

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative McClain offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (18) of section 70.51, Florida Statutes, is redesignated as paragraph (i), paragraph (a) of subsection (17), paragraph (a) of subsection (21), and subsection (25) are amended, and a new paragraph (h) is added to subsection (18) of that section, to read:

70.51 Land use and environmental dispute resolution.—

(17) In all respects, the hearing must be informal and open to the public and does not require the use of an attorney.

The hearing must operate at the direction and under the

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14 supervision of the special magistrate. The object of the hearing
15 is to focus attention on the impact of the governmental action
16 giving rise to the request for relief and to explore
17 alternatives to the development order or enforcement action and
18 other regulatory efforts by the governmental entities in order
19 to recommend relief, when appropriate, to the owner.

20 (a) The first responsibility of the special magistrate is
21 to facilitate a resolution of the conflict between the owner and
22 governmental entities to the end that some modification of the
23 owner's proposed use of the property or adjustment in the
24 development order or enforcement action or regulatory efforts by
25 one or more of the governmental parties may be reached.

26 Accordingly, the special magistrate shall act as a facilitator
27 or mediator between the parties in an effort to effect a
28 mutually acceptable solution. The parties shall be represented
29 at the mediation by persons with authority to bind their
30 respective parties to a solution, or by persons with authority
31 to recommend a solution directly to the persons with authority
32 to bind their respective parties to a solution. A negotiated
33 settlement may include, but is not limited to, one or more of
34 the following types of relief or other extraordinary relief
35 deemed appropriate by the parties:

36 1. An adjustment of land development or permit standards
37 or other provisions controlling the development or use of land

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38 for the property subject to the dispute or other property owned
39 or controlled by the parties to the settlement.

40 2. Increases or modifications in the density, intensity,
41 or use of areas of development.

42 3. The transfer of development rights.

43 4. Land swaps or exchanges.

44 5. Mitigation relief, including payments in lieu of onsite
45 mitigation.

46 6. Location on the least sensitive portion of the
47 property.

48 7. Conditioning the amount of development or use
49 permitted.

50 8. A requirement that issues be addressed on a more
51 comprehensive basis than a single proposed use or development.

52 9. Issuance of the development order, a variance, a
53 special exception, or other extraordinary relief, including
54 withdrawal of the enforcement action.

55 10. Purchase of the real property, or an interest therein,
56 by an appropriate governmental entity or payment of
57 compensation.

58 (18) The circumstances to be examined in determining
59 whether the development order or enforcement action, or the
60 development order or enforcement action in conjunction with
61 regulatory efforts of other governmental parties, is

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62 | unreasonable or unfairly burdens use of the property may
63 | include, but are not limited to:

64 | (h) The public interest served by the local comprehensive
65 | plan provisions that are inconsistent with the proposed relief
66 | granted by the special magistrate's recommendation.

67 | (21) Within 45 days after receipt of the special
68 | magistrate's recommendation, the governmental entity responsible
69 | for the development order or enforcement action and other
70 | governmental entities participating in the proceeding must
71 | consult among themselves and each governmental entity must:

72 | (a) Accept the recommendation of the special magistrate as
73 | submitted and proceed to implement it by development agreement,
74 | when appropriate, or by other method, in the ordinary course and
75 | consistent with the rules and procedures of that governmental
76 | entity. However, the decision of the governmental entity to
77 | accept the recommendation of the special magistrate with respect
78 | to granting a rezoning, modification, variance, or special
79 | exception to the application of statutes, rules, regulations,
80 | comprehensive plans, or ordinances as they would otherwise apply
81 | to the subject property does not require an owner to duplicate
82 | previous processes in which the owner has participated in order
83 | to effectuate the granting of the modification, variance, or
84 | special exception. Any recommendation of the special magistrate
85 | with respect to granting a rezoning of property is not
86 | considered contract zoning;

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87 (25) Regardless of the action the governmental entity
88 takes on the special magistrate's recommendation, a
89 recommendation that the development order or enforcement action,
90 or the development order or enforcement action in combination
91 with other governmental regulatory actions, is unreasonable or
92 unfairly burdens use of the owner's real property may serve as
93 an indication of sufficient hardship to support a rezoning,
94 modification, variance variances, or special exception
95 exceptions to the application of statutes, rules, regulations,
96 or ordinances to the subject property. If the relief granted
97 within the special magistrate's recommendation or a negotiated
98 settlement entered into under this section has the effect of
99 contravening local comprehensive plans or is inconsistent with
100 the local government's adopted comprehensive plan, the
101 recommendation or approved negotiated settlement shall be deemed
102 consistent with the comprehensive plan under s. 163.3194 if the
103 special magistrate or the governing body of the local government
104 finds that the settlement agreement and approved development
105 protects the public interest served by the comprehensive plan
106 provisions with which the development conflicts.

107 Section 2. Paragraph (f) of subsection (1), subsection
108 (2), paragraph (a) of subsection (5), and paragraph (a) of
109 subsection (6) of section 163.3177, Florida Statutes, are
110 amended to read:

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111 163.3177 Required and optional elements of comprehensive
112 plan; studies and surveys.—

113 (1) The comprehensive plan shall provide the principles,
114 guidelines, standards, and strategies for the orderly and
115 balanced future economic, social, physical, environmental, and
116 fiscal development of the area that reflects community
117 commitments to implement the plan and its elements. These
118 principles and strategies shall guide future decisions in a
119 consistent manner and shall contain programs and activities to
120 ensure comprehensive plans are implemented. The sections of the
121 comprehensive plan containing the principles and strategies,
122 generally provided as goals, objectives, and policies, shall
123 describe how the local government's programs, activities, and
124 land development regulations will be initiated, modified, or
125 continued to implement the comprehensive plan in a consistent
126 manner. It is not the intent of this part to require the
127 inclusion of implementing regulations in the comprehensive plan
128 but rather to require identification of those programs,
129 activities, and land development regulations that will be part
130 of the strategy for implementing the comprehensive plan and the
131 principles that describe how the programs, activities, and land
132 development regulations will be carried out. The plan shall
133 establish meaningful and predictable standards for the use and
134 development of land and provide meaningful guidelines for the
135 content of more detailed land development and use regulations.

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136 (f) All required ~~mandatory~~ and optional elements of the
137 comprehensive plan and plan amendments must ~~shall~~ be based upon
138 relevant ~~and appropriate~~ data and an analysis by the local
139 government that may include, but not be limited to, surveys,
140 studies, ~~community goals and vision~~, and other data available at
141 the time of adoption of the comprehensive plan or plan
142 amendment. To be based on data means to react to it ~~in an~~
143 ~~appropriate way and~~ to the extent necessary indicated by the
144 data available on that particular subject at the time of
145 adoption of the plan or plan amendment at issue.

146 1. Surveys, studies, and data utilized in the preparation
147 of the comprehensive plan may not be deemed a part of the
148 comprehensive plan unless adopted as a part of it. Copies of
149 such studies, surveys, data, and supporting documents for
150 proposed plans and plan amendments must ~~shall~~ be made available
151 for public inspection, and copies of such plans must ~~shall~~ be
152 made available to the public upon payment of reasonable charges
153 for reproduction. Support data or summaries shall be ~~are not~~
154 subject to the compliance review process. ~~but~~ The comprehensive
155 plan, the support data, and the summaries must be clearly based
156 on current appropriate data and analysis, which is relevant to
157 and correlates to the proposed amendment. Support data or
158 summaries may be used to aid in the determination of compliance
159 and consistency.

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160 2. Data must be taken from professionally accepted
161 sources. The application of a methodology utilized in data
162 collection or whether a particular methodology is professionally
163 accepted may be evaluated. ~~However, the evaluation may not~~
164 ~~include whether one accepted methodology is better than another.~~
165 ~~Original data collection by local governments is not required.~~
166 ~~However, local governments may use original data so long as~~
167 ~~methodologies are professionally accepted.~~

168 3. The comprehensive plan must ~~shall~~ be based upon
169 permanent and seasonal population estimates and projections,
170 which must ~~shall~~ either be ~~those~~ published by the Office of
171 Economic and Demographic Research or generated by the local
172 government based upon a professionally acceptable methodology, whichever is greater. The plan must be based on at least the
173 minimum amount of land required to accommodate the medium
174 projections as published by the Office of Economic and
175 Demographic Research for at least a 10-year planning period
176 unless otherwise limited under s. 380.05, including related
177 rules of the Administration Commission. Absent physical
178 limitations on population growth, population projections for
179 each municipality, and the unincorporated area within a county
180 must, at a minimum, be reflective of each area's proportional
181 share of the total county population and the total county
182 population growth.
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184 (2) Coordination of the required and optional ~~several~~
185 elements of the local comprehensive plan must ~~shall~~ be a major
186 objective of the planning process. The required and optional
187 ~~several~~ elements of the comprehensive plan must ~~shall~~ be
188 consistent. Where data is relevant to required and optional
189 ~~several~~ elements, consistent data must ~~shall~~ be used, including
190 population estimates and projections ~~unless alternative data can~~
191 ~~be justified for a plan amendment through new supporting data~~
192 ~~and analysis~~. Each map depicting future conditions must reflect
193 the principles, guidelines, and standards within all elements,
194 and each such map must be contained within the comprehensive
195 plan.

196 (5)(a) Each local government comprehensive plan must
197 include at least two planning periods, one covering at least the
198 first 10-year ~~5-year~~ period occurring after the plan's adoption
199 and one covering at least a 20-year ~~10-year~~ period. Additional
200 planning periods for specific components, elements, land use
201 amendments, or projects shall be permissible and accepted as
202 part of the planning process.

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

206 (a) A future land use plan element designating proposed
207 future general distribution, location, and extent of the uses of
208 land for residential uses, commercial uses, industry,

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209 agriculture, recreation, conservation, education, public
210 facilities, and other categories of the public and private uses
211 of land. The approximate acreage and the general range of
212 density or intensity of use must ~~shall~~ be provided for the gross
213 land area included in each existing land use category. The
214 element must ~~shall~~ establish the long-term end toward which land
215 use programs and activities are ultimately directed.

216 1. Each future land use category must be defined in terms
217 of uses included, and must include standards to be followed in
218 the control and distribution of population densities and
219 building and structure intensities. The proposed distribution,
220 location, and extent of the various categories of land use must
221 ~~shall~~ be shown on a land use map or map series which is ~~shall be~~
222 supplemented by goals, policies, and measurable objectives.

223 2. The future land use plan and plan amendments must ~~shall~~
224 be based upon surveys, studies, and data regarding the area, as
225 applicable, including:

226 a. The amount of land required to accommodate anticipated
227 growth, including the amount of land necessary to accommodate
228 single-family, two-family, and fee simple townhome development.

229 b. The projected permanent and seasonal population of the
230 area.

231 c. The character of undeveloped land.

232 d. The availability of water supplies, public facilities,
233 and services.

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234 e. The amount of land located outside the urban service
235 area, excluding lands designated for conservation, preservation,
236 or other public use.

237 ~~f.e.~~ The need for redevelopment, including the renewal of
238 blighted areas and the elimination of nonconforming uses which
239 are inconsistent with the character of the community.

240 ~~g.f.~~ The compatibility of uses on lands adjacent to or
241 closely proximate to military installations.

242 ~~h.g.~~ The compatibility of uses on lands adjacent to an
243 airport as defined in s. 330.35 and consistent with s. 333.02.

244 ~~i.h.~~ The discouragement of urban sprawl.

245 ~~j.i.~~ The need for job creation, capital investment, and
246 economic development that will strengthen and diversify the
247 community's economy.

248 ~~k.j.~~ The need to modify land uses and development patterns
249 within antiquated subdivisions.

250 3. The future land use plan element must ~~shall~~ include
251 criteria to be used to:

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

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

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257 c. Encourage preservation of recreational and commercial
258 working waterfronts for water-dependent uses in coastal
259 communities.

260 d. Encourage the location of schools proximate to urban
261 service residential areas to the extent possible and encourage
262 the location of schools in all areas if necessary to provide
263 adequate school capacity to serve residential development.

264 e. Coordinate future land uses with the topography and
265 soil conditions, and the availability of facilities and
266 services.

267 f. Ensure the protection of natural and historic
268 resources.

269 g. Provide for the compatibility of adjacent land uses.

270 h. Provide guidelines for the implementation of mixed-use
271 development including the types of uses allowed, the percentage
272 distribution among the mix of uses, or other standards, and the
273 density and intensity of each use.

274 4. The amount of land designated for future planned uses
275 must ~~shall~~ provide a balance of uses that foster vibrant, viable
276 communities and economic development opportunities and address
277 outdated development patterns, such as antiquated subdivisions.
278 The amount of land designated for future land uses should allow
279 the operation of real estate markets to provide adequate choices
280 for permanent and seasonal residents and business and may not be
281 limited solely by the projected population. The element must

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282 ~~shall~~ accommodate at least the minimum amount of land required
283 to accommodate the medium projections as published by the Office
284 of Economic and Demographic Research for at least a 10-year
285 planning period unless otherwise limited under s. 380.05,
286 including related rules of the Administration Commission.

287 5. The future land use plan of a county may designate
288 areas for possible future municipal incorporation.

289 6. The land use maps or map series must ~~shall~~ generally
290 identify and depict historic district boundaries and must ~~shall~~
291 designate historically significant properties meriting
292 protection.

293 7. The future land use element must clearly identify the
294 land use categories in which public schools are an allowable
295 use. When delineating the land use categories in which public
296 schools are an allowable use, a local government shall include
297 in the categories sufficient land proximate to residential
298 development to meet the projected needs for schools in
299 coordination with public school boards and may establish
300 differing criteria for schools of different type or size. Each
301 local government shall include lands contiguous to existing
302 school sites, to the maximum extent possible, within the land
303 use categories in which public schools are an allowable use.

304 8. Future land use map amendments must ~~shall~~ be based upon
305 the following analyses:

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306 a. An analysis of the availability of facilities and
307 services.

308 b. An analysis of the suitability of the plan amendment
309 for its proposed use considering the character of the
310 undeveloped land, soils, topography, natural resources, and
311 historic resources on site.

312 c. An analysis of the minimum amount of land needed to
313 achieve the goals and requirements of this section.

314 9. The future land use element must ~~and any amendment to~~
315 ~~the future land use element shall~~ discourage the proliferation
316 of urban sprawl by planning for future development as provided
317 in this section.

318 a. The primary indicators that a plan or plan amendment
319 does not discourage the proliferation of urban sprawl are listed
320 below. The evaluation of the presence of these indicators shall
321 consist of an analysis of the plan or plan amendment within the
322 context of features and characteristics unique to each locality
323 in order to determine whether the plan or plan amendment:

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

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

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331 (III) Promotes, allows, or designates urban development in
332 radial, strip, isolated, or ribbon patterns generally emanating
333 from existing urban developments.

334 (IV) Fails to adequately protect and conserve natural
335 resources, such as wetlands, floodplains, native vegetation,
336 environmentally sensitive areas, natural groundwater aquifer
337 recharge areas, lakes, rivers, shorelines, beaches, bays,
338 estuarine systems, and other significant natural systems.

339 (V) Fails to adequately protect adjacent agricultural
340 areas and activities, including silviculture, active
341 agricultural and silvicultural activities, passive agricultural
342 activities, and dormant, unique, and prime farmlands and soils.

343 (VI) Fails to maximize use of existing public facilities
344 and services.

345 (VII) Fails to maximize use of future public facilities
346 and services.

347 (VIII) Allows for land use patterns or timing which
348 disproportionately increase the cost in time, money, and energy
349 of providing and maintaining facilities and services, including
350 roads, potable water, sanitary sewer, stormwater management, law
351 enforcement, education, health care, fire and emergency
352 response, and general government.

353 (IX) Fails to provide a clear separation between rural and
354 urban uses.

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

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

358 (XII) Results in poor accessibility among linked or
359 related land uses.

360 (XIII) Results in the loss of significant amounts of
361 functional open space.

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

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

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

372 (III) Promotes walkable and connected communities and
373 provides for compact development and a mix of uses at densities
374 and intensities that will support a range of housing choices and
375 a multimodal transportation system, including pedestrian,
376 bicycle, and transit, if available.

377 (IV) Promotes conservation of water and energy.

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378 (V) Preserves agricultural areas and activities, including
379 silviculture, and dormant, unique, and prime farmlands and
380 soils.

381 (VI) Preserves open space and natural lands and provides
382 for public open space and recreation needs.

383 (VII) Creates a balance of land uses based upon demands of
384 the residential population for the nonresidential needs of an
385 area.

386 (VIII) Provides uses, densities, and intensities of use
387 and urban form that would remediate an existing or planned
388 development pattern in the vicinity that constitutes sprawl or
389 if it provides for an innovative development pattern such as
390 transit-oriented developments or new towns as defined in s.
391 163.3164.

392 10. The future land use element must ~~shall~~ include a
393 future land use map or map series.

394 a. The proposed distribution, extent, and location of the
395 following uses must ~~shall~~ be shown on the future land use map or
396 map series:

397 (I) Residential.

398 (II) Commercial.

399 (III) Industrial.

400 (IV) Agricultural.

401 (V) Recreational.

402 (VI) Conservation.

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403 (VII) Educational.
404 (VIII) Public.
405 b. The following areas must ~~shall~~ also be shown on the
406 future land use map or map series, if applicable:
407 (I) Historic district boundaries and designated
408 historically significant properties.
409 (II) Transportation concurrency management area boundaries
410 or transportation concurrency exception area boundaries.
411 (III) Multimodal transportation district boundaries.
412 (IV) Mixed-use categories.
413 c. The following natural resources or conditions must
414 ~~shall~~ be shown on the future land use map or map series, if
415 applicable:
416 (I) Existing and planned public potable waterwells, cones
417 of influence, and wellhead protection areas.
418 (II) Beaches and shores, including estuarine systems.
419 (III) Rivers, bays, lakes, floodplains, and harbors.
420 (IV) Wetlands.
421 (V) Minerals and soils.
422 (VI) Coastal high hazard areas.
423 Section 3. Subsection (7) of section 163.31801, Florida
424 Statutes, is amended to read:
425 163.31801 Impact fees; short title; intent; minimum
426 requirements; audits; challenges.—

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427 (7) If an impact fee is increased, the holder of any
428 impact fee credits, whether such credits are granted under s.
429 163.3180, s. 380.06, or otherwise, which were in existence
430 before the increase, is entitled to the full benefit of the
431 intensity or density prepaid by the credit balance as of the
432 date it was first established. If a local government adopts an
433 alternative mobility funding system under s. 163.3180(5)(i), the
434 holder of any transportation or road impact fee credits granted
435 under s. 163.3180, s. 380.06, or otherwise, which were in
436 existence before the adoption of the alternative mobility
437 funding system, is entitled to the full benefit of the density
438 or intensity prepaid by the credit balance as of the date the
439 impact fee was first established.

440 Section 4. Section 163.3191, Florida Statutes, is amended
441 to read:

442 163.3191 Evaluation and appraisal of comprehensive plan.—

443 (1) At least once every 7 years, each local government
444 shall evaluate its comprehensive plan to determine if plan
445 amendments are necessary to reflect a minimum planning period of
446 at least 10 years as provided in s. 163.3177(5), or to reflect
447 changes in state requirements in this part since the last update
448 of the comprehensive plan, and notify the state land planning
449 agency as to its determination. The notification shall include a
450 separate affidavit, signed by the chair of the governing body of
451 the county or the mayor of the municipality, attesting that all

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452 elements of its comprehensive plan comply with this subsection.
453 The affidavit must also include a certification that the adopted
454 comprehensive plan contains the minimum planning period of 10
455 years, as provided in s. 163.3177(5), and must cite the source
456 and date of the population projections used in establishing the
457 10-year planning period.

458 (2) If the local government determines amendments to its
459 comprehensive plan are necessary to reflect changes in state
460 requirements, the local government must ~~shall~~ prepare and
461 transmit within 1 year such plan amendment or amendments for
462 review pursuant to s. 163.3184.

463 (3) Local governments shall ~~are encouraged to~~
464 comprehensively evaluate and, as necessary, update comprehensive
465 plans to reflect changes in local conditions. Plan amendments
466 transmitted pursuant to this section must ~~shall~~ be reviewed
467 pursuant to s. 163.3184(4). Updates to the required and optional
468 elements of the comprehensive plan must be processed in the same
469 plan amendment cycle.

470 (4) If a local government fails to submit the ~~its~~ letter
471 and affidavit prescribed by subsection (1) or transmit the
472 update to its plan pursuant to subsection (3) within 1 year
473 after the date the letter was transmitted to the state land
474 planning agency ~~(2)~~, it may not initiate or adopt any publicly
475 initiated plan amendments to amend its comprehensive plan until
476 such time as it complies with this section, unless otherwise

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477 required by general law. This prohibition on plan amendments
478 does not apply to privately initiated plan amendments. The
479 failure of the local government to timely update its plan may
480 not be the basis for the denial of privately initiated
481 comprehensive plan amendments.

482 (5) If it is determined that a local government has failed
483 to update its comprehensive plan pursuant to this section, the
484 state land planning agency must provide the required population
485 projections that must be used by the local government to update
486 the comprehensive plan. The local government shall initiate an
487 update to its comprehensive plan within 3 months after the
488 receipt of the population projections and must transmit the
489 update within 12 months. If the state land planning agency does
490 not find the update to be in compliance, the agency must
491 establish the timeline to address such deficiencies, not to
492 exceed an additional 12-month period. If the update is
493 challenged by a third party, the local government may seek
494 approval from the state land planning agency to process publicly
495 initiated plan amendments that are necessary to accommodate
496 population growth during the pendency of the litigation. During
497 the update process, the local government may provide alternative
498 population projections based on professionally accepted
499 methodologies, but only if those population projections exceed
500 the population projections provided by the state land planning

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501 agency and only if the update is completed within the time
502 period provided in this subsection.

503 ~~(6)-(5)~~ The state land planning agency may not adopt rules
504 to implement this section, other than procedural rules or a
505 schedule indicating when local governments must comply with the
506 requirements of this section.

507 Section 5. Section 163.3208, Florida Statutes, is amended
508 to read:

509 163.3208 Substation approval process.—

510 (1) It is the intent of the Legislature to maintain,
511 encourage, and ensure adequate and reliable electric
512 infrastructure in the state. It is essential that electric
513 infrastructure be constructed and maintained in various
514 locations in order to ensure the efficient and reliable delivery
515 of electric service. Electric infrastructure should be
516 constructed, to the maximum extent practicable, to achieve
517 compatibility with adjacent and surrounding land uses, and the
518 criteria included in this section are intended to balance the
519 need for electricity with land use compatibility.

520 (2) The term "~~distribution~~ electric substation" means an
521 electric substation, including accessory administration or
522 maintenance buildings and related accessory uses and structures,
523 which takes electricity from the transmission grid and converts
524 it to another voltage or a lower voltage so it can be
525 distributed to customers ~~in the local area on the local~~

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526 ~~distribution grid~~ through one or more ~~distribution~~ lines less
527 than 69 kilovolts in size.

528 (3) Electric substations are a critical component of
529 electric transmission and distribution. Except for substations
530 in s. 163.3205(2)(c), local governments may adopt and enforce
531 reasonable land development regulations for new and existing
532 ~~distribution~~ electric substations, addressing only setback,
533 landscaping, buffering, screening, lighting, and other aesthetic
534 compatibility-based standards. Vegetated buffers or screening
535 beneath aerial access points to the substation equipment shall
536 not be required to have a mature height in excess of 14 feet.

537 (4) New and existing ~~distribution~~ electric substations
538 shall be a permitted use in all land use categories in the
539 applicable local government comprehensive plan and zoning
540 districts within a utility's service territory except those
541 designated as preservation, conservation, or historic
542 preservation on the future land use map or duly adopted
543 ordinance. If a local government has not adopted reasonable
544 standards for substation siting in accordance with subsection
545 (3), the following standards shall apply to new and existing
546 ~~distribution~~ electric substations:

547 (a) In nonresidential areas, the substation must comply
548 with the setback and landscaped buffer area criteria applicable
549 to other similar uses in that district, if any.

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550 (b) Unless the local government approves a lesser setback
551 or landscape requirement, in residential areas, a setback of up
552 to 100 feet between the substation property boundary and
553 permanent equipment structures shall be maintained as follows:

554 1. For setbacks between 100 feet and 50 feet, an open
555 green space shall be formed by installing native landscaping,
556 including trees and shrub material, consistent with the relevant
557 local government's land development regulations. Substation
558 equipment shall be protected by a security fence consistent with
559 the relevant local government's land development regulations.

560 2. For setbacks of less than 50 feet, a buffer wall 8 feet
561 high or a fence 8 feet high with native landscaping consistent
562 with the relevant local government's regulations shall be
563 installed around the substation.

564 (5) If the application for a proposed ~~distribution~~
565 electric substation or for changes to an existing electric
566 substation demonstrates that the substation design is consistent
567 with the local government's applicable setback, landscaping,
568 buffering, screening, and other aesthetic compatibility-based
569 standards, the application for development approval for or
570 changes to the substation shall be approved.

571 (6)(a) This paragraph applies ~~may apply~~ to the proposed
572 placement or construction of a new ~~distribution~~ electric
573 substation within a residential area. Before ~~Prior to~~ submitting
574 an application for the location of a new ~~distribution~~ electric

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575 | substation in residential areas, the utility shall consult with
576 | the local government regarding the selection of a site. The
577 | utility shall provide information regarding the utility's
578 | preferred site and as many as three alternative available sites,
579 | including sites within nonresidential areas, that are
580 | technically and electrically reasonable for the load to be
581 | served, if the local government deems that the siting of a new
582 | ~~distribution~~ electric substation warrants this additional review
583 | and consideration. The final determination on the site
584 | application as to the preferred and alternative sites shall be
585 | made solely by the local government within 90 days of
586 | presentation of all the necessary and required information on
587 | the preferred site and on the alternative sites. In the event
588 | the utility and the local government are unable to reach
589 | agreement on an appropriate location, the substation site
590 | selection shall be submitted to mediation conducted pursuant to
591 | ss. 44.401-44.406, unless otherwise agreed to in writing by the
592 | parties, and the mediation shall be concluded within 30 days
593 | unless extended by written agreement of the parties. The 90-day
594 | time period for the local government to render a final decision
595 | on the site application is tolled from the date a notice of
596 | intent to mediate the site selection issue is served on the
597 | utility or local government, until the mediation is concluded,
598 | terminated, or an impasse is declared. The local government and
599 | utility may agree to waive or extend this 90-day time period.

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600 Upon rendition of a final decision of the local government, a
601 person may pursue available legal remedies in accordance with
602 law, and the matter shall be considered on an expedited basis.

603 (b) A local government's land development and construction
604 regulations for new ~~distribution~~ electric substations or for
605 changes to existing electric substations and the local
606 government's review of an application for the placement or
607 construction of a new ~~distribution~~ electric substation or for
608 changes to an existing electric substation shall only address
609 land development, zoning, or aesthetic compatibility-based
610 issues. In such local government regulations or review, a local
611 government may not require information or evaluate a utility's
612 business decisions about its service, customer demand for its
613 service, or quality of its service to or from a particular area
614 or site, unless the utility voluntarily offers this information
615 to the local government.

616 (7) Substation siting standards adopted after the
617 effective date of this act does ~~shall~~ not apply to applications
618 for new ~~distribution~~ electric substations or for changes to
619 existing electric substations which ~~substation applications that~~
620 were submitted before ~~prior to~~ the notice of the local
621 government's adoption hearing.

622 (8) (a) If a local government has adopted standards for the
623 siting of new ~~distribution~~ electric substations or for changes
624 to existing electric substations within any of the local

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625 government's land use categories or zoning districts, the local
626 government shall grant or deny a properly completed application
627 for a permit to locate a new electric substation or change an
628 existing ~~distribution~~ electric substation within the land use
629 category or zoning district within 90 days after the date the
630 properly completed application is declared complete in
631 accordance with the applicable local government application
632 procedures. If the local government fails to approve or deny a
633 properly completed application for a new ~~distribution~~ electric
634 substation or for changes to an existing electric substation
635 within the timeframes set forth, the application is ~~shall be~~
636 ~~deemed~~ automatically approved, and the applicant may proceed
637 with construction consistent with its application without
638 interference or penalty. Issuance of such local permit does not
639 relieve the applicant from complying with applicable federal or
640 state laws or regulations and other applicable local land
641 development or building regulations, if any.

642 (b) The local government shall notify the permit applicant
643 within 30 days after the date the application is submitted as to
644 whether the application is, for administrative purposes only,
645 properly completed and has been properly submitted. Further
646 completeness determinations shall be provided within 15 days
647 after the receipt of additional information. However, such
648 determination is not ~~shall not be not deemed an~~ approval of the
649 application.

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650 (c) To be effective, a waiver of the timeframes set forth
651 in this subsection must be voluntarily agreed to by the utility
652 applicant and the local government. A local government may
653 request, but not require, a waiver of the timeframes by the
654 applicant, except that, with respect to a specific application,
655 a one-time waiver may be required in the case of a declared
656 local, state, or federal emergency that directly affects the
657 administration of all permitting activities of the local
658 government.

659 (d) The local government may establish reasonable
660 timeframes within which the required information to cure the
661 application deficiency is to be provided, or the application
662 will be considered withdrawn or closed.

663 Section 6. Effective upon this act becoming a law,
664 subsection (7) is added to section 189.031, Florida Statutes, to
665 read:

666 189.031 Legislative intent for the creation of independent
667 special districts; special act prohibitions; model elements and
668 other requirements; local general-purpose government/Governor
669 and Cabinet creation authorizations.-

670 (7) REVIEW OF DEVELOPMENT AGREEMENTS.-An independent
671 special district is precluded from complying with the terms of
672 any development agreement, and any other agreement for which the
673 development agreement serves in whole or part as consideration,
674 executed within 3 months before the effective date of a law

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675 modifying the manner of selecting members of the governing body
676 of the independent special district from election to appointment
677 or from appointment to election. The newly elected or appointed
678 governing body of the independent special district shall review
679 within 4 months after taking office any development agreement
680 and any other agreement for which the development agreement
681 serves in whole or part as consideration and, after such review,
682 shall vote on whether to seek readoption of such agreement. This
683 subsection shall apply to any development agreement that is in
684 effect on, or is executed after, the effective date of this
685 section. This subsection expires July 1, 2028, unless reviewed
686 and saved from repeal through reenactment by the Legislature.

687 Section 7. Paragraph (a) of subsection (2) of section
688 189.08, Florida Statutes, is amended to read:

689 189.08 Special district public facilities report.—

690 (2) Each independent special district shall submit to each
691 local general-purpose government in which it is located a public
692 facilities report and an annual notice of any changes. The
693 public facilities report shall specify the following
694 information:

695 (a) A description of existing public facilities owned or
696 operated by the special district, and each public facility that
697 is operated by another entity, except a local general-purpose
698 government, through a lease or other agreement with the special
699 district. This description shall include the current capacity of

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700 the facility, the current demands placed upon it, and its
 701 location. This information shall be required in the initial
 702 report and updated every 7 years at least 12 months before the
 703 submission date of the evaluation and appraisal notification
 704 letter of the appropriate local government required by s.
 705 163.3191. The department shall post a schedule on its website,
 706 based on the evaluation and appraisal notification schedule
 707 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a
 708 special district to determine when its public facilities report
 709 and updates to that report are due to the local general-purpose
 710 governments in which the special district is located.

711 Section 8. Except as otherwise expressly provided in this
 712 act, and except for this section which shall take effect upon
 713 becoming a law, this act shall take effect July 1, 2023.

714

715 -----

716 **T I T L E A M E N D M E N T**

717 Remove everything before the enacting clause and insert:

718 A bill to be entitled

719 An act relating to land use and development

720 regulations; amending s. 70.51, F.S.; providing the

721 types of relief that may be included in a negotiated

722 settlement; requiring a special magistrate to consider

723 the public interest served by comprehensive plan

724 provisions that are inconsistent with proposed relief;

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725 revising the requirements of a governmental entity
726 after the receipt of a special magistrate's
727 recommendation; revising the effect of a special
728 magistrate's recommendation; providing procedures for
729 deeming relief granted by a special magistrate's
730 recommendation or a negotiated settlement consistent
731 with comprehensive plan; amending s. 163.3177, F.S.;
732 revising the types of data that comprehensive plans
733 and plan amendments must be based on; revising means
734 by which an application of a methodology used in data
735 collection or whether a particular methodology is
736 professionally accepted may be evaluated; revising the
737 elements that must be included in a comprehensive
738 plan; revising the planning periods that must be
739 included in a comprehensive plan; amending s.
740 163.31801, F.S.; providing that certain holders of
741 transportation or road impact fee credits are entitled
742 to the full benefit of the density or intensity
743 prepaid by the credit balance; amending s. 163.3191,
744 F.S.; revising the frequency at which a local
745 government must evaluate its comprehensive plan for
746 specified purposes; requiring, rather than
747 authorizing, a local government to comprehensively
748 evaluate and update its comprehensive plans to reflect
749 changes in local conditions; requiring a local

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750 government to submit an affidavit for specified
751 purposes; prohibiting a local government from publicly
752 initiating or adopting plan amendments to its
753 comprehensive plan when it fails to meet certain
754 requirements; requiring the state land planning agency
755 to provide certain information when a local government
756 fails to update its comprehensive plan; providing
757 procedures if an update is found to not be in
758 compliance or if the update is challenged by a third
759 party; amending s. 163.3208, F.S.; revising the
760 definition of the term "distribution electric
761 substation"; revising the substation approval process
762 to include applications for changes to existing
763 electric substations; amending s. 189.031, F.S.;
764 precluding an independent special district from
765 complying with the terms of certain development
766 agreements under certain circumstances; providing
767 applicability; providing for future legislative review
768 and repeal of specified provisions; amending s.
769 189.08, F.S.; conforming a cross-reference; providing
770 effective dates.

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