

1                   A bill to be entitled  
2           An act relating to the Everglades Protection Area;  
3           amending s. 163.3184, F.S.; requiring comprehensive  
4           plans and plan amendments adopted by the governing  
5           body of a local government whose boundaries include  
6           any portion of the Everglades Protection Area to  
7           follow the state coordinated review process;  
8           conforming cross-references; requiring the Department  
9           of Environmental Protection to make certain  
10          determinations for such plans and amendments, to  
11          provide written notice of its determination to the  
12          local government within a specified timeframe, and to  
13          coordinate with the local government on certain  
14          mitigation measures; providing a condition for such  
15          plans and plan amendments to be deemed complete;  
16          amending s. 420.5095, F.S.; conforming a cross-  
17          reference; providing an effective date.

18  
19   Be It Enacted by the Legislature of the State of Florida:  
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21           Section 1. Paragraph (a) of subsection (2), paragraph (a)  
22           of subsection (3), subsection (4), paragraph (b) of subsection  
23           (5), and paragraph (a) of subsection (11) of section 163.3184,  
24           Florida Statutes, are amended, and paragraph (d) is added to  
25           subsection (2) of that section, to read:

26 | 163.3184 Process for adoption of comprehensive plan or  
 27 | plan amendment.—

28 | (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

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

32 | (d) Plans and plan amendments that are adopted by the  
 33 | governing body of a local government whose boundaries include  
 34 | any portion of the Everglades Protection Area as defined in s.  
 35 | 373.4592(2) must follow the state coordinated review process in  
 36 | subsection (4).

37 | (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF  
 38 | COMPREHENSIVE PLAN AMENDMENTS.—

39 | (a) The process for amending a comprehensive plan  
 40 | described in this subsection shall apply to all amendments  
 41 | except as provided in paragraphs (2)(b)-(d) ~~(2)(b) and (c)~~ and  
 42 | shall be applicable statewide.

43 | (4) STATE COORDINATED REVIEW PROCESS.—

44 | (a) Coordination.—The state land planning agency shall  
 45 | only use the state coordinated review process described in this  
 46 | subsection for review of comprehensive plans and plan amendments  
 47 | described in paragraphs (2)(c) and (d) ~~paragraph (2)(c)~~. Each  
 48 | comprehensive plan or plan amendment proposed to be adopted  
 49 | pursuant to this subsection shall be transmitted, adopted, and  
 50 | reviewed in the manner prescribed in this subsection. The state

51 land planning agency shall have responsibility for plan review,  
52 coordination, and the preparation and transmission of comments,  
53 pursuant to this subsection, to the local governing body  
54 responsible for the comprehensive plan or plan amendment.

55 (b) Local government transmittal of proposed plan or  
56 amendment.—Each local governing body proposing a plan or plan  
57 amendment specified in paragraph (2) (c) or (d) ~~(2) (e)~~ shall  
58 transmit the complete proposed comprehensive plan or plan  
59 amendment to the reviewing agencies within 10 working days after  
60 the first public hearing pursuant to subsection (11). The  
61 transmitted document shall clearly indicate on the cover sheet  
62 that this plan amendment is subject to the state coordinated  
63 review process of this subsection. The local governing body  
64 shall also transmit a copy of the complete proposed  
65 comprehensive plan or plan amendment to any other unit of local  
66 government or government agency in the state that has filed a  
67 written request with the governing body for the plan or plan  
68 amendment.

69 (c) Reviewing agency comments.—The agencies specified in  
70 paragraph (b) may provide comments regarding the plan or plan  
71 amendments in accordance with subparagraphs (3) (b) 2.-4. However,  
72 comments on plans or plan amendments required to be reviewed  
73 under the state coordinated review process shall be sent to the  
74 state land planning agency within 30 days after receipt by the  
75 state land planning agency of the complete proposed plan or plan

76 amendment from the local government. If the state land planning  
77 agency comments on a plan or plan amendment adopted under the  
78 state coordinated review process, it shall provide comments  
79 according to paragraph (d). Any other unit of local government  
80 or government agency specified in paragraph (b) may provide  
81 comments to the state land planning agency in accordance with  
82 subparagraphs (3) (b)2.-4. within 30 days after receipt by the  
83 state land planning agency of the complete proposed plan or plan  
84 amendment. Written comments submitted by the public shall be  
85 sent directly to the local government.

86 (d) State land planning agency review.—

87 1. If the state land planning agency elects to review a  
88 plan or plan amendment specified in paragraph (2) (c) or (d)  
89 ~~(2) (e)~~, the agency shall issue a report giving its objections,  
90 recommendations, and comments regarding the proposed plan or  
91 plan amendment within 60 days after receipt of the proposed plan  
92 or plan amendment. Notwithstanding the limitation on comments in  
93 sub-subparagraph (3) (b)4.g., the state land planning agency may  
94 make objections, recommendations, and comments in its report  
95 regarding whether the plan or plan amendment is in compliance  
96 and whether the plan or plan amendment will adversely impact  
97 important state resources and facilities. Any objection  
98 regarding an important state resource or facility that will be  
99 adversely impacted by the adopted plan or plan amendment must  
100 ~~shall~~ also state with specificity how the plan or plan amendment

101 will adversely impact the important state resource or facility  
102 and must ~~shall~~ identify measures the local government may take  
103 to eliminate, reduce, or mitigate the adverse impacts. When a  
104 federal, state, or regional agency has implemented a permitting  
105 program, a local government is not required to duplicate or  
106 exceed that permitting program in its comprehensive plan or to  
107 implement such a permitting program in its land development  
108 regulations. This subparagraph does not prohibit the state land  
109 planning agency in conducting its review of local plans or plan  
110 amendments from making objections, recommendations, and comments  
111 regarding densities and intensities consistent with this part.  
112 In preparing its comments, the state land planning agency shall  
113 only base its considerations on written, and not oral, comments.

114 2. The state land planning agency review shall identify  
115 all written communications with the agency regarding the  
116 proposed plan amendment. The written identification must include  
117 a list of all documents received or generated by the agency,  
118 which list must be of sufficient specificity to enable the  
119 documents to be identified and copies requested, if desired, and  
120 the name of the person to be contacted to request copies of any  
121 identified document.

122 (e) Everglades Protection Area determinations.—For a plan  
123 or plan amendment adopted by the governing body of a local  
124 government whose boundaries include any portion of the  
125 Everglades Protection Area as defined in s. 373.4592(2), the

126 Department of Environmental Protection shall determine whether  
127 the plan or plan amendment impedes the Everglades restoration  
128 and protection objectives identified in s. 373.4592. The  
129 department shall provide written notice of its determination to  
130 the local government within 30 days after receipt of the plan or  
131 plan amendment. The department shall work in coordination with  
132 the local government to identify measures the local government  
133 may take to eliminate, reduce, or mitigate any adverse impacts  
134 to Everglades restoration and protection.

135 (f)(e) Local government review of comments; adoption of  
136 plan 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 a ~~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 must  
147 ~~shall~~ be deemed withdrawn unless extended by agreement with  
148 notice to the state land planning agency and any affected person  
149 that provided comments on the amendment. The 180-day limitation  
150 does 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 must ~~shall~~ be transmitted within 10 working days after the  
154 second public hearing to the state land planning agency and any  
155 other agency or local government that provided timely comments  
156 under paragraph (c). Comprehensive plan amendments adopted by  
157 the governing body of a local government whose boundaries  
158 include any portion of the Everglades Protection Area as defined  
159 in s. 373.4592(2) must be additionally transmitted within 10  
160 working days after the second public hearing to the Department  
161 of Environmental Protection.

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

176 boundaries include any portion of the Everglades Protection Area  
177 as defined in s. 373.4592(2) may only be deemed complete if it  
178 contains a written notice from the Department of Environmental  
179 Protection pursuant to paragraph (e) that states the plan or  
180 plan amendment does not impede Everglades protection and  
181 restoration.

182 4. After the state land planning agency makes a  
183 determination of completeness regarding the adopted plan or plan  
184 amendment, the state land planning agency shall have 45 days to  
185 determine if the plan or plan amendment is in compliance with  
186 this act. Unless the plan or plan amendment is substantially  
187 changed from the one commented on, the state land planning  
188 agency's compliance determination shall be limited to objections  
189 raised in the objections, recommendations, and comments report.  
190 During the period provided for in this subparagraph, the state  
191 land planning agency shall issue, through a senior administrator  
192 or the secretary, a notice of intent to find that the plan or  
193 plan amendment is in compliance or not in compliance. The state  
194 land planning agency shall post a copy of the notice of intent  
195 on the agency's Internet website. Publication by the state land  
196 planning agency of the notice of intent on the state land  
197 planning agency's Internet site shall be prima facie evidence of  
198 compliance with the publication requirements of this  
199 subparagraph.

200 5. A plan or plan amendment adopted under the state



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

207 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
208 AMENDMENTS.—

209 (b) The state land planning agency may file a petition  
210 with the Division of Administrative Hearings pursuant to ss.  
211 120.569 and 120.57, with a copy served on the affected local  
212 government, to request a formal hearing to challenge whether the  
213 plan or plan amendment is in compliance as defined in paragraph  
214 (1)(b). The state land planning agency's petition must clearly  
215 state the reasons for the challenge. Under the expedited state  
216 review process, this petition must be filed with the division  
217 within 30 days after the state land planning agency notifies the  
218 local government that the plan amendment package is complete  
219 according to subparagraph (3)(c)3. Under the state coordinated  
220 review process, this petition must be filed with the division  
221 within 45 days after the state land planning agency notifies the  
222 local government that the plan amendment package is complete  
223 according to subparagraph (4)(f)3 ~~(4)(e)3~~.

224 1. The state land planning agency's challenge to plan  
225 amendments adopted under the expedited state review process

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

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

251 establishes good cause for not alleging the issue within that  
 252 time period. Good cause does not include excusable neglect.

253 (11) PUBLIC HEARINGS.—

254 (a) The procedure for transmittal of a complete proposed  
 255 comprehensive plan or plan amendment pursuant to subparagraph  
 256 (3) (b) 1. and paragraph (4) (b) and for adoption of a  
 257 comprehensive plan or plan amendment pursuant to subparagraphs  
 258 (3) (c) 1. and (4) (f) 1 ~~(4) (e) 1~~. shall be by affirmative vote of  
 259 not less than a majority of the members of the governing body  
 260 present at the hearing. The adoption of a comprehensive plan or  
 261 plan amendment shall be by ordinance. For the purposes of  
 262 transmitting or adopting a comprehensive plan or plan amendment,  
 263 the notice requirements in chapters 125 and 166 are superseded  
 264 by this subsection, except as provided in this part.

265 Section 2. Subsection (9) of section 420.5095, Florida  
 266 Statutes, is amended to read:

267 420.5095 Community Workforce Housing Innovation Pilot  
 268 Program.—

269 (9) Notwithstanding s. 163.3184 (4) (b) - (d), any local  
 270 government comprehensive plan amendment to implement a Community  
 271 Workforce Housing Innovation Pilot Program project found  
 272 consistent with this section shall be expedited as provided in  
 273 this subsection. At least 30 days before ~~prior to~~ adopting a  
 274 plan amendment under this subsection, the local government shall  
 275 notify the state land planning agency of its intent to adopt

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276 such an amendment, and the notice shall include its evaluation  
277 related to site suitability and availability of facilities and  
278 services. The public notice of the hearing required by s.  
279 163.3184(11)(b)2. shall include a statement that the local  
280 government intends to use the expedited adoption process  
281 authorized by this subsection. Such amendments shall require  
282 only a ~~single public hearing before the governing board, which~~  
283 ~~shall be an~~ adoption hearing as described in s. 163.3184(4)(f)  
284 before the governing board ~~s. 163.3184(4)(e)~~. Any further  
285 proceedings shall be governed by s. 163.3184(5)-(13).

286 Section 3. This act shall take effect July 1, 2020.