

By Senator Simpson

18-00288-13

2013786

1 A bill to be entitled
2 An act relating to comprehensive plan amendments;
3 creating s. 163.3186, F.S.; providing legislative
4 findings; establishing a pilot program in specified
5 areas of the state to test and review an alternative
6 plan amendment; providing a process for the adoption
7 of comprehensive plan amendments; providing an
8 exception for certain local governments and other
9 specified areas; providing that agencies may not adopt
10 rules to implement the program; requiring that the
11 Office of Program Policy Analysis and Government
12 Accountability (OPPAGA) submit a report; requiring
13 OPPAGA to consider certain areas in drafting the
14 report; providing an effective date.

15
16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 163.3186, Florida Statutes, is created
20 to read:

21 163.3186 Developed Local Governments Comprehensive Planning
22 Pilot Program.—

23 (1) LEGISLATIVE FINDINGS.—

24 (a) The Legislature finds that local governments in this
25 state have a wide diversity of resources, conditions, abilities,
26 and needs. The Legislature also finds that the needs and
27 resources of developed areas are different from those of rural
28 areas and that they require different planning and growth
29 management approaches. The state role in overseeing growth

18-00288-13

2013786

30 management should reflect this diversity and should vary based
31 on local government conditions, capabilities, needs, and extent
32 of development. Thus, the Legislature recognizes that reduced
33 state oversight of local comprehensive planning is justified for
34 some local governments in developed areas.

35 (b) The Legislature finds and declares that this state's
36 developed areas require a reduced level of state oversight
37 because of their high degree of urbanization and the planning
38 capabilities and resources of many of their local governments.
39 The Legislature finds that the process for amending local
40 comprehensive plans in these areas should be established with an
41 objective of streamlining the process and recognizing local
42 responsibility and accountability.

43 (c) The Legislature finds that a pilot program will be
44 beneficial in evaluating an alternative plan amendment adoption
45 and review process. Local governments that participate in the
46 pilot project must be representative of highly developed
47 counties and municipalities.

48 (2) DEVELOPED LOCAL GOVERNMENTS COMPREHENSIVE PLANNING
49 PILOT PROGRAM.—Jacksonville, Miami, Tampa, Hialeah, Pinellas
50 County, and Broward County shall follow the alternative plan
51 amendment review process provided in this section.
52 Municipalities within Pinellas and Broward Counties may elect,
53 by supermajority vote of the governing body, not to participate
54 in the pilot program.

55 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
56 UNDER THE PILOT PROGRAM.—

57 (a) A plan amendment adopted by a pilot program
58 jurisdiction must follow the process in subsections (4) and (5),

18-00288-13

2013786

59 except as specified in s. 163.3184(2)(c).

60 (b) Pilot program jurisdictions are subject to the
61 frequency and timing requirements for plan amendments specified
62 in s. 163.3191, except as otherwise provided in this section.

63 (4) HEARING ON COMPREHENSIVE PLAN AMENDMENTS.—An amendment
64 adopted pursuant to this section requires at least one public
65 adoption hearing before the governing board, as described in s.
66 163.3184(11).

67 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT
68 AREAS.—

69 (a) The adoption of a comprehensive plan amendment must be
70 by ordinance and requires an affirmative vote of a majority of
71 the members of the governing body present at the public hearing.

72 (b) The governing body shall transmit an adopted
73 comprehensive plan amendment with supporting data and analysis
74 to the state land planning agency within 10 days after the
75 public hearing, excluding weekends and legal holidays.

76 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
77 PROGRAM.—

78 (a) Any affected person as defined in s. 163.3184(1)(a) may
79 file a petition with the Division of Administrative Hearings
80 pursuant to ss. 120.569 and 120.57, with a copy served on the
81 affected local government, to request a formal hearing to
82 challenge whether a plan or plan amendment is in compliance with
83 this act as defined in s. 163.3184(1)(b). The parties to such
84 proceeding are the petitioner, the affected local government,
85 and any affected person who intervenes. The state land planning
86 agency may not intervene in any proceeding initiated under this
87 section.

18-00288-13

2013786

88 (b) If the Division of Administrative Hearings grants the
89 petition, an administrative law judge must hold a hearing in the
90 affected local jurisdiction, not less than 30 days and not more
91 than 60 days after being assigned, on whether the plan or
92 amendment is in compliance. In challenges filed by an affected
93 person, the plan amendment must be determined to be in
94 compliance if the local government's determination of compliance
95 is fairly debatable.

96 (c) If the administrative law judge recommends that the
97 amendment be found not in compliance, the judge must submit the
98 recommended order to the Administration Commission for final
99 agency action.

100 (d) If the administrative law judge recommends that the
101 amendment be found in compliance, the judge must submit the
102 recommended order to the state land planning agency.

103 1. If the state land planning agency determines that the
104 plan amendment should be found not in compliance, the agency
105 must, within 90 days after receiving the judge's recommended
106 order, submit its recommended order to the Administration
107 Commission for final agency action.

108 2. If the state land planning agency determines that the
109 plan amendment is in compliance, the agency must enter a final
110 order within 90 days after receiving the judge's recommended
111 order.

112 (e) An adopted amendment does not become effective until 31
113 days after adoption. If challenged within 30 days after
114 adoption, the amendment does not become effective until the
115 state land planning agency or the Administration Commission
116 enters a final order determining the adopted amendment to be in

18-00288-13

2013786__

117 compliance.

118 (7) EXCEPTION.—Local governments and specific areas
119 designated for the Local Government Comprehensive Planning
120 Certification Program pursuant to s. 163.3246 are not subject to
121 this section.

122 (8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.—An agency may
123 not adopt rules to implement this pilot program.

124 (9) REPORT.—The Office of Program Policy Analysis and
125 Government Accountability shall submit to the President of the
126 Senate and the Speaker of the House of Representatives, by
127 December 1, 2016, a review of the pilot program which addresses
128 the legislative findings in subsection (1) in areas designated
129 in subsection (2) which meet the development criteria. The
130 review must consider the following:

- 131 (a) Program implementation status.
132 (b) Program performance and outcomes.
133 (c) Program benefits and challenges.
134 (d) Program modification.

135 Section 2. This act shall take effect October 1, 2013.