



205334

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
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The Committee on Community Affairs (McClain) recommended the following:

1 **Senate Amendment to Amendment (632862) (with directory and**
2 **title amendments)**

3
4 Delete lines 191 - 566
5 and insert:

6 Section 4. Paragraphs (b) and (e) of subsection (8) of
7 section 163.3167, Florida Statutes, are amended to read:

8 163.3167 Scope of act.—

9 (8)

10 (b) An initiative or referendum process in regard to any



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11 land development regulation is prohibited. For purposes of this
12 paragraph, the term "land development regulation" includes any
13 code, ordinance, rule, or charter provision that regulates or
14 otherwise affects the use of land, including, but not limited
15 to, density regulations; municipal boundary lines, except as
16 specified in s. 171.044; and any regulation that could otherwise
17 be accomplished or affected through the comprehensive planning
18 process.

19 (e) It is the intent of the Legislature that initiative and
20 referendum be prohibited in regard to any development order or
21 land development regulation. It is the intent of the Legislature
22 that initiative and referendum be prohibited in regard to any
23 local comprehensive plan amendment or map amendment, except as
24 specifically and narrowly allowed by paragraph (c). Therefore,
25 the prohibition on initiative and referendum imposed under this
26 subsection ~~stated in paragraphs (a) and (c)~~ is remedial in
27 nature and applies retroactively to any initiative or referendum
28 process commenced after June 1, 2011, and any such initiative or
29 referendum process commenced or completed thereafter is deemed
30 null and void and of no legal force and effect.

31 Section 5. Paragraph (f) of subsection (1) and subsection
32 (2) of section 163.3177, Florida Statutes, are amended to read:

33 163.3177 Required and optional elements of comprehensive
34 plan; studies and surveys.-

35 (1) The comprehensive plan shall provide the principles,
36 guidelines, standards, and strategies for the orderly and
37 balanced future economic, social, physical, environmental, and
38 fiscal development of the area that reflects community
39 commitments to implement the plan and its elements. These



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40 principles and strategies shall guide future decisions in a
41 consistent manner and shall contain programs and activities to
42 ensure comprehensive plans are implemented. The sections of the
43 comprehensive plan containing the principles and strategies,
44 generally provided as goals, objectives, and policies, shall
45 describe how the local government's programs, activities, and
46 land development regulations will be initiated, modified, or
47 continued to implement the comprehensive plan in a consistent
48 manner. It is not the intent of this part to require the
49 inclusion of implementing regulations in the comprehensive plan
50 but rather to require identification of those programs,
51 activities, and land development regulations that will be part
52 of the strategy for implementing the comprehensive plan and the
53 principles that describe how the programs, activities, and land
54 development regulations will be carried out. The plan shall
55 establish meaningful and predictable standards for the use and
56 development of land and provide meaningful guidelines for the
57 content of more detailed land development and use regulations.

58 (f) All mandatory and optional elements of the
59 comprehensive plan and plan amendments shall be based upon
60 relevant and appropriate data and an analysis by the local
61 government that may include, but not be limited to, surveys,
62 studies, community goals and vision, and other data available at
63 the time of adoption of the comprehensive plan or plan
64 amendment. To be based on data means to react to it in an
65 appropriate way and to the extent necessary indicated by the
66 data available on that particular subject at the time of
67 adoption of the plan or plan amendment at issue.

68 1. Surveys, studies, and data utilized in the preparation



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69 of the comprehensive plan may not be deemed a part of the
70 comprehensive plan unless adopted as a part of it. Copies of
71 such studies, surveys, data, and supporting documents for
72 proposed plans and plan amendments shall be made available for
73 public inspection, and copies of such plans shall be made
74 available to the public upon payment of reasonable charges for
75 reproduction. Support data or summaries are not subject to the
76 compliance review process, but the comprehensive plan must be
77 clearly based on appropriate data. Support data or summaries may
78 be used to aid in the determination of compliance and
79 consistency.

80 2. Data must be taken from professionally accepted sources.
81 The application of a methodology utilized in data collection or
82 whether a particular methodology is professionally accepted may
83 be evaluated. However, the evaluation may not include, and a
84 comprehensive plan may not mandate, whether one accepted
85 methodology is better than another. Original data collection by
86 local governments is not required. However, local governments
87 may use original data so long as methodologies are
88 professionally accepted.

89 3. The comprehensive plan shall be based upon permanent and
90 seasonal population estimates and projections, which shall
91 either be those published by the Office of Economic and
92 Demographic Research or generated by the local government based
93 upon a professionally acceptable methodology. The plan must be
94 based on at least the minimum amount of land required to
95 accommodate the medium projections as published by the Office of
96 Economic and Demographic Research for at least a 10-year
97 planning period unless otherwise limited under s. 380.05,



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98 including related rules of the Administration Commission. Absent
99 physical limitations on population growth, population
100 projections for each municipality, and the unincorporated area
101 within a county must, at a minimum, be reflective of each area's
102 proportional share of the total county population and the total
103 county population growth.

104 (2) Coordination of the required and optional ~~several~~
105 elements of the local comprehensive plan must ~~shall~~ be a major
106 objective of the planning process. The required and optional
107 ~~several~~ elements of the comprehensive plan must ~~shall~~ be
108 consistent. Optional elements of the comprehensive plan may not
109 contain policies that restrict the density or intensity
110 established in the future land use element. Where data is
111 relevant to required and optional ~~several~~ elements, consistent
112 data must ~~shall~~ be used, including population estimates and
113 projections unless alternative data can be justified by an
114 applicant for a plan amendment through new supporting data and
115 analysis. Each map depicting future conditions must reflect the
116 principles, guidelines, and standards within all elements, and
117 each such map must be contained within the comprehensive plan.

118 Section 6. Present paragraphs (a) and (b) of subsection (3)
119 of section 163.31801, Florida Statutes, are redesignated as
120 paragraphs (b) and (c), respectively, a new paragraph (a) is
121 added to that subsection, and paragraph (g) of subsection (6) of
122 that section is republished, to read:

123 163.31801 Impact fees; short title; intent; minimum
124 requirements; audits; challenges.—

125 (3) For purposes of this section, the term:

126 (a) "Extraordinary circumstance" means:



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127 1. For a county, that the permanent population estimate
128 determined for the county by the University of Florida Bureau of
129 Economic and Business Research is at least 1.25 times the 5-year
130 high-series population projection for the county as published by
131 the University of Florida Bureau of Economic and Business
132 Research immediately before the year of the population estimate;
133 or

134 2. For a municipality, that the municipality is located
135 within a county with such a permanent population estimate and
136 the municipality demonstrates that it has maintained a
137 proportionate share of the county's population growth during the
138 preceding 5-year period.

139 (6) A local government, school district, or special
140 district may increase an impact fee only as provided in this
141 subsection.

142 (g) A local government, school district, or special
143 district may increase an impact fee rate beyond the phase-in
144 limitations established under paragraph (b), paragraph (c),
145 paragraph (d), or paragraph (e) by establishing the need for
146 such increase in full compliance with the requirements of
147 subsection (4), provided the following criteria are met:

148 1. A demonstrated-need study justifying any increase in
149 excess of those authorized in paragraph (b), paragraph (c),
150 paragraph (d), or paragraph (e) has been completed within the 12
151 months before the adoption of the impact fee increase and
152 expressly demonstrates the extraordinary circumstances
153 necessitating the need to exceed the phase-in limitations.

154 2. The local government jurisdiction has held not less than
155 two publicly noticed workshops dedicated to the extraordinary



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156 circumstances necessitating the need to exceed the phase-in
157 limitations set forth in paragraph (b), paragraph (c), paragraph
158 (d), or paragraph (e).

159 3. The impact fee increase ordinance is approved by at
160 least a two-thirds vote of the governing body.

161 Section 7. Subsection (3) and paragraph (a) of subsection
162 (11) of section 163.3184, Florida Statutes, are amended, and
163 subsection (14) is added to that section, to read:

164 163.3184 Process for adoption of comprehensive plan or plan
165 amendment.—

166 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
167 COMPREHENSIVE PLAN AMENDMENTS.—

168 (a) The process for amending a comprehensive plan described
169 in this subsection shall apply to all amendments except as
170 provided in paragraphs (2)(b) and (c) and shall be applicable
171 statewide.

172 (b)1. If a plan amendment or amendments are adopted, the
173 local government, after the initial public hearing held pursuant
174 to subsection (11), must ~~shall~~ transmit, within 10 working days
175 after the date of adoption, the amendment or amendments and
176 appropriate supporting data and analyses to the reviewing
177 agencies. The local governing body must ~~shall~~ also transmit a
178 copy of the amendments and supporting data and analyses to any
179 other local government or governmental agency that has filed a
180 written request with the governing body.

181 2. The reviewing agencies and any other local government or
182 governmental agency specified in subparagraph 1. may provide
183 comments regarding the amendment or amendments to the local
184 government. State agencies shall only comment on important state



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185 resources and facilities that will be adversely impacted by the
186 amendment if adopted. Comments provided by state agencies shall
187 state with specificity how the plan amendment will adversely
188 impact an important state resource or facility and shall
189 identify measures the local government may take to eliminate,
190 reduce, or mitigate the adverse impacts. Such comments, if not
191 resolved, may result in a challenge by the state land planning
192 agency to the plan amendment. Agencies and local governments
193 must transmit their comments to the affected local government
194 such that they are received by the local government not later
195 than 30 days after the date on which the agency or government
196 received the amendment or amendments. Reviewing agencies shall
197 also send a copy of their comments to the state land planning
198 agency.

199 3. Comments to the local government from a regional
200 planning council, county, or municipality shall be limited as
201 follows:

202 a. The regional planning council review and comments shall
203 be limited to adverse effects on regional resources or
204 facilities identified in the strategic regional policy plan and
205 extrajurisdictional impacts that would be inconsistent with the
206 comprehensive plan of any affected local government within the
207 region. A regional planning council may not review and comment
208 on a proposed comprehensive plan amendment prepared by such
209 council unless the plan amendment has been changed by the local
210 government subsequent to the preparation of the plan amendment
211 by the regional planning council.

212 b. County comments shall be in the context of the
213 relationship and effect of the proposed plan amendments on the



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214 county plan.

215 c. Municipal comments shall be in the context of the
216 relationship and effect of the proposed plan amendments on the
217 municipal plan.

218 d. Military installation comments shall be provided in
219 accordance with s. 163.3175.

220 4. Comments to the local government from state agencies
221 shall be limited to the following subjects as they relate to
222 important state resources and facilities that will be adversely
223 impacted by the amendment if adopted:

224 a. The Department of Environmental Protection shall limit
225 its comments to the subjects of air and water pollution;
226 wetlands and other surface waters of the state; federal and
227 state-owned lands and interest in lands, including state parks,
228 greenways and trails, and conservation easements; solid waste;
229 water and wastewater treatment; and the Everglades ecosystem
230 restoration.

231 b. The Department of State shall limit its comments to the
232 subjects of historic and archaeological resources.

233 c. The Department of Transportation shall limit its
234 comments to issues within the agency's jurisdiction as it
235 relates to transportation resources and facilities of state
236 importance.

237 d. The Fish and Wildlife Conservation Commission shall
238 limit its comments to subjects relating to fish and wildlife
239 habitat and listed species and their habitat.

240 e. The Department of Agriculture and Consumer Services
241 shall limit its comments to the subjects of agriculture,
242 forestry, and aquaculture issues.



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243 f. The Department of Education shall limit its comments to
244 the subject of public school facilities.

245 g. The appropriate water management district shall limit
246 its comments to flood protection and floodplain management,
247 wetlands and other surface waters, and regional water supply.

248 h. The state land planning agency shall limit its comments
249 to important state resources and facilities outside the
250 jurisdiction of other commenting state agencies and may include
251 comments on countervailing planning policies and objectives
252 served by the plan amendment that should be balanced against
253 potential adverse impacts to important state resources and
254 facilities.

255 (c)1. The local government shall hold a second public
256 hearing, which shall be a hearing on whether to adopt one or
257 more comprehensive plan amendments pursuant to subsection (11).
258 If the local government fails, within 180 days after receipt of
259 agency comments, to hold the second public hearing, ~~and to adopt~~
260 ~~the comprehensive plan amendments,~~ the amendments are deemed
261 withdrawn unless extended by agreement with notice to the state
262 land planning agency and any affected person that provided
263 comments on the amendment. The local government is in compliance
264 if the second public hearing is held within the 180-day period
265 after receipt of agency comments, even if the amendments are
266 approved at a subsequent hearing. The 180-day limitation does
267 not apply to amendments processed pursuant to s. 380.06.

268 2. All comprehensive plan amendments adopted by the
269 governing body, along with the supporting data and analysis,
270 shall be transmitted within 10 working days after the final
271 adoption hearing to the state land planning agency and any other



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272 agency or local government that provided timely comments under
273 subparagraph (b)2. If the local government fails to transmit the
274 comprehensive plan amendments within 10 working days after the
275 final adoption hearing, the amendments are deemed withdrawn.

276 3. The state land planning agency shall notify the local
277 government of any deficiencies within 5 working days after
278 receipt of an amendment package. For purposes of completeness,
279 an amendment shall be deemed complete if it contains a full,
280 executed copy of:

281 a. The adoption ordinance or ordinances;

282 b. In the case of a text amendment, the amended language in
283 legislative format with new words inserted in the text
284 underlined, and words deleted stricken with hyphens;

285 c. In the case of a future land use map amendment, the
286 future land use map clearly depicting the parcel, its existing
287 future land use designation, and its adopted designation; and

288 d. Any data and analyses the local government deems
289 appropriate.

290 4. An amendment adopted under this paragraph does not
291 become effective until 31 days after the state land planning
292 agency notifies the local government that the plan amendment
293 package is complete. If timely challenged, an amendment does not
294 become effective until the state land planning agency or the
295 Administration Commission enters a final order determining the
296 adopted amendment to be in compliance.

297 (11) PUBLIC HEARINGS.—

298 (a) The procedure for transmittal of a complete proposed
299 comprehensive plan or plan amendment pursuant to subparagraph
300 (3) (b)1. and paragraph (4) (b) and for adoption of a



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301 comprehensive plan or plan amendment pursuant to subparagraphs
302 (3) (c)1. and (4) (e)1. must ~~shall~~ be by affirmative vote of ~~not~~
303 ~~less than~~ a majority of the members of the governing body
304 present at the hearing. The adoption of a comprehensive plan or
305 plan amendment must ~~shall~~ be by ordinance approved by
306 affirmative vote of a majority of the members of the governing
307 body present at the hearing, except that the adoption of a
308 comprehensive plan or plan amendment must be by affirmative vote
309 of a supermajority of the members of the governing body if it
310 includes a future land use category amendment for a parcel or
311 parcels of land which is less dense or intense or includes more
312 restrictive or burdensome procedures concerning development,
313 including, but not limited to, the review, approval, or issuance
314 of a site plan, development permit, or development order. For
315 the purposes of transmitting or adopting a comprehensive plan or
316 plan amendment, the notice requirements in chapters 125 and 166
317 are superseded by this subsection, except as provided in this
318 part.

319 (14) REVIEW OF APPLICATION.—An owner of real property
320 subject to a comprehensive plan amendment or a person applying
321 for a comprehensive plan amendment that is not adopted by the
322 local government or who is not provided the opportunity for a
323 hearing within 180 days after the filing of the application may
324 file a civil action for declaratory, injunctive, or other
325 relief, which must be reviewed de novo. The local government has
326 the burden of proving by a preponderance of the evidence that
327 the application is inconsistent with the local government's
328 comprehensive plan and that the existing comprehensive plan is
329 in compliance and supported by relevant and appropriate data and



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330 analysis. The court may not use a deferential standard for the
331 benefit of the local government. Before initiating such an
332 action, the owner or applicant may use the dispute resolution
333 procedures under s. 70.45. This subsection applies to
334 comprehensive plan amendments under review or filed on or after
335 July 1, 2025.

336
337 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

338 And the directory clause is amended as follows:

339 Delete lines 119 - 123

340 and insert:

341 Section 3. Subsections (4) and (9) of section 163.3164,
342 Florida Statutes, are amended, to read:

343
344 ===== T I T L E A M E N D M E N T =====

345 And the title is amended as follows:

346 Delete lines 1229 - 1261

347 and insert:

348 enclave" and "compatibility"; amending s. 163.3167,
349 F.S.; defining the term "land development regulation";
350 providing retroactive applicability; amending s.
351 163.3177, F.S.; prohibiting a comprehensive plan from
352 making a certain mandate; prohibiting optional
353 elements of a local comprehensive plan from containing
354 certain policies; requiring the use of certain
355 consistent data, where relevant, unless an applicant
356 can make a certain justification; amending s.
357 163.31801, F.S.; defining the term "extraordinary
358 circumstance"; amending s. 163.3184, F.S.; revising



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359 the expedited state review process for the adoption of
360 comprehensive plan amendments; requiring a
361 supermajority vote for the adoption of certain
362 comprehensive plans and plan amendments; authorizing
363 owners of property subject to a comprehensive plan
364 amendment and persons applying for comprehensive plan
365 amendments to file civil actions for relief in certain
366 circumstances; providing requirements for such
367 actions; authorizing such owners and applicants to use
368 certain dispute resolution procedures; providing
369 applicability;