

1 A bill to be entitled
 2 An act relating to land use and development
 3 regulations; amending s. 70.51, F.S.; providing the
 4 types of relief that may be included in a negotiated
 5 settlement; requiring a special magistrate to consider
 6 the public interest served by comprehensive plan
 7 provisions that are inconsistent with proposed relief;
 8 revising the requirements of a governmental entity
 9 after the receipt of a special magistrate's
 10 recommendation; revising the effect of a special
 11 magistrate's recommendation; providing procedures for
 12 deeming relief granted by a special magistrate's
 13 recommendation or a negotiated settlement consistent
 14 with comprehensive plan; amending s. 163.3164, F.S.;
 15 revising definitions; amending s. 163.3177, F.S.;
 16 revising the types of data that comprehensive plans
 17 and plan amendments must be based on; revising means
 18 by which an application of a methodology used in data
 19 collection or whether a particular methodology is
 20 professionally accepted may be evaluated; revising the
 21 elements that must be included in a comprehensive
 22 plan; revising the planning periods that must be
 23 included in a comprehensive plan; amending s.
 24 163.3191, F.S.; revising the frequency at which a
 25 local government must evaluate its comprehensive plan

26 | for specified purposes; requiring, rather than
 27 | authorizing, a local government to comprehensively
 28 | evaluate and update its comprehensive plans to reflect
 29 | changes in local conditions; requiring a local
 30 | government to submit an affidavit for specified
 31 | purposes; prohibiting a local government from publicly
 32 | initiating or adopting plan amendments to its
 33 | comprehensive plan when it fails to meet certain
 34 | requirements; requiring the state land planning agency
 35 | to provide certain information when a local government
 36 | fails to update its comprehensive plan; amending s.
 37 | 163.3202, F.S.; revising content requirements for
 38 | local land development regulations; revising
 39 | exceptions to applicability of land development
 40 | regulations relating to single-family or two-family
 41 | dwelling building design elements; deleting a
 42 | definition; amending s. 163.3246, F.S.; revising
 43 | terminology; amending ss. 189.08 and 479.01, F.S.;
 44 | conforming cross-references; providing an effective
 45 | date.

46 |
 47 | Be It Enacted by the Legislature of the State of Florida:

48 |
 49 | Section 1. Paragraph (h) of subsection (18) of section
 50 | 70.51, Florida Statutes, is redesignated as paragraph (i),

51 paragraph (a) of subsection (17), paragraph (a) of subsection
52 (21), and subsection (25) are amended, and a new paragraph (h)
53 is added to subsection (18) of that section, to read:

54 70.51 Land use and environmental dispute resolution.—

55 (17) In all respects, the hearing must be informal and
56 open to the public and does not require the use of an attorney.
57 The hearing must operate at the direction and under the
58 supervision of the special magistrate. The object of the hearing
59 is to focus attention on the impact of the governmental action
60 giving rise to the request for relief and to explore
61 alternatives to the development order or enforcement action and
62 other regulatory efforts by the governmental entities in order
63 to recommend relief, when appropriate, to the owner.

64 (a) The first responsibility of the special magistrate is
65 to facilitate a resolution of the conflict between the owner and
66 governmental entities to the end that some modification of the
67 owner's proposed use of the property or adjustment in the
68 development order or enforcement action or regulatory efforts by
69 one or more of the governmental parties may be reached.
70 Accordingly, the special magistrate shall act as a facilitator
71 or mediator between the parties in an effort to effect a
72 mutually acceptable solution. The parties shall be represented
73 at the mediation by persons with authority to bind their
74 respective parties to a solution, or by persons with authority
75 to recommend a solution directly to the persons with authority

76 | to bind their respective parties to a solution. A negotiated
 77 | settlement may include, but is not limited to, one or more of
 78 | the following types of relief or other extraordinary relief
 79 | deemed appropriate by the parties:

80 | 1. An adjustment of land development or permit standards
 81 | or other provisions controlling the development or use of land
 82 | for the property subject to the dispute or other property owned
 83 | or controlled by the parties to the settlement.

84 | 2. Increases or modifications in the density, intensity,
 85 | or use of areas of development.

86 | 3. The transfer of development rights.

87 | 4. Land swaps or exchanges.

88 | 5. Mitigation relief, including payments in lieu of onsite
 89 | mitigation.

90 | 6. Location on the least sensitive portion of the
 91 | property.

92 | 7. Conditioning the amount of development or use
 93 | permitted.

94 | 8. A requirement that issues be addressed on a more
 95 | comprehensive basis than a single proposed use or development.

96 | 9. Issuance of the development order, a variance, a
 97 | special exception, or other extraordinary relief, including
 98 | withdrawal of the enforcement action.

99 | 10. Purchase of the real property, or an interest therein,
 100 | by an appropriate governmental entity or payment of

101 compensation.

102 (18) The circumstances to be examined in determining
 103 whether the development order or enforcement action, or the
 104 development order or enforcement action in conjunction with
 105 regulatory efforts of other governmental parties, is
 106 unreasonable or unfairly burdens use of the property may
 107 include, but are not limited to:

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

111 (21) Within 45 days after receipt of the special
 112 magistrate's recommendation, the governmental entity responsible
 113 for the development order or enforcement action and other
 114 governmental entities participating in the proceeding must
 115 consult among themselves and each governmental entity must:

116 (a) Accept the recommendation of the special magistrate as
 117 submitted and proceed to implement it by development agreement,
 118 when appropriate, or by other method, in the ordinary course and
 119 consistent with the rules and procedures of that governmental
 120 entity. However, the decision of the governmental entity to
 121 accept the recommendation of the special magistrate with respect
 122 to granting a rezoning, modification, variance, or special
 123 exception to the application of statutes, rules, regulations,
 124 comprehensive plans, or ordinances as they would otherwise apply
 125 to the subject property does not require an owner to duplicate

126 previous processes in which the owner has participated in order
 127 to effectuate the granting of the modification, variance, or
 128 special exception. Any recommendation of the special magistrate
 129 with respect to granting a rezoning of property is not
 130 considered contract zoning;

131 (25) Regardless of the action the governmental entity
 132 takes on the special magistrate's recommendation, a
 133 recommendation that the development order or enforcement action,
 134 or the development order or enforcement action in combination
 135 with other governmental regulatory actions, is unreasonable or
 136 unfairly burdens use of the owner's real property may serve as
 137 an indication of sufficient hardship to support a rezoning,
 138 modification, variance ~~variances~~, or special exception
 139 ~~exceptions~~ to the application of statutes, rules, regulations,
 140 or ordinances to the subject property. If the relief granted
 141 within the special magistrate's recommendation or a negotiated
 142 settlement entered into under this section has the effect of
 143 contravening local comprehensive plans or is inconsistent with
 144 the local government's adopted comprehensive plan, the
 145 recommendation or approved negotiated settlement shall be deemed
 146 consistent with the comprehensive plan under s. 163.3194 if the
 147 special magistrate or the governing body of the local government
 148 finds that the settlement agreement and approved development
 149 protects the public interest served by the comprehensive plan
 150 provisions with which it is inconsistent.

151 Section 2. Subsections (12), (22), (51), and (52) of
 152 section 163.3164, Florida Statutes, are amended to read:

153 163.3164 Community Planning Act; definitions.—As used in
 154 this act:

155 (12) "Density" means an objective measurement of the
 156 number of ~~people or~~ residential units allowed per unit of land,
 157 such as dwelling units residents or employees per acre.

158 (22) "Intensity" means an objective measurement of the
 159 extent to which land may be developed or used expressed in
 160 square feet per unit of land, such as a maximum floor ratio per
 161 acre, including the consumption or use of the space above, on,
 162 or below ground; the measurement of the use of or demand on
 163 natural resources; and the measurement of the use of or demand
 164 on facilities and services.

165 (51) "Urban service area" means:

166 (a) Areas identified in the comprehensive plan where
 167 public facilities and services, including, but not limited to,
 168 central water and sewer capacity and roads, are already in place
 169 or may be expanded through investment by the ~~are identified in~~
 170 ~~the capital improvements element. The term includes any areas~~
 171 ~~identified in the comprehensive plan as urban service areas,~~
 172 ~~regardless of local government~~ or the private sector limitation.

173 (b) All lands located in a county or municipality that
 174 have been designated as a dense urban land area under s.
 175 380.0651(3)(a).

176 (52) "Urban sprawl" means an unplanned and uncontrolled a
 177 development pattern ~~characterized by low density, automobile-~~
 178 ~~dependent development with either a single use or multiple uses~~
 179 ~~that are not functionally related, requiring the extension of~~
 180 ~~public facilities and services in an inefficient manner, and~~
 181 ~~failing to provide a clear separation between urban and rural~~
 182 ~~uses.~~

183 Section 3. Paragraph (f) of subsection (1), subsection
 184 (2), paragraph (a) of subsection (5), and paragraph (a) of
 185 subsection (6) of section 163.3177, Florida Statutes, are
 186 amended to read:

187 163.3177 Required and optional elements of comprehensive
 188 plan; studies and surveys.—

189 (1) The comprehensive plan shall provide the principles,
 190 guidelines, standards, and strategies for the orderly and
 191 balanced future economic, social, physical, environmental, and
 192 fiscal development of the area that reflects community
 193 commitments to implement the plan and its elements. These
 194 principles and strategies shall guide future decisions in a
 195 consistent manner and shall contain programs and activities to
 196 ensure comprehensive plans are implemented. The sections of the
 197 comprehensive plan containing the principles and strategies,
 198 generally provided as goals, objectives, and policies, shall
 199 describe how the local government's programs, activities, and
 200 land development regulations will be initiated, modified, or

201 continued to implement the comprehensive plan in a consistent
 202 manner. It is not the intent of this part to require the
 203 inclusion of implementing regulations in the comprehensive plan
 204 but rather to require identification of those programs,
 205 activities, and land development regulations that will be part
 206 of the strategy for implementing the comprehensive plan and the
 207 principles that describe how the programs, activities, and land
 208 development regulations will be carried out. The plan shall
 209 establish meaningful and predictable standards for the use and
 210 development of land and provide meaningful guidelines for the
 211 content of more detailed land development and use regulations.

212 (f) All required ~~mandatory~~ and optional elements of the
 213 comprehensive plan and plan amendments shall be based upon
 214 relevant ~~and appropriate~~ data and an analysis by the local
 215 government that may include, but not be limited to, surveys,
 216 studies, ~~community goals and vision,~~ and other data available at
 217 the time of adoption of the comprehensive plan or plan
 218 amendment. To be based on data means to react to it ~~in an~~
 219 ~~appropriate way and~~ to the extent necessary indicated by the
 220 data available on that particular subject at the time of
 221 adoption of the plan or plan amendment at issue.

222 1. Surveys, studies, and data utilized in the preparation
 223 of the comprehensive plan may not be deemed a part of the
 224 comprehensive plan unless adopted as a part of it. Copies of
 225 such studies, surveys, data, and supporting documents for

226 proposed plans and plan amendments shall be made available for
227 public inspection, and copies of such plans shall be made
228 available to the public upon payment of reasonable charges for
229 reproduction. Support data or summaries shall be ~~are not~~ subject
230 to the compliance review process, ~~but the comprehensive plan~~
231 ~~must be clearly based on appropriate data.~~ Support data or
232 summaries may be used to aid in the determination of compliance
233 and consistency.

234 2. Data must be taken from professionally accepted
235 sources. The application of a methodology utilized in data
236 collection or whether a particular methodology is professionally
237 accepted may be evaluated. ~~However, the evaluation may not~~
238 ~~include whether one accepted methodology is better than another.~~
239 ~~Original data collection by local governments is not required.~~
240 ~~However, local governments may use original data so long as~~
241 ~~methodologies are professionally accepted.~~

242 3. The comprehensive plan shall be based upon permanent
243 and seasonal population estimates and projections, which shall
244 either be those published by the Office of Economic and
245 Demographic Research or generated by the local government based
246 upon a professionally acceptable methodology, whichever is
247 greater. The plan must be based on at least the minimum amount
248 of land required to accommodate the medium projections as
249 published by the Office of Economic and Demographic Research for
250 at least a 10-year planning period unless otherwise limited

251 | under s. 380.05, including related rules of the Administration
252 | Commission. Absent physical limitations on population growth,
253 | population projections for each municipality, and the
254 | unincorporated area within a county must, at a minimum, be
255 | reflective of each area's proportional share of the total county
256 | population and the total county population growth.

257 | (2) Coordination of the required and optional ~~several~~
258 | elements of the local comprehensive plan shall be a major
259 | objective of the planning process. The required and optional
260 | ~~several~~ elements of the comprehensive plan shall be consistent.
261 | Optional elements of the comprehensive plan may not contain
262 | policies that restrict the density or intensity established in
263 | the future land use element. Where data is relevant to required
264 | and optional ~~several~~ elements, consistent data shall be used,
265 | including population estimates and projections ~~unless~~
266 | ~~alternative data can be justified for a plan amendment through~~
267 | ~~new supporting data and analysis.~~ Each map depicting future
268 | conditions must reflect the principles, guidelines, and
269 | standards within all elements, and each such map must be
270 | contained within the comprehensive plan.

271 | (5) (a) Each local government comprehensive plan must
272 | include at least two planning periods, one covering at least the
273 | first 10-year ~~5-year~~ period occurring after the plan's adoption
274 | and one covering at least a 20-year ~~10-year~~ period. Additional
275 | planning periods for specific components, elements, land use

276 amendments, or projects shall be permissible and accepted as
 277 part of the planning process.

278 (6) In addition to the requirements of subsections (1) -
 279 (5), the comprehensive plan shall include the following
 280 elements:

281 (a) A future land use plan element designating proposed
 282 future general distribution, location, and extent of the uses of
 283 land for residential uses, commercial uses, industry,
 284 agriculture, recreation, conservation, education, public
 285 facilities, and other categories of the public and private uses
 286 of land. The approximate acreage and the general range of
 287 density or intensity of use shall be provided for the gross land
 288 area included in each existing land use category. The element
 289 shall establish the long-term end toward which land use programs
 290 and activities are ultimately directed.

291 1. Each future land use category must be defined in terms
 292 of uses included, and must include standards to be followed in
 293 the control and distribution of population densities and
 294 building and structure intensities. The proposed distribution,
 295 location, and extent of the various categories of land use shall
 296 be shown on a land use map or map series which shall be
 297 supplemented by goals, policies, and measurable objectives.

298 2. The future land use plan and plan amendments shall be
 299 based upon surveys, studies, and data regarding the area, as
 300 applicable, including:

- 301 a. The amount of land required to accommodate anticipated
 302 growth.
- 303 b. The projected permanent and seasonal population of the
 304 area.
- 305 c. The character of undeveloped land.
- 306 d. The availability of water supplies, public facilities,
 307 and services.
- 308 e. The need for redevelopment, including the renewal of
 309 blighted areas and the elimination of nonconforming uses which
 310 are inconsistent with the character of the community.
- 311 f. The compatibility of uses on lands adjacent to or
 312 closely proximate to military installations.
- 313 g. The compatibility of uses on lands adjacent to an
 314 airport as defined in s. 330.35 and consistent with s. 333.02.
- 315 h. The discouragement of urban sprawl.
- 316 i. The need for job creation, capital investment, and
 317 economic development that will strengthen and diversify the
 318 community's economy.
- 319 j. The need to modify land uses and development patterns
 320 within antiquated subdivisions.
- 321 3. The future land use plan element shall include criteria
 322 to be used to:
- 323 a. Achieve the compatibility of lands adjacent or closely
 324 proximate to military installations, considering factors
 325 identified in s. 163.3175(5).

326 b. Achieve the compatibility of lands adjacent to an
 327 airport as defined in s. 330.35 and consistent with s. 333.02.
 328 c. Encourage preservation of recreational and commercial
 329 working waterfronts for water-dependent uses in coastal
 330 communities.
 331 d. Encourage the location of schools proximate to urban
 332 service residential areas to the extent possible and encourage
 333 the location of schools in all areas if necessary to provide
 334 adequate school capacity to serve residential development.
 335 e. Coordinate future land uses with the topography and
 336 soil conditions, and the availability of facilities and
 337 services.
 338 f. Ensure the protection of natural and historic
 339 resources.
 340 g. Provide for the compatibility of adjacent land uses.
 341 h. Provide guidelines for the implementation of mixed-use
 342 development including the types of uses allowed, the percentage
 343 distribution among the mix of uses, or other standards, and the
 344 density and intensity of each use.
 345 4. The amount of land designated for future planned uses
 346 shall provide a balance of uses that foster vibrant, viable
 347 communities and economic development opportunities and address
 348 outdated development patterns, such as antiquated subdivisions.
 349 The amount of land designated for future land uses should allow
 350 the operation of real estate markets to provide adequate choices

351 for permanent and seasonal residents and business and may not be
352 limited solely by the projected population. The element shall
353 accommodate at least the minimum amount of land required to
354 accommodate the medium projections as published by the Office of
355 Economic and Demographic Research for at least a 10-year
356 planning period unless otherwise limited under s. 380.05,
357 including related rules of the Administration Commission.

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

360 6. The land use maps or map series shall generally
361 identify and depict historic district boundaries and shall
362 designate historically significant properties meriting
363 protection.

364 7. The future land use element must clearly identify the
365 land use categories in which public schools are an allowable
366 use. When delineating the land use categories in which public
367 schools are an allowable use, a local government shall include
368 in the categories sufficient land proximate to residential
369 development to meet the projected needs for schools in
370 coordination with public school boards and may establish
371 differing criteria for schools of different type or size. Each
372 local government shall include lands contiguous to existing
373 school sites, to the maximum extent possible, within the land
374 use categories in which public schools are an allowable use.

375 8. Future land use map amendments shall be based upon the

376 following analyses:

377 a. An analysis of the availability of facilities and
378 services.

379 b. An analysis of the suitability of the plan amendment
380 for its proposed use considering the character of the
381 undeveloped land, soils, topography, natural resources, and
382 historic resources on site.

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

385 9. The future land use element ~~and any amendment to the~~
386 ~~future land use element~~ shall discourage the proliferation of
387 urban sprawl by planning for future development as provided in
388 this section.

389 ~~a. The primary indicators that a plan or plan amendment~~
390 ~~does not discourage the proliferation of urban sprawl are listed~~
391 ~~below. The evaluation of the presence of these indicators shall~~
392 ~~consist of an analysis of the plan or plan amendment within the~~
393 ~~context of features and characteristics unique to each locality~~
394 ~~in order to determine whether the plan or plan amendment:~~

395 ~~(I) Promotes, allows, or designates for development~~
396 ~~substantial areas of the jurisdiction to develop as low-~~
397 ~~intensity, low-density, or single-use development or uses.~~

398 ~~(II) Promotes, allows, or designates significant amounts~~
399 ~~of urban development to occur in rural areas at substantial~~
400 ~~distances from existing urban areas while not using undeveloped~~

401 ~~lands that are available and suitable for development.~~

402 ~~(III) Promotes, allows, or designates urban development in~~
403 ~~radial, strip, isolated, or ribbon patterns generally emanating~~
404 ~~from existing urban developments.~~

405 ~~(IV) Fails to adequately protect and conserve natural~~
406 ~~resources, such as wetlands, floodplains, native vegetation,~~
407 ~~environmentally sensitive areas, natural groundwater aquifer~~
408 ~~recharge areas, lakes, rivers, shorelines, beaches, bays,~~
409 ~~estuarine systems, and other significant natural systems.~~

410 ~~(V) Fails to adequately protect adjacent agricultural~~
411 ~~areas and activities, including silviculture, active~~
412 ~~agricultural and silvicultural activities, passive agricultural~~
413 ~~activities, and dormant, unique, and prime farmlands and soils.~~

414 ~~(VI) Fails to maximize use of existing public facilities~~
415 ~~and services.~~

416 ~~(VII) Fails to maximize use of future public facilities~~
417 ~~and services.~~

418 ~~(VIII) Allows for land use patterns or timing which~~
419 ~~disproportionately increase the cost in time, money, and energy~~
420 ~~of providing and maintaining facilities and services, including~~
421 ~~roads, potable water, sanitary sewer, stormwater management, law~~
422 ~~enforcement, education, health care, fire and emergency~~
423 ~~response, and general government.~~

424 ~~(IX) Fails to provide a clear separation between rural and~~
425 ~~urban uses.~~

426 ~~(X) Discourages or inhibits infill development or the~~
 427 ~~redevelopment of existing neighborhoods and communities.~~

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

429 ~~(XII) Results in poor accessibility among linked or~~
 430 ~~related land uses.~~

431 ~~(XIII) Results in the loss of significant amounts of~~
 432 ~~functional open space.~~

433 ~~b. The future land use element or plan amendment shall be~~
 434 ~~determined to discourage the proliferation of urban sprawl if it~~
 435 ~~incorporates a development pattern or urban form that achieves~~
 436 ~~four or more of the following:~~

437 ~~(I) Directs or locates economic growth and associated land~~
 438 ~~development to geographic areas of the community in a manner~~
 439 ~~that does not have an adverse impact on and protects natural~~
 440 ~~resources and ecosystems.~~

441 ~~(II) Promotes the efficient and cost-effective provision~~
 442 ~~or extension of public infrastructure and services.~~

443 ~~(III) Promotes walkable and connected communities and~~
 444 ~~provides for compact development and a mix of uses at densities~~
 445 ~~and intensities that will support a range of housing choices and~~
 446 ~~a multimodal transportation system, including pedestrian,~~
 447 ~~bicycle, and transit, if available.~~

448 ~~(IV) Promotes conservation of water and energy.~~

449 ~~(V) Preserves agricultural areas and activities, including~~
 450 ~~silviculture, and dormant, unique, and prime farmlands and~~

451 ~~soils.~~

452 ~~(VI) Preserves open space and natural lands and provides~~
 453 ~~for public open space and recreation needs.~~

454 ~~(VII) Creates a balance of land uses based upon demands of~~
 455 ~~the residential population for the nonresidential needs of an~~
 456 ~~area.~~

457 ~~(VIII) Provides uses, densities, and intensities of use~~
 458 ~~and urban form that would remediate an existing or planned~~
 459 ~~development pattern in the vicinity that constitutes sprawl or~~
 460 ~~if it provides for an innovative development pattern such as~~
 461 ~~transit-oriented developments or new towns as defined in s.~~
 462 ~~163.3164.~~

463 10. The future land use element shall include a future
 464 land use map or map series.

465 a. The proposed distribution, extent, and location of the
 466 following uses shall be shown on the future land use map or map
 467 series:

- 468 (I) Residential.
- 469 (II) Commercial.
- 470 (III) Industrial.
- 471 (IV) Agricultural.
- 472 (V) Recreational.
- 473 (VI) Conservation.
- 474 (VII) Educational.
- 475 (VIII) Public.

476 b. The following areas shall also be shown on the future
 477 land use map or map series, if applicable:

478 (I) Historic district boundaries and designated
 479 historically significant properties.

480 (II) Transportation concurrency management area boundaries
 481 or transportation concurrency exception area boundaries.

482 (III) Multimodal transportation district boundaries.

483 (IV) Mixed-use categories.

484 c. The following natural resources or conditions shall be
 485 shown on the future land use map or map series, if applicable:

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

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

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

490 (IV) Wetlands.

491 (V) Minerals and soils.

492 (VI) Coastal high hazard areas.

493 Section 4. Section 163.3191, Florida Statutes, is amended
 494 to read:

495 163.3191 Evaluation and appraisal of comprehensive plan.—

496 (1) At least once every 7 years, each local government
 497 must ~~shall~~ evaluate its comprehensive plan to determine if plan
 498 amendments are necessary to reflect a minimum planning period of
 499 at least 10 years as provided in s. 163.3177(5), or to reflect
 500 changes in state requirements in this part since the last update

501 of the comprehensive plan, and notify the state land planning
 502 agency as to its determination. The notification shall include a
 503 separate affidavit, signed by the chair of the governing body of
 504 the county and the mayor of the municipality, attesting that all
 505 elements of its comprehensive plan comply with this subsection.
 506 The affidavit must also include a certification that the adopted
 507 comprehensive plan contains the minimum planning period of 10
 508 years, as provided in s. 163.3177(5), and must cite the source
 509 and date of the population projections used in establishing the
 510 10-year planning period.

511 (2) If the local government determines amendments to its
 512 comprehensive plan are necessary to reflect changes in state
 513 requirements, the local government shall prepare and transmit
 514 within 1 year such plan amendment or amendments for review
 515 pursuant to s. 163.3184.

516 (3) Local governments must ~~are encouraged to~~
 517 comprehensively evaluate and, as necessary, update comprehensive
 518 plans to reflect changes in local conditions. Plan amendments
 519 transmitted pursuant to this section shall be reviewed pursuant
 520 to s. 163.3184(4). Updates to the required elements of the
 521 comprehensive plan must be processed in the same plan amendment
 522 cycle. Optional elements of the comprehensive plan may not be
 523 updated until the required elements have been updated, unless
 524 otherwise required by general law.

525 (4) If a local government fails to submit the ~~its~~ letter

526 and affidavit prescribed by subsection (1) or update its plan
527 pursuant to subsection (3) within 1 year from the date the
528 letter was transmitted to the state land planning agency ~~(2)~~, it
529 may not initiate or adopt any publicly initiated plan amendments
530 to ~~amend~~ its comprehensive plan until such time as it complies
531 with this section, unless otherwise required by general law.
532 This prohibition on plan amendments does not apply to privately
533 initiated plan amendments. The failure of the local government
534 to update its plan in a timely manner may not be the basis for
535 the denial of a privately initiated comprehensive plan
536 amendment.

537 (5) If it is determined that a local government has failed
538 to update its comprehensive plan pursuant to this section, the
539 state land planning agency shall provide the required population
540 projections that must be used by the local government to update
541 the comprehensive plan. The local government shall initiate an
542 update to its comprehensive plan within 3 months following the
543 receipt of the population projections and must complete the
544 update within 12 months. During the update process, the local
545 government may provide alternative population projections based
546 on professionally accepted methodologies, but only if those
547 population projections exceed the population projections
548 provided by the state land planning agency and only if the
549 update is completed within the time period provided in this
550 subsection.

551 ~~(6)-(5)~~ The state land planning agency may not adopt rules
 552 to implement this section, other than procedural rules or a
 553 schedule indicating when local governments must comply with the
 554 requirements of this section.

555 Section 5. Subsections (2) and (5) of section 163.3202,
 556 Florida Statutes, are amended to read:

557 163.3202 Land development regulations.—

558 (2) Local land development regulations must ~~shall~~ contain
 559 specific and detailed provisions necessary or desirable to
 560 implement the adopted comprehensive plan and shall at a minimum:

561 (a) Regulate the subdivision of land.

562 (b) Establish minimum lot sizes within single-family, two-
 563 family, and fee-simple, single-family townhome zoning districts
 564 to accommodate the maximum density authorized in the
 565 comprehensive plan, net of the land area required to be set
 566 aside for subdivision roads, sidewalks, stormwater ponds, open
 567 space, landscape buffers, and any other mandatory land
 568 development regulations that require land to be set aside that
 569 could otherwise be used for the development of single-family
 570 homes, two-family homes, and fee-simple, single-family
 571 townhomes.

572 (c) Establish infill development standards for single-
 573 family homes, two-family homes, and fee-simple townhome dwelling
 574 units to allow for the administrative approval of development of
 575 infill single-family homes, two-family homes, and fee-simple,

576 single-family townhomes.

577 (d)~~(b)~~ Regulate the use of land and water for those land
578 use categories included in the land use element and ensure the
579 compatibility of adjacent uses and provide for open space.

580 (e)~~(e)~~ Provide for protection of potable water wellfields.

581 (f)~~(d)~~ Regulate areas subject to seasonal and periodic
582 flooding and provide for drainage and stormwater management.

583 (g)~~(e)~~ Ensure the protection of environmentally sensitive
584 lands designated in the comprehensive plan.

585 (h)~~(f)~~ Regulate signage.

586 (i)~~(g)~~ Provide that public facilities and services meet or
587 exceed the standards established in the capital improvements
588 element required by s. 163.3177 and are available when needed
589 for the development, or that development orders and permits are
590 conditioned on the availability of these public facilities and
591 services necessary to serve the proposed development. A local
592 government may not issue a development order or permit that
593 results in a reduction in the level of services for the affected
594 public facilities below the adopted level of services provided
595 in the local government's comprehensive plan. Levels of service
596 established in a comprehensive plan solely for planning purposes
597 may not be used as a basis for the denial of a development order
598 or permit.

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

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

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

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

612 1. The dwelling is listed in the National Register of
613 Historic Places, as defined in s. 267.021(5); is located in a
614 National Register Historic District; or is designated as a
615 historic property or located in a historic district, under the
616 terms of a local preservation ordinance;

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

619 3. The regulations are adopted pursuant to and in
620 compliance with chapter 553;

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

623 5. The regulations are required to ensure protection of
624 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
625 161.0531, s. 161.085, s. 161.163, or chapter 373; or

626 ~~6. The dwelling is located in a planned unit development~~
 627 ~~or master planned community created pursuant to a local~~
 628 ~~ordinance, resolution, or other final action approved by the~~
 629 ~~local governing body; or~~

630 6.7. The dwelling is located within the jurisdiction of a
 631 local government that has a design review board or architectural
 632 review board created before January 1, 2020.

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

634 ~~1.~~ "Building design elements" means the external building
 635 color; the type or style of exterior cladding material; the
 636 style or material of roof structures or porches; the exterior
 637 nonstructural architectural ornamentation; the location or
 638 architectural styling of windows or doors; the location or
 639 orientation of the garage; the number and type of rooms; and the
 640 interior layout of rooms. The term does not include the height,
 641 bulk, orientation, or location of a dwelling on a zoning lot; or
 642 the use of buffering or screening to minimize potential adverse
 643 physical or visual impacts or to protect the privacy of
 644 neighbors.

645 ~~2. "Planned unit development" or "master planned~~
 646 ~~community" means an area of land that is planned and developed~~
 647 ~~as a single entity or in approved stages with uses and~~
 648 ~~structures substantially related to the character of the entire~~
 649 ~~development, or a self-contained development in which the~~
 650 ~~subdivision and zoning controls are applied to the project as a~~

651 ~~whole rather than to individual lots.~~

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

655 Section 6. Paragraph (g) of subsection (5) of section
656 163.3246, Florida Statutes, is amended to read:

657 163.3246 Local government comprehensive planning
658 certification program.—

659 (5) If the local government meets the eligibility criteria
660 of subsection (2), the state land planning agency shall certify
661 all or part of a local government by written agreement, which
662 shall be considered final agency action subject to challenge
663 under s. 120.569. The agreement must include the following
664 components:

665 (g) Criteria to evaluate the effectiveness of the
666 certification process in achieving the community-development
667 goals for the certification area including:

668 1. Measuring the compactness of growth, expressed as the
669 ratio between population growth and land consumed;

670 2. Increasing residential density and intensity
671 ~~intensities~~ of use;

672 3. Measuring and reducing vehicle miles traveled and
673 increasing the interconnectedness of the street system,
674 pedestrian access, and mass transit;

675 4. Measuring the balance between the location of jobs and

676 housing;

677 5. Improving the housing mix within the certification
 678 area, including the provision of mixed-use neighborhoods,
 679 affordable housing, and the creation of an affordable housing
 680 program if such a program is not already in place;

681 6. Promoting mixed-use developments as an alternative to
 682 single-purpose centers;

683 7. Promoting clustered development having dedicated open
 684 space;

685 8. Linking commercial, educational, and recreational uses
 686 directly to residential growth;

687 9. Reducing per capita water and energy consumption;

688 10. Prioritizing environmental features to be protected
 689 and adopting measures or programs to protect identified
 690 features;

691 11. Reducing hurricane shelter deficits and evacuation
 692 times and implementing the adopted mitigation strategies; and

693 12. Improving coordination between the local government
 694 and school board.

695 Section 7. Paragraph (a) of subsection (2) of section
 696 189.08, Florida Statutes, is amended to read:

697 189.08 Special district public facilities report.—

698 (2) Each independent special district shall submit to each
 699 local general-purpose government in which it is located a public
 700 facilities report and an annual notice of any changes. The

701 public facilities report shall specify the following
 702 information:

703 (a) A description of existing public facilities owned or
 704 operated by the special district, and each public facility that
 705 is operated by another entity, except a local general-purpose
 706 government, through a lease or other agreement with the special
 707 district. This description shall include the current capacity of
 708 the facility, the current demands placed upon it, and its
 709 location. This information shall be required in the initial
 710 report and updated every 7 years at least 12 months before the
 711 submission date of the evaluation and appraisal notification
 712 letter of the appropriate local government required by s.
 713 163.3191. The department shall post a schedule on its website,
 714 based on the evaluation and appraisal notification schedule
 715 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a
 716 special district to determine when its public facilities report
 717 and updates to that report are due to the local general-purpose
 718 governments in which the special district is located.

719 Section 8. Subsection (29) of section 479.01, Florida
 720 Statutes, is amended to read:

721 479.01 Definitions.—As used in this chapter, the term:

722 (29) "Zoning category" means the designation under the
 723 land development regulations or other similar ordinance enacted
 724 to regulate the use of land as provided in s. 163.3202(2) ~~s.~~
 725 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,

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726 | restrictions, and limitations on use applicable to properties
727 | within the category.

728 | Section 9. This act shall take effect July 1, 2023.