

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

|                       |       |       |
|-----------------------|-------|-------|
| ADOPTED               | ___   | (Y/N) |
| ADOPTED AS AMENDED    | ___   | (Y/N) |
| ADOPTED W/O OBJECTION | ___   | (Y/N) |
| FAILED TO ADOPT       | ___   | (Y/N) |
| WITHDRAWN             | ___   | (Y/N) |
| OTHER                 | _____ |       |

---

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
2 Resources Appropriations Subcommittee  
3 Representative Avila offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (2), paragraph (a)  
8 of subsection (3), subsection (4), paragraph (b) of subsection  
9 (5), and paragraph (a) of subsection (11) of section 163.3184,  
10 Florida Statutes, are amended, and paragraph (d) is added to  
11 subsection (2) of that section, to read:

12 163.3184 Process for adoption of comprehensive plan or  
13 plan amendment.—

14 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

Amendment No. 1

15 (a) Plan amendments adopted by local governments shall  
16 follow the expedited state review process in subsection (3),  
17 except as set forth in paragraphs (b) - (d) ~~(b) and (c)~~.

18 (d) Plans and plan amendments that apply to any land that,  
19 in whole or in part, is within the Everglades Protection Area as  
20 defined in s. 373.4592(2) or within two miles of the Everglades  
21 Protection Area must follow the state coordinated review process  
22 in subsection (4).

23 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF  
24 COMPREHENSIVE PLAN AMENDMENTS.—

25 (a) The process for amending a comprehensive plan  
26 described in this subsection shall apply to all amendments  
27 except as provided in paragraphs (2) (b) - (d) ~~(2) (b) and (c)~~ and  
28 shall be applicable statewide.

29 (4) STATE COORDINATED REVIEW PROCESS.—

30 (a) Coordination.—The state land planning agency shall  
31 only use the state coordinated review process described in this  
32 subsection for review of comprehensive plans and plan amendments  
33 described in paragraphs (2) (c) and (d) ~~paragraph (2) (c)~~. Each  
34 comprehensive plan or plan amendment proposed to be adopted  
35 pursuant to this subsection shall be transmitted, adopted, and  
36 reviewed in the manner prescribed in this subsection. The state  
37 land planning agency shall have responsibility for plan review,  
38 coordination, and the preparation and transmission of comments,

Amendment No. 1

39 | pursuant to this subsection, to the local governing body  
40 | responsible for the comprehensive plan or plan amendment.

41 | (b) Local government transmittal of proposed plan or  
42 | amendment.—Each local governing body proposing a plan or plan  
43 | amendment specified in paragraph (2)(c) or (d) ~~(2)(e)~~ shall  
44 | transmit the complete proposed comprehensive plan or plan  
45 | amendment to the reviewing agencies within 10 working days after  
46 | the first public hearing pursuant to subsection (11). The  
47 | transmitted document shall clearly indicate on the cover sheet  
48 | that this plan amendment is subject to the state coordinated  
49 | review process of this subsection. The local governing body  
50 | shall also transmit a copy of the complete proposed  
51 | comprehensive plan or plan amendment to any other unit of local  
52 | government or government agency in the state that has filed a  
53 | written request with the governing body for the plan or plan  
54 | amendment.

55 | (c) Reviewing agency comments.—Except as provided in  
56 | paragraph (d), the ~~The~~ agencies specified in paragraph (b) may  
57 | provide comments regarding the plan or plan amendments in  
58 | accordance with subparagraphs (3)(b)2.-4. However, comments on  
59 | plans or plan amendments required to be reviewed under the state  
60 | coordinated review process shall be sent to the state land  
61 | planning agency within 30 days after receipt by the state land  
62 | planning agency of the complete proposed plan or plan amendment  
63 | from the local government. If the state land planning agency

Amendment No. 1

64 comments on a plan or plan amendment adopted under the state  
65 coordinated review process, it shall provide comments according  
66 to paragraph (d). Any other unit of local government or  
67 government agency specified in paragraph (b) may provide  
68 comments to the state land planning agency in accordance with  
69 subparagraphs (3)(b)2.-4. within 30 days after receipt by the  
70 state land planning agency of the complete proposed plan or plan  
71 amendment. Written comments submitted by the public shall be  
72 sent directly to the local government.

73 (d) Everglades Restoration and Protection.-Any  
74 comprehensive plan or plan amendment that applies to any land  
75 that, in whole or in part, is within the Everglades Protection  
76 Area as defined in s. 373.4592(2) or within two miles of the  
77 Everglades Protection Area shall be reviewed by the Department  
78 of Environmental Protection as provided in this paragraph. The  
79 Department of Environmental Protection shall determine whether  
80 the proposed plan or plan amendment, individually or  
81 cumulatively, adversely impacts the Everglades Protection Area  
82 or the restoration and protection objectives identified in s.  
83 373.4592. The Department of Environmental Protection shall issue  
84 a written determination to the state land planning agency, the  
85 local government, and federally recognized tribes within 30 days  
86 after receipt of the proposed plan or plan amendment. The  
87 determination shall identify the adverse impact, if any, and may  
88 be provided as part of the agency's comments pursuant to

Amendment No. 1

89 paragraph (c). Prior to adoption of the plan or plan amendment,  
90 the Department of Environmental Protection shall work in  
91 coordination with the state land planning agency, the local  
92 government, and federally-recognized tribes to identify planning  
93 strategies or measures, if any, that the local government could  
94 include in the plan or plan amendment to eliminate or mitigate  
95 any individual or cumulative adverse impacts to the Everglades  
96 Protection Area or the Everglades restoration and protection  
97 objectives in s. 373.4592. If the Department of Environmental  
98 Protection determines that the plan or plan amendment or any  
99 portion thereof, individually or cumulatively, will adversely  
100 impact the Everglades Protection Area or the Everglades  
101 restoration and protection objectives identified in s. 373.4592,  
102 the local government shall modify that portion of the plan or  
103 plan amendment prior to adoption to include planning strategies  
104 or measures to eliminate or mitigate such adverse impacts or  
105 shall not adopt that portion of the plan or plan amendment. The  
106 department shall at all times consult with all federally-  
107 recognized Indian tribes regarding any plan or plan amendment  
108 involving the Everglades Protection Area.

109 (e)-(d) State land planning agency review.-

110 1. If the state land planning agency elects to review a  
111 plan or plan amendment specified in paragraph (2) (c) or (d)  
112 (2)-(e), the agency shall issue a report giving its objections,  
113 recommendations, and comments regarding the proposed plan or

## Amendment No. 1

114 plan amendment within 60 days after receipt of the proposed plan  
115 or plan amendment. Notwithstanding the limitation on comments in  
116 sub-subparagraph (3)(b)4.g., the state land planning agency may  
117 make objections, recommendations, and comments in its report  
118 regarding whether the plan or plan amendment is in compliance  
119 and whether the plan or plan amendment will adversely impact  
120 important state resources and facilities. Any objection  
121 regarding an important state resource or facility that will be  
122 adversely impacted by the adopted plan or plan amendment must  
123 ~~shall~~ also state with specificity how the plan or plan amendment  
124 will adversely impact the important state resource or facility  
125 and must ~~shall~~ identify measures the local government may take  
126 to eliminate, reduce, or mitigate the adverse impacts. When a  
127 federal, state, or regional agency has implemented a permitting  
128 program, a local government is not required to duplicate or  
129 exceed that permitting program in its comprehensive plan or to  
130 implement such a permitting program in its land development  
131 regulations. This subparagraph does not prohibit the state land  
132 planning agency in conducting its review of local plans or plan  
133 amendments from making objections, recommendations, and comments  
134 regarding densities and intensities consistent with this part.  
135 In preparing its comments, the state land planning agency shall  
136 only base its considerations on written, and not oral, comments.  
137         2. The state land planning agency review shall identify  
138 all written communications with the agency regarding the

## Amendment No. 1

139 proposed plan amendment. The written identification must include  
140 a list of all documents received or generated by the agency,  
141 which list must be of sufficient specificity to enable the  
142 documents to be identified and copies requested, if desired, and  
143 the name of the person to be contacted to request copies of any  
144 identified document.

145 (f)~~(e)~~ Local government review of comments; adoption of  
146 plan or amendments and transmittal.—

147 1. The local government shall review the report submitted  
148 to it by the state land planning agency, if any, and written  
149 comments submitted to it by any other person, agency, or  
150 government. The local government, upon receipt of the report  
151 from the state land planning agency, shall hold a ~~its~~ second  
152 public hearing, ~~which shall be a hearing~~ to determine whether to  
153 adopt the comprehensive plan or one or more comprehensive plan  
154 amendments pursuant to subsection (11). If the local government  
155 fails to hold the second hearing within 180 days after receipt  
156 of the state land planning agency's report, the amendments must  
157 ~~shall~~ be deemed withdrawn unless extended by agreement with  
158 notice to the state landplanning agency and any affected person  
159 that provided comments on the amendment. The 180-day limitation  
160 does not apply to amendments processed pursuant to s. 380.06.

161 2. All comprehensive plan amendments adopted by the  
162 governing body, along with the supporting data and analysis,  
163 must ~~shall~~ be transmitted within 10 working days after the

Amendment No. 1

164 second public hearing to the state land planning agency and any  
165 other agency or local government that provided timely comments  
166 under paragraph (c). Comprehensive plan amendments described in  
167 paragraph (d) must be additionally transmitted within 10 working  
168 days after the second public hearing to the Department of  
169 Environmental Protection.

170 3. The state land planning agency shall notify the local  
171 government of any deficiencies within 5 working days after  
172 receipt of a plan or plan amendment package. For purposes of  
173 completeness, a plan or plan amendment must ~~shall~~ be deemed  
174 complete if it contains a full, executed copy of the adoption  
175 ordinance or ordinances; in the case of a text amendment, a full  
176 copy of the amended language in legislative format with new  
177 words inserted in the text underlined, and words deleted  
178 stricken with hyphens; in the case of a future land use map  
179 amendment, a copy of the future land use map clearly depicting  
180 the parcel, its existing future land use designation, and its  
181 adopted designation; and a copy of any data and analyses the  
182 local government deems appropriate.

183 4. After the state land planning agency makes a  
184 determination of completeness regarding the adopted plan or plan  
185 amendment, the state land planning agency shall have 45 days to  
186 determine if the plan or plan amendment is in compliance with  
187 this act. Unless the plan or plan amendment is substantially  
188 changed from the one commented on, the state land planning



Amendment No. 1

189 agency's compliance determination shall be limited to objections  
190 raised in the objections, recommendations, and comments report  
191 and a review of planning strategies or measures adopted pursuant  
192 to paragraph (d). During the period provided for in this  
193 subparagraph, the state land planning agency shall issue,  
194 through a senior administrator or the secretary, a notice of  
195 intent to find that the plan or plan amendment is in compliance  
196 or not in compliance. The state land planning agency shall post  
197 a copy of the notice of intent on the agency's Internet website.  
198 Publication by the state land planning agency of the notice of  
199 intent on the state land planning agency's Internet site shall  
200 be prima facie evidence of compliance with the publication  
201 requirements of this subparagraph.

202 5. A plan or plan amendment adopted under the state  
203 coordinated review process shall go into effect pursuant to the  
204 state land planning agency's notice of intent. If timely  
205 challenged, an amendment does not become effective until the  
206 state land planning agency or the Administration Commission  
207 enters a final order determining the adopted amendment to be in  
208 compliance.

209 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
210 AMENDMENTS.—

211 (b) The state land planning agency may file a petition  
212 with the Division of Administrative Hearings pursuant to ss.  
213 120.569 and 120.57, with a copy served on the affected local

## Amendment No. 1

214 government, to request a formal hearing to challenge whether the  
215 plan or plan amendment is in compliance as defined in paragraph  
216 (1)(b). The state land planning agency's petition must clearly  
217 state the reasons for the challenge. Under the expedited state  
218 review process, this petition must be filed with the division  
219 within 30 days after the state land planning agency notifies the  
220 local government that the plan amendment package is complete  
221 according to subparagraph (3)(c)3. Under the state coordinated  
222 review process, this petition must be filed with the division  
223 within 45 days after the state land planning agency notifies the  
224 local government that the plan amendment package is complete  
225 according to subparagraph (4)(f)3 ~~(4)(e)3~~.

226 1. The state land planning agency's challenge to plan  
227 amendments adopted under the expedited state review process  
228 shall be limited to the comments provided by the reviewing  
229 agencies pursuant to subparagraphs (3)(b)2.-4., upon a  
230 determination by the state land planning agency that an  
231 important state resource or facility will be adversely impacted  
232 by the adopted plan amendment. The state land planning agency's  
233 petition must ~~shall~~ state with specificity how the plan  
234 amendment will adversely impact the important state resource or  
235 facility. The state land planning agency may challenge a plan  
236 amendment that has substantially changed from the version on  
237 which the agencies provided comments but only upon a

Amendment No. 1

238 determination by the state land planning agency that an  
239 important state resource or facility will be adversely impacted.

240 2. If the state land planning agency issues a notice of  
241 intent to find the comprehensive plan or plan amendment not in  
242 compliance with this act, the notice of intent shall be  
243 forwarded to the Division of Administrative Hearings of the  
244 Department of Management Services, which shall conduct a  
245 proceeding under ss. 120.569 and 120.57 in the county of and  
246 convenient to the affected local jurisdiction. The parties to  
247 the proceeding shall be the state land planning agency, the  
248 affected local government, and any affected person who  
249 intervenes. A ~~No~~ new issue may not be alleged as a reason to  
250 find a plan or plan amendment not in compliance in an  
251 administrative pleading filed more than 21 days after  
252 publication of notice unless the party seeking that issue  
253 establishes good cause for not alleging the issue within that  
254 time period. Good cause does not include excusable neglect.

255 (11) PUBLIC HEARINGS.—

256 (a) The procedure for transmittal of a complete proposed  
257 comprehensive plan or plan amendment pursuant to subparagraph  
258 (3) (b)1. and paragraph (4) (b) and for adoption of a  
259 comprehensive plan or plan amendment pursuant to subparagraphs  
260 (3) (c)1. and (4) (f)1 ~~(4) (e)1~~. shall be by affirmative vote of  
261 not less than a majority of the members of the governing body  
262 present at the hearing. The adoption of a comprehensive plan or

Amendment No. 1

263 plan amendment shall be by ordinance. For the purposes of  
264 transmitting or adopting a comprehensive plan or plan amendment,  
265 the notice requirements in chapters 125 and 166 are superseded  
266 by this subsection, except as provided in this part.

267 Section 2. Subsections (1), (2), and (3) of section  
268 163.3187, Florida Statutes, are amended, and paragraph (d) is  
269 added to subsection (1) of that section, to read:

270 163.3187 Process for adoption of small-scale comprehensive  
271 plan amendment.—

272 (1) A small scale development amendment may be adopted  
273 under the following conditions:

274 (a) The proposed amendment involves a use of 10 acres or  
275 fewer and:

276 (b) The proposed amendment does not involve a text change  
277 to the goals, policies, and objectives of the local government's  
278 comprehensive plan, but only proposes a land use change to the  
279 future land use map for a site-specific small scale development  
280 activity. However, site-specific text changes that relate  
281 directly to, and are adopted simultaneously with, the small  
282 scale future land use map amendment shall be permissible under  
283 this section.

284 (c) The property that is the subject of the proposed  
285 amendment is not located within an area of critical state  
286 concern, unless the project subject to the proposed amendment  
287 involves the construction of affordable housing units meeting

Amendment No. 1

288 the criteria of s. 420.0004(3), and is located within an area of  
289 critical state concern designated by s. 380.0552 or by the  
290 Administration Commission pursuant to s. 380.05(1).

291 (d) The property that is the subject of the proposed  
292 small-scale amendment is not located, in whole or in part,  
293 within the Everglades Protection Area as defined in s. 373.4592  
294 or within two miles of the Everglades Protection Area.

295 (2) Small scale development amendments adopted pursuant to  
296 this section require only one public hearing before the  
297 governing board, which shall be an adoption hearing as described  
298 in s. 163.3184(11). Within 10 days after adoption of a small-  
299 scale plan amendment, counties whose jurisdiction includes any  
300 portion of the Everglades Protection Area designated under s.  
301 373.4592 and all municipalities within those counties shall  
302 transmit a copy of the amendment to the state land planning  
303 agency for record-keeping purposes.

304 (3) If the small scale development amendment involves a  
305 site within a rural area of opportunity as defined under s.  
306 288.0656(2)(d) for the duration of such designation, the 10-acre  
307 limit listed in subsection (1) shall be increased by 100 percent  
308 to 20 acres. The local government approving the small scale plan  
309 amendment shall certify to the state land planning agency that  
310 the plan amendment furthers the economic objectives set forth in  
311 s. 288.0656(7) or the executive order issued under s.  
312 288.0656(7), and the property subject to the plan amendment

Amendment No. 1

313 shall undergo public review to ensure that all concurrency  
314 requirements and federal, state, and local environmental permit  
315 requirements are met.

316 Section 3. Subsection (9) of section 420.5095, Florida  
317 Statutes, is amended to read:

318 420.5095 Community Workforce Housing Innovation Pilot  
319 Program.—

320 (9) Notwithstanding s. 163.3184(4)(b)-(d), any local  
321 government comprehensive plan amendment to implement a Community  
322 Workforce Housing Innovation Pilot Program project found  
323 consistent with this section shall be expedited as provided in  
324 this subsection. At least 30 days before ~~prior to~~ adopting a  
325 plan amendment under this subsection, the local government shall  
326 notify the state land planning agency of its intent to adopt  
327 such an amendment, and the notice shall include its evaluation  
328 related to site suitability and availability of facilities and  
329 services. The public notice of the hearing required by s.  
330 163.3184(11)(b)2. shall include a statement that the local  
331 government intends to use the expedited adoption process  
332 authorized by this subsection. Such amendments shall require  
333 only a ~~single public hearing before the governing board, which~~  
334 ~~shall be an~~ adoption hearing as described in s. 163.3184(4)(f)  
335 before the governing board ~~s. 163.3184(4)(e)~~. Any further  
336 proceedings shall be governed by s. 163.3184(5)-(13).

337 Section 4. This act shall take effect July 1, 2020.

Amendment No. 1

338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361

-----

**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to the Everglades Protection Area; amending s.  
163.3184, F.S.; requiring comprehensive plans and plan  
amendments adopted by the governing body of a local government  
whose boundaries include any portion of the Everglades  
Protection Area to follow the state coordinated review process;  
conforming cross-references; requiring the Department of  
Environmental Protection to make certain determinations for such  
plans and amendments, to provide written notice of its  
determination to the state planning agency, local government,  
and federally-recognized tribes within a specified timeframe,  
and to coordinate with the local government on certain  
mitigation measures; providing a condition for such plans and  
plan amendments to be deemed complete; amending s. 163.3187,  
F.S.; restricting a small scale development amendment from being  
adopted if the property is located within the Everglades  
Protection Area; requiring local governments whose jurisdiction  
includes any portion of the Everglades Protection Area and all  
municipalities within those counties who have approved small  
scale development amendments to transmit a copy of the amendment  
to the state land planning agency within 10 days; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 775 (2020)

Amendment No. 1

362 | 420.5095, F.S.; conforming a cross-reference; providing an  
363 | effective date.