

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 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
 supervision of the special magistrate. The object of the hearing

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17 is to focus attention on the impact of the governmental action
18 giving rise to the request for relief and to explore
19 alternatives to the development order or enforcement action and
20 other regulatory efforts by the governmental entities in order
21 to recommend relief, when appropriate, to the owner.

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

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

38 1. An adjustment of land development or permit standards
39 or other provisions controlling the development or use of land
40 for the property subject to the dispute or other property owned
41 or controlled by the parties to the settlement.

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42 2. Increases or modifications in the density, intensity,
43 or use of areas of development.

44 3. The transfer of development rights.

45 4. Land swaps or exchanges.

46 5. Mitigation relief, including payments in lieu of onsite
47 mitigation.

48 6. Location on the least sensitive portion of the
49 property.

50 7. Conditioning the amount of development or use
51 permitted.

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

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

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

60 (18) The circumstances to be examined in determining
61 whether the development order or enforcement action, or the
62 development order or enforcement action in conjunction with
63 regulatory efforts of other governmental parties, is
64 unreasonable or unfairly burdens use of the property may
65 include, but are not limited to:

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

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

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

89 (25) Regardless of the action the governmental entity
90 takes on the special magistrate's recommendation, a

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

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

113 163.3177 Required and optional elements of comprehensive
114 plan; studies and surveys.—

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

138 (f) All required ~~mandatory~~ and optional elements of the
139 comprehensive plan and plan amendments must ~~shall~~ be based upon

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140 relevant ~~and appropriate~~ data and an analysis by the local
141 government that may include, but not be limited to, surveys,
142 studies, ~~community goals and vision~~, and other data available at
143 the time of adoption of the comprehensive plan or plan
144 amendment. To be based on data means to react to it ~~in an~~
145 ~~appropriate way and~~ to the extent necessary indicated by the
146 data available on that particular subject at the time of
147 adoption of the plan or plan amendment at issue.

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

162 2. Data must be taken from professionally accepted
163 sources. The application of a methodology utilized in data
164 collection or whether a particular methodology is professionally

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165 | accepted may be evaluated. ~~However, the evaluation may not~~
166 | ~~include whether one accepted methodology is better than another.~~
167 | ~~Original data collection by local governments is not required.~~
168 | ~~However, local governments may use original data so long as~~
169 | ~~methodologies are professionally accepted.~~

170 | 3. The comprehensive plan must ~~shall~~ be based upon
171 | permanent and seasonal population estimates and projections,
172 | which must ~~shall~~ either be ~~those~~ published by the Office of
173 | Economic and Demographic Research or generated by the local
174 | government based upon a professionally acceptable methodology,
175 | whichever is greater. The plan must be based on at least the
176 | minimum amount of land required to accommodate the medium
177 | projections as published by the Office of Economic and
178 | Demographic Research for at least a 10-year planning period
179 | unless otherwise limited under s. 380.05, including related
180 | rules of the Administration Commission. Absent physical
181 | limitations on population growth, population projections for
182 | each municipality, and the unincorporated area within a county
183 | must, at a minimum, be reflective of each area's proportional
184 | share of the total county population and the total county
185 | population growth.

186 | (2) Coordination of the required and optional ~~several~~
187 | elements of the local comprehensive plan must ~~shall~~ be a major
188 | objective of the planning process. The required and optional
189 | ~~several~~ elements of the comprehensive plan must ~~shall~~ be

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190 consistent. Optional elements of the comprehensive plan may not
191 contain policies that restrict the density or intensity
192 established in the future land use element. Where data is
193 relevant to required and optional ~~several~~ elements, consistent
194 data must ~~shall~~ be used, including population estimates and
195 projections ~~unless alternative data can be justified for a plan~~
196 ~~amendment through new supporting data and analysis.~~ Each map
197 depicting future conditions must reflect the principles,
198 guidelines, and standards within all elements, and each such map
199 must be contained within the comprehensive plan.

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

207 (6) In addition to the requirements of subsections (1) -
208 (5), the comprehensive plan shall include the following
209 elements:

210 (a) A future land use plan element designating proposed
211 future general distribution, location, and extent of the uses of
212 land for residential uses, commercial uses, industry,
213 agriculture, recreation, conservation, education, public
214 facilities, and other categories of the public and private uses

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215 of land. The approximate acreage and the general range of
216 density or intensity of use must ~~shall~~ be provided for the gross
217 land area included in each existing land use category. The
218 element must ~~shall~~ establish the long-term end toward which land
219 use programs and activities are ultimately directed.

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

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

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

233 b. The projected permanent and seasonal population of the
234 area.

235 c. The character of undeveloped land.

236 d. The availability of water supplies, public facilities,
237 and services.

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238 e. The amount of land located outside the urban service
239 area, excluding lands designated for conservation, preservation,
240 or other public use.

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

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

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

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

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

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

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

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

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

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261 c. Encourage preservation of recreational and commercial
262 working waterfronts for water-dependent uses in coastal
263 communities.

264 d. Encourage the location of schools proximate to urban
265 service residential areas to the extent possible and encourage
266 the location of schools in all areas if necessary to provide
267 adequate school capacity to serve residential development.

268 e. Coordinate future land uses with the topography and
269 soil conditions, and the availability of facilities and
270 services.

271 f. Ensure the protection of natural and historic
272 resources.

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

274 h. Provide guidelines for the implementation of mixed-use
275 development including the types of uses allowed, the percentage
276 distribution among the mix of uses, or other standards, and the
277 density and intensity of each use.

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

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

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

293 6. The land use maps or map series must ~~shall~~ generally
294 identify and depict historic district boundaries and must ~~shall~~
295 designate historically significant properties meriting
296 protection.

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

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

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310 a. An analysis of the availability of facilities and
311 services.

312 b. An analysis of the suitability of the plan amendment
313 for its proposed use considering the character of the
314 undeveloped land, soils, topography, natural resources, and
315 historic resources on site.

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

318 9. The future land use element must ~~and any amendment to~~
319 ~~the future land use element shall~~ discourage the proliferation
320 of urban sprawl by planning for future development as provided
321 in this section.

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

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

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

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335 (III) Promotes, allows, or designates urban development in
336 radial, strip, isolated, or ribbon patterns generally emanating
337 from existing urban developments.

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

343 (V) Fails to adequately protect adjacent agricultural
344 areas and activities, including silviculture, active
345 agricultural and silvicultural activities, passive agricultural
346 activities, and dormant, unique, and prime farmlands and soils.

347 (VI) Fails to maximize use of existing public facilities
348 and services.

349 (VII) Fails to maximize use of future public facilities
350 and services.

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

357 (IX) Fails to provide a clear separation between rural and
358 urban uses.

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

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

362 (XII) Results in poor accessibility among linked or
363 related land uses.

364 (XIII) Results in the loss of significant amounts of
365 functional open space.

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

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

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

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

381 (IV) Promotes conservation of water and energy.

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382 (V) Preserves agricultural areas and activities, including
383 silviculture, and dormant, unique, and prime farmlands and
384 soils.

385 (VI) Preserves open space and natural lands and provides
386 for public open space and recreation needs.

387 (VII) Creates a balance of land uses based upon demands of
388 the residential population for the nonresidential needs of an
389 area.

390 (VIII) Provides uses, densities, and intensities of use
391 and urban form that would remediate an existing or planned
392 development pattern in the vicinity that constitutes sprawl or
393 if it provides for an innovative development pattern such as
394 transit-oriented developments or new towns as defined in s.
395 163.3164.

396 10. The future land use element must ~~shall~~ include a
397 future land use map or map series.

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

401 (I) Residential.

402 (II) Commercial.

403 (III) Industrial.

404 (IV) Agricultural.

405 (V) Recreational.

406 (VI) Conservation.

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407 (VII) Educational.

408 (VIII) Public.

409 b. The following areas must ~~shall~~ also be shown on the
410 future land use map or map series, if applicable:

411 (I) Historic district boundaries and designated
412 historically significant properties.

413 (II) Transportation concurrency management area boundaries
414 or transportation concurrency exception area boundaries.

415 (III) Multimodal transportation district boundaries.

416 (IV) Mixed-use categories.

417 c. The following natural resources or conditions must
418 ~~shall~~ be shown on the future land use map or map series, if
419 applicable:

420 (I) Existing and planned public potable waterwells, cones
421 of influence, and wellhead protection areas.

422 (II) Beaches and shores, including estuarine systems.

423 (III) Rivers, bays, lakes, floodplains, and harbors.

424 (IV) Wetlands.

425 (V) Minerals and soils.

426 (VI) Coastal high hazard areas.

427 Section 3. Section 163.3191, Florida Statutes, is amended
428 to read:

429 163.3191 Evaluation and appraisal of comprehensive plan.—

430 (1) At least once every 7 years, each local government
431 shall evaluate its comprehensive plan to determine if plan

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432 amendments are necessary to reflect a minimum planning period of
433 at least 10 years as provided in s. 163.3177(5), or to reflect
434 changes in state requirements in this part since the last update
435 of the comprehensive plan, and notify the state land planning
436 agency as to its determination. The notification shall include a
437 separate affidavit, signed by the chair of the governing body of
438 the county and the mayor of the municipality, attesting that all
439 elements of its comprehensive plan comply with this subsection.
440 The affidavit must also include a certification that the adopted
441 comprehensive plan contains the minimum planning period of 10
442 years, as provided in s. 163.3177(5), and must cite the source
443 and date of the population projections used in establishing the
444 10-year planning period.

445 (2) If the local government determines amendments to its
446 comprehensive plan are necessary to reflect changes in state
447 requirements, the local government must ~~shall~~ prepare and
448 transmit within 1 year such plan amendment or amendments for
449 review pursuant to s. 163.3184.

450 (3) Local governments shall ~~are encouraged to~~
451 comprehensively evaluate and, as necessary, update comprehensive
452 plans to reflect changes in local conditions. Plan amendments
453 transmitted pursuant to this section must ~~shall~~ be reviewed
454 pursuant to s. 163.3184(4). Updates to the required and optional
455 elements of the comprehensive plan must be processed in the same
456 plan amendment cycle.

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457 (4) If a local government fails to submit the ~~its~~ letter
458 and affidavit prescribed by subsection (1) or transmit the
459 update to its plan pursuant to subsection (3) within 1 year
460 after the date the letter was transmitted to the state land
461 planning agency ~~(2)~~, it may not initiate or adopt any publicly
462 initiated plan amendments to amend its comprehensive plan until
463 such time as it complies with this section, unless otherwise
464 required by general law. This prohibition on plan amendments
465 does not apply to privately initiated plan amendments. The
466 failure of the local government to timely update its plan may
467 not be the basis for the denial of privately initiated
468 comprehensive plan amendments.

469 (5) If it is determined that a local government has failed
470 to update its comprehensive plan pursuant to this section, the
471 state land planning agency must provide the required population
472 projections that must be used by the local government to update
473 the comprehensive plan. The local government shall initiate an
474 update to its comprehensive plan within 3 months after the
475 receipt of the population projections and must transmit the
476 update within 12 months. If the state land planning agency does
477 not find the update to be in compliance, the agency must
478 establish the timeline to address such deficiencies, not to
479 exceed an additional 12-month period. If the update is
480 challenged by a third party, the local government may seek
481 approval from the state land planning agency to process publicly

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482 initiated plan amendments that are necessary to accommodate
483 population growth during the pendency of the litigation. During
484 the update process, the local government may provide alternative
485 population projections based on professionally accepted
486 methodologies, but only if those population projections exceed
487 the population projections provided by the state land planning
488 agency and only if the update is completed within the time
489 period provided in this subsection.

490 (6)-(5) The state land planning agency may not adopt rules
491 to implement this section, other than procedural rules or a
492 schedule indicating when local governments must comply with the
493 requirements of this section.

494 Section 4. Subsections (2) and (5) of section 163.3202,
495 Florida Statutes, are amended to read:

496 163.3202 Land development regulations.—

497 (2) Local land development regulations shall contain
498 specific and detailed provisions necessary or desirable to
499 implement the adopted comprehensive plan and shall at a minimum:

500 (a) Regulate the subdivision of land.

501 (b) Establish minimum lot sizes within single-family, two-
502 family, and fee simple, single-family townhouse zoning districts
503 to accommodate the maximum density authorized in the
504 comprehensive plan, net of the land area required to be set
505 aside for subdivision roads, sidewalks, stormwater ponds, open
506 space, landscape buffers, and any other mandatory land

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507 development regulations that require land to be set aside that
508 could otherwise be used for the development of single-family
509 homes, two-family homes, and fee simple, single-family
510 townhouses.

511 (c) Establish infill development standards for single-
512 family homes, two-family homes, and fee simple townhouse
513 dwelling units to allow for the administrative approval of
514 development of infill single-family homes, two-family homes, and
515 fee simple, single-family townhouses.

516 (d)-(b) Regulate the use of land and water for those land
517 use categories included in the land use element and ensure the
518 compatibility of adjacent uses and provide for open space.

519 (e)-(e) Provide for protection of potable water wellfields.

520 (f)-(d) Regulate areas subject to seasonal and periodic
521 flooding and provide for drainage and stormwater management.

522 (g)-(e) Ensure the protection of environmentally sensitive
523 lands designated in the comprehensive plan.

524 (h)-(f) Regulate signage.

525 (i)-(g) Provide that public facilities and services meet or
526 exceed the standards established in the capital improvements
527 element required by s. 163.3177 and are available when needed
528 for the development, or that development orders and permits are
529 conditioned on the availability of these public facilities and
530 services necessary to serve the proposed development. A local
531 government may not issue a development order or permit that

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532 results in a reduction in the level of services for the affected
533 public facilities below the level of services provided in the
534 local government's comprehensive plan.

535 ~~(j)(h)~~ Ensure safe and convenient onsite traffic flow,
536 considering needed vehicle parking.

537 ~~(k)(i)~~ Maintain the existing density of residential
538 properties or recreational vehicle parks if the properties are
539 intended for residential use and are located in the
540 unincorporated areas that have sufficient infrastructure, as
541 determined by a local governing authority, and are not located
542 within a coastal high-hazard area under s. 163.3178.

543 ~~(l)(j)~~ Incorporate preexisting development orders
544 identified pursuant to s. 163.3167(3).

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

548 1. The dwelling is listed in the National Register of
549 Historic Places, as defined in s. 267.021(5); is located in a
550 National Register Historic District; or is designated as a
551 historic property or located in a historic district, under the
552 terms of a local preservation ordinance;

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

555 3. The regulations are adopted pursuant to and in
556 compliance with chapter 553;

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

559 5. The regulations are required to ensure protection of
560 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
561 161.0531, s. 161.085, s. 161.163, or chapter 373; or

562 ~~6. The dwelling is located in a planned unit development~~
563 ~~or master planned community created pursuant to a local~~
564 ~~ordinance, resolution, or other final action approved by the~~
565 ~~local governing body; or~~

566 6.7. The dwelling is located within the jurisdiction of a
567 local government that has a design review board or architectural
568 review board created before January 1, 2020.

569 (b) For purposes of this subsection, the term~~+~~

570 ~~1.~~ "building design elements" means the external building
571 color; the type or style of exterior cladding material; the
572 style or material of roof structures or porches; the exterior
573 nonstructural architectural ornamentation; the location or
574 architectural styling of windows or doors; the location or
575 orientation of the garage; the number and type of rooms; and the
576 interior layout of rooms. The term does not include the height,
577 bulk, orientation, or location of a dwelling on a zoning lot; or
578 the use of buffering or screening to minimize potential adverse
579 physical or visual impacts or to protect the privacy of
580 neighbors.

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581 ~~2. "Planned unit development" or "master planned~~
582 ~~community" means an area of land that is planned and developed~~
583 ~~as a single entity or in approved stages with uses and~~
584 ~~structures substantially related to the character of the entire~~
585 ~~development, or a self-contained development in which the~~
586 ~~subdivision and zoning controls are applied to the project as a~~
587 ~~whole rather than to individual lots.~~

588 (c) This subsection does not affect the validity or
589 enforceability of private covenants or other contractual
590 agreements relating to building design elements.

591 Section 5. Paragraph (a) of subsection (2) of section
592 189.08, Florida Statutes, is amended to read:

593 189.08 Special district public facilities report.—

594 (2) Each independent special district shall submit to each
595 local general-purpose government in which it is located a public
596 facilities report and an annual notice of any changes. The
597 public facilities report shall specify the following
598 information:

599 (a) A description of existing public facilities owned or
600 operated by the special district, and each public facility that
601 is operated by another entity, except a local general-purpose
602 government, through a lease or other agreement with the special
603 district. This description shall include the current capacity of
604 the facility, the current demands placed upon it, and its
605 location. This information shall be required in the initial

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606 report and updated every 7 years at least 12 months before the
607 submission date of the evaluation and appraisal notification
608 letter of the appropriate local government required by s.
609 163.3191. The department shall post a schedule on its website,
610 based on the evaluation and appraisal notification schedule
611 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a
612 special district to determine when its public facilities report
613 and updates to that report are due to the local general-purpose
614 governments in which the special district is located.

615 Section 6. Subsection (29) of section 479.01, Florida
616 Statutes, is amended to read:

617 479.01 Definitions.—As used in this chapter, the term:

618 (29) "Zoning category" means the designation under the
619 land development regulations or other similar ordinance enacted
620 to regulate the use of land as provided in s. 163.3202(2) ~~s.~~
621 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
622 restrictions, and limitations on use applicable to properties
623 within the category.

624 Section 7. This act shall take effect July, 1, 2023

625
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627 **T I T L E A M E N D M E N T**

628 Remove everything before the enacting clause and insert:

629 An act relating to land use and development regulations;
630 amending s. 70.51, F.S.; providing the types of relief that may

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631 be included in a negotiated settlement; requiring a special
632 magistrate to consider the public interest served by
633 comprehensive plan provisions that are inconsistent with
634 proposed relief; revising the requirements of a governmental
635 entity after the receipt of a special magistrate's
636 recommendation; revising the effect of a special magistrate's
637 recommendation; providing procedures for deeming relief granted
638 by a special magistrate's recommendation or a negotiated
639 settlement consistent with comprehensive plan; amending s.
640 163.3177, F.S.; revising the types of data that comprehensive
641 plans and plan amendments must be based on; revising means by
642 which an application of a methodology used in data collection or
643 whether a particular methodology is professionally accepted may
644 be evaluated; revising the elements that must be included in a
645 comprehensive plan; revising the planning periods that must be
646 included in a comprehensive plan; amending s. 163.3191, F.S.;
647 revising the frequency at which a local government must evaluate
648 its comprehensive plan for specified purposes; requiring, rather
649 than authorizing, a local government to comprehensively evaluate
650 and update its comprehensive plans to reflect changes in local
651 conditions; requiring a local government to submit an affidavit
652 for specified purposes; prohibiting a local government from
653 publicly initiating or adopting plan amendments to its
654 comprehensive plan when it fails to meet certain requirements;
655 requiring the state land planning agency to provide certain

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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656 information when a local government fails to update its
657 comprehensive plan; setting forth procedures when the state land
658 planning agency does not find such update to be in compliance or
659 if the update is challenged by a third party; amending s.
660 163.3202, F.S.; revising content requirements for local land
661 development regulations; revising exceptions to applicability of
662 land development regulations relating to single-family or two-
663 family dwelling building design elements; deleting a definition;
664 amending ss. 189.08 and 479.01, F.S.; conforming cross-
665 references; providing an effective date
666

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