



448486

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

Senate Amendment

Delete lines 418 - 566
and insert:

10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or



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12 governmental agency specified in subparagraph 1. may provide
13 comments regarding the amendment or amendments to the local
14 government. State agencies shall only comment on important state
15 resources and facilities that will be adversely impacted by the
16 amendment if adopted. Comments provided by state agencies shall
17 state with specificity how the plan amendment will adversely
18 impact an important state resource or facility and shall
19 identify measures the local government may take to eliminate,
20 reduce, or mitigate the adverse impacts. Such comments, if not
21 resolved, may result in a challenge by the state land planning
22 agency to the plan amendment. Agencies and local governments
23 must transmit their comments to the affected local government
24 such that they are received by the local government not later
25 than 30 days after ~~from~~ the date on which the agency or
26 government received the amendment or amendments. Reviewing
27 agencies shall also send a copy of their comments to the state
28 land planning agency.

29 3. Comments to the local government from a regional
30 planning council, county, or municipality shall be limited as
31 follows:

32 a. The regional planning council review and comments shall
33 be limited to adverse effects on regional resources or
34 facilities identified in the strategic regional policy plan and
35 extrajurisdictional impacts that would be inconsistent with the
36 comprehensive plan of any affected local government within the
37 region. A regional planning council may not review and comment
38 on a proposed comprehensive plan amendment prepared by such
39 council unless the plan amendment has been changed by the local
40 government subsequent to the preparation of the plan amendment



41 by the regional planning council.

42 b. County comments shall be in the context of the
43 relationship and effect of the proposed plan amendments on the
44 county plan.

45 c. Municipal comments shall be in the context of the
46 relationship and effect of the proposed plan amendments on the
47 municipal plan.

48 d. Military installation comments shall be provided in
49 accordance with s. 163.3175.

50 4. Comments to the local government from state agencies
51 shall be limited to the following subjects as they relate to
52 important state resources and facilities that will be adversely
53 impacted by the amendment if adopted:

54 a. The Department of Environmental Protection shall limit
55 its comments to the subjects of air and water pollution;
56 wetlands and other surface waters of the state; federal and
57 state-owned lands and interest in lands, including state parks,
58 greenways and trails, and conservation easements; solid waste;
59 water and wastewater treatment; and the Everglades ecosystem
60 restoration.

61 b. The Department of State shall limit its comments to the
62 subjects of historic and archaeological resources.

63 c. The Department of Transportation shall limit its
64 comments to issues within the agency's jurisdiction as it
65 relates to transportation resources and facilities of state
66 importance.

67 d. The Fish and Wildlife Conservation Commission shall
68 limit its comments to subjects relating to fish and wildlife
69 habitat and listed species and their habitat.



70 e. The Department of Agriculture and Consumer Services
71 shall limit its comments to the subjects of agriculture,
72 forestry, and aquaculture issues.

73 f. The Department of Education shall limit its comments to
74 the subject of public school facilities.

75 g. The appropriate water management district shall limit
76 its comments to flood protection and floodplain management,
77 wetlands and other surface waters, and regional water supply.

78 h. The state land planning agency shall limit its comments
79 to important state resources and facilities outside the
80 jurisdiction of other commenting state agencies and may include
81 comments on countervailing planning policies and objectives
82 served by the plan amendment that should be balanced against
83 potential adverse impacts to important state resources and
84 facilities.

85 (c)1. The local government shall hold its second public
86 hearing, which shall be a hearing on whether to adopt one or
87 more comprehensive plan amendments pursuant to subsection (11).
88 If the local government fails, within 180 days after receipt of
89 agency comments, to hold the second public hearing, the
90 amendments shall be deemed withdrawn unless extended by
91 agreement with notice to the state land planning agency and any
92 affected person that provided comments on the amendment. The
93 180-day limitation does not apply to amendments processed
94 pursuant to s. 380.06.

95 2. All comprehensive plan amendments adopted by the
96 governing body, along with the supporting data and analysis,
97 shall be transmitted within 10 working days after the second
98 public hearing to the state land planning agency and any other



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99 agency or local government that provided timely comments under
100 subparagraph (b)2.

101 3. The state land planning agency shall notify the local
102 government of any deficiencies within 5 working days after
103 receipt of an amendment package. For purposes of completeness,
104 an amendment shall be deemed complete if it contains a full,
105 executed copy of the adoption ordinance or ordinances; in the
106 case of a text amendment, a full copy of the amended language in
107 legislative format with new words inserted in the text
108 underlined, and words deleted stricken with hyphens; in the case
109 of a future land use map amendment, a copy of the future land
110 use map clearly depicting the parcel, its existing future land
111 use designation, and its adopted designation; and a copy of any
112 data and analyses the local government deems appropriate.

113 4. An amendment adopted under this paragraph does not
114 become effective until 31 days after the state land planning
115 agency notifies the local government that the plan amendment
116 package is complete. If timely challenged, an amendment does not
117 become effective until the state land planning agency or the
118 Administration Commission enters a final order determining the
119 adopted amendment to be in compliance.

120 (4) STATE COORDINATED REVIEW PROCESS.—

121 (b) Local government transmittal of proposed plan or
122 amendment.—Each local governing body proposing a plan or plan
123 amendment specified in paragraph (2)(c) shall transmit the
124 complete proposed comprehensive plan or plan amendment to the
125 reviewing agencies within 10 working days after ~~immediately~~
126 ~~following~~ the first public hearing pursuant to subsection (11).
127 The transmitted document shall clearly indicate on the cover



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128 sheet that this plan amendment is subject to the state
129 coordinated review process of this subsection. The local
130 governing body shall also transmit a copy of the complete
131 proposed comprehensive plan or plan amendment to any other unit
132 of local government or government agency in the state that has
133 filed a written request with the governing body for the plan or
134 plan amendment.

135 (e) Local government review of comments; adoption of plan
136 or amendments and transmittal.—

137 1. The local government shall review the report submitted
138 to it by the state land planning agency, if any, and written
139 comments submitted to it by any other person, agency, or
140 government. The local government, upon receipt of the report
141 from the state land planning agency, shall hold its second
142 public hearing, which shall be a hearing to determine whether to
143 adopt the comprehensive plan or one or more comprehensive plan
144 amendments pursuant to subsection (11). If the local government
145 fails to hold the second hearing within 180 days after receipt
146 of the state land planning agency's report, the amendments shall
147 be deemed withdrawn unless extended by agreement with notice to
148 the state land planning agency and any affected person that
149 provided comments on the amendment. The 180-day limitation does
150 not apply to amendments processed pursuant to s. 380.06.

151 2. All comprehensive plan amendments adopted by the
152 governing body, along with the supporting data and analysis,
153 shall be transmitted within 10 working days after the second