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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2023	.	
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The Committee on Community Affairs (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 53 - 571

and insert:

Section 1. Paragraph (a) of subsection (5) of section 163.3177, Florida Statutes, is amended to read:

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

(5) (a) Each local government comprehensive plan must include at least two planning periods, one covering at least the



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11 first 10-year ~~5-year~~ period occurring after the plan's adoption
12 and one covering at least a 20-year ~~10-year~~ period. Additional
13 planning periods for specific components, elements, land use
14 amendments, or projects shall be permissible and accepted as
15 part of the planning process.

16 Section 2. Section 163.3191, Florida Statutes, is amended
17 to read:

18 163.3191 Evaluation and appraisal of comprehensive plan.—

19 (1) At least once every 7 years, each local government
20 shall evaluate its comprehensive plan to determine if plan
21 amendments are necessary to reflect a minimum planning period of
22 at least 10 years as provided in s. 163.3177(5) or to reflect
23 changes in state requirements in this part since the last update
24 of the comprehensive plan, and notify the state land planning
25 agency as to its determination. The notification must include a
26 separate affidavit, signed by the chair of the governing body of
27 the county and the mayor of the municipality, attesting that all
28 elements of its comprehensive plan comply with this subsection.
29 The affidavit must also include a certification that the adopted
30 comprehensive plan contains the minimum planning period of 10
31 years, as provided in 163.3177(5), and must cite the source and
32 date of the population projections used in establishing the 10-
33 year planning period.

34 (2) If the local government determines amendments to its
35 comprehensive plan are necessary to reflect changes in state
36 requirements, the local government shall prepare and transmit
37 within 1 year such plan amendment or amendments for review
38 pursuant to s. 163.3184.

39 (3) Local governments shall ~~are encouraged to~~



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40 | comprehensively evaluate and, as necessary, update comprehensive
41 | plans to reflect changes in local conditions. Plan amendments
42 | transmitted pursuant to this section must ~~shall~~ be reviewed
43 | pursuant to s. 163.3184(4). Updates to the required elements and
44 | optional elements of the comprehensive plan must be processed in
45 | the same plan amendment cycle.

46 | (4) If a local government fails to submit the its letter
47 | and affidavit prescribed by subsection (1) or transmit the
48 | update to its plan pursuant to subsection (3) within 1 year
49 | after the date the letter was transmitted to the state land
50 | planning agency (2), it may not initiate or adopt any publicly
51 | initiated plan amendments to amend its comprehensive plan until
52 | such time as it complies with this section, unless otherwise
53 | required by general law. This prohibition on plan amendments
54 | does not apply to privately initiated plan amendments. The
55 | failure of the local government to timely update its plan may
56 | not be the basis for the denial of privately initiated
57 | comprehensive plan amendments.

58 | (5) If it is determined that a local government has failed
59 | to update its comprehensive plan pursuant to this section, the
60 | state land planning agency must provide the required population
61 | projections that must be used by the local government to update
62 | the comprehensive plan. The local government shall initiate an
63 | update to its comprehensive plan within 3 months following the
64 | receipt of the population projections and must transmit the
65 | update within 12 months. If the state land planning agency finds
66 | the update is not in compliance, it must establish the timeline
67 | to address the deficiencies, not to exceed an additional 12-
68 | month period. If the update is challenged by a third party, the



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69 local government may seek approval from the state land planning
70 agency to process publicly initiated plan amendments that are
71 necessary to accommodate population growth during the pendency
72 of the litigation. During the update process, the local
73 government may provide alternative population projections based
74 on professionally accepted methodologies, but only if those
75 population projections exceed the population projections
76 provided by the state land planning agency and only if the
77 update is completed within the timeframe set forth in this
78 subsection.

79 (6) The state land planning agency may not adopt rules to
80 implement this section, other than procedural rules or a
81 schedule indicating when local governments must comply with the
82 requirements of this section.

83 Section 3. Paragraphs (a) and (b) of subsection (5) of
84 section 163.3202, Florida Statutes, are amended to read:

85 163.3202 Land development regulations.—

86 (5) (a) Land development regulations relating to building
87 design elements may not be applied to a single-family or two-
88 family dwelling unless:

89 1. The dwelling is listed in the National Register of
90 Historic Places, as defined in s. 267.021(5); is located in a
91 National Register Historic District; or is designated as a
92 historic property or located in a historic district, under the
93 terms of a local preservation ordinance;

94 2. The regulations are adopted in order to implement the
95 National Flood Insurance Program;

96 3. The regulations are adopted pursuant to and in
97 compliance with chapter 553;



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98 4. The dwelling is located in a community redevelopment
99 area, as defined in s. 163.340(10);

100 5. The regulations are required to ensure protection of
101 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
102 161.0531, s. 161.085, s. 161.163, or chapter 373;

103 ~~6. The dwelling is located in a planned unit development or~~
104 ~~master planned community created pursuant to a local ordinance,~~
105 ~~resolution, or other final action approved by the local~~
106 ~~governing body; or~~

107 ~~6.7.~~ The dwelling is located within the jurisdiction of a
108 local government that has a design review board or an
109 architectural review board created before January 1, 2020.

110 (b) For purposes of this subsection, the term:

111 ~~1.~~ "building design elements" means the external building
112 color; the type or style of exterior cladding material; the
113 style or material of roof structures or porches; the exterior
114 nonstructural architectural ornamentation; the location or
115 architectural styling of windows or doors; the location or
116 orientation of the garage; the number and type of rooms; and the
117 interior layout of rooms. The term does not include the height,
118 bulk, orientation, or location of a dwelling on a zoning lot; or
119 the use of buffering or screening to minimize potential adverse
120 physical or visual impacts or to protect the privacy of
121 neighbors.

122 ~~2. "Planned unit development" or "master planned community"~~
123 ~~means an area of land that is planned and developed as a single~~
124 ~~entity or in approved stages with uses and structures~~
125 ~~substantially related to the character of the entire~~
126 ~~development, or a self-contained development in which the~~



127 ~~subdivision and zoning controls are applied to the project as a~~
128 ~~whole rather than to individual lots.~~

129
130 ===== T I T L E A M E N D M E N T =====

131 And the title is amended as follows:

132 Delete lines 3 - 46

133 and insert:

134 regulations; amending s. 163.3177, F.S.; revising the
135 planning periods that must be included in a
136 comprehensive plan; amending s. 163.3191, F.S.;
137 requiring local governments to determine if plan
138 amendments are necessary to reflect a certain minimum
139 planning period; specifying requirements for a certain
140 notification; requiring, rather than encouraging, a
141 local government to comprehensively evaluate and
142 update its comprehensive plan to reflect changes in
143 local conditions; requiring updates to certain
144 elements of the comprehensive plan to be processed in
145 the same plan amendment cycle; prohibiting a local
146 government from initiating or adopting any publicly
147 initiated plan amendments to its comprehensive plan
148 under certain circumstances; providing applicability;
149 prohibiting a certain denial of plan amendments from
150 being based on the failure of a local government to
151 update its comprehensive plan; requiring the state
152 land planning agency to provide population projections
153 if a local government fails to update its
154 comprehensive plan; requiring the local government to
155 update its comprehensive plan within a specified



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156 timeframe after receiving the population projections
157 and transmit the update within a specified timeframe;
158 requiring the state land planning agency to establish
159 a certain timeline if such update is not in
160 compliance; authorizing the local government to seek
161 approval from the state land planning agency to
162 process publicly initiated plan amendments under
163 certain circumstances; authorizing the local
164 government to provide certain alternative population
165 projections under certain circumstances; amending s.
166 163.3202, F.S.; revising exceptions to applicability
167 of land development regulations relating to single-
168 family or two-family dwelling building design
169 elements; deleting the definition of the terms
170 "planned unit development" or "master planned
171 community"; amending s. 189.08,