

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. 163.3177, F.S.;  
15          revising the types of data that comprehensive plans  
16          and plan amendments must be based on; revising means  
17          by which an application of a methodology used in data  
18          collection or whether a particular methodology is  
19          professionally accepted may be evaluated; revising the  
20          elements that must be included in a comprehensive  
21          plan; revising the planning periods that must be  
22          included in a comprehensive plan; amending s.  
23          163.3191, F.S.; revising the frequency at which a  
24          local government must evaluate its comprehensive plan  
25          for specified purposes; requiring, rather than

26 | authorizing, a local government to comprehensively  
 27 | evaluate and update its comprehensive plans to reflect  
 28 | changes in local conditions; requiring a local  
 29 | government to submit an affidavit for specified  
 30 | purposes; prohibiting a local government from publicly  
 31 | initiating or adopting plan amendments to its  
 32 | comprehensive plan when it fails to meet certain  
 33 | requirements; requiring the state land planning agency  
 34 | to provide certain information when a local government  
 35 | fails to update its comprehensive plan; providing  
 36 | procedures if an update is found to not be in  
 37 | compliance or if the update is challenged by a third  
 38 | party; amending s. 163.3202, F.S.; revising content  
 39 | requirements for local land development regulations;  
 40 | revising exceptions to applicability of land  
 41 | development regulations relating to single-family or  
 42 | two-family dwelling building design elements; deleting  
 43 | a definition; 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 the development conflicts.

151 Section 2. Paragraph (f) of subsection (1), subsection  
152 (2), paragraph (a) of subsection (5), and paragraph (a) of  
153 subsection (6) of section 163.3177, Florida Statutes, are  
154 amended to read:

155 163.3177 Required and optional elements of comprehensive  
156 plan; studies and surveys.—

157 (1) The comprehensive plan shall provide the principles,  
158 guidelines, standards, and strategies for the orderly and  
159 balanced future economic, social, physical, environmental, and  
160 fiscal development of the area that reflects community  
161 commitments to implement the plan and its elements. These  
162 principles and strategies shall guide future decisions in a  
163 consistent manner and shall contain programs and activities to  
164 ensure comprehensive plans are implemented. The sections of the  
165 comprehensive plan containing the principles and strategies,  
166 generally provided as goals, objectives, and policies, shall  
167 describe how the local government's programs, activities, and  
168 land development regulations will be initiated, modified, or  
169 continued to implement the comprehensive plan in a consistent  
170 manner. It is not the intent of this part to require the  
171 inclusion of implementing regulations in the comprehensive plan  
172 but rather to require identification of those programs,  
173 activities, and land development regulations that will be part  
174 of the strategy for implementing the comprehensive plan and the  
175 principles that describe how the programs, activities, and land

176 development regulations will be carried out. The plan shall  
 177 establish meaningful and predictable standards for the use and  
 178 development of land and provide meaningful guidelines for the  
 179 content of more detailed land development and use regulations.

180 (f) All required ~~mandatory~~ and optional elements of the  
 181 comprehensive plan and plan amendments must ~~shall~~ be based upon  
 182 relevant ~~and appropriate~~ data and an analysis by the local  
 183 government that may include, but not be limited to, surveys,  
 184 studies, ~~community goals and vision,~~ and other data available at  
 185 the time of adoption of the comprehensive plan or plan  
 186 amendment. To be based on data means to react to it ~~in an~~  
 187 ~~appropriate way and~~ to the extent necessary indicated by the  
 188 data available on that particular subject at the time of  
 189 adoption of the plan or plan amendment at issue.

190 1. Surveys, studies, and data utilized in the preparation  
 191 of the comprehensive plan may not be deemed a part of the  
 192 comprehensive plan unless adopted as a part of it. Copies of  
 193 such studies, surveys, data, and supporting documents for  
 194 proposed plans and plan amendments must ~~shall~~ be made available  
 195 for public inspection, and copies of such plans must ~~shall~~ be  
 196 made available to the public upon payment of reasonable charges  
 197 for reproduction. Support data or summaries shall be ~~are not~~  
 198 subject to the compliance review process. ~~but~~ The comprehensive  
 199 plan, the support data, and the summaries must be clearly based  
 200 on current ~~appropriate~~ data and analysis, which is relevant to



201 and correlates to the proposed amendment. Support data or  
 202 summaries may be used to aid in the determination of compliance  
 203 and consistency.

204 2. Data must be taken from professionally accepted  
 205 sources. The application of a methodology utilized in data  
 206 collection or whether a particular methodology is professionally  
 207 accepted may be evaluated. ~~However, the evaluation may not~~  
 208 ~~include whether one accepted methodology is better than another.~~  
 209 ~~Original data collection by local governments is not required.~~  
 210 ~~However, local governments may use original data so long as~~  
 211 ~~methodologies are professionally accepted.~~

212 3. The comprehensive plan must ~~shall~~ be based upon  
 213 permanent and seasonal population estimates and projections,  
 214 which must ~~shall~~ either be ~~those~~ published by the Office of  
 215 Economic and Demographic Research or generated by the local  
 216 government based upon a professionally acceptable methodology,  
 217 whichever is greater. The plan must be based on at least the  
 218 minimum amount of land required to accommodate the medium  
 219 projections as published by the Office of Economic and  
 220 Demographic Research for at least a 10-year planning period  
 221 unless otherwise limited under s. 380.05, including related  
 222 rules of the Administration Commission. Absent physical  
 223 limitations on population growth, population projections for  
 224 each municipality, and the unincorporated area within a county  
 225 must, at a minimum, be reflective of each area's proportional

226 share of the total county population and the total county  
227 population growth.

228 (2) Coordination of the required and optional ~~several~~  
229 elements of the local comprehensive plan must ~~shall~~ be a major  
230 objective of the planning process. The required and optional  
231 ~~several~~ elements of the comprehensive plan must ~~shall~~ be  
232 consistent. Optional elements of the comprehensive plan may not  
233 contain policies that restrict the density or intensity  
234 established in the future land use element. Where data is  
235 relevant to required and optional ~~several~~ elements, consistent  
236 data must ~~shall~~ be used, including population estimates and  
237 projections ~~unless alternative data can be justified for a plan~~  
238 ~~amendment through new supporting data and analysis.~~ Each map  
239 depicting future conditions must reflect the principles,  
240 guidelines, and standards within all elements, and each such map  
241 must be contained within the comprehensive plan.

242 (5)(a) Each local government comprehensive plan must  
243 include at least two planning periods, one covering at least the  
244 first 10-year ~~5-year~~ period occurring after the plan's adoption  
245 and one covering at least a 20-year ~~10-year~~ period. Additional  
246 planning periods for specific components, elements, land use  
247 amendments, or projects shall be permissible and accepted as  
248 part of the planning process.

249 (6) In addition to the requirements of subsections (1) -  
250 (5), the comprehensive plan shall include the following

251 elements:

252 (a) A future land use plan element designating proposed  
 253 future general distribution, location, and extent of the uses of  
 254 land for residential uses, commercial uses, industry,  
 255 agriculture, recreation, conservation, education, public  
 256 facilities, and other categories of the public and private uses  
 257 of land. The approximate acreage and the general range of  
 258 density or intensity of use must ~~shall~~ be provided for the gross  
 259 land area included in each existing land use category. The  
 260 element must ~~shall~~ establish the long-term end toward which land  
 261 use programs and activities are ultimately directed.

262 1. Each future land use category must be defined in terms  
 263 of uses included, and must include standards to be followed in  
 264 the control and distribution of population densities and  
 265 building and structure intensities. The proposed distribution,  
 266 location, and extent of the various categories of land use must  
 267 ~~shall~~ be shown on a land use map or map series which is ~~shall be~~  
 268 supplemented by goals, policies, and measurable objectives.

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

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

275 b. The projected permanent and seasonal population of the

276 area.

277 c. The character of undeveloped land.

278 d. The availability of water supplies, public facilities,  
279 and services.

280 e. The amount of land located outside the urban service  
281 area, excluding lands designated for conservation, preservation,  
282 or other public use.

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

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

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

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

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

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

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

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

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

303           c. Encourage preservation of recreational and commercial  
 304 working waterfronts for water-dependent uses in coastal  
 305 communities.

306           d. Encourage the location of schools proximate to urban  
 307 service residential areas to the extent possible and encourage  
 308 the location of schools in all areas if necessary to provide  
 309 adequate school capacity to serve residential development.

310           e. Coordinate future land uses with the topography and  
 311 soil conditions, and the availability of facilities and  
 312 services.

313           f. Ensure the protection of natural and historic  
 314 resources.

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

316           h. Provide guidelines for the implementation of mixed-use  
 317 development including the types of uses allowed, the percentage  
 318 distribution among the mix of uses, or other standards, and the  
 319 density and intensity of each use.

320           4. The amount of land designated for future planned uses  
 321 must ~~shall~~ provide a balance of uses that foster vibrant, viable  
 322 communities and economic development opportunities and address  
 323 outdated development patterns, such as antiquated subdivisions.  
 324 The amount of land designated for future land uses should allow  
 325 the operation of real estate markets to provide adequate choices

326 for permanent and seasonal residents and business and may not be  
 327 limited solely by the projected population. The element must  
 328 ~~shall~~ accommodate at least the minimum amount of land required  
 329 to accommodate the medium projections as published by the Office  
 330 of Economic and Demographic Research for at least a 10-year  
 331 planning period unless otherwise limited under s. 380.05,  
 332 including related rules of the Administration Commission.

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

335 6. The land use maps or map series must ~~shall~~ generally  
 336 identify and depict historic district boundaries and must ~~shall~~  
 337 designate historically significant properties meriting  
 338 protection.

339 7. The future land use element must clearly identify the  
 340 land use categories in which public schools are an allowable  
 341 use. When delineating the land use categories in which public  
 342 schools are an allowable use, a local government shall include  
 343 in the categories sufficient land proximate to residential  
 344 development to meet the projected needs for schools in  
 345 coordination with public school boards and may establish  
 346 differing criteria for schools of different type or size. Each  
 347 local government shall include lands contiguous to existing  
 348 school sites, to the maximum extent possible, within the land  
 349 use categories in which public schools are an allowable use.

350 8. Future land use map amendments must ~~shall~~ be based upon

351 the following analyses:

352 a. An analysis of the availability of facilities and  
353 services.

354 b. An analysis of the suitability of the plan amendment  
355 for its proposed use considering the character of the  
356 undeveloped land, soils, topography, natural resources, and  
357 historic resources on site.

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

360 9. The future land use element must ~~and any amendment to~~  
361 ~~the future land use element shall~~ discourage the proliferation  
362 of urban sprawl by planning for future development as provided  
363 in this section.

364 a. The primary indicators that a plan or plan amendment  
365 does not discourage the proliferation of urban sprawl are listed  
366 below. The evaluation of the presence of these indicators shall  
367 consist of an analysis of the plan or plan amendment within the  
368 context of features and characteristics unique to each locality  
369 in order to determine whether the plan or plan amendment:

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

373 (II) Promotes, allows, or designates significant amounts  
374 of urban development to occur in rural areas at substantial  
375 distances from existing urban areas while not using undeveloped

376 lands that are available and suitable for development.

377 (III) Promotes, allows, or designates urban development in  
 378 radial, strip, isolated, or ribbon patterns generally emanating  
 379 from existing urban developments.

380 (IV) Fails to adequately protect and conserve natural  
 381 resources, such as wetlands, floodplains, native vegetation,  
 382 environmentally sensitive areas, natural groundwater aquifer  
 383 recharge areas, lakes, rivers, shorelines, beaches, bays,  
 384 estuarine systems, and other significant natural systems.

385 (V) Fails to adequately protect adjacent agricultural  
 386 areas and activities, including silviculture, active  
 387 agricultural and silvicultural activities, passive agricultural  
 388 activities, and dormant, unique, and prime farmlands and soils.

389 (VI) Fails to maximize use of existing public facilities  
 390 and services.

391 (VII) Fails to maximize use of future public facilities  
 392 and services.

393 (VIII) Allows for land use patterns or timing which  
 394 disproportionately increase the cost in time, money, and energy  
 395 of providing and maintaining facilities and services, including  
 396 roads, potable water, sanitary sewer, stormwater management, law  
 397 enforcement, education, health care, fire and emergency  
 398 response, and general government.

399 (IX) Fails to provide a clear separation between rural and  
 400 urban uses.



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

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

404 (XII) Results in poor accessibility among linked or  
 405 related land uses.

406 (XIII) Results in the loss of significant amounts of  
 407 functional open space.

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

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

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

418 (III) Promotes walkable and connected communities and  
 419 provides for compact development and a mix of uses at densities  
 420 and intensities that will support a range of housing choices and  
 421 a multimodal transportation system, including pedestrian,  
 422 bicycle, and transit, if available.

423 (IV) Promotes conservation of water and energy.

424 (V) Preserves agricultural areas and activities, including  
 425 silviculture, and dormant, unique, and prime farmlands and

426 soils.

427 (VI) Preserves open space and natural lands and provides  
428 for public open space and recreation needs.

429 (VII) Creates a balance of land uses based upon demands of  
430 the residential population for the nonresidential needs of an  
431 area.

432 (VIII) Provides uses, densities, and intensities of use  
433 and urban form that would remediate an existing or planned  
434 development pattern in the vicinity that constitutes sprawl or  
435 if it provides for an innovative development pattern such as  
436 transit-oriented developments or new towns as defined in s.  
437 163.3164.

438 10. The future land use element must ~~shall~~ include a  
439 future land use map or map series.

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

443 (I) Residential.

444 (II) Commercial.

445 (III) Industrial.

446 (IV) Agricultural.

447 (V) Recreational.

448 (VI) Conservation.

449 (VII) Educational.

450 (VIII) Public.

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

453           (I) Historic district boundaries and designated  
 454 historically significant properties.

455           (II) Transportation concurrency management area boundaries  
 456 or transportation concurrency exception area boundaries.

457           (III) Multimodal transportation district boundaries.

458           (IV) Mixed-use categories.

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

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

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

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

466           (IV) Wetlands.

467           (V) Minerals and soils.

468           (VI) Coastal high hazard areas.

469           Section 3. Section 163.3191, Florida Statutes, is amended  
 470 to read:

471           163.3191 Evaluation and appraisal of comprehensive plan.—

472           (1) At least once every 7 years, each local government  
 473 shall evaluate its comprehensive plan to determine if plan  
 474 amendments are necessary to reflect a minimum planning period of  
 475 at least 10 years as provided in s. 163.3177(5), or to reflect

476 changes in state requirements in this part since the last update  
 477 of the comprehensive plan, and notify the state land planning  
 478 agency as to its determination. The notification shall include a  
 479 separate affidavit, signed by the chair of the governing body of  
 480 the county and the mayor of the municipality, attesting that all  
 481 elements of its comprehensive plan comply with this subsection.  
 482 The affidavit must also include a certification that the adopted  
 483 comprehensive plan contains the minimum planning period of 10  
 484 years, as provided in s. 163.3177(5), and must cite the source  
 485 and date of the population projections used in establishing the  
 486 10-year planning period.

487 (2) If the local government determines amendments to its  
 488 comprehensive plan are necessary to reflect changes in state  
 489 requirements, the local government must ~~shall~~ prepare and  
 490 transmit within 1 year such plan amendment or amendments for  
 491 review pursuant to s. 163.3184.

492 (3) Local governments shall ~~are encouraged to~~  
 493 comprehensively evaluate and, as necessary, update comprehensive  
 494 plans to reflect changes in local conditions. Plan amendments  
 495 transmitted pursuant to this section must ~~shall~~ be reviewed  
 496 pursuant to s. 163.3184(4). Updates to the required and optional  
 497 elements of the comprehensive plan must be processed in the same  
 498 plan amendment cycle.

499 (4) If a local government fails to submit the ~~its~~ letter  
 500 and affidavit prescribed by subsection (1) or transmit the

501 update to its plan pursuant to subsection (3) within 1 year  
502 after the date the letter was transmitted to the state land  
503 planning agency ~~(2)~~, it may not initiate or adopt any publicly  
504 initiated plan amendments to amend its comprehensive plan until  
505 such time as it complies with this section, unless otherwise  
506 required by general law. This prohibition on plan amendments  
507 does not apply to privately initiated plan amendments. The  
508 failure of the local government to timely update its plan may  
509 not be the basis for the denial of privately initiated  
510 comprehensive plan amendments.

511 (5) If it is determined that a local government has failed  
512 to update its comprehensive plan pursuant to this section, the  
513 state land planning agency must provide the required population  
514 projections that must be used by the local government to update  
515 the comprehensive plan. The local government shall initiate an  
516 update to its comprehensive plan within 3 months after the  
517 receipt of the population projections and must transmit the  
518 update within 12 months. If the state land planning agency does  
519 not find the update to be in compliance, the agency must  
520 establish the timeline to address such deficiencies, not to  
521 exceed an additional 12-month period. If the update is  
522 challenged by a third party, the local government may seek  
523 approval from the state land planning agency to process publicly  
524 initiated plan amendments that are necessary to accommodate  
525 population growth during the pendency of the litigation. During

526 the update process, the local government may provide alternative  
527 population projections based on professionally accepted  
528 methodologies, but only if those population projections exceed  
529 the population projections provided by the state land planning  
530 agency and only if the update is completed within the time  
531 period provided in this subsection.

532 ~~(6)~~~~(5)~~ The state land planning agency may not adopt rules  
533 to implement this section, other than procedural rules or a  
534 schedule indicating when local governments must comply with the  
535 requirements of this section.

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

538 163.3202 Land development regulations.—

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

542 (a) Regulate the subdivision of land.

543 (b) Establish minimum lot sizes within single-family, two-  
544 family, and fee simple, single-family townhouse zoning districts  
545 to accommodate the maximum density authorized in the  
546 comprehensive plan, net of the land area required to be set  
547 aside for subdivision roads, sidewalks, stormwater ponds, open  
548 space, landscape buffers, and any other mandatory land  
549 development regulations that require land to be set aside that  
550 could otherwise be used for the development of single-family

551 homes, two-family homes, and fee simple, single-family  
552 townhouses.

553 (c) Establish infill development standards for single-  
554 family homes, two-family homes, and fee simple townhouse  
555 dwelling units to allow for the administrative approval of  
556 development of infill single-family homes, two-family homes, and  
557 fee simple, single-family townhouses.

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

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

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

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

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

567 (i)~~(g)~~ Provide that public facilities and services meet or  
568 exceed the standards established in the capital improvements  
569 element required by s. 163.3177 and are available when needed  
570 for the development, or that development orders and permits are  
571 conditioned on the availability of these public facilities and  
572 services necessary to serve the proposed development. A local  
573 government may not issue a development order or permit that  
574 results in a reduction in the level of services for the affected  
575 public facilities below the level of services provided in the

576 local government's comprehensive plan.

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

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

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

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

590 1. The dwelling is listed in the National Register of  
591 Historic Places, as defined in s. 267.021(5); is located in a  
592 National Register Historic District; or is designated as a  
593 historic property or located in a historic district, under the  
594 terms of a local preservation ordinance;

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

597 3. The regulations are adopted pursuant to and in  
598 compliance with chapter 553;

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



601           5. The regulations are required to ensure protection of  
602 coastal wildlife in compliance with s. 161.052, s. 161.053, s.  
603 161.0531, s. 161.085, s. 161.163, or chapter 373; or

604           ~~6. The dwelling is located in a planned unit development~~  
605 ~~or master planned community created pursuant to a local~~  
606 ~~ordinance, resolution, or other final action approved by the~~  
607 ~~local governing body; or~~

608           6.7. The dwelling is located within the jurisdiction of a  
609 local government that has a design review board or architectural  
610 review board created before January 1, 2020.

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

612           ~~1.~~ "building design elements" means the external building  
613 color; the type or style of exterior cladding material; the  
614 style or material of roof structures or porches; the exterior  
615 nonstructural architectural ornamentation; the location or  
616 architectural styling of windows or doors; the location or  
617 orientation of the garage; the number and type of rooms; and the  
618 interior layout of rooms. The term does not include the height,  
619 bulk, orientation, or location of a dwelling on a zoning lot; or  
620 the use of buffering or screening to minimize potential adverse  
621 physical or visual impacts or to protect the privacy of  
622 neighbors.

623           ~~2. "Planned unit development" or "master planned~~  
624 ~~community" means an area of land that is planned and developed~~  
625 ~~as a single entity or in approved stages with uses and~~

626 ~~structures substantially related to the character of the entire~~  
 627 ~~development, or a self-contained development in which the~~  
 628 ~~subdivision and zoning controls are applied to the project as a~~  
 629 ~~whole rather than to individual lots.~~

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

633 Section 5. Paragraph (a) of subsection (2) of section  
 634 189.08, Florida Statutes, is amended to read:

635 189.08 Special district public facilities report.—

636 (2) Each independent special district shall submit to each  
 637 local general-purpose government in which it is located a public  
 638 facilities report and an annual notice of any changes. The  
 639 public facilities report shall specify the following  
 640 information:

641 (a) A description of existing public facilities owned or  
 642 operated by the special district, and each public facility that  
 643 is operated by another entity, except a local general-purpose  
 644 government, through a lease or other agreement with the special  
 645 district. This description shall include the current capacity of  
 646 the facility, the current demands placed upon it, and its  
 647 location. This information shall be required in the initial  
 648 report and updated every 7 years at least 12 months before the  
 649 submission date of the evaluation and appraisal notification  
 650 letter of the appropriate local government required by s.

651 163.3191. The department shall post a schedule on its website,  
652 based on the evaluation and appraisal notification schedule  
653 prepared pursuant to s. 163.3191(6) ~~s. 163.3191(5)~~, for use by a  
654 special district to determine when its public facilities report  
655 and updates to that report are due to the local general-purpose  
656 governments in which the special district is located.

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

659 479.01 Definitions.—As used in this chapter, the term:

660 (29) "Zoning category" means the designation under the  
661 land development regulations or other similar ordinance enacted  
662 to regulate the use of land as provided in s. 163.3202(2) ~~s.~~  
663 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,  
664 restrictions, and limitations on use applicable to properties  
665 within the category.

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