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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 (with directory and title amendments)

Delete lines 168 - 229
and insert:

(1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to



12 ensure comprehensive plans are implemented. The sections of the
13 comprehensive plan containing the principles and strategies,
14 generally provided as goals, objectives, and policies, shall
15 describe how the local government's programs, activities, and
16 land development regulations will be initiated, modified, or
17 continued to implement the comprehensive plan in a consistent
18 manner. It is not the intent of this part to require the
19 inclusion of implementing regulations in the comprehensive plan
20 but rather to require identification of those programs,
21 activities, and land development regulations that will be part
22 of the strategy for implementing the comprehensive plan and the
23 principles that describe how the programs, activities, and land
24 development regulations will be carried out. The plan shall
25 establish meaningful and predictable standards for the use and
26 development of land and provide meaningful guidelines for the
27 content of more detailed land development and use regulations.

28 (f) All mandatory and optional elements of the
29 comprehensive plan and plan amendments shall be based upon
30 relevant and appropriate data and an analysis by the local
31 government that may include, but not be limited to, surveys,
32 studies, community goals and vision, and other data available at
33 the time of adoption of the comprehensive plan or plan
34 amendment. To be based on data means to react to it in an
35 appropriate way and to the extent necessary indicated by the
36 data available on that particular subject at the time of
37 adoption of the plan or plan amendment at issue.

38 1. Surveys, studies, and data utilized in the preparation
39 of the comprehensive plan may not be deemed a part of the
40 comprehensive plan unless adopted as a part of it. Copies of



41 such studies, surveys, data, and supporting documents for
42 proposed plans and plan amendments shall be made available for
43 public inspection, and copies of such plans shall be made
44 available to the public upon payment of reasonable charges for
45 reproduction. Support data or summaries are not subject to the
46 compliance review process, but the comprehensive plan must be
47 clearly based on appropriate data. Support data or summaries may
48 be used to aid in the determination of compliance and
49 consistency.

50 2. Data must be taken from professionally accepted sources.
51 The application of a methodology utilized in data collection or
52 whether a particular methodology is professionally accepted may
53 be evaluated. However, the evaluation may not include whether
54 one accepted methodology is better than another. Original data
55 collection by local governments is not required. However, local
56 governments may use original data so long as methodologies are
57 professionally accepted.

58 3. The comprehensive plan shall be based upon permanent and
59 seasonal population estimates and projections, which shall
60 either be those published ~~provided~~ by the Office of Economic and
61 Demographic Research ~~University of Florida's Bureau of Economic~~
62 ~~and Business Research~~ or generated by the local government based
63 upon a professionally acceptable methodology. The plan must be
64 based on at least the minimum amount of land required to
65 accommodate the medium projections as published by the Office of
66 Economic and Demographic Research ~~of the University of Florida's~~
67 ~~Bureau of Economic and Business Research~~ for at least a 10-year
68 planning period unless otherwise limited under s. 380.05,
69 including related rules of the Administration Commission. Absent



70 physical limitations on population growth, population
71 projections for each municipality and the unincorporated area
72 within a county must, at a minimum, be reflective of each area's
73 proportional share of the total county population and the total
74 county population growth.

75 (6) In addition to the requirements of subsections (1)-(5),
76 the comprehensive plan shall include the following elements:

77 (a) A future land use plan element designating proposed
78 future general distribution, location, and extent of the uses of
79 land for residential uses, commercial uses, industry,
80 agriculture, recreation, conservation, education, public
81 facilities, and other categories of the public and private uses
82 of land. The approximate acreage and the general range of
83 density or intensity of use shall be provided for the gross land
84 area included in each existing land use category. The element
85 shall establish the long-term end toward which land use programs
86 and activities are ultimately directed.

87 1. Each future land use category must be defined in terms
88 of uses included, and must include standards to be followed in
89 the control and distribution of population densities and
90 building and structure intensities. The proposed distribution,
91 location, and extent of the various categories of land use shall
92 be shown on a land use map or map series which shall be
93 supplemented by goals, policies, and measurable objectives.

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

97 a. The amount of land required to accommodate anticipated
98 growth.



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99 b. The projected permanent and seasonal population of the
100 area.

101 c. The character of undeveloped land.

102 d. The availability of water supplies, public facilities,
103 and services.

104 e. The need for redevelopment, including the renewal of
105 blighted areas and the elimination of nonconforming uses which
106 are inconsistent with the character of the community.

107 f. The compatibility of uses on lands adjacent to or
108 closely proximate to military installations.

109 g. The compatibility of uses on lands adjacent to an
110 airport as defined in s. 330.35 and consistent with s. 333.02.

111 h. The discouragement of urban sprawl.

112 i. The need for job creation, capital investment, and
113 economic development that will strengthen and diversify the
114 community's economy.

115 j. The need to modify land uses and development patterns
116 within antiquated subdivisions.

117 3. The future land use plan element shall include criteria
118 to be used to:

119 a. Achieve the compatibility of lands adjacent or closely
120 proximate to military installations, considering factors
121 identified in s. 163.3175(5).

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

124 c. Encourage preservation of recreational and commercial
125 working waterfronts for water-dependent uses in coastal
126 communities.

127 d. Encourage the location of schools proximate to urban



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- 128 residential areas to the extent possible.
- 129 e. Coordinate future land uses with the topography and soil
130 conditions, and the availability of facilities and services.
- 131 f. Ensure the protection of natural and historic resources.
- 132 g. Provide for the compatibility of adjacent land uses.
- 133 h. Provide guidelines for the implementation of mixed-use
134 development including the types of uses allowed, the percentage
135 distribution among the mix of uses, or other standards, and the
136 density and intensity of each use.
- 137 4. The amount of land designated for future planned uses
138 shall provide a balance of uses that foster vibrant, viable
139 communities and economic development opportunities and address
140 outdated development patterns, such as antiquated subdivisions.
141 The amount of land designated for future land uses should allow
142 the operation of real estate markets to provide adequate choices
143 for permanent and seasonal residents and business and may not be
144 limited solely by the projected population. The element shall
145 accommodate at least the minimum amount of land required to
146 accommodate the medium projections as published by the Office of
147 Economic and Demographic Research ~~of the University of Florida's~~
148 ~~Bureau of Economic and Business Research~~ for at least a 10-year
149 planning period unless otherwise limited under s. 380.05,
150 including related rules of the Administration Commission.
- 151 5. The future land use plan of a county may designate areas
152 for possible future municipal incorporation.
- 153 6. The land use maps or map series shall generally identify
154 and depict historic district boundaries and shall designate
155 historically significant properties meriting protection.
- 156 7. The future land use element must clearly identify the



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157 land use categories in which public schools are an allowable
158 use. When delineating the land use categories in which public
159 schools are an allowable use, a local government shall include
160 in the categories sufficient land proximate to residential
161 development to meet the projected needs for schools in
162 coordination with public school boards and may establish
163 differing criteria for schools of different type or size. Each
164 local government shall include lands contiguous to existing
165 school sites, to the maximum extent possible, within the land
166 use categories in which public schools are an allowable use.

167 8. Future land use map amendments shall be based upon the
168 following analyses:

169 a. An analysis of the availability of facilities and
170 services.

171 b. An analysis of the suitability of the plan amendment for
172 its proposed use considering the character of the undeveloped
173 land, soils, topography, natural resources, and historic
174 resources on site.

175 c. An analysis of the minimum amount of land needed to
176 achieve the goals and requirements of this section ~~as determined~~
177 ~~by the local government.~~

178 9. The future land use element and any amendment to the
179 future land use element shall discourage the proliferation of
180 urban sprawl.

181 a. The primary indicators that a plan or plan amendment
182 does not discourage the proliferation of urban sprawl are listed
183 below. The evaluation of the presence of these indicators shall
184 consist of an analysis of the plan or plan amendment within the
185 context of features and characteristics unique to each locality



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186 in order to determine whether the plan or plan amendment:

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

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

194 (III) Promotes, allows, or designates urban development in
195 radial, strip, isolated, or ribbon patterns generally emanating
196 from existing urban developments.

197 (IV) Fails to adequately protect and conserve natural
198 resources, such as wetlands, floodplains, native vegetation,
199 environmentally sensitive areas, natural groundwater aquifer
200 recharge areas, lakes, rivers, shorelines, beaches, bays,
201 estuarine systems, and other significant natural systems.

202 (V) Fails to adequately protect adjacent agricultural areas
203 and activities, including silviculture, active agricultural and
204 silvicultural activities, passive agricultural activities, and
205 dormant, unique, and prime farmlands and soils.

206 (VI) Fails to maximize use of existing public facilities
207 and services.

208 (VII) Fails to maximize use of future public facilities and
209 services.

210 (VIII) Allows for land use patterns or timing which
211 disproportionately increase the cost in time, money, and energy
212 of providing and maintaining facilities and services, including
213 roads, potable water, sanitary sewer, stormwater management, law
214 enforcement, education, health care, fire and emergency



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215 response, and general government.

216 (IX) Fails to provide a clear separation between rural and
217 urban uses.

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

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

221 (XII) Results in poor accessibility among linked or related
222 land uses.

223 (XIII) Results in the loss of significant amounts of
224 functional open space.

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

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

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

235 (III) Promotes walkable and connected communities and
236 provides for compact development and a mix of uses at densities
237 and intensities that will support a range of housing choices and
238 a multimodal transportation system, including pedestrian,
239 bicycle, and transit, if available.

240 (IV) Promotes conservation of water and energy.

241 (V) Preserves agricultural areas and activities, including
242 silviculture, and dormant, unique, and prime farmlands and
243 soils.



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244 (VI) Preserves open space and natural lands and provides
245 for public open space and recreation needs.

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

249 (VIII) Provides uses, densities, and intensities of use and
250 urban form that would remediate an existing or planned
251 development pattern in the vicinity that constitutes sprawl or
252 if it provides for an innovative development pattern such as
253 transit-oriented developments or new towns as defined in s.
254 163.3164.

255 10. The future land use element shall include a future land
256 use map or map series.

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

260 (I) Residential.

261 (II) Commercial.

262 (III) Industrial.

263 (IV) Agricultural.

264 (V) Recreational.

265 (VI) Conservation.

266 (VII) Educational.

267 (VIII) Public.

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

270 (I) Historic district boundaries and designated
271 historically significant properties.

272 (II) Transportation concurrency management area boundaries



273 or transportation concurrency exception area boundaries.
274 (III) Multimodal transportation district boundaries.
275 (IV) Mixed-use categories.
276 c. The following natural resources or conditions shall be
277 shown on the future land use map or map series, if applicable:
278 (I) Existing and planned public potable waterwells, cones
279 of influence, and wellhead protection areas.
280 (II) Beaches and shores, including estuarine systems.
281 (III) Rivers, bays, lakes, floodplains, and harbors.
282 (IV) Wetlands.
283 (V) Minerals and soils.
284 (VI) Coastal high hazard areas.
285 11. Local governments required to update or amend their
286 comprehensive plan to include criteria and address compatibility
287 of lands adjacent or closely proximate to existing military
288 installations, or lands adjacent to an airport as defined in s.
289 330.35 and consistent with s. 333.02, in their future land use
290 plan element shall transmit the update or amendment to the state
291 land planning agency by June 30, 2012.
292 (f)1. A housing element consisting of principles,
293 guidelines, standards, and strategies to be followed in:
294 a. The provision of housing for all current and anticipated
295 future residents of the jurisdiction.
296 b. The elimination of substandard dwelling conditions.
297 c. The structural and aesthetic improvement of existing
298 housing.
299 d. The provision of adequate sites for future housing,
300 including affordable workforce housing as defined in s.
301 380.0651(3)(h), housing for low-income, very low-income, and



302 moderate-income families, mobile homes, and group home
303 facilities and foster care facilities, with supporting
304 infrastructure and public facilities. The element may include
305 provisions that specifically address affordable housing for
306 persons 60 years of age or older. Real property that is conveyed
307 to a local government for affordable housing under this sub-
308 subparagraph shall be disposed of by the local government
309 pursuant to s. 125.379 or s. 166.0451.

310 e. Provision for relocation housing and identification of
311 historically significant and other housing for purposes of
312 conservation, rehabilitation, or replacement.

313 f. The formulation of housing implementation programs.

314 g. The creation or preservation of affordable housing to
315 minimize the need for additional local services and avoid the
316 concentration of affordable housing units only in specific areas
317 of the jurisdiction.

318 2. The principles, guidelines, standards, and strategies of
319 the housing element must be based on the data and analysis
320 prepared on housing needs, ~~including an inventory taken from the~~
321 ~~latest decennial United States Census or more recent estimates,~~
322 which shall include the number and distribution of dwelling
323 units by type, tenure, age, rent, value, monthly cost of owner-
324 occupied units, and rent or cost to income ratio, and shall show
325 the number of dwelling units that are substandard. The data and
326 analysis ~~inventory~~ shall also include the methodology used to
327 estimate the condition of housing, a projection of the
328 anticipated number of households by size, income range, and age
329 of residents derived from the population projections, and the
330 minimum housing need of the current and anticipated future



331 residents of the jurisdiction.

332 3. The housing element must express principles, guidelines,
333 standards, and strategies that reflect, as needed, the creation
334 and preservation of affordable housing for all current and
335 anticipated future residents of the jurisdiction, elimination of
336 substandard housing conditions, adequate sites, and distribution
337 of housing for a range of incomes and types, including mobile
338 and manufactured homes. The element must provide for specific
339 programs and actions to partner with private and nonprofit
340 sectors to address housing needs in the jurisdiction, streamline
341 the permitting process, and minimize costs and delays for
342 affordable housing, establish standards to address the quality
343 of housing, stabilization of neighborhoods, and identification
344 and improvement of historically significant housing.

345 4. State and federal housing plans prepared on behalf of
346 the local government must be consistent with the goals,
347 objectives, and policies of the housing element. Local
348 governments are encouraged to use job training, job creation,
349 and economic solutions to address a portion of their affordable
350 housing concerns.

351 (h)1. An intergovernmental coordination element showing
352 relationships and stating principles and guidelines to be used
353 in coordinating the adopted comprehensive plan with the plans of
354 school boards, regional water supply authorities, and other
355 units of local government providing services but not having
356 regulatory authority over the use of land, with the
357 comprehensive plans of adjacent municipalities, the county,
358 adjacent counties, or the region, with the state comprehensive
359 plan and with the applicable regional water supply plan approved



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360 pursuant to s. 373.709, as the case may require and as such
361 adopted plans or plans in preparation may exist. This element of
362 the local comprehensive plan must demonstrate consideration of
363 the particular effects of the local plan, when adopted, upon the
364 development of adjacent municipalities, the county, adjacent
365 counties, or the region, or upon the state comprehensive plan,
366 as the case may require.

367 a. The intergovernmental coordination element must provide
368 procedures for identifying and implementing joint planning
369 areas, especially for the purpose of annexation, municipal
370 incorporation, and joint infrastructure service areas.

371 b. The intergovernmental coordination element shall provide
372 for a dispute resolution process, as established pursuant to s.
373 186.509, for bringing intergovernmental disputes to closure in a
374 timely manner.

375 c. The intergovernmental coordination element shall provide
376 for interlocal agreements as established pursuant to s.
377 333.03(1)(b).

378 2. The intergovernmental coordination element shall also
379 state principles and guidelines to be used in coordinating the
380 adopted comprehensive plan with the plans of school boards and
381 other units of local government providing facilities and
382 services but not having regulatory authority over the use of
383 land. In addition, the intergovernmental coordination element
384 must describe joint processes for collaborative planning and
385 decisionmaking on population projections and public school
386 siting, the location and extension of public facilities subject
387 to concurrency, and siting facilities with countywide
388 significance, including locally unwanted land uses whose nature



389 and identity are established in an agreement.

390 3. Within 1 year after adopting their intergovernmental
391 coordination elements, each county, all the municipalities
392 within that county, the district school board, and any unit of
393 local government service providers in that county shall
394 establish by interlocal or other formal agreement executed by
395 all affected entities, the joint processes described in this
396 subparagraph consistent with their adopted intergovernmental
397 coordination elements. The agreement element must:

398 a. Ensure that the local government addresses through
399 coordination mechanisms the impacts of development proposed in
400 the local comprehensive plan upon development in adjacent
401 municipalities, the county, adjacent counties, the region, and
402 the state. The area of concern for municipalities shall include
403 adjacent municipalities, the county, and counties adjacent to
404 the municipality. The area of concern for counties shall include
405 all municipalities within the county, adjacent counties, and
406 adjacent municipalities.

407 b. Ensure coordination in establishing level of service
408 standards for public facilities with any state, regional, or
409 local entity having operational and maintenance responsibility
410 for such facilities.

411
412
413 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

414 And the directory clause is amended as follows:

415 Delete lines 164 - 165

416 and insert:

417 Section 4. Paragraph (f) of subsection (1) and paragraphs



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418 (a), (f), and (h) of subsection (6) of section 163.3177, Florida
419 Statutes, are amended to read:

420

421 ===== T I T L E A M E N D M E N T =====

422 And the title is amended as follows:

423 Delete lines 14 - 16

424 and insert:

425 local government; amending s. 163.3177, F.S.;

426 requiring estimates and projections of comprehensive

427 plans to be based upon publications by the Office of

428 Economic and Demographic Research; providing criteria

429 for population projections; revising the housing and

430 intergovernmental coordination elements of

431 comprehensive plans; amending s.