes, is amended to read:

7666 290.0475 Rejection of grant applications; penalties for  
 7667 failure to meet application conditions.—Applications received  
 7668 for funding under all program categories shall be rejected  
 7669 without scoring only in the event that any of the following  
 7670 circumstances arise:

7671 (4) The application is not consistent with the local  
 7672 government's comprehensive plan adopted pursuant to s.  
 7673 163.3184(7).

7674 Section 46. Paragraph (c) of subsection (3) of section  
 7675 311.07, Florida Statutes, is amended to read:

7676 311.07 Florida seaport transportation and economic  
 7677 development funding.—

7678 (3)

7679 (c) To be eligible for consideration by the council  
 7680 pursuant to this section, a project must be consistent with the  
 7681 port comprehensive master plan which is incorporated as part of  
 7682 the approved local government comprehensive plan as required by  
 7683 s. 163.3178(2)(k) or other provisions of the Community Local  
 7684 ~~Government Comprehensive Planning and Land Development~~  
 7685 ~~Regulation~~ Act, part II of chapter 163.

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7686 Section 47. Subsection (1) of section 331.319, Florida  
 7687 Statutes, is amended to read:

7688 331.319 Comprehensive planning; building and safety  
 7689 codes.—The board of directors may:

7690 (1) Adopt, and from time to time review, amend,  
 7691 supplement, or repeal, a comprehensive general plan for the  
 7692 physical development of the area within the spaceport territory  
 7693 in accordance with the objectives and purposes of this act and  
 7694 consistent with the comprehensive plans of the applicable county  
 7695 or counties and municipality or municipalities adopted pursuant  
 7696 to the Community ~~Local Government Comprehensive Planning and~~  
 7697 ~~Land Development Regulation Act~~, part II of chapter 163.

7698 Section 48. Paragraph (e) of subsection (5) of section  
 7699 339.155, Florida Statutes, is amended to read:

7700 339.155 Transportation planning.—

7701 (5) ADDITIONAL TRANSPORTATION PLANS.—

7702 (e) The regional transportation plan developed pursuant to  
 7703 this section must, at a minimum, identify regionally significant  
 7704 transportation facilities located within a regional  
 7705 transportation area and contain a prioritized list of regionally  
 7706 significant projects. ~~The level of service standards for~~  
 7707 ~~facilities to be funded under this subsection shall be adopted~~  
 7708 ~~by the appropriate local government in accordance with s.~~  
 7709 ~~163.3180(10).~~ The projects shall be adopted into the capital  
 7710 improvements schedule of the local government comprehensive plan  
 7711 pursuant to s. 163.3177(3).

7712 Section 49. Paragraph (a) of subsection (4) of section  
 7713 339.2819, Florida Statutes, is amended to read:

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7714 339.2819 Transportation Regional Incentive Program.—

7715 (4) (a) Projects to be funded with Transportation Regional  
7716 Incentive Program funds shall, at a minimum:

7717 1. Support those transportation facilities that serve  
7718 national, statewide, or regional functions and function as an  
7719 integrated regional transportation system.

7720 2. Be identified in the capital improvements element of a  
7721 comprehensive plan that has been determined to be in compliance  
7722 with part II of chapter 163, after July 1, 2005, ~~or to implement~~  
7723 ~~a long-term concurrency management system adopted by a local~~  
7724 ~~government in accordance with s. 163.3180(9)~~. Further, the  
7725 project shall be in compliance with local government  
7726 comprehensive plan policies relative to corridor management.

7727 3. Be consistent with the Strategic Intermodal System Plan  
7728 developed under s. 339.64.

7729 4. Have a commitment for local, regional, or private  
7730 financial matching funds as a percentage of the overall project  
7731 cost.

7732 Section 50. Subsection (5) of section 369.303, Florida  
7733 Statutes, is amended to read:

7734 369.303 Definitions.—As used in this part:

7735 (5) "Land development regulation" means a regulation  
7736 covered by the definition in s. 163.3164(23) and any of the  
7737 types of regulations described in s. 163.3202.

7738 Section 51. Subsections (5) and (7) of section 369.321,  
7739 Florida Statutes, are amended to read:

7740 369.321 Comprehensive plan amendments.—Except as otherwise  
7741 expressly provided, by January 1, 2006, each local government

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7742 within the Wekiva Study Area shall amend its local government  
7743 comprehensive plan to include the following:

7744 (5) Comprehensive plans and comprehensive plan amendments  
7745 adopted by the local governments to implement this section shall  
7746 be reviewed by the Department of Community Affairs pursuant to  
7747 s. 163.3184, ~~and shall be exempt from the provisions of s.~~  
7748 ~~163.3187(1).~~

7749 (7) During the period prior to the adoption of the  
7750 comprehensive plan amendments required by this act, any local  
7751 comprehensive plan amendment adopted by a city or county that  
7752 applies to land located within the Wekiva Study Area shall  
7753 protect surface and groundwater resources and be reviewed by the  
7754 Department of Community Affairs, ~~pursuant to chapter 163 and~~  
7755 ~~chapter 9J-5, Florida Administrative Code,~~ using best available  
7756 data, including the information presented to the Wekiva River  
7757 Basin Coordinating Committee.

7758 Section 52. Subsection (1) of section 378.021, Florida  
7759 Statutes, is amended to read:

7760 378.021 Master reclamation plan.—

7761 (1) The Department of Environmental Protection shall amend  
7762 the master reclamation plan that provides guidelines for the  
7763 reclamation of lands mined or disturbed by the severance of  
7764 phosphate rock prior to July 1, 1975, which lands are not  
7765 subject to mandatory reclamation under part II of chapter 211.  
7766 In amending the master reclamation plan, the Department of  
7767 Environmental Protection shall continue to conduct an onsite  
7768 evaluation of all lands mined or disturbed by the severance of  
7769 phosphate rock prior to July 1, 1975, which lands are not



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7770 subject to mandatory reclamation under part II of chapter 211.  
 7771 The master reclamation plan when amended by the Department of  
 7772 Environmental Protection shall be consistent with local  
 7773 government plans prepared pursuant to the Community Local  
 7774 ~~Government Comprehensive Planning and Land Development~~  
 7775 ~~Regulation Act.~~

7776 Section 53. Subsection (10) of section 380.031, Florida  
 7777 Statutes, is amended to read:

7778 380.031 Definitions.—As used in this chapter:

7779 (10) "Local comprehensive plan" means any or all local  
 7780 comprehensive plans or elements or portions thereof prepared,  
 7781 adopted, or amended pursuant to the Community Local Government  
 7782 ~~Comprehensive Planning and Land Development Regulation Act~~, as  
 7783 amended.

7784 Section 54. Paragraph (d) of subsection (2), paragraph (b)  
 7785 of subsection (6), paragraph (g) of subsection (15), paragraphs  
 7786 (b), (c), (e), and (f) of subsection (19), subsection (24),  
 7787 paragraph (e) of subsection (28), and paragraphs (a), (d), and  
 7788 (e) of subsection (29) of section 380.06, Florida Statutes, are  
 7789 amended to read:

7790 (2) STATEWIDE GUIDELINES AND STANDARDS.—

7791 (d) The guidelines and standards shall be applied as  
 7792 follows:

7793 1. Fixed thresholds.—

7794 a. A development that is below 100 percent of all  
 7795 numerical thresholds in the guidelines and standards shall not  
 7796 be required to undergo development-of-regional-impact review.

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7797           b. A development that is at or above 120 percent of any  
 7798 numerical threshold shall be required to undergo development-of-  
 7799 regional-impact review.

7800           c. Projects certified under s. 403.973 which create at  
 7801 least 100 jobs and meet the criteria of the Office of Tourism,  
 7802 Trade, and Economic Development as to their impact on an area's  
 7803 economy, employment, and prevailing wage and skill levels that  
 7804 are at or below 100 percent of the numerical thresholds for  
 7805 industrial plants, industrial parks, distribution, warehousing  
 7806 or wholesaling facilities, office development or multiuse  
 7807 projects other than residential, as described in s.  
 7808 380.0651(3) (c), ~~(d)~~, and (f) ~~(h)~~, are not required to undergo  
 7809 development-of-regional-impact review.

7810           2. Rebuttable presumption.—It shall be presumed that a  
 7811 development that is at 100 percent or between 100 and 120  
 7812 percent of a numerical threshold shall be required to undergo  
 7813 development-of-regional-impact review.

7814           (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT  
 7815 PLAN AMENDMENTS.—

7816           (b) Any local government comprehensive plan amendments  
 7817 related to a proposed development of regional impact, including  
 7818 any changes proposed under subsection (19), may be initiated by  
 7819 a local planning agency or the developer and must be considered  
 7820 by the local governing body at the same time as the application  
 7821 for development approval using the procedures provided for local  
 7822 plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable  
 7823 local ordinances, without regard to ~~statutory or local ordinance~~  
 7824 limits on the frequency of consideration of amendments to the

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7825 local comprehensive plan. ~~Nothing in~~ This paragraph does not  
 7826 ~~shall be deemed to~~ require favorable consideration of a plan  
 7827 amendment solely because it is related to a development of  
 7828 regional impact. The procedure for processing such comprehensive  
 7829 plan amendments is as follows:

7830 1. If a developer seeks a comprehensive plan amendment  
 7831 related to a development of regional impact, the developer must  
 7832 so notify in writing the regional planning agency, the  
 7833 applicable local government, and the state land planning agency  
 7834 no later than the date of preapplication conference or the  
 7835 submission of the proposed change under subsection (19).

7836 2. When filing the application for development approval or  
 7837 the proposed change, the developer must include a written  
 7838 request for comprehensive plan amendments that would be  
 7839 necessitated by the development-of-regional-impact approvals  
 7840 sought. That request must include data and analysis upon which  
 7841 the applicable local government can determine whether to  
 7842 transmit the comprehensive plan amendment pursuant to s.  
 7843 163.3184.

7844 3. The local government must advertise a public hearing on  
 7845 the transmittal within 30 days after filing the application for  
 7846 development approval or the proposed change and must make a  
 7847 determination on the transmittal within 60 days after the  
 7848 initial filing unless that time is extended by the developer.

7849 4. If the local government approves the transmittal,  
 7850 procedures set forth in s. 163.3184 (4) (b) - (d) (3) - (6) must be  
 7851 followed.

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7852           5. Notwithstanding subsection (11) or subsection (19), the  
 7853 local government may not hold a public hearing on the  
 7854 application for development approval or the proposed change or  
 7855 on the comprehensive plan amendments sooner than 30 days from  
 7856 receipt of the response from the state land planning agency  
 7857 pursuant to s. 163.3184(4) (d) ~~(6)~~. ~~The 60-day time period for~~  
 7858 ~~local governments to adopt, adopt with changes, or not adopt~~  
 7859 ~~plan amendments pursuant to s. 163.3184(7) shall not apply to~~  
 7860 ~~concurrent plan amendments provided for in this subsection.~~

7861           6. The local government must hear both the application for  
 7862 development approval or the proposed change and the  
 7863 comprehensive plan amendments at the same hearing. However, the  
 7864 local government must take action separately on the application  
 7865 for development approval or the proposed change and on the  
 7866 comprehensive plan amendments.

7867           7. Thereafter, the appeal process for the local government  
 7868 development order must follow the provisions of s. 380.07, and  
 7869 the compliance process for the comprehensive plan amendments  
 7870 must follow the provisions of s. 163.3184.

7871           (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

7872           (g) A local government shall not issue permits for  
 7873 development subsequent to the buildout date contained in the  
 7874 development order unless:

7875           1. The proposed development has been evaluated  
 7876 cumulatively with existing development under the substantial  
 7877 deviation provisions of subsection (19) subsequent to the  
 7878 termination or expiration date;

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7879           2. The proposed development is consistent with an  
 7880 abandonment of development order that has been issued in  
 7881 accordance with the provisions of subsection (26);

7882           3. The development of regional impact is essentially built  
 7883 out, in that all the mitigation requirements in the development  
 7884 order have been satisfied, all developers are in compliance with  
 7885 all applicable terms and conditions of the development order  
 7886 except the buildout date, and the amount of proposed development  
 7887 that remains to be built is less than 40 ~~20~~ percent of any  
 7888 applicable development-of-regional-impact threshold; or

7889           4. The project has been determined to be an essentially  
 7890 built-out development of regional impact through an agreement  
 7891 executed by the developer, the state land planning agency, and  
 7892 the local government, in accordance with s. 380.032, which will  
 7893 establish the terms and conditions under which the development  
 7894 may be continued. If the project is determined to be essentially  
 7895 built out, development may proceed pursuant to the s. 380.032  
 7896 agreement after the termination or expiration date contained in  
 7897 the development order without further development-of-regional-  
 7898 impact review subject to the local government comprehensive plan  
 7899 and land development regulations or subject to a modified  
 7900 development-of-regional-impact analysis. As used in this  
 7901 paragraph, an "essentially built-out" development of regional  
 7902 impact means:

7903           a. The developers are in compliance with all applicable  
 7904 terms and conditions of the development order except the  
 7905 buildout date; and

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7906           b.(I) The amount of development that remains to be built  
 7907 is less than the substantial deviation threshold specified in  
 7908 paragraph (19)(b) for each individual land use category, or, for  
 7909 a multiuse development, the sum total of all unbuilt land uses  
 7910 as a percentage of the applicable substantial deviation  
 7911 threshold is equal to or less than 100 percent; or

7912           (II) The state land planning agency and the local  
 7913 government have agreed in writing that the amount of development  
 7914 to be built does not create the likelihood of any additional  
 7915 regional impact not previously reviewed.

7916  
 7917 The single-family residential portions of a development may be  
 7918 considered "essentially built out" if all of the workforce  
 7919 housing obligations and all of the infrastructure and horizontal  
 7920 development have been completed, at least 50 percent of the  
 7921 dwelling units have been completed, and more than 80 percent of  
 7922 the lots have been conveyed to third-party individual lot owners  
 7923 or to individual builders who own no more than 40 lots at the  
 7924 time of the determination. The mobile home park portions of a  
 7925 development may be considered "essentially built out" if all the  
 7926 infrastructure and horizontal development has been completed,  
 7927 and at least 50 percent of the lots are leased to individual  
 7928 mobile home owners.

7929           (19) SUBSTANTIAL DEVIATIONS.—

7930           (b) Any proposed change to a previously approved  
 7931 development of regional impact or development order condition  
 7932 which, either individually or cumulatively with other changes,  
 7933 exceeds any of the following criteria shall constitute a

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7934 substantial deviation and shall cause the development to be  
 7935 subject to further development-of-regional-impact review without  
 7936 the necessity for a finding of same by the local government:

7937 1. An increase in the number of parking spaces at an  
 7938 attraction or recreational facility by 15 ~~10~~ percent or 500 ~~330~~  
 7939 spaces, whichever is greater, or an increase in the number of  
 7940 spectators that may be accommodated at such a facility by 15 ~~10~~  
 7941 percent or 1,500 ~~1,100~~ spectators, whichever is greater.

7942 2. A new runway, a new terminal facility, a 25-percent  
 7943 lengthening of an existing runway, or a 25-percent increase in  
 7944 the number of gates of an existing terminal, but only if the  
 7945 increase adds at least three additional gates.

7946 ~~3. An increase in industrial development area by 10~~  
 7947 ~~percent or 35 acres, whichever is greater.~~

7948 ~~4. An increase in the average annual acreage mined by 10~~  
 7949 ~~percent or 11 acres, whichever is greater, or an increase in the~~  
 7950 ~~average daily water consumption by a mining operation by 10~~  
 7951 ~~percent or 330,000 gallons, whichever is greater. A net increase~~  
 7952 ~~in the size of the mine by 10 percent or 825 acres, whichever is~~  
 7953 ~~less. For purposes of calculating any net increases in size,~~  
 7954 ~~only additions and deletions of lands that have not been mined~~  
 7955 ~~shall be considered. An increase in the size of a heavy mineral~~  
 7956 ~~mine as defined in s. 378.403(7) will only constitute a~~  
 7957 ~~substantial deviation if the average annual acreage mined is~~  
 7958 ~~more than 550 acres and consumes more than 3.3 million gallons~~  
 7959 ~~of water per day.~~

7960 ~~3.5.~~ An increase in land area for office development by 15  
 7961 ~~10~~ percent or an increase of gross floor area of office

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7962 development by 15 ~~10~~ percent or 100,000 ~~66,000~~ gross square  
 7963 feet, whichever is greater.

7964 4.6. An increase in the number of dwelling units by 10  
 7965 percent or 55 dwelling units, whichever is greater.

7966 5.7. An increase in the number of dwelling units by 50  
 7967 percent or 200 units, whichever is greater, provided that 15  
 7968 percent of the proposed additional dwelling units are dedicated  
 7969 to affordable workforce housing, subject to a recorded land use  
 7970 restriction that shall be for a period of not less than 20 years  
 7971 and that includes resale provisions to ensure long-term  
 7972 affordability for income-eligible homeowners and renters and  
 7973 provisions for the workforce housing to be commenced prior to  
 7974 the completion of 50 percent of the market rate dwelling. For  
 7975 purposes of this subparagraph, the term "affordable workforce  
 7976 housing" means housing that is affordable to a person who earns  
 7977 less than 120 percent of the area median income, or less than  
 7978 140 percent of the area median income if located in a county in  
 7979 which the median purchase price for a single-family existing  
 7980 home exceeds the statewide median purchase price of a single-  
 7981 family existing home. For purposes of this subparagraph, the  
 7982 term "statewide median purchase price of a single-family  
 7983 existing home" means the statewide purchase price as determined  
 7984 in the Florida Sales Report, Single-Family Existing Homes,  
 7985 released each January by the Florida Association of Realtors and  
 7986 the University of Florida Real Estate Research Center.

7987 6.8. An increase in commercial development by 60,000  
 7988 ~~55,000~~ square feet of gross floor area or of parking spaces



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7989 provided for customers for 425 ~~330~~ cars or a 10-percent increase  
 7990 ~~of either of these, whichever is greater.~~

7991 ~~9. An increase in hotel or motel rooms by 10 percent or 83~~  
 7992 ~~rooms, whichever is greater.~~

7993 7.10. An increase in a recreational vehicle park area by  
 7994 10 percent or 110 vehicle spaces, whichever is less.

7995 8.11. A decrease in the area set aside for open space of 5  
 7996 percent or 20 acres, whichever is less.

7997 9.12. A proposed increase to an approved multiuse  
 7998 development of regional impact where the sum of the increases of  
 7999 each land use as a percentage of the applicable substantial  
 8000 deviation criteria is equal to or exceeds 110 percent. The  
 8001 percentage of any decrease in the amount of open space shall be  
 8002 treated as an increase for purposes of determining when 110  
 8003 percent has been reached or exceeded.

8004 10.13. A 15-percent increase in the number of external  
 8005 vehicle trips generated by the development above that which was  
 8006 projected during the original development-of-regional-impact  
 8007 review.

8008 11.14. Any change which would result in development of any  
 8009 area which was specifically set aside in the application for  
 8010 development approval or in the development order for  
 8011 preservation or special protection of endangered or threatened  
 8012 plants or animals designated as endangered, threatened, or  
 8013 species of special concern and their habitat, any species  
 8014 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or  
 8015 archaeological and historical sites designated as significant by  
 8016 the Division of Historical Resources of the Department of State.

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8017 The refinement of the boundaries and configuration of such areas  
 8018 shall be considered under sub-subparagraph (e)2.j.

8019  
 8020 The substantial deviation numerical standards in subparagraphs  
 8021 3., 6., and ~~5., 8., 9., and 12.~~, excluding residential uses, and  
 8022 in subparagraph 10. ~~13.~~, are increased by 100 percent for a  
 8023 project certified under s. 403.973 which creates jobs and meets  
 8024 criteria established by the Office of Tourism, Trade, and  
 8025 Economic Development as to its impact on an area's economy,  
 8026 employment, and prevailing wage and skill levels. The  
 8027 substantial deviation numerical standards in subparagraphs 3.,  
 8028 4. ~~5.~~, 6., ~~7., 8., 9., 12.,~~ and 10. ~~13.~~ are increased by 50  
 8029 percent for a project located wholly within an urban infill and  
 8030 redevelopment area designated on the applicable adopted local  
 8031 comprehensive plan future land use map and not located within  
 8032 the coastal high hazard area.

8033 (c) An extension of the date of buildout of a development,  
 8034 or any phase thereof, by more than 7 years is presumed to create  
 8035 a substantial deviation subject to further development-of-  
 8036 regional-impact review.

8037 1. An extension of the date of buildout, or any phase  
 8038 thereof, of more than 5 years but not more than 7 years is  
 8039 presumed not to create a substantial deviation. The extension of  
 8040 the date of buildout of an areawide development of regional  
 8041 impact by more than 5 years but less than 10 years is presumed  
 8042 not to create a substantial deviation. These presumptions may be  
 8043 rebutted by clear and convincing evidence at the public hearing

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8044 held by the local government. An extension of 5 years or less is  
 8045 not a substantial deviation.

8046 2. In recognition of the 2011 real estate market  
 8047 conditions, at the option of the developer, all commencement,  
 8048 phase, buildout, and expiration dates for projects that are  
 8049 currently valid developments of regional impact are extended for  
 8050 4 years regardless of any previous extension. Associated  
 8051 mitigation requirements are extended for the same period unless,  
 8052 before December 1, 2011, a governmental entity notifies a  
 8053 developer that has commenced any construction within the phase  
 8054 for which the mitigation is required that the local government  
 8055 has entered into a contract for construction of a facility with  
 8056 funds to be provided from the development's mitigation funds for  
 8057 that phase as specified in the development order or written  
 8058 agreement with the developer. The 4-year extension is not a  
 8059 substantial deviation, is not subject to further development-of-  
 8060 regional-impact review, and may not be considered when  
 8061 determining whether a subsequent extension is a substantial  
 8062 deviation under this subsection. The developer must notify the  
 8063 local government in writing by December 31, 2011, in order to  
 8064 receive the 4-year extension.

8065  
 8066 For the purpose of calculating when a buildout or phase date has  
 8067 been exceeded, the time shall be tolled during the pendency of  
 8068 administrative or judicial proceedings relating to development  
 8069 permits. Any extension of the buildout date of a project or a  
 8070 phase thereof shall automatically extend the commencement date  
 8071 of the project, the termination date of the development order,

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8072 the expiration date of the development of regional impact, and  
 8073 the phases thereof if applicable by a like period of time. ~~In~~  
 8074 ~~recognition of the 2007 real estate market conditions, all~~  
 8075 ~~phase, buildout, and expiration dates for projects that are~~  
 8076 ~~developments of regional impact and under active construction on~~  
 8077 ~~July 1, 2007, are extended for 3 years regardless of any prior~~  
 8078 ~~extension. The 3-year extension is not a substantial deviation,~~  
 8079 ~~is not subject to further development-of-regional-impact review,~~  
 8080 ~~and may not be considered when determining whether a subsequent~~  
 8081 ~~extension is a substantial deviation under this subsection.~~

8082 (e)1. Except for a development order rendered pursuant to  
 8083 subsection (22) or subsection (25), a proposed change to a  
 8084 development order that individually or cumulatively with any  
 8085 previous change is less than any numerical criterion contained  
 8086 in subparagraphs (b)1.-10.1.-13. and does not exceed any other  
 8087 criterion, or that involves an extension of the buildout date of  
 8088 a development, or any phase thereof, of less than 5 years is not  
 8089 subject to the public hearing requirements of subparagraph  
 8090 (f)3., and is not subject to a determination pursuant to  
 8091 subparagraph (f)5. Notice of the proposed change shall be made  
 8092 to the regional planning council and the state land planning  
 8093 agency. Such notice shall include a description of previous  
 8094 individual changes made to the development, including changes  
 8095 previously approved by the local government, and shall include  
 8096 appropriate amendments to the development order.

8097 2. The following changes, individually or cumulatively  
 8098 with any previous changes, are not substantial deviations:

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- 8099 |           a. Changes in the name of the project, developer, owner,  
 8100 | or monitoring official.
- 8101 |           b. Changes to a setback that do not affect noise buffers,  
 8102 | environmental protection or mitigation areas, or archaeological  
 8103 | or historical resources.
- 8104 |           c. Changes to minimum lot sizes.
- 8105 |           d. Changes in the configuration of internal roads that do  
 8106 | not affect external access points.
- 8107 |           e. Changes to the building design or orientation that stay  
 8108 | approximately within the approved area designated for such  
 8109 | building and parking lot, and which do not affect historical  
 8110 | buildings designated as significant by the Division of  
 8111 | Historical Resources of the Department of State.
- 8112 |           f. Changes to increase the acreage in the development,  
 8113 | provided that no development is proposed on the acreage to be  
 8114 | added.
- 8115 |           g. Changes to eliminate an approved land use, provided  
 8116 | that there are no additional regional impacts.
- 8117 |           h. Changes required to conform to permits approved by any  
 8118 | federal, state, or regional permitting agency, provided that  
 8119 | these changes do not create additional regional impacts.
- 8120 |           i. Any renovation or redevelopment of development within a  
 8121 | previously approved development of regional impact which does  
 8122 | not change land use or increase density or intensity of use.
- 8123 |           j. Changes that modify boundaries and configuration of  
 8124 | areas described in subparagraph (b) 11.14. due to science-based  
 8125 | refinement of such areas by survey, by habitat evaluation, by  
 8126 | other recognized assessment methodology, or by an environmental

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8127 assessment. In order for changes to qualify under this sub-  
8128 subparagraph, the survey, habitat evaluation, or assessment must  
8129 occur prior to the time a conservation easement protecting such  
8130 lands is recorded and must not result in any net decrease in the  
8131 total acreage of the lands specifically set aside for permanent  
8132 preservation in the final development order.

8133 k. Any other change which the state land planning agency,  
8134 in consultation with the regional planning council, agrees in  
8135 writing is similar in nature, impact, or character to the  
8136 changes enumerated in sub-subparagraphs a.-j. and which does not  
8137 create the likelihood of any additional regional impact.

8138

8139 This subsection does not require the filing of a notice of  
8140 proposed change but shall require an application to the local  
8141 government to amend the development order in accordance with the  
8142 local government's procedures for amendment of a development  
8143 order. In accordance with the local government's procedures,  
8144 including requirements for notice to the applicant and the  
8145 public, the local government shall either deny the application  
8146 for amendment or adopt an amendment to the development order  
8147 which approves the application with or without conditions.  
8148 Following adoption, the local government shall render to the  
8149 state land planning agency the amendment to the development  
8150 order. The state land planning agency may appeal, pursuant to s.  
8151 380.07(3), the amendment to the development order if the  
8152 amendment involves sub-subparagraph g., sub-subparagraph h.,  
8153 sub-subparagraph j., or sub-subparagraph k., and it believes the

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8154 change creates a reasonable likelihood of new or additional  
8155 regional impacts.

8156 3. Except for the change authorized by sub-subparagraph  
8157 2.f., any addition of land not previously reviewed or any change  
8158 not specified in paragraph (b) or paragraph (c) shall be  
8159 presumed to create a substantial deviation. This presumption may  
8160 be rebutted by clear and convincing evidence.

8161 4. Any submittal of a proposed change to a previously  
8162 approved development shall include a description of individual  
8163 changes previously made to the development, including changes  
8164 previously approved by the local government. The local  
8165 government shall consider the previous and current proposed  
8166 changes in deciding whether such changes cumulatively constitute  
8167 a substantial deviation requiring further development-of-  
8168 regional-impact review.

8169 5. The following changes to an approved development of  
8170 regional impact shall be presumed to create a substantial  
8171 deviation. Such presumption may be rebutted by clear and  
8172 convincing evidence.

8173 a. A change proposed for 15 percent or more of the acreage  
8174 to a land use not previously approved in the development order.  
8175 Changes of less than 15 percent shall be presumed not to create  
8176 a substantial deviation.

8177 b. Notwithstanding any provision of paragraph (b) to the  
8178 contrary, a proposed change consisting of simultaneous increases  
8179 and decreases of at least two of the uses within an authorized  
8180 multiuse development of regional impact which was originally

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8181 approved with three or more uses specified in s. 380.0651(3)(c),  
 8182 (d), and (e), ~~and (f)~~ and residential use.

8183 6. If a local government agrees to a proposed change, a  
 8184 change in the transportation proportionate share calculation and  
 8185 mitigation plan in an adopted development order as a result of  
 8186 recalculation of the proportionate share contribution meeting  
 8187 the requirements of s. 163.3180(5)(h) in effect as of the date  
 8188 of such change shall be presumed not to create a substantial  
 8189 deviation. For purposes of this subsection, the proposed change  
 8190 in the proportionate share calculation or mitigation plan shall  
 8191 not be considered an additional regional transportation impact.

8192 (f)1. The state land planning agency shall establish by  
 8193 rule standard forms for submittal of proposed changes to a  
 8194 previously approved development of regional impact which may  
 8195 require further development-of-regional-impact review. At a  
 8196 minimum, the standard form shall require the developer to  
 8197 provide the precise language that the developer proposes to  
 8198 delete or add as an amendment to the development order.

8199 2. The developer shall submit, simultaneously, to the  
 8200 local government, the regional planning agency, and the state  
 8201 land planning agency the request for approval of a proposed  
 8202 change.

8203 3. No sooner than 30 days but no later than 45 days after  
 8204 submittal by the developer to the local government, the state  
 8205 land planning agency, and the appropriate regional planning  
 8206 agency, the local government shall give 15 days' notice and  
 8207 schedule a public hearing to consider the change that the  
 8208 developer asserts does not create a substantial deviation. This



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8209 public hearing shall be held within 60 days after submittal of  
 8210 the proposed changes, unless that time is extended by the  
 8211 developer.

8212 4. The appropriate regional planning agency or the state  
 8213 land planning agency shall review the proposed change and, no  
 8214 later than 45 days after submittal by the developer of the  
 8215 proposed change, unless that time is extended by the developer,  
 8216 and prior to the public hearing at which the proposed change is  
 8217 to be considered, shall advise the local government in writing  
 8218 whether it objects to the proposed change, shall specify the  
 8219 reasons for its objection, if any, and shall provide a copy to  
 8220 the developer.

8221 5. At the public hearing, the local government shall  
 8222 determine whether the proposed change requires further  
 8223 development-of-regional-impact review. The provisions of  
 8224 paragraphs (a) and (e), the thresholds set forth in paragraph  
 8225 (b), and the presumptions set forth in paragraphs (c) and (d)  
 8226 and subparagraph (e)3. shall be applicable in determining  
 8227 whether further development-of-regional-impact review is  
 8228 required. The local government may also deny the proposed change  
 8229 based on matters relating to local issues, such as if the land  
 8230 on which the change is sought is plat restricted in a way that  
 8231 would be incompatible with the proposed change, and the local  
 8232 government does not wish to change the plat restriction as part  
 8233 of the proposed change.

8234 6. If the local government determines that the proposed  
 8235 change does not require further development-of-regional-impact  
 8236 review and is otherwise approved, or if the proposed change is

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8237 not subject to a hearing and determination pursuant to  
 8238 subparagraphs 3. and 5. and is otherwise approved, the local  
 8239 government shall issue an amendment to the development order  
 8240 incorporating the approved change and conditions of approval  
 8241 relating to the change. The requirement that a change be  
 8242 otherwise approved shall not be construed to require additional  
 8243 local review or approval if the change is allowed by applicable  
 8244 local ordinances without further local review or approval. The  
 8245 decision of the local government to approve, with or without  
 8246 conditions, or to deny the proposed change that the developer  
 8247 asserts does not require further review shall be subject to the  
 8248 appeal provisions of s. 380.07. However, the state land planning  
 8249 agency may not appeal the local government decision if it did  
 8250 not comply with subparagraph 4. The state land planning agency  
 8251 may not appeal a change to a development order made pursuant to  
 8252 subparagraph (e)1. or subparagraph (e)2. for developments of  
 8253 regional impact approved after January 1, 1980, unless the  
 8254 change would result in a significant impact to a regionally  
 8255 significant archaeological, historical, or natural resource not  
 8256 previously identified in the original development-of-regional-  
 8257 impact review.

8258 (24) STATUTORY EXEMPTIONS.—

8259 (a) Any proposed hospital is exempt from ~~the provisions of~~  
 8260 this section.

8261 (b) Any proposed electrical transmission line or  
 8262 electrical power plant is exempt from ~~the provisions of~~ this  
 8263 section.

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8264 (c) Any proposed addition to an existing sports facility  
 8265 complex is exempt from ~~the provisions of~~ this section if the  
 8266 addition meets the following characteristics:

8267 1. It would not operate concurrently with the scheduled  
 8268 hours of operation of the existing facility.

8269 2. Its seating capacity would be no more than 75 percent  
 8270 of the capacity of the existing facility.

8271 3. The sports facility complex property is owned by a  
 8272 public body prior to July 1, 1983.

8273  
 8274 This exemption does not apply to any pari-mutuel facility.

8275 (d) Any proposed addition or cumulative additions  
 8276 subsequent to July 1, 1988, to an existing sports facility  
 8277 complex owned by a state university is exempt if the increased  
 8278 seating capacity of the complex is no more than 30 percent of  
 8279 the capacity of the existing facility.

8280 (e) Any addition of permanent seats or parking spaces for  
 8281 an existing sports facility located on property owned by a  
 8282 public body prior to July 1, 1973, is exempt from ~~the provisions~~  
 8283 ~~of~~ this section if future additions do not expand existing  
 8284 permanent seating or parking capacity more than 15 percent  
 8285 annually in excess of the prior year's capacity.

8286 (f) Any increase in the seating capacity of an existing  
 8287 sports facility having a permanent seating capacity of at least  
 8288 50,000 spectators is exempt from ~~the provisions of~~ this section,  
 8289 provided that such an increase does not increase permanent  
 8290 seating capacity by more than 5 percent per year and not to  
 8291 exceed a total of 10 percent in any 5-year period, and provided

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8292 that the sports facility notifies the appropriate local  
 8293 government within which the facility is located of the increase  
 8294 at least 6 months prior to the initial use of the increased  
 8295 seating, in order to permit the appropriate local government to  
 8296 develop a traffic management plan for the traffic generated by  
 8297 the increase. Any traffic management plan shall be consistent  
 8298 with the local comprehensive plan, the regional policy plan, and  
 8299 the state comprehensive plan.

8300 (g) Any expansion in the permanent seating capacity or  
 8301 additional improved parking facilities of an existing sports  
 8302 facility is exempt from ~~the provisions of~~ this section, if the  
 8303 following conditions exist:

8304 1.a. The sports facility had a permanent seating capacity  
 8305 on January 1, 1991, of at least 41,000 spectator seats;

8306 b. The sum of such expansions in permanent seating  
 8307 capacity does not exceed a total of 10 percent in any 5-year  
 8308 period and does not exceed a cumulative total of 20 percent for  
 8309 any such expansions; or

8310 c. The increase in additional improved parking facilities  
 8311 is a one-time addition and does not exceed 3,500 parking spaces  
 8312 serving the sports facility; and

8313 2. The local government having jurisdiction of the sports  
 8314 facility includes in the development order or development permit  
 8315 approving such expansion under this paragraph a finding of fact  
 8316 that the proposed expansion is consistent with the  
 8317 transportation, water, sewer and stormwater drainage provisions  
 8318 of the approved local comprehensive plan and local land  
 8319 development regulations relating to those provisions.

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8320  
 8321 Any owner or developer who intends to rely on this statutory  
 8322 exemption shall provide to the department a copy of the local  
 8323 government application for a development permit. Within 45 days  
 8324 of receipt of the application, the department shall render to  
 8325 the local government an advisory and nonbinding opinion, in  
 8326 writing, stating whether, in the department's opinion, the  
 8327 prescribed conditions exist for an exemption under this  
 8328 paragraph. The local government shall render the development  
 8329 order approving each such expansion to the department. The  
 8330 owner, developer, or department may appeal the local government  
 8331 development order pursuant to s. 380.07, within 45 days after  
 8332 the order is rendered. The scope of review shall be limited to  
 8333 the determination of whether the conditions prescribed in this  
 8334 paragraph exist. If any sports facility expansion undergoes  
 8335 development-of-regional-impact review, all previous expansions  
 8336 which were exempt under this paragraph shall be included in the  
 8337 development-of-regional-impact review.

8338 (h) Expansion to port harbors, spoil disposal sites,  
 8339 navigation channels, turning basins, harbor berths, and other  
 8340 related inwater harbor facilities of ports listed in s.  
 8341 403.021(9)(b), port transportation facilities and projects  
 8342 listed in s. 311.07(3)(b), and intermodal transportation  
 8343 facilities identified pursuant to s. 311.09(3) are exempt from  
 8344 ~~the provisions of~~ this section when such expansions, projects,  
 8345 or facilities are consistent with comprehensive master plans  
 8346 that are in compliance with ~~the provisions of~~ s. 163.3178.

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8347 (i) Any proposed facility for the storage of any petroleum  
 8348 product or any expansion of an existing facility is exempt from  
 8349 ~~the provisions of~~ this section.

8350 (j) Any renovation or redevelopment within the same land  
 8351 parcel which does not change land use or increase density or  
 8352 intensity of use.

8353 (k) Waterport and marina development, including dry  
 8354 storage facilities, are exempt from ~~the provisions of~~ this  
 8355 section.

8356 (l) Any proposed development within an urban service  
 8357 boundary established under s. 163.3177(14), which is not  
 8358 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~  
 8359 ~~provisions of~~ this section if the local government having  
 8360 jurisdiction over the area where the development is proposed has  
 8361 adopted the urban service boundary, has entered into a binding  
 8362 agreement with jurisdictions that would be impacted and with the  
 8363 Department of Transportation regarding the mitigation of impacts  
 8364 on state and regional transportation facilities, ~~and has adopted~~  
 8365 ~~a proportionate share methodology pursuant to s. 163.3180(16).~~

8366 (m) Any proposed development within a rural land  
 8367 stewardship area created under s. 163.3248 ~~163.3177(11)(d)~~ ~~is~~  
 8368 ~~exempt from the provisions of this section if the local~~  
 8369 ~~government that has adopted the rural land stewardship area has~~  
 8370 ~~entered into a binding agreement with jurisdictions that would~~  
 8371 ~~be impacted and the Department of Transportation regarding the~~  
 8372 ~~mitigation of impacts on state and regional transportation~~  
 8373 ~~facilities, and has adopted a proportionate share methodology~~  
 8374 ~~pursuant to s. 163.3180(16).~~

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8375 (n) The establishment, relocation, or expansion of any  
 8376 military installation as defined in s. 163.3175, is exempt from  
 8377 this section.

8378 (o) Any self-storage warehousing that does not allow  
 8379 retail or other services is exempt from this section.

8380 (p) Any proposed nursing home or assisted living facility  
 8381 is exempt from this section.

8382 (q) Any development identified in an airport master plan  
 8383 and adopted into the comprehensive plan pursuant to s.  
 8384 163.3177(6)(k) is exempt from this section.

8385 (r) Any development identified in a campus master plan and  
 8386 adopted pursuant to s. 1013.30 is exempt from this section.

8387 (s) Any development in a detailed specific area plan which  
 8388 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~  
 8389 ~~the comprehensive plan~~ is exempt from this section.

8390 (t) Any proposed solid mineral mine and any proposed  
 8391 addition to, expansion of, or change to an existing solid  
 8392 mineral mine is exempt from this section. A mine owner will  
 8393 enter into a binding agreement with the Department of  
 8394 Transportation to mitigate impacts to strategic intermodal  
 8395 system facilities pursuant to the transportation thresholds in  
 8396 380.06(19) or rule 9J-2.045(6), Florida Administrative Code.  
 8397 Proposed changes to any previously approved solid mineral mine  
 8398 development-of-regional-impact development orders having vested  
 8399 rights is not subject to further review or approval as a  
 8400 development-of-regional-impact or notice-of-proposed-change  
 8401 review or approval pursuant to subsection (19), except for those  
 8402 applications pending as of July 1, 2011, which shall be governed

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8403 by s. 380.115(2). Notwithstanding the foregoing, however,  
 8404 pursuant to s. 380.115(1), previously approved solid mineral  
 8405 mine development-of-regional-impact development orders shall  
 8406 continue to enjoy vested rights and continue to be effective  
 8407 unless rescinded by the developer. All local government  
 8408 regulations of proposed solid mineral mines shall be applicable  
 8409 to any new solid mineral mine or to any proposed addition to,  
 8410 expansion of, or change to an existing solid mineral mine.

8411 (u) Notwithstanding any provisions in an agreement with or  
 8412 among a local government, regional agency, or the state land  
 8413 planning agency or in a local government's comprehensive plan to  
 8414 the contrary, a project no longer subject to development-of-  
 8415 regional-impact review under revised thresholds is not required  
 8416 to undergo such review.

8417 (v)~~(t)~~ Any development within a county with a research and  
 8418 education authority created by special act and that is also  
 8419 within a research and development park that is operated or  
 8420 managed by a research and development authority pursuant to part  
 8421 V of chapter 159 is exempt from this section.

8422  
 8423 If a use is exempt from review as a development of regional  
 8424 impact under paragraphs (a)-(u) ~~(a)-(s)~~, but will be part of a  
 8425 larger project that is subject to review as a development of  
 8426 regional impact, the impact of the exempt use must be included  
 8427 in the review of the larger project, unless such exempt use  
 8428 involves a development of regional impact that includes a  
 8429 landowner, tenant, or user that has entered into a funding  
 8430 agreement with the Office of Tourism, Trade, and Economic



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8431 Development under the Innovation Incentive Program and the  
 8432 agreement contemplates a state award of at least \$50 million.

8433 (28) PARTIAL STATUTORY EXEMPTIONS.—

8434 (e) The vesting provision of s. 163.3167 ~~(5)-(8)~~ relating to  
 8435 an authorized development of regional impact does ~~shall~~ not  
 8436 apply to those projects partially exempt from the development-  
 8437 of-regional-impact review process under paragraphs (a)-(d).

8438 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

8439 (a) The following are exempt from this section:

8440 1. Any proposed development in a municipality that has an  
 8441 average of at least 1,000 people per square mile of land area  
 8442 and a minimum total population of at least 5,000 ~~qualifies as a~~  
 8443 ~~dense urban land area as defined in s. 163.3164;~~

8444 2. Any proposed development within a county, including the  
 8445 municipalities located in the county, that has an average of at  
 8446 least 1,000 people per square mile of land area ~~qualifies as a~~  
 8447 ~~dense urban land area as defined in s. 163.3164~~ and that is  
 8448 located within an urban service area as defined in s. 163.3164  
 8449 which has been adopted into the comprehensive plan; ~~or~~

8450 3. Any proposed development within a county, including the  
 8451 municipalities located therein, which has a population of at  
 8452 least 900,000, that has an average of at least 1,000 people per  
 8453 square mile of land area ~~which qualifies as a dense urban land~~  
 8454 ~~area under s. 163.3164,~~ but which does not have an urban service  
 8455 area designated in the comprehensive plan; or

8456 4. Any proposed development within a county, including the  
 8457 municipalities located therein, which has a population of at  
 8458 least 1 million and is located within an urban service area as

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8459 defined in s. 163.3164 which has been adopted into the  
 8460 comprehensive plan.  
 8461  
 8462 The Office of Economic and Demographic Research within the  
 8463 Legislature shall annually calculate the population and density  
 8464 criteria needed to determine which jurisdictions meet the  
 8465 density criteria in subparagraphs 1.-4. by using the most recent  
 8466 land area data from the decennial census conducted by the Bureau  
 8467 of the Census of the United States Department of Commerce and  
 8468 the latest available population estimates determined pursuant to  
 8469 s. 186.901. If any local government has had an annexation,  
 8470 contraction, or new incorporation, the Office of Economic and  
 8471 Demographic Research shall determine the population density  
 8472 using the new jurisdictional boundaries as recorded in  
 8473 accordance with s. 171.091. The Office of Economic and  
 8474 Demographic Research shall annually submit to the state land  
 8475 planning agency by July 1 a list of jurisdictions that meet the  
 8476 total population and density criteria. The state land planning  
 8477 agency shall publish the list of jurisdictions on its Internet  
 8478 website within 7 days after the list is received. The  
 8479 designation of jurisdictions that meet the criteria of  
 8480 subparagraphs 1.-4. is effective upon publication on the state  
 8481 land planning agency's Internet website. If a municipality that  
 8482 has previously met the criteria no longer meets the criteria,  
 8483 the state land planning agency shall maintain the municipality  
 8484 on the list and indicate the year the jurisdiction last met the  
 8485 criteria. However, any proposed development of regional impact  
 8486 not within the established boundaries of a municipality at the

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8487 time the municipality last met the criteria must meet the  
 8488 requirements of this section until such time as the municipality  
 8489 as a whole meets the criteria. Any county that meets the  
 8490 criteria shall remain on the list in accordance with the  
 8491 provisions of this paragraph. Any jurisdiction that was placed  
 8492 on the dense urban land area list before the effective date of  
 8493 this act shall remain on the list in accordance with the  
 8494 provisions of this paragraph.

8495 (d) A development that is located partially outside an  
 8496 area that is exempt from the development-of-regional-impact  
 8497 program must undergo development-of-regional-impact review  
 8498 pursuant to this section. However, if the total acreage that is  
 8499 included within the area exempt from development-of-regional-  
 8500 impact review exceeds 85 percent of the total acreage and square  
 8501 footage of the approved development of regional impact, the  
 8502 development-of-regional-impact development order may be  
 8503 rescinded in both local governments pursuant to s. 380.115(1),  
 8504 unless the portion of the development outside the exempt area  
 8505 meets the threshold criteria of a development-of-regional-  
 8506 impact.

8507 (e) In an area that is exempt under paragraphs (a)-(c),  
 8508 any previously approved development-of-regional-impact  
 8509 development orders shall continue to be effective, but the  
 8510 developer has the option to be governed by s. 380.115(1). A  
 8511 pending application for development approval shall be governed  
 8512 by s. 380.115(2). ~~A development that has a pending application~~  
 8513 ~~for a comprehensive plan amendment and that elects not to~~  
 8514 ~~continue development-of-regional-impact review is exempt from~~

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8515 ~~the limitation on plan amendments set forth in s. 163.3187(1)~~  
 8516 ~~for the year following the effective date of the exemption.~~

8517 Section 55. Subsection (3) and paragraph (a) of subsection  
 8518 (4) of section 380.0651, Florida Statutes, are amended to read:  
 8519 380.0651 Statewide guidelines and standards.—

8520 (3) The following statewide guidelines and standards shall  
 8521 be applied in the manner described in s. 380.06(2) to determine  
 8522 whether the following developments shall be required to undergo  
 8523 development-of-regional-impact review:

8524 (a) *Airports.*—

8525 1. Any of the following airport construction projects  
 8526 shall be a development of regional impact:

8527 a. A new commercial service or general aviation airport  
 8528 with paved runways.

8529 b. A new commercial service or general aviation paved  
 8530 runway.

8531 c. A new passenger terminal facility.

8532 2. Lengthening of an existing runway by 25 percent or an  
 8533 increase in the number of gates by 25 percent or three gates,  
 8534 whichever is greater, on a commercial service airport or a  
 8535 general aviation airport with regularly scheduled flights is a  
 8536 development of regional impact. However, expansion of existing  
 8537 terminal facilities at a nonhub or small hub commercial service  
 8538 airport shall not be a development of regional impact.

8539 3. Any airport development project which is proposed for  
 8540 safety, repair, or maintenance reasons alone and would not have  
 8541 the potential to increase or change existing types of aircraft  
 8542 activity is not a development of regional impact.

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8543 Notwithstanding subparagraphs 1. and 2., renovation,  
 8544 modernization, or replacement of airport airside or terminal  
 8545 facilities that may include increases in square footage of such  
 8546 facilities but does not increase the number of gates or change  
 8547 the existing types of aircraft activity is not a development of  
 8548 regional impact.

8549 (b) *Attractions and recreation facilities.*—Any sports,  
 8550 entertainment, amusement, or recreation facility, including, but  
 8551 not limited to, a sports arena, stadium, racetrack, tourist  
 8552 attraction, amusement park, or pari-mutuel facility, the  
 8553 construction or expansion of which:

- 8554 1. For single performance facilities:
  - 8555 a. Provides parking spaces for more than 2,500 cars; or
  - 8556 b. Provides more than 10,000 permanent seats for
  - 8557 spectators.
- 8558 2. For serial performance facilities:
  - 8559 a. Provides parking spaces for more than 1,000 cars; or
  - 8560 b. Provides more than 4,000 permanent seats for
  - 8561 spectators.

8562  
 8563 For purposes of this subsection, "serial performance facilities"  
 8564 means those using their parking areas or permanent seating more  
 8565 than one time per day on a regular or continuous basis.

- 8566 ~~3. For multiscreen movie theaters of at least 8 screens~~  
 8567 ~~and 2,500 seats:~~
  - 8568 ~~a. Provides parking spaces for more than 1,500 cars; or~~
  - 8569 ~~b. Provides more than 6,000 permanent seats for~~  
 8570 ~~spectators.~~

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8571 ~~(c) Industrial plants, industrial parks, and distribution,~~  
 8572 ~~warehousing or wholesaling facilities. Any proposed industrial,~~  
 8573 ~~manufacturing, or processing plant, or distribution,~~  
 8574 ~~warehousing, or wholesaling facility, excluding wholesaling~~  
 8575 ~~developments which deal primarily with the general public~~  
 8576 ~~onsite, under common ownership, or any proposed industrial,~~  
 8577 ~~manufacturing, or processing activity or distribution,~~  
 8578 ~~warehousing, or wholesaling activity, excluding wholesaling~~  
 8579 ~~activities which deal primarily with the general public onsite,~~  
 8580 ~~which:~~

- 8581 ~~1. Provides parking for more than 2,500 motor vehicles; or~~
- 8582 ~~2. Occupies a site greater than 320 acres.~~

8583 ~~(c)(d)~~ Office development.—Any proposed office building or  
 8584 park operated under common ownership, development plan, or  
 8585 management that:

- 8586 1. Encompasses 300,000 or more square feet of gross floor  
 8587 area; or
- 8588 2. Encompasses more than 600,000 square feet of gross  
 8589 floor area in a county with a population greater than 500,000  
 8590 and only in a geographic area specifically designated as highly  
 8591 suitable for increased threshold intensity in the approved local  
 8592 comprehensive plan.

8593 ~~(d)(e)~~ Retail and service development.—Any proposed  
 8594 retail, service, or wholesale business establishment or group of  
 8595 establishments which deals primarily with the general public  
 8596 onsite, operated under one common property ownership,  
 8597 development plan, or management that:

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8598 1. Encompasses more than 400,000 square feet of gross  
 8599 area; or

8600 2. Provides parking spaces for more than 2,500 cars.

8601 ~~(f) Hotel or motel development.~~

8602 1. ~~Any proposed hotel or motel development that is planned~~  
 8603 ~~to create or accommodate 350 or more units; or~~

8604 2. ~~Any proposed hotel or motel development that is planned~~  
 8605 ~~to create or accommodate 750 or more units, in a county with a~~  
 8606 ~~population greater than 500,000.~~

8607 (e)(g) *Recreational vehicle development.*—Any proposed  
 8608 recreational vehicle development planned to create or  
 8609 accommodate 500 or more spaces.

8610 (f)(h) *Multiuse development.*—Any proposed development with  
 8611 two or more land uses where the sum of the percentages of the  
 8612 appropriate thresholds identified in chapter 28-24, Florida  
 8613 Administrative Code, or this section for each land use in the  
 8614 development is equal to or greater than 145 percent. Any  
 8615 proposed development with three or more land uses, one of which  
 8616 is residential and contains at least 100 dwelling units or 15  
 8617 percent of the applicable residential threshold, whichever is  
 8618 greater, where the sum of the percentages of the appropriate  
 8619 thresholds identified in chapter 28-24, Florida Administrative  
 8620 Code, or this section for each land use in the development is  
 8621 equal to or greater than 160 percent. This threshold is in  
 8622 addition to, and does not preclude, a development from being  
 8623 required to undergo development-of-regional-impact review under  
 8624 any other threshold.

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8625        (g)~~(i)~~ *Residential development.*—No rule may be adopted  
8626 concerning residential developments which treats a residential  
8627 development in one county as being located in a less populated  
8628 adjacent county unless more than 25 percent of the development  
8629 is located within 2 or less miles of the less populated adjacent  
8630 county. The residential thresholds of adjacent counties with  
8631 less population and a lower threshold shall not be controlling  
8632 on any development wholly located within areas designated as  
8633 rural areas of critical economic concern.

8634        (h)~~(j)~~ *Workforce housing.*—The applicable guidelines for  
8635 residential development and the residential component for  
8636 multiuse development shall be increased by 50 percent where the  
8637 developer demonstrates that at least 15 percent of the total  
8638 residential dwelling units authorized within the development of  
8639 regional impact will be dedicated to affordable workforce  
8640 housing, subject to a recorded land use restriction that shall  
8641 be for a period of not less than 20 years and that includes  
8642 resale provisions to ensure long-term affordability for income-  
8643 eligible homeowners and renters and provisions for the workforce  
8644 housing to be commenced prior to the completion of 50 percent of  
8645 the market rate dwelling. For purposes of this paragraph, the  
8646 term "affordable workforce housing" means housing that is  
8647 affordable to a person who earns less than 120 percent of the  
8648 area median income, or less than 140 percent of the area median  
8649 income if located in a county in which the median purchase price  
8650 for a single-family existing home exceeds the statewide median  
8651 purchase price of a single-family existing home. For the  
8652 purposes of this paragraph, the term "statewide median purchase



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8653 price of a single-family existing home" means the statewide  
 8654 purchase price as determined in the Florida Sales Report,  
 8655 Single-Family Existing Homes, released each January by the  
 8656 Florida Association of Realtors and the University of Florida  
 8657 Real Estate Research Center.

8658 (i)~~(k)~~ *Schools.*—

8659 1. The proposed construction of any public, private, or  
 8660 proprietary postsecondary educational campus which provides for  
 8661 a design population of more than 5,000 full-time equivalent  
 8662 students, or the proposed physical expansion of any public,  
 8663 private, or proprietary postsecondary educational campus having  
 8664 such a design population that would increase the population by  
 8665 at least 20 percent of the design population.

8666 2. As used in this paragraph, "full-time equivalent  
 8667 student" means enrollment for 15 or more quarter hours during a  
 8668 single academic semester. In career centers or other  
 8669 institutions which do not employ semester hours or quarter hours  
 8670 in accounting for student participation, enrollment for 18  
 8671 contact hours shall be considered equivalent to one quarter  
 8672 hour, and enrollment for 27 contact hours shall be considered  
 8673 equivalent to one semester hour.

8674 3. This paragraph does not apply to institutions which are  
 8675 the subject of a campus master plan adopted by the university  
 8676 board of trustees pursuant to s. 1013.30.

8677 (4) Two or more developments, represented by their owners  
 8678 or developers to be separate developments, shall be aggregated  
 8679 and treated as a single development under this chapter when they

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8680 are determined to be part of a unified plan of development and  
 8681 are physically proximate to one other.

8682 (a) The criteria of three ~~two~~ of the following  
 8683 subparagraphs must be met in order for the state land planning  
 8684 agency to determine that there is a unified plan of development:

8685 1.a. The same person has retained or shared control of the  
 8686 developments;

8687 b. The same person has ownership or a significant legal or  
 8688 equitable interest in the developments; or

8689 c. There is common management of the developments  
 8690 controlling the form of physical development or disposition of  
 8691 parcels of the development.

8692 2. There is a reasonable closeness in time between the  
 8693 completion of 80 percent or less of one development and the  
 8694 submission to a governmental agency of a master plan or series  
 8695 of plans or drawings for the other development which is  
 8696 indicative of a common development effort.

8697 3. A master plan or series of plans or drawings exists  
 8698 covering the developments sought to be aggregated which have  
 8699 been submitted to a local general-purpose government, water  
 8700 management district, the Florida Department of Environmental  
 8701 Protection, or the Division of Florida Condominiums, Timeshares,  
 8702 and Mobile Homes for authorization to commence development. The  
 8703 existence or implementation of a utility's master utility plan  
 8704 required by the Public Service Commission or general-purpose  
 8705 local government or a master drainage plan shall not be the sole  
 8706 determinant of the existence of a master plan.

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8707 | ~~4. The voluntary sharing of infrastructure that is~~  
 8708 | ~~indicative of a common development effort or is designated~~  
 8709 | ~~specifically to accommodate the developments sought to be~~  
 8710 | ~~aggregated, except that which was implemented because it was~~  
 8711 | ~~required by a local general-purpose government; water management~~  
 8712 | ~~district; the Department of Environmental Protection; the~~  
 8713 | ~~Division of Florida Condominiums, Timeshares, and Mobile Homes;~~  
 8714 | ~~or the Public Service Commission.~~

8715 | ~~4.5.~~ There is a common advertising scheme or promotional  
 8716 | plan in effect for the developments sought to be aggregated.

8717 | Section 56. Subsection (17) of section 331.303, Florida  
 8718 | Statutes, is amended to read:

8719 | 331.303 Definitions.—

8720 | (17) "Spaceport launch facilities" means industrial  
 8721 | facilities as described in s. 380.0651(3)(c), Florida Statutes  
 8722 | 2010, and include any launch pad, launch control center, and  
 8723 | fixed launch-support equipment.

8724 | Section 57. Subsection (1) of section 380.115, Florida  
 8725 | Statutes, is amended to read:

8726 | 380.115 Vested rights and duties; effect of size  
 8727 | reduction, changes in guidelines and standards.—

8728 | (1) A change in a development-of-regional-impact guideline  
 8729 | and standard does not abridge or modify any vested or other  
 8730 | right or any duty or obligation pursuant to any development  
 8731 | order or agreement that is applicable to a development of  
 8732 | regional impact. A development that has received a development-  
 8733 | of-regional-impact development order pursuant to s. 380.06, but  
 8734 | is no longer required to undergo development-of-regional-impact

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8735 review by operation of a change in the guidelines and standards  
 8736 or has reduced its size below the thresholds in s. 380.0651, or  
 8737 a development that is exempt pursuant to s. 380.06(29) shall be  
 8738 governed by the following procedures:

8739 (a) The development shall continue to be governed by the  
 8740 development-of-regional-impact development order and may be  
 8741 completed in reliance upon and pursuant to the development order  
 8742 unless the developer or landowner has followed the procedures  
 8743 for rescission in paragraph (b). Any proposed changes to those  
 8744 developments which continue to be governed by a development  
 8745 order shall be approved pursuant to s. 380.06(19) as it existed  
 8746 prior to a change in the development-of-regional-impact  
 8747 guidelines and standards, except that all percentage criteria  
 8748 shall be doubled and all other criteria shall be increased by 10  
 8749 percent. The development-of-regional-impact development order  
 8750 may be enforced by the local government as provided by ss.  
 8751 380.06(17) and 380.11.

8752 (b) If requested by the developer or landowner, the  
 8753 development-of-regional-impact development order shall be  
 8754 rescinded by the local government having jurisdiction upon a  
 8755 showing that all required mitigation related to the amount of  
 8756 development that existed on the date of rescission has been  
 8757 completed.

8758 Section 58. Paragraph (a) of subsection (8) of section  
 8759 380.061, Florida Statutes, is amended to read:

8760 380.061 The Florida Quality Developments program.—

8761 (8) (a) Any local government comprehensive plan amendments  
 8762 related to a Florida Quality Development may be initiated by a

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8763 local planning agency and considered by the local governing body  
 8764 at the same time as the application for development approval,  
 8765 ~~using the procedures provided for local plan amendment in s.~~  
 8766 ~~163.3187 or s. 163.3189 and applicable local ordinances, without~~  
 8767 ~~regard to statutory or local ordinance limits on the frequency~~  
 8768 ~~of consideration of amendments to the local comprehensive plan.~~  
 8769 Nothing in this subsection shall be construed to require  
 8770 favorable consideration of a Florida Quality Development solely  
 8771 because it is related to a development of regional impact.

8772 Section 59. Paragraph (a) of subsection (2) and subsection  
 8773 (10) of section 380.065, Florida Statutes, are amended to read:

8774 380.065 Certification of local government review of  
 8775 development.-

8776 (2) When a petition is filed, the state land planning  
 8777 agency shall have no more than 90 days to prepare and submit to  
 8778 the Administration Commission a report and recommendations on  
 8779 the proposed certification. In deciding whether to grant  
 8780 certification, the Administration Commission shall determine  
 8781 whether the following criteria are being met:

8782 (a) The petitioning local government has adopted and  
 8783 effectively implemented a local comprehensive plan and  
 8784 development regulations which comply with ss. 163.3161-163.3215,  
 8785 the Community Local Government Comprehensive Planning and Land  
 8786 Development Regulation Act.

8787 ~~(10) The department shall submit an annual progress report~~  
 8788 ~~to the President of the Senate and the Speaker of the House of~~  
 8789 ~~Representatives by March 1 on the certification of local~~  
 8790 ~~governments, stating which local governments have been~~

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8791 ~~certified. For those local governments which have applied for~~  
 8792 ~~certification but for which certification has been denied, the~~  
 8793 ~~department shall specify the reasons certification was denied.~~

8794 Section 60. Section 380.0685, Florida Statutes, is amended  
 8795 to read:

8796 380.0685 State park in area of critical state concern in  
 8797 county which creates land authority; surcharge on admission and  
 8798 overnight occupancy.—The Department of Environmental Protection  
 8799 shall impose and collect a surcharge of 50 cents per person per  
 8800 day, or \$5 per annual family auto entrance permit, on admission  
 8801 to all state parks in areas of critical state concern located in  
 8802 a county which creates a land authority pursuant to s.  
 8803 380.0663(1), and a surcharge of \$2.50 per night per campsite,  
 8804 cabin, or other overnight recreational occupancy unit in state  
 8805 parks in areas of critical state concern located in a county  
 8806 which creates a land authority pursuant to s. 380.0663(1);  
 8807 however, no surcharge shall be imposed or collected under this  
 8808 section for overnight use by nonprofit groups of organized group  
 8809 camps, primitive camping areas, or other facilities intended  
 8810 primarily for organized group use. Such surcharges shall be  
 8811 imposed within 90 days after any county creating a land  
 8812 authority notifies the Department of Environmental Protection  
 8813 that the land authority has been created. The proceeds from such  
 8814 surcharges, less a collection fee that shall be kept by the  
 8815 Department of Environmental Protection for the actual cost of  
 8816 collection, not to exceed 2 percent, shall be transmitted to the  
 8817 land authority of the county from which the revenue was  
 8818 generated. Such funds shall be used to purchase property in the

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8819 | area or areas of critical state concern in the county from which  
 8820 | the revenue was generated. An amount not to exceed 10 percent  
 8821 | may be used for administration and other costs incident to such  
 8822 | purchases. However, the proceeds of the surcharges imposed and  
 8823 | collected pursuant to this section in a state park or parks  
 8824 | located wholly within a municipality, less the costs of  
 8825 | collection as provided herein, shall be transmitted to that  
 8826 | municipality for use by the municipality for land acquisition or  
 8827 | for beach renourishment or restoration, including, but not  
 8828 | limited to, costs associated with any design, permitting,  
 8829 | monitoring, and mitigation of such work, as well as the work  
 8830 | itself. However, these funds may not be included in any  
 8831 | calculation used for providing state matching funds for local  
 8832 | contributions for beach renourishment or restoration. The  
 8833 | surcharges levied under this section shall remain imposed as  
 8834 | long as the land authority is in existence.

8835 | Section 61. Subsection (3) of section 380.115, Florida  
 8836 | Statutes, is amended to read:

8837 | 380.115 Vested rights and duties; effect of size  
 8838 | reduction, changes in guidelines and standards.—

8839 | (3) A landowner that has filed an application for a  
 8840 | development-of-regional-impact review prior to the adoption of a  
 8841 | ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to  
 8842 | have the application reviewed pursuant to s. 380.06,  
 8843 | comprehensive plan provisions in force prior to adoption of the  
 8844 | sector plan, and any requested comprehensive plan amendments  
 8845 | that accompany the application.

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8846 Section 62. Subsection (1) of section 403.50665, Florida  
 8847 Statutes, is amended to read:

8848 403.50665 Land use consistency.—

8849 (1) The applicant shall include in the application a  
 8850 statement on the consistency of the site and any associated  
 8851 facilities that constitute a "development," as defined in s.  
 8852 380.04, with existing land use plans and zoning ordinances that  
 8853 were in effect on the date the application was filed and a full  
 8854 description of such consistency. This information shall include  
 8855 an identification of those associated facilities that the  
 8856 applicant believes are exempt from the requirements of land use  
 8857 plans and zoning ordinances under ~~the provisions of the~~  
 8858 Community Local Government Comprehensive Planning and Land  
 8859 ~~Development Regulation Act~~ provisions of chapter 163 and s.  
 8860 380.04(3).

8861 Section 63. Subsection (13) and paragraph (a) of  
 8862 subsection (14) of section 403.973, Florida Statutes, are  
 8863 amended to read:

8864 403.973 Expedited permitting; amendments to comprehensive  
 8865 plans.—

8866 (13) Notwithstanding any other provisions of law:

8867 ~~(a) Local comprehensive plan amendments for projects~~  
 8868 ~~qualified under this section are exempt from the twice-a-year~~  
 8869 ~~limits provision in s. 163.3187; and~~

8870 ~~(b)~~ Projects qualified under this section are not subject  
 8871 to interstate highway level-of-service standards adopted by the  
 8872 Department of Transportation for concurrency purposes. The  
 8873 memorandum of agreement specified in subsection (5) must include



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8874 a process by which the applicant will be assessed a fair share  
8875 of the cost of mitigating the project's significant traffic  
8876 impacts, as defined in chapter 380 and related rules. The  
8877 agreement must also specify whether the significant traffic  
8878 impacts on the interstate system will be mitigated through the  
8879 implementation of a project or payment of funds to the  
8880 Department of Transportation. Where funds are paid, the  
8881 Department of Transportation must include in the 5-year work  
8882 program transportation projects or project phases, in an amount  
8883 equal to the funds received, to mitigate the traffic impacts  
8884 associated with the proposed project.

8885 (14) (a) Challenges to state agency action in the expedited  
8886 permitting process for projects processed under this section are  
8887 subject to the summary hearing provisions of s. 120.574, except  
8888 that the administrative law judge's decision, as provided in s.  
8889 120.574(2) (f), shall be in the form of a recommended order and  
8890 do ~~shall~~ not constitute the final action of the state agency. In  
8891 those proceedings where the action of only one agency of the  
8892 state other than the Department of Environmental Protection is  
8893 challenged, the agency of the state shall issue the final order  
8894 within 45 working days after receipt of the administrative law  
8895 judge's recommended order, and the recommended order shall  
8896 inform the parties of their right to file exceptions or  
8897 responses to the recommended order in accordance with the  
8898 uniform rules of procedure pursuant to s. 120.54. In those  
8899 proceedings where the actions of more than one agency of the  
8900 state are challenged, the Governor shall issue the final order  
8901 within 45 working days after receipt of the administrative law

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8902 judge's recommended order, and the recommended order shall  
 8903 inform the parties of their right to file exceptions or  
 8904 responses to the recommended order in accordance with the  
 8905 uniform rules of procedure pursuant to s. 120.54. This paragraph  
 8906 does not apply to the issuance of department licenses required  
 8907 under any federally delegated or approved permit program. In  
 8908 such instances, the department shall enter the final order. The  
 8909 participating agencies of the state may opt at the preliminary  
 8910 hearing conference to allow the administrative law judge's  
 8911 decision to constitute the final agency action. ~~If a~~  
 8912 ~~participating local government agrees to participate in the~~  
 8913 ~~summary hearing provisions of s. 120.574 for purposes of review~~  
 8914 ~~of local government comprehensive plan amendments, s.~~  
 8915 ~~163.3184(9) and (10) apply.~~

8916 Section 64. Subsections (9) and (10) of section 420.5095,  
 8917 Florida Statutes, are amended to read:

8918 420.5095 Community Workforce Housing Innovation Pilot  
 8919 Program.—

8920 (9) Notwithstanding s. 163.3184 (4) (b) - (d) (3) - (6), any  
 8921 local government comprehensive plan amendment to implement a  
 8922 Community Workforce Housing Innovation Pilot Program project  
 8923 found consistent with ~~the provisions of~~ this section shall be  
 8924 expedited as provided in this subsection. At least 30 days prior  
 8925 to adopting a plan amendment under this subsection, the local  
 8926 government shall notify the state land planning agency of its  
 8927 intent to adopt such an amendment, and the notice shall include  
 8928 its evaluation related to site suitability and availability of  
 8929 facilities and services. The public notice of the hearing

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8930 required by s. 163.3184 (11) ~~(15)~~ (b)2. shall include a statement  
 8931 that the local government intends to use the expedited adoption  
 8932 process authorized by this subsection. Such amendments shall  
 8933 require only a single public hearing before the governing board,  
 8934 which shall be an adoption hearing as described in s.  
 8935 163.3184 (4) (e) ~~(7)~~. ~~The state land planning agency shall issue~~  
 8936 ~~its notice of intent pursuant to s. 163.3184(8) within 30 days~~  
 8937 ~~after determining that the amendment package is complete. Any~~  
 8938 further proceedings shall be governed by s. ss. 163.3184(5) -  
 8939 (13) (9) - (16). ~~Amendments proposed under this section are not~~  
 8940 ~~subject to s. 163.3187(1), which limits the adoption of a~~  
 8941 ~~comprehensive plan amendment to no more than two times during~~  
 8942 ~~any calendar year.~~

8943 (10) The processing of approvals of development orders or  
 8944 development permits, as defined in s. 163.3164 ~~(7) and (8)~~, for  
 8945 innovative community workforce housing projects shall be  
 8946 expedited.

8947 Section 65. Subsection (5) of section 420.615, Florida  
 8948 Statutes, is amended to read:

8949 420.615 Affordable housing land donation density bonus  
 8950 incentives.—

8951 (5) The local government, as part of the approval process,  
 8952 shall adopt a comprehensive plan amendment, pursuant to part II  
 8953 of chapter 163, for the receiving land that incorporates the  
 8954 density bonus. Such amendment shall be adopted in the manner as  
 8955 required for small-scale amendments pursuant to s. 163.3187, is  
 8956 not subject to the requirements of s. 163.3184 (4) (b) - (d) ~~(3) - (6)~~,

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8957 | ~~and is exempt from the limitation on the frequency of plan~~  
 8958 | ~~amendments as provided in s. 163.3187.~~

8959 |       Section 66. Subsection (16) of section 420.9071, Florida  
 8960 | Statutes, is amended to read:

8961 |           420.9071 Definitions.—As used in ss. 420.907–420.9079, the  
 8962 | term:

8963 |       (16) "Local housing incentive strategies" means local  
 8964 | regulatory reform or incentive programs to encourage or  
 8965 | facilitate affordable housing production, which include at a  
 8966 | minimum, assurance that permits as defined in s. 163.3164(7) ~~and~~  
 8967 | ~~(8)~~ for affordable housing projects are expedited to a greater  
 8968 | degree than other projects; an ongoing process for review of  
 8969 | local policies, ordinances, regulations, and plan provisions  
 8970 | that increase the cost of housing prior to their adoption; and a  
 8971 | schedule for implementing the incentive strategies. Local  
 8972 | housing incentive strategies may also include other regulatory  
 8973 | reforms, such as those enumerated in s. 420.9076 or those  
 8974 | recommended by the affordable housing advisory committee in its  
 8975 | triennial evaluation of the implementation of affordable housing  
 8976 | incentives, and adopted by the local governing body.

8977 |       Section 67. Paragraph (a) of subsection (4) of section  
 8978 | 420.9076, Florida Statutes, is amended to read:

8979 |           420.9076 Adoption of affordable housing incentive  
 8980 | strategies; committees.—

8981 |       (4) Triennially, the advisory committee shall review the  
 8982 | established policies and procedures, ordinances, land  
 8983 | development regulations, and adopted local government  
 8984 | comprehensive plan of the appointing local government and shall

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8985 recommend specific actions or initiatives to encourage or  
 8986 facilitate affordable housing while protecting the ability of  
 8987 the property to appreciate in value. The recommendations may  
 8988 include the modification or repeal of existing policies,  
 8989 procedures, ordinances, regulations, or plan provisions; the  
 8990 creation of exceptions applicable to affordable housing; or the  
 8991 adoption of new policies, procedures, regulations, ordinances,  
 8992 or plan provisions, including recommendations to amend the local  
 8993 government comprehensive plan and corresponding regulations,  
 8994 ordinances, and other policies. At a minimum, each advisory  
 8995 committee shall submit a report to the local governing body that  
 8996 includes recommendations on, and triennially thereafter  
 8997 evaluates the implementation of, affordable housing incentives  
 8998 in the following areas:

8999 (a) The processing of approvals of development orders or  
 9000 permits, as defined in s. 163.3164 ~~(7) and (8)~~, for affordable  
 9001 housing projects is expedited to a greater degree than other  
 9002 projects.

9003  
 9004 The advisory committee recommendations may also include other  
 9005 affordable housing incentives identified by the advisory  
 9006 committee. Local governments that receive the minimum allocation  
 9007 under the State Housing Initiatives Partnership Program shall  
 9008 perform the initial review but may elect to not perform the  
 9009 triennial review.

9010 Section 68. Subsection (1) of section 720.403, Florida  
 9011 Statutes, is amended to read:

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9012           720.403 Preservation of residential communities; revival  
 9013 of declaration of covenants.—

9014           (1) Consistent with required and optional elements of  
 9015 local comprehensive plans and other applicable provisions of the  
 9016 Community Local Government Comprehensive Planning and Land  
 9017 ~~Development Regulation~~ Act, homeowners are encouraged to  
 9018 preserve existing residential communities, promote available and  
 9019 affordable housing, protect structural and aesthetic elements of  
 9020 their residential community, and, as applicable, maintain roads  
 9021 and streets, easements, water and sewer systems, utilities,  
 9022 drainage improvements, conservation and open areas, recreational  
 9023 amenities, and other infrastructure and common areas that serve  
 9024 and support the residential community by the revival of a  
 9025 previous declaration of covenants and other governing documents  
 9026 that may have ceased to govern some or all parcels in the  
 9027 community.

9028           Section 69. Subsection (6) of section 1013.30, Florida  
 9029 Statutes, is amended to read:

9030           1013.30 University campus master plans and campus  
 9031 development agreements.—

9032           (6) Before a campus master plan is adopted, a copy of the  
 9033 draft master plan must be sent for review or made available  
 9034 electronically to the host and any affected local governments,  
 9035 the state land planning agency, the Department of Environmental  
 9036 Protection, the Department of Transportation, the Department of  
 9037 State, the Fish and Wildlife Conservation Commission, and the  
 9038 applicable water management district and regional planning  
 9039 council. At the request of a governmental entity, a hard copy of

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9040 the draft master plan shall be submitted within 7 business days  
9041 of an electronic copy being made available. These agencies must  
9042 be given 90 days after receipt of the campus master plans in  
9043 which to conduct their review and provide comments to the  
9044 university board of trustees. The commencement of this review  
9045 period must be advertised in newspapers of general circulation  
9046 within the host local government and any affected local  
9047 government to allow for public comment. Following receipt and  
9048 consideration of all comments and the holding of an informal  
9049 information session and at least two public hearings within the  
9050 host jurisdiction, the university board of trustees shall adopt  
9051 the campus master plan. It is the intent of the Legislature that  
9052 the university board of trustees comply with the notice  
9053 requirements set forth in s. 163.3184 (11) ~~(15)~~ to ensure full  
9054 public participation in this planning process. The informal  
9055 public information session must be held before the first public  
9056 hearing. The first public hearing shall be held before the draft  
9057 master plan is sent to the agencies specified in this  
9058 subsection. The second public hearing shall be held in  
9059 conjunction with the adoption of the draft master plan by the  
9060 university board of trustees. Campus master plans developed  
9061 under this section are not rules and are not subject to chapter  
9062 120 except as otherwise provided in this section.

9063 Section 70. Section 1013.33, Florida Statutes, is amended  
9064 to read:

9065 1013.33 Coordination of planning with local governing  
9066 bodies.—

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9067 (1) It is the policy of this state to require the  
9068 coordination of planning between boards and local governing  
9069 bodies to ensure that plans for the construction and opening of  
9070 public educational facilities are facilitated and coordinated in  
9071 time and place with plans for residential development,  
9072 concurrently with other necessary services. Such planning shall  
9073 include the integration of the educational facilities plan and  
9074 applicable policies and procedures of a board with the local  
9075 comprehensive plan and land development regulations of local  
9076 governments. The planning must include the consideration of  
9077 allowing students to attend the school located nearest their  
9078 homes when a new housing development is constructed near a  
9079 county boundary and it is more feasible to transport the  
9080 students a short distance to an existing facility in an adjacent  
9081 county than to construct a new facility or transport students  
9082 longer distances in their county of residence. The planning must  
9083 also consider the effects of the location of public education  
9084 facilities, including the feasibility of keeping central city  
9085 facilities viable, in order to encourage central city  
9086 redevelopment and the efficient use of infrastructure and to  
9087 discourage uncontrolled urban sprawl. In addition, all parties  
9088 to the planning process must consult with state and local road  
9089 departments to assist in implementing the Safe Paths to Schools  
9090 program administered by the Department of Transportation.

9091 (2) (a) The school board, county, and nonexempt  
9092 municipalities located within the geographic area of a school  
9093 district shall enter into an interlocal agreement that jointly  
9094 establishes the specific ways in which the plans and processes



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9095 | of the district school board and the local governments are to be  
9096 | coordinated. The interlocal agreements shall be submitted to the  
9097 | state land planning agency and the Office of Educational  
9098 | Facilities in accordance with a schedule published by the state  
9099 | land planning agency.

9100 |         (b) The schedule must establish staggered due dates for  
9101 | submission of interlocal agreements that are executed by both  
9102 | the local government and district school board, commencing on  
9103 | March 1, 2003, and concluding by December 1, 2004, and must set  
9104 | the same date for all governmental entities within a school  
9105 | district. However, if the county where the school district is  
9106 | located contains more than 20 municipalities, the state land  
9107 | planning agency may establish staggered due dates for the  
9108 | submission of interlocal agreements by these municipalities. The  
9109 | schedule must begin with those areas where both the number of  
9110 | districtwide capital-outlay full-time-equivalent students equals  
9111 | 80 percent or more of the current year's school capacity and the  
9112 | projected 5-year student growth rate is 1,000 or greater, or  
9113 | where the projected 5-year student growth rate is 10 percent or  
9114 | greater.

9115 |         (c) If the student population has declined over the 5-year  
9116 | period preceding the due date for submittal of an interlocal  
9117 | agreement by the local government and the district school board,  
9118 | the local government and district school board may petition the  
9119 | state land planning agency for a waiver of one or more of the  
9120 | requirements of subsection (3). The waiver must be granted if  
9121 | the procedures called for in subsection (3) are unnecessary  
9122 | because of the school district's declining school age

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9123 population, considering the district's 5-year work program  
9124 prepared pursuant to s. 1013.35. The state land planning agency  
9125 may modify or revoke the waiver upon a finding that the  
9126 conditions upon which the waiver was granted no longer exist.  
9127 The district school board and local governments must submit an  
9128 interlocal agreement within 1 year after notification by the  
9129 state land planning agency that the conditions for a waiver no  
9130 longer exist.

9131 (d) Interlocal agreements between local governments and  
9132 district school boards adopted pursuant to s. 163.3177 before  
9133 the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be  
9134 updated and executed pursuant to the requirements of subsections  
9135 (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal  
9136 agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must  
9137 be submitted to the state land planning agency within 30 days  
9138 after execution by the parties for review consistent with  
9139 subsections (3) and (4). Local governments and the district  
9140 school board in each school district are encouraged to adopt a  
9141 single interlocal agreement in which all join as parties. The  
9142 state land planning agency shall assemble and make available  
9143 model interlocal agreements meeting the requirements of  
9144 subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments  
9145 and, jointly with the Department of Education, the district  
9146 school boards of the requirements of subsections (2)-(7) ~~(2)-~~  
9147 ~~(9)~~, the dates for compliance, and the sanctions for  
9148 noncompliance. The state land planning agency shall be available  
9149 to informally review proposed interlocal agreements. If the  
9150 state land planning agency has not received a proposed

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9151 interlocal agreement for informal review, the state land  
 9152 planning agency shall, at least 60 days before the deadline for  
 9153 submission of the executed agreement, renotify the local  
 9154 government and the district school board of the upcoming  
 9155 deadline and the potential for sanctions.

9156 (3) At a minimum, the interlocal agreement must address  
 9157 interlocal agreement requirements in s. 163.31777 and, if  
 9158 applicable, s. 163.3180(6) ~~(13)(g), except for exempt local~~  
 9159 ~~governments as provided in s. 163.3177(12)~~, and must address the  
 9160 following issues:

9161 (a) A process by which each local government and the  
 9162 district school board agree and base their plans on consistent  
 9163 projections of the amount, type, and distribution of population  
 9164 growth and student enrollment. The geographic distribution of  
 9165 jurisdiction-wide growth forecasts is a major objective of the  
 9166 process.

9167 (b) A process to coordinate and share information relating  
 9168 to existing and planned public school facilities, including  
 9169 school renovations and closures, and local government plans for  
 9170 development and redevelopment.

9171 (c) Participation by affected local governments with the  
 9172 district school board in the process of evaluating potential  
 9173 school closures, significant renovations to existing schools,  
 9174 and new school site selection before land acquisition. Local  
 9175 governments shall advise the district school board as to the  
 9176 consistency of the proposed closure, renovation, or new site  
 9177 with the local comprehensive plan, including appropriate  
 9178 circumstances and criteria under which a district school board

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9179 | may request an amendment to the comprehensive plan for school  
9180 | siting.

9181 |       (d) A process for determining the need for and timing of  
9182 | onsite and offsite improvements to support new construction,  
9183 | proposed expansion, or redevelopment of existing schools. The  
9184 | process shall address identification of the party or parties  
9185 | responsible for the improvements.

9186 |       (e) A process for the school board to inform the local  
9187 | government regarding the effect of comprehensive plan amendments  
9188 | on school capacity. The capacity reporting must be consistent  
9189 | with laws and rules regarding measurement of school facility  
9190 | capacity and must also identify how the district school board  
9191 | will meet the public school demand based on the facilities work  
9192 | program adopted pursuant to s. 1013.35.

9193 |       (f) Participation of the local governments in the  
9194 | preparation of the annual update to the school board's 5-year  
9195 | district facilities work program and educational plant survey  
9196 | prepared pursuant to s. 1013.35.

9197 |       (g) A process for determining where and how joint use of  
9198 | either school board or local government facilities can be shared  
9199 | for mutual benefit and efficiency.

9200 |       (h) A procedure for the resolution of disputes between the  
9201 | district school board and local governments, which may include  
9202 | the dispute resolution processes contained in chapters 164 and  
9203 | 186.

9204 |       (i) An oversight process, including an opportunity for  
9205 | public participation, for the implementation of the interlocal  
9206 | agreement.

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9207           (4) (a) The Office of Educational Facilities shall submit  
 9208 any comments or concerns regarding the executed interlocal  
 9209 agreement to the state land planning agency within 30 days after  
 9210 receipt of the executed interlocal agreement. The state land  
 9211 planning agency shall review the executed interlocal agreement  
 9212 to determine whether it is consistent with the requirements of  
 9213 subsection (3), the adopted local government comprehensive plan,  
 9214 and other requirements of law. Within 60 days after receipt of  
 9215 an executed interlocal agreement, the state land planning agency  
 9216 shall publish a notice of intent in the Florida Administrative  
 9217 Weekly and shall post a copy of the notice on the agency's  
 9218 Internet site. The notice of intent must state that the  
 9219 interlocal agreement is consistent or inconsistent with the  
 9220 requirements of subsection (3) and this subsection as  
 9221 appropriate.

9222           (b) The state land planning agency's notice is subject to  
 9223 challenge under chapter 120; however, an affected person, as  
 9224 defined in s. 163.3184(1) (a), has standing to initiate the  
 9225 administrative proceeding, and this proceeding is the sole means  
 9226 available to challenge the consistency of an interlocal  
 9227 agreement required by this section with the criteria contained  
 9228 in subsection (3) and this subsection. In order to have  
 9229 standing, each person must have submitted oral or written  
 9230 comments, recommendations, or objections to the local government  
 9231 or the school board before the adoption of the interlocal  
 9232 agreement by the district school board and local government. The  
 9233 district school board and local governments are parties to any  
 9234 such proceeding. In this proceeding, when the state land

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9235 | planning agency finds the interlocal agreement to be consistent  
9236 | with the criteria in subsection (3) and this subsection, the  
9237 | interlocal agreement must be determined to be consistent with  
9238 | subsection (3) and this subsection if the local government's and  
9239 | school board's determination of consistency is fairly debatable.  
9240 | When the state land planning agency finds the interlocal  
9241 | agreement to be inconsistent with the requirements of subsection  
9242 | (3) and this subsection, the local government's and school  
9243 | board's determination of consistency shall be sustained unless  
9244 | it is shown by a preponderance of the evidence that the  
9245 | interlocal agreement is inconsistent.

9246 |       (c) If the state land planning agency enters a final order  
9247 | that finds that the interlocal agreement is inconsistent with  
9248 | the requirements of subsection (3) or this subsection, the state  
9249 | land planning agency shall forward it to the Administration  
9250 | Commission, which may impose sanctions against the local  
9251 | government pursuant to s. 163.3184(11) and may impose sanctions  
9252 | against the district school board by directing the Department of  
9253 | Education to withhold an equivalent amount of funds for school  
9254 | construction available pursuant to ss. 1013.65, 1013.68,  
9255 | 1013.70, and 1013.72.

9256 |       (5) If an executed interlocal agreement is not timely  
9257 | submitted to the state land planning agency for review, the  
9258 | state land planning agency shall, within 15 working days after  
9259 | the deadline for submittal, issue to the local government and  
9260 | the district school board a notice to show cause why sanctions  
9261 | should not be imposed for failure to submit an executed  
9262 | interlocal agreement by the deadline established by the agency.

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9263 The agency shall forward the notice and the responses to the  
 9264 Administration Commission, which may enter a final order citing  
 9265 the failure to comply and imposing sanctions against the local  
 9266 government and district school board by directing the  
 9267 appropriate agencies to withhold at least 5 percent of state  
 9268 funds pursuant to s. 163.3184(11) and by directing the  
 9269 Department of Education to withhold from the district school  
 9270 board at least 5 percent of funds for school construction  
 9271 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
 9272 1013.72.

9273 (6) Any local government transmitting a public school  
 9274 element to implement school concurrency pursuant to the  
 9275 requirements of s. 163.3180 before the effective date of this  
 9276 section is not required to amend the element or any interlocal  
 9277 agreement to conform with the provisions of subsections (2)-(6)  
 9278 ~~(2)-(8)~~ if the element is adopted prior to or within 1 year  
 9279 after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and  
 9280 remains in effect.

9281 ~~(7) Except as provided in subsection (8), municipalities~~  
 9282 ~~meeting the exemption criteria in s. 163.3177(12) are exempt~~  
 9283 ~~from the requirements of subsections (2), (3), and (4).~~

9284 ~~(8) At the time of the evaluation and appraisal report,~~  
 9285 ~~each exempt municipality shall assess the extent to which it~~  
 9286 ~~continues to meet the criteria for exemption under s.~~  
 9287 ~~163.3177(12). If the municipality continues to meet these~~  
 9288 ~~criteria, the municipality shall continue to be exempt from the~~  
 9289 ~~interlocal agreement requirement. Each municipality exempt under~~  
 9290 ~~s. 163.3177(12) must comply with the provisions of subsections~~

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9291 ~~(2)-(8) within 1 year after the district school board proposes,~~  
 9292 ~~in its 5-year district facilities work program, a new school~~  
 9293 ~~within the municipality's jurisdiction.~~

9294 (7)~~(9)~~ A board and the local governing body must share and  
 9295 coordinate information related to existing and planned school  
 9296 facilities; proposals for development, redevelopment, or  
 9297 additional development; and infrastructure required to support  
 9298 the school facilities, concurrent with proposed development. A  
 9299 school board shall use information produced by the demographic,  
 9300 revenue, and education estimating conferences pursuant to s.  
 9301 216.136 when preparing the district educational facilities plan  
 9302 pursuant to s. 1013.35, as modified and agreed to by the local  
 9303 governments, when provided by interlocal agreement, and the  
 9304 Office of Educational Facilities, in consideration of local  
 9305 governments' population projections, to ensure that the district  
 9306 educational facilities plan not only reflects enrollment  
 9307 projections but also considers applicable municipal and county  
 9308 growth and development projections. The projections must be  
 9309 apportioned geographically with assistance from the local  
 9310 governments using local government trend data and the school  
 9311 district student enrollment data. A school board is precluded  
 9312 from siting a new school in a jurisdiction where the school  
 9313 board has failed to provide the annual educational facilities  
 9314 plan for the prior year required pursuant to s. 1013.35 unless  
 9315 the failure is corrected.

9316 (8)~~(10)~~ The location of educational facilities shall be  
 9317 consistent with the comprehensive plan of the appropriate local  
 9318 governing body developed under part II of chapter 163 and



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9319 consistent with the plan's implementing land development  
 9320 regulations.

9321 (9)~~(11)~~ To improve coordination relative to potential  
 9322 educational facility sites, a board shall provide written notice  
 9323 to the local government that has regulatory authority over the  
 9324 use of the land consistent with an interlocal agreement entered  
 9325 pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior  
 9326 to acquiring or leasing property that may be used for a new  
 9327 public educational facility. The local government, upon receipt  
 9328 of this notice, shall notify the board within 45 days if the  
 9329 site proposed for acquisition or lease is consistent with the  
 9330 land use categories and policies of the local government's  
 9331 comprehensive plan. This preliminary notice does not constitute  
 9332 the local government's determination of consistency pursuant to  
 9333 subsection (10) ~~(12)~~.

9334 (10)~~(12)~~ As early in the design phase as feasible and  
 9335 consistent with an interlocal agreement entered pursuant to  
 9336 subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before  
 9337 commencing construction, the district school board shall in  
 9338 writing request a determination of consistency with the local  
 9339 government's comprehensive plan. The local governing body that  
 9340 regulates the use of land shall determine, in writing within 45  
 9341 days after receiving the necessary information and a school  
 9342 board's request for a determination, whether a proposed  
 9343 educational facility is consistent with the local comprehensive  
 9344 plan and consistent with local land development regulations. If  
 9345 the determination is affirmative, school construction may  
 9346 commence and further local government approvals are not

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9347 required, except as provided in this section. Failure of the  
 9348 local governing body to make a determination in writing within  
 9349 90 days after a district school board's request for a  
 9350 determination of consistency shall be considered an approval of  
 9351 the district school board's application. Campus master plans and  
 9352 development agreements must comply with the provisions of ss.  
 9353 1013.30 and 1013.63.

9354 (11) ~~(13)~~ A local governing body may not deny the site  
 9355 applicant based on adequacy of the site plan as it relates  
 9356 solely to the needs of the school. If the site is consistent  
 9357 with the comprehensive plan's land use policies and categories  
 9358 in which public schools are identified as allowable uses, the  
 9359 local government may not deny the application but it may impose  
 9360 reasonable development standards and conditions in accordance  
 9361 with s. 1013.51(1) and consider the site plan and its adequacy  
 9362 as it relates to environmental concerns, health, safety and  
 9363 welfare, and effects on adjacent property. Standards and  
 9364 conditions may not be imposed which conflict with those  
 9365 established in this chapter or the Florida Building Code, unless  
 9366 mutually agreed and consistent with the interlocal agreement  
 9367 required by subsections (2)-(6) ~~(2)-(8)~~.

9368 (12) ~~(14)~~ This section does not prohibit a local governing  
 9369 body and district school board from agreeing and establishing an  
 9370 alternative process for reviewing a proposed educational  
 9371 facility and site plan, and offsite impacts, pursuant to an  
 9372 interlocal agreement adopted in accordance with subsections (2)-  
 9373 (6) ~~(2)-(8)~~.

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9374            (13)~~(15)~~ Existing schools shall be considered consistent  
 9375 with the applicable local government comprehensive plan adopted  
 9376 under part II of chapter 163. If a board submits an application  
 9377 to expand an existing school site, the local governing body may  
 9378 impose reasonable development standards and conditions on the  
 9379 expansion only, and in a manner consistent with s. 1013.51(1).  
 9380 Standards and conditions may not be imposed which conflict with  
 9381 those established in this chapter or the Florida Building Code,  
 9382 unless mutually agreed. Local government review or approval is  
 9383 not required for:

9384            (a) The placement of temporary or portable classroom  
 9385 facilities; or

9386            (b) Proposed renovation or construction on existing school  
 9387 sites, with the exception of construction that changes the  
 9388 primary use of a facility, includes stadiums, or results in a  
 9389 greater than 5 percent increase in student capacity, or as  
 9390 mutually agreed upon, pursuant to an interlocal agreement  
 9391 adopted in accordance with subsections (2)~~(6)~~~~(8)~~.

9392            Section 71. Paragraph (b) of subsection (2) of section  
 9393 1013.35, Florida Statutes, is amended to read:

9394            1013.35 School district educational facilities plan;  
 9395 definitions; preparation, adoption, and amendment; long-term  
 9396 work programs.—

9397            (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
 9398 FACILITIES PLAN.—

9399            (b) The plan must also include a financially feasible  
 9400 district facilities work program for a 5-year period. The work  
 9401 program must include:

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9402 1. A schedule of major repair and renovation projects  
 9403 necessary to maintain the educational facilities and ancillary  
 9404 facilities of the district.

9405 2. A schedule of capital outlay projects necessary to  
 9406 ensure the availability of satisfactory student stations for the  
 9407 projected student enrollment in K-12 programs. This schedule  
 9408 shall consider:

9409 a. The locations, capacities, and planned utilization  
 9410 rates of current educational facilities of the district. The  
 9411 capacity of existing satisfactory facilities, as reported in the  
 9412 Florida Inventory of School Houses must be compared to the  
 9413 capital outlay full-time-equivalent student enrollment as  
 9414 determined by the department, including all enrollment used in  
 9415 the calculation of the distribution formula in s. 1013.64.

9416 b. The proposed locations of planned facilities, whether  
 9417 those locations are consistent with the comprehensive plans of  
 9418 all affected local governments, and recommendations for  
 9419 infrastructure and other improvements to land adjacent to  
 9420 existing facilities. The provisions of ss. 1013.33(10), (11),  
 9421 and (12), ~~(13), and (14)~~ and 1013.36 must be addressed for new  
 9422 facilities planned within the first 3 years of the work plan, as  
 9423 appropriate.

9424 c. Plans for the use and location of relocatable  
 9425 facilities, leased facilities, and charter school facilities.

9426 d. Plans for multitrack scheduling, grade level  
 9427 organization, block scheduling, or other alternatives that  
 9428 reduce the need for additional permanent student stations.

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9429 e. Information concerning average class size and  
9430 utilization rate by grade level within the district which will  
9431 result if the tentative district facilities work program is  
9432 fully implemented.

9433 f. The number and percentage of district students planned  
9434 to be educated in relocatable facilities during each year of the  
9435 tentative district facilities work program. For determining  
9436 future needs, student capacity may not be assigned to any  
9437 relocatable classroom that is scheduled for elimination or  
9438 replacement with a permanent educational facility in the current  
9439 year of the adopted district educational facilities plan and in  
9440 the district facilities work program adopted under this section.  
9441 Those relocatable classrooms clearly identified and scheduled  
9442 for replacement in a school-board-adopted, financially feasible,  
9443 5-year district facilities work program shall be counted at zero  
9444 capacity at the time the work program is adopted and approved by  
9445 the school board. However, if the district facilities work  
9446 program is changed and the relocatable classrooms are not  
9447 replaced as scheduled in the work program, the classrooms must  
9448 be reentered into the system and be counted at actual capacity.  
9449 Relocatable classrooms may not be perpetually added to the work  
9450 program or continually extended for purposes of circumventing  
9451 this section. All relocatable classrooms not identified and  
9452 scheduled for replacement, including those owned, lease-  
9453 purchased, or leased by the school district, must be counted at  
9454 actual student capacity. The district educational facilities  
9455 plan must identify the number of relocatable student stations

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9456 | scheduled for replacement during the 5-year survey period and  
 9457 | the total dollar amount needed for that replacement.

9458 |       g. Plans for the closure of any school, including plans  
 9459 | for disposition of the facility or usage of facility space, and  
 9460 | anticipated revenues.

9461 |       h. Projects for which capital outlay and debt service  
 9462 | funds accruing under s. 9(d), Art. XII of the State Constitution  
 9463 | are to be used shall be identified separately in priority order  
 9464 | on a project priority list within the district facilities work  
 9465 | program.

9466 |       3. The projected cost for each project identified in the  
 9467 | district facilities work program. For proposed projects for new  
 9468 | student stations, a schedule shall be prepared comparing the  
 9469 | planned cost and square footage for each new student station, by  
 9470 | elementary, middle, and high school levels, to the low, average,  
 9471 | and high cost of facilities constructed throughout the state  
 9472 | during the most recent fiscal year for which data is available  
 9473 | from the Department of Education.

9474 |       4. A schedule of estimated capital outlay revenues from  
 9475 | each currently approved source which is estimated to be  
 9476 | available for expenditure on the projects included in the  
 9477 | district facilities work program.

9478 |       5. A schedule indicating which projects included in the  
 9479 | district facilities work program will be funded from current  
 9480 | revenues projected in subparagraph 4.

9481 |       6. A schedule of options for the generation of additional  
 9482 | revenues by the district for expenditure on projects identified  
 9483 | in the district facilities work program which are not funded

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9484 | under subparagraph 5. Additional anticipated revenues may  
 9485 | include effort index grants, SIT Program awards, and Classrooms  
 9486 | First funds.

9487 |       Section 72. Rules 9J-5 and 9J-11.023, Florida  
 9488 | Administrative Code, are repealed, and the Department of State  
 9489 | is directed to remove those rules from the Florida  
 9490 | Administrative Code.

9491 |       Section 73. (1) Any permit or any other authorization  
 9492 | that was extended under section 14 of chapter 2009-96, Laws of  
 9493 | Florida, as reauthorized by section 47 of chapter 2010-147, Laws  
 9494 | of Florida, is extended and renewed for an additional period of  
 9495 | 2 years after its previously scheduled expiration date. This  
 9496 | extension is in addition to the 2-year permit extension provided  
 9497 | under section 14 of chapter 2009-96, Laws of Florida, as  
 9498 | reauthorized by section 47 of chapter 2010-147, Laws of Florida.  
 9499 | This section does not prohibit conversion from the construction  
 9500 | phase to the operation phase upon completion of construction.  
 9501 | Permits that were extended by a total of 4 years pursuant to  
 9502 | section 14 of chapter 2009-96, Laws of Florida, as reauthorized  
 9503 | by section 47 of chapter 2010-147, Laws of Florida, and by  
 9504 | section 46 of chapter 2010-147, Laws of Florida, cannot be  
 9505 | further extended under this provision.

9506 |       (2) The commencement and completion dates for any required  
 9507 | mitigation associated with a phased construction project shall  
 9508 | be extended such that mitigation takes place in the same  
 9509 | timeframe relative to the phase as originally permitted.

9510 |       (3) The holder of a valid permit or other authorization  
 9511 | that is eligible for the 2-year extension shall notify the

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9512 authorizing agency in writing by December 31, 2011, identifying  
 9513 the specific authorization for which the holder intends to use  
 9514 the extension and the anticipated timeframe for acting on the  
 9515 authorization.

9516 (4) The extension provided for in subsection (1) does not  
 9517 apply to:

9518 (a) A permit or other authorization under any programmatic  
 9519 or regional general permit issued by the Army Corps of  
 9520 Engineers.

9521 (b) A permit or other authorization held by an owner or  
 9522 operator determined to be in significant noncompliance with the  
 9523 conditions of the permit or authorization as established through  
 9524 the issuance of a warning letter or notice of violation, the  
 9525 initiation of formal enforcement, or other equivalent action by  
 9526 the authorizing agency.

9527 (c) A permit or other authorization, if granted an  
 9528 extension, that would delay or prevent compliance with a court  
 9529 order.

9530 (5) Permits extended under this section shall continue to  
 9531 be governed by rules in effect at the time the permit was  
 9532 issued, except if it is demonstrated that the rules in effect at  
 9533 the time the permit was issued would create an immediate threat  
 9534 to public safety or health. This subsection applies to any  
 9535 modification of the plans, terms, and conditions of the permit  
 9536 that lessens the environmental impact, except that any such  
 9537 modification may not extend the time limit beyond 2 additional  
 9538 years.



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9539           (6) This section does not impair the authority of a county  
 9540 or municipality to require the owner of a property that has  
 9541 notified the county or municipality of the owner's intention to  
 9542 receive the extension of time granted pursuant to this section  
 9543 to maintain and secure the property in a safe and sanitary  
 9544 condition in compliance with applicable laws and ordinances.

9545           Section 74. (1) The state land planning agency, within 60  
 9546 days after the effective date of this act, shall review any  
 9547 administrative or judicial proceeding filed by the agency and  
 9548 pending on the effective date of this act to determine whether  
 9549 the issues raised by the state land planning agency are  
 9550 consistent with the revised provisions of part II of chapter  
 9551 163, Florida Statutes. For each proceeding, if the agency  
 9552 determines that issues have been raised that are not consistent  
 9553 with the revised provisions of part II of chapter 163, Florida  
 9554 Statutes, the agency shall dismiss the proceeding. If the state  
 9555 land planning agency determines that one or more issues have  
 9556 been raised that are consistent with the revised provisions of  
 9557 part II of chapter 163, Florida Statutes, the agency shall amend  
 9558 its petition within 30 days after the determination to plead  
 9559 with particularity as to the manner in which the plan or plan  
 9560 amendment fails to meet the revised provisions of part II of  
 9561 chapter 163, Florida Statutes. If the agency fails to timely  
 9562 file such amended petition, the proceeding shall be dismissed.

9563           (2) In all proceedings that were initiated by the state  
 9564 land planning agency before the effective date of this act, and  
 9565 continue after that date, the local government's determination  
 9566 that the comprehensive plan or plan amendment is in compliance

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9567 is presumed to be correct, and the local government's  
 9568 determination shall be sustained unless it is shown by a  
 9569 preponderance of the evidence that the comprehensive plan or  
 9570 plan amendment is not in compliance.

9571 Section 75. All local governments shall be governed by the  
 9572 revised provisions of s. 163.3191, Florida Statutes,  
 9573 notwithstanding a local government's previous failure to timely  
 9574 adopt its evaluation and appraisal report or evaluation and  
 9575 appraisal report-based amendments by the due dates previously  
 9576 established by the state land planning agency.

9577 Section 76. A comprehensive plan amendment adopted  
 9578 pursuant to s. 163.32465, Florida Statutes, subject to voter  
 9579 referendum by local charter, and found in compliance before the  
 9580 effective date of this act, may be readopted by ordinance, shall  
 9581 become effective upon approval by the local government, and is  
 9582 not subject to review or challenge pursuant to the provisions of  
 9583 s. 163.32465 or s. 163.3184, Florida Statutes.

9584 Section 77. The Department of Transportation shall develop  
 9585 and submit to the President of the Senate and the Speaker of the  
 9586 House of Representatives, no later than December 15, 2011, a  
 9587 report on recommended changes to or alternatives to the  
 9588 calculation of the proportionate share contribution in s.  
 9589 163.3180(5)(h)3., Florida Statutes. The department's  
 9590 recommendations, if any, shall be designed to ensure development  
 9591 contributions to mitigate impacts on the transportation system  
 9592 are assessed in predictable, equitable and fair manner and shall  
 9593 be developed in consultation with developers and representatives  
 9594 of local governments.

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9595           Section 78. If any provision of this act or its  
9596 application to any person or circumstance is held invalid, the  
9597 invalidity does not affect other provisions or applications of  
9598 this act which can be given effect without the invalid provision  
9599 or application, and to this end the provisions of this act are  
9600 severable.

9601           Section 79. (1) Except as provided in subsection (4), and  
9602 in recognition of 2011 real estate market conditions, any  
9603 building permit, and any permit issued by the Department of  
9604 Environmental Protection or by a water management district  
9605 pursuant to part IV of chapter 373, Florida Statutes, which has  
9606 an expiration date from January 1, 2012, through January 1,  
9607 2014, is extended and renewed for a period of 2 years after its  
9608 previously scheduled date of expiration. This extension includes  
9609 any local government-issued development order or building permit  
9610 including certificates of levels of service. This section does  
9611 not prohibit conversion from the construction phase to the  
9612 operation phase upon completion of construction. This extension  
9613 is in addition to any existing permit extension. Extensions  
9614 granted pursuant to this section; section 14 of chapter 2009-96,  
9615 Laws of Florida, as reauthorized by section 47 of chapter 2010-  
9616 147, Laws of Florida; section 46 of chapter 2010-147, Laws of  
9617 Florida; or section 74 of this act shall not exceed 4 years in  
9618 total. Further, specific development order extensions granted  
9619 pursuant to s. 380.06(19)(c)2., Florida Statutes, cannot be  
9620 further extended by this section.

9621           (2) The commencement and completion dates for any required  
9622 mitigation associated with a phased construction project are

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9623 extended so that mitigation takes place in the same timeframe  
 9624 relative to the phase as originally permitted.

9625 (3) The holder of a valid permit or other authorization  
 9626 that is eligible for the 2-year extension must notify the  
 9627 authorizing agency in writing by December 31, 2011, identifying  
 9628 the specific authorization for which the holder intends to use  
 9629 the extension and the anticipated timeframe for acting on the  
 9630 authorization.

9631 (4) The extension provided for in subsection (1) does not  
 9632 apply to:

9633 (a) A permit or other authorization under any programmatic  
 9634 or regional general permit issued by the Army Corps of  
 9635 Engineers.

9636 (b) A permit or other authorization held by an owner or  
 9637 operator determined to be in significant noncompliance with the  
 9638 conditions of the permit or authorization as established through  
 9639 the issuance of a warning letter or notice of violation, the  
 9640 initiation of formal enforcement, or other equivalent action by  
 9641 the authorizing agency.

9642 (c) A permit or other authorization, if granted an  
 9643 extension that would delay or prevent compliance with a court  
 9644 order.

9645 (5) Permits extended under this section shall continue to  
 9646 be governed by the rules in effect at the time the permit was  
 9647 issued, except if it is demonstrated that the rules in effect at  
 9648 the time the permit was issued would create an immediate threat  
 9649 to public safety or health. This provision applies to any  
 9650 modification of the plans, terms, and conditions of the permit

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9651 which lessens the environmental impact, except that any such  
9652 modification does not extend the time limit beyond 2 additional  
9653 years.

9654 (6) This section does not impair the authority of a county  
9655 or municipality to require the owner of a property that has  
9656 notified the county or municipality of the owner's intent to  
9657 receive the extension of time granted pursuant to this section  
9658 to maintain and secure the property in a safe and sanitary  
9659 condition in compliance with applicable laws and ordinances.

9660 Section 80. The Division of Statutory Revision is directed  
9661 to replace the phrase "the effective date of this act" wherever  
9662 it occurs in this act with the date this act becomes a law.

9663 Section 81. This act shall take effect upon becoming a  
9664 law.